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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this List of Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the end of the latest issue of the Federal Register for changes published after the last date covered by this issue of the List of Sections Affected.
3. If the latest edition of the Code of Federal Regulations is not yet available, use the previous year's edition and consult the 1973 Annual List of Sections Affected before beginning with step 1 above.

For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspended—The entire CFR unit was not in effect for the period of time indicated.
Suspended in part—A portion of the CFR unit was not in effect for the period of time indicated.
Technical amendment—General amendment that may have no substantive effect on regulations.

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INQUIRIES AND SUGGESTIONS

Inquiries concerning this and other publications of the office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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811.33 (c) revised; text of (d) designated as (d)(1); (d)(2) added 3946
(b) and (c) revised 11524
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814.11 (a) revised 996
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1910.103 *(b)(5) and (c)(5) revised	9958
1910.104 *(b)(10) revised	9958
1910.106 (a)(14), 18), and (19) and (d)(1)(ii), (3)(i), (5)(iv)(b), and (7) revised; (a)(37) and (38) added; tables amended	27048, 28259
(a)(14)(iii) corrected	28035
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1910.107 *(b)(1) and (d)(2) revised	9959
1910.108 (h)(4)(i) revised	27049, 28259
1910.110 *(f)(5)(iii) revised	9959
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1910.158 *(b)(3) and (4) revised	6110
1910.160 (b)(1) and (c)(1)(iv) revised	19030
1910.267a (c)(2) corrected	18464
1910.309 (c) added	33397
1912 Revised	28035
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1952.210—1952.213 (Subpart O) Added	17837
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1952.230—1952.233 (Subpart Q) Added	20324
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1952.240—1952.243 (Subpart R) Added	21630
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1952.320—1952.323 (Subpart Z) *Added	8612
1952.330—1952.333 (Subpart AA) *Added	9438
1952.340—1952.343 (Subpart BB) *Added	15395
1953 Added	24361
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75.1710–1 (f) amended	18667
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505.10 Revised	29076
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TITLE 31—MONEY AND FINANCE: TREASURY

2 Added 19322
9 *Added (provisions derived from 32A CFR EPO Reg. 4) 10498
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51.5 Amended 18668
51.11 (b) amended 18668
51.22 *(a) revised 8324
51.24 (a) revised 18668
51.24 *(a) amended; (b) and (c) redesignated as (c) and (d); new (b) added 8324
51.25 (a) and (b) amended 18669
51.25 *(b) heading revised and text amended 8324
51.26 (a) amended 18669
51.27 *(a) amended 8324
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94 *Added 13881

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223.18 Redesignated as 223.17; redesignated from 223.17 and heading revised 22779
223.19 Added 22779
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257.3 Added 29218
260 Removed 18372
261.2 Removed; new 261.2 added 18372
300 *Removed (redesignated as Part 601) 17839
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345 Added 35306
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407 Authority citation revised 31975
407.1 Revised 31975

Chapter VI—Bureau of Engraving and Printing, Department of the Treasury

601 *Added; transferred from Part 300 17839
605 Authority citation revised 24898
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TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

159 *Added 18228
166.11 (d) added 25990
214 *Revised 14699
290.6 Revised 28936
295 Added 31007
300.3 Amended 17959

Note: Asterisk (*) identifies changes published in 1974.

300.4 (b) (1) (iii), (iv), (v), and (vi) redesignated as (b) (1) (iv), (v), (vi), and (vii); new (b) (1) (iii) and (viii) added; (b) (4) redesignated as (b) (6) and revised; new (b) (4) and (5) added 17959
300.6 (a) (1) and (b) amended; (a) (2) revised; (d) added 17960
300.7 (b) amended 17960
300.8 (b) amended 17960
300.11 (g) added 17960
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700 *Added 7135, 7220
713.1000—713.2150 (Subpart B) Removed 32450
719.101 *(b) (3), (c), (d), and (e) (2) revised; (f) (8) added 18434
719.103 *(d) (2) revised 18436
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719.120 *(e) (5) revised 18436
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719.128 *(a) removed; note added 18437
719.141 *(a) revised 18437
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725.300—725.315 (Subpart C) *Revised 18438
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809.4 (f) (6) (ii) note removed; (h) revised; (l) (2), (3), and (4) added 23946
809.7 Table amended 23946
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809.10 (a) and (g) revised; (h) and (i) added 23946
809.11 (d) (2) (iii) (f) added; (d) (6) revised 23947
809.13 (d) (5) revised 23947
809.14 Introductory text and (a) revised 23947
809.15 (b) (3) and (4) revised; (b) (5) and (6) added 23947
809.16 (a) revised 23947
809.61 (b) revised 23947
809.62 (a) and (c) revised; (b) added 23947
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855 *Revised 10124
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870.38 b) (3) (iv) corrected 21746
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872.2 *(a) and heading of (h) revised 5485
872.3 *Amended 5485
872.7 *Introductory text amended 5485
872.8 *Introductory text and (b) amended; (c), (d), and (h) revised 5485
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872.11 *Revised 5486
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872.14 *Heading and introductory text revised; (d) added 5486
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881.30 (a) introductory text and (a)(14) and (22) corrected 28036
881.32 (b)(2)(iii) corrected 28036
881.34 Table corrected 28036
881.50 (c) corrected 28036
881.53 (d) corrected 28036
881.83 Added 28037
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883.3 (a)(3) corrected 27523
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886.11 Added 20126
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888 Revised 31421
888.5 *Amended 6607
888.6 *(a)(4)(i) amended; (d)(3) removed; (d)(4) redesignated as (d)(3) 6607
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901.6b Added 22471
901.13 (a)(2) added 22471
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901b Removed 22471
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1455.4 *(b)(1) amended 3677
1464.7 (b) amended 28759
1464.26 *(a) CFR correction 12865
1466.1 *(c)(1) amended 4571
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1472.2 *(c) amended 13649
1472.3 *(h), (k)(4)(i) and (iii), and (m)(1) and (3) amended 13649
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1472.5 *(d) amended 13650
1472.6 (e)(2) amended 29466
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1480.5 *(a)(16), (17), and (18) added; closing text of (a) revised 13650
1499.2–8 *(d)(2)(iii) and (iv) redesignated as (d)(2)(iv) and (v); new (d)(2)(iii) added; (g)(1) revised 3677

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1604.60 Added 34731
1613.11—1613.43 *Removed; CFR correction 17539
1623.3 Removed 35463
1628.6 (c) added 35463
1631.6 (b) revised 35463
1631.7 Removed 35464
1632.1 (d) added 35464
1641.2 Removed 34731
1641.8 Removed 35464

Chapter XVII—Office of Emergency Preparedness

1704 Added 17961
1709 *Recodified as 24 CFR Part 2200 6697
1710 *Recodified as 24 CFR Part 2201 6705

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1808.3 Removed; new 1808.3 added 31526
1812.1 Amended 28660
1812.2 Revised 28660
1812.3 Amended 18372
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Chapter XX—Interagency Classification Review Committee

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2000 Added 22624

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BCABP Notice 1 added 25175
DPS Reg. 1 *List A amended 4478

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Sec. 2 *Republished 10243
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Sec. 3 *Revised 10243
*(f) added 12344
Sec. 4 *Revised 10243
Sec. 5 *Revised 10243
*(a) compliance date extended 14598
Sec. 6 *Republished 10243
Sec. 7 *Republished 10243
Sec. 8 *Republished 10243
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Sec. 9A (a)(1) amended 19819
(b) revised; (e)(2) amended 34204
Sec. 9A *Revised 10244
Sec. 9B (d) revised 34204
Sec. 9B *(a)(6), (b), and (d) revised 10245
Sec. 10 (a) and (c) revised; (f) and (g) added 19819
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Sec. 12 *Revised 10246
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Sec. 17 (b) revised 19820
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Sec. 18 *(c) and (d) added 1266
Sec. 21 Revised 19820
Sec. 22 (g)(2), (4), and (9), (h)(1), (p)(2)(iii), and (j) revised; (q) and (r) added 19820
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Sec. 25 *Revised 10247
Sec. 25A Added 34205
Sec. 25A *Revised 10249
Sec. 28 *Revised 10251
Sec. 29 *Revised 12344
*(j) compliance date extended 14598
Sec. 30 (c) revised 19822
Sec. 30 *Revised 10251
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Sec. 32 *(c) revised 10252
Sec. 33 *Revised 12345
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Chapter XI—Oil Import Appeals Board

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Chapter XIII—Energy Policy Office

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Sec. 1 Added 28661
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145.1	(b) added	18548
148	Removed	17841
154.1	(d)(4) and (5) added	20076
154.2	(a)(2) revised	22385
156.5	(a)(5) amended	18877, 33082
	(a)(6) added	19041

Note: Asterisk (*) identifies changes published in 1974.

(CHANGES PUBLISHED ON AND AFTER JULY 1, 1973)

		Page
159.7	*(b)(2)(iii), (3), and (9)(ii) revised; (e) and (f) removed	7580
162.1	(c)(4) amended	21496
164	Revised	19041
164.1	(b)(2) corrected	19911
164.1	*Revised	10132
164.2	*Revised	10133
	*Corrected	10566
164.3	*Revised	10134
164.4	Revised	10134
164.5	*Revised	10134
171.2	(b)(2)(iv) added	18878
	Table No. 1 revised	18878
211	Provisions transferred to Part 221; new Part 211 added	20402
212	Removed (provisions transferred to Part 222)	20402
213	Removed (provisions transferred to Part 223)	20402
221	Added (provisions derived from Part 211)	20403
221.6	(d) revised	31007
222	Provisions transferred to Part 224; revised (provisions derived from Part 212)	20404
223	Provisions transferred to Part 225; revised (provisions derived from Part 213)	20406
224	Provisions transferred to Part 226; revised (provisions derived from Part 222)	20406
225	Added (provisions derived from Part 223)	20410
226	Added (provisions derived from Part 224)	20414
	Authority citation corrected	21265
226.4	Corrected	21265
232.4	(g) revised	19911
232.5	(b) revised	19124
232.6	(h)(2) and (3) revised	27824
235	Revised	20415, 26193
243.2	*(g)(6) added (provisions derived from 743.5)	1989
244.1	Removed; redesignated from 244.2	20327
244.2	Redesignated as 244.1	20327
256	Removed	17841
447	*Redesignated from 742 and revised	1990
447.22	*Introductory text of (b) corrected; (b)(6) and (7) added	3677
447.23	*(b) corrected	3677
447.25	*(f) note corrected	3677
447.81	*(c) corrected	4081
742	*Redesignated as Part 447	1990
743	*Removed	1989
743.5	*Redesignated as 243.2 (g)(6)	1989
747	Removed	17841
952.17	(a) amended	20263
953.11	Amended	20263
954.14	(a) amended	20263
958.7	Amended	20263

Chapter III—Postal Rate Commission

		Page
3000.735–501	Revised	24899
3000.735–502	Amended	24899
3001.7	(a) revised	24899
3001.10	(c) revised	19045
3002.2	*(e) revised	11523
3002.12	*Added	2481

Proposed Rules:

123*	9203, 13563, 13788
132	27304
152	17512
152*	3968
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310*	3968
320	17512
320*	3968
777*	10449

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

		Page
2.107a	Revised	22473
4	*Revised	10362
5	Revised	32806
7	Added	17968
8	*Added	3258
14	*Added	9664
15	Added	35311
35.400—35.560–2 (Subpart B)	*Interim regulations	7785
	*Effective date corrected	9439
35.505	*(c) corrected	9439
35.850—35.895 (Subpart D)	Added	26882
35.850—35.895 (Subpart D)	*Revised	3678
35.900—35.960 (Subpart E)	*Revised	5253
35.910–1	*Revised	1847
35.910–2	*Revised	1847

Note: Asterisk (*) identifies changes published in 1974.

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		Page
35.910–3	*Added	1847
	(b) table corrected	15760
	*(c) table corrected	15761
35.910–4	*Added	1847
	*(b) table and (c) corrected	15761
35.917–7	*Corrected	15761
35.935–12	*Heading correctly added	15761
35.935–13	*(b)(1) corrected	15761
35.938–5	*(g) corrected	15761
35.1050—35.1080	(Subpart F) *Added	17202
35	Appendix A added	24639
35	*Appendix A revised	5269
	*Appendix B added	5270
50.5	Revised	25681
51.5	*(a)(1) note added	16122
51.7	Revised	20834
51.12	*(e)(2), (f), and (g) revised	16344
51.14	*(c)(2) revised; (c)(3) removed	16122
51.16	(c) removed; (f) amended	20835
51.33	Added	22026
	(a)(2) and (6), (b)(2)(iv), (c)(1), (4), and (5), (d)(2), and (u)(2) revised	27286
52.01	*(f) removed	7276
52.09	(c) added	30877
52.22	*Revised	7276
52.23	Added	30633
52.50	*(c) revised	7279
	*(c)(2) amended	14338
52.53	*Revised	7279
52.54	*Table amended	16345
52.56	*Added	7279
52.70	(c) revised	22738
52.74	*(b) added	7279
52.78	*Added	7279
52.81	Table amended	32659
52.82	(b) added	32659
52.83	Removed	32659
52.84	(b) revised; (c) and (d) added	22738
	(b)(9) revised	24342
52.85	Added	32659
52.86	Added	32659
52.86	*(c), (d), and (h) amended	1849
52.87	Added	32660
52.88	Added	32660
52.89	Added	32661
52.90	Added	32661
52.91	Added	32662
52.92	Added	32662
52.93	Added	32662
52.120	(c) revised	33373
52.121	*Table amended	16346
52.122	(d) added	33373
52.122	*(e) added	10583
52.123	Revised	33373
52.125	*(c) revised	10584
52.127	*Removed	16346
52.129	*(e) and (f) added	7279
52.131	Table amended	33373
52.131	*Amended	10584
	*Table amended	16346
52.132	Removed; new 52.132 added	33373
52.134	*(a)(2) amended; (b) added	10584
52.136	Revised	33374
52.137	Added	33374
52.138	Added	33375
52.139	Added	33375
52.139	*(c), (d), (h), and (k) amended	1849
52.140	Added	33376
52.171	*Table amended	16346
52.176	*Table amended	16346
52.177	*Added	7280
52.221	*Table amended	16346
52.222	(b) and (c) added	31244
52.233	*(h) and (i) added	7280
52.237	Removed	31245
52.238	Amended	31245
52.239	Removed	31245
52.240	(d)(1)(i)(f) revised	33973
52.241	Added	31245
52.242	Added	31245
52.243	Added	31245
52.244	Added	31246
52.245	Added	31246
52.246	Added	31246
52.247	Added	31246
52.248	Added	31247
52.248	*Removed	1849
52.249	Added	31247
52.249	*Removed	1849
52.250	Added	31247
52.250	*Removed	1849
52.251	Added	31248
52.251	*Revised	1025
	*(c), (d), (g), and (j) amended	1849
52.252	Added	31248
52.253	Added	31248
52.254	Added	31249
52.255	Added	31251

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.255	*(d)(2), (e)(1), and (f)(1) and (3) amended	4881
	*(c)(3)(iii) revised	16888
52.256	Added	31251
52.256	*(g)(1) and (2) and (h)(1) and (3) amended	4881
52.257	Added	31252
52.258	Added	31252
52.259	Added	31253
52.260	Added	31253
52.261	Added	31253
	(d) amended	35467
52.262	Added	31254
52.263	Added	31254
52.264	Added	31254
52.265	Added	31254
52.266	Added	31255
52.320	(c) revised	30820
52.321	*Table amended	16346
52.322	(b) added	30820
52.325	Table amended	30820
52.325	*Table amended	16346
52.326	(a) revised	30820
52.327	(b) added	22739
	(b)(5) revised	24342
	(38 FR 16564) redesignated as 52.328	30821
52.328	Redesignated from 52.327 (38 FR 16564) and revised	30821
52.329	Added	20754, 30821
52.330	Added	20755, 30821
52.331	Added	20755, 30821
52.332	Added	20755, 30821
52.333	Added	20756, 30821
52.334	Added	20756, 30822
52.335	Added	20756, 30823
52.336	Added	20757, 30823
52.336	*(e)(1), (2) and (3) and (f)(1) and (3) amended	4881
52.337	Added	20757, 30824
52.337	*(g)(1) and (2) and (h)(1) and (3) amended	4881
52.338	Added	20757, 30824
52.339	Added	30824
52.340	*Added	7280
52.370	*(c) revised	7280
52.371	*Table amended	16346
52.373	*Revised	7280
52.374	*Table amended	16346
52.375	*Added	7280
	*Table amended	13651
52.421	*Table amended	16346
52.422	*Revised	7280
52.426	*Added	7280
52.428	*Table amended	16346
52.470	(d) added	29296
	(c)(2) and (3) revised	33709
52.471	*Table amended	16346
52.472	Revised	33709
52.474	Revised	33709
52.476	(b) added	22740
	(b)(5) revised	24342
	(c) through (h) added	33709
52.476	*(d)(3) removed	1849
52.478	*Added	7280
52.479	(b) and (c) added	33710
52.481	Table amended	33711
52.481	*Table amended	16346
52.482	Revised	33711
52.483	Revised	33711
52.484	Removed	33711
52.485	Removed	33711
52.488	Added	33711
52.487	Added	33711
52.487	*(e)(1) and (2) and (f)(1) and (3) amended	4881
52.488	Added	33712
52.488	*(g)(1) and (2) and (h)(1) and (3) amended	4881
52.489	Added	33713
52.490	Added	33713
52.491	Added	33713
52.492	Added	33714
52.493	Added	31536
52.493	*(c) and (d) amended	1849
52.494	Added	33715
52.495	Added	33715
52.496	Added	33716
52.520	(c) revised	22740
52.520	*(c) revised	7280
52.521	*Table amended	16346
52.523	*Table amended	16346
52.524	(b) added	22740
	(c) added	24333
	(b)(6) revised	24342
	(c) tables revised	26325
52.571	*Table amended	16346
52.572	*Revised	7280
52.574	*Added	7280
52.575	*Table amended	16346
52.620	(c)(2) revised	30877
52.623	*Amended	7280
52.626	*Added	16348
52.629	*Added	7280
52.670	(c) revised	22741, 29296
52.670	*(c) revised	7280
52.677	Revised	22741
	(d)(5) revised	24342
52.679	*Added	7280
52.720	(c) revised	29296

Note: Asterisk (*) identifies changes published in 1974.

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52.721	*Table amended	16346
52.723	Removed	29297
52.726	(a) revised	17726
52.727	Table amended	33561
	Table corrected	29297
52.727	*Table amended	16346
52.728	Removed	33561
52.730	(b) added	22742
	(b)(3) revised	24342
52.731	Added	33561
52.732	Added	33562
52.733	Added	33562
52.734	Added	33562
52.736	*Added	7281
52.770	*(c)(3) added	4663
	*(c) revised	12348
52.771	*Table amended	16346
52.772	*(b) revised	12348
52.780	*(a) and (d) (1) and (2) revised; (b), (c), and (d)(9) removed	4663
	*(e) and (f) added	7281
52.783	*Table amended	16346
52.786	*Revised	12348
52.787	*Added	12349
52.791	*Added	4663
52.821	*Table amended	16346
52.824	*(b) added	7281
52.827	*Table amended	16346
52.828	Added	30877
52.829	Added	30877
52.830	*Added	7281
52.870	(c) revised; (d) added	30877
52.873	Tables amended	17682
52.874	*(c) added	7281
52.875	Removed	30877
52.876	(b)(1) amended	30877
52.877	Removed	30878
52.878	Removed	30878
52.878	*Added	7281
52.880	Removed	17682
52.881	Removed	17682
52.920	*(c) revised	7281
52.921	*Table amended	16346
52.926	*Table amended	16346
52.928	*Added	7281
52.970	(c) revised	17682, 18652
52.973	Removed	17682
52.976	Removed	18652
52.976	*(c) and (d) added	7281
52.979	Table amended	17682
52.980	Removed	17682
52.1020	(d) added	22474
52.1020	*(c) revised	7281
52.1022	*Revised	7281
52.1023	Added	22474
52.1025	Added	22474
52.1026	*Added	7281
52.1070	(c) revised	33716
52.1071	*Table amended	16346
52.1072	(b) revised	33716, 34247
52.1073	Revised	33716
	(d) and (e) added	34247
52.1074	Revised	33716
	(a) and (b) revised	34248
52.1075	*Removed	16346
52.1076	*Added	7281
52.1077	(b) amended; (c) added	33716
	(c)(2) and (3) amended	34248
52.1078	Table amended	33717, 34248
52.1078	*Table amended	16346
52.1079	Removed	33717
52.1080	(b) added	22743
	(b)(5) revised	24342
	(c) through (h) added	33717
	(38 FR 16566) Correctly designated as 52.1081	33718
	(i), (j), and (k) added	34248
52.1080	*(d)(3) removed	1849
52.1081	Correctly designated from 52.1080 (38 FR 16566) and revised	33718
	(c) and (d) added	34248
52.1082	Added	33718
	(b) added	34249
52.1084	Revised	33718
52.1085	Added	33718
52.1086	Added	33719
52.1086	*(e) (1) and (2) and (f) (1) and (3) amended	4881
52.1087	Added	33719
52.1087	*(g) (1) and (2) and (h) (1) and (3) amended	4881
52.1088	Added	33720
52.1089	Added	33720
52.1090	Added	33721
52.1091	Added	33721
52.1092	Added	33722
52.1093	Added	33722
52.1094	Added	33723
52.1095	Added	34249
52.1096	Added	34249
52.1097	Added	34250
52.1098	Added	34250
52.1099	Added	34251
52.1100	Added	34251
52.1101	Added	34252

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.1101	*(e) (1) and (2), (f) (1) and (3), and (g) (1) and (2) amended	4881
52.1102	Added	34253
52.1102	*(h) (1) and (3) amended	4881
52.1103	Added	31537
52.1103	*(c) and (d) amended	1849
52.1104	Added	34253
52.1105	Added	34253
52.1106	Added	34254
52.1107	Added	34255
52.1108	Added	34255
52.1109	Added	34256
52.1110	Added	34256
52.1111	Added	34256
52.1111	*(c), (d), and (j) amended	1849
52.1112	Added	34257
52.1121	*Table amended	16346
52.1122	(b) added	30963
52.1124	*Added	7281
	*Removed	16346
52.1125	(a) revised; (b) table amended	20835
	(a) and (b) tables amended	21919
	(b) table amended	32808, 34116
52.1125	*(b) table amended	3823, 15272, 17442, 17443, 17840
	*(a) and (b) tables amended	14339
52.1127	Table amended	30964
52.1127	*Table amended	16346
52.1128	Revised	30964
52.1129	Added	18879
	(38 FR 18879) redesignated as 52.1133	30878
52.1130	Added	18879
	(b) added	18880
52.1131	Added	18879
	(b) added	18880
52.1132	Added	18880
52.1133	Redesignated from 52.1129 (38 FR 18879)	30878, 30964
52.1134	Added	30964
52.1135	Added	30964
52.1135	*(d) amended	1849
52.1136	Added	30966
52.1136	*(b), (c), and (d) removed; (e), (f), and (g) redesignated as (b), (c), and (d)	1849
52.1137	Added	30966
52.1137	*Removed	1849
52.1138	Added	30966
52.1139	Added	30967
52.1140	Added	30967
52.1141	Added	30968
52.1142	Added	30968
52.1143	Added	30968
52.1144	Added	30969
52.1145	Added	30969
52.1146	Added	30969
52.1147	Added	30970
52.1147	*(a) (1), (2), and (3) and (c)(3) revised; (b) (1) and (2), (c)(1), and (d) (1) and (3) amended; (c)(4) added	4881
52.1148	Added	30830
52.1149	Added	30830
52.1150	Added	30830
52.1150	*Removed	1849
52.1151	Added	30830
52.1152	Added	30831
52.1153	Added	30831
52.1154	Added	30831
52.1155	Added	30831
52.1160	Added	30971
52.1171	*Table amended	16346
52.1174	*Removed	16346
52.1175	(d) added	22743
	(d)(3) revised	24342
52.1175	*(d)(3)(i) revised	9177
52.1176	*(c) and (d) added	7282
52.1177	*Table amended	16346
52.1220	(c) revised	30833
52.1221	*Table amended	16346
52.1225	*Added	7282
52.1226	*Table amended	16347
52.1227	(a)(1) revised; (a)(2) and (3) removed	30833
52.1228	Removed	30833
52.1271	*Table amended	16347
52.1272	*Revised	7282
52.1273	*Table amended	16347
52.1275	*Added	7282
52.1276	*Added	7282
52.1320	(c) revised	30878
52.1321	*Table amended	16347
52.1325	*(c) added	7282
52.1326	*Removed	16347
52.1328	*Added	7282
52.1332	Table amended	17682
52.1332	*Table amended	16347
52.1333	Removed	17682
52.1334	Removed	17682
52.1374	*Added	7282
52.1421	*Table amended	16347
52.1428	*(f) and (g) added	7282
52.1431	*Table amended	16347

Note: Asterisk (*) identifies changes published in 1974.

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		Page
52.1433	*Removed	16347
52.1471	*Table amended	16347
52.1478	*(c) and (d) added	7282
52.1482	*(b) and (c) added	14209
52.1520—52.1525	(Subpart EE) *See FR Doc. 74-7887	12350
52.1520	*(c) revised	7282
52.1524	(d) added	22744
52.1525	*Added	7282
52.1570	*(c)(4) added	1439
52.1571	*Table revised	16347
52.1572	(b) added	31392
52.1576	*Amended	16347
52.1578	*Added	7282
52.1580	Revised	31392
52.1580	*Table amended	16347
52.1581	Removed	31393
52.1583	Added	31393
52.1583	*(c) and (f) amended	12101
52.1584	Added	31393
52.1584	*(c) and (g) amended	12101
52.1585	Added	31394
52.1585	*(c) and (f) revised	12101
52.1586	Added	31394
52.1587	Added	31394
52.1587	*(b), (c), (d), and (e)(2) amended	12101
52.1588	Added	31395
52.1588	*(c), (d), and (g) amended	1849
52.1589	Added	31395
52.1589	*(d) and (i) amended	12101
52.1590	Added	31396
52.1590	*Removed	1849
52.1591	Added	31397
52.1591	*(c) and (d) amended	12101
52.1592	Added	31397
52.1593	Added	31397
52.1593	*(c) amended	12101
52.1594	Added	31397
52.1595	Added	31398
52.1596	Added	31398
52.1597	Added	31399
52.1597	*(b)(1), (2), and (3) and (c)(1) and (3) revised	12101
	*(b)(1), (2), and (3) and (c)(1) and (3) amended	12865
52.1598	Added	31399
52.1598	*(e)(1) and (2) and (f)(1) and (3) amended	4881
52.1599	Added	31400
52.1599	*(f) (1) and (2) amended	4881
	*(g)(1) and (3) amended	4882
	*(b) and (d) revised; (e) through (i) redesignated as (f) through (j); new (e) added	12102
52.1600	Added	31400
52.1600	*(c)(1) and (3) amended	12102
52.1601	*Added	1439
52.1621	*Table amended	16347
52.1624	(c)(1) revised	29296
52.1624	*(c) revised	10584
52.1626	*(c)(3) amended	10585
52.1628	*Added	7282
52.1630	*Amended	10585
52.1631	*(a) revised	10585
52.1670	*(c)(3) added	1441, 9666
	*(c)(2) revised	7283
52.1671	*Table amended	16347
52.1675	*(f) revised	1441, 9666
52.1676	*Amended	16347
52.1677	(d) added	22744
	(d)(12) revised	24342
52.1680	*Added	7283
52.1682	*Table amended	16347
52.1770	*(c) revised	7283
52.1775	*Added	7283
52.1822	*Revised	7283
52.1824	*Added	7283
52.1870	(c) revised	30974
52.1870	*(c)(4) added	13542
52.1871	*Table amended	16347
52.1873	*Revised	7283, 13542
52.1875	Footnote f removed	30974
52.1875	*Table amended	16347
52.1876	Removed	30974
52.1877	(a) revised; (b) and (c) removed	30974
52.1877	*Amended	13542
52.1878	Added	30974
52.1879	*Added	7283
	*(c) and (d) added	13542
52.1880	*Added	13542
52.1881	*Added	13542
52.1922	*Revised	7283
52.1924	*Added	7283
52.1970	(c) revised	22746, 30827
52.1970	*(c) revised	7283
52.1973	Table amended	30827
52.1973	*Table amended	16347
52.1974	Revised	30827
52.1975	(b) and (c) added	22746
	(c)(11) revised	24342
52.1976	Removed	30827
52.1977	Removed	30827

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.1978	Removed	30827
52.1981	Added	30827
52.1982	*Added	7283
52.2021	*Table amended	16347
52.2022	(b) added	32893
52.2023	Revised	32893
52.2027	*Removed	16347
52.2034	Table amended	32893
52.2034	*Table amended	16347
52.2036	Revised	32893
52.2036	*(38 FR 16568, 32893) Correctly designated as 52.-2037	2483
	*(a) table amended	12102, 16123
52.2037	*Correctly designated from 52.2036 (38 FR 16568, 32893)	2483
52.2038	Added	32893
52.2039	Added	32894
52.2040	Added	32894
52.2040	*(c), (d), and (h) amended	1849
52.2041	Added	32895
52.2042	Added	32896
52.2042	*(e)(1) and (2) and (f)(1) and (3) amended	4882
	*(c)(2) and (3)(ii) revised	13543
52.2043	Added	32897
52.2044	Added	32897
52.2045	Added	32897
52.2046	Added	32898
52.2047	Added	32898
52.2048	Added	32899
52.2049	Added	32900
52.2050	Added	32900
52.2051	Added	32901
52.2052	Added	32901
52.2053	Added	32902
52.2055	*Added	7283
52.2070—52.2076	(Subpart 00) Effective date revised	32257
52.2070	(d) revised	29297
52.2071	Table amended	34325
52.2071	*Table amended	16347
52.2074	*(c) added	7283
	*Correctly removed	12350
52.2076	*Table amended	16347
52.2077	Added	18879
	(b) added	18880
	(b) table amended; (c) and (d) added	22747
	(38 FR 18879) redesignated as 52.2080	30878
	(b) (38 FR 18880) redesignated as 52.2080 (b)	30878
52.2077	*(c) table amended	3824
52.2078	Added	18879
	(b) added	18880
52.2079	Added	18879
	(b) added	18880
52.2080	Redesignated from 52.-2077 (38 FR 18879)	30878
	(b) redesignated from 52.2077 (b) (38 FR 18880)	30878
52.2081	*Added	7283
52.2120	*(c) revised	4082
52.2123	(b) table amended; (c) added	22747
	(c)(14) revised	24342
52.2123	*(a) and (c) removed	4082
52.2124	*(d) added	7284
52.2125	*Added	7284
52.2175	*Added	7284
52.2220	(c)(4) added	22748
52.2220	*(c) revised	9668
52.2221	*Table amended	16347
52.2223	(a) and (e) added	22748
	(a)(1) and (2) revised; (a)(4), (5), and (6) redesignated as (a)(5), (6), and (7); new (a)(4) added	24341
	(a)(5) and (e)(16) revised	24342
52.2224	*(b) added	7284
52.2228	*Added	7284
52.2230	*Table amended	16347
52.2271	*Table amended	16347
52.2272	Added	30642
52.2275	Added	30642
52.2276	*Removed	16347
52.2278	Removed	30642
52.2279	Table amended	30642
52.2279	*Table amended	16347
52.2280	Removed	30642
52.2283	Added	30643
52.2284	Added	30643
52.2285	Added	30643
52.2285	*(f) (1) and (3) amended	4882
52.2286	Added	30644
52.2286	*(e) (1), (2), and (3) and (f) (1) and (3) amended	4882
52.2287	Added	30645
52.2288	Added	30645
52.2288	*(c)(2) and (d) revised; (g) (1), (2), and (3), (h)(3), (i) (1) and (3), and (k) amended: (e) through (k) redesignated as (f) through (l); new (e) added	4882
52.2289	Added	30646

Note: Asterisk (*) identifies changes published in 1974.

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		Page
52.2289	*(g) (1) and (3) and (i) amended; *(d) revised; (e) through (i) redesignated as (f) through (j); new (e) added	4882
52.2290	Added	30647
52.2291	Added	30647
52.2292	Added	30647
52.2293	Added	30647
52.2294	Added	30647
52.2295	Added	30648
52.2295	*(c), (d), and (l) amended	1849
52.2296	Added	30649
52.2297	Added	30650
52.2297	*(b) revised; (f) amended	4884
52.2298	Added	30650
52.2299	*Added	7284
52.2320	(c) revised	32666
52.2321	*Table amended	16347
52.2322	(e) added	32666
52.2328	*Added	7284
52.2331	Table amended	32666
52.2331	*Table amended	16347
52.2332	Removed	32666
52.2337	Added	32666
52.2338	Added	32667
52.2339	Added	32667
52.2340	Added	32667
52.2341	Added	32668
52.2342	Added	32668
52.2343	Added	32668
52.2370	*(c) revised	7284
52.2376	Added	20816
52.2377	*Added	7284
52.2420	(c) revised	33723
52.2420	*(c)(2) revised	7284
52.2421	*Table amended	16347
52.2422	Existing text designated as (a); (b) added	33723
52.2423	Revised	33724
52.2424	(b) corrected	33724
52.2426	*Removed	16347
52.2427	(c) amended; (d) added	33724
52.2429	Table amended	33724
52.2429	*Table amended	16347
52.2430	Revised	33724
52.2431	Revised	33724
52.2432	Removed	33724
52.2434	Removed	33724
52.2435	Added	33724
52.2435	*(b)(3) removed	1849
52.2436	Added	33725
52.2437	Added	33725
52.2438	Added	33726
52.2438	*(e)(1) and (2) and (f)(1) and (3) amended	4882
	(38 FR 33726) *Redesignated as 52.2439	4882
52.2439	*Redesignated from 52.2438 (38 FR 33726) and (g)(1) and (2) and (h)(1) and (3) amended	4882
52.2440	Added	33727
52.2441	Added	33727
52.2442	Added	33728
52.2443	Added	31538
52.2443	*(c) and (d) amended	1849
52.2444	Added	33729
52.2445	Added	33729
52.2446	Added	33729
52.2447	Added	33730
52.2448	*Added	7284
52.2460	(c) revised	22750
	(38 FR 22750) Correctly designated as 52.2470	32674
52.2470	Correctly designated from 52.2460 (38 FR 22750) and (c) revised	32674
52.2470	*(c) revised	7284
52.2471	*Table amended	16347
52.2472	Added	32674
52.2473	Revised	32674
52.2475	Added	32674
52.2477	Revised	32674
52.2478	Table amended	32675
52.2478	*Table amended	16347
52.2479	Removed	32675
52.2481	(a) and (b) revised; (c) removed; (d) added	22751
	(d)(3) revised	24342
	(38 FR 16569) Correctly designated as 52.2484	32675
52.2484	Correctly designated from 52.2481 (38 FR 16569) and heading amended and text revised	32675
52.2485	Added	32675
52.2486	Added	32675
52.2486	*(c), (d), and (h) amended	1849
52.2488	Added	32677
52.2488	*Removed	1849
52.2489	Added	32677
52.2490	Added	32677
52.2491	Added	32678
52.2492	Added	32678

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52.2493	Added	32679
52.2494	Added	32679
52.2495	*Added	7284
52.2524	(b) added	22751
	(b)(9)(i), (ii), and (iii) revised	24342
52.2525	*Added	7284
52.2570	(c)(2) amended	30878
52.2571	*Table amended	16348
52.2577	*Table amended	16348
52.2578	(a) redesignated as (b); (c) added	22752
52.2579	*Added	7285
52.2620	(c) revised; (d) added	29297
52.2625	*(c) and (d) added	7285
52.2627	Removed	29297
52.2670	*(c) added	7285
52.2722	*Revised	7285
52.2724	*Added	7285
52.2758	(c)(3) revised	24342
52.2775	*(c) and (d) added	7285
52.2822	*Correctly revised	8617
52.2824	*Correctly added	8617
60.2	(p), (q), and (r) added	28565
60.2	*(i) and (l) revised; (s) through (w) added	9313
60.3	*Revised	9313
60.4	*Revised	9313
60.6	*(b) revised	9314
60.7	(c) added	28565
60.7	*(d) added	9314
60.8	(c) revised	28565
60.8	*(b) and (f) revised; (d) amended	9314
60.11	Added	28565
60.12	*Added	9314
60.45	(g) added	28566
60.73	(e) added	28566
60.84	(e) added	28566
60.90—60.93	(Subpart I) *Added	9314
60.100—60.106	(Subpart J) *Added	9315
60.110—60.112	(Subpart K) *Added	9317
60.111	*(e) corrected	13776
60.112	*Correctly designated from 61.112	13776
60.120—60.122	(Subpart L) *Added	9317
60.121	*(c) corrected	13776
60.130—60.133	(Subpart M) *Added	9318
60.140—60.144	(Subpart N) *Added	9318
60.150—60.154	(Subpart O) *Added	9319
60.154	*(c)(3)(i) and (ii) and (d) corrected	13776
	*(d) corrected	15396
60	*Appendix amended	9319
	*Appendix corrected	13776
61.02	*(c) revised	15398
61.21	*(g), (h), (i), and (j) added	15398
61.22	*(a) and (d)(1), (2)(i), and (4) revised; (g) added	15398
61.112	*Correctly designated as 60.112	13776
80.1	Amended	33741
80.1	*Effective date corrected	2267
80.2	(m) added	33741
80.2	*(m) effective date corrected	2267
80.20	Added	33741
80.20	*Effective date corrected	2267
80.22	*(c) revised; (h) added	16125
80.24	Revised	26450
80.25	Added	33741
80.25	*Effective date corrected	2267
80.26	Added	33741
80.26	*Effective date corrected	2267
85.002	(a)(5) revised	21363
85.002	*(a) (28), (29), and (30) added	7548
85.005	*(a) (1) and (3) and (b)(1) revised; (a)(4) added	7549
85.006	*(a) and (c) revised	7549
85.073–30	*(a) (1) and (2) revised; (b)(3) amended; (c) added	7552
85.074–2	*(b)(1) revised; (c) added	7551
85.074–3	*Revised	7551
85.074–4	(c) revised	32258
85.074–12	(c) revised	30080
85.074–13	*Introductory text amended; (b)(1) revised, (d) added	18076
85.074–14	*(b) revised	18076
85.074–15	*(j) revised	18076
85.074–19	(d), (e), and (f) redesignated (e), (f), and (g); new (d) added	30080
85.074–20	Corrected	19683
85.074–20	*(b)(1) and (2) revised	18076
85.074–22	(f) revised	30080
85.074–22	*(g) and (j) revised	18076

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85.074–23 (a)(3), and (6)(vii) revised	30080
(a)(6)(vii) corrected	31428
85.074–23 *(a)(6) revised, Figure A74–8 added	18076
85.074–26 (c) amended	30080
85.074–29 *(b)(2) amended	7552
85.074–30 (b)(1)(ii) revised	30080
85.074–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7552
85.075–1 (a) revised	17441
85.075–2 *(b)(1) revised; (c) added	7550
85.075–3 *Revised	7550
85.075–4 (c) revised	32258
85.075–10 *(a) and (b) revised	2364
85.075–11 (a)(1) revised	30080
85.075–12 (c) revised	30080
85.075–13 *Introductory text amended; (b)(1) revised; (d) added	18077
85.075–14 *(b) revised	18077
85.075–15 *(a) and (j) revised	18078
85.075–19 (e) and (f) redesignated as (f) and (g)	30080
85.075–20 *(a), (b)(1) and (2), (c), and Figure A75–2 revised	18078
85.075–21 *(b)(2)(iii) revised	18079
85.075–22 (f) revised	30081
85.075–22 *(g), (j), and (n) revised	18079
85.075–23 (a)(2) and (6)(vii) revised	30081
85.075–23 *(a) revised; Figure A75–8 added	18079
85.075–24 (b)(14), (15), (16), and (17) revised	30081
85.075–26 (c) amended	30081
85.075–26 *(c) revised	18080
85.075–28 (c)(1)(i)(*a*) revised	30081
85.075–29 *(b)(2) amended	7550
85.075–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7551
*(b)(1)(iii) corrected	18080
85.075–38 (b) and (b)(3) removed	30081
85.076–1 Revised	22474
85.101—85.176–1 (Subpart B) Revised	21348
85.102 *(a)(21), (22), and (23) added	7553
85.105 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7553
85.106 *(a) and (c) revised	7553
85.175–2 *(b)(1) revised; (c) added	7555
85.175–3 *Revised	7555
85.175–4 (c) revised	32258
85.175–6 (a)(1)(i) revised	30081
85.175–12 *(b) revised	18080
85.175–13 *(a) and (j) revised	18080
85.175–18 *(a), (b)(1) and (2), (c), (d), and Figures B175–2 and B175–3 revised	18081
85.175–19 (f) revised	30081
85.175–19 *(g), (j), and (m) revised	18082
85.175–20 *(a) revised; Figure B175–8 added	18082
85.175–21 *(b)(15) revised; (b)(16) removed; (b)(17)–(21) redesignated as (b)(16)–(20)	18083
85.175–23 *(c) revised	18083
85.175–29 *(b)(2) amended	7555
85.175–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7555
85.201—85.276–1 (Subpart C) Added	21363
85.202 *(a) (26), (27), and (28) added	7556
85.205 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7556
85.206 *(a) and (c) revised	7556
85.275–2 *(b)(1) revised; (c) added	7558
85.275–3 *Revised	7558
85.275–4 (c) revised	32258
85.275–5 *(b)(2) amended	18084
85.275–10 *(a) and (b) revised	2364
85.275–11 (a)(1) revised	30081
85.275–12 (c) revised	30081
85.275–13 *Introductory text amended; (b)(1) revised; (d) added	18084
85.275–14 *(b) revised	18084
85.275–15 (d) table corrected	30439
85.275–15 *(a) and (j) revised	18084
85.275–19 (e) and (f) redesignated as (f) and (g)	30081
85.275–20 *(a), (b)(1) and (2), (c), and Figure C75–2 revised	18085
85.275–21 *(b)(2)(iii) revised	18086
85.275–22 (f) revised	30081
85.275–22 *(g), (j), and (n) revised	18086

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85.275–23 (a)(2) and (6)(vii) revised	30082
(a)(6)(vii) corrected	31428
85.275–23 *(a) revised; Figure C75–8 added	18086
85.275–24 (b)(14), (15), (16), and (17) revised	30082
85.275–26 (c) amended	30082, 31428
85.275–26 *(c) revised	18087
85.275–28 (c)(1)(i)(*a*) revised	30082
85.275–29 *(b)(2) amended	7558
85.275–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7558
*(b)(1)(ii) amended	18087
85.275–38 (b) and (b)(3) removed	30082
85.702 *(a) (20), (21), and (22) added	7559
85.705 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7559
85.706 *(a) and (c) revised	7559
85.773–4 (c) revised	32258
85.773–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7561
85.774–2 *(b)(1) revised; (c) added	7560
85.774–3 *Revised	7560
85.774–4 (c) revised	32258
85.774–5 *(c)(2) removed	18087
85.774–9 (b) revised	30082
85.774–29 *(b)(2) amended	7561
85.774–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7561
85.775–10 *(a) and (b) revised	2364
85.802 *(a) (25), (26), and (27) added	7562
85.805 *(a) (1) and (3) and (b) (1) revised (a)(4) added	7562
85.806 *(a) and (c) revised	7562
85.873–4 (c) revised	32258
85.873–30 *(a) (1) and (3) revised; (b)(3) amended; (c) added	7565
85.874–2 *(b)(1) revised; (c) added	7564
85.874–3 *Revised	7564
85.874–4 (c) revised	32258
85.874–5 *(b)(2) and (c)(1) revised; (b)(3) added	18087
85.874–7 Heading amended; (e) added; (i) removed	30082
85.874–29 *(b)(2) amended	7564
85.874–30 (b)(1)(ii) redesignated as (b)(1)(i) and revised	30082
85.874–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7564
*(b)(1)(i) and (ii) revised	18088
vised	18088
85.902 (a)(23) revised	30082
85.902 *(a) (25), (26), and (27) added	7565
85.905 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7566
85.906 *(a) and (c) revised	7566
85.974–2 *(b)(1) revised; (c) added	7567
85.974–3 *Revised	7567
85.974–4 (c) revised	32258
85.974–16 (b)(6) [revised] redesignated as (c)(6)	30082
85.974–18 (c) revised	30082
(c) corrected	32138
85.974–28 (c)(1)(i)(*a*) and (*b*) revised	30082
85.974–29 *(b)(2) amended	7567
85.974–30 (b)(1)(i), (ii), and (iii) revised	30082
85.974–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7567
*(b)(1)(i) and (ii) revised	18088
85 Appendix III amended	30083
*Appendix V and schematic removed	18088
87 Added	19090
87.11 *(a) revised	4884
87.64 (c)(1)(2)(c) revised	34734
87.66 (a)(6)(i) and (vi) revised	34734
87.70 (a)(2) and (3), (b)(4), and (d) table corrected; (e)(4)(iii) revised	34734
87.93 (d) corrected	34734
87.96 (a) corrected	34734
87.99 (e)(2)(ii) and (5)(i) revised	34734
87.101–87.102 (Subpart J) Added	35001
87 Appendix A corrected	34734, 34735
104 Removed	31174
104 *Added	1027
104.5 *Amended	8325
104.10 *(f) revised; (g) removed	8326
105 Added	22757

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106 Removed	31174
107 Removed	31174
108 *Added	12866, 15398
112 Added	34165
113 Added	25440
120.10 Amended	26359
122 Removed	22893
124.1 (u) and (v) added	18002
(h) removed; new (h), (i), and (j) added	19895
124.10—124.11 (Subpart B) Revised	18002
124.21 Added	19895
Removed	28758
125.1 (ii) and (jj) added	18003
(g) through (gg) redesignated as (h) through (hh); new (g) added	19895
125.4 (j) added	18003
125.12 (b), (h)(1) introductory text, (h)(1)(iii)(C) and (D), (h)(2) introductory text, (h)(2)(i) and (iii), (h)(3), and (i)(5) amended; (h)(2)(ii) removed; (h)(2)(iii) redesignated as (h)(2)(ii) and amended	18896
126 Added	25681
128 Added	30983
129 Added	24344
133 Added	22298
136 Added	28758
162.14 (a)(5) revised	26360
162.19 *Added	3939
164 Revised	19371
164.20 (c) revised	34117
164.40 (e) revised	34117
164.50 *(d)(4) corrected	11884
165 *Added	15237
166 Added	33305
167 Added	30558
168 Added	26361
170 *Added	16890
180.1 (j)(8) added	31174
180.3 (e)(6) amended	27523
(e)(5) amended	28664, 33398
180.3 *(e)(5) amended	13971, 19208
180.120 Amended	28663
180.121 Amended	26450
180.133 *Amended	13776
180.140 *Revised	13776
180.142 (a) revised	29589
180.144 *Amended	13260
180.150 *Amended	9177
180.153 Heading revised; text amended	23781
Corrected	26913
180.169 Amended	18548
180.185 Heading revised; text amended	34117
180.198 Amended	31174
180.200 Amended	23404
180.206 *Amended	7421
180.213 Amended	28664
180.221 *Amended	3679, 7929
180.223 *Amended	5765
180.224 Revised	22475
180.227 *Amended	15126
180.234 *Amended	2585
180.242 Amended	35467
180.245 Revised	31539
180.246 Amended	28937
180.249 Revised	32909
180.249 *Amended	7422
180.254a *Added	6608
*Effective date corrected	7929
180.259 Revised	22124
180.263 *Amended	3679, 17443
180.269 *Amended	13259
180.285 *Amended	7930
180.294 Amended	26450
Corrected	29589
180.294 *Amended	7422, 16888
180.298 Heading revised; text amended	23404
180.300 Amended	18442
180.301 *Revised	7568
180.303 *Removed	11268
180.304 Added	27524
180.315 Amended	35314
180.317 Revised	27524
Amended	33973
180.317 *Amended	18280
180.319 Table amended	18548, 22894, 28663, 31539, 33974
180.319 *Table amended	12008, 13971
180.319a Added	21783
Amended	32909
180.319a *Removed	12866
180.320 Revised	23403
180.326 *Revised	9965
*Corrected	13073
180.327 *Revised	9965
180.337 Added	29589
180.340 Added	22894
180.341 Added	22894
180.342 Added	28664
180.343 Added	33398
180.344 *Added	12008
180.345 *Added	19208
180.346 *Added	9177
180.347 *Added	13971
180.348 *Added	13260
*Corrected	16888
180.1001 (d) table amended	22124
180.1001 *(c) table, (d) table, and (e) table amended	799, 2758
*(c) table and (e) table corrected	4663, 6518
*(d) table amended	11080
180.1011 (a)(4) added	19045
180.1020 Amended	28938
Revised	29590
180.1020 *Revised	6705
180.1021 (c) added	25440
180.1023 *Revised	11268
180.1028 *Added	9965
180.1029 *Added	11268
203 *Added	6670
*Effective date corrected	7930
220 Revised	28613
221 Revised	28614
222 Revised	28615
223 Revised	28616
224 Revised	28617
225 Revised	28617
226 Revised	28617
227 Revised (except Approved Interim Dumping Sites)	28618
Subchapter N added	4532
401 *Added	4532
405 *Added	18597
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131.14	Removed	30660
131.15	Removed	30660
131.16	Removed	30660
131.17	Removed	30660
132	*Revised	17540
132.1	Revised	30660
132.2	(b), (c), (d), and (e) removed	30660
132.5	Removed	30660
132.6	Removed	30660
132.7	Removed	30660
132.8	Removed	30660
132.9	Removed	30660
132.10	Removed	30660
132.11	Removed	30660
132.12	Removed	30660
132.14	Removed	30660
132.16	Removed	30660
132.17	Removed	30660
132.18	Removed	30660
132.19	Removed	30660
132.20	Removed	30660
132.21	Removed	30660
132.22	Removed	30660
132.23	Removed	30660
132.24	Removed	30660
132.25	Removed	30660
132.26	Removed	30660
132.27	Removed	30660
133	*Added	17546
141.1	(c), (d), (e), (f), (g), (h), and (k) removed	30660
141.8	Removed	30660
141.11	(d)(4) removed	30660
141.12	Removed	30660
141.13	Removed	30660
141.14	Removed	30660
141.15	Removed	30660
141.16	Removed	30660
141.17	Removed	30660
141.18	Removed	30660
141.21—141.23	(Subpart E) Removed	30660
142.2	(c), (e), (f), (g), (j), (k), (l), (m), (n), and (p) removed	30660
144.2	(d), (e), (f), (v), (w), and (y) removed	30660
145.1	(d), (e), and (i) removed	30660
147.2	(e) and (f) removed	30660
150.1	(f) removed	30660
151.2	(b), (d), (h), (j), (k), and (n) removed	30660
151.4	Removed	30660
151.5	(b) removed	30660
151.7	Removed	30660
151.8	Removed	30660
151.9	Removed	30660
151.11	Removed	30660
151.13	Removed	30660
151.14	Removed	30660
151.15	Removed	30660
151.16	Removed	30660
151.18	Removed	30660
151.19	Removed	30660
151.20	Removed	30660
151.21	Removed	30660
151.22	Removed	30660
151.23	Removed	30660
151.31	Removed	30660
151.32	Removed	30660
151.33	Removed	30660
151.34	Removed	30660
151.35	Removed	30660
151.36	Removed	30660
151.37	Removed	30660
151.38	Removed	30660
151.39	Removed	30660
151.40	Removed	30660
151.42	Removed	30660
151.43	Removed	30660
151.44	Removed	30660
151.46	Removed	30660
151.47	Removed	30660
154	*Added	14945
155.2	(b), (d), and (g) removed	30660
155.3	Removed	30660
155.7	(c) and (f) removed	30660
155.7	*Revised	19216
155.9	(a) removed	30660
155.11	Removed	30660
155.12	Removed	30660
155.13	Removed	30660

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		Page
155.14	Removed	30660
160.2	(f), (q), (r), and (u) removed	30660
160.10	(a), (b), (f), and (g) removed	30660
160.11	Removed	30660
160.12	Removed	30660
160.13	Removed	30660
160.14	Removed	30660
160.16	Removed	36060
160.17	Removed	30660
160.19	Removed	30660
160.20	Removed	30660
160.21	Removed	30660
160.22	Removed	30660
160	Appendix amended	30660
166.2	Removed	30660
166.3	(f), (g), (h), and (k) removed	30660
166.11	*(a) revised	18074
166.16	(a) removed	36060
166.21	(a) removed	30660
166.22	Removed	30660
166.23	Removed	30660
166.24	Removed	30660
166.25	Removed	30660
166.26	Removed	30660
166.27	Removed	30660
166.28	Removed	30660
166.29	Removed	30660
166.30	Removed	30660
166.31	Removed	30660
166.33	Removed	30660
166.34	Removed	30660
166.35	Removed	30660
166.36	Removed	30660
166.43	Removed	30660
166.44	Removed	30660
166.46	Removed	30660
166.47	Removed	30660
167	*Revised	18390
167.2	Removed	30660
167.3	(f), (g), (h), (k), and (l) removed	30660
167.7	(a) removed	30660
167.8	Removed	30660
167.9	Removed	30660
167.10	Removed	30660
167.11	(a) and (b) removed	30660
167.12	Removed	30660
167.13	Removed	30660
167.15	Removed	30660
167.17	Removed	30660
167.18	Removed	30660
167.19	Removed	30660
167.20	Removed	30660
167.24	Removed	30660
167.25	Removed	30660
167.26	Removed	30660
167.27	Removed	30660
167	Appendix A added	34560
169	*Added	18650
170.1	(f) and (l) removed	30660
170.2	Removed	30660
170.3	Removed	30660
170.4	Removed	30660
170.5	(b) removed	30660
170.6	(b)(1) and (2) and (c) removed	30660
170.8	Removed	30660
170.13	(a)(4) removed	30660
170.14	(b) amended	30660
170.18	(a) and (c) removed	30660
170.19	Removed	30660
170.45	Removed	30660
171	*Revised	12950
171.1	(h), (j), (p), and (q) removed	30660
171.4	(b) amended	30660
171.7	(b) removed	30660
171.8	Removed	30660
171.10	Removed	30660
171.11	Removed	30660
171.12	Removed	30660
173.1	(b), (d), (e), (g), and (i) removed	30660
173.14	Revised	30660
173.16	Removed	30660
173.23	Removed	30660
173.24	Removed	30660
173.25	Removed	30660
173.26	Removed	30660
173.27	Removed	30660
173.28	Removed	30660
173.29	Removed	30660
173.30	Removed	30660
173.31	Removed	30660
173.32	Removed	30660
173.33	Removed	30660
173.37	Removed	30660
174	*Added	10567
175.2	(d), (h), and (s) removed	30660
175.3a	*Revised	17547
175.15	Removed	30660
175.16	(b) and (c) removed	30660
175.17	Removed	30660
177.1	(d) and (i) removed	30661
177.4	(c)(3)(xvii) added	27935
177.4	*(c)(3)(xviii) added	1849
	*(c)(3)(xix) added	17104

Note: Asterisk (*) identifies changes published in 1974.

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		Page
178.1	(d) and (i) removed	30661
180.02	(a), (h), and (k) removed	30661
180.03	Removed	30661
180.04	Removed	30661
190.05	Removed	30661
180.06	Removed	30661
180.13	*(a) revised	16886
180.22	*(b)(1) revised	16887
180.23	*(a) revised	16887
180.24	*(a) revised	16887
181.1	(a), (e), and (h) removed	30661
181.13	Removed	30661
181.14	Removed	30661
181.16	Removed	30661
181	Appendix A removed	30661
183	*Added	17842
185.02	(b), (c), (h), (l), and (m) removed	30661
185.03	Revised	30661
185.71	*Revised	13268
185.72	*Revised	13268
185.73	*Revised	13269
185.74	*Amended	13269
185.75	*Revised	13270
185.76	*Revised	13270
185.91	*(a) revised	13270
185.91–1	*Added	17547
185.92	*(b)(4) added	13270
185.92–1	*Added	17548
185.93–1	*Added	17548
185.94–1	*Added	17549
185.95	*(b)(1) and (3) revised	13270
185	Appendix A removed	30661
186.2	Amended	30661
186.31—186.34	(Subpart D) Removed	30661
187.2	Amended	30661
187.3	Added	30661
187.21	Introductory text revised; (e), (f), (g), (h), (i), and (j) removed	30661
187.31—187.34	(Subpart D) Removed	30661
188.3	Added	30661
188.15	Introductory text revised; (c), (d), (e), and (f) removed	30661
188.21—188.24	(Subpart D) Removed	30661
189	Added	27825
189	*Revised	15481
192	*Added	19213

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

		Page
201.0	*Added	8326
205.10	*(a)(4)(i)(A), (5)(v), and (11) revised; (a)(4)(iv) added	12009
205.25	Added	34324
205.25	*Effective date changed to 7–1–74	3824
205.35	*Added	4733
	*Effective date changed	5315, 9178, 10432
	*Revised	13887
205.100	*Revised	9513
205.101	*Revised	16970
205.120	*Revised	16971
205.190	*(a) introductory text and (a)(1) and (2) revised	2254
206.10	(a)(6) revised	33380
206.10	*(a)(6) revised	1443
	*(a)(2) revised	12009
220	*Reinstated until 1–1–75 and amended	1443
220.60	Removed; provisions transferred to Part 221	30072
220.61	(a) through (f) removed; provisions transferred to Part 221	10782, 30072
220.65	(a) removed; provisions transferred to Part 221	30072
221	*Effective date postponed to 1–1–75	1443
222	Removed; provisions transferred to Part 221	30072
222	*Reinstated until 1–1–75 and amended	1443
226	Removed; provisions transferred to Part 221	30072
226	*Reinstated until 1–1–75 and amended	1443
233.50	Revised	30259
	Effective date corrected	31174
233.120	*(b)(2) revised	5316
233.145	(c) added	32912
234.130	*(a) introductory text and (c) revised	2220
237.50	Revised	32913
248.1	*Added	9513
248.2	*Added	9515
248.3	*Added	9516
248.4	*Added	9517

Note: Asterisk (*) identifies changes published in 1974.

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		Page
248.10	(a)(1), (b)(2)(ii) and (iv), and (d)(1) and (2) revised; (b)(3) and (4) redesignated as (b)(5) and (6); (b)(5) redesignated as (b)(7) and revised; new (b)(3) and (4) added	33380
248.10	*Introductory text added	9518
	*(b)(4) revised	16971
248.11	*Existing text designated as (b); (a) added	9518
248.21	(a) revised; (b) redesignated as (c) and revised; new (b) added	33382
248.21	*(a) revised	5552
	*Introductory text added	9518
248.30	(b)(1) revised	33382
248.30	*Revised	9518
248.50	Revised	30259
248.50	*Revised	9518
248.60	(a)(1), (2), and (3)(iv) revised	33383
	Effective date corrected	31174
248.60	*(a)(1) revised; (h)(9) and (10) added	2221
248.70	*Revised	9518
248.80	*Revised	9518
	*(c) corrected	10253
249.10	*(b)(14) and (c) revised; (b)(15) redesignated as (b)(17), new (b)(15) added; (b)(16) reserved; (d)(1)(iv), (v), and (vi) added	2221
	*(b)(4)(i) revised	2257
	*(b)(15)(i)(e), (ii)-introductory text, (ii)(a), (iii)(b) and (d)(1)(vi) corrected	8918
	*(a)(1), (2), (5), and (6) and (b)(7), (11), and (17) revised; (a)(9) removed; new (a)(9) and (10) added	16971
249.11	*Redesignated as 249.20	2223
249.12	*Added	2223
	*(a)(1)(ii)(B) and (9)(iii) and (c)(2) and (3)(v) corrected	8918
249.13	*Added	2228
	*(c)(6)(ii)(C)(1) and (12)(ii)(E) corrected; (h)(i) through (x) correctly designated as (h)(1) through (10); (h)(10) revised	8918
249.20	*Redesignated from 249.11 and revised	2223
249.31	*Added	12866
249.32	*Revised	16972
249.33	*Revised	2254
	*(a)(1)(i), (iii), (2), (4)(iii)(B), and (8)(i)(B) corrected	8918
	*(a)(3)(i) revised	16972
249.40	*Revised	5553
249.41	*Revised	16972
249.81	Revised	33383
250.24	*Added	2234
	*(a)(1) and (3)(v)(B) corrected	8918
250.30	*(a)(6) revised; (b)(3)(iii) added	2235
250.70	*Added	16973
250.80	*Revised	7930
250.90	*Added	17763
250.100	*Added	2256
250.120	*Revised	16973
270	*Removed	11886

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

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401	*Revised	898
401.116	*(b)(2) added	7931
402	*Removed	898
403	*Revised	914
404	*Revised	918
405	*Revised	926
406	*Revised	929
407	*Revised	932
408	*Revised	933

Chapter VI—National Science Foundation

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602	*Added	4664
640	*Revised	3545

Chapter IX—Administration on Aging, Department of Health, Education, and Welfare

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901.5	*Revised	17912
903	Revised	28042
903.0	*Correctly promulgated	7790
903.16	*Revised	17912
903.34	Corrected	29809
910	Added	30878
910	*Revised	17912
910.6	Corrected	31680

Note: Asterisk (*) identifies changes published in 1974.

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Title 45—Continued

Chapter X—Office of Economic Opportunity

1060 *Revised 17969
1062 *Added 8856
1068.9–1—1068.9–5 (Subpart 1068.9) *Added 10253
1069.3–4 *(a)(2) amended 12109
1069.3–5 *Revised 17549
1069.3–6 *Revised 17550
1069.3–7 *Removed 17550
1070.3–1—1070.3–3 (Subpart) *Superseded by Part 71 13882
1071 *Added 13882

Chapter XII—ACTION

1204 Added 34118
1205 *Added 1037
1206 *Added 1996
1207 *Added 5770

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

*Chapter heading revised 11886
1350 *Added 11886

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

Chapter established 15485
1450 (Subchapter B) *Added 15485

Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

1501 *Revised 1593

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57* 17106
101* 9546
103 ..... 30747, 33586
103* 815, 15295
118* 5321
121 28230
121a* 1614
121b 28230
121c 28230
121e 28230
121f 28230
121g 28230
121h 28230
121i 28230
121j 28230
123 27223
127* 10257
130* 15299
131* 17856
132* 8364
133* 8927
141* 11556
149 33089
149* 7946
151* 13003
155* 9840
158* 8341
166* 19223
169 33090
170 33985
171 33096
173* 15952
176* 8624
183* 3892
185 33874
185* 9992
186* 9842
190* 9995
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233* 4114, 16362
234* 5323, 12870, 15232
235 27530
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249 ..... 27843, 34821
249* 3961
250* 5324
401* 5248, 18562
402* 16562
640 31641
1211* 9547
1302* 6723
1450 33102
1501 ..... 32814, 34672

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

1.10 Revised 32448
1.20 (c)(1)(ii) and (e)(2) amended 32448
(c)(2) [amended] correctly designated from (e)(2) [amended] 34644
(e)(2) [amended] correctly designated as (c)(2) [amended] 34644
1.23 (b) amended 32448
1.25 (b) revised 32449
10.05–33 (a)(3)(ii) revised 29320
10.05–39 (b)(1a) added 29320

Note: Asterisk (*) identifies changes published in 1974.

10.16–71 *Amended 17970
25.05–15 *(b) and (c) removed; (d) revised 3270
26.03–1 *Removed 8919
26.05–1—26.05–5 (Subpart 26.05) *Removed 8919
30.01–6 Revised 29320
30.10–36 Removed 29320
33.60–1 (Subpart 33.60) *Added 10138
34.20–15 *(c) revised 7790
34.20–20 *(b) revised; (c) added 7790
35.01–40 *Revised 18767
35.10–25 *Added 10139
35.30–20 Revised 27354
35.40–40 *(a) amended 10139
54.25–10 *(c) revised 9178
54.25–15 *(c) revised 9178
54.25–20 *(e) revised 9179
54.05–30 *Added 9179
56.50–50 *(n) revised 18767
70.05–10 Revised 29320
70.10–21 Removed 29320
74.15–10 *(b) amended 18767
75.60–1 (Subpart 75.60) *Added 10139
77.35–5 (c) revised 33475
78.17–35 *Added 10139
78.47–72 *Added 10139
78.85–1 *Revised 18767
90.05–10 Revised 29320
90.10–17 Removed 29320
93.13–10 *(b) revised 18767
94.60–1 (Subpart 94.60) *Added 10139
96.35–5 (c) revised 33475
97.15–65 *Added 10139
97.37–55 *Added 10139
97.75–1 *Revised 18767
111.80–5 (a)(7) table corrected 32914
137.01–5 (d) added 32449
137.02–1 Revised 32449
137.30–1 *(g) corrected 10432
146.02–12 *(e) redesignated from 146.02–13 (a) 14709
146.02–13 *Removed and (a) redesignated as 146.02–12 (e) 14709
146.02–14 *(d) revised; (e) removed 14709
146.02–15 *(b) amended; (d) added 14709
146.02–35 *(c) added 14709
146.04–5 *Table amended 13277, 14708
146.05–3 *(a) and (b) revised 14708
146.05–5 *(b) and (c) revised 14708
146.05–10 *Revised 14708
146.05–10a *Added 14708
146.07–1—146.07–40 (Subpart 146.07) *Heading amended 14709
146.07–1 *(a) amended 14709
146.07–40 *(b) revised 14709
146.09–2 *(f) amended 14709
146.10–2 *Amended 14709
146.19–12 *(h) added 14710
146.20–35 *(b) amended 14709
146.20–51 *(c) and (d) removed 14709
146.20–300 *Table C amended 14709, 14710
146.21–100 *Table D amended 13277, 14709
146.22–100 *Table E amended 14709
146.22–200 *Table E amended 14709
146.23–1 *Heading and (a)(1) revised; Notes 1 and 2 added 13279
146.23–10 *(c) removed 14709
146.23–30 *(a)(2) revised 13279
146.23–100 *Table amended 13278, 13279
146.24–20 *(c)(4) removed; (c)(5) redesignated as (c)(4) 14709
146.24–75 *Removed 14709
146.24–100 *Table G amended 14709
146.26–100 *Table J amended 14709
146.27–1 *(b) amended 14709
146.27–32 *(a) amended 14709
146.27–100 *Table K amended 13277, 14709
154 *Effective date changed 1596
160.015–3 *(j)(1) removed; (l) amended 11273
160.035–5 *Introductory text of (a)(3) revised 12747
160.051–1 *(c) added 9669
160.051–5 *(c)(4) amended; (e)(11) revised 9669
160.051–7 (b)(5) revised 31297
161.011–1—161.011–10 (Subpart 161.011 *Added 10139
162.028–3 (j)(1) removed 27354
162.039–3 (h) removed 27354
166.01 (b) revised 29320
167.35–72 *Added 10139
167.55–5 *(j)(1) amended 10139
167.65–1 *(c)(3) added 10140
180.05–1 *(b)(10) added 10140
180.40–1 (Subpart 180–40) *Added 10140
184.15–15 *(b) and (c) removed; (d) revised 3270
185.25–20 *Added 10140
185.30–30 *Added 10140

Note: Asterisk (*) identifies changes published in 1974.

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188.05–10 Revised	29320
188.05–37 Removed	29321
191.25–10 *(b) revised	18768
192.65–1 (Subpart 192.65) *Added	10140
195.35–5 (c) revised	33475
196.15–65 *Added	10140
196.37–49 *Added	10140
196.75–1 *Revised	18768

Chapter II—Maritime Administration, Department of Commerce

221.4 *(a), (b), (c), and (d) revised	10572
221.7 *Appendix amended	10573
282 *Revised	16445
294.8 (b)(1) revised	30880
294.9 (a)(3)(i) and (ii) revised	30879
(b)(2)(iii) revised	30880
308.6 Amended	27525
308.6 *Amended	9669
308.106 Amended	27525
308.106 *Amended	9669
308.206 Amended	27525
308.206 *Amended	9669
308.305 Amended	27525
308.305 *Amended	9669
309.1 *Revised	3952
309.2 *Revised	3952
309.3 *Revised	3952
309.4 *Revised	3953
309.5 *Revised	3953
309.6 *Revised	3953
309.7 *Revised	3953
309.8 *Revised	3953
309.101 *Revised	3953
310.52 *(c) revised	2760
310.53 Revised	27525
310.53 *(a) amended	2760
310.58 (c) amended	34118
310.60 (b) revised	34118
310.64 *(c)(1) revised	2760
350 Revised	27525
390 *See 26 CFR 3.1	12

Chapter IV—Federal Maritime Commission

542 Revised	28829
542 *Amended	9542
542.10 *Added	9542

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10	28298, 29089
10*	12033, 17331
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34*	16364
50	34122
54	28300, 34122
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56*	1861
61	34122
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TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

0.84 Redesignated from 0.85 and revised	33598
0.85 Redesignated as 0.84; redesignated from 0.86 and revised	33598
0.86 Redesignated as 0.85; new 0.86 added	33598
0.87 Added	33598
0.88 Added	33598
0.89 Added	33598
0.90 Added	33598
0.93 *Revised	10432
0.111 Introductory text revised	31298
0.111 *Revised	13543
0.112 Revised	31298
0.112 *Revised	13543
0.113 Revised	31298

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0.113 *Revised	13543
0.114 Revised	31298
0.114 *Revised	13544
0.115 Revised	31298
0.115 *Revised	13544
0.116 Revised	31298
0.116 *Revised	13544
0.117 *Added	13545
0.281 Revised	31175
0.282 Added	31176
0.311 Heading, (a) introductory text, (a)(1) and (b) revised	31298
0.311 *(a)(13) removed	7423
0.314 *(b) revised	10574
0.351 (h) added	30559
0.371 *(g) added	4571
0.403 *Revised	14593
0.457 *(d) revised	5918
0.465 *(a) revised	19216
0.485 (c) revised	33974
1.4 *(c) and (d) revised	14593
1.83 *(a) (1) and (2) revised; (a)(3) removed	7423
*(a)(1) corrected	8617
1.294 *(c)(2) removed	10909
1.516 (e)(1) amended	28788
1.526 (a) introductory text and (e) introductory text revised; (a) (6), (7), (8), and (9) added	28788
(a)(6) effective stayed; (a)(9) and introductory text of (e) amended	35411
1.526 *(a)(10) added	1767
1.539 (a) revised	28789
1.547 *(a) and (c)(4) revised; (d) removed	10574
1.550 (c)(1) corrected	27595
1.573 *Note 1 revised	12990
1.580 (c) and (i) amended; (d), (j) introductory text, and (m) revised	28789
(d) introductory text and (d)(2) and (3)(iii) revised; (d)(5) redesignated as (d)(6); new (d)(5) added	35411
1.804 Revised	33475
1.912 (d) amended	33302
1.922 Amended	33302
1.926 (b)(10) amended	33302
1.993 (b) revised	35320
1.1113 *Amended	2765
1.1207 *Introductory text revised	18280
2.1 *Amended	2765
2.106 Table amended	29081, 30742
Footnote revised	32449
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2.106 *Table amended	2765, 6706, 10142, 16843
*Footnote revised	10145
2.551—2.593 (Subpart F) *Removed	5919
2.601 *Revised	7130
2.603 *(a) and (b) revised	7130
*(a) table and (b) table corrected	13781
2.901—2.1065 (Subpart J *Added	5919
2.903 *(a) and (b) corrected	8617
2.905 *(a) and (b) corrected	8617
2.925 *Effective date stayed until 6/25/74	12351, 12867
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2.1003 *Effective date stayed until 6/25/74	12351, 12867
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5.55 (d) and (f) revised	32138
13.4 *(c) revised	7424
13.11 *(b)(1)(iii), (2), and (3) revised	7424
13.21 *(b) added	7580
13.28 *Revised	7424
13.61 *(d)(2), (f)(6), and (g)(1) and (3) revised	3553
*(e)(2) and (f)(7) removed; (h)(4) revised	15129
13.62 *(c) introductory text and (c)(1), (2), and (3) revised	3553
15.66 *(b) revised	14347
15.68 (b)(3) and (d)(3) revised	29813
(d)(4) added	30265
15.71 *(b) removed	14347
15.201 *(e) added	12748
15.214 *(c) revised	1768
15.216 *(a), (b), and (c) revised	12748
15.307 *Revised	1768
15.309 Revised	27822
15.309 *(a) and (c) revised	1768
17.7 *Revised	7581
17.14 *(c) revised	7581
17.57 *Revised	7581
18.13 *Revised	1769
18.14 *Revised	1769
18.141 *(a) revised	1769
18.144 *Note revised	1769
21.1 *Amended	2765

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21.15	(r)(2) corrected	27218
21.35	*(a) revised	2765
21.107	*(b) amended	2765
21.108	*(b) amended	2765
21.501	*(e) revised	2765
21.701	*(a) table amended	2766
21.703	*(g) table amended	2766
21.900—21.908	(Subpart K) *Added	2766
21.901	*(c) corrected	7134
23.16	Corrected	27386
23.20	(d)(2) corrected	27218
43.72	*Added	2768
64.202—64.298	(Subpart B) Revised	33475
73.18	(c)(2) corrected	27218
73.52	*(a) revised	10574
73.60	(a) revised	30266
73.63	(g) revised	30266
73.71	*(b) revised	10574
73.93	*(h)(4)(iv) revised	10575
73.98	*(b) and (g) revised	3901
73.113	*(e) revised	10575
73.114	*(b) revised	10575
73.202	(b) table amended	28833, 32450, 33602, 34119
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73.202	*(b) table amended	804, 1474, 1478, 1772, 1851, 4885, 7791, 10578, 11082, 13548, 14506, 19216
73.204	*(a) revised	12990
73.207	*(a) note amended	12990
	*(b) table corrected	2768
73.215	(c)(2) corrected	27218
73.252	(a) revised	30266
73.255	(f) revised	30266
73.261	*(b) revised	10575
73.265	*(d)(5)(iv) revised	10575
73.267	*(c) revised	10575
73.283	*(e) revised	10575
73.284	*(b) revised	10575
73.295	(g) revised	30266
73.297	(b) revised	30266
73.298	*(b) and (f) revised	3901
73.310	*(a) amended	10575
73.501	(c) added	28834
73.504	*Note added	12990
73.507	Added	28834
73.515	(c)(3) corrected	27218
73.552	(a) revised	30266
73.555	(f) revised	30266
73.565	*(d)(5)(iv) revised	10575
73.567	*(c) revised	10576
73.583	*(e) revised	10576
73.595	(g) revised	30266
73.596	(b) revised	30266
73.597	*(b) and (f) revised	3901
73.603	*(a) table amended	10576
73.606	*(b) table amended	10433, 16467
73.623	(c)(2) corrected	27218
73.644	*(a)(10) removed	5775
73.651	*(a)(3) revised	10576
73.658	Heading revised; (m) added	27218
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73.658	*(k) revised	5611, 12748
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73.674	*Existing text designated as (a); (b) and (c) added	1767
73.675	*(b) and (f) revised	3901
73.682	*(a)(22) revised	802
73.689	*(b)(3) revised	10576
73.690	(a) revised	30266
73.712	(c)(2) corrected	27218
73.901—73.962	(Subpart G) *Revised	3901
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	*Republished	17443
73.931	*(a)(3) corrected	6610
73.1201	*(c) revised	6707
	*(c) corrected	9442
73.1202	Added	28790
	(a), (d)(1)(ii) and (iii) and (2)(ii) and (iii), and (e) revised	35412
74.12	(c)(2) corrected	27218
74.533	*(b)(4) revised	10576
74.635	*(a)(4) revised	10576
74.1202	*Note added	12990
76.7	*(b) and (d) revised	6707
76.11	(a) revised	33398
76.13	*(a)(6), (b)(6) and (c)(4) revised	6707
76.95	*(c) added	12993
76.306	*Added	9443
76.601	(e) revised	29085
78.15	(a) revised; (b) removed	29321
78.19	(e)(2) corrected	27218
78.23	(a) revised	29321
78.25	(a) revised	29321
81.3	(t) added	29815
81.132	*(a)(2)(ii) amended	2001
	*(a)(3) revised	12749
81.134	*(e) revised	12749
81.193	*Revised	2586
81.194	*(d) added	2586

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81.361	*(b)(1) removed	11082
81.708	(b)(20) revised	29323
81.708	*(a) table amended	5488
83.3	*(q) added	10142
83.7	*(l) added	10142
83.39	*(b)(3) revised	2267
83.68	*Revised	10142
83.131	*Introductory text of (c) revised; (c)(3) added	10142
83.132	*(a)(1)(iii) and (iv) added; (a)(2)(ii) revised	10142
83.133	*(a) table amended	10142
83.134	(f) footnote 3 added	28941
83.134	*(f) revised	4578
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83.137	*(i) added	10142
83.139	*(b) revised	10142
83.141	*(a)(4) and (b) revised; (d) added	10142
83.144	*Added	10142
83.145	*Added	10143
83.164	*(b) revised	10143
83.178	*(e) added	10143
83.233	*Table revised	10144
83.252	*Added	10144
83.322	*(c) revised; (d) added	10144
83.326	*(c) added	10144
83.351	*(a) table amended	5489
83.352	*(b) revised; (c) added	10144
83.354	(b) table heading amended	28053
	(b)(7) removed	28053
83.360	*(b)(1) and (3) removed	11082
83.401	*(c) revised	10144
	*(c) corrected	13781
83.517	(c)(2) revised	31008
83.518	Revised	28941
83.542	(d)(2) revised	31008
87.29	*(a)(5) added	5316
87.31	(f)(2) corrected	27218
87.65	(a)(5) and footnote 1 revised; footnote 2 added	29081
87.65	*(c) revised	14210
87.67	(b)(1) footnotes 5, 6, and 7 revised	29081
87.67	*(b)(1) footnote 7 revised	6706
87.79	(a) revised	29081
87.115	*(e)(1)(iii) revised	11083
87.183	(i) revised	29081
87.201	(b) revised	29082
87.295	(b) amended; (c) added	29082
87.331	(a) and (b) amended; (a) footnote 3 removed	29082
87.331	*(a) and (b) revised; (d) added	6706
	*(a) corrected	10909
87.341	(a) revised	29082
87.401	(a) and (c) revised	29082
87.431	Revised	29083
87.431	*Revised	6707
87.501	(h)(5) and (8) revised; footnote 3 added	33975
89.3	(b) amended	27823
89.12	(e) added	27823
89.15	(e)(2) corrected	27218
89.103	*(a) table amended	16843
89.105	*(a) revised; (e) added	16843
89.107	*(b)(2) table amended	16843
89.109	*(d) and (i) revised	16843
89.111	*(b) table revised	16843
89.117	*(b) revised	7134
89.123	Introductory text of (c) revised; (e) and (f) added	32929
89.156	Revised	28835
89.307	(f) removed	27823
89.357	(e) removed	27823
89.459	(d) table amended; (e)(17) added	30742
89.511	*(a) and (d) revised	15129
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89.751	*(g) table corrected	18461
91.3	Amended	27823
91.7	(e) added	27823
91.8	(m)(2) corrected	27218
91.102	*(a) table amended	16848
91.103	*(a) revised; (c) added	16849
91.104	*(b)(2) table amended	16849
91.105	*(f) and (h) revised	16849
91.106	*(b) table revised	16849
91.114	Introductory texts of (c), (d), (e), and (f) revised; (h) and (i) added	32929
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91.162	Revised	28835
91.504	(a) table amended; (b)(37) and (38) added	30742
91.554	(b)(32) and (41) revised	27823
91.604	*(a) table amended; (b)(19) added	10145
93.7	Amended	27823
93.9	(c)(2) corrected	27218
93.10	Added	27824
93.102	*(a) table amended	16849
93.103	*(a) revised; (c) added	16849
93.104	*(b)(2) table amended	16849
93.105	*(f) and (h) revised	16849

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93.109 *(b) revised — 7134
93.114 (c) introductory text and (d) introductory text revised; (c) footnote 2 and (d) footnote 2 amended; (f) and (g) added — 32930
93.116 *Added — 16850
93.164 Revised — 28836
95.3 (b) and (c) amended — 29325
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95.13 (a) and (c) amended — 33302
95.15 (b) amended; (b) footnote removed — 33302
95.19 (a) introductory text and (a)(3) amended — 33302
95.35 Heading, introductory text, and (c) revised; (d) and (e) added — 29325
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95.37 (c) amended — 33302
95.41 (b) removed — 33302
95.43 Revised — 29326
95.45 Revised — 29326
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95.51 Revised — 29326
95.55 Revised — 29326
95.57 Heading, (a), and (b) revised; (d) added — 29327
95.58 Added — 29327
Introductory text of (c) amended — 34325
95.59 Revised — 29327
95.63 Introductory text revised — 29327
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95.83 (a)(7) note amended — 33302
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95.119 (d) amended — 33302
97.41 *(f) removed — 2002
97.61 *(a) table and (b) (8), (9), and (10) revised; (b) (11) and (12) added — 12995
97.108 *(a)(4) revised — 2002
97.111 *(c) revised; (f) added — 2002
97.112 *Existing text designated as (a); (b) added — 9444
97 Appendix 1 amended — 33974

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1.41 Revised — 29881
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*(o)(6) and (r) added — 10585
*(o)(7) added — 17847
1.48 (b), (c), and (n) revised — 31497
1.48 *(b)(33) and (c)(1) amended — 3680
*(c)(15) added — 5767
*(p) added — 7791
*(q) added — 10585
*(b)(1) revised — 13781
1.49 *(p) added — 7791
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1.50 (f) and (g) added — 31498
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*(f)(2) revised — 13781
1.50a *Revised — 10585
1.51 (b) revised; (g) added — 31498
1.53 *(m) added — 7425
1.57 *(j) added — 7791
1.58 *Heading revised; (g) added — 10585
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1.59 (n) added — 29881
1.59 *(o) added — 7425
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7.85 (g)(2) revised — 32580
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171.7 *(c)(18) and (d)(13) added; (d)(1) and (7)(iv) revised — 10910
*(c)(19) added — 12750
172 Compliance date amended — 28292
172.4 *(a) amended — 2770
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172.5 *(a) table corrected — 1851
*(a) table amended — 2770, 12750, 15034, 17314, 18462
*(a) effective date corrected — 17970
173 Compliance date amended — 28292
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173.28 Introductory text of (m) revised — 35470
173.31 *(c)(7) and (10) revised — 15034
173.32 *(a)(3) added — 17315
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173.72 *(b) and (d) revised — 17315
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173.75 *(b) introductory text and (d) revised — 17316
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173.108 *(a)(1) removed — 17316
173.115 *Heading, (a), and (c) revised — 2770
173.118 *Heading revised; (a)(3), (b), (c), and (d) added — 2770
173.119 (m)(16) and (17) added — 35470
173.119 *(b) introductory text and (l) introductory text revised — 2770
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173.121 *(a)(1) removed — 17317
173.123 *(a)(5) revised — 15035
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173.145 *(a)(6) revised	15035
173.154 *(a)(15) added	15035
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173.182 *(a) introductory text, (b) introductory text, and (b)(3), (4), (5), and (6) revised; (b)(7) added	12751
173.184 *(a)(1) removed	17317
173.187 *(a)(1) revised	17317
173.188 *(a)(1) revised	17317
173.191 *(a)(1) revised; (a)(3) removed	17317
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173.204 *(a)(1) revised; (a)(8) added	17317
173.205 *(a)(2) removed	17317
173.206 *(a)(1) and (c)(4) revised; (a)(11) added	17317
173.214 *(a)(2) and (c)(2) removed; (c)(4) added	17318
173.216 *(a)(2) removed	17318
173.217 *Heading and introductory text of (a) revised; (a)(6) added	12751
173.240 (a) revised	35470
173.245 (a)(4) revised; (a)(34) added	35470
173.245 *(a)(5) and (6) removed	17318
173.245a *(a) table amended	15035
173.246 *Heading and (a) revised	17318
173.247 Heading and (a) introductory text revised	35471
173.247 *Heading, (a) introductory text, and (a)(13) and (14) revised	15037
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173.248 *(a)(4) revised	15036
173.249 Heading and (a) introductory text revised	35471
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173.265 *(b)(3) revised	15036
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173.272 *(i)(22), (26), and (27) revised	15037
173.273 *(a)(4) revised	15037
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173.276 *(a)(4) and (5) revised	15037
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173.280 *(a)(7) revised	15037
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173.284 Heading and (a) introductory text revised	35471
173.284 *Removed	17319
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173.346 *(a)(10) revised	15038
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173.347 *(a)(2) revised	15038
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173.360 *(a)(1) removed	17320
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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 465]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulations fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 17-23, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.765 Valencia Orange Regulation 465.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve. Prices f.o.b. averaged $3.51 per carton on a reported sales volume of 535 carlots last week, compared with an average f.o.b. price of $3.50 per carton and sales of 362 carlots a week earlier. Track and rolling supplies at 431 cars were up 152 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 14, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 17, 1974, through May 23, 1974, are hereby fixed as follows:

(i) District 1: 380,000 cartons;
(ii) District 2: 342,000 cartons;
(iii) District 3: 228,000 cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–11480 Filed 5–15–74;8:45 am]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

This document authorizes the Southeastern Potato Committee to spend not more than $11,125 for its operations during the fiscal period ending March 31, 1975, and to collect $0.0025 per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulating the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the April 24, 1974 FEDERAL REGISTER (39 FR 14516) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than May 6, 1974. None was filed.

After consideration of all relevant matters, including the proposals set set forth in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until June 17, 1974 (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all

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assessable potatoes from the beginning of such period. The regulation is as follows:

§ 953.211 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred during the fiscal period ending March 31, 1975, by the Southeastern Potato Committee for its maintenance and functioning will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period: *Provided*, That potatoes for canning, freezing, and other processing shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 10, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–11261 Filed 5–15–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Relief of Restrictions on Importation of Cured and Dried Pork and Pork Product

Statement of considerations. This amendment will permit the importation of cured and dried pork and pork products from countries where swine vesicular disease is known to exist if such pork or pork product originated in a swine vesicular disease free country and is transported and handled in compliance with specific conditions as certified by an official of the National Government of the swine vesicular disease free country of origin and of the infected country. Such conditions preclude contamination and commingling of such pork or pork product with pork from swine vesicular disease infected sources and safeguard against the introduction and dissemination of this disease into the United States.

Accordingly, Part 94, Title 9, Code of Federal Regulations, is hereby amended as follows:

In § 94.12, in paragraph (b) (1) (iii) (B) ", or" is inserted in place of the final period, a new paragraph (b) (1) (iv) is added and paragraph (b) (3) is amended to read:

§ 94.12 Pork and pork products from countries where swine vesicular disease exists.

* * * * *

(b) (1) (iv) Such pork or pork product, if it originated in a swine vesicular disease free country, has been cured and dried and is in compliance with the following requirements:

(A) All bones have been completely removed in the country of origin, and

(B) (*1*) Such pork or pork product is accompanied from the swine vesicular disease free country of origin to the processing establishment in the swine vesicular disease infected country by a certificate signed by an official of the National Government of the swine vesicular disease free country of origin specifying that the pork or pork product involved originated in that country and the pork or pork product was consigned to a processing establishment in _____ (a country not listed in paragraph (a) of this section as free of swine vesicular disease), in a closed container sealed by the national veterinary authorities of the swine vesicular disease free country of origin by seals of a serially numbered type. The numbers of these seals shall be entered on this certificate; and

(*2*) The certificate required by paragraph (b) (3) of this section shall also state that:

(*i*) the container seals specified in paragraph (b) (1) (iv) (B) (*1*) of this section were found intact and free of any evidence of tampering on arrival at the processing establishment in the swine vesicular disease infected country by a national veterinary inspector of that country,

(*ii*) the processing establishment from which the pork or pork product was shipped to the United States does not receive or process any live swine, and uses only pork or pork products which originate in countries listed in paragraph (a) of this section as free of swine vesicular disease; and

(*iii*) that such establishment processes all such pork or pork products in accordance with paragraph (b) (1) (i), (ii), (iii) or (iv) of this section.

* * * * *

(3) In addition to the certificate required in § 327.4 of this title, the article is accompanied by a certificate stating the facts specified in paragraphs (b) (1) (i), (ii), (iii) (A) or (iv) (B) (*2*) of this section. The certificate shall be issued by an official of the National Government of the country of origin who is authorized to issue the certificates required by § 327.4 of this title.[1]

(Sec. 2, 32 Stat. 792, as amended (21 U.S.C. 111); 37 FR 28464, 28477; 38 FR 19141.)

[1] The certification required may be placed on the certificate prescribed by § 327.4 or may be contained in a separate document.

Effective date. The foregoing amendment shall become effective May 16, 1974.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of swine vesicular disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment is impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 10th day of May 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–11260 Filed 5–15–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—AIRCRAFT

[Docket No. 74–GL–1; Amdt. 39–1850]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Model F–28A Helicopters

Amendment 39–1794 (39 FR 7779), AD 74–5–3 requires that the main rotor gear box be overhauled on Enstrom Model F–28A helicopters. After issuing Amendment 39–1794, the agency determined that the main rotor gear boxes which had been factory overhauled prior to the effective date of the AD should be allowed to operate until accumulating 975 hours time in service since overhaul before compliance with the AD is mandatory. Therefore, the AD is being amended to require that main rotor gear boxes with 975 hours or more time in service since new or since last factory overhaul must be overhauled to retire all ring gear carriers manufactured in accordance with Enstom Drawing No. 28–13106, Revision E or earlier, within the next 25 hours time in service hereof.

Since this amendment is relieving in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), section 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39–1794 (39 FR 7779) AD 74–5–3 is amended as follows:

§ 39.13 [Amended]

1. By amending paragraph (a) to read: Main rotor gear boxes (P/N 28–13101) with 975 hours or more time in service since new or last factory overhaul must be overhauled at the Enstrom factory or a factory approved facility, to retire all ring gear carriers (P/N 28–13106) manufactured in accordance with Enstrom Drawing No. 28–13106, Revision E or earlier, within the next 25 hours time in service after the effective date hereof.

2. By amending paragraph (b) to read: Main rotor gear boxes (P/N 28–13101) with less than 975 hours time in service since new or last factory overhaul, as of the effective date hereof, must be overhauled at the Enstrom factory or a factory approved facility to retire all ring gear carriers (P/N 28–13106) manufactured in accordance with Enstrom Drawing No. 28–13106 Revision E or earlier, prior to the accumulation of 1,000 hours time in service since new or last factory overhaul.

3. By amending paragraph (c) to read: Main rotor gear boxes (P/N 28–13101) whose hours in service since new or last factory overhaul are unknown will be considered to have a total time of 975 hours minimum since new or last factory overhaul and thus must be overhauled in accordance with paragraph (a) of this section, within the next 25 hours time in service after the effective date hereof.

This amendment becomes effective May 21, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on May 7, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74–11222 Filed 5–15–74;8:45 am]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 74–SW–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Yoakum, Tex., transition area.

On March 25, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 11098) stating the Federal Aviation Administration proposed to designate a transition area at Yoakum, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

YOAKUM, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Yoakum Municipal Airport (latitude 29°18'50" N, longitude 97°08'18" W) and within 3.5 miles either side of the 143° radial extending from the 5-mile radius to a point 8 miles southeast of the NDB (latitude 29°18'50" N, longitude 97°08'18" W). (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on May 7, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74–11224 Filed 5–15–74;8:45 am]

[Airspace Docket No. 74–SO–46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make editorial changes in the description of certain VOR Federal Airways as a result of renaming the Hickory, N.C., VOR to Barretts Mountain, N.C., VOR.

Because this action merely redescribes airways without altering any route structure or designated airspace, this action is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective July 18, 1974.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307, 6606) is amended as follows:

a. In V–133 "Hickory, N.C.;" is deleted and "Barretts Mountain, N.C.;" is substituted therefor.

b. In V–222 "Hickory, N.C.;" is deleted and "Barretts Mountain, N.C.;" is substituted therefor.

c. In V–266 "From Hickory, N.C.," is deleted and "From Barretts Mountain, N.C.," is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 10, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–11225 Filed 5–15–74;8:45 am]

[Airspace Docket No. 74–SO–32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone; Amendment

On April 15, 1974 FR Doc. 74–8531 was published in the FEDERAL REGISTER (39 FR 13526), amending Part 71 of the Federal Aviation Regulations by designating the Pompano Beach, Fla., control zone.

In the amendment, there is a proviso to exclude the portion within the Fort Lauderdale, Fla. (Executive Airport) control zone. It is necessary, due to operational requirements at both Pompano Beach and Fort Lauderdale, to make adjustments in the control zone boundaries, which will decrease the size of the Pompano Beach control zone. It is necessary to amend the FEDERAL REGISTER Document to reflect this change. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FEDERAL REGISTER Document No. 74–8531 is amended as follows:

In line 7 of the Pompano Beach, Fla., control zone description "* * * excluding the portion within the Fort Lauderdale, Fla. (Executive Airport) control zone * * *" is deleted and "* * * excluding the portion southwest of a line 3 miles southwest of and parallel to Pompano Beach VOR 319° radial, and the portion east of Fort Lauderdale Executive Airport, south of a line 1 mile north of and parallel to the extended centerline of Runway 8/27 * * *" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 7, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74–11227 Filed 5–15–74;8:45 am]

[Airspace Docket No. 74–SO–49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation and Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Miami, Fla. (Dade-Collier Training and Transition Airport) and alter the Fort Lauderdale, Fla. (Executive Airport) control zones.

The above-named control zones are described in § 71.171 (39 FR 354).

In the description of the Miami (Dade-Collier Training and Transition Airport) control zone, there is a proviso that per-

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mits changes in the effective hours indicating the control zone is part time. The control zone has been effective 24 hours per day for some time, and the proviso for part time effectiveness was inadvertently allowed to remain in the description. It is necessary to alter the description to redesignate the control zone to be effective 24 hours per day.

In the description of the Fort Lauderdale (Executive Airport) control zone, there is a proviso that excludes the portion within a 1.5-mile radius of Pompano Beach Airport, Fla. It is necessary, due to operational requirements, to adjust this control zone boundary to be compatible with the Pompano Beach, Fla., control zone which will become effective on June 20, 1974.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 20, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Miami, Fla. (Dade-Collier Training and Transition Airport) and the Fort Lauderdale, Fla. (Executive Airport) control zones are amended as follows:

MIAMI, FLA. (DADE-COLLIER TRAINING AND TRANSITION AIRPORT)

All after "longitude 80°53'50" W.)" is deleted.

FORT LAUDERDALE, FLA. (EXECUTIVE AIRPORT)

"• • • within a 1.5-mile radius of Pompano Beach Airpark (lat. 26°15'00" N., long. 80°06'30" W.) • • •" is deleted and "• • • the portion northeast of a line 3 miles southwest of and parallel to Pompano Beach VOR 319° radial, and the portion east of Fort Lauderdale Executive Airport, north of a line 1 mile north of and parallel to the extended centerline of Runway 8/27 • • •" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 7, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.74-11226 Filed 5-15-74;8:45 am]

[Airspace Docket No. 74-SO-18]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of RNAV Route

On March 29, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 11561) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter a segment of RNAV Route No. J812R in the vicinity of Atlanta, Ga.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

Section 75.400 (39 FR 718 and 38 FR 2420+) is amended as follows:

In J812R:

"RUSHY, 33°49'00" N., 83°32'54" W., Atlanta, Ga."

is deleted and

"SINCA, 33°05'19" N., 83°33'03" W., Augusta, Ga.
CANTE, 34°19'29" N., 84°25'39" W., Chattanooga, Tenn."

is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c). of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 10, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-11223 Filed 5-15-74;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 13701; Amdt. 95-246]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective June 20, 1974 as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—U.S.* is amended to read in part:

From; to; and MEA

McGuire, N.J., VOR; Int, 234 M rad McGuire VOR and H3 rad Modena VOR; 2,000. MAA—8,000.
Millville, N.J., VOR; McGuire, N.J., VOR; 2,000. MAA—4,000.
Turner INT, Pa.; Robbinsville, N.J., VOR; 2,000. MAA—4,000.
Greenhead INT, Fla.; Chipley INT, Fla.; • 1,900, • 1,600—MOCA.

Section 95.1001 *Direct routes—U.S.* is amended by adding:

Columbia, S.C., VORTAC; Charleston, W. Va., VORTAC; 18,000. MAA—45,000.
Saufley, Fla., VOR, via NUN R-101; Eglin, Fla., VOR, via VPS R-260; • 2,000. • 1,500—MOCA.

Section 95.1001 *Direct routes—U.S.* is amended to delete:

Kennedy, N.Y., VOR; Int. 265 M rad Kennedy VOR and 290 M rad Robbinsville VOR; 18,000. MAA—40,000.
Atlantic City, N.J., VOR; Brigantine INT, N.J.; 1,500.
Ft. Wayne, Ind., VORTAC; Allegheny, Pa., VORTAC; 18,000. MAA—41,000.
Atlanta, Ga., VOR; Pulaski, Va., VOR; 18,000. MAA—45,000.
Herndon, Va., VOR; Burke INT, Va.; 3,000. MAA—4,000.
Leesburg INT, N.J.; Dover AFB, Del., LOM; 1,500. MAA—3,000.
Grand Isle, Ja., NDB; • Neptune INT, Fla.; •• 2,000. • 5,000—MRA. •• 1,300—MOCA.
Mobile, Ala., VOR; Spencer INT, Ala.; 2,500.
McAllen, Tex., VOR, via MFE 087/BRO 300 M rad; Brownsville, Tex., VOR; 2,100.
Saufley, Fla., VOR; Eglin AFB, Fla., VOR; • 2,000. • 1,500—MOCA.
Bimini, Bh. RBN; Porpoise INT, Fla., (via Control 1150); • 2,000. • 1,300—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Honey INT, S.C.; •Planter INT, S.C.; ••2,500. •2,500—MRA. ••1,500—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

•Bunnell INT, Fla.; Spuds INT, Fla.; ••2,000. •3,000—MRA. ••1,500—MOCA.
Spuds INT, Fla.; Jacksonville, Fla., VOR; 2,000.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Glenwood Springs INT, Colo., via S alter.; Frying Pan INT, Colo., via S alter.; •#14,000. •13,500—MOCA. #13,600—MEA for ACFT with DME.
Frying Pan INT, Colo., via S alter.; Gypsum INT, Colo., via S alter.; •#14,000. •12,000—MOCA. #12,500—MEA for ACFT with DME.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Copano INT, Tex.; Sand Point INT, Tex.; •1,700. •1,500—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Wirt INT, Wash., via E alter.; Seattle, Wash., VOR, via E alter.; 5,000.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Sugarloaf Mountain, N.C., VOR, via W alter.; Owen INT, N.C., via W alter.; 6,000.
Owen INT, N.C., via W alter.; Juno INT, N.C., via W alter.; 7,000.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

Harrisburg, Pa., VOR; Greenpark INT, Pa.; 4,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

•Bunnell INT, Fla.; Spuds INT, Fla.; ••2,000. •3,000—MRA. ••1,500—MOCA.
Spuds INT, Fla.; Jacksonville, Fla., VOR; 2,000.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

•Copano INT, Tex.; Sand Point INT, Tex.; •1,700. •1,500—MOCA.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

Int. 054 M rad Robbinsville VOR and 221 M rad La Guardia VOR; La Guardia, N.J., VOR; 2,700.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Sea Isle, N.J., VOR; Brigantine INT, N.J.; 2,500.

Section 95.6184 *VOR Federal airway 184* is amended to read in part:

Greenpark INT, Pa.; Harrisburg, Pa., VOR; 4,000.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

La Grange, Ga., VOR; Tyrone INT, Ga.; •2,700. •2,300—MOCA.

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

Mt. Pleasant, Mich., VOR; Cargo INT, Mich.; •5,500. •2,600—MOCA.
Cargo INT, Mich.; Gaylord, Mich., VOR; 4,000.

Section 95.6265 *VOR Federal airway 265* is amended to read in part:

Harrisburg, Pa., VOR; Greenpark INT, Pa.; 4,000.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

Robbinsville, N.J., VOR; Cassville INT, N.J.; 1,900.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Sea Isle, N.J., VOR; Brigantine INT, N.J.; 2,500.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

Yardley, Pa., VOR; Amboy INT, N.J.; 2,000.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Middleton Island, Alaska, VOR; Int. 105 M rad Anchorage VOR and 244 M rad Middleton Island VOR; •9,000. •8,500—MOCA.
Int. 105 M rad Anchorage VOR and 244 M rad Middleton Island VOR; Hope INT, Alaska; •10,000. •8,500—MOCA.

Section 95.6450 *VOR Federal airway 450* is amended to read in part:

Muskegon, Mich., VOR; Montague INT, Mich.; 2,400.

Section 95.6536 *VOR Federal airway 536* is amended to read in part:

Holley INT, Oreg.; McKenzie INT, Oreg.; •10,000. •9,800—MOCA.
McKenzie INT, Oreg., Redmond, Oreg., VOR; 10,000.

Section 95.7189 *Jet Route No. 189* is added to read:

From; to; MEA; and MAA

Avenal, Calif., VORTAC; Linden, Calif., VORTAC; 18,000; 45,000.
Linden, Calif., VORTAC; Klamath Falls, Oreg., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Klamath Falls, Oreg., VORTAC; Portland, Oreg., VORTAC; 18,000; 45,000.
Portland, Oreg., VORTAC; Seattle, Wash., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8005 *Jet routes changeover points J-189* is amended by adding:

From; to; changeover point distance from

Klamath Falls, Oreg., VORTAC; Portland, Oreg., VORTAC; 95; Klamath Falls.

This amendment is made under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).

Issued in Washington, D.C. on May 7, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.74-11136 Filed 5-15-74;8:45 am]

[Docket No. 13697; Amdt. No. 916]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporated by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective June 27, 1974:

Alabaster, Ala.—Shelby County Arpt., VOR-A, Amdt. 3.
Dover/Cheswold, Del.—Delaware Airpark, VOR Rwy 27, Amdt. 3.
Iowa City, Iowa—Iowa City Municipal Arpt., VOR Rwy 35, Amdt. 7.
Neosho, Mo.—Neosho Memorial Arpt., VOR-A, Amdt. 2.
Quakertown, Pa.—Quakertown Arpt., VOR Rwy 11, Orig.
Rockford, Ill.—Greater Rockford Arpt., VOR Rwy 12, Amdt. 12.
Salem, Mich.—Salem Arpt., VOR-A, Orig.
San Juan, P.R.—Puerto Rico Int'l. Arpt., VOR Rwy 25, Amdt. 11.

• • • effective June 20, 1974:

Algona, Iowa—Algona Municipal Arpt., VOR-TAC-A, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective June 27, 1974:

St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., LOC (BC) Rwy 30L, Amdt. 5, canceled.
Texarkana, Ark.—Texarkana Municipal Webb Field, LOC/DME (BC) Rwy 4, Amdt. 3.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective June 27, 1974:

Baton Rouge, La.—Ryan Arpt., NDB Rwy 13, Amdt. 18.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., NDB Rwy 4L, Amdt. 7.
Kissimmee, Fla.—Kissimmee Municipal Arpt., NDB Rwy 15, Amdt. 2.
Kissimmee, Fla.—Kissimmee Municipal Arpt., NDB Rwy 33, Amdt. 1.
Newport, Ark.—Newport Municipal Arpt., NDB Rwy 36, Amdt. 1.
Salem, Oreg.—McNary Field, NDB Rwy 31, Amdt. 12.
Sanford, Fla.—Sanford Arpt., NDB Rwy 9, Amdt. 3.

• • • effective June 20, 1974:

Detroit, Mich.—Detroit Metropolitan Wayne County Arpt., NDB Rwy 21L, Amdt. 2.
Detroit, Mich.—Detroit Metropolitan Wayne County Arpt., NDB Rwy 21R, Amdt. 2.
Detroit, Mich.—Detroit Metropolitan Wayne County Arpt., NDB Rwy 27, Amdt. 4.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective June 27, 1974:

Baton Rouge, La.—Ryan Arpt., ILS Rwy 13, Amdt. 17.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., ILS Rwy 27L, Amdt. 4.
Salem, Oreg.—McNary Field, ILS Rwy 31, Amdt. 17.
Texarkana, Ark.—Texarkana Municipal Webb Field, ILS Rwy 22, Amdt. 4.

• • • effective June 20, 1974:

Detroit, Mich.—Detroit Metropolitan Wayne County Arpt., ILS Rwy 21R Amdt. 8.
Detroit, Mich.—Detroit Metropolitan Wayne County Arpt., ILS Rwy 27, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following ILS SIAPs, effective June 27, 1974:

Akron, Ohio—Akron-Canton Regional Arpt. RADAR-1, Amdt. 10.
Austin, Tex.—Robert Mueller Municipal Arpt., RADAR-1, Amdt. 10.
El Paso, Tex.—El Paso Int'l. Arpt., RADAR-1, Amdt. 9.

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New Orleans, La.—Lakefront Arpt., RADAR-1; Amdt. 2.

Corrections:

In Docket No. 13666, Amendment No. 913 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated April 24, 1974, on page 14503, under Sections 97.23, 97.25, 97.27 and 97.29, effective June 6, 1974—Destroy Memphis, Tenn.—Memphis Int'l. Arpt., VOR Rwy 35R, Amdt. 28; LOC (BC) Rwy 17L, Amdt. 7; NDB Rwy 35R, Amdt. 14; ILS Rwy 17L, Amdt. 2, and ILS Rwy 35R, Amdt. 16.

In Docket No. 13694, Amendment No. 915 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER, under Section 97.27, effective May 10, 1974—Destroy Statesville, N.C.—Statesville Municipal Arpt., NDB Rwy 20, Amdt. 2.

These amendments are made effective under the authority of (secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on May 9, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-11221 Filed 5-15-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2513]

PART 13—PROHIBITED TRADE PRACTICES

Hammermill Paper Co.

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance;* § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes;* § 13.497 *To terminate or threaten to terminate contracts, dealings, franchises, etc.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Hammermill Paper Company, Erie, Pa., Docket C-2513, Apr. 24, 1974]

In the Matter of Hammermill Paper Company, a Corporation

Consent order requiring an Erie, Pa., manufacturer and seller of printing and fine paper products, among other things to cease maintaining or enforcing contracts which limit dealer's or distributor's freedom to carry, list or sell competing products; discourage selling at other than suggested prices; and limit the resale of respondent's products to firms of their choice.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Hammermill Paper Company, and its officers, agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in or in connection with the merchandising offering for sale and sale or distribution of paper and paper products in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall cease and desist from:

1. Putting into effect, maintaining or enforcing any merchandising or distribution plan or policy under which contracts, agreements or understandings are entered into with dealers or distributors of its products which have the purpose or effect of

(a) Limiting, allocating or restricting the persons or classes of persons to whom any dealer or distributor may resell his products;

(b) Fixing, establishing or maintaining or attempting to fix, establish and maintain the prices at which such products may be sold by dealers or distributors;

(c) Terminating or threatening to terminate any person as a dealer or distributor of the Hammermill line of printing and fine papers because such dealer or distributor carries, lists or sells a product which competes with any of respondent's products at or below the price of respondent's competing product.

2. Entering into, continuing or enforcing, or attempting to enforce, any contract, agreement or understanding with any dealer in or distributor of its products for the purpose or with the effect of establishing or maintaining any merchandising or distribution plan or policy prohibited by paragraph 1 of this Order.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its wholesale distributors.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That respondent shall, within sixty (60) days of service of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the Order.

By the Commission.

Issued: April 24, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-11246 Filed 5-15-74;8:45 am]

[Docket No. C-2512]

PART 13—PROHIBITED TRADE PRACTICES

Talent, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections;* 13.15-5 Advertising and promotional services; 13.15-35 Contracts and obligations; 13.15-225 Personnel or staff; § 13.100 *Individual attention;* § 13.143 *Opportunities;* § 13.155 *Prices;* 13.155-5 Additional charges unmentioned; 13.155-95 Terms and conditions; § 13.190 *Results;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services;* § 13.280 *Unique nature or advantages.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1515 *Organization and operation;* § 13.1520 *Personnel or staff;* § 13.1553 *Services;* § 13.1570 *Unique status or advantages.* —Goods: § 13.1660 *Individual attention;* § 13.1697 *Opportunities in product or service;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts.* —Prices: § 13.1778 *Additional costs unmentioned;* § 13.1823 *Terms and conditions:* —Services: § 13.1835 *Cost:* § 13.1843 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1882 *Prices;* § 13.1895 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions.* Subpart—Offering, unfair, improper and deceptive inducements to purchase or deal: § 13.1965 *Individual's special selection or situation;* § 13.2015 *Opportunities in product or service;* § 13.2063 *Scientific or other relevant facts;* § 13.2080 *Terms and conditions.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Talent, Inc., trading as Talent, Inc., et al., North Quincy, Mass., Docket C-2512, April 19, 1974]

In the Matter of Talent, Inc., a Corporation, Trading and Doing Business in Its Own Name and as Jerry Dee, Grand Recording Company, Cathedral Recording Company, Chapel Recording Company, Country and Western Recording Company, Music Hall Recording Company and Melody Lane, and Theodore Rosen, Individually and as an Officer of Said Corporation

Consent order requiring a North Quincy, Mass. solicitor of contracts and fees from songwriters and seller/distributor of records and lead sheets, among other things to cease misrepresenting the products or services offered; misrepresenting the size of its staff; misrepresenting the prices of its services and failing to inform customers of the terms and conditions of its services.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Talent, Inc., a corporation, trading and doing business in its own name and as Jerry Dee, Grand Recording Company, Cathedral Recording Company, Chapel Recording Company, Country and Western Recording Company, Music Hall Recording Company and Melody Lane, and Theodore Rosen, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of records, lead sheets and related products or services, or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing that:

(a) Songs, poems or lyrics submitted to respondents are assessed or evaluated in order to determine the likelihood of their achieving commercial acceptance or success.

(b) Songs, poems or lyrics failing to meet qualitative standards established by respondents will not be accepted for recording.

(c) There is no charge to customers for the production or recording of their songs; or misrepresenting in any manner that products or services are provided at either no cost or a reduced cost.

(d) Respondents' primary interest in contracting or dealing with songwriters is in assisting them to achieve commercial success or acceptance for their songs or recordings.

(e) Songwriters whose songs are accepted for recording by respondents may reasonably expect that their songs will ultimately be released by a record company; or that respondents frequently, or in the normal course of business, issue publishing contracts.

(f) Songwriters whose songs are accepted for recording by respondents may reasonably expect that their songs will earn royalties from the sales of records, sheet music, or radio, television or motion picture rights.

(g) The sole charge to customers for the services of professional songwriters employed by respondents is respondents' cost for obtaining the services of these professional songwriters; or that respondents provide customers with any products or services at respondents' cost for such products or services.

(h) It is necessary or desirable that customers secure copyright protection because of their songs' distinctive merit, commercial character, or the likelihood that their songs will gain wide public attention or acceptance; or that respondents maintain a copyright advisory service for the purpose of assisting songwriters secure copyrights on songs that are of commercial quality.

(i) Songs are or may be accepted for recording.

(j) Any price for respondents' products and services is a special price or substantially less than prices charged by other companies or individuals for similar products or services.

(k) Respondents employ or utilize songwriters to write music for customers' lyrics prior to the recording of these customers' songs; or that songwriters employed or utilized by respondents work closely with, or confer and consult with, respondents' vocalists, vocal groups or background orchestra.

(l) Respondents maintain separate and functional departments within their organizational framework; or misrepresenting, through the use of pseudonyms, or by any other means, the number of personnel employed by respondents.

2. Representing, directly or by implication, in their advertising or in any other manner, that any recording company or business owned, operated, or controlled by them or either of them is otherwise owned, operated, or controlled; or that one of two or more such recording companies or businesses owned, operated, or controlled by either or both of them is separate, distinct, or competitive with the others similarly owned.

3. Inducing the purchase of any products or services by representing, directly or by implication, that the purchase of these products or services will cause, substantially contribute to, or materially affect either the commercial success or acceptance of a song or recording, or the customer's financial enhancement.

4. Failing to inform each customer or prospective customer, in clear and conspicuous language, prior to the execution of a recording contract, that the recording provided by respondents is hand cut, a demonstration record, and unsuitable for use in commercial promotion.

5. Failing to inform each customer or prospective customer, in clear and conspicuous language, prior to the execution of a recording contract, that the background orchestrations and vocal choruses provided by respondents are pre-recorded; and that respondents' use of these pre-recorded background orchestrations and vocal choruses is not exclusive to, or limited to, his song or recording.

6. Selling, or offering for sale, commercially pressed recordings, without disclosing in clear and conspicuous language, contemporaneous with the sale or offering for sale, that many radio stations, as a matter of policy, refuse to play demonstration records.

7. Making any agreement, arrangement, provision or representation concerning the disposition of royalties a song may earn without affirmatively disclosing that respondents have never produced or recorded a song for a customer which has earned any royalties.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale or sale of respondents' products or services or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of the order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: April 19, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-11247 Filed 5-15-74;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1507—FIREWORKS DEVICES

Classification as Banned Hazardous Substances; Establishment of Labeling Requirements

This regulation provides that after June 17, 1974, firecrackers, as well as other fireworks devices that do not meet prescribed requirements, will be prohibited from the channels of interstate commerce.

In the FEDERAL REGISTER of May 16, 1973 (38 FR 12880), the Food and Drug Administration (FDA), pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)(B)), proposed a regulation to amend 21 CFR 191.9(a)(3) which would have banned all fireworks devices except those in compliance with requirements set forth in proposed 21 CFR Part 191d. FDA also proposed to revoke the exemption for certain articles from classification as banned hazardous substances under 21 CFR 191.65(a)(2). In addition to banning those fireworks devices which did not comply with the requirements in proposed Part 191d, the proposal would have banned all fireworks devices for which specific requirements were not established.

Having assumed responsibility for administration of the Federal Hazardous Substances Act on May 14, 1973, pursuant to section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)), the Consumer Product Safety Commis-

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sion, on September 27, 1973, revised and transferred the regulations under the Federal Hazardous Substances Act (38 FR 27012). Accordingly, the regulations promulgated herein are codified as 16 CFR Parts 1500 and 1507 instead of as 21 CFR 191 and 191d.

Having considered the proposed regulations, and comments received in response to the proposal, the Commission concludes that final regulations should be published with certain changes both as to content and regulatory format. The changes as to format are as follows:

1. Proposed § 191.9(a)(3) would have banned all fireworks devices except those for authorized wildlife management uses that did not comply with the requirements contained in proposed Part 191d. As indicated above, the effect of this section would have been to ban all fireworks devices which failed to comply with the requirements, in addition to those for which there were no requirements. As stated in proposed § 191d.1, the devices for which there would be no requirements included, but was not limited to, such devices as firecrackers, cherry bombs, M-80 salutes, silver salutes, aerial bombs, bottle rockets, and devices that may be confused with candy or other foods such as "dragon eggs" and "cracker-balls" (also known as "ball-type caps"), and including kits and components intended to produce such fireworks.

For clarification, proposed § 191.9(a)(3) has, in these final regulations, been divided into two new sections. The first, § 1500.17(a)(8), in contrast with the proposal, specifically bans firecrackers, aerial bombs, and devices that may be confused with candy or other foods, such as "dragon eggs," and "cracker balls" (also known as "ball-type caps"). The decision to delete bottle rockets from the list of specifically banned devices was made because the Commission believes bottle rockets, manufactured to conform with the requirements prescribed in this Part 1507 applicable to all rockets, will present no greater degree of risk of injury, when operated according to prescribed directions, than will other types of rockets.

The second new section, § 1500.17(a)(9), bans all fireworks devices that do not comply with the applicable requirements of Part 1507. However, unlike proposed § 191.9(a)(3), fireworks devices for which there are no applicable requirements in Part 1507 are not thereby banned.

2. At the present time there is, in full force and effect, a regulation which bans certain fireworks devices. This regulation, codified as 16 CFR 1500.17(a)(3), (formerly 21 CFR 191.9(a)(3)) declares the following to be banned hazardous substances:

> Fireworks devices intended to produce audible effects (including but not limited to cherry bombs, M-80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition; except that this provision shall not apply to such fireworks devices if all of the following conditions are met:
>
> (i) Such fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and
>
> (ii) Such distribution is in response to a written application describing the wildlife management program that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate.

The FDA proposal would have revised this regulation to, as stated above, ban all fireworks devices not meeting the requirements of proposed Part 191d. In contrast with the proposal, however, these regulations do not revise 16 CFR 1500.17(a)(3). Instead, 16 CFR 1500.17(a)(3) remains in full force and effect with the two new paragraphs ((a)(8) and (a)(9)) being added to § 1500.17. Although the net effect of this change from the proposal is to add some amount of overlap to the regulations, the Commission believes that this is necessary in order to provide continuity to the Commission's compliance program. All three sections retain the exemption for authorized wildlife management uses.

3. Proposed Part 191d would have prescribed specific labeling requirements for various listed types of fireworks devices. These labeling requirements were proposed under the authority of section 2(q)(1)(B) of the Federal Hazardous Substances Act (supra) upon a finding that certain fireworks devices should be declared banned hazardous substances because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written, and that they should therefore be kept out of interstate commerce.

The Commission believes, however, that although these special labeling requirements are necessary and proper, they are more appropriately issued under section 3(b) of the Federal Hazardous Substances Act (15 U.S.C. 1262(b)). The issuance of special labeling regulations for certain fireworks devices is based upon a finding by the Commission under section 3(b) of the act that these devices present special hazards and that as to these devices, the labeling required by section 2(p)(1) of the act (15 U.S.C. 1261(p)(1)) is not adequate for the protection of the public health and safety and that specific label statements are therefore deemed necessary to supplement the labeling required by section 2(p)(1) of the act. The labeling requirements promulgated below are therefore issued as an addition of a new paragraph (b)(7) to 16 CFR 1500.14 where special labeling requirements for other substances are also listed.

In response to the proposal of May 16, 1973, over 350 comments were received from interested individuals, consumer interest groups, manufacturers, distributors, State and local government officials, and law enforcement agencies.

Ninety-six comments favoring promulgation of the regulations, as proposed, were received from interested parties including individual fire marshals and the President of the Fire Marshals Association of North America.

One hundred twenty-six comments, including submissions from the National Society for the Prevention of Blindness, the National Fire Protection Association, the American Academy of Pediatrics, and the American Lung Association of Hawaii, opposed the proposal on the grounds that the scope of the regulations is too limited and that all fireworks, with the exception of those for public display, should be banned. These interested parties generally maintained that all fireworks are too dangerous to be used by individuals and that, in addition to causing injuries and property damage, fireworks create unwarranted noise and air pollution. However, none of these parties provided data in support of the position that all fireworks are too dangerous to be used by individuals and the Commission is unaware of any information or data available from other sources sufficient to warrant a total ban on all types of fireworks.

Seventy-nine comments in opposition to the proposal were based on an objection to the proposed ban on firecrackers and bottle rockets. Petitions totaling over 17,000 signatures were received opposing the ban on these items. The objections were based on the contention that certain fireworks devices, particularly firecrackers and bottle rockets, do not present an inherent serious hazard. A significant number of responses in opposition to the proposed banning of firecrackers contended that such action would be an infringement of the religious freedom of many Hawaiian citizens, particularly those of Oriental anestry, who use firecrackers in observances of a religious nature. With respect to firecrackers, the Commission believes that a total ban, as proposed, is necessary in view of the significant number of injuries relating to firecracker use; the unfeasibility of construction requirements to adequately protect the public; and the inadequacy of any possible precautionary labeling. The Commission believes that the banning of firecrackers is in the public interest and that there will be a variety of fireworks devices avialable, not classified as banned, that will be adequate to satisfy special use needs. It should also be noted that fireworks for legitimate public display purposes are not banned by these regulations since they are beyond the scope of the Federal Habardous Substances Act.

With respect to bottle rockets, the Commission has determined that the performance oriented requirements promulgated below in Part 1507 are adequate to protect the public against the hazards associated with those devices.

Comments generally favoring the proposal but requesting technical revisions in the requirements were received from individual manufacturers and distributors of fireworks devices and the American Pyrotechnics Association (APA). In view of the Commission's determination to promulgate performance rather than design oriented requirements for certain fireworks devices, most of the requested revisions need not be addressed here. However, since a number of the requested revisions are still relevant, they are discussed below in a section by section sequence, with the Commission's conclusions thereon. Also following, is a discussion of the revisions made by the Commission on the basis of its own initiative and not relating to specific questions raised in the comments.

A. *Prohibited chemicals.* 1. Proposed § 191d.2(c) would have prohibited the use of chlorates in fireworks devices, except for colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is incorporated. Chlorates are primarily used for producing color effects. A meeting was held by the Commission on February 15, 1974, after public notice in the FEDERAL REGISTER, to obtain additional information regarding the potential hazards of chlorates; to identify items which specifically require or normally contain chlorates; and to determine the quantities involved. Representatives of International Research Associates, APA, the Taiwan Fireworks Manufacturers Association, and other interested persons were in attendance. Information presented at the meeting was conflicting with respect to the stability, insofar as ignition is concerned, of pyrotechnic compounds containing chlorates in relation to other common pyrotechnic compounds. On the basis of information presented at the meeting and that gained through the Commission's own investigation into the matter, the Commission has concluded that the use of chlorates in limited items in a proper manner and in limited quantities would not present an unreasonable hazard to users. Accordingly, the pertinent portion of the regulation (now § 1507.2(c)) permits chlorates to be used in caps, party poppers, and in small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (600 milligrams) is potassium, sodium, or barium chlorate.

2. Proposed § 191d.(2)(e) would have prohibited the use of magnesium in fireworks devices. The APA requested that the use of a magnesium/aluminum alloy, referred to as magnalium, be permitted since the combustion of the alloy results in a lower heat output than that resulting from combustion of magnesium. The Commission has concluded that no undue hazard would be created by permitting the use of magnalium and the final order (now § 1507.2(e)) has been changed accordingly.

3. Proposed § 191d.2(g) would prohibit the use of phosphorus (red or white) in fireworks devices. The final order (now § 1507.2(g)) has been changed to permit the use of the substance in caps and party poppers. In view of the requirements currently in effect for caps and the performance oriented requirements for party poppers promulgated below, the change does not compromise the purpose of these regulations.

B. *Fuses.* 1. Proposed § 191d.3 would have provided that fireworks devices incorporating fuses must: (i) *Utilize* "safety fuse;" (ii) utilize fuse which is sufficiently long to burn at least 3 seconds but not more than 6 seconds before ignition of the device; (iii) utilize fuse which is securely attached by adhesive or glue so as to support a certain weight; and (iv) utilize a fuse which is protected against accidental ignition by means of a covering over the end.

The primary purpose of the safety fuse requirement was to prevent side ignition of the fuse. To state this requirement more in terms of performance, however, this requirement (now § 1507.3(a)(1)) has been changed to provide that fireworks devices that require a fuse shall utilize only a fuse that has been treated or coated in such a manner as to reduce the possibility of side ignition. Thus, manufacturers are free to employ any method to accomplish this end. However, in response to a comment, an exemption has been provided from this requirement for devices which are too small to accommodate a fuse which can meet this requirement and which contain less than 6 grams of pyrotechnic composition.

2. Proposed § 191d.3(a)(2), regarding the burn time for fuses, was intended to eliminate the use of fuse which would cause ignition of the device prematurely or which would cause such a delay in ignition that the user would be misled into believing that the fuse had gone out. This requirement (now § 1507.3(a)(2)) has been retained, except that the words "of sufficient length" have been eliminated. Thus manufacturers are free to employ any method of ensuring that the fuse will not cause premature or delayed ignition of the device.

3. The requirement regarding the secure attachment of the fuse to the device, proposed as § 191d.3(b), remains unchanged in the final regulation (now § 1507.3(b)), except that the fuse may be securely attached in any manner, not only by using glue or adhesive.

4. In response to proposed § 191d.3(c), which would have required that the outside end of the fuse be protected against accidental ignition by means of a covering, one comment suggests that a tape covering on a fuse could result in damage to the fuse when the tape is removed. The Commission concludes that the comment has merit since the likelihood of damage to the fuse in removing the tape is significant and the possible hazard from this outweighs the possible hazard presented by untaped devices. Accordingly, this requirement has been eliminated from the final regulation.

C. *Bases.* Proposed § 191d.4 would have specified materials acceptable for use as bases for fireworks devices. Specifications were also made for the thickness of the bases. The Commission has determined that since design-limiting specifications should be kept to a minimum these requirements have been deleted. The provision regarding the horizontal dimension of the base has been retained in the final order (now § 1507.4), however, in order to ensure stability of devices operated in a standing upright position.

D. *Pyrotechnic leakage.* Several sections in proposed Part 191d would have required fireworks devices to be constructed in such a manner as to prevent leakage of the pryotechnic composition. Since most of the design requirements for the specifically named devices in proposed Part 191d have not been retained in the regulation promulgated herein, the requirement that the pyrotechnic chamber in fireworks devices be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation has been retained as a general performance requirement for all fireworks devices in § 1507.5. This will permit manufacturers to achieve the desired performance in more than one way.

E. *Burnout and Blowout.* Under the sections of proposed Part 191d concerning specifically named fireworks devices, design and construction requirements are set forth for the stated purpose of preventing burnout or blowout of the device. An example of this is proposed § 191d.18(a) dealing with helicopter-type rockets. This paragraph states as follows: "Tubes shall be made with a strong high quality paper or plastic, such as pressboard, wallet, or kraft (wax-dipped), and shall be tightly convolute wound, and thick enough to prevent burnout or blowout." The Commission concludes that whenever possible in these regulations performance requirements should be substituted for design specifications. All such paragraphs have therefore been eliminated, except that § 1507.6 retains the general performance requirement that the pyrotechnic chamber in all fireworks devices must be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

F. *Handles and spikes.* Provisions of the proposal addressing handles and spikes had application to only a few types of fireworks devices and included design requirements concerning the materials to be used and the method of attachment. The design requirements have been deleted since they impose unwarranted restraints in the manufacturing process. With respect to handles, the generally applicable performance oriented requirements contained in § 1507.7 of the final order are considered adequate in providing for the safety of hand-held fireworks devices in foreseeable handling and use situations. Section 1507.7 of the final order retains minimum dimension requirements for handles and spikes for the purpose of ensuring an adequate level of protection for the user.

G. *Wheel devices.* Proposed § 191d.11 sets forth requirements for fireworks devices commonly known as "wheels." As in the case of the specific design specifications deleted from other sections, they are also deleted here. However, the performance requirements relating to the secure attachment of the driver to the wheel and the axel to the wheel remain in the final regulations (§ 1507.8).

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H. *Toy smoke devices and flitter devices.* The provisions of the final order concerning toy smoke devices and flitter devices (primarily § 1507.9) are generally the same as those contained in § 191d.17 of the proposal except that the final order does not limit the types of materials to be used in the construction of cylindrical tubes nor does it specify a particular construction process for such tubes. The final order retains performance oriented requirements relating to the general construction of toy smoke devices and necessary design requirements with respect to the use of plastics as an exterior material on smoke devices; the use of potassium chlorate (see § 1507.2(c)(1)); and precluding possible confusion of toy smoke devices and flitter devices with banned fireworks such as M–80 salutes, silver salutes, and cherry bombs. In response to a comment submitted by APA, the prohibition against external flame (§ 1507.9(a)) has been clarified to exclude prohibition of the flaming relating to the fuse and first fire upon ignition.

I. *Rockets with sticks.* Proposed sec 191d.10 would have provided detailed design and construction specifications for skyrockets. Because of the Commission's intent to substitute performance requirement for design specifications wherever possible, they have been eliminated. However, since the absolute ban on bottle rockets proposed in § 191.9(a)(3) has been deleted, the Commission concludes that some minimal requirements relating to the stability of their flight should be provided. Therefore, § 1507.10 of the final regulation has been expanded to include bottle rockets as well as other rockets with sticks. The requirements remaining, applicable to all rockets with sticks, is that they shall use a straight and rigid stick to provide a directed and stable flight. It is also required that such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, and normal operation.

J. *Party poppers.* Proposed § 191d.19 would have prescribed requirements for party poppers relating to construction of the tube, amount of pyrotechnic composition, and flammability of paper or cloth inserts. The design and construction specifications have been eliminated in the final regulations (now § 1507.11) except for the 0.25 grain limit on the amount of pyrotechnic composition. The final regulation also retains the provision permiting party poppers to contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation. Although the provision relating to rupture and bursting of the body tubes has been deleted from the final regulations, the general requirements for burnouts and blowouts (§ 1507.6) are intended to cover this situation.

K. *Effective date.* APA requested that the effective date of these regulations allow imported items to clear customs until December 30, 1973, and be sold through July 4, 1974, to allow orderly disposition of items in inventory or those on order from, or being manufactured in, foreign countries. Numerous additional inquiries from manufacturers, importers, and distributors have been received concerning this matter, reporting that sizable investments are involved.

Insofar as fireworks devices banned by this promulgation are concerned, the Commission believes that the high level of hazards presented by these devices is sufficient to justify their immediate banning June 17, 1974. Additionally, the Commission believes that the elimination of many of the rigid design specifications as would have been required in the proposed regulations will permit manufacturers a high degree of flexibility in manufacturing devices which can meet the requirements as promulgated below in Part 1507.

Having considered the comments, the Commission concludes that the effective date of these regulations should be June 17, 1974.

Therefore, having reviewed the comments received in response to the proposal and other available information, the Commission concludes that the hazards presented by firecrackers and other fireworks devices that do not comply with the requirements contained in Part 1507 are such that the objective of the protection of the public health and safety can be adequately served only by keeping the devices out of the channels of interstate commerce.

The Commission's Staff Analysis of Fireworks Injuries, as well as other information relating to fireworks injuries is available for public inspection at the Office of the Secretary, CPSC, 10th Floor, 1750 K Street, NW., Washington, D.C., during working hours, Monday through Friday.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(q)(1)(B), (2), 3(b), 74 Stat. 374–375 as amended 80 Stat. 1304–1305; (15 U.S.C. 1261, 1262)), the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; (21 U.S.C. 371(e))), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))), Subchapter C of Title 16, Chapter II, is amended as follows:

1. Section 1500.14 is amended by adding a new paragraph (b)(7) as follows (although unchanged, the introductory text of § 1500.14(b) is included below for context):

§ 1500.14 Products requiring special labeling under section 3(b) of the act.

* * * * *

(b) The Commission finds that the following substances present special hazards and that, for these substances, the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act, the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

* * * * *

(7) *Fireworks devices.* Because of the special hazards presented by fireworks devices if not used in a certain manner, the following listed fireworks devices shall be labeled as indicated:

(i) *Fountains.*

WARNING (or CAUTION)
FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive).
Use only under close adult supervision.
For outdoor use only.
Place on level surface.
Light fuse and get away.

(ii) *California candles.*

WARNING (or CAUTION) EMITS SHOWERS OF SPARKS
Use only under close adult supervision.
For outdoor use only.
Hold in hand at bottom of tube.
Point away from body so that neither end points toward body.

(iii) *Spike and handle cylindrical fountains.*

(A) *Spike fountains.*

WARNING (or CAUTION) EMITS SHOWERS OF SPARKS
Use only under close adult supervision.
For outdoor use only.
Stick firmly in ground in an upright position.
Do not hold in hand.
Light fuse and get away.

(B) *Handle fountains.*

WARNING (or CAUTION)
EMITS SHOWERS OF SPARKS
Use only under close adult supervision.
For outdoor use only.
Hold in hand—point away from body.
Light fuse.

(iv) *Roman candles.*

WARNING (or CAUTION)
SHOOTS FLAMING BALLS
Use only under close adult supervision.
For outdoor use only.
Stick butt end in ground.
Do not hold in hand.
Light fuse and get away.

(v) *Rockets with sticks.*

WARNING (or CAUTION)
FLAMMABLE
Use only under close adult supervision.
For outdoor use only.
Place in wooden trough or iron pipe at 75° angle, pointing away from people or flammable material.
Do not hold in hand.
Light fuse and get away.

(vi) *Wheels*

WARNING (or CAUTION)
FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive)
Use only under close adult supervision.
For outdoor use only.
Attach securely by means of a nail through the hole (or place on hard flat surface, for ground spinners).
Light fuse and get away.

(vii) *Illuminating torches.*

WARNING (or CAUTION)
FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive)
Use only under close adult supervision.
For outdoor use only.
Hold in hand—point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive).
Light fuse (or light fuse and get away, if more descriptive).

(viii) *Sparklers.*

On the front and back panels:

WARNING (or CAUTION)
FLAMMABLE

On the side, front, back, top, or bottom panel.

CAUTION
Use only under close adult supervision.
For outdoor use only.
Do not touch glowing wire (or do not touch hot plastic, wood, etc., if more descriptive).
Hold in hand with arm extended away from body.
Keep burning end or sparks away from wearing apparel or other flammable material.

(ix) *Mines and shells.*

WARNING (or CAUTION)
EMITS SHOWERS OF SPARKS (or shoots flaming balls, if more descriptive)
Use only under close adult supervision.
For outdoor use only.
Place on hard smooth surface (or place upright on level ground, if more descriptive).
Do not hold in hand.
Light fuse and get away.

(x) *Whistles without report.*

WARNING (or CAUTION)
FLAMMABLE
SHOOTS WHISTLE IN AIR (if applicable)
Use only under close adult supervision.
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

(xi) *Toy smoke devices and flitter devices.*

WARNING (or CAUTION)
FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive)
Use only under close adult supervision.
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

(xii) *Helicopter-type rockets.*

WARNING (or CAUTION)
FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive)
Use only under close adult supervision.
For outdoor use only.
Place on hard, open surface.
Light fuse and get away.

(xiii) *Party poppers.*

WARNING (or CAUTION)
FLAMMABLE
Use only under close adult supervision.
Do not point either end toward face or other person.
Hold in hand—jerk string.

(xiv) *Missile-type rockets.*

WARNING (or CAUTION)
FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive)
Use only under close adult supervision.
For outdoor use only.
Place on hard, open surface.
Light fuse and get away.

(xv) *Labeling—General.* Any fireworks device not required to have a specific label as indicated above shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed. All labels required under this section shall comply with the requirements of § 1500.121 of these regulations.

2. Section 1500.17 is amended by adding paragraphs (a)(8) and (9) as follows (although unchanged, the introductory text of § 1500.17(a) is included below for context):

§ 1500.17 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(8) Firecrackers (not including firecrackers included as components of a rocket), aerial bombs, and devices that may be confused with candy or other foods, such as "dragon eggs," and "cracker balls" (also known as "ball-type caps"), and including kits and components intended to produce such fireworks except such devices which meet all of the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of Interior (or by equivalent State or local governmental agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

(9) All fireworks devices, including kits and components intended to produce such fireworks, not otherwise banned under the act, that do not comply with the applicable requirements of Part 1507 of this chapter, except fireworks devices which meet all the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

§ 1500.85 [Amended]

3. Section 1500.85, *Exemption from classification as banned hazardous substances,* is amended by revoking paragraph (a)(2).

4. Part 1507 is added as follows:

Sec.
1507.1 Scope.
1507.2 Prohibited chemicals.
1507.3 Fuses.
1507.4 Bases.
1507.5 Pyrotechnic leakage.
1507.6 Burnout and blowout.
1507.7 Handles and spikes.
1507.8 Wheel devices.
1507.9 Toy smoke devices and flitter devices.
1507.10 Rockets with sticks.
1507.11 Party Poppers.

AUTHORITY: (Sec. 2(q)(1)(B), (2), 74 Stat. 374 as amended 80 Stat. 1304–1305; (15 U.S.C. 1261); sec. 701(e), 52 Stat. 1055 as amended; (21 U.S.C. 371(e)); sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))).

§ 1507.1 Scope.

This part 1507 prescribes requirements for those fireworks devices not otherwise banned under the act. Any fireworks device which fails to conform to applicable requirements is a banned hazardous substance and is prohibited from the channels of interstate commerce. Any fireworks device not otherwise banned under the act shall not be a banned hazardous substance by virtue of the fact that there are no applicable requirements prescribed herein.

§ 1507.2 Prohibited chemicals.

Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

(b) Boron.

(c) Chlorates, except:

(1) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included.

(2) In caps and party poppers.

(3) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.

(d) Gallates or gallic acid.

(e) Magnesium (magnesium/aluminum alloys, called magnalium, are permitted).

(f) Mercury salts.

(g) Phosphorus (red or white). Except that red phosphorus is permissible in caps and party poppers.

(h) Picrates or picric acid.

(i) Thiocyanates.

(j) Titanium, except in particle size greater than 100-mesh.

(k) Zirconium.

§ 1507.3 Fuses.

(a) Fireworks devices that require a fuse shall:

(1) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempted from § 1507.3(a)(1).

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(2) Utilize only a fuse which will burn at least 3 seconds but not more than 6 seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus 8 ounces of dead weight or double the weight of the device, whichever is less, without separation from the fireworks device.

§ 1507.4 Bases.

The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimension or the diameter of the base equal to at least one-third of the height of the device.

§ 1507.5 Pyrotechnic leakage.

The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation.

§ 1507.6 Burnout and blowout.

The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

§ 1507.7 Handles and spikes.

(a) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length (see § 1500.14(b)(7)). Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber.

(b) Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than ⅛-inch in diameter or ⅛-inch square.

§ 1507.8 Wheel devices.

Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

§ 1507.9 Toy smoke devices and flitter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and firstfire upon ignition) during normal operation.

(b) Toy smoke devices and flitter devices shall not be of such color and/or configuration so as to be confused with banned fireworks such as M–80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition comes in direct contact with the plastic.

§ 1507.10 Rockets with sticks.

Rockets with sticks (including skyrockets and bottle rockets) shall utilize a straight and rigid strick to provide a directed and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, and normal operation.

§ 1507.11 Party poppers.

Party poppers (also known by other names such as "Champagne Party Poppers," and "Party Surprise Poppers,") shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

Any person who will be adversely affected by the foregoing order may at any time on or before June 17, 1974, file with the Secretary, Consumer Product Safety Commission, tenth floor, 1750 K Street, NW., Washington, D.C. 20207, written objections thereto, preferably in five copies. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issue for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This order shall become effective on June 17, 1974, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 2(q)(1)(E), (2), (3)(b), 74 Stat. 374–375 as amended, 80 Stat. 1304–1305; (15 U.S.C. 1261, 1262); sec. 701(e), 82 Stat. 1065 as amended (21 U.S.C. 371(e)); sec. 30(a), 80 Stat. 1231; 15 U.S.C. 2079(a))

Dated: May 13, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–11266 Filed 5–15–74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–74–235]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS EXTENSION OF EFFECTIVE DATE

Factory Inspection of Mobile Homes

On September 4, 1973 a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 23803) by the Department of Housing and Urban Development proposing a new system for third party factory inspection of mobile homes financed with loans insured under this part.

Interested persons were given 30 days in which to submit written comments or suggestions. Comments and suggestions were received from trade associations, state agencies, mobile home manufacturers, testing laboratories, and other interested parties.

Comments germane to the proposal were favorable. Some respondents suggested clarification and improvements in the text. A final rule was published on Friday, March 29, 1974 (39 FR 1152) and an effective date of April 29, 1974 was specified. It has been determined that administrative requirements necessitate a delay of six months in implementing the regulations. Therefore, the effective date of the regulations is amended as follows:

1. The April 29, 1974 effective date of the regulations is changed to read as follows:

"*Effective date.* This amendment is effective October 29, 1974."

• • • • •

(Sec. 7(d), 79 Stat. 670, (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, (12 U.S.C. 1703))

Dated at Washington, D.C., May 10, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.74–11267 Filed 5–15–74;8:46 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a) (2) and (3), 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations to increase the maximum allowable interest rates on new loans.

Sections 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations are being amended to increase the maximum interest rate on new guaranteed, insured and direct loans from 8½ to 8¾ percent. Section 36.4212(a) (2) and (3), Title 38 of the Code of Federal Regulations relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended to increase the maximum interest rate from 8½ to 8¾ percent, except for that portion of § 36.4212(a) (3) which relates to loans that do not exceed $2,500 made for site preparation to a lot owned by the veteran where no change is made. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The availability of mortgage funds from the private sector is dependent upon the interest rate being competitive with other available investments. Compliance with § 1.12 would create an acute shortage of mortgage funds pending the effective date of the amendments, which would necessarily be more than 60 days after it was published in proposed form.

1. In § 36.4212, paragraphs (a) (2) and (3) are amended to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima:

• • • • •

(2) 8¾ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8¾ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

• • • • •

2. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815, effective May 13, 1974, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8¾ per centum per annum on the unpaid principal balance.

• • • • •

3. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8¾ percent per annum.

• • • • •

These VA Regulations are effective May 13, 1974.

Approved: May 10, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–11268 Filed 5–15–74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revision for State of Massachusetts

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, the Administrator approved a plan implementing National Ambient Air Quality Standards for the State of Massachusetts. This publication contains the Administrator's approval of a revision to that plan.

On October 15, 1973 in a letter to the Governors of fourteen States, the Administrator advised that the responsible State agencies proceed quickly to devise and initiate plans to prevent, to the greatest degree possible, any detrimental air pollution effects that might result from a probable low sulfur fuel shortage during the coming winter months. The Administrator emphasized the need for States to undertake feasible energy conservation measures either prior to or concurrent with any variance requests in order to minimize the need for variances. Among the other measures recommended was the formulation, according to the anticipated degree of shortage, of a comprehensive variance plan for sulfur content in fuel regulations. Priorities for granting variances would be established which would encourage the distribution (or allocation) of available low sulfur fuel to areas where it would be most needed for the protection of public health. The Administrator described the procedures governing Governors' submissions of such variances to the Environmental Protection Agency for approval as implementation plan revisions. Criteria for approval would be as follows:

1. Compliance with expedited EPA procedural requirements.

2. A demonstration (a) that fuel with a sulfur content low enough to enable compliance with the applicable regulation is in fact unavailable to the source; (b) that the variance requires the use of the lowest sulfur content fuel that is available; and (c) that the time period involved reflects the reasonably predicted period of shortage.

3. A demonstration that low sulfur fuel that might have been available to the source involved (a) no longer is available, or (b) has been allocated or distributed to other sources deserving higher priority either because of air quality considerations, or because of a federally imposed allocation plan.

On November 5, 1973, the Massachusetts Bureau of Air Quality Control submitted as part of a comprehensive variance plan for the Administrator's approval a revision, Regulation 5.1.2(d) to the State Implementation Plan for the Commonwealth of Massachusetts that would allow the use of 2.2 percent sulfur residual fuel oil by sources rated at or above 250×10^6 BTU/hr until May 15, 1974, if certain conditions were met. This revision was approved on January 30, 1974 in the FEDERAL REGISTER (39 FR 3522) as a procedure for granting variances.

Between November 25, 1973 and February 2, 1974, a number of variances have been submitted which the Administrator has determined are in accordance with the criteria stated above, and are therefore in accordance with the procedural and substantive requirements of 40 CFR Part 51. Thirteen of these sources have demonstrated that conforming fuel is not available to them to meet their full requirements. It has also been demonstrated by Northeast Petroleum Corporation, the supplier of the full requirements of five of these sources and a portion of the requirements of four additional sources, that low sulfur fuel was not available to these sources. Information submitted by the State, corroborated by the Agency's own information, indicates that fuel allocation and redistribution measures cannot obviate the need for the revisions requested, either in the degree or in the time allowed. Accordingly, these revisions to the Massachusetts Implementation Plan are hereby approved.

The State's submittal is available for public inspection during normal business hours at the following addresses: Department of Public Health, Bureau of Air Quality Control, 600 Washington Street, Room 320, Boston, Massachusetts 02111, and EPA Region I Office of Public Affairs, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts 02203. In addition, EPA's evaluation of the State's submittal is available during normal business hours at the EPA address listed above.

The Agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making it effective immediately upon publication for the following reasons.

1. The emergency nature of the current fuel shortage requires that the affected source know immediately the fuel restrictions which are applicable to it so that it may make arrangements to obtain the appropriate fuel.

2. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal laws, which provided for an adequate public hearing and comment, and further participation would be impracticable.

(42 U.S.C. 1857c–5)

Dated: May 8, 1974.

JOHN QUARLES,
Acting Administrator, Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

SUBPART W—MASSACHUSETTS

1. Section 52.1125 is amended by adding new lines to the table in paragraph (b) as follows:

§ 52.1125 Compliance Schedules.

• • • • • •

(b) • • •

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
•	•	•	•	•	•
Boston Edison Co.	Weymouth, Boston.	5.1.2(d)	Nov. 20, 1973	Nov. 20, 1973	May 15, 1974
Brandeis University	Waltham	5.1.2(d)	Nov. 20, 1973	Nov. 20, 1973	Do.
Cambridge Electric	Cambridge	5.1.2(d)	Nov. 21, 1973	Nov. 21, 1973	Do.
Montaup Electric Co.	Somerset	5.1.2(d)	Nov. 29, 1973	Nov. 29, 1973	Do.
Massachusetts Bay Transportation Authority.	Boston	5.1.2(d)	Nov. 20, 1973	Nov. 20, 1973	Do.
Massachusetts Institute of Technology	Cambridge	5.1.2(d)	Nov. 21, 1973	Nov. 21, 1973	Do.
Revere Sugar Refinery	Charlestown	5.1.2(d)	do	do	Do.
Weyerhauser Co.	Fitchburg	5.1.2(d)	Nov. 20, 1973	Nov. 20, 1973	Do.
Wyman Gordon	Worcester	5.1.2(d)	Dec. 12, 1973	Dec. 12, 1973	Do.
Holyoke Water Power Co.	Holyoke	5.1.2(d)	Nov. 27, 1973	Nov. 27, 1973	Do.
New Bedford Gas & Edison Light Co.	New Bedford	5.1.2(d)	Nov. 15, 1973	Nov. 15, 1973	Do.
Canal Electric Co.	Sandwich	5.1.2(d)	Jan. 24, 1974	Jan. 24, 1974	Do.
American Optical Corp.	Southbridge	5.1.2(d)	Nov. 29, 1973	Nov. 29, 1973	Do.
Fitchburg Gas & Electric	Fitchburg	5.1.2(d)	Nov. 20, 1973	Nov. 20, 1973	Do.
A. C. Lawrence Leather Co.	Peabody	5.1.2(d)	Dec. 19, 1973	Dec. 19, 1973	Do.
Eastman Gelatine Corp.	Peabody	5.1.2(d)	Nov. 20, 1973	Nov. 20, 1973	Do.
Fitchburg Paper Co.	Fitchburg	5.1.2(d)	Nov. 29, 1973	Nov. 29, 1973	Do.
U.S.M. Corp. (for that portion supplied by Northeast Petroleum).	Beverly	5.1.2(d)	Nov. 20, 1973	Nov. 20, 1973	Do.
Monsanto Worcester St. (for that portion supplied by Northeast Petroleum).	Indian Orchard	5.1.2(d)	Nov. 21, 1973	Nov. 21, 1973	Do.
Uniroyal Tire Co. (for that portion supplied by Northeast Petroleum).	Chicopee	5.1.2(d)	do	do	Do.
General Electric (for that portion supplied by Northeast Petroleum).	Lynn	5.1.2(d)	Nov. 20, 1973	Nov. 20, 1973	Do.
General Electric	Pittsfield	5.1.2(d)	Nov. 21, 1973	Nov. 21, 1973	Do.

[FR Doc.74-11132 Filed 5-15-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revision for State of Massachusetts

On May 31, 1972 (37 FR 10842), Pursuant to Section 110 of the Clean Air Act, the Administrator approved a plan implementing National Ambient Air Quality Standards for the State of Massachusetts. This publication contains the Administrator's approval of a revision to that plan.

On October 15, 1973, in a letter to the Governors of fourteen States, the Administrator advised that the responsible State agencies proceed quickly to devise and initiate plans to prevent, to the greatest degree possible, any detrimental air pollution effects that might result from a probable low sulfur fuel shortage during the coming winter months. The Administrator emphasized the need for States to undertake feasible energy conservation measures either prior to or concurrent with any variance requests in order to minimize the need for variances. Among the other measures recommended was the formulation, according to the anticipated degree of shortage, of a comprehensive variance plan for sulfur content in fuel regulations. Priorities for granting variances would be established which would encourage the distribution (or allocation) of available low sulfur fuel to areas where it would be most needed for the protection of public health. The Administrator described the procedures governing Governors submissions of such variances to the Environmental Protection Agency for approval as implementation plan revisions. Criteria for approval would be as follows:

1. Compliance with EPA procedural requirements.

2. A demonstration (a) that fuel with a sulfur content low enough to enable compliance with the applicable regulation is in fact unavailable to the source, (b) that the variance requires the use of the lowest sulfur content fuel that is available, and (c) that the time period involved reflects the reasonably predicted period of shortage.

3. A demonstration that low sulfur fuel that might have been available to the source involved (a) no longer is available, or (b) has been allocated or distributed to other sources deserving higher priority either because of air quality considerations, or because of a federally imposed allocation plan.

On November 21, 1973, the Massachusetts Bureau of Air Quality Control, after notice and public hearing, submitted for the Administrator's approval a revision to Regulation 5.1.2 of the State Implementation Plan for the Metropolitan Boston and Southeastern Massachusetts Air Pollution Control Districts that would allow the use of up to 2.6 percent sulfur residual oil by the New England Power Company plants in Salem and Somerset from January 1, 1974 until October 1, 1974. This approval was contingent upon the plants being able to store a three day supply of conforming fuel and being able to switch to it within six hours of being notified to do so by the Department.

After a careful evaluation of the State's submittal, the Administrator has determined that the submittal is in accordance with the criteria stated above, and is therefore in accordance with the procedural and substantive requirements of 40 CFR Part 51. Information submitted by the State, corroborated by the Agency's own information, indicates that fuel allocation and redistribution measures cannot obviate the need for the revision requested, either in the degree or in the time allowed. Although the National Primary Ambient Air Quality Standards may be exceeded at Brayton Point, it appears that denial of this variance request would jeopardize the continuance of an essential public service. The Administrator is not at this time specifically approving or disapproving the requirement that sources store conforming fuel and switch to it as directed by the State agency. This has not been submitted as a means of attainment or maintenance of a national standard but as a means of the best utilization of available low sulfur fuel supplies during the present fuel shortage. Accordingly, the revision to allow New England Power Company to burn up to 2.6 percent sulfur residual oil at Salem Harbor and in Units 1, 2, and 3 of its Brayton Point Station is hereby approved with the above exception and subject to the following conditions in addition to those imposed by the Commonwealth.

1. That the variance be limited to the period January 1, 1974 to May 15, 1974. An extension to October 1, 1974 will be considered if an adequate demonstration of need is presented;

2. That the Company establish an ambient air quality monitoring system at its Brayton Point facility, approved by both the Massachusetts Department of Public Health and the Environmental Protection Agency. The location of the monitors, the method of measurement and frequency of sampling, and timetable for installation must be approved prior to installation. The data obtained from this system shall be supplied to the State of Massachusetts either continuously by interfacing with the State Ambient Air Quality System or in a form and on a schedule which is approved by both EPA and the State. The Company expressed its willingness to establish such a system as part of their application for the variance. This would be similar to the system already operating at the Salem Harbor facility;

3. That the State make all reasonable efforts to ensure that any sulfur fuel oil freed up by such action be redistributed to sources based on the priorities established by the State Contingency Plan;

4. That the Company report to the State on the first day of each month on the quantity, source of supply and sulfur content of all fuel purchased or delivered during the preceding month;

5. That the Company make every reasonable effort to acquire fuels with the lowest sulfur content available in accordance with the Massachusetts Contingency Plan.

The Agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making it effective immediately upon publication for the following reasons.

1. The emergency nature of the current fuel shortage requires that the affected source know immediately the fuel restrictions which are applicable to it so that it may make arrangements to obtain the appropriate fuel.

2. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal laws, which provided for an adequate

public hearing and comment, and further participation would be impracticable.

(42 U.S.C. 1857c-5)

Dated: May 9, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1125 is amended by adding new lines to the table in paragraph (b) as follows:

§ 52.1125 Compliance Schedules.

(b) • • •

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
•	•	•	•	•	•
New England Power Co.	Brayton Point Station, Somerset.	5.1.2	Nov. 13, 1973	Jan. 1, 1974	May 15, 1974
	Salem Harbor Station, Salem	5.1.2	do	do	Do.

[FR Doc.74-11276 Filed 5-15-74;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Phosalone

A petition (PP 3F1337) was filed by Rhodia Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl) - 2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodity potatoes at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by proposing a tolerance for residues of phosalone in the meat, fat, and meat byproducts of goats, hogs, horses, and sheep at 0.25 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, milk, or poultry, and § 180.6(a)(3) applies.

3. The proposed tolerance of 0.25 part per million is adequate to cover residues in meat, fat, and meat byproducts of goats, hogs, horses, and sheep; and the established tolerance of 0.25 part per million for residues in meat, fat and meat byproducts of cattle is adequate to cover residues resulting from the proposed and established uses.

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.263 is amended by revising the paragraphs "0.25 part per million • • •" and "0.1 part per million • • •", as follows:

§ 180.263 Phosalone; tolerances for residues.

• • • • • •

0.25 part per million in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

• • • • • •

0.1 part per million (negligible residue) in or on almonds and potatoes.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before June 17, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on May 16, 1974.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: May 10, 1974.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.74-11271 Filed 5-15-74;8:45 am]

Title 47—Telecommunication
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19622]

PART 73—RADIO BROADCAST SERVICES

Prime Time Access Rule; Correction

In the matter of consideration of the operation of, and possible changes in, the prime time access rule (§ 73.658(k) of the Commission's rules).

1. On May 2, 1974, the Commission released its Memorandum Opinion and Order in Docket No. 19622 (FCC 74-458) (39 FR 16353) denying three petitions for reconsideration of its Report and Order in that proceeding released February 6, 1974 (FCC 74-80). In the Memorandum Opinion and Order, certain material which should have been included in it was inadvertently omitted. This consists of additional material at the end of paragraph 22 of that document (page 13 of the document as released), summarizing the arguments of NBC and CBS in opposition to one of the petitions for reconsideration. The omitted language, which is to be added to the third sentence of paragraph 22 of the Memorandum Opinion and Order, is as follows:

news-documentary or children's programming from 7 to 8 p.m. E.T. on most Saturdays. The CBS opposition asserts that the Frank petition advances nothing new which could provide basis for change, and that the decision, while it could be more explicit, represents a reasonable balancing of competing interests. CBS claims that the changes merely require access-period programs to compete for time to a greater extent, by not fencing out competition to the same degree as before, and that Frank's asserted "first principles" are not the only principles which the Commission should consider.

Released: May 6, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-11304 Filed 5-15-74;8:45 am]

PART 73—RADIO BROADCAST SERVICES

Standard Operating Procedures

MAY 13, 1974.

To avoid possible confusion with respect to § 73.911 of the FCC rules [the current version effective March 15, 1974 (39 FR 3902) was published prior to the version which was in effect between January 1, 1974 and March 15, 1974 (39 FR 14710)] the text of that rule as it is presently in effect is recapped as follows:

§ 73.911 Standard Operating Procedures (SOP's).

The SOP's contain detailed operational instructions which are used for activating, terminating and testing the National-Level EBS. They are issued by the FCC to specified control points of the national Radio and Television Broadcast Networks (ABC, CBS, MBS, NBC, NPR, UPI-Audio, ABC-TV, CBS-TV, NBC-TV and PBS), the American Telephone and Telegraph Company (AT&T), the Associated Press (AP) and the United Press International (UPI).

(a) *SOP-1, EBS Activation and Termination Procedures.* This SOP contains the detailed operational and authentication procedures for activation, operation, and termination of the EBS in response to an actual National emergency situation.

(b) *SOP-2, EBS Test Transmissions.* This SOP contains the detailed opera-

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tional and authentication procedures for testing the EBS.

(c) *SOP–3, EBS Backup Procedures.* This SOP contains the detailed operational and authentication procedures to be used in event the procedures in SOP–1 cannot function.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–11302 Filed 5–15–74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55 (Sub-No. 8)]

PART 1065—GATEWAYS AND TACKING—IRREGULAR ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Motor Common Carriers of Property, Routes and Service

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of May, 1974.

In the matter of petition for the elimination of gateways by rulemaking.

It appearing, that by report (119 M.C.C. 530) and order entered February 15, 1974, in the above-entitled proceeding, the Commission adopted certain regulations providing for the future elimination of all circuitous gateway operations (with certain exceptions) in the public interest, and establishing certain procedures by which motor common carriers operating through gateways might obtain permission to avoid their currently authorized gateways; that the procedures so established provide for the submission of letter-notices [49 CFR 1065.1(d)(1)] on or before May 15, 1974, where the 80-percent requirements of 49 CFR 1065.1(a) are met, and the filing of OP–OR–9 gateway elimination applications [49 CFR 1065.1(d)(2)] where such requirements are not satisfied or where the letter-notices submitted under 49 CFR 1065.1(d)(1) become too complex for prompt and effective resolution, on or before June 4, 1974; and that certain petitions for reconsideration and reopening of the proceeding were denied by order entered April 4, 1974;

It further appearing, that by order entered May 3, 1974, in the above-entitled proceeding, the Commission denied the petitions of (1) Heavy-Specialized Carriers Conference of the American Trucking Associations, Inc., (2) Common Carrier Conference-Irregular Route, and (3) Motor Carrier Lawyers Association, each seeking modification of the regulations so as to postpone the filing dates prescribed therein;

It further appearing, that by petitions of (1) Machinery Haulers Association, filed May 3, 1974, (2) Miller Transporters, Inc., filed May 6, 1974, (3) Associated Motor Carriers Tariff Bureau, Inc., Highway Tariff Bureau, filed May 6, 1974, (4) Oil Field Haulers Conference of American Trucking Associations, Inc., filed May 6, 1974, (5) Groendyke Transport, Inc., filed May 7, 1974, (6) Beaver Transport Company, et al., filed May 7, 1974, and (7) North American Van Lines, Inc., filed May 9, 1974, similar modification of the regulations (49 CFR 1065) adopted in the above-entitled proceeding is requested;

It further appearing, that the purpose underlying the fixing of May 15, 1974, as the date on or before which letter-notices might be submitted under the considered regulations was to encourage, in the interests of economy and fuel conservation, the prompt submission of such letter-notices in order to result in the earliest and greatest possible savings in the consumption and use of the Nation's critical energy reserves; that numerous such submissions have already been received by the Commission (and many more will undoubtedly be submitted on or before May 15, 1974), but that a number of motor common carriers operating over irregular routes through gateways have requested a short additional delay in the time within which to prepare and submit such letter-notices; and that the essential public goals sought to be achieved by the Commission's gateway elimination regulations may best be attained by modifying the said regulations so as to enable the submission of *either* letter-notices *or* OP–OR–9 gateway elimination applications on or before June 4, 1974, the date now fixed for the filing of the latter applications; and good cause appearing therefor:

It is ordered, That paragraph (iii) of 49 CFR 1065.1(d)(1) be, and it is hereby, modified by the deletion of the date (May 15, 1974) appearing therein, and the insertion in lieu thereof of the date "June 4, 1974."

It is further ordered, That this order shall become effective on the date hereof.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(49 U.S.C. 301, 302, 304, and 308, 5 U.S.C. 553 and 559.)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11316 Filed 5–15–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Charles M. Russell National Wildlife Range, Mont.

The following special regulation is issued and is effective on May 16, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, pole and set lines on the Charles M. Russell National Wildlife Range, Montana is permitted year-round on all waters of the Missouri and Musselshell Rivers and the Fort Peck Reservoir. These fishing areas, comprising 250,000 acres, are delineated on maps available at refuge headquarters in Lewistown, Montana and from the area office headquarters, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, MT 59102. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33.

LARRY L. CALVERT,
Refuge Manager.

MAY 3, 1974.

[FR Doc.74–11248 Filed 5–15–74;8:45 am]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on May 16, 1974. Proper notice has not been given due to administrative difficulty.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

(1) Refuge areas shall be closed to the taking of fish from March 25, 1974 thru May 3, 1974. Refuge areas shall be open to the taking of fish from May 4, 1974 thru March 23, 1975. Boat fishing shall be permitted only from May 4, 1974 thru September 30, 1974.

(2) The use of once frozen smelt, perch eyes and commercially pickled minnows is permitted.

(3) One outboard motor of not more than 10 horsepower may be attached to any boat or floating craft and is to be

used for fishing purposes only. Speed limit on the Souris River above the Mouse River Park not to exceed five miles per hour.

(4) Fish houses and vehicles will not be permitted on river areas below the Lake Darling dam.

(5) Operation of snowmobiles within the refuge boundaries is prohibited.

(6) Refuge is open to public use between the hours of 5:00 a.m. to 10:00 p.m. daily.

(7) Fish houses must be removed from the refuge no later than March 2, 1975.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 23, 1975.

DON R. PERKUCHIN,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, North Dakota.

MAY 9, 1974.

[FR Doc.74–11249 Filed 5–15–74;8:45 am]

PART 33—SPORT FISHING

National Elk Refuge

The following special regulation is issued and is effective on May 16, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyoming is permitted only on the areas designated by State fishing orders as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyoming and from the Area Manager, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, Montana 59102. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Use of boats or other floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth 50 CFR, Part 33, and are effective through October 31, 1974.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyoming.

MAY 8, 1974.

[FR Doc.74–11250 Filed 5–15–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 133, 141]

TRADEMARKS, TRADE NAMES, AND COPYRIGHTS AND ENTRY OF MERCHANDISE

Invoices Accompanying Shipments of Books; Extension of Time

Correction

In FR Doc. 74–10987 appearing on page 17105 of the issue for Monday, May 13, 1974, in the last line, the comment closing date, reading "May 3, 1974", should read "May 31, 1974".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF LANDS ACT

Geological and Geophysical Data Submission Disclosure

CROSS REFERENCE: For a document issued jointly by the Geological Survey, Department of the Interior, and the Bureau of Land Management, see FR Doc. 74–11228, infra.

Geological Survey

[30 CFR Part 250]

OUTER CONTINENTAL SHELF LANDS ACT

Geological and Geophysical Data Submission Disclosure

CROSS REFERENCE: For a document issued jointly by the Geological Survey, the Department of the Interior, and the Bureau of Land Management, see FR Doc. 74–11228, infra.

Office of the Secretary

[30 CFR Part 250]

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF LANDS ACT

Geological and Geophysical Data Submission and Disclosure

The Department of the Interior is considering amending the regulations issued pursuant to the Outer Continental Shelf Lands Act (OCS Act) (43 U.S.C. 1331–1343) with the objective of imposing new requirements with respect to geological and geophysical exploration under permits and pursuant to leases on the Outer Continental Shelf and the disclosure of information and data obtained by such exploration. It is believed that the submission of such data to the Geological Survey and the disclosure of such information to the Public will serve the public interest, conserve natural resources, encourage competitive bidding, and assure the receipt of a fair market value for Federal resources. To that purpose the Department has under consideration the amendment of 30 CFR Part 250 and 43 CFR Part 3300; a draft of such regulations is set forth below.

A public hearing will be held in the Auditorium, Department of the Interior, Washington, D.C., beginning at 10 a.m., Monday, July 15, 1974, and continuing, if necessary, through July 16, 1974. Requests to appear at the hearing should be submitted to the Director, Geological Survey, National Headquarters Center, U.S. Geological Survey, Reston, Virginia 22092, by July 8, 1974. A notice announcing procedures to be followed at the hearing and information which must be filed with the requests to appear will be published in the FEDERAL REGISTER on May 31, 1974. Written comments, including suggested modifications of, or amendments to, the draft regulations or alternative proposals, should be submitted to the Director, Geological Survey by the close of business July 8, 1974. The purpose of requesting such comments prior to the hearing is to assist the Department in the conduct of the hearing. Written comments may be submitted to the same officer after the hearing and will be received until the close of business on Friday, August 23, 1974.

At the hearing and in the written comments the Department particularly wishes to receive both comments on the draft regulations and recommendations as to alternative methods of achieving these objectives. After all comments and recommendations have been received and studied the Department will publish a proposed regulation for comment.

The draft amendments of 30 CFR Part 250 and 43 CFR Part 3300 are as follows:

1. In § 250.38 the heading is revised, paragraph (g) is redesignated paragraph (h) and a new paragraph (g) is added as follows:

§ 250.38 Records from geological and geophysical surveys and well operations.

* * * * *

(g) Upon request by the Supervisor the lessee shall make available to the Supervisor all data obtained in any geophysical exploration on the lease and the processed information derived from such data with extraneous signals and interference removed, in a format and quality suitable for interpretative evaluation, reflecting state-of-the-art processing techniques, including: (1) common-depth-point seismic data, (2) high resolution data, including those from shallow and deep subbottom profilers, bathymetry, side scan sonars, magnetometers and bottom profilers, (3) gravity and magnetic data and (4) data from special studies such as refraction surveys, velocity surveys and domal confiuration studies.

2. Section 250.70 is added to read as follows:

* * * * *

§ 250.70 Geological and geophysical exploration permits.

Any agency of the United States or any person wishing to conduct geological or geophysical explorations on the Outer Continental Shelf must obtain a permit for such exploration from the Supervisor. The Supervisor may issue such a permit upon receiving a proper application and upon finding that such exploration will not interfere with or endanger actual operations under any lease maintained or granted pursuant to the Outer Continental Shelf Lands Act and that such exploration will not be unduly harmful to aquatic life in such area. The application for an exploration permit shall be on a form approved by the Director, Geological Survey, and contain at a minimum the following information: (1) type of exploration to be conducted, (2) manner in which the exploration will be conducted. (3) location on the Outer Continental Shelf where the exploration will be conducted, (4) purpose of conducting such exploration, (5) the format in which the data collected will be represented, and (6) the dates on which the exploration will be commenced and completed.

3. Section 250.71 is added to read as follows:

§ 250.71 Geological Exploration.

The following geological data and processed information when acquired under any geological and geophysical exploration permit approved by the Supervisor, shall be made available to the Supervisor within 30 days after the collection of the data: *Provided, however,* That any data and processed information obtained during geological explorations depicting environmental hazards or hydrocarbon shows or both shall be made available to the Supervisor immediately upon collection:

(a) Accurate and complete records of all geological and geochemical data resulting from each drilling operation;

(b) Paleontological reports identifying microscopic fossils by depth (not resulting age interpretations based upon such identification) unless washed samples are maintained by the permittee for paleontological determination and are made available for inspection by the Geological Survey;

(c) Copies of logs or charts of electrical, radioactive, sonic, and other well logging operations;

(d) Analyses of cores or bottom samples or a representative cut or split of the core or bottom sample;

(e) Detailed descriptions of any hydrocarbon shows or hazardous conditions encountered during operations, including near losses of well control, abnormal geopressures, and losses of circulation; and

(f) Such other geological and geochemical data and processed information to be obtained under the permit as may be specified by the Supervisor.

4. Section 250.72 is added to read as follows:

§ 250.72 Geophysical Exploration.

The following geophysical data and processed information when acquired under any geological and geophysical exploration permit approved by the supervisor shall be made available to the Supervisor within 30 days after collection: *Provided, however,* That any data and processed information obtained during geophysical explorations depicting environmental hazards or hydrocarbon shows or both shall be made available to the Supervisor immediately upon collection:

(a) Accurate and complete records of each geophysical survey conducted under exploration permit, including final location maps of all survey stations; and

(b) All data developed under any exploration permit and the processed information derived therefrom with extraneous signals and interference removed, in a format and quality suitable for interpretative evaluation, reflecting state-of-the-art processing techniques, including

(1) Common-depth-point seismic data,

(2) High resolution data, including those from shallow and deep sub-bottom profilers, bathymetry, side scan sonars, magnetometers and bottom profilers,

(3) Gravity and magnetic data, and

(4) Data from special studies such as from refraction surveys, velocity surveys and domal configuration studies.

5. Section 250.73 is added to read as follows:

§ 250.73 Terms and Conditions of Permits.

Geological and geophysical exploration permits issued by the Supervisor shall be subject to such terms and conditions as he may determine to be necessary and proper including but not by way of limitation, terms and conditions to:

(1) Avoid interfering with or endangering actual operations under any lease maintained or granted pursuant to the OCS Act,

(2) Prevent undue harm to aquatic life in the area of the geological or geophysical explorations; and

(3) Provide for the means by which data will be collected, the format by which the data will be represented, and the manner in which it will be made available to the public pursuant to 30 CFR 250.97.

6. Section 250.74 is added to read as follows:

§ 250.74 Reservation of Right.

As a condition of the right to conduct geological and geophysical explorations on the Outer Continental Shelf under a permit approved by the Supervisor the Supervisor may at his discretion require that an employee of the Geological Survey be present at any or all times during which geological and geophysical explorations are being conducted pursuant to an approved permit.

7. Section 250.97 is revised to read as follows:

§ 250.97 Public availability of records.

(a) Geological and geophysical interpretations, maps, data and processed information relating to the submerged lands of the Outer Continental Shelf obtained prior to January 1, 1975, pursuant to exploration permits or under leases and required to be submitted to the Supervisor under this Part or 43 CFR Part 3300 shall not be made available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the Supervisor determines that release of such information is required and necessary for the proper development of a field or area: *Provided, however,* That data and processed information depicting environmental hazards shall be made public immediately.

(b) Geological and geophysical interpretation, maps, data and processed information relating to submerged lands on the Outer Continental Shelf obtained after January 1, 1975, pursuant to exploration permits or under leases and required to be submitted to the Supervisor under this Part or 43 CFR Part 3300 shall be made available for public inspection, if relating to submerged lands which have been leased, 60 days after the data and processed information were obtained or, if relating to submerged lands which have not been leased, ten years after the data and processed information were obtained, or after the issuance of a lease, whichever is sooner: *Provided, however,* That data and processed information obtained under exploration permits depicting hydrocarbon shows may be made public immediately when judged to be significant by the Director. *And provided further,* That data and processed information depicting environmental hazards shall be made public immediately.

8. It is proposed to amend to 43 CFR Part 3300 by adding paragraph (e) to section 3300.1:

§ 3300.1 Persons qualified to hold leases.

* * * * *

(e) In order for any person to be a qualified bidder pursuant to the requirements of section 8(a) of the OCS Act, at any outer Continental Shelf lease sale to be held after January 1, 1975, that person must have made available to the Supervisor within 120 days after the call for nominations for that sale is published in the FEDERAL REGISTER all geological and geophysical data and processed information of the following specified types obtained by that person at any time after August 7, 1953, within that area defined by the call for nominations

(1) *Geological:* (a) Structural interpretations based on available geological and geophysical data of the type which would be submitted with an application for approval of an exploratory drilling program pursuant to 30 CFR 250.34(a), (b) accurate and complete records of drilling, logging, directional well surveys, perforations, formations penetrated, the content and character of oil, gas, and other mineral deposits and water in each formation, and any other pertinent geologic and geophysical information, (c) paleontological reports identifying microscopic fossils by depths (not the resulting age interpretations based upon such identifications) unless washed well samples normally maintained by the lessee for paleontological determinations are made available for inspection, (d) copies of logs or charts of electrical, radioactive, sonic and other well logging operations and directional well surveys, (e) copies of reports on cementing, perforating, acidizing, analyses of cores or similar services, and (f) any other geological reports and records of operations when required and in the manner and form prescribed by the Supervisor;

(2) *Geophysical:* (a) Accurate and complete records of each geophysical survey conducted within the area defined within the call for nominations for that sale including final location maps of all survey stations, (b) all data developed in any geophysical exploration and the processed information derived from that data with extraneous signals and interference removed, in a format and quality suitable for interpretative evaluation, reflecting state-of-the-art processing techniques, including: (1) Common-depth-point seismic data, (2) high resolution data, including those from shallow and deep sub-bottom profilers, bathymetry, side scan sonars, magnetometers and bottom profilers, (3) gravity and magnetic data and (4) data from special studies such as refraction surveys, velocity surveys and domal configuration studies.

Dated: May 10, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

[FR Doc.74–11228 Filed 5–15–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

METHADONE

Multiple Enrollment Prevention

Section 310.505(e)(3) (21 CFR 310.505(e)(3)), formerly § 130.44,(e)(3) of

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Part 130, recodified in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680), was promulgated in contemplation of the development of an identification system, one of the purposes of which would be to indicate when a drug abuse patient was simultaneously enrolled in two or more methadone programs. No Federal system has thus far been developed, and to the extent that multiple enrollment has been a problem, it has been dealt with on a local basis. The present requirement of an agreement to participate in a patient identification system designated and approved by the Food and Drug Administration therefore serves no useful purpose, and has been the source of some confusion.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–1053, as amended, 1055; 21 U.S.C. 355, 371(a)), section 303(a) of the Public Health Service Act as amended (sec. 303, 60 Stat. 423, as amended; 42 U.S.C. 242a(a)), and section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241; 42 U.S.C. 257a), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 310.505 *Conditions for use of Methadone* be amended by deleting paragraph (e)(3).

Interested persons may, on or before June 17, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 13, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11390 Filed 5–15–74;8:45 am]

[21 CFR Part 310]

ORAL CONTRACEPTIVE PATIENT LABELING

Proposed Venereal Disease Warning Statement; Correction

In FR Doc. 74–9015 appearing at page 13972 in the issue of Friday, April 19, 1974, the last sentence of the first paragraph under the center headings of § 310.501(a)(4) reading "The most serious side effect is abnormal blood clotting which can be fatal." is corrected to read "The most serious known side effect is abnormal blood clotting which can be fatal."

Dated: May 10, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11258 Filed 5–15–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1928]

[S–74–2]

AGRICULTURAL TRACTORS

Roll-Over Protective Structures; Proposed Safety and Health Standards

On February 4, 1974, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, a proposal was published in the FEDERAL REGISTER (39 FR 4536) to amend Chapter XVII of Title 29 of the Code of Federal Regulations by adding a new Part 1928 to contain a new occupational safety and health standard for roll-over protective structures (ROPS) for agricultural tractors.

In accordance with the provisions of the proposal, and with the notice which appeared in the FEDERAL REGISTER (39 FR 8633) extending the period for receiving written comments, numerous written comments were received as well as requests for informal hearings. The main objections to the proposal were that no ROPS standard is needed; that use of ROPS in low clearance applications such as orchards and farm buildings is infeasible; that use of ROPS in the vicinity of drainage canals would be more dangerous than helpful, due to a drowning hazard; that track-type vehicles present little danger of rolling over and should be exempted from any ROPS standard; that some of the labelling requirements in the proposal are unnecessary and burdensome; and that more time is needed for manufacturers to prepare ROPS production than is allowed in the proposal.

Accordingly, pursuant to section 6(b)(3) of the Act and 29 CFR Part 1911, I have directed that four hearings be held concerning these objections. Oral data, views, and arguments will be heard before an administrative law judge or judges to be designated for this purpose on the following issues:

(1) Whether the proposed ROPS standard is reasonably necessary or appropriate to provide a safe place of employment;

(2) Whether the proposed ROPS standard is feasible for tractors used in low clearance situations, such as orchards;

(3) Whether the proposed ROPS if used in the vicinity of drainage canals, would present a hazard rather than assure employee safety;

(4) Whether the labelling requirements in proposed § 1928.51(d) are reasonably necessary for safety purposes;

(5) Whether track-type vehicles should be exempted from the proposed ROPS standard; and

(6) What would be a nappropriate effective date for compliance with the proposed ROPS standard.

A prehearing conference, commencing at 9:30 a.m. local time, will be held before each hearing, in order to establish the order and time for the presentation of statements and settle any other procedural matters relating to the proceeding. The hearings will be held as follows:

June 11, 1974—Chinook Motel and Tower, South 4th Street and East Yakima Avenue, Yakima, Washington.

June 13, 1974—Palmer House, 5th Floor (The Club Room-Private Room 18), 17 East Monroe Street, Chicago, Illinois.

June 18, 1974—Tallahassee Federal Savings and Loan, 440 North Monroe Street, Tallahassee, Florida.

June 20, 1974—Council Chamber, Room 500, District Building, 14th and E Streets, NW., Washington, D.C.

Interested persons wishing to appear at any one of the listed hearings must file a written notice of intention to appear, together with two copies, no later than June 3, 1974. Such requests should be addressed to J. Goodell, Occupational Safety and Health Administration, Room 200, 1726 M Street NW., U.S. Department of Labor, Washington, D.C. 20210. The notice must state the name and address of the person wishing to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken in regard to the issues specified above, and the evidence to be adduced in support of this position. No interested person shall be permitted to testify at more than one hearing.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. All documents that are intended to be submitted should be submitted in triplicate (original and two copies).

The administrative law judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the proceeding;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to the issues specified in this notice;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to permit cross-examination of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written recommendations, and supporting reasons, and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearings, the presiding administrative law judge shall certify the entire record of the hearings to the Assistant Secretary of Labor for Occupational Safety and Health.

Upon consideration of the record of the hearings, and any written data, views, or arguments received in response to the notice of proposed rulemaking of February 4, 1974, a determination may be made to adopt the proposal with or without changes or to withdraw the proposal.

Signed at Washington, D.C., this 15th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–11437 Filed 5–15–74;10:09 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 122]

THERMAL DISCHARGES

Proposed Procedures for the Imposition of Alternative Effluent Limitations; Extension of Time for Comments

On March 28, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking establishing the procedures and standards for imposition of alternative effluent limitations on thermal discharges, pursuant to section 316(a) of the Federal Water Pollution Control Act, 33 USC 1251, 1326(a) (39 FR 11434). The due date for comments provided in the notice was May 28, 1974.

EPA established a 60-day comment period on this regulation so that the time for submission of comments would be approximately conterminous with that for the proposed effluent limitations guidelines and standards of performance for the steam electric power generating point source category (39 FR 8294).

On April 18, 1974, the United States District Court for the District of Columbia modified its previous order which required the Agency to promulgate final effluent limitations guidelines for the steam power generating category no later than July 30, 1974. As modified, the Court's order extends the time by which that regulation must be promulgated until August 26, 1974. The Agency has determined to extend the time for public comment on the proposed steam electric guidelines and standards until June 26, 1974, because of delays in the publication of certain supporting documents.

EPA recognizes the relationship between the proposed regulation implementing section 316(a) and the proposed steam electric guidelines and standards and considers it desirable that the public be afforded the opportunity to comment on both regulations in conjunction. Accordingly, the date for submission of comments is hereby extended to and including June 26, 1974.

ROBERT V. ZENER,
Acting Assistant Administrator for Enforcement and General Counsel.

MAY 10, 1974.

[FR Doc.74–11275 Filed 5–15–74;8:45 am]

[40 CFR Part 423]

STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines and Standards; Extension of Time for Comment

On March 4, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, et seq. (39 FR 8294; corrected 39 FR 9551, 11930). The proposed regulation establishes effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the steam electric generating point source category. The due date for comments provided in the Notice was June 3, 1974.

EPA anticipated that the "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Steam Electric Power Generating Point Source Category" are the supplementary report entitled "Economic Analysis of Proposed Effluent Limitation Guidelines for the Steam Electric Power Industry," which contain information pertinent to the proposed regulation, would be available to the public throughout the comment period. Production difficulties have delayed the publication of these reports. Advance copies of both documents were, however, made available in the Agency's Information Center approximately March 28, 1974. Final copies of the development document and the economic analysis are now available and are being distributed.

The Agency is subject to a Federal court order which requires promulgation of effluent limitations guidelines for the steam electric power category by July 30, 1974 and that a 60 day period for consideration of public comments precede promulgation. Accordingly, the Agency was unable to grant requests for extension of time for public comment until authorized to do so by the court.

On April 18, 1974, on motion of Allegheny Power System, Inc. and other utility companies, the Federal District Court for the District of Columbia did modify its previous orders, extending the date by which guidelines for this category are to be published until August 26, 1974. (NRDC v. Train, Civ. No. 1609–73)

Accordingly, the date for submission of comments is hereby extended to and including June 26, 1974.

Dated: May 9, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–11270 Filed 5–15–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 421]

INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION

Determination To Increase Security Supporting Assistance

MAY 6, 1974.

Pursuant to the provisions of section 653(a) of the Foreign Assistance Act of 1961, as amended, and by the virtue of the authority vested in me by section 101 of Executive Order 10973, as amended, I hereby determine that it is in the security interests of the United States that the International Commission of Control and Supervision receive $4 million in Security Supporting assistance during Fiscal Year 1974.

This determination shall be reported to the Congress immediately and no funds shall be provided to the International Commission of Control and Supervision pursuant to this determination until ten days after such report has been made.

This determination shall be published in the FEDERAL REGISTER.

[SEAL] KENNETH RUSH,
Acting Secretary of State.

[FR Doc.74-11252 Filed 5-15-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ARMY AND AIR FORCE EXCHANGE AND MOTION PICTURE SERVICES CIVILIAN ADVISORY COMMITTEE

Notice of Meeting

MAY 7, 1974.

The Civilian Advisory Committee to the Board of Directors, Army and Air Force Exchange and Motion Picture Services, will hold a closed meeting on June 5, 1974 at Headquarters, Army and Air Force Exchange Service, Dallas, Texas 75222.

The purpose of the meeting is to furnish commercial and financial information and advice of a privileged or confidential nature to the Board of Directors on one or more matters under consideration by the Board.

Any persons desiring information about the committee may telephone (202–697–3336) or write the Executive Secretary, Board of Directors, Army and Air Force Exchange and Motion Picture Services, Room 5E479, The Pentagon, Washington, D.C. 20310.

HARLAN W. TUCKER,
Colonel, USA,
Executive Secretary, AAFEMPS.

[FR Doc.74-10904 Filed 5-15-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

GEOTHERMAL LEASE SALE

Notice of Competitive Bids; Oregon

MAY 10, 1974.

The following notice describes certain lands to be offered for competitive lease sale in the Vale Known Geothermal Resources Area, located in Malheur County, Oregon. Sealed bonus bids must be received on or before 10 a.m. on June 27, 1974, at the State Office of the Bureau of Land Management, in Portland, Oregon. Lease forms, stipulations, and optional bid forms are available through the office of the State Director, Bureau of Land Management, P.O. Box 2965 (729 N.E. Oregon St.), Portland, Oregon 97208.

NOTICE OF GEOTHERMAL LEASE SALE

VALE KGRA

U.S. DEPARTMENT OF THE INTERIOR, Bureau of Land Management, State Office, Portland, Oregon, May 10, 1974. Notice is hereby given that a leasing unit of land containing 1,347.17 acres within the Vale Known Geothermal Resources Area, in Malheur County, Oregon, is offered for geothermal leasing through SEALED BIDS on the terms hereinafter specified, to the responsible qualified bidder of the highest cash bonus for the privilege of leasing said unit, pursuant to the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025), and the regulations promulgated thereunder (43 CFR Group 3200). All bids must be submitted to the State Director, Bureau of Land Management, P.O. Box 2965 (729 N.E. Oregon Street), Portland, Oregon 97208, before 10:00 AM, June 27, 1974; if by mail to P.O. Box 2965, or in person to Room 100. Bids will be opened and read at that time in the Conference Room (7216), in accordance with 43 CFR 3200.6(a). Bids may not be modified or withdrawn unless the modification or withdrawal is received prior to the time fixed for opening of bids. No bids received after the hour specified herein will be considered. The government reserves the right to reject any and all bids. Each bidder must submit with each bid a certified or cashier's check, bank draft, or money order made payable to the Bureau of Land Management, or cash, in the amount of one-half of the amount of bid, and proof of qualifications, as required by the regulations 43 CFR Group 3200. The envelope in which the bid is submitted must be plainly marked that it is not to be opened before the date and hour set herein, and must show that it is for the Vale KGRA lease sale. Before issuance of a lease the successful bidder must pay the remainder of the bonus, plus the first year's annual rental. In addition, the successful bidder must furnish an acceptable lease compliance surety bond in the sum of not less than $10,000, together with a proposed plan of operation, as required by 43 CFR 3210.2-1(d) before issuance of a lease. (The successful bidder may furnish a bond in the amount of not less than $150,000 for full nationwide coverage for all of said bidder's geothermal leases, or not less than $50,000 for coverage of all of said bidder's federal geothermal leases in the State of Oregon.) The deposits of the other bidders will be returned upon acceptance of the successful bid. Bidders are warned against violation of Section 1860, Title 18, U.S. Code, prohibiting unlawful combination or intimidation of bidders. Any bonus bid considered as inadequate on the basis of the estimated value of the lease unit will be rejected. Royalties payable to the United States will be at the rate of: (a) 10 percent of the amount or value of steam or any other form of heat or energy derived from production; (b) 5 percent of the value of any by-product derived from production under the lease; except that as to any by-product which is a mineral named in Sec. 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 USC 181), the royalty for such mineral shall be the same as provided in that Act; (c) 5 percent of the value of commercially demineralized water sold or utilized by the lessee, except that no payment of royalty will be required on such water used in plant operation for cooling or in the generation of electric energy or otherwise. Annual rental for the first through the fifth lease years will be at the rate of $2 per acre or fraction thereof; for the sixth lease year and for each year thereafter prior to production the rental will be the amount of the rental for the preceding year, plus an additional $1 per acre. The lands offered are described as follows:

VALE KGRA LEASING UNIT NO. 1

T. 18 S., R. 45 E., Will. Mer., Oregon,
Sec. 18, W½SE¼;
Sec. 27, Lots 3, 5, 6, 7, 8, 9, 10, 11, 12, S½NE¼;
Sec. 28, Lot 8, W½NW¼;
Sec. 32, SE¼;
Sec. 33, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, N½SW¼, SW¼SW¼;
Containing 1,347.17 acres.

In addition to lease terms and requirements contained in the lease form, the lease will contain the following special stipulations:

The Lessee shall comply with the following additional special conditions and stipulations, unless they are modified by mutual agreement of the Lessee, the Supervisor, and the Authorized Officer:

a. The Lessee will not occupy or disturb the surface of the W½ of Lot 8 and the W½W½NW¼ of said Sec. 28.

b. The Lessee will not occupy or disturb the surface of the NE¼SW¼ of said Sec. 33 (contains Community Pit, OR 10471).

c. The Lessee will not occupy or disturb the surface of that portion of the W½SE¼ of said Sec. 18 situated within the boundary of Highway Material Site, The Dalles 032136, as shown on Map IR-2-1509, dated April 30, 1945.

d. The Lessee, including, but not limited to, its agents, employees, and contractors, will not occupy or disturb the surface of the three possible archeological or historical sites identified on the ground by the Authorized Officer; provided, however, if the Lessee employs a qualified archeologist acceptable to the Authorized Officer, the Authorized Officer may permit the Lessee, under such conditions as the Authorized Officer may impose, to survey and salvage for the Lessor any items of archeological or historical value. If the Lessee is permitted to carry out such survey and salvage, the Lessee will pay for all the necessary costs, including the delivery of the items of archeological or historical value to a depository designated by the Authorized Officer.

e. The Lessor, in its discretion, may apply standards from local, county, and state zoning ordinances and building codes to Lessee's operations under this lease.

f. The Lessee shall contact the Supervisor prior to development of a plan of operation, to be apprised of practices which should be followed or avoided in field development, including but not limited to such matters as road standards, road crossings, gates, cattleguards, fencing, erosion control, and surface rehabilitation.

Copies of lease forms, bond forms, regulations, special stipulations, and optional bid forms may be obtained from the office of the State Director, Bureau of Land Management, Portland, OR (see address above).

E. J. PETERSEN,
Acting State Director.

[FR Doc.74-11255 Filed 5-15-74;8:45 am]

[NM 19956]

NEW MEXICO

Designation of El Malpais Outstanding Natural Area

MAY 9, 1974.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated November 9, 1973, I hereby designate the national resource lands in the following described area as El Malpais Outstanding Natural Area:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

GROUP I

T. 7 N., R. 11 W.,
Sec. 4, lot 4, S½N½ and S½;
Secs. 6 and 8;
Sec. 18, lots 1, 2, 3, 4, NE¼, E½W½ and NW¼SE¼.
T. 7 N., R. 12 W.,
Sec. 6, lot 7 and SE¼SW¼;
Sec. 18, lots 1, 2, E½NW¼ and SW¼SE¼;
Sec. 19, lot 1;
Sec. 20, SW¼NW¼, SW¼, W½SE¼ and SE¼SE¼;
Sec. 24, E½NE¼, SW¼NE¼, E½SW¼ and NW¼SE¼;
Sec. 26, SE¼NE¼ and SE¼;
Sec. 28, W½E½ and W½;
Sec. 29, NE¼, N½NW¼ and N½SE¼;
Sec. 34, S½NE¼, NW¼, N½SW¼ and SE¼.
T. 7 N., R. 13 W.,
Sec. 1, lots 1, 2, S½NE¼ and SE¼;
Sec. 12, N½NE¼.
T. 8 N., R. 9 W.,
Sec. 5, lot 4, SW¼NW¼ and W½SW¼;
Sec. 6, lots 1, 2, 12, 13, 14, 17, 18, 19, SE¼NE¼ and NE¼SE¼;
Sec. 7, lot 4, NE¼NW¼, NE¼ and NW¼SE¼.
T. 8 N., R. 10 W.,
Sec. 13, E½NE¼ to boundary of Acoma Ind. Res. and W½SE¼;
Sec. 26, NW¼NE¼;
Sec. 34, NE¼SW¼.
T. 8 N., R. 11 W.,
Sec. 1, lots 1, 2, 3, 4 and S½N½;
Secs. 3 and 5;
Sec. 6, lots 1, 2, 3, 4, 7, SE¼SW¼ and S½SE¼;
Sec. 9;
Sec. 10, S½;
Sec. 14, W½W½;
Sec. 18, NE¼ and N½SE¼.
T. 8 N., R. 12 W.,
Sec. 6, lots 2, 3, 4, 5, 6, 7 and SE¼NW¼;
Sec. 7, lots 1 and 2;
Sec. 8, SW¼, W½SE¼ and SE¼SE¼;
Sec. 12, NE¼;
Sec. 15, SW¼;
Sec. 20, N½ and N½S½;
Sec. 22, N½, N½S½ and SW¼SE¼;
Sec. 26, S½NW¼, E½SW¼ and NW¼SW¼.
T. 8 N., R. 13 W.,
Sec. 25, E½.
T. 9 N., R. 9 W.,
Sec. 8, lots 4, 5 and 8.
T. 9 N., R. 10 W.,
Sec. 28, W½W½.
T. 7 N., R. 13 W.,
Sec. 4, lots 3, 4, S½NW¼ and SW¼;
Secs. 5, 8, 9 and 17;
Sec. 18, lots 3, 4, E½ and E½SW¼;
Secs. 19 and 20;
Sec. 30, lots 3, 4, E½ and E½SW¼;
Sec. 31, lots 1, 2, NE¼ and E½NW¼.
T. 8 N., R. 13 W.,
Secs. 1 and 11;
Sec. 12, NW¼;
Sec. 22, W½;
Sec. 29, E½;
Sec. 33, W½.

GROUP II

T. 6 N., R. 11 W.,
Sec. 1, N½ and W½SW¼;
Secs. 2, 3, 4, 5, 6, 7, 8, 9 and 10;
Sec. 11, N½, SW¼ and W½SE¼;
Sec. 14, W½NW¼;
Secs. 15, 16, 17, 18, 19, 20 and 21;
Sec. 22, W½E½ and W½;
Sec. 27, NW¼ and NW¼SW¼;
Sec. 29, N½;
Sec. 30, NE¼ and NE¼NW¼.
T. 6 N., R. 12 W.,
Sec. 12, NE¼NE¼ and SE¼SE¼.
T. 7 N., R. 10 W.,
Sec. 4, lots 7, 8, 9 and 10;
Sec. 5, lots 1, 2, 3, 4, S½N½, N½S½, S½SW¼ and SW¼SE¼;
Secs. 6 and 7;
Sec. 8, W½NE¼ and W½;
Sec. 17, W½E½ and W½;
Secs. 18 and 19;
Sec. 20, W½NE¼ and W½;
Sec. 29, N½NW¼;
Sec. 31, lots 1, 2, 3 and 4.
T. 7 N., R. 11 W.,
Sec. 4, lots 1, 2 and 3;
Secs. 10, 12 and 14;
Sec. 18, E½SE¼ and SW¼SE¼;
Secs. 20, 22 and 24;
Sec. 26, N½;
Secs. 28 and 30.
T. 7 N., R. 12 W.,
Secs. 4, 6, 8, 10, 12 and 14;
Sec. 18, NE¼, N½SE¼ and SE¼SE¼;
Sec. 20, NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼;
Sec. 22;
Sec. 24, NW¼NE¼, NW¼, W½SW¼, S½SE¼ and NE¼SE¼;
Sec. 26, N½NE¼, SW¼NE¼ and W½;
Sec. 28, E½E½;
Sec. 34, N½NE¼.
T. 8 N., R. 9 W.,
Sec. 6, lots 8, 9, 10, 11, 15 and 16;
Sec. 7, lot 1.
T. 8 N., R. 10 W.,
Secs. 1, 3, 4 and 5;
Sec. 6, lots 6, 7, E½SW¼, and SE¼;
Secs. 7, 8, 9, 10 and 11;
Sec. 12, N½NE¼, SW¼NE¼, W½ and SE¼;
Sec. 13, NW¼NE¼;
Secs. 14, 15, 17, 18, 19, 20, 21 and 22;
Sec. 23, W½ and W½E½;
Sec. 26, W½SW¼ and NW¼;
Secs. 27, 28, 29, 30, 31 and 33;
Sec. 34, N½ and W½SW¼;
Sec. 35, NW¼NW¼.
T. 8 N., R. 11 W.,
Sec. 12;
Sec. 14, E½ and E½W½;
Sec. 18, lots 1, 2, 3, 4, E½W½ and S½SE¼;
Secs. 20, 22, 24, 26, 28, 30 and 34.
T. 8 N., R. 12 W.,
Secs. 4 and 5;
Sec. 6, lot 1, S½NE¼, E½SW¼ and SE¼;
Sec. 8, N½ and NE¼SE¼;
Sec. 10;
Sec. 12, W½ and SE¼;
Sec. 14;
Sec. 20, S½S½;
Sec. 22, S½SW¼ and SE¼SE¼;
Sec. 24;
Sec. 26, E½, N½NW¼ and SW¼SW¼;
Sec. 28;
Sec. 30, lot 4, E½, SE¼NW¼ and E½SW¼;
Sec. 34.
T. 9 N., R. 9 W.,
Sec. 8, lots 1, 2, 3, 6 and 7;
Sec. 18;
Sec. 20, W½;
Sec. 30.
T. 9 N., R. 10 W.,
Secs. 12, 14, 24 and 26;
Sec. 28, E½ and E½W½;
Sec. 34.

The areas described above aggregate approximately 83,999.49 acres of public lands in Valencia County.

The lands in Group I above of El Malpais Outstanding Natural Area are classified as Class III, Natural Environment Area and the lands in Group II above are classified as Class IV, Outstanding Natural Area under the Bureau of Outdoor Recreation system of classification.

ARTHUR W. ZIMMERMAN,
State Director.

[FR Doc.74-11253 Filed 5-15-74;8:45 am]

[New Mexico 21397–21400; 21402–5; 21409–11]

NEW MEXICO

Notice of Applications

MAY 8, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for eleven 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 8 W.,
Sec. 7, Lots 1, 2, SE¼NE¼ and NW¼SE¼;
Sec. 8, SE¼NE¼, SW¼SW¼ and E½SE¼;
Sec. 17, N½NE¼, NW¼, NE¼SW¼ and S½SW¼;
Sec. 18, E½NE¼ and SE¼SE¼;
Sec. 19, NE¼NE¼, NE¼SW¼ and N½SE¼.
T. 31 N., R. 9 W.,
Sec. 1, Lots 5, 11, 12, 14, 15 and 18;
Sec. 12, Lots 1, 2 and 3;
Sec. 23, Lots 13 and 14;
Sec. 24, Lot 13;
Sec. 25, Lots 8 and 9;
Sec. 26, Lots 1, 2, 3, 7, 9, 10, 14, 15 and 16;
Sec. 35, Lots 1 and 2.
T. 31 N., R. 11 W.,
Sec. 1, SE¼SW¼ and S½SE¼;
Sec. 12, NE¼NW¼;
Sec. 14, SE¼SW¼ and S½SE¼.

V 39 N 96 MAY 16 1974 XUM

These pipelines will convey natural gas across 11.081 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above eleven right-of-way applications.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11288 Filed 5-15-74;8:45 am]

[New Mexico 21396]

NEW MEXICO

Notice of Application

MAY 9, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 12 W.,
Sec. 11, lots 1, 2, 3, 8 and 9;
Sec. 12, lots 12, 13, 14 and 15;
Sec. 13, lot 2.

This pipeline will convey natural gas across 1.922 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11290 Filed 5-15-74;8:45 am]

[New Mexico 21401]

NEW MEXICO

Notice of Application

MAY 9, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for 2, 4, 6 and 16-inch natural pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 9 W.,
Sec. 11, lots 1, 8, 9, 10, 11, 12, 14, 15 and 16;
Sec. 12, lots 12, 13 and 14;
Sec. 13, lots 1, 2, 3, 4, 8, 9, 13, 14, 15 and 16;
Sec. 14, lots 1, 7, 8, 13, 14, 15 and 16;
Sec. 23, lot 1;
Sec. 24, lots 1, 2, 8 and 9.

These pipelines will convey natural gas across 7.677 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE., Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11292 Filed 5-15-74;8:45 am]

[New Mexico 21406]

NEW MEXICO

Notice of Application

MAY 9, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for a 3-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.,
Sec. 6, lot 7, SE¼SW¼, and S½SE¼;
Sec. 7, lot 1, NE¼NW¼.

This pipeline will convey natural gas across 1.258 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11284 Filed 5-15-74;8:45 am]

[New Mexico 21407]

NEW MEXICO

Notice of Application

MAY 9, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for 3 and 4 inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.,
Sec. 6, lot 4, SE¼NW¼ and SE¼SW¼.

These pipelines will convey natural gas across 0.213 miles of natural resource land in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11289 Filed 5-15-74;8:45 am]

[New Mexico 21408]

NEW MEXICO

Notice of Application

MAY 8, 1974.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for 2, 4 and 8-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 18, lots 3 and 7;
Sec. 19, lots 5 thru 9 and 11 thru 16;
Sec. 20, lots 12 and 13;
Sec. 30, lots 7, 8, and 9.

These pipelines will convey natural gas across 3.861 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11287 Filed 5-15-74;8:45 am]

[New Mexico 21422]

NEW MEXICO

Notice of Application

MAY 9, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 5 W.,
Sec. 15, SE¼NW¼.

This pipeline will convey natural gas across 0.070 miles of natural resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11286 Filed 5-15-74;8:45 am]

[New Mexico 21424]

NEW MEXICO

Notice of Application

MAY 8, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 5 W.,
Sec. 7, lot 4.

This pipeline will convey natural gas across 0.201 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11285 Filed 5-15-74;8:45 am]

[New Mexico 21425]

NEW MEXICO

Notice of Application

MAY 9, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 29 E., Sec. 9, S½NW¼, NE¼SW¼ and NW¼SE¼.

This pipeline will convey natural gas across .573 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11291 Filed 5-15-74;8:45 am]

OREGON STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management's Oregon State Multiple Use Advisory Board will have a meeting and tour in the Vale District on June 19 and 20, 1974.

The group will depart by airplane from the Ontario, Oregon airport at 7:30 a.m. on Wednesday, June 19, 1974 and fly to Rome, Oregon. From there the group will tour the southern end of the Vale District by bus, ending that evening in Jordan Valley, Oregon. From 8 a.m. to noon on Thursday, June 20, the Board will meet at the Jordan Valley High School. The agenda includes a report of the Board's Deschutes River Committee, plus initial meetings of three new committees of the Board. The Recreation Committee will discuss primitive area, recreation lands, research natural areas, and implementation of the Nationwide Recreation Plan. The Range and Wildlife Committee will discuss allotment management plans; priorities for range management; allocation of habitat and forage among wildlife, wild horses, and livestock; control of wild horse populations; and trespass abatement. The Off-Road Vehicle Committee will discuss criteria for designating areas where use of off-road vehicles should be restricted or prohibited, methods for securing cooperation of ORV users and enforcing regulations, and methods for identifying restricted and closed areas.

The bus tour will continue that afternoon, returning via Leslie Gulch and Succor Creek to Ontario by 6 p.m. The tour on both days is designed to aid the committees in considering the subjects about which their advice has been requested.

Members of the public are welcome to participate in the tour and meeting but will have to provide their own transportation, meals, and lodging. Persons wishing to participate or to submit written statements should advise the District Manager, Vale District, Bureau of Land Management, P.O. Box 700, Vale, OR 97918, phone 503-473-3144, by June 14.

E. J. PETERSEN,
Acting State Director.

MAY 10, 1974.

[FR Doc.74-11295 Filed 5-15-74;8:45 am]

OUTER CONTINENTAL SHELF RESEARCH MANAGEMENT ADVISORY BOARD

Meeting Agenda

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92-463, 5 U.S.C. App. I and Office of Management and Budget Circular No. A-63, revised.

The Outer Continental Shelf Research Management Advisory Board will meet during the period 9 a.m. to 4 p.m., Room 7000-A, Department of the Interior on Monday, June 10, 1974. The meeting will be conducted in accordance with the following agenda.

1. Status of initial Mississippi-Alabama-Florida (MAFLA) OCS baseline study.
2. Follow-on studies in the MAFLA area:
   (a) Baseline.
   (b) Monitoring.
   (c) Related work.
3. Environmental baseline studies in other OCS frontier areas:
   (a) Data needs.
   (b) Order of priorities in terms of potential leasing.
   (c) Development of study plans.
4. Role and mode of operation of OCS Research Management Advisory Board in future studies:
   (a) Source of technical support.
   (b) Need for subcommittees.
   (c) State involvement.
5. Future meetings:
   (a) Schedule.
   (b) Locations.

The meeting is open to the public and written or oral statement concerning the program will be accepted.

Those who expect to attend should communicate their intention not later than June 3 to the Board's Chairman:

Frank E. Clarke
U.S. Geological Survey
Department of the Interior
Room 4448, Interior Building
Washington, D.C. 20244
202/343-3888

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: May 9, 1974.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

[FR Doc.74-11251 Filed 5-15-74;8:45 am]

[New Mexico Grazing District 2]

SOCORRO DISTRICT GRAZING ADVISORY BOARD

Field Tour

Notice is hereby given that the District Advisory Board, Bureau of Land Management, Socorro, New Mexico has scheduled a field tour to selected areas within the Jornada Resource Area. The tour will be on June 12, 1974 and is open to the public. The tour will leave at 9 a.m. from the BLM District Office and will return at 4 p.m.

The purpose of the tour will be to acquaint the public with Allotment Management Plans, studies associated with these plans and field procedures required relating to range surveys. Members of the public wishing to participate in the field tour will have to furnish their own transportation and provide their own lunches.

Requests for information about the meeting or field tour should be directed

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to BLM District Manager, P.O. Box 1456, Socorro, New Mexico 87801.

ARLEN P. KENNEDY,
District Manager.

MAY 9, 1974.

[FR Doc.74-11293 Filed 5-15-74;8:45 am]

Bureau of Reclamation

HUNTINGTON CANYON GENERATING STATION, UTAH

Draft Environmental Statement for Proposed Construction of Second Generating Unit and Transmission Line; Notice of Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Agriculture and the Department of the Interior have prepared a draft environmental statement concerning the proposed addition of a 415-MW generating unit to the Utah Power and Light Company's Huntington Canyon Station in Emery County, Utah, and construction of a 345-kV, 75-mile-long transmission line from the station to Sigurd, Utah. The Department of the Interior is the lead agency for preparation and clearance of the environmental statement. The draft environmental statement (INT DES 74-51) was filed with the Council on Environmental Quality on May 1, 1974.

A public hearing will be held on June 18, 1974, in the Prudential Federal Savings and Loan Auditorium, 155 East 33d South Street, Salt Lake City, Utah, to receive views and comments from interested individuals and organizations concerning the draft environmental statement. The hearing will be conducted in two sessions: 2 p.m. to 5 p.m. and 7 p.m. to 9 p.m.

Organizations or individuals desiring to present statements at the hearing should contact the Regional Director, Bureau of Reclamation, Room 7201, Federal Building, 125 South State Street, Salt Lake City, Utah 84111 (telephone 801-524-5592). Requests for scheduling presentations at the hearing will be accepted until 4:30 p.m., June 17, 1974. Subsequent requests will be accommodated as time permits following all scheduled presentations. Individual oral statements at the hearing will be limited to 10 minutes and may be supplemented with written comments, which may be submitted at the hearing or mailed to the Regional Director at the above address before June 24, 1974.

Copies of the draft environmental statement are available for public review at the office of the Regional Director (address above) and at the Bureau of Reclamation Engineering and Research Center, Denver Federal Center, Denver, Colorado.

Dated: May 10, 1974.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.74-11263 Filed 5-15-74;8:45 am]

National Park Service

YELLOWSTONE NATIONAL PARK GRIZZLY BEAR MANAGEMENT PROGRAM

Intent To Prepare Draft Environmental Impact Statement

In compliance with section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, is preparing a draft environmental impact statement relative to the management of the grizzly bear (*Ursus arctos horribilis*) in Yellowstone National Park, Wyoming-Montana-Idaho. The current grizzly bear management program, printed in its entirety below, for said National Park and alternatives and/or modifications to the current program will be evaluated to insure that the National Park Service objective to perpetuate a wild, free-ranging population of grizzly bears within Yellowstone National Park is being effectively achieved.

BEAR MANAGEMENT POLICY

I. *Objectives.* Preserve and maintain natural populations of bears as part of the park's native fauna and provide for safety of park visitors.

II. *Education and Enforcement.* Objective is an informed public, with appreciation of the esthetic value of bears, and an awareness that exposing bears to unnatural food sources may lead to the bear's destruction.

A. An active information program will be directed at both visitors and employees to inform them of policies and goals of bear management, and the reasons for these.

B. Review bear warning literature annually for pertinence to objectives. Incinerate *all* old literature (italics added).

C. The dispensing of warning literature pertinent to entrances, campgrounds and to back-country campers will be the responsibility of the District Ranger, delegated to those in direct contact with the public.

D. Direct warning signs may be used at entrances, campgrounds and (portable) at bear jam areas.

E. Bear feeding regulations will be strictly enforced. Bear feeding cases should be expedited wherever possible.

III. *Reduction of Unnatural Visitor-Bear Contacts.* A. Campgrounds, other high concentration use areas and incinerators will be bear-proofed to prevent bear from becoming habitual users of artificial foods.

B. Garbage pickup will be carefully scheduled to prevent overflow of cans.

C. Campground opening and closing dates will be manipulated to provide for human safety, and use areas where problem is extreme will be closed by posting. Other campgrounds may be restricted at times to trailer and pickup camper use only.

D. Leaving food unprotected overnight in campgrounds is prohibited—See Special Regulations § 7.13(g)(3).

E. Concentrated but tactful efforts directed at breaking up bear jams will continue (primarily through the use of mobile public address systems and the handout of beer warning reminders).

F. Experiments with roadside bear deterrents and repellants will continue.

G. Garbage dumps and incinerator sites are closed. Entry by anyone is permitted only by authorization of the District Ranger. Violators will be cited.

H. Human use of areas known to have heavy grizzly bear concentrations (such as Hayden Valley-Mary Mountain area) will be strongly discouraged. Any area may be closed by the Superintendent for the purposes of human safety.

I. Rotation of back-country campsites will be judiciously utilized to prevent the degree of concentrated use that may result in a garbage or odor buildup attractive to bears.

J. Back-country campsites and/or trails being frequented by bears will be closed to public use until the bear is no longer an apparent hazard. Through travel by large (four people or more) parties or by parties on horseback may be permitted at the District Ranger's discretion. Camping will not be resumed until the site has been inspected and all identifiable attractants removed or neutralized.

K. Back-country permittees will be given plastic bags and the "pack in-pack out" policy will be stressed.

IV. *Control of Problem Bears.* A. Thorough training in trapping techniques and use of firearms will be mandatory before employees are allowed to handle bears. Use of immobilizing drugs will be restricted to those qualified through additional specialized training. Drug Qualification Standards are documented, and enforcement of same will be the responsibility of the District Ranger.

B. Dangerous road sections will be given priority for roadside bear removal efforts.

C. Bear-proofing of campgrounds and other high use areas will be followed up with trapping programs to remove offending bears from these areas. Traps will not be baited or set in any area unless an offending bear is known to be present.

D. No bear will be captured for transplanting or destroyed in a backcountry area unless it has become unnaturally aggressive, or other alternative methods of providing for human safety cannot be employed.

E. Necessity for trapping, trapping hours, and procedure will be determined by the District Ranger. No experimental trapping or immobilizing will be permitted without his knowledge and approval.

F. Experimental methods of fencing, repelling, trapping, or immobilizing bears will not be used until pilot projects have proven their effectiveness.

G. Trapped bears will not be released outside the sub-district in which they were trapped without the District Ranger's approval. They will not be released outside the district without the Chief Park Ranger's approval. Bears will not be released outside the park except with the concurrence and cooperation of the Fish and Game Department in the receiving state.

H. All grizzlies being transplanted will be tagged with eartags in the following manner:

1970—Lower left ear.
1971—Upper left ear.
1972—Lower right ear.
1973—Upper right ear.

No other marks or tags will be permitted without the approval of the Superintendent.

I. No bear is to be destroyed or moved for exhibiting its natural behavior—such as the defense of natural food sources or its young.

J. Except in emergency situations involving human safety, the decision to destroy a bear will be made by the District Ranger. This authority has been delegated by the Superintendent.

K. Bears being removed from the system may, with the approval of the Superintendent, be donated to public zoos or given to any *requesting* state for reestablishment of populations (italics added). If there are no requests for live specimens, or it is impractical at the time to fill the request, the bear may be dispatched and the carcass either processed as a scientific specimen or returned to the ecosystem.

L. Any grizzly bear killed in the park will be reported by phone as soon as possible to the Superintendent's Office. The carcass of any bear, black or grizzly, that is killed shall be immediately sent to the Bozeman Laboratory for processing as a scientific specimen and for rabies tests if necessary.

V. *Statistics and Monitoring.* A. The bear incident report (YELL 371, Revised 3/13/69) will be used to report all incidents involving bears and people and/or their property. Including vehicle accidents, management actions may be reported by telephone to the Resources Management Office.

B. All grizzly bear sightings will be logged daily in the station log and phoned daily to the Biologist's Office. Dead bears will be reported on YELL 371.

C. Each sub-district having management problems concerning bears will maintain a log in which will be entered all incidents of injury or damage due to bears, all management information regarding bear movements, activities and identifying characteristics that may aid the management program. Bear logs or station logs are confidential and are not to be released outside the Service without permission of the Superintendent.

In keeping with Department of the Interior policy, public involvement in the preparation of the draft environmental impact statement is invited. Comments from persons, firms, and organizations should be addressed to Mr. Lynn Thompson, Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225. Comments received prior to May 30, 1974, will be most useful in the preparation of the draft environmental impact statement.

Dated: April 19, 1974.

GLEN T. BEAN,
Acting Regional Director,
Rocky Mountain Region.

[FR Doc.74-11398 Filed 5-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COMBINED TIMBER MANAGEMENT PLAN AND FOREST ROAD PROGRAM

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Combined Timber Management Plan & Forest Road Program, Forest Service Report Number USDA-FS-FES (Adm) 74-1.

The environmental statement concerns the general effects of two interrelated and strongly dependent proposals on the Nezperce National Forest: (1) The interim adjustment to the Forest Timber Management Program, (2) the Forest Three Year Road Program. A draft statement on the Three Year Road Program was first submitted on May 25, 1972. A final statement will not be submitted. This statement will take its place. The change has been necessitated by the responses to the first draft which questioned the relationship of the road program to the timber management program, and also by recent agency restriction in "Forest, Roads and Trails Funding" which on this Forest will limit all new construction and reconstruction to timber access roads.

This final environmental statement was filed with CEQ on May 10, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA, Forest Service
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

A limited number of single copies are available upon request to:

Willard C. Clementson, Acting Forest Supervisor
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: May 10, 1974.

KEITH M. THOMPSON,
Acting Regional Forester,
Northern Region, Forest Service.

[FR Doc.74-11299 Filed 5-15-74;8:45 am]

MULTIPLE-USE PLAN, JOHN DAY PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for John Day Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-74-14.

The environmental statement concerns multiple use management of 6,745 acres of National Forest land in the John Day Creek drainage, including road construction and timber harvest on four land units totaling 2,785 acres.

This draft environmental statement was filed with CEQ on May 9, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, DC 20250

USDA Forest Service
Northern Region
Federal Building, Room 3077
Missoula, MT 59801

USDA Forest Service
Nezperce National Forest
319 East Main
Grangeville, ID 83530

A limited number of single copies are available upon request to Acting Forest Supervisor Willard C. Clementson, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Acting Forest Supervisor Willard C. Clementson, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530. Comments must be received by July 9, 1974, in order to be considered in the

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preparation of the final environmental statement.

Dated: May 9, 1974.

KEITH M. THOMPSON,
Acting Regional Forester,
Northern Region, Forest Service.

[FR Doc.74-11301 Filed 5-15-74;8:45 am]

MULTIPLE-USE PLAN, SOUTH FORK YAAK PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Multiple Use Plan, South Fork Yaak Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) 74-9.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the South Fork Yaak Planning Unit, the Yaak Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 47,000 acres of National Forest lands which have been stratified into six management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on May 10, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. and Independence Ave., SW.
Washington, DC 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA, Forest Service
Kootenai National Forest
418 Mineral Avenue
Libby, MT 59923

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Dated: May 10, 1974.

KEITH M. THOMPSON,
Acting Regional Forester,
Northern Region, Forest Service.

[FR Doc.74-11300 Filed 5-15-74;8:45 am]

WASATCH NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Wasatch National Forest Multiple Use Advisory Committee will meet at 8 p.m. on May 23, 1974, and all day on May 24 at Ogden, Utah.

The purpose of this meeting is to review in the evening meeting (May 23) the role of the Forest Service in land use planning on National Forest lands in northern Utah where (1) National Forest lands are dominant, and (2) National Forest lands represent a minority of the acreage in a planning unit. A field trip to the Ogden Valley Planning Unit on May 24th will illustrate the second category cited above. Land use planning relationships with private land owners and county and state government will be discussed. Emphasis will be placed on ways to achieve full cooperation, participation, and understanding of all landowners and managers in providing for sound land use planning.

The meeting will be open to the public. Persons who wish to attend the field trip will have to provide their own food and transportation. Those planning to attend should notify Wasatch National Forest Supervisor C. P. St. John, Telephone No. 524-5031, Federal Building, 125 South State St., Room 4311, Salt Lake City, Utah, 84138.

Written statements may be filed with the Committee before or after the meeting.

CHANDLER P. ST. JOHN,
Forest Supervisor.

MAY 7, 1974.

[FR Doc.74-11296 Filed 5-15-74;8:45 am]

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The White Mountain National Forest Advisory Committee will meet June 12 and 13, 1974, at the Brickyard Mountain Inn, Laconia, New Hampshire.

The purpose of this meeting is to discuss planning and management proposals for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603 524-6450.

Dated: May 7, 1974.

PAUL D. WEINGART,
Forest Supervisor.

[FR Doc.74-11254 Filed 5-15-74;8:45 am]

Rural Electrification Administration

ASSOCIATED ELECTRIC COOPERATIVE, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $142,000,000 to Associated Electric Cooperative, Inc., of Springfield, Missouri and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $20,000,000 to this cooperative. These loan funds will be used in lieu of like amounts originally contemplated by other financial arrangements previously approved by REA to finance (with approximately $54,000,000 previously loaned by REA) a project consisting of a 600 MW coal-fired generating unit, anti-pollution control equipment, and approximately 349 miles of 345 kV transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Gerald F. Diddle, Manager, Associated Electric Cooperative, Inc., P.O. Box 754, Springfield, Missouri 65801.

In order to be considered, proposals must be submitted on or before June 17, 1974, to Mr. Diddle. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Associated and REA deem appropriate. Prospective lenders are advised that it is anticipated that the financing proposed for this project will be available from the Federal Financing Bank.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of May, 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-11263 Filed 5-15-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00246-56-17500. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Two (2) Recording Current Meters, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article will be enclosed in a cyclosonde and lowered into the sea in studies of the dynamics of the ocean.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the specification of "compatibility with the cyclosonde" for use in profiling equatorial undercurrents. The most closely comparable domestic instrument, the Model 950, manufactured by EG and G, Waltham, Massachusetts, is too heavy to provide this compatibility. The National Bureau of Standards (NBS) advised in its memorandum dated April 9, 1974 that the above cited specification is pertinent to the purposes for which the article is intended to be used. We, therefore, find that the Model 950 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used. NBS also advised that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-11277 Filed 5-15-74;8:45 am]

SYRACUSE UNIVERSITY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 5, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00423-10-31540. Applicant: Syracuse University, Department of Mechanical & Aerospace Engineering, 139 Link Hall, Syracuse, N.Y. 13210. Article: 200 KW Electric Heater, Model EF 6. Manufacturer: Reaves Industrial Furnaces Ltd., United Kingdom. Intended use of article: The article is intended to be used in a noise research program to study the noise produced by hot air jets issuing from coaxial nozzles attached at the downstream end of a plenum chamber system. The primary objective will be to devise and study the means of noise reduction and suppression from hot jet flows. The jet noise with respect to different flow properties will also be studied in detail to facilitate a better understanding of the problem of jet noise suppression and reduction. Application received by Commissioner of Customs: April 12, 1974.

Docket number: 74-00424-33-46040. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94904. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the ultrastructure of a variety of tissues including mammalian lung, carotid body, brain, and others. Experiments will include (a) studies of the source of pulmonary surface active material, (b) studies of the synaptic organization of the carotid body and, (c) studies of the ultrastructure of neurons in respiratory nuclei and central nervous system chemoreceptors. The article will also be used to train graduate students postdoctoral fellows and trainees, and staff members in the Cardiovascular Research Institute in ultrastructural techniques. The training will be done individually and in formal courses to provide the investigators the necessary information and skills to enable them to do electron microscopy. Application received by Commissioner of Customs: April 12, 1974.

Docket Number: 74-00425-33-46040. Applicant: Merck Institute for Therapeutic Research, West Point, Pennsylvania 19486. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to provide basic research and service in support of ongoing projects in virology and cancer research. Two types of studies are underway (a) changes in cellular subunits, membranes, etc., that are induced in transformed cells and (b) viruses of known or suspected oncogenicity. Application received by Commissioner of Customs: April 11, 1974.

Docket Number: 74-00426-33-43780. Applicant: Veterans Administration Hospital, 150 Muir Road, Martinez, California 94553. Article: Kromayer Lamp Model 10. Manufacturer: Hanovia Lamps Limited, United Kingdom. Intended use of article: The article is intended to be used for patient care and experimenting on effects of light on wound healing. It aids healing by erythemal action—bactericidal and astringent effect—and will be used as a physical modality in the Rehabilitation Medicine Service for patient care.

Application received by Commissioner of Customs: April 11, 1974.

Docket Number: 74-00428-33-46040. Applicant: Eastern Virginia Medical School, Department of Pathology, 353 Mowbray Arch, Norfolk, Virginia 23507. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used as the major investigative tool in the study of viral relationships to human prostrate carcinoma. This study will attempt to identify and characterize various virus particles and components associated with malignant prostrate tissues. In a further attempt to determine the etiology of prostrate carcinoma, electron microscopic observations will be made on tissue cultures of malignant prostrate tissues containing suspected virus particles. The article will also be used in an advanced course in medical applications of electron microscopy to be offered by the Department of Pathology which will enable medical students and medical personnel to become highly proficient in specialized techniques of electron microscopy. Application received by Commissioner of Customs: April 10, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-11279 Filed 5-15-74;8:45 am]

YALE UNIVERSITY, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00278-33-46500. Applicant: Yale University School of Medicine, Pathology Department, 310 Cedar Street, New Haven, Connecticut 06510. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the investigation of biological materials, mammalian tissues obtained from laboratory animals and clinical patients which exhibit both normal and pathologic structure. The experiments to be conducted include localization of specific membrane receptor sites of different macromolecules on normal cells with similar experiments conducted on human cancer tissue. Membrane modification, receptor site mobili-

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zation and other parameters will also be investigated. The objectives pursued in the course of these investigations are to reveal at the ultrastructural level the morphological bases of macromolecular binding of substances to normal and pathologic membranes. Application received by Commissioner of Customs: January 8, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1974.

Docket number: 74–00279–33–46500. Applicant: Northwestern University Medical School, Department of Pathology, 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, including tissue sections of human and mammalian organs, microbial organisms, and isolated cell fraction of cellular organelles obtained under experimental conditions. Experiments to be conducted include water and electrolyte transport and locations in isolated organelles, calcium transport in normal and injured heart, tissue slices and microsomal and mitochondrial fractions, also heavy metal toxicity and ultramicroscopic pathology of several disease states including particularly renal glomerular disease and isolated renal tubular transport mechanisms. The latter experiments and the transport studies include autoradiographic studies of organic and inorganic molecules. Application received by Commissioner of Customs: January 8, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1974.

Docket number: 74–00280–33–46500. Applicant: University of Wisconsin-Oshkosh, Department of Biology, Oshkosh, Wisconsin 54901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of plant and animal tissues. The work involves the ultrastructure of chromosomes and chromatin strands in mitosis and meiosis. Of interest is the banding patterns in polytene chromosomes of chironomid insects (midges) in order to clarify taxonomic relationships in this group. Similar studies are being applied to the mushroom genera *Agaricus*, *Hygrophrous*, and *Mucena*. These fungi banding patterns will be combined with studies of the three dimensional arrangement of the chromatin in the early stages of nuclear division. Application received by Commissioner of Customs: January 8, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1974.

Docket number: 74–00281–33–46500. Applicant: Veterans Administration Hospital, 109 Bee Street, Charleston, South Carolina 29403. Article: Ultramicrotome, Model LKB 8800A with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural and cytochemical studies of a large variety of both human and animal tissues. Some studies will also involve high resolution of cellular membranes. In addition, the article will be used in the graduate level course Introduction to Electron Microscopy in which theory of electron optics, electron diffraction, use of bright and dark field electron microscopy, and high resolution electron microscopy will be taught. Application received by Commissioner of Customs: January 8, 1974. Advice submitted by Department of Health, Education, and Welfare on: April 22, 1974.

Docket number: 74–00283–33–46500. Applicant: Rehabilitation Institute of Chicago, 345 East Superior Street, Chicago, Illinois 60611. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly mammalian skeletal muscle tissues derived from humans and experimental animals, and exhibit both normal and pathologic structure. Experiments to be conducted include experiments on the effect of pharmacological agents on normal and denervated mammalian muscle. Application received by Commissioner of Customs: January 11, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1974.

Docket number: 74–00284–33–46500. Applicant: Harvard Medical School, Harvard Pathology Unit, Mallory Institute of Pathology, 784 Massachusetts Avenue, Boston, Massachusetts 02118. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the following research projects:

(A) A study of the structure and function of normal and pathologic vascular endothelium with the use of electron microscopic tracers which would delineate the sites of vascular permeability.

(B) Studies on the localization af various enzymes (e.g. endogeneous peroxidase catalase, dehydrogenases) in normal skeletal muscle, macrophages, liver, Kupffer cells, kidneys, again under normal and pathologic conditions.

(C) Studies on the ultrastructural basis for normal and increased glomerular permeability with the use of enzyme tracers.

(D) Studies on the localization of antigens and antibodies in renal tissue, again using ultrastructural cytochemical techniques (peroxidase-labeled antibodies).

(E) Studies on endothelial cell and smooth muscle cell cultures. Application received by Commissioner of Customs: January 11, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1974.

Docket number: 74–00286–33–46500. Applicant: University of Rochester Atomic Energy Project, 400 Elmwood Avenue, Rochester, N.Y. 14642. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used in conjunction with a transmission electron microscope in a study of lung clearance of particles. Experiments to be conducted include experiments on the normal, physiological response of the lung tissue in regard to aerosol inhalation. In addition variations in the behavior of cells and tissues under experimental pathological conditions are to be studied. The objectives to be pursued in the course of the investigations are to reveal at the ultrastructural level the structural bases of alveolar clearance of particles and compare the morphological changes with the functional changes of clearance. Application received by Commissioner of Customs: January 15, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69–00118–33–46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that

> Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned.

In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that

> The range of cutting speeds and a capability for the higher cutting speeds is • • • a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section.

In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–11278 Filed 5–15–74;8:45 am]

National Oceanic and Atmospheric Administration

SEA GRANT ADVISORY PANEL

Notice of Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given of the meeting of the Sea Grant Advisory Panel on Wednesday and Thursday, May 29 and 30, 1974. The meeting will commence at 9:00 a.m. on both days, in Conference Room 6802, Department of Commerce, 14th Street between E and Constitution Avenue, NW., Washington, D.C.

The agenda for the meeting will be as follows:

MAY 29, 1974

A. Review of Grant Proposals and Applications Submitted to the Office of Sea Grant for Consideration.
B. Consideration of Candidates for Designation by NOAA as Sea Grant Colleges.
C. Review of Actions Taken by the Office of Sea Grant in Response to Former Panel Recommendations.
D. Advisory Services Project Report.
E. International Project Review.

MAY 30, 1974

F. Highlights of Activities of the Previous Half Year.
G. Discussions with Administrator of NOAA.
H. Other Discussion Items.
I. Five Year Plan.
J. Discussion with Sea Grant Directors.

The meeting will be closed to the public during agenda items A and B on May 29, during which portions the discussions will be concerned with matters listed in 5 U.S.C. 552(b)(5), and has been closed to the public as authorized by section 10(d) of 5 U.S.C. App. I (Supp. II, 1972), and section 8(d) of Office of Management and Budget Circular No. A–63 (March 27, 1974), by a determination of the Assistant Secretary of Commerce for Administration dated May 9, 1974. The remaining agenda items on May 29, and all agenda items on May 30, will be open to the public.

Dated: May 10, 1974.

ROBERT L. CARNAHAN,
Acting Assistant Administrator
for Administration.

[FR Doc.74–11297 Filed 5–15–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

NATIONAL COUNCIL ON EDUCATION RESEARCH

Notice of Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research (NCER) will be held on May 28, 1974, in Cambridge, Massachusetts. The meeting will be held at the Sheraton Commander Hotel, 16 Garden Street, Cambridge, and will be open to the public, except for the Executive Session.

The Council was established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The chairman of the Council is Patrick Haggerty, Chairman of the Board, Texas Instruments, Incorporated, Dallas, Texas.

The tentative agenda for the meeting:

9:15 a.m.	Convene.
9:15–9:20 a.m.	Approve Minutes of March 13 Meeting.
9:20–9:25 a.m.	Approve Minutes of April 1 Meeting.
9:25–9:30 a.m.	Approve change in Minutes of December 3, 1973, Meeting.
9:30–10:15 a.m.	Director's Remarks.
10:15–11:45 a.m.	Report and Discussion on NIE Planning Process for FY 1976.
11:45–1 p.m.	Lunch.
1–1:30 p.m.	Schedule of Future NCER Meetings.
1:30–2:30 p.m.	Discussion of Education Voucher Program: Report of NCER Committee on Diversity on review of current Program components.
2:30–4 p.m.	Presentation and Discussion of Education and Work Priority.
4–4:45 p.m.	Executive Session.
4:45 p.m.	Adjourn.

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below. Requests to make a presentation at the Council meeting should be submitted in writing to the Chairman and the Executive Secretary by the close of business, Tuesday, May 21. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074–8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to assure adequate seating arrangements, persons interested in attending Council meetings are requested to contact in advance:

Mrs. Caroline Phillips, Executive Secretary, National Council on Educational Research, National Institute of Education, Room 714, Washington, D.C. 20208, Telephone: 202–254–7900.

THOMAS K. GLENNAN, JR.,
Director,
National Institute of Education.

[FR Doc.74–11397 Filed 5–14–74;1:53 pm]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the National Advisory Council on Indian Education (Legislative Committee) will be held on May 19 and 20, 1974 from 9:00 a.m. to 5:00 p.m. at 425 13th Street NW., Room 326, Washington, D.C. 20004.

The National Advisory Council on Indian Education is established under Section 401 of the Indian Education Act (Pub. L. 92–318, Title IV). The Council is directed to:

> Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under Section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.
>
> The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each

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such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

Gathering data that members of Congress and the Indian communities have asked for, and to disseminate this information to them.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street N.W., Room 326, Washington, D.C. 20004.)

Signed at Washington, D.C., on May 13, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-11410 Filed 5-15-74;8:45 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act, as amended, will meet on Friday, May 24, 1974, at 10:00 a.m. to 6:00 p.m. in Room 917, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland, and Saturday, May 25, 1974, from 9:00 a.m. to 4:00 p.m. in Room 5051, HEW—North Building, Third and Independence Avenues, Washington, D.C. The meetings are open to the public.

Further information on the Council may be obtained from Mr. John Trout, Executive Secretary of the Council, Room 440 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2510. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807, Social Security Programs)

Dated: May 13, 1974.

JOHN TROUT,
Executive Secretary, Advisory Council on Social Security.

[FR Doc.74-11413 Filed 5-15-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On May 22-23, 1974, the National Highway Safety Advisory Committee will hold open meetings in Arlington, Virginia, and Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secetary under the national highway safety program.

The following meetings will be held, subject to approval by the Secretary of Transportation, Wednesday, May 22 in the Quality Inn—Pentagon City, 300 Army Navy Drive, Arlington, Virginia. The Research and Program Development Subcommittee will meet from 9:30 a.m. until 4 p.m. in the Ballroom with the following agenda:

Bicycling Safety—Report & Recommendations.
Review of Proposed Standard 19: Bicycle & Pedestrian Safety—(Highway Environment).
Review of Proposed Standard 14: Bicycle & Pedestrian Safety—(Operation).
Review of Proposed Standard 12: Highway Design, Construction & Maintenance.
Report of Ad Hoc Task Force on Driver Education.
Review of Prior Recommendations.
Future Plans.
New Business.

The Standards Implementation Subcommittee will meet from 9:30 a.m. until 3:30 p.m. in the Arlington-North Room with the following agenda:

State Liaison Report and Recommendations.
Proposed Plans for December Regional Highway Safety Conference.
Review of Prior Recommendations.
Future Plans.
New Business.

The Ad Hoc Task Force on Administrative Adjudication will meet from 3:30 until 5 p.m. in the Arlington-North Room with the following agenda:

Mandatory Sanctions.
Future Plans.
New Business.

On May 23, the Full Committee will meet in room 4234 of the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C., from 9 a.m. until 3 p.m. with the following agenda, subject to the approval of the Secretary of Transportation.

Briefing on Sanction Procedures.
Status Report on Studies Required by 1973 Highway Safety Act.
Special Report on Effect of Federal Advisory Committee Act on Continuation of National Highway Safety Advisory Committee.
Members' Trip Reports.
New Business.
Plans for Future Committee Activities.
Report of Executive Subcommittee.
Report of Subcommittee on Research and Program Development.
Report of Ad Hoc Task Force on Adjudication.
Report of Subcommittee on Standards Implementation.

Agenda requirements for the May 22-23 Committee meetings were developed by the Executive Subcommittee which met on May 3. The May 3 meeting was scheduled before the recent promulgation of revised OMB Circular A-63, which now requires 15-day advance notice of advisory committee meetings, and precluded publicizing an earlier notice prior to this date.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued on: May 10, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74-11306 Filed 5-15-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

NOTICE OF PUBLIC MEETING

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that the membership of the Administrative Conference of the United States, which makes recommendations to administrative agencies, to the President, Congress, and the Judicial Conference of the United States regarding the efficiency, adequacy, and fairness of the administrative procedures used by administrative agencies in carrying out their programs, will meet in Plenary Session on Thursday, May 30, 1974 at 1:30 p.m. and on Friday, May 31, 1974 at 9:30 a.m. at the International Conference Room, Department of State, Washington, D.C.

The Conference will consider (not necessarily in the order stated) the following matters:

1. A proposed recommendation for amending the Administrative Procedure Act to provide subpena power in formal agency proceedings.
2. A proposed recommendation regarding agency procedures for discretionary distribution of Federal assistance.
3. A proposed recommendation regarding Department of the Interior procedures for resolution of mining claims on public lands.
4. Proposed amendments to the Bylaws of the Conference.
5. A proposed statement on a resolution of the American Bar Association to amend the Administrative Procedure Act with respect to the authority of agencies to omit the initial decision of the presiding officer.
6. A proposed recommendation regarding judicial review of agency rulemaking.

Plenary Sessions of the Conference are open to the public. Persons attending are requested to enter the Department of State building by the C Street entrance. Since identification and indication of business are required for admission to the building, members of the public who plan to attend will save time by registering in advance with the Office of the Chairman, 2120 L Street, NW., Suite 500, Washington, D.C. 20037, telephone 254-7020.

Further information on the meeting, including copies of proposed recommendations and supporting reports, may be obtained at the above address.

Dated: May 9, 1974.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.74-11294 Filed 5-15-74;8:45 am]

COMMITTEE ON AGENCY ORGANIZATION AND PERSONNEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Agency Organization and Personnel of the Administrative Conference of the United States, to be held at 10 a.m., May 30, 1974 at the National Lawyers Club, 1815 H Street, NW., Washington, D.C.

The Committee will meet to consider a report regarding the role of the chairman in independent regulatory agencies and to review its position with respect to the proposed statement on American Bar Association Resolution No. 8.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman may, if he deems it appropriate permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Richard K. Berg, (phone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MAY 10, 1974.

[FR Doc.74-11298 Filed 5-15-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-269A, etc.]

DUKE POWER CO.

Notice of Receipt of Addendum to Attorney General's Advice

The Commission has received, pursuant to section 105c, of the Atomic Energy Act of 1954, as amended, a supplemental letter of advice from the Attorney General of the United States, dated April 26, 1974, a copy of which is attached as Appendix A.

The Department of Justice advice letters with regard to these matters dated August 2, 1971, September 29, 1971, and May 1, 1973, have been withdrawn and the Department of Justice recommends that appropriate steps be taken to terminate the scheduled antitrust proceedings thereon.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

[AEC Docket Nos. 50-269A, 270A, 287A, 369A, 370A, 413A and 414A; Dept. of Justice File Nos. 60-415-27, 33 and 64]

OCONEE UNITS 1, 2, AND 3, MCGUIRE NUCLEAR STATION UNITS 1 AND 2, CATAWBA NUCLEAR STATION, UNITS 1 AND 2

APRIL 26, 1974.

This constitutes a supplemental letter of advice concerning the captioned nuclear power plant license applications as to which our advice was requested by the Atomic Energy Commission pursuant to the provisions of section 105 of the Atomic Energy Act, as amended. In letters dated August 2, 1971, September 29, 1971, and May 1, 1973, respectively, we recommended to the Commission that antitrust hearings be held on the Oconee, McGuire, and Catawba applications.

As you know the consolidated hearing on the Oconee and McGuire applications is scheduled to begin May 15, 1974. In recent weeks, the parties to that proceeding have undertaken serious discussions concerning resolution of antitrust questions raised by the Oconee, McGuire and Catawba applications. As a result of these discussions, the Applicant has informed the Department by letter of April 26, 1974, of its willingness to accept the statement of commitments enclosed in that letter as conditions to its licenses for the Oconee, McGuire and Catawba nuclear plants. Applicant's letter and the commitments are attached hereto.

Given Applicant's undertaking to accept these commitments as license conditions, the Department now believes antitrust hearings will not be necessary with regard to the Oconee, McGuire and Catawba license applications. We therefore withdraw our previous letters of advice concerning those three applications and recommend that appropriate steps be taken to terminate the scheduled antitrust proceedings thereon.

I enclose herewith a Statement of Commitments on behalf of Duke Power Company. The statement of these commitments reflecting Duke's policies is the product of recent discussions with attorneys of the Antitrust Division and of the Atomic Energy Commission staff.

In AEC licensing proceedings involving the Oconee, McGuire and Catawba plants, the Department of Justice is contending that activities under these licenses would maintain a situation inconsistent with the antitrust laws. Duke Power Company has denied, and continues to deny, all of the allegations made by the Department of Justice, the AEC staff, and the intervenors in those proceedings in support of the claimed need for license conditions, and Duke reserves the right to assert such denial in these proceedings or in any other proceeding or forum. Specifically, Duke denies that a situation inconsistent with the antitrust laws would be maintained or would be created by the issuance of licenses for the Oconee, McGuire or Catawba plants. Duke further denies that any conditions to the licenses are necessary.

However, Duke feels that it is in the public interest, and in Duke's own interest, to terminate these proceedings promptly so that licenses for these plants, particularly the Catawba plant, can be issued without delay. Duke has been informed that the Department of Justice is willing to withdraw its recommendation that hearings be held on the need for antitrust related conditions if the attached commitments stating Duke's policies are made conditions to the Oconee, McGuire and Catawba licenses.

Accordingly, Duke is willing to accept these commitments as conditions to the licenses to be issued by the Atomic Energy Commission for Duke's Oconee, McGuire, and Catawba plants. Duke reserves the right to oppose the imposition of any different or additional conditions. All of the commitments made by Duke are contained in the attachment to this letter.

STATEMENT OF COMMITMENTS

Applicant makes the commitments contained herein, recognizing that bulk power supply arrangements between neighboring entities normally tend to serve the public interest. In addition, where there are net benefits to all participants, such arrangements also serve the best interests of each of the participants. Among the benefits of such transactions are increased electric system reliability, a reduction in the cost of electric power, and minimization of the environmental effects of the production and sale of electricity.

Any particular bulk power supply transaction may afford greater benefits to one participant than to another. The benefits realized by a small system may be proportionately greater than those realized by a larger system. The relative benefits to be derived by the parties from a proposed transaction, however, should not be controlling upon a decision with respect to the desirability of participating in the transaction. Accordingly, Applicant will enter into proposed bulk power transactions of the types hereinafter described which, on balance, provide net benefits to Applicant. There are net benefits in a transaction if Applicant recovers the cost of the transaction (as defined in ¶ 1(d) hereof) and there is no demonstrable net detriment to Applicant arising from that transaction.

1. As used herein:

(a) "Bulk Power" means electric power and any attendant energy, supplied or made available at transmission or sub-transmission voltage by one electric system to another.

(b) "Neighboring Entity" means a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or a lawful association of any of the foregoing owning or operating, or proposing to own or operate, facilities for the generation and transmission of electricity which meets each of the following criteria: (1) Its existing or proposed facilities are economically and technically feasible of interconnection with those of the Applicant and (2) with the exception of municipalities, cooperatives, governmental agencies or authorities, and associations, it is, or upon commencement of operations will be, a public utility and subject to regulation with respect to rates and srevice under the laws of North Carolina or South Carolina or under the Federal Power Act; provided, however, that as to associations, each member of such association is either a public utility as discussed in this clause (2) or a municipality, a cooperative or a governmental agency or authority.

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(c) Where the phrase "neighboring entity" is intended to include entities engaging or proposing to engage only in the distribution of electricity, this is indicated by adding the phrase "including distribution systems."

(d) "Cost" means any appropriate operating and maintenance expenses, together with all other costs, including a reasonable return on Applicant's investment, which are reasonably allocable to a transaction. However, no value shall be included for loss of revenues due to the loss of any wholesale or retail customer as a result of any transaction hereafter described.

2. (a) Applicant will interconnect and coordinate reserves by means of the sale and exchange of emergency and scheduled maintenance bulk power with any neighboring entity(ies), when there are net benefits to each party, on terms that will provide for all of Applicant's properly assignable costs as may be determined by the Federal Power Commission and consistent with such cost assignment will allow the other party the fullest possible benefits of such coordination.

(b) Emergency service and/or scheduled maintenance service to be provided by each party will be furnished to the fullest extent available from the supplying party and desired by the party in need. Applicant and each party will provide to the other emergency service and/or scheduled maintenance service if and when available from its own generation and, in accordance with recognized industry practice, from generation of others to the extent it can do so without impairing service to its customers, including other electric systems to whom it has firm commitments.

(c) Each party to a reserve coordination arrangement will establish its own reserve criteria, but in no event shall the minimum installed reserve on each system be less than 15%, calculated as a percentage of estimated peak load responsibility. Either party, if it has, or has firmly planned, installed reserves in excess of the amount called for by its own reserve criterion, will offer any such excess as may in fact be available at the time for which it is sought and for such period as the selling party shall determine for purchase in accordance with reasonable industry practice by the other party to meet such other party's own reserve requirement. The parties will provide such amounts of spinning reserve as may be adequate to avoid the imposition of unreasonable demands on the other party(ies) in meeting the normal contingencies of operating its (their) system(s). However, in no circumstances shall such spinning reserve requirement exceed the installed reserve requirement.

(d) Interconnections will not be limited to low voltages when higher voltages are available from Applicant's installed facilities in the area where interconnection is desired and when the proposed arrangement is found to be technically and economically feasible.

(e) Interconnection and reserve coordination agreements will not embody provisions which impose limitations upon the use or resale of power and energy sold or exchanged pursuant to the agreement. Further, such arrangements will not prohibit the participants from entering into other interconnection and coordination arrangements, but may include appropriate provisions to assure that (i) Applicant receives adequate notice of such additional interconnection or coordination, (ii) the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary to protect the reliability of the interconnected systems and to prevent undue burdens from being imposed on any system, and (iii) Applicant will be fully compensated for its costs. Reasonable industry practice as developed in the area from time to time will satisfy this provision.

3. Applicant currently has on file, and may hereafter file, with the Federal Power Commission contracts with neighboring entity(ies) providing for the sale and exchange of short-term power and energy, limited term power and energy, economy energy, nondisplacement energy, and emergency capacity and energy. Applicant will enter into contracts providing for the same or for like transactions with any neighboring entity on terms which enable Applicant to recover the full costs allocable to such transaction.

4. Applicant currently sells capacity and energy in bulk on a full requirements basis to several entities engaging in the distribution of electric power at retail. In addition, Applicant supplies electricity directly to ultimate users in a number of municipalities. Should any such entity(ies) or municipality(ies) desire to become a neighboring entity as defined in paragraph 1(b) hereof (either alone or through combination with others), Applicant will assist in facilitating the necessary transition through the sale of partial requirements firm power and energy to the extent that, except for such transition, Applicant would otherwise be supplying firm power and energy. The provision of such firm partial requirements service shall be under such rates, terms and conditions as shall be found by the Federal Power Commission to provide for the recovery of Applicant's costs. Applicant will sell capacity and energy in bulk on a full requirements basis to any municipality currently served by Applicant when such municipality lawfully engages in the distribution of electric power at retail.

5. (a) Applicant will facilitiate the exchange of electric power in bulk in wholesale transactions over its transmission facilities (1) between or among two or more neighboring entities including distribution systems with which it is interconnected or may be interconnected in the future, and (2) between any such entity(ies) and any other electric system engaging in bulk power supply between whose facilities Applicant's transmission lines and other transmission lines would form a continuous electric path, provided that permission to utilize such other transmission lines has been obtained. Such transaction shall be undertaken provided that the particular transaction reasonably can be accommodated by Applicant's transmission system from a functional and technical standpoint and does not constitute the wheeling of power to a retail customer. Such transmission shall be on terms that fully compensate Applicant for its cost. Any entity(ies) requesting such transmission arrangements shall give reasonable notice of its (their) schedule and requirements.

(b) Applicant will include in its planning and construction program sufficient transmission capacity as required for the transactions referred to in subparagraph (a) of this paragraph, provided that (1) the neighboring entity(ies) gives Applicant sufficient advance notice as may be necessary reasonably to accommodate its (their) requirements from a functional and technical standpoint and (2) that such entity(ies) fully compensates Applicant for its cost. In carrying out this subparagraph (b), however, Applicant shall not be required to construct or add transmission facilities which (a) will be of no demonstrable present or future benefit to Applicant, or (b) which could be constructed by the requesting entity(ies), without duplicating any portion of Applicant's existing transmission lines, or (c) which would jeopardize Applicant's ability to finance or construct on reasonable terms facilities needed to meet its own anticipated system requirements. Where regulatory or environmental approvals are required for the construction or addition of transmission facilities, needed for the transactions referred to in subparagraph (a) of this paragraph, it shall be the responsibility of the entity(ies) seeking the transaction to participate in obtaining such approvals, including sharing in the cost thereof.

6. To increase the possibility of achieving greater reliability and economy of electric generation and transmission facilities, Applicant will discuss load projections and system development plans with any neighboring entity(ies).

7. When Applicant's plans for future nuclear generating units (for which application will hereafter be made to the Atomic Energy Commission) have reached the stage of serious planning, but before firm decisions have been made as to the size and desired completion date of the proposed nuclear units, Applicant will notify all neighboring entities including distribution systems with peak loads smaller than Applicant's that Applicant plans to construct such nuclear units. Neither the timing nor the information provided need be such as to jeopardize obtaining the required site at the lowest possible cost.

8. The foregoing commitments shall be implemented in a manner consistent with the provisions of the Federal Power Act and all other lawful local, state and Federal regulation and authority. Nothing in these commitments is intended to determine in advance the resolution of issues which are properly raised at the Federal Power Commission concerning such commitments, including allocation of costs or the rates to be charged. Applicant will negotiate (including the execution of a contingent statement of intent) with respect to the foregoing commitments with any neighboring entity including distribution systems where applicable engaging in or proposing to engage in bulk power supply transactions, but Applicant shall not be required to enter into any final arrangement prior to resolution of any substantial questions as to the lawful authority of an entity to engage in the transactions. In addition, Applicant shall not be obligated to enter into a given bulk power supply transaction if: (1) To do so would violate, or incapacitate it from performing, any existing lawful contracts it has with a third party; (2) there is contemporaneously available to it a competing or alternative arrangement which affords it greater benefits which would be mutually exclusive of such arrangement; (3) to do so would adversely affect its system operations or the reliability of power supply to its customers, or (4) if to do so would jeopardize Applicant's ability to finance or construct on reasonable terms facilities needed to meet its own anticipated system requirements.

[FR Doc.74-11311 Filed 5-15-74;8:45 am]

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed St. Lucie Plant, Unit No. 2, to be constructed by Florida Power and Light Company in St. Lucie County, Florida is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. The Final Environmental Statement is also being made available at the Bureau of Intergovernmental Relations, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, Florida 32304.

The notice of availability of the Draft Environmental Statement for the St. Lucie Plant, Unit No. 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on February 8, 1974 (39 FR 4937). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 10th day of May 1974.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Directorate of Licensing.

[FR Doc.74-11308 Filed 5-15-74;8:45 am]

[Docket Nos. 50-366A, etc.]

GEORGIA POWER CO.

Receipt of Addendum to Attorney General's Advice

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a supplemental letter of advice from the Attorney General of the United States, dated May 1, 1974, a copy of which is attached as Appendix A.

The Department of Justice advice letters with regard to these matters dated August 2, 1972 and May 9, 1973, have been withdrawn and the Department of Justice recommends that appropriate steps be taken to terminate the scheduled antitrust proceedings thereon.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

[AEC Docket No. 50-366A; Dept. of Justice File 60-415-37]

HATCH NUCLEAR PLANT—UNIT NO. 2

[AEC Docket Nos. 50-424A, 50-425A, 50-426A, 50-427A; Dept. of Justice File 60-415-60]

VOGTLE NUCLEAR PLANT—UNITS 1-4

MAY 1, 1974.

This has further reference to your request for antitrust advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned applications.

By letters dated August 2, 1972 for the Hatch unit and May 9, 1973 for the Vogtle units we advised you of our conclusion that Applicant's market power and use of that power indicated that a situation inconsistent with the antitrust laws would be created or maintained by the issuance of unconditioned licenses for the construction and operation of these units. Accordingly, we recommended that the applications be made the subject of evidentiary hearings. The Hatch application is the subject of an existing proceeding that has proceeded partially through prehearing discovery. The Vogtle application is awaiting Commission action on an AEC staff recommendation that it be consolidated for hearing with the Hatch application.

Several months ago negotiations looking to a possible resolution of the antitrust issues without hearing were commenced among the Applicant, the intervenors, Commission staff and representatives of the Department of Justice. As a result of these negotiations, the Applicant has agreed to the inclusion in the Hatch and Vogtle licenses of conditions providing for, among other things, access to the Hatch and Vogtle units and any other nuclear generating units scheduled to commence commercial operation prior to January 1, 1989; coordination and sharing of reserves; transmission services over Applicant's facilities; sales of partial requirements; and sales of power at voltage appropriate for the load to be served. A copy of the proposed license conditions is attached.

In our opinion, these commitments should provide competitors and potential competitors of the Applicant with competitive, alternative, power supply sources, and should enable them to effectively compete with Georgia Power. On the strength of these commitments and with the expectation that the Commission will include them as conditions to the licenses involved here, we conclude that it will not be necessary to proceed with antitrust hearings on the instant applications and that the existing proceeding may be terminated.

[AEC Docket Nos. 50-366A, 50-424A, 50-425A, 50-425A, and 50-427A]

PROPOSED LICENSE CONDITIONS

1. As used herein:

(a) "Entity" means any financially responsible person, private or public corporation, municipality, county, cooperative, association, joint stock association or business trust, owning, operating or proposing to own or operate equipment or facilities within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) for the generation, transmission or distribution of electricity, provided that, except for municipalities, counties, or rural electric cooperatives, "entity" is restricted to those which are or will be public utilities under the laws of the State of Georgia or under the laws of the United States, and are or will be providing retail electric service under a contract or rate schedule on file with and subject to the regulation of the Public Service Commission of the State of Georgia or any regulatory agency of the United States, and, provided further, that as to municipalities, counties or rural electric cooperatives, "entity" is restricted to those which provide electricity to the public at retail within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) or to responsible and legally qualified organizations of such municipalities, counties and/or cooperatives in the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) to the extent they may bind their members.

(b) "Applicant" means Georgia Power Company, any successor, assignee of this license, or assignee of all or substantially all of Georgia Power Company's assets, and any affiliate or subsidiary of Georgia Power Company to the extent it engages in the ownership of any bulk power supply generation or transmission resource in the State of Georgia (but specifically not including (1) flood rights and other land rights acquired in the State of Georgia incidental to hydroelectric generation facilities located in another state and (2) facilities located west of the thread of the stream on that part of the Chattahoochee River serving as the boundary between the States of Georgia and Alabama).

2. Applicant recognizes that it is often in the public interest for those engaging in bulk power supply and purchases to interconnect, coordinate for reliability and economy, and engage in bulk power supply transactions in order to increase interconnected system reliability and reduce the costs of electric power. Such arrangements must provide for Applicant's costs (including a reasonable return) in connection therewith and allow other participating entities full access to the benefits available from interconnected bulk power supply operations and must provide net benefits to Applicant. In entering into such arrangements neither Applicant nor any other participant should be required to violate the principles of sound engineering practice or forego a reasonably contemporaneous alternative arrangement with another, developed in good faith in arms length negotiations (but not including arrangements between Applicant and its affiliates or subsidiaries which impair entities' rights hereunder more than they would be impaired were such arrangements made in good faith between Applicant and a non-affiliate or non-subsidiary) which affords it greater benefits. Any such arrangement must provide for adequate notice and joint planning procedures consistent with sound engineering practice, and must relieve Applicant from obligations undertaken by it in the event such procedures are not followed by any participating entity.

Applicant recognizes that each entity may acquire some or all of its bulk power supply from sources other than Applicant.

In the implementation of the obligations stated in the succeeding paragraphs, Applicant and entities shall act in accordance with the foregoing principles, and these principles are conditions to each of Applicant's obligations herein undertaken.

3. Applicant shall interconnect with any entity which provides, or which has undertaken firm contractual obligations to provide, some or all of its bulk power supply from sources other than Applicant on terms to be included in an interconnection agreement which shall provide for appropriate allocation of the costs of interconnection facilities; provided, however, that if any entity undertakes to negotiate such a firm contractual obligation, the Applicant shall, in good faith, negotiate with such entity concerning any proposed interconnection. Such interconnection agreement shall provide, without undue preference or discrimination, for the following, among other things, insofar as consistent with the operating necessities of Applicant's and any participating entity's systems:

(a) Maintenance and coordination of reserves, including, where appropriate, the purchase and sale thereof,

(b) Emergency support,

(c) Maintenance support,

(d) Economy energy exchanges,

(e) Purchase and sale of firm and nonfirm capacity and energy,

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(f) Economic dispatch of power resources within the State of Georgia,

Provided, however, That in no event shall such arrangements impose a higher percentage of reserve requirements on the participating entity than that maintained by Applicant for similar resources.

4. Applicant shall sell full requirements power to any entity. Applicant shall sell partial requirements power to any entity. Such sales shall be made pursuant to rates on file with the Federal Power Commission, or any successor regulatory agency, and subject to reasonable terms and conditions.

5. (a) Applicant shall transmit ("transmission service") bulk power over its system to any entity or entities with which it is interconnected, pursuant to rate schedules on file with the Federal Power Commission which will fully compensate Applicant for the use of its system, to the extent that such arrangements can be accommodated from a functional engineering standpoint and to the extent that Applicant has surplus line capacity or reasonably available funds to finance new construction for this purpose. To the extent the entity or entities are able, they shall reciprocally provide transmission service to Applicant. Transmission service will be provided under this subparagraph for the delivery of power to an entity for its or its members' consumption and retail distribution or for casual resale to another entity for (1) its consumption or (2) its retail distribution. Nothing contained herein shall require the Applicant to transmit bulk power so as to have the effect of making the Tennessee Valley Authority ("TVA") or its distributors, directly or indirectly, a source of power supply outside the area determined by the TVA Board of Directors by resolution of May 16, 1966 to be the area for which the TVA or its distributors were the primary source of power supply on July 1, 1957, the date specified in the Revenue Bond Act of 1959, 16 U.S.C. 831 n–4.

(b) Applicant shall transmit over its system from any entity or entities with which it is interconnected, pursuant to rate schedules on file with the Federal Power Commission which will fully compensate Applicant for the use of its system, bulk power which results from any such entity having excess capacity available from self-owned generating resources in the State of Georgia, to the extent such excess necessarily results from economic unit sizing or from failure to forecast load accurately or from such generating resources becoming operational earlier than the planned in-service date, to the extent that such arrangements can be accommodated from a functional engineering standpoint, and to the extent Applicant has surplus line capacity available.

6. Upon request, Applicant shall provide service to any entity purchasing partial requirements service, full requirements service or transmission service from Applicant at a delivery voltage appropriate for loads served by such entity, commensurate with Applicant's available transmission facilities. Sales of such service shall be made pursuant to rates on file with the Federal Power Commission or any successor regulatory agency, and subject to reasonable terms and conditions.

7. Upon reasonable notice Applicant shall grant any entity the opportunity to purchase an appropriate share in the ownership of, or, at the option of the entity, to purchase an appropriate share of unit power from, each of the following nuclear generating units at Applicant's costs, to the extent the same are constructed and operated: Hatch 2, Vogtle 1, Vogtle 2, Vogtle 3, Vogtle 4, and any other nuclear generating unit constructed by Applicant in the State of Georgia which, in the application filed with the USAEC or its successor agency, is scheduled for commercial operation prior to January 1, 1989.

An entity's request for a share must have regard for the economic size of such nuclear unit(s), for the entity's load size, growth and characteristics, and for demands upon Applicant's system from other entities and Applicant's retail customers, all in accordance with sound engineering practice. Executory agreements to accomplish the foregoing shall contain provisions reasonably specified by Applicant requiring the entity to consummate and pay for such purchase by an early date or dates certain. For purposes of this provision, "unit power" shall mean capacity and associated energy from a specified generating unit.

8. To effect the foregoing conditions, the following steps shall be taken:

(a) Applicant shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate transmission tariff available to any entity;

(b) Applicant shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate partial requirements tariff available to any entity; Applicant shall have its liability limited to the partial requirements service actually contracted for and the entity shall be made responsible for the security of the bulk power supply resources acquired by the entity from sources other than the Applicant;

(c) Applicant shall amend the general terms and conditions of its current Federal Power Commission tariff and thereafter maintain in force as needed provisions to enable any entity to receive bulk power at transmission voltage at appropriate rates;

(d) Applicant shall not have the unilateral right to defeat the intended access by each entity to alternative sources of bulk power supply provided by the conditions to this License; but Applicant shall retain the right to seek regulatory approval of changes in its tariffs to the end that it be adequately compensated for services it provides, specifically including, but not limited to, the provisions of section 205 of the Federal Power Act;

(e) Applicant shall use its best efforts to amend any outstanding contract to which it is a party that contains provisions which are inconsistent with the conditions of this license;

(f) Applicant affirms that no consents are or will become necessary from Applicant's parent, affiliates or subsidiaries to enable Applicant to carry out its obligations hereunder or to enable the entities to enjoy their rights hereunder;

(g) All provisions of these conditions shall be subject to and implemented in accordance with the laws of the United States and of the State of Georgia, as applicable, and with rules, regulations and orders of agencies of both, as applicable.

[FR Doc.74–11310 Filed 5–15–74;8:45 am]

[Docket No. PRM–2–2]

LEBOEUF, LAMB, LEIBY & MACRAE

Filing of Petition for Rule Making

Notice is hereby given that LeBoeuf, Lamb, Leiby and MacRae, 1757 N Street NW., Washington, D.C. by letter dated April 22, 1974, has filed with the Atomic Energy Commission a petition for rule making.

The petitioner references amendments to the Commission's "Rules of Practice," 10 CFR Part 2, published in the FEDERAL REGISTER on April 5, 1974 (39 FR 12353), that make specific provision for members of the public to request the Director of Regulation to institute a proceeding to modify, suspend, or revoke a license, or take such other action as may be proper.

Although supporting the purpose of the amendments of April 5, 1974, the petitioner states that the purpose might be better served by a more detailed procedure than is presently provided, and requests that the Commission amend §§ 2.200 and 2.206. The petitioner states that these sections are fundamentally unfair to licensees in permitting a proceeding to modify, suspend, or revoke a license, to be initiated at the request of anyone, with no demonstration of interest and no documentation of the basis for the requested action.

The petitioner states also that the new regulations fail to prescribe standards to guide the Director of Regulation in acting upon requests under Subpart B of 10 CFR Part 2.

The petitioner requests that §§ 2.200 and 2.206 be amended to require the person making a request for modification, suspension, or revocation of a license to comply with the formal requirements for filing documents set out in § 2.708 and to support the requests by one or more affidavits showing an interest in the action requested and setting forth the basis for the action requested.

The petitioner also requests that the amendments include procedures for furnishing copies of the request to the licensee whose interests appear to be affected by it and an opportunity accorded to the licensee to respond to or comment on the request.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration-Regulations, U.S. Atomic Energy Commission, Washington, D.C., on or before July 15, 1974.

Dated at Germantown, Maryland, this 10th day of May 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–11307 Filed 5–15–74;8:45 am]

[Docket No. 50–289]

METROPOLITAN EDISON CO., ET AL.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR–50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company, which revised Technical Specifications for operation of Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits plant warm-up and low power (<5%) testing with one motor-driven emergency feedwater pump disabled. This amendment relates to radiological safety matters previously considered but does not involve a significant hazards consideration.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 6, 1974, (2) Amendment No. 1 to License No. DPR–50, with any attachments, and (3) the Commission's related Safety Evaluation dated May 10, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publication Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 10th day of May 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Br. 2–3, Directorate of Licensing.

[FR Doc.74–11309 Filed 5–15–74;8:46 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Availability of Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulation in Appendix D, Sections A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an Initial Decision dated February 4, 1974, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing the Director of Regulation, after making the requisite findings pursuant to § 50.57 of 10 CFR Part 50, to issue a facility operating license to the Portland General Electric Company, et al, for the Trojan Nuclear Plant subject to certain conditions for the protection of the environment, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon.

The Initial Decision is also being made available at the Federal Aid Coordination Section, Local Government Relations Division, Executive Department, 301 Public Service Building, Salem, Oregon 97310, and Columbia Region Association of Governments, 6400 SW., Canyon Court, Portland, Oregon 97221.

Based on the record developed in the public hearing in the above captioned matter, the Initial Decision also modified in certain respects the contents of the Final Environmental Statement relating to the operation of the Trojan Nuclear Plant, prepared by the Commission's Directorate of Licensing. Pursuant to the Provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement dated August 1973. As required by section A.11 of Appendix D, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

The Initial Decision has been reviewed by an Atomic Safety and Licensing Appeal Board (Appeal Board). The Appeal Board, in its Decision dated March 6, 1974, affirmed the Licensing Board's Initial Decision.

Single copies of the Initial Decision by the Atomic Safety and Licensing Board, the Decision by the Atomic Safety and Licensing Appeal Board and the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 10th day of May 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74–11256 Filed 5–15–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26166]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Hearing; Deletion of Big Spring, Texas

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on June 18, 1974, at 10 a.m. (local time) in the County Courtroom, Howard County Courthouse, Big Spring, Texas, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 13, 1974.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.74–11321 Filed 5–15–74;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on June 17, 1974, and that an executive session, if appropriate, will be convened on June 16, 1974, to be held at the University of Illinois, Circle Campus Center, 750 South Halstead, Chicago, Illinois.

The purposes of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of sex which affect the economic status of women, particularly concerning public assistance, employment in job training programs and low paying jobs, child care, and the income security of retired women; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of sex which affect the economic status of women, particularly concerning public assistance, employment in job training programs and low paying jobs, child care, and the income security of retired women; and to disseminate information with respect to denials of equal protection of the laws because of sex in the fields of public assistance, job training, employment in low paying jobs, child care, and pensions and social security.

Dated at Washington, D.C., May 14, 1974.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.74–11346 Filed 5–15–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

STAUFFER CHEMICAL CO.

Establishment of Temporary Tolerance

Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, submitted a petition (PP 4G1497) requesting establishment of a temporary tolerance for combined residues of the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorothioate) in or on the raw agricultural commodity peas (including succulent peas with pods, and dry peas) at 0.5 part per million.

It has been determined that this temporary tolerance will protect the public

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health. It is therefore established on condition that the insecticide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Stauffer Chemical Co. name.

This temporary tolerance expires May 10, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: May 10, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-11274 Filed 5-15-74;8:45 am]

HERBICIDES POTENTIALLY CONTAINING TETRACHLORODIOXIN

Notice of Intent To Hold Hearing

Please take notice that pursuant to the authority vested in me by section 6(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, I hereby issue this notice of intention to hold a hearing on all registered uses of herbicides derived from 2,4,5-Trichlorophenol, including Silvex and Erbon, and therefore having the potential of containing tetrachlorodioxin (TCDD). Please take further notice that herbicides derived from 2,4,5-Trichlorophenol may be substitutes for 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T), and therefore, it is my intention that the public hearing to be held pursuant to this notice should be consolidated with the hearing previously announced on 2,4,5-T (FIFRA Consolidated Docket No. 295) pursuant to the Notice dated July 19, 1973 (38 FR 19860, July 24, 1973). Due to the addition of these herbicides, the hearing presently scheduled on 2,4,5-T (FIFRA Consolidated Docket 295) for May 14, 1974 should be adjourned forthwith until November 1, 1974.

Please take further notice that any person wishing to become a party to this proceeding on all registered uses of herbicides derived from 2,4,5 Trichlorophenol, including Silvex and Erbon, and therefore having the potential of containing TCDD, shall file a response to the statement of issues on 2,4,5-T dated July 19, 1973 (38 FR 19859-60, July 24, 1973, Appendix A[1]) substituting the words "herbicides derived from 2,4,5 Trichlorophenol", wherever "2,4,5-T" appears in the statement of issues. Responses shall be filed with the Hearing Clerk, Environmental Protection Agency, Waterside Mall, Washington, D.C. 20460 on or before June 17, 1974.

Dated: May 10, 1974.

JOHN R. QUARLES, Jr.,
Deputy Administrator.

[FR Doc.74-11269 Filed 5-15-74;8:45 am]

[1] Appendix filed as part of the original document.

[OPP-180003A]

STRYCHNINE ALKALOID USE IN AN EMERGENCY RABID SKUNK CONTROL PROGRAM

Issuance of Amendment to State of Montana Program

The Environmental Protection Agency (EPA) granted a specific exemption from the provisions of section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), on March 14, 1974, to the Montana State Department of Livestock to allow the use of strychnine alkaloid in eggs used as bait as a means of emergency control of rabid skunks through May 31, 1974, provided such control is necessary beyond the winter months. A notice of the issuance of this specific exemption was published in the FEDERAL REGISTER on April 18, 1974 (39 FR 13912).

The State Department of Livestock, Brands-Enforcement Division, Helena, Montana 59601, filed a request to extend the program to other counties not heretofore included in the control program. Consequently, the EPA has issued an amendment to the specific exemption. This amendment authorizes the Montana Department of Livestock to use strychnine alkaloid to control rabid skunk in Dawson and Prairie counties, provided the program originally authorized is followed. In addition, the use of paraffin lard baits was allowed until April 10, 1974, in locations where climatic conditions would cause egg baits to be ineffective. The original specific exemption allowed the use of strychnine alkaloid in a control program in the following counties: Sheridan, Blaine, Hill, Valley, Daniels, Roosevelt and Phillips. However, the EPA did determine that if the State of Montana diagnoses rabies in skunks located in additional counties, the State should contact Regional EPA personnel who have authority to extend the approved program to additional counties until May 31, 1974.

This exemption, as amended, is subject to withdrawal if it is determined by the Administrator (EPA) that the State of Montana is not complying with the governing regulations or if such action is necessary to protect man or the environment.

The official file on this subject will be available for review by interested parties during regular working hours (8 a.m. to 4:30 p.m.) and will be maintained in the Office of the Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Room 347—East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Dated: May 9, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-11273 Filed 5-15-74;8:45 am]

[OPP-180009]

STRYCHNINE ALKALOID USE IN AN EMERGENCY RABID SKUNK CONTROL PROGRAM

Issuance of a Specific Exemption

Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) granted a specific exemption from the provisions of section 3 of the Act (86 Stat. 979), on March 14, 1974, to the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, Wyoming 82002 to allow the use of strychnine alkaloid in eggs or paraffin lard baits as a means of emergency control of rabid skunks in Campbell and Crook Counties only. However, EPA did determine that, if the State of Wyoming diagnoses rabies in skunks in additional counties, the State should contact Regional EPA personnel to extend the approved program to additional counties until May 31, 1974. A maximum of 500 strychnine baits will be placed within each 3-mile radius where rabid skunks are detected, provided this radius encompasses areas of human habitation. The exemption stipulated that paraffin lard baits could be used in lieu of egg baits until April 10, 1974, in locations where climatic conditions would cause egg baits to be ineffective. The Wyoming Department of Agriculture will supervise the program. State trappers trained for such work will prepare, place, and retrieve the bait. No Federal lands are involved in the program. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

The purpose of this rabid skunk control program is to prevent further exposure of domestic animals and man to rabid skunks, thereby preventing, so far as is possible, domestic animal deaths and the need for post-exposure human antirabies treatment.

Trapping and poisoning are considered the principal means of controlling rabies among wild animals. Trapping is less specific and less humane than is poisoning with scented baits placed judiciously where the target animal is likely to frequent. Further, trapping requires far greater manpower, as each site must be visited daily.

No irreversible adverse environmental effects have been detected in previous use of strychnine in similar programs nor are any anticipated as a result of use in this rabid skunk control program. Because of the emergency nature of the situation and the epizootic proportions, a poisoning program as outlined above is deemed to be the best possible alternative. This program has been authorized with the concurrence and support of the Center for Disease Control, Atlanta, Georgia.

The exemption is valid only through May 31, 1974, provided the control is necessary beyond the winter months; it is subject to withdrawal if it is determined by the Administrator (EPA) that the State of Wyoming is not complying with the governing regulations or if such action is necessary to protect man or the environment.

The official file on this subject will be available for review by interested parties during regular working hours (8 a.m. to 4:30 p.m.) and will be maintained in the Office of the Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Room 347, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Dated: May 9, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-11272 Filed 5-15-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19897, etc.; File No. BP-19073, etc.; FCC 74R-164]

CAVALLARO BROADCASTING CORP., ET AL.

Memorandum Opinion and Order Modifying Issue

In re applications of Cavallaro Broadcasting Corp., San Juan, Puerto Rico, Docket No. 19897, File No. BP-19073; Boricua Broadcasting Corp., San Juan, Puerto Rico, Docket No. 19898, File No. BP-19201; Summit Broadcasting of Puerto Rico, Inc., San Juan, Puerto Rico, Docket No. 19899, File No. BP-19202; Jose A. Figueroa and Antonio L. Ochoa d/b as Figueroa and Associates, Rio Grande, Puerto Rico, Docket No. 19900, File No. BP-19203; Vieques Radio Corp., Isabel Segunda, Vieques, Puerto Rico, Docket No. 19901, File No. BP-19204, for construction permits.

1. By Commission Order, FCC 73-1310, 39 FR 1107, published January 4, 1974, the above-captioned mutually exclusive applications to construct a new standard broadcast station in San Juan, Puerto Rico, were designated for consolidated hearing on several issues, including a financial issue (Issue 4) against Boricua Broadcasting Corporation (Boricua).[1] The Commission concluded that the balance sheets of a majority of the stock subscribers did not reflect sufficient cash or liquid assets in excess of current liabilities to meet their commitments, and, therefore, the Commission sought to adduce evidence of the availability of additional funds. Now before the Review Board is a petition to delete Issue 4, filed January 21, 1974, by Boricua.[2]

2. Petitioner maintains that the Commission's designation of the financial issue failed to reflect consideration of an amended financial plan submitted September 5, 1972, by Boricua, in which the applicant substituted a bank loan commitment for its stock subscription plan as a means of financing its proposed station.[3] Petitioner points out that the designation Order only states: "Boricua plans to meet its costs with cash on hand or in banks in the amount of $21,201; stock subscriptions receivable, $215,000; and loans from stock subscribers, $266,000." Boricua contends that its September amendment shows that the proceeds from its bank loan make its total available capital $438,698,[4] and that this amount is more than sufficient to meet its first-year construction and operating costs of $434,000.[5] Thus, Boricua argues, the issue relating to its financial qualifications should be deleted. In a comment, filed January 28, 1974, Cavallaro Broadcasting Corporation urges that Boricua's petition be granted.

3. In opposition, the Broadcast Bureau contends that in only one respect are Boricua's allegations correct: the financial issue as presently framed fails to take into consideration the financial amendment submitted by Boricua in September, 1972. Accordingly, the Bureau recommends modification, rather than deletion, of the financial issue. With respect to the alleged deficiencies in Boricua's petition, the Bureau notes, first, that the bank commitment letter fails to specify what, if any, collateral or security will be required, citing paragraph 4(e), section III, FCC Form 301. Second, the Bureau points out that Boricua has erroneously relied on paid-in capital totalling $21,201, since Boricua had previously amended the amount of paid-in capital to $18,001 on September 27, 1972. See footnote 3, supra. Finally, asserts the Bureau, Boricua may not claim credit for $67,497 in deferred credit since the Commission included only a portion of the $152,500 in equipment costs (*i.e.*, the amounts allocated for down payment, principal and interest) as part of the $434,000 estimated first-year costs of construction and operation. The Bureau concludes that Boricua will have only a questionable $350,000 bank loan and $18,001 in paid-in capital to meet $434,000 in construction and first-year operating costs. Since Boricua would, therefore, require $66,000 in additional funds, the Bureau proposes modification of Issue 4 to permit an inquiry into Boricua's financial qualifications.

4. Boricua, in reply, reiterates its position that the financial issue should be deleted. Initially, Boricua argues that the Bureau should not be permitted to request modification of the designated issue without filing a formal petition to modify. In response to the substance of the Bureau's opposition, petitioner avers that none of the three grounds set forth by the Bureau sufficiently supports the Bureau's position. Boricua submits that the bank letter sets forth sufficient information to enable the Commission to determine the propriety of the available loan. Although Boricua concedes that the amount of paid-in capital should have read $18,001 rather than $21,201, it suggests that the difference of approximately $3,000 does not significantly affect its financial qualifications. Boricua also contends that the $67,497 in deferred credit should be considered in determining its financial resources to meet first-year construction and operating costs.

5. The petition to delete Issue 4 will be denied; however, on the Review Board's own motion,[6] the existing financial issue will be modified to permit inquiry into the availability to Boricua of the $350,000 bank loan from Banco Credito Y Ahorro Ponceno and the availability of additional funds to meet the proposed construction and first-year operating expenses. The Board has held on numerous occasions that it will not delete issues designated by the Commission "absent a compelling showing of unusual circumstances." Charles W. Holdt, 37 FCC 2d 64, 65-66, 24 RR 2d 1002, 1005 (1972); Jacksonville Broadcasting Company, 31 FCC 2d 751, 754, 22 RR 2d 1046, 1050 (1971). Clearly, petitioner has failed to show that the facts presented here warrant deletion of the financial issue. Despite the fact that the Commission appears to have overlooked Boricua's September, 1972 financial amendments, petitioner has not established that this

[1] Issue 4 states, in part:
"To determine with respect to the application of the Boricua Broadcasting Corporation:
(a) Whether sufficient funds are available to stock subscribers to meet their commitments to purchase stock."

[2] The following related pleadings are also before the Board: (a) comment, filed January 28, 1974, by Cavallaro Broadcasting Corporation; (b) opposition, filed March 1, 1974, by the Broadcast Bureau; and (c) reply, filed April 5, 1974, by Boricua.

[3] The amendment in question was actually filed with the Commission on September 11, 1972. A further amendment containing, inter alia, information that Mr. Raphael Vizcarronda and Mr. Enrique Soler had elected to withdraw as stockholders and changing the amount of paid-in capital from $21,201 to $18,001, was filed on September 27, 1972.

[4] In Boricua's amendment, filed September 27, 1972, total available capital was reduced to $435,498, consisting of paid-in capital of $18,001, deferred credit in the amount of $67,497, and the $350,000 bank loan.

[5] Boricua takes no exception to the estimates (set forth in the designation Order) of the applicant's construction costs and initial operating expenses of $434,000. This total includes: down payment on equipment, $38,125; first-year payments on equipment with interest, $43,375; land, $84,000; building, $6,000; miscellaneous, $112,500; and working capital (first year), $150,000.

[6] The Board's authority to consider matters on its own motion has been well established. See Athens Broadcasting Co., Inc., 37 FCC 2d 374, 388, 25 RR 2d 483, 500 (1972); Charles County Broadcasting Co., Inc., FCC 63-821, 25 RR 903, 906 (1963).

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omission obviates the necessity for inquiry into its financial qualifications. Even assuming the availability of the $350,000 bank loan and $18,001 in paid-in capital, the applicant's financial resources, totalling $368,001, fall far short of the amount needed to meet its estimated $434,000 first-year costs of construction and operation.[7] In addition, since the bank loan is now essential to Boricua's financial qualifications and there is no indication as to what, if any, collateral or security the Banco Credito Y Ahorro Ponceno will require before advancing the $350,000 to Boricua, an inquiry is appropriate to clarify the applicant's financial status. See Viking Television, Inc., 16 FCC 2d 1018, 1021, 15 RR 2d 954, 958 (1969); Christian Voice of Central Ohio, 15 FCC 2d 303, 14 RR 2d 785 (1968). Cf. Western Communications, Inc. (KORK–TV), 39 FCC 2d 1077, 26 RR 2d 1456 (1973), request for clarification dismissed FCC 73R–157, released April 13, 1973, review denied FCC 74–175, released February 21, 1974; WWKY, Inc., 44 FCC 2d 239, 28 RR 2d 1551 (1973).

6. *Accordingly, It is ordered*, That the petition to delete issue, filed January 21, 1974, by Boricua Broadcasting Corporation, is denied; and

7. *It is further ordered*, That, on the Board's own motion, issue 4 is modified to read:

(4) To determine with respect to the application of the Boricua Broadcasting Corporation:

(a) The terms and conditions of the proposed bank loan from Banco Credito Y Ahorro Ponceno, whether Boricua Broadcasting Corporation can meet those terms and conditions, and whether, in light thereof, the proposed loan will in fact be available to it;

(b) Whether the applicant will have sufficient additional funds to construct and operate its proposed station; and

(c) In the light of the evidence adduced pursuant to (a) and (b), whether Boricua Broadcasting Corporation is financially qualified to construct and operate its proposed station.

Adopted: May 3, 1974.

Released: May 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–11303 Filed 5–15–74;8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND PUBLIC GRAIN ELEVATOR OF NEW ORLEANS

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 5, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
Mr. Cyrus C. Guidry
Port Counsel
Board of Commissioners of the Port of New Orleans
Post Office Box 60046
New Orleans, Louisiana 70160

Agreement No. T–590–7, between the Board of Commissioners of the Port of New Orleans (Port) and the Public Grain Elevator of New Orleans (Elevator), modifies the basic agreement which provides for the lease of grain elevator facilities in the City of New Orleans. The purpose of the modification is to (1) extend the term of the lease for an additional five years, commencing on July 27, 1974, (2) modify the insurance provisions of the lease agreement, (3) provide for capital improvements to be made by Port, as well as Elevator, and (4) increase the current rental by ten (10) percent.

By order of the Federal Maritime Commission.

Dated: May 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–11280 Filed 5–15–74;8:45 am]

CITY OF MILWAUKEE AND HANSEN SEAWAY SERVICE, LTD.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 5, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
J. L. Haskell, Deputy Port Director
Board of Harbor Commissioners
City of Milwaukee
Room 606—City Hall
Milwaukee, Wisconsin 53202

Agreement No. T–2955, between the City of Milwaukee (City) and Hansen Seaway Service, Ltd. (Hansen) provides for the lease to Hansen of an area known as the open dock on the North Side of South Pier No. 1. The term of this lease will be for a period of one year and seven months with renewal options. As compensation, City will receive and annual rental of $12,500.00 plus certain wharfage fees as more specifically described in the basic agreement. Hansen will utilize these facilities for the purposes of receiving, shipping, storing and handling all general commodities.

By order of the Federal Maritime Commission.

Dated: May 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–11281 Filed 5–15–74;8:45 am]

FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS ON VOYAGES

Notice of Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Black Sea Steamship Company
(Black Sea Shipping Company)
c/o March Shipping Passenger Services
19 Rector Street
New York, New York 10006

Dated: May 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–11282 Filed 5–15–74;8:45 am]

INDEMNIFICATION OF PASSENGERS FOR NONPERFORMANCE OF TRANSPORTATION

Notice of Issuance of Certificate [Performance]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Black Sea Steamship Company
(Black Sea Shipping Company)
c/o March Shipping Passenger Services
19 Rector Street
New York, New York 10006

Dated: May 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–11283 Filed 5–15–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74–56]

CASCADE NATURAL GAS CORP.

Notice of Further Extension of Time and Postponement of Hearing

MAY 9, 1974.

On May 3, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by Notice issued March 21, 1974, in the above-designated matter. The motion states that Cascade, the only party to the proceeding, has no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of evidence by Staff, June 6, 1974.
Hearing, June 17, 1974 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11235 Filed 5–15–74;8:45 am]

[Docket No. RP73–93]

COLORADO INTERSTATE GAS CO.

Order Approving Settlement Agreement

MAY 10, 1974.

On January 9, 1974, Colorado Interstate Gas Company (CIG) filed a motion for approval of its proposed Stipulation and Agreement of Settlement (Agreement).[1] The Agreement purports to resolve all but two issues arising in this docket, those two issues being reserved for hearing as discussed below. This docket arises from CIG's filing on March 30, 1973, of a proposed increase in annual jurisdictional revenues of approximately $19.8 million above the settlement rates approved by order issued July 5, 1973, in Docket No. RP72–113.

In its filing, CIG stated that $9.8 million of the proposed increase was necessary to cover increases in costs of capital, taxes, operating expenses, increased rate base, and capital advances for new sources of gas supply. The remaining $10.1 million of the proposed increase was related to CIG's proposed transfer of its production facilities to a subsidiary, then pending Commission approval in Docket Nos. CP73–184, et al. On April 27, 1973, the Commission accepted the proposed increase of filing, suspended its effectiveness for five months, and established hearing procedures. As the proposed transfer of production facilities had not yet been approved at the time the proposed rates became effective, CIG amended this filing on September 17, 1973, to reflect only the $9.8 million increase.

The Commission Staff filed its testimony and exhibits on September 7, 1973, and the prehearing conference was held on October 3, 1973. The record in this case consists of CIG's filing as amended, testimony and exhibits by its witnesses and those of the Commission Staff.

The Agreement provides for a reduction of approximately $5 million from the $9.8 million increase still subject to refund in this docket and would allow an increase of $4.8 million effective October 1, 1973. The Agreement is based on a jurisdictional cost of service of $102,217,779 for the twelve months ended December 31, 1972, as adjusted.[2] The Agreement provides for an overall rate of return of 8.55 percent with a return on equity of 12 percent, based on a capital structure as of June 30, 1973.[4] Included in the 8.55 percent overall rate return is an allowance of .28 percent for CIG's continuation of flow-through accounting. The settlement cost of service is allocated in accordance with the unmodified *Seaboard* method.[5]

The principal provisions of the Agreement are as follows:

(1) *Matters Reserved for Hearing.* The parties have agreed to reserve for hearing issues concerning the maintenance of the present 44¢ per Mcf demand rate differential between CIG's Rate Schedules P–1 and G–1 and the propriety of including coal and water option payments in CIG's cost of service. Refunds and rate adjustments may be required if final Commission determination is adverse to CIG on the coal and water option. Any final order on the P–1, G–1 rate issue is to have prospective application only.[6]

(2) *Rates.* Within 30 days after an order approving the settlement becomes final and non-appealable, CIG will file the settlement rates reflected in Appendix C, to become effective October 1, 1973. These rates reflect the 44¢ per Mcf demand rate differential and the coal and water option payments discussed above. The rates in Appendix C will yield revenues of $102,246,640 and reflect an annual revenue increase of $4,781,107, 4.91 percent in excess of the rates approved in Docket No. RP72–113. The revenues are based on the settlement annual jurisdictional sales of 326,706,500 Mcf.

(3) *Refunds.* CIG will refund, with 7 percent interest, amounts collected from its jurisdictional customers in excess of the settlement rates. Additional refunds and interest may be required by the final decision on the coal and water option payments, as discussed above. Any refunds received by CIG from its gas suppliers will be passed on to the jurisdictional customers pursuant to the Company's purchased gas adjustment clause (PGA).

(4) *Moratorium.* Except for certain rate filings required by the Agreement and CIG's PGA clause, CIG agrees not to seek increased rates to become effective prior to October 1, 1974. CIG may, however, file to pass on costs related to advance payments, research and development expenditures pursuant to Order No. 483,[7] or to recover costs related to the transfer of its producing properties. (As noted above, a filing to recoup these last described costs has been made and approved.)

(5) *Flow-through Accounting.* CIG agrees to continue to use liberalized tax depreciation and flow-through accounting to the extent permitted by law on both pre-1970 and post 1969 property, passing on the benefits of liberalized tax depreciation (estimated by CIG at $2,192,000 annually) to its customers during the term of the Agreement.

(6) *Advance Payments.* CIG may file increased commodity rates reflecting advance payments as of December 31, 1973, consistent with Order No. 499.[8] Additional filings may be made twice a year to reflect net gas supply advances; such filing to be 45 days prior to the effective dates of April 1 and October 1, provided the jurisdictional portion of the cost of service change is at least $250,000. The method of computation of the adjustment is specified in the Agreement and the details of such adjustment are to accompany its filing. Such a filing is subject to a one day suspension if the Commission deems it appropriate.

(7) *Conjunctive Billing.* All parties, including the Commission Staff, agree to defer consideration of the conjunctive

[1] The Agreement was filed on January 7, 1974.

[2] The proposed transfer of production facilities was eventually approved in Docket No. CP73–184, et al., by order issued on January 7, 1974. On January 30, 1974, CIG filed to recoup the $10.1 million originally requested in this docket. By letter order of March 1, 1974, in Docket No. RP74–68, this request was accepted for filing and permitted to become effective.

[4] See Appendix A.

[5] See Appendix B.

[6] Atlantic Seaboard, et al., 11 FPC 43 (1952).

[6] These issues were tried on January 15, 1974, and are presently pending before the Presiding Administrative Law Judge for his initial decision.

[7] Docket No. R–462, issued April 30, 1973.

[8] Docket No. RM–74–4, issued December 28, 1973.

[7] Boricua's estimated first-year costs of $434,000 only included that portion of its $152,500 equipment costs, i.e., down payment, principal and interest, which must be paid in the first year and, therefore, Boricua is not entitled to use the $67,497 in deferred credit in determining its financial resources to meet first-year construction and operating costs.

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billing procedures on CIG's system with the understanding that all parties will address themselves to this issue in CIG's next rate increase filing.

(8) *Conditions.* The Agreement is subject to Commission approval of all its terms and conditions and waiver by the Commission of any of its Regulations to the extent required to permit effectuation of the provisions of the Agreement. The Agreement is not intended to change existing obligations under prior agreements, nor is any party bound by any method used in determining cost or rates in the Agreement. The Agreement terminates when new rates become effective under Section 4 or 5 of the Natural Gas Act.

Notice of CIG's motion for approval of the Agreement was issued on January 16, 1974, providing for all interested parties to file comments on or before February 8, 1974. No comments have been received.

As noted previously, the Agreement provides for rates reflecting an unmodified Seaboard method of cost classification, cost allocation, and rate design. On October 31, 1973, the Commission issued United Gas Pipeline Company, Opinion No. 671, in Docket No. RP72–75. In that opinion we discussed our policy of considering competitive fuel levels in setting commodity rate levels, as well as the effects of the present natural gas shortage on existing rate structures. We concluded that as a first step in attempting to reconcile historical revenue patterns with exigencies of the present situation of gas supplies, two-part rates based upon the classification of 75 percent of fixed costs to commodity and 25 percent of fixed costs to demand were appropriate. As our decision in United was issued after the discussions leading to this Agreement were concluded, we shall approve the use of the Seaboard method only for the purposes of this settlement. In any future rate filings, however, the burden shall be upon CIG to justify any commodity rate levels reflecting the inclusion of less than 75 percent of Seaboard fixed costs as prescribed in United.[9]

As discussed above, the Agreement provides for an overall rate of return of 8.55 percent, including a .28 percent increment to allow for CIG's continuation of flowing through the tax benefits of liberalized depreciation. The .28 percent represents approximately one-half of the additional amount CIG could collect from its rate payers if it chose to adopt a normalized method of accounting. The effect of such an allowance is to return to CIG one-half the benefits the customers receive as a result of CIG's election to continue flow-through accounting. Nevertheless, we think it is appropriate to make such an allowance on the record of this case. As we have stated above, however, CIG has transferred its production facilities to a subsidiary corporation. Such a transfer will obviously affect the costs of CIG, including its depreciable property and tax liability. As all of these issues will be addressed in CIG's recent filing, we will not address ourselves to the propriety of continuing the allowance for flow-through accounting at this time. That matter can be more properly dealt with in the more recent filing. We emphasize that our approval of such an allowance in this Agreement is limited to and based on the record of this proceeding.

Finally, we note that the proposed settlement rates include coal and water option payments which we specifically excluded in our order approving the settlement in Docket No. RP72–113. However, as the issue is presently before the Presiding Administrative Law Judge and subject to refund pursuant to the terms of the Agreement, we shall defer any decision thereon pending the initial decision.

Based upon our review of the terms and provisions of the Agreement and the record in this proceeding, we conclude that the proposed Agreement provides a reasonable and appropriate resolution of the issues raised herein and that the public interest would be served by our approval of the settlement.

The Commission finds:

Approval of the proposed Stipulation and Agreement of Settlement, filed by CIG on January 7, 1974, is just and reasonable in the public interest in carrying out the provisions of the Natural Gas Act and the Agreement should be made effective.

The Commission orders:

(A) The proposed Stipulation and Agreement of Settlement is incorporated herein by reference and made effective subject to the terms and conditions of this order.

(B) CIG shall comply fully with each of the provisions of the Agreement and the terms and conditions of this order.

(C) The rates contained in the proposed settlement are approved subject to such modification and refund as may be required by final Commission decision on the reserved issues as specified in the Agreement.

(D) This order is without prejudice to any findings or orders which have been made or will be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, CIG, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against CIG or any other person or party.

(E) Within 30 days of the issuance of this order, CIG shall file appropriate tariff sheets reflecting the terms of the Agreement as herein approved.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[10]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11243 Filed 5–15–74;8:45 am]

[9] We note that on March 29, 1974, CIG filed a new proposed rate increase in Docket No. RP74–77, reflecting unmodified Seaboard costs. The discussion above is particularly pertinent to this filing.

[10] Appendices filed as part of original document.

[Docket Nos. GP73–223, etc.; RP73–86]

COLUMBIA GAS TRANSMISSION CORP.

Order Granting Limited Extension of Time and Denying Motion To Consolidate

MAY 9, 1974.

On March 29, 1974, Columbia Gas Transmission Corporation (Columbia) filed a motion requesting that the above-titled certificate proceedings be consolidated with the Columbia rate case now pending in Docket No. RP73–86. In the alternative, Columbia requests that the hearing scheduled by our order of January 7, 1974 in Docket No. CP73–223 be postponed until June 11, 1974.[1]

In support of its request for consolidation, Columbia contends that the only issue remaining in Docket No. CP73–223 pertains to the rate treatment contemplated for the service there proposed. Columbia cites a portion of its own prepared testimony in Docket No. CP73–223, stating that it would be appropriate to consider the Docket No. CP73–223 rate issues in the context of the rate proceedings in Docket No. RP73–86.

In support of its alternative request that hearings in Docket No. CP73–223 be postponed, Columbia contends that its staff is so deeply involved in efforts to reach settlement in the rate proceedings that they could not effectively participate in the certificate hearing already scheduled. Accordingly, Columbia requests a two-month delay.

Our order scheduling hearings in Docket No. CP73–223 was issued in response to urgent requests for expedition, with which Columbia's present motion seems at odds.[2] Consolidation of Columbia's certificate proposal with its pending rate case could only delay final disposition of the authorizations requested. Furthermore, while the rate for the service contemplated here may eventually become an issue in Docket No. RP73–86, it would be inappropriate to dispose of the application pending in Docket No. CP73–223 without a record concerning the initial rate which is a proper subject of that certificate proceeding. Columbia's motion for consolidation is, accordingly, denied.

Nor are we impressed by Columbia's professed inability to proceed to hearing in Docket No. CP73–223, particularly because its direct testimony, involving only one witness, has already been filed, the April 15 hearing date originally scheduled has already been deferred, and no hearing is scheduled in the rate proceeding with which a conflict is claimed until July 9, 1974. Columbia's motion that hearings be postponed until June 11, 1974, again appears contradictory to its earlier demands for expedition and lacking good cause should be denied. We shall, therefore, reschedule the hearing to commence on May 13, 1974.

So that we may be guided by timely information, Columbia shall present at the hearing herein scheduled, in addition to the evidence already served, a complete statement from its witness or witnesses concerning its ability to proceed with the service proposed, and that of its affiliate, Columbia LNG Corporation, whose gas it seeks authorization to transport.

The Commission finds:

(1) It is neither necessary nor appropriate in the public interest that Columbia's motion for consolidation be granted.

(2) Neither the public interest nor expedition will be served by granting the full extension of time requested by Columbia.

(3) Proper disposition of these proceedings requires detailed, updated information concerning Applicants' ability to proceed.

The Commission orders:

(A) Columbia's motion for consolidation is denied.

(B) A public hearing as originally scheduled by our order of January 7, 1974 in Docket Nos. CP73–223, et al., will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., commencing at 10 a.m. on May 20, 1974.

(C) Columbia shall present for the record of the hearing herein scheduled additional evidence encompassing a complete report on the status of its proposal, the ability of itself and Columbia LNG Corporation to proceed, and the scheduling and level of service now proposed.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11240 Filed 5–15–74;8:45 am]

[1] The April 15, 1974 hearing date set by our January 7 order has already been deferred by notice issued April 9, 1974.

[2] Columbia has stressed the need for expedited action on its Green Springs synthetic gas project from the time it was first proposed in July 1971 (Docket No. CP72–8).

[Docket No. RP74–32]

CONSOLIDATED GAS SUPPLY CORP.

Notice Changing Date of Hearing

MAY 9, 1974.

On May 3, 1974, Staff Counsel filed a motion to change the date of hearing fixed by Order issued January 7, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing in the above matter is changed to May 29, 1974.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11241 Filed 5–15–74;8:45 am]

[Docket No. RI74–222]

ESTATE OF FRANK MARTIN PORTER, DECEASED

Notice of Petition for Special Relief

MAY 9, 1974.

Take notice that on May 3, 1974, Estate of Frank Martin Porter, Deceased (Petitioner), 305 Penn Square National Bank Bldg., Oklahoma City, Oklahoma 73118, filed a petition for special relief in Docket No. RI74–222 pursuant to § 2.76 of the Commission's General Policy and Interpretations. Petitioner seeks approval of a rate increase to 35 cents per Mcf, plus an annual 1.0 cent per Mcf escalation, for the sale of its gas to Kansas-Nebraska Natural Gas Company, Inc. from the Bradshaw Field, Hamilton County, Kansas. These wells are jointly owned by Petitioner and LVO Corporation (LVO). Petitioner states that LVO previously obtained similar relief by order issued April 22, 1974, in Docket No. CI74–19, and that the cost data and information submitted therein also supports the relief requested here.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11239 Filed 5–15–74;8:45 am]

[Docket No. E–8760]

IOWA PUBLIC SERVICE CO.

Notice of Extension of Agreement

MAY 9, 1974.

Take notice that on April 25, 1974 Iowa Public Service Company (IPS) tendered for filing an amendment to its Participation-Unit Agreement with Iowa Electric Light and Power Company (Iowa), designated as IPS Rate Schedule FPC No. 53. IPS states the purpose of the said amendment is to provide 100,000 kw of capability to Iowa during the month of May, 1974, under the terms and conditions of the Participation-Unit Agreement.

IPS requests an effective date of May 1, 1974 for said amendment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11231 Filed 5–15–74;8:45 am]

[Docket No. CI74–596]

JAMES M. FORGOTSON, SR.

Notice of Application

MAY 9, 1974.

Take notice that on April 26, 1974, James M. Forgotson (Applicant), 409 Beck Building, Shreveport, Louisiana 71101, filed in Docket No. CI74–596 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United), from the Roanoke Field, Jefferson Davis Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell an average daily quantity of up to 5,000 Mcf of natural gas to United from subject acreage for six months after September 4, 1974, or from the date of issuance of appropriate authorization by the Commission, whichever is later, at a rate of 55.0 cents per Mcf at 15.025 psia, plus reimbursement for all taxes, subject to upward adjustment from a base of 1,050 Btu per cubic foot and downward adjustment from a base of 1,000 Btu per cubic foot, pursuant to a contract between the parties dated April 5, 1974, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

The sale of the gas to United from subject acreage is currently authorized until September 4, 1974, by a certificate of public convenience and necessity issued by the Commission in Docket No. CI73–847 on September 4, 1973, at a price of 40.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or

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if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11236 Filed 5–15–74;8:45 am]

[Docket N. CI74–595]

JAMES M. FORGOTSON, SR.

Notice of Application

MAY 9, 1974.

Take notice that on April 26, 1974, James M. Forgotson, Sr. (Applicant), 409 Beck Building, Shreveport, Louisiana 71101, filed in Docket No. CI74–595 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necssity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from certain unspecified wells in Anse La Butte Field, St. Martin Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of an average daily quantity of up to 10,000 Mcf of natural gas from the subject acreage on March 24, 1974, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) at a price of 45 cents per Mcf at 15.025 psia, plus reimbursement for all taxes and subject to upward Btu adjustment from a base of 1,050 Btu per cubic foot and downward from a base of 1,000 Btu per cubic foot. Applicant proposes to continue said sale for six months from the date Applicant receives appropriate authorization from the Commission at a price of 55 cents per Mcf, plus reimbursement for all taxes and subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11237 Filed 5–15–74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Meeting

Agenda for a meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission Offices, 825 North Capitol Street, N.E., Washington, D.C., May 23, 1974, 10:00 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approval of minutes of January 15, and May 9, 1974, meetings.
B. Consideration of draft of Committee's report to the Federal Power Commission.
C. Review revised computer runs by the Task Force—Future Financial Requirements.
D. Review open drafting assignments.
E. Other business.
F. Date for next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11245 Filed 5–15–74;8:45 am]

[Docket Nos. E–8465 and E–8389]

NEW YORK STATE ELECTRIC AND GAS CORP.

Order Approving Settlement Agreement

MAY 10, 1974.

On March 4, 1974, New York State Electric and Gas Corporation (NYSEG) filed a proposed settlement agreement in the above captioned dockets. The proposed agreement provides for an adjustment from $74.97 per megawatt per day to $73.09 per megawatt per day for two agreements between NYSEG and Central Hudson Gas and Electric Corporation (Hudson) covering service to Hudson.

On September 10, 1973, NYSEG tendered for filing a Supplement No. 3 to its Rate Schedule FPC No. 55 which provided for the sale of 23 MW of short term firm power and associated energy to Hudson during September, 1973, in Docket No. E–8389. By Commission order dated October 10, 1973, this filing was suspended for one day, permitted to become effective September 1, 1973, and the matter was set for hearing. NYSEG, on October 29, 1973, tendered for filing an agreement dated October 19, 1973, designated as its Rate Schedule FPC No. 57, which provided for the sale of 50 MW of power and associated energy to Hudson during the period October 26, 1973 to April 27, 1974, in Docket No. E–8465. On November 8, 1973, NYSEG tendered for filing in Docket No. E–8482 Notice of Cancellation of its Rate Schedule FPC No. 55 to be effective as of September 30, 1973.

By Commission order, dated November 30, 1973, the proceedings in Docket Nos. E–8389 and E–8465 were consolidated for purposes of hearing and decision. The Commission stated that the proposed charges in both dockets included an overall rate of return of 8.3% and a return on common equity of 13% which appeared to be excessive. For this reason, a hearing was set to determine the just and reasonable rate of return for NYSEG. The Commission, by the same order, accepted for filing the Notice of Cancellation filed in Docket No. E–8482 effective September 30, 1973. The filing in Docket No. E–8465 was accepted for filing and permitted to take effect on October 29, 1973, subject to refund.

Public notice of the filing of the settlement agreement was issued April 3, 1974, with comments due on or before April 15, 1974. No comments were received.

The proposed settlement agreement tendered for filing March 4, 1974, adjusts the capacity charge for the service provided by NYSEG to Hudson under NYSEG's Rate Schedules FPC No. 55, Supplement No. 3 and FPC No. 57 from $74.97 per megawatt per day to $73.09 per megawatt per day.[1] This reflects an overall rate of return of 8%, including a 12.12% return on common equity.[1] The proposed agreement further calls for the refund of an estimated $1,297.20, based on excess charges already collected from Hudson in the amount of $1.88 per megawatt per day.

Based on our review of the record in this proceeding, including the filings made by NYSEG and the settlement agreement, we find that the rates and other terms and provisions of the settlement agreement are reasonable and that the agreement represents a reasonable resolution of the issues in this proceeding in the public interest and accordingly should be approved.

[1] See Appendix A which is filed as part of original document.

The Commission finds:

Approval as hereinafter ordered of the settlement in this proceeding on the basis of the agreement filed March 4, 1974, is necessary and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders:

(A) The settlement agreement filed herein on March 4, 1974, is incorporated herein by reference and approved, as hereinafter conditioned.

(B) Within 30 days from the date of this order, the Company shall file a revised rate schedule to conform with the settlement agreement and the terms and conditions of this order.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against the Company or any other person or party.

(D) NYSEG shall comply with the provisions of the settlement agreement and with the terms and conditions of this order.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11242 Filed 5–15–74;8:45 am]

[Docket No. E–7160]

SOUTHEASTERN POWER ADMINISTRATION

Notice of Extension of Time

MAY 9, 1974.

On April 26, 1974, the Cities of Alachua, Florida, et al., requested an extension of time to submit comments to the filing by the Southeastern Power Administration, Department of Interior, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including May 6, 1974, within which to file comments in the above-designated matter.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11232 Filed 5–15–74;8:45 am]

[Docket No. E–8514]

SOUTHERN SERVICES, INC.

Order Accepting for Filing and Suspending Proposed Amendment To Interchange Agreement, Permitting Intervention and Establishing Procedures

MAY 8, 1974.

On November 23, 1973, Southern Services, Inc., (Southern) filed its annual revision to the interchange agreement between itself and the participating companies (Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company) who are all affiliates of the Southern Company, which is a holding company organized pursuant to the provisions of the Public Utility Holding Company Act of 1935.[1] The proposed revision would realign the pooled costs among the participating companies, but would not cause any net decrease or increase in revenues to the combined companies.

By letter dated December 21, 1973, the Secretary of the Federal Power Commission informed Southern that its initial filing was deficient because it failed to provide adequate support for the increase in the fixed charge rate used to determine the participating companies' pooled costs. Additional data was supplied by Southern on January 25, 1974. By letter dated February 26, 1974, the Secretary of the Federal Power Commission again informed Southern that its filing was deficient because it failed to provide the specific data concerning the fixed charges for each participating company as requested earlier. On April 8, 1974, Southern submitted the data which completed the filing.

Southern submitted a comparison of the weighted average cost of senior securities issued by each participating company during 1971–1973. When related to a 9 percent overall cost of money, Southern states that such costs give rise to returns on common equity of 10.63 percent, 11.69 percent, 11.88 percent, and 11.25 percent for Alabama, Georgia, Gulf, and Mississippi Power Companies, respectively.

Notice of the original filing was issued on December 3, 1973, with comments or petitions to intervene due on or before December 19, 1973. On December 19, 1973, petitions to intervene were filed by several municipal customers of Georgia Power[2] and the Georgia Municipal Association, Inc., (Cities) and by the Water, Light, and Sinking Fund Commission of the City of Dalton, Georgia (Petitioner).

Cities, in their petition, make the following allegations: (1) The charges for power between the participating Companies of the interchange agreement are not based on actual costs; (2) the legality of the agreement has never been determined; and (3) the agreement is not an adequate cost allocation tool. Cities requests that the filing be suspended for the full statutory period pending a hearing on the lawfulness of the proposed rates pursuant to the authority conferred upon the Commission by section 205(e) of the Federal Power Act. On January 14, 1974, Southern tendered for filing an answer to the petitions to intervene asserting: (1) The Cities and Petitioner are not parties to the agreement and have no direct interest that would be adversely affected by this proceeding; (2) the rates charged under the agreement are based upon acceptable cost of service concepts; (3) since each participating company separately runs its generating and transmission facilities, there is no need to roll the participating companies' bulk costs together and reallocate them; and (4) if the proposed changes are not granted, and inequitable apportionment of the benefits of interconnected and coordinated operation will occur. We believe that Cities and Petitioner have demonstrated an interest of such nature that their intervention would be appropriate in the proceeding instituted hereinafter.

Our review of Southern's filing and the issues raised by Cities and Petitioner indicates that the proposed amendment has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed amendment for one day and establish hearing procedures to determine the justness and reasonableness of the proposed change in rates, terms, and conditions contained therein.

(1) The proposed amendment, tendered by Southern on November 23, 1973, should be accepted for filing as of April 8, 1974, as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a proceeding pursuant to section 205 to determine the reasonableness of the proposed amendment filed by Southern and that the proposed changes in rates, terms, and conditions proposed therein be suspended as hereinafter provided.

(3) Good cause exists to permit the intervention of the above-named intervenors.

(4) The disposition of the proceeding ordered herein should be expedited in accordance with the procedure set forth below.

The Commission orders:

(A) Pending a hearing and a decision thereon, Southern's proposed amendment, tendered on November 23, 1973, is accepted for filing as of April 8, 1974, and is hereby suspended for one day and the use thereof deferred until May 10, 1974, or until such time as it is made effective in the manner provided in the Federal Power Act.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18

[1] These affiliated companies and Southern are parties to an interconnection agreement which provides for the companies' coordinated operation under an Operating Committee consisting of a representative of each party to the agreement, with Southern acting as their agent in effecting agreements with outside utility systems and among affiliated companies for pool related transactions.

[2] The Cities of Acworth, Adel, Albany, Barnesville, Blakely, Braselton, Brinson, Buford, Cairo, Camilla, Cartersville, College Park, Commerce, Covington, Doerun, Douglas, East Point, Elberton, Ellaville, Fairburn, Fitzgerald, Forsyth, Fort Valley, Grantville, Griffin, Hampton, Hogansville, Jackson, LaFayette, LaGrange, Lawrenceville, Mansfield, Marietta, Monroe, Monticello, Moultrie, Newnan, Norcross, Palmetto, Sandersville, Sylvania, Sylvester, Thomaston, Thomasville, Washington, West Point, and Whigham, Georgia.

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CFR, Chapter I), a public hearing shall be held on September 18, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the Company's proposed amendment to its interchange agreement.

(C) On or before July 17, 1974, the Company shall serve its prepared testimony and exhibits concerning the proposed amendment. Any prepared testimony and exhibits of the intervening parties shall be served on or before August 2, 1974. Any prepared testimony and exhibits of the Commission Staff shall be served on or before August 19, 1974. Any rebuttal evidence by the Company shall be served on or before September 3, 1974.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) The parties designated above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interest specifically set forth in the respective petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-11244 Filed 5-15-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Notice of Proposed PGA Rate Adjustment

MAY 9, 1974.

Take notice that on April 29, 1974, United Natural Gas Company (United), tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Fifth Revised Sheet No. 3-A to be effective May 1, 1974.

United states that the sole purpose of this revised tariff sheet is to adjust United's rates pursuant to the PGA provision in section 16 of the General Terms and Conditions approved by the Commission's Order issued December 10, 1973, in Docket No. RP74-35. United further states that such tariff sheet reflects an adjustment in United's rates of .28¢ per Mcf on Fifth Revised Sheet No. 3-A, an increase of $126,974 annually.

In addition, United requests waiver of Section 16.6 of the General Terms and Conditions of its FPC Tariff relating to the 45-day notice requirement of a rate change due to not receiving its suppliers revised rates in sufficient time to make a timely filing. United also requests waiver of any Commission rules and regulations necessary to permit Fifth Revised Sheet No. 3-A to become effective May 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-11238 Filed 5-15-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 13, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agriculture Research Service, Fruit Germplasm Resources Inventory, Form ARS 185, Occasional, Lowry Institutional & private fruit variety collections.

Statistical Reporting Service, Formula Feed and Dry Granular Fertilizer Transportation Survey, Form ----, Single time, Lowry/Foster/Formula Feed & fertilizer shippers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, 1974 Inventory of Costs, Reimbursements, and Funding, Form ADAMMH 0508, Single time, HRD/Caywood/Lowry, Operating federally funded CMHC's.

Health Resources Administration, Evaluation of the Effectiveness of CHPS Agency Assessments and Technical Assistance Activities, Form HRABHRD 0425, Single time, HRD/Caywood, State & areawide CHP agencies.

Evaluation of the Effectiveness and Efficiency of the Section 1122 Review Process, Form HRABHRD 0424, Single time, HRD/Caywood, Govt. agencies.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Letter to a Relative of a Beneficiary for Whom a State Mental Institution is Representative Payee, Form SSA-L 9744, Single time, Caywood, Individuals.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Magnesium Compounds, Form 6-1232-A, Annual, Weiner, Producers of magnesium compounds.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Annual Report on Real Property Acquisition (Under Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970), Form HUD 6501, Annual, CVA, Local public bodies & housing auth.

VETERANS ADMINISTRATION

Educational Plan (Chapter 35, Title 38, U.S.C.), Form 22-5490a, Occasional, Caywood, Children of deceased or totally disabled veterans.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Regulations other than Rules of Practice under PACA, Form ----, Occasional, Evinger, Commission merchant dealers, brokers.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade, Statement by Ultimate Consignee in Support of Project License Application, Form DIB 620P, Occasional, Evinger (x).

Commodities and Technical Data to be Used in Designing, Developing, Fabricating, or Testing Nuclear Weapons or Nuclear Explosive Devices, Form EAR 378, Occasional, Evinger (x).

ENVIRONMENTAL PROTECTION AGENCY

Fuel Manufacturing Notification, Fuel Manufacturing Notification of Change, Fuel Manufacturing Report of Additive Usage, Form EPA 269 etc., Semi annual, Evinger, Petroleum industry.

PHILLIP D. LARSEN, *Budget and Management Officer.*

[FR Doc.74-11365 Filed 5-15-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Notice of Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System (the "Committee") will conduct open meetings on May 31, 1974 at 500 North Capitol Street, Washington, D.C. 20549 in Room 776, beginning at 9 a.m.

Members of the Committee are:

Mr. Alexander Yearley, IV, Chairman.
Mr. Kenneth Axelson.
Mr. M. Colyer Crum.
Mr. Robert Gardiner.
Mr. C. Rader McCulley.
Mr. Ray F. Myers.
Mr. Felix Rohatyn.
Mr. Donald Stone.

The summarized agenda for the meeting is as follows:

(1) Outline the mandate from the Commission.
(2) Establish a series of questions to be addressed.
(3) Identify data needed for analysis.
(4) Arrange future meeting plans.
(5) Establish Committee procedures.
(6) Arrange for staff support.

Further information may be obtained by writing:

Andrew P. Steffan, Director, Office of Policy Planning, United States Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Dated: May 16, 1974.

GEORGE A. FITZSIMMONS, *Advisory Committee Management Officer.*

[FR Doc.74-11219 Filed 5-15-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1061]

NEBRASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April, because of the effects of a certain disaster, damage resulted to property located in the State of Nebraska;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Valley County, and adjacent affected areas, suffered damage or destruction resulting from a tornado which occurred April 20, 1974.

Office: Small Business Administration, District Office, 215 North 17th Street, Omaha, Nebraska 68102.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 8, 1974.

Dated: May 6, 1974.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.74-11249 Filed 5-15-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 509]

ASSIGNMENT OF HEARINGS

MAY 13, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after May 16, 1974.

MC 99610 Sub-15, Ross Neely Express, Inc., now assigned June 4, 1974, at Birmingham, Ala., is cancelled and the application is dismissed.

W-406 Sub 11, Ohio Barge Line, Inc., is continued to June 6, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 14552 Sub 53, J. V. McNicholas Transfer Company, now being assigned hearing June 10, 1974 (2 weeks), in Room 1112, New Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa.

MC 109891 Sub 22, Infinger Transportation Company, Inc., Extension Savannah, Ga., now assigned May 14, 1974, at Atlanta, Ga., is postponed indefinitely.

MC 123061 Sub 7, Robert H. Dittrich, d.b.a. Bob Dittrich Trucking, now being assigned hearing July 8, 1974 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 95876 Sub 143, Anderson Trucking Service, Inc., now being assigned hearing July 10, 1974 (3 days), at St. Paul, Minn., in a hearing room to be later designated.

I&S No. 8939, Seasonal Rates on Grain to Minnesota and Wisconsin, now being assigned hearing July 15, 1974 (5 days), at St. Paul, Minn., in a hearing room to be later designated.

MC-139176, Cascade Mobile Home Transport, Inc., now assigned June 10, 1974, at Salem, Oreg., is cancelled and the application is dismissed.

MC 107129 Sub-9, E. K. Motor Service, Inc., now assigned June 17, 1974; MC-F-12047, Howard N. Dahlsten—Purchase—(Portion) Stauffer Truck Service, Inc., and MC 115669 Sub-138, Howard N. Dahlsten, d.b.a. Dahlsten Truck Line, now assigned June 19, 1974; and MC 111375 Sub-67, Pirkle Refrigerated Freight Lines, Inc., now assigned June 24, 1974, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

No. 35788, Bus Fares, Between New York, N.Y., and New Jersey Points, now assigned June 3, 1974, at New York, N.Y., is postponed to July 29, 1974, at New York, N.Y., in a hearing room to be later designated.

MC 28573 Sub 34, Burlington Northern, Inc., now assigned June 3, 1974, at Helena, Mont., will be held in Room 324, U.S. Post Office and Federal Building, Fork and 6th Street.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11312 Filed 5-15-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 13, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed by May 31, 1974.

FSA No. 42833—*Class and Commodity Rates Between Points in Texas*. Filed by Texas-Louisiana Freight Bureau, Agent (No. 679), for interested rail carriers. Rates on blackstrap molasses, in tank carloads, and rubber, artificial, synthetic or neoprene, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 49 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, ICC No. 1159. Rates are published to become effective on June 11, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11313 Filed 5-15-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

MAY 13, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065.1(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by May 27, 1974. A copy must also be served upon applicant or its repre-

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sentative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–25798 (Sub-No. E5), filed April 15, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell, P.O. Box 1186, Auburndale, Fla. 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products* in containers, in vehicles equipped for temperature control, from Charleston, S.C., to points in Tennessee, Rhode Island, Massachusetts, Pennsylvania, on and west of a line beginning at the intersection of the Pennsylvania-Maryland State line and U.S. Highway 15, thence along U.S. Highway 15 to its intersection with U.S. Highway 11, thence north on U.S. Highway 11 to its intersection with Interstate Highway 80, thence east on Interstate Highway 81, thence north on Interstate Highway 81 to the Pennsylvania-New York State line, New York on west, and north of a line beginning at the New York-New Jersey State line and U.S. Highway 209, thence along U.S. Highway 209 to its intersection with Interstate Highway 87, thence north on Interstate Highway 87, to its intersection with Interstate Highway 90, thence east on Interstate Highway 90, to the New York-Massachusetts State line, Connecticut on and east of a line beginning at the Atlantic Ocean and Connecticut Highway 85 thence along Connecticut Highway 85 to its intersection with Connecticut Highway 2, thence north on Connecticut Highway 2 to its intersection with Connecticut Highway 3, thence along Connecticut Highway 3 to its intersection with Interstate Highway 91, thence north on Interstate Highway 91 to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–25798 (Sub-No. E25), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell, P.O. Box 1186, Auburndale, Fla. 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Baltimore, Md., to points in Florida. The purpose of this filing is to eliminate the gateway of points in Henderson County, N.C.

No. MC–30280 (Sub-No. E4), filed May 1, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from those points in Georgia on, west, and northwest of a line beginning at the Georgia-Florida State line, thence along Georgia Highway 97 to Camilla, thence along U.S. Highway 19 to Albany, thence along Georgia Highway 257 to Cordele, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 129 to junction U.S. Highway 441, thence along U.S. Highway 441 to Eatonton, thence along Georgia Highway 44 to Union Point, thence along Georgia Highway 77 to Elberton, thence along Georgia Highway 72 to the Georgia-South Carolina State line, to those points in South Carolina on and north of a line beginning at Rocky Bottom, S.C., thence along U.S. Highway 178 to Easley, thence along U.S. Highway 23 to Greenville, thence along South Carolina Highway 146 to Cross Anchor, thence along South Carolina Highway 49 to Lockart, thence along South Carolina Highway 9 to Lake View The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E6), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, GA 30301. Applicant's representative Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Columbia, Ga., to those points in South Carolina on and north of the line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 178 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 76–123, thence along U.S. Highway 76–123 to Anderson, thence along Georgia Highway 28 to Abbeville, thence along Georgia Highway 72 to Greenwood, thence along Georgia Highway to Columbia, thence along U.S. Highway 76–378 to Sumter, thence along U.S. Highway 378 to junction Georgia Highway 527, thence along Georgia Highway 527 to junction with U.S. Highway 52, thence along U.S. Highway 52 to Kingstree, thence along Georgia Highway 261 to Yauhannan, thence along U.S. Highway 701 to Conway, thence along Georgia Highway 544 to Murrell's Inlet. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E9), filed May 2, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton*, from Norfolk, Va., to those points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 52 to Pilot Mountain, thence along North Carolina Highway 268 to Cross Roads, thence along U.S. Highway 601 to Salisbury, thence along U.S. 601 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Elkin, N.C.

No. MC–30280 (Sub-No. E13), filed May 2, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in Georgia to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC–30280 (Sub-No. E14), filed May 2, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from those points in that part of North Carolina on and west of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 321 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to North Carolina Highway 150, thence along North Carolina Highway 150 to junction North Carolina Highway 152 to junction U.S. Highway 29/601, thence along U.S. Highway 29/601, continuing along U.S. Highway 601 to junction U.S. Highway 74, thence along U.S. Highway 74 to Junction North Carolina Highway 151, thence along North Carolina Highway 151 to the North Carolina-South Carolina State line, to Beverly, N.J., and points in Hudson, Bergen, Passaic, Essex, Union, and Middlesex Counties, N.J. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC–95540 (Sub-No. E106), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida on and east of a line beginning at the Florida-Georgia State line, and thence south along U.S. Highway 319 to the intersection with U.S. Highway 98, thence east along U.S. Highway 98 to St. Teresa on the Gulf of Mexico, to points in Texas and, south and west of a line beginning at the Sabine River, and thence west along Texas Highway 12 to its intersection with Interstate Highway 10, thence along Interstate Highway 10 to its intersection with U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E109), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattsville, N.Y., to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E120), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Delaware to points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line, and west along U.S. Highway 78 to New Albany, thence along Mississippi Highway 30 to Oxford, thence along Mississippi Highway 6 to Clarksdale, thence along Mississippi Highway 322 to Sherard, thence north on Mississippi Highway 1 to its intersection with an unnumbered highway, thence along said unnumbered highway to Friars Point, a point on the Mississippi River. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E126), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Colorado. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E127), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Jacksonville, Fla., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E128), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Jacksonville, Fla., to points in Idaho. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E129), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Jacksonville, Fla., to points in Missouri. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–100666 (Sub-No. E46), filed April 21, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May, P.O. Box 7666, Shreveport, La. 71107. Authortiy sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from Pineland, Tex., to points in Colorado, Iowa, Nebraska, New Mexico, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Briar, Ark., Duke, Okla., and Urania, La.

No. MC–100666 (Sub-No. E49), filed April 22, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May, P.O. Box 7666, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from Silsbee, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Stone County, Miss., Gifford, Ark., Pittsburg, Kans., and Crossett, Ark.

No. MC–100666 (Sub-No. E51), filed April 22, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May, P.O. Box 7666, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from Silsbee, Tex., to points in Colorado, Iowa, Nebraska, New Mexico, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Briar, Ark., Duke, Okla., and Urania, La.

No. MC–100666 (Sub-No. E52), filed April 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic conduit*, from Waco, Tex., to points in that part of Missouri on, west and north of a line beginning at the junction of Interstate Highway 67 and the Missouri-Arkansas State line, thence north on Interstate Highway 67 to the junction of Interstate Highway 67 and Interstate Highway 60, thence east on Interstate Highway 60 to the Mississippi River (excluding Popular Bluff and Sikeston). The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC–100666 (Sub-No. E54), filed April 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, particleboard, and sheathing*, from Memphis, Tenn., to points in Michigan, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of Covington, Tenn.

No. MC–100666 (Sub-No. E56), filed April 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber* from Pineland, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, and New Hampshire, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Stone County, Miss., Clifford and Crossett, Ark., and Pittsburg, Kans.

No. MC–100666 (Sub-No. E57), filed April 24, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Trumann, Ark., to points in Colorado, Nebraska, New Mexico, North Dakota, South Carolina, and South Dakota. The purpose of this filing is to eliminate the gateway of Covington, Tenn.

No. MC–105457 (Sub-No. E1), filed May 1, 1974. Applicant: THURSTON MOTOR LINES, INC., P.O. Box 10638, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General*

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commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (A) Between Columbia, Tenn., on the one hand, and, on the other, points in that part of Virginia, on and east of a line beginning at the Maryland-Virginia State Line, thence along U.S. Highway 522 to Front Royal, thence along U.S. Highway 340 to junction U.S. Highway 33 at or near Elkton, thence along U.S. Highway 33 to junction Virginia Highway 810, thence along Virginia Highway 810 to junction Virginia Highway 601, thence along Virginia Highway 601 to Charlottesville, thence along U.S. Highway 29 to Lynchburg, thence along U.S. Highway 460 to Bedford, thence along Virginia Highway 122 to junction Virginia Highway 40, thence along Virginia Highway 40 to Woolwine, thence along Virginia Highway 8 to the North Carolina-Virginia State Line; (B) Between Cookeville, Tenn., on the one hand, and, on the other, points in that part of Virginia, on and east of a line beginning at the Maryland-Virginia State Line thence along U.S. Highway 15 to Gilberts Corner, thence along U.S. Highway 50 to Middleburg, thence along Virginia Highway 626 to The Plains, thence along Virginia Highway 55 to junction Virginia Highway 647 at or near Marshall, thence along Virginia Highway 647 to Flint Hill, thence along U.S. Highway 522 to junction Virginia Highway 231 at or near Sperryville, thence along Virginia Highway 231 to Madison, thence along U.S. Highway 29 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction Virginia Highway 122, thence along Virginia Highway 122 to Rocky Mount, thence along U.S. Highway 220 to the North Carolina-Virginia State Line;

(C) Between Murfreesboro, Tenn., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State Line, thence along U.S. Highway 340 to junction Virginia Highway 255, thence along Virginia Highway 255 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia 688, thence along Virginia Highway 688 to junction Virginia Highway 647, thence along Virginia Highway 647 to Flint Hill, thence along U.S. Highway 522 to junction Virginia Highway 231 at or near Sperryville, thence along Virginia Highway 231 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 8, thence along Virginia Highway 8 to the North Carolina-Virginia State Line; and, (D) Between Nashville, Tenn., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State Line, thence along U.S. Highway 522 to junction Virginia Highway 231 at or near Sperryville, thence along Virginia Highway 231 to Madison, thence along U.S. Highway 29 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction Virginia Highway 122, thence along Virginia Highway 122 to Rocky Mount, thence along Virginia Highway 40 to Woolwine, thence along Virginia Highway 8 to the North Carolina-Virginia State Line; restricted in (A), (B), (C), and (D), against the transportation of any traffic moving between any of the points authorized in No. MC–105457 (Sub-No. 19A) to be served in the carrier's regular-route operations. The purpose of this filing is to eliminate the gateways of (1) points in North Carolina, (2) Charlotte, N.C., and/or (3) Roanoke Rapids, N.C.

No. MC–107295 (Sub-No. E10), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems* (except refrigerated showcases), from Pequannock, N.J., to points in Arizona, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–113362 (Sub-No. E4), filed May 2, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Melton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsites and warehouse facilities (1) of Sterling Colorado Beef Packers, at or near Sterling, Colo., and (2) of American Beef Packers, Inc., at or near Ft. Morgan, Colo., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to the transportation of traffic originating at the plantsites and warehouse facilities specified above. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC–114045 (Sub-No. E1), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842. Dallas, Tex. 75222. Applicant's representative: J. B. Stuart, P.O. Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, including boned or boned and stuffed poultry*, from Pomfret Center, Conn., to points in Washington, Oregon, Idaho, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of Hillsboro, Hutchinson, or Wichita, Kans.

No. MC–114045 (Sub-No. E2), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides) from the plant sites and warehouses of Sterling Colorado Beef Packers, at or near Sterling, Colorado, and the plant sites and warehouses of American Beef Packers, Inc., at or near Fort Morgan, Colorado, to points in Alabama, Connecticut, Florida, Georgia, Indiana, Maine; Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-named plant sites and warehouses, The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E4), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *commodities partially exempt* from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with dairy products as described above, from points in Kent County, Del., to points in Washington, Oregon, Utah, and Idaho. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E5), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Delaware to points in California. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and points in Oklahoma, Texas, or Arkansas.

No. MC–114045 (Sub-No. E6), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned meat*, from points in Pike and Spalding Counties, Ga., to points in Idaho, Montana, Nevada, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E7), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Hartford, Norwalk, and Wethersfield, Conn., to points in Kansas, Mississippi, Colorado, and California. The purpose of this filing is to eliminate the gateway of points in Texas, Arkansas, or Oklahoma.

No. MC–114045 (Sub-No. E8), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and canned fruit juices*, in containers, from points in Florida to Muscatine, Iowa. The purpose of this filing is to eliminate the gateway of points in Indiana.

No. MC–118831 (Sub-No. E11), filed May 4, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw, P.O. Box 5044, High Point, N.C. 27262. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, fertilizer, and vegetable oils), in bulk, in tank vehicles, from points in South Carolina (except Charleston) to points in Mississippi. The purpose of this filing is to eliminate the gateway of Lanett, Ala.

No. MC–127042 (Sub-No. E7), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of Blue Ribbon Beef Packing Inc., near Le Mars, Iowa, to points in Idaho, and Baker and Malheur Counties, Oreg. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–127042 (Sub-No. E8), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Laverne, Minn.

No. MC–127042 (Sub-No. E10), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides in bulk, in tank vehicles), from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Montana. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–127042 (Sub-No. E11), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Idaho, and Malheur and Baker Counties, Oreg. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–127042 (Sub-No. E12), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products*, and articles distributed by *meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in South Dakota on and South of U.S. Highway 14 to Omaha, Fremont, and Lincoln, Nebraska. The purpose of this filing is to eliminate the gateway of Sioux City, Iowa.

No. MC–127042 (Sub-No. E16), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in Montana. The purpose of this filing is to eliminate the gateway of West Point, Nebr.

No. MC–127042 (Sub-No. E17), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk, in tank vehicles), from points in Wisconsin to points in Colorado. The purpose of this filing is to eliminate the gateway of Cinton, Iowa.

No. MC–127042 (Sub-No. E22), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, Nebr., to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Denison, Iowa.

No. MC–127042 (Sub-No. E24), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Clinton, Iowa, to points in Idaho, Montana, Wyoming, and Baker and Malheur Counties, Oreg. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–127042 (Sub-No. E25), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Clinton, Iowa, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Sioux City, Iowa.

No. MC–127042 (Sub-No. E26), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey, P.O. Box, 98 Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat prod-*

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ucts and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite of Armour and Company, near Worthington, Minn., to points in Kansas and Missouri. The purpose of this filing is to eliminate the gateway of Luverne, Minn.

No. MC–128383 (Sub–E41), filed May 1, 1974. Applicant: Pinto Trucking Service, Inc., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave. Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Bradley International Airport, Hartford County, Conn., and Newark Airport, Newark, N.J., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Tweed-New Haven Airport, New Haven County, Conn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11320 Filed 5–15–74;8:45 am]

[No. AB–53]

KANSAS AND MISSOURI RAILWAY AND TERMINAL CO.

Abandonment of Railroad Line

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Wyandotte County, Kans., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is furthered ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of May, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

KANSAS AND MISSOURI RAILWAY AND TERMINAL COMPANY ABANDONMENT BETWEEN THE INTERSECTION OF 3RD AND NEW JERSEY AVENUE AND APPLICANT'S MATOON YARD, KANSAS CITY, WYANDOTTE COUNTY, KANSAS

The Interstate Commerce Commission hereby gives notice that by order dated May 6, 1974, it has been determined that the proposed abandonment of the line of Kansas and Missouri Railway and Terminal Company between the intersection of 3rd and New Jersey Avenue and Matoon Yard, Kansas City, Kans., a distance of approximately 3.57 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) NEPA.

It was concluded, among other things, that traffic over this line has not been substantial and has been decreasing, alternate rail service for the major shipper on the line will be available from Missouri Pacific Railroad Company and overhead traffic will be handled by Kansas City Southern Railway Company.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 31, 1974.

[FR Doc.74–11314 Filed 5–15–74;8:45 am]

[Notice 81]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 5, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75111. By order of May 9, 1974, the Motor Carrier Board approved the transfer to Kaler Freight Lines, Inc., Mason City, Iowa, of the operating rights in Certificate No. MC–63973 and subnumbers thereunder issued June 27, 1950, and on subsequent dates, to Harry Kaler, doing business as Kaler Freight Line, Mason City, Iowa, authorizing the transportation of general commodities, with the usual exceptions, over regular routes, between Mason City, Iowa, and other named points in Iowa. James R. Brown, 19½ East State Street, P.O. Box 1282, Mason City, Iowa 50401, Attorney for applicants.

No. MC–FC–75125. By order entered May 9, 1974, the Motor Carrier Board approved the transfer to Barton Transfer & Storage, Inc., Wichita, Kans., of the operating rights set forth in Certificate No. MC–123621, issued July 19, 1961, to Cassell Transfer & Storage Co., Inc., Wichita, Kans., authorizing the transportation of household goods, between points in Kansas, on the one hand, and, on the other, Kansas City, Mo.; between Wichita, Kans., and Denver, Colo.; and between points in a defined area in Kansas on the one hand, and, on the other, points in Oklahoma. Robert S. Wunsch, Wunsch Law Building, Kingman, Kans. 67068, Attorney for applicants.

No. MC–FC–75132. By order of May 10, 1974, the Motor Carrier Board approved the transfer to Tip-Top Trucking, Inc., Springfield, Mass., of the operating rights in Certificate No. MC–3504 issued April 14, 1949, to William H. Bresnahan, doing business as W. H. Bresnahan Transfer, Springfield, Mass., authorizing the transportation of general commodities, with exceptions, between Springfield, Mass., and points in Hampden County, Mass. Patrick A. Doyle, Cottage Hill Plaza, Springfield, Mass., 01104, Attorney for applicants.

No. MC–FC–75133. By order entered May 9, 1974, the Motor Carrier Board approved the transfer to Prentice Truck Line, Inc., Stigler, Oklahoma, of the operating rights set forth in Certificates Nos. MC–40084, MC–40084 (Sub-No. 1), and MC–40084 (Sub-No. 4), issued February 7, 1950, December 1, 1941, and May 7, 1958, respectively, to A. B. Campbell, Stigler, Okla., authorizing the transportation of fresh vegetables, cotton seed, canned goods, calcium arsenic, sulphur, glassware, paper and paper articles, lumber and lumber mill products, cotton ties, cotton bagging, farm machinery and farm implements, empty produce baskets, agricultural commodities, cotton seed meal, cotton seed cake, cotton seed hulls, fertilizer, feed, flour, livestock, cotton, cotton-gin machinery, parts, accessories, and tool boxes, from, to, or between specified points and places in Arkansas, Kansas, Oklahoma, and Missouri; household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Haskell and Le Flore Counties, Okla., on the one hand, and, on the other, points in Arkansas and those in Missouri on and west of U.S. Highway 65; and general commodities, with the usual exceptions, over specified routes, between Muskogee, Okla., and Stigler, Okla., serving all intermediate points. Hershel M. Prentice, 120 S. Bwdy, Stigler, Okla 74462, and A. B. Campbell, 102 N.E. 3, Stigler, Okla. 74462, representatives for transferee and transferor, respectively.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11317 Filed 5–15–74;8:45 am]

[Notice 38]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 10, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 264), filed March 25, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Bldg., 903 Grand Ave., Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, and articles distributed by meat packing houses* (except hides and commodities in bulk), as defined in Section A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 381 (Sub-No. 5), filed April 5, 1974. Applicant: GENOVA EXPRESS LINES, INC., 484 Clayton Road, Williamstown, N.J. 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware and plastic articles*, between Williamstown and Millville, N.J., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Pennsylvania, Maryland, Massachusetts, New Jersey, Delaware, Virginia, and the District of Columbia, (2) *materials, equipment, and supplies* used or useful in the manufacture and sale of glassware and plastic articles, from the above named destination points, to Williamstown and Millville, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 2202 (Sub-No. 463), filed April 8, 1974. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Serving the warehouse site of Western Electric, located at or near Goddard, Kans., as an off-route point in connection with the carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5888 (Sub-No. 37), filed April 5, 1974. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, 11th Floor, Kansas City, Mo. 64105. Applicant's representative: Louis A. Hoger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts and materials, accessories, and supplies*, used in connection with installation, erection, and construction of buildings, building panels or building parts, from Wathena, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and points on and east of U.S. Highway 81 in Nebraska and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 10343 (Sub-No. 25), filed April 10, 1974. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). Between Meadville, Mo., and Springfield, Mo.: From Meadville over U.S. Highway 36 to Chillicothe, thence over U.S. Highway 65 to Springfield, Mo., and return over the same route, serving no intermediate points but serving Chillicothe, Mo., for the purposes of joinder only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 20783 (Sub-No. 100), filed April 8, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Columbus Junction and Waterloo, Iowa, to

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 20992 (Sub-No. 30), filed April 5, 1974. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable harvesting and handling equipment* (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), from Clear Lake, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and (2) *materials, equipment, and supplies* used in the manufacturing, production, and distribution of vegetable harvesting and handling equipment (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from points in the above-named destination states to Clear Lake, Wis.; (1) and (2) above, restricted to traffic originating at or destined to Clear Lake, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 29079 (Sub-No. 70), filed April 8, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union St., Kokomo, Ind. 46901. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel, plate or sheet, flat or in coils*, between the plantsite and warehouses of Roll Coater Company, at or near Kingsbury, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Ohio, Missouri, those points in New York, on and west of U.S. Highway 62; those points in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 40.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 29079 (Sub-No. 71), filed April 10, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, P.O. Box 395, Kokomo, Ind. 46901. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., 15th & H Sts. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite and warehouses of The Singer Company, at or near Red Bud, Ill., on the one hand, and, on the other, points in Indiana, those points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Bay City, thence along the Saginaw River to Saginaw Bay; those points in New York on and west of U.S. Highway 62; Ohio; those points in Pennsylvania on and west of U.S. Highway 219; those points in West Virginia on and north of U.S. Highway 40; and Louisville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30605 (Sub-No. 153), filed April 10, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman St., P.O. Box 56, Wichita, Kans. 67202. Applicant's representative: L. D. McFadden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric, located at or near Goddard, Kans., as an off-route point in connection with applicant's regular route operations at Wichita, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No MC 30844 (Sub-No. 502), filed April 8, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* not frozen, from Elizabeth, Findern, and Metuchen, N.J., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 31879 (Sub-No. 33), filed April 11, 1974. Applicant: EXHIBITORS FILM DELIVERY AND SERVICE, INC., 101 West 10th Avenue, North Kansas City, Mo. 64116. Applicant's representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods defined by the Commission, commodities in bulk, and livestock), between points in Missouri, points in Illinois located in the St. Louis, Mo., Commercial Zone and points in Cook, Kane, Du Page, and Will Counties, Ill., points in Boone and Carroll Counties, Ark., points in Lee County, Iowa, points in Kansas, points in Nebraska, points in Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Bent, Prowers, and Baca Counties, Colo., points in Laramie and Goshen Counties, Wyo., and points in New Mexico in and on a line beginning at the northwest corner of Colfax County, N. Mex., at its intersection with the Colorado-New Mexico State Boundary Line; over the western boundary of Colfax County to the western Boundary of Mora County, N. Mex., thence over the western boundary of Mora County to the boundary of Santa Fe County, N. Mex., thence in a north and westerly direction over the Santa Fe County boundary to the boundary of Los Alamos County, N. Mex., thence in a north and westerly direction over the Los Alamos County Boundary until that boundary meets the Santa Fe County Boundary at the southern tip of Los Alamos County, thence along the Santa Fe County boundary to junction combined U.S. Highway 85 and Interstate Highway 25, thence along combined U.S. Highway 85 and Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State Boundary Line, thence along the New Mexico State Boundary Line in a north and westerly direction to the point of beginning, restricted so that no service shall be rendered in the transportation of parcels, packages, or articles weighing in the aggregate more than 200 pounds from any one consignor, at any one location, to any one consignee, at any one location, on any one day, and further restricted, against the transportation of any single parcel, package, or article weighing more than 100 pounds.

NOTE.— Common control may be involved.

The purpose of this application is to raise weight limits in Boone and Carroll Counties, Ark., and St. Louis, Mo., and its commercial zone to 100-pound single items and 200-pound aggregate shipments. It would also add new authority between those Missouri Counties not named above, Lee County, Iowa, and Cook, Kane, Du Page, and Will Counties, Ill. If granted, the applicant would surrender the general commodity portions of Sub-Nos. 23, 28, 29, and 32. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., at St. Louis, Mo., and also at Chicago, Ill.

No. MC 35737 (Sub-No. 9), filed April 11, 1974. Applicant: CASSELL TRUCK LINES, INC., 1515 North Washington Street, Wichita, Kans. 67201. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric Company located at or near Goddard, Kans., as an off-route point in connection with applicant's operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 35831 (Sub-No. 4), filed April 11, 1974. Applicant: E. A. HOLDER, INC., P.O. Box 6625, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bar joists, and accessories, anchors, bridging, bolts and nuts*, when moving in mixed shipments with steel bar joists, from the plantsite of Vulcraft Division of Nucor Corporation, at or near Grapeland, Tex., to points in Arkansas, Arizona, Louisiana, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth, or Dallas, Tex.

No. MC 42919 (Sub-No. 10), filed April 9, 1974. Applicant: N. C. COASTAL MOTOR LINES, INC., P.O. Box 17226, Raleigh, N.C. 27609. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Wilson, N.C., to points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Pennsylvania (except points in the Philadelphia Commercial Zone) and those points in Maryland east of the Chesapeake Bay and south of the Chesapeake-Delaware Canal.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 51146 (Sub-No. 374), filed April 11, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard, and pulpboard products*, from the plantsite of Hoerner Waldorf Corporation, located near Channahon, Ill., to points in Indiana, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 141), filed April 11, 1974. Applicant: BRADY MOTORFRATE, INC., P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Scott, Foresman & Company, located at or near Pinola, Ind., as an off-route point in connection with carrier's authorized regular route operations, between South Bend, Ind., and Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 69116 (Sub-No. 167), filed April 9, 1974. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Hiram Walker and Sons, Inc., at or near Delavan, Ill., as an off-route point in connection with applicant's regular route operations. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71563 (Sub-No. 1), filed April 8, 1974. Applicant: C. G. POTTER, doing business as MAUMEE EXPRESS, Box 1073, Secaucus, N.J. 07094. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and cheese*, from the facilities of Reefer Terminals, Inc., at Port Newark, N.J., to points in New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, and Kansas, restricted to traffic having a prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 72069 (Sub-No. 5), filed April 5, 1974. Applicant: BLUE HEN LINES, INC., Box 565, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Laurel, Del., to points in Caroline, Cecil, Dorchester, Kent, Somerset, Talbot, Worcester, Wicomico, and Queen Anne Counties, Md., and points in Accomack and Northampton Counties, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 78400 (Sub-No. 37), filed April 9, 1974. Applicant: BEAUFORT TRANSFER COMPANY, a Corporation, P.O. Box 102, Gerald, Mo. 63037. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground clay*, in tote bins, from Mayfield, Ky., to Owensville, Mo.; (2) *silica sand*, in tote bins, from Ottawa, Ill., to Owensville, Mo.; and (3) *tote bins*, from Owensville, Mo., to Mayfield, Ky., and Ottawa, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or St. Louis, Mo.

No. MC 79142 (Sub-No. 3), filed April 8, 1974. Applicant: T & T TRUCKING & TRANSPORTATION CO., INC., a New York Corporation, 43-06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by persons in the business of marketing petroleum products and *materials, supplies, and equipment* used in the conduct of such business (except in bulk), from the facilities of Mobil Oil Corporation in Brooklyn, N.Y., to points in Fairfield County, Conn., Hudson, Bergen, Monmouth, Mercer, Union, Somerset, Essex, Middlesex, Hunterdon, Sussex, Warren, Morris, and Passaic Counties, N.J., and *returned shipments* in the opposite direction.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 83835 (Sub-No. 115), filed April 8, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used creosoted railway crossties*, between points in Alabama, Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Houston, Tex.

No. MC 94350 (Sub-No. 346), filed April 5, 1974. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Rd. and Transit Dr., Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Green-

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ville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial shipments, from points in Delaware County, Okla., to points in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 102567 (Sub-No. 171), filed April 8, 1974. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp mill liquids and their derivatives and by-products*, in bulk, in tank vehicles, (a) between points in Adams and Warren Counties, Miss.; Cass County, Tex.; Webster, Morehouse, and Ouachita Parishes, La.; and Quachita, Jefferson, Ashley, and Little River Counties, Ark.; and (b) from points in Webster Parish, La., to points in Alabama, Arkansas, Georgia, Kansas, Michigan, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 103051 (Sub-No. 303), filed April 5, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Macon, Ga., to Berryville, Ark.; Elgin, Ill.; Jackson, Miss.; Cincinnati, Ohio; Marysville, Ohio; Baton Rouge, La.; Detroit, Mich.; Staten Island, N.Y.; Bristol, Chattanooga, Jackson, and Shelbyville, Tenn.; and Dallas, Tex.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 106644 (Sub-No. 177), filed March 29, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1550 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Commodities* which, because of size, weight, or shape, require the use of special equipment or special handling; and (b) *attachments, parts, machinery, materials, and supplies* related to the commodities named in (1)(a) above, and moving in connection therewith, from points in Florida, to points in California, Oregon, and Washington; (2) *commodities* which, because of size, weight, or shape, do not require the use of special handling or special equipment when transported as part of the same shipment with *commodities* which because of size, weight, or shape require the use of special equipment or special handling, from points in Florida to points in California, Oregon, and Washington; and (3) *pipe or tubing, iron or steel*, from Wildwood, Fla., to points in California.

NOTE.—Applicant intends to tack with the lead certificate, at points in Florida, to provide a through service from Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee to points in California, Oregon, and Washington; and, by combining Sub-No. 41 with the lead docket, at points in North Carolina, to provide a through service from Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, and Rhode Island to points in California, Oregon, and Washington. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 106674 (Sub-No. 133), filed April 11, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer solutions* in bulk, in tank vehicles, from Breese, Valmeyer, and West York, Ill., to points in Indiana, Kentucky, and Missouri; and from Dublin and Jordan, Ind., to points in Illinois, Kentucky, Michigan, and Ohio; and (2) *dry fertilizer, dry fertilizer materials*, in bags and in bulk, and *pesticides* in containers from Nashville, Tenn., to points in Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 707), filed April 3, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough weldment*, from Youngstown, Ohio, to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107515 (Sub-No. 895) (Correction), filed February 14, 1974, published in the FEDERAL REGISTER issue, April 4, 1974, and republished as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Post Office Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture rounds, fireplace logs or fireplace fuel, and compressed ground wood or sawdust; and paper, paper products, and pulpboard*, from Plymouth, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *woodpulp*, in packages, from Weyco, N.C., to the destination states named in (1) above; and (3) *returned shipments of the above described commodities and packaging materials*, from the destination states named in (1) and (2) above, to Plymouth and Weyco, N.C., the authority in (1), (2), and (3) above is restricted against the transportation of commodities in bulk.

NOTE.—The purpose of this republication is to correct part (3) above as stated herein. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C., or Atlanta, Ga.

No. MC 107743 (Sub-No. 27), filed April 8, 1974. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: James Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and fertilizer ingredients, ground ores and iron oxide, and mortar and cement coloring*, in bags, from Quincy and Springfield, Ill., to points in Montana, Wyoming, Utah, Colorado, Nevada, California, Idaho, Washington, and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 108393 (Sub-No. 74), filed April 10, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, between Danville, Ky., and Ft. Smith, Ark., under continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 373), filed April 8, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from the storage facilities of Northern Propane Gas Company at or near Rosemount, Minn., to points in Wisconsin, Iowa, North Dakota, South Dakota, Minnesota, and Upper Peninsula Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 108676 (Sub.-No. 65), filed April 5, 1974. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections;* (2) *building sections and building panels;* (3) *parts and accessories used in the installation of commodities named in parts (1) and (2) above;* and (4) *metal pre-fabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 109478 (Sub-No. 133), filed April 10, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, R.D. #1, North East, Pa. 16428. Applicant's representative: Joseph P. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: *Foodstuffs*, from Bangor, Maine, to points in New York, Pennsylvania, West Virginia, Ohio, Indiana, Michigan, Illinois, Iowa, Nebraska, Wisconsin, Minnesota, South Dakota, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 74), filed April 4, 1974. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: Jerome F. Marks, 1940 Monroe Drive NE., P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products, and calcium carbonate*, from points in Luttrell, Tenn., to points in Alabama, Georgia, North Carolina, Kentucky, South Carolina, Virginia, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111651 (Sub-No. 13), filed April 11, 1974. Applicant: MIDDLE-WEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, Mo. 63147. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the warehouse site of Western Electric, located at or near Goddard, Kansas, as an off-route point in connection with applicant's operations via Wichita, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111729 (Sub-No. 428), filed April 1, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media* of all kinds, between Piscataway, N.J., and Bethlehem, Pa.; (2) *proofs, cuts, copy, manuscripts, printing plates, business papers, records, and audit and accounting media* of all kinds, restricted to packages or articles weighing in the aggregate no more than 75 pounds, from one consignor to one consignee on any one day, between Crawfordsville, Ind., and Dwight, Ill.; and (3) *business papers, records, audit and accounting media* of all kinds, and *emergency replacement parts*, restricted to packages or articles weighing in the aggregate more than 25 pounds, from one consignor to one consignee on any one day, between Alsip, Ill., and Elkton, Ky.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111729 (Sub-No. 432), filed April 1, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Payroll checks and management reports*, between Indianapolis, Ind., and Hamilton, Mich. (2) *business papers, records, audit and accounting media of all kinds*, between Bluefield, W. Va., on the one hand, and, on the other, Cumberland, Md.; Coeburn, Norfolk, Richmond, Roanoke, and Salem, Va.; Kingsport, Tenn.; Cincinnati, Cleveland, Columbus, Dayton, Hopedale, Toledo, and Youngstown, Ohio; and Monroeville, Pa., (3) *computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, (a) From Pittsburgh, Pa., to Clarksburg, Fairmont, and Morgantown, W. Va., and (b) from Cleveland, Ohio, to Clarksburg, Fairmont, and Morgantown, W. Va. and McKeesport, and Monroeville, Pa., and (4) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material related thereto* (excluding motion picture film used primarily for commercial theatre, and television exhibition) between Chamblee, Ga., on the one hand, and, on the other, points in Tennessee, in and west of the counties of Dickson, Hickman, Lawrence, Lewis, and Montgomery.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111981 (Sub-No. 19), filed April 5, 1974. Applicant: ROBIDEAU'S EXPRESS, INC., S.E.C. Front & Oregon Ave., Philadelphia, Pa. 19148. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food and food products*, in vehicles equipped with mechanical refrigeration from the facilities of the Clearfield Cheese Co., Inc., in Curwensville, Clearfield County, Pa., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, (2) *food and food products and materials, supplies, and equipment* used in the manufacture, processing, and distribution of food and food products, in vehicles equipped with mechanical refrigeration, from the above described destination territory, to the facilities of Clearfield Cheese Co., Inc., in Curwensville, Clearfield County, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 112304 (Sub-No. 78), filed April 5, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: R. F. Baum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, other than truck, self-propelled, from the plantsite and warehouse facilities of Allis-Chalmers Corporation located at or near Milwaukee, Wis., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Milwaukee, Wis.

No. MC 112617 (Sub-No. 315), filed April 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Breese, Valmeyer, and West York, Ill., to points in Indiana, Kentucky, and Missouri; and from Dublin and Jordan, Ind.,

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to points in Illinois, Kentucky, Michigan, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 113362 (Sub-No. 274), filed April 10, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, Ark. 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Maryland, District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, restricted to traffic originating at, and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests to be held at Amarillo, Tex., or Dallas, Tex.

No. MC 113908 (Sub-No. 317), filed April 11, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brandy, cordial, liqueur, and wine, their products and ingredients*, in bulk; and (2) *alcoholic liquors, neutral grain spirits, distilled spirits, and alcohol in bond*, in bulk, between Delavan and Peoria, Ill., on the one hand, and, on the other, points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114011 (Sub-No. 6), filed April 8, 1974. Applicant: PETER SADOWSKI, doing business as PETE'S SERVICE AND TRUCK RENTAL, 640 South Century Avenue, St. Paul, Minn. 55119. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Milwaukee, Wis., to Anoka, Minn.; and (2) *used empty containers*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114019 (Sub-No. 254), filed April 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulating materials*, from Erie, Pa., to points in New York on and east of New York Highway 14.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114019 (Sub-No. 255), filed April 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, and Michigan (lower peninsula).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 175), filed April 8, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from Fergus Falls, Minn., to points in Illinois, Missouri, Indiana, Ohio, Michigan, Kentucky, Pennsylvania, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, Maine, New Hampshire, and North Carolina, restricted to traffic originating at the plantsite and facilities utilized by John Morrell & Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 176), filed April 8, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsites and warehouses of Sterling Colorado Beef Packers, at or near Sterling, Colo., to points in Illinois, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the plantsites and warehouses of Sterling Colorado Beef Packers, at or near Sterling, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 177), filed April 8, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Glenshaw, Pa., to points in Iowa, Nebraska, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 179), filed April 5, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass products*, from the plantsite of PPG Industries, Inc., located at Ford City, Pa., to Bayport, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114334 (Sub-No. 26), filed April 8, 1974. Applicant: BUILDERS TRANSPORTATION COMPANY, a Corporation, 3710 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire mesh*, from points in Memphis, Tenn., to points in Missouri, and (2) *brick*, from points in Fayette County, Tenn., to points in Mississippi, Arkansas, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114457 (Sub-No. 188), filed March 11, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen foods*, from Grand Island, York, and Omaha, Nebr., to points

in North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Maryland, New Jersey, and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., Omaha, Nebr., or Chicago, Ill.

No. MC 115311 (Sub-No. 164), filed March 7, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite and warehouse facilities of International Paper Company, located in Georgetown County, S.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 363), filed April 1, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and plastic products, plastic coated metals, and magnesium engraver's plates*, from the plant site and warehouse facilities of Dow Chemical U.S.A. Findlay, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Tennessee, Arkansas, Oklahoma, Texas, Colorado, Kansas, Nebraska, Minnesota, and Wisconsin, restricted against transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115601 (Sub-No. 23), filed April 8, 1974. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., 734 15th St. NW., Suite 406, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin; currency; stocks; bonds; securities, negotiable and non-negotiable; and valuable documents*, between Wilmington, Del., on the one hand and, on the other points in Pennsylvania, under contract with Girard Bank of Philadelphia, Pa.

NOTE.—Applicant holds common carrier authority in MC 126570 (Sub-No. 2), and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 115654 (Sub-No. 26), filed April 5, 1974. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1188, Nashville, Tenn. 37219. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, imitation cream and imitation fruit drinks, ice cream, ice cream products, water ices, ice mixes, water ice bars, sherbet, frozen desserts, and delicatessen products*, in vehicles equipped with mechanical refrigeration, from the manufacturing and warehouse facilities of Kroger Co., at or near St. Louis, Mo., and Indianapolis, Ind., to warehouses and stores of Kroger Co., in Alabama, Kentucky, and Tennessee; and (2) *empty containers and packaging materials and returned shipments of commodities named in (1) above*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116446 (Sub-No. 5), filed April 11, 1974. Applicant: HAROLD SCHUGEL, doing business as HAROLD SCHUGEK MILLING SUPPLIES, 301 North Water Street, New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from New Ulm, Minn., to Cedar Rapids, Iowa, under contract with International Multifoods Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 116763 (Sub-No. 275), filed April 5, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except frozen and commodities in bulk), from Wildwood, N.J., to points in Connecticut, Colorado, Georgia, Iowa, Illinois, Indiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, Rhode Island, Texas, West Virginia, Kentucky, and Ohio, restricted to traffic originating at facilities of Snow Food Products at Wildwood, N.J., and destined to the above named states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117574 (Sub-No. 238), filed April 8, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles weighing 15,000 lbs. or more, attachments, accessories, and parts* for such self-propelled articles, between Baltimore, Md., and Spotsylvania County, Va., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117664 (Sub-No. 9), filed April 5, 1974. Applicant: DENTON TRUCKING, INC., P.O. Box 33, Denton, Md. 21629. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Hopewell and Norfolk, Va., to points in Caroline County, Md., and Sussex County, Del.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 148), filed April 8, 1974. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U. W. Hwy. 75 North, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 309 Badgerow Bldg., Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, and Minnesota, restricted to traffic originating at, and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.; Chicago, Ill.; or Washington, D.C.

No. MC 117940 (Sub-No. 124), filed April 11, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt in packages, pepper in packages*, in mixed shipments with salt in packages, and *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in mixed shipments with salt in packages from the facilities of Morton Salt Company, Division of Morton-Norwich Products, Inc., at Rittman, Ohio, to points in the District of Columbia, Maryland, Virginia, and North Carolina.

NOTE.—Applicant holds contract carrier authority in MC-114760 Sub-No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Philadelphia, Pa.

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No. MC 118142 (Sub-No. 68), filed April 5, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kansas 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* and pizza ingredients (such commodities as are used in the manufacturing of pizzas), from the plant site and warehouses of Doskocil Sausage Company at or near Hutchinson, Kans., to points in Georgia and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 118989 (Sub-No. 106), filed February 7, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, container accessories, and materials and supplies* used in the manufacture and distribution of metal containers, container ends, and container accessories (except commodities in bulk or those which because of size or weight require the use of special equipment), from Elwood, Ind., to Jackson, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 119639 (Sub-No. 13), filed April 8, 1974. Applicant: INCO EXPRESS, INC., 3600 South 124th, Seattle, Wash. 98168. Applicant's representative: Joseph O. Earp, 607 3rd Avenue, 411 Lyon Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabric coated with plastic and liquid plastic in containers*, from points in Los Angeles, Alameda, and Contra Costa Counties, Calif., to points on the International Boundary Line between the United States and Canada, located at or near Blaine and Sumas, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119641 (Sub-No. 122), filed April 5, 1974. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation, located at or near Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (Lower Peninsula), Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119656 (Sub-No. 29), filed April 5, 1974. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, Ind. 46996. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Indiana 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 311), filed April 1, 1974. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen potatoes and potato products*, from Portage County, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Tennessee; and (2) *foodstuffs* (except in bulk), from Greenville, Ill., to Bowling Green, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 271) (amendment), filed August 20, 1973, published in the FEDERAL REGISTER issue of October 31, 1973, and republished as amended this issue. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum and aluminum articles, and pipe*, (1) between points in Illinois, Indiana, and Kentucky; and (2) between points in Kentucky, on the one hand, and, on the other, points in Ohio, Pennsylvania, West Virginia, Tennessee, and New York, N.Y.

NOTE.—The purpose of this republication is to amend the tacking as stated below in (a).

Common control was approved in Docket No. MC-F-8759. Dual operations may be involved. Applicant states that the requested authority can be tacked: (a) At Kentucky, with (1) and (2) above, to provide service between points in Illinois and Indiana, on the one hand, and, on the other, points in Ohio, Pennsylvania, West Virginia, Tennessee, and New York, N.Y.; (b) at points in Hopkins County, Ky., to provide a through service from points in Illinois, Indiana, and Kentucky, to points in Alabama; (c) at Kokomo, Ind., to provide a through service from points in Illinois, Indiana, and Kentucky, to points in Arkansas, Georgia, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, and Texas; (d) at Fairbury, Ill., to provide a through service from points in Illinois, Indiana, and Kentucky, to points in Florida, North Carolina, South Carolina, Alabama, Georgia, Louisiana, and Mississippi; and (e) at Flora, Ill., to provide a through service from points in Illinois, Indiana, and Kentucky to points in Arizona, New Mexico, North Carolina, South Carolina, Florida, Alabama, Georgia, Louisiana, and Mississippi.

No. MC 119789 (Sub-No. 200), filed April 8, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Illinois, Indiana, Michigan, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts Maine, and the District of Columbia, restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Chicago, Ill.

No. MC 119808 (Sub-No. 10), filed April 8, 1974. Applicant: DUBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, Box 568, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and feed*, from St. Albans, Vt., to points in New Hampshire.

NOTE.—Applicant holds contract carrier authority in MC-129876 Sub-Nos. 3 and 5, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt.; Boston, Mass.; or Washington, D.C.

No. MC 120737 (Sub-No. 28), filed April 5, 1974. Applicant: STAR DELIVERY AND TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Castings, forgings, engines, and tractor and engine parts*, from Louisville, Ky., to Libertyville and West Chicago, Ill.; (b) *tractor parts, agricultural implement parts, and castings*, from Rock Island, Ill., to Louisville, Ky., and Memphis, Tenn.; and (c) *agricultural implement parts, tractor and road making machinery parts, castings and forgings*, from Memphis, Tenn., to points in Canton, Rock Island, East Moline, Libertyville, and Melrose Park, Ill., restricted to traffic originating at and destined to the plant sites and facilities of International Harvester Company at the named origins and destinations; (2) *tractors parts*, between Chicago, Ill., on the one hand, and, on the other, Hamlet, Ind., restricted to traffic originating at or destined to the facilities of International Harvester Company at Chicago, Ill.; (3) *castings, forgings, engines, and tractor and engine parts*, (a) from the International Harvester Company facilities at Melrose Park and Chicago, Ill., and Ingersoll Products Co. at Chicago, Ill., to the International Harvester Company facilities at Louisville, Ky.; and (b) from the facilities of International Harvester Company at Louisville, Ky., to Galva and Melrose Park, Ill., restricted to traffic originating at and destined to the traffic originating at and destined to the named origins and named destinations; and (4) (a) *materials and supplies* used in the manufacture of tractors, agricultural machinery, freight vehicles, grading and road making machinery, internal combustion engines, and lawn and garden equipment; and (b) *parts and attachments* for the foregoing, between the facilities of International Harvester Company at Memphis, Tenn., and Louisville, Ky., on the one hand, and, on the other, facilities used by International Harvester Company at Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123169 (Sub-No. 9) (Amendment), filed August 27, 1973, published in the FEDERAL REGISTER issue of October 31, 1973, and republished as amended this issue. Applicant: McKEVITT TRUCKING LIMITED, P.O. Box 567, Station P, Thunder Bay, Ontario, Canada. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the ports of entry on the International Boundary line between the United States and Canada located at or near Pigeon River, Minn., and Saulte Ste. Marie, Mich., to points in Minnesota, Wisconsin, Illinois, and Indiana, under contract with Multiply Plywoods Limited.

NOTE.—The purpose of this republication is to restrict the origin points to Pigeon River Minn., and Saulte Ste. Marie, Mich., and to indicate the addition of Indiana as a destination state. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123389 (Sub-No. 20), filed March 18, 1974. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, Iowa 51401. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and parts, materials, equipment, and supplies* used in the manufacture and repair of appliances, between Webster City and Fort Dodge, Iowa, and points in the United States (except Alaska and Hawaii), in non-radial movements. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 123407 (Sub-No. 169), filed April 8, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air Conditioners, air coolers, refrigeration evaporators, condensers, and heating apparatus*, from Faribault, Minn., to points in Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Mississippi, and Florida, restricted to traffic originating at Faribault, Minn., and further restricted against commodities in bulk.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 123407 (Sub-No. 170), filed April 8, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite clay, processed clay, foundry molding sand treating compound, foundation water impedance boards, nails, lignite coal*—treated and untreated, from American Colloid plantsites at or near Belle Fourche, S. Dak.; Upton and Lovell, Wyo.; and Gascoyne, N. Dak.; to points in Maine, New Hampshire, Massachusetts, Vermont, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Delaware, Kentucky, Tennessee, Georgia, Florida, Alabama, New Jersey, Mississippi, Louisiana, Texas, Arkansas, and the District of Columbia; and (2) *bentonite clay, processed clay, foundry molding sand treating compound, ground iron ore, and wood flour*, from American Colloid plantsites at or near Aberdeen, Miss.; Letohatchee, Ala.; and White Springs, Miss., to points in Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Maryland, District of Columbia, Delaware, New Jersey, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, and Maine.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123408 (Sub-No. 21), filed April 4, 1974. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. 07201. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith *equipment, materials, and supplies* used in the conduct of such business (except in bulk), between points in Pennsylvania, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, and the District of Columbia, under contract with Wakefern Food Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123580 (Sub-No. 2), filed April 8, 1974. Applicant: CLYDE H. JOHNSON, 222 South Chicago Ave., Geneseo, Ill. 61254. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds and dry ingredients thereof*, in bags, (1) between Geneseo, Ill., on the one hand, and, on the other, Harrisonville, Mo.; and (2) from Norfolk, Nebr., to Harrisonville, Mo., and Storm Lake and Atlantic, Iowa, under a continuing contract or contracts with Columbian Hog and Cattle Powder Co., restricted to traffic originating at or destined to the plant-sites and warehouse facilities of Columbian Hog and Cattle Powder Co., at Geneseo, Ill., Harrisonville, Mo., Norfolk, Nebr., Storm Lake and Atlantic, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 123639 (Sub-No. 156), filed April 11, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, scouring, washing, and bleaching compounds; animal litter; and cooking oils* (except commodities in bulk, and those requiring special equipment), from Kansas City, Mo., to points in Colorado, Kansas, and Nebraska, restricted to traffic originating at the plantsite and storage facilities of the Clorox Co., located in the Kansas City, Missouri-Kansas, Commercial Zone, as defined by the Commission, and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 123965 (Sub-No. 9), filed April 3, 1974. Applicant: KEAL DRIVE-AWAY COMPANY, a Corporation, 852 East 73rd Street, Cleveland, Ohio 44103. Applicant's representative: Robert A. Shaffer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

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regular routes, transporting: *Motor vehicles and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, and *bodies, cabs, and parts of and accessories* for such vehicles, from Macungie (Lehigh County), Pa., to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 124078 (Sub-No. 590), filed April 11, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid rosin*, in bulk, from Charleston, S.C., to Nitro, W. Va.; and (2) *liquid feed supplements* in bulk, in tank vehicles, from Nashville, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, and Mississippi.

NOTE.—Applicant holds contract carrier authority in MC-113832 Sub 68, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 124579 (Sub-No. 10), filed April 8, 1974. Applicant: WIKEL BULK EXPRESS, INC., Route 1, Huron, Ohio 44839. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, milk products, fruit juices, and materials and supplies* used in the manufacture and processing thereof between Akron, Alliance, Brewster, Cleveland, Farmdale, Lima, Orrville, Sandusky, Toledo, and Youngstown, Ohio; Coldwater, Detroit, and Lansing, Mich.; Ft. Wayne and Goshen, Ind.; Clearfield, Erie, Pittsburgh, and Porterville, Pa.; and Wheeling, W. Va.

NOTE.—The purpose of this application is to convert the contract carrier authority in MC-114377 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124947 (Sub-No. 25), filed April 11, 1974. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 2338, East Peoria, Ill. 61611. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or green salted hides and pelts, pickled skins, chromed hides, and blue chrome splits* (partially tanned hides and skins), from points in Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, to points in Illinois, Indiana, Iowa, those points in the lower peninsula of Michigan, points in Ohio, and Wisconsin, and those points in Minnesota on and south of Minnesota Highway 95, and on and east of Minnesota Highway 15.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Denver, Colo., or Dallas, Tex.

No. MC 125385 (Sub-No. 4), filed April 1, 1974. Applicant: AUGIE PASSIEU TRUCKING, INC., Box 53, Cecil, Pa. 15321. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof deck*, from Heidelberg, Pa., to points in Maryland, Tennessee, Virginia, Wisconsin, and Ohio, and (2) *metal siding*, from Emsworth, Pa., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Tennessee, Virginia, and Wisconsin, under continuing contract or contracts with Elwin G. Smith Division of Cyclops Corporation.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 127042 (Sub-No. 143), filed April 5, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plant site of, and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Ohio, restricted to traffic originating at the above-named origin points and destined to the above-named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Kansas City, Kans.

No. MC 127303 (Sub-No. 14), filed April 4, 1974. Applicant: HENRY ZELLMER, doing business as, ZELLMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), from points in Iowa City and Musatine, Iowa, to points in Illinois, Wisconsin, Minnesota, and those points in Missouri on and east of U.S. Highway 63, restricted to the transportation of traffic originating at the named origins and destined to points in the named destination area.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127840 (Sub-No. 39), filed April 8, 1974. Applicant: MONTGOMERY TANK LINES, INC., P.O. Box 382, 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, vegetable oils, and blends and products of animal fats, animal oils, and vegetable oils*, in bulk, in tank vehicles, between Fort Worth and Denison, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128383 (Sub-No. 53) (Correction), filed April 1, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as corrected this issue. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gemmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives and motor vehicles requiring the use of special equipment), between Logan International Airport, located at or near Boston, Mass., John F. Kennedy International Airport, located at or near New York, N.Y., Newark Airport, located at Newark, N.J., Philadelphia International Airport, Philadelphia, Pa., Baltimore-Washington International Airport, located in Anne Arundel County, Md., Washington National Airport, located at Gravelly Point, Va., Dulles International Airport, located in Loudon and Fairfax Counties, Va., Douglas Municipal Airport, located at or near Charlotte, N.C., Hartsfield International Airport, located at or near Atlanta, Ga., Miami International Airport, located at or near Miami, Fla., Detroit Metropolitan Airport, located at or near Detroit, Mich., Cleveland Hopkins International Air port, located at or near Cleveland, Ohio, the Greater Cincinnati Airport, located at or near Cincinnati, Ohio, Memphis International Airport, located at or near Memphis, Tenn., New Orleans International Airport, located at or near New Orleans, La., Chicago O'Hare International Airport, located at or near Chicago, Ill., General Mitchell Field, located at or near Milwaukee, Wis., Minneapolis-St. Paul International Airport, located at or near Minneapolis, Minn., points in California, Portland International Airport, located at or near Portland, Oreg., Spokane International Airport, located at or near Spokane, Wash., the Seattle-Tacoma International Airport, located at or near Seattle, Wash., Kansas City International Airport, located at or near Kansas City, Mo., on the one hand, and, on the other, Tulsa International Airport, Tulsa, Okla., Will Rogers World Airport, located at or near Oklahoma City, Okla., Wiley Post Airport, located at or near Oklahoma City, Okla., and points in Texas, restricted to traffic having a prior or subsequent movement by air or moving in substitute for air service.

NOTE.—The purpose of this republication is to include the tacking and to correct the commodity restriction as stated herein.

Applicant intends to tack the requested authority: (1) With the existing authority, at Kennedy International Airport or Philadelphia International Airport to provide service between La Guardia Airport, located at or near New York, N.Y., points in southern New Jersey, points in Chester, Delaware, Montgomery, Philadelphia, Bucks, Allegheny, Erie, Pike, Washington, and Wyoming Counties, Pa., points in Delaware, Weir-Cook Airport, located at or near Indianapolis, Ind., and Vandalia Airport, located at or near Dayton, Ohio; (2) with the existing authority, at Friendship International Airport to provide service between points in Delaware and Virginia; (3) with the existing authority, at Chicago O'Hare Airport, to provide service between Weir-Cook Airport, located at or near Indianapolis, Ind.; (4) with pending authority, at Philadelphia International Airport or Friendship International Airport, to serve points in Maryland, points in the District of Columbia, points in North Carolina, and points in South Carolina; (5) with pending authority, at Kansas City International Airport, to provide service between points in Arizona, California, Nevada, and those in New Mexico on, west of Interstate Highway 25; (6) with pending authority, at Chicago O'Hare Airport or Detroit Metropolitan Airport, to provide service between the Greater Buffalo International Airport, located at or near Buffalo, N.Y., Clarence E. Hancock Airport, located in Onondago County, N.Y., and points of entry on the International Boundary line between United States and Canada, located in Michigan and New York; and (7) with pending authority, at Philadelphia International Airport, to provide service between Bradley International Airport, located at or near Windsor Locks, Conn., and Tweed-New Haven Airport, New Haven, Conn.; (1) through (7) above inclusive, on the one hand, and, on the other, Tulsa International Airport, located at or near Tulsa, Okla., Will Rogers World Airport, located at or near Oklahoma City, Okla., the Wiley Post Airport, located at or near Oklahoma City, Okla., and points in Texas. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128981 (Sub-No. 8), filed February 21, 1974. Applicant: LAND-AIR DELIVERY, INC., 1736 North 79th Street, Kansas City, Kans. 66112. Applicant's representative: Warren H. Sapp, 101 West Eleventh Street, Suite 910 Fairfax Bldg., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in substitute for air service, between Kansas City International Airport, Kansas City Municipal Airport, and Fairfax Airport, all located within the Kansas City, Mo.-Kans. Commercial Zone, and points in the United States on and east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, in non-radial movement.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129862 (Sub-No. 6), filed April 8, 1974. Applicant: RAJOR, INC., P.O. Box 756, Franklin, Tenn. 37064. Applicant's representative: William J. Monheim, P.O. Box 1257, City of Industry, Calif. 91749. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motorcycles, motorcycle parts*, and *materials, equipment, and supplies* used in the manufacture, operation, sale, and distribution of motorcycles and motorcycle parts, between Milwaukee, Wis., and York, Pa.; (2) *motorcycles*, from Pennsauken, N.J., and York, Pa., to points in Arizona, California, Colorado, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington; (3) *motorcycle parts and accessories* and *motorcycle riding equipment*, from Milwaukee, Wis., to Berkeley, Los Angeles, and San Francisco, Calif., Denver, Colo., Portland, Ore., and Arlington, Tex.; and (4) *materials, equipment and supplies* used in the manufacture, operation, sale, and distribution of motorcycles, and motorcycle parts and accessories, from points in Arizona, California, Colorado, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, to York, Pa., and Milwaukee, Wis., under a continuing contract, or contracts with AMF, Incorporated, and affiliates, restricted against the transportation of commodities in bulk, and those which, by reason of size or weight, require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129876 (Sub-No. 11), filed April 8, 1974. Applicant: DUBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, Box 568, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Albany, New York, Commercial Zone, Newington, N.H., So. Portland, Maine, and Comstock, N.Y., to Barre, Barre Town, Berlin, Montpelier, Northfield, and Williamstown, Vt., under contract with Vermont Petroleum, Inc., at Montpelier, Vt.

NOTE.—Applicant holds common carrier authority in MC 119806 Subs 2 and 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Boston, Mass., or Washington, D.C.

No. MC 129932 (Sub-No. 3), filed April 5, 1974. Applicant: R & C CORPORATION, INC., doing business as WHEEL ESTATE MOVERS, ½ Mile Old Richardson Highway, Fairbanks, Alaska 99707. Applicant's representative: Joseph W. Sheehan, P.O. Box 906, Fairbanks, Alaska 99707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses and buildings*, set up or in set sections, moving on wheeled undercarriages equipped with ball hitch, pintle hitch, or drop pin connectors, between points in Alaska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fairbanks or Anchorage, Alaska.

No. MC 129973 (Sub-No. 12), filed April 8, 1974. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, New York, N.Y. 10022. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books and educational materials, equipment, and supplies*, between points in Hudson, Essex, and Union Counties, N.J., and New York City, N.Y., on the one hand, and, on the other, points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y., and points in New Jersey, under contract with Field Enterprises Educational Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133220 (Sub-No. 10), filed April 10, 1974. Applicant: RECORD TRUCK LINE, INC., P.O. Box 2646, Jackson, Tenn. 38301. Applicant's representative: R. Connor Wiggins, Jr., 909-100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Slocum, Ala., and Colfax, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds common carrier authority in MC-125227 Sub-No. 7 and 10, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 134145 (Sub-No. 47), filed April 8, 1974. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, computing, and parts, materials, and supplies* (except commodities in bulk), used in the manufacturing or operation thereof, (1) from Cambridge, Ohio, to Rochester and Mount Clemens, Mich.; and (2) from Mayville, Wis., to

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Rochester and Mount Clemens, Mich., and Nashville, Tenn., under continuing contract with Computer Peripherals, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134922 (Sub-No. 71), filed April 3, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* (except in bulk) and *advertising equipment, materials, and supplies and advertising premiums*, from points in Bryan, Ohio, to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Little Rock, Ark.

No. MC 134922 (Sub-No. 72), filed April 4, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in California, Oregon, Washington, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Little Rock, Ark.

No. MC 134922 (Sub-No. 74), filed April 8, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Green Bay and Chippewa Falls, Wis., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Little Rock, Ark.

No. MC 135082 (Sub-No. 5), filed March 29, 1974. Applicant: BURSCH TRUCKING, INC., doing business as, ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex 87107. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk in tank vehicles), from the plantsites, warehouses, and storage facilities of McKesson Chemical Company at or near Phoenix (Glendale) and Tucson, Ariz., to points in New Mexico, and *return shipments* of such chemicals (except in bulk in tank vehicles); and (2) *empty containers*, from points in New Mexico to the plantsites, warehouses, and storage facilities of McKesson Chemical Company at or near Phoenix (Glendale) and Tucson, Ariz.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 115524 Sub 1 and others, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 135185 (Sub-No. 17), filed April 8, 1974. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Avenue, P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Maryland, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Illinois, Indiana, Michigan, Ohio, and the District of Columbia, under contract with American Beef Packers, Inc., restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135535 (Sub-No. 6), filed April 2, 1974. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Kans. 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, between the plantsite and storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, under a continuing contract with El Dorado Inc., at Minneapolis, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135819 (Sub-No. 2), filed April 11, 1974. Applicant: WILLIAM H. PHILLIPS AND WILLIAM L. PHILLIPS, doing business as PHILLIPS & PHILLIPS TRUCKING COMPANY, Box 1304, Storm Lake, Iowa 50588. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Hygrade Food Products Corporation, at Storm Lake and Cherokee, Iowa, to points in Ohio, Pennsylvania, New York, North Carolina, South Carolina, Tennessee, Georgia, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135874 (Sub-No. 40) (Amendment), filed March 20, 1974, published in the FEDERAL REGISTER issue, May 2, 1974, and republished as amended this issue. Applicant: LTL PERISHABLES, INC., 132nd and "Q" Streets, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and warehouse facilities of Jeno's, Inc., located at Duluth, Minn., and Superior, Wis., to points in Iowa, Kansas, Nebraska, South Dakota, and Missouri, restricted to traffic destined to the named states.

NOTE.—The purpose of this republication is to add Superior, Wis., as a point of origin. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135874 (Sub-No. 41), filed April 10, 1974. Applicant: LTL PERISHABLES, INC., 9949 J Street, P.O. Box 37468, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in*

Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and liquid commodities), from the plantsite and/or facilities utilized by John Morrell and Company at or near Fergus Falls, Minn., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at the named origin and destined to the above named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 135874 (Sub-No. 42), filed April 10, 1974. Applicant: LTL PERISHABLES, INC., 9949 J Street, Box 37468, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson and Co., Inc., at Albert Lea, Minn., to points in Illinois, Iowa, Kansas, and Missouri, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136211 (Sub-No. 23) (Correction), filed March 21, 1974, published in the FEDERAL REGISTER issue of May 2, 1974, as Docket Number MC–136221 (Sub-No. 23), and corrected, in part, by notice, this issue. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: Joseph E. Rebman, 1230 Boatmen's Building, 314 N. Broadway, St. Louis, Mo. 63102.

NOTE.—The purpose of this partial correction is to indicate the correct Docket Number assigned to this proceeding in No. MC–136211 (Sub-No. 23). The rest of the notice remains as previously published.

No. MC 136212 (Sub-No. 9), filed April 4, 1974. Applicant: JENSEN TRUCKING COMPANY, INC., 213 S. Washington Street, P.O. Box 37, Papillion, Nebr. 68046. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cactus (Moore County), Tex., to points in Colorado, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Michigan, and Ohio, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136658 (Sub-No. 3), filed April 5, 1974. Applicant: ARALDO C. RICHIE, doing business as A. R. TRUCKING, 738 Franklin Avenue, Nutley, N.J. 07110. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric and gas household appliances*, in retail delivery service, from Edison, N.J., to New York, N.Y., *and returned or damaged shipments*, from New York, N.Y., to Edison, N.J., under contract with Westinghouse Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136777 (Sub-No. 9), filed April 5, 1974. Applicant: POPELKA TRUCKING CO., doing business as, THE WAGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flattened vehicles and scrap metal for recycling*, (1) from points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Idaho, Colorado, and Kansas, to Spokane, Seattle, Renton and Kent, Wash.; Portland, Oreg.; San Francisco, Los Angeles, and San Diego, Calif.; Phoenix, Ariz.; Salt Lake City and Provo, Utah; Denver and Pueblo, Colo.; Norfolk and Omaha, Nebr.; Kansas City, Kans.; St. Louis, Mo.; Council Bluffs, Des Moines, Waterloo, Davenport, and Centerville, Iowa, St. Paul, and Minneapolis, Minn.; Beloit and Milwaukee, Chicago, Rockford, Sterling and Alton, Ill., and the International Boundary line between the United States and Canada, located in Washington, Idaho, Montana, North Dakota, and Minnesota, and (2) from points in Iowa, Minnesota, Missouri, Kansas and Wisconsin, to St. Paul and Minneapolis, Minn., Beloit and Milwaukee, Wis.; Council Bluffs, Des Moines, Waterloo, Davenport, and Centerville, Iowa; Norfolk and Omaha, Nebr.; Chicago, Rockford, Sterling, and Alton, Ill.; and Kansas City, Kans.; and Kansas City and St. Louis, Mo.; (1) and (2) above, under contract with Krushette Kleen.

NOTE.—Applicant holds common carrier authority in MC 26396 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 136803 (Sub-No. 2) (Amendment), filed March 12, 1974, published in the FEDERAL REGISTER issue of April 25, 1974, and republished as amended this issue. Applicant: SIOUX CITY BULK FEED SERVICE, INC., 2815 Outer Drive South, P.O. Box 2766, Sioux City, Iowa 51106. Applicant's representative: Bradford E. Kistler, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds, dry animal and poultry feed ingredients, and animal poultry health aids* (except in bulk, in tank vehicles), from the plantsite of Ralston Purina, located at or near Iowa Falls, Iowa, to points in Minnesota, Illinois, Nebraska, and Wisconsin.

NOTE.—The purpose of this republication is to include Wisconsin as a destination point. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Omaha, Nebr.

No. MC 136803 (Sub-No. 3), filed April 5, 1974. Applicant: SIOUX CITY BULK FEED SERVICE, INC., 2815 Outer Drive South, P.O. Box 2766, Sioux City, Iowa 51106. Applicant's representative: Bradford E. Kistler, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed and dry animal and poultry feed supplements* (except in bulk, in tank vehicles), from Colfax, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota; and (2) *pesticides and rodenticides*, from Alton and Hospers, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 136916 (Sub-No. 9), filed April 5, 1974. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Top and potting soil, and humus (exempt)*, in single or mixed shipments, (1) from points in Dutchess County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (2) from points in Sussex, Warren, and Morris Counties, N.J., to the District of Columbia; and (B) *rejected and returned shipments*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138328 (Sub-No. 11), filed April 8, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients*, between Omaha

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and Beemer, Nebr.; Council Bluffs, Iowa; and Frankfort, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Colorado, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 133233 (Sub-No. 1), and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138530 (Sub-No. 9), filed March 29, 1974. Applicant: C. O. P. TRANSPORT, INC., 307 South High Street, Cortland, Ohio 44410. Applicant's representative: Warren R. Keck III, 28 South Second Street, Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper and copper alloy, material used in the manufacture of copper and copper alloys*, from Leetsdale, Pa., to points in California, Colorado, Delaware, District of Columbia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Nebraska, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, and West Virginia, under contract with Hussey Metals Division/Copper Range Company, Eminence, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Washington, D.C., or Columbus, Ohio.

No. MC 138988 (Sub-No. 2), filed April 11, 1974. Applicant: WESTERN GENERAL TRUCKING, INC., P.O. Box 20374, Billings, Mont. 59102. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products, fresh or frozen*, from ports of entry on the International Boundary line between the United States and Canada located at or near Peace Garden and Pembina, N. Dak., and Noyes, Minn., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 139268 (Sub-No. 1), filed April 10, 1974. Applicant: NAAYKENS TRANSPORT, LIMITED, 104 1st Street South, Beausejour, Manitoba, Canada ROE OCO. Applicant's representative: E. J. Hanson, Box 1177, Grand Forks, N. Dak. 58201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reactor coolant* (hydrogenated terphenyl), in bulk, in tank vehicles, between the ports of entry on the International Boundary line in the United States and Canada, in Minnesota, on the one hand, and, on the other, Anniston, Ala., under contract with Atomic Energy of Canada, Limited, Whiteshell Nuclear Research Establishment, at Pinawa, Manitoba, Canada, restricted to the transportation of shipments having an immediately prior to subsequent movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Grand Forks, or Fargo, N. Dak.

No. MC 139297 (Sub-No. 1), filed April 5, 1974. Applicant: HAPPY HOUSE TRANSPORT, INC., 2703 West Dudley Street, Fresno, Calif. 93728. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home decorations and accessories*, (1) from San Diego, Calif., to points in San Diego County, Calif.; (2) from Sacramento, Calif., to points in Alameda, Contra Costa, Marin, Mapa, San Mateo, Santa Clara, Sonoma, Yolo, Solano, San Francisco, San Joaquin, Sacramento, Placer, Sutter, El Dorado, Yuba, Butte, Colusa, Stanislaus, Humboldt, Shasta, Mendocino, Tehama, and Nevada Counties, Calif.; (3) from Los Angeles, Calif., to points in Los Angeles, Orange, and Ventura Counties, Calif.; (4) from Fresno, Calif., to points in Fresno, Stanislaus, Merced, Mariposa, Madera, Kings, Tulare, and Kern Counties, Calif.; (5) from Ben Lomond, Calif., to points in Monterey, Santa Cruz, and San Benito Counties, Calif.; and (6) from Ontario, Calif., to points in San Bernardino and Riverside Counties, Calif.; (1) through (6) above, inclusive, under contract with Home Interiors and Gifts, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco or Fresno, Calif.

No. MC 139528 (Sub-No. 1) (Amendment) filed March 22, 1974, published in the FEDERAL REGISTER issue of May 2, 1974, and republished, as amended, this issue. Applicant: SCOVILLE OIL COMPANY, a Corporation, P.O. Box 248, London, Ky. 40741. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St., NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gasoline*, in bulk, in tank vehicles, from Knoxville, Tenn., to London, Corbin, Livingston, and Mt. Vernon, Ky.; and (2) *No. 1 fuel oil and No. 2 fuel oil*, in bulk, in tank vehicles, from Knoxville, Tenn., to London, Ky., under contract with Curry Oil Company.

NOTE.—The purpose of this republication is to amend applicant's requested authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 139639 (Sub-No. 1), filed April 4, 1974. Applicant: FREDDIE E. SMITH, doing business as FREDDIE'S TOWING SERVICE, 114 S. Tekoppel, Evansville, Ind. 47712. Applicant's representative: Frank M. Maley, 1060 Consolidated Building, 115 North Pennsylvania Street, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial ovens, spray booths, washing machines, duct work, compressors and chillers, custom industrial equipment, such as but not limited to, conveyors and other related commodities, the raw materials* used in the manufacture of these commodities, and *the tools and equipment* used in their installation, between points in Vanderburgh County, Ind., and points in the United States, including Alaska but excluding Hawaii, restricted to a transportation service to be performed under a continuing contract or contracts with George Koch Sons, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Evansville, Ind.

No. MC 139678 (Sub-No. 1), filed April 8, 1974. Applicant: RONALD THILL, doing business as COURTLAND HAULING AND INSTALLING, Courtland, Minn. 56021. Applicant's representative: James Malecki, One South State Street, New Ulm, Minn. 56073. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete slats, floor panels, with and without electrical conduit, carry beams, and free stalls*, to be transported exclusively in vehicles equipped with electric-hydraulic loading and unloading booms, from Courtland, Minn., to points in Iowa, Wisconsin, and South Dakota, under contract with Courtland Concrete Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New Ulm, Mankato, or Minneapolis, Minn.

No. MC 139693 filed April 5, 1974. Applicant: BONNIE LEASING, INC., P.O. Box 13, Loogootee, Ind. 47553. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty bottles*, between Milwaukee, Wis., Cincinnati, Ohio, Detroit, Mich., Louisville and Newport, Ky., St. Louis, Mo., and Peoria, Ill., on the one hand, and, on the other, Princeton, French Lick, Evansville, Bedford, Bloomfield, Linton, and Washington, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 139696, filed April 11, 1974. Applicant: DOOR TO DOOR TRANSPORT, INC., 8300 Military Rd. So., Seattle, Wash. 98108. Applicant's representative: Jerry Jarrett, 3600 South 124th, Seattle, Wash. 98168. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, as defined by the Commission; and (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring the use of special equipment), between points in the Seattle Commercial Zone, as defined by the Commission, and points in King County, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle or Olympia, Wash.

No. MC 139698, filed April 11, 1974. Applicant: MAUJER TRUCKING CORP., 1015 Greene Avenue, Brooklyn, N.Y. 11221. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* (except garments on hangers) and *accessories, dry goods* (except carpets), *fabrics, yarns, and home knitting accessories*, between the New York, N.Y., Commercial Zone, and points in Nassau, Suffolk, and Westchester Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139738, filed April 25, 1974. Applicant: COMMERCIAL AIR FRATE, INC., 1031 East Summit Street, P.O. Box 334, Crown Point, Ind. 46307. Applicant's representative: Ronald J. Janowicz, 12406 Hemlock Lane, Crown Point, Ind. 46307. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in substitution for air service (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., South Bend, Ind., or Chicago, Ill.

PASSENGER APPLICATIONS

No. MC 107367 (Sub-No. 1), filed March 22, 1974. Applicant: WILLIAM P. BOWMAN, doing business as BOWMAN'S BUS SERVICE, R.D. #2, Box 75, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Kent County, Del., located on and south of Delaware State Highway 12, and extending to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wilmington or Dover, Del.

No. MC 126667 (Sub-No. 1), filed April 5, 1974. Applicant: BRUSH HILL TRANSPORTATION CO., INC., 31 Milk Street, Boston, Mass. 02109. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Hyannis, Plymouth, Kingston, Hanover, Hingham, Brockton, Milford, Quincy, Boston, Chelsea, Revere, Malden, Saugus, Lynn, Salem, and Danvers, Mass., on the one hand, and, on the other, the race track, located on New Hampshire Highway 107 at or near Seabrook) Rockingham County), N.H.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 138252 (Sub-No. 2), filed March 26, 1974. Applicant: COURTESY BUS RENTAL SYSTEM, INC., Route 3, Box 617, Brandywine, Md. 20613. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E. Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, Between St. Charles City, Md., and the District of Columbia: From St. Charles City, Md., over U.S. Highway 301 to junction Maryland Highway 5; thence over Maryland Highway 5 to its junction with Interstate Highway 495; thence over Interstate Highway 495 in an easterly direction to its junction with Interstate Highway 295; thence over Interstate Highway 295 in a northerly direction to the District of Columbia, and return over the same route, restricted to the loading and discharging of passengers at St. Charles City and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Charles City, Md.

No. MC 139673, filed April 5, 1974. Applicant: JAMES H. STEGER, doing business as STEGER BUS LINES, 4150 Aldebran Way, Mobile, Ala. 36609. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, who are shipyard workers employed at Ingall's Shipyard, Pascagoula, Miss., between Mobile, Ala. ,and Pascagoula, Miss.: from Mobile over Interstate Highway 10 to the Mississippi-Alabama State Boundary line and junction U.S. Highway 90, thence over U.S. Highway 90 to Ingall's Shipyard at Pascagoula and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at Mobile, Ala., or Pascagoula, Miss.

FREIGHT FORWARDER APPLICATIONS

No. FF-449, filed March 3, 1974. Applicant: FERNSTROM STORAGE AND VAN COMPANY OF VIRGINIA, a Corporation, 4403 Wheeler Avenue, P.O. Box 9430, Alexandria, Va. 22304. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by motor, water, rail, and express, in the transportation of (1) *Used household goods and unaccompanied baggage*, and (2) *Used automobiles*, between points in the United States including Hawaii, but excluding Alaska, restricted in (2) above to the transportation of import-export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. FF-450, filed April 4, 1974. Applicant: RELIANCE FORWARDING CORPORATION, P.O. Box 166, Bala-Cynwyd, Pa. 19004. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of *Used household goods, unaccompanied baggage, and used automobiles*, between points in the United States, including Hawaii, but excluding Alaska, restricted to the transportation of import-export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton or Camden, N.J.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11205 Filed 5-15-74;8:45 am]

[Notice 67]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 9, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 340 (Sub-No. 32 TA), filed April 30, 1974. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin Street,

MAY 16 1974

San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in California, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 25399 (Sub-No. 12 TA), filed April 30, 1974. Applicant: A–P–A TRANSPORT CORP., 2100 88th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment) between points in Middlesex County, N.J., and Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Salem, Atlantic, Cumberland, and Cape May Counties, N.J., for 180 days.

NOTE.—Applicant also indicates that the requested authority will be tacked at points in Middlesex County, N.J., and Philadelphia, Pa., and points in its commercial zone as defined by the Commission to prvide service between points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, and Pennsylvania.

SUPPORTING SHIPPERS: There are approximately 78 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 42828 (Sub-No. 7 TA), filed April 29, 1974. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, Vt. 05641. Applicant's representative: James W. Conner, 431 Keith Avenue, Akron, Ohio 44313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except commodities in bulk), from points in Massachusetts, New York, and Pennsylvania, to points in Vermont and New Hampshire, for 180 days. SUPPORTING SHIPPER: Vermont Organics, South Royalton, Vt. 05068. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 78643 (Sub-No. 59 TA), filed April 30, 1974. Applicant: HART MOTOR EXPRESS, INC., 2417 No. Cleveland Avenue, St. Paul, Minn. 55113. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, other than those requiring special handling because of size or weight), serving all intermediate points between Fargo, N. Dak., and Grand Forks, N. Dak., in connection with carrier's regular route operations over U.S. Highways 29 and 81; serving all intermediate points between Grand Forks, N. Dak., and Minot, N. Dak., in connection with carrier's regular route operations over U.S. Highway 2; and serving New Rockford, N. Dak., on U.S. Highway 281 as an off-route point in connection with carrier's regular route operations between Jamestown, N. Dak., and Minot, N. Dak., over U.S. Highway 52, for 180 days.

NOTE.—The authority sought herein is coextensive with North Dakota intrastate regular route common carrier authority recently acquired by the applicant. The applicant presently holds interstate authority to transport general commodities, with the usual exceptions, over U.S. Highway 81 between Fargo, N. Dak., and Grand Forks, N. Dak., but service is not presently authorized as intermediate points. The applicant holds similar authority to operate over U.S. Highway 2 between Grand Forks, N. Dak., and Minot, N. Dak., but the only presently authorized intermediate point on this route is Devils Lake, N. Dak. The applicant also presently holds authority to operate between Jamestown, N. Dak., and Minot, N. Dak., over U.S. Highway 52, serving all intermediate points. New Rockford, N. Dak., is an off-route point to which authority is sought in connection with this regular route operation. Applicant will tack or join with existing authority (MC 78643) and interline over gateways served.

SUPPORTING SHIPPER: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 103051 (Sub-No. 309 TA), filed April 29, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Belle Glade, Fla., to Atlanta, Ga., for 180 days. SUPPORTING SHIPPER: GCC Beverages, Inc., P.O. Box 3577, Miami, Fla. 33159. SEND PROTESTS TO: District Supervisor Joe J. Tate, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 106163 (Sub-No. 33 TA), filed April 29, 1974. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., 132 Legion Street, P.O. Box 1516, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment), serving the plant site and warehouse facilities of Mahaffy-Apollo Enterprises, Inc., at or near Swan Lake, Jefferson County, Ark., as an off-route point in connection with applicant's regular route authority to and from Pine Bluff, Ark., for 180 days.

NOTE.—Applicant intends to tack authority sought herein to MC 106163 and subs, and interline with other carriers at Memphis, Tenn., Little Rock, Ark., Monroe, La., and Dallas, Tex.

SUPPORTING SHIPPER: Mahaffy-Apollo Enterprises, Inc., Route 1, Altheimer, Ark. 72004. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 110988 (Sub-No. 310 TA), filed April 30, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite*, from Milwaukee, Wis., to points in Illinois, for 180 days. SUPPORTING SHIPPER: Hydrite Chemical Co., 1273 West Bruce Street, Milwaukee, Wis. 53204 (Edward A. Wex, Exec. Vice Pres., Exec. Mgr.). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111045 (Sub-No. 115 TA), filed April 29, 1974. Applicant: REDWING CARRIERS, INC., 7809 Palm River Road, P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral spirits*, in bulk, in tank vehicles, between Douglasville, Ga., on the one hand, and, on the other, Orlando, Tampa, Largo, Pompano Beach, and Jacksonville, Fla., for 180 days. SUPPORTING SHIPPER: Arivec Chemicals, Inc., P.O. Box 54, Douglasville, Ga. 30134. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 117243 (Sub-No. 3 TA), filed April 30, 1974. Applicant: MR. MESSENGER, INC., 10 Messenger Drive, Warwick, R.I. 02888. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* as dealt in by retail stores in a retail store delivery service, between points in Rhode Island, New London, Windham, New Haven, Hartford, Middlesex, and Tolland Counties, Conn.; Bristol, Norfolk, Plymouth, Worcester, and Barnstable Counties, Mass., and Boston, Mass., for 180 days. SUPPORTING SHIPPERS: American Delivery Systems Inc., 300 East Seven Mile Road, Detroit, Mich. 48203; Popular Services, Inc., 128 Dayton Avenue, Passaic, N.J. 07055; Outlet Company, 176 Weybosset Street, Providence, R.I. 02903; Cherry & Webb Company, 789 Waterman Avenue, East Providence, R.I. 02914; T. W. Rounds Company, 52 Washington Street, Providence, R.I. 02903; Tilden-Thurber Corporation, Westminister Mall, Providence, R.I. 02903; Filene's, Warwick, R.I. 02886; and Avon Products, Inc., Midland and Peck Avenues, Rye, N.Y. 10580. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminister Street, Providence, R.I. 02903.

No. MC 120800 (Sub-No. 56 TA), filed April 30, 1974. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda, Compton, Calif. 90222. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfur hexafluoride*, from points in Massac County, Ill., to points in Los Angeles County, Calif., for 180 days. SUPPORTING SHIPPER: Air Products and Chemicals, Inc., 2021 E. Rosecrans Ave., El Segundo, Calif. 90245. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 127834 (Sub-No. 103 TA), filed April 30, 1974. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Nashville, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Ford Motor Company, Nashville Glass Plant, P.O. Box 1355, Nashville, Tenn. 37202. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 129600 (Sub-No. 18 TA), filed April 29, 1974. Applicant: POLAR TRANSPORT, INC., 176 King Street, P.O. Box 44, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings* made from diced fresh onion, when moving in mixed shipments with agricultural commodities exempt from economic regulation under Section 203(b)(6) of the Act, from Boston, Gloucester, Lawrence, Brockton, and Worcester, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia for 180 days. SUPPORTING SHIPPER: Boston Bonnie, Inc., Trilling Way, Boston, Mass. 02210. SEND PROTESTS TO: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, Mass. 02114.

No. MC 133485 (Sub-No. 12 TA), filed April 30, 1974. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear materials*, in armored vehicles, between Wood River Junction, R.I., on the one hand, and, on the other, Sargents, Ohio and Oak Ridge, Tenn., for 180 days. SUPPORTING SHIPPER: Edlow International Co., 1100 17 Street NW., Washington, D.C. 20036. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 113678 (Sub-No. 542 TA), filed April 29, 1974. Applicant: CURTIS, INC., Off: 4810 Pontiac Street, Commerce City, Colo. 80022, and Mail: P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: David L. Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma*, from Colorado Spring, Colo., to Berkeley and Oakland, Calif., for 180 days. SUPPORTING SHIPPER: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, Calif. 94710. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133788 (Sub-No. 7 TA), filed May 1, 1974. Applicant: E Z MESSENGER SERVICE, INC., 61 Voorhis Lane, Hackensack, N.J. 07601. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Costume jewelry and component parts thereof*, in containers, limited to not more than 500 pounds per shipment, between Hillburn, N.Y., on the one hand, and, on the other, Providence, Warren, and Hope Valley, R.I.; Staughton, Attleboro, and North Attleboro, Mass.; Bridgeport and Naugatuck, Conn., for 180 days. SUPPORTING SHIPPER: Avon Products, Inc., Division Street, Suffern, N.Y. 10901. SEND PROTESTS TO: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 135963 (Sub-No. 2 TA), filed April 30, 1974. Applicant: J. T. F. SHUTTLE CO., INC., 345 Soundview Avenue, Bronx, N.Y. 10472. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail mail order houses, for the account of Bevis Industries, between points in the New York, N.Y., Commercial Zone, as described by the Commission in the report in *New York, N.Y., Commercial Zone*, 1 M.C.C. 665, on the one hand, and, on the other, Baltic, Conn., for 180 days. SUPPORTING SHIPPER: Bevis Industries, Inc., 39 Westmoreland Ave., White Plains, N.Y. 10606. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 138527 (Sub-No. 2 TA), filed April 29, 1974. Applicant: HESS, INC., P.O. Box 533, Fairbury, Nebr. 68352. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Louis, Mo., to Fairbury, Nebr., and (2) *Empty bottles and containers* used in the transportation of the commodities mentioned in (1) above, from Fairbury, Nebr., to St. Louis, Mo., restricted against the transportation of commodities in bulk, in tank vehicles and further restricted to a transportation service to be performed under a continuing contract or contracts with

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Fairbury Sales Company for 180 days. SUPPORTING SHIPPER: Lyle B. Quinn, Fairbury Sales Company, 704 "D" Street, Fairbury, Nebr. 68352. SEND PROTESTS TO: Max H. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11318 Filed 5-15-74;8:45 am]

[Rule, 19, EX PARTE NO. 241; Exemption No. 70]

NORFOLK AND WESTERN RAILWAY CO.

Mandatory Car Service Exemption

To: Erie Lackawanna Railway Company Thomas F. Patton and Ralph S. Tyler, Jr. Trustees.

It appearing, that the Erie Lackawanna Railway Company Thomas F. Patton and Ralph S. Tyler, Jr., Trustees (EL) and the Norfolk and Western Railway Company (NW) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GE", "GH", "GRA", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the EL and the N&W without regard to the requirements of Car Service Rules 1 and 2.

REPORTING MARKS

EL:
EL
ERIE
DLW
N&W:
NKP
P&WV
VGN
WAB

Effective: May 6, 1974.

Expires: July 31, 1974.

Issued at Washington, D.C., May 6, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-11319 Filed 5-15-74;8:45 am]

[No. AB-81]

NORWOOD AND ST. LAWRENCE RAILROAD CO.

Abandonment of Railroad Line

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in St. Lawrence County, N.Y., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of May, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NORWOOD AND ST. LAWRENCE RAILROAD COMPANY ABANDONMENT BETWEEN NORWOOD AND WADDINGTON, IN ST. LAWRENCE COUNTY, N.Y.

The Interstate Commerce Commission hereby given notice that by order dated May 6, 1974 it has been determined that the proposed abandonment of the entire line of the Norwood and St. Lawrence Railroad Company between Norwood and Waddington, N.Y., a distance of approximately 18 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that there is adequate motor carrier service and nearby rail access available for the involved traffic and the abandonment is consistent with State and local land use plans in the involved area. Further, the Ogdensburg Bridge and Port Authority is negotiating with the applicant to acquire the rail line's assets in order to continue rail operations.

The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-943-6969.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 31, 1974.

[FR Doc.74-11315 Filed 5-15-74;8:45 am]

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Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1945–53 Comp., p. 1004), and Secretary Orders 13–71 and 15–71 (36 FR 8755 and 8756), I hereby revise 29 CFR Part 525 as set out below. The purpose of the revision primarily is to adapt the part to the Fair Labor Standards Amendments of 1974 (P. L. 93–259), in particular the relettering of the section of the Act directly involved, from section 14(d) to 14(c), and the increased minimum wage rates under section 6 of the Act which modify the productivity and earnings levels appropriate to be used in § 525.2(c) of 29 CFR Part 525 to distinguish "work activities centers" from other sheltered workshops.

So that there will be a valid basis under the increased minimum rates in section 6 of the Act effective on and after May 1, 1974, for the issuance of special certificates to work activities centers, it is necessary that the revision become effective on May 17, 1974. However, interested parties may present data, views, and arguments in quadruplicate to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, on or before June 17, 1974. Such submissions may bear on both the substance and details of the proposed revision to § 525.2(c) of this part. Upon consideration of such submissions, such changes as are appropriate will be made in this part and published in the FEDERAL REGISTER. Meanwhile, these regulations remain in full force.

A number of other changes are being made in Part 525 which are effective on publication inasmuch as they do not require advance notice and opportunity for comment. These changes are:

1. At the end of § 525.1, a change is made in the explanatory reference to Part 524 of this chapter, to update that reference in view of the amendment of paragraph (c) of § 524.8 of Part 524 published in the FEDERAL REGISTER on January 5, 1971 (36 FR 50).

2. References to District Offices and District Directors of the Wage and Hour Division have been eliminated (and references to the Caribbean Office and the Caribbean Director added) in §§ 525.4(a), 525.5(a), and 525.6(a), to correspond with the current organization of the Wage and Hour Division.

3. The term "or corresponding official" is added to § 525.4(c), to recognize that public agencies with sheltered workshops, many newly covered by the Act, do not have presidents of boards of directors.

4. A sentence of § 525.6(c) has been deleted. That sentence dealt with a grace period for individuals to complete a recognized evaluation or training program, and has had no effect since January 31, 1969.

5. A phrase "or payment at piece rates" has been added to § 525.7(b), to incorporate the administrative interpretation that payment at piece rates is an acceptable alternative to a formal progression of wage rate in training or evaluation programs.

Accordingly, 29 CFR Part 525 is revised to read as follows:

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525.4 Application for a special certificate for a workshop.
525.5 Application for a special certificate for a training or evaluation program.
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525.8 Issuance of special certificates.
525.9 Terms and conditions of special certificates.
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525.15 Review.
525.16 Submission of information, investigations, and hearings.
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525.18 Issuance of certificates for experimental purposes.
525.19 Amendment of this part.

AUTHORITY: The provisions of this Part 525 issued under sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214, unless otherwise noted.

§ 525.1 Applicability of regulations.

The Fair Labor Standards Amendments of 1966 (Public Law 89–601, 80 Stat. 830) among other things, makes substantial revision in the provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201) for the employment of handicapped persons at special minimum wages. This provision is now codified at section 14(c) of that Act. It reads as follows:

(c) (1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary, pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services, may issue special certificates for the employment of—

(A) Handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) Multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment, at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3)(A) The Secretary may by regulation or order provide for the employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimums applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeautic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

Authority to make the regulations and issue the certificates referred to in section 14(c) has been delegated by the Secretary to the Administrator (General Order No. 45–A of the Secretary of Labor (15 F.R. 3290)). The regulations in this Part 525 govern all certificates and employment pursuant to certificates authorizing special minimum wages for handicapped workers in sheltered workshops. Certificates for other employers authorizing the employment of handicapped persons at special minimum wages under sections 14(c)(1) and 14(c)(2)(B) are issued pursuant to Part 524 of this chapter.

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§ 525.2 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor.

(b) "Sheltered workshop" or "workshop" means a charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for handicapped workers, and/or providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature.

(c) "Work activities center" shall means a workshop, or a physically separated department of a workshop having an identifiable program, separate supervision and records, planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make their productive capacity inconsequential. Therapeutic activities include custodial activities (such as activities where the focus is on teaching the basic skills of living), and any purposeful activity so long as work or production is not the main purpose. No sheltered workshop or separate department thereof shall qualify as a work activities center if the average productivity per handicapped worker is $1,075 ($1,125, effective January 1, 1975, and $1,225, effective January 1, 1976) or more per year as measured by dividing the total annual earned income of the work program, less the cost of purchased materials used, by the average number of clients in the work program, or, if wage payments are primarily at piece rates, the average annual labor rate per client is $750 ($800, effective January 1, 1975, and $875, effective January 1, 1976) or more as measured by dividing the total annual wages of the clients by the average number of clients in the work program. (The average number of clients shall be determined by taking the average of the total number of clients in the work program on the last day of each quarter in the previous fiscal year, provided such average is representative of the average number of clients employed during the entire year.) No individual worker whose productivity substantially exceeds this average shall be employed at less than the statutory minimum wage under a work activities center certificate. (A handicapped worker, whose productivity substantially exceeds the average, may be certificated under Regulations, Part 524 of this chapter, in rare and unusual cases where necessary to avoid extreme hardship, if he is unable to earn the statutory minimum because of his handicap, and if his production and earnings are included in the averages provided in this paragraph.) Where information is not available for a year, a temporary certificate for not more than 6 months may be issued based on the limited information available, if it is represented that the center expects and has good reason to believe that the conditions hereinabove specified will be satisfied when 1 year's data are available. Information to be considered will include the severity of disability of the handicapped workers employed, or other pertinent factors.

(d) "Handicapped worker" or "client" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury, and who is being served in accordance with the recognized program of a sheltered workshop within the facilities of such agency or in or about his home.

(e) "State agency" shall mean the State agency which administers or supervises the administration of vocational rehabilitation services in any State of the United States, the District of Columbia, or any territory or possession of the United States.

(f) "Training program" means a program of not more than 12 months' duration, except that longer periods may be approved in unusual circumstances, designed to (1) develop the patterns of behavior which will help a client adjust to a work environment, or (2) teach the skills and knowledge related to a specific occupational objective of a job family, and which meets State agency or equivalent standards.

(g) "Evaluation program" means a program of not more than 6 months duration, except that longer periods may be approved in unusual circumstances, using the medium of work to determine a client's potential, and which meets State agency or equivalent standards.

(h) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 525.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops appointed periodically by the Secretary of Labor shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereof from time to time and for such other purposes as may be desired by the Administrator.

(b) The Administrator or his authorized representative may notify the Advisory Committee on Sheltered Workshops prior to the denial or cancellation of any special certificate under § 525.8, § 525.10, or § 525.14 and may afford the Committee 15 days, or such additional time as he may allow, to present its views. The Administrator or his authorized representative may also afford the Committee an opportunity to present its views in connection with any petition for review filed under § 525.15, any hearing held under § 525.16, or any petition for amendment of this part filed under § 525.19.

§ 525.4 Application for a special certificate for a workshop.

(a) Application for a special certificate for a workshop, including a work activities center, may be filed by any sheltered workshop with the Regional Director or Caribbean Director of the administrative region or area of the Wage and Hour Division, U.S. Department of Labor, in which the workshop is located. Application forms may be obtained from the appropriate Director.

(b) The application shall contain answers to all of the questions presented on the form, including, among other things, a description of the nature of the disabilities of the persons served by the workshop, a description of the types of employment and the program provided by the workshop, and the earnings of each handicapped worker engaged in work covered by the Act.

(c) The application shall be signed by the president of the board of directors (or corresponding official) and a duly authorized officer of the workshop.

(d) A workshop newly applying for a certificate, which does not have individual earnings records on which to establish an appropriate certificate rate, may be issued a temporary certificate under the terms and conditions applicable to work activities centers if it meets all of the requirements in the definition provided in § 525.2(c) and presents satisfactory evidence that all of its clients will be compensated at wages which are equitable compensation for them.

§ 525.5 Application for a special certificate for a training or evaluation program.

(a) Application for a special certificate for training or evaluation programs may be filed by a sheltered workshop with the appropriate Regional Director (or the Caribbean Director). Application forms may be obtained from the appropriate Director.

(b) The application shall contain answers to all of the questions on the form, including, among other things, evidence of State agency certification that the workshop operates a training or evaluation program as defined in § 525.2 (f) and (g), a description of the services to be rendered, the earnings of the trainees and evaluees engaged in work covered by the Act, and the results obtained with trainees and evaluees who have participated in the programs during the previous year.

(c) The application shall be signed by the president of the board of directors and a duly authorized officer of the workshop.

§ 525.6 Application for a special individual rate.

(a) A workshop may apply with the appropriate Regional Director (or the Caribbean Director) at the time of applying for a certificate, or during the life of a certificate, for an individual rate for a handicapped worker who is unable to earn the applicable certificate rate. Application forms may be obtained from the appropriate Director.

(b) The application shall contain answers to all of the questions presented on the form, including, among other things, information on the nature of the individual's disability, the extent to which it impairs his earning capacity; and justification for a lower individual rate based on productivity records maintained as required under § 525.13(b).

(c) In the case of a request for an individual rate below 50 percent of the statutory minimum applicable under section 6 of the Act, the application in addition shall contain evidence of State agency certification that the individual's earning capacity is so severely impaired that he is unable to engage in competitive employment. Such certification shall be based on an evaluation report made upon recent completion or shortly before such completion of an evaluation or training program as defined in § 525.2 (f) or (g). If an adequate application for an individual rate below 50 percent of the statutory minimum is filed prior to the expiration of the certificate authority of the evaluation or training program, that certificate authority will be continued for the applicant until action is taken on the application. For clients entering a regular work program from a work activities center, a productivity report as required by § 525.13(b) covering the most recent 3-month employment period constitutes an acceptable evaluation report.

§ 525.7 Criteria for consideration in issuance of a special certificate.

(a) The following criteria may be considered by the Administrator or his authorized representative in determining the necessity of issuing a special certificate and the conditions to be specified therein:

(1) The present and previous earnings of handicapped workers of the workshop engaged in work covered by the Act;

(2) Whether the individual handicapped workers are being paid wages commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work;

(3) The nature and extent of the disabilities of individuals served by the workshop;

(4) The wages of nonhandicapped employees employed in private industry engaged in work comparable to that performed in the workshop;

(5) The types and duration of medical, education, therapeutic, social work, and other rehabilitative services given to handicapped workers;

(6) The extent to which the handicapped workers share, through wages, in the receipts for work done in the workshop;

(7) The extent to which the handicapped workers may be learners or otherwise inexperienced;

(8) The extent to which earned operating income, other than normal depreciation allowances, is used for capital expenditures for equipment, buildings, or expansion of activities in situations where the adequacy of the wage rates proposed by the workshop cannot clearly be established;

(9) Whether there exists any workshop-customer arrangement or subcontract agreement which constitutes an unfair method of competition in commerce and which tends to spread or perpetuate substandard wage levels;

(10) Whether, in the case of nongovernment operated workshops, the organization has obtained an exemption under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and has registered as a nonprofit organization with the appropriate State or local agencies prpviding for such registration.

(b) In addition, the following criteria will be considered in determining the advisability of issuing a special certificate for a training or evaluation program: (1) Whether there is competent instruction or supervision; (2) whether there is a written curriculum and plan of procedures designed to obtain the objectives of the program; (3) whether there are written records made at periodic intervals of not more than 3 months, showing progress of individual clients; and (4) whether in the case of a training program, there is a progression of rate increases as the trainee successfully advances through the steps of the program, or payment at piece rates. The progression of rate increases should be geared to at least the statutory minimum wage if the worker is being trained for competitive employment, or to at least the certificate rate if he is being trained for workshop employment.

§ 525.8 Issuance of special certificates.

(a) Upon consideration of the criteria specified in § 525.7 and if the requirements of this Part 525 are satisfied, the Administrator or his authorized representative may issue a special certificate.

(b) If a special certificate is issued, a copy shall be sent to the workshop. If denied, the workshop shall be notified in writing of the denial and the reasons therefor.

(c) A special certificate may be issued for the entire workshop, a department of the workshop, a work activities center, a training or evaluation program, and individual handicapped worker or any combination thereof.

(d) No special certificate will be issued pursuant to this Part 525 when abnormal labor conditions, such as a strike, a lockout, or other similar condition, exists at the workshop for which such certificate is requested.

§ 525.9 Terms and conditions of special certificates.

(a) A special certificate shall specify the terms and conditions under which it is granted.

(b) A special certificate shall apply to every handicapped worker in the sheltered workshop or department thereof, for which the special certificate is granted.

(c) A special certificate shall be effective for a period to be designated by the Administrator or his authorized representative. Handicapped workers may be paid wages lower than the statutory minimum only during the effective period of a special certificate.

(d) Except for special certificates for work activities centers and for training or evaluation programs, and unless a lower special individual wage has been authorized on the basis of an application under § 525.6(c), a special certificate shall provide a minimum wage, or different minimum wages for different departments, but none of them shall be less than 50 percent of the minimum wage applicable under section 6 of the Act. It may provide a minimum wage lower than the applicable workshop or department rate, but not less than 50 percent of the minimum wage applicable under section 6 of the Act, for a specified period(s), designated as "learning period(s)." Such rate may apply during the specified learning period(s) to a handicapped worker who has never previously worked in the workshop, or who is transferred to a skilled or semiskilled job in the workshop at which he has never previously worked, or who has returned to the workshop after such period of separation as would require relearning.

(e) A special certificate issued to a work activities center or for a training or evaluation program need not set a minimum wage (other than required in paragraphs (f) and (g) of this section).

(f) The wage rates paid handicapped workers working at time rates shall be commensurate with those paid nonhandicapped workers in the vicinity in industry maintaining approved labor standards for essentially the same type, quality, and quantity of work.

(g) (1) The wage rates paid handicapped workers working at piece rates shall not be less than prevailing piece rates paid nonhandicapped employees in the same work in the vicinity in industry maintaining approved labor standards. In the absence of industry piece rates, time studies or other tests may be used by the workshop to establish piece rates. Such time studies should be made with nonhandicapped persons, although handicapped workers may be used in those situations where they are not handicapped for the type of work being tested and their production is comparable to that of nonhandicapped persons of average ability. The base hourly rate used in making time studies must be not less than the prevailing rate in industry for work requiring similar skill.

(2) Each handicapped worker working at piece rates must be paid his full piece-rate earnings. Pooling of earnings is not permitted except where piece rates cannot be established for each individual worker, e.g., in a team operation where each worker's individual contribution to the finished product cannot be separately tallied.

(h) A special certificate may provide a lower individual minimum wage for a handicapped worker unable to earn the workshop or applicable department minimum wage. Such individual minimum wage may not be set at less than 50 percent of the minimum wage applicable under section 6 of the Act, except for a handicapped worker whose earning capacity is so severly impaired that he is unable to engage in competitive employment as certified by a State agency. The individual minimum wage for a handicapped worker so certified may not be

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less than 25 percent of the minimum wage applicable under section 6 of the Act.

(i) Handicapped workers in the workshop shall be paid not less than one and one-half times the regular rate for all work in excess of the minimum workweek applicable under section 7 of the Act.

(j) A special certificate shall provide that the workshop may not compete unfairly in obtaining subcontract work or in the sale of its products.

(k) No worker or client shall be hired under a certificate issued under these regulations while abnormal labor conditions, such as a strike, a lock-out, or other similar condition, exists in the workshop.

(l) Each handicapped worker in a workshop shall be informed promptly and in writing of the certificate rate applicable to him and of the terms of the certificate. Such information may be provided by a notice in the handicapped worker's pay envelope, or other suitable method.

(m) The terms of any special certificate may be amended for cause, upon request of the sheltered workshop or handicapped worker, or upon the initiative of the Administrator or his authorized representative.

§ 525.10 Renewal of special certificates.

(a) Application may be filed for renewal of any special certificate.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a special certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Handicapped workers may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 525.15: *Provided, however,* That if the denial is affirmed on review, the sheltered workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 525.11 Staff workers in sheltered workshops.

No individual who is not a handicapped worker or client within the meaning of § 525.2(d) shall be employed under any special certificate issued pursuant to this part at wages lower than the minimum required under section 6 of the Act. Staff jobs are clearly identified as such where the duties include supervision of others or a high degree of responsibility such as office manager, bookkeeper, or truck driver, except that truck drivers may be considered as clients in workshops serving alcoholics where it is the practice to select drivers (also called crew leaders) from among the handicapped workers. Some jobs, such as some office and telephone soliciting jobs, are not clearly either staff or client jobs and may be filled by either depending on the policy and practices of the workshop. Where handicapped worker status is indicated for such borderline workers on an application substantiating information may be requested, such as evidence of the use of screening procedures which are ordinarily required for handicapped workers, such as a medical examination, psychological and aptitude testing, etc., the use of rehabilitation services offered by the workshop, and an attempt by the workshop to place the worker in industry.

§ 525.12 Industrial homework.

A special certificate issued pursuant to this part, authorizes a sheltered workshop to employ a handicapped worker in or about a home, apartment, tenement, or room in a residential establishment without the necessity of obtaining a special industrial homeworker's certificate for such persons under regulations of the Administrator governing the employment of industrial homeworkers; nor shall it be necessary for a sheltered workshop to obtain a special industrial homeworker's certificate for handicapped workers working in or about a home, apartment, tenement, or room in a residential establishment, who are earning the minimum required under section 6 of the Act.

§ 525.13 Records to be kept.

Every sheltered workshop shall maintain and have available for inspection by the Administrator or his authorized representative records of:

(a) Disability, which show the nature of the handicapped worker's disability. Nonobvious disabilities must be substantiated by medical or psychiatric reports or results of psychological tests, as appropriate.

(b) Productivity, which show the productivity of each handicapped worker on a continuing basis or at periodic intervals not exceeding 6 months. Piece rate or other records which show productivity on a continuing basis must also show the average expected production for a nonhandicapped person and either the piece rate paid in commercial industry or the average expected earnings of a nonhandicapped person for the production shown. Where productivity is measured by means of progress reports, records must relate the worker's performance to that of a nonhandicapped person receiving the prevailing wage in industry for similar work or work requiring similar skills. Records of time studies made to establish piece rates must be kept.

(c) Learning periods, when such periods are authorized by the certificate, which show the daily hours worked by each handicapped worker during the learning period(s), and the cumulative total of such hours.

(d) When evaluation or training periods are authorized by the certificate, records designating which workers are evaluees and which are trainees, and the total period of time they have been in such a category.

(e) When a sheltered workshop holds both a work activity center certificate and a regular program certificate, records showing which workers are under each certificate.

(f) Records showing the handicapped workers for whom special individual rates have been authorized.

(g) Pricing of work, which show that part of the unit prices which are allocated to direct labor (labor rate) and the average expected earnings of nonhandicapped workers at a normal expected production rate. Records of time studies made to establish prices must be kept.

(h) Documents relating to State agencies' certification including copies of training or evaluation agreements, authorizations for extensions of such periods, progress reports made during such periods, and evaluation or other reports on which a judgment relating to certification was made.

(i) In addition, the records required under all of the applicable provisions of Part 516 of this chapter, except that any provision pertaining to homeworker's handbooks shall not be applicable to handicapped workers of a sheltered workshop working in or about a home, apartment, tenement, or room in a residential establishment.

(j) Every sheltered workshop having workers who are entitled to benefits under the Act shall at all times post a poster, as prescribed by the Administrator, in a conspicuous place in the workshop where it may be observed readily by the handicapped workers and other workers in the workshop.

(k) Records required by this § 525.13 shall be preserved for a period of at least 2 years.

(Sec. 11, 51 Stat. 1066, as amended; 29 U.S.C. 211)

§ 525.14 Cancellation of a special certificate.

(a) The Administrator or his authorized representative may cancel any special certificate for cause. A special certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been exercised on obtaining the special certificate or in permitting a handicapped worker to work thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the special certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the special certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 525.15, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any special certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the sheltered workshop in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 525.15 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 60 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted, shall be made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data and views.

§ 525.16 Submission of information, investigations, and hearings.

The Administrator or his authorized representative may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate or may conduct an investigation, which may include a hearing prior to taking any action pursuant to this part. To the extent he deems appropriate, the Administrator or his authorized representative may provide an opportunity to other interested persons to present data and views.

§ 525.17 Relation to other laws.

Nothing contained in this part shall be construed as authorizing any act that is contrary to any Federal or State law or municipal ordinance.

§ 525.18 Issuance of certificates for experimental purposes.

In addition to the issuance of certificates as provided in §§ 525.1 to 525.18, the Administrator may authorize the issuance of certificates to permit employment of handicapped workers or clients of a sheltered workshop at less than the applicable minimum wage under section 6 of the Act as part of experimental programs to increase employment opportunities for such persons. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14 of the Act as the Administrator shall determine will best further any such experimental programs.

§ 525.19 Amendment of this part.

The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

NOTE: Section 50-201.1102 of the Public Contracts Act Regulations (41 CFR Part 50-201) provides that any certificate issued pursuant to Regulations Part 525 authorizing the employment of a handicapped worker under the Fair Labor Standards Act shall constitute authorization for the employment of that worker under the Public Contracts Act in accordance with the terms of the certificate. Certificates authorizing wages below those otherwise required by section 2(a)(1) and 2(b)(1) of the Service Contract Act of 1965 may also be issued under the procedures of Regulations Part 525. (Section 4.6(n)(1) of this Title.)

Signed at Washington, D.C., this 13th day of May 1974.

FREDERICK J. GLASGOW,
Acting Administrator,
Wage and Hour Division.

[FR Doc.74-11366 Filed 5-16-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-268]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Lawrence	Town Creek, town of	May 9, 1974, Emergency.			
Do	Mobile	Saraland, city of	do	Feb. 15, 1974		
Idaho	Blaine	Ketchum, city of	do			
Minnesota	Becker	Unincorporated areas	do	Mar. 29, 1974		
Do	Hennepin	Robbinsdale, city of	do	May 10, 1974		
Do	Mille Lacs	Milaca, city of	do			
Do	Morrison	Little Falls, city of	do	Mar. 29, 1974		
Do	Ramsey	North St. Paul, city of	do			
Do	Stevens	Unincorporated areas	do			
Mississippi	Jefferson	do	do			
Nebraska	Madison	Madison, city of	do	Feb. 8, 1974		
New Mexico	San Juan	Aztec, city of	do	Mar. 1, 1974		
New York	Madison	Oneida, city of	do			
Washington	Franklin	Unincorporated areas	do			
Do	Grays Harbor	Aberdeen, city of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 2, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-11071 Filed 5-16-74;8:45 am]

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[Docket No. FI-266]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Minnesota	Hennepin	Crystal, city of	May 13, 1974, emergency.	Nov. 30, 1973		
Do	Rock	Unincorporated areas	do			
Mississippi	Pearl River	Picayune, city of	do			
Missouri	Osage	Argyle, village of	do			
North Carolina	Hertford	Ahoskie, town of	do	Feb. 22, 1974		
North Dakota	Grand Forks	Unincorporated areas	do			
Texas	Cameron	San Benito, city of	do			
Vermont	Washington	Middlesex, town of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 7, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-11072 Filed 5-16-74;8:45 am]

[Docket No. FI-267]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

(24 CFR §1914.4)

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Ventura	Fillmore, city of	May 14, 1974, Emergency.			
Illinois	De Kalb	Unincorporated area	do			
Massachusetts	Worcester	Southbridge, town of	do	Mar. 22, 1974		
Do	St. Louis	Woodson Terrace, city of	do			
North Carolina	Camden	Unincorporated area	do			
Pennsylvania	Westmoreland	Derry, township of	do			
Tennessee	Moore	Lynchburg, town of	do	Mar. 8, 1974		
Virginia	Augusta	Craigsville, town of	do			
Washington	Wahkiakum	Unincorporated area	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 7, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-11073 Filed 5-16-74;8:45 am]

[Docket No. FI-269]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Will	Shorewood, village of	May 15, 1974, Emergency.	Apr. 5, 1974		
Idaho	Shoshone	Wallace, city of	do			
Minnesota	Lac Qui Parle	Dawson, city of	do	Apr. 12, 1974		
Do	Marshall	Unincorporated areas	do			
Do	do	Oslo, city of	do			
Do	do	Warren, city of	do			
Do	Norman	Shelly, city of	do			
Mississippi	Rankin	Pearl, city of	do			
Pennsylvania	Bucks	Richland, township of	do			
Do	Cameron	Emporium, borough of	do	Mar. 29, 1974		
Do	Luzerne	Hazleton, city of	do			
Do	Schuylkill	Orwigsburg, borough of	do			
Tennessee	Selby	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-11074 Filed 5-16-74;8:45 am]

[Docket No. FI-270]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Calhoun	Jacksonville, city of.	H 01 015 1770 01 through H 01 015 1770 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Jacksonville, Ala. 36265	May 17, 1974.
Do	do	Oxford, city of	H 01 015 2370 01 through H 01 015 2370 05	do	Mayor, Oxford, Ala. 36201	Do.
Do	De Kalb	Collinsville, town of.	H 01 049 0750 01 through H 01 049 0750 05	do	Mayor, City Hall, Collinsville, Ala. 35961.	Do.
Do	Etowah	Altoona, town of	H 01 055 0080 01 through H 01 055 0080 02	do	Mayor, City Hall, Altoona, Ala. 35952.	Do.
Do	do	Glencoe, town of	H 01 055 1370 01 through H 01 055 1370 06	do	Mayor, City Hall, Glencoe, Ala. 35905.	Do.
Do	Houston	Cottonwood, town of.	H 01 069 0790 01 through H 01 069 0790 02	do	Mayor, Cottonwood, Ala. 36320	Do.
Do	Lauderdale	Florence, city of	H 01 077 1200 01 through H 01 077 1200 18	do	Florence Planning Department, Municipal Bldg., 110 W. College St., Florence, Ala. 35630	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	St. Clair	Pell City, city of	H 01 089 01 through H 01 089 08	do	Mayor, 1905 First Ave., N., Pell City, Ala. 35125.	Do.
Do	Marion	Hamilton, city of	H 01 093 1540 01 through H 01 093 1540 09	do	Mayor, City Hall, Hamilton, Ala. 35570.	Do.
Do	Calhoun	Hobson City, city of.	H 01 105 1650 01 through H 01 105 1650 02	do	Mayor, Hobson City, Ala. 36201	Do.
Do	Randolph	Wadley, city of	H 01 111 3160 01	do	Mayor, Wadley, Ala. 36276	Do.
Arizona	Navajo	Taylor, town of	H 04 017 0489 01	Arizona State Land Department, 1624 W. Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 W. Glenrosa, Phoenix, Ariz. 85011.	Mayor, Town of Taylor, P.O. Box 415, Taylor, Ariz. 85939.	Do.
Do	Yavapai	Prescott, city of	H 04 025 0386 01 through H 04 025 0386 09	do	City Hall, 201 S. Cortez St., Prescott, Ariz. 86301.	Do.
Arkansas	Ashley	Hamburg, city of	H 05 003 1700 01	Division of Soil and Water Resources, State Department of Commerce, 1020 W. Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Hamburg, Ark. 71646.	Do.
Do	Faulkner	Conway, city of	H 05 045 0860 01 through H 05 045 0860 04	do	Mayor, Municipal Bldg., Conway, Ark. 72032.	Do.
Do	Mississippi	Joiner, city of	H 05 093 2060 01	do	Mayor, Joiner, Ariz. 72350	Do.
Do	do	Keiser, city of	H 05 093 2110 01	do	Mayor, Keiser, Ariz. 72351	Do.
Do	do	Wilson, city of	H 05 093 4210 01	do	Mayor, Wilson, Ariz. 72395	Do.
Do	Pulaski	Sherwood, city of	H 05 119 3570 01	do	Municipal Bldg., 201 Country Club, Sherwood, Ariz. 72116.	Do.
California	Contra Costa	Clayton, city of	H 06 013 0724 01 through H 06 013 0724 02	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 S. Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, Clayton, Calif. 94517.	Do.
Do	Fresno	Huron, city of	H 06 019 1672 01	do	Mayor, City Hall, 18900 5th St., Huron, Calif. 93234.	Do.
Do	Kern	Delano, city of	H 06 029 1000 01 through H 06 029 1000 02	do	Mayor, City Hall, 1122 Jefferson St., Delano, Calif. 93215.	Do.
Do	Kern	Wasco, city of	H 06 029 4080 01	do	Mayor, City Hall, 761 E. St., Wasco, Calif. 93280.	Do.
Do	Los Angeles	Palos Verdes Estates, city of.	H 06 037 2670 01 through H 06 037 2670 03	do	City Engineer's Office, City Hall, 340 Palos Verdes Dr., W. Palos Verdes Estates, Calif. 90254.	Do.
Do	Marin	Sausalito, city of	H 06 041 3540 01	do	Mayor, 731 Bridgeway, Sausalito, Calif. 94965.	Do.
Do	Monterey	Soledad, city of	H 06 053 3650 01	do	Mayor, City Hall, 525 Monterey St., Soledad, Calif. 93960.	Do.
Do	Nevada	Grass Valley, city of.	H 06 057 1460 01 through H 06 057 1460 02	do	Mayor, City Hall, 125 E. Main St., Grass Valley, Calif. 95945.	Do.
Do	Orange	Costa Mesa, city of.	H 06 059 0880 01 through H 06 059 0880 06	do	City Manager, 77 Fair Dr., Costa Mesa, Calif. 92626.	Do.
Do	Riverside	Coachella, city of	H 06 065 0750 01 through H 06 065 0750 09	do	Mayor, City Hall, 1515 6th St., Coachella, Calif. 92236.	Do.
Do	do	Norco, city of	H 06 065 2420 01 through H 06 065 2420 06	do	Mayor, City Hall, 3054 Old Hammer Ave., Norco, Calif. 91760.	Do.
Do	Sacramento	Galt, city of	H 06 067 1390 01	do	Mayor, City Hall, 807 C St., Galt, Calif. 95632.	Do.
Do	San Bernardino	Redlands, city of	H 06 071 2960 01 through H 06 071 2960 11	do	City Administrative Office, 30 Cajon St., Redlands, Calif. 92373.	Do.
Do	Santa Barbara	Guadalupe, city of.	H 06 083 1510 01	do	Mayor, City Hall, 1025 Guadalupe St., Guadalupe, Calif. 93434.	Do.
Do	do	Santa Maria, city of.	H 06 083 3460 01 through H 06 083 3460 08	do	Department of Public Works, 810 W. Church St., Santa Maria, Calif. 93454.	Do.
Do	Santa Cruz	Capitola, city of	H 06 087 0500 01	do	Mayor, City Hall, 420 Capitola Ave., Capitola, Calif. 95010.	Do.
Do	Solano	Rio Vista, city of.	H 06 095 3040 01	do	Mayor, City Hall, No. 1 Main St., Rio Vista, Calif. 94571.	Do.
Do	do	Vacaville, city of	H 06 095 4010 01 through H 06 095 4010 08	do	Mayor, City Hall, Vacaville, Calif. 95688.	Do.
Do	Ventura	Simi Valley, city of.	H 06 111 3640 01 through H 06 111 3640 07	do	Public Services Department, City of Simi Valley, 3200 Cochrane St., Simi Valley, Calif. 93065.	Do.
Colorado	Conejos	La Jara, town of	H 08 021 1100 01	Colorado Water Conservation, Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, City Hall, La Jara, Colo. 81140.	Do.
Do	Delta	Cedaredge, town of.	H 08 029 0310 01	do	Mayor, City Hall, Cedaredge, Colo. 81413.	Do.
Do	Fremont	Florence, city of	H 08 043 0840 01	do	Mayor, City Hall, Florence, Colo. 81226.	Do.
Do	Lake	Leadville, city of	H 08 065 1390 01	do	Mayor, City Hall, Leadville, Colo. 80461.	Do.
Do	Montezuma	Cortez, city of	H 08 083 0150 01 through H 08 083 0150 03	do	Mayor and City Manager, City Hall, Cortez, Colo. 81321.	Do.
Do	do	Mancos, town of	H 08 083 1580 01	do	Mayor, Town Hall, Mancos, Colo. 81328.	Do.
Do	Montrose	Naturita, town of	H 08 085 1735 01	do	Mayor, Naturita, Colo. 81422	Do.
Do	Prowers	Holly, town of	H 08 099 1170 01	do	Mayor, Holly, Colo. 81047	Do.
Do	Rio Grande	Del Norte, town of.	H 08 105 0580 01	do	Mayor, Del Norte City Hall, Del Norte, Colo. 81132.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Routt	Oak Creek, town of.	H 08 107 1810 01	do	Mayor, Town Hall, Oak Creek, Colo. 80467.	Do.
Do	Weld	Ault, town of	H 08 123 0100 01	do	Mayor, Ault, Colo. 80610	Do.
Do	do	La Salle, town of	H 08 123 1460 01	do	Mayor, La Salle, Colo. 80645	Do.
Do	do	Milliken, town of	H 08 123 1650 01	do	Mayor, Milliken, Colo. 80543	Do.
Connecticut	Hartford	Bristol, city of	H 09 003 0090 01 through H 09 003 0090 12	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Mayor, City Hall, Bristol, Conn. 06010.	Do.
Do	Litchfield	Winsted, city of	H 09 005 0850 01 through H 09 005 0850 07	do	Mayor, City Hall, Winsted, Conn. 06098.	Do.
Do	Windham	Putnam, city of	H 09 015 0690 01 through H 09 015 0690 02	do	Mayor, Putnam, Conn. 06260	Do.
Do	Windham	Thompson, town of.	H 09 015 0749 01 through H 09 015 0749 04	do	Mayor, City Hall, Thompson, Conn. 06277.	Do.
Delaware	Kent	Clayton, town of	H 10 001 0090 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	President, Town Council, Clayton, Del. 19938.	Do.
Do	Kent	Frederica, town of.	H 10 001 0190 01	do	President, Town Council, Frederica, Del. 19946.	Do.
Do	Kent	Harrington, city of.	H 10 001 0220 01	do	Mayor, City Hall, Harrington, Del. 19952.	Do.
Florida	Broward	Lauderdale Lakes, city of.	H 12 011 1781 01 through H 12 011 1781 02	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32201. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City of Lauderdale Lakes, 4300 NW. 36th St., Lauderdale Lakes, Fla. 33313.	Do.
Georgia	Brantley	Nahunta, city of	H 130014 01 through H 130014 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City Hall, Nahunta, Ga. 31553.	Do.
Do	Camden	St. Marys, city of	H 130027 01 through H 130027 06	do	Mayor, City Hall, St. Marys, Ga. 31558.	Do.
Do	Dougherty	Albany, city of	H 130075 01 through H 130075 06	do	Albany-Dougherty Council, Planning Commission, P.O. Box 1827, Albany, Ga. 31702.	Do.
Do	Floyd	Rome, city of	H 130081 01 through H 130081 10	do	City Manager's Office, City Hall, Rome, Ga. 30161.	Do.
Do	Mitchell	Camilla, city of	H 130137 01 through H 130137 04	do	City Hall, City of Camilla, Camilla, Ga. 31730.	Do.
Do	Butts	Jackson, city of	H 13 035 2890 01 through H 13 035 2890 02	do	Mayor, City Hall, Jackson, Ga. 30233.	Do.
Do	Wilkinson	Gordon, city of	H 13 319 2420 01 through H 13 319 2420 04	do	Mayor, City Hall, Gordon, Ga. 31031.	Do.
Do	Worth	Poulan, city of	H 13 321 4480 01	do	Mayor, Poulan, Ga. 31781	Do.
Idaho	Canyon	Parma, city of	H 16 027 1340 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Parma, Idaho 83660.	Do.
Do	Clearwater	Weippe, city of	H 16 035 1878 01	do	Mayor, Weippe, Idaho 83553	Do.
Do	Idaho	Cottonwood, city of.	H 16 049 0310 01	do	Mayor, City Hall, Cottonwood, Idaho 83522.	Do.
Do	do	Grangeville, city of.	H 16 049 0630 01	do	Mayor, City Hall, Grangeville, Idaho 83530.	Do.
Do	Jerome	Jerome, city of	H 16 053 0630 01	do	Mayor, City Hall, Jerome, Idaho 83338.	Do.
Do	Kootenai	Spirit Lake, city of.	H 16 055 1710 01	do	Mayor of Spirit Lake, Spirit Lake, Idaho 83869.	Do.
Illinois	Henry	Kewanee, city of	H 170286 01 through H 170286 02	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532.	Mayor, City Hall, 200 W. 3d St., Kewanee, Ill 61443.	Do.
Do	Cook	Tinley Park, village of.	H 17 031 8620 01 through H 17 031 8620 02	Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	President, Tinley Park, Ill. 60477	Do.
Do	Douglas	Villa Grove, city of.	H 17 041 8890 01	do	Mayor, Villa Grove, Ill. 61956	Do.
Do	Macoupin	Staunton, city of	H 170434 01	do	Mayor, City Hall, Staunton, Ill. 62088	Do.
Do	Du Page	Westmont, village of.	H 17 043 9250 01 through H 17 043 9250 02	do	Mayor, 31 W. Quincy St., Westmont, Ill. 60559.	Do.
Do	do	Willowbrook, village of.	H 17 043 9355 01 through H 17 043 9355 02	do	President, 7221 S. Madison, Willowbrook, Ill. 60187.	Do.
Do	Monroe	Columbia, city of	H 170510 01 through H 170510 02	do	Mayor, 208 S. Rapp, Columbia, Ill. 62236.	Do.
Do	Montgomery	Hillsboro, city of	H 170513 01	do	Mayor, City Hall, Hillsboro, Ill. 62049.	Do.
Do	do	Litchfield, city of	H 170514 01 through H 170514 02	do	Mayor, City Hall, Litchfield, Ill. 62056.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Ogle	Polo, city of	H 170531 01	do	Mayor, City Hall, Polo, Ill. 61064	Do.
Do	Pulaski	Pulaski, village of.	H 170567 01	do	Mayor, City Hall, Pulaski, Ill. 62976	Do.
Do	Warren	Roseville, village of.	H 170677 01	do	Mayor, City Hall, Roseville, Ill. 61473	Do.
Do	Washington	Nashville, city of	H 170678 01	do	Mayor, City Hall, Nashville, Ill. 62263.	Do.
Do	Kane	East Dundee, village of.	H 17 089 2650 01	do	President, East Dundee, Ill. 60118	Do.
Do	McDonough	Macomb, city of	H 17 109 5100 01 through H 17 109 5100 02	do	Mayor, City Hall, Macomb, Ill. 61455	Do.
Do	Madison	East Alton, village of.	H 17 119 2510 01 through H 17 119 2510 03	do	Village Council, East Alton, Ill. 62024	Do.
Do	Vermilion	Danville, city of	H 17 183 2220 01 through H 17 183 2220 09	do	Mayor, City Hall, Danville, Ill. 61832	Do.
Do	do	Georgetown, city of.	H 17 183 3320 01	do	Mayor, Georgetown, Ill. 61846	Do.
Do	do	Rankin, village of.	H 17 183 7200 01	do	Mayor, Rankin, Ill. 60960	Do.
Do	Williamson	Marion, city of	H 17 199 5250 01 through H 17 199 5250 04	do	Mayor, Marion, Ill. 62959	Do.
Indiana	Cass	Walton, town of	H 180024 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Dept., 509 State Office Bldg., Indianapolis, Ind. 46204.	Chairman, Town Board, Walton, Ind. 46994.	Do.
Do	Knox	Bicknell, town of	H 180119 01	do	Mayor, City Hall, Bicknell, Ind. 47512	Do.
Do	Madison	Ingalls, town of	H 180155 01 through H 180155 02	do	Town Board, Town Hall, Ingalls, Ind. 46068.	Do.
Do	Putnam	Greencastle, city of.	H 180216 01 through H 180216 02	do	Mayor, City Hall, Greencastle, Ind. 46135.	Do.
Do	White	Monticello, city of.	H 180294 01 through H 180294 02	do	Area Plan Commission, Courthouse, Monticello, Ind. 47960.	Do.
Do	Marion	Indianapolis, city of.	H 18 097 2210 01 through H 18 097 2210 88	do	Department of Public Works, Reproduction Supervisor, Division of Flood Control, 2421 City-County Bldg., Indianapolis, Ind. 46204.	Do.
Do	Miami	Converse, town of	H 18 103 1010 01	do	Chairman, Town Board, Converse, Ind. 46919.	Do.
Do	Pike	Petersburg, city of.	H 18 125 3950 01 through H 18 125 3950 02	do	Mayor, City Hall, Petersburg, Ind. 47567.	Do.
Iowa	Allamakee	New Albin, town of.	H 19 005 5990 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, New Albin, Iowa 52160.	Do.
Do	Black Hawk	Evansdale, city of.	H 19 013 2800 01 through H 19 013 2800 03	do	Evansdale Urban Renewal Office, 3459 Lafayette Rd., Evansdale, Iowa 50707.	Do.
Do	Butler	Greene, town of	H 19 023 3450 01	do	Mayor, City Hall, Greene, Iowa 50636	Do.
Do	Des Moines	Burlington, city of.	H 19 057 1120 01 through H 19 057 1120 14	do	Mayor, City Hall, Burlington, Iowa 52601.	Do.
Do	Guthrie and Adair Cos.	Casey, city of	H 19 077 1290 01	do	Mayor, Casey, Iowa 50048	Do.
Do	Guthrie	Guthrie Center, city of.	H 19 077 3550 01	do	Mayor, Guthrie Center, Iowa 50015	Do.
Do	Harrison	Dunlap, town of	H 19 085 2180 01	do	Mayor, City Hall, Dunlap, Iowa 51529.	Do.
Do	Winnebago	Forest city, City of.	H 19 189 3000 01 through H 19 189 3000 04	do	Mayor, City Hall, Forest City, Iowa 50436.	Do.
Kansas	Johnson	Leawood, city of	H 20 091 3030 01 through H 20 091 3030 11	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Leawood City Hall, 9615 Lee Blvd., Leawood, Kans. 66206.	Do.
Kentucky	Hardin	West Point, city of.	H 210097 01 through H 210097 02	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, City Hall, West Point, Ky. 40177.	Do.
Do	Jefferson	Shively, town of	H 210124 01 through H 210124 03	do	Mayor, city of Shively, Shively, Ky. 40216.	Do.
Do	Breathitt	Jackson, city of	H 21 025 1720 01 through H 21 025 1720 02	do	Mayor, Jackson, Ky. 41349	Do.
Do	Lee	Beattyville, city of.	H 21036 01 through H 21036 02	do	City Hall, city of Beattyville, Beattyville, Ky. 41311.	Do.
Do	Carlisle	Bardwell, town of	H 21 039 0180 01 through H 21 039 0180 02	do	Mayor, Bardwell, Ky. 42032	Do.
Do	Estill	Irvine, city of	H 21 065 1690 01 through H 21 065 1690 02	do	Chairman, Irvine, Ky. 40336	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Ravenna, city of	H 21 065 2730 01	do	Mayor, Ravenna, Ky. 40475	Do.
Do	Floyd	Wheelwright, town of.	H 21 071 3510 01 through H 21 071 3510 02	do	Mayor, Wheelwright, Ky. 41669	Do.
Do	Hardin	Vine Grove, city of.	H 21 093 3370 01 through H 21 093 3370 02	do	Mayor, Vine Grove, Ky. 40175	Do.
Do	Harlan	Benham, city of	H 21 095 0258 01 through H 21 095 0258 02	do	Mayor, Benham, Ky. 40807	Do.
Do	do	Evarts, city of	H 21 095 1070 01	do	Mayor, Evarts, Ky. 40828	Do.
Do	Hopkins	Earlington, city of.	H 21 107 0960 01 through H 21 107 0960 03	do	Chairman, Planning and Zoning Commission, Earlington, Ky. 42410.	Do.
Do	do	Madisonville, city of.	H 21 107 2150 01 through H 21 107 2150 03	do	Chairman, Madisonville, Ky. 42431	Do.
Do	do	Mortons Gap, town of.	H 21 107 2300 01	do	Mayor, Mortons Gap, Ky. 42440	Do.
Do	do	Nortonville, town of.	H 21 107 2450 01	do	Mayor, Mortonville, Ky. 42442	Do.
Do	LaRue	Hodgenville, town of.	H 21 123 1600 01 through H 21 123 1600 02	do	Mayor, City Hall, Hodgenville, Ky. 42748.	Do.
Do	Lincoln	Stanford, town of	H 21 137 3180 01 through H 21 137 3180 04	do	Mayor, Stanford, Ky. 40484	Do.
Do	Logan	Auburn, town of	H 21 141 0130 01	do	Mayor, City Hall, Auburn, Ky. 42276	Do.
Do	do	Lewisburg, town of.	H 21 141 1960 01 through H 21 141 1960 02	do	Mayor, Lewisburg, Ky. 42276	Do.
Do	do	Russelville, city of.	H 21 141 2820 01 through H 21 141 2820 04	do	Mayor, Russelville, Ky. 42276	Do.
Do	Pike	Pikeville, city of	H 21 195 2640 01 through H 21 195 2640 02	do	Mayor, Pikeville, Ky. 41501	Do.
Do	Union	Morganfield, town of.	H 21 225 2280 01 through H 21 225 2280 02	do	Mayor, Morganfield, Ky. 42437	Do.
Do	do	Sturgis, town of	H 21 225 3230 01 through H 21 225 3230 02	do	Mayor, Sturgis, Ky. 42459	Do.
Do	do	Uniontown, town of.	H 21 225 3310 01 through H 21 225 3310 02	do	Mayor, Uniontown, Ky. 42461	Do.
Do	Webster	Sebree, city of	H 21 233 2920 01	do	Mayor, Sebree, Ky. 42455	Do.
Do	Wolfe	Campton, city of	H 21 237 0640 01	do	Mayor, Campton, Ky. 41301	Do.
Louisiana	Calcasieu Parish	Westlake, town of.	H 22 019 2400 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, 701 Johnson, Westlake, La. 70669.	Do.
Do	Evangeline Parish	Ville Platte, town of.	H 22 039 2320 01 through H 22 039 2320 02	do	Mayor, Ville Platte, La. 70586	Do.
Do	Iberia Parish	New Iberia, city of.	H 22 045 1680 01 through H 22 045 1680 05	do	Mayor, city of New Iberia, City Hall, New Iberia, La. 70560.	Do.
Do	Morehouse Parish	Mer Rouge, village of.	H 22 067 1530 01	do	Village of Mer Rouge, Town Hall, 18th St., Mer Rouge, La. 71261.	Do.
Do	Rapides Parish	Cheneyville, town of.	H 22 079 0370 01	do	Mayor, Cheneyville, La. 71325	Do.
Do	do	Le Compte, town of.	H 22 079 1290 01	do	Mayor, 1302 Weems St., Le Compte, La. 71346.	Do.
Do	St. Tammany Parish	Abita Springs, town of.	H 22 103 0020 01 through H 22 103 0020 02	do	Mayor, Town Hall, Abita Springs, La. 70420.	Do.
Do	West Feliciana Parish	St. Francisville, town of.	H 22 125 2080 01 through H 22 125 2080 02	do	Town Hall, Royal St., St. Francisville, La. 70775.	Do.
Maine	Cumberland	Scarborough, town of.	H 23 005 7265 01 through H 23 005 7265 04	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Planning Board, Scarborough, Maine 04074.	Do.
Massachusetts	Hampden	Wilbraham, town of.	H 25 013 1476 01 through H 25 013 1476 06	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Planning Board, Town Offices, Wilbraham, Mass. 01095.	Do.
Do	Worcester	Barre, town of	H 25 027 0079 01 through H 25 027 0079 05	do	Chairman, Board of Selectmen, Town Hall, Barre, Mass. 01005.	Do.
Do	do	Royalston, town of.	H 25 027 1095 01 through H 25 027 1095 03	do	Chairman, Board of Selectmen, Town Hall, Royalston, Mass. 01374.	Do.
Do	do	Warren, town of	H 25 027 1370 01 through H 25 027 1370 12	do	Chairman, Board of Selectmen, Town Hall, Warren, Mass. 01083.	Do.
Michigan	Allegan	Plainwell, city of	H 26 005 3990 01 through H 26 005 3990 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 N. Mosmer St., Lansing, Mich. 48913.	Mayor of Plainwell, Plainwell, Mich. 49080.	Do.
Do	Eaton	Grand Ledge, city of.	H 260068 01	do	R. J. Chessmond, Building Inspector, 533 W. Front St., Grand Ledge, Mich. 48837.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Genesee	Grand Blanc, city of.	H 260079 01	do	Genesee County Drain Commissioner, Division of Water and Waste Services, 6-4610 Beecher Rd., Flint, Mich. 48504.	Do.
Do	Macomb	Warren, city of	H 260129 01 through H 260129 12	do	Warren Municipal Bldg., 29500 Van Dyke Ave., Warren, Mich. 48093.	Do.
Do	Menominee	Stephenson, city of.	H 260139 01	do	City Hall, Samuel St., Stephenson, Mich. 49887.	Do.
Do	Oakland	Bloomfield, township of.	H 260169 01 through H 260169 11	do	Township Supervisor, 4200 Telegraph Rd., Bloomfield Hills, Mich. 48013.	Do.
Do	do	Southfield, city of.	H 260179 01 through H 260179 08	do	Southfield Municipal Bldg., Planning Department, 26000 Evergreen Rd., Southfield, Mich. 48076.	Do.
Do	Wayne	Plymouth, city of.	H 260236 01	do	Mayor, 201 S. Main St., Plymouth, Mich. 48170.	Do.
Do	do	River Rouge, city of.	H 260239 01 through H 260239 05	do	Office of City Clerk, River Rouge Civic Center, 1281 Coolidge Highway, River Rouge, Mich. 48218.	Do.
Do	do	Wyandotte, city of.	H 260246 01 through H 260246 02	do	Engineering Department, 3131 Biddle Ave., Wyandotte, Mich. 48192.	Do.
Do	Eaton	Olivet, city of	H 26 045 3650 01	do	Wilma Henry, Clerk, City Hall, 106 S. Main, Olivet, Mich. 49076.	Do.
Do	Genesee	Davison, city of	H 26 049 1200 01	do	City Manager, 200 E. Flint St., Davison, Mich. 48423.	Do.
Do	do	Flushing, city of	H 26 049 1740 01 through H 26 049 1740 02	do	City Manager, 309 E. Main St., Flushing, Mich. 48433.	Do.
Do	Genesee	Swartz Creek, city of.	H 26 049 4795 01 through H 26 049 4795 02	do	City Manager, Swartz Creek, Mich. 48473.	Do.
Do	Kent	East Grand Rapids, city of.	H 26 081 1390 01 through H 26 081 1390 02	do	Mayor, 750 Lakeside SE., East Grand Rapids, Mich. 49506.	Do.
Do	Lapeer	Lapeer, city of	H 26 087 2710 01 through H 26 087 2710 02	do	City Manager, City Hall, Lapeer, Mich. 48446.	Do.
Do	Saginaw	Zilwaukee, city of.	H 26 145 5343 01	do	Zilwaukee Township Supervisor, 1571 E. Bay City Rd., Route 2, Bay City, Mich. 48706.	Do.
Do	St. Clair	Memphis, village of.	H 26 147 3150 01	do	Mayor, City Hall, 81195 Church, Memphis, Mich. 48041.	Do.
Do	Wayne	Flat Rock, city of.	H 26 163 1720 01 through H 26 163 1720 02	do	Mayor, Flat Rock, Mich. 48134.	Do.
Minnesota	Anoka	Fridley, city of	H 270013 01 through H 270013 05	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Planning Department, Fridley City Hall, 6431 University Ave. NE., Fridley, Minn. 55421.	Do.
Do	Big Stone	Graceville, city of.	H 27 011 2810 01	do	Mayor, Graceville, Minn. 56240.	Do.
Do	Chippewa	Clara City, city of.	H 27 023 1230 01 through H 27 023 1230 02	do	Mayor, Clara City, Minn. 56222.	Do.
Do	Clay	Glyndon, city of	H 27 027 2740 01	do	Mayor, Glyndon, Minn. 56547.	Do.
Do	do	Hawley, city of	H 27 027 3140 01 through H 27 027 3140 02	do	City Hall, City of Hawley, Hawley, Minn. 56549.	Do.
Do	Faribault	Minnesota Lake, city of.	H 27 043 4800 01	do	Mayor, Minnesota Lake, Minn. 56068.	Do.
Do	Fillmore	Mabel, village of	H 27 045 4380 01	do	Mayor, City Hall, Mabel, Minn. 55954.	Do.
Do	Wabasha	Elgin, city of	H 270484 01	do	Mayor, Village Hall, Elgin, Minn. 55932.	Do.
Do	Washington	Hugo, city of	H 270504 01 through H 270504 12	do	Mayor, Village Hall, 5524 Upper 146 St. N., Hugo, Minn. 55038.	Do.
Do	Hennepin	Richfield, city of	H 27 053 5010 01 through H 27 053 5010 04	do	Mayor, Richfield, Minn. 55423.	Do.
Do	Isanti	Cambridge, city of.	H 27 059 1020 01 through H 27 059 1020 02	do	Mayor, Cambridge, Minn. 55008.	Do.
Do	Itasca	Marble, city of	H 27 061 4540 01 through H 27 061 4540 04	do	Mayor, Marble, Minn. 55764.	Do.
Do	Kittson	Hallock, city of	H 27 069 2970 01	do	Mayor, City Hall, Hallock, Minn. 56728.	Do.
Do	Le Sueur	Waterville, city of.	H 27 079 7300 01 through H 27 079 7300 02	do	Mayor, City Hall, Waterville, Minn. 56096.	Do.
Do	Meeker	Cosmos, city of	H 27 093 1510 01	do	Mayor, Cosmos, Minn. 56228.	Do.
Do	Ramsey	Maplewood, city of.	H 27 123 4536 01 through H 27 123 4536 05	do	Municipal Building, 1890 Frost Ave., Maplewood, Minn. 55117.	Do.
Do	St. Louis	Biwabik, city of	H 27 137 0660 01 through H 27 137 0660 02	do	Mayor, Biwabik, Minn. 55708.	Do.
Do	do	Virginia, city of	H 27 137 7200 01 through H 27 137 7200 04	do	Planning and Zoning Commission, Virginia, Minn. 55792.	Do.
Do	Sibley	Arlington, city of.	H 27 143 0230 01 through H 27 143 0230 02	do	Mayor, Arlington, Minn. 55307.	Do.
Do	do	Winthrop, city of	H 27 143 7680 01	do	Mayor, Winthrop, Minn. 55396.	Do.
Do	Stearns	Holdingford, city of.	H 27 145 3360 01	do	Mayor, Holdingford, Minn. 56340.	Do.

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Do	Stearns	Kimball, city of	H 27 145 3830 01	do	Mayor, Kimball, Minn. 55353.	
Do	Swift	Benson, city of	H 27 151 0550 01 through H 27 151 0550 02	do	Mayor, Benson, Minn. 56215.	Do.
Do	Washington	Lake Elmo, village of.	H 27 163 3910 01 through H 27 163 3910 08	do	Mayor, Village Clerk, Village of Lake Elmo, 1194 Upper 33d St. N., Lake Elmo, Minn. 55042.	Do.
Do	Winona	Goodview, city of	H 27 169 2900 01	do	Mayor, Goodview, Minn. 55987.	Do.
Do	Wright	St. Michael, city of.	H 27 171 6320 01	do	Mayor, St. Michael, Minn. 55376.	Do.
Missouri	Adair	Kirksville, city of.	H 29 001 4230 01 through H 29 001 4230 03	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, 1502 E. Jefferson, Kirksville, Mo. 63679.	Do.
Do	Audrain	Vandalia, city of	H 29 007 7060 01 through H 29 007 7060 02	do	Mayor, City Hall, Vandalia, Mo. 63382.	Do.
Do	Callaway	Fulton, city of	H 29 027 2960 01 through H 29 027 2960 05	do	Mayor, City Hall, Fulton, Mo. 65251.	Do.
Do	Clay	Gladstone, city of.	H 29 047 3114 01 through H 29 047 3114 04	do	City Hall, Gladstone, Mo. 64118.	Do.
Do	Clinton and De Kalb.	Cameron, city of.	H 29 049 1350 01 through H 29 049 1350 02	do	City Manager, City Hall, Cameron, Mo. 64429.	Do.
Do	Douglas	Ava, city of	H 29 067 0440 01 through H 29 067 0440 02	do	Mayor, Ava, Mo. 65608.	Do.
Do	Gentry	Albany, city of	H 29 075 0060 01 through H 29 075 0060 04	do	Mayor, City Hall, Albany, Mo. 64402.	Do.
Do	do	Stanberry, city of.	H 29 075 7480 01 through H 29 075 7480 02	do	Mayor, City Hall, Stanberry, Mo. 64489.	Do.
Do	Jasper	Sarcoxie, city of	H 29 097 7170 01 through H 29 097 7170 02	do	Mayor, City Hall, Sarcoxie, Mo. 64862.	Do.
Do	Jefferson	Herculaneum, city of.	H 29 099 3620 01 through H 29 099 3620 04	do	City Hall, Herculaneum, Mo. 63048.	Do.
Do	Laclede	Lebanon, city of	H 29 105 4480 01 through H 29 105 4480 04	do	Building Official, City Hall, P.O. Box 111, Lebanon, Mo. 65536.	Do.
Do	Lawrence	Marionville, city of.	H 29 109 4940 01 through H 29 109 4940 02	do	Mayor and City Council, City Hall, Marionville, Mo. 65705.	Do.
Do	McDonald	Anderson, city of	H 29 119 0200 01	do	Mayor, City Hall, Anderson, Mo. 64831.	Do.
Do	New Madrid. City of.	Howardville, city of.	H 29 143 3822 01	do	Mayor, City Hall, Howardville, Mo. 63869.	Do.
Do	do	Lilbourn, city of	H 29 143 4600 01 through H 29 143 4600 02	do	Mayor, City Hall, Lilbourn, Mo. 63862.	Do.
Do	do	Matthews, city of.	H 29 143 5050 01 through H 29 143 5050 02	do	Mayor, City Hall, Matthews, Mo. 64469.	Do.
Do	St. Louis	Fenton, city of	H 29 189 2690 01 through H 29 189 2690 03	do	City Hall, Fenton, Mo. 63026.	Do.
Nebraska	Douglas	Valley, city of	H 31 055 4970 01	Nebraska Natural Resources, Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, 215 N. Spruce, Valley, Nebr. 68064.	Do.
Do	Lincoln	Sutherland, village of.	H 31 111 4710 01	do	Mayor, Sutherland, Nebr. 69165.	Do.
Do	Saunders	Ashland, city of	H 31 155 0210 01	do	City Council, City Hall, Ashland, Nebr. 68003.	Do.
New Jersey	Hudson	Bayonne, city of	H 31 017 0190 01 through H 31 017 0190 03	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Bayonne, N.J. 07002.	Do.
Do	Mercer	Washington, township of.	H 34 021 2895 01 through H 34 021 2895 06	do	Mayor, Township of Washington, Route 130, Box A, Robbinsville, N.J. 08691.	Do.
Do	Monmouth	Monmouth Beach, borough of.	H 34 025 1980 01 through H 34 025 1980 04	do	Clerk's Office, Municipal Bldg., Monmouth Beach, N.J. 07750.	Do.
Do	Sussex	Stanhope, borough of.	H 34 037 3230 01	do	Mayor, Stanhope, N.J. 07874.	Do.
Do	do	Franklin, borough of.	H 34 037 1070 01 through H 34 037 1070 02	do	Mayor, Franklin, N.J. 07416.	Do.
Do	do	Ogdensburg, borough of.	H 34 037 2410 01	do	Mayor, Ogdensburg, N.J. 07439.	Do.
Do	Passaic	Wanaque, borough of.	H 34 031 3500 01 through H 34 031 3500 04	do	Mayor, Boro of Wanaque, 579 Ringwood Ave., Ringwood, N.J. 07456.	Do.
New Mexico	Colfax	Cimarron, village of.	H 35 007 0160 01 through H 35 007 0160 02	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, City Hall, Cimarron, N. Mex. 87714.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	San Juan	Bloomfield, village of.	H 35 045 0115 01	do	Mayor, City Hall, Bloomfield, N. Mex. 87413.	Do.
New York	Allegany	Alfred, town of	H 36 003 0100 01 through H 36 003 0100 02	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 Williams St., New York, N.Y. 10038, and Albany, N.Y. 12210.	Supervisor, Town Office, Alfred, N.Y. 14802.	Do.
Do	Broome	Maine, town of	H 36 007 3453 01 through H 36 007 3453 05	do	Town Supervisor, Town of Maine Rural Delivery No. 2, Johnson City, N.Y. 13790.	Do.
Do	Cattaraugus	Limestone, village of.	H 36 009 3250 01	do	Mayor, Limestone, N.Y. 14753	Do.
Do	do	New Albion, town of.	H 36 009 4042 01 through H 36 009 4042 10	do	Supervisor, Town of New Albion, Cattaraugus, N.Y. 14719.	Do.
Do	do	Perrysburg, town of.	H 36 009 4761 01 through H 36 009 4761 09	do	Supervisor, Town of Perrysburg, Perrysburg, N.Y. 14129.	Do.
Do	do	Persia, town of	H 36 009 4764 01 through H 36 009 4764 02	do	Supervisor, Persia, N.Y. 14070	Do.
Do	Cayuga	Springport, town of.	H 36 011 5933 01 through H 36 011 5933 02	do	Springport Town Board, Union Springs, N.Y. 13160.	Do.
Do	Chautauqua	Westfield, village of.	H 36 013 6490 01 through H 36 013 6490 02	do	Village Board, Westfield, N.Y. 14787	Do.
Do	Delaware	Stamford, village of.	H 36 025 5950 01	do	Major, Stamford, N.Y. 12167	Do.
Do	Erie	Alden, village of	H 36 029 0070 01 through H 36 029 0070 02	do	Town Office, 13280 Broadway, Alden, N.Y. 14004.	Do.
Do	do	Clarence, town of	H 36 029 1170 01 through H 36 029 1170 13	do	Supervisor, Town Hall, 6185 Goodrich Road, Clarence Center, N.Y. 14032.	Do.
Do	do	Marilla, town of	H 36 029 3569 01 through H 36 029 3569 04	do	Supervisor, Town Hall, S-1740 Two Rod Road, Marilla, N.Y. 14102.	Do.
Do	do	Springville, village of.	H 36 029 5940 01 through H 36 029 5940 02	do	Major, Springville, N.Y. 14141	Do.
Do	Jefferson	Chaumont, village of.	H 36 045 1110 01	do	Mayor, Chaumont, N.Y. 13622	Do.
Do	do	Philadelphia, village of.	H 36 049 4780 01	do	Supervisor, Philadelphia, N.Y. 13673	Do.
Do	Livingston	Mt. Morris, town of.	H 36 051 0387 01 through H 36 051 0387 13	do	Town Hall, Town of Mt. Morris, Mt. Morris, N.Y. 14510.	Do.
Do	Nassau	Island Park, village of.	H 36 059 2910 01	do	Village Clerk, 127 Long Bewett Rd., Island Park, N.Y. 11558.	Do.
Do	Niagara	Newfane, town of	H 36 063 4070 01 through H 36 063 4070 04	do	Town Hall, Transit Rd. and McKee St., Newfane, N.Y. 14108.	Do.
Do	do	Wilson, town of	H 36 063 6729 01 through H 36 063 6729 04	do	Town Hall, 375 South Lake St. Wilson, N.Y. 14172.	Do.
Do	Oneida	Bridgewater, village of.	H 36 065 0650 01	do	Mayor, Village Hall, Bridgewater, N.Y. 13313.	Do.
Do	do	Holland Patent, village of.	H 36 065 2710 01	do	Mayor, Holland Patent, N.Y. 13354	Do.
Do	Onondaga	Geddes, town of	H 36 067 2248 01 through H 36 067 2248 04	do	Supervisor, 1000 Woods Rd., Town of Geddes, Solvay, N.Y. 13209.	Do.
Do	Ontario	Geneva, city of	H 36 069 2260 01 through H 36 069 2260 03	do	City Manager, Geneva, N.Y. 14456.	Do.
Do	do	Richmond, town of.	H 36 069 5177 01 through H 36 069 5177 14	do	Supervisor, Town of Richmond, Honeoye, N.Y. 14471.	Do.
Do	Orange	Deer Park, town of.	H 36 071 1455 01 through H 36 071 1455 06	do	Supervisor, Town of Deer Park, Town Hall, Cuddebackville, N.Y. 12729.	Do.
Do	Otsego	Cooperstown, village of.	H 36 077 1320 01	do	Mayor, Cooperstown, N.Y. 13326.	Do.
Do	Herkimer	Middleville, village of.	H 36 093 3740 01	do	Mayor, Middleville, N.Y. 13406.	Do.
Do	Steuben	Arkport, village of.	H 36 101 0260 01	do	Mayor, Village Board, Arkport, N.Y. 14807.	Do.
Do	do	Sanona, village of	H 36 101 5510 01	do	Village Hall, Village of Sanona, Sanona, N.Y. 14879.	Do.
Do	Ulster	Kingston, city of	H 36 111 3060 01 through H 36 111 3060 03	do	Office of City Engineer, City Hall, Meadow St., Kingston, N.Y. 12401.	Do.
Do	do	New Paltz, town of.	H 36 111 4101 01 through H 36 111 4101 03	do	Town Supervisor, New Paltz, N.Y. 12561.	Do.
Do	Westchester	Dobbs Ferry, village of.	H 36 119 1550 01	do	Mayor, 112 Main St., Dobbs Ferry, N.Y. 10522.	Do.
Do	do	Pelham, village of.	H 36 119 4710 01	do	Mayor, 195 Sparks Ave., Pelham, N.Y. 10803.	Do.
Do	Wyoming	Warsaw, village of.	H 36 121 6400 01 through H 36 121 6400 02	do	Mayor, Village Office, South Main St., Warsaw, N.Y. 14569.	Do.
Do	do	Wyoming, village of.	H 36 121 6810 01	do	Town Supervisor, Town Clerk's Office, Wyoming, N.Y. 14591.	Do.
Do	Yates	Milo, town of	H 36 123 3792 01 through H 36 123 3790 11	do	Town Supervisor, Milo, N.Y.	Do.

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Ohio	Athens	Jacksonville, village of.	H 39 001	Ohio Department of Natural Resources, Fountain Sq., Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Jacksonville, Ohio 45740	Do.
Do	do	Glouster, village of.	H 39 009 3020 01	do	Mayor, City Hall, Glouster, Ohio 45732.	Do.
Do	Allen	Delphos, city of	H 39 003 2170 01 through H 39 003 2170 02	do	Mayor, City Bldg., Delphos, Ohio	Do.
Do	Franklin	Bexley, city of	H 39 049 0168 01 through H 39 049 0168 02	do	Bexley City Hall, Bexley, Ohio 43209	Do.
Do	do	Gahanna, city of	H 39 049 0170 01 through H 39 049 0171 02	do	Mayor, City of Gahanna, Gahanna, Ohio 43230.	Do.
Do	do	Upper Arlington, city of.	H 39 049 0178 01 through H 39 049 0178 05	do	Office of City Engineer, 3600 Tremont Rd., Upper Arlington, Ohio 43221.	Do.
Butler	Butler	Monroe, village of	H 39 017 5230 01 through H 39 017 5230 05	do	Mayor, Monroe, Ohio 45050	Do.
Do	Highland	Hillsboro, city of	H 39 0269 01 through H 39 0269 04	do	Mayor, City Bldg., Hillsboro, Ohio 45133.	Do.
Do	Clinton	Wilmington, city of.	H 39 027 9090 01 through H 39 027 9090 03	do	Mayor, City Bldg., Wilmington, Ohio 45177.	Do.
Do	Cuyahoga	Oakwood Village, village of.	H 39 035 6130 01 through H 39 035 6130 03	do	Mayor, Village Hall, 24900 Broadway, Oakwood Village, Ohio 44137.	Do.
Do	do	Parma, city of	H 39 035 6360 01 through H 39 035 6360 06	do	Mayor, Parma, Ohio 44129	Do.
Do	DeFiance	DeFiance, city of	H 39 039 2130 01 through H 39 039 2130 04	do	Mayor, DeFiance, Ohio 43512	Do.
Do	do	Hicksville, village of.	H 39 039 3400 01	do	Mayor, Hicksville, Ohio 43526	Do.
Do	Delaware	Delaware, city of	H 39 041 2150 01 through H 39 041 2150 05	do	City Manager, Delaware, Ohio 43015	Do.
Do	Fairfield	Lancaster, city of	H 39 045 4050 01 through H 39 045 4050 07	do	Mayor, City Bldg., Lancaster, Ohio 43130.	Do.
Do	Fayette	Jeffersonville, village of.	H 39 047 3780 01 through H 39 047 3780 02	do	Mayor, Jeffersonville, Ohio 43128	Do.
Do	Franklin	Grandview Heights, city of.	H 39 049 3090 01	do	Mayor, Grandview Heights, Ohio 43212.	Do.
Do	do	Grove City, city of.	H 39 049 3200 01 through H 39 049 3200 05	do	Mayor, Grove City, Ohio 43123	Do.
Do	Jackson	Jackson, city of	H 39 079 3720 01	do	Mayor, Jackson, Ohio 45640	Do.
Do	Knox	Centersburg, village of.	H 39 083 1440 01	do	Mayor, Centersburg, Ohio 43011	Do.
Do	do	Danville, village of.	H 39 083 2070 01	do	Mayor, Danville, Ohio 43011	Do.
Do	do	Gambier, village of.	H 39 083 2820 01 through H 39 083 2820 02	do	Mayor, Gambier, Ohio 43022	Do.
Do	Lorain	Lorain, city of	H 39 093 0351 01	do	Department of Community Development, Room 306, Broadway Bldg., Lorain, Ohio 44052.	Do.
Do	Mahoning	Canfield, village of.	H 39 099 1310 01 through H 39 099 1310 02	do	City Manager, Canfield, Ohio 44406	Do.
Do	Montgomery	Centerville, city of.	H 39 113 1460 01 through H 39 113 1460 04	do	Mayor, Centerville, Ohio 45459	Do.
Do	Morgan	McConnelsville, village of.	H 39 115 4530 01	do	Mayor, McConnelsville, Ohio 43756	Do.
Do	Paulding	Oakwood, city of	H 39 125 6118 01	do	Mayor, Oakwood, Ohio 45873	Do.
Do	Perry	New Lexington, village of.	H 39 127 5700 01 through H 39 127 5700 02	do	Mayor, New Lexington, Ohio 43764	Do.
Do	Putnam	Glandorf, village of.	H 39 137 2960 01	do	Mayor, Glandorf, Ohio 45848	Do.
Do	Richland	Mansfield, city of	H 39 139 4680 01 through H 39 139 4680 11	do	Mayor, Mansfield, Ohio 44902	Do.
Do	Stark	Louisville, city of	H 39 151 4390 01 through H 39 151 4390 08	do	Mayor, Louisville, Ohio 44641	Do.
Do	do	North Canton, city of.	H 39 151 6930 01 through H 39 151 6930 05	do	Mayor, North Canton, Ohio 44720	Do.
Do	Trumbull	McDonald, village of.	H 39 155 4540 01	do	Mayor, McDonald, Ohio 44437	Do.
Do	Tuscarawas	Newcomerstown, village of.	H 39 157 5650 01 through H 39 157 5650 02	do	Mayor, Newcomerstown, Ohio 43832	Do.
Do	Union	Richwood, village of.	H 39 159 6920 01	do	Mayor, Richwood, Ohio 43344	Do.
Oklahoma	Commanche	Cache, town of	H 40 031 0690 01	Oklahoma Water Resources Board, 2241 NW 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Chairman, Board of Trustees, Cache, Okla. 73527.	Do.
Do	Greer	Mangum, city of	H 40 055 2990 01	do	Mayor, City Hall, 201 N. Oklahoma, Mangum, Okla. 73554.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oregon	Marion	Mount Angel, city of.	H 41 047 1440 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Mount Angel, Oreg. 97362.	Do.
Do	Umatilla	Weston, city of	H 41 059 2220 01	do	Mayor, City Hall, N. Water, Weston, Oreg. 97886.	Do.
Pennsylvania	Bradford	Sayre, borough of	H 42 015 7410 01 through H 42 015 7410 03	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Sayre Borough Council, Sayre, Pa. 18840.	Do.
Do	Bucks	Northampton, township of.	H 42 017 6014 01 through H 42 017 6014 06	do	Northampton Township, Board of Supervisors, 900 2d St., Pike Township Bldg., Richboro, Pa. 18954.	Do.
Do	Clearfield	Houtzdale, borough of.	H 42 033 3760 01	do	Mayor, Harry St., Houtzdale, Pa. 16651.	Do.
Do	Lackawanna	Archbald, borough of.	H 42 069 0200 01 through H 42 069 0200 07	do	Archbald Borough Bldg., Laurel St., Archbald, Pa. 18403.	Do.
Do	Lancaster	Ephrata, borough of.	H 42 071 2630 01 through H 42 071 2630 05	do	Ephrata Borough Office, 114 E. Main St., Ephrata, Pa. 17522.	Mar. 22, 1974, May 17, 1974.
Do	Lycoming	Lycoming, township of.	H 42 081 4625 01 through H 42 081 4625 05	do	Mr. George Raap, Township of Lycoming, Rural Delivery Number 2, Cogan Station, Pa. 17728.	May 17, 1974
Do	Mercer	Shenango, township of.	H 42 085 7595 01 through H 42 085 7595 06	do	Chairman, Board of Supervisors, Rural Delivery Number 2, Box 511, West Middlesex, Pa. 16159.	Do.
Do	Northampton	Williams, township of.	H 42 095 7369 01 through H 42 095 7369 08	do	Township of Williams, Municipal Bldg., Morgan Hill Rd., Rural Delivery Number 4, Easton, Pa. 18042.	Do.
Do	Northumberland	Lower Augusta, township of.	H 42 097 4601 01 through H 42 097 4601 02	do	Lower Augusta, Township Bldg., Rural Delivery Number 3, Sunbury, Pa. 17801.	Do.
Do	Potter	Austin, borough of.	H 42 105 0320 01 through H 42 105 0320 02	do	Mayor, Austin, Pa. 16720	Do.
Do	York	Penn, township, of.	H 42 133 6487 01 through H 42 133 6487 02	do	Penn Township, Municipal Office, 1016 York St., Hanover, Pa. 17331.	Do.
South Carolina	Aiken	Jackson, town of	H 450005 01 through H 450005 02	South Carolina Resources Commission, P.O. Drawer 164, 700 East Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	J. M. Brown, Mayor, P.O. Box 386, Jackson, S.C. 29831.	Do.
Do	Beaufort	Bluffton, town of.	H 450027 01	do	Leslie Teel, Mayor, P.O. Box 386, Bluffton, S.C. 29910.	Do.
Do	Anderson	Anderson, city of	H 45 007 0040 01 through H 45 007 0040 05	do	Building Department, City Hall, Anderson, S.C. 29621.	Do.
Do	Florence	Quinby, town of	H 450082 01	do	T. Ashby Gregg, Mayor, P.O. Box 56, Florence, S.C. 29501.	Do.
Do	Bamberg	Denmark, town of.	H 45 009 0610	do	Walter E. Brooker, Mayor, Town Hall, Denmark, S.C. 29042.	Do.
Do	Lexington	Irmo, town of	H 450133	do	Furman P. Youngmee, Mayor, P.O. Box 124, Irmo, S.C. 29063.	Do.
Do	do	South Congaree, town of.	H 450137 01	do	Millard Murrah, Mayor, R-3, Box 482, West Columbia, S.C. 29169.	Do.
Do	Spartanburg	Duncan, town of	H 450177 01	do	Dan Bridges, Mayor, Drawer 188, Duncan, S.C. 29334.	Do.
Do	Spartanburg and Greenville	Greer, city of	H 45 0178 01 through H 45 0178 02	do	Greer City Hall, 106 S. Main St., Greer, S.C. 29651.	Do.
Do	Williamsburg	Lane, town of	H 45 0191 01 through H 45 0191 02	do	A. H. McCullough, Mayor, P.O. Box 39, Lane, S.C. 29564.	Do.
Do	Greenville	Simpsonville, town of.	H 45 045 2380 01 through H 45 045 2380 02	do	Office of the City Clerk, 126 S. Main St., Simpsonville, S.C. 29681.	Do.
Do	Horry	Conway, town of	H 45 051 0540 01 through H 45 051 0540 02	do	H. A. Huckabee, Mayor, Conway, S.C. 29526.	Do.
Do	Spartanburg	Lyman, town of	H 45 083 1550 01	do	John N. Beckwell, Mayor, Groce Rd., Lyman, S.C. 29365.	Do.
Do	Williamsburg	Kingstree, city of	H 45 089 1200 01 through H 45 089 1200 02	do	Leonard B. Burgess, Mayor, Kingstree, S.C. 29556.	Do.
Do	York	Fort Mill, town of.	H 45 091 0900 01 through H 45 091 0900 02	do	Mayor, Fort Mill, S.C. 29715	Do.
Do	do	York, town of	H 45 091 2970 01 through H 45 091 2970 02	do	Melvin Roberts, Mayor, City Hall, York, S.C. 29745.	Do.
South Dakota	Hamlin	Castlewood, city of.	H 46 057 0500 01 through H 46 057 0500 02	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501.	Mayor, Castlewood, S. Dak. 57223	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Tennessee	Fayette	Somerville, town of.	H 47 047 2270 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	J. D. Yancy, Mayor, Somerville, Tenn. 77879.	Do.
Do	Hawkins	Surgoinsville, city of.	H 47 073 2368 01 through H 47 073 2368 07	do	Mayor, City Hall, Surgoinsville, Tenn. 37873.	Do.
Do	Lauderdale	Ripley, town of	H 47 097 2050 01 through H 47 097 2050 04	do	Rozelle Criner, Mayor, City of Ripley, Ripley, Tenn. 38063.	Do.
Do	McMinn	Englewood, city of.	H 47 107 0790 01 through H 47 107 0790 03	do	Mayor, City Hall, Englewood, Tenn. 37329.	Do.
Do	do	Etowah, city of	H 47 107 0830 01 through H 47 107 0830 04	do	Mayor, City Hall, Etowah, Tenn. 37331.	Do.
Do	Maury	Spring Hill, city of.	H 47 119 2350 01 through H 47 119 2350 04	do	Mayor, City Hall, Spring Hill, Tenn. 37174.	Do.
Do	Robertson	White House, city of.	H 47 147 2565 01	do	Mayor, White House, Tenn. 37188	Do.
Do	Union	Maynardville, city of.	H 47 173 1595 01 through H 47 173 1595 09	do	County Judge, Courthouse, Maynardville, Tenn. 37807.	Do.
Texas	Bexar	Terrell Hills, city of.	H 48 029 6840 01 through H 48 029 6840 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Hall, 5100 N. New Braunfels Ave., Terrell Hills, Tex.	Do.
Do	do	Windcrest, city of	H 48 029 7528 01	do	Building Permit Officer, 8601 Midcrown, City of Windcrest, San Antonio, Tex. 78239.	Do.
Do	Brown	Early, city of	H 48 049 2035 01 through H 48 049 2035 02	do	Mayor, City Hall, 962 Early Blvd., Brownwood, Tex. 76801.	Do.
Do	Burnet	Burnet, city of	H 48 053 1040 01 through H 48 053 1040 02	do	City Manager, City Hall, Burnet, Tex. 78611.	Do.
Do	Cameron	Santa Rosa, city of.	H 48 061 6220 01	do	Mayor, P.O. Box 326, Santa Rosa, Tex. 78593.	Do.
Do	Eastland	Ranger, city of	H 48 133 5640 01 through H 48 133 5640 04	do	Mayor, City of Ranger, Ranger, Tex. 76470.	Do.
Do	Fisher	Roby, city of	H 48 151 5860 01	do	City Manager, City Hall, Roby, Tex. 79543.	Do.
Do	Frio	Pearsall, city of	H 48 163 5260 01 through H 48 163 5260 05	do	Mayor, City Hall, Pearsall, Tex. 78061.	Do.
Do	Gray	McLean, city of	H 48 179 4240 01	do	Mayor, Box 9, McLean, Tex. 79057	Do.
Do	Hansford	Spearman, city of	H 48 195 6530 01	do	Chairman, Zoning Board of Adj., Box 37, Spearman, Tex. 79081.	Do.
Do	Haskell	Haskell, city of	H 48 207 3050 01 through H 48 207 3050 02	do	Mayor, City Hall, Haskell, Tex. 79521.	Do.
Do	Hidalgo	Elsa, city of	H 48 215 2200 01	do	Mayor, 216 E. 4th St., Elsa, Tex. 78543.	Do.
Do	Knox	Munday, city of	H 48 275 4800 01 through H 48 275 4800 02	do	Mayor, City Hall, Munday, Tex. 79529.	Do.
Do	Madison	Madisonville, city of.	H 48 313 4260 01	do	Mayor, City Hall, Madisonville, Tex. 77864.	Do.
Do	Reagan	Big Lake, city of	H 48 383 0630 01	do	Mayor, Big Lake, Tex. 76932	Do.
Do	Wilbarger	Vernon, city of	H 48 387 7180 01 through H 48 387 7180 05	do	Mayor, City Hall, Vernon, Tex. 76384.	Do.
Do	Smith	Whitehouse, city of.	H 48 423 7443 01	do	Mayor, City Hall, Whitehouse, Tex. 75791.	Do.
Do	Swisher	Tulia, city of	H 48 437 7040 01 through H 48 437 7040 02	do	City Manager, City Hall, Tulia, Tex. 79088.	Do.
Do	Van Zandt	Wills Point, city of.	H 48 467 7510 01 through H 48 467 7510 02	do	Mayor, City Hall, Wills Point, Tex. 75103.	Do.
Do	Willacy	Lyford, city of	H 48 489 4180 01	do	Mayor, Lyford, Tex. 78569	Do.
Vermont	Franklin	Fairfax, town of	H 50 011 0207 01 through H 50 011 0207 06	Management and Engineering, Division, Water Resources Department, State Office, Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Fairfax Board of Selectmen, c/o Town Clerk, Fairfax, Vt. 05454.	Do.
Do	do	St. Albans, city of.	H 50 011 0960 01 through H 50 011 0960 02	do	City Hall, St. Albans, Vt. 05478	Do.
Virginia	Independent City	Covington, city of.	H 51 000 0660 01 through H 51 000 0660 02	Bureau of Water Control Management, State Water Control Board, 2d floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	City Manager, City Hall, Covington, Va. 24426.	Do.
Do	Campbell	Brookneal, town of.	H 51 031 0330 01 through H 51 031 0330 03	do	Municipal Bldg., Main St., P.O. Box 458, Brookneal, Va. 24528.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do	Lee	St. Charles, town of.	H 51 105 2150 01	do	Chairman, Lee County Board of Supervisors, County Courthouse, Jonesville, Va. 24263.	Do.
Do	Rockingham	Broadway, town of.	H 51 165 0310 01	do	Mayor, Broadway, Va. 22815	Do.
Do	Tazewell	Tazewell, town of.	H 51 185 2430 01 through H 51 185 2430 06	do	Town Manager, P.O. Box 608, Tazewell, Va. 24651.	Do.
Washington	Asotin	Clarkston, city of.	H 53 003 0360 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, City Hall, Clarkston, Wash. 99403.	Do.
Do	Grays Harbor	Montesano, city of.	H 53 027 1370 01	do	Mayor, City Hall, Montesano, Wash. 98563.	Do.
Do	King	North Bend, town of.	H 53 033 1500 01	do	Mayor, City Hall, P.O. Box 547, North Bend, Wash. 98045.	Do.
Do	Skagit	Concrete, town of.	H 53 057 0430 01	do	Chairman, Board of Skagit County Commissioners, Skagit County Courthouse, Town of Concrete, Mt. Vernon Wash. 98273.	Do.
Do	do	Mt. Vernon, City of.	H 53 057 1410 01 through H 53 057 1410 02	do	Chairman, Board of Skagit County Commissioners, Skagit County Courthouse, Mt. Vernon, Wash. 98273.	Do.
Do	Whatcom	Lynden, city of.	H 53 073 1210 01	do	Mayor, City Hall, Lynden, Wash. 98264.	Do.
West Virginia	Brooke	Wellsburg, city of.	H 54 009 2750 01	Office of Federal-State Relations, Room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, City Bldg., Wellsburg, W. Va. 26062.	Do.
Do	Fayette and Kanawha.	Smithers, town of.	H 54 019 2450 01 through H 54 019 2450 02	do	Mayor, Town of Smithers, Smithers, W. Va. 25186.	Do.
Do	Jackson	Ripley, town of.	H 54 035 2310 01 through H 54 035 2310 03	do	City Hall, City of Ripley, Ripley, W. Va. 25271.	Do.
Do	Lincoln	Hamlin, town of.	H 54 043 1110 01	do	Mayor, City Bldg., Hamlin, W. Va. 25523.	Do.
Do	McDowell	Keystone, town of.	H 54 047 1380 01	do	Mayor, Town Hall, Keystone, W. Va. 24852.	Do.
Do	do	Kimball, town of.	H 54 047 1390 01	do	Mayor, Town Hall, Kimball, W. Va. 24853.	Do.
Do	Wood	Williamstown, city of.	H 54 107 2880 01 through H 54 107 2880 04	do	Mayor, City of Williamstown, Williamstown, W. Va. 26187.	Do.
Wisconsin	Columbia	Doylestown, village of.	H 550059 01 through H 550059 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 N. Bassett St., Madison, Wis. 53701.	Village President, Doylestown, Wis. 53928.	Do.
Do	Clark	Loyal, city of	H 550052 01	do	Mayor, Loyal, Wis. 54446	Do.
Do	Dodge	Lowell, village of	H 550102 01	do	Village Clerk, Lowell, Wis. 53557	Do.
Do	do	Neosho, village of	H 550104 01	do	Village President, Neosho, Wis. 53559	Do.
Do	Manitowoc	Francis Creek, village of.	H 550128 01	do	Village President, Village Hall, Francis Creek, Wis. 54214.	
Do	Fond Du Lac	Brandon, village of.	H 550132 01	do	President, Village Hall, Brandon, Wis. 53919.	Do.
Do	Iowa	Barneveld, village of.	H 550174 01	do	Village President, Village Hall, Barneveld, Wis. 53507.	Do.
Do	Jackson	Hixton, village of	H 550187 01	do	Village President, Hixton, Wis. 54635	Do.
Do	Jefferson	Palmyra, village of.	H 550196 01	do	Village President, Palmyra, Wis. 53156	Do.
Do	La Crosse	Holmen, village of.	H 55 0219 01	do	Village President, Village of Holmen, Holmen, Wis. 54636.	Do.
Do	Lafayette	Belmont, village of.	H 55 0225 01	do	President, Village Board, Belmont, Wis. 53510.	Do.
Do	Monroe	Wilton, village of	H 55 0232 01	do	Village President, Wilton, Wis. 54670	Do.
Do	Richland	Lone Rock, village of.	H 55 0859 01	do	Village President, Lone Rock, Wis. 53556.	Do.
Do	Grant	Livingston, village of.	H 55 043 2640 01	do	Village President, Livingston, Wis. 53554.	Do.
Do	Taylor	Stetsonville, village of.	H 55 0437 01	do	President, Village Board, Stetsonville, Wis. 54480.	Do.
Do	Waushara	Wautoma, city of	H 55 0506 01	do	Mayor, 410 W. Main, Wautoma, Wis. 54982.	Do.
Do	Jefferson	Lake Mills, city of.	H 55 055 2530 01 through H 55 055 2530 02	do	Mayor, Lake Mills, Wis. 53551	Do.
Do	Waukesha	Oconomowoc, city of.	H 55 133 3490 01 through H 55 133 3490 03	do	Mayor, Oconomowoc, Wis. 53066	Do.
Wyoming	Crook	Sundance, town of.	H 56 011 0790 01 through H 56 011 0790 02	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	J. M. Brown, Mayor, P.O. Box 386, Jackson, Wyo. 29831.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–11075 Filed 5–16–74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Commissioner, Community Services Administration, Social and Rehabilitation Service, is excepted under Schedule C.

Effective on May 17, 1974, § 213.3316 (o) (10) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(o) *Social and Rehabilitation Service.* • • •

(10) One Confidential Assistant to the Commissioner, Community Services Administration.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11381 Filed 5–16–74;8:45 am]

PART 213—EXCEPTED SERVICE

Inter-American Foundation

Section 213.3320 is amended to reflect the following title change from One Private Secretary to the Vice President for Operations to One Private Secretary to the Vice President.

Effective on May 17, 1974, § 213.3320(c) is amended as set out below.

§ 213.3320 Inter-American Foundation.

• • • • • •

(c) One Private Secretary to the Vice President.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11380 Filed 5–16–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Administrative Aide to the Administrative Assistant to the Secretary is excepted under Schedule C.

Effective on May 17, 1974, § 213.3384 (a) (33) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(33) One Administrative Aide to the Administrative Assistant to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11378 Filed 5–16–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Intergovernmental Liaison Officer is excepted under Schedule C.

Effective on May 17, 8:45, § 213.3394(a) (46) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(46) One Intergovernmental Liaison Officer.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11379 Filed 5–16–74;8:45 am]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, Amdt. 6]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Farm Storage Loans

Correction

In FR Doc. 74–2928 appearing at page 4566 of the issue of Tuesday, February 5, 1974, in the fifth line of § 1421.18(e) the word "are" should read "area".

[CCC Grain Price Support Regs., 1970 and Subsequent Crops, Dry Edible Beans Supplement, Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Dry Edible Beans Loan and Purchase Program

QUANTITY FOR LOANS

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 8537, as amended, containing provisions for price support loans and purchase applicable to the 1970 and subsequent crops of dry edible beans are further amended as follows:

In § 1421.124, paragraph (b) is amended to read as follows in order to remove the requirement that the quantity of beans placed under loan be determined only by measurement by a representative of the county ASC committee:

§ 1421.124 Determination of Quantity for Loans.

• • • • • •

(b) *On farm.* The amount of a loan on a quantity of beans stored in approved farm storage shall be determined in accordance with § 1421.18 (a) or (e) on the basis of a percentage of the estimated net weight of the beans so stored, or, if the beans have not been processed, on the basis of a percentage of the estimated net weight of the sound beans so stored, such quantity shall be expressed in whole units of 100 pounds.

Since authority to determine the quantity of commodity under farm-stored loan by measurement or by certification has previously been incorporated in the General Regulations Governing Price Support for 1970 and Subsequent Crops, compliance with the notice of proposed rulemaking is unnecessary. Therefore, this amendment is issued without compliance with such procedure.

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441).

This amendment is effective May 17, 1974.

Signed at Washington, D.C., on May 10, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74–11384 Filed 5–16–74;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Rice Supplement, Amdt. 6]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rice Loan and Purchase Program

DETERMINATION OF QUALITY

The regulations issued by the Commodity Credit Corporation (CCC) published in the Federal Register at 35 FR 8443 and 8873, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of rice are further amended as follows:

In § 1421.304, paragraph (a) is amended to delete the provision that farm-stored loans will be made on the basis of the quality shown on Federal or Federal-State Sample Inspection Certificate. Beginning with the 1974 crop, farm-stored rice loans will be made on the basis of the national average rate regardless of the value factors or class of rice being offered as collateral for loan. Since the authority to implement the certification program for farm stored loans has been published in the Federal Register and incorporated in the General Regulations Governing Price Support for 1970 and Subsequent Crops and the national average loan and purchase rate has been announced, compliance with the notice

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of proposed rulemaking would be impracticable and contrary to the public interest; therefore, this amendment is issued without compliance with such procedures.

* * * * * *

(b) *Loans.* In the case of rice stored commingled in an approved warehouse, loans will be made on the quality shown on the warehouse receipts or supplemental certificate, if applicable. In the case of rice stored modified commingled or identity-preserved, loans will be made on the basis of the quality shown on the Federal or Federal-State Sample Inspection Certificate, based on a representative's samples of each lot of rice taken as authorized by the county ASC committee. Loans on farm stored rice will be based on the rate specified in the annual crop year supplement.

(Secs. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply secs. 5, 62 Stat. 1072, sec. 101, 401, 62 Stat. 1051, as amended; 1054 sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective on May 17, 1974.

Signed at Washington, D.C., on May 10, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-11385 Filed 5-16-74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 204, 238 and 316a of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 204, § 204.1(b) is amended by revoking the second sentence thereof. The amendment eliminates the existing requirement that a visa petition filed on behalf of an orphan as defined in section 101(b)(1)(F) of the Immigration and Nationality Act shall be accompanied by Form G-325 (Biographic Information) executed by the petitioner and by a separate Form G-325 executed by the petitioner's spouse. The amendment is made in an effort to simplify the orphan visa-petition procedure.

Pursuant to section 238(d) of the Immigration and Nationality Act, agreements have been entered into between the Commissioner of Immigration and Naturalization and "BAHAMASAIR", "Iran National Airlines Corporation", "Kambara Kisen Co., Ltd." and "Lot-Polish Airlines", transportation lines operating to ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3(b) is, therefore, amended by adding the specified transportation lines to the listing of signatory lines.

Pursuant to sections 103 and 238(b) of the Immigration and Nationality Act, agreements have been entered into by the Commissioner of Immigration and Naturalization and "Wright Air Lines, Inc." for the preinspection at Montreal, Canada, and at Toronto, Canada, of the flights of that line destined to the United States. Therefore, in Part 238, § 238.4 is amended by adding the specified line to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at places outside the United States.

On March 28, 1974, and April 12, 1974, it was determined that the "University of Michigan (School of Natural Resources), Ann Arbor, Michigan" and "Michigan State University (Department of Zoology), East Lansing, Michigan", respectively, are American institutions of research for the purpose of preserving residence in the United States for naturalization. Accordingly, in Part 316a, § 316a.2 is amended by adding the University of Michigan and Michigan State University to the listing therein of American institutions of research.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

In § 204.1(b), the second sentence is revoked. As amended, § 204.1(b) reads as follows:

§ 204.1 Petition.

* * * * * *

(b) *Orphan.* A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the United States citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I-600, shall identify the child, and shall be accompanied by a fee of $25. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting the nearest American consul. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter. If the petitioner or spouse intends to proceed abroad to locate an orphan for adoption, a request in writing may be submitted to the district director in whose jurisdiction the petitioner resides to initiate preliminary processing prior to filing a petition.

* * * * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit,* the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding thereto in alphabetical sequence the following transportation lines: "BAHAMASAIR", "Iran National Airlines Corporation", "Kambara Kisen Co., Ltd." and "Lot-Polish Airlines".

§ 238.4 [Amended]

The listings of transportation lines under "At Montreal" and under "At Toronto" of § 238.4 *Preinspection outside the United States* are each amended by adding thereto in alphabetical sequence the following transportation line: "Wright Air Lines, Inc."

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

In § 316a.2 *American institutions of research,* the listing of research institutions is amended by adding thereto in alphabetical sequence the following institutions: "Michigan State University (Department of Zoology), East Lansing, Michigan" and "University of Michigan (School of Natural Resources), Ann Arbor, Michigan".

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment to § 204.1(b) relates to agency procedure; the amendments to §§ 238.3(b) and 238.4 add transportation lines to the listings; and the amendment to § 316a.2 adds institutions of research to the listing.

Effective date. This order shall become effective on May 17, 1974.

Dated: May 13, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-11347 Filed 5-16-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines portions of Barranquitas, Comerio, Corosal and Naranjito Municipalities in the Commonwealth of Puerto Rico because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, 9 CFR Part 76, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, a new paragraph (e)(1) relating to the Commonwealth of Puerto Rico is added to read:

(1) *Commonwealth of Puerto Rico.*

(i) That portion of *Barranquitas Municipality* comprised of all of Barrancas, Quebradillas and Quebrada Grande Barrios.

(ii) That portion of *Comerio Municipality* comprised of all of Doña Elena and Palomas Barrios and that portion of Rio Hondo Barrio lying north of Insular Route 156.

(iii) That portion of *Corozal Municipality* comprised of all of Palos Blancos and Mana Barrios.

(iv) That portion of *Naranjito Municipality* comprised of Anones, Cedro Abajo and Cedro Arriba Barrios.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective May 17, 1974. The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule-making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of May 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-11386 Filed 5-16-74;8:45 am]

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Custom Feedlots

Introduction. The Packers and Stockyards Administration, pursuant to the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 et seq.), has conducted a proceeding regarding the proposed promulgation of a regulation prohibiting packers from engaging in the activity or practice of custom feeding livestock. Notice of this proceeding, including a proposed rule, was published in the FEDERAL REGISTER on January 17, 1974 (39 FR 2104). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views and argument and to appear and orally express their views as to the proposed rule and to suggest amendments, revisions and additions thereto.

The Administration has now considered all matters of fact, law, and policy including the data, views and arguments presented on the record by interested parties in response to the notice, and hereby adopts the proposed regulation, as amended, as an advisory rule setting forth the position of the Administration.

A new definition is added to 9 CFR 201.2, as follows:

§ 201.2 Terms defined.

* * * * * *

(m) "Custom feedlot" means any facility which is used in its entirety or in part for the purpose of feeding livestock for the accounts of others, but does not include feeding incidental to the sale or transportation of livestock.

A new regulation designated as § 201.70a is added, as follows:

§ 201.70a Packers not to own or finance custom feedlots; custom feedlots not to own or finance packers.

(a) No packer, officer, agent, or employee of a packer, or person who owns a substantial interest in a packer, shall independently, or in combination with others, or through any corporate or other device, own, operate, finance, or control a custom feedlot or participate in the management or operation of any such custom feedlot; nor shall any custom feedlot owner or operator permit a packer, or officer, agent, or employee of a packer, or person who owns a substantial interest in a packer, independently or in combination with others, or through any corporate or other device, to have any ownership interest in, finance or participate in the management or operation of such custom feedlot.

(b) No custom feedlot owner or operator, or officer, agent or employee thereof, or person who owns a substantial interest in a custom feedlot, shall independently, or in combination with others, or through any corporate or other device, own, operate, finance or control a packer or participate in the management or operation of any such packer; nor shall any packer permit a custom feedlot owner or operator, or officer, agent or employee thereof, or person who owns a substantial interest in a custom feedlot, independently or in combination with others, or through any corporate or other device, to have any ownership interest in, finance, or participate in the management or operation of such packer.

(c) This section shall not be construed to limit or prohibit any packer from hiring the services of all or any part of a custom feedlot for the purpose of having its own livestock fed for purposes of its own slaughter, nor shall the fact that a packer advances to a custom feedlot funds normally necessary for the purchase or compensation for livestock, feed, veterinary service, or other goods or services in connection with the feeding of its own livestock for purposes of its own slaughter be deemed to contravene this section. No custom feeder shall be deemed to violate this section by selling all or any part of its services to packers, or by receiving necessary livestock, goods, services, or funds therefor from packers in connection with the feeding of packer owned livestock for purposes of slaughter by said packer.

STATEMENT OF BASIS AND PURPOSE

I. *Background.* The marketing system for fed cattle has changed dramatically within the last ten years. More cattle are being marketed through custom feedlots and this trend is continuing. As of January 1, 1974, there were approximately 13.6 million head of cattle on feed, with 96 percent concentrated in 146,420 feedlots in the 23 major feeding States. Of that total, 144,380 feedlots have a capacity of less than 1,000 head.

In 1973, there were 704 feedlots with a capacity of 4,000 head or more. These feedlots marketed approximately 55 percent of the total fed cattle sold in 1973 and most of these cattle were sold directly to the packer.

Of the 704 largest feedlots, approximately 580 fed cattle on a custom basis. About 75 percent of the cattle slaughtered commercially in 1972 were fed cattle and a large percentage of these were marketed directly at the feedlot.

In the early spring of 1973, the Packers and Stockyards Administration became aware that a number of packers were considering the acquisition of custom feedlots. The Administration was also aware that some packers had already acquired custom feedlots, and that several custom feedlots had acquired meat packing firms. At that time, at least 17 meat packers owned, were in the process of acquiring, or had expressed an interest in acquiring one or more custom feedlots. Some of these packers were among the largest beef slaughterers in the Nation. The combined slaughter in 1972 of these 17 firms was approximately 10,865,899 head of steers and heifers, or approximately 40 percent of the total livestock slaughtered under Federal inspection. Several national packers, knowing of the Administration's historical position of not allowing meat packers to integrate into market agencies, dealers and marketing facilities, requested an opinion concerning packer ownership or operation of a custom feedlot. These packers were informed that it was the opinion of the Administration that such an arrangement would violate the Act.

As a result of this evident trend towards packer investment in custom feedlots, it became imperative to inform the affected industry and the public of the

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Administration's position concerning this dual ownership. Delay could result in large expenditures in expansion, with subsequent losses by the firms involved if they were required to divest. Accordingly, in an attempt to prevent monetary losses and to insure fair and impartial administration of the Act, the Administrator, Marvin L. McLain, issued a press release on June 11, 1973, outlining the position of the Administration. That press release advised the industry that meat packers who fed livestock on a custom basis or sold livestock to other packers might face charges of violating the Packers and Stockyards Act. It was explained that the Administration has historically taken the position that the practices by packers of feeding livestock on a custom basis or of selling livestock to another packer or buyer are violations of the Packers and Stockyards Act.

Additionally, it has been the consistent policy of the Packers and Stockyards Administration to register all firms coming to its attention which are engaged in market agency or dealer activities and to require such firms to post a reasonable bond. These registration and bonding requirements are established under Title III of the Act and §§ 201.10 and 201.29 of the regulations promulgated thereunder. When custom feedlots began to expand their operations to include buying and selling services, they entered a field which has been regulated since the passage of the Act in 1921. Some custom feedlots performing buying or selling services have registered and bonded on a voluntary basis, and the Administration has requested other custom feedlots to register and post an adequate bond. Registration and bonding of custom feedlots has not been handled on a uniform basis, however, and the majority of the custom feedlots performing buying and selling services have not yet registered and bonded as required by the Act.

Because of this lack of uniformity in enforcing the registration and bonding provisions with respect to custom feedlots, the Administration's policy was reviewed in the spring of 1973. At that time it was determined that the Administration should initiate a more aggressive program in the registration and bonding of custom feedlots buying and selling livestock in order to fulfill the congressional mandate required by the Act, to insure that all members of the industry receive equal treatment and to administer the Act on a fair and impartial basis. An administrative decision was made to initiate a program of collecting information from all custom feedlots and to require those feedlots engaged in buying or selling activities to register and obtain a reasonable bond. This program was started in the summer of 1973.

As a result of this program and the Administration's stated position concerning packer ownership of custom feedlots, a request was made by several meat packers and custom feedlots owners for a conference to discuss these issues before continuing the program. The request was granted and a meeting was held in Washington, D.C., on November 15, 1973. That meeting was chaired by Assistant Secretary Clayton Yeutter and there were 45 persons in attendance, including representatives of meat packers, custom feedlots, farm organizations, feeding organizations and marketing organizations. All parties were given an opportunity to present their positions.

It was decided that amendments to the regulations should be considered and specific amendments proposed, notice thereof published in the Federal Register, and a rulemaking proceeding conducted in which all interested parties would be afforded an opportunity to present relevant data, views and arguments concerning the proposed regulations.

II. *The Rulemaking proceeding.* The public notice published by the Administration on January 17, 1974, (39 FR 2104) focused upon the need, or not, to prohibit packers from engaging in the activity or practice of custom feeding livestock. The Administration stated that:

> Packer control over marketing facilities, whether or not buying or selling services are performed by the party owning or operating the facility, appears to offer a potential restriction of competition. This was recognized by the Federal Trade Commission in a report issued in 1919 concerning packer control over terminal marketing facilities. Part III, page 86, of the report states:
>
> "SEC. 2. Stockyards control as a factor. The power of stockyards companies over the market paraphernalia can be used in many ways to affect the prices of the live stock which pass through them. The control by the Big Five over the principal stockyards, where live-stock prices for the whole country are made, gives them, as the principal buyers, power to affect the prices they pay for the animals. They may do this through the use of the yards monopolies, or the yards facilities and services, or by using the confidential shipping and marketing information. Numerous instances were found where they have used to their advantage the power over the market which the stockyards, ownership and control places in their hands." (Food Investigation, Report of the Federal Trade Commission, on the Meat Packing Industry, Part III Methods of the Five Packers Controlling the Meat Packing Industry, June 28, 1919).

Accordingly, it is proposed to amend § 201.2 of the regulations to include a definition of "custom feedlot," and to add a new regulation designated as § 207.70a.

Interest in the rulemaking proceeding was substantial. Public hearings before a presiding officer, Mr. Harold M. Carter, Director, Regulatory Division, Office of the General Counsel, were held on February 26 and 27, 1974, in Des Moines, Iowa, and on February 28 and March 1, 1974, in Phoenix, Arizona. Eighty-three witnesses testified at the hearings, including representatives of county, state and national farm organizations, college and university educators, State Departments of Agriculture, state legislators, members of Congress, and individual farmers and feeders, conglomerates, meat packers and custom feedlot operators. The 479-page stenographic transcript of the hearings, together with twelve exhibits introduced at the hearings, has been made a part of the public record.

In addition to the public hearings, 655 additional statements concerning the proposed amendments were timely filed on or before April 1, 1974, with the Hearing Clerk, in response to the Administration's invitation to submit written comments regarding the proposed regulation.

III. *Summary of Responses.* For the purpose of tabulating and analyzing the comments filed with the Hearing Clerk, the comments were classified as follows: *Congressmen:* U.S. Senators and U.S. Representatives; *State Agencies:* State Departments of Agriculture; *Marketing Organizations:* Market Agencies, Dealers, Order Buyers, Terminal Marketing Organizations, Stockyard Companies, Livestock Marketing Associations; *Farmers:* Livestock Feeders and Farmers; *Packers and Packer Organizations:* Meat Packers, Meat Packer Associations and Organizations, and the Beef Industry Action Committee; *Producer Organizations:* County, State and National Farm Bureau Federations, County, State and National Granges, National Farmers Organization, National Farmers Union, Cattlemen's Associations, County, State and National Cattle Feeders Associations, Livestock Producers Cooperative, Sheep & Goat Raisers Association, Wool Growers Association, and Pork Producers Association; *Feedyards:* Feedlots; *Businessmen:* Businessmen, Bankers, Veterinarians, Dentists and Chambers of Commerce; and *Miscellaneous:* Consumers, Cowbelles Organizations, and a Cattle Management Corporation.

Following is a general group classification, in table form, of those testifying at the hearing showing how each group responded:

Group	For regulation	Against regulation	Totals
Congressmen	1		1
State agencies	3	1	4
Marketing organizations	9	2	11
Farmers	5	3	8
Packers & packer organizations		10	10
Producer organizations	23	8	31
Feedyards		15	15
Businessmen		1	1
Totals	41	40	81

Of the 655 comments filed timely, several were signed by more than one person. Each is only counted as one comment. Many comments were filed on behalf of different groups representing thousands of individual members of the organizations, but are also only counted as one comment.

Of the 655 comments filed timely, 12 related solely to the issue of registration and bonding of custom feedlots. Additionally, a large majority of the comments filed not only related to the subject at issue, but also included comments with respect to registration and bonding. Three statements were written in such a way that it could not be determined if they supported or opposed the proposed regulations.

Of the 711 individual signatures on the 655 filed timely comments, 635 were in favor of the proposed regulations and 61 were against. Comments were received from 39 States and the District of Columbia.

Following is a general group classification, in table form, for those filing comments showing how each group responded:

Group	For regulation	Against regulation	Comments registration and bonding	Undetermined	Totals
Congressmen	23	2	2		27
State agencies	4	1		1	6
Marketing organizations	70	1			71
Farmers	440	3	1	1	445
Packers & packer organizations		13			13
Producer organizations	52	7	1		60
Feedyards		27	6		33
Businessmen	37				37
Miscellaneous	9	7	2	1	19
Totals	635	61	12	3	711

IV. *In support of regulation.* 1. The proposed amendment received substantial congressional support. Mr. Elvie Dreeszen, appearing on behalf of the Honorable Wiley Mayne of Iowa, testified in strong support of the proposed regulations. Mr. Dreeszen stated:

> When packers become involved in being both the buyer and seller of the same stock there is an automatic conflict of interest. A true spirit of competition prevails only if the seller is absolutely free to bargain for the highest price obtainable. This cannot and will not be the case if packers have unfair access to so-called "back pocket" supplies and in such manner are able to "nail down" a good portion of their needs. (D. Tr. 228–229.)

As pointed out in a letter from Senator Philip A. Hart, Chairman of the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, and signed by 19 other U.S. Senators:

> The operation of custom feedlots by packers means that the packer has control over the marketing facilities for livestock and access to market information such as weighing conditions, weight and price which is not available to competitors. This gives the packer an unfair advantage in the sale of any livestock it owns over the farmer feeder and in purchasing livestock over competing packers who don't own custom feedlots.
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> At hearings held February 27 through March 1, those opposing the new regulations contended that the traditional antitrust laws were adequate to punish any anticompetitive effects and that regulation should be left to the Federal Trade Commission and Justice Department rather than the Packers and Stockyards Administration.
>
> First, the Federal Trade Commission only has jurisdiction over the non-packing functions of packers. The Federal Trade Commission Act (section 5(a)(b)) exempts those subject to the Packers and Stockyards Act from Federal Trade Commission regulation except as provided in section 406(b) of the Packers and Stockyards Act. The latter section provides that the Federal Trade Commission only has power over retail sales of those regulated by the Packers and Stockyards Act unless the Secretary of Agriculture requests an investigation of them or unless the retail sales investigation is impaired by a lack of jurisdiction over those regulated by the Packers and Stockyards Act. While it is true, that the Antitrust laws can be used to punish specific anticompetitive actions after they have taken place, they cannot be used to proscribe, in advance, acts by an entire industry. The Packers and Stockyards Act, on the other hand, has this duty. Its purpose is to prevent monopolistic activities and the formation of a market structure similar to that existing just prior to the time the Act was passed in 1921 when five packers controlled the marketplace. Congressman Anderson, the House Floor Manager of the bill which became the Packers and Stockyards Act, stated the intent and purpose of the bill was:
>
> '• • • to prohibit the particular conditions under which monopoly is built up, and to prevent a monopoly in the first place and to induce healthy competition. Hearings on H.R. 14, H.R. 232, H.R. 5034, and H.R. 5692 before House Committee on Agriculture, 67th Cong., 1st Sess., Ser. D.P. 26 (1921).'
>
> Thus, we urge the immediate adoption of these regulations. (U.S. Senate Subcommittee on Antitrust and Monopoly, Record 634.)

The Honorable Peter W. Rodino, Jr., Chairman on the Judiciary Committee of the Congress of the United States, submitted the following letter in support of the regulation:

> I support the amendments to the Regulations governing the Packers and Stockyards Act proposed by the Administrator of the Packers and Stockyards Administration that would amend § 201.2 to include a new subsection defining the term "custom feedlot;" and, that would add a new § 201.70a preventing meat packers from owning or financing custom feedlots, and vice versa. As required by 9 CFR Part 201, I request that my support for these proposed regulations expressed herein be made a part of your record of proceedings.
>
> The inclusion of custom feedlots within regulatory coverage recognizes the dramatic changes in the structure of the cattle feed business and the nature of ownership interests therein that have already occurred. Both of these factors have contributed to an equally dramatic shift in the present quality and amount of competition in this sector of the food industry. The trend has been toward fewer feedlots of larger capacities. This trend, independent of anticompetitive aspects of meat packer mergers of feedlots, raises questions of undue concentration; undue monopsony power over the more diffuse cattle raising industry; and, undue market power over consumer prices paid for meat.
>
> Substantial testimony was received by the Monopolies and Commercial Law Subcommittee of the House Judiciary Committee, both of which I Chair, to the effect that unparalleled and perhaps undue power to affect consumer meat prices and feed grain prices already existed in the cattle feed industry. The proposed regulations would insure that this as yet little understood, awesome private economic power would not become further entrenched or trigger other, future meat price increases paid for by consumers and grain feed price increases paid for by farmers. These regulations, in this respect, mark a positive step forward toward restoring public confidence in the Government's ability to cope with complex pricing problems during periods of short supply, whether or not these shortages are created by market or artificial factors.
>
> Whatever doubt that remains about the wisdom of the proposed regulations is easily dispelled by viewing them as efforts to control forward vertical integration by feedlot owners or backward vertical integration by meat packers. Quite clearly, either move can have only one primary purpose, namely, the extension of extant horizontal market power by either feedlots or meat packers. The regulations, therefore, already touch upon the one area of unanimity of opinion among economists with respect to vertical integration by acquisition or by contract in such a context, to wit, remedial action is necessary. The proposed regulations do provide an urgently needed remedy.
>
> One reason offered in justification of meat packer acquisitions of feedlots consists in picturing greater ease of access to capital markets for the resultant corporate entity. To the extent that there is any merit in this argument, it should be noted that this business justification has already been exhausted in justifying the change of ownership of feedlots from individual entrepreneurs to corporate forms of ownership. Accommodation with legitimate principles of our free enterprise system, therefore, has already occurred. Nor do meritorious arguments based on economies of scale or variants of an efficiency line of reasoning appear supportable. Years ago, the National Food Commission had already concluded,
>
> 'However, scale economies, by themselves do not fully explain the sharp rise in number of large volume feed lots in the United States. Internal or in-plant cost saving in the range of scale beyond 5,000 head apparently were small and virtually insignificant. Since few economies of scale were found in the range of scale above 5,000 head, the question arises as to why about one-fourth of the total volume of U.S. fed cattle production in 1964 came from feed lots of 5,000 or more head. No definitive answer to this question was available.'
>
> There has been some evidence of deconcentration offered over the past several years for the highly concentrated meat packing industry. A purpose of the antitrust laws is to preserve opportunities for deconcentration. There appears to be serious cause to believe that without the proposed regulations, the positive features of these recent structural developments in the meat packing industry would be reversed to the detriment of competition therein and to meat prices paid by consumers.
>
> The union of custom feedlots with meat packers would produce a corporate entity with unquestionable power freely to control the supplies of meat as well as the prices of meat supplies. The creation of such monopoly power would be frustrated by the proposed regulations. The Nation's farmers and consumers, as well as the smaller competitors or suppliers of custom feedlots and meat packers need these regulations that clearly are in the public interest. (Peter W. Rodino, Record 633.)

2. State agencies also testified in support of the proposed regulation. Mr. Robert H. Lounsberry, Secretary of Agriculture for the State of Iowa, presented testimony concerning the dramatic changes in the marketing patterns in the livestock industry. Mr. Lounsberry testified that in the latter part of his cattle feeding years,

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• • • Ninety percent were marketed directly from the feedlot to area packers. Percentagewise more and more cattle are being marketed through the custom feedlots and this trend it appears will continue.

• • • • •

It also appears to me that a packer owning the facilities of a custom feedlot would have definite privileges for information on competitors which heretofore have been specifically prohibited by regulation and I cite 201.69 where the regulation states that packers, dealers or market agencies are prohibited from furnishing information to competitor buyers in connection with transactions subject to the provisions of the Act, and certainly the ownership and control of custom feedlots which today are the primary marketing facilities for fed livestock very well could offer a big advantage to the packer owning that facility and provide the opportunity to manipulate livestock prices and restrict competition. (D. Tr. 44–46).

3. Support for the regulation was expressed by market agencies, dealers, order buyers, terminal market organizations, stockyard companies, and livestock marketing organizations.

The concern expressed by the National Livestock Producers Association of Chicago, Illinois, is typical.

It is our view, that the combination of both packer and food chain cattle feeding along with packer and food chain control of the custom feedlots places them in monopolistic control of the slaughter cattle supply and could have depressive price effects to the industry. This control can be of such magnitude that it could effect other area prices, such as the farmer feeder of the corn belt and the calves and yearlings sold by ranchers throughout this country. (D. Tr. 94.)

4. The proposed regulation has been strongly supported by all of the national farm organizations. This support is exemplified by a statement of George Doup, president of the Indiana Farm Bureau Federation, speaking on behalf of the American Farm Bureau Federation.

With the growth of custom feeding, the control of custom feedlots by packers would permit such packers to engage in anticompetitive practices which have been precluded by the P&SA's policy of prohibiting packers from controlling stockyards, livestock dealers or commission agencies. For example, a packer who controlled one or more custom feedlots would be in a position to obtain information on the availability and movement of livestock that would not be available to other packers. Such a packer also would be in a position to influence, and perhaps control, the marketing of livestock fed in custom lots subject to his control.

By more clearly defining appropriate relationships between the meat packing business and custom feedlots, the proposed amendments will make an important contribution to the maintenance of a healthy, competitive market for livestock. This, in turn, will strengthen the ability of commercial family farmers to compete with any outside conglomerate corporations which seek to enter into agricultural production. (D. Tr. 41).

Mr. Elton L. Berck testified in support of the proposed regulation for the Farmers Union of Nebraska. "While information is lacking concerning the ownership or control of the big lots the possibility certainly exists that such ownership by packers could provide them with the leverage on price which would be advantageous to them and disastrous to the price structure for fed cattle on the supposedly competitive market at such times as a decision would be made by the packers to fill their slaughter needs from their controlled feedlots." (D. Tr. 51.)

Mr. Lowell E. Gose, president of Iowa Farmers Union and a farmer operating 1,000 acres in Green County, Iowa, stated:

Let there be no doubt about it, a vertical link-up of meat packers with the steady availability and volume of the big custom feedlots, while advantageous to both of these parties, definitely would not be advantageous to independent livestock producers. We have already seen enough of packer feeding of livestock to say that with conviction.

Beef sells on a national market and is also beginning to sell on the international market. The effect of dominance by big feeder-packer link-ups would certainly be felt beyond the particular areas in which they operate. It is hard enough on the nerves these days to decide when to load out cattle for the terminal market without having to worry that by the time they arrive some big packer will have decided meantime to call in several loads from a linked-up feedlot.

Our Farmers Union members have felt for some time that the Packers and Stockyards regulations relating to custom feedlot activities should be firmed up to prevent conflict of interest and to help maintain a strong competitive market system. Thus, we strongly endorse the proposal that is the subject of this hearing. (D. Tr. 87–88.)

Mr. Hubert V. Kiehl, testifying on behalf of the Missouri Farm Bureau Federation, stated that the "Recent growth in packer ownership of custom feedlots seems to be a condition which restricts competition not only as this packer may sell cattle for his clients but also could result in price reductions for other owners of cattle. In other words, conditions which predominate in cattle feeding can cause an increase in the market power for the packer or buying side, thereby reducing the bargaining position of the farmer feeder." (D. Tr. 70.)

Mr. Morris E. Nelson, testifying for the Illinois Agricultural Association in support for the proposed regulations, stated:

In Illinois we have relatively few large feedlots. Most of our feeders are relatively small by today's standards. We realize that we must compete with the large feedlots that do produce a high percentage of the fed beef. We feel that we can compete effectively if the markets are open and competitive and if the large feedlots, meat packers and others do not have an opportunity through collusion or other means to circumvent normal competitive market channels and procedures. We have no evidence that this is being done or even considered. However, if the meat packers are allowed to custom feed animals, the possibility of collusion and sharing of markets designed to reduce raw product costs and thus drive down producer prices would certainly exist. If packers are in control of feedlot operations or large feedlots control packers, it would be possible to slug particular markets and unduly depress prices on those markets. (D. Tr. 74.)

Mr. Dave Kozishek presented a statement for the National Farmers Organization endorsing the proposed amendments and recommending that the Packers and Stockyards Administration take further action to eliminate packer feeding of livestock as well as packer ownership of custom feedlots. Mr. Kozishek stated:

We're opposed to processors engaging in agriculture production, and feeding production of livestock, because it does have an effect on the markets. When a packer can turn to his own lots for even a relatively small supply of animals to fill out a few days kill he is forestalling a rise to grow more animals than producers lots. (D. Tr. 261–262.)

Don F. Magdanz, Executive Vice President of the National Livestock Feeders Association, Omaha, Nebraska, argued for the need, necessity and legality of issuing the proposed regulations. Mr. Magdanz stated,

There is no single issue of greater concern to the members of the National Livestock Feeders Association than the move on the part of packers and agricultural conglomerates owning or operating packinghouses to become involved in the ownership or operation of custom feedlots.

Our members feel that if such involvement is allowed, it will seriously threaten the very existence of the owner-feeder and the independent custom feeder—not because the packers or conglomerates would run them out of business by doing a better or more efficient job in the feedlot, but because of the inappropriate power structure which would develop.

It follows, therefore, that the result would be analogous to the conditions which prompted the original passage of the Packers and Stockyards Act. (D. Tr. 288.)

The National Grange, through its Master, John W. Scott, argued that:

The small feedlot operator or the small-to-medium-size custom feedlot operator cannot compete against the giants in the packing industry if they are permitted to own and operate 'custom feedlots' as defined in the proposed regulations. It's bad enough that packers can own and feed out cattle for their own slaughter because by slaughtering from their own lots when prices are increasing, they can, if permitted to go unregulated, bring about a downward pressure on the price of live fat cattle from smaller feedlots. After they have slaughtered a sufficient amount of cattle from their own lots to cause a surplus at terminal markets, they can re-enter the open market and buy at a lower price. The small feedlot operator and the small individual owner-operator are at the mercy of the packer. (The National Grange, Record 462.)

Mr. Dave Flitner, president of the Wyoming Farm Bureau Federation and an independent cattle and sheep rancher, endorsed the proposed regulation on behalf of the American Farm Bureau Federation and the Wyoming Farm Bureau.

The sheep industry is a perfect example of what can happen when buying power is concentrated into a few hands. According to the Packers and Stockyards Administration, 17 meat packers already slaughtered approximately 40 percent of the total fed cattle slaughtered under Federal inspection in 1972. These firms either already own or reportedly have made plans to acquire custom feed lots.

As producers and feeders, we see grave dangers in this trend for the agricultural industry. (P. Tr. 52.)

Mr. E. H. Tucker of the Mississippi Farm Bureau Federation also testified in support of the proposed regulation:

Indeed, unrestricted packer influence in custom feeding, through which the great majority of slaughter cattle travel today, has every appearance of forming the basis for the development of monopoly, and another distinct possibility when one examines these practices in the light of vertical integration in the cattle industry. Farm Bureau members in Mississippi, and in all of the Southeastern states, where the nation's broilers and egg producers are located, are all too familiar with vertical integration in agriculture. We have this in broiler and egg production, and know from long, hard experience about what happens to markets and production. Today, a Mississippi farmer could not sell broilers in the market if he wanted to produce them. Only integrators now sell and produce broilers. Farmers do not own the birds. They furnish only the labor and the houses. They do exactly what they are told by integrators. I submit, we do not want any part of vertical integration in the cattle business. The regulations as proposed and published should achieve this purpose. (P. Tr. 63.)

The Montana Farm Bureau Federation, through its representative Mr. Robert Lenhardt, a livestock feeder west of Billings, Montana, similarly supported the proposed amendments. Mr. Lenhardt stated that, "If these feeders were allowed to control the feeding industry like they surely would be if these regulations were not imposed, it would be impossible for the producer to be assured of receiving the highest dollar for his produce. It would seriously hamper, if not destroy, competition for the producer." (P. Tr. 57.)

Individual farmers and livestock feeders have also expressed concern about the prospects of the packing industry expanding into the custom feedlot industry. This concern has been expressed by 440 farmers submitting comments to the Hearing Clerk in support of the proposed regulations. Only three expressed opposition to the regulation. The comment submitted by a young farmer from Clutier, Iowa, is typical.

As a young farmer trying to get started in the business of feeding cattle, I am already concerned about the monopolistic structure in the industry. It need not grow worse! The competition involved in buying, feeding, and selling cattle is keen. In a free enterprise system, it is this competition that makes an industry successful. By allowing packers to own and operate commercial feedlots they need not compete and therefore the small operator is left out in the cold without a competitive market for his cattle.

Let's keep the two phases of the industry separate and allow free enterprise to rule. My vote and the vote of many young farmers would be yes on the proposed changes to the Packers and Stockyards Act. (J. P. Weber, Record 210.)

5. Several businessmen expressed support for the proposed regulation. The statement of Oliver A. Hansen, president of the Liberty Trust and Savings Bank, Durant, Iowa, is typical.

I feel very strongly that every effort must be made to get the packer out of the feeding or holding of cattle to see a return to a more competitive situation between buyers and a removal of the leverage provided by having cattle from which to draw at their convenience.

• • • • •

"Both the feeding of cattle by the packing industry and the lack of proper bonding are of importance to Mid-West feeders. The stand of the American National Cattleman is certainly an indication that group no longer represents the Mid-West producers. Your primary duty is to retain a completely free market system within this—it can never prevail when the user is also the supplier in any way where he has the benefit of leverage such as we now see in the cattle industry. (Oliver A. Hansen, Record 587.)

6. Dr. V. James Rhodes, a Professor of Agricultural Economics at the University of Missouri, Columbia, testified that:

Effective competition in agricultural markets can be injured by both structural and behavioral changes. The structural changes are of the concentrating of economic power, so familiar in our economy, in which big firms on one side of the market dominate exchange arrangements. The behavioral changes usually involve a by-passing of the open market via various forms of ownership or contractual integration which can lead to a market so thin and unreliable that its price-making is completely suspect. (D. Tr. 126.)

Dr. Rhodes summarized his presentation by stating:

A competitive, free enterprise industry is seldom self-perpetuating. One of the paradoxes of markets is that when competition drives out too many competitors then competition destroys itself. A legitimate use of public policy is to preserve competition. Competition in the packing industry is certainly much better than in such concentrated industries as oil or autos. However, there is considerable concentration in packer buying and there should be much farmer and public concern about any further deterioration of competition in buying. On the feeding side of the market, the practices of custom feeding, tax-sheltered investment capital, and corporate ownership of multi-lots have set the stage for a level of concentration that is small compared to packing but amazingly large for agricultural production.

The development of vertical relationships between market levels possessing market power is usually detrimental to effective competition. The vertical link is used to transmit the advantages of power from one level to another.

If the impact on competition is likely to be minor and if there are important economic efficiencies to be gained by the vertical relationships, then society properly acquiesces in their formation. However, in this case there is reason to fear the impact upon competition and there are no economic efficiencies from the social viewpoint. Therefore I believe that the public interest would be served by the adoption of this regulation prohibiting the vertical integration by ownership of packers and custom lots. (D. Tr. 132–133.)

V. *In opposition to the proposed regulation.* The arguments submitted in opposition to the proposed regulation may be grouped generally into two categories—legal arguments and factual arguments.

A. *Legal arguments in opposition.* Many opponents of the proposed regulations have argued that the Secretary lacks authority to promulgate substantive regulations under Title II of the Act.

1. Section 407 provides, in pertinent part, that "the Secretary may make such rules, regulations and orders as may be necessary to carry out the provision of this act." This limitation must be read in the light of the essentially distinct and different regulatory mechanisms established by Titles II and III.

Title II establishes an adjudicatory regulatory mechanism. Provision is made therein for enforcement on a case-by-case basis and not by general rulemaking. Title III, in marked contrast, establishes a regulatory mechanism akin to that for a public utility—it was in fact modeled on the Interstate Commerce Act.

When Congress intended to vest statutory authority in the Secretary to promulgate legislative regulations, as it did in Title III, Congress did so explicitly. It is anomalous to presume that a general grant of rulemaking authority, in a catchall housekeeping provision like Section 407, conveys with it the statutory authority to promulgate regulations of a legislative character which Congress saw fit to grant only in the highly circumscribed provisions of Title III.

Both the language and structure of the Act support the conclusion that section 407(a) as applied to Title II authorizes promulgation of procedural regulations only. Section 407 of the Act does not permit the Secretary to circumvent the method of enforcement prescribed in Section 203 through the device of a general rule or regulation applicable to all packers. (Beatrice Foods Co., Record 638.)

2. It is also argued that the proposed regulation is contrary to the intent of Congress in enacting the Packers and Stockyards Act.

[F]rom the legislative history of the Act, it is • • • clear that Congress did not intend the Secretary of Agriculture by regulation to declare unlawful all dual ownership of packers and feedlots, but to the contrary intended that each such situation of dual ownership should, like all other undesired acts or practices or courses of conduct, be examined in light of factors and effects set forth in Section 202, and that if such course of business does not involve such factors, then it is lawful.

• • • • •

[The] specific rejection by Congress of a proposed amendment to the Act prohibiting ownership by packers of interests in stockyards standing alone makes unauthorized the proposed regulation prohibiting dual ownership of packers and feedlots, for the administration of the Act cannot by regulation declare unlawful under the Act what Congress specifically refused to declare unlawful in passing the Act." (Beef Industry Action Committee, Record 632.)

3. A third argument is that the Packers and Stockyards Administration cannot make a fact of ownership, i.e., a packer owning a custom feedlot or vice versa, a per se violation of the Act.

Quite apart from the authority of the Secretary to issue regulations as may be necesary to carry out the provisions of the Act, the Secretary clearly does not have authority to issue regulations that do not carry out the provisions of the Act. Yet the proposed regulations, in attempting to prohibit outright conduct which is not a per se violation of the Act, fail to do just that. The unlawful practices covered by the Act all require a demonstration of either (1) anticompetitive intent or (2) anticompetitive effect. • • • Nonetheless, the Secretary here

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proposes a regulation that would make dual ownership of a custom feedlot by a packer (or vice versa) a violation of the Act, even in the absence of any evidence in a particular case that such ownership is the product of an illegal purpose or restricts or is likely to restrict competition. (Beatrice Foods Co., Record 638.)

In support of this argument, it is again stated that Congress rejected an amendment which would have prohibited a packer from owning a stockyard, and therefore could not have intended a mere fact of ownership to constitute a per se violation of the Act.

B. *Factual Arguments in Opposition.* Parties in opposition to the proposed rule argue that the record in this proceeding does not support the conclusion that dual ownership restricts competition.

1. It is stated that the Administration has not presented evidence,

> • • • as to (1) the number of custom feedlots currently owned by packers, (2) the percentage of custom feedlots owned by packers, or (3) more importantly, the number or percentage of fat cattle which would be affected by such acquisitions.
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> • • • • •
>
> One could easily conclude that the number of private feedlots or the number of custom feedlots totally unaffiliated with a packing operation has increased, resulting in a net decrease in the percentage of custom feedlots owned by packers. (Beatrice Foods Co., Record 638.)

It is further argued that there is no parallel between the livestock marketing situation today and the situation which existed in 1919. "At the time of the 1919 report, the 'Big Five' controlled 56.8 percent of all marketed livestock and there were only seven terminal markets.[1] In 1970, by contrast, the 'Big Four' accounted for only 21.3 percent of all slaughtered cattle; and, in 1973, 55 percent of all fed cattle were marketed at some 704 feedlots, by the Department's own testimony. (D. Tr. 16.) The record is devoid of any basis for equating current market conditions with those which prevailed in 1919." (Beatrice Foods Co., Record 638.)

2. Many parties in opposition to the proposed regulation argue that it will actually restrict, rather than increase competition. One such argument is that in many cases the small packer feeding livestock for its own slaughter purposes must custom feed to fully and profitably utilize its feedyard facilities. (Glover, Inc., Record 636.)

Another argument is that packers feeding for their own slaughter needs cannot utilize the full range of fed livestock produced. One packer testified that:

> Each packing plant tends to specialize in a particular product line, such as light, choice type carcasses for retail distribution, or leaner, lower quality types for manufacturing use, or heavy, highly finished cattle for jobbing and hotel and restaurant distribution.
>
> There is a great necessity for packers to have a wide source of supply, to acquire the particular type and kind of live animal that they specialize in.
>
> If, however, under the regulations, we were forced to absorb all the fed cattle production of our own yard, we would get a high percentage of cattle that do not fit our plant's requirements. In the normal operation of a feed yard, a certain amount of sorting by size and type is done so that the cattle can be sold to packers using that size and type.
>
> If our plant had to use all of the feed yard's production regardless of size or type, we would be put in a very anti-competitive position, that of not having the product to fit our business or conversely not having the business to fit the product. Hence, you create a situation of the tail wagging the dog, instead of me, the packer, selecting from many sources the product that I need to run my business, I must now run my business to fit the wide variety of live products that I can get from only one source.
>
> Marketing under these conditions invariably leads to distressed selling which completely destroys the market for both live and dressed and would create substantial losses for my company which I could not endure. (Testimony of Lawrence Wolfsen on behalf of Walti, Schilling Packing Co., P. Tr. 42–43.)

Along the same line, a custom feedlot operator which has recently acquired a packing concern argues that "• • • the impact of the proposed regulations will be in direct opposition to the stated objective of the P&SA since divestiture by our company of its packing plant would either create a potentially uneconomically viable packing plant whose ability to compete with Swift would be severely diminished, if not destroyed; or, the plant would be acquired by an existing larger packer with resulting further concentration in the packing industry. That same result would doubtless occur in repeated instances throughout the Arizona–Southern California market area and in other areas of the United States. (Arizona–Colorado Land & Cattle Company, Record 639.)

3. Several packers and custom feedlots argued that their particular situations presented no threat to competition.

Owens Country Sausage, Inc., stated that,

> We are specialists in the meat packing business. As opposed to the full line packer we are only concerned with the manufacture and sale of pork sausage in the South and Southwest Region.
>
> In addition to our pork sausage business, we also own controlling interest in a hog production facility (farrow to finish weight) called "Leanco" which is located 150 miles away.
>
> The two businesses are only related by ownership interest. Owens Country Sausage has never purchased any of the livestock output from Leanco and probably never will. Leanco produces a hog of different size and weight than we normally use. All of Leanco's hog production is sold on the market to other packers and they depend upon Leanco as a source of supply.
>
> Our purpose in owning part of Leanco was simply as a kind of hedge. It's usually very hard to be profitable in the sausage business when hogs are high priced but the hog business should then be profitable, and vice versa when hog prices are low. (Owens Country Sausage, Inc., Record 101.)

Similarly, Lykes Bros., Inc., explained their dual packer custom feedlot operation as follows:

> The undersigned Cattle Feeding Divisions located in Edroy, Texas and Brooksville, Florida, could be considered to be under common ownership with a packer of meat products doing business in the State of Florida. However, as this statement will illustrate, common ownership is virtually the extent of the affiliation between these two entities. Even though the feedlot and packing plant divisions fall under the same corporate control, they are independently managed by separate officers and there is no overlap in operation except where free and open competitive conditions permit.
>
> • • • • •
>
> There is no opportunity under present marketing conditions for a packer affiliate of these feedlots to control or influence the pricing of fed cattle to packing organizations. This is primarily because sales by these feedlots are on a competitive bidding basis. The Florida feedlot has actually been questioned by its customers concerning why Lykes Bros. Packing Plant did not slaughter more of their cattle. The answer is simply that Lykes Bros. Packing Plant was not competitive and therefore such finished cattle were sold to packers submitting the best bids. Customers of this feedlot will testify to this effect. It should also be noted that the Texas feedlot does not ship any cattle to Lykes Bros. Packing Plant for slaughter, all cattle sales being made to local area packers in Texas. The marketing of finished cattle by these feedlots is done primarily on a live weight basis, with the consent of the owner and packer as to price and condition. Purchases of feeder cattle by Lykes Bros. Cattle Feeding Divisions for accounts other than its own represent less than 30% of the cattle fed in such feedlots. (Lykes Bros. Inc., Exhibit 12.)

Beatrice Foods Co. argued along the same lines. "Thus, as pointed out (D. Tr. 28), '(i)n established feeding areas most fed cattle move to plants that are within 75 miles of the feedlot.' In the case of Beatrice Foods, its slaughter operations • • • are located over five hundred miles from its feedlots. Fed cattle from its custom feedlot operations have never been purchased by its packing operations. Under these circumstances there can be no possible conflict of interest or exercise of leverage and none has been alleged." (Beatrice Foods Co., Record 636.)

4. Another line of argument advanced by opponents challenges the economic basis of the proposed regulation. Proponents of this argument assert that the beef market is a national market, rather than local or regional, at all levels of trading (wholesale beef and live cattle), and that only the national market is relevant because local and regional markets cannot be defined. It is further argued that the national market for beef is competitive and that price differences between regions do not exceed transportation costs because of interregional shipments of both beef and cattle. At the national level, concentration ratios for the four largest firms have decreased from 49 percent in 1921 to about 21 percent in 1970. (Williams, D. Tr. 181–182, Goodwin, P. Tr. 93–108.)

[1] In 1919, the Big Five packers had a controlling interest in 22 of the 50 terminal markets operating at that time, and a minority interest in 6 other terminal markets. Report of the Federal Trade Commission on the Meat Packing Industry, Part III, p. 23 (June 28, 1919).

The possible efficiencies resulting from dual ownership of meat packing and custom feeding are given as another reason why the regulation should not be adopted. The regulation would inhibit necessary adjustments by the industry to changing economic conditions.

Dr. John Goodwin, Deputy Commissioner of Agriculture for the State of Oklahoma, argues that because of geographic shifts in cattle feeding to the Panhandle area, packers in the Upper Midwest and Desert Southwest may be required to integrate into custom feeding operations in order to survive as business entities. This, he asserts, is because of the prohibitively high costs (shrinkage and transportation) of interregional movement of slaughter cattle. (P. Tr. 97.)

Dr. Willard Williams, Horn Professor of Agricultural Economics, Texas Tech University, testifying on behalf of the Beef Industry Action Committee, argues that the extreme price risks in the feeding industry make access to large quantities of liquid capital, rather than management efficiency, the principal requirement for survival of feedlots. Strong financial shelters are required. These may include integration of feedlots into conglomerate organizations such as chemical and oil companies, as well as integration into meat packing companies. (D. Tr. 203.)

5. It is also pointed out by opponents that the proposed regulation would not retard vertical integration because packers would still be permitted to feed livestock for their own slaughter purposes (Beatrice Foods Co., Record 638.); and that there is no danger that the packer-owner of a hotel-restaurant custom feedlot would have access to market information not available to competitors because "producers throughout the Nation are now well-informed almost daily on supply-demand, prices and market conditions." (Dr. Willard F. Williams on behalf of the Beef Industry Action Committee, D. Tr. 197.)

VI. *Suggested alternatives and modifications to the Proposed Rule.* The Department of Justice has suggested that in order to clarify certain aspects of the proposed regulations, paragraph (c) be added to § 201.70a, as follows:

> (c) This section shall not be construed to limit or prohibit any packer from hiring the services of all or any part of a custom feedlot or from contracting therefor, nor shall the fact that a packer advances funds for or provides livestock, feed, veterinary service or other goods or services to a custom feedlot constitute ownership, finance, control, management, or operation of a custom feedlot, nor shall contractual terms reasonably regulating the care and feeding of packer owned livestock by a custom feeder be deemed to contravene this section and, correspondingly, provides that custom feeders shall not be deemed to violate this section by selling all or any part of their services to packers, or by receiving livestock, goods, services, or funds therefor from packers, or by entering into contracts with packers reasonably regulating the care and feeding to be provided by them to packer owned livestock.

VII. *Ancillary Matters.* Many comments submitted in this proceeding have been directed towards the question of registration and bonding of custom feedlots.

It was pointed out in testimony offered by Administration officials at both hearings that bonding and registration of custom feedlots was not the subject of the proceeding. If a custom feedlot is a "market agency" or "dealer," as defined in § 301 (c) and (d) of the Act (7 U.S.C. 201(c)(d)), it is required to register and bond in conformance with §§ 201.10 and 201.29 of the regulations.

Mr. Harold Carter, Presiding Officer of the hearings, made statements on the record that registration and bonding of custom feedlots which in fact meet the statutory definition of "dealer" or "market agency" were not the subject matter of this rulemaking proceeding, but that he would permit any statements regarding the matter to be included in the record for consideration by the administrative officials.

The custom feedlot and packer industries have argued in testimony and statements filed with the Hearing Clerk that custom feedlots buying and selling livestock for customers are special exceptions and should be treated accordingly, stating that any buying and selling services are incidental to the farming or ranching operation of the custom feedlot. Many feedlot operators also stated that the bonding requirements under the Act are inadequate to afford any meaningful protection to the public.

It is clear, however, that feedlots are major marketing centers. One witness who testified in opposition to the proposed regulation, Dr. Willard Williams, recognized this fact as early as 1964. As senior author of a popular livestock marketing college textbook, Dr. Williams wrote as follows in 1964:

> Feedlots are places where livestock are bought and sold and, therefore, they are markets as well as places of production. To an increasing extent, the feedlot operator or an employed salesman, who may be a commission agent, conducts buyers through the yards selling at private treaty in much the same manner as a commission agent at a terminal market. In addition, he frequently sells on a description basis by telephone. Continuing verbal arrangements with packers on volume and prices are common. Feedlots could become the nation's principal market centers for slaughter cattle. (Williams, Willard F., and Thomas T. Stout, "Economics of the Livestock-Meat Industry," the Macmillan Company, New York, 1964, page 318.)

An administrative agency administering an act must comply with the mandate of the legislation as passed by Congress. It is the position of the Administration that any custom feedlot operating as a market agency or dealer must register and post an adequate bond.

The Administration believes that the operation of a custom feedlot providing buying and selling services presents many possibilities for conflict-of-interest situations. Some of these are detailed in the statements filed by Great Plains Western Corporation, a California cattle management corporation.

At the outset we wish to emphasize strongly our support for this proposed regulation, and more importantly, comment on the undesirable activities of some feedyards in connection with the buying or selling of cattle which should also be the subject of regulation.

While a large number of feedyards are run in a very reputable and ethical manner, there are enough bad practices prevalent in this industry from which the cattle owner has great difficulty in protecting himself that we believe it would be greatly in the interest of the cattle feeding industry and cattle owners to place the feedyards under a certain minimum amount of regulation.

A regulation should be drafted to require that a packyard [sic] disclose all forms of benefit obtained by it, its officers, directors, employees or affiliated companies obtained when purchasing cattle as an agent for a third party. Our experience has shown that there are feedyards which purchase cattle for customers in which they have a hidden interest.

This hidden interest in cattle that they are apparently buying for the cattle owner as an agent is an insidious practice. It leads to the customer or the owner paying secret commissions or secret markups and being under the illusion that he is buying cattle at market prices.

Feedyards should never be allowed to act as an agent where they have a conflict of interest in the purchase of cattle.

There are also discovered from time to time kickbacks that commission merchants give feedyards directly or indirectly, for throwing customer business to them.

Another major area that needs careful attention is the area of the sale of cattle by feedyards to packers. All kinds of abuses creep in here from time to time. For one thing feedyards sometimes sell their own cattle to a packer at the same time they are acting as an agent in selling an owner's cattle to the same packer. It is so easy for the feedyard to take a hidden premium for his cattle while the owner's cattle are being discounted. Feedyards should be required to disclose to all of their feedyard customers the price at which each pen of cattle is sold by the feedyard and a clear indication should be given as to all of the consideration received by the feedyard for the sale of its own cattle to packers. In that way owners would have some opportunity to discover when a feedyard is benefitting at the owner's expense. (Great Plains Western Corporation, Record 416.)

The Administration will continue to register and bond custom feedlots that operate as market agencies and dealers as required by law. The Administration has no intention of registering and bonding custom feedlots that do not engage in the business of buying and selling livestock in commerce for others. However, the suggestions that the bonds requested of dealers and market agencies are insufficient may be entirely correct. The record will be reviewed along with other information to determine the feasibility of increasing the formula for determining bonds for all dealers and market agencies.

VIII. *Summary and conclusions.* On the basis of the record in this proceeding, including but not limited to those portions referred to above, the Administration has concluded that the issuance of the proposed regulation, as amended for clarification, relating to packer ownership or financing of custom feedlots, and custom feedlot owner-

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ship or financing of packers should be issued in the public interest.

The record has demonstrated that:

1. Almost all steers and heifers presently slaughtered are finished in a feedlot;

2. Fed cattle are primarily marketed at the feedlot and not at a public market;

3. The market for fed cattle is localized;

4. Packers are beginning to expand into the business of custom feeding livestock on a large scale; and

5. Severe and obvious conflict-of-interest situations are inherent in such dual ownership.

Therefore, on the basis of its accumulated knowledge and experience and the record in this proceeding, the Administration concludes that the dual ownership of a custom feedlot and a packer is a practice which has the tendency and effect of restraining commerce and creating a monopoly, and should be proscribed under the provisions of section 202 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 192).

Dr. Williard Williams, a noted agricultural economist who testified on behalf of the Beef Industry Action Committee in opposition to the proposed regulation, has recognized that not only are feedlots centers of production, they are also important marketing centers. (Williams and Stout, "Economics of the Livestock-Meat Industry," p. 318, Macmillan Co., N.Y., 1964.) In this respect, the growth in packer ownership of custom feedlots, with the attendant sale of fed livestock to other packers, represents a type of vertical integration similar to that which characterized the industry in 1920, when the packing industry controlled the major marketing facilities. In a livestock marketing industry which already shows tendencies toward monopoly, this development has real potential for further decreasing competition in livestock procurement. These developments can be expected to confer additional market power to the buying side of livestock marketing.

Among the 17 firms which have made or proposed such acquisitions were the top four, the sixth, and the eight largest fed-cattle slaughtering firms in the country in 1972. Most of these 17 firms are major buyers in many States. Together, these firms accounted for more than 60 percent of the fed cattle slaughtered in Iowa, in Arizona, and in New Mexico. They accounted for more than 50 percent of fed-cattle slaughtered in Texas, in Oklahoma, and in Utah. They also accounted for more than 35 percent of fed-cattle slaughtered in other States such as Nebraska, Minnesota, South Dakota, and Missouri. Clearly, this important development could have widespread effects on the competitive level of marketing fed cattle in most of the important cattle feeding States if packers carry out their custom feeding proposals.

The international market for beef, and the national, regional, State, and local metropolitan markets for beef and beef carcasses at wholesale, all affect fed-beef cattle prices. On a national basis, the wholesale distribution of beef is usually considered to be relatively competitive. But the relevant market for purposes of considering the need for this regulation is the local procurement of fed cattle. In almost all cases, either for the 70 percent of fed cattle sold at the feedlot or for the 30 percent sold at public markets, prices are made in the physical presence of the cattle or with buyers who have seen the cattle previously. The level of competition depends on the number of buyers who are accessible to the cattle feeder.

Numbers of available slaughterers are limited in many important feeding areas. Nine important feeding States account for three-fourths of the fed-cattle slaughtered in this country. Five of these nine States have a highly concentrated buying structure, in that within each, the four largest packers account for more than 65 percent of the total slaughter. The three most important feeding States can be called concentrated markets in that the four ranking firms account for more than 50 percent of total slaughter. In six other States, widely recognized for their importance in the cattle feeding industry, although not included among the nine most important States for fed-cattle slaughter, market shares at the four-firm level are 80 percent or higher.

If the Panhandle sections of Texas and Oklahoma and the adjacent areas of Kansas and New Mexico were considered as a single slaughtering complex, the sections combined would be equivalent to a single State in many other important slaughtering areas. For the slaughtering complex within a 150 mile radius of Amarillo, four firms account for about 78 percent of the total slaughter—a highly concentrated industry structure. Two of these firms account for 47 percent of the slaughter in this area.

For the 25 largest fed-cattle slaughtering States, accounting for 96 percent of fed-cattle slaughter, weighted average market shares at the four-firm level were about 56 percent in 1969, 55 percent in 1970, 59 percent in 1971, and 62 percent in 1972. During this 3-year period, average market shares increased more than 5 percentage points.

In general, buyer availability on a State level overstates buyer availability at the feedlot. Procurement areas within which a given packing plant affects price making are usually smaller than a single State. In established feeding areas most fed cattle move to plants that were within 75 miles of the feedlot. Many farmer-feeders have as few as three, four, or possibly five buyers who are available to bid on their livestock.

This relative fewness of buyers means that the buying side of the market has more market power than the selling side. A decision on the part of a single buyer to buy or not to buy may have an effect on price. A similar decision on the part of a single seller has no price effect at all. This means that the market for fed cattle is not fully competitive—that there are some tendencies toward monopolistic price making already present in the system. And monopolistic tendencies are further encouraged or extended when packer-custom feeding is interposed onto a less than fully competitive marketing or pricing system. A vertically integrated firm can use its market strength at one level of competition as leverage to extend its market power at another level, often to the detriment of a competitor or of a supplier or customer.

Conflicts of interests in the packer-custom feeding relationship are likely to further compound the anticompetitive effects of vertical integration on an already concentrated market.

Any custom feeding operation which buys or sells livestock for others is performing a "market agency" or "dealer agent" function. Its primary interest as an agent should be to buy feeder cattle for the lowest price and sell finished cattle for the highest price as an agent for his principal, the owner of the cattle. However, the packer is interested in slaughtering the cattle himself and is not as likely to be very active in seeking out higher bids from competitors.

The packer-custom feeder's principal, the owner of the cattle, is injured because he has not been properly represented in the performance of the agent function. His cattle may not have been sold for the highest price. This conflict of interest also results in giving the packer-custom feeder an unfair competitive advantage over other packers who do not have custom feeding arrangements.

Price depressing effects from market power associated with market concentration have been demonstrated in several research studies conducted in the Department and elsewhere. These studies have demonstrated that market power is not a myth. In markets that are not fully competitive it can be exercised to affect prices.

Increasing tendencies toward a monopolistic structure in the procurement of livestock are probable consequences of the growth of packer-owned and operated custom feedlots. They are likely to result in price depressing effects from the added market power, the ability of an individual packer to affect price by a decision to buy or not to buy, which stems from the greater concentration of power on the buying side of the market.

Some opponents have asserted that this regulation is not needed because of active competition at all levels of trading. They maintain that the relevant beef market is a national market. To bolster their arguments of a presently competitive beef industry, they cite the decline at the four-firm level of concentration at the national market.

However, in explaining regional shifts in slaughter, one of the strong proponents of using the national market concept spoke of "the prohibitively high cost of interregional movements for slaughter cattle," not only in terms of transportation costs, but also in terms of shrink and

condemnation. (Dr. John Goodwin, P. Tr. 97.)

The relevant market for fed cattle is localized. It may be as small as a few counties, as a State-wide area, or sometimes larger. Because of the transportation and shrinkage costs, packers attempt to procure as much as possible of the available local supply before they go to more distant areas to obtain the additional volume necessary for their slaughter requirements.

Some opponents of the regulation have expounded the potential efficiencies from dual ownership. Vertical integration can sometimes contribute to economies of production. But an important objection is its possible injurious impact upon competition. In this case, however, the efficiency justification does not apply. To efficiently schedule the movement of cattle to slaughter, packers have long used such options as feeding in custom feedlots, buying several weeks ahead of delivery, or even feeding in their own feedlots. These practices are not affected by this regulation. Also, dual ownership confers no particular advantage on a feedlot in its primary job of converting feed to beef.

The proposed regulation is directed toward preventing a reshaping of the industry toward a more monopolistic structure. A competitive, free enterprise industry is seldom self-perpetuating. One of the paradoxes of some market situations is that when competition drives out too many competitors, then competition destroys itself. A legitimate use of public policy is to preserve competition.

The regulation is consistent with the intent and purpose of the Packers and Stockyards Act, as explained by Congressman Anderson of Minnesota, the House Floor Manager of the bill. "I think the way to regulate prices is to create in the industry, as far as it is possible to do it, healthy conditions of competition. The trouble with us heretofore has been that we have dealt with the fact after it has become an accomplished fact. We have not undertaken to deal with a monopoly until after a thing has become a monopoly, and then we have sought to divide it into its constituent parts and compel those parts to compete all over again. I think that has been a failure in each and every instance. What this bill seeks to do is to prohibit the particular conditions under which monopoly is built up, and to prevent a monopoly in the first place and to induce healthy competition." Hearings on H.R. 232 Before the House Committee on Agriculture, 67th Cong., 1st Sess., Ser. D, at 27 (1921).

The argument is advanced by opponents to the proposed regulation that because Congress rejected an amendment to the Act prohibiting packer ownership of stockyards it did not intend to proscribe, across-the-board, packer ownership of marketing facilities such as custom feedlots. At the time that amendment was considered, however, it had been effectively rendered moot by the consent decree, in which the Big Five packers agreed to divest their ownership interest in the 28 major stockyards which they controlled or had a financial interest in.

It was the intent of Congress in passing the Packers and Stockyards Act that it be broader than antecedent antitrust legislation, and that the terms of section 202 be more far reaching in their prohibitory scope than prior legislative measures. A fair reading of the Act and its history reveals that Congress did not intend for the Secretary to wait until packer control of livestock marketing facilities again reached monopolistic levels, or until competition had been actually damaged, but rather that the Secretary take appropriate action "* * * to prohibit the particular conditions under which monopoly is built up, and to prevent a monopoly in the first place and to induce healthy competition." "Hearings on H.R. 232 Before the House Committee on Agriculture." 67th Cong., 1st Sess., Ser. D, at 27 (1921). Such a mandate calls for the Secretary to act while a violation is in its incipiency.

The Administration has reason to believe that conditions now exist which, if left unchecked, may well lead to packer control of a large percentage of the nation's marketing facilities for fed cattle. This nation, some 50 years ago, became aware of the dangers inherent in such dual control of marketing and packing facilities. The Packers and Stockyards Act was passed to correct the evils which had resulted from that dual control, and to prevent their reoccurrence. Packer ownership of custom feedlots now poses an even more ominous threat, because through such dual ownership packers could gain control over production facilities as well as marketing and packing facilities. The vertical integration of production, marketing and processing facilities will impair healthy competition.

The suggestion of the Department of Justice that the Administration clarify the proposed regulation to avoid ambiguity with respect to what constitutes packer financing or management of a custom feedlot has merit. Accordingly, a new paragraph (c) has been added to § 201.70a clarifying the scope of that section. Essentially, paragraph (c) makes clear the fact that § 201.70a is not intended to preclude a packer from using the facilities of a custom feedlot, under usual and necessary arrangements, to fatten its own livestock for its own slaughter needs.

It has been correctly pointed out that in the past, the Administration has taken the position that some of its regulations are of an advisory nature. It does not follow, however, that the Administration is without general authority to issue regulations having the force and effect of law. The position of the Administration is that the general rulemaking authority contained in section 407 of the Packers and Stockyards Act (7 U.S.C. 228) and section 6(g) of the Federal Trade Commission Act (15 U.S.C. 46) authorizes the Secretary to issue substantive as well as procedural and advisory regulations necessary to carry out the provisions of the Act. The regulation here adopted is deemed to be of an advisory nature, however, intended to put the affected industry on notice that the Administration considers the ownership, operation, management or financing of a custom feedlot by a packer, or the ownership, operation, management or financing of a packer by a custom feedlot to be a violation of the P&S Act. The Administration will proceed on an administrative complaint basis as required to eliminate this dual ownership if the firms involved refuse to separate their ownership on an informal basis.

All views and arguments not expressly referred to herein have also been duly considered.

IX. *Effective date of the regulations.* Paragraph 201.2(m) and § 201.70a of the regulations as promulgated herein shall become effective July 1, 1974.

Done at Washington, D.C., May 14, 1974.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

NOTE: As used herein "Record" refers to written comments and materials in this proceeding, "D. Tr." refers to the transcript of the public hearing of this proceeding held in Des Moines, Iowa, "P. Tr." refers to the transcript of the public hearing of this proceeding held in Phoenix, Arizona, and "Exhibit" refers to written materials introduced at the public hearings.

[FR Doc.74-11382 Filed 5-16-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-21-AD; Amdt. 39-1848]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch GTCP36-4A, -6, -16, and -28 Auxiliary Power Units

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted April 24, 1974, and made effective immediately by Airmail letter dated April 25, 1974, to all known United States operators or owners of aircraft in which the AiResearch Model GTCP36-4A, -6, -16, and -28 auxiliary power units (APU) are installed (installed in but not limited to Grumman Gulfstream 1159, Fokker F-28, NAMC YS-11, and VFW Fokker 614). The airworthiness directive requires the visual inspection of the auxiliary power unit fuel control body. This inspection is one time in nature and requires no substantial disassembly or aircraft down time. If fuel control bodies are found to be suspect, they are to be returned to the manufacturer and replaced with a serviceable unit. Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public inter-

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est and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of aircraft incorporating AiResearch Model GTCP36–4A, –6, –16, and –28 auxiliary power units (APU) (installed in, but not limited to, Grumman Gulfstream 1159, Fokker F–28, NAMC YS–11, and VFW Fokker 614 Aircraft). These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons:

AIRESEARCH. Applies to Model GTCP36–4A, –6, –16, and –28 Auxiliary Power Units (APU) Installed on, but not Limited to, Grumman Gulfstream 1159, Fokker F–28, NAMC YS–11, and VFW Fokker 614 Aircraft.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator (31 FR 13697), the following airworthiness directive applicable to all aircraft incorporating AiResearch Model GTCP36–4A, –6, –16, and –28 Auxiliary Power Units (APU), installed in, but not limited to, Grumman Gulfstream 1159, Fokker F–28, NAMC YS–11, and VFW Fokker 614 aircraft, listed in AiResearch Alert Service Bulletins GTCP36–49–A3621, dated March 19, 1974, and GTCP36–49–A3618, dated April 1, 1974, or later FAA-approved revisions, is effective immediately upon receipt of this airmail letter. This AD is required due to a manufacturing error resulting in a certain lot of fuel controls for the APU containing a case casting wall thickness below allowable design limits. As the vessel is a high pressure cavity, failure of the wall would allow H.P. fuel to leak into the APU compartment. Compliance required as indicated, unless already accomplished.

Within 25 hours additional time in service of any aircraft on which the APU is installed, visually inspect the APU fuel control body per AiResearch Alert Service Bulletins GTCP 36–49–A3621, dated March 19, 1974, or GTCP36–49–A3618, dated April 1, 1974, or later FAA-approved revisions. Prior to the installation of any AiResearch APU models listed herein, in any aircraft, conduct the visual inspection per the applicable Alert Service Bulletins. If, as a result of any of the foregoing inspections, fuel control units are found to have the unacceptable case casting wall thickness, either:

(A) Prior to further flight, placard the APU inoperative until replaced with a new or serviceable part. The APU may not be operated until a new or serviceable part is installed, or

(B) Replace, prior to further flight, with a new or serviceable part. Mark all fuel control units found to be unacceptable in a conspicuous manner to prevent inadvertent return to service. Return said units to AiResearch for exchange as indicated in the AiResearch Alert Service Bulletins. Re-identify acceptable units per the Alert Service Bulletins. Make appropriate aircraft logbook entries to reflect compliance with this AD. Aircraft may be flown to a base for performance of maintenance required by this AD, per FAR's 21.197 and 21.199, provided that the APU is inoperative for said flight."

This amendment is effective May 20, 1974, for all persons except those to whom it was made effective immediately by airmail letter dated April 25, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on May 9, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74–11352 Filed 5–16–74;8:45 am]

[Airspace Docket No. 74–SW–22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Marksville, La., transition area.

On December 7, 1972, a transition area was established at the Marksville Municipal Airport, La., to accommodate the proposed VOR/DME–A instrument approach procedure.

Since that date, no instrument approach procedure to serve the Marksville Municipal Airport has been published, nor is the proponent for the original procedure residing in Louisiana. The Houston Air Route Traffic Control Center has no requirement for continuance of the transition area airspace.

In consideration of the foregoing, in § 71.181 (39 FR 440), the following transition area is deleted:

MARKSVILLE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marksville Municipal Airport (latitude 31°05'45" N., longitude 92°04'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on May 8, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74–11349 Filed 5–16–74;8:45 am]

[Airspace Docket No. 74–CE–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Pages 7801 and 7802 of the FEDERAL REGISTER dated February 28, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Sac City, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on May 1, 1974.

A. L. COULTER,
Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is added:

SAC CITY, IOWA

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Sac City Municipal Airport (latitude 42°22'30" N., longitude 94°58'45" W.); and within three miles each side of the 138° bearing from the Sac City Municipal NDB, extending from the five-mile radius to eight miles southeast of the NDB; and that airspace extending upward from 1200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° and 318° bearing from Sac City Municipal NDB extending from 1½ miles northwest to 18½ miles southeast of the airport, excluding that portion that overlies the Storm Lake, Iowa and Carroll, Iowa transition area.

[FR Doc.74–11350 Filed 5–16–74;8:45 am]

[Airspace Docket No. 74–WE–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On April 26, 1974, FR Doc. 74–9542 was published in the FEDERAL REGISTER (39 FR 14696) that amended Part 71 of the Federal Aviation regulations by altering the description of the Fallon, Nevada transition area. A review of the docket revealed that a typographical error was made in the description of a portion of the airspace. Action is taken herein to correct this error.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure are unnecessary.

In view of the foregoing, FR Doc. 74–9542 (39 FR 14696) is amended in part as follows:

In line 25 of the description of the Fallon, Nevada transition area delete "• • • R–4516N • • •" and substitute "• • • R–4816N • • •" therefore.

Effective date. The effective date as originally established may be retained.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Los Angeles, California, on May 7, 1974.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

In § 71.181 (39 FR 440) the description of the Fallon, Nevada transition area is amended to read as follows:

FALLON, NEV.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of NAS Fallon TACAN and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°51'00" N., longitude 117°58'00" W.; to latitude 39°51'00" N., longitude 117°31'00" W.; to latitude 39°34'00" N., longitude 117°39'30" W.; to latitude 39°18'00". N., longitude 117°47'30" W.; to latitude 39°00'00" N., longitude 117°40'00" W., to point of intersection of a line 8 miles NE of and parallel to the Reno VORTAC 135° radial and the NE edge of V–105E, thence via a line 8 miles NE of and parallel to Reno 135° radial to longitude 119°00'00" W., to latitude 39°42'00" N., longitude 119°00'00" W., to latitude 40°01'00" N., longitude 118°19'00" W., to point of beginning, excluding that airspace below 1,500 feet AGL within R–4816N and that airspace within R–4816S extending upward from 500 feet AGL to and including 2,000 feet AGL which lies N of and within 1 nautical mile from U.S. Highway 50 between the intersections of Highway 50 with longitude 118°25'30" W. and 118°09'50" W.; that airspace extending upward from 9,500 feet MSL extending from 23 to 44 miles SE of Fallon TACAN bounded on the NE by a line 10 miles NE of and parallel to the Fallon TACAN 139° radial and on the SW by the NE edge of V–105E. The 1,200 foot portion underlying the 9,500 foot MSL portion of the transition area is excluded.

[FR Doc.74–11351 Filed 5–16–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74–152]

PART 1—GENERAL PROVISIONS

Revocation of Port of Entry Designation of South Haven, Mich.

On February 5, 1974, a notice of a proposal to revoke the Customs port of entry designation of South Haven, Michigan, in the Detroit, Michigan, Customs district (Region IX) was published in the FEDERAL REGISTER (39 FR 4580). There were no comments received in response to the notice.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the designation of South Haven, Michigan, as a Customs port of entry is hereby revoked.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by deleting "South Haven (E.O. 7632, June 15, 1937; 2 FR 1042)." from the column headed "Ports of entry" in the Detroit, Michigan, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, Sec. 1, 38 Stat. 623, as amended; (19 U.S.C. 1, 2))

Effective date. This amendment shall be effective on June 17, 1974.

Dated: May 10, 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–11417 Filed 5–16–74;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1613—REGISTRATION PROCEDURES

CFR Correction

In Title 32, National Defense, Chapter XVI, Selective Service System, the following corrections should be made:

1. On page 22 of the volume subtitled Part 1600-end, the table of contents to Part 1613 is corrected by removing all undesignated center headings and sections listed after § 1613.4.

2. On pages 22 through 25, the material appearing as § 1613.11 through 1613.43 (and two undesignated center headings) is removed.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72–228R]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Areas, San Diego Harbor, Calif.

These amendments to the special anchorage regulations for San Diego Harbor:

(a) Reduce the size of Anchorage A–1 and Anchorage A–5;

(b) Change the Old Town Station coordinates in the description of each special anchorage to latitude and longitude coordinates; and

(c) Revise the footnotes to the regulations to provide that the Unified Port District is the administrator of each anchorage.

These amendments were published as a notice of proposed rule making in the FEDERAL REGISTER on December 5, 1972 (37 FR 25854). Eighty comments were received concerning the notice.

Over fifty comments responded to the proposal to reduce the size of Anchorage A–1. Several comments agreed with the proposal, but some of these also suggested that another anchorage is needed in San Diego Harbor to compensate for reducing the size of Anchorage A–1. Several other comments objected to the proposal and expressed the need for more anchorages in San Diego Harbor. The primary objections were that the present size of Anchorage A–1 does not pose a navigational problem, that all of the present space is needed both for transients and for the normal occupants, and that reducing its size will only accommodate interests of the adjacent yacht club.

The proposal to reduce the size of Anchorage A–1 is adopted in the final rule. Anchoring unlighted vessels in close proximity to the piers adjacent to Anchorage A–1 is a hazard to navigation which is alleviated by reducing the size of the anchorage as proposed. Anchorage A–5 should be able to accommodate vessels seeking an anchorage in San Diego Harbor whenever sufficient space is not available in Anchorage A–1.

The notice contained a proposal to disestablish Anchorage A–5 because it is used infrequently and because the access route to the Coronado Yacht Club passes through it. Several comments, however, stressed the continued use and need for this anchorage and urged that it be retained. The comments suggested that an access channel could be established along the southwest shoreline of Glorietta Bay. Because of these comments, the final rule does not disestablish Anchorage A–5 but rather relocates the anchorage in the southeast portion of Glorietta Bay to provide an access route to the yacht club.

Several comments expressed concern that revising the footnotes in § 110.90 as proposed, would in effect transfer control of the anchorages to the San Diego Unified Port District. These footnotes are being revised to update the information they provide concerning the administration of the anchorages. The footnotes are not delegations of authority to the Unified Port District. A state or municipal authority acting as the administrator of a special anchorage may promulgate regulations for using the anchorage that do not conflict with Federal law or regulations.

In consideration of the foregoing, Part 110 of 33 CFR is amended by revising § 110.90 to read as follows:

§ 110.90 **San Diego Harbor, California.**

(a) *Area A–1.* In the Municipal Yacht Harbor, the water area enclosed by a line beginning at latitude 32°42'56.5" N., longitude 117°13'44" W.; thence southwest to latitude 32°42'53.4" N., longitude 117°13'48.2" W.; thence northwest to latitude 32°43'01.1" N., longitude 117°13'56" W.; thence northeast to latitude 32°43'02.4" N., longitude 117°13'52.4" W.; thence southeast to latitude 32°42'59.6" N., longitude 117°13'47.3" W.; thence to point of beginning.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in the area is exercised by the San Diego Unified Port District pursuant to local ordinances.

(a) *Area A–2.* In the Commercial Basin, the water area enclosed by a line beginning at latitude 32°43'13.9" N.; longitude 117°13'21" W.; thence northeast to latitude 32°43'16.2" N., longitude 117°13'13.2" W.; thence northwest to latitude 32°43'22.1" N., longitude 117°13'23.7" W., thence west to latitude 32°43'22" N., longitude 117°13'26.8" W.; thence southwest to latitude 32°43'19" N., longitude 117°13'29.2" W.; thence southeast to the point of beginning.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in the area is exercised by the San Diego

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Unified Port District pursuant to local ordinances.

(c) *Area A–3.* In San Diego Harbor between San Diego and Coronado, the water area enclosed by a line beginning at latitude 32°42'29.2" N., longitude 117°-10'03.9" W.; thence east to latitude 32°-42'29" N., longitude 117°09'58.8" W.; thence southeast to latitude 32°42'21" N., longitude 117°09'47.6" W., thence southwest to latitude 32°42'14.1" N., longitude 117°09'54.2" W.; thence northwest to latitude 32°42'19.8" N., longitude 117°10'02.7" W.; thence north to the point of beginning.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in the area is exercised by the San Diego Unified Port District pursuant to local ordinances.

(d) *Area A–5.* In Glorietta Bay, the water area enclosed by a line beginning at latitude 32°40'42" N., longitude 117°10'00" W.; thence southwest to latitude 32°40'41" N., longtiude 117°10'03.5" W.; thence northwest to latitude 32°40'46" N., longitude 117°10'12.5" W.; thence northeast to latitude 32°40'46.5" N., longitude 117°10'11" W.; thence southeast to point of beginning.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in the area is exercised by the San Diego Unified Port District pursuant to local ordinances.

(Sec. 1, 30 Stat. 98, as amended sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.46(c)(2), 33 CFR 1.05–1(c)(1))

Effective date. This amendment is effective on June 17, 1974.

Dated: May 10, 1974.

W. M. BENKERT,
Rear Admiral, U.C. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.74–11412 Filed 5–16–74;8:45 am]

• Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 417—SOAP AND DETERGENT MANUFACTURING POINT SOURCE CATEGORY

Glycerine Concentration Subcategory

Correction

In FR Doc. 74–8078 appearing at page 13370 of the issue of Friday, April 12, 1974, the following line should be inserted between lines 34 and 35 of § 417.42: "State shall establish for the discharger"; and the existing 35th line, "limitations established herein, to the ex-" should be deleted. Also, in the 39th line, the word "limiations" should read "limitations".

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 132—GRANTS FOR TRAINING IN LIBRARIANSHIP

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 5, 1974 at 39 FR 8335, setting forth proposed regulations governing the administration of the library training portion (sections 201, 221, and 222) of Part B of Title II of the Higher Education Act of 1965, as amended and renumbered by section 111 of the Education Amendments of 1972, Public Law 92–318, 86 Stat. 238, 20 U.S.C. 1031, 1033 and 1033. This portion of Part B of Title II provides for a program of grants to institutions of higher education and library organizations or agencies for institutes, fellowships, and traineeships.

Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on April 1, 1974 in Washington, D.C., on the proposed regulations. In addition, written comments were invited. No comments were received either orally or in writing.

After making a few minor changes to correct typographical errors, Part 132 of Title 45 of the Code of Federal Regulations is revised to read as set forth below.

Effective date. Pursuant to section 503 (d) of the Education Amendments of 1972 (P.L. 92–318), these regulations become effective on June 17, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.468, Training in Librarianship)

Dated: April 26, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 10, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

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APPENDIX A—Criteria and point scores.

AUTHORITY: Secs. 221–222, Pub. L. 89–329, 79 Stat. 1277, as amended by sec. 111(b)(3), Pub. L. 92–318, 86 Stat. 238 (20 U.S.C. 1031–1033), unless otherwise noted.

Subpart A—General

§ 132.1 Applicability.

The regulations in this part apply to grants by the Commissioner to institutions of higher education and library organizations or agencies to assist them in training persons in librarianship under secton 222 of Title II–B of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1031, 1033)

§ 132.2 Definitions.

As used in this part:

"Dependent" means any of the following individuals more than half of whose support, for the calendar year in which the school year begins, was received from a student:

(a) A spouse;

(b) A son or daughter of the student, or a descendent of either;

(c) A stepson or stepdaughter of the student;

(d) A brother, sister, stepbrother, or stepsister of the student;

(e) A father or mother of the student, or an ancestor of either;

(f) A stepfather or stepmother of the student;

(g) A son or daughter of a brother or sister of the student;

(h) A brother or sister of the father or mother of the student;

(i) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the student;

(j) An individual (other than the student's spouse) who, during the student's entire calendar year, lives in the student's home and is a member of the student's household (but not if the relationship between the individual and the student is in violation of local law);

(k) An individual who—

(1) is a descendent of a brother or sister of the father or mother of the student; and

(2) for the schbol year of the student receives institutional care required by reason of a physical or mental disability; and

(3) before receiving such institutional care, was a member of the same household as the student; or

(l) An individual who is legally adopted child or a child placed in the student's home for adoption by a licensed child-placing agency.

A citizen of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada, or Mexico, or Panama, or the Canal Zone, at some time during the calendar year in which the school year of the student begins, or is a resident of the Philippines born to, or adopted by, a student while he was a member of the Armed Forces, before January 1, 1956, or is an alien child legally adopted by and living with a student as a member of his household for the entire calendar year.

(m) "Fellowship" means an award to a participant engaged in a regular academic program of formal education in an institution of higher education for which are awarded credits that may be used to earn an academic degree.

(n) "Institute" means an intensive short-term or regular-session program of specialized training designed to train individuals in particular principles and practices of librarianship. A "non-self-contained institute" is one in which not all participants are receiving Federal support under this program. A "self-contained institute" is one in which all participants are receiving Federal support.

(o) "Institution of higher education" means an educational institution in any State which meets all of the following criteria:

(1) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(2) It is legally authorized within such State to provide a program of education beyond secondary education.

(3) It provides at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree.

(ii) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree.

(iii) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(p) It is a public or other nonprofit institution.

(q) It is either accredited by a nationally recognized accrediting agency or association, or meets at least one of the following requirements:

(1) It is an institution with respect to which the Commissioner has determined that there is satisfactory assurance—considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made—that the institution will meet the accreditation standards of such an agency or organization within a reasonable period of time.

(2) It is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(r) "Librarianship" means the principles and practices of the library and information science, including the acquisition, organization, storage, retrieval, and dissemination of information, and reference and research use of the library and other information resources.

(s) "Library organization or agency" means a State library agency, a State education department, a public library, a local educational agency, a national, State, regional or local library association, or any other public or private agency providing library service programs.

(t) "Paraprofessional" means a person with special skills or capacities for professional work which can support or complement a professional. Such term includes positions identified as library assistant, technical assistant, library technician, media technician, library aide, etc., but excludes such positions characterized as clerical, service, and custodial. The minimum educational objective for such positions is participation in a course (or courses) leading to graduation from a junior or community college (or its equivalent) in a paraprofessional library curriculum.

(u) "Traineeship" means an award to participants enrolled in a directed training program which is not a regular academic program for which are awarded credits that may be used to earn an academic degree.

(20 U.S.C. 1021–1034)

§ 132.3 Eligible purposes.

Funds available under the Act may be used by the Commissioner to award grants to institutions of higher education and library organizations or agencies to assist them in training persons in librarianship, for any one or more of the following purposes:

(a) To assist in covering the cost of courses of training or study (including institutes) for such persons;

(b) For establishing and maintaining fellowships or traineeships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows and others undergoing training and their dependents not in excess of such maximum amounts prescribed in this part; and

(c) For establishing, developing, and expanding programs of library and information science, including law librarianship.

(20 U.S.C. 1033)

§ 132.4 Apportionment.

Not less than 50 percent of the grants awarded shall be for the purpose of establishing and maintaining fellowships or traineeships.

(20 U.S.C. 1033(a))

§ 132.5 Program objectives.

(a) The purpose of the institute/traineeship program is to provide persons an opportunity to enter the library field by obtaining necessary skills and training and to provide persons serving any type of library, information center or instructional materials center (including persons serving as library, media, and information science educators) an opportunity to upgrade and update their competencies.

(b) The purpose of the fellowship/traineeship program is to provide for full-time study as determined by the grantee in any graduate or undergraduate level program in library and information science sponsored by the participating grantee, regardless of whether the particular program terminates in the award of a specific graduate or undergraduate degree, or is merely designed to provide specialized training in some branch or aspect of librarianship. Fellowship/traineeship awards may not be made, however, to participants in any program which is designed to run for less than one academic year, regardless of the experience or educational level of the student body for whom such programs are created.

(c) Since the objectives of this program are to increase the opportunities throughout the Nation for training individuals in the principles and practices of the library and information sciences, including the acquisition, storage, retrieval, and dissemination of information, and reference and research use of library and other information sources, the grants awarded under this program must supplement rather than supplant the library, media, and information science education programs and graduate fellowships presently conducted by the grantee, and the total number of students enrolled in such programs must therefore be increased.

(d) Grants will be made to the institution, organization, or agency to establish fellowships for persons enrolled in programs in the library and information sciences (student assistance) and to assist in defraying the cost of such courses of training in librarianship (institutional support).

(20 U.S.C. 1031, 1033)

§ 132.6 Eligible applicants.

Any institution of higher education or other library organization or agency which has an established graduate or undergraduate library education program, which is planning to begin such a program, or which can mount a training program consistent with the purposes of the

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Act, is eligible to submit proposals or applications for fellowships, traineeships, and institutes for training in librarianship.

(20 U.S.C. 1033)

§ 132.7 Eligible participants.

(a) An individual may be enrolled as a participant in training programs assisted with Federal funds under this part; *Provided*, That such individual is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof and is either (1) engaged in, or preparing to engage in, a profession or other occupation involving librarianship, or (2) concerned with the study or teaching of library, media, or information science, or (3) has majored in library science at the undergraduate level, or (4) has a graduate degree in library science. This eligibility includes library paraprofessionals.

(b) In addition to the requirements of paragraph (a) of this section:

(1) Participants in full-time training programs are generally required to devote full-time to the work of the program.

(2) A fellowship may be awarded to a student who has at least a high school diploma or its equivalent and who has been accepted for enrollment on a full-time basis in a program of library and information science. For such purpose, a student will be deemed to be enrolled on a "full-time basis" where he is carrying a program load sufficient to allow him to complete the course of study in which he is enrolled in the normal time period.

(3) A traineeship may be awarded to an individual who has at least a high school diploma or its equivalent and who has been accepted for enrollment in a directed program of study being conducted by an institution of higher education, library organization, or agency which is not a regular part of the academic program of the institution, organization, or agency.

(c) The grantee shall have sole responsibility for the selection of student recipients in the fellowship, institute, and traineeship programs and for the administration thereof.

(d) In the event that a participant drops out of the training program, another candidate may be substituted provided that the new candidate can successfully complete the training program and the Federal project officer is notified in writing of the substitution.

(20 U.S.C. 1031, 1033)

§ 132.8 Review of applications or proposals for grants; outside experts.

The Commissioner will approve applications or proposals for an institute grant under this part only after such proposals have been (a) reviewed by a panel of outside experts and specialists and (b) rated in accordance with such other procedures as the Commissioner may establish.

(20 U.S.C. 1033)

§ 132.9 Review of proposals for institute grants; factors.

In addition to the factors set forth in § 100a.26(b) of this chapter, review of proposals for an institute grant will take into account the following factors:

(a) Criteria for selection of participants; and

(b) Potential for achieving innovative and exemplary training programs.

(20 U.S.C. 1033)

§ 132.10 Review of proposals for institute grants; priorities.

Review of proposals will take into account the following priorities:

(a) The attraction of minority and/or economically deprived persons into the library, media, and information science fields as professionals and paraprofessionals;

(b) The training and retraining of professionals in service to the disadvantaged, including the aged and the handicapped;

(c) The presentation of alternatives for recruitment, training, and utilization of library personnel and manpower;

(d) The fostering and development of innovative practice to reform and revitalize the traditional system of library and information service;

(e) The retraining of professional librarians in the mastery of new skills and competencies in support of key priority need areas, such as: Learning to read campaigns, drug abuse education, environmental and ecological education, early childhood education, career education, management (planning, evaluation, and needs assessment), human relations and social interaction, service to the institutionalized, community learning center programs, service to foster the quality of life, intellectual freedom, and institute planning;

(f) The training of trainers of trainers;

(g) The training of library trustees, school administrators, and other persons with administrative, supervisory, and/or advisory responsibility for library, media, and information services, such as boards of education, State advisory councils, etc.;

(h) The training and retraining of persons in law librarianship.

(20 U.S.C. 1033)

§ 132.11 Review of applications for fellowship grants.

(a) In addition to the factors set forth in § 100a.26(b) of this chapter, review of applications for fellowship grants will take into account the following factors:

(1) Type and levels of fellowship requested (see priorities in § 132.11(b));

(2) Whether and how the program(s) to be offered substantially furthers the objective of increasing the opportunities of minority group persons and/or economically disadvantaged persons throughout the Nation for training in librarianship;

(3) Whether and how the program(s) to be offered substantially furthers the objective of training librarians to work more responsively with the disadvantaged and of developing viable alternatives to traditional library service patterns.

(b) The review under paragraph (a) of this section will take into account the following levels which are listed in order of priority:

(1) Fellowships in master's degree level programs;

(2) Fellowships in two-year associate degree level programs;

(3) Fellowships in post-master's degree or certificate programs;

(4) Fellowships in doctoral degree level programs;

(5) Fellowships in bachelor's degree level programs.

(c) The master's degree fellowships under this program will be awarded for a period not to exceed one year.

§ 132.12 Review of applications or proposals for traineeship grants.

The review of applications or proposals for traineeship grants will take into account the following priorities:

(a) Traineeships in post-master's level programs;

(b) Traineeships in post-baccalaureate level programs;

(c) Traineeships in post-associate degree level programs.

(20 U.S.C. 1033)

§ 132.13 Duration of the training program.

Training programs shall not exceed 12 months.

(20 U.S.C. 1033)

§ 132.14 Program accountability and evaluation procedures.

Under the institute program, each project proposal shall include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. Such plan shall describe the steps by which the grantee will:

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into other education programs supported with funds other than those provided under the grant.

(20 U.S.C. 1033)

Subpart B—Allowable Costs

§ 132.21 Allowable costs.

Except as otherwise indicated in §§ 132.22 and 132.23, allowable costs for any approved grant shall be determined in accordance with Subpart G of Part 100a of this chapter.

(20 U.S.C. 1033)

§ 132.22 Direct costs for training program participants.

There may be included in direct costs for payments to training program participants only those allowances provided for in §§ 132.24–132.29 and 132.34.

(20 U.S.C. 1033)

§ 132.23 Institutional support payment.

(a) An institutional support payment is allowable under the fellowship program in lieu of tuition and all other fees required of all students of similar standing up to $2,500 for each fellow enrolled for an academic year and an amount up to $500 for each fellow enrolled in a summer session provided it is an approved program. This institutional support is provided to a grantee in conjunction with a fellowship awarded to an individual to study at an institution to assist in covering the cost of courses of training or study for persons in librarianship. Such expenditures will be subject to audit on the basis of institutional rather than per student fellowship costs.

(b) The institution is entitled to one-half the total amount of the institutional support as soon as the fellow begins his training. Entitlement for the second half of the support payment begins six months after entitlement for the first half, *Provided*, That the fellow (or substitute fellow where permitted) continues to be enrolled (or substitute is enrolled) six months after the date of entitlement for the first half of the support payment. In those cases where the entitlement date falls between enrollment periods, such as during an inter-semester break, the institution becomes entitled upon the subsequent enrollment of the fellow for the following academic term. However, in the event the fellow does not attend the summer session, the institution will not be entitled to the support payment for the summer.

(c) Where substitution is permitted, the fellowship need not be used by the same fellow during the entire fellowship period.

(d) Justification is necessary to demonstrate what the actual cost per student is to the grantee. If the actual cost is below $2,500 per student, then the amount of institutional support per fellow will be correspondingly lower; if the actual cost is above $2,500 per student, however, the amount claimed for institutional support cannot exceed $2,500 for the academic year and $500 for the summer.

(20 U.S.C. 1033)

§ 132.24 Stipends and dependency allowances for participants in library training institutes and institute/traineeship programs.

Stipends and dependency allowances for library training institutes and institute/traineeship programs shall be authorized as follows: Depending upon the nature and objectives of a given training program, stipends may or may not be paid to institute participants. The stipend is based on the length and nature of the project; long-term, full-time; short-term, full-time; and part-time. Long-term training is usually equivalent to an academic year or more. Short-term training is anything less than an academic year, but normally is identified with institutes of one to twelve weeks in duration. Project participants are classified in two categories, inexperienced personnel and experienced personnel.

(20 U.S.C. 1033)

§ 132.25 Stipends and dependency allowances for participants in library training institutes and institute/traineeship programs; inexperienced personnel.

Personnel who have not reached the entrance level in the library profession (public librarian, college librarian, school librarian, special librarian, paraprofessional) for which the project is training them are classified as inexperienced personnel. Projects in which participants are classified as inexperienced personnel may include training at the post-baccalaureate or prebaccalaureate level.

(a) *Long-term, full-time: (post-baccalaureate).* Participants may receive $2,000 for the academic year, plus $500 per dependent. Participants in a summer component may receive a $400 stipend and $100 for each dependent. Stipend levels will not exceed $2,400 per support year. A support year is defined as a twelve-month period. Dependency allowances will not exceed $600 for each dependent per support year ($500 per academic year and $100 per summer component).

(b) *Long-term, full-time: (pre-baccalaureate).* Participants may be paid a stipend of $1,500 for the academic year and a maximum of $250 for a summer session if required by the grantee to meet program requirements. Dependency allowance shall be $250 for the academic year and $50 for the summer for each eligible dependent. Stipend levels will not exceed $1,750 per support year. Dependency allowances will not exceed $300 per dependent per support year.

(c) *Short-term, full-time.* Participants may be paid a stipend of up to $75 per week plus up to $15 per week per dependent.

(20 U.S.C. 1033)

§ 132.26 Stipends and dependency allowances for participants in library training institutes and institute/traineeship programs; experienced personnel.

This category includes experienced personnel who are enrolled in training designed to raise their level of competency or to give them new competencies. Projects in which the participants are experienced personnel usually encompass training equivalent to post-master's or pre-doctoral training.

(a) *Long-term, full-time.* Stipends for a support year will be awarded in accordance with the following schedule:

Months of related work experience	Academic year stipend only	Yearly stipend
Less than 12 months	$2,000	$3,000
12 to 23 months	2,750	3,300
24 to 35 months	3,000	3,600
36 to 47 months	3,250	3,900
48 or more months	3,500	4,200

Each full-time academic year of graduate experience, as defined by the grantee, beyond the baccalaureate level, shall equal 12 months of related professional work experience for stipend level purposes. If a participant has been awarded a master's degree, in a field relevant to the training to be undertaken, an additional $500 may be added to the stipend amount which is appropriate for his work experience. (If credit for a master's degree is claimed for an academic year program only, then the allowance will be prorated accordingly.) Stipend levels shall not exceed $4,700 per support year. Dependency allowances of up to $600 per support year for each dependent is authorized, $500 for the academic year and $100 for the summer.

(b) *Short-term, full-time.* Participants may be paid a stipend of up to $75 per week plus up to $15 per week per dependent.

(c) *Part-time.* Participants undergoing part-time training are eligible to receive up to $75 per week stipend and $15 per week dependency allowance per dependent prorated on the basis of a five-day week.

(20 U.S.C. 1033)

§ 132.27 Stipends for participants in library training fellowship programs and fellowship/traineeship programs.

Stipends for library training fellowships shall be authorized as follows. For each fellowship awarded under this program, the institution will receive and pay over to the fellowship recipient the following amounts:

(a) In the case of fellows enrolled at the undergraduate level: $1,500 for the academic year; and a maximum of $250 for summer study, if required by the grantee in addition to the academic year to meet degree or program requirements;

(b) In the case of fellows enrolled at the master's, postmaster's or doctoral level, stipends will be in accordance with the following schedule:

Months of related professional work experience	Academic year stipend only	Yearly stipend amount
Less than 12 months	$2,500	$3,000
12 to 23 months	2,750	3,300
24 to 35 months	3,000	3,600
36 to 47 months	3,250	3,900
48 or more months	3,500	4,200

Each single full-time academic year of graduate experience as defined by the grantee, beyond the baccalaureate level, shall equal 12 months of related professional work experience for stipend level purposes. If a fellow in a pre-doctoral experience program has been awarded a master's degree in a field relevant to the professional training to be undertaken, an additional $500 may be added to the stipend amount which is appropriate for his work experience. (If credit for a master's degree is claimed for an academic year program only, then the allowance will be prorated accordingly.) Maximum pre-doctoral stipend shall not exceed $4,700. The yearly stipend amount

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includes the regular academic year plus the summer session.

(20 U.S.C. 1033)

§ 132.28 Dependency allowances for participants in library training programs and fellowship/traineeship programs.

A dependency allowance for the fellow may also be provided as follows:

(a) For undergraduate fellows, the dependency allowance shall be $250 for the academic year for each eligible dependent. The dependency allowance for a summer session shall be a maximum of $50 for each eligible dependent.

(b) For graduate fellows, the dependency allowance for the academic year shall be $500 for each eligible dependent. The dependency allowance for a summer session shall be a maximum of $100 for each eligible dependent.

(20 U.S.C. 1033)

§ 132.29 Stipend payments to dependents.

Individuals receiving stipend payment may claim as dependents those individuals meeting the definition of a dependent as stated in § 132.2.

(20 U.S.C. 1033)

§ 132.30 Assistance under other Federal programs.

Any amounts paid under any other Federal grant program for educational purposes (except veterans' and war orphans' and widows' educational assistance under Title 38, United States Code) shall be set off against the amount which a participant otherwise would be entitled to receive under this part. A participant shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program, and neither the amount of such loan nor any Federal interest payment made during the period of his participation in a training program shall be deducted from the amount received by the participant under this part.

(20 U.S.C. 1033; 38 U.S.C. 1781)

§ 132.31 Tuition and housing charges.

The grantee is required as a condition for receiving the grant to exempt a participant from all tuition and other normally required fees, but it may charge for room and board.

(20 U.S.C. 1033)

§ 132.32 Non-self-contained institute programs.

In the case of a non-self-contained institute, regular students of the institution admitted to the institute program shall not receive stipends or dependency allowances under this program. The grantee must pay a pro-rata share of the cost of the institute based on the number of regular students enrolled in the institute.

(20 U.S.C. 1033)

§ 132.33 Submission of biographical sketch.

In order to document adherence to the related work experience requirement, the grantee will require each institute and fellowship grant award recipient enrolled at the graduate level to submit a brief biographical sketch.

(20 U.S.C. 1033)

§ 132.34 Travel allowances; program participants.

(a) Under the fellowship program, travel allowances for fellows from their places of residence to the training site will not be provided. However, in cases of extreme need or hardship, the Commissioner of Education may authorize one-way travel allowances for individual fellows/trainees at a rate not to exceed 8¢ per mile.

(b) Under the institute program, the grantee may pay for a participant's daily commuting travel for a reasonable distance upon determination by the Commissioner that such allowances are necessary for successful participation in the program and that extreme need and hardship exist. Such travel may be performed either by public or private conveyance; but if performed by private conveyance, the allowance for such travel shall not exceed 8¢ per mile or the common carrier cost of such travel, whichever is less.

(20 U.S.C. 1063)

§ 132.35 Payments to participants by grantees.

Payments to participants will be made by the grantee. The amount of stipends, dependency allowances, and travel costs to be paid to eligible participants will be estimated in the application and included in the grant award, subject to adjustment based on the actual education, work experience, and number of dependents. The grantee is responsible for any overpayment of stipends to participants. No deductions may be made by the grantee from these payments for any purpose, except as provided in § 132.36.

(20 U.S.C. 1033)

§ 132.36 Payment adjustments.

Payment adjustments are necessary in the event of the withdrawal of a participant from the training program and/or a change in the number of dependents. In either event, a system of proration by week, based on the number of weeks in the training period, shall be used for the purpose of determining the amount of stipend and/or dependency allowance to which a participant is eligible. In determining the number of weeks in the training period, the first week of the training period shall be the week during which classes begin and the last week of the training period shall be the week during which the classes end. Accordingly, any segment of a week for the first and last week of classes shall be counted as a full week for the purpose of computing payment adjustments. Adjustments of payment due to the withdrawal of a participant and/or a change in the number of dependents shall be effective the Monday following the week in which the change occurred and prorated accordingly on the basis of the number of weeks for which the participant is eligible for payment. The last day of actual class attendance or the date which the institution certifies that a participant has ceased to maintain proficiency in his course of study shall be used in determining the date of withdrawal.

(20 U.S.C. 1033)

§ 132.37 Cross reference to General Provisions Regulations.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1033)

APPENDIX A

GRANTS FOR TRAINING IN LIBRARIANSHIP

CRITERIA AND POINT SCORES INSTITUTES

(a) *Criteria and point scores for review of proposals for institute grants.*

Review of proposals for an institute grant will take into account the following criteria (207 points):

(1) *The extent to which the proposed program is justified.* (10 points)

Consideration will be given to such questions as:

(i) Will the program contribute to reduction of staff shortage?

(ii) Does the program address itself to an appropriate training need?

(iii) Is the subject important and timely?

(iv) Is the applicant well prepared to offer such training?

(2) *The extent to which participant selection is appropriate.* (10 points)

Consideration will be given to such questions as:

(i) Are the selection criteria appropriate and realistic to meet program objectives?

(ii) Is the need as expressed in the program justification, above, related accurately to the duties of the participant?

(iii) Can the proposed number of participants be accommodated by proposed program method?

(3) *The extent to which the program objectives are related to needs and proposal.* (20 points)

Consideration will be given to such question as:

(i) Are the objectives specific and clearly defined?

(ii) Are the objectives directly related to identified needs?

(iii) Are the objectives involved in the improvement or updating of personnel competencies? (if applicable)

(4) *The extent to which the proposed program will achieve high quality and effectiveness.* (30 points)

Consideration will be given to such questions as:

(i) Is the subject appropriate for intensive or long-range training?

(ii) Is there adequate program potential for the solution of the training problem or need?

(iii) Is the proposed professional education sound?

(iv) Is there a satisfactory blend of the theoretical and the practical?

(v) Are the training approaches new and imaginative?

(vi) Does the proposed program supplement existing training? Advanced study level?

(vii) Will participants be involved in innovative and creative experiences?

(viii) Will the program maintain focus on the subject?

(5) *The adequacy of program content as related to program objectives.* (15 points)

(45 CFR 100a.26(b)(3)(i))

Consideration will be given to such questions as:

Will the proposed program content adequately achieve the stated program objectives?

(6) *The adequacy of the proposed program director.* (15 points)

(45 CFR 100a.26(b)(3))

Consideration will be given to such questions as:

(i) Is the level of professional competence and leadership of the program director adequate?

(ii) What is the degree of capability of the program director to conduct a successful program?

(7) *The adequacy of the proposed program staff.* (15 points)

(45 CFR 100a.26(b)(3))

Consideration will be given to such questions as:

(i) Is the level of professional competence and leadership of the program staff adequate?

(ii) Is the number of program staff adequate for program needs?

(iii) Is staff utilization planned properly?

(8) *The adequacy of the applicant's facilities and services.* (10 points)

(45 CFR 100a.26(b)(4))

Consideration will be given to such questions as:

(i) Is there evidence of adequacy of supporting facilities, services, and equipment?

(ii) Is there evidence that the applicant will provide adequate library services and instructional materials for the program?

(9) *The adequacy of the program budget.* (15 points)

(45 CFR 100a.26(b)(5))

Consideration will be given to such questions as:

(i) Is the proposed budget adequate for the program?

(ii) Are the proposed costs reasonable?

(10) *The extent to which the institute format is appropriate.* (5 points).

Consideration will be given to such questions as:

(i) Is the type of institute (self-contained or non-self-contained) properly chosen?

(ii) Is the proposed timing well chosen?

(iii) Is the length of the institute right? Too long? Too short?

(11) *The extent to which program purposes will be achieved.* (30 points).

Consideration will be given to such questions as:

(i) To what degree will the proposed program substantially contribute to librarianship training?

(ii) To what degree will prospects for employment and/or advancement be provided?

(iii) To what degree will training opportunities be provided for minority group and/or disadvantaged persons?

(12) *Adequacy of the evaluation component.* (25 points)

Consideration will be given to such questions as:

(i) Does the proposal provide for both external and internal evaluation?

(ii) Is the evaluation component adequate to ensure effective program assessment?

(13) *General criteria.* (7 points)

Consideration will be given to the criteria specified in 45 CFR 100a.26(b) (1), (2), (6), (7), and (8) (ii), (iii) and (iv).

(b) *Criteria and point scores for review of applications for fellowship grants.* Review of applications for fellowship grants will take into account the following criteria (108 points):

(1) *Adequacy of educational objectives.* (15 points)

Consideration will be given to such questions as:

(i) Are objectives consonant with standards for library education?

(ii) Are proposed changes in goals sound?

(iii) Are special factors to attract outstanding personnel valid and appropriate?

(iv) Are special needs listed valid?

(v) Are educational objectives well-defined?

(vi) Will the program further the objective of improving service to the disadvantaged and developing viable alternatives to traditional library services

(2) *Adequacy of program content.* (10 points)

(i) Are the character and scope of the program appropriate, sound, modern, and cohesive?

(ii) Are contemplated changes well conceived?

(iii) Is the catalog information adequate?

(iv) Do common course requirements meet acceptable standards?

(v) Are program evaluation procedures effective?

(vi) Is the student practicum component sufficient?

(3) *Adequacy of program content as related to objectives.* (5 points)

(45 CFR 100a.26(b)(3)(i))

Consideration will be given to such questions as:

What is the extent to which objectives would be achieved by program content?

(4) *Adequacy of qualifications for admission.* (10 points)

Consideration will be given to such questions as:

(i) Are selection criteria for fellows suitable and sufficient?

(ii) Are applied tests well recommended?

(iii) Are scholarship requirements adequate?

(5) *Characteristics of program faculty.* (10 points)

(45 CFR 100a.26(b)(3))

Consideration will be given to such questions as:

(i) Is the list of faculty complete for display of all qualifications?

(ii) Is estimate of faculty quality high, medium, or low?

(iii) Is numerical strength of faculty adequate?

(iv) Is faculty specialization relevant to program offered?

(v) Is the research and writing productivity of the faculty adequate?

(vi) Is estimate of credit-hour teaching load of faculty high, medium, or low?

(vii) Is estimate of the number of student advisees per faculty high, medium, or low?

(6) *Adequacy of facilities and resources.* (5 points)

(45 CFR 100a.26(b)(4))

Consideration will be given to such questions as:

(i) Are facilities, equipment, and other resources suitable and sufficient?

(ii) Is the size of the librarianship special collection sufficient for the curriculum offered?

(iii) Is the applicant's total library collection adequate?

(iv) Are planned additions or improvements significant?

(7) *Level of institutional expenditures.* (10 points)

Consideration will be given to such questions as:

(i) Are expenditures increasing for education in librarianship?

(ii) What is the relationship of expenditures to student enrollment changes?

(iii) Are expenditures high, medium, or low compared to other library education programs with similar curricula and student enrollment?

(8) *Quantity of enrollment and degrees awarded.* (5 points)

Consideration will be given to such questions as:

(i) Are enrollment and degrees increasing?

(ii) Is the ratio of degrees awarded to enrollment satisfactory?

(9) *Quantity of institutional fellowships and scholarships.* (5 points)

Consideration will be given to such questions as:

(i) Are institutional fellowships and scholarships increasing or decreasing?

(ii) What is the ratio of the requested number of II–B fellowships to the institutionally supported number?

(10) *Adequacy of prospects for increasing training opportunities.* (15 points)

Consideration will be given to such questions as:

(i) Is there any evidence that the program will be adequately promoted and that there will be effective recruitment?

(ii) Was the priority selected appropriate to the applicant's capabilities or record of experience in this field?

(11) *Prospect for increasing training opportunities for minority group and/or disadvantaged persons.* (10 points)

(12) *General criteria.* (8 points)

Consideration will be given to the criteria specified in 45 CFR 100a.26(b)(1), (2), (5), (6), (7), and (8) (ii), (iii) and (iv).

(c) *Criteria and point scores for review of applications or proposals for traineeship grants.* Review of applications or proposals for traineeship grants will take into account the following criteria (111 points):

(1) Whether and how the program to be offered substantially furthers the objective of increasing the opportunities of minority group persons and/or disadvantaged persons throughout the Nation for advanced training in librarianship and information science which would result in professional advancement and upward mobility; (30 points)

(2) Whether and how the program to be offered substantially furthers the objective of training librarians to work more responsively with the disadvantaged and of developing viable alternatives to traditional library service patterns; (30 points)

(3) Degree of internship opportunities available through cooperating library agencies and appropriateness of those opportunities to the program objectives; (20 points)

(4) Appropriateness of behavioral objectives as related to the program objectives and the recruitment criteria; (20 points)

(5) Degree of individualization of program activities and objectives; (20 points)

(6) Criteria specified in 45 CFR 100a.26(b). (11 points).

(20 U.S.C. 1033)

[FR Doc.74-11425 Filed 5-16-74;8:45 am]

PART 133—LIBRARY RESEARCH AND DEMONSTRATION

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 7, 1974 at 39 FR 8927, setting forth proposed regulations governing the administration of a program for research and demonstration under section 223 of part B of Title II of the Higher Education Act of 1965, as amended and renumbered by section 111 of the Education Amendments of 1972, Public Law 92–318, 86 Stat. 238, 20 U.S.C. 1034. Section 223

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provides for grants and contracts to institutions of higher education and other public and private agencies, institutions, and organizations for research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship and for the dissemination of information derived from such research and demonstration.

Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on April 1, 1974 in Washington, D.C., on the proposed regulations. In addition, written comments were invited. No comments were received either orally or in writing.

After making a minor change to correct a typographical error, new Part 133 is added to Title 45 of the Code of Federal Regulations, to read as set forth below.

Effective date. Pursuant to section 503 (d) of the Education Amendments of 1972 (P.L. 92–318), these regulations become effective on June 17, 1974.

Dated: April 26, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.475, Research and Demonstration (General Library Research))

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 10, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Sec.
133.1 Scope of part.
133.2 Purpose of program.
133.3 Definitions.
133.4 General provisions regulations.
133.5 Eligible parties.
133.6 Applications for grants.
133.7 Special consideration.
133.8 Types of activities supported.
133.9 Panel of experts.

Appendix A Criteria for Approving Applications.

AUTHORITY: Sec. 223 of P.L. 89–329, 82 Stat. 1037, as renumbered and amended by Sec. 111 of P.L. 92–318, 86 Stat. 238 (20 U.S.C. 1034), unless otherwise noted.

§ 133.1 Scope of part.

The regulations in this part govern programs of Federal financial assistance by the U.S. Commissioner of Education for research and demonstration projects under Part B of Title II of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1031, 1034)

§ 133.2 Purpose of program.

The financial assistance under this part is available to eligible parties to support research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship, including the development of new techniques, systems, and equipment for processing, storing, and distributing information and for the dissemination of information derived from such research and demonstration.

(20 U.S.C. 1031, 1034)

§ 133.3 Definitions.

As used in this part:

"Act" means Part B of Title II of the Higher Education Act of 1965, Public Law 89–329, 82 Stat. 1037, as amended and renumbered by section 111 of the Education Amendments of 1972, Public Law 92–318, 86 Stat. 238.

(20 U.S.C. 1031, 1034)

"Librarianship" means the principles and practices of the library and information science, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and other information resources.

(20 U.S.C. 1021(c)(2))

"Research and demonstration" means research, surveys, or demonstrations relating to the improvement of libraries, including experimental libraries, and the improvement of training in librarianship, or the dissemination of information derived therefrom.

(20 U.S.C. 1034)

§ 133.4 General provisions regulations.

Assistance under this part is subject to applicable provisions contained in Subchapter A of this Chapter relating to administrative, fiscal, property management, and other matters.

(20 U.S.C. 1034)

§ 133.5 Eligible parties.

A grantee or contractor eligible for a research and demonstration project under this part is an institution of higher education or other public or private agency, institution, or organization, provided that no private agency, organization, or institution other than a nonprofit one may receive a grant.

(20 U.S.C. 1034)

§ 133.6 Applications for grants.

Where information may be obtained, where application forms may be obtained, and where applications must be sent, will be stated in the annual announcement of the program in the Notice of Closing Date published in the FEDERAL REGISTER.

(20 U.S.C. 1034)

§ 133.7 Special consideration.

Special consideration will be given to proposals dealing with:

(a) *Libraries and information science.* (1) Activities which are designed to bring together the total information, educational, and cultural resources of communities and organizations into new and effective patterns of service with emphasis on special target groups such as the underemployed, undereducated, culturally or geographically isolated groups, and others who have been unserved or minimally served in the past.

(2) Activities which center on more efficient use of resources and fulfillment of comprehensive information needs of the users.

(3) Studies assessing the need for the types of activities described in paragraph (a) (1) and (2) of this section.

(4) Studies for the development of new techniques and technological innovations and services and new applications of existing ones for activities of the types described in paragraphs (a) (1) and (2) of this section.

(b) *Training of library personnel.* Investigation of training needs and design of training programs, which can be conducted to support the activities outlined in paragraph (a) (1) and (2) of this section.

(c) *Criteria.* Appendix A to this part sets forth the criteria to be used in approving applications for grants and contracts under this part.

(20 U.S.C. 1034)

§ 133.8 Types of activities supported.

Any one or more of the elements of research and demonstration as defined in § 133.3 may be supported under this part to the extent of available funds.

(20 U.S.C. 1034)

§ 133.9 Panel of experts.

The Commissioner will not approve any application for a grant under this part unless and until such application has been reviewed by a panel of experts who are competent to evaluate various types of research or demonstration projects, and the Commissioner has considered the advice and recommendations of that panel.

(20 U.S.C. 1034)

APPENDIX A

CRITERIA FOR APPROVING APPLICATIONS

(a) *Initial applications.* In approving applications for the commencement of new projects, the Commissioner shall use the following criteria (in addition to the criteria set forth in 45 CFR 100a.26(b)) in connection with the special consideration described in § 133.6 of this part:

(1) *Significance and impact.* The applicant proposes to contribute to the solution of an important library problem, the improvement of operations or service in a significant number of libraries, or the fulfillment of unmet informational, educational, or cultural needs.

(2) *Problem and needs assessment.* The applicant's identification and demonstration by objective evidence of the nature and magnitude of the needs to be addressed by the proposed program, the degree of the applicant's demonstrated knowledge of previous successes and failures with the same or similar programs and ability to accommodate to them.

(45 CFR 100a.26(b)(1))

(3) *Statement of objectives.* The applicant's set objectives in relation to the needs assessed and desired impact which are interrelated, specific measurable, and realistically attainable within the specified periods and the clarity and specification of output products that meet these objectives.

(45 CFR 100a.26(b)(8)(i))

(4) *Activities and scheduling.* The activities included in the proposed program promise of themselves to result in the attainment of the applicant's stated objectives and are so scheduled as to result in that attainment in an efficient manner.

(5) *Resources and resource management.* The application indicates that the project will be operated with:

(i) key personnel with appropriate education, experience, and good records of previous performance in similar or related work;

(45 CFR 100a.26(b)(3))

(ii) coordination with and maximum utilization of existing library resources;

(iii) appropriate utilization of specialists, consultants, community advisory boards, project advisory boards, and paraprofessionals where necessary;

(iv) a realistic budget that corresponds to the statement of work or activities to be performed;

(45 CFR 100a.26(b)(5))

(v) a budget request that minimizes or excludes purchases of books, equipment, and printing and in general does not provide for operational money except as necessary to support the proposed demonstration.

(45 CFR 100a.26(b)(4))

(6) *Evaluation.* The format for objective, quantifiable measurement of the success of the proposed program in attaining the stated objectives, including:

(i) a statement of the criteria by which attainment of objectives is to be measured;

(ii) a description of the instruments to be used to collect data for evaluation of the proposed program (and the method to be used to validate such instruments where necessary), or a description of the procedure to be employed in selecting such instruments;

(iii) an assessment of the validity of such instruments in measuring use of services, or changes in attitudes, skills, knowledge or behavior of users;

(iv) a schedule for the collection of data for evaluation, and a description of the method to be used to review the program;

(v) provisions for comparison of evaluation results with norms, control group or performance, results of other programs, or other external standards.

(45 CFR 100a.26(b)(8)(ii))

(7) *Dissemination.* Provisions in the application which will result in adequate dissemination of the results of the proposed program and will make all outputs available through commercial publication, published articles, conference papers, audiovisual preparations or in other ways as appropriate.

(45 CFR 100a.26(b)(8)(iv))

(8) *Continuity of project.* The extent to which the proposed program is designed in such a manner as to ensure the continuity of a project or parts of it at the site selected and or its replication at other sites as well as the strength of commitment in supporting letters and documentation.

(20 U.S.C. 1031, 1034)

(b) *Continuation of assistance.* In approving applications for assistance to continue programs already funded under this Part during the fiscal year prior to the fiscal year for which assistance is sought, the Commissioner shall apply (in addition to the criteria set forth in 45 CFR 100a.26(b)) the following criteria:

(1) *Program results.* The extent to which:

(i) the applicant demonstrates, by technical and evaluation reports, products and other objective evidence, that the program proposed to be continued has been successful in meeting stated objectives and identified needs; and

(ii) such program has been modified as may be required so as to increase the likelihood of success in meeting such needs.

(2) *Adoption by others.* The extent to which services, techniques, and new knowledge resulting from activities assisted under this part in prior fiscal years have been adopted by others.

(3) *Other educational criteria.* The extent to which the proposed activities satisfy the criteria set forth in paragraph (a), "Initial applications."

(c) *Priority.* In approving applications for assistance under this Part, the Commissioner shall give priority to the applications described in paragraph (b) of this section, "Continuation of assistance," for continuation of projects within their previously established project periods.

[FR Doc.74–11426 Filed 5–16–74;8:45 am]

PART 175—COLLEGE WORK-STUDY PROGRAM

Notice of Allocation of Funds

Pursuant to the authority contained in section 446 of Part C of Title IV of the Higher Education Act of 1965, as amended (42 U.S.C. 2756), notice is hereby given that the Commissioner of Education is amending § 175.3a of the College Work-Study Program regulations (45 CFR 175.3a), which deals with the method of allocating funds to institutions of higher education within a State, by extending the application of that section beyond fiscal year 1974. Section 175.3a provides that when funds for use in fiscal year 1974 are insufficient to honor all approved requests of institutions within a State for funds, such funds will be allocated to institutions within that State on a pro rata basis. The pro rata method of allocating funds within a State is hereby extended for use in any fiscal year, because it is considered the most equitable method for distributing funds within a State.

In view of the limited time remaining in the fiscal year for allocating funds to institutions under the College Work-Study Program, it has been determined that resort to proposed rulemaking with respect to this regulatory provision would be impracticable. (5 U.S.C. 553(b))

Section 175.3a is amended to read as follows:

§ 175.3a Allocation of funds to institutions.

When funds available for distribution among the institutions within a State for any fiscal year are not sufficient to honor all approved requests of institutions within such State, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State in the same ratio that the total funds available for the State, including both allotments and reallotments, bears to the total approved requests for that State.

(42 U.S.C. 2756)

Effective date. The regulation contained herein shall become effective on June 17, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.463, Higher Education Work-Study)

Dated: April 22, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 13, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.74–11424 Filed 5–16–74;8:45 am]

PART 185—EMERGENCY SCHOOL AID

Notice of proposed rule making was published in the FEDERAL REGISTER on March 15, 1974, at 39 FR 9992 through 9995, amending Subpart J, Special Projects, of Part 185 of Title 45 of the Code of Federal Regulations governing the administration of the Emergency School Aid Act, Title VII of the Education Amendments of 1972, to provide for special arts projects. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No comments were received. Minor changes have been made to correct typographical errors.

After making the necessary typographical corrections, Subpart J of Part 185 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

Effective date. This amendment to the regulations shall become effective May 17, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.532 Emergency School Aid—Special Projects)

Dated: April 30, 1974.

CHARLES B. SAUNDERS, JR.,
Acting Assistant Secretary for Education.

Approved: May 13, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

1. Section 185.91–1 is added after § 185.91 to read as follows:

§ 185.91–1 Eligibility for assistance.

(a) *Special arts projects.* Any public agency or organization responsible for the administration of statewide public arts programs, such as a State Arts Council or State Arts and Humanities Commission, may apply for assistance by grant from funds reserved pursuant to § 185.95(b)(1) for special projects that would through the arts provide opportunities for interracial and intercultural communication and understanding to help meet the special needs incident to the implementation of a plan or project described in § 185.11. Activities assisted under this paragraph must be conducted primarily with students who attend schools affected by such plan, in which the proportion of minority group children enrolled is no less than 20 percent and no greater than 50 percent. Such schools must be located in local educational agencies which are in compliance with the requirements described in § 185.43 or § 185.44.

(b) No more than $1,000,000 from funds reserved pursuant to § 185.95(b)(1) shall be awarded for grants pursuant

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to this section during the fiscal year ending June 30, 1974.

(20 U.S.C. 1605(d) and 1607(a))

2. Section 185.92–1 is added after § 185.92 to read as follows:

§ 185.92–1 Applications.

(a) Applications by public agencies or organizations pursuant to § 185.91–1(a) shall comply with the requirements of § 185.13 (a), (b), (c), (d), (f), (g), (h), (j), (k)(1)(i), (k)(1)(ii), (k)(2) and (m). Applications submitted by public agencies or organizations which are educational agencies shall also comply with the requirements of § 185.13(l). All applications for assistance under § 185.91–1, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(20 U.S.C. 1605(d), 1607(a), 1609(a))

(b) In addition to the information and assurances required by paragraph (a) of this section, applications by public agencies and organizations pursuant to § 185.91–1(a) shall contain the following information:

(1) A letter from each local educational agency implementing a plan or project described in § 185.11 in which the applicant proposes to conduct activities which gives evidence that the local educational agency has reviewed the proposed project and has agreed to participate in the program activities, if funded, and which contains a list of those schools within such local educational agency which are eligible for assistance pursuant to § 185.91–1(a);

(2) A copy of the plan or project as described in § 185.11 for each local educational agency which the applicant proposes to serve unless such local educational agency has previously applied for assistance under the Act;

(3) A statement, signed by the appropriate official of each local educational agency in which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements described in § 185.43 or § 185.44.

(4) A statement of the name, position, and prior experience in education, the arts, and interracial/intercultural relations of the State level project director employed (or to be employed) by the applicant in connection with the proposed application;

(5) A copy of the statutory provision, State executive order or other evidence establishing the status of the applicant agency as a public agency or organization.

(20 U.S.C. 1607(a), 1609(a))

3. Section 185–93–1 is added after § 185.93 to read as follows:

§ 185.93—1 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance pursuant to § 185.91–1(a), the Assistant Secretary shall apply the following criterion: The need for such assistance, as indicated by the number and percentage of minority group children within the State in which the applicant is located (10 points).

(20 U.S.C. 1609(c)(1))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational, artistic, and programmatic merits of applications for assistance by public agencies or organizations pursuant to § 185.91–1(a) on the basis of the following criteria (90 points):

(1) *Needs assessment (14 points).* The magnitude of needs, in the schools to be served, assessed jointly by the applicant and the appropriate local educational agency or agencies, for intercultural/interracial arts programs as such programs relate to the special needs incident to the implementation of a plan or project described in § 185.11.

(2) *Statement of objectives (10 points).* (i) The degree to which the applicant sets out specific measurable objectives for its program, project, or activity in relation to the needs identified (5 points); and (ii) The degree to which the program, project, or activity to be assisted affords promise of achieving the points).

(3) *Activities (55 points).* (i) *Project design (20 points).* The extent to which the proposed program or project sets out activities clearly related to the needs identified and to the stated objectives, which activities (a) complement activities being carried out by the appropriate local educational agency or agencies (5 points); (b) provide opportunities for artists to assist students in the development of artistic expression (5 points); (c) provide opportunities for artists to create, and arts groups to present, activities that promote interracial and intercultural understanding (5 points); and (d) provide opportunities for the artists to serve as a resource to the appropriate school, local educational agency, and community (5 points).

(ii) *Staffing (20 points).* At a minimum, the proposed program or project must set out a plan to utilize qualified minority group artists and arts groups. Points will be awarded on the basis of the extent to which the application demonstrates that: (a)(1) at least 50% of the artists and art group members (when taken together as a group) to be utilized by the applicant are minority group members (5 points); and (a)(2) the proportion of members of each minority group among such artists and art groups (when taken together as a whole) represents the proportion of such minority groups in the minority population of the State in which the applicant is located (5 points); (b) qualified artists and art groups who have demonstrated the ability to work effectively with students and teachers in interracial/intercultural educational settings will be utilized (5 points); (c) the presence or availability of a State level project director with experience in education, the arts, and interracial/intercultural relations (3 points); and (d) adequate training and orientation will be provided for students, teachers, and other educational personnel in the uses of artists and arts experiences, and for artists in the need of students, teachers and administrators (2 points).

(iii) *Delivery of services (10 points).* The extent to which the proposed program or project (a) involves to the fullest extent practicable the total educational and artistic resources already existing in the community or communities to be served, including those of other public or nonprofit private agencies, organizations, or institutions (2 points); (b) describes available facilities which are adequate for the performance of the proposed activities and are convenient and accessible to the persons involved in such activities (2 points); (c) provides for effective notification of and communication with the intended beneficiaries of proposed activities (2 points); (d) gives evidence of coordination with, mutual support of, the State education agency's arts education programs (2 points); and (e) gives evidence that proposed projects, programs, or activities will be documented so that successful models can be replicated (2 points). For purposes of this subdivision, "community or communities to be served" shall mean the community or communities in which are located local educational agencies in which activities are to be conducted with assistance made available under § 185.91–1.

(iv) *Parent and community involvement (5 points).* The extent to which the application (a) provides for increased communication between parents and the school system (2 points); and (b) provides for specific opportunities for community and parental participation in the implementation of the proposed program, project, or activity in addition to those required by § 185.94–1. (3 points).

(4) *Resource management (6 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving tht stated objectives (2 points); (ii) the costs of project components are reasonable in relation to the expected benefits (2 points); and (c) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program, project, or activity (2 points).

(5) *Evaluation (5 points).* The extent to which the application sets out a format for objective measurement of the results of the proposed program, project, or activity, including (i) a timetable for compilation of data for evaluation and a method of reviewing the program, project, or activity in the light of such data (2 points); and (ii) a description of the instruments to be used for evaluation of the proposed program, project, or activity, or a description of the procedure to be employed in selecting such instruments (3 points).

(6) In making the determination required under this paragraph the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of the arts, education, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1601(b), 1609(a)(11), 1609(c)(1)(2), (4), and (6))

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.91–1(a) the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance pursuant to § 185.91–1(b) and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums allotted for such assistance have been exhausted. Awards of assistance made pursuant to § 185.91–1(a) will be limited to an approximate range of $50,000 to $100,000. No more than one award of assistance pursuant to § 185.91–1(a) will be made in any State.

(20 U.S.C. 1609(c)(1)(C))

4. Section 185.94–1 is added after § 185.94 to read as follows:

§ 185.94–1 Community involvement.

(a) Advisory committee. A public agency or organization applying for assistance pursuant to § 185.91–1(a) shall, prior to submission of such an application, consult with a State level advisory committee formed in accordance with paragraph (b) of this section in identifying problems and assessing the needs to be addressed by such application. Such applicant shall afford such committee a reasonable opportunity (not less than 10 days) in which to review and comment upon such application, and shall establish such committee at least 5 days prior to the commencement of such review period. In connection with the establishment of such committee, the applicant shall furnish to each member of such committee a copy of the Act and this regulation.

(20 U.S.C. 1607(a))

(b) *Composition.* (1) In order to establish a State level advisory committee as required by this section, the applicant shall designate four State level civic or community organizations (which when taken together rather than considered individually, are broadly representative of the minority and nonminority communities in the State), one State level teacher organization, and one State level parent organization, each of which shall select one member of their organization to serve as a member of the State level advisory committee. In addition the applicant shall designate a State level student organization or organizations to select student members so that the membership of the State level advisory committee will include one nonminority group student and one Student from each minority group substantially represented in the State.

(2) The State level advisory committee formed pursuant to paragraph (a) of this section must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the State, including at least one member with arts or arts related experience. In addition to members selected pursuant to subparagraph (1), the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph.

(20 U.S.C. 1607(a))

(c) *Public hearing and publication.* Public agencies or organization applying for assistance pursuant to § 185.91–1(a) shall hold at least one open, public hearing with parents, teachers, and secondary school students, including but not limited to the members of a committee formed in accordance with paragraph (b) of this section, at which hearing such persons are afforded a full opportunity to understand the program, project, or activity for which assistance is being sought and to offer recommendations thereon. Such hearing shall be held no less than 7 days prior to submission of an application under the Act, and shall be advertised in a newspaper of statewide circulation or otherwise made public not less than 7 days prior to the date of such hearing. Such publication shall include the names of the members of the State level advisory committee established pursuant to paragraph (a) of this section and a statement of the purpose of such committee. Evidence of such publication and a copy of the minutes of the hearing required by this subparagraph shall be submitted with such agency's application for assistance. At a minimum, such minutes shall include a statement of the date, time and location of such hearings, the number of persons in attendance, and a brief summary (not a verbatim transcript) of the views expressed at such hearing.

(20 U.S.C. 1607(a))

(d) *Comments and suggestions by advisory committee.* No application for assistance pursuant to § 185.91–1(a) shall be approved which is not accompanied by the written comments of a committee formed in accordance with paragraph (b) of this section. No amendment to a program, project, or activity assisted under § 185.91–1(a) shall be approved, and no additional funds made available, unless such committee has been consulted and involved in the development of and has been given an opportunity to comment upon, such amendment of or addition to such program, project, or activity. Such comments shall be included with any application submitted by such applicant for such amendments or additions.

(e) *Post-award consultation.* Each application for assistance pursuant to § 185.91–1(a) shall contain an assurance that the applicant will consult at least monthly with its State level advisory committee established under this section with respect to policy matters arising in the administration and operation of any program, project, or activity for which funds are made available under § 185.91–1, and that will provide such committee with a reasonable opportunity to periodically observe and comment upon all project related activities.

(20 U.S.C. 1607(a))

[FR Doc.74–11423 Filed 5–16–74;8:45 am]

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Out-of-Community Travel Costs

Background. The Office of Economic Opportunity is revising its policy covering out-of-community travel costs charged to OEO grant funds by reverting to the policy promulgated in August 1969 which allowed grantees to use grant funds, under certain circumstances, without prior approval of OEO. Reinstatement of the aforementioned policy will reduce the burden of paperwork on both grantees and OEO officials and will provide some amount of flexibility to grantees.

This policy applies to all grant programs financially assisted under Titles II and VII of the Economic Opportunity Act, as amended, if the assistance is administered by the Office of Economic Opportunity.

These regulations are effective on June 17, 1974.

Sec. 602, 78 Stat. 530; 42 U.S.C. 2942)

ALVIN J. ARNETT,
Director.

In 45 CFR Chapter X, Part 1069, §§ 1069.3–5 and 1069.3–6 are revised to read as follows:

§ 1069.3–5 Restrictions on charging out-of-the-community travel costs to grant funds.

(a) Grantees may use OEO grant funds to reimburse out-of-the-community travel costs incurred by grantee and delegate agency employees, consultants and members of governing or administering boards without obtaining prior OEO approval, if the travel was for purposes outlined below and meets the geographical limitations of § 1069.3–6 of this subpart.

(1) The travel is in response to a specific invitation from the OEO Headquarters or an OEO Regional Office to

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attend a conference or meeting for the purpose of furthering OEO activities.

(2) Travel to attend conferences and meetings of professional organizations whose efforts are closely related to the poverty programs. This would include, but not be limited to, State Economic Opportunity Offices operating under an OEO grant, the National Association for Community Development, and Community Action Directors' Associations. No specific limit is imposed on the number of trips which may be charged to the grant within the approved budget. However, grantees and delegate agencies should be prepared to show to OEO auditors, inspectors or evaluation teams that each such trip was reasonable and contributed to the development or management of the grantee's approved program.

(3) Travel to interview prospective employees or to procure services, supplies or equipment when it can be shown that the travel was necessary and advantageous in the instances involved.

(b) All other travel must be specifically approved in writing, in advance by the appropriate Headquarters official for Headquarters-funded programs or the Regional Director for Regionally-funded programs, or their designees, before reimbursement from grant funds is authorized.

(c) Note. In the event a Headquarters or Regional granting office determines that travel by a grantee employee or employees is necessary as discussed in 1069.3–5(a)(1) and sufficient funds for such travel are not available within the OEO grant, the granting office may directly reimburse the grantee employee for the travel costs incurred. However, when such payments are made, the granting office must inform the grantee involved, in writing, that the employee(s) has been reimbursed for the travel costs and that no additional reimbursement is authorized. Grantees are cautioned that they are responsible for establishing the controls needed to prevent duplicate payments for travel in such instances.

§ 1069.3–6 Approval of travel outside the continental United States.

(a) All travel outside of the limits of the 48 continental United States must be approved in writing, in advance, by the Regional Director for Regionally-administered grants or the appropriate Headquarters official for Headquarters-administered grants.

(b) Similar approval is required for travel within the continental United States by OEO grantees in Alaska, Hawaii and the United States Territories.

(c) Grantees in Alaska, Hawaii and the Territories may permit travel within their state or territory without specific OEO approval, if the travel meets the other requirements of this subpart.

(d) Travel is also permitted between Puerto Rico and the Virgin Islands for area meetings and conferences and similarly between Micronesia (the Trust Territories) and Guam. All other travel outside of these states or areas must have prior OEO approval.

§ 1069.3–7 [Removed].

In 45 CFR Chapter X, Part 1069, § 1069.3–7 is deleted.

[FR Doc.74–11409 Filed 5–16–74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–10; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems Standard

This notice amends Standard No. 121, *Air brake systems*, 49 CFR 571.121, in response to several petitions for reconsideration of amendments to the standard published January 3, 1974 (39 FR 804), and after consideration of comments on a proposal published March 1, 1974 (39 FR 7966). A notice of proposed rulemaking has been issued separately to propose modification of the standard as it applies to trailers.

RECONSIDERATION OF AMENDMENTS—73–13; NOTICE 3

The amendments under reconsideration concern emergency stopping distance requirements for truck tractors, parking brake requirements for trailer converter dollies, recovery requirements for antilock-equipped brakes, a new test condition for loaded truck-tractors, special test conditions for certain drive and axle configuration, and a new burnish condition for road tests. Several manufacturers commented on issues which lie beyond the scope of those amendments and are therefore inappropriate for treatment in this response. Wagner Electric and Midland-Ross' petitions to amend S5.1.2.1 and S5.2.1.2 (Midland also petitioned on S5.1.2.2 and S5.2.1.3) and Wagner's petition to modify Table III retardation values will therefore be considered as petitions for new rulemaking to be answered in a separate notice.

The American Trucking Association (ATA) requested reconsideration of NHTSA's decision to permit either automatic or modulated emergency brake systems as options while further consideration of the modulated system takes place. As stated in Notice 3, the NHTSA has concluded that some aspects of the system may need refinement and that all vehicle manufacturers cannot in any case make all their vehicles conform to modulated brake system requirements by the standard's effective date. Accordingly, while the majority of the changes proposed in response to the ATA petition continue to be viewed favorably, for the present ATA's petition is denied.

Wagner Electric and General Motors objected to the retention of brake retardation force requirements for towing vehicles as redundant in view of the stopping distance requirements which also apply to them. The NHTSA proposed deletion of these dynamometer requirements previously and, having considered the latest submissions and information, hereby amends S5.4.1 to delete towing vehicles from the standard's requirements. The NHTSA has tentatively concluded that the stopping distance requirements can establish satisfactory brake balance between towed and towing vehicles, and that the cost of dynamometer testing is not justified by corresponding safety benefits. It should be noted that the dynamometer test may be reinstituted if experience demonstrates its need.

Fruehauf, in a late submission to this docket and in other docket comments, has emphasized the importance to lateral stability of a slower release time for trailers. A 0.60-sec maximum release time proposed in Notice 1 was not acted on in Notice 3 in the belief that it ran counter to the need for coordination of braking between vehicles in combination, but further study has persuaded this agency that a slightly slower release time for trailers is not detrimental to safe operation of combination vehicles. S5.3.4 has been amended accordingly.

General Motors and the Motor Vehicle Manufacturers Association (MVMA) petitioned for deletion of the 12 lb/in² minimum pressure requirement for brakes controlled by an antilock system. The purpose of the minimum pressure is to eliminate oversensitive brakes because of the difficulty in modulating them. The lower value was established for antilock-controlled brakes on the assumption that a functioning antilock would normally compensate for oversensitivity. A residual value was retained in the event of antilock failure, not to compensate for driver surprise, as assumed by the MVMA, but rather to aid the driver in his efforts to carefully modulate a sensitive brake. The NHTSA has seen no evidence to support the assertions made by MVMA that this requirement could downgrade stopping performance. Except for General Motors' request to clarify antilock "control" in this section, the petitions to amend S5.4.3 are accordingly denied. S5.4.3 is modified to substitute "subject to the control of" in place of "controlled" to make clear that the antilock need not be activated.

General Motors and the MVMA objected to the test condition where a vehicle "is loaded to its gross vehicle weight rating, distributed proportionately to its gross axle weight ratings", arguing that this distribution formula could lead to overload of one or more axles. The General Motors illustration indicates a misunderstanding of the section's wording. The phrase "is loaded to its gross vehicle weight rating" describes a weight condition, that of the fully-loaded vehicle, and the provision requires that this weight be distributed in proportion to the gross axle weight ratings. General Motors and the MVMA apparently interpreted the phrase to describe only that portion of the gross vehicle weight rating which "is loaded" on an unloaded truck to bring its weight up to GVWR. The condition states that what is distributed proportionately is the gross vehicle weight rating (i.e. the weight of the loaded vehicle), and not just that portion of the rating that constitutes the "load." There is no mathematical possibility of overloading an axle under this condition, since the GVWR must be no more than the sum of the GAWR's.

Ford stated with respect to S6.1.10.5 that "on some vehicles, it may not be possible to adjust the fifth wheel to a position in which the tractor can be loaded to GVWR without exceeding the GAWR of one axle." It may be that Ford's problem arises from the same misunderstanding described above with respect to GM and MVMA. To the extent, however, that the Ford petition implies that a manufacturer can establish a GVWR for a truck tractor which can not be attained without axle overload, the petition is based on a misconception of GVWR and is therefore denied.

Wagner Electric requested that the loadings in S6.1.10.6 be made uniform with S6.1.10.5 and S6.1.10.7. These loadings are not intended to be uniform, however, because the first condition specifies loading for purposes of truck-tractor testing, while the latter two conditions only establish test equipment specifications for the "control trailer test device" which is used in testing the truck-tractor. S6.1.10.6 and S6.1.10.7 loadings differ so that the service brake and emergency brake capabilities of the control trailer are separately designed to place greater demands on the truck tractor's service braking system than its emergency braking system. The calculations are based on an evaluation of the capacity of the brakes that are expected to be placed on production trailers in accordance with the dynamometer test requirements.

For the benefit of manufacturers who mistakenly consider these test conditions to be minimum performance requirements, it should be emphasized that the S6.1.10.6 and S6.1.10.7 values are conditions, i.e., characteristics of the control trailer test device which must be duplicated as closely as possible for testing. As with any other test device characteristic, to the degree that the control trailer can not produce exactly the right stopping distance, the certifying manufacturer should ascertain conformity of his vehicles under slightly more adverse conditions than those specified, in this case by slightly reducing the trailer brakes' capacity (to stop in the specified distance).

General Motors objected that the lighter control trailer capacities (18,000 and 32,000 pounds in place of 20,000 and 40,000 pounds) specified in the amendment would lower control trailer performance and thereby increase the performance required of truck tractors. The change was made to specify commonly-used trailers, to aid manufacturers in meeting the September 1, 1974, effective date. The NHTSA continues to consider the increased availability of test devices to be more significant to promulgation of a fully satisfactory final rule than the small quantitative change noted by General Motors, and their petition is therefore denied.

General Motors and the MVMA requested specification of test load density to resolve difficulties in establishment of the "worst case" center of gravity height when testing trucks. Specification of a test load density, however, is unnecessary. The manufacturer of a truck or incomplete vehicle should establish the limits of placement of the load center of gravity as a part of his design considerations, to be specified in the Part 568 document for an incomplete vehicle or in his instructions to users in the case of a completed one. This establishes an envelope within which the vehicle is certified to comply with Standard 121 under full load. Once that envelope is established, the appropriate load densities to test the vehicle's conformity can be derived from it.

Several petitions were received with regard to brake burnish procedures. The MVMA and Ford requested reinclusion of language found in the proposal that specified an acceleration procedure for vehicles unable to reach the specified speed in one mile. General Motors submitted minor changes of an editorial nature and new language to specify an increased deceleration rate for vehicles unable to reach the specified speed in one mile. The NHTSA has concluded that language which appeared in the proposal and reflects current SAE procedure should be adopted. The General Motors increased deceleration method represents a new procedure which has not been evaluated by the NHTSA or proposed in any previous rulemaking. The suggestion of 50 snubs before allowing a cooling period is also a new General Motors proposal which the NHTSA has not had the opportunity to evaluate. With the exception of one recommendation, General Motors' editorial suggestions are adopted to be consistent with the titles in Table IV. The word "maximum" was deleted from S6.1.8.1 at the request of several manufacturers because it was inappropriate to the specification of temperature range.

Ford requested the addition of a burnish procedure for parking brakes which do not utilize the service brake components. Language has been added to specify a burnish procedure for these brakes in accordance with the manufacturer's recommendations.

Two other issues were raised with regard to the road test conditions. To answer Wagner Electric's petition for clarification of S6.1.10.7, the "valve controlling the trailer brakes" may or may not be part of the normal commercial system of the tractor depending on whether or not the normal system can provide the timing specified. The purpose of standardizing timing specifications is simply to remove the tractor's performance as a factor in the test trailer brake evaluation. When the trailer is used in tests of a tractor pursuant to S5.3.1, it will, of course, be connected to the tractor's normal control system.

General Motors questioned the safety benefit of wheel lockup requirements for liftable axles on buses equipped with two non-steerable axles if other axles than the liftable axle can themselves meet the stopping distance requirements. The agency considers the controlled performance of the liftable axle to be of considerable benefit for added stability under braking conditions other than straight ahead braking required by the standard, and on this basis it denies the GM petition.

In other areas of the standard, General Motors petitioned for longer emergency stopping distances for all vehicles, reasoning that an exception to the values for truck-tractors in an unloaded condition (based on rarity of operation) could be as easily justified for the rare emergency stop situation of any vehicle. The rationale ignores the fact that the emergency values were established in the first place with the rarity of such occurrences in mind, and that the exception is posited on the combined rarity of unladen truck-tractor operation involved in an emergency situation. The problem of testing chassis-cabs can be met by specifying conformity to S5.7.2.3 with a specified weight on the rear axle representing the vehicle body weight. General Motors' petition to apply column 4 values to all vehicle emergency stopping distance requirements is therefore denied.

Wagner Electric petitioned to modify the wording of S5.8 concerning emergency application of trailer converter dolly service brakes so that the wording would be identical to Bureau of Motor Carrier Safety regulations (49 CFR 393.43). Wagner's proposed wording, however, applies to towing vehicle performance, where the triggering signal is a low, fixed air pressure, and the wording would not be appropriate for trailer performance, where the triggering signal is a venting of the supply line to the atmosphere. The S5.8 language is actually compatible with § 393.43(b), in that BMCS calls for towing vehicles to have an automatic means of activating the emergency features of the trailer air brakes, and S5.8 calls for compatible automatic features on the trailers. Wagner's petition is therefore denied.

General Motors asked whether the S5.4 requirement that brake assemblies meet tests in sequence actually exempts some brakes from all three tests if they are elsewhere exempted from the first. Paragraph S5.4 does not exempt any brake assemblies from any requirement. The brakes on a vehicle which does not have to comply with S5.4.1 must comply with S5.4.2 and S5.4.3.

Several comments requested correction of the omission of the words "in the service brake system" from S5.7.2.3 as published in Notice 3. The omission was inadvertent and has been corrected.

General Motors requested an indication that stopping sequence steps 2 and 3 in Table I apply only to truck-tractors. The steps have been changed to indicate that these steps apply only to truck-tractor testing by means of a control trailer. As for the objection that S6.1.10.7 implies the emergency system

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of a truck-tractor must control the trailer spring brakes, S6.1.10.7 has been clarified by the addition of a qualifying phrase. S6.1.10.6 and S6.1.10.7 have been further clarified by adding headings to indicate that they are test equipment specifications.

In a separate submission to Docket 73-13, Wagner Electric requested clarification of the trailer test rig timing issue, which had been reserved in Notice 3 as a candidate for adoption at some later date. Midland-Ross also raised the issue with regard to a requested modification of Figure 1. The petitions pointed out that an NHTSA test showing a failure would be inconclusive if it were compared to manufacturer testing conducted on a faster rig, and showing conformity. The remedy is to specify "legal baseline" actuation and release times, so the manufacturer will know the precise conditions under which his equipment must meet the requirements, and both government and industry testing can be conducted so as to produce conclusive results. The NHTSA therefore establishes the actuation and release values proposed in Notice 1 with minor modification. They will not become effective until September 1, 1975, to maintain the validity of testing already conducted. The values are set at two-significant-figure accuracy in agreement with Wagner that the values should match the actual trailer performance values. Because the actuation time is lowered to 0.06 second, the NHTSA may find it necessary to improve its tests rig's speed by removing the tractor protection valve. Therefore, the valve has been made optional. The performance of the test device had been modified from the original proposal so that initiating signal points are the same as for the actual performance tests, and so that initial release pressure agrees with the 95-psi requirement of the performance tests.

Other issues raised by Wagner and Midland-Ross in petitions to Notice 3 will be answered in a later notice.

MARCH 1, 1974 PROPOSALS

The NHTSA proposed modification of the standard's effective date, brake actuation times, and road and dynamometer tests as they apply to the service brake system and emergency stopping performance of all vehicles subject to the standard except trailers (39 FR 7966, March 1, 1974). The proposals would have affected vehicle types separately to reflect the particular problems faced by fire fighting vehicles, "special permit" vehicles, on/off-highway vehicles, and standard highway trucks and buses. Manufacturer concern centered on the availability of components to meet the standard by September 1, 1974, and the reliability of the antilock systems which will be utilized by most manufacturers to meet the requirements. Having carefully considered the comments submitted in response to this proposal, the NHTSA hereby delays the standard's effective date for trucks and buses to March 1, 1975, and establishes interim requirements for particular categories of vehicles essentially as they were proposed.

The limited delay of effective date does not satisfy the requests of Ford and General Motors, who argued for a complete delay of the standard for one year, followed by limited implementation of the standard. Other comments, including those of Chrysler and Rockwell International, asked for significant delays of one year or more based primarily on component shortages which will be discussed separately with regard to the specific problems of separate vehicle types.

Ford argued that the stopping distance requirements mandated high-torque front brakes that could degrade suspension and steering characteristics of some vehicles to an unsafe level. Their submission to the docket and materials submitted in conjunction with a presentation to the NHTSA on March 28, 1974, included evidence of erratic handling and suspension distortion in high- and low-speed spike stops on the proving ground by short wheelbase trucks. The American Trucking Association joined Ford in questioning vehicle handling under the standard's requirements.

Review of the Ford submission indicates that unmanageable suspension problems of this nature are generally encountered in short-wheelbase trucks with suspensions that have not been adequately modified for Standard 121 brakes. Other manufacturers have indicated in some cases that their solution to such severe instability has been a major redesign of the front axle and suspension system, or a decision to withdraw vehicles with especially short wheelbases from their product line. The NHTSA concludes that sufficient leadtime has been made available to all manufacturers to correct the steering and suspension problems of reasonably-designed short-wheelbase vehicles, and that vehicles with wheelbases that are so short, and centers of gravity that are so high, that they cannot stop safely in the stopping distances specified should not be on the highway.

General Motors and other truck manufacturers argued for delay of the standard's effective date for one year to permit additional field testing of the reliability of current antilock devices. The likely effect of such a delay, however, would be further delay in the availability of production antilock components. One air brake equipment supplier believes "continued development will eventually improve their [antilock systems] overall performance but most of these changes for refinement in electronics, improved pneumatic/electronic response, durability, sensor standardization and design standards require the normal evolution of field experience under real life conditions, using mass produced parts for a genuine field history."

The reliability of antilock systems can presently be judged on the basis of the performance of systems that are already in fleet test programs (and to a lesser extent by evaluation of antilock systems used for many years in passenger cars). One truck manufacturer has reported average miles between failures on fleet testing to be 89,000 miles (176,000 miles in operations within the continental United States). A manufacturer of antilock equipment reported in February 1974 that over 8,000 of its air brake skid control systems are in field use, with excellent reliability experienced. Neither this manufacturer nor any other has reported any highway accident which was attributed to a malfunction of the antilock system.

General Motors included in its list of antilock failures incorrect test procedures, missing fuses, and warning light malfunctions. While these are not insignificant concerns, they are an indication that unfamiliarity with the new system accounts for some of the malfunctions experienced in test programs. In addition, other malfunctions reported by General Motors are believed to be the result of systems being "added on" instead of being designed into the vehicles.

General Motors and Ford reported accidents in their proving ground tests, which they believe illustrate what might happen if an antilock system malfunctions in service. The NHTSA has studied the accident information which was submitted and has concluded that these accidents occurred as a result of rear wheel lockup during panic-type, full brake application and would also have occurred if the vehicles were not equipped with antilock systems. The NHTSA concludes that the reliability of antilock systems is such that their introduction will contribute to motor vehicle safety.

Both the Ford and General Motors recommendations, as well as the other petitions which requested delays substantially greater than those proposed by the NHTSA, are excessively broad in that they would postpone all the safety benefits of the standard, because of specific problems in limited areas. The NHTSA proposal, by comparison, proposes only those modifications which are essential to implement the standard as rapidly and fully as possible.

Because there was only a short interval between the latest proposal and the effective date of the standard in which to implement any modification of the standard, the proposal included a blanket 4-month delay of the standard's effective date for all affected vehicles. International Harvester, the largest manufacturer or air-braked vehicles that commented on the proposal, indicated agreement with the 4-month delay and stated their intention to build vehicles which comply with the standard after that date. General Motors noted the possibility that axles and the larger foundation brakes necessary to meet the standard would be available. The major supplier of axles to the truck and bus industry has estimated that, with no margin for error, some axles could be ready

for January 1, 1975. The NHTSA has evaluated the current industrial shortage and leadtime problems precipitated by factors beyond manufacturer control and has concluded that a March 1, 1975, effective date as it applies to powered vehicles is necessary to allow the orderly implementation of Standard No. 121. The NHTSA cannot agree with Blue Bird Body Company that smaller manufacturers should automatically be granted a year to meet the standard following the availability of production components for Standard No. 121.

The NHTSA has also determined that the proposed requirement that the test reservoir pressure reach 60 psi in 0.25 sec cannot be implemented prior to this effective date, and the proposal is therefore withdrawn. The modification of systems to achieve this requirement could negate the compliance test data which has been accumulated by many manufacturers.

Most comments which requested a longer delay of the effective date or more specific relief were addressed to the problems of specific vehicle types. There were no specific comments, however, on the proposed 1-year delay in the applicability of the standard to fire fighting vehicles. Accordingly, the standard is amended to apply to fire fighting vehicles only after September 1, 1975.

The comments on "special permit" vehicles (defined in the proposal having a 108-inch overall width or a 24,000-pound gross axle weight rating (GAWR)) centered on the inadequacy of the definition when applied to "heavy hauler" trailers. Trailers are dealt with in a separate notice of proposed rulemaking published in today's FEDERAL REGISTER. The few comments addressed to "special permit" trucks favored the September 1, 1976, effective date, but suggested more time might be necessary to acquire the necessary components because of their low priority in suppliers' engineering programs. At this time the NHTSA amends the standard to grant these vehicles a September 1, 1976, effective date. Any supply problems beyond that will be considered at a later time as they arise.

On/off-highway vehicles. Comments on the proposal to substitute dynamometer requirements for stopping distance requirements until September 1, 1975, for trucks that have a front steerable axle with a GAWR of 16,000 pounds or more, or a front steerable drive axle, fell into two groups. Comments either argued that the delay was insufficient, particularly with regard to front steerable drive axles, or they objected to particular aspects of the relaxed interim requirements.

The NHTSA has decided to maintain the September 1, 1975, date for the full stopping distance requirements. An evaluation of all available information in this area indicate that air brake components will be available to meet the required level of performance for vehicles in this category.

Manufacturers raised objections to the proposed interim requirements as they were expressed in S5.3.1.2 and S5.7.2.3.1. Wagner Electric, General Motors, White, and Diamond Reo requested clarification that the S5.3.1.2 requirement would apply to "straight" trucks as well as towing vehicles. The language of S5.3.1.2 makes clear that any trucks in the described category need not meet certain stopping distance requirements if their brakes conform to the formula in S5.4.1.

Wagner, Mack, and Abex questioned the proposed requirement that the dynamometer values be applied to each axle system separately, instead of being summed for the entire vehicle braking system. The axle-by-axle dynamometer approach was specifically included in the proposal to ensure that brakes would be provided on the front axle and not to minimize braking on the rear axle. Therefore this section is modified to require a certain level of performance for the front axle and a sum total of performance overall. If a specific value were not required for the front axle, manufacturers would be tempted to make minor modifications of present front axle systems and thereby avoid the opportunity to gain experience with the newer, stronger foundation brakes and axles.

The language "the brakes on each wheel" in S5.3.1.2 confused Abex with regard to the dynamometer test requirements. To clarify the requirement while in no way changing it, the wording is amended to "its brakes."

In answer to Wagner's request for a definition of "axle system," the term is used in the same sense as it is used in the definition of GAWR found at 49 CFR 571.3. "Axle system" is used instead of "axle" to avoid confusion in situations where a suspension system does not employ an axle. The term has not created difficulty in the GAWR definition.

The S5.7.3.2.1 requirement for dynamometer testing in place of emergency stopping performance testing parallels the S5.3.1.2 requirement. General Motors has pointed out, however, that dynamometer testing of spring brakes often found in emergency brake systems is impracticable. Wagner also points out that the requirement can be viewed as redundant in view of S5.3.1.2. In view of these objections, the NHTSA concludes that retention of the emergency stopping requirement (except for the stopping distance) would be preferable to a dynamometer requirement. For the interim period, therefore, the vehicle will be required to come to a stop within the 12 foot lane using its emergency braking system.

Highway trucks and buses. For powered vehicles that do not fall in the categories treated above, the proposal would have lengthened stopping distance requirements 5 percent to compensate for the variations expected in early production components that affect stopping performance. Most manufacturers argued that the 5 percent longer distances would be required for the indefinite future, because production variations would continue to affect performance significantly. The NHTSA established the stopping distances on the basis of the ability of available equipment, and expects that experience in the production of these components will lead to predictable quality and the assurance that a vehicle will in fact perform as well as it is designed to.

White Motor Company suggested a clarification of S5.3.1.3 and S5.7.2.3.2 to make clear that the test procedures for the proposed Table V stops are identical to those in S5.3.1 for the Table III stops. The change has been made without in any way changing the requirements.

Other issues. Two proposals which affected most trucks and buses were the brake actuation time of 0.35 sec and the option of a manual pressure reduction valve to limit air pressure to the front axle. Nearly all manufacturers supported the 0.35-sec actuation time for trucks and buses and requested that it also be extended to trailers. The NHTSA amends the standard as proposed for truck and bus brake actuation. Trailer brake actuation requirements will not be changed, however, in light of the imminence of the effective date and the consequent need for stability in the standard.

The manual pressure reduction valve proposal was not supported as expected. Even Ford and General Motors, who questioned the safety of high-torque front brakes, did not agree that the valve would have a positive safety benefit. In view of the sharp disagreement in the comments over the usefulness of the valve in the hands of different drivers, the proposal is withdrawn.

In the course of their comments on the proposal, several manufacturers and suppliers indicated uneasiness about the policy of the NHTSA with regard to isolated failures of components that have been certified as complying with Standard No. 121. Some comments expressed a belief that the NHTSA was adopting or announcing a new policy regarding compliance, with reference to a panel discussion at the February 25, 1974, meeting of the SAE in Detroit. The remarks in question, by an NHTSA Assistant Chief Counsel, were to the effect that the agency expects that each manufacturer will design his vehicles and his test program so as to constitute due care that each of his vehicles complies with the standard. That is not a new policy, however, but merely a statement of the requirements of the National Traffic and Motor Vehicle Safety Act, which has been followed continuously by this agency. The NHTSA has avoided a rigid position that each failure necessarily constitutes a violation of the Act, just as it has the position that some percentage of failures is automatically "allowable." What constitutes due care in a particular case depends on all relevant facts, including such things as the time to elapse before a new effective date, the availability of test equipment, the limitations of current technology, and above all the diligence evidenced by the manufacturer.

All interested persons should note that, although a proposal was necessary with regard to changes for trailer manufacture, the NHTSA does not intend to make

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any other amendments of Standard 121 before its effective date.

In consideration of the foregoing, Standard No. 121 (49 CFR 571.121) is amended as follows:

1. S3 is amended to read:

S3. *Application.* This standard applies to trucks, buses, and trailers equipped with air brake systems. However, it does not apply to a fire fighting vehicle manufactured before September 1, 1975, or to any vehicle manufactured before September 1, 1976, that has an overall width of 106 inches or more or that has a gross axle weight rating for any axle of 24,000 pounds or more.

2. S5.3.1 is amended by the addition of "Except as provided in S5.3.1.2 and S5.3.1.3," at the beginning of the first sentence.

3. A new S5.3.1.2 is added to read:

S5.3.1.2 When stopped in accordance with S5.3.1 with its brakes fully applied, a truck manufactured before September 1, 1975, that has a front steerable axle with a GAWR of 16,000 pounds or more, or a front steerable drive axle, need not meet the requirement that it stop in the distances specified in Table II for stops on a surface with a skid number of 75 if its brakes conform to the retardation formula and values of S5.4.1 applied to the vehicle as a whole and to the front axle system separately. These vehicles must nevertheless meet the requirements of staying within the 12-foot lane and those relating to wheel lock-up.

4. A new S5.3.1.3 is added to read:

S5.3.1.3 When stopped in accordance with S5.3.1, a truck or bus manufactured before September 1, 1975, other than a truck described in S5.3.1.2, shall stop at least once for each speed and weight condition in not more than the distance specified in Table V, on a surface with a skid number of 75, instead of meeting the stopping distances specified in Table II for stops on a surface with a skid number of 75.

5. A new Table V is added following S5.3.1.3 to read:

TABLE V.—*Stopping distance in feet, skid No. 75 surface (until September 1, 1975)*

Vehicle speed in miles per hour	Service brake stopping distance in feet column 1	Emergency brake stopping distance in feet column 2
20	35	85
25	52	131
30	72	186
35	95	250
40	121	325
45	151	409
50	183	504
55	219	608
60	258	720

6. S5.3.3 is amended to read:

S5.3.3 *Brake actuation time.* With an initial service reservoir system air pressure of 100 psi, the air pressure in each brake chamber shall, in the case of trucks and buses, reach 60 psi in not more than 0.35 seconds measured from the first movement of the service brake control, and, in the case of trailers, reach 60 psi in not more than 0.25 seconds measured from the first movement of the service brake control. A vehicle designed to tow a vehicle equipped with air brakes shall be capable of meeting the above actuation time requirement with a 50-cubic-inch test reservoir connected to the control line coupling. A trailer shall meet the above actuation time requirement with its brake system connected to the test rig shown in Figure 1.

7. The first sentence of S5.3.4 is amended to read:

S5.3.4 *Brake release time.* With an initial brake chamber air pressure of 95 psi, the air pressure in each brake chamber shall, in the case of trucks and buses, fall to 5 psi in not more than 0.50 seconds measured from the first movement of the service brake control, and, in the case of trailers, fall to 5 psi in not more than 0.60 seconds measured from the first movement of the service brake control.

8. The first sentence of S5.4.1 is amended by the deletion of "to tow or".

9. The last sentence of S5.4.3 is amended to read:

The service line air pressure needed to attain a rate of 12 ft/s/s shall be not more than 75 lb/in², and not less than 20 lb/in² for a brake not subject to the control of an antilock system, or 12 lb/in² for brake subject to the control of an antilock system.

10. S5.7.2.3 is amended to read:

S5.7.2.3 *Emergency braking stopping distance.* Except as specified in S5.7.2.3.1 and S5.7.2.3.2, when stopped six times for each combination of weight and speed specified in S5.3.1.1 on a road surface with a skid number of 75, with a single failure in the service brake system of a part designed to contain compressed air or brake fluid (except failure of a common valve, manifold, brake fluid housing, or brake chamber housing), the vehicle shall stop at least once in not more than the distance specified in column 3 of Table II, measured from the point at which movement of the brake control begins, without any part of the vehicle leaving the roadway, except that a truck-tractor tested at its unloaded vehicle weight plus 500 pounds shall stop at least once in not more than the distance specified in Column 4 of Table II.

11. A new S5.7.2.3.1 is added to read:

S5.7.2.3.1 A truck manufactured before September 1, 1975, that has a front steerable axle with a GAWR of 16,000 pounds or more, or a front steerable drive axle, must stop in accordance with S5.7.2.3 without any part of the vehicle leaving the roadway, but need not stop in the distances specified.

12. A new S5.7.2.3.2 is added to read:

S5.7.2.3.2 When stopped in accordance with S5.7.2.3, a truck or bus manufactured before September 1, 1975, other than a truck described in S5.7.2.3.1, shall stop at least once for each speed and weight condition on a surface with a skid number of 75 in not more than the distance specified in Table V instead of meeting the stopping distances specified in Table II for stops on a surface with a skid number of 75.

13. S6.1.8 is amended by the addition of a new sentence at the end of the text, to read:

However, for vehicles with parking brake systems not utilizing the service brake friction elements, burnish the friction elements of such systems prior to the parking brake test according to the manufacturer's recommendations.

14. S6.1.8.1 is amended to read:

S6.1.8.1 With the transmission in the highest gear appropriate for the series given in Table IV make 500 brake applications at a deceleration rate of 10 ft/s/s, or at the vehicle's maximum deceleration rate, if less than 10 ft/s/s, in the sequence specified in Table IV. After each brake application, accelerate to the speed specified and maintain that speed until making the next brake application at a point 1 mile from the initial point of the previous brake application. If a vehicle cannot attain the specified speed in 1 mile, continue to accelerate until the specified speed is reached or until the vehicle has traveled 1.5 miles from the initial point of the previous brake application. If during any of the brake applications specified in Table IV, the hottest brake reaches 500°F, make the remainder of the 500 applications from that snub condition except that a higher or lower snub condition shall be used as necessary to maintain a temperature of 500°F.±50°F. After burnishing, adjust the brakes as recommended by the vehicle manufacturer.

15. S6.1.10.6 is amended by the addition of *"Test equipment specification"* before the first sentence of the text.

16. S6.1.10.7 is amended by the addition of *"Test equipment specification"* before the first sentence of the text, and the last sentence is amended to read:

In the case of control trailers that utilize parking brakes for emergency stopping capability, the pressure in the trailer's spring parking brake chambers falls from 95 lb/in² to 5 lb/in² in not less than 0.50 second and not more than 0.60 second, measured from the instant at which movement of the valve controlling the trailer's spring parking brakes begins.

17. A new S6.1.13 is added to read:

After September 1, 1975, the trailer test rig shown in Figure 1 is capable of increasing the pressure in a 50 cubic inch reservoir from atmospheric to 60 lb/in² in 0.06 second, measured from the first movement of the service brake control to apply service brake pressure and of releasing pressure in such a reservoir from 95 to 5 lb/in² in 0.22 second measured from the first movement of the service brake control to release service brake pressure.

18. In Table I, steps "2" and "3" are amended to read:

2. Control trailer service brake stops at 60 mi/h (for truck-tractors tested with a control trailer in accordance with S6.1.10.6).

3. Control trailer emergency brake stops at 60 mi/h (for truck-tractors tested with a control trailer in accordance with S6.1.10.7).

19. Figure 1 is amended by the addition of "(OPTIONAL AFTER AUGUST 31, 1974)" following the word "valve".

Effective date. September 1, 1974 for trailers; March 1, 1975, for trucks and buses.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51.)

Issued on May 14, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-11405 Filed 5-14-74;2:01 pm]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

The 50 CFR Part 255 appearing below is adopted as regulations for administering the Fishing Vessel Obligation Guarantee program.

The Secretary of Commerce on July 31, 1973, published at 38 FR 20340, et seq., a proposed 50 CFR Part 255 as the interim regulations for administering XI of the Merchant Marine Act, 1936, as amended (46 U.S.C., 1271–1279), insofar as the guarantee under that Title of obligations relating to fishing vessels is concerned.

The Federal Ship Financing Act of 1972 (86 Stat. 909) amended Title XI. Title XI previously provided for the insurance of mortgages and loan given to, among other things, aid in financing the construction, reconstruction, or reconditioning of certain classes of vessels, including fishing vessels, documented under the laws of the United States. The fishing vessel portion of the Title XI program as it existed prior to enactment of the Federal Ship Financing Act of 1972 was known as the Fishing Vessel Mortgage and Loan Insurance program. The fishing vessel portion of the Title XI program as it now exists has been designated the Fishing Vessel Obligation Guarantee program.

Enactment of the Federal Ship Financing Act of 1972, among other things, substituted the guarantee of obligations for the insurance of mortgages and loans. That Act also made it unnecessary for a lender with a guaranteed obligation to be party to the security arrangements between the Secretary of Commerce and the borrower. Under the old program, a lender with an insured mortgage or loan was required to hold in the lender's name all security for that mortgage or loan. Under the new program a lender's sole security is the Secretary's guarantee; the Secretary will hold all security for its guarantee in its name only. Additionally, the new program provides for more flexible financing and refinancing than the old program. Under the old program, insurance of a mortgage or loan was, basically, unavailable unless the Secretary's commitment had been obtained before commencement of construction, reconstruction, or reconditioning. Under the new program, owners may refinance eligible obligations (i.e., those which financed construction, reconstruction, or reconditioning) with the proceeds of a guaranteed obligation any time during the useful life of the vessel involved, provided the obligation to be refinanced was in existence within 1 year after delivery or redelivery to the owner of the vessel involved. Owners who pay for construction, reconstruction or reconditioning out of their own funds may be reimbursed with the proceeds of a guaranteed obligation during the same 1 year period after vessel delivery or redelivery.

The Secretary asked for, and received, comments about the interim regulations proposed July 31, 1973, for administering the Fishing Vessel Obligation Guarantee program. After due consideration, the Secretary incorporated certain of the comments received by revising the previously proposed interim regulations. The 50 CFR Part 255 appearing below is, consequently, the adoption, with revisions, of permanent regulations for administering the Fishing Vessel Obligation Guarantee program.

The major revisions involve: (1) definition of the term "fishing vessel" (definition broadened), (2) replacement value (need for replacement value estimates lessened), (3) depreciated actual cost (new section added providing for actual cost depreciation at 6 month intervals), (4) useful life (provides for reduction of useful life at 6 month intervals), (5) maturity date (new section added, primarily for purpose of definition), (6) facilities or equipment pertaining to marine operations (new section added for purpose of defining this previously undefined term), (7) conditional fisheries (primarily for purpose of clarification, making procedural effect upon this program of conditional fisheries adoptions more specific), (8) economic soundness (minimum criteria for determining economic soundness made more flexible), (9) bids (bid requirements relaxed), (10) guarantee fee (fee reduced), and (11) filing and investigation fee (fee reduced). Other revisions are primarily either editorial, procedural, or for the purpose of clarification.

Although Fishing Vessel Obligation Guarantee program regulations are exempt from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553), the Secretary did request, receive, and give consideration to comments in connection with the interim regulations proposed for this program on July 31, 1973. As the revisions effected are generally responsive to those comments and generally less restrictive rather than more restrictive, the Secretary deems it unnecessary to again request comments.

The 50 CFR Part 255 appearing below is, consequently, adopted effective on May 17, 1974.

Dated: May 13, 1974.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Sec.
255.0 Reprint of certain provisions of Title XI of the Merchant Marine Act, 1936, as amended through the effective date of the Federal Ship Financing Act of 1972.
255.1 Definitions.
255.2 Purpose and priority.
255.3 Eligibility requirements.
255.4 Applications.
255.5 Commitment.
255.6 Closing procedure.
255.7 Default.
255.8 Cross references.
255.9 Applicability.

AUTHORITY: Title XI, Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279), and Reorganization Plan No. 4 of 1970, (86 Stat. 909).

§ 255.0 Reprint of Certain Provisions of Title XI of the Merchant Marine Act, 1936, as Amended through the Effective Date of the Federal Ship Financing Act of 1972.

(a) *Exclusions.* This reprint of Title XI excludes all provisions (1) to which this Part 255 does not presently pertain, (2) which pertain exclusively to the Secretary's internal program administration, and (3) which pertain exclusively to vessels other than those in the fishing trade or industry.

(b) *Reprint of Title XI.*

SEC. 1101. As used in this title—

(a) The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States * * * and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended;

(b) The term "vessel" includes all types, whether in existence or under construction, of * * * which are or will be documented under the laws of the United States, fishing vessels whose ownership will meet the citizenship requirements for documenting vessels in the coastwide trade within the meaning of section 2 of the Shipping Act, 1916, as amended * * *;

(c) The term "obligation" shall mean any note, bond, debenture, or other evidence of indebtedness * * * issued for one of the purposes specified in subsection (a) of section 1104 of this title;

(d) The term "obligor" shall mean any party primarily liable for payment of the principal of or interest on any obligation;

(e) The term "obligee" shall mean the holder of an obligation;

(f) The term "actual cost" of a vessel as of any specified date means the aggregate, as determined by the Secretary of Commerce, of (i) all amounts paid by or for the account of the obligor on or before that date, and (ii) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction, or reconditioning of such vessel;

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(g) The term "depreciated actual cost" of a vessel means the actual cost of the vessel depreciated on a straight-line basis over the useful life of the vessel as determined by the Secretary of Commerce, not to exceed 25 years from the date the vessel was delivered by the shipbuilder, or if the vessel has been reconstructed or reconditioned the actual cost of the vessel depreciated on a straight-line basis from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning on the basis of the original useful life of the vessel and from the date of such reconstruction or reconditioning on a straight-line basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce, plus all amounts paid or obligated to be paid for the reconstruction or reconditioning depreciated on a straight-line basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce; and

(h) The terms "construction," "reconstruction," or "reconditioning" shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping.

• • • • •

SEC. 1103. (a) The Secretary of Commerce, upon application by a citizen of the United States, is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this title.

(b) No obligation shall be guaranteed under this title unless the obligor conveys or agrees to convey to the Secretary of Commerce such security interest, which may include a mortgage or mortgages on a vessel or vessels, as the Secretary of Commerce may reasonably require to protect the interests of the United States.

(c) The Secretary of Commerce shall not guarantee the principal of obligations in an amount in excess of 75 percentum • • • of the amount, as determined by the Secretary of Commerce which determination shall be conclusive, paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of a vessel or vessels with respect to which a security interest has been conveyed to the Secretary of Commerce • • •.

(d) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(e) Any guarantee, or commitment to guarantee, made by the Secretary of Commerce under this title shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee, or commitment to guarantee, so made shall be incontestable.

• • • • •

SEC. 1104. (a) Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in—

(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel or vessels owned by citizens of the United States which are designed principally for • • • commercial use • • • in the fishing trade or industry • • • *Provided, however*, That no guarantee shall be entered into pursuant to this paragraph (a)(1) later than 1 year after delivery, or redelivery in the case of reconstruction or reconditioning of any such vessel unless the proceeds of the obligation are used to finance the construction, reconstruction, or reconditioning of a vessel or vessels, or facilities or equipment pertaining to marine operations;

• • • • •

(4) refining existing obligations issued for one of the purposes specified in (1), (2), or (3) whether or not guaranteed under this title, including, but not limited to, short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time.

(b) Obligations guaranteed under this title—

(1) shall have an obligor approved by the Secretary of Commerce as responsible and possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the vessel or vessels which serve as security for the guarantee of the Secretary of Commerce;

(2) Subject to the provisions of paragraph (1) of subsection (c) of this section, shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual cost, as determined by the Secretary of Commerce, of the vessel which is used as security for the guarantee of the Secretary of Commerce • • •;

(3) shall have maturity dates satisfactory to the Secretary of Commerce but, subject to the provisions of paragraph (2) of subsection (c) of this section, not to exceed 25 years from the date of delivery of the vessel which serves as security for the guarantee of the Secretary of Commerce or, if the vessel has been reconstructed or reconditioned, not to exceed the later of (i) 25 years from the date of delivery of the vessel and (ii) the remaining years of the useful life of the vessel as determined by the Secretary of Commerce;

(4) shall provide for payments by the obligor satisfactory to the Secretary of Commerce;

(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary of Commerce;

(6) Shall provide, or a related agreement shall provide, that if the vessel used as security for the guarantee of the Secretary of Commerce is a delivered vessel, the vessel shall be in class A–1, American Bureau of Shipping, or shall meet such other standards as may be acceptable to the Secretary of Commerce, with all required certificates, including but not limited to, marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service • • •

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(c)(1) The security for the guarantee of an obligation by the Secretary of Commerce under this title may relate to more than one vessel and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one vessel as security for the guarantee of the Secretary of Commerce under this title may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

(2) If the security for the guarantee of an obligation by the Secretary of Commerce under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such vessels: *Provided*, That the Secretary of Commerce may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for his guarantee.

(d) No commitment to guarantee an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources, and no obligation, unless made pursuant to a prior commitment, shall be guaranteed unless the Secretary of Commerce finds, at or prior to the time the guarantee becomes effective, that the property or project with respect to which the obligation is executed will be in his opinion economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources, and with the development, advancement, management, conservation, and protection of the fisheries resources.

(e) The Secretary of Commerce is authorized to fix a fee for the guarantee of an obligation under this title. If the security for the guarantee of an obligation under this title relates to a delivered vessel, such fee shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding • • •. If the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, such fee shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding • • •. For purposes of this subsection (e), if the security for the guarantee of an obligation under this title relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary of Commerce. Fee payments shall be made by the obligor to the Secretary of Commerce when moneys are first advanced under a guaranteed obligation and at least 60 days prior to each anniversary date thereafter. All fees shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

(f) The Secretary of Commerce, shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, for the issuance of commitments, • • • and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be guaranteed.

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(h) Obligations guaranteed under this title and agreements relating thereto shall contain such other provisions with respect

to the protection of the security interests of the United Sates (including acceleration and subrogation provisions and the issuance of notes by the obligor to the Secretary of Commerce), liens and releases of liens, payments of taxes, and such other matters as the Secretary of Commerce may, in his discretion, prescribe.

SEC. 1105. (a) In the event of a default, which has continued for 30 days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this title, the obligee or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 90 days from the date of such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than 30 days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided*, That the Secretary of Commerce shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary of Commerce, the Secretary of Commerce may notify the obligee or his agent of such default and the obligee or his agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 60 days from the date of such notice, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than 30 days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

(c) In the event of any payment by the Secretary of Commerce under section (a) or (b) of this section, the Secretary of Commerce shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of sale shall be as approved by the Secretary of Commerce.

(d) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) or (b) of this section, shall be paid in cash. • • •

(e) In the event of a default under any guaranteed obligation or any related agreement, the Secretary of Commerce shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right, in his discretion, to accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary of Commerce, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary of Commerce shall receive through the sale of property an amount of cash in excess of any payment made to an obligee under subsection (a) or (b) and the expenses of collection of such amounts, he shall pay such excess to the obligor.

SEC. 1106. Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce to be guaranteed, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 606(b) of this Act.

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(c) *Interpretation or elaboration.* The following sections of this Part 255 relate only to those provisions of the Act set forth in § 255.0(b).

§ 255.1 Definitions.

The following definitions are in addition to, or supplement, those contained in the Act and set forth in § 255.0(b).

(a) *Fishing vessel; vessels which are designed Principally for commercial use in the fishing trade or industry.* These terms mean vessels which are designed or redesigned, and are outfitted or will be outfitted, principally for catching, processing, and/or transporting fisheries resources for commercial purposes. Documentation as a fishing vessel of the United States is required, except where the Secretary (in the case of processing or transporting vessels) expressly consents to U.S. documentation as a vessel other than a fishing vessel. Operations intended for such vessels during the term of the guarantee must be such that either (1) more than 50 percent of such vessels' annual gross income will be derived from the activities specified above or (2) more than 50 percent of such vessels' annual operational time shall be devoted to the activities, specified above (unless the fishery or fisheries for which any one of such vessels is designed and outfitted is recognized as having a less than year around season, in which case one of the foregoing tests need be met only for the period of time during which such season occurs). These terms shall hereinafter be comprised by the word "vessel".

(b) *Reconstruction or reconditioning.* These terms include rebuilding, replacing, and/or converting any portion of a vessel which involves an actual cost equal to at least 20 percent of such vessel's replacement value or $40,000, whichever is less. A reconstruction or reconditioning project must, however, substantially prolong the useful life of the vessel, increase its value, or adapt it to a different commercial use in the fishing trade or industry, and all or a major portion of the actual cost of such project must ordinarily be classifiable as capital expenditures. If the sum of (1) the age of the vessel proposed to be reconstructed or reconditioned and (2) the terms of the proposed guaranteed obligation financing such reconstruction or reconditioning exceeds 25 years, then in that case only the project will not ordinarily be deemed to be a reconstruction or reconditioning unless it is specifically demonstrated to the Secretary's satisfaction that the project will significantly upgrade the vessel in terms of modernization and efficiency.

(c) *Replacement value.* This term means the estimated cost of replacing a vessel, immediately after its redelivery in a reconstructed or reconditioned state, by newly constructing one substantially similar to it. If the Regional Financial Assistance Division office deems any estimate of replacement value unacceptable, it may require substantiation from at least one marine surveyor or other person or firm qualified to give such an estimate. No estimate of replacement value will be required if the actual cost of reconstruction or reconditioning is $40,000 or more.

(d) *Actual cost.* This term is defined in section 1101(f) of the Act (see § 255.0(b)). Actual cost shall not, however, include any amount paid by any Government agency as a subsidy or otherwise; any amount of the cost of equipping a vessel with either excessive fishing gear or certain types of fishing gear (such as pots and/or traps, including lines, buoys and accessory equipment) which will not remain integrally attached to the vessel during its fishing operations; any commitment fees, interest, legal or accounting fees or expenses, fees or commissions or charges for securing any loan or mortgage or other borrowing, or post-delivery vessel operating expense; any items not capitalizable under generally accepted accounting principles (except in the case of reconstruction or reconditioning).

(e) *Depreciated actual cost.* This term means the actual cost after (1) first deducting from such actual cost a salvage value equal to 10 percent of such actual cost, (2) dividing the resulting amount by twice the number of years in the vessel's useful life in order to obtain the semi-annual depreciation, and (3) deducting from actual cost the semi-annual depreciation associated with each full 6 month interval elapsed from vessel

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delivery and/or redelivery date through the vessel's useful life. Intervals of less than a full 6 months will not be considered for the purpose of determining depreciated actual cost.

(f) *Useful life.* Ordinarily, a vessel's useful life for the purpose of guarantee under this Part 255 shall exceed neither 15 years from the delivery date of a newly constructed vessel nor 7 years from the redelivery date of a reconstructed or reconditioned vessel. The Secretary will, however, determine individually the useful life of each vessel for the purpose of guarantee under this interim Part 255. Useful life shall be reduced by 6 months for each full 6 month interval elapsed from vessel delivery and/or redelivery date. Intervals of less than a full 6 months will not be considered for the purpose of determining remaining useful life.

(g) *Maturity date.* This term means the date upon which a guaranteed obligation matures. Maturity date shall not exceed the date upon which useful life ends; i.e., the maximum term between inception of a guaranteed obligation and its maturity date shall not exceed useful life remaining at inception of a guaranteed obligation.

(h) *Project.* This term means the construction, reconstruction, or reconditioning of a vessel through an act of work or a series of acts of work, to be completed within 1 year from the date work is first commenced, unless otherwise consented to by the Secretary.

(i) *Facilities or equipment pertaining to marine operations.* This term includes, but is not necessarily limited to, fishing gear and equipment, docks, unloading facilities, fuel storage facilities, holding facilities, and processing facilities directly supporting commercial fishing operations.

(j) *Delivery or redelivery date.* The delivery or redelivery date shall be the date the vessel was first documented (delivery) or last redocumented (redelivery) under the laws of the United States. If a reconstruction or reconditioning does not, however, require redocumentation, then the redelivery date shall ordinarily be the effective date, as determined by the Secretary, possession of the vessel is redelivered to its owner.

(k) *Secretary.* This term means the Secretary of Commerce or his delegate.

(l) *Act.* This term means Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279).

§ 255.2 Purpose and priority.

(a) *Purpose.* The major objective of the Fishing Vessel Obligation Guarantee program is to facilitate the capital market's responsiveness to the general investment capital needs of the U.S. commercial fishing industry.

(b) *Priority.* Within the framework of paragraph (a) of this section, the Secretary shall afford priority to those projects which most facilitate the following:

(1) Increasing the productivity or efficiency of fishing vessels, either through technical advances or otherwise.

(2) Fostering the development of underutilized fisheries resources and/or stimulating the shifting of vessels from overutilized to less utilized fisheries resources.

(3) Protecting, preserving, or improving national utilization of presently international fisheries resources by strengthening the domestic fishing fleet in competition with foreign vessels. The Secretary will, consequently, afford the highest program priority to those projects which demonstrate significant potential for facilitating the greatest number of the items enumerated as paragraph (b)(1) through (3) of this section. This Part 255 will be construed and applied toward the end of encouraging such projects. The Secretary may encourage such projects by waiving, in his discretion and as a matter of policy, any requirement contained in this Part 255 and not otherwise expressly required by the Act.

§ 255.3 Eligibility requirements.

(a) *Construction; conditional fisheries.* An obligation for construction of a vessel (vessel "Y") shall ordinarily be eligible for guarantee only if such vessel is designed, outfitted, and equipped to operate, and/or is operating and will operate, as the case may be, in a fishery which the Secretary has not, prior to submission (postmark date controls if mailed; actual date of receipt if personally delivered) of an application for a guarantee or a commitment to guarantee, adopted as restricted in accordance with Part 251 of this chapter. Such an obligation shall nevertheless be eligible for guarantee if the obligor causes (within 1 year after the delivery date of vessel "Y") to be permanently removed from all fishing, or placed permanently in a fishery not then adopted as restricted in accordance with Part 251 of this chapter, under such conditions as the Secretary deems necessary or desirable, a vessel (vessel "Z") which has during the previous 18 months operated substantially in the same fishery as the vessel constructed or to be constructed and which has a fishing capacity substantially equivalent to the vessel constructed or to be constructed. What constitutes substantially equivalent fishing capacity for the purpose of this section shall be a matter for the Secretary's discretion. Ordinarily, in exercising his discretion about what does or does not constitute substantially equivalent fishing capacity, the Secretary will take into consideration (1) the average size of vessels constructed for the restricted fishery in question at the time vessel "Z" was constructed (or, if constructed for a different fishery, the average size of vessels in the restricted fishery at the time vessel "Z" entered it), (2) the average size of vessels constructed for the restricted fishery at the time vessel "Y" was or will be constructed, and (3) such other factors as the Secretary may deem material and equitable, including the length of time the applicant has owned and operated vessel "Z". The Secretary will consider these factors, and exercise his discretion, in such a way as to encourage use of this program by established fishermen who have owned for substantial periods vessels which need to be replaced, even though a "Z" vessel may have been constructed at a time which dictated a lesser fishing capacity than dictated for a "Y" vessel at the time of application for guarantee.

(b) *Reconstruction or reconditioning; conditonal fisheries.* An obligation for reconstruction or reconditioning of a vessel shall ordinarily be eligible for guarantee only if such vessel is designed or redesigned, outfitted, and equipped to operate, and/or is operating and will operate, as the case may be, in a fishery which the Secretary has not, prior to submission (postmark date controls if mailed; actual date of receipt if personally delivered) of an application for a guarantee or a commitment to guarantee, adopted as restricted in accordance with Part 251 of this chapter. Such an obligation shall nevertheless be eligible for guarantee if the vessel reconstructed or reconditioned, or to be reconstructed or reconditioned, had operated substantially for at least the last 36 months before its reconstruction or reconditioning in substantially the same fishery in which it is operating or will operate after its reconstruction or reconditioning.

(c) *Obligations.* Each obligation guaranteed under this Part 255 shall:

(1) Have an obligee approved by the Secretary as responsible and able properly to service the obligation.

(2) Provide that the obligation shall not be assigned unless the assignee is first approved by the Secretary.

(3) Contain such terms and provisions as the Secretary in his discretion may require with respect to amortization, interest, application of payment, default, acceleration and immediate payability of the entire outstanding indebtedness, payment of expenses, renewal, extension, modification, surrender, compromise, release, exchange, substitution, indulgence, assignment, guarantee, demand for payment under the guarantee, payment under the guarantee, and such other matters as the Secretary in his discretion may require.

(4) Be evidenced by an obligation satisfactory, both as to form and substance, to the Secretary (ordinarily, the form of obligation will be prepared by the Secretary for the parties' approval and acceptance).

(5) Be secured by such collateral under such form of loan agreement, contract, mortgage, indenture, or other security agreement between the Secretary and the obligor as the Secretary in his discretion may deem necessary or appropriate to protect the interest of the United States. Such form of loan agreement, contract, mortgage or indenture, or other security agreement shall:

(i) Contain such terms and conditions as the Secretary in his discretion may require, including but not limited to those related to: operation of a vessel, citizenship, ownership, documentation, validity and enforceability of obligations, warranting and defending title and possession, liens, insurance, sale, mortgage, transfer, assignment, charter, discharge of libel or suit or levy, repair and maintenance, payment of taxes or fines or penalties or other assessments or charges, reimbursement of the Secretary for the Secretary's expenses, the keeping of books and records, access to them, reports, payment of guarantee fees, default, foreclosure, seizure, retaking mortgaged property, payment of the guaranteed obligation, use and operation and location of mortgaged property, maintenance of existence and right to do business, acquisition or sale of assets, dividends, distribution or sale or purchase or retirement of stock, advances, compensation, loans, gifts, bonuses, merger, consolidation, affiliates, subsidiaries, execution of further obligations and documents and assurances, bankruptcy, assignment for benefit of creditors, forfeiture, receivership, petition for reorganization, disclosure, misrepresentation, false statement, fraud, maturity, acceleration of maturity, payment of principal and interest, the Secretary's right to sell or operate or otherwise dispose of mortgaged property, appointment of the Secretary as the obligor's true and lawful attorney, consent to jurisdiction, subordination, standby, guaranty, and such other matters as the Secretary in his discretion may require.

(ii) Be evidenced by a form of loan agreement, contract, mortgage, indenture, or other security agreement satisfactory, both as to form and substance, to the Secretary (ordinarily, the form of the documents will be prepared by the Secretary for the obligor's approval and acceptance).

(iii) Provide for (none of the following paragraph (c)(5)(iii)(a) through (g) of this section apply where application for a guarantee is first made after a completed vessel is delivered to its owner; only some of them apply when the Secretary, prior to delivery of a completed vessel to its owner, issues a commitment to guarantee an obligation whose proceeds will repay an interim unguaranteed lender upon delivery of a completed vessel to its owner; all of them apply when the Secretary guarantees an obligation whose proceeds finance construction, reconstruction, or reconditioning during the interim before a completed vessel is delivered to its owner):

(a) Payment first, from sources other than the guaranteed obligation, by and for the account of the obligor, of not less than 25 percent of the actual cost, and thereafter for payment by the obligee directly to the shipyard or other contractor, except where payment reimburses the obligor for amounts expended by or for the account of the obligor toward payment of the actual cost in excess of the aforesaid 25 percent of the actual cost. No payment shall, however, be made by the obligee until work representing 25 percent of the actual cost shall have been performed and paid for and payments by the obligee shall at no time exceed 75 percent of the actual cost of work performed to the date of payment.

(b) Vesting of title to the vessel in the obligor according to payments made subject only to the lien or other rights of the shipyard or contractor for additional amounts due and unpaid or the lien or other rights of the Secretary in accordance with paragraph (c)(5)(iii)(f) of this section.

(c) The shipyard or contractor furnishing satisfactory insurance and a satisfactory performance and payment bond.

(d) Performance of work substantially in accordance with the contract plans and specifications approved by the Secretary; approval by the Secretary of all significant changes, and all changes whatsoever which decrease the actual cost, under the contract prior to commencement of work involving the changed specifications; and furnishing of all technical material necessary for approval of the changes.

(e) Furnishing to the Secretary two copies of design plans, specifications, sketches, and working schedules promptly after approval by the owner; furnishing two copies of correspondence regarding work being done or to be done if required by the Secretary; and furnishing one copy of the vessel's certificates, documents, and test reports if required by the Secretary.

(f) A security agreement on a vessel being constructed, assignment to the Secretary of the construction contract, and/or such other security or collateral as the Secretary in his discretion may require.

(g) If the Secretary's guarantee does not terminate with delivery or redelivery, then execution and delivery by the obligor of a first preferred mortgage of the delivered or redelivered vessel and such other collateral documents and assurances as the Secretary in his discretion may require.

(d) *Economic soundness.* The property or project with respect to which the obligation will be executed shall not ordinarily be deemed to be economically sound unless:

(1) The applicant obligor submits evidence satisfactory to the Secretary demonstrating that at the time of execution of the guarantee the obligor will then have financial resources equal to at least the aggregate of the following:

(i) An amount equal to the difference between the actual cost of construction, reconstruction, or reconditioning (less any amount paid on account thereof) and the amount of the obligation proposed for guarantee.

(ii) Working capital sufficient to support operations and to provide adequately for operational contingencies. This should equal at least 8 percent (but more if, in the Secretary's discretion, circumstances warrant it) of the total capitalizable cost of the vessel to the obligor. It should, ideally, consist entirely of net working capital (current assets minus current liabilities). Some portion of it may, however, at the discretion of the Secretary, consist of readily convertible investments, other assets readily capable of being used to generate net working capital, lines of credit, or a co-maker or guarantor with sufficient financial resources to guarantee payment of the first year or more of installments maturing under the guaranteed obligation. Consideration will be given to the individuality of each applicant obligor's financial circumstances. On balance, however, an applicant obligor must be able successfully to demonstrate to the Secretary's satisfaction that sufficient (after making provision for a conservation estimate of initial operational cash flow) working capital is or will be readily available to support the vessel's operation and to provide adequately for normal contingencies.

(iii) Adequate arrangements for payment of the first year's premium for vessel insurance (including hull and machinery, breach of warranty, protection and indemnity if applicable, and such other insurances as the Secretary, in his discretion, may require). Ideally, the premium for all required insurances should be paid in advance. The Secretary will, however, consider allowing premium financing of some portion of the total premium if, in his discretion, an applicant obligor's overall financial situation warrants such.

(iv) The first year's obligation guarantee fee.

(v) Any additional amounts determined by the Secretary to be necessary or appropriate to the project under the circumstances of each individual case. The availability of financial resources required by this paragraph (d) shall not, however, be the full test of economic soundness, but merely the minimum acceptable.

(2) The obligor and its project is deemed satisfactory by the Secretary after having taken into account the following credit factors:

(i) The obligor must be of established integrity. Responsible and cooperative management must be evident. Field analysis shall include a careful evaluation of character, experience, and past record and prospects of management in finance and fisheries operations.

(ii) The obligor must prospectively be able to meet obligations, continue business operations, and protect the Secretary against undue risk. The obligor's (and that of its related interests) total assets controlled, equity owned, contingent liabilities, and history of earnings to date are significant measures of financial responsibility and shall be carefully evaluated during field analysis.

(iii) A determination of the obligor's repayment capacity requires a careful field analysis of cash flow history and a projection from that history of cash flow prospects. A cash flow projection shall reflect cash generation from the obligor's fisheries operations and all other sources. Ordinarily the projection of cash flow from fisheries operations shall be sufficient to meet all obligations and provide a reasonable remainder for normal contingencies. Field analysis shall include a cash flow projection over the life of the obligation proposed for guarantee which

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shall be based upon a careful evaluation of the obligor's vessel, type of fisheries operation, area of operation, and the present and prospective status, over the life of the guarantee, of the fisheries resources for which the obligor will operate. The prospects of cash flow, projected from the obligor's past cash flow history and suitably adjusted for the change in the obligor's circumstances to be effected by the obligation proposed for guarantee, shall be compared with an average cash flow history of successful operators (compiled and maintained by each Regional Financial Assistance Division office) of similar vessels operating in the same area for the same fisheries resources. Whenever the obligor's cash flow is projected to be materially below that average, the application shall ordinarily be declined.

(iv) Collateral requirements are dictated by the strengths or weaknesses of all credit factors. The collateral required shall reasonably protect the Secretary and provide the necessary control of equity and repayment. Personal liability or entity liability, in the form of co-makers or guarantors, shall be required as circumstances warrant in order to provide additional security for the Secretary's guarantee and to assure that the assets of the principal interests which stand to benefit most by the project proposed for guarantee are held accountable. Careful field analysis shall be made of the credit factors relevant to such co-makers or guarantors, and their related interests, in order to assure that their liability actually provides the desired additional security for the Secretary's guarantee. The availability of a co-maker/or guarantor with a strong financial position is a material credit factor and may be used to offset weak credit factors otherwise associated with an applicant obligor.

(v) The availability to the obligor of able and experienced masters and crews is of primary importance and may affect the weight placed upon other credit factors. Field analysis shall include a careful evaluation of the prospective master's ability and experience if such a master has been chosen and/or of the arrangements made to secure the services of able and experienced masters and crews.

(vi) Every reasonable effort shall be made, prior to execution of a guarantee or a commitment to guarantee, to determine that the project under application will result in a profit by virtue of the fisheries operations intended to be pursued, the estimated expenses of the obligor, the earnings projected for the project, the character, integrity, and management ability of the obligor, the availability to the obligor of experienced masters and crews, and all other relevant factors. Economic soundness, particularly in the area of fisheries operations, is not, however, an exact cisence. A project must be tested as best it can and a judgment must be made whether or not that project has a reasonable chance of success.

(e) *Bids.* It is in the best interest of the obligor to request and receive at least three competitive bids for the project based upon plans and specifications previously prepared by a certified naval architect (whose cost may be included in the actual cost for purpose of guarantee). All applicant obligors shall be counseled that it is in their best interest to do so.

(1) The Secretary ordinarily shall, nevertheless, require competitive bidding only where one (or more) of the following apply:

(i) Either (or both) the project is projected to cost $300,000 or more or the project vessel to be constructed (excluding reconstruction or reconditioning) will be 80-feet registered length or over.

(ii) There is a financial or other relationship between the applicant obligor and the contractor proposed for the project.

(iii) The project is unique, the Secretary deems the cost proposed to be unreasonable, or, for any other reason, the Secretary believes himself unable or unqualified to establish an amount in accordance with paragraph (e)(2) of this section.

(2) In all instances other than paragraph (e)(1)(i) through (iii) of this section, the Secretary, taking into consideration the actual cost and/or any other factor deemed by him to be relevant, will determine an amount which fairly and reasonably, in his discretion, would have been the actual cost had competitive bids been obtained, which determination shall be conclusive for the purpose of guarantee.

(3) In the instance of any paragraph (e)(1)(i) through (iii) of this section, each project shall be undertaken by the firm submitting the lowest of not less than three, responsive, competitive bids unless:

(i) Less than three, responsive, competitive bidders respond to properly, in the opinion of the Secretary, issued invitations, in which case the Secretary may make a determination as if paragraph (e)(2) of this section were the case.

(ii) The Secretary approves acceptance of a higher bid because, in the opinion of the Secretary, the lowest bidder cannot adequately accomplish the project.

(iii) The Secretary approves acceptance of a higher bid and the obligor agrees that the amount by which the higher bid exceeds the lowest bid shall not constitute any portion of actual cost for the purpose of guarantee.

(iv) The Secretary disapproves all bids as unreasonable, in which case new invitations may be issued to bidders or the Secretary may make a determination as if paragraph (e)(2) of this section were the case.

(v) Construction, reconstruction, or reconditioning has been commenced or completed without having first obtained competitive bids, in which event the Secretary will make a determination as if paragraph (e)(2) of this section were the case.

(f) *Seaworthiness.* All vessels constructed, reconstructed, or reconditioned with the aid of a guaranteed obligation, whether or not such vessels serve as security for the Secretary's guarantee, shall be certified as in all respects fit and sufficient to withstand all foreseeable conditions of the intended service. For all newly constructed vessels (reconstructed or reconditioned vessels at the Secretary's option) 80-feet registered length and over, such certification shall be provided by a certified naval architect (whose cost may be included in the actual cost for the purpose of guarantee). The naval architect's certification required for vessels 80-feet registered length or over need not, for the Secretary's purposes, involve *in situ* inspection by the naval architect during the construction interim (although such is generally more desirable). For vessels less than 80-feet registered length, such certification shall be provided by any competent authority (whose cost may be included in the actual cost for the purpose of guarantee) approved by the Secretary. Regardless of vessel length (or any other factors), however, the Secretary, at his discretion, reserves the right to require such additional tests or proofs as individual circumstances might warrant.

(g) *Guarantee fee.* The fee fixed by the Secretary for any guarantee shall be:

(1) One-half of 1 percent of the average outstanding principal amount of the guaranteed obligation.

(2) Unless otherwise specified by the Secretary, paid by the obligor's check payable to "NMFS, NOAA, FSFF—Commerce" and delivered to the National Marine Fisheries Service addressed to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, 11420 Rockville Pike, Attention NBOC 1, Room 122, Rockville, Maryland 20852, together with identification of the specific guarantee to which the fee relates and the period covered by the payment.

(3) Fully earned when first due and no refund of earned fees will be made by the Secretary in the event the guarantee is terminated.

(4) If deficient, fully paid within 30 days of the Secretary's notice to the obligor of the amount of such deficiency.

§ 255.4 Applications.

(a) *Purpose.* Applications may be for guarantee of an obligation relating to a vessel to be constructed, reconstructed, or reconditioned; a delivered or redelivered vessel; both, or a commitment to guarantee an obligation for any of the above. Applications need not include a proposed obligee until such a time as the Regional Financial Assistance Division office requires the same.

(b) *Where filed.* Applications shall be filed in duplicate with the Regional office of the National Marine Fisheries Service's Financial Assistance Division corresponding to the region in which the obligor conducts its business on an application form furnished by the Service except that, in the Secretary's discretion, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient.

(c) *Processing of applications.* If it is determined on the basis of a preliminary review that the application is complete and appears to be in conformity with the Act and this Part 255, the Regional Financial Assistance Division office will assign the application a Docket Number and forward one copy to the Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235. The Regional Financial Assistance Division office will then conduct a field investigation of the application. After completion of the field investigation, an appropriate report will be sent to the Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235 (unless and until such a time as such reports, or any portion of them, are no longer, for certain classes of cases, required to be so sent). The application and all supporting documents must be filed in sufficient time to permit the Secretary to make a full and complete investigation and to take all other action required in respect thereto, and in any event not later than 60 days prior to the date anticipated for closing the transaction.

(d) *Books, records, and reports.* The Secretary shall have the right to inspect such books and records, including tax returns, of the applicant as the Secretary in his discretion may deem necessary. A commitment to guarantee an obligation shall be made only upon the agreement of the obligee and obligor to furnish the Secretary, promptly upon his request, such reasonable material and pertinent reports, evidence, proof, and information as he may require in connection with a guarantee granted or applied for, and to permit the Secretary, upon his request, to make such reasonable examination and audit of records and books of account as the Secretary may deem necessary in connection with a guarantee granted or applied for.

(e) *Inspection of property.* The Secretary or his agent shall have access at all reasonable times to all vessels or other security with respect to which an obligation is guaranteed or for which an application for guarantee has been filed.

(f) *Filing and investigation fee.* The initial filing of each application must be accompanied by a check payable to "NMFS, NOAA, FSFF—Commerce" in the amount of one-half of 1 percent of the first $100,000 (or portion thereof) of the original principal amount of the obligation proposed to be guaranteed and one-quarter of 1 percent of the next $200,000 (or portion thereof) of the original principal amount of the obligation proposed to be guaranteed (unless the Secretary's cost, for any reason, proves extraordinarily high in which case the Secretary may, at his discretion, assess a higher fee not to exceed one-half of 1 percent of the original principal amount of the obligation proposed to be guaranteed). Fifty dollars of the payment (or the full payment if less than $50) will be retained by the Secretary as a filing fee regardless of the subsequent disposition of the application. If the application is withdrawn before investigation, only the filing fee will be retained. After investigation, however, the full payment will ordinarily be retained by the Secretary if the application is approved (regardless of whether such approval is subsequently canceled) and one-half of the payment in excess of $50 will be retained if the application is disapproved.

§ 255.5 Commitment.

A commitment to guarantee an obligation will, subject to the restrictions of the Act, be issued by the Secretary when such a commitment is required prior to the actual execution of the obligation. This commitment will provide that the Secretary will guarantee an obligation and will further state the terms and conditions under which the guarantee will be issued. It will also contain the covenants to be accepted by the obligee and obligor. No commitment, nor any amendment to a commitment, shall exist unless reduced to writing and duly executed by the obligor, the obligee, and the Secretary.

§ 255.6 Closing procedure.

The guarantee shall take effect upon payment of the first year's guarantee fee and execution of the guarantee by all parties required to execute.

§ 255.7 Default.

In the event of default and the Secretary's payment as a result thereof of any portion of a guaranteed obligation, an investigation will be promptly made to determine if the interest of the United States requires, in the Secretary's discretion, immediate foreclosure upon the Secretary's security. If a determination is made that the interest of the United States does not require immediate foreclosure and the obligor demonstrates to the Secretary's satisfaction that all defaults can and will be remedied, the Secretary may, in his discretion and under such terms and conditions as he may prescribe, enter into a written agreement with the obligor allowing it an additional period, ordinarily not to exceed 7 months from the date of the Secretary's payment of the guaranteed obligation (but for such shorter or longer periods as the Secretary may in his discretion prescribe), in which to remedy all defaults and pay to the Secretary the full amount owed the United States. Such an agreement shall provide for the obligor's performance of regular and periodic conditions designed to assure remedy of all defaults and payment to the Secretary of the full amount owed the United States within the period allowed. Such an agreement shall not constitute the Secretary's waiver of any past, present, or future default, but shall merely allow the obligor to possess and operate the Secretary's security at the Secretary's pleasure. If, before expiration of the period allowed, the obligor has substantially remedied all defaults (and the Secretary's payment has been of the whole of the guaranteed obligation), the Secretary in his discretion may entertain an application for the guarantee of another obligation (to the extent otherwise qualified and eligible under the Act and this Part 255) which aids in financing the amount owed the United States. In any event, the Secretary will ordinarily commence foreclosure proceedings or such other action as the Secretary may in his discretion deem necessary or appropriate to recovery of the full amount owed the United States if such amount is not paid to the Secretary on or before expiration of whatever period the Secretary allows.

§ 255.8 Cross references.

Parties considering a Title XI guarantee should be aware of the following:

(a) Part 259 of this chapter establishes the conditions under which Capital Construction Funds for fishing vessels may be established under the provisions of section 21 of the Merchant Marine Act of 1970 (84 Stat. 1018) which amended section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177). These provisions allow deferment of taxation on certain income, including that derived from fishing operations, when such income is deposited into a Capital Construction Fund for subsequent qualification as a withdrawal for acquisition, construction, or reconstruction of, among other things, fishing vessels. Such income may, for example, under certain circumstances be deposited and withdrawn for the purpose of paying the installments of an obligation guaranteed under this Part 255.

(b) Part 251 of this chapter establishes certain fisheries for which the availability of both Title XI guarantees and Capital Construction Funds may, from time to time, be restricted under certain conditions to certain purposes.

§ 255.9 Applicability.

The revisions of § 255.3(g) and § 255.4(f) accomplished by this Part shall apply only to applications for guarantee received (postmark date controls if mailed; actual date of receipt if personally delivered) on or after May 17, 1974.

[FR Doc.74-11348 Filed 5-16-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Allocation of Non-Bonded Aviation Fuel

Section 211.145(c)(3) Part 211 of Title 10 of the Code of Federal Regulations, concerning the filing date for certifications by international air carriers, is amended.

Because misunderstanding of the certification provisions of § 211.145(c) for international air carriers has occurred, the Federal Energy Office today is issuing guidelines for the preparation of certifications by international air carriers. To assure ample opportunity for suppliers and international air carriers to study and use the guidelines, the deadline for an international air carrier to submit the certification required by 10 CFR 211.-

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145(c) for the month of June 1974 is extended to May 20, 1974. Under the existing regulations, the deadline would have been May 16, 1974. The requirements of § 211.145(c)(3)(i) for certifications to be filed by an international air carrier will apply in future months.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is inapplicable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 92-159, E.O. 11748, 38 FR 33575).

In consideration of the foregoing, 10 CFR Part 211 is amended as set forth below, effective immediately.

Issued in Washington, D.C., May 16, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.145(c)(3) is amended to add § 211.145(c)(3)(iii) to read as follows:

§ 211.145 Method of allocation.

* * * * * * *

(c) * * *

(3) * * *

(iii) For the period of June 1 through June 30, 1974, international air carriers shall provide their suppliers with certifications pursuant to this paragraph by May 20, 1974.

[FR Doc.74-11561 Filed 5-16-74;11:54 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

PHYSICIAN SHORTAGE AREAS

Scholarship Grants

Correction

In FR Doc. 74-10980 appearing at page 17106 of the issue of Monday, May 12, 1974, the following changes should be made in § 57.2205(a)(3): the word "criteria" in the second line should read "criterion"; and the reference in the third line to "paragraph (a)(1)(ii) and (iii)" should read "paragraph (a)(1)(i)".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-CE-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Clinton, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region: Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before June 17, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public-use instrument approach procedure is being developed for the Clinton Memorial Airport, Clinton, Missouri. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Clinton, Missouri.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

CLINTON, MISSOURI

That airspace extending upward from 700 feet above the surface, within five miles of the Clinton, Missouri NDB (latitude 38°-21'32" N., longitude 93°41'04" W.); and within three miles either side of the 054° bearing from the NDB extending from the five-mile radius to eight miles northeast of the MHW.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on April 9, 1974.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.74-11353 Filed 5-16-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-WE-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Administration that would alter the description of the Montague, California transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261. All communications received on or before June 17, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

A new VOR, owned and operated by the County of Siskiyou, California, will be installed on the Montague Airport. The VOR will be commissioned on or about June 15, 1974, and a public instrument approach procedure has been developed utilizing the VOR.

The approach procedure has been established with the Siskiyou VOR 192° T (173° M) radial for the procedure turn and as the final approach course. The procedure turn will be authorized within 10 miles of the INT of Fort Jones 026° M and Siskiyou 173° M radials. A transition route will also be incorporated via Fort Jones 050° M radial to intercept the Siskiyou VOR 173° M radial. The additional 1,200 foot transition area is required to provide controlled airspace protection for a portion of the procedure turn area.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the description of the Montague, Calif. transition area is amended by adding: "Within 10 miles E and 7 miles W of the Siskiyou VOR (latitude 41°47'10" N., longitude 122°27'50" W.) 192° radial extending from 18 to 26 miles S of the VOR."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on May 8, 1974.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

[FR Doc.74-11354 Filed 5-16-74;8:46 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-10; Notice 3]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake System Effective Date for Trailers

This notice proposes the amendment of Standard No. 121, *Air brake systems,*

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49 CFR 571.121, to delay the effective date of the standard as it applies to all trailers until January 1, 1975, and to delay the effective date for a category of specialized trailers whose configuration makes compliance with the standard particularly difficult until September 1, 1976. This notice is issued concurrently with an amendment of Standard 121 which affects all air-brake-equipped vehicles other than trailers.

A notice of proposed rulemaking affecting powered vehicles was published March 1, 1974 (39 FR 7966). It was intended to resolve problems of component availability and reliability by delay of the effective date of the standard for 4 months. Trailer manufacturers had not petitioned at that time for similar relief, but they generally responded to the proposal with petitions for a 4-month or greater delay because of severe shortages in the industry. Fruehauf requested at least a 3-month delay. Great Dane expressed concern about supplies but did not request a delay in the effective date. Wagner Electric indicated its readiness to supply components for the present effective date. American Railroad Truck Line Association petitioned for total exemption of the trailers it operates from the standard.

The NHTSA has determined that the major suppliers of trailer axles may be able to provide the new components shortly before the September 1, 1974, effective date, but that insufficient time would remain for manufacturers to bring the new components into production. Shortages of some materials unrelated to the safety standards compounded the difficulty of an organized transition to 121-type vehicles.

Nabors Trailers suggested that only a percentage of trailer production be required to meet the standard at first. Timpte proposed that trailers on order at the time of the effective date be excluded from the requirements. Both of these proposals are prohibited by § 108 (a)(1) of the National Traffic and Motor Vehicle Safety Act of 1966 which states:

"No person shall—(1) manufacture for sale • • • any motor vehicle • • • manufactured on or after the date any applicable Federal motor vehicle safety standard takes effect under this title unless it is in conformity with such standard • • •."

Many manufacturers have inquired whether a trailer which is substantially complete before the effective date but lacks one or more parts due to parts shortages can be certified as conforming although it is equipped with a pre-121 brake system. By analogy with the rules allowing manufacturers to limit "readily attachable" items to be added later in the chain of distribution (Import regulations section 12.80, Parts 567, 568), the NHTSA will accept a good-faith determination that a vehicle is substantially completed, where only a few parts subject to shortages are missing.

The NHTSA has delayed the applicability of Standard 121 as it applies to "special permit" vehicles (at least 108 inches wide or equipped with a 24,000 pound axle) because of the particular problems which result from their specialized configuration and low production volumes. These problems have received a lower priority than those of standard highway vehicles in the engineering and production schedules of suppliers. Specialized trailer manufacturers and the Truck Trailer Manufacturers Association (TTMA) objected that the NHTSA description of "special permit" vehicles was too narrow to include the majority of specialized trailers whose configuration makes compliance even more difficult than is the case for trucks. Typically these trailers require smaller than normal wheels, tailored axle configurations, and adjustable chassis plumbing to serve their purpose as special cargo haulers. The small brakes and convoluted brake lines cannot meet all the requirements of the standard at this time. As justification for postponing the applicability of the standard to these trailers, the TTMA cites an impressive safety record for their operation in a loaded and unloaded condition. When loaded, the trailers are generally restricted to 20 mi/h by their tires. The trailers in question comprise less than 3 percent of annual trailer production.

A new definition would be added to the standard to distinguish this specialized class from standard trailers. The significant characteristics of the class are small wheel size and complicated chassis plumbing which makes compliance with brake power and brake actuation and release times more difficult. These characteristics are found on trailers with a particularly low bed, or with a frame which extends or separates to accommodate loading of special cargo, and "Heavy hauler trailer" would therefore be defined in these terms.

Specialized trailer manufacturers requested additional relief with regard to brake actuation and release times, dynamometer testing, and test speed in the loaded condition. The NHTSA concludes that it needs more information concerning the ability of specialized trailers to meet the standard before further changes are made in this area. At this time the NHTSA proposes a delay of 4 months in the effective date for all trailers, and a delay of 2 years for the "Heavy hauler trailer" category.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

1. S3 would be amended to read:

S3. *Application.* This standard applies to trucks, buses, and trailers equipped with air brake systems. However, it does not apply to a fire fighting vehicle manufactured before September 1, 1975, or a heavy hauler trailer manufactured before September 1, 1976, or to any vehicle manufactured before September 1, 1976, that has an overall width of 108 inches or more or that has a gross axle weight rating for any axle of 24,000 pounds or more.

2. A new definition would be added to S4. to read:

"Heavy hauler trailer" means a trailer with one or more of the following characteristics:

(1) Its brake lines are designed to adapt to separation or extension of the vehicle frame; or

(2) Its body consists of a platform whose primary cargo-carrying surface is not more than 40 inches above the ground in an unloaded condition.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date. June 17, 1974.

Proposed effective date. It is proposed that the effective date of Standard 121 for trailers be January 1, 1975.

(Secs. 103, 109, Pub. L. 89-563, 80 Stat. 718. 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 14, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-11404 Filed 5-14-74;2:01 pm]

CIVIL AERONAUTICS BOARD

[14 CFR Part 378]

[Special Regs. Docket No. 26712; SPDR-36]

INCLUSIVE TOUR CHARTERS

ITC Services, Advertising and Marketing Controls

MAY 14, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 378 of its Special regulations (14 CFR Part 378) to provide some additional controls over the advertising and marketing of ITC services. The principal features of the proposed rule are set forth in the attached Explanatory Statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 101(3), 204(2), 401 and 402 of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 743, 754 and 757; 49 U.S.C. 1301, 1324, 1371 and 1372).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 1, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

Dated: May 14, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Part 378 of the Board's Special Regulations establishes the terms and conditions which govern the operation of inclusive tour charters in interstate, overseas, and foreign air transportation by tour operators. This type of special charter had traditionally been performable only by U.S. supplemental carriers and foreign charter carriers. When the Board proposed in 1973 to extend to U.S. and foreign route carriers the authority to carry this type of charter,[1] the American Society of Travel Agents, Inc. (ASTA), the United States Tour Operators Association, and a number of individual tour operators urged the Board to adopt restrictions and requirements which would insure the independence of inclusive tour operators from direct air carriers. The tour operators feared that in the absence of such restrictions the route carriers would be provided with economic leverage to control the itinerary, price, content and all other important components of the ITC programs.

In adopting its final rules in that proceeding, the Board declined to pass on the tour operators request, but stated, "we do recognize that there may be merit in the request for rules designed to assure the independence of tour operators from direct air carriers, and therefore we intend to analyze the problems raised by the tour operators in order to determine whether to institute a rule making proceeding in this area."[2]

Subsequently, a petition for a rule making proceeding to amend Part 378 was filed by the United States Tour Operators Association and U.S. Independent Tour Operators.[3] The petitioners requested that the restrictions which the Board had mentioned as possibly having merit be adopted.[4] These provisions would:

(1) Prohibit the direct air carrier from furnishing, participating in or subsidizing the advertising or promotion of ITC programs;

(2) Require explicity that ITC's must be arranged and sold solely by tour operators acting as independent principals and not as agents for direct air carriers;

(3) Require to be filed with the Board all contracts or agreements between the direct air carrier and the tour operator with respect to financial transactions affecting a tour program made prior to or following a particular ITC flight;

(4) Prohibit direct air carriers from making available any of their employees and facilities in connection with the promotion and sale of ITC programs; and

(5) Prohibit the use of promotional materials which list the name of the carrier more prominently than that of the tour operator or which are so structured as to give the impression that the tour is being offered by the carrier instead of the tour operator.

In an answer filed by Certain Trunkline Carriers,[5] it was argued that the Board should deny the petition, because the direct air carriers should be allowed to contribute their expertise to the marketing and promotion of ITCs. For example, they contend that direct air carriers should be allowed to provide tour operators with photographs and textual material which the tour operators may use in their advertising, and sales tools and personnel to aid in the promotion of the tours. Further, since they have far greater identity than tour operators, the carriers believe that it should be permissible to have their names displayed more prominently in advertisements. Furthermore, the trunkline carriers believe that the tour operators' proposal that all contracts and agreements between the direct air carrier and tour operator with respect to financial transactions be filed with the Board would burden the carriers as well as the Board and would be unnecessary because charter contracts must be preserved and are open to Board inspection at any time. In sum, these direct air carriers seek rejection of the rule making to restrict their relations with tour operators in order not to "unduly hamper development of the ITC mode" and because "carriers must be allowed to pass judgment on the quality of ITC programs which involve their good names."

The Board tentatively finds that proposals (1), (4), and (5), as described above, should be adopted and reflected in two new provisions of Part 378 as set forth below.[6] The first new provision would prohibit the tour operator from using advertising or promotional materials in furtherance of one or more ITC's which display the direct air carrier's name and role in larger type or more prominently than the name of the tour operator or otherwise creates the impression that the tour or tour program is being offered by the direct air carrier rather than the tour operator. The second new provision would prohibit direct air carriers performing ITC's from furnishing money, labor, services or any other thing of value to a tour operator for the purpose of advertising or promoting inclusive tours or otherwise participating in the advertising or promotion of particular inclusive tour programs.[7] It is our tentative conclusion that these provisions would provide an appropriate degree of separation between tour operators and direct air carriers to maximize the desired development of inclusive tours.[8]

The Board also finds that proposals (2) and (3), as described above, should be rejected. Proposal (2), which requires that ITC's be arranged and sold solely by tour operators acting as independent principals and not as agents for direct air carriers, has already been adopted in § 378.2(b)(6).[9] Proposal (3), which requires that all contracts and agreements between the direct air carrier and the tour operator with respect to financial transactions affecting a tour program made prior to or following a particular ITC flight be filed with the Board, is unnecessary. Section 412 of the Federal Aviation Act already requires that air carriers file with the Board contracts and agreements between themselves affecting air transportation, and section 378.13 presently requires that charter contracts for inclusive tours be filed with the Board as part of the tour prospectus.

The provisions herein proposed would expressly apply to "foreign tour operators." However, by adding these provisions to § 387.12, we would assure that their application to foreign tour operators is limited to those defined in subparagraph (ii) of § 378.2(d-1), i.e., those holding section 402 permits to form U.S.-originating inclusive tour groups.

It is proposed to amend Part 378 of the Board's Special Regulations (14 CFR Part 378) as follows:

Amend § 378.12 by redesignating the present text of the section as paragraph (a) and adding two new paragraphs, the amended section to read as follows:

§ 378.12 Methods of competition.

(a) No tour operator or foreign tour operator shall engage in unfair or decep-

[1] EDR-240/SPDR-31, January 9, 1973, 38 FR 1396.

[2] Regulation ER-806, July 17, 1973, p. 15. The Board also rejected outright certain "unduly restrictive" conditions proposed for ITC operators. Id., Note 20.

[3] Docket 25808.

[4] ER-806, p. 14, Note 19.

[5] American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

[6] To the extent not granted herein, the petition for rule making in Docket No. 25808 is denied.

[7] Direct air carriers would be permitted to advertise their availability to provide ITC's to the trade rather than the public.

[8] We do not accept the view of Certain Trunkline Carriers that rejection of these conditions is necessary to the proper development of ITC's or that direct air carriers must "pass judgment on the quality of ITC programs which involve their good names." It is our tentative view that the direct air carriers' power to protect their reputations could be adequately preserved by their continued right to decide that they do or do not wish to enter into a charter contract with a particular tour operator.

[9] SPR-70, July 17, 1973 and ER-806, July 17, 1973.

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tive practices or unfair methods of competition in air transportation or the sale thereof. Advertising by tour operators or foreign tour operators of tour prices shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

(b) No tour operator or foreign tour operator shall, either directly or indirectly, use advertising or other promotional materials in furtherance of an inclusive tour or program of such tours which sets forth the name and role of the direct air carrier in larger type or more prominently than that of the tour operator or foreign tour operator, or which otherwise creates the impression that the tour or tour program is being offered by the direct air carrier rather than the tour operator or foreign tour operator.

(c) The direct air carrier performing the air transportation pursuant to an inclusive tour charter shall not directly or indirectly furnish money, labor, services or any other thing of value to a tour operator or foreign tour operator for the purpose of advertising or promoting inclusive tours, or otherwise participate in the advertising or promotion of identifiable tour programs: *Provided, however,* That it may advertise the availability and nature of its inclusive tour charter services institutionally in advertisements directed to tour operators and foreign tour operators, rather than the public.

[FR Doc.74-11414 Filed 5-16-74;8:45 am]

[14 CFR Part 399]

[Docket No. 26658; PSDR-39]

DECEPTIVE PRACTICES IN ADVERTISING GROUP INCLUSIVE TOURS

Proposed Policy Statement

Correction

In FR Doc. 74-10083 appearing on page 15309 of the issue for Thursday, May 2, 1974, the Docket Number and PSDR designation in brackets should read as set forth above.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

STATE OF WASHINGTON

Proposed Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, the State of Washington plan for implementation of the national ambient air quality standards.

In March 1974, the Washington State Department of Ecology submitted revisions to the Administrator on their implementation plan in the form of compliance schedules for the following companies:

Source:	*Location*
Boise Cascade Corp.	Yakima.
Inland Empire Pea Growers	Spokane.
Long Lake Lumber	Spokane.
Mutual Materials	Tacoma.
Weyerhaeuser	Raymond.

The Administrator is required by section 110 of the Act to approve or disapprove any revision of an implementation plan submitted by a State. Therefore, public comment is invited on whether the Administrator should approve or disapprove the compliance schedules names above as revisions to the State plan.

Copies of the proposed revisions are available for public inspection during normal business hours at the Office of EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; the Department of Ecology, St. Martin's College, Olympia, Washington 98504; Yakima County Clean Air Authority, Room 201, Yakima County Courthouse, Yakima, Washington 98901; Southwest Air Pollution Control Authority, 7601-H N.E. Hazel Dell Avenue, Vancouver, Washington 98665; Spokane County Air Pollution Control Authority, N. 811 Jefferson, Spokane, Washington 98201; and at the Freedom of Information Center, EPA, Room 232, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: J. Akins. Relevant comments received on or before June 17, 1974, will be considered and will be available during normal working hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c-5(a)).

Dated: May 13, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-11480 Filed 5-16-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 87]

[Docket No. 20041, FCC 74-479; RM No. 2298]

NATURAL RESOURCE USES

Designation of Discrete Frequency

In the matter of amendment of Parts 2 and 87 of the Commission's rules to designate a discrete frequency for natural resources uses.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. We have been requested by the International Association of Natural Resource Pilots, and the National Association of State Foresters to designate an "aeronautical frequency for discrete use by Federal and State natural resource agencies and others." These associations state that the requested frequency would be used as an air-to-air and air-to-ground frequency for coordinating programs including forestry management and fire suppression, fish and game management and protection, environmental monitoring and protection, and other related programs. They further state that existing frequencies available for these purposes are also heavily used for other purposes and the resulting confusion adversely affects the efficiency and safety of natural resource operations.

3. Following our public notice of this request for a rule change, we received comments favoring the change from: Joe Marbach, Chief Pilot of the South Dakota Department of Game, Fish and Parks; Walter R. Reeve, Chief Pilot of the State of Illinois Department of Conservation; Lynn A. Greenwalt, Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, and Erwin L. Boeker, Wildlife Biologist and Pilot of that Bureau; Robert E. Walker, President, Forestry, Conservation Communications Association; L. P. Voigt, Secretary, and K. L. Beghin, Chief, Aeronautics Section, State of Wisconsin, Department of Natural Resources; Francis N. Satterlee, Information Office/Pilot, Commission of Game and Inland Fisheries, Commonwealth of Virginia; and J. E. Schroeder, State Forester, Department of Forestry, State of Oregon.

4. We believe this request is reasonable and necessary and should be granted and we propose that the aeronautical frequency 122.925 MHz be designated in our rules, as shown in the attached Appendix, as a discrete natural resources aeronautical frequency. This frequency is available as a result of our recent 25 kHz "channel splitting" rule changes and is now assigned only for air traffic control operations. Additionally, this rule making has been coordinated and received no objections from the IRAC.

5. The proposed amendments to the rules are issued pursuant to authority contained in sections 4(i) and 303 (b), (c), (g) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 21, 1974, and reply comments on or before July 1, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: May 8, 1974.

Released: May 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

[1] Commissioner Quello not participating.

Parts 2 and 87 of Chapter I of 47 CFR are amended as follows:

1. In § 2.106 Table of Frequency Allocations a new footnote indicator (US 213) is added in column 5 for the frequency band 121.9625–123.0875 MHz, and a new US footnote (US 213) is added at the end of the US footnotes as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

UNITED STATES

Band (MHz)	5
...	...
121.9625-123.0875 (US29) (US30) (US31) (US80) (US85) (US102) (US213)	
...	...

U.S. FOOTNOTES

* * * * *

US213 The frequency 122.925 MHz is for the use by Federal or State natural resource agencies, for communications with or between aircraft when coordinating natural resources programs including forestry management and fire suppression, fish and game management and protection, environmental monitoring and protection, and other related programs.

* * * * *

2. In § 87.201(b) the frequency 122.925 MHz is deleted, the existing paragraphs (e) and (f) are relettered (f) and (g) respectively, and a new paragraph (e) is added as follows:

§ 87.201 Frequencies available.

* * * * *

(e) 122.925 MHz, 6A3 emission: For discrete use for communicating with other aircraft or land stations of Federal or State natural resources agencies, when coordinating programs including forestry management and fire suppression, fish and game management and protection, environmental monitoring and protection, and other related programs.

* * * * *

3. In § 87.271 a new paragraph (c) is added as follows:

§ 87.271 Frequencies available.

(c) 122.925 MHz: This frequency is available for assignment for discrete use to communicate with aircraft of Federal or State natural resources agencies, when coordinating programs including forestry management and fire suppression, fish and game management and protection, environmental monitoring and protection, and other related programs.

[FR Doc.74-11399 Filed 5-16-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 34]

[Docket No. RM74-25]

ISSUANCE OF SECURITIES

Commission Ordering Procedures

MAY 10, 1974.

Notice is hereby given pursuant to 5 U.S.C. 553 and section 309 of the Federal Power Act (49 Stat. 858, 16 U.S.C. 825h), that the Commission is proposing to amend § 34.9, Part 34 of the Regulations of the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations.

The proposed revisions of § 34.9 of the Commission's Regulations under the Federal Power Act would revise the Commission's current ordering procedures in the issuance of securities by eliminating the provision that securities should not be issued by the applicant until a second Commission order could be issued approving the acceptance of the terms of sale pursuant to competitive bidding. The elimination of the Commission's further order shall be conditioned upon an applicant receiving at least two independent proposals for the purchase of underwriting of the securities and the applicant accepting the bid resulting in the lowest annual cost of money.

The Commission has reviewed its current procedure of requiring two separate orders for the issuance of securities and believes the second order to be unnecessary for the protection of the public interest in cases where competitive bidding is involved by two or more independent bidders or underwriters, and the company accepts the bid resulting in the lowest cost.

To affect this change it is proposed to amend § 34.9 of the Commission's Regulations under the Federal Power Act by identifying the section as it now stands as paragraph (a) and revising the last sentence of that paragraph, and by adding two additional paragraphs numbered (b) and (c). In its entirely the proposed revisions of § 34.9 shall read:

§ 34.9 Commission action.

(a) An application for approval under this part will ordinary require a minimum of 30 days after it is filed to allow for public notice, investigation, opportunity for hearing, consideration by the Commission, and issuance of the first order referred to hereinafter. To facilitate the completion of registration statements filed with the Securities and Exchange Commission pursuant to the requirements of section 7 of the Securities Act of 1933 and sections 12 and 13 of the Securities and Exchange Act of 1934, so that public invitation for proposals for purchase or underwriting of the securities may be made, conformably to the provisions of those acts, this Commission will, where appropriate, authorize proposed issuance of securities and assumptions of obligation or liability, prior to the filing of the data referred to in §§ 34.1a(c) and 34.2(k) (3) and (4) subject to a provision that the securities shall not be issued, or the obligation or liability assumed, by the applicant, until such amendment shall have been filed and a further order shall have been entered thereon. The Commission will endeavor wherever possible to enter such further order upon receipt of telephone advice and confirmation thereof by telegram from the applicant setting forth the substance of the data specified in § 34.2(k) (3) and (4) and stating that the amendment furnishing such data has actually been mailed to the Commission. This two-order procedure will not obtain with respect to security issues exempted by § 34.1a(a) from competitive bidding requirements, except upon request, or if an application is filed pursuant to the requirements of paragraphs (b) and (c) of this section.

(b) If, pursuant to a public invitation, at least two independent proposals for the purchase or underwriting the securities are received, the applicant may without further order of or filing with the Commission, issue or sell the securities in accordance with the terms and conditions contained in the application, to the bidder or bidders offering to the company the lowest annual cost of money, or in the case of common stock, the lowest underwriting fee paid by the company. In any other event, the securities shall not be issued, or the obligation or liability assumed, by the applicant, until the procedure as set forth in paragraph (a) of this section, shall have been complied with.

(c) Within 10 days after the consummation of any transaction pursuant to the provisions of paragraph (b) of this section, the applicant shall certify to the Commission that such transaction has been carried out in accordance with terms and conditions of and for the purposes represented by the applicant in his filing and of any order of the Commission with respect thereto. The applicant shall include as part of the certificate filed, the names of the purchasers or underwriters, the terms of the several proposals received, the names of the persons submitting the proposals. Unless requested by the Commission to complete the record as to any other matter as to which jurisdiction has been specifically preserved, no further filing with respect to the issuance or sale of the securities shall be required.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 24, 1974, views, comments or sug-

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gestions in writing concerning the proposed revised regulations. Written submittal will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission.

Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the Staff of the Federal Power Commission to discuss the proposed revisions of the Regulations. The Staff, in its discretion, may grant or deny requests for conference. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11345 Filed 5-16-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on May 31, 1974, from 9:30 a.m. to 4:30 p.m., in Room 5951, New State Building, 21st and Virginia Avenue NW., Washington, D.C.

The purpose of the meeting will be to discuss A.I.D. Guidelines and other follow-up actions resulting from the Development Assistance Policy Conference, the status of planning for a food and nutrition workshop and an approach with the Office of Public Affairs to support dissemination of the Advisory Committee Report—"The Role of Voluntary Agencies in International Assistance—A Look to the Future;" and to take up any other business related to foreign assistance activities of private and voluntary organizations.

These sessions will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee, and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Dr. Jarold A. Kieffer will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert R. Johnson, Telephone: AC 202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance.

Dated: May 14, 1974.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.74-11432 Filed 5-16-74;8:45 am]

HOUSING GUARANTY PROGRAM FOR CENTRAL AMERICAN BANK FOR ECONOMIC INTEGRATION

Information for Investors

The Agency for International Development (AID) has advised the Central American Bank for Economic Integration (the "Borrower") that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $23 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Proceeds of the loan will be used in the financing of housing in Central America.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Rafael Chavarria P., Chief, Housing Finance Department, Central American Bank for Economic Integration, Apartado Postal No. 772, Tegucigalpa, D.C., Honduras, C.A.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens, and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than 30 years from the first disbursement of the principal amount thereof and the interest rate must be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300, SA-2, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negoitate the terms of the proposed loan.

PETER M. KIMM,
Director, Office of Housing, Agency for International Development.

MAY 10, 1974.

[FR Doc.74-11408 Filed 5-16-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-156]

CONVERTIBLE GAME TABLES

Restriction on Importation

MAY 16, 1974.

There is hereby published for direction and guidance of Customs officers and others concerned the following direction from the President, issued to the Secretary of the Treasury on May 2, 1974, directing the Secretary to forbid the entry into the United States of convertible game tables and table tops therefor made in accordance with the registered patent claim:

THE WHITE HOUSE
WASHINGTON

MAY 2, 1974.

DEAR MR. SECRETARY:

In its complaint ATI Recreation, Inc. (now All-Tech Industries, Inc.), of Miami Lakes, Florida, requested relief under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. Sec. 1337), from alleged unfair acts and unfair methods of competition in the importation and domestic sale of convertible game tables which, among other allegations, are said to be made in accordance with the claim(s) of U.S. Patent No. 3,711,099 (Tariff Commission Investigation 337-34).

Upon the facts submitted to me by the United States Tariff Commission (T.C. Publication 652), I believe that the products are offered or sought to be offered for entry into the United States in violation of section 337.

Accordingly, by authority of subsection (f) of section 337, pending further advice from this office, I direct that you forbid the entry into the United States of convertible game tables (whether imported assembled or not assembled) made in accordance with the claim(s) of U.S. Patent No. 3,711,099, or the table top(s) therefor, except where (1) the importation is made under bond, or (2) the importation is made under license of the registered owner of said patent, or (3) in the case of the table top(s), either table top (if imported separately) is for sale or for use other than the combination purposes covered by the patent and the importer so certifies.

Sincerely,

RICHARD NIXON.

The Honorable George P. Shultz
Secretary of the Treasury
Washington, D. C. 20220

The restricted articles are those convertible game tables made in accordance with the claims of U.S. Patent No. 3,711,099, and table tops therefor, fully described on pages A-81 through A-83 of the report of the United States Tariff Commission (TC Publication 652, Wash-

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ington, D.C., March 1974). The restricted articles are generally described as follows:

Novel table assembly which includes, in combination, a single table having a plurality of tops thereby to permit the utilization of the table as a normal flat top type table as well as a game table, having at least two different game playing surfaces.

A combination flat top, game table and bumper pool game table assembly.

These articles are generally classified under item 734.40, TSUS.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-11532 Filed 5-16-74;10:54 am]

[T.D. 74-150]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-124 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Portugal escudo:

April 30, 1974	$0.0434
May 1, 1974	[1] .0403
May 2, 1974	.0425
May 3, 1974	[1] .0403

[1] Use quarterly rate shown. Rate did not vary.

[SEAL] R. N. MARRA,
Director,
Duty Assessment Division.

[FR Doc.74-11416 Filed 5-16-74;8:45 am]

Office of the Secretary

LOCK-IN AMPLIFIERS FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

MAY 15, 1974.

On April 17, 1974, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that lock-in amplifiers from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.74-11522 Filed 5-16-74;8:45 am]

PAPERMAKING MACHINERY AND PARTS THEREOF FROM CANADA

Antidumping; Notice of Tentative Negative Determination

MAY 14, 1974.

Information was received on March 5, 1973, that papermaking machinery and parts thereof from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of August 24, 1973, on page 22805.

For the purpose of this notice, the term "papermaking machinery and parts thereof" means an entire papermaking machine and the constituent components of a papermaking machine from and including the headbox to and including the reels. It refers to papermaking machinery and parts thereof purchased or agreed to be purchased as an entire papermaking machine.

I hereby make a tentative determination that papermaking machinery and parts thereof from Canada are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Analysis of information from all sources revealed that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of an ex-factory contract price with a deduction for included United States duty.

Home market price was calculated on the basis of the ex-factory contract price. Appropriate adjustments to this price were made for differences in the merchandise compared, differences in packing costs, and a government grant.

Using the above criteria, purchase price was found to be higher than the home market price of such or similar merchandise.

In accordance with §§ 153.33(a) and 153.37, Customs regulations (19 CFR 153.33(a), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office not later than May 27, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before June 17, 1974.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs regulations (19 CFR 153.33).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.74-11521 Filed 5-16-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meeting

MAY 13, 1974.

The USAF Scientific Advisory Board ad hoc Committee on Electro-Optics Technology will hold a closed meeting on June 12 and 13, 1974, from 9 a.m. until 5 p.m., at Wright-Patterson Air Force Base, Ohio.

This meeting will consist of classified briefings on Air Force research and development programs exploiting electro-optics.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-11363 Filed 5-16-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 20071, Utah 25022]

LA SAL PIPE LINE CO.

Notice of Pipeline Application

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), La Sal Pipe Line Company, Inc., ARCO Building, Independence, Kansas 67301, has applied for a right of way for a sixteen-inch petroleum pipeline and other related facilities in the following townships:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 S., Rs. 96, 97, 98, 99, and 100 W.
T. 5 S., Rs. 95, 96, 97, 98, 100 and 101 W.
T. 6 S., Rs. 101 and 102 W.
T. 7 S., R. 102 W.
T. 8 S., Rs. 102 and 103 W.
T. 9 S., Rs. 103 and 104 W.

SALT LAKE MERIDIAN, UTAH

T. 18 S., Rs. 25 and 26 E.
T. 19 S., Rs. 24 and 25 E.
T. 20 S., R. 24 E.
T. 21 S., Rs. 22, 23, and 24 E.
T. 22 S., Rs. 19, 20, 21, and 22 E.
T. 23 S., Rs. 19 and 20 E.
T. 24 S., R. 20 E.
T. 25 S., Rs. 20 and 21 E.
T. 26 S., Rs. 21 and 22 E.
T. 27 S., Rs. 22 and 23 E.
T. 28 S., Rs. 22 and 23 E.
T. 29 S., R. 23 E.
T. 29½ S., R. 23 E.
T. 30 S., Rs. 23 and 24 E.

The pipeline will convey petroleum (including synthetic liquid recovered from oil shale as well as oil and gas liquid) from a point near Parachute Creek in Garfield County, Colorado, to the Pure Transportation Company's Lisbon Station in San Juan County, Utah.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of an Environmental Statement pursuant to the National Environmental Policy Act of 1969 and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within 30 days from the date of this notice.

EVERETT K. WEEDIN,
Chief,
Branch of Land Operations.

[FR Doc.74-11364 Filed 5-16-74;8:45 am]

Fish and Wildlife Service

SEA WORLD, INC.

Issuance of Permit for Marine Mammals

On March 21, 1974, a notice was published in the FEDERAL REGISTER (39 FR 10635) that an application had been filed with the Bureau of Sport Fisheries and Wildlife by Sea World, Inc., 1720 South Shores Road, San Diego, California, 92109, for a permit to take eight (8) Pacific walrus in and around the offshore waters including the ice flows and/or other locations as they may inhabit around St. Lawrence Island or Little Diomede Island, or possibly from the offshore mainland of the State of Alaska.

Notice is hereby given that on May 7, 1974, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Bureau of Sport Fisheries and Wildlife issued a permit to Sea World, Inc., subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K St. NW., Washington, D.C., and at the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon, 97208.

Dated: May 17, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

MAY 14, 1974.

[FR Doc.74-11435 Filed 5-16-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

Notice of Public Meeting

A meeting of the NIECC will be held from 10 a.m. to 12 noon on Wednesday, May 29, 1974, in Room 4830, Main Commerce Building, 14th & E Streets, NW., Washington, D.C.

The Council will report and advise the Secretary of Commerce on programs and problems relating to energy conservation within the industrial and commercial sectors; provide a forum for the exchange of views on conservation between government and the industrial-commercial sectors; advise on policies, plans, and actions of government agencies involving energy use and conservation. The Council may identify and evaluate current and potential energy conservation plans within industry.

The agenda will include statements by Secretary Frederick Dent and FEO Administrator John Sawhill. The agenda will also include reports and discussion by Committee members in Technology, Product Efficiency, Public Awareness, and Motivation areas.

The public will be permitted to attend and a limited number of seats will be available to the public.

Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Council may do so before or after the meeting.

Persons who wish to attend the meeting should contact Dr. David Foege at Office of Energy Programs, Room 2203, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230—(202) 967-3535.

DAVID J. FOEGE,
Assistant Director, National Industrial Energy Conservation Council.

[FR Doc.74-11428 Filed 5-16-74;8:45 am]

Maritime Administration

[Docket No. S-416]

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., has applied for authority to make up to eight subsidized breakbulk liner sailings annually "on Trade Routes 6, 11 and 21 between U.S. North Atlantic ports, U.S. South Atlantic ports and U.S. Gulf ports and Scandinavian and Baltic countries, Denmark, Poland, and ports in the U.S.S.R. including those in Lithuania, Latvia and Estonia."

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on May 30, 1974 notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that the petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Subsidy Board, Maritime Administration.

Dated: May 15, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-11494 Filed 5-16-74;8:45 am]

[Docket No. S-415]

FARRELL LINES INC.

Notice of Application

Notice is hereby given that Farrell Lines Incorporated has applied for authorization to operate an additional C-4 type cargo vessel on its subsidized services on Trade Routes Nos. 14 and 15-A from U.S. Atlantic ports to West African and South and East African ports. The applicant is not requesting any increase in the maximum number of sailings pres-

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ently permitted under its Operating-Differential Subsidy Agreement.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on May 30, 1974 notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By order of the Maritime Subsidy Board, Maritime Administration.

Dated: May 15, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-11495 Filed 5-16-74;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE AND MARINE FISHERIES ADVISORY COMMITTEE SUBCOMMITTEE ON THE NATIONAL FISHERIES PLAN

Notice of Public Meeting; Correction

Notice is hereby given of correction of the Notice of Public Meeting, offered purusant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I (Supp. II, 1972), which appeared in the FEDERAL REGISTER at page 15194, on May 1, 1974. The Marine Fisheries Advisory Committee Subcommittee on the National Fisheries Plan will meet at 2 p.m. on Monday, May 20, 1974, at the Department of Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C., in Room 6802. The joint National Advisory Committee on the Oceans and Atmosphere-Marine Fisheries Advisory Committee Subcommittee on the National Fisheries Plan will not meet. The previously announced items of discussion remain unchanged.

Dated: May 10, 1974.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.74-11355 Filed 5-16-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

ARTHRITIS AD HOC REVIEW COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following Committee scheduled to assemble during the month of May 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Arthritis Ad Hoc Review Committee.	May 23-25, 9 a.m., Parklawn Bldg., Conference Room M, 5600 Fishers Lane, Rockville, Md.	Open May 23, 9-10 a.m., Closed remainder of meeting. Contact Matthew Spear, Parklawn Bldg., Room 15-87, 5600 Fishers Lane, Rockville, Md. Code 301-443-1916.

Purpose. The Committee shall review applications for grants for the support of a pilot arthritis program and make recommendations to the National Advisory Council on Regional Medical Programs with respect to the approval and funding of such applications.

Agenda. The Committee will discuss administrative matters and conduct other related business, and this portion of the meeting shall be open to the public. The Committee will review grant applications, and this portion of the meeting shall be closed to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463, Section 10(d).

Earlier notice of this meeting was not feasible due to the recent establishment of this Committee.

A portion of the meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members or other relevant information should contact the person listed above.

Dated: May 14, 1974.

KENNETH M. ENDICOTT,
Administrator, Health Resources Administration.

[FR Doc.74-11433 Filed 5-16-74;8:45 am]

Office of Education

STATE STUDENT INCENTIVE GRANT PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 415C of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c-2), State applications are being accepted from the 50 States, the District of Columbia and outlying areas for grants under the State Student Incentive Grant Program (Title IV, HEA, 20 U.S.C. 1070c-1070c-3).

Applications must be received by the U.S. Office of Education, State Student Incentive Grant Program on or before June 17, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows:

Dr. Richard L. McVity, Director
State Student Incentive Grant Program (SSIGP)
Bureau of Postsecondary Education, OSA
U.S. Office of Education
Regional Office Building #3, Room 4525
Washington, D.C. 20202

An application sent by mail will be considered to be received on time by the State Student Incentive Grant Program if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or, if such fifth calendar day is a Saturday, Sunday, or Federal Holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the U.S. Office of Education, State Student Incentive Grant Program, Room 4525, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will not be accepted by the State Student Incentive Grant Program after 4 p.m. Washington, D.C., time, on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the State Student Incentive Grant Program, Bureau of Postsecondary Education, Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1070c-1070c-3)

(Catalog of Federal Domestic Assistance Number 13.546; State Student Incentive Grant Program)

Dated: May 13, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-11322 Filed 5-16-74;8:45 am]

ACTION

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Council meeting:

Name. National Voluntary Service Advisory Council.
Date. June 5, 1974.
Place. ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. Room 522.
Time. 8:30 a.m.

Purpose of the meeting: To further discuss the work of each of the Council's committees and to report on any progress the committees have made since the last Council meeting in Denver, Colorado.

Meeting of the Advisory Council is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Council Executive Officer in writing at least five days prior to the meeting, of their intention to attend the June 5 meeting.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Executive Officer may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Mr. John F. Burgess, Advisory Council Executive Officer, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

JOHN F. BURGESS,
Assistant to the Director.

[FR Doc.74-11427 Filed 5-16-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON GRANT AND BENEFIT PROGRAMS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Grant and Benefit Programs of the Administrative Conference of the United States, to be held at 9:30 a.m., May 30, 1974 in the Office of the Chairman, 2120 L Street NW., Suite 500, Washington, D.C. 20037.

The Committee will meet to consider the study and report on affirmative action in faculty hiring at colleges and universities under EO11246.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact William R. Shaw, (phone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MAY 13, 1974.

[FR Doc.74-11387 Filed 5-16-74;8:45 am]

COMMITTEE ON JUDICIAL REVIEW

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 11 a.m., May 30, 1974 in the office of Covington & Burling, 888 16th Street NW., Washington, D.C.

The Committee will meet to consider a proposed study of agency control of litigation involving the agency.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Robert W. Hamilton of the Judicial Review Committee, 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MAY 13, 1974.

[FR Doc.74-11388 Filed 5-16-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Notice of Meeting

MAY 14, 1974.

In accordance with the purposes of sections 29 and 182 b of the Atomic Energy Act (42 U.S.C. 2039, 2232 b), the Advisory Committee on Reactor Safeguards' Environmental Subcommittee will hold a meeting on May 31 and June 1, 1974, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, May 31, 1974, 1:00 p.m.-5:00 p.m. Possible revisions to Draft Regulatory Guides: "Calculation of Annual Average Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Implementing Appendix I"; and "Methods for Estimating Atmospheric Dispersion of Gaseous Effluents from Routine Releases"—both of which appear in Attachment to Concluding Statement of Position of the Regulatory Staff, Public Rulemaking Hearing on: Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion "As Low as Practicable" for Radioactive Material in Light-Water-Cooled Nuclear Power Reactors, Draft Regulatory Guides for Implementation, February 20, 1974, Docket No. RM-50-2, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Environmental considerations relating to the transportation of radioactive materials, including but not limited to modes of transport, population doses, transport containers, emergency procedures and research programs.

In connection with the above agenda items, the Subcommittee and its consultants will hold an executive session at 8:30 a.m. on May 31 which will involve a discussion of their preliminary views of the agenda items, and an executive session all day on June 1, 1974, to discuss and to formulate appropriate recommendations to the full ACRS regarding: The environmental aspects of the Liquid Metal Fast Breeder Reactor Program, of plutonium recycle fuels, and of the uranium fuel cycle. The Subcommittee expects to continue, as time allows, to discuss and to formulate recommendations to the full Committee regarding Draft Regulatory Guides: "Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Pressurized Water Reactors (PWRs)"; "Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Boiling Water Reactors (BWRs)"; and "Analytical Models for Estimating Radioisotope Concentration in Different Water Bodies"—all of which appear in Attachment to Concluding Statement of Position of the Regulatory Staff, Public Rulemaking Hearing On: Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion "As Low as Practicable" for Radioactive Material in Light-Water-Cooled Nuclear Power Reactors, Draft Regulatory Guides for Implementation, February 20, 1974, Docket No. RM-50-2, U.S. Atomic Energy Commission, Washington, D.C. 20545.

The Subcommittee will discuss items for future agenda.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is

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essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than May 24, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 p.m. and 4:30 p.m. on May 31, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 29, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 30545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NW., Washington, D.C. 20002 (telephone: 202–547–6222), upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545, after August 1, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–11441 Filed 5–16–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

MAY 14, 1974.

In accordance with the purposes of section 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on June 5, 1974, in Room 1046, 1717 H Street, N.W., Washington, D.C. The purpose of this meeting will be to discuss a Regulatory Staff draft of the following proposed Regulatory Guide:

(1) Proposed Revision 1 of Regulatory Guide 1.7, "Control of Combustible Gas Concentrations in Containment Following a Loss of Coolant Accident", Draft 1.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, June 5, 1974, 9 a.m. until the conclusion of business. Discussion with representatives of the AEC Regulatory Staff regarding the proposed Regulatory Guide agenda item.

In connection with the above agenda item, the Subcommittee may hold Executive Sessions, not open to the public, at 8:30 a.m., during the meeting, and at the end of the day to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that the above-noted executive sessions will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to the public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Comments for consideration at this meeting should be postmarked no later than May 29, 1974. Such comments shall be based upon the subject matter of the proposed Regulatory Guide agenda item and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Single copies of drafts of proposed Regulatory Guides to be discussed in open session at this meeting may be obtained directly upon request to the Director of Regulatory Standards.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9 a.m. and 11 a.m. on June 5, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 3, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after August 5, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–11442 Filed 5–16–74;8:45 am]

[Docket No. 50–382]

LOUISIANA POWER AND LIGHT CO.

Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Louisiana Power and Light Company to conduct certain site activities in connection with the Waterford Steam Electric Station, Unit 3 prior to a decision regarding the issuance of a construction permit.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and include the following: erection of construction office shop, warehouse facilities and the installation of electric and telephone service; construction and installation of a railroad spur line from the Texas & Pacific track into the general future plant area. Establishing a security fence on the perimeter of the site with security lighting.

This authorization is subject to subsequent licensing action with respect to the outcome of the consideration of antitrust matters.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Louisiana Power and Light Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

An Initial Decision on safety and environmental issues by the Atomic Safety and Licensing Board in the above captioned proceeding was issued on April 30, 1974. A copy of (1) the Initial Decision; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated March 1973; and (5) the Commission's letter of authorization, dated May 14, 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the St. Charles Parish Library, Hahnville, Louisiana.

Dated at Bethesda, Maryland, this 14th day of May 1974.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.74–11443 Filed 5–16–74;8:45 am]

[Docket Nos. 50–448, 50–449]

POTOMAC ELECTRIC POWER CO.

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Douglas Point Nuclear Generating Station Units 1 and 2, to be constructed by the Potomac Electric Power Company in Charles County, Maryland, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Charles County Public Library, Garrett & Charles Streets, LaPlata, Maryland 20646. The Draft Statement is also being made available at the Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201; the Metropolitan Washington Council of Governments, 1225 Connecticut Avenue NW., Washington, D.C. 20036; and at the Virginia Division of State Planning and Community Affairs, 1010 Madison Building, Richmond, Virginia 23230. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Potomac Electric Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on August 31, 1973 (38 FR 23548).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by July 8, 1974. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Library, Garrett & Charles Streets, La-Plata, Maryland 20646. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 14th day of May 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74–11446 Filed 5–16–74;8:45 am]

[Construction Permit Nos. 81, 82]

CONSUMERS POWER CO.

Notice and Order for Prehearing Conference

In the matter of Consumers Power Company (Midland Plant, Units 1 and 2), Construction Permit Nos. 81 and 82.

Please take notice that a further prehearing conference will be held in this proceeding on May 30, 1974, at 10 a.m., Room 1743, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, Illinois.

Washington, D.C., May 14, 1974.

By order of the Atomic Safety and Licensing Board.

MICHAEL L. GLASER,
Chairman.

[FR Doc.74–14111 Filed 5–16–74;8:45 am]

[Docket Nos. 50–361, 50–362]

SOUTHERN CALIFORNIA EDISON CO. ET AL.

Notice of Oral Argument

In the matter of Southern California Edison Company, et al. (San Onofre Nuclear Generating Station, Units 2 and 3) Docket Nos. 50–361, 50–362.

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order of May 10, 1974, oral argument in this proceeding is scheduled for 9:30 a.m. on Thursday, May 30, 1974, in the courtroom of the United States Court of Appeals for the Ninth Circuit, 10th floor, United States Courthouse, 312 North Spring Street, Los Angeles, California.

For the Atomic Safety and Licensing Appeal Board.

ESTHER G. CUSATO,
Secretary to the Appeal Board.

MAY 13, 1974.

[FR Doc.74–11336 Filed 5–16–74;8:45 am]

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CIVIL AERONAUTICS BOARD

[Dockets No. 26057, 26075; Order 74-4-149]

PAN AMERICAN AIRWAYS, INC., ET AL.

Schedule Adjustments and Capacity Limitation Agreements

Correction

In FR Doc. 74-10213 appearing at page 15346 of the issue of Thursday, May 2, 1974, the following sentence should be inserted immediately before the first paragraph: "Issued under delegated authority, April 26, 1974."

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from May 6 through May 10, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (June 31, 1974.)

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250 (202) 447-3965.

FOREST SERVICE

Final

Timber Management Plan, Stanislaus N.F., several counties, California, May 6: The statement refers to the proposed Timber Management Plan for the Stanislaus National Forest. Productive forest land in Stanislaus includes 482,047 acres. Total potential yield under the plan is 1,865 M cunits (1,201 MMBF) from Standard Component lands during the ten year plan. Additional yields are available from Special (147 M cunits or 101 MMBF) and Marginal Components (416 M cunits or 268 MMBF). Adverse impact will occur to water, air, and soil quality, and to fish and wildlife habitat (99 pages). Comments made by: USDA, DOT, FPC, EPA, COE, DOI, State agencies, and concerned citizens. (ELR Order No. 40741.)

Jackpine Gulch Timber Sale, Beaverhead N.F., Madison County, Montana, May 10: Proposed is the sale of 7,933 MBF of timber from 19 cutting blocks covering 964 acres. The sale will require the construction of 11.3 miles of permanent road and 11.8 miles of temporary road. The sale will reduce the suitability of the roadless area for wilderness classification (60 pages). Comments made by: DOI, State agencies, and concerned citizens. (ELR Order No. 40768.)

Radiobiology of Northern Forests, Oneida County, Wisconsin, May 8: The statement refers to a research project which is being conducted in a 1440 acre forest, a 6.5 acre gamma radiation field, and in the laboratory of the Institute of Forest Genetics, near Rhinelander, Wisconsin. The purpose of the research is to study the effects of gamma radiation (including that resulting from nuclear disasters), upon individual species and the forest community. Direct effects of radiation will be significant on approximately 10 of the 1440 acres (88 pages). Comments made by: AEC, DOI, USDA, HUD, State and local agencies and concerned citizens. (ELR Order No. 40753.)

North Gros Ventre-Spread Creek, Bridger-Teton N.F., Teton and Fremont Counties, Wyoming, May 6: The statement refers to a proposed land use plan for the 294,000 acre North Gros Ventre-Spread Creek Planning Unit of the Bridger-Teton National Forest. The plan will allow for timber management, recreational uses, mineral development and mining, and wildlife habitat protection. Under the plan there would be road construction and development in presently roadless areas. (A total of 215,000 acres of the Unit are presently undeveloped.) Development of the land and additional consumptive uses of its resources are the major impacts of the proposal. Comments made by: EPA, State and local agencies, and concerned citizens. (ELR Order No. 40739.)

SOIL CONSERVATION SERVICE

Draft

Kahaluu Watershed Project, Honolulu County, Hawaii, May 7: Proposed is a watershed protection, flood prevention, and recreation project in Honolulu. Project measures will include land treatment, a debris basin, and a 28 acre multipurpose lagoon. In addition, the lower reaches of Waihee, Kahaluu, and Ahuimanu Streams will be enlarged and lined with concrete. The local governments will construct a recreational park at the lagoon. Adverse impact will include the loss of some aquatic habitat, and the displacement of 21 homes and 4 businesses. (40 pages). (ELR Order No. 47048.)

AGRICULTURAL STAB. AND CONSERV. SERVICE

Draft

Emergency Conservation Measures Program, May 6: The statement refers to the Emergency Conservation Measures Program, which provides cost-share assistance to farmers for carrying out conservation measures to control wind erosion, or to rehabilitate farmlands damaged by wind erosion, flood, hurricanes, or other natural disasters. Measures approved under the program include: debris removal; contouring of land; restoration structures; and similar land rehabilitation measures (40 pages). (ELR Order No. 40738.)

FOREST SERVICE

Draft

Bucks Lake, Plumas National Forest, Plumas County, California, May 8: Proposed is the implementation of a land use plan for the Bucks Lake Unit, Plumas National Forest. The 44,936 acre unit includes part of the 12,844 acre Bucks Lake inventoried roadless unit. Management will be for aesthetic value, water shed quality, roadless conditions, and timber production. There will be construction of 17 miles of road and an annual harvest of 8.9 million board feet of timber. There will be some recreational development; 7,663 acres of potential wilderness will lose that potential due to some form of development (59 pages). (ELR Order No. 40755.)

The following final environmental impact statement was incorrectly noted in the FEDERAL REGISTER of May 6, 1974 as a draft.

SOIL CONSERVATION SERVICE

Final

Poplar River Watershed, Clark and Taylor Counties, Wisconsin, May 24: The statement refers to an erosion and flood control project which will involve conservation land treatment measures, the construction of an earth-fill dam and 285 acre wildlife pool with nesting islands; a 452 acre floodwater retarding pool; recreation areas; a 1.31 mile dike around the city of Owen, and related work. A 1,620 acre park and wildlife area will be established. A total of 1,140 acres, including wetland, forest, and agricultural land, will be either permanently or temporary effected by project construction. Comments made by: COE, DOI, EPA, State agencies, and concerned citizens. (ELR Order No. 40664.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545 (301) 973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, F-722, AEC, Washington, D.C. 20545 (301) 973-7373.

Draft

Fulton Generating Station, Lancaster County, Pennsylvania, May 10: Proposed is the issuance of construction permits to the Philadelphia Electric Company for the Station. Two identical high-temperature gas-cooled reactors (HTGR's) will be employed to produce 3000 MWt each. A steam turbine generator will convert this heat to 1,120 MWe (net) for each unit. A closed-cycle, natural draft cooling tower system will be utilized, with water drawn from Conowingo Pond at a maximum rate of 43,000. The station will occupy a 360 acre site. (ELR Order No. 40770.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

Final

InterAmerican Trade and Cultural Center, Dade County, Fla., May 7: The statement refers to the proposed DOC action in funding the development and operation of a Federal Bicentennial exhibition for one year (1976) in a pavillion to be provided by the INTERAMA authority. The statement also discusses the proposed action by HUD to purchase 22 million dollars in bonds as part of the overall financing of the INTERAMA project. The request for a Corps of Engineers dredging permit and the related environmental impact of such action are also discussed. The major adverse effect will be construction disruption. (39 pages).

Comments made by: HEW, HUD, DOT, COE, GSA, State, and local agencies and concerned citizens. (ELR Order No. 40751.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Oil and Gas Development, Cook Inlet, Alaska, May 6: Proposed is the issuance of permits (under Section 10 of the River and Harbor Act of 1899) for the construction of structures in navigable waters of Cook Inlet, in order to explore for and develop oil and gas resources. The statement discusses impacts upon marine biota, water and air quality, resource use competition, economics, energy crisis, navigation, and human ecology. (Alaska District.) (311 pages.) (ELR Order No. 40754.)

San Diego Harbor, San Diego County, Calif., May 9: The project involves deepening and widening of navigation channels and turning basins in San Diego Harbor. Dredged materials will be used to create new land in San Diego Bay and placed on the ocean beach at the city of Imperial Beach and opposite the U.S. Naval Amphibious Base. Adverse effects consist of the destruction of organisms and alteration of habitats in dredged areas, destruction of 55 acres of intertidal and shallow subsital habitats of high ecological value, and turbidity in nearshore ocean waters while spoil is discharged on the ocean beach. (Los Angeles District.) (ELR Order No. 40762.)

Jacksonville Harbor (Maintenance Dredging), Florida, May 9: The statement refers to the maintenance to required depths of the navigation channel at Jacksonville Harbor by removing shoaled material from the channel. Approximately 1,250,000 cubic yards is scheduled for removal in FY-74. Adverse impacts are the destruction of some benthic organisms, temporary turbidity, loss of some existing terrestrial organisms and vegetation, and the loss of about 50 acres of marsh and about 675 acres of open water over a 20-year period. (Jacksonville District.) (22 pages.) (ELR Order No. 40763.)

Draft

St. Joseph Harbor, Shore Damage, Berrien County, Michigan, May 9: The statement refers to the attempt to mitigate shore erosion in the vicinity of St. Joseph Harbor. The plan considered most practical for this purpose entails the creation of "feeder beaches" to nourish the areas suffering shore damage with littoral materials supplied in part from the unpolluted dredgings obtained during harbor maintenance operations. Adverse impacts include temporary turbidity due to dredging, and temporary increases in noise during construction. (Detroit District) (35 pages). (ELR Order No. 40765.)

Great South Bay, Patchogue River, New York, May 6: Proposed is the maintenance dredging of the existing Federal navigation project in Great South Bay, the Patchogue River, and the Long Island Sound Intracoastal Waterway, to their authorized dimensions. There will be adverse impact to marine biota (New York District) (25 pages). (ELR Order No. 40740.)

Wilkerson Creek Bridge, Replacement (2), Hyde County, North Carolina, May 8: The project involves the replacement of an obsolete swing-span highway bridge across the Atlantic Intracoastal Waterway (AIWW) at Wilkerson Creek with a high-level, fixed-span bridge. Adverse impacts are the loss of 38 acres of woodland, and the temporary reduction of water quality in the AIWW (Wilmington District) (29 pages). (ELR Order No. 40757.)

Conneaut Harbor, Diked Disposal Site No. 2, Ashtabula County, Ohio, May 9: The statement refers to the construction and operation of a 51-acre diked disposal facility to receive polluted sediments dredged from Conneaut Harbor. The proposed structure will accommodate 100,000 cu. yds. of maintenance dredging spoils, and 15,000 cu. yds. of permit dredging spoils annually for about 10 years. Adverse impacts include the loss of 51 acres of surface water/lake bottom and 3 acres of shoreline bluff, and residents east of the disposal site may experience a slight odor during filling operations (Buffalo District). (ELR Order No. 40764.)

Southern Branch of Elizabeth River (2), Virginia, May 8: The statement refers to the construction of a channel extension and a turning basin in the Southern Branch of Elizabeth River. Approximately 400 acres of land, on which levees and spillways will be constructed, will be used for disposal of spoil. Adverse impacts are the loss of three million cu. yds. of bottom biota, water turbidity during construction, localized alteration of annual salinity distribution, shoreline erosion, and the possible introduction of chemical pollutants through accidental spoil or by collisions (Norfolk District) (62 pages). (ELR Order No. 40758.)

Kahoma Stream Flood Control Project, Maui, Hawaii, May 7: The project consists of a revetted outlet, major realignment and construction of about 5,280 lf. of concrete-lined trapezoidal section channel, reconstruction of three bridges, a diversion levee and a rock sill and debris basin at the upper limits of the project area. Adverse impacts are the use of 13 acres of agricultural land, visual degradation of the area, and disturbances normally associated with construction (Pacific Ocean Division).

Final

Contained Disposal Area, Toledo Harbor, Ohio, May 9: The proposed project is the construction of a 400 acre diked spoil disposal area. The dike will interrupt a minor amount of boat traffic; aquatic life will be adversely affected (234 pages). Comments made by: FPC, USDA, DOC, HUD, DOI, DOT, EPA, State and local agencies. (ELR Order No. 40761.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460 (202) 755-0940.

Final

Parker Water and Sanitation District, Colorado, May 6: The statement refers to the construction of sewage treatment facilities in Parker, which is twenty miles southeast of Denver. The facilities will include an interceptor sewer and an 0.25 mgd treatment facility. Expansion of the facility in 0.25 mgd increments has been planned for, with the first such expansion expected in 1976. The facility will serve an area of 2,240 acres, with a present estimated population of 1,650 persons. The project is expected to encourage more rapid growth of the area; current estimates are for a population of 33,000 in 1993. Comments made by: USDA, DOI, DOT, COE, and State agencies. (ELR Order No. 40743.)

Kerrville, Texas, Sewage Treatment Facilities, Kerr County, Texas, May 7: Proposed is the granting of funds to the City of Kerrville, for the upgrading and expansion of its existing 1.0 mgd trickling filter facility to 2.25 mgd with activated sludge treatment. Included will be new interceptor mains, and modifications to existing lift stations. Impact will include construction disruption, air pollution, and unappealing aesthetics (232 pages). Comments made by: COE, USDA, DOI, DOT, State and local agencies, and concerned citizens. (ELR Order No. 40750.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405 (202) 343-4161.

Draft

Grosse Ile South Channel Range Light Disposal, Wayne County, Michigan, May 7: Proposed is the disposal by GSA of the 20.66 acre Grosse Ile South Channel Range Light property, through public sale under sealed bid. No adverse environmental impact is anticipated (17 pages). (ELR Order No. 40752.)

Final

U.S. Customs House, Wilmington (Disposal), New Castle County, Delaware, May 6: Proposed is the disposal by negotiated sale of the U.S. Custom House Building and 0.016 acre of land, in the Town of Wilmington. The Customs House is eligible for listing on the National Register of Historic Places (85 pages). Comments made by: HUD, EPA, DOI, state and local agencies. (ELR Order No. 40735.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410 (202) 755-5980.

Draft

Mortgage Ins., Gunnison Street, Chicago, Cook County, Illinois, May 6: The statement refers to the proposed granting of HUD mortgage insurance on a $2,812,500.00, 135 multiple family apartment building in Chicago. The 17 story structure will take 0.4 acres of land. Impact of the project will include the sharp increase in residential density, as well as additional traffic. (32 pages). (ELR Order No. 40744.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF RECLAMATION

Final

Garrison Diversion Unit, Supplement, May 6: The statement provides supplemental information relating to: fish and wildlife management areas; irrigation return flows and water quality; stream channelization and wetland drainage; impacts on upland habitat; and the principal supply works. The Garrison Diversion Unit, a unit of the Pick-Sloan Missouri Basin Program, is intended to provide Missouri River water for irrigation, municipal and industrial use, and fish and wildlife developments (47 pages.) Comments made by: (ELR Order No. 40729.)

GEOLOGICAL SURVEY

Final

Santa Ynez Unit, Santa Barbara Channel California, May 7: The statement refers to proposed operations on seventeen oil and gas leases (83,037 acres) of the Santa Ynez Unit, on the Outer Continental Shelf in the Santa Barbara Channel. The leases will be issued under the provisions of Section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462) for extraction of known gas and oil deposits. Development will entail some degree of pollution risk to the marine environment, adjacent shoreline, and the site of the onshore treating and processing facility, from accidental or recurrent oil spillage. (three volumes.) Comments made by: EPA, DOC, USCG, DOI, state, and local agencies. (ELR Order No. 40747.)

NATIONAL PARK SERVICE

Final

Guilford Courthouse National Military Park, Guilford County, N.C., May 10: The statement refers to a proposed development concept plan for the park, including a one-way loop tour road around the park, a visitor site, a bicycle circulation system, and restoration measures. The development plan is intended to promote sequential interpretation of the park by increased numbers of visitors. (79 pages.) Comments made by: EPA, USDA, State, and local agencies. (ELR Order No. 40767.)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft

Proposed Charles M. Russell Wilderness Area, several counties, Mont., May 6: Proposed is the legislative designation of 176,140 acres of the Charles M. Russell National Wildlife Range as wilderness within the Na-

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tional Wilderness Preservation System. Long term effects of the action include the prevention of such developments as roads, cabin sites, fences, camp grounds, and stock ponds. (144 pages.) (ELR Order No. 40730.)

Proposed Charles Sheldon Wilderness, Humboldt and Washoe Counties, Nev., May 8: Proposed is the legislative designation of 277,200 acres of high desert habitat on the Charles Sheldon Antelope Range and the Sheldon National Antelope Refuge as wilderness. Wilderness designation would commit the area to the forces of nature, and remove some future management options. (92 pages.) (ELR Order No. 40756.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

U.S. 45, Columbus to Shannon, Mississippi, May 6: The proposed project consists of relocating U.S. 45 from U.S. 82 west of Columbus to U.S. 45 at Shannon, a distance of approximately 46 miles. Seven alternative relocation alignments are discussed in the statement. There will be displacements of families and businesses no matter what alternative is chosen. (ELR Order No. 40732.)

U.S. 80, Demopolis to Faunsdale, Marengo and Hale Counties, Ala., May 6: The statement refers to the proposed improvement of U.S. 80 from Demopolis to Faunsdale. The new 4-lane facility will be 15.3 miles in length. Adverse impacts are the acquisition of several acres of land, displacment of approximately 8 families and 2 businesses, destruction of some wildlife habitat, and increased air, water, and noise pollution. (25 pages.) (ELR Order No. 40745.)

Interstate 5, Stockton to Sacramento, Sacramento County, Calif., May 6: The project involves the construction of a 4.8 mile portion of I–5 between Stockton and Sacramento. The facility will be an initial 4-lane freeway entirely on new alignment. Adverse impacts consist of the loss of 228 acres of agricultural land, and the removal of approximately 2,200,000 cu. yds. of material from a borrow site. (70 pages.) (ELR Order No. 40742.)

Yazoo City Bypass, U.S. 49W, Yazoo County, Miss., May 8: The project consists of relocating approximately 3.8 miles of U.S. 49W from its junction with Mississippi Highway No. 3 in a southeasterly direction to a junction with Miss. Highway No. 16, Highway No. 49E, and U.S. 49. The project directly affects the town of Yazoo City in that it will provide a bypass route to the south of that city. Adverse impacts are increased air, noise, and water pollution due to construction, and the displacement of 19 families and 1, business (66 pages). (ELR Order No. 40759.)

West Side Highway Project, New York, May 8: The statement deals with the southern section of a proposed total reconstruction of the major highways on Manhattan's West Side. Five alternatives are presented: maintenance of the present serial limited access highway; reconstruction of an aerial structure along the existing right-of-way; conversion of the present structure to a surface arterial; a totally new surface, depressed, tunnel and aerial highway and transit road at the existing shoreline; and a new highway and transit facility at the end of the existing pier line. Environmental impacts vary greatly according to the alternative. A 4(f) statement on park lands is included. (ELR Order No. 40760.)

Loop 427, Williamson County, Tex., May 6: The statement refers to the extension of Loop 427 in Williamson County. The project begins at the intersection of Loop 427 and Lake Drive and terminates at the intersection of Loop 427 and U.S. 79 in the city of Taylor. The project length is 5.6 miles. Adverse impacts include increased air, and water pollution due to construction, and the displacement of approximately 8 families and 3 businesses. (58 pages.) (ELR Order No. 40746.)

U.S. 18 and U.S. 151, Dodgeville to Mt. Horeb, Iowa and Dane Counties, Wis., May 6: The statement refers to the proposed construction of a 21 mile segment of highway which will be the concurrent route for U.S. 18 and U.S. 151. The improvement will be between Dodgeville and Mt. Horeb. Adverse impacts include increased noise levels, the use of 1090 acres of land (67% of which is cropland), and the displacement of 2 families and 3 businesses. (ELR Order No. 40728.)

Draft

I–20, Dallas and Kaufman Counties, Texas, May 6: The statement refers to the construction of I–20 on new location from the intersection of U.S. 175 and I.H. 635, east to east of Farney in the cities of Balch Springs, Kleberg, Mesquite, Farney, and Terrell. The proposed project consists of a 4 to 8 lane controlled access freeway facility. Adverse impacts include the displacement of 49 families and 2 businesses, the crossing of 9 farms, and temporary increases in air, water, and noise pollution during construction (138 pages). (ELR Order No. 40736.)

Final

I–86, Vernon, Tolland and Willington, Connecticut, May 6: The statement refers to the proposed reconstruction of Interstate 86 in the towns of Vernon, Tolland and Willington. The length of the project is 16.7 miles. Adverse impacts of the project are the displacement of 7 families and 3 businesses, and increased levels of air, water and noise pollution. Comments made by: USDA, DOC, HEW, HUD, EPA, DOD, State and local agencies, and concerned citizens. (ELR Order No. 40733.)

F.A.P. 408 and F.A.P. 413, Morgan, Scott, and Pike Counties, Illinois, May 6: The statement refers to two highway projects in Florida. F.A.P. 408 is to be a 52 mile four lane, fully access controlled facility between the cities of Jacksonville and Barry in Morgan, Scott, and Pike Counties. Proposed F.A.P. 413 is a 6 mile highway being constructed as a west bypass around Jacksonville. Adverse impacts are, use of 2,600 acres of land, increased air, water and noise pollution, and the relocation of several farm residences. A 4(f) determination will be made concerning the Pike County Conservation Area. Comments made by: ----- (ELR Order No. 40731.)

I–5 (Battle Creek-Talbot Road) Marion County, Oregon, May 6: The project is the construction of a climbing lane for northbound traffic on I–5. Length is 2.7 miles. Twenty-six acres of land will be acquired for right-of-way and four families will be displaced. The project will traverse Battle Creek causing disruption of aquatic life (41 pages). Comments made by: COE, USCG, EPA, USDA, DOI, DOC, and DOT. (ELR Order No. 40734.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74–11389 Filed 5–16–74;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) to this Commission will convene at 12 Noon on May 24, 1974, at the YMCA, 11th and Washington Street, Wilmington, Delaware 19802.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, Washington, D.C. 20425.

The purpose of this meeting shall be to (1) review status of the Delaware prison report and (2) discuss plans for a proposed project on the status of women in employment.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 13, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74–11396 Filed 5–16–74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary, Office of the Assistant Secretary (Community and Field Services), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11371 Filed 5–16–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Title Change in Noncareer Executive Assignment

By notice of June 29, 1971, FR Doc. 71–9120, the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by noncareer executive assignment the position of Deputy Commissioner for Higher Education, Office of the Deputy Commissioner for Higher Education, Office of Education. This is notice that the title of this position is now being changed to Deputy Commissioner for Post Secondary Education, Office of the Deputy Commissioner for Post Secondary Education, Office of Education, Education Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11369 Filed 5–16–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Community Development Research, Office of the Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11376 Filed 5–16–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director of Trust Responsibilities, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11373 Filed 5–16–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director, Legislation, National Park Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11374 Filed 5–16–74;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Commissioner for Planning and Evaluation, Planning and Evaluation Staff, Office of Deputy Commissioner, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11368 Filed 5–16–74;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Associate Manpower Administrator for Public Service Employment, Manpower Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11377 Filed 5–16–74;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director of Job Corps, Manpower Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11370 Filed 5–16–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Legislation, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11375 Filed 5–16–74;8:45 am]

FEDERAL ENERGY OFFICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Office to fill by noncareer executive assignment in the excepted service the position of Congressional Affairs Officer, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11367 Filed 5–16–74;8:45 am]

MANPOWER SHORTAGE

Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found effective April 30, 1974, that there is a manpower shortage for the single position of Director, Bureau of Health Services Research, Health Resources Administration, Public Health Service, Office of the Assistant Secretary for Health, Office of the Secretary. The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11372 Filed 5–16–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[Consolidated FIFRA Docket No. 295, etc.]

2,4,5-TRICHLOROPHENOXYACETIC ACID

Cancellation of Hearing

Before the Administrator. In Re 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T). Consolidated FIFRA Docket No. 295 and I.F. & R. Docket Nos. 42, 44, 45, 48.

Pursuant to the Order of the Chief Judicial Officer, filed May 13, 1974, the hearing scheduled to commence May 14, 1974 (39 FR 14244, April 22, 1974) is cancelled, nunc pro tunc, all parties having been notified by telephone of the cancellation.

FREDERICK W. DENNISTON,
Administrative Law Judge.

MAY 15, 1974.

[FR Doc.74–11519 Filed 5–16–74;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 323]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MAY 1, 1974.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		680 kHz							
CHFA (correction to coordinates).	Edmonton, Alberta, N. 53°27'20", W. 113°27'53".	5	DA-1	U	II				
CKJL (correction to coordinates).	St. Jerome, Quebec, N. 45°49'01", W. 74°02'10".	1	DA-1	U	II				
		1240 kHz							
New	Bancroft, Ontario, N. 45°03'37", W. 77°50'29".	1D/0.25N	ND-175	U	IV	140 Top loaded to 75°.	120	200	E.I.O. 5-1-75.
		1380 kHz							
New	Cap Chat, Quebec, N. 49°05'20", W. 66°42'49".	1	DA-N	U	III				E.I.O. 5-1-75.
		1400 kHz							
New	Clearwater, British Columbia, N. 51°39'26", W. 120°04'54".	1D/0.25N	ND-191	U	IV	180	120	282	E.I.O. 5-1-75.
		1450 kHz							
CBG (correction to coordinates).	Gander, Newfoundland, N. 48°57'17", W. 54°36'48".	0.25	ND-150	U	IV	100	Top loaded to 69°.		

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11305 Filed 5-16-74;8:45 am]

[Canadian List 324]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MAY 8, 1974.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		1390 kHz							
CHOO (change in daytime radiation pattern—PO 1390 kHz, 10 kW, DA-1).	Ajax, Ontario, N. 43°50'09", W. 78°58'30".	10	DA-2	U	III				

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11402 Filed 5-16-74;8:45 am]

[Report 700]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 13, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21320–C2–P–74, Intrastate Radio Telephone, Inc., of Los Angeles (KMA200). C.P. to change antenna system at Location #2: Mount Wilson, California, operating on 152.15 MHz.

21321–C2–P–(2)–74, Radio Relay Corporation (KAA893). C.P. for additional facilities to be operated on 35.22 MHz at a new sites to be described as Loc. #2: Maryland Heights, St. Louis, Missouri, and Loc. #3: 7501 Watson Road, Shrewsbury, Missouri. (one-way signaling).

21322–C2–P–74, Illinois Bell Telephone Company (KTS308). C.P. for additional facilities (base) to be operated on 158.10 MHz, Deerfield Ohio: Loc. #4.

21323–C2–P–74, General Telephone Company of Illinois (New). C.P. for a new one-way station to operate on 158.10 MHz to be located at 216 South Main Street, Monmouth, Ohio.

21324–C2–P–74, Page Call, Inc. (KEC935). C.P. for additional facilities to be operated on 35.58 MHz at a new site to be described as location #4: 204 Mountain Horeb Road, Warren Township, New Jersey. (one-way signaling)

21325–C2–P–74, The Lincoln Telephone & Telegraph Company (New). C.P. for a new station (base) to be operated on 35.22 MHz at 1440 M Street, Lincoln, Nebraska.

21326–C2–P–74, General Communications Service, Inc. (New). C.P. for a new station (one-way signaling) to be operated on 152.240 MHz at South Mountain, 2 miles SSE. of Courthouse, Big Springs, Texas.

21327–C2–P–74, Wilton Telephone Company (New). C.P. for a new station to be operated on 152.60 MHz at 410 Cedar Street, Wilton, Iowa.

21328–C2–P–74, Range Corporation (New). C.P. for a new station (one-way) to be operated on 152.24 MHz at Morgan, Michigan, 4 miles SW. of Marquette, Michigan.

21329–C2–P–74, Monroe Radiotelephone Company (KKK711) (Control). C.P. to relocate Control Station operating on 454.20 MHz to 108 McLeod Street, Hattiesburg, Mississippi.

21331–C2–P–74. Radiofone (New). C.P. for a new station (base) to be operated on 35.22 152.09, 454.075, 454.325 MHz to be located South side of Hickory Street, between Grove and Long Avenue, Bogalusa, Louisiana.

21332–C2–P–74, Phone Depots, Inc. d/b/a Mobilfone Radio System (KEA254). C.P. for additional facilities to be operated on 454.350, 152.210 MHz at a new site to be described as Loc. #4: 2 Rock Spring Road, West Orange, New Jersey.

21333–C2–AL–(4)–74, Guy P. McSweeney d/b/a Radio Telephone Service. Consent to Assignment of License from Guy P. McSweeney d/b/a Radio Telephone Service, Inc., Assignor, to Radio Telephone Service, Inc., Assignee, Stations KQZ753 et al. in various cities in Kentucky.

21334–C2–P–(2)–74, Edward C. Smith, d/b/a Answerite Professional Telephone Service (KLF658). C.P. to replace transmitter and change frequency to 75.64 MHz at Loc. #1: (Repeater) Lot 15/16 Frontage Road, 1 mile South of Vineland, Florida, and replace transmitter and change frequency to 72.05 at Control Station at Loc. #2: 63 East Pine Street, Orlando, Florida.

21335–C2–P–74, AAA Answerphone, Inc., Jackson (KQZ768) (1-way signaling). C.P. to relocate Station operating on 152.24 MHz to 127 South Roach Street, Jackson, Mississippi.

21336–C2–AL–74; Clyde McCord d/b/a McCord Communication Service. Consent to Assignment of License from Clyde McCord d/b/a McCord Communication Service, Assignor, to McCord Communication Service, Inc., Assignee, Station KIG303 located in Gadsden, Alabama.

21337–C2–AL–74, Clyde McCord d/b/a Anniston Communications Service (KIY532). Consent to Assignment of License from Clyde McCord d/b/a Anniston Communications Service, Assignor, to McCord Communications Service, Inc., d/b/a Anniston Communications Service, Assignee, Station KIY532 Blue Mountain, Alabama.

21338–C2–AL–74, William F. F. Cockrell d/b/a Tex-Com Consent to Assignment of license from William F. F. Cockrell d/b/a Tex-Com, Assignor to Terre Haute Communications, Inc. Station KEB655 located at 29 North Sixth Street, Terre Haute, Indiana.

21339–C2–P–74, RCC of Virginia, Inc. (KRS 634) (base). C.P. for additional facilities to be operated on 152.09 and 152.15 MHz at a new site to be described as Loc. #2: Winchester (Frederick), Virginia.

21340–C2–P–74, Offshore Telephone Company (KUO637) (base). C.P. to relocate operating on 35.62 MHz to Gulf of Mexico, West Cameron, Block 513.

21266–C2–TC–74, Electro Craft, Inc. Consent to Transfer of Control to Orel E. Crowley, Executrix of the Estate of Jack A. Crowley, Transferor, to W. O. Thompson, Transferee, Station KOP323, Rapid City, South Dakota.

RENEWAL OF LICENSES EXPIRING APRIL 1, 1974 TERM: APRIL 1, 1974 TO APRIL 1, 1979

Valley Mobile Communications, Inc. (KMD 690) California.

Selective Paging Corporation (KEK276) New York.

Major Amendments

20084–C2–P–74, Edward C. Smith d/b/a Answerite Professional Telephone Service, Orlando, Florida (KQZ713). Amend to add control station to operate on 2179.6 MHz at a location described as 63 East Pine Street, Orlando, Florida (Lat. 28°32'25" N., Long. 81°22'41" W.). All other particulars are to remain as reported on PN #690 dated 3–4–74.

4793–C2–P–73, Dunkirk & Fredonin Telephone Company (New). Amend to change the base frequency to 152.84 MHz. All other particulars are to remain as reported on PN #630 dated 1–8–73.

4180–C2–P–73, Radio Call, Inc. (KUA482). Amend to add the base frequency 158.70 MHz at each of the four locations as described on PN #680 dated 12–26–73.

Correction

21278–C2–P–74, South Central Bell Telephone Company (New) (Air-Ground). Correct to delete Public Notice Entry which was inadvertently accepted as a new application.

RURAL RADIO SERVICE

60286–C6–P–74, The Offshore Telephone Company (WJL23). C.P. to change antenna location of facilities operating on 454.640 MHz to West Cameron Area, Block 513, Platform A, Gulf of Mexico.

60287–C6–P–74, The Offshore Telephone Company (New). C.P. for a new Station to be operated on 454.375 MHz 80 miles South of Morgan City, Louisiana.

60288–C6–P–74, RCA Alaska Communications, Inc. (WGG24). C.P. to change transmitter, add transmitter and change antenna location of Station operating on 157.80, 157.86 MHz, to Teller Telephone Co. Bldg., SE from Native Store, No Street, Shishmaref, Alaska.

60289–C6–P/L–74, RCA Alaska Communications, Inc. (New). C.P. for a new interoffice station to operate on 158.01 MHz to be located 2½ miles NNE of Deadhorse Airport; 392 miles North of Fairbanks, North Slope, Nabors Camp, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4054–C1–P–74, General Telephone Company of the Northwest, Inc. (New). Main Street, Ione, Washington. Lat. 48°44'26" N., Long. 117°25'11" W. C.P. for a new station on freq. 2179.0V MHz toward Ruby Mtn., Wash., on azimuth 165°19'.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

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4055–C1–P–74, Same (New). Ruby Mountain, 2.3 Miles SW of Ruby, Washington. Lat. 48°30'06" N., Long. 117°19'32" W. C.P. for a new station on freq. 2129.0V MHz toward Ione, Wash., on azimuth 345°23'; freq. 2118.8H MHz toward Cusick, Wash., on azimuth 173°01'.

4056–C1–P–74, Same (New), 2d between C and B Streets, Cusick, Washington. Lat. 48°20'09" N., Long. 117°17'42" W. C.P. for a new station on freq. 2168.8H MHz toward Ruby Mtn., Wash., on azimuth 353°03'; freq. 2160.8V MHz toward Cooks Mtn., Wash., on azimuth 131°14'.

4057–C1–P–74, Same (New). Cooks Mountain, 2.9 Miles NW of Newport, Washington. Lat. 48°12'42" N., Long. 117°05'00" W. C.P. for a new station on freq. 2110.8V MHz toward Cusick, Wash., on azimuth 311°23'; freq. 11155V MHz toward Newport, Wash., on azimuth 140°44'; freqs. 10835H and 10995H MHz toward Little Blacktail Mtn., Idaho on azimuth 108°06'.

4058–C1–P–74, Same (WAD86). W 423, Third Street, Newport, Washington. Lat. 48°10'45" N., Long. 117°02'37" W. C.P. to change freqs. 10835H and 10995H MHz to 11685V MHz toward a new point of communication at Cooks Mtn., Wash., on azimuth 320°46'.

4059–C1–P/ML–74, Michigan Bell Telephone Company (KQH74). In any temporary fixed location within the territory of the grantee. C.P. and Mod. of License to add freq. bands 3700–4200 MHz.

4084–C1–P–74, Northwestern Bell Telephone Company (KAX45). 118 South 19th Street, Omaha, Nebraska. Lat. 41°15'32" N., Long. 95°56'28" W. C.P. to add freqs. 11285H, 11445H, 11605H MHz toward a new point of communication at 11027 I St., Omaha, Nebr., on azimuth 248°21'.

4085–C1–TC–(56)–74 United Video, Inc. Consent to Transfer of Control from LVO Corporation, Transferor, to Gene W. Schneider, et al, Transferee, for stations: KEZ51—Schram City, Ill.; KEZ53—Taylorville, Ill.; KSI55—Norway, Ill.; KSJ62—Plainfield, Ill.; KSP97—Vandalia, Ill.; KSP98—Effingham, Ill.; KSV40—Streator, Ill.; KSV41—Peru, Ill.; KSV42—Amboy, Ill.; KYO25—Olney, Ill.; KXQ32—Princeton, Ill.; KXQ33—Dallas City, Ill.; KXQ36—Kewanee, Ill.; KXQ46—Monmouth, Ill.; KXQ54—Galesburg, Ill.; WOJ38—Osco, Ill.; WPX22—Gridley, Ill.; KFL76—Mt. Pleasant, Iowa; KFL98—Fairfield, Iowa; WQQ91—Benton, Iowa; WQQ92—Creston, Iowa; WQQ93—Winterset, Iowa; WQQ95—Pittsburg, Kans.; KGB96—Rolla, Mo.; KGC21—Waynesville, Mo.; WAD72—Union, Mo.; WAD73—Belle, Mo.; WAN79—Lebanon, Mo.; WAN80—Marshfield, Mo.; WAN81—Springfield, Mo.; WAN82—Phelps, Mo.; WAY25—Joplin, Mo.; WBO89—Odessa, Mo.; WCZ32—Urbana, Mo.; WCZ33—Warsaw, Mo. and WCZ35—Sedalia, Mo.; WQQ89—Union Star, Mo.; WQQ90—Gentry, Mo.; WPG33—Raytown, Mo.; WPG26—Warrensburg, Mo.; WBP46—Temporary fixed; McKiddyville, Okla.; WBP90—Thackerville, Okla.; WKS22—Muskogee, Okla.; WKS23—Marble City, Okla.; WOE67—Mannsville, Okla.; WOE68—Scullin, Okla.; WOE69—Henryetta, Okla.; WOE70—Holdenville, Okla.; WOE83—Ada, Okla.; WOF36—Scullin, Okla.; WOF37—Byars, Okla.; WOF38—Woods, Okla.; WOF39—Britton, Okla. and WQO52—Bald Hill, Okla.

4086–C1–TC–(17)–74, United Wehco, Inc. Consent to Transfer of Control from LVO Corporation, Transferor, to Gene W. Schneider et al., Transferee, for Stations: KEV51—Trees, La.; KEV52–Black Diamond, Ark.; KEV54—Stamps, Ark.; KEV55—Stephens, Ark.; KEV59—Camden, Ark.; KEV72—Elberta, Ark.; KEV89—Rison, Ark.; KEW40—Bruce, Ark.; KEW55—England, Ark.; KFA44—Marshall, Tex.; WJM3—Bruce, Ark.; WPE50—Moore Lake, Ark.; WPE51—Hope, Ark.; WPE52—Gurdon, Ark.; WPE53—Manning, Ark.; WPE54—Leola, Ark.; and WPE55—Malvern, Ark.

4087–C1–TC–(7)–74, KHC Microwave Corporation Consent to Transfer of Control from LVO Corporation, Transferor, to Gene W. Schneider et al., Transferee, for Stations: WDD97—LaBalle, Tex.; WDE80—Fort Neches, Tex.; WDE81—Cameron Farms, La.; WIV68—Lake Charles, La.; WPE94—Lacassine, La.; WIV66—Jennings, La.; and WIV71—Crowley, La.

4089–C1–P–74, Northwestern Bell Telephone Company (KAU66), 604 Ninth Street, Des Moines, Iowa. Lat. 41°35'17" N., Long. 93°37'46" W. C.P. to replace (2) Western Electric, TM–1 transmitters with (2) Western Electric, TM–B1 transmitters on freqs. 6106.3H, 5989.7H MHz and replace (1) Western Electric, TJ transmitter with (1) Western Electric, TN–1B transmitter on freq. 10715V MHz toward Indianola, Iowa, on azimuth 162°35'.

4090–C1–P–74, Same (KAU68), 1.9 Miles E.E. of Indianola, Iowa. Lat. 41°21'04" N., Long. 93°31'46" W. C.P. to replace (4) Western Electric, TM–1 transmitters with (4) Western Electric, TM–B1 transmitters on freqs. 6390.0H, 6271.4H MHz toward Des Moines, Iowa, on azimuth 342°39'; freqs. 6360.7V, 6241.7V MHz toward Knoxville, Iowa, on azimuth 98°00'; replace (2) Western Electric, TJ transmitters with (2) Western Electric, TN–1B transmitters on freq. 11645V MHz toward Des Moines, and freq. 11445V MHz toward Knoxville.

4091–C1–P–74, Same (KAV47), 1 Mile South of Knoxville, Iowa. Lat. 41°16'16" N., Long. 93°05'49" W. C.P. to replace (4) Western Electric, TM–1 transmitters with (4) Western Electric, TM–B1 transmitters on freqs. 6019.3V, 6137.9V MHz toward Indianola, Iowa, on azimuth 278°17'; freqs. 5989.7V, 6106.3V MHz toward Oskaloosa, Iowa, on azimuth 91°37'; replace (2) Western Electric, TJ transmitters with (2) Western Electric, TN–1B transmitters on freq. 10995H MHz toward Indianola, and freq. 10715H MHz toward Oskaloosa.

4092–C1–P–74 Northwestern Bell Telephone Company (KAV48). 1.3 Miles West of Oskaloosa, Iowa. Lat. 41°17'40" N., Long. 92°40'04" W. C.P. to replace (2) Western Electric, TJ transmitters with (2) Western Electric, TN–1B transmitters on freq. 11445H MHz toward Ottumwa, Iowa on azimuth 144°20'; freq. 11645H MHz toward Knoxville, Iowa, on azimuth 271°55'; replace (3) Western Electric, TM–1 transmitter with (3) Western Electric, TM–B1 transmitters on freq. 6360.3H MHz toward Ottumwa and freqs. 6390.0V and 6271.4V MHz toward Knoxville.

4093–C1–P–74, Same (KAV67). 505 North 5th Street, Ottumwa, Iowa. Lat. 41°01'29" N., Long. 92°24'45" W. C.P. to replace (1) Western Electric, TJ transmitter with (1) Western Electric, TN–1B transmitter on freq. 10995H MHz; replace (1) Western Electric, TM–1 transmitter with (1) Western Electric, TM–B1 transmitter on freq. 6137.9H MHz toward Oskaloosa, Iowa on azimuth 324°30'.

4094–C1–P–74, Same (KAS70). 224 South 5th Street, Minneapolis, Minnesota. Lat. 44°58'39" N., Long. 93°15'59" W. C.P. to correct geographical coordinates, change polarization from H to V on freqs. 6197.2, and 6315.9 MHz toward Farmington, Minn., on azimuth 166°37'; replace (2) Collins, 552A–7 transmitters with (2) Collins, MW118 transmitters.

4095–C1–P–74, RCA Alaska Communications, Inc. (New). Donnelly Dome, White Alice Communication site at mile 248 Richardson Hwy., 14.5 Miles South of Delta Junction, Alaska. Lat. 63°47'14" N., Long. 145°51'42" W. C.P. for a new station on freq. 2117.2H MHz toward Tanana Camp, Alaska on azimuth 2°10'.

4096–C1–P–74, Same (New), Tanana Camp, Alyeska pipeline construction site, 9 Miles North of Delta Junction at Mile 1431 Alaska Hwy., Alaska. Lat. 64°09'20" N., Long. 145°09'20" W. C.P. for a new station on freq. 2167.2H MHz toward Donnely Dome, Alaska on azimuth 182°12'.

4097–C1–P–74, Same (New), Glennallen, White Alice Communication site at mile 189 Glenn Hwy. in town of Glennallen, Alaska. Lat. 62°06'37" N., Long. 145°32'49" W. C.P. for a new station on freq. 2126.8V MHz toward Stuck, Alaska on azimuth 156°28'.

4098–C1–P–74, Same (New). Stuck, 12 Miles South of Copper Center at mile 88 Richardson Hwy., Alaska. Lat. 61°47'29" N., Long. 145°15'14" W. C.P. for a new station on freq. 2176.8V MHz toward Glennallen, Alaska on azimuth 336°44'.

4099–C1–P–74, Central Telephone Company (KBD33), Spruce & Feely Streets, Farmington, Minnesota. Lat. 44°38'17" N., Long. 93°09'12" W. C.P. to change power, replace transmitters, and change polarization from H to V on freqs. 5945.2V, 6063.8V MHz toward Minneapolis, Minn., on azimuth 346°42'.

4100–C1–P–74, The Offshore Telephone Company (New), Block 222, East Cameron Area, Gulf of Mexico. Lat. 28°38'52" N., Long. 92°47'27" W. C.P. for a new station on freq. 2112.0V MHz toward East Cameron Block 195, Gulf of Mexico, on azimuth 354°30'.

4101–C1–P–74, Same (WGI36), Block 195, East Cameron Area, Gulf of Mexico. Lat. 28°45'23" N., Long. 92°48'10" W. C.P. to add freq. 2162.0V MHz toward a new point of communication at East Cameron Block 222 on azimuth 174°30'.

4102–C1–P–74, The Mountain States Telephone and Telegraph Company (KPQ57). 103 North Durbin Street, Casper, Wyoming. Lat. 42°51'01" N., Long. 106°19'17" W. C.P. to replace transmitters and change freqs. 10995H, 10755H MHz to 10635H MHz toward Casper Mtn., Wyo., on azimuth 195°19'.

4103–C1–P–74, Same (KPQ58), 6 Miles SSW. of Casper, Wyoming. Lat. 42°44'25" N., Long. 106°21'44" W. C.P. to replace transmitters and change freqs. 11405 V, 11645H MHz to 6093.5H MHz toward Edgerton, Wyo., on azimuth 15°16'; change freqs. 11445H, 11685V MHz to 11285 MHz toward Casper, Wyo., on azimuth 15°19'.

4104–C1–P–74, Eastern Microwave, Inc. (KEM58), Helderberg Mtn., 1.75 Miles NW. of New Salem, New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. to add freqs. 6182.4H, 6241.7H and 6301.0H MHz toward Saratoga Springs, N.Y., on azimuth 21°30'.

4105–C1–P–74, Tower Communications Systems Corp. (WPF49, Stoutsville, 3.2 Miles ENE. of Stoutsville, Ohio. Lat. 39°36'56" N., Long. 82°46'20" W. C.P. to add freqs. 10935H MHz toward Ball Knob, Ohio, on azimuth 211°05'.

4106–C1–P–74, Same (KQA36), Ball Knob, 9.0 Miles SW. to Chillicothe, Ohio. Lat. 39°13'15" N., Long. 83°04'40" W. C.P. to add freq. 11545H MHz toward Hillsboro, Ohio, on azimuth 274°45'.

4107–C1–P–74, Same (WSL41), 3.0 Miles North of Hillsboro, Ohio. Lat. 39°15'14" N., Long. 83°36'30" W. C.P. to add freq. 10775V MHz toward Blanchester, Ohio, on azimuth 280°13'.

4108–C1–P–74, Tower Communications Systems Corp. (New), 1.7 Miles ENE. of Blanchester, Ohio. Lat. 39°18'09" N., Long. 83°57'23" W. C.P. for a new station on freq. 11665V MHz toward Middletown, Ohio, on azimuth 307°43'.

4109–C1–P–74, Same (New), 4.0 Miles East of Middletown, Ohio. Lat. 39°31'13" N., Long. 84°19'25" W. C.P. for a new station on freq. 10975V MHz toward Hamilton, Ohio, on azimuth 246°57'.

4110–C1–P–74, American Television & Communications Corp. (New), 1.0 Mile West of High Point, North Carolina. Lat. 35°58'59.5" N., Long. 80°03'41" W. C.P. for a new station on freqs. 10935V and 11095V MHz toward Thom-A-Lex, N.C., on azimuth 219°50'.

4111–C1–P–74, United Video, Inc. (New), 3.0 Miles East of Minier, Illinois. Lat. 40°26'16" N., Long. 89°15'23" W. C.P. for a new station on freqs. 10895H and 10815H MHz toward Lincoln, Ill., on azimuth 200°30'.

4112–C1–P–74, Midwestern Relay Company (New), 2501 Bradley Place, Chicago, Illinois. Lat. 41°56'56" N., Long. 87°41'28" W. C.P. for a new station on freq. 11545V MHz toward Merchandise Mart, Chicago, Ill., on azimuth 145°26'.

Major Amendments

5890–C1–P–72, MCI Telecommunications Corp. (New), Fountain Inn, South Carolina. Change freqs. 6315.9V to 6197.2V toward Lyman, S.C., on azimuth 25°16', and 6256.5V to 6197.2V toward Williamston, S.C., on azimuth 259°40'.

5892–C1–P–72, Same (New), Oakway, South Carolina. Change freq. 6256.5V to 6197.2V toward Carnesville, Ga., on azimuth 236°52'.

6685–C1–P–70, Same (New), Carnesville, Georgia. Change freq. 6063.8V to 5945.2V toward Oakway, S.C., on azimuth 56°42', and 6093.5H to 5974.8V toward Alto, Ga., on azimuth 276°29'.

5893–C1–P–72, Same (New), Alto, Georgia. Change freqs. 6345.5H to 6226.9H toward Carnesville, Ga., on azimuth 96°20', and 6212.0H to 6197.2H toward Murrayville, Ga., on azimuth 256°25'.

5894–C1–P–72, Same (New), Murrayville, Georgia. Change freqs. 5960.0H to 5945.2V toward Alto, Ga. on azimuth 76°12', and 6152.8V to 5974.8V toward Ducktown, Ga., on azimuth 247°34'.

5895–C1–P–72, Same (New). Relocate station to 3.1 Miles North of Ducktown, Georgia. Lat. 34°17'02" N., Long. 84°14'45" W. Change 6375.2V to 6226.9H toward Murrayville, Ga., on azimuth 67°23', and 6226.9H to 6197.2H toward Woodstock, Ga., on azimuth 218°55'.

6687–C1–P–70, Same (New). Relocate station to 4.2 Miles SE. of Woodstock, Georgia. Lat. 34°04'01" N., Long. 84°27'22" W. Change freq. 5974.8H to 5945.2H toward Ducktown, Ga., on azimuth 38°48', and 10735H to 5945.2V toward Mableton, Ga., on azimuth 201°59'.

5896–C1–P–72, Same (New). Relocate station to 4.2 Miles SSW. of Mableton, Georgia. Lat. 33°45'38" N., Long. 84°38'15" W. Change freq. 11625H to 6197.2H toward Woodstock, Ga., on azimuth 21°54'. Delete freqs. 11265H and 11665H and add freq. 5945.2V toward Atlanta, Ga., on azimuth 91°27'.

6688–C1–P–70, Same (New), Atlanta, Georgia. Delete freqs. 10775H and 11175H and add 6226.9V toward Mableton, Ga., on azimuth 271°34'.

861–C1–P–71, Western Tele-Communications, Inc. (KPT21), Nelson Peak, 18 Miles SW. of Salt Lake, Utah. Change freq. on azimuth 139°52' toward Jones Ridge, Utah, to 6212.0H MHz and on azimuth 51°50' toward Salt Lake City, Utah, to 6182.4H MHz.

862–C1–P–71, Same (New). Change station location to 136 East South Temple Street, Salt Lake City, Utah. Lat. 40°46'09" N., Long. 111°53'12" W., and change freq. on azimuth 232°1' toward Nelson Peak, Utah, to 6106.8V MHz.

6652–C1–P–70, MCI Telecommunications Corp. (Formerly MCI Mid-Atlantic Communications) (New). 1150 17th St. NW., Washington, D.C. Delete freqs. 10775V and 11175V toward Tysons Corner, Va. Add freq. 6226.9H toward Arlington, Va., on azimuth 259°24'.

6654–C1–P–70, Same (New). Relocate station from Tysons Corner, Va. to 5217 19th Road North, Arlington, Va. Lat. 38°53'30" N., Long. 77°07'55" W. Delete freqs. 11265V and 11665V toward Washington and 11225H and 11625H toward Centreville, Va. Add freq. 5945.2H toward Washington on azimuth 79°20' and 5974.8V toward Centreville, Va., on azimuth 253°44'.

5880–C1–P–72, Same (New). 2.7 Miles East of Centreville, Va. Delete freqs. 10735H and 1135H toward Tysons Corner, Va., and 6375.2H toward Bristersburg, Va. Add freq. 6226.9V toward Arlington, Va., on azimuth 73°35' and 6197.2H toward Bristersburg, Va., on azimuth 214°47'.

6655–C1–P–70, Same (New). 1.6 Miles South of Bristersburg, Va. Change freq. 6123.1H to 5945.2H toward Centreville, Va., and change freq. 6093.5H to 5974.8V toward Golddale, Va.

6656–C1–P–70, Same (New). 2.8 Miles NE. of Golddale, Va. Change freq. 6404.8V to 6226.9V toward Bristersburg, Va. Change freq. 6404.8H to 6226.9H MHz toward Montpelier, Va., on azimuth 170°48'.

6657–C1–P–70, Same (New). Relocate station to 4.2 Miles NW. of Montpelier, Va. Lat. 37°50'41" N., Long. 77°45'19" W. Change freq. 6034.2H to 5974.8H toward Golddale, Va., on azimuth 350°51'. Change azimuth of freq. 5974.8V to 174°39' toward Midlothian, Va.

6658–C1–P–72, Same (New). Midlothian, Va. Change freq. 6256.5V to 6197.2V toward Montpelier, Va., on azimuth 354°40'.

5881–C1–P–72, Same (New). Sunny Side, Va. Change freq. 6152.8H to 5974.8V toward Green Bay, Va., on azimuth 207°42'.

6664–C1–P–70, Same (New). Green Bay, Va. Change freqs. 6345.5H to 6226.9H toward Sunny Side, Va., and 6375.2V to 6197.2V toward Phenix, Va.

5882–C1–P–72, Same (New). Phenix, Va. Change freqs. 6123.1H to 5945.2H toward Green Bay, Va., and 6063.8H to 5945.2H toward Mountain Road, Va.

5883–C1–P–72, Same (New). Mountain Road, Va. Change freq. 6286.2V to 6226.9V toward Estelle, N.C.

5884–C1–P–72. MCI Telecommunications Corp. (New), Estelle, North Carolina. Change freqs. 6093.5V to 5974.8V toward Mountain Road, Va., and 6034.2V to 5974.8V MHz toward Williamsburg, N.C.

6667–C1–P–70, Same (New), Stokesdale, North Carolina. Change freq. 6123.1V to 5945.2V toward Kernersville, N.C., on azimuth 191°33'.

6668–C1–P–70, Same (New). Relocate station to 6 miles SSE. of Kernersville, North Carolina. Lat. 36°02'13" N., Long. 80°02'29" W. Change freqs. 6315.9V to 6256.5V toward Stokesdale, N.C., on azimuth 11°31', and 6375.2H to 6197.2H toward Cld, N.C., on azimuth 195°58'.

6675–C1–P–70, Same (New), Cld, North Carolina. Change azimuth of freq. 6034.2H to 15°54' toward Kernersville, N.C.

6676–C1–P–70, Same (New), 2.3 Miles SSW. of Faith, North Carolina. Lat. 35°33'24" N., Long. 80°26'46" W. Change freqs. 6404.8V to 6226.9V toward Cld, N.C., on azimuth 53°37', and 6375.2V to 6197.2V toward Huntersville, N.C., on azimuth 249°20'.

6677–C1–P–70, Same (New), Huntersville, North Carolina. Change freqs. 6093.5V to 5974.8V toward Faith, N.C., on azimuth 89°5', and 6152.8V to 5974.8V toward Clover, S.C., on azimuth 222°50'.

5886–C1–P–72, Same (New). Relocate station to 1.6 Miles North of Clover, South Carolina. Lat. 35°08'41" N., Long. 81°13'34" W. Change freqs. 6286.2V to 6226.9V toward Huntersville, N.C., on azimuth 42°39' and 6256.5V to 6197.2V toward Gaffney, S.C., on azimuth 243°59'.

5887–C1–P–72, Same (New), Gaffney, South Carolina. Change azimuth of freq. 5974.8V to 63°49' toward Clover, S.C. Change azimuth of freq. 5974.8V to 231°36' toward Pacolet, S.C.

5888–C1–P–72, Same (New). Relocate station to 1.6 Miles SSE. of Pacolet, South Carolina. Lat. 34°52'55" N., Long. 81°44'31" W. Change freq. 6345.5H to 6226.9H toward Gaffney, S.C., on azimuth 51°29', and 6345.5H to 6226.9H toward Lyman, S.C., on azimuth 278°11'.

5889–C1–P–72, Same (New), Lyman, South Carolina. Change freq. 6034.2V to 5974.8V toward Pacolet, S.C., on azimuth 97°58', and 6063.8V to 5945.2V toward Fountain Inn, S.C., on azimuth 205°20'.

863–C1–P–71, Western Tele-Communications, Inc. (New), Jones Ridge, 18 miles NNE. of Fairview, Utah. Change freq. on azimuth 320°24' toward Nelson Peak, Utah, to 5989.7V MHz, and on azimuth 104°43' toward Bruin Point, Utah, to 6034.2H MHz.

864–C1–P–71, Same (New), Bruin Point, 7 Miles NNE. of Dragerton, Utah. Change freq. on azimuth 285°20' toward Jones Ridge, Utah, to 6256.5V MHz, and on azimuth 102°30' toward Roan Cliffs, Utah, to 6315.9H MHz.

865–C1–P–71, Same (New), Roan Cliffs, 24.5 Miles North of Westwater, Utah. Change freq. on azimuth 283°15' toward Bruin Point, Utah, to 6152.8V MHz, and on azimuth 130°18' toward Grand Jct., Colo., to 6034.2H MHz.

866–C1–P–71, Same (New), 2.5 Miles SW. of Grand Jct., Colorado. Change freq. on azimuth 310°39' toward Roan Cliffs, Utah, to 6404.8V MHz and on azimuth 132°27' toward Waterdog Peak, Colo., to 6212.0V MHz.

867–C1–P–71, Same (New), Waterdog Peak, 13 Miles SE. of Montrose, Colorado. Change freq. on azimuth 313°1' toward Grand Jct., Colo., to 5974.8V MHz, and on azimuth 83°46' toward Monarch Pass., Colo., to 6106.3H MHz.

868–C1–P–71, Same (New), Monarch Pass, 17 Miles West of Salida, Colorado. Change freq. on azimuth 264°37' toward Waterdog Peak, Colo., to 6197.2H MHz, and on azimuth 74°38' toward Almagre Mtn., Colo., to 6226.9V MHz.

869—C1–P–71, Same (New), Almagre Mtn., 8.0 Miles West of Broadmoor, Colorado. Change freq. on azimuth 255°28' toward Monarch Pass, Colo., to 6076.6H MHz, and add freq. 6034.2H MHz on azimuth 348°16' toward a new point of communication at Colorow Hill, Colorado.

8327–C1–P–70, Same (New), Change station location to 1660 Lincoln Street, Denver, Colorado. Lat. 39°44'35" N., Long. 104°59'07" W., and change polarization of freq. 6004.5 MHz on azimuth 266°53' toward Colorow Hill, Colo., to vertical.

8328–C1–P–70, Same (New), Colorow Hill, 2.0 Miles SW. of Golden Colorado. Change freq. on azimuth 168°6' toward Almagre Mtn., Colo., to 6226.9H MHz.

3334–C1–P–73, American Television & Communications Corp. (New), Mastins Corners, Virginia. Lat. 38°11'14" N., Long. 77°45'56" W. Application amended: (a) to change station location to foregoing coordinates; and (b) to change freqs. to 5945.2H and 6063.8H MHz toward new point of com-

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munication at Charlottesville, Va., on azimuth 250°25'.

3334–C1–P–73, American Television & Communications Corp. (New), Mastina Corners, Virginia. Lat. 38°11'14" N., Long. 77°45'56" W. Application amended—(a) to change station location to foregoing coordinates; and (b) to change freqs. to 5945.2H and 6063.8H MHz toward a new point of communication at Charlottesville, Va., on azimuth 250°25'.

3336–C1–P–73, Same (New), 2.3 Miles South of Charlottesville, Virginia. Lat. 37°58'59.5" N., Long. 78°28'54" W. Applications amended—(a) to change station location to foregoing coordinates; and (b) to change azimuth to 208°44' toward Tower Hill, Va. Frequencies 6226.9H and 6286.2H MHz unchanged.

3337–C1–P–73, Same (New), Tower Hill, Virginia. Lat. 37°34'33.5" N., Long. 78°45'43" W. Application amended—(a) to change station location to foregoing coordinates; and (b) to change freqs. to 6197.2V and 6256.5V MHz toward Lynchburg, Va., on azimuth 231°24'.

3338–C1–P–73, (New), Lynchburg, 3.5 Miles SE. of Jack Mountain, Virginia. Lat. 37°20'12.5" N., Long. 79°06'12" W. Application amended—(a) to change station location to foregoing coordinates; and (b) to change freqs. to 5945.2H and 6004.5H MHz toward a new point of communication at Dry Fork, Va., on azimuth 198°32'.

3340–C1–P–73, Same (New), Dry Fork, 1.0 Mile South of Dry Creek, Virginia. Lat. 36°44'28' N., Long 79°23'05" W. Application amended—(a) to change station location to foregoing coordinates; (b) to change freqs. to 6226.9H and 6286.2H MHz toward Reidsville, N.C., on azimuth 211°06'; and (c) to add freqs. 6226.9V and 6286.2V MHz toward a new point of communication at Danville, Va., an azimuth 191°55'.

3341–C1–P–73, Same (New), Reidsville, North Carolina. Lat. 36°23'10" N., Long. 79°38'51" W. Application amended—(a) to change station location to foregoing coordinates; (b) to change freqs. to 5974.8H and 6034.2H MHz toward Greensboro, N.C., on azimuth 202°40'; and (c) to change freq. to 6034.2H MHz toward Burlington, N.C., on azimuth 157°52'.

3342–C1–P–73, Same (New), Greensboro, North Carolina. Lat. 36°03'46" N., Long 79°48'54" W. Application amended—(a) to change freq. 6256.6V MHz to 11385V MHz toward High Point, N.C., on azimuth 248°25'; and (b) to add freq. 11625V MHz toward same point of communication.

CORRECTIONS: MULTIPOINT DISTRIBUTION SERVICE

50101–C5–P–74, Correct name of applicant to read: Taft Broadcasting Company. (All other particulars same as reported on Public Notice No. 699, dated 5–6–74.)

[FR Doc.74–11400 Filed 5–16–74;8:45 am]

[Docket No. 19882 etc.; File No. BP–19402 etc.; FCC 74R–168]

JIMMIE H. HOWELL ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Jimmie H. Howell, Milton, Florida; Docket No. 19882; File No. BP–19402; H. Byrd Mapoles, tr/as Mapoles Broadcasting Company, Milton, Florida; Docket No. 19883, File No. BP–19403; Aaron J. Wells, Milton, Florida; Docket No. 19884, File No. BP–19430; Radio Santa Rosa, Inc., Milton, Florida, Docket No. 19885, File No. BP–19431; for construction permits.

1. This proceeding involves the mutually exclusive applications of Jimmie H. Howell (Howell), Mapoles Broadcasting Company, Aaron J. Wells (Wells), and Radio Santa Rosa, Inc. (Santa Rosa) for authority to construct a new standard broadcast station in Milton, Florida. The applications were designated for hearing by Commission Order, 44 FCC 2d 43, released December 4, 1973, on a Rule 1.65 issue against Howell[1] and a standard comparative issue. Now before the Review Board is a petition to enlarge issues, filed December 26, 1973, by Santa Rosa,[2] seeking the addition of a Suburban issue against Wells and several issues against Howell, including character, misrepresentation and Rule 1.514 issues.

THE WELLS APPLICATION

2. Santa Rosa alleges that Wells' Suburban showing is deficient in that Wells submitted an inadequate demographic showing; made superficial contacts with numerous community leaders, both in Milton, Florida and the surrounding area; and failed to elicit the special problems of several significant groups, i.e., youth leaders and black leaders. Santa Rosa also alleges that Wells' proposed programming is inadequate to meet its ascertained community problems.[3] In support, Santa Rosa states that Wells' demographic showing is a "mechanistic reproduction", without comment, of chamber of commerce information; that the Commission did not contemplate that the chamber of commerce would be the sole source of demographic information upon which an applicant would base its ascertainment survey, citing Paragraph 17 of the Commission's Report and Order adopting the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971);[4] and that this data is inadequate, citing Morris's Incorporated, 44 FCC 2d 321, 28 RR 2d 1723 (1973); and Robert Cowan Wagner, 38 FCC 2d 403, 405, 25 RR 2d 1095, 1097 (1972).[5] Santa Rosa alleges that Wells' contacts with leaders outside of Milton are inadequate since only two interviews were conducted in Pace, Florida, the second largest community outside of Milton, and these were superficial; that only four leaders were interviewed in Gulf Breeze and their responses were superficial; and that five leaders were interviewed in Jay, which is beyond Wells' projected 0.5 mv/m contour, and their responses focused on radio communication. According to Santa Rosa, Wells' entire community leader survey is deficient since in most cases "only one or two needs—if any—were elicited from each interviewee." Specifically, Santa Rosa states that five leaders merely offered suggestions relating to radio communication in Milton and several gave short, incomprehensible answers such as "lack of cooperation" and need for "more togetherness and understanding". Santa Rosa argues that "this is not the substantive 'dialogue' which the ascertainment process was designed to establish."

3. Santa Rosa next alleges that none of the problems elicited by Wells from black leaders related "specifically to the black community of Milton", even though the black population of Milton is, according to petitioner, 9.3 percent. This fact, petitioner urges, also constitutes a deficiency in the showing, citing Harry D. Stephenson and Robert E. Stephenson, 33 FCC 2d 749, 23 RR 2d 760 (1972). Santa Rosa also states that Wells' interviews with youth leaders failed to elicit any problems since both responses from youth leaders related to programming and not community problems. Finally, Santa Rosa asserts that Wells' proposed programming is inadequate to meet ascertained problems for the following reasons: (a) three of Wells' proposed seven programs are religious programs, but Wells' survey did not indicate that religious programming is needed in Milton, Florida, citing Childress Broadcasting Corp., 37 FCC 2d 766, 25 RR 2d 711 (1972); (b) Wells proposes numerous programs dealing with youth problems while Wells' interviews with youth leaders were inadequate; and (c) Wells proposes one weekly half-hour program to deal with the remaining problems and needs of the community which is clearly insufficient and unacceptable. In sum, Santa Rosa argues that Wells' "Suburban showing taken as a whole lacks an overall good-faith effort to ascertain the community's needs and to propose programming addressed thereto." Both Wells and the Broadcast Bureau oppose the addition of the requested Suburban issue.

4. The Review Board will deny the requested Suburban issue. Initially, we do not agree with Santa Rosa's contention that Wells' demographic showing is fatally defective since he relied solely upon chamber of commerce data. Wells states that he did not simply reproduce chamber of commerce information, but rather analyzed the data and used it to understand the demographic composition of Milton. As noted by the Bureau, Santa Rosa does not allege nor demonstrate that Wells' demographic showing is, in fact, inadequate, incomplete, or erroneous in any respect. Further, Santa Rosa's reliance upon Morris's Incorporated, supra, and Robert Cowan Wagner, supra, is misplaced.[6] In the Board's view, Wells has supplied adequate demographic information as required by the Primer, supra, Q. & A. 9 (see note 4, supra). Regarding Wells' survey of community leaders, both in and outside the city of Milton, the Review Board is satisfied that Wells made a good faith effort to consult with leaders of significant groups within its proposed service area and did, in fact, achieve a "substantive dialogue" with community leaders, contrary to the assertions of Santa Rosa. We do not agree with Santa Rosa that Wells' failure to elicit more than one or two problems from several community leaders constitutes "bad faith" or a violation of the Primer. The Primer does not require an applicant to elicit a specific number of problems from community leaders and nothing in Wells' application or the pleadings indicates that Wells acted in "bad faith" while conducting his interviews with community leaders.

5. Regarding Wells' contacts outside Milton, Florida, although it appears that Jay, Florida is outside of Wells' projected 0.5 mv/m contour, we believe that Wells interviewed a sufficient number of community leaders in areas within his proposed 0.5 mv/m contour to obtain a "broad overview of community problems" in "other areas" as required by the Primer, Q. & A. 7, 27 FCC 2d at 683, 21 RR 2d at 1543.[7] Although Wells' contacts with youth leaders, i.e., the president and vice-president of the Student Body of Milton High School, elicited program preference responses, Wells' contacts with leaders familiar with the problems of youth[8] elicited numerous youth problems. The Board finds Santa Rosa's argument that Wells failed to elicit problems from black leaders which were exclusively related to the black community, without merit. The Primer, Q. & A. 18, merely requires that an applicant "ascertain what the person consulted believes to be the problems of the community from the standpoint of a leader of the particular group or organization." 27 FCC 2d at 685, 21 RR 2d at 1545. Thus, as long as an applicant makes a good faith effort to elicit community problems, the Primer's requirements are satisfied. Furthermore, Santa Rosa does not allege that an insufficient number of black leaders were contacted and, in our view, Wells adequately surveyed the needs and interests of the black community.[9]

6. Finally, we find no merit to Santa Rosa's allegations regarding Wells' proposed programming. Wells proposes to devote two hours and fifteen minutes per week to public affairs programming, excluding news and religious programming, to meet the needs and problems he ascertained in his community survey. These public affairs programs include "Public Affairs Forum", which will deal with civic planning, drug problems, zoning and other problems; "Our Government", which will concern various community problems as they arise; "The Voice of Youth", which will encourage "youth involvement in constructive, worthwhile community activities," and "Milton Monitor", which will deal with numerous local problems and needs, including trash removal and control of stray dogs. In addition, Wells proposes several daily religious programs which, according to Wells, will concentrate on youth problems, especially the lack of moral values and ideals. The need for moral values and ideals in youth was a community problem ascertained by Wells in his community survey and listed by him as one of several significant ascertained problems. In the Board's view, Wells' proposed programming, including his proposed religious programming, is adequate to meet the problems elicited by Wells in his surveys. We know of no requirement in the Primer which states that an applicant must detect a need for religious programming before adopting a religious format. Cf. Gross Telecasting, Inc., FCC 74–374, ___ FCC 2d ____, released April 22, 1974 (para. 12). The Primer requires that an applicant "make a positive, diligent and continuing effort to meet community problems", 27 FCC 2d at 686, 21 RR 2d at 1547, and, in our view, Wells' proposed religious programming, together with his proposed public affairs and news programming, is designed to achieve the purposes set out in the Primer.[10] In light of the above, the requested Suburban issue will be denied.

THE HOWELL APPLICATION

7. *Character issue.* Next, Santa Rosa requests issues inquiring into the facts and circumstances surrounding a criminal indictment returned against Howell. By way of background, in its designation Order, supra, the Commission indicated that Jimmie Howell, a Santa Rosa County Commissioner, was indicted by the Santa Rosa Grand Jury on April 20, 1973, for allegedly soliciting a $4,000 bribe in connection with the awarding of county contracts. The Commission stated that it was unable to determine at the time of designation (i.e., November 1973) "whether he [Howell] has the requisite qualifications to be a broadcast licensee." The Commission therefore ordered that if the Presiding Judge concluded that Howell was the preferred applicant, he should withhold an Initial Decision until notified of the result of the criminal proceedings. The Commission further ordered that if the Judge learned that Howell had not been acquitted, then he "shall add further issues and hold such further proceedings as may be necessary to determine Howell's qualifications to be a licensee of the Commission." Howell was tried on the charge and found "not guilty" on November 20, 1973. On January 8, 1974, at a prehearing conference, the Presiding Judge ruled that in light of Howell's acquittal, no further inquiry into the matter was warranted. Santa Rosa now requests that the Board specify an appropriate issue to inquire into Howell's criminal indictment in light of the recent Court of Appeals decision in TV 9, Inc.

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[1] By memorandum Opinion and Order, released January 17, 1974, (____ FCC 2d ____; 29 RR 2d 349) the Board denied Howell's request to delete the Rule 1.65 issue.

[2] Also before the Board are: (a) comments, filed January 24, 1974, by the Broadcast Bureau; (b) an opposition, filed January 25, 1974, by Howell; (c) an opposition, filed January 25, 1974, by Wells; (d) erratum, filed January 28, 1974, by the Broadcast Bureau; and (e) a reply, filed February 15, 1974, by Santa Rosa.

[3] In its petition, Santa Rosa also alleges other deficiencies in Wells' Suburban showing, including Wells' failure to interview representatives of certain significant groups and his failure to conduct an adequate survey of the general public. By Memorandum Opinion and Order, released February 11, 1974, the Administrative Law Judge granted a petition for leave to amend, filed by Wells on January 25, 1974, which included additional efforts by Wells to ascertain community needs. In its reply pleading, Santa Rosa concedes that several flaws in Wells' showing have been cured by Wells' Suburban amendment, but argues that other deficiencies remain. In the Board's view, Wells' January 25th amendment moots several of Santa Rosa's allegations regarding Wells' Suburban showing and since Santa Rosa does not discuss these matters in its reply pleading, they will not be discussed herein.

[4] In its Report and Order adopting the Primer, supra, the Commission stated that "• • • listing the chamber of commerce as one source of data does not lead to the conclusion that it should be considered the sole source of information." 27 FCC 2d at 661, 21 RR 2d at 1518. Q. & A. 9 of the Primer provides that an applicant may use any method to determine the composition of the city of license, excluding guesswork or personal familiarity with the area, and that data from the U.S. Census Bureau, chamber of commerce and other reliable sources are acceptable.

[5] The chamber of commerce publication used by Wells is entitled "Grow it, Make it, Sell it • • • Easier in SANTA ROSA COUNTY, Florida" and consists of 34 pages. The publication includes information and statistics on numerous subjects including population, banking, industry, labor, income, health and taxes.

[6] In both cases, the Board concluded that the applicants' demographic showings were inadequate because they failed to supply adequate demographic information regarding their proposed cities of license and not because the applicants had relied upon chamber of commerce data. Thus, the fact that the applicants had relied extensively upon chamber of commerce information was not determinative, but rather their failure to provide adequate demographic information rendered their surveys defective. Such is not the case here, however.

[7] In this regard, Wells interviewed persons in Bagdad, Pace, Gulf Breeze and Magnolia Heights, Florida.

[8] These leaders included: Lee Zimmerman, Intake Counselor, Division of Youth Services, State of Florida; Bill Massey, Director at Pensacola Junior College, Milton Center; Radford M. Locklin, Superintendent of Schools, Santa Rosa County, Milton, Florida; and Theodis Jackson, Principal, T. R. Jackson Elementary School.

[9] Santa Rosa's reliance upon Harry D. Stephenson and Robert E. Stephenson, *supra*, is also misplaced. In that case, the Board concluded that an applicant had not met his obligations under the Primer where it had failed to contact leaders from several significant groups. Here, Santa Rosa does not allege that Wells failed to contact black leaders, but rather that it disagrees with Wells' method of eliciting community problems.

[10] Childress Broadcasting Corp., supra, mistakenly relied upon by Santa Rosa, does not hold that an applicant must ascertain a specific need for religious programming. In Childress, the Board held that an applicant's proposed programming, including religious programming, was set forth in generalized terms contrary to Q. & A. 24 of Primer and, thus, lacked "the specificity required by the Primer" 37 FCC 2d at 772, 25 RR 2d at 718.

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v. FCC, ---- F. 2d ----, 28 RR 2d 1115 (D.C. Cir. 1973).[11] According to Santa Rosa, Howell's conduct must be assessed in light of the "public interest standard" irrespective of whether "a jury was convinced beyond a reasonable doubt that Howell had technically [not] violated the Florida criminal code."

8. Both Howell and the Broadcast Bureau oppose the addition of the requested issues. Howell argues that the allegations are not supported by affidavits as required by rule 1.229(c) and that TV 9, Inc. v. FCC, supra, is distinguishable from the instant case. The Bureau argues that the entire matter was thoroughly considered by the Commission in its designation Order, supra, and that the Commission at that time "specified the exact conditions which would give rise to an inquiry into the fact and circumstances underlying Howell's previous indictment."

9. The Review Board will deny the requested issues relating to Howell's criminal indictment. In our view, the Court's decision in the TV 9 case, supra, does not mandate that the Commission inquire into the facts and circumstances surrounding every criminal proceeding involving a prospective broadcast licensee, especially where, as here, the defendant is subsequently found innocent of wrongdoing by a jury. There is nothing in the Court's decision requiring the Commission to completely abandon its procedural rules (*e.g.*, 1.229(c)),[12] and indiscriminately order inquiries into all criminal proceedings simply because a prospective broadcast applicant is indicted, tried and ultimately acquitted of an alleged criminal activity. And, we do not believe the Court intended such a result. Specifically, Santa Rosa offers no support, affidavits or otherwise, for its requested issues other than a copy of the very brief April 20, 1973, grand jury indictment.[13] Since Howell was subsequently acquitted of the charge, we believe that the indictment, standing alone, is insufficient to warrant an evidentiary inquiry and that Santa Rosa was under an obligation under our Rules to demonstrate that Howell would be unfit to be a Commission licensee. Cf. Philco Corp. v. FCC, 110 U.S. App. D.C. 387, 293 F. 2d 864, 21 RR 2079 (1961); RKO General, Inc. (KHJ–TV), 8 FCC 2d 682, 10 RR 2d 282 (1967). Moreover, it is well established that the Commission is not concerned with the indictment or suit per se but rather the facts and conduct underlying the indictment, see Spanish International Television Company, Inc., 45 FCC 1384, 2 RR 2d 853 (1964), and nothing in TV 9, Inc. v. FCC, changes this standard. Santa Rosa clearly failed to show that serious questions regarding Howell's character qualifications are still present, and, in our view, the Court did not contemplate an evidentiary inquiry absent such a showing by the petitioning party. Accordingly, the requested issues will be denied.

10. *Misrepresentation and Rule 1.514 Issue.* Santa Rosa finally alleges that Howell indicated in his application that he was a 30 percent owner of Radio Milton, Inc., the licensee of Station WSRA, Milton, Florida, from June, 1967, until November, 1969, when he disassociated himself from the station;[14] that Howell continued to serve as "General Manager and Engineer" of Station WSRA, as well as commonly-owned Station WONF–FM, Pensacola, Florida (now WBOP–FM) until April, 1970; [15] and that Howell's failure to disclose this information constitutes a violation of Rule 1.514 and a material misrepresentation in view of Howell's role in WSRA.[16] Santa Rosa also alleges that the transfer of Howell's 30 percent interest in Radio Milton was not reported to the Commission for over a year and his "constructive, if not actual knowledge of the failure to file this information could reflect adversely on Howell's comparative qualifications." The Bureau supports addition of the requested issues, absent a satisfactory explanation by Howell in his respective pleading. The Bureau notes that Howell did not disclose any relationship with West Florida Broadcasting Co., Inc., the former licensee of WONF–FM, in his application and that an explanation is required "in light of Howell's possible involvement in rule violations while manager and engineer of WONF–FM."

11. Howell opposes addition of the requested issues. Howell argues that WONF–FM "which was commonly owned and housed and operated out of the same building [as WSRA] was always considered part of WSRA;" that the failure of the licensee to report the sale of his 30 percent interest in WSRA to the Commission in a timely manner is of "no legal consequence to him" since Rule 1.613 of the Commission's Rules places the responsibility for reporting changes in ownership upon the licensee; and that there is no basis for adding the requested issues.

12. The Review Board believes that a substantial question has been raised regarding Howell's compliance with Rule 1.514 which warrants a full evidentiary inquiry. We agree with Howell that his association with Radio Milton, Inc., the licensee of Station WSRA, from June, 1967 through April, 1970, was fully reported in his application, and, thus, cannot be the basis for the addition of a Rule 1.514 issue. (See note 14, supra.) However, we do not agree that since WONF–FM was allegedly "always considered part of WSRA", Howell's association with WONF–FM, Pensacola, Florida did not have to be reported in the application. In our view, WONF–FM is a separate broadcast facility and Howell's association with this station as well as WSRA should have been reported at the time Howell filed his application. Moreover, it appears that Howell may have had a motive to conceal his association with WONF–FM since Howell was apparently the manager of the station during the time the station was causing interference to another station. Since we are unable to determine, on the basis of the pleadings, whether Howell's interest in WONF–FM was in-

[11] In TV 9, Inc., supra, a principal of an applicant who was also the secretary, a director and the applicant's general counsel, was indicted by a federal grand jury on November 1, 1969, on charges of, inter alia, illegal gambling activities. On November 9, 1971, the applicant informed the Commission that the principal has resigned his position because of a poor physical condition which also resulted in the dismissal of the indictment. The Commission permitted the applicant to amend to its application to reflect that the principal was divested of all authority and ruled that since the principal was no longer associated with the applicant, it was relieved of responsibility for any misconduct on his part. The Commission's ruling mooted a petition to reopen the record filed by other parties to inquire into the effect of the alleged criminal activities on the applicant's character qualifications. The Court ruled that the Commission did not err in accepting the amendment, but did err in mooting the significance of the facts surrounding the criminal indictment since:

A determination by the Commission with respect to this matter does not depend upon the outcome of a trial on an indictment, which we are now advised is beyond the possibilities because of Mr. Segal's physical condition. Proof of guilt of crime is required to be established to the satisfaction of the fact-finder beyond a reasonable doubt. Even a verdict of not guilty under this standard, though relevant, is not decisive of the character qualifications of an applicant under the standard of public interest relevant to comparative broadcasting responsibility among several applicants under the Communications Act. Furthermore, the presumption of innocence which accompanies one charged but not convicted of crime is not a bar to consideration of the charges in this civil proceeding under the standard of the public interest. ---- F. 2d at ------, 28 RR2d at 1129–30.

[12] Rule 1.229(c) provides, in pertinent part, that motions to enlarge issues shall contain specific allegations of fact and shall be supported by affidavits of a person or persons having personal knowledge thereof.

[13] The entire indictment reads as follows: Jim Howell, then and there being a county officer, did then and there corruptly and unlawfully request or solicit a gift or gratuity, to-wit: money, under an agreement or with an understanding with J. B. (Jim) Pittman, that his vote, opinion or judgment shall be given in any particular manner or upon a particular aside of any question, cause or proceeding which was by law brought before him in his official capacity, contrary to Florida Statute 838.02.

[14] However, Howell's application indicates the following: "30% Radio Milton Inc. June 1967 to April 1970."

[15] In support, Santa Rosa submits the minutes of a meeting of West Florida Broadcasting Co., Inc., the then 70 percent owner of Radio Milton, Inc., evidencing Howell's agreement to serve as Genera Manager and Engineer of both stations, and Howell's letter of resignation, dated March 31, 1970.

[16] WSRA's renewal application was designated for hearing by Commission Order, released July 11, 1973. The complaint leading to the application's designation concerned WSRA's activities during the period when Howell was Manager and Engineer at WSRA, including an allegation that WONF–FM was causing interference with another station. Further, the Bureau's Bill of Particulars, filed August 13, 1973, indicates that the interference may have been intentional. The licensee, however, did not prosecute its renewal application through the hearing process.

tentionally concealed, we will specify the Rule 1.514 issue on a disqualifying, as well as a comparative basis. See Folkways Broadcasting Co., Inc., 40 FCC 2d 839, 21 RR 2d 211 (1971); Sumiton Broadcasting Co., 20 FCC 2d 669, 17 RR 2d 1038 (1969).[17]

13. *Accordingly, it is ordered*, That the petition to enlarge issues, filed December 26, 1973 by Radio Santa Rosa, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

14. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

To determined whether Jimmie H. Howell complied with Section 1.514 of the Commission's Rules regarding his past association with Station WONF–FM, Pensacola, Florida, and, if not, to determine the effect thereof on Howell's basic and/or comparative qualifications to be a Commission licensee.

15. *It is further ordered*, That the burden of proceeding with the introduction of the evidence shall be on Radio Santa Rosa, Inc. and the burden of proof shall be on Jimmie H. Howell.

Adopted: May 7, 1974.

Released: May 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[18]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–11401 Filed 5–16–74;8:45 am]

[Docket No. 20036, File No. BP–19413; Docket No. 20037, File No. BP–19487]

HARRY P. PEYTON AND WANV, INC.

Applications for Consolidated Hearing on Stated Issues

In re applications of Harry R. Peyton, Buena Vista, Virginia; Requests: 1270 kHz, 1 kW, Day, WANV, Incorporated, Buena Vista, Virginia; Requests: 1270 kHz, 1 kW, Day. For construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same frequency in the same community.

2. Based upon the cost figures contained in his application, it appears that Harry R. Peyton will need $57,945 to construct and operate his proposed facility for a period of one year.[1] To finance his proposal, the applicant relies upon $25,700 cash on hand or in banks and a $25,000 bank loan. From the foregoing, it would appear that the applicant has insufficient funds to meet his required costs. Accordingly, a financial issue will be specified.

3. The application of Harry R. Peyton states that a total of six employees is proposed. Mr. Peyton has not submitted a complete statement of specific practices to be followed in order to assure equal employment opportunity to minority groups as required by section VI of the application form. Accordingly an appropriate issue will be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Harry R. Peyton has sufficient additional funds to construct and operate his proposed station and, in light thereof, whether he is financially qualified to construct and operate the proposed station.

2. To determine whether the equal employment opportunity program of Harry R. Peyton satisfactorily complies with Commission requirements.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 9, 1974.

Released: May 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–11403 Filed 5–16–74;8:45 am]

[Rate Schedule No. 24, etc.]

FEDERAL POWER COMMISSION

RATE CHANGES

Notice of Filings

MAY 10, 1974.

Take notice that the producers listed in the Appendix below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before May 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Apr. 24, 1974	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	24	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Apr. 26, 1974	Houston Oil & Minerals Corp., 242 The Main Bldg., 1212 Main St., Houston, Tex. 77002.	17	United Gas Pipe Line Co.	South Louisiana.
Apr. 29, 1974	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	244	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Do	do	365	do	Do.
Do	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	6	Natural Gas Pipeline Co. of America.	Do.
May 3, 1974	do	108	El Paso Natural Gas Co.	Permian Basin.

[FR Doc.74–11335 Filed 5–16–74;8:45 am]

[17] However, Santa Rosa's request for a misrepresentation issue will be denied. The question of intent may be fully examined under the Rule 1.514 issue being specified herein.

[18] Board Member Nelson absent.

[1] Mr. Peyton's first-year expenses are itemized as follows: equipment, $12,755; land, $375; building, $1,105; miscellaneous, $11,870; loan repayment with interest, $4,240; and working capital, $27,600.

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ALASKA POWER SURVEY

Notice of Meeting

Agenda for the meeting of the Technical Advisory Committee on Coordinated Systems Development and Interconnection, June 18, 1974, 9 a.m., Room 509, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

1. Open meeting by Alternate Secretary.
2. Opening remarks by Chairman Rhodes.
3. Review of draft report.
   a. Comments and suggested changes.
   b. Items to be included in the summary.
4. Schedule for completion.
5. Other business pertinent to committee assignment.
6. Adjourn meeting.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11341 Filed 5–16–74;8:45 am]

ALASKA POWER SURVEY

Notice of Meeting

Agenda for the meeting of the Executive Advisory Committee, June 18, 1974, 1 p.m., Room 509, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

1. Opening remarks by Mr. House.
2. Reports of the Technical Advisory Committees.
   a. Economic Analysis and Load Projections.
   b. Resources and Electric Power Generation.
   c. Coordinated Systems Development and Interconnection.
   d. Environmental Considerations and Consumer Affairs.
3. Summary Report of the Executive Advisory Committee.
   a. Review of draft report.
   b. Identification of key issues.
   c. Schedule for completion.
4. Other business pertinent to the power survey.
5. Adjourn meeting.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11342 Filed 5–16–74;8:45 am]

[Docket No. E–8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Further Extension of Time and Postponement of Hearing

MAY 10, 1974.

On May 7, 1974, the Municipal Light Department of the Town of Belmont, Massachusetts, filed a motion for a further extension of the procedural dates fixed by notice issued February 25, 1974, as amended by notice issued March 25, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of prepared testimony by Intervenors, June 11, 1974.
Service of rebuttal testimony by Company, July 9, 1974.
Hearing, August 6, 1974 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11332 Filed 5–16–74;8:45 am]

[Docket No. E–8761]

CENTRAL MAINE POWER CO.

Filing of Proposed Rate Increase

MAY 10, 1974.

Take notice that on May 1, 1973, Central Maine Power Company (Company) tendered for filing revised contracts intended to supercede the present tariff schedule. Company states that the proposed rate changes would increase rates to wholesale customers by $261,471.

The Company proposes an effective date of June 30, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11343 Filed 5–16–74;8:45 am]

[Docket No. RP74–32]

CONSOLIDATED GAS SUPPLY CORP.

Order Permitting Interventions

MAY 10, 1974.

On November 5, 1973, as corrected November 9 and 14, 1973, Consolidated Gas Supply Corporation (Consolidated) filed in the above-captioned docket certain proposed tariff sheets which purportedly are designed to implement the recovery of certain fixed costs which would otherwise be recoverable only through additional rate filings.

The filing was noticed on December 26, 1973, with petitions to intervene and comments due on or before January 7, 1974. Timely petitions to intervene have been filed by Rochester Gas and Electric Corporation, New York State Electric and Gas Corporation, the Pavilion Natural Gas Company, Public Service Commission of New York, Niagara Mohawk Power Corporation, and Southern Tier Gas Corporation.

The Commission finds: Participation by Rochester Gas and Electric Corporation, New York State Electric and Gas Corporation, The Pavilion Natural Gas Company, Public Service Commission of New York, Niagara Mohawk Power Corporation, and Southern Tier Gas Corporation in these proceedings may be in the public interest and good cause exists for permitting such interventions.

The Commission orders: (A) Rochester Gas and Electric Corporation, New York State Electric and Gas Corporation, The Pavilion Natural Gas Company, Public Service Commission of New York, Niagara Mohawk Power Corporation, and Southern Tier Gas Corporation are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission, *Provided, however,* That the participation of the intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11333 Filed 5–16–74;8:45 am]

[Docket No. E–6886]

EL PASO ELECTRIC CO.

Notice of Application

MAY 10, 1974.

Take notice that on April 29, 1974, El Paso Electric Company (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to amend Docket No. E–6886, dated June 18, 1959, as subsequently amended on June 24, 1964, to authorize the issuance of 115,870 additional shares under the Employee Stock Purchase Plan and to extend the termination date of the plan to June 30, 1979.

Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn, Texas, with a population of approximately 456,000 of whom 360,000 reside in the Metropolitan area of El Paso.

Any person desiring to be heard or to make any protest with reference to the application should, on or before May 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11339 Filed 5–16–74;8:45 am]

[Docket No. Id–1729]

ELWIN W. THURLOW

Notice of Application

MAY 10, 1974.

Take notice that on May 6, 1974, Elwin W. Thurlow (Applicant), filed an initial application with the Federal Power Commission, seeking authority to hold the following positions pursuant to section 305(b) of the Federal Power Act:

President and Director, Central Maine Power Company, Public Utility.
Director, Maine Yankee Atomic Power Company, Public Utility.

Central Maine, an electric utility operating wholly within the State of Maine, is a Maine corporation organized in 1905. The Company serves about 328,000 customers in southern and central Maine.

Maine Yankee is a maine corporation that owns and operates a pressurized water nuclear-powered electric generating plant at Wiscasset, Maine.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11328 Filed 5–16–74;8:45 am]

[Docket No. CI74–593]

GETTY OIL CO.

Notice of Application

MAY 10, 1974.

Take notice that on April 25, 1974, Getty Oil Company (Applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. CI74–593 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas), from Block 217, Eugene Island Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell 1,000 Mcf per day of natural gas to Texas Gas from subject acreage for one year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70), at a price of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The contract for the subject sale provides for a price of 50.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11330 Filed 5–16–74;8:45 am]

[Docket No. RI74–188]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA, ET AL.

Order Setting Date for Hearing and Ordering Investigation

MAY 10, 1974.

On March 25, 1974, in accordance with § 1.7 of the Commission's rules of practice and procedure,[1] the Independent Oil & Gas Association of West Virginia (IOGA) filed a petition pursuant to section 4 and 5 of the Natural Gas Act[2] and § 154.107(e) of the regulations under the Natural Gas Act[3] requesting that the Commission grant IOGA members the necessary authorization to permit them to collect the "market price" for natural gas sold by IOGA members to interstate pipelines under life of lease contracts. Notice of IOGA's petition was issued on April 11, 1974, and published in the FEDERAL REGISTER on April 15, 1974 (39 FR 13600). Petitions to intervene and timely protests were to be filed on or before April 30, 1974. A notice of intervention was filed by the Public Service Commission of the State of New York requesting participation if the Commission should institute an investigation pursuant to section 5 of the Natural Gas Act, and a notice of intervention was filed by the Public Service Commission of West Virginia. Petitions to intervene were filed by:

(1) Consolidated Gas Supply Corporation.
(2) Columbia Gas Transmission Corporation.
(3) Equitable Gas Company.
(4) Phillips Petroleum Company.
(5) Mobil Oil Corporation.
(6) Ashland Oil, Inc.
(7) Devon Corporation.

The interstate pipelines which purchase from IOGA members are Consolidated Gas Supply Company, Columbia Gas Transmission Corporation, Carnegie Natural Gas Company, and Equitable Gas Company. These four pipelines are hereinafter referred to as the "Pipelines".

IOGA alleges, that life of lease gas purchase contracts are imposed on IOGA members by anticompetitive Pipeline practices and are therefore unjust and unreasonable, and are contrary to public policy. Further, IOGA avers that the Pipelines "have uniformly resisted renegotiation of [the] life of lease contracts" and "are unwilling to pay rea-

[1] 18 C.F.R. 1.7.
[2] 15 U.S.C. 717c, 717d.
[3] 18 C.F.R. 154.107(e).

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sonable prices for flowing gas". IOGA states that during 1973, IOGA members received less monies for gas sold under the subject life of lease contracts than the cost of producing that gas because of "the Pipelines' power to control for an unlimited term, both sales price and production."

IOGA avers that its membership includes some 90 independent small producers,[4] approximately one-half of all small producers in the State of West Virginia. IOGA's membership also includes royalty owners, contractors, and others associated with the production of crude oil and natural gas in West Virginia. IOGA alleges that none of its members is associated with either a "major" intergrated oil and gas company, or an interstate pipeline company subject to this Commission's jurisdiction, and that each of its producing members is presently exempt as a small producer under Order No. 411.[5]

IOGA alleges that all contracts between its members and the purchasing Pipelines are substantially similar, and that such gas sales contracts commonly (1) provide for the contract term to extend for the life of the lease; (2) prohibit price renegotiation or price escalations; and (3) place production solely under the control of the purchasing pipelines, thereby preventing IOGA members from unilaterally terminating production regardless of the circumstances.

As submitted, IOGA's petition does not, in and of itself, provide a sufficient basis to determine the propriety of the relief requested by IOGA except insofar as the petition requests this Commission to institute an investigation pursuant to section 5(a) of the Natural Gas Act. Upon consideration of the allegations in IOGA's petition, the Commission finds it appropriate to investigate the terms and conditions of the gas sales contracts for the sale of natural gas in interstate commerce between IOGA members and the Pipelines, and that such investigation be sufficiently broad to include all sales by IOGA members to interstate pipelines subject to the jurisdiction of this Commission. Upon the basis of IOGA's petition and the information submitted therewith it appears that the rates, terms and other conditions of the gas sales contracts entered into by IOGA's members and the Pipelines subject to the jurisdiction of the Commission may be unlawful, unjust, unreasonable, and otherwise contrary to the public interest.

The Commission finds: (1) Certain of the members of the Independent Oil & Gas Association of West Virginia may be independent producers of natural gas and "natural gas compan[ies]" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon IOGA's petition, into and concerning the rates, terms, and other conditions of the contracts between certain members of IOGA and the interstate Pipelines heretofore identified in connection with any transportation or sale of natural gas, subject to the Commission's jurisdiction.

(3) It is necessary and in the public interest that this proceeding be set for a hearing.

The Commission orders: (A) An investigation of the rates, terms, and other conditions of the gas sales contracts between certain members of the Independent Oil & Gas Association of West Virginia and the previously identified interstate Pipelines, who are hereby made part-respondents herein, is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transaction or sale of natural gas, subject to the jurisdiction of the Commission, any of the rates, terms, or other conditions of such contracts are unlawful, unjust, unreasonable, or otherwise contrary to the public interest.

(B) If the Commission, after a hearing has been had, shall find with respect to any of the rates, terms, or other conditions of the contracts between certain members of the Independent Oil & Gas Association of West Virginia and the previously identified interstate Pipelines, subject to the jurisdiction of the Commission, are unlawful, unjust, unreasonable, or otherwise contrary to the public interest, the Commission will thereupon determine and establish by order, or orders, just and reasonable rates, rules, regulations, practices, or contracts, or terms, or conditions to be thereafter observed and in force.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I). A public hearing will be held in Docket No. RI74-188 commencing on June 12, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issues presented in the petition filed by the Independent Oil & Gas Association of West Virginia.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(E) IOGA shall file direct testimony and evidence on or before May 17, 1974. Such evidence shall include, inter alia, a list of IOGA members who are seeking the relief requested by IOGA's petition, and the pertinent terms and conditions of their contracts with the previously identified interstate Pipelines.

(F) The aforementioned Pipeline party-respondents shall file any direct testimony and evidence on or before May 31, 1974.

(G) The Commission Staff and all intervenors shall file direct testimony and evidence on or before June 7, 1974.

(H) All rebuttal testimony and evidence shall be served on or before June 14, 1974.

(I) All parties to this proceeding (including the Commission Staff) shall file testimony and evidence with the Secretary of the Commission, and serve such evidence and testimony upon the Presiding Administrative Law Judge, and all other parties to this proceeding.

(J) The above named parties who have filed petitions to intervene or a notice of intervention are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That such intervention shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding: And *provided further,* That the participation of said parties shall be limited to the issues raised in their respective petitions to intervene or notice of intervention.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11344 Filed 5-16-74;8:45 am]

[Docket No. E-8424]

JERSEY CENTRAL POWER & LIGHT CO.

Revised Fuel Adjustment Clause

MAY 10, 1974.

Jersey Central Power & Light Company (Jersey Central) on December 20, 1973, tendered for filing a revised fuel adjustment clause pursuant to the Commission's suspension order issued herein on November 30, 1973. The tendered revised fuel clause is contained in First Revised Sheet No. 15 to Jersey Central's FPC Electric Tariff, Original Volume No. 1. The Base Costs of Fossil Fuel (7.462 Mills/kWh) reflected in the revised fuel clause is supported by Statement O (Revised 12/17/73) which is included in the tendered filing. Also tendered is First Revised Sheet No. 4 to the tariff, revising the Index of Purchasers to show Allegheny Electric Cooperative, Inc. in lieu of Sussex Rural Electric Cooperative.

Jersey Central states that the tendered filing is in compliance with the requirement of the Commission's November 30 order which said that the fuel adjustment clause contained in the Company's increased rate filing of September 28, 1973, was inconsistent with § 35.14 of the Commission's regulations under the Federal Power Act because nuclear fuel costs were included. The revised fuel clause, it states, reflects only changes in fossil fuel costs. Jersey Central also states that the revised fuel clause does not reflect changes in the energy charges of its suppliers.

Applicant states that copies of this filing have been served upon representatives of its wholesale customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11340 Filed 5-16-74;8:45 am]

[Docket No. E-8212]

MONTANA-DAKOTA UTILITIES CO.

Amendment to Application

MAY 9, 1974.

Take notice that on May 6, 1974, Montana-Dakota Utilities Company filed a letter amendment to its application pursuant to section 204 of the Federal Power Act seeking an order extending the time period for issuing short-term Promissory Notes authorized in Docket No. E-8212 from May 15, 1974 to May 15, 1975 and the final maturity date from May 14, 1975 to May 14, 1976.

Applicant is incorporated under the laws of the State of Bismarck, North Dakota, and is engaged in the gas and electrical utility business in the States of Montana, North Dakota, South Dakota and Wyoming.

The purpose of such extension of time is to permit Applicant to postpone the sale of First Mortgage Bonds and Preferred Stock. Although Applicant has scheduled a sale of First Mortgage Bonds and Preferred Stock for October, 1974, unsettled market conditions or high interest rates may make it desirable for Applicant to defer the sale of said securities until early 1975.

Any person desiring to be heard or to make any protest with reference to said amendment to said application should on or before May 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The amendment to said application in on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11326 Filed 5-16-74;8:45 am]

[Docket No. ID-1728]

NEVIUS M. CURTIS

Notice of Application

MAY 10, 1974.

Take notice that on May 6, 1974, Nevius M. Curtis (Applicant), filed an initial application with the Federal Power Commission, seeking authority to hold the following positions pursuant to section 305(b) of the Federal Power Act:

Financial Vice President, Comptroller and Director, Central Maine Power Company, Public Utility.

Treasurer and Director, Maine Yankee Atomic Power Company, Public Utility.

Central Maine, an electric utility operating wholly within the State of Maine, is a Maine corporation organized in 1905. The Company serves about 328,000 customers in southern and central Maine.

Maine Yankee is a Maine corporation that owns and operates a pressurized water nuclear-powered electric generating plant at Wiscasset, Maine.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11329 Filed 5-16-74;8:45 am]

[Docket No. RM74-22, etc.]

NEW ENGLAND POWER POOL PARTICIPANTS, ET AL.

Notice Relative to Fuel Conservation Rate Filings

MAY 10, 1974.

Dockets Nos. RM74-22, E-8589, E-8550, et al.

On May 3, 1974, counsel for Appalachian Power Company, Indiana & Michigan Electric Company, Ohio Power Company, and Wheeling Electric Company (AEP Respondents) requested an extension until May 16, 1974, within which to notify the Commission as to whether they wish to have their Fuel Conservation Rate Schedules take effect immediately as required by the first full paragraph on page 5 of the order issued April 30, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that an extension is granted to and including May 16, 1974, within which all utilities shall notify the Commission as to whether they wish to have their Fuel Conservation Rate Schedules take effect immediately.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11327 Filed 5-16-74;8:45 am]

[Docket No. RP74-75]

NORTHERN NATURAL GAS CO.

Extension of Time

MAY 9, 1974.

On May 3, 1974, Northern Natural Gas Company filed a motion for an extension of time within which to present its prepared testimony required by the Order issued March 22, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including May 10, 1974, within which Northern shall file its prepared testimony on the advance payment issue in the above-designated matter.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11338 Filed 5-16-74;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Revised Sheets

MAY 10, 1974.

Take notice that on April 24, 1974 South Carolina Electric and Gas Company (SCEG) tendered for filing Revised Sheets Nos. 5, 6, 8, 9, 10, 11, and 12 of its FPC Electric Tariff, Original Volume No. 1. SCEG states the Revised Sheets are being filed pursuant to the Commission's order dated March 25, 1974 in the above-captioned docket. SCEG further states that all said sheets have been revised to conform its Tariff to the terms of settlement agreements between SCEG and Saluda River Electric Cooperative, Inc. (filed August 17, 1973) and between SCEG and the City of Orangeburg, South Carolina (filed October 1, 1973).

[4] 18 C.F.R. 157.40(a) defines "[a] 'small producer' [as] an independent producer of natural gas as defined in § 154.91 of this chapter, who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with such sales of 'affiliated producers' are not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during any calendar year." As IOGA's petition does not identify its members, we have no way of determining the correctness of this allegation.

[5] Area Rates For The Appalachian And Illinois Basin Areas, et al., Docket No. R-371 et al., Order No. 411, 44 F.P.C. 1112, as amended, Order No. 411-A, 44 F.P.C. 1334, reh. denied, 44 F.P.C. 1487 (1970). See also Opinion No. 639, 48 F.P.C. 1299 (1972), reh. denied, 49 F.P.C. 361 (1973), aff'd, Shell Oil Company, et al. v. F.P.C., — F. 2d 1929 (5th Cir. March 14, 1974).

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According to SCEG, all provisions of its Electric Tariff, Original Volume No. 1, except those listed above, are unaffected by the settlement agreements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11336 Filed 5-16-74;8:45 am]

[Docket No. E-8753]

SOUTHWESTERN PUBLIC SERVICE CO.

Filing of Proposed Rate Increase

MAY 10, 1974.

Take notice that on April 25, 1974, Southwestern Public Service Company (Southwestern) tendered for filing a new contract and rate schedule for Electric Power Service to Privately Owned Electric Utilities intended to supersede existing FPC Rate Schedules. Southwestern states that the proposed rates would increase service to its customers by 26%.

Southwestern requests an effective date of July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11331 Filed 5-16-74;8:45 am]

[Docket No. CP74-274, etc.]

TEXAS GAS TRANSMISSION CORP., ET AL.

Notice of Applications

MAY 10, 1974.

Take notice that on April 25, 1974, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP74-274, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-275, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed jointly with Transco in Docket No. CP74-276, applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing certain arrangements to enable Transco to render temporary storage service to its customers, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

In the application filed in Docket No. CP74-274, Texas Gas proposes to store for Transco up to 8,000,000 Mcf of natural gas at 14.7 psia at a rate of 26.28 cents per Mcf from April 15, 1974, through March 31, 1975, pursuant to a letter agreement between the two parties dated April 8, 1974, which provides for delivery of up to 50,000 Mcf per day at 14.7 psia to Texas Gas from Texas Eastern for the account of Transco from April 15, 1974, through October 31, 1974, at the existing interconnection of the systems of Texas Gas and Texas Eastern at Lebanon, Ohio. Said agreement provides for redelivery of the gas to Transco from November 1, 1974, to April 1, 1975, at the interconnection of the facilities of Transco and Texas Gas near Eunice in Acadia Parish, Louisiana, or at other mutually agreeable existing interconnections between the two systems. The volume of gas redelivered to Transco is to be subject to interruption when necessary for Texas Gas to meet the requirements of its other firm customers, provided, however, that Texas Gas deliver 20 percent of such stored gas to Transco during any 30-day period, unless otherwise mutually agreed to by Texas Gas and Transco.

Texas Gas states that it commenced the storage service proposed by the letter agreement of April 8, 1974, on April 15, 1974, within the contemplation of Section 157.22 the Regulations under the Natural Gas Act (18 CFR 157.22).

In the application filed in Docket No. CP74-275, Transco proposes to allocate from November 1, 1974, to April 1, 1975, the storage volumes as part of the entitlements of the following customers:

Customer	Storage volume [1]
Alexander City, Ala., city of	17,220
Atlanta Gas Light Co	332,615
Brooklyn Union Gas Co	747,870
Buford, Ga., city of	11,000
Carolina Pipeline Co	92,185
Clinton-Newberry Natural Gas Authority	23,695
Consolidated Edison Co. of New York, Inc	1,621,340
Danville, Va., city of	81,790
Delmarva Power & Light Co	172,470
Elizabethtown Gas Co	236,410
Fort Hill Natural Gas Authority	36,480
Frederick Gas Co., Inc	14,160
Greenwood, S.C., city of	27,115
Laurens, S.C., city of	24,680
Lexington, N.C., city of	28,015
Long Island Lighting Co	469,135
Monroe, Ga., city of	14,760
North Carolina Gas Service, Division of Pennsylvania & Southern Gas Co	32,685
North Carolina Natural Gas Corp	432,080
Philadelphia Electric Co	469,135
Philadelphia Gas Works	502,945
Piedmont Natural Gas Co., Inc	645,820
Public Service Co. of North Carolina, Inc	476,518
Public Service Electric and Gas Co	1,295,105
Shelby, N.C., city of	36,530
South Jersey Gas Co	391,185
Sugar Hill, Ga., city of	3,165
Tri-County Natural Gas Co	8,900
UGI Corp	15,440
Union Gas Co	61,530
United Cities Gas Co., Georgia Division	25,455
United Cities Gas Co., North and South Carolina Division	31,180
Virginia Pipe Line Co	37,810
Washington Gas Light Co	173,070
Total	8,000,000

[1] Thousand cubic feet at 14.7 lb./in²a.

Transco proposes to charge said customers 26.28 cents per Mcf of stored natural gas.

In the joint application filed in Docket No. CP74-276, Transco and Texas Eastern propose an exchange of natural gas, pursuant to a letter agreement between them, dated April 8, 1974, which provides that Transco will deliver to Transco-Texas Eastern joint customers for the account of Texas Eastern, or to other presently authorized points of exchange with Texas Eastern in the Pennsylvania-New Jersey-New York area, up to 50,000 Mcf of natural gas per day, which is to be the equivalent of those volumes to be delivered by Texas Eastern under the storage arrangement proposed in Docket No. CP74-274 between Transco and Texas Gas. No construction or charge is involved in the instant proposal. The exchanges of natural gas proposed in Docket No. CP74-276 began on April 15, 1974, within the contemplation of Section 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22).

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that grants of the certificates are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearings.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11334 Filed 5-16-74;8:45 am]

[Dockets Nos. RP72-23, et al. and RP73-35]

TRUNKLINE GAS CO.

Prehearing Conference Date

MAY 10, 1974.

On April 5, 1974, an Order was issued clarifying and denying reconsideration of prior Order, granting intervention and changing the procedural dates fixed by Order issued January 31, 1974 in the above-designated matter. The above order changed the date of the hearing but not the date of the prehearing conference.

Upon consideration, notice is hereby given that the prehearing conference shall be held on July 23, 1974 at 10 a.m. e.d.t. The hearing will commence at the conclusion of the prehearing conference.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11337 Filed 5-16-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST KENTUCKY NATIONAL CORP.

Formation of Bank Holding Company

First Kentucky National Corporation, Louisville, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (excluding directors' qualifying shares) of First National Bank of Louisville, Louisville, Kentucky and First Kentucky Trust Company, Louisville, Kentucky. In a related application, First National Bank Trustees, Louisville, Kentucky, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to acquire 100 percent of the voting shares of First Kentucky National Corporation, Louisville, Kentucky. The factors that are considered in acting on these applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

These applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 6, 1974.

Board of Governors of the Federal Reserve System, May 9, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11362 Filed 5-16-74;8:45 am]

FIRST NATIONAL HOLDING CORP.

Proposed Acquisition of Merit Finance Corp.

First National Holding Corp., Atlanta, Georgia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire through its wholly-owned subsidiary Dixie Finance Co., Inc., voting shares of Merit Finance Corporation, Mobile, Alabama and its wholly-owned subsidiary and affiliated companies. Applicant's original application was denied by the Board by order dated April 18, 1974, for reasons expressed in that order (39 FR 14770, April 26, 1974). Notice of the present application was published on April 26, 1974, in the Eastern, Midwest, and Southwestern editions of The Wall Street Journal.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring or servicing loans or other extensions of credit for personal, family, or household purposes, and acting as insurance agent or broker in selling insurance to borrowers from such finance subsidiaries to include credit life insurance, credit accident and health insurance, and property damage insurance for collateral supporting loans made by such finance subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 6, 1974.

Board of Governors of the Federal Reserve System, May 9, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11360 Filed 5-16-74;8:45 am]

FIRST UNITED BANCORPORATION, INC.

Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Farmers First National Bank of Stephenville, Stephenville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 6, 1974.

Board of Governors of the Federal Reserve System, May 9, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11361 Filed 5-16-74;8:45 am]

INDUSTRIAL NATIONAL CORP.

Proposed Acquisition of Assets of J. R. Gentry, dba Security Loan Co.

Industrial National Corporation, Providence, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire through its subsidiary Southern Discount Company, Atlanta, Georgia, all the assets of J. R. Gentry, dba Security Loan Co., Bartow, Florida. Notice of the application was published on March 1, 1974, in The Ledger, a newspaper circulated in Bartow, Florida.

Applicant states that the proposed subsidiary would engage in the activities of consumer finance, including direct consumer loans and purchases of consumer installment sales contracts, second mortgage real estate loans, insurance underwriting of credit life and credit accident and health insurance and, insurance brokerage in connection with selling to consumer finance borrowers credit life insurance, credit accident and health insurance, and property damage insurance for collateral securing loans made to borrowers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board

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approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 6, 1974.

Board of Governors of the Federal Reserve System, May 9, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–11358 Filed 5–16–74;8:45 am]

INDUSTRIAL NATIONAL CORP.

Proposed Acquisition of Assets of Mount Airy, North Carolina Branch Office of TranSouth Financial Corp.

Industrial National Corporation, Providence, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire through its subsidiary Southern Discount Company, Atlanta, Georgia, all the assets of the Mount Airy, North Carolina branch office of TranSouth Financial Corporation, Florence, South Carolina, formerly Stephenson Finance Company, and TranSouth Mortgage Corporation, Florence, South Carolina, formerly Superior Mortgage Company. Notice of the application was published on March 1, 1974, in The Mount Airy News, a newspaper circulated in Mount Airy, North Carolina.

Applicant states that the proposed subsidiary would engage in the activities of consumer finance, including direct consumer loans and purchases of consumer installment sales contracts, second mortgage real estate loans, floor plan loans, insurance underwriting of credit life and credit accident and health insurance and insurance brokerage in connection with selling to consumer finance borrowers credit life insurance, credit accident and health insurance, and property damage insurance for collateral securing loans made to borrowers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 6, 1974.

Board of Governors of the Federal Reserve System, May 9, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–11357 Filed 5–16–74;8:45 am]

LANDMARK BANKING CORPORATION OF FLORIDA

Order Approving Acquisition of Bank

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Central Bank of Palm Beach County, West Palm Beach, Florida ("Central"), and 80 percent or more of the voting shares of Northwood Bank of West Palm Beach, West Palm Beach, Florida ("Northwood").

Notice of the applications affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Atlanta has considered the applications and comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eighth largest banking organization in Florida, controls fourteen banks with aggregate deposits of $616 million or 2.98 percent of deposits in all commercial banks of the state. (All banking data are as of June 30, 1973, unless otherwise indicated, and reflect acquisitions and formations approved through April 1, 1974.) Acquisition of Central and Northwood would increase Applicant's share of Florida commercial bank deposits by less than one percent and would not change Applicant's rank in size. No undue concentration of banking resources in Florida would result.

The revelant market area is the northern two thirds of Palm Beach County, with the exception of the cities adjacent to Lake Okeechobee. Seventeen banking organizations have total deposits of $1,083 million in this market. Central holds $35 million in deposits or 3.2 percent of commercial bank deposits in the market area; Northwood opened August 1, 1973, and had deposits of $3.7 million on December 31, 1973, a much smaller share of market deposits. These acquisitions would be Applicant's initial entry into the market. It is unlikely that Applicant would enter the market de novo as population per bank, population per bank office, and personal income per bank office is below the estate average. Applicant's closest subsidiary bank is located in Fort Lauderdale, 45 miles from Central and 38 miles from Northwood. There is no significant present competition between either Northwood or Central and the Applicant's closest subsidiary bank; future competition appears unlikely due to the distance involved and Florida's restrictions on branching. Central and Northwood do not compete now because they are affiliated through common ownership, common management, and seven interlocking directors, a majority on either board; the affiliation does not appear likely to be dissolved in the future. Thus, the acquisitions would have no significant anti-competitive effects.

The financial condition and managerial resources of Applicant, its subsidiary banks, and Central and Northwood are considered to be generally satisfactory; Applicant recently committed itself to increase equity capital in one of its subsidiary banks.

There is no evidence that the banking needs of the community are not being served; however, Applicant plans to add drive-in tellers at Central and to construct a permanent bank building for Northwood. Therefore, considerations relating to convenience and needs of the community to be served are consistent with approval. It is this Federal Reserve Bank's judgment that consummation of the proposed acquisitions is in the public interest and that the application should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless the period described in (b) is extended for good cause by the Board, or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective May 6, 1974.

[SEAL] ARTHUR H. KANTNER,
Senior Vice President.

[FR Doc.74–11356 Filed 5–16–74;8:45 am]

PANNATIONAL GROUP, INC.

Proposed Acquisition of Southwest General Agency, Inc.

PanNational Group, Inc., El Paso, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Southwest General Agency, Inc., El Paso, Texas. Notice of the application was published on:

Date	Newspaper	City and State
Apr. 12, 1974	Dallas Morning News	Dallas, Tex.
Apr. 15, 1974	American-Statesman	Austin, Tex.
Apr. 16, 1974	El Paso Times	El Paso, Tex.

Applicant states that the proposed subsidiary would engage in the activity of acting as insurance agent with respect to insurance for the holding company and its subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 6, 1974.

Board of Governors of the Federal Reserve System, May 9, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–11359 Filed 5–16–74;8:45 am]

GENERAL SERVICES ADMINISTRATION

GOVERNMENT PROCUREMENT PRACTICES

Notice of Meeting

Notice is hereby given that the General Services Administration, Federal Supply Service, in cooperation with the Experimental Technology Incentives Program of the National Bureau of Standards, will hold a joint symposium on Government procurement practices.

The purpose of the symposium is to explore avenues whereby the Federal Government, through its procurement practices, may provide incentives to industry to accelerate introduction of improved products. Specifically, it will seek to open a Government-industry dialogue on ways to encourage technological innovation in the development of commercial products purchased by the Federal Government, and to explore methods of developing a "spinoff" effect so that the consumer marketplace can benefit from such innovations.

The symposium will be held on May 30–31, 1974, commencing with registration at 8:15 a.m. on the 30th at the National Bureau of Standards, Gaithersburg, Maryland.

Anyone who wishes to attend or desires further information should contact the General Services Administration, Washington, D.C. 20406, Attention: Mrs. Sandy Cram (F), Telephone 703/557–8597, or Mr. Charles Travis (FMC), Telephone 703/557–7500. Mr. Richard Penn, Experimental Technology Incentives Program, National Bureau of Standards, Washington, D.C. 20234, Telephone 301/921–3185 will also provide information if desired.

Dated: May 13, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74–11394 Filed 5–16–74;8:45 am]

JOINT FEDERAL, STATE, AND LOCAL GOVERNMENT ADVISORY PANEL ON PROCUREMENT AND SUPPLY

Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, October 6, 1972, notice is hereby given of the May 22–23, 1974, meeting of the Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply. The meeting will convene at 9 a.m. each day in Room 1129, Crystal Mall Building 4, 1941 Jefferson Davis Highway, Arlington, Virginia.

The Panel provides a forum for discussion between all levels of government on problems and policies pertaining to procurement and supply to the end that resources, experience and expertise may be fully utilized.

The agenda will include discussions on: (1) Federal Supply Service and Public Buildings Service Energy Conservation Programs, (2) Surplus Property, (3) Common Services, (4) Materials Shortage, (5) Cost Inflation and Price Escalation, (6) Experimental Technology Incentives Program as it relates to Procurement and (7) GSA Tire Test Program and Qualified Products Lists.

This meeting is open to the public (within the limitations of conference room facilities). Anyone who wishes to attend or desires further information should contact Mr. Dale McInroy, Office of Interagency Support (telephone 703, 557–2028).

Dated at Washington, D.C., May 9, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc. 74–11391 Filed 5–16–74;8:45 am]

[Federal Property Management Regs.; Temporary Reg. D–46]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to perform all functions in connection with the leasing of the Walter Reed Inn in Washington, D.C.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation shall expire 15 years from the effective date of the lease of the Walter Reed Inn or upon termination of the lease, whichever is earlier.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Defense to perform all functions in connection with the leasing of the Walter Reed Inn, 6825 Georgia Avenue, NW., Washington, D.C., to be utilized for troop housing and transient officer quarters.

b. This delegation shall extend to leasing space under authority contained in section 210(h)(1) of the above-cited Act for a term of 10 years and with one 5-year renewal option.

c. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense (40 U.S.C. 486(d)).

d. This authority shall be exercised in accordance with the limitations and requirements of the above cited act, section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended, other applicable statutes and regulations, and the policies, procedures, and controls prescribed by the General Services Administration.

ARTHUR F. SAMPSON,
Administrator of General Services.

MAY 13, 1974.

[FR Doc.74–11392 Filed 5–16–74;8:45 am]

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[Federal Property Management Regs.; Temporary Reg. F–220]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utility Commissioners in a proceeding (Docket No. 743–184) involving the application of the Jersey Central Power and Light Company for an increase in electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

DWIGHT A. INK,
Acting Administrator of General Services.

MAY 10, 1974.

[FR Doc.74–11393 Filed 5–16–74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA–443]

AIR EAST INC.

Cancellation of Hearing

In the Matter of Investigation of Accident Involving an Air East, Inc., Beechcraft 99A of United States Registry N125AE, at Johnstown, Pennsylvania, January 6, 1974.

The public hearing ordered by the National Transportation Safety Board in connection with the above matter is hereby cancelled. The deposition of necessary witnesses will be taken at a time and place to be determined by the Hearing Officer.

Dated this 13th day of May 1974.

For the Board.

[SEAL] JOHN H. REED,
Chairman.

[FR Doc.74–11395 Filed 5–16–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 14, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, A–102 Financial Status and Performance Reports for Discretionary Grants: Adult, Vocational and Education Professions Development Programs, Form OE 360, Annual, Lowry, State/Local education agencies.

Creative School Media Program, Form OE 359, Single time, Planchon, State supervisors, local media specialists.

REVISIONS

DEPARTMENT OF AGRICULTURE

Economic Research Service, Potentials for Increasing Return Haul Opportunities for Truckers Carrying Agricultural Commodities, Form, Single time, Foster, Shippers, truckers, and truck brokers of agricultural commodities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Institutional Application to Participate in Federal Student Financial Aid Programs, Form OE 1036, Annual, Lowry, Colleges, schools, universities throughout U.S.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Report on Upward Bound High School Senior College Applications and Test Scores, Forms OE 1214, Occasional, Evinger, Upward Bound Project directors.

NATIONAL SCIENCE FOUNDATION

Survey of Earned Doctorates Awarded in the United States, Form ----, Annual, Planchon, All new PH.D.'s.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–11407 Filed 5–16–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0096]

HEIZER CAPITAL CORP.

Issuance of Investment Company License

On November 29, 1973, a notice was published in the FEDERAL REGISTER (38 FR 32984) stating that an application had been filed by Heizer Capital Corporation, 20 North Wacker Drive, Chicago, Illinois 60606, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1974)) for a license as a small business investment company.

Interested parties were given until close of business December 14, 1973, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05–0096 to Heizer Capital Corporation, to operate as a small business investment company.

Dated: May 9, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–11407 Filed 5–16–74;8:45 am]

[License No. 10/12–0003]

OREGON SMALL BUSINESS INVESTMENT CO.

Surrender of License

Notice is hereby given that Oregon Small Business Investment Company, 661 High Street, NE., Salem, Oregon 97301, has surrendered its License No. 10/12–0003, issued by the Small Business Administration (SBA) on April 6, 1961.

Oregon Small Business Investment Company has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Oregon Small Business Investment Company is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: May 9, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–11406 Filed 5–16–74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

HOURS OF WORK FOR FIREMEN AND POLICEMEN

Notice of Hearing

Pursuant to the provisions of the Fair Labor Standards Act of 1938, (29 U.S.C. 201 et. seq.), as amended, notice is hereby given of a public hearing to be held on June 3, 1974, in Conference Room 102, U.S. Department of Labor, 14th and Constitution Ave., NW, Washington, D.C. 20210, beginning Monday, June 3, 1974, at 10 a.m. The purpose of the meeting is to obtain evidence and receive suggestions and proposals regarding regulations to be adopted by the Secretary to implement the new and unique overtime provisions adopted by the Congress for policemen and firemen under section 7(k) of the 1974 Amendments.

Until regulations are issued in final form, in determining hours worked for purposes of the minimum wage provisions of the Act for firemen and policemen, the Wage and Hour Division will proceed as follows until further notice:

1. For firemen and policemen who are required to be on duty for 24 hours or less the Department will use the rule as set forth in 29 CFR 785.21 (this is the rule which applied in ordinary situations to duty time of less than 24 hours). Thus for firemen with tours of duty of 24 hours or less no time may be deducted for meals or sleeping.

2. Where firemen or policemen are required to be on duty for more than 24 hours we will look at such situations on an individual basis to see what rule should be applied. Where specific fact situations of this sort are encountered they should be submitted to the Administrator, Wage and Hour Division, Room 5146, U.S. Department of Labor, Washington, D.C. 20210, for guidance.

The meeting will be open to the public. It is suggested that interested parties desiring to submit data or comments notify the Administrator in advance in writing and furnish the following information:

1. The name, address and telephone number of the person appearing.

2. If he is appearing in a representative capacity, the names, and addresses of the persons or organizations which he is representing.

3. The length of time required for his presentation.

If written data or comments are to be furnished, they should be furnished in triplicate.

In an endeavor to hear all interested persons those persons who have not notified the Administrator that they wished to be heard, will be heard following those who have so notified the Administrator but may be limited to 10 minutes for their presentation.

Signed at Washington, D.C., this 14th day of May 1974.

FREDERICK J. GLASGOW,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74–11415 Filed 5–16–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 510]

ASSIGNMENT OF HEARINGS

MAY 14, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–51146 Sub 320, Schneider Transport, Inc., now assigned June 7, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC–123407 Sub 146, Sawyer Transport, Inc., now assigned June 5, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC–92633 Sub 22, Zirbel Transport, Inc., now assigned June 24, 1974, at Portland, Oregon, will be held in Room 103, Pioneer Courthouse, 555 SW. Yamhill St., Portland, Oregon.

MC–32779 Sub 9, Silver Eagle Company, now assigned hearing June 17, 1974, will be held in Room 103, Pioneer Courthouse, 555 SW. Yamhill St., Portland, Oregon.

MC–134903 Sub 1, Kentucky Motor Freight, Inc., now assigned June 3, 1974, at Lexington, Ky., is cancelled and reassigned June 3, 1974, on the 4th Floor, State Office Bldg., Frankfort, Ky.

MC–1668 Sub 5, Riteway Express, Inc., now assigned June 17, 1974, at New York, N.Y., will be held in Room F–2220, 26 Federal Plaza.

MC–1872 Sub 81, Ashworth Transfer, Inc., MC 83539 Sub 379, C & H Transportation Co., Inc., and MC 125433 Sub 41, F–B Truck Line Company, now assigned June 17, 1974, at San Francisco, Calif., is postponed to July 15, 1974 (2 weeks), in Room 13025, 450 Golden Gate Avenue, San Francisco, Calif.

MC–127642 Sub 2, Andrew T. Jones, dba Andrew T. Jones Bus Service, now assigned June 11, 1974, will be held in the Grand Jury Room 421, 4th Floor, Post Office & Courthouse, Granby St., Norfolk, Va.

I&S M 27277, Classification of Plastic Syringes, Nationwide, now being assigned hearing June 25, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S 8938, Waterborne Shipments, North Atlantic Ports, now being assigned hearing June 24, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139186, Morgillo's Motor Livery Service, Inc., Dba Morgillo's Livery Service, now assigned June 24, 1974, at Hartford, Conn., will be held in Center Court Room, Federal Building, 450 Main Street.

MC 109649 Sub 18, L. P. Transportation, Inc., now assigned June 26, 1974, at New York, N.Y., will be held in Room 206 Tax Court, 26 Federal Plaza.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11421 Filed 5–16–74;8:45 am]

[Ex Parte No. 241; Rule 19, 16th Rev. Exemption 43–A]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Sixteenth Revised Exemption No. 43 (The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Rock Island and Pacific Railroad Company, Illinois Central Gulf Railroad Company, Missouri Pacific Railroad Company, Norfolk and Western Railway Company, St. Louis–San Francisco Railway Company, Soo Line Railroad Company and Union Pacific Railroad Company) and good cause appearing therefor:

It is ordered, That:

Sixteenth Revised Exemption No. 43 be, and it is hereby, vacated and set aside.

Effective May 6, 1974.

Issued at Washington, D.C., May 6, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74–11420 Filed 5–16–74;8:45 am]

[Notice 82]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 6, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75127. By order of May 9, 1974, the Motor Carrier Board approved the transfer to Ausley Motor Freight, Inc., Oklahoma City, Okla., of the Certificates of Registration in Nos. MC–121570 (Sub-No. 1), MC–121570 (Sub-No. 2), MC–121570 (Sub-No. 4), MC–121570 (Sub-No. 5) issued July 19, 1965, February 16, 1970, July 12, 1972, and July 23, 1973, respectively, to Maurice Smith Ausley, II, doing business as Ausley Motor Freight, Oklahoma City, Okla., evidencing the right to engage in transportation in interstate or foreign commerce corresponding in scope to certain grants of intrastate authority by the Oklahoma Corporation Commission permitting the transportation of general commodities between, and from and to, numerous points in Oklahoma. G. Timothy Armstrong, 3535 NW. 58th Street, Oklahoma City, Okla. 73112, attorney for applicants.

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No. MC–FC–75128. By order of May 13, 1974, the Motor Carrier Board approved the transfer to William L. Gunderson, doing business as Towne Garage, 474 E. West Road, Tulelake, Calif. 96134, of the operating rights in Certificate No. MC–123629 issued May 1, 1969 to Irving H. Towne, doing business as Towne's Garage, 474 E. West Road, Tulelake, Calif. 96134, authorizing the transportation of wrecked or disabled automobiles between points in Deschutes, Douglas, Jackson, Josephine, Klamath, and Lake Counties, Oreg., on the one hand, and, on the other, points in Modoc and Siskiyou Counties, Calif.

No. MC–FC–75141. By order entered May 13, 1974, the Motor Carrier Board approved the transfer to Bondy Cartage Limited, Windsor, Ontario, Canada, of the operating rights set forth in Certificate No. MC–93236, issued August 1, 1950, to Morrice Cartage, Limited, Windsor, Ontario, Canada, authorizing the transportation of general commodities, with the usual exceptions, between Detroit, Mich., and points and places in Detroit, on the one hand, and, on the other, the boundary of the United States and Canada, through the port of entry at Detroit. John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226, attorney for applicants.

No. MC–FC–75143. By order of May 13, 1974, the Motor Carrier Board approved the transfer to Piedmont Transportation Co., Inc., Revere, Mass., of Certificate of Registration No. MC–57517 (Sub-No. 1) issued October 30, 1963 to Abraham Cohen, doing business as Piedmont Transportation Co., Salem, Mass., evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 4702 dated August 22, 1939, issued by the Massachusetts Department of Public Utilities. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11422 Filed 5–16–74;8:45 am]

[I.C.C. Order 126, Rev. S.O. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, Trustees (PC) is unable to transport traffic over its Hudson River bridge east of Highland, New York, because of fire damage.

It is ordered, That:

(a) *Rerouting traffic.* The PC being unable to transport traffic over its Hudson River bridge located east of Highland, New York, because of fire damage, the following routes shall be used for the rerouting of traffic:

(1) Traffic originating or terminating on the PC at stations Campbell Hall, New York to Highland, New York, inclusive, and requiring movement over the Hudson River bridge of the PC east of Highland, New York, shall be rerouted via Maybrook, New York, thence any available route.

(2) Traffic routed for interchange between the PC and the Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees (EL), at Maybrook, New York, shall be interchanged between the PC and the EL at either Utica, New York, or Croxton (Marion) New Jersey, as mutually agreed upon by these carriers.

(3) Traffic routed for interchange between the PC and The Lehigh and Hudson River Railway Company, John C. Troiano, Trustee (LHR) at Maybrook, New York, shall be interchanged between the PC and the LHR at Phillipsburg, New Jersey.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under section (a), paragraph (1) of this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 a.m., May 9, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 15, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 9, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74–11419 Filed 5–16–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 14, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on "or" before May 28, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–730 (Sub-No. E21), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, and *acids*, in bulk, in tank vehicles, from points in California (except Brea and points within three miles thereof), to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC–730 (Sub-No. E22), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Utah to points in Oregon. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC–730 (Sub-No. E23), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, in bulk, in tank vehicles, from Portland, Linnton, Willbridge, The Dalles, and Astoria, Oreg., to points in Montana. The purpose of this filing is to eliminate the gateway of Asotin County, Wash.

No. MC–730 (Sub-No. E25), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products which require special equipment for the application of heat or to facilitate unloading), in bulk, in tank vehicles, from points in Los Angeles, Orange, and Ventura Counties, Calif., to points in Colorado. The purpose of this filing is to eliminate the gateways of Las Vegas, Nev., and points in Utah.

No. MC–730 (Sub-No. E26), filed May, 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products which require special equipment for the application of heat or to facilitate unloading), in bulk, in tank vehicles, from points in Los Angeles, Orange, and Ventura Counties, Calif., to points in Utah. The purpose of this filing is to eliminate the gateway of Las Vegas, Nev.

No. MC–730 (Sub-No. E27), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Portland, Linnton, Willbridge. The Dalles, and Astoria, Oreg., to those points in Montana west of U.S. Highway 91. The purpose of this filing is to eliminate the gateway of Pasco, Wash.

No. MC–730 (Sub-No. E28), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Wyoming to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC–730 (Sub-No. E29), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Ca. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sacramento, Stockton, and Coalinga, Calif., points within 30 miles of Coalinga, and those points in Alameda, Contra Costa, and Solano Counties, Calif., on and south of California Highway 12, to points in Utah. The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC–730 (Sub-No. E30), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Coalinga, Calif., and points within 30 miles of Coalinga, Calif., to points in Utah. The purpose of this filing is to eliminate the gateway of Las Vegas, Nev.

No. MC–25798 (Sub-No. E11), filed April 18, 1974. Applicant: CLAY HYDER TRUCKING LINE INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell, P.O. Box 1186, Auburndale, Fla. 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables* (1) from points in Michigan, Minnesota, Ohio, West Virginia, and Wisconsin, to points in Florida; (2) from points in Kentucky west of a line beginning at the Kentucky-Tennessee State line and Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence north along U.S. Highway 31 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to its intersection with Kentucky Highway 79, thence north on Kentucky Highway 79 to the Kentucky-Indiana State line, to points in Florida east and southeast of the eastern boundary of Jefferson County; (3) from points in Illinois south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 460 to its intersection with U.S. Highway 40, thence west on U.S. Highway 40 to the Illinois-Missouri State line to points in Florida east and southeast of the eastern boundary of Jefferson County; (4) from point in Posey, Vanderburg, Warrick, Spencer, Perry, Dubois, Gibson, and Pike Counties, Ind., to points in Florida east and southeast of the eastern boundary of Jefferson County. The purpose of this filing is to eliminate the gateway of Henderson County, N.C.

No. MC–25798 (Sub-No. E19), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla., 33823. Applicant's representative: Tony G. Russell, P.O. Box 1186, Auburndale, Fla. 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen meat products*, in containers, in vehicles equipped for temperature control, from Coffeyville, Kans., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, District of Columbia, Pennsylvania on, east, and south of a line beginning at the Pennsylvania-Maryland State line and thence along U.S. Highway 1 to its intersection with Pennsylvania Highway 10, thence north on Pennsylvania Highway 10 to its intersection with Interstate Highway 76, thence east on Interstate Highway 76 to its intersection with Interstate Highway 276, thence east on Interstate Highway 276 to the Pennsylvania-New York State line, and points in New York on and south of Interstate Highway 84. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–25798 (Sub-No. E23), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen meats and frozen meat products*, in containers, from Fremont and Scottsbluff Nebr., Huron and Mitchell, S. Dak., to points in Virginia, except Page, Rappahannock, Prince William, Frederick, Clarke, Loudoun, Shenandoah, Warren, Fauquier, and Fairfax Counties, Va. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–25798 (Sub-No. E28), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen mushrooms*, from Kennett Square, Pa., to points in Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of Crozet, Va.

No. MC–30280 (Sub-No. E2), filed May 1, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, comodities requiring special equipment, and those injurious or contaminating to other lading), from those points in Georgia on and north of a line beginning at Columbus, thence along Georgia Highway 85 to Woodbury, thence along Georgia Highway 18 to Zebulon, thence along U.S. Highway 19 to Griffen, thence along Georgia Highway 155 to McDonough, thence along Georgia Highway 81 to Porterdale, thence along Georgia Highway 12 to junction U.S. Highway 129, thence along U.S. Highway 129 to Athens, thence along U.S. Highway 29 to the Georgia-South Carolina State line, to those points in South Carolina on and northeast of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 178 to Easley, thence along South Carolina

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Highway 8 to junction U.S. Highway 25, thence along U.S. Highway 25 to Laurens, thence along U.S. Highway 76 to Clinton, thence along South Carolina Highway 72 to junction Interstate Highway 26, thence along Interstate Highway 26 to Columbia, thence along U.S. Highway 378 to junction South Carolina Highway 527, thence along South Carolina Highway 527 to junction U.S. Highway 261, thence along U.S. Highway 261 to Youkannan, thence along U.S. Highway 701 to Conway, thence along South Carolina Highway 544 to Murrell's Inlet. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E3), filed May 1, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from those points in Georgia on and north of a line beginning at the Georgia-Alabama State line, thence along Georgia Highway 20 to Canton, thence along Georgia Highway 5 to Tate, thence along Georgia Highway 53 to junction Georgia Highway 9, thence along Georgia Highway 9 to Cleveland, thence along Georgia Highway 115 to junction U.S. Highway 441, thence along U.S. Highway 441 to Cornelia, thence along U.S. Highway 123 to the Georgia–South Carolina State line, to those points in South Carolina on and west of a line beginning at the North Carolina–South Carolina State line, thence along U.S. Highway 25 to Trenton, thence along South Carolina Highway 19 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction South Carolina Highway 68, thence along South Carolina Highway 68 to junction U.S. Highway 21, thence along U.S. Highway 21 to Beaufort. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E5), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Danieli (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from those points in Georgia on and north of a line beginning at the Georgia-North Carolina State line, thence along Georgia Highway 11 to Blairsville, thence along U.S. Highway 19/129 to Cleveland, thence along Georgia Highway 115 to junction U.S. Highway 23, thence along U.S. Highway 23 to Cornelia, thence along U.S. Highway 123 to the Georgia-South Carolina State line, to those points in South Carolina on and east of U.S. Highway 25. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E7), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points within 15 miles of Atlanta, Ga., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E8), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from those points in that part of South Carolina south and west of a line beginning at the North Carolina-South Carolina State line, thence along South Carolina Highway 742 to junction South Carolina Highway 102 thence along South Carolina Highway 102 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 403, thence along South Carolina Highway 403 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction South Carolina Highway 327, thence along South Carolina Highway 327 to junction South Carolina Highway 378, thence along U.S. Highway 378 to junction South Carolina Highway 41, thence along Highway 41 to junction South Carolina Highway 45, thence along State Highway 45 to McClellanville, to Beverly, N.J., and points in Hudson, Bergen, Passaic, Essex, Union, and Middlesex Counties, N.J. The purpose of this filing is to eliminate the gateway to Gastonia, N.C.

No. MC–77129 (Sub-No. E1), filed April 11, 1974. Applicant: RAYMOND H. PUFFER, INC., R.F.D. 1, Box 15, Vernon, Vt. 05354. Applicant's representative: Morton E. Kiel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except lumber, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,) between points in Windham County, Vt., on the one hand, and, on the other, points in Passaic, Bergen, Essex, and Hudson Counties, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC–95540 (Sub-No. E105), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen foods*, from Prattsville, N.Y., to points in Texas on or south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E107), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E113), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Orangeburg, S.C., to points in Colorado. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E115), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on and south of Interstate Highway 8, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E121), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of Interstate Highway 8, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line, and thence north along U.S. Highway 19 to Pittsburgh, thence along Pennsylvania Highway 8 to Butler, thence along Pennsylvania Highway 68 to Rimersburg, thence along Pennsylvania Highway 861, to New Bethlehem, thence along Pennsylvania Highway 28 to Brockway, thence along U.S. Highway 219 to Lantz Corners, thence along U.S. Highway 6 to Smethport, thence along Pennsylvania Highway 59 to its intersection with Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E130), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Jacksonville, Fla., to points in Utah. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E132), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Dade City, Fla., to points in Idaho. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E131), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Dade City, Fla., to points in Nevada. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E134), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Jacksonville, Fla., to points in Montana. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E135), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except canned goods as set forth in List C of the Appendix and except commodities in bulk, in tank vehicles), from Cincinnati, Ohio, to points in Texas on and south of a line beginning at the Rio Grande River at Zapata, thence along Texas Highway 16, to Hebbronville, thence along Texas Highway 285 to the Los Almos Creek, thence along Los Almos Creek to the Baffin Bay, thence along the Baffin Bay to the Laguna Madre, thence along the Laguna Madre to Queen Isabella Toll Causeway thence along Queen Isabel Toll Causeway to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E141), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen meat products*, from Dade City, Fla., to points in Oregon. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E142), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Dade City, Fla., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–95540 (Sub-No. E143), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Dade City, Fla., to points in Utah. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC–100666 (Sub-No. E58), filed April 24, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, particleboard, and sheathing*, from Memphis, Tenn., to points in Minnesota, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC–107295 (Sub-No. E1), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels*, from North Stratford, N.H., to points in Alabama, Arizona, California, Colorado, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E3), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wallboard*, from Lodi, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Kentucky, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Bristol, Ind., Truman, Ark., Kalamazoo, Mich., and Fort Dodge, Iowa.

No. MC–107295 (Sub-No. E4), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical cable tray systems*, and *accessories, parts*, and *fittings* incidental to the completion, erection, and installation of electrical cable tray systems, from the plant site of Husky Products Company at or near Florence, Ky., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Highland, Ill.

No. MC–111594 (Sub-No. E1), filed April 26, 1974. Applicant: C. W. TRANSPORT, INC., 610 High St., Wisconsin Rapids, Wis. 54494. Applicant's representative: Jack R. Turney, Jr., 2001, Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

In proposal No. 1:

General commodities (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago,

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Ill., and points within its commercial zones and Chicago Heights, Ill., on the one hand, and, on the other, points in Ohio on and south of U.S. Highway 40. The purpose of the filing of proposal No. 1 is to eliminate the gateways of Fort Wayne, Jonesboro, Muncie, Marion, Gas City, and Winchester, Ind.

In proposal No. 2a:

The commodities described in proposal (1) above, between points in that part of Illinois within a 50-mile radius of Batavia, Ill. (except points within an area bounded by a line beginning at Zion, Ill., and extending in a southwesterly direction to Grays Lake, Ill., thence in a southeasterly direction to Libertyville, Ill., thence in a southeasterly direction through Lake Zurich, Barrington, Elgin, Plato Center, and Sycamore, Ill., to DeKalb, Ill., thence in a southeasterly direction through Aurora and Plainfield, Ill., to Joliet, Ill., thence in an easterly direction to Chicago Heights, thence in a northeasterly direction through Gary, Ind., to Lake Michigan, thence in a northwesterly direction along the shore of Lake Michigan to a point directly east of Zion, Ill., and thence in a westerly direction to the point of beginning), on the one hand, and, on the other, points in Ohio, and points in that part of Indiana on, east, and south of a line beginning at Evansville, Ind., thence north and east of U.S. Highway 460 to its junction with U.S. Highway 231, thence over U.S. Highway 231 to its junction with U.S. Highway 50, thence north and east over U.S. Highway 50 to Bedford, Ind., thence north over Indiana Highway 37 to Bloomington, thence east over Indiana Highway 46 to Greenburg, thence north over Indiana Highway 3 to Fort Wayne, thence east over U.S. Highway 24 to the Indiana-Ohio State line. The purpose of the filing of 2a is to eliminate the gateways of Chicago, Ill., and points in its commercial zone, Chicago Heights, Ill., and Jonesboro, Muncie, Marion, Gas City, and Winchester, Ind.

In proposal No. 2b:

General commodities (except household goods, as defined by the Commission), between points in that part of Illinois and Indiana (except Chicago, Ill.), bounded by a line beginning at Zion, Ill., and extending in a southwesterly direction to Grays Lake, Ill., thence in a southeasterly direction to Libertyville, Ill., thence in a southwesterly direction through Lake Zurich, Barrington, Elgin, Plato Center, and Sycamore, Ill., to DeKalb, Ill., thence in a southeasterly direction through Aurora and Plainfield, Ill., to Joliet, Ill., thence in an easterly direction to Chicago Heights, Ill., thence in a northeasterly direction through Gary, Ind., to Lake Michigan, thence in a northwesterly direction along the shore of Lake Michigan to a point directly east of Zion, Ill., and thence in a westerly direction to point of beginning, on the one hand, and, on the other, points in Ohio and points in that part of Indiana on, east and south of a line beginning at Vincennes, Ind., thence north and east over U.S. Highway 67 to Indianapolis, thence north and east over Indiana Highway 37 through Marion to its junction with U.S. Highway 24, thence over U.S. Highway 24 to the Indiana-Ohio State line. The purpose of the filing of proposal 2b is to eliminate the gateways of Chicago, Ill., and points in its commercial zone, Chicago Heights, Ill., and Jonesboro, Muncie, Marion, Gas City, and Winchester, Ind.

In proposal No. 3:

The commodities described in proposal No. 1 above, between Alton, Ill., and St. Louis, Mo., on the one hand, and, on the other, points in Ohio. The purpose of the filing of proposal No. 3 is to eliminate the gateway of Winchester, Ind.

In proposal No. 4:

The commodities described in proposal No. 1 above, between Lawrenceville, Ill., on the one hand, and, on the other, points in Ohio on and north of U.S. Highway 40. The purpose of the filing of proposal No. 4 is to eliminate the gateway of Marion, Ind.

In proposal No. 5:

The commodities described in proposal No. 1 above, between Kansas City, Mo., on the one hand, and, on the other, Cincinnati, Reading, and Columbus, Ohio. The purpose of the filing of proposal No. 5 is to eliminate the gateway of Muncie, Ind.

In proposal No. 6:

The commodities described in proposal No. 1 above, between Louisville, Ky., and Cincinnati, Ohio, on the one hand, and, on the other, Chicago, Ill., and points in that part of Illinois and Indiana bounded by a line beginning at Zion, Ill., and extending in a southwesterly direction to Grays Lake, Ill., thence in a southeasterly direction to Libertyville, Ill., thence in a southwesterly direction through Lake Zurich, Barrington, Elgin, Plato Center, and Sycamore, Ill., to DeKalb, Ill., thence in a southeasterly direction through Aurora and Plainfield, Ill., to Joliet, Ill., thence in an easterly direction to Chicago Heights, Ill., thence in a northeasterly direction through Gary, Ind., to Lake Michigan, thence in a northwesterly direction along the shore of Lake Michigan to a point directly east of Zion, Ill., and thence in a westerly direction to point of beginning. The purpose of the filing of proposal No. 6 is to eliminate the gateways of Chicago, Ill., points in its commercial zone, Chicago Heights, Ill., and Marion, Ind.

In proposal No. 7:

The commodities described in proposal No. 1 above, between Peoria, Ill., on the one hand, and, on the other, Cincinnati, Reading, and Columbus, Ohio. The purpose of the filing of proposal No. 7 is to eliminate the gateway of Muncie, Ind.

No. MC–113535 (Sub-No. E1), filed May 2, 1974. Applicant: A & W TRUCKING COMPANY, Route 5, Box 900, Mosiner, Wisconsin 54455. Applicant's representative: John J. Altenburg (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dubuque, Iowa, to Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing, and Winona, Minn., restricted to the transportation of traffic originating at Dubuque, Iowa. The purpose of this filing is to eliminate the gateway of Durand, Wis.

No. MC–114019 (Sub-No. E10), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in Wisconsin and Iowa to Westfield, N.Y., restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E11), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and vegetable oil shortenings*, in bulk, in tank vehicles, from points in Wisconsin and Iowa to Boston, Mass., Suffolk, Va., and the District of Columbia, restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plans, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E13), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish, frozen seafood and other frozen foods*, between points in Wisconsin and Iowa, on the one hand, and, on the other, Cleveland, Columbus, Canton, Akron, Dayton, and Cincinnati, Ohio, Baltimore and Sparrows Point, Maryland, points in New Jersey, Connecticut, Rhode Island, Massachusetts, Pennsylvania, New York (except those east of U.S. Highway 15 extending from Rochester to New York Highway 15, those on and north of New York Highway 5, from its junction with U.S. Highway 15 to its junction with New York Highway 57, and those on and west of New York Highway 57 from Syracuse to Oswego), and those in Delaware and Maryland which are within 30 miles of Philadelphia, Pa.

The authority described above is restricted to the transportation of the commodities described therein to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114045 (Sub-No. E15), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock Cornish game hens*, in vehicles equipped with mechanical refrigeration, from Pomfret Center and Putnam, Conn., to points in Washington, Oregon, Idaho, and Utah. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E16), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned dairy products*, from points in Pike and Spalding Counties, Ga., to points in Washington, Oregon, Idaho, Montana, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–115093 (Sub-No. E1), filed April 15, 1974. Applicant: MERCURY MOTOR EXPRESS, INC., 704 W. Kennedy Boulevard, Tampa, Fla. 33606. Applicant's representative: Clayton R. Byrd (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Textiles, textile products*, and *equipment, materials, and supplies* used in the manufacture and distribution of textiles; (b) *synthetic resins;* (c) *naval stores;* (d) *chemicals;* and (e) *paper and paper products;* from points in Escambia and Santa Rosa Counties, Fla., to those points in South Carolina in Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, and Williamsburg Counties, points in Clarendon County on and east of U.S. Highway 521 (except Manning) and Bloomville, points in Kershaw County on and east of South Carolina Highway 341, points in Lancaster County on and east of South Carolina Highway 522, and points in Sumter County on and east of a line beginning at the Clarendon-Sumter County line, thence over U.S. Highway 15 to Sumter, thence over U.S. Highway 521 to the Kershaw-Sumter County line; and (2) *Materials, supplies, and equipment* used in connection with the manufacture, sale, and distribution of the commodities described in (1) above, from the destinations named in (1) above, to the origins named in (1) above, restricted in (1) and (2) above (a) against the transportation of commodities in bulk and those which require the use of special equipment and (b) against the transportation of shipments moving between any two points authorized above which may be served in the carriers regular-route operations. The purpose of this filing is to eliminate the gateway of points in North Carolina and points in Florence County, S.C.

No. MC–117119 (Sub-No. E24), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved meats and packinghouse products fit for human consumption, in containers, and frozen foods*, from Omaha, Nebr., to points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of Sharpsburg, Iowa, and Conway, Ark.

No. MC–12704 (Sub-No. E1), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, Nebr., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Hospers, Iowa.

No. MC–127042 (Sub-No. E2), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from West Fargo, N. Dak., to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Luverne, Minn.

No. MC–127042 (Sub-No. E4), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Albert Lea, Minn., to points in Montana. The purpose of this filing is to eliminate the gateways of West Point, Nebr., or the plantsite and storage facilites utilized by Wilson & Co., at or near Cherokee, Iowa.

No. MC–127042 (Sub-No. E5), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, animal and feed ingredients, and commodities in bulk), from Albert Lea, Minn., to points in Idaho and points in Baker and Malheur Counties, Oregon. The purpose of this filing is to eliminate the gateways of Cherokee, Iowa, and Omaha, Nebr.

No. MC–127042 (Sub-No. E14), filed April 14, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sheridan, Wyo., to points in Illinois, Minnesota, Missouri, and Wisconsin, and points in Kansas on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Hospers and Denison, Iowa.

No. MC–127042 (Sub-No. E18), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products, articles distributed by meat packinghouses*, and *dairy products* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin to points in Idaho, Montana, and Wyoming, and points in Baker and Malheur Counties, Oreg. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–127042 (Sub-No. E19), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common*

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carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site of Armour and Company, near Worthington, Minn., to points in Montana. The purpose of this filing is to eliminate the gateway of West Point, Nebr.

No. MC–127042 (Sub-No. E20), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of Armour and Company, near Worthington, Minn., to points in Idaho. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities utilized by Wilson and Co., Inc., at or near Cherokee, Iowa.

No. MC–127042 (Sub-No. E21), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of Armour and Company, near Worthington, Minn., to points in Baker and Malheur Counties, Oreg. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–127042 (Sub-No. E28), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed* by *meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Sioux City, Iowa to points in Montana. The purpose of this filing is to eliminate the gateway of West Point, Nebr.

No. MC–127042 (Sub-No. E30), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products and articles distributed* by *meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux City, Iowa to points in Idaho, and points in Baker and Malheur Counties, Oreg. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11418 Filed 5–16–74;8:45 am]

FEDERAL ENERGY OFFICE

AVIATION FUEL

Guidelines Concerning Certifications by International Air Carriers for Non-bonded Fuel

Reports to the Federal Energy Office indicate that some misunderstandings exist as to what actions must be taken in order for an international carrier which has traditionally used bonded aviation fuel to obtain non-bonded fuel as provided in § 211.145(c) of the Mandatory Petroleum Allocations Regulations. (Effective June 1, 1974, § 211.145 is renumbered § 211.146). The following information is intended to serve as a guide for international air carriers and their suppliers. It is essential that all information required by the regulations be supplied as indicated below:

First, the carrier must request its base period supplier to supply bonded fuel at a price no higher than the supplier's lawful price for non-bonded fuel at each station. This request should be made early enough to allow the supplier adequate time to reply. In turn, the supplier should provide its reply to allow the carrier adequate time to prepare its certification, which is due at least 15 days before the beginning of the next allocation period.

A failure of the supplier to answer this initial request may be treated as a reply that no bonded fuel will be supplied at the lawful price for non-bonded fuel at any station for which no reply is received.

After receiving the supplier's reply, the carrier, if it desires non-bonded fuel from its base period supplier, should prepare its certification containing the following information:

1. The total volumes of bonded fuel at all stations from all suppliers that the carrier will obtain for the month, including volumes which the carrier intends to accept under contracts, the amount of bonded fuel offered to the carrier at the lawful price for non-bonded fuel, and any other amount which for any reason the carrier intends to accept.

NOTE: This is a total amount for all U.S. stations from all suppliers.

2. The total base period volume of bonded and non-bonded fuel received during the base period at all U.S. stations from all suppliers.

3. The volume of bonded and non-bonded fuel received during the base period at all U.S. stations from the supplier to which the certification is being made.

4. Whether and to what extent the carrier can use naphtha-base jet fuel.

The above information is needed to enable the supplier to compute its bonded fuel factor, adjusted allocable supply, allocation fraction and consequently the amount of non-bonded fuel to be supplied.

In addition to the nationwide totals listed above, the carrier should list its certified requirements for non-bonded fuel on a station-by-station basis. This will permit suppliers to determine their supply position at each station.

Certifications by carriers pursuant to § 211.145(c) for the month beginning June 1, 1974, would be due May 16, 1974, under the regulation. However, concurrent with this notice, FEO is amending the regulation to provide an additional four days for suppliers and carriers to properly implement the regulations and these guidelines. Thus, for the month commencing June 1, 1974, certifications or amended certifications filed with an international air carrier supplier no later than May 20, 1974, will meet the certification requirement of the regulations.

Issued in Washington, D.C., May 16, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

[FR Doc.74–11562 Filed 5–16–74;11:54 am]

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FRIDAY, MAY 17, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 97

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 97—Pt. II——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determinations Decision, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State).

California:
AQ–1092; AQ–1093 ..... Mar. 15, 1974
AQ–1094; AQ–1095 ..... Mar. 22,1974
Florida:
AQ–4091; AQ–4092 ..... Do.
Georgia:
AQ–4104; AQ–4106 ..... May 3, 1974
Iowa:
AP–215 ..... Aug. 11, 1972
Maryland:
AQ–2111 ..... May 3, 1974
New York:
AQ–2041 ..... Jan. 25, 1974
Pennsylvania:
AP–489 ..... Mar. 9, 1973
AQ–2064; AQ–2065 ..... Feb. 15, 1974
Tennessee:
AM–8623 ..... June 16, 1972
Virginia:
AQ–2111 ..... May 3, 1974
Washington:
AQ–1098 ..... Apr. 26, 1974
Washington, D.C.:
AQ–2110 ..... May 3, 1974

Supersedeas decisions to general wage determination decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded).

Florida:
AQ–4088(AQ–4115) ..... Nov. 16, 1973
Kentucky:
AQ–4068(AQ–4116) ..... Feb. 1, 1974
Mississippi:
AQ–4109(AQ–4113) ..... May 3, 1974
New York:
AP–400(AQ–2120) ..... July 14, 1972
AP–808(AQ–2118) ..... May 11, 1973
Oklahoma:
AM–8608 Thru AM–8612 (AQ–109) ..... Aug. 21, 1971

Signed at Washington, D.C., this 10th day of May 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION #AQ–1094 – Mod. #3
(39 FR 11004 – March 22, 1974)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Tr.
Changes:					
Glaziers					
Imperial County	$8.90	.55	.60		
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	8.47	.60	.85		.04
Painters:					
Parking Lot Striping Work and/or Highway Markers:					
Inyo and Mono Counties					
Striper	7.92	.40	.20	b	
Striper Helper	6.82	.40	.20	b	
Traffic Delineating Device Applicator; Traffic Surface Sandblaster	6.82	.40	.20	b	
Helper (Traffic Delineating Device Applicator, Traffic Surface Sandblaster)	6.32	.40	.20	b	
Remaining Counties					
Traffic Delineating Device Applicator	6.82	.40	.20	b	
Traffic Surface Protective Coating Applicator; Wheel Stop Installer; Traffic Surface Sandblaster; Striper)	6.43	.40	.20	b	
Helper (Traffic Surface Protective Coating Applicator, Wheel Stop Installer, Traffic Surface Sandblaster, Striper)	5.43	.40	.20	b	

FOOTNOTE
b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service; $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years, but less than 10 years service and $.50 per hour after 10 years' service.

MODIFICATIONS P. 1

DECISION #AQ–1092 – Mod. #1
(39 FR 10046 – March 15, 1974)
San Diego County, California

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Tr.
Changes:					
Boilermakers	$8.50	.65	1.00	.50	.02
Carpenters:					
Carpenters	7.51	.56	.85	.50	.02
Piledrivermen	7.64	.56	.85	.50	.02
Millwrights; Pneumatic Nailer; Hardwood floorlayers	7.76	.56	.65	.50	.02
Glaziers	8.90	.55	.60		
Painters:					
Parking Lot Striping Work and/or Highway Markers:					
Traffic delineating device applicator	6.82	.40	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator; Striper)	5.43	.40	.20	b	
Plumbers; Steamfitters	8.84	10%	16%	13%	1%
Sheet Metal Workers	8.93	.74	1.20		

FOOTNOTE
b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service; $.30 per hour after one year but less than 3 years' service, $.40 per hour after 3 years but less than 10 years and $.50 per hour after 10 years' service.

DECISION #AQ–1093 – Mod. #1
(39 FR 10047 – March 15, 1974)
San Diego County, California

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Tr.
Changes:					
Boilermakers	$8.50	.65	1.00	.50	.02
Carpenters:					
Carpenters	7.51	.56	.85	.50	.02
Piledrivermen	7.64	.56	.85	.50	.02
Millwrights; Pneumatic Nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02
Glaziers	8.90	.55	.60		
Plumbers; Steamfitters	8.84	10%	16%	13%	1%
Sheet Metal Workers	8.93	.74	1.20		

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MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1095 - Mod. #3 (39 FR 11013 - March 22, 1974) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Glaziers					
Imperial County	$8.90	.55	.60		
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	8.47	.60	.85		.04
DECISION #AQ-1091 - Mod. #1 (39 FR 10991 - March 22, 1974) Broward County, Florida					
Change:					
Asbestos workers	$9.96	.35	.35		.02
Ironworkers	8.80	.75	.83		.03
Sheet metal workers	9.87	.45	.35		.08
Sprinkler fitters	8.71	.40	.60		.10
DECISION #AQ-1092 - Mod. #1 (39 FR 10993 - March 22, 1974) Martin and Palm Beach Counties, Florida					
Change:					
Carpenters & soft floor layers	8.50	.55	.45		.03
Millwrights	8.95	.55	.45		.03
Piledrivermen	8.70	.55	.45		.03

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AO-4104- Mod. #1 (39 FR 15640 - May 3, 1974) Statewide, Georgia, except Counties of Chatham, Clayton, Cobb, DeKalb, and Fulton.						
Change:						
Electricians - Zone IV	$8.85	6%	7% + 1%		.25%	
Electricians - Zone V	6.80	.30	1%		.2%	
Shovels - Zone V	3.05					
Add:						
Zone V - Bryan County						

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AQ-4106 - Mod. #1 (39 FR 15601 - May 3, 1974) Richmond County, Georgia						
Change:						
Electricians	$6.96	.30	.07		1%	
Add:						
Power Equipment Operators:						
Group A:						
Air Compressors, Batch Plants, Bulldozers, Fork Tractors, Mixers, End Loaders, Scrapers, Patrols, and Tuggers	6.65	.35	.35		.02	
Group B:						
Cranes, Derricks, Draglines, Sidebooms, Cherry Pickers, Mechanics, Piledrivers, Backhoes, and Concrete Pumps	7.25	.35	.35		.02	
Group C:						
Distributors, Finishing Machines, Rollers, Plain Tractors, and Firemen	6.40	.35	.35		.02	
Group D:						
Master Mechanic	7.75	.35	.35		.02	
Group E:						
Pump Operators	6.30	.35	.35		.02	
Group F:						
Trenching Machines and Small Backhoe	6.85	.35	.35		.02	

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-215 - Mod. #1 (37 FR 16846 - August 11, 1972) Polk County (except City of Des Moines & abutting municipalities), Iowa					
Change:					
Heavy & Highway Construction:					
Power Equipment Operators:					
Power Shovel, Crane, Backhoe & Dragline; Central Mix Plant; Dredge Engineer; Dredge Leverman; Paver or Spreader; Welding Engineer (steel erection); Motor Patrol; Piledriver; Concrete Mixer; Tow or Push Boat; Heater Mechanic	$6.60	.40	.40		.08
CMI Paver; CMI Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 60 or similar capacity); Asphalt Laydown; Asphalt Burner; Asphalt Heater-Planer Unit; Asphalt Roller; Self-propelled Elevating Grader or similar machine; Spreader (concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump	6.55	.40	.40		.08
Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber-Green, Haiss Loader or similar machine; Tractor Pulling ripper, disc, sheepsfoot or disc roller; Self-propelled sheepsfoot roller	6.20	.40	.40		.08

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DECISION #AP-215 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd): Self-propelled Roller (other than asphalt); Distributor; Screening & Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader	$6.10	.40	.40		.03
Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heator (combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering; Truck Crane Combination Driver-Oiler; Concrete Curing Machine; Safety Boat	5.80	.40	.40		.02
Batch Plant-Dry; Apprentice Engineer	5.45	.40	.40		.03

DECISION #AQ-2,041 - Mod. #1
(39 FR 3421 - January 25, 1974)
Westchester County, New York

Changes:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$11.2278	5%	4%			
Carpenters & insulators	8.40	.85	.85+.35	.67	.085	
Laborers: (Building) Mason plaster, bricklayers tenders, steel lather helpers, concrete-laborers, pipelayers, fire watchers, temporary heat laborers, dock-builder helpers, carpenters tenders, form strippers, tool room checker, general laborers, landscape laborer, signal man, scaffold men, mortar mixer	7.20	.80	.54+.35	.40		
Equipment operators, drillers and pavement breakers, barco and all air tampers, vibrators, power-buggies, forklifts, power jacks, swinger operator on conveyor belt, plastering and acoustic pumps, all pneumatic equipment	7.45	.80	.54+.35	.40		
Marble setters & cutters	7.80	.63+.15	.66+.28	i		
Marble carvers	7.95	.63+.15	.66+.28	i		
Sawyers, polishers, rubbers	7.57	.61+.15	.61+.26	i		
Crane op., & derrickman	7.33	.59+.15	.63+.25	i		
Helpers	7.33	.59+.15	.63+.25	i		
Plumbers	8.435	7%	8%+h	10%	2%	
Sheet metal workers	9.46	47.3	75.7	75.7	.02	
Steamfitters	8.395	6%%	8%%d	10%	1%	

FOOTNOTES:
d. Employer contributes $5.60 per day to a Security Benefit fund providing the employees works 3½ hours or more during the working day.
h. Employer contributes $4.96 per day to a Security Benefit fund providing the employee works 3½ hours or more during the working day.
i. Paid Holiday: St. Patricks Day.

DECISION #AP-429 - Mod. #3
(38 FR 6622 - March 9, 1973).
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania

PA-22-LAB-TD-2-3-M

Change: HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Carpenters/Piledrivermen	$7.52	.25	.35		
Laborers: Asphalt Tampers and Asphalt Rakers, Concrete Pitmen, Puddlers & Rubbers, Highway Slab Reinforcement Placers, Laborers, Landscape, Planters, Seeders and Arborists, Magazine Tenders, Railroad Trackmen & Signalmen Leader Beam men (pipe laying and paving machine), flagman	5.76	.25	.20		
Pneumatic and Electric Tool Operators, Jackhammers, Paving Breakers, Concrete Saws, Wacker Vibrators, Sheet Hangers, Steward, Chain Saws, Pipelayers	5.96	.25	.20		
Caisson-open air-below 8 feet, Cofferdam open air-below 8 feet, where excavations for circular caissions and cofferdams 8 feet and below level of natural grade adjacent to starting point, Form Setters (Road) Wagon Drill, Diamond Point Drill, Gunite nozzle Operators	6.31	.25	.20		
Blasters	6.54	.25	.20		
Reinforcing Steel Placers, Bonding, Aligning and Securing	6.60	.25	.20		
Concrete Surfacers	6.98	.25	.20		
Free Air Tunnels and Rocks Shafts Outside Laborers in conjunction with tunnels and rock shafts	6.40	.25	.20		
Chuck Tenders, Muckers, Nippers, Miners' and Drillers Helpers, Inside Laborers	6.69	.25	.20		
Miners, Drillers, Blasters, Pneumatic Shield Operators, Lining, Spotting and Timber Workmen	7.17	.25	.20		
Truck Drivers: Class I Helper, Stake Body Truck (Single axle), Dumpster	5.99				
Class II Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06				
Class III Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DCISION #AQ-2064 - Mod. #3 (39 FR 6018 - February 15, 1974) Washington County, Pennsylvania					
Change: Bricklayers And Stonemasons: Twps, Of Cross Creek, Hanover, Jefferson Mt. Pleasant, Nottingham, Peters, Robinson, Smith and Union	$9.405	.45	.60		
DCISION #AQ-2065 - Mod. #4 (39 FR 6022 - February 15, 1974) Allegheny County, Pennsylvania					
Change: Bricklayers	9.405	.45	.60		
Omit: Terrazzo Workers	7.855	.35	.10		
Add: Terrazzo Workers Helpers	7.855	.35	.10		
DECISION #AM-8623 - Mod. #3 (37 FR 12013 - June 16, 1972) Sullivan County, Tennessee					
Omit: Plumbers	$5.75	.20	.30	.15	.01
Add: Within the city of Bristol	3.50				
Outside the city of Bristol	5.75	.20	.30	.15	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1098 - Mod. #1 (39 FR 14892 - April 26, 1974) Statewide Washington					
Change:					
Painters:					
Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Lincoln, Pend Orielle, Spokane, Stevens, Walla Walla and Whitman Counties					
Brush	7.53	.25	.45		.01
Steel; Spray; Acid Etching; Steam Cleaning; Rollers over 9" or 10' handles; Drywall tapers	7.78	.25	.45		.01
Swing Stage work or High Work (over 30')	7.88	.25	.45		.01
Bituminastic; Sand Blasting; Bridges; Towers; Stacks;					
Steeples and Tanks on Legs	7.93	.25	.45		.01
Soft Floor Layers:					
Benton, Franklin and Walla Walla Counties	7.00	.25	.40	.46	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2110 - Mod. #1 (39 FR 15689 - May 3, 1974) Washington, D. C.					
CHANGE:					
Laborers - Building Construction:					
Common laborers, landscapers	$7.23	.28	.40		.05
Acetylene burners used on wrecking	7.73	.28	.40		.05
Air tool operator, scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortarmen &					
Scootretes	7.38	.28	.40		.05
Pipelayers	7.38	.28	.40		.05
Powdermen	8.405	.28	.40		.05
Power saw, well points	7.48	.28	.40		.05
OMIT:					
Sewer & Water Lines Scheduled as originally issued.					
Highway Construction Schedule as originally issued.					
ADD:					
Sewer & Water Lines Schedule.					
Highway Construction Schedule.					

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AQ-2110 Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HIGHWAY CONSTRUCTION					
Asphalt shoveler	$5.50	.22	.20		
Asphalt raker	5.79	.22	.20		
Asphalt tamper	5.60	.22	.20		
Bricklayers	9.55	.45	.45		.10
Carpenters	8.50	.35	.39		.07
Cement masons	5.95	.22	.20		
Concrete saw operator	5.70	.22	.20		
Concrete shoveler	5.60	.22	.20		
Form setter	5.95	.22	.20		
Laborers:					
Laborers	5.45	.22	.20		
Jackhammer	5.65	.22	.20		
Hand burner operator	5.60	.22	.20		
Power Equipment Operators:					
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	5.70	.22	.20		
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired loader (over 1-½ cu. yds.)	5.90	.22	.20		
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	5.95	.22	.20		
Crane operator, concrete paving op.	6.10	.22	.20		
Shovel operator	6.20	.22	.20		
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	6.85	.22	.20		
C-1000 Gradall operator (over 1-½ cu.yds.)	7.10	.22	.20		
Power broom, oiler	5.60	.22	.20		
Sand setter	5.95	.22	.20		
Truck Drivers:					
Truck drivers (standard)	5.45	.22	.20		
Tandem	5.57	.22	.20		
Tractor trailer (capable of moving heavy equipment)	5.95	.22	.20		

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AQ-2110 Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SEWER AND WATER LINES					
Bricklayers	$9.55	.45	.45		.10
Carpenters	8.50	.35	.39		.07
Cement masons	8.05	.255	.28		.05
Ironworkers, reinforcing	7.95	.35	.25		.03
Piledrivermen	8.655	.35	.39		.07
Plumbers	8.96	.50	.50		.15
Power Equipment Operators:					
Backhoes, cable ways, cranes, draglines power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 c.y. & over	7.64	.35	.35		.05
Backhoes, cableways, cranes derricks, draglines, tunnel shovels, tunnel mucking machines up to 1 c.y., boom cats, elevating graders, hoists, paving mixers, pileDriving engines, batch plants, concrete pumps	7.39	.35	.35		.05
Trenching machines (above 8'3")	7.19	.35	.35		.05
Backhoes (hydraulic, under ¾ c.y.)	7.27	.35	.35		.05
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	7.09	.35	.35		.05
Air Compressors, tunnel	7.06	.35	.35		.05
Front end loaders (high lift), Bulldozers	7.04	.35	.35		.05
Concrete mixers, power shovel scoops and scrapers, motor graders, tunnel motor men, blade graders, tunnel mechanics	6.94	.35	.35		.05
Mechanics	6.92	.35	.35		.05
Bulldozer, hydraulic tampers	6.84	.35	.35		.05
Roller	6.74	.35	.35		.05
Air compressors, pump, welding machines wall points	6.665	.35	.35		.05
Apprentice Engineers:					
Firemen	6.20	.35	.35		.05
Truck crane oilers	6.05	.35	.35		.05
Oilers	6.00	.35	.35		.05
Truck drivers:					
Dump trucks	2.75	.12	c		
Dump trucks over 8 wheels	2.85	.12	c		
Flat trucks	2.85	.12	c		
Trailers	2.95	.12	c		
Fuel and oil trucks	2.75	.12	c		
Euclids	3.10	.12	c		

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AQ-2110 Cont'd. 3-D.C.-4- R 2 of 3

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Open Cut:					
Laborers, jackhammer, rammers and spaders	$ 5.78	.28	.25		.03
Timbermen, shooting-men, shoring-men, caulkers, pipelayers' helpers	5.93	.28	.25		.03
Bottom man	5.83	.28	.25		.03
Wagon drillers, air track drillers	6.13	.28	.25		.03
Pipelayers	6.13	.28	.25		.03
Rock drillers	5.88	.28	.25		.03
Tunnel:					
Brakeman, bull gang, dumper, trackman, concrete man	6.415	.28	.25		.03
Chuck tender, powder in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers' helpers	6.715	.28	.25		.03
Miners, rodmen, re-bar underground concrete or gunite nozzlemen, powermen, timberman and re-timbermen wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill, riggers, cement finishers (underground), welders and burners, shield driver	7.365	.28	.25		.03
Mucking machine operator (air)	7.615	.28	.25		.03
COMPRESSED AIR: (all rates per day)					
Gauge Pressure Pounds / work Period					
From 1 to 14 — 7 hours	72.74	a	b		.03
From 14 to 18 — 6 hours	76.08	a	b		.03
From 18 to 22 — 5½ hours	79.41	a	b		.03
From 22 to 26 — 5 hours	82.76	a	b		.03
From 26 to 32 — 4 hours	86.09	a	b		.03
From 32 to 38 — 3 hours	89.44	a	b		.03
From 38 to 44 — 2½ hours	92.77	a	b		.03

AQ-2110 Cont'd. 3-D.C.-4- R 3 of 3

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days and works three days in any work week.

DECISION #AO-2111 - Mod. #1
(39 FR 15641 - May 3, 1974)
Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Cos., the City of Alexandria and Dulles International Airport, Virginia.

CHANGE:

Laborers:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Common laborers, landscapers	$7.23	.28	.40		.05
Acetylene burners used on wrecking	7.73	.28	.40		.05
Air tool operators, scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortarmen and scootcretes	7.38	.28	.40		.05
Pipelayers	7.38	.28	.40		.05
Powderman	8.405	.28	.40		.05
Power saw, well points	7.48	.28	.40		.05

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: AQ-4115
Supersedes Decision No. AQ-4033 dated November 16, 1973 in 38 FR 31778
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Dade
DATE: Date of Publication

13-Florida-1-K (1-1)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.96	.35	.35		.02
Boilermakers	8.13	.40	.70		.01
Bricklayers:	8.99	.45	.45		
Bricklayers	8.99	.45	.45		
Stonemasons	8.99	.45	.45		
Marble masons	8.99	.45	.45		
Terrazzo workers	8.99	.45	.45		
Tile setters	8.99	.45	.45		
Plasterers	8.99	.45	.45		
Cement masons	8.99	.45	.45		
Carpenters:	8.70	.55	.45		.01
Carpenters	8.95	.55	.45		.01
Millwrights	8.70	.55	.45		.01
Piledrivermen	8.70	.55	.45		.01
Soft floor layers					
Carpenters: (Marine Construction)	4.95	.20	.10		.01
Carpenters & piledrivermen	5.20	.20	.10		.01
Millwrights					
Electricians:					
Electricians, welders & equip. ops.					
Zone 1 21½ mi. radius from the Dade County Courthouse	9.20	4½%	3% + .20	8½%	1%
Zone 2 - 6 mi. radius from Zone 1	9.86	4½%	3% + .20	8½%	1%
Zone 3 - 6 mi. radius from Zone 2	10.51	4½%	3% + .20	8½%	1%
Zone 4 - 6 mi. radius from Zone 3	11.17	4½%	3% + .20	8½%	1%
Cable splicers (25¢ an hour above JR)					
Elevator constructors	9.03	.345	.23	2%+a&b	.015
Elevator constructors' helpers	70%JR	.345	.23	2%+a&b	.015
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.60	.35	.25		.01
Ironworkers:					
Structural & ornamental	8.80	.75	.83		.03
Reinforcing	8.80	.75	.83		.03
Laborers:	6.85	.45	.30		
Air tool operator	6.75	.45	.30		
Laborers (Common)	6.85	.45	.30		
Mason tenders	7.03	.45	.30		
Plasterers' tenders	6.85	.45	.30		
Mortar mixers	6.85	.45	.30		
Pipelayers	9.20	.35	.10		.06
Lathers	6.00	.36	2% + .20	.40	3%
Line Construction: Linemen	8.25*	.36	3% + .20	.40	3%
Cable splicer	4.64	.36	1% + .20	.40	3%
Groundmen	8.00	.36	1% + .20	.40	3%
Heavy equipment operator	6.40	.36	1% + .20	.40	3%
Winch truck operator					

AO-4115 P. 2

13-Florida-1-K (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Painters:	8.20	.45	.40		.02
Brush	8.60	.45	.40		.02
Scaffold work	8.70	.45	.40		.02
Spray	8.45	.45	.40		.02
Tapers & paperhangers					
Extension ladder & erected scaffold over 28'	8.45	.45	.40		.02
Structural steel	8.45	.45	.40		.02
Drywall taper mechanical	8.70	.45	.40		.02
Plumbers	9.24	.57	.95		.07
Refrigeration and air conditioning mechanic	9.16	.46	.61		.08
Roofers:	7.77	.43	.25		.02
Roofers, damp and waterproofers	8.02	.43	.25		.02
Tile	6.77	.30	.15		
Kettlemen	6.07	.30	.15		
Kettlemen helpers	9.87	.45	.35		.08
Sheet metal workers	8.71	.40	.60		.10
Sprinkler fitters	9.16	.46	.61		.08
Steamfitters					
Welders & riggers - receive rate prescribed for craft performing operation to which welding and rigging are incidental.					

FOOTNOTES:

a. Six paid holidays; A through F

b. Employer contributes 1% of regular hourly rate to vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.65	.35	.35		
GROUP II	7.95	.35	.35		
GROUP III	7.11	.35	.35		
GROUP IV	6.55	.35	.35		
GROUP V	5.55	.35	.35		

Group I: Field mechanic cranes, derricks, hoist (2 or more drums), oiler-fireman combination

Group II: Draglines, backhoes, dredalls, finish grader, welding machine, 1 drum hoist, fork lift, hoplo machine, air compressor (above 125 CFM, more than one pump or combination of other equip., up to 5), winch trucks

Group III: Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps (3" or more), mixers

Group IV: Rollers, finishing machines, tractors, oilers & drivers, mechanic helpers

Group V: Oiler on crawler cranes

STATE: Kentucky
DECISION NUMBER: AQ-4116
Supersedes Decision No. AQ-4063
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTY: Area 3* (See Below)
DATE: Date of Publication
dated February 1, 1974 in 39 FR 4301.

*Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers	8.48	.25	.40		
Carpenter	6.61	.30	.30		
Cement Masons	8.28	.40			
Electricians:					
Wiremen, Linemen, Cable Splicers	9.38	.29	1%+.40		4 of 1%
Groundmen	5.80	.29	1%+.40		4 of 1%
Ironworkers:					
Rainforcing, Ornamental and Structural	8.70	.55	.65		.05
Millwrights	6.86	.30	.30		
Painters:					
Brush and Roller	7.24	.25	.10		.03
Sandblasting	7.59	.25	.10		.03
Spray	7.69	.25	.10		.03
Pilodrivermen	6.86	.30	.30		
Pipefitters	9.25	.30	.60		.07
Plumbers	9.32	.33	.50		.07
Sheet Metal Workers	8.95	.60	.60		.09

HEAVY AND HIGHWAY CONSTRUCTION
LABORERS

Kentucky 3-LAB-5 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$5.90	.25	.25		
GROUP II	5.84	.25	.25		
GROUP III	5.79	.25	.25		
GROUP IV	6.49	.25	.25		

Group I: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, plasterers and tree trimmers, sign, guard rail and fence installers, grade checkers, sealing and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group II: Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixer, pipe layers, joint raker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group III: Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborer (free air), gunnite operators and mixer man, gunnite nozzleman, asphalt lutesman and rakeman, air track driller (all types), grout pump operator

Group IV: Tunnel blasters, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

XUM

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HEAVY CONSTRUCTION
Power Equipment Operators

Kentucky 1-PEC-C (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.0	.2	.25		
GROUP II	6.11	.25	.25		
GROUP III	5.67	.25	.25		

Group I: Auto petrol, batcher plant, Bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumperete, Rose carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KoCal Loader, tower cranes (French, German & other types), hydrocrane, backfiller, gurries, subgrader

Group II: All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor, self-propelled compactor, throttle valve, elevator (one drum or buck hoist)

Group III: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver

HIGHWAY CONSTRUCTION
Power Equipment Operators

Kentucky-6-PEC-1-2 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.18	.25	.25		
GROUP II	5.95	.25	.25		
GROUP III	5.48	.25	.25		

Group I: Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Central Compressor Plant Operator, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Elevator (regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine (two or more drums), Locomotive, Motor Scraper, Bulldozer, Mechanic, Orangepeel Bucket, Piledriver, Power Blade, Roller (bituminous), Scraifier, Shovel, Tractor Shovel, Truck Crane, Winch Truck, Push Dozer, High Lift, Fork Lift (regardless of lift height), all types of Boom Cats, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Grade-All, Hoist (two or more drums), Hyster, Pumperete, Rose Carrier Side Boom, Rotary Drill (7" and over), Mucking Machine, Rock Spreader attached to equipment, Scoopmobile, KoCal Loader, Tower Cranes (French, German, and other types), Hydrocrane, Backfiller, Currics, Subgrader, TailBoom and Dredge Engineer

Group II: All Air Compressors (600 cu. ft. per min. or greater capacity), Bituminous Mixer, Concrete Mixer (under 21 cu. ft.), Elevator (one drum or buck hoist), Welding Machine, Form Grader, Grout Pump, Roller (rock), Tractor (50 h.p. and over) Bull Float, Finish Machine, Outboard Motor Boat, Electric Vibrator Compactor/Self-Propelled Compactor Boom Type Tamping Machine, Truck Crane-Oiler, Greaser on Grease Facilities Servicing Heavy Equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Tractair and Road Widening Trencher, Joint Sealing Machine, Rotary Drill (under 5"), Throttle Valve Man, Tugger, Well Points, Flexplane, Firemen, and Hoist (one drum)

Group III: Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (earth), Tamping Machine, Tractors (under 50 h.p.), Vibrator, Oiler, Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, and Hydraulic Post Driver

HEAVY & HIGHWAY CONSTRUCTION
Truck Drivers

Kentucky 1-TD-C (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$5.90	a	b		
GROUP II	6.00	a	b		
GROUP III	6.11	a	b		
GROUP IV	6.16	a	b		
GROUP V	5.79	a	b		

Group I: Driver, 3 Tons and Under; Tire Changer; Mechanic helper

Group II: Driver, Over 3 Tons; Driver Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer when used to pull Building Material or Equipment; Truck Mechanic

Group III: Driver on Mixer Trucks (All types)

Group IV: Driver, Euclid and Other Heavy Earth Moving Equipment and Low Boy; Driver, Fork Lift Truck when used to transport building materials; Driver on Pavement Breakers; Driver, Winch Truck and A-Frame Truck when used in transporting materials

Group V: Truck helper & warehousemen

FOOTNOTES:

a. $9.50 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

b. $12.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

XUM

SUPERSEDEAS DECISION

AO-4113 P.2

State: Mississippi
Decision Number: AO-4113
Supersedes Decision No. AO-4109 dated May 3, 1974, in 39 FR 15643

County: *See Below
Date: Date of Publication

Description of Work: Heavy and highway construction (except Zone VI - Hancock County, Electricians, excluding airport construction)

	* ZONE I Basic Hourly Rates	* ZONE II Basic Hourly Rates	* ZONE III Basic Hourly Rates	* ZONE IV Basic Hourly Rates	* ZONE V Basic Hourly Rates	* ZONE VI Basic Hourly Rates
Air tool operator	$2.00	$2.00	$2.75	$2.50	$2.00	$2.00
Asphalt raker	2.30	2.00	2.45	2.44	2.25	2.50
Bricklayer	4.25	3.50	3.00	5.00	4.00	4.25
Carpenter	3.00	3.00	3.00	3.25	3.00	3.50
Cement mason (Finisher)	2.90	3.00	3.00	2.75	3.00	3.25
Concrete saw operator	3.00	2.75	2.75	2.50	2.50	3.50
Electrician	5.30	4.50	5.50	5.00	4.50	5.40
Form setter	3.30	2.75	3.00	2.50	2.75	2.80
Grade checker	2.40	2.50	2.25	2.35	2.25	2.25
Ironworker, reinforcing	3.00	2.60	2.50	2.80	2.75	3.50
Ironworker helper, reinforcing	2.00	2.00	2.00	2.25	2.00	2.25
Ironworker, structural	2.50	2.50	2.50	2.75	2.50	3.15
Laborer, unskilled	2.00	2.00	2.00	2.00	2.00	2.00
Mason tender (Cement mason helper)	2.20	2.25	2.50	2.25	2.50	2.50
Painter (Structural steel)	2.50	3.00	3.00	3.25	3.50	3.75
Pileriverman	2.50	2.80	2.70	2.75	2.80	3.00
Truck driver	2.00	2.00	2.00	2.00	2.00	2.00
Tugboat operator						2.50
Welder	2.75	2.50	3.00	2.80	3.00	3.50
POWER EQUIPMENT OPERATORS:						
"A" frame truck (winch)			3.00		2.75	2.40
Aggregate spreader operator	2.45	2.20	2.50	2.50	2.50	2.71
Air compressor operator	2.85	2.50	2.50	2.50	2.50	2.60
Asphalt distributor-spreader operator	2.50	2.40	2.50	2.50	2.31	2.60
Asphalt plant	2.50	2.35	3.00	2.60	2.75	2.90
Backhoe or shovel operator	3.00	2.80	2.75	3.00	2.80	3.25
Bulldozer operator	3.00	2.75	3.00	3.00	3.00	3.00
Concrete batch plant operator	2.80	2.90	3.00	3.10	2.50	3.25
Concrete breaker & hydo-hammer op.	2.00	2.25	2.25			
Concrete finishing machine operator	3.00	2.75	3.00	2.90	3.00	3.00
Concrete paving machine operator	3.40	2.75	3.00	3.10	3.00	3.30
Concrete spreader machine operator	2.70	2.45	3.10	2.85	2.75	2.85
Crane, dragline operator	3.00	3.00	3.00	3.00	3.00	3.50
Crusher feeder operator		3.00	2.25	3.50	2.85	2.75
Curing machine operator	2.75	2.00	2.75	2.40		2.90
Earth auger	2.80	3.00	3.05	3.00	2.90	3.00
Fireman	2.75	2.50	2.80	2.60	2.75	3.00
Guard rail post driver		2.50	3.50		2.50	2.50
Joint filler	2.00	2.00	2.50		2.75	2.9
Joint setter	2.50		3.00	2.30	2.30	
Loader operator (all types)	2.50	2.45	2.50	2.45	2.50	3.00
Mechanic	$3.00	$2.50	$3.00	$2.90	$3.00	$3.40
Mixer operator (All types)	2.50	2.50	2.50	2.25	2.50	3.00
Motor patrol operator	2.90	3.00	3.00	2.90	2.90	3.25
Mud-jack operator	2.65			2.25		
Mulcher operator	2.00	2.00	2.00	2.00	2.00	2.00
Oiler-greaser	2.00	2.00	2.35	2.00	2.35	2.40
Piledriver operator	3.25	3.20	3.30	3.25	3.25	3.50
Pipelayer			2.25	2.25		2.35
Roller operator (self-propelled)	2.25	2.00	2.30	2.40	2.50	2.50
Scales (all types)	2.50	2.00	2.35	2.30	2.13	2.35
Scraper operator	2.85	2.85	2.90	2.90	2.90	3.00
Steel machine operator			2.25			
Striping machine operator	3.50	3.25	3.25	3.50	3.25	3.25
Sub grade machine operator						3.25
Tractor operator (track type)	2.50	2.25	2.50	2.30	2.75	2.25
Tractor operator (wheel type)	2.00	2.00	2.00	2.00	2.00	2.00
Trenching machine	2.75	2.25	2.25	2.25	2.00	2.50

COUNTIES:

*ZONE I: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Okitbbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster

*ZONE II: Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington, and Yalobusha

*ZONE III: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren, and Yazoo

*ZONE IV: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston

*ZONE V: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson

*ZONE VI: George, Hancock, Jackson, and Stone

SUPERSEDEAS DECISION

AQ-2,118 P. 2

STATE: NEW YORK
DECISION NO.: AQ-2,118

COUNTY: ONONDAGA
DATE: DATE OF PUBLICATION

Supersedes Decision No. AP-808 dated May 11, 1973 in 38 FR 12587
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

34-N.Y.-1-2-3-V 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.28	.47	.21		.02
Boilermakers	9.08	.60	10%		.01
Bricklayers and stone masons	8.49	.36	.50		.03
Carpenters, (Building)	8.47	.55	.60		.025
Carpenters and piledrivermen, heavy and Highway	7.72	.45	.45		.025
Cement masons, building	8.45	.60	.50		
Cement masons, heavy and highway	6.78	.40	.40		.01
Electricians:					
Elebridge and Skaneateles Twps.	8.50	.35	1%		.05
Remainder of County	9.30	.37	1%+.80		.05
Elevator constructors	8.89	.395	.26	2%+a+b	.02
Elevator constructors' helpers	6.62	.395	.26	2%+a+b	.02
Elevator constructors' helpers (prob.)	4.445				
Glaziers	8.41	.50			.01
Ironworkers, structural, ornamental and reinforcing	8.51	.47	.57		.10
Laborers, Building:					
Laborers	7.10	.55	.55		
Air tool op., (jackhammermen, vib.) plasterers' helpers, gas buggies, mortar mixers (hand & machine), chipping hammer, automatic tampers	7.20	.55	.55		
Lathers	6.20	.275	.30		
Lead burners	8.75	.30		c	.01
Linemen:					
Linemen	9.33	.50	1%+.40	d	3/8%
Groundman digging machine operator	8.80	.50	1%+.40	d	3/8%
Groundman mobile equipment operator	8.30	.50	1%+.40	d	3/8%
Groundman truck driver and mechanic	7.90	.50	1%+.40	d	3/8%
Cable splicer	10.08	.50	1%+.40	d	3/8%
Groundman dyanmite man	8.30	.50	1%+.40	d	3/8%
Marble setters	7.815	.35	.50		
Millwrights	8.425	.55	.60		.05
Painters:					
Brush	7.45	.30	.35		
Structural steel	7.95	.30	.35		
Spray	7.85	.30	.35		
Plumbers	8.75	.46	.47		.13
Roofers:					
Roofers	6.20	.35	.45		
Helpers: 1st 30 days	7.28	.35	.45		
Helpers: next 60 days	7.40	.35	.45		
Sheet metal workers	9.205	.44	.60		.07

34-N.Y.-1-2-3-V 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Soft floor layers	$ 8.47	.55	.50		.025
Sprinkler fitters	9.05	.40	.60		.07
Steamfitters	9.905	.50	.30		.025
Terrazzo workers	7.815	.36	.50		
Tile setters	7.815	.36	.50		
Truck Drivers: (Building)					
Truck drivers	7.30	.35	.40		
Mechanics	7.45	.35	.40		
Euclids	7.55	.35	.40		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (providing employee works the day before and the day after the holiday).

XUM

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers and driller helpers	$6.31	.55	.55	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers	6.51	.55	.55	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.71	.55	.55	a		
Blasters, form setters, stone or granite curb setters	6.91	.55	.55	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

BUILDING CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt and blacktop roller, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader) (such as barber greene & blaw knox) blacktop plant (automated), blast or rotary drill (truck or cat mounted), cableway, caisson auger, carry-all scraper-self loading, central mix plant (automated), cherry picker - over five (5) ton capacity, compressor, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-rock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose - hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 cy. and over), gradall, grader (power), head tower (sauerman or equal), hoist (2 or 3 drum), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane-fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment for soil stabilization, shovel, side boom, slip form paver, tractor drawn belt type loader (euclid loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controls (when not mounted in proximity to the rig operator)	$8.40	.40+.40	.35	a	.10	
A-frame truck, blacktop plant (non-automatic, boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker - five (5) tons and under, compressor (215 c.f. and over) concrete paver (single drum over 16S) concrete pump, core boring machine, drill rigs - tractor mounted, elevator- as a material hoist, fork lift						

BUILDING CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer (drop hammer), koiman plant loader (screening gravel), maintenance grease man, mixer for stabilized base-self propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder, post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (wayne or similar), pump 4" & over, pumpcrete or squeezecrete, road widener (front end of grader or self-propelled) shell winder (motorized), snorkel (overhead arms) trenching machine (digging capacity of 4 ft. or less), tugger hoist, vibro tamp, well drill, well point system (submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat	$7.925	.40+.40	.35	a	.10	
Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump (4" and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating) mulching machine, oiler, power driven welding machine - 300 amp., and over (other than all electric) one welding machine under 300 amp., will not require an engineer unless in a battery), power heatersman (hay drier pump (under 4"), revenue widener (road widener), steam cleaner or jenny, tractor with or without towed accessories	7.45	.40+.40	.35	a	.10	

BUILDING CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd) Crane or derrick with a boom length over 150 ft. including jib., And on a pile driver with leads or boom length of over 100 ft.	$9.40	.40+.40	.35	a	.10	

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day providing employee has worked 5 consecutive working days before and the working day after the holiday.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.05	.90	.40	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.75	.90	.40	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.25	.90	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, fireman, form tamper, mulching machine, oiler, power broom power boatsman, revinius widener, steam cleaner, tractor	6.60	.90	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Chri...
TRUCK DRIVERS: Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.46	.45	.40	a		
Tandems and batch trucks, mechanics dispatcher	6.51	.45	.40	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.56	.45	.40	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.71	.45	.40	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.86	.45	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

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SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTY: BRONX, KINGS, NEW YORK, QUEENS and RICHMOND

DECISION NO. AQ-2,120

DATE: DATE OF PUBLICATION

Supersedeas Decision No. AP-400 dated July 14, 1972 in 37 FR 13913

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

R-3-24-31-43-New York-1-A

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Asbestos workers	$ 8.96	13.1%	7%	12%	p
Boilermakers	9.95	5%	5%+10%	7%	.01
Bricklayers	9.40	.78	2.92	.30	
Carpenters:					
Carpenters, soft floor layers	9.36	.90	1.53	.50	.02
Millwrights	9.36	.90	1.53	.50	.02
Piledrivermen	9.36	.90	1.53	.56	.02
Cement masons	8.85	.905	.755+.50		.01
Electricians and linemen	9.98	a	15%a	.6i+b	
Elevator constructors	9.10	.395	.26+m	c+d	.015
Elevator constructors' helpers	6.83	.395	.26+m	c+d	.015
Elevator constructors' helpers (prob.)	4.55				
Elevator constructors modernization	8.33	.395	.26+m	c+d	.015
Elevator constructors modernization' helpers	6.25	.395	.26+m	c+d	.015
Elevator constructors repair	7.48	.395	.26+m	c+d	.015
Elevator constructors repair's helpers	5.61	.395	.26+m	c+d	.015
Glaziers	7.30	6%	6%+1.20	5%	
Ironworkers:					
Structural	9.78	.80	.98+1.10	1.13	.04
Ornamental finisher	8.40	.63	.70+1.335	.76	.03
Reinforcing	8.40	.655	1.00+.655	.70	.01
Laborers:					
Asphalt rakers	7.86	1.05	.93	s	
Asphalt tampers	7.68	1.05	.93	s	
Asphalt laborers	7.66	1.05	.93	s	
Cement concrete workers	7.15	.60½	.90½		
Laborers	7.40	1.18	1.01	s	
Mason tenders	7.10	.637	.563+.50		
Plasters' tenders (Kings)	7.40	1.60		.80	
Plasters' helpers (Queens)	7.05	1.25		1.00	
Plasters' helpers (NY-Bronx-Richmond)	7.85	.95	.50		
Lathers, metallic	8.40	.655	.655+1.00	.70	.01
Lead burners	8.75	.30		g	.01
Marble setters:					
Carvers	7.95	.63+.15	.66+.28	f	
Cutters, setters	7.80	.63+.15	.66+.28	f	
Sawyers, rubbers, polishers	7.57	.61+.15	.61+.28	f	
Crane Op. & Derrickman	7.33	.59+.15	.63+.25	f	
Helpers	7.33	.59+.15	.63+.25	f	

R-3-24-31-43-New York-1-B

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Painters:					
Brush	7.35	6½%	6½%+h	3%	
Spray, spray gun and scafford work	6.93	6½%	6½%+h	3%	
Structural steel	7.50	8%	11%		
Structural steel spray	8.50	8%	11%		
Plasterers:					
Kings	8.05	.95		1.40	.01
Queens	8.10	1.00	.40	1.00	.01
Bronx-NY-Richmond	8.25	.85	.60	.90	.01
Plumbers:					
Manhattan and Bronx	8.75	.93	.79	.73	.04
Kings-Queens	8.67	.56	1.09+j	.48	.10
Roofers:					
Composition, damp & waterproofers	8.40	6%+5%	1.83	.63	—
Slate-tile (Kings - Queens)	6.45	8%	.50	5%	
Slate-tile (Bronx-NY-Richmond)	8.55	.50	.75	.75	
Sheet metal workers	11.17				
Sprinkler fitters	8.655	.85	.13%	10%	.04
Steamfitters	8.655	.85	.13%	10%	.04
Stonemasons	8.45	.66	.94+1.60	1.50	
Terrazzo workers	8.70	1.23	1.26		
Terrazzo workers' helpers	7.43	.925	.475		
Terrazzo workers, machine operator	7.68	.925	.475		
Tile setters	8.10	.60	1.50		
Tile setters' helpers	6.96	.40	1.27		
Truck Drivers:					
Ready-mix concrete, sand, gravel and asphalt	5.23	.44+¼	.55+¼	n+o	
Trucklds and turnapull operator	5.385	.44+¼	.55+¼	n+o	
Demolition & Wrecking:					
Straight jobs	4.76	p	q	r	
Trailers	5.01	p	q	r	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

R-3-24-31-43-New York-1-B

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.86 per hour to an Annuity Fund.

b. Holidays: A through F; Election Day; Employee's Birthday.

c. Holidays: A through F; Lincolns Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

e. Employer contributes $.70 per hour to a combined Health, Welfare and Pension fund.

f. PAID HOLIDAYS: St. Patricks Day.

g. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and regular scheduled work days immediately preceding and following the holiday.

h. $3.00 per day contribution for each man to a special annuity fund.

j. Employee contributes $.857 per hour to an additional security benefit fund.

k. Employer contributes $.43 per hour to a Security Benefit Fund.

e. Employer contributes $8.00 per day to an Annuity Fund.

n. Holidays: A through F, Lincolns Birthday; Washington's Birthday; Columbus Day; Electrion Day; Veteran's Day, providing the employee works two days in the calendar week in which the holiday falls and each remainding work day during such calendar week.

R-3-24-31-43-New York-1-B

o. Vacation with pay, with a maximum vacation of three weeks per year.

p. Employer contributes $28.86 per month to Health & Welfare.

q. Employer contributes $29.13 per month to Pension Fund.

r. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armistice Day and Election Day.

s. Holidays: B, C, D & E, Election, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.

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NY-1-PEO-1-E

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Double drum hoist	$10.41	5%	5%+a	.70 +b	.02	
Stone derrick, cranes, cherry picker	10.27	5%	5%+a	.70 +b	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work), paint spraying, sand blasting, and all equipment used for hoisting material	8.86	5%	5%+a	.70 +b	.02	
Cranes: All types - crawler or truck						
100' to 149' boom	10.76	5%	5%+a	.70 +b	.02	
150' to 249' boom	11.01	5%	5%+a	.70 +b	.02	
250' to 349' boom	11.26	5%	5%+a	.70 +b	.02	
350' to 450' boom	11.76	5%	5%+a	.70 +b	.02	
Steel Erection:						
Three drum derricks	10.64	5%	5%+a	.70 +b	.02	
Cranes, 2 drum derricks, cherry pickers	10.27	5%	5%+a	.70 +b	.02	
Compressors, welding machines	9.32	5%	5%+a	.70 +b	.02	

FOOTNOTES:

a. Employer contributes $.90 per hour to an annuity fund.

b. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Decoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

SUPERDEDEAS DECISION

STATE: Oklahoma

COUNTY: Statewide(except the city of Muskogee)

DECISION NO.: AQ-209

DATE: Date of Publication

Supersedes Decision No. AM-3603 thru AM-3612, dated August 21, 1971, in 36 FR 16761 thru 16770.

DECRIPTION OF WORK: Construction, alterstion, and/or repair of streets, highways, runways, erosion control structures, and water and sewer utilities.

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.75	2.50	2.50	3.00	2.50
Asphalt heaterman	3.00	3.25	3.25	3.25	3.25
Asphalt raker	2.75	2.50	2.50	2.50	2.50
Asphalt shoveler	2.75	2.50	2.50	2.50	2.50
Carpenter	3.75	3.50	3.50	3.50	3.50
Carpenter helper	2.75	3.00	2.75	2.75	2.75
Concrete finisher	3.75	3.50	3.50	3.50	3.50
Concrete finisher helper	2.75	2.85	2.75	2.75	3.00
Concrete rubber	3.75	3.50	3.50	3.50	3.50
Electrician	6.80	6.80	6.80	7.10	7.10
Electrician helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.25	3.25	3.25	3.00	3.25
Form builder	3.75	3.50	3.50	3.50	3.50
Form builder helper	2.75	2.75	2.75	2.75	2.75
Form setter	3.75	3.50	3.50	3.50	3.50
Form setter helper	2.75	2.75	2.75	2.75	2.75
Laborer, common	2.75	2.30	2.50	2.50	2.50
Manhole builder	3.75	3.50	3.50	3.50	3.50
Mechanic	3.75	3.50	3.50	3.75	4.00
Mechanic helper	2.75	3.00	2.75	3.25	3.25
Oiler	3.25	3.00	3.50	3.25	3.25
Painter	3.00	3.00	3.00	3.25	3.25
Painter helper	2.75	2.75	2.75	2.75	2.75
Piledriverman	3.25	3.50	3.50	3.80	3.50
Powderman	3.00	2.75	3.25	3.00	3.00
Powderman helper	2.75	2.50	2.75	2.75	2.75
Reinforcing steel setter(paving)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter (structures)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.75	3.50	3.50	3.50	3.50
Structural steel worker helper	3.00	3.00	3.00	3.00	3.00
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator(hand type)	2.75	2.50	2.50	3.00	2.50
Weighman (truckscales)	2.75	2.50	2.50	2.50	2.50
Welder	3.75	3.25	3.25	3.75	3.25
Welder helper	2.75	2.75	2.75	3.00	2.75
Pipelayers	2.75	2.30	2.50	2.75	2.75

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.50	2.50	3.00	3.00	3.00
Asphalt heaterman	2.35	3.25	3.25	3.25	3.50
Asphalt raker	2.50	2.75	2.50	2.50	3.00
Asphalt shoveler	2.50	2.75	2.50	2.50	2.75
Carpenter	3.50	3.50	3.75	3.75	3.75
Carpenter helper	2.75	2.75	2.75	3.00	3.00
Concrete finisher	3.50	3.50	3.50	3.50	3.75
Concrete finisher helper	2.75	2.75	2.75	2.75	2.75
Concrete rubber	3.50	3.50	3.50	3.50	3.75
Electricians	6.80	6.80	7.10	7.10	7.10
Electricians helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.00	3.00	3.00	3.00	3.50
Form Builder	3.50	3.50	3.75	3.75	3.75
Form Builder helper	2.75	2.75	2.75	2.75	3.00
Form Setter	3.50	3.50	3.75	3.75	3.75
Form setter helper	2.75	2.75	2.75	2.75	3.00
Laborer, common	2.50	2.50	2.50	2.50	2.50
Manhole builder	3.50	3.50	3.75	3.75	3.75
Mechanic	3.75	3.75	3.80	3.80	3.75
Mechanic helper	3.00	3.00	3.25	3.25	3.25
Oiler	3.50	3.25	3.60	3.60	3.40
Painter	3.25	3.25	3.50	3.50	3.50
Painter helper	2.75	2.75	3.00	3.00	3.00
Piledrivermen	3.50	3.75	3.75	3.75	3.75
Powderman	3.00	3.00	3.00	3.00	3.25
Powderman helper	2.75	2.75	2.75	2.75	2.75
Reinforcing steel setter (paving)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter (structures)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.50	3.50	3.50	3.50	3.50
Structural steel worker helper	2.75	2.75	2.75	2.75	2.75
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator (hand type)	2.50	2.50	2.75	3.00	3.00
Weighman (truckscales)	2.50	2.50	2.50	2.50	3.00
Welder	3.50	3.50	3.50	3.50	3.50
Welder helper	2.75	2.75	2.75	2.75	2.75
Pipelayers	2.75	2.75	2.75	2.75	2.75

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	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.75	2.60	2.60	3.00	2.75
2 tons and under	2.75	2.50	2.50	2.60	2.50
Tandem Axle & semitrailer	3.00	3.00	2.75	3.25	3.00
Lowboy	3.00	3.00	2.75	3.25	3.00
Transit mix	3.00	3.00	2.75	3.00	3.00
Winch					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.00	3.00	3.00	3.00	3.00
Asphalt paving Machine	3.50	3.50	3.50	3.25	3.25
Bulldozer	3.75	3.50	3.50	3.75	3.25
Cement unloading & machine op.	3.75	3.50	3.50	3.50	3.50
Concrete paving machine	3.75	3.50	3.25	3.50	3.50
Concrete finishing machine	3.75	3.50	3.25	3.50	3.50
Concrete saw operator	3.50	3.50	3.25	3.00	3.00
Concrete batching plant	3.00	3.00	3.00	3.50	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.50	3.75	3.80	2.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.50	3.50	3.25
Front end loader (over 1 cy)	3.50	3.50	3.25	3.50	3.25
Hoist	3.25	3.25	3.25	3.25	3.25
Mixer (over 16 C. F.)	3.00	3.00	3.25	3.25	3.25
Mixer (16 C.F. and less)	3.00	3.00	3.25	3.25	3.25
Mixer (Conc. Paving)	3.00	3.00	3.25	3.25	3.25
Motor grader operator	3.75	3.75	3.75	3.75	3.95
Pug mill operator	3.25	3.00	3.75	3.25	3.00
Pump crete	3.00	3.00	3.00	3.00	3.00
Roller (steel wheel)	3.25	3.50	3.15	3.50	3.25
Roller (pneumatic)	3.00	3.00	3.15	3.25	3.00
Scrapers	3.75	3.50	3.50	3.75	3.75
Tractors:					
Crawler, 80 HP & Less	3.25	3.00	2.75	3.00	2.75
Crawler, over 80 HP	3.75	3.50	3.25	3.25	3.25
Pneumatic, 80 HP & less	3.00	3.00	2.75	3.00	2.75
Pneumatic, over 80 HP	3.75	3.50	3.25	3.25	3.25
Traveling plant(stabilizatio	3.50	3.50	3.50	3.50	3.50
Trenching machine	3.50	3.25	3.75	3.50	3.25
Wagon drill	3.00	3.00	3.00	3.00	3.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.50	2.50	3.00	3.00	3.00
2 tons and under	2.50	2.50	2.50	2.50	2.75
Tandem axle & semitrailer	3.30	3.00	3.60	3.60	3.30
Lowboy	3.30	3.00	3.60	3.60	3.30
Transit mix	3.30	3.00	3.60	3.60	3.30
Winch	3.00	3.00	3.60	3.60	3.30
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.35	3.50	3.60	3.60	3.75
Asphalt paving machine	3.35	3.50	3.60	3.60	3.75
Bulldozer	3.75	3.75	3.60	3.60	3.75
Cement unloading & machine op.	3.50	3.25	3.25	3.25	3.25
Concrete paving machine	3.50	3.25	3.50	3.50	3.50
Concrete finishing machine	3.50	3.25	3.50	3.50	3.50
Concrete saw operator	3.00	3.00	3.00	3.00	3.00
Concrete batching plant	3.00	3.00	3.25	3.25	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.75	3.75	3.75	3.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.60	3.60	3.75
Front end loader (over 1 cy)	3.25	3.25	3.60	3.60	3.75
Hoist	3.25	3.25	3.60	3.60	3.75
Mixer (over 16 C. F.)	3.25	3.25	3.60	3.60	3.25
Mixer (16 C.F. and less)	3.25	3.25	3.60	3.60	3.25
Mixer (concrete paving)	3.25	3.25	3.60	3.60	3.25
Motor grader operator	3.75	3.75	3.60	3.60	3.75
Pug mill operator	3.00	3.00	3.25	3.25	3.75
Pump crete	3.00	3.00	3.00	3.00	3.25
Roller (steel wheel)	3.00	3.50	3.25	3.25	3.50
Roller (pneumatic)	3.00	3.25	3.25	3.25	3.25
Scrapers	3.75	3.75	3.60	3.60	3.75
TRACTORS:					
Crawler, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Crawler, over 80 HP	3.25	3.25	3.60	3.60	3.25
Pneumatic, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Pneumatic, over 80 HP	3.25	3.25	3.60	3.60	3.25
Traveling plant stabiliza-ion	3.50	3.25	3.60	3.60	3.50
Trenching machine	3.25	3.25	3.50	3.50	3.50
Wagon drill	3.00	3.00	3.00	3.00	3.00

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Adair, Cherokee, Haskell, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties.

ZONE 2 - Atoka, Bryan, Choctaw, Latimer, Leflore, Marshall, McCurtain, Pittsburg and Pushmataha Counties.

ZONE 3 - Cleveland, Coal, Garvin, Hughes, Johnston, Murray, McClain, Okfuskee, Pontotoc, and Pottawatomie Counties.

ZONE 4 - Canadian, Creek, Garfield, Grant, Kay, Kingfisher, Lincoln, Logan, Noble and Payne Counties.

ZONE 5 - Beckham, Blaine, Custer, Dewey, Greer, Harmon, Jackson, Kiowa, Roger Mills, Tillman and Washita Counties.

ZONE 6 - Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Woods, Woodward and Texas Counties.

ZONE 7 - Caddo, Carter, Comanche, Cotton, Grady, Jefferson, Love and Stephens Counties

ZONE 8 - Craig, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington Counties.

ZONE 9 - Tulsa County

ZONE 10 - Oklahoma County

[FR Doc.74-11178 Filed 5-16-74;8:45 am]

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federal register

FRIDAY, MAY 17, 1974

Volume 39 ■ Number 97

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

Low Rent Public Housing

Prototype Cost Limits

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-367]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

On Friday, June 8, 1973, the Department published (38 FR 15051) prototype per unit cost schedules for low-rent public housing pursuant to section 15(5) of the U.S. Housing Act of 1937. Subsequent to initial publication, the schedules were revised whenever it was found that all or part of the costs for a given area were unworkable.

Section 15(5) of the act further provides that the prototype costs be determined at least annually and specifies that the costs are not effective until published in the FEDERAL REGISTER. Continuity of contract approvals therefore requires publication of these updated schedules for immediate effectiveness.

We believe also that the need for current prototype cost schedules outweighs, in this instance, the advantages of the customary notice of rulemaking and comment procedure, particularly since the updating of these costs is based not only upon information developed in HUD field offices but upon requests for change submitted by the public as well. Although these schedules will be effective upon publication, timely written comments will nevertheless be considered in preparing revisions to costs limits for individual areas, such revisions to be published in the FEDERAL REGISTER on or before July 1, 1974 and at such time thereafter as the Department finds necessary. Comments with respect to cost limits for a given location may be filed with the appropriate HUD area office.

A list of area offices and their addresses follows:

REGION I

Connecticut, Hartford, 06105, 999 Asylum Ave.
Massachusetts, Boston, 02114, Bulfinch Bldg., 15 New Chardon St.
New Hampshire, Manchester, 03101, Davison Bldg., 1230 Elm St.

REGION II

New Jersey, Camden, 08103, the Parkdale Bldg., 519 Federal St.
New Jersey, Newark, 07102, 1 Raymond Plaza, Gateway Bldg.
New York, Buffalo, 14202, Grant Bldg., 560 Main St.
New York, New York, 10007, 120 Church St.
Puerto Rico, San Juan, 00936, P.O. Box 3869 GPO, 255 Ponce de Leon Ave., Hato Rey, P.R.

REGION III

District of Columbia, Washington, 20009, Universal North Bldg., 1875 Connecticut Ave., N.W.
Maryland, Baltimore, 21201, 2 Hopkins Plaza, Mercantile Bank & Trust Bldg.
Pennsylvania, Philadelphia, 19106, Curtis Bldg., 625 Walnut St.
Pennsylvania, Pittsburgh, 15212, 2 Allegheny Center
Virginia, Richmond, 23219, 701 East Franklin St.

REGION IV

Alabama, Birmingham, 35233, Daniel Bldg., 15 South 20th St.
Florida, Jacksonville, 32204, Peninsular Plaza, 661 Riverside Ave.
Georgia, Atlanta, 30303, Peachtree Center Bldg., 230 Peachtree St., N.W.
Kentucky, Louisville, 40201, Children's Hospital Foundation Bldg., 601 South Floyd St.
Mississippi, Jackson, 39213, Jackson Mall, 300 Woodrow Wilson Blvd., West
North Carolina, Greensboro, 27408, 2309 West Cone Blvd., Northwest Plaza
South Carolina, Columbia, 29202, 1801 Main St., Jefferson Sq.
Tennessee, Knoxville, 37919, 1 Northshore Bldg., 1111 Northshore Dr.

REGION V

Illinois, Chicago, 60602, 17 North Dearborn St.
Indiana, Indianapolis, 46205, 4720 Kingsway Dr.
Michigan, Detroit, 48226, Fifth Floor, First National Bldg., 660 Woodward Ave.
Minnesota, Minneapolis-St. Paul, 55104, Griggs-Midway Bldg., 1821 University Ave., St. Paul, Minn.
Ohio, Columbus, 43215, 60 East Main St.
Wisconsin, Milwaukee, 53203, 744 North Fourth St.

REGION VI

Arkansas, Little Rock, 72201, Union National Bank Bldg., 1 Union National Plaza
Louisiana, New Orleans, 70113, Plaza Tower, 1004 Howard Ave.
Oklahoma, Oklahoma City, 73102, 301 North Hudson St.
Texas, Dallas, 75201, 2001 Bryan Tower
Texas, San Antonio, 78285, Kallison Bldg., 410 South Main Ave., P.O. Box 9163

REGION VII

Kansas, Kansas City, 66117, 2 Gateway Center, Fourth and State Sts., P.O. Box 1339
Missouri, St. Louis, 63101, 210 North 12th St.
Nebraska, Omaha, 68106, Univac Bldg., 7100 West Center Rd.

REGION VIII

Colorado, Denver, 80202, Title Bldg., 909-17th St.

REGION IX

California, Los Angeles, 90057, 2500 Wilshire Blvd.
California, San Francisco, 94111, 1 Embarcadero Center, Suite 1600

REGION X

Oregon, Portland, 97204, 520 Southwest Sixth Ave., Cascade Bldg.
Washington, Seattle, 98101, Arcade Plaza Bldg., 1321 Second Ave.

Accordingly, the appendix to part 275 is revised as follows:

APPENDIX—PROTOTYPE COST LIMIT FOR PUBLIC HOUSING

(Sec. 209 of the Housing and Urban Development Act of 1970, Public Law 91-609, sec. 15(5) of the U.S. Housing Act of 1937, 80 Stat. 888, 42 U.S.C. 1401 et seq.; sec. 7(d) of the Department of HUD Act, 3535(d); and Secretary's delegation of authority, published at 36 FR 5007, Mar. 16, 1971)

A. *Unit prototype cost.* 1. Prototype cost comprises the cost of dwelling structures, account no. 1460, and dwelling equipment, account no. 1465, as described in "Low-Rent Housing Accounting Handbook 7510.1," chapter 3, section 15, which include their prorata share of the builders' fee and overhead, insurance, social security, sales tax, and bonds.

2. Prototype cost does not include the costs of site acquisition, site improvement, nondwelling structures or spaces (and equipment), planning (architectural-engineering fees, permit fees, inspection, and similar costs), relocation, interest or local authority administrative costs, all of which are described in "Low-Rent Housing Accounting Handbook 7510.1," chapter 3, section 15.

3. Prototype cost takes into account compliance with applicable HUD Minimum Property Standards and planning and design criteria described in HUD Handbook 7410.1, chapter 3. Current copies of HUD Handbooks are maintained and available for public inspection in the Office of Public Information, room 1202, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, and in each of the Department's regional, area and FHA insuring offices.

4. Prototype cost takes into account the extra durability required for economical maintenance of assisted housing and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment.

B. *Project prototype costs.* 1. The project prototype cost is the sum of the unit prototype costs for the dwellings of various sizes and types comprising the project. The total cost of dwelling construction and equipment (accounts 1460 and 1465), and the related proportionate share of the contingency established by any development cost budget shall not exceed the sum of 105 percent of the project prototype costs for the dwellings to be constructed.

2. A request for approval of a cost which exceeds the 105 percent cost limitation but which is not in excess of the statutory 110 percent may be submitted to the Regional Administrator. Such requests must be supported by a detailed justification with respect to the particular project, taking into account all of the circumstances involved and demonstrating that such approval is necessary and desirable in carrying out the objectives of the act.

3. If it is found at anytime between annual updates that all or part of the current prototype costs for an area office jurisdiction are unworkable, the procedures outlined in HUD Handbooks 7410.1 and 7410.2 (1-74) will be followed for requesting revisions.

4. Development cost budgets, awards of main construction—contracts, preliminary contracts of sale, and contracts of sale for turnkey projects will not be approved unless an appropriate prototype cost for the area is published in the FEDERAL REGISTER.

Effective date. This rule shall be effective on May 17, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS					
	0	1	2	3	4	5	6
REGION I							
CONNECTICUT							
HARTFORD:							
DETACHED AND SEMIDETACHED	13,650	16,550	18,200	21,850	26,300	29,250	30,600
ROW DWELLINGS	12,750	15,200	17,000	20,200	24,250	27,050	28,300
WALKUP	11,400	14,050	15,850	18,950	21,800	24,000	25,200
ELEVATOR-STRUCTURE	17,200	19,950	25,350	------	------	------	------
DANBURY:							
DETACHED AND SEMIDETACHED	12,700	15,200	16,800	20,100	24,200	26,850	28,150
ROW DWELLINGS	11,750	14,050	15,600	18,550	22,350	24,900	26,000
WALKUP	11,200	13,750	15,650	18,500	21,300	23,600	24,700
ELEVATOR-STRUCTURE	15,000	17,450	22,100	------	------	------	------
NEW MILFORD:							
DETACHED AND SEMIDETACHED	13,200	15,750	17,450	20,850	25,100	27,900	29,250
ROW DWELLINGS	12,200	14,550	16,200	19,300	23,200	25,850	27,000
WALKUP	10,900	13,400	15,250	18,050	20,750	23,000	24,100
ELEVATOR-STRUCTURE	15,850	19,600	24,800	------	------	------	------
NEW HAVEN:							
DETACHED AND SEMIDETACHED	13,200	15,800	17,400	20,850	25,150	27,950	29,250
ROW DWELLINGS	12,150	14,550	16,200	19,300	23,200	25,850	27,050
WALKUP	10,900	13,400	15,150	18,100	20,850	23,000	24,100
ELEVATOR-STRUCTURE	15,900	18,450	23,450	------	------	------	------
BRIDGEPORT:							
DETACHED AND SEMIDETACHED	13,200	15,750	17,450	20,850	25,100	27,900	29,250
ROW DWELLINGS	12,200	14,550	16,200	19,300	23,200	25,850	27,000
WALKUP	10,600	13,050	14,850	17,550	20,250	22,400	23,450
ELEVATOR-STRUCTURE	15,200	17,700	22,400	------	------	------	------
NEW LONDON:							
DETACHED AND SEMIDETACHED	13,500	16,200	17,850	21,300	25,800	28,650	29,950
ROW DWELLINGS	12,400	14,850	16,600	19,800	23,750	26,500	27,750
WALKUP	10,550	12,450	14,150	16,800	19,600	21,450	22,500
ELEVATOR-STRUCTURE	16,650	19,350	24,650	------	------	------	------
WINDHAM:							
DETACHED AND SEMIDETACHED	13,500	16,200	17,850	21,300	25,800	28,650	29,950
ROW DWELLINGS	12,400	14,850	16,600	19,800	23,750	26,500	27,750
WALKUP	11,600	13,700	15,500	18,450	21,300	23,550	24,700
ELEVATOR-STRUCTURE	16,400	19,050	24,200	------	------	------	------
STAMFORD:							
DETACHED AND SEMIDETACHED	16,550	19,850	21,900	26,200	31,650	35,050	36,750
ROW DWELLINGS	15,250	18,250	20,350	24,200	29,150	32,500	33,950
WALKUP	13,650	16,850	19,100	22,650	26,200	28,850	30,300
ELEVATOR-STRUCTURE	18,350	21,300	27,050	------	------	------	------
RIDGEFIELD:							
DETACHED AND SEMIDETACHED	16,550	19,850	21,900	26,200	31,650	35,050	36,750
ROW DWELLINGS	15,250	18,250	20,350	24,200	29,150	32,500	33,950
WALKUP	13,650	16,850	19,100	22,650	26,200	28,850	30,300
ELEVATOR-STRUCTURE	18,350	21,300	27,050	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
CONNECTICUT--CONTINUED							
NORWICH:							
DETACHED AND SEMIDETACHED	13,250	15,950	17,600	21,000	25,300	28,100	29,450
ROW DWELLINGS	12,250	14,650	16,350	19,400	23,300	26,050	27,150
WALKUP	10,950	13,450	15,300	18,150	20,900	23,100	24,200
ELEVATOR-STRUCTURE	16,650	19,350	24,650	------	------	------	------
MAINE							
BANGOR:							
DETACHED AND SEMIDETACHED	12,850	15,300	16,150	19,250	23,200	25,750	26,900
ROW DWELLINGS	12,450	14,850	16,500	19,700	23,700	26,300	27,550
WALKUP	10,550	13,050	14,900	17,550	20,400	22,600	23,600
ELEVATOR-STRUCTURE	14,550	16,950	21,400	------	------	------	------
AUGUSTA:							
DETACHED AND SEMIDETACHED	13,200	15,700	17,400	20,850	25,050	27,850	29,100
ROW DWELLINGS	12,850	15,250	17,000	20,350	24,450	27,200	28,400
WALKUP	10,900	13,500	15,400	18,150	21,050	23,150	24,350
ELEVATOR-STRUCTURE	15,050	17,550	22,150	------	------	------	------
BRUNSWICK:							
DETACHED AND SEMIDETACHED	13,100	15,600	17,250	20,650	24,850	27,600	28,900
ROW DWELLINGS	12,700	15,150	16,850	20,150	24,250	26,900	28,150
WALKUP	10,750	13,300	15,250	18,000	20,850	22,850	24,150
ELEVATOR-STRUCTURE	14,850	17,300	21,850	------	------	------	------
CALAIS:							
DETACHED AND SEMIDETACHED	14,050	16,750	18,500	22,100	26,650	29,650	31,000
ROW DWELLINGS	13,600	16,250	18,100	21,650	26,050	28,850	30,200
WALKUP	11,600	14,300	16,350	19,300	22,400	24,550	25,950
ELEVATOR-STRUCTURE	15,900	18,550	23,400	------	------	------	------
LEWISTON:							
DETACHED AND SEMIDETACHED	13,100	15,600	17,250	20,650	24,850	27,600	28,900
ROW DWELLINGS	12,700	15,150	16,850	20,150	24,250	26,900	28,150
WALKUP	10,750	13,300	15,250	18,000	20,850	22,850	24,150
ELEVATOR-STRUCTURE	14,850	17,300	21,850	------	------	------	------
PORTLAND:							
DETACHED AND SEMIDETACHED	13,100	15,600	17,250	20,650	24,850	27,600	28,900
ROW DWELLINGS	12,700	15,150	16,850	20,150	24,250	26,900	28,150
WALKUP	10,950	13,550	15,450	18,250	21,200	23,250	24,550
ELEVATOR-STRUCTURE	15,000	17,400	22,000	------	------	------	------
WATERVILLE:							
DETACHED AND SEMIDETACHED	12,700	15,100	16,700	20,000	24,050	26,700	27,900
ROW DWELLINGS	12,350	14,700	16,300	19,500	23,500	26,100	27,250
WALKUP	10,450	12,950	14,750	17,400	20,150	22,200	23,350
ELEVATOR-STRUCTURE	14,350	16,750	21,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
MASSACHUSETTS							
BOSTON:							
DETACHED AND SEMIDETACHED	13,650	16,250	18,000	21,550	25,900	28,800	30,150
ROW DWELLINGS	13,550	16,150	17,950	21,400	25,800	28,700	29,950
WALKUP	14,450	17,300	19,150	22,900	27,600	30,550	32,050
ELEVATOR-STRUCTURE	17,100	19,900	25,200	------	------	------	------
CAPE COD:							
DETACHED AND SEMIDETACHED	13,050	15,550	17,200	20,550	24,800	27,450	28,800
ROW DWELLINGS	12,550	14,950	16,650	19,850	23,900	26,650	27,800
WALKUP	13,350	15,900	17,800	21,100	25,550	28,400	29,750
ELEVATOR-STRUCTURE	16,300	19,000	24,000	------	------	------	------
PITTSFIELD:							
DETACHED AND SEMIDETACHED	12,900	15,400	17,100	20,400	24,550	27,250	28,550
ROW DWELLINGS	12,800	15,200	17,000	20,200	24,350	27,050	28,250
WALKUP	13,700	16,250	18,100	21,550	26,050	28,950	30,300
ELEVATOR-STRUCTURE	15,500	18,000	22,850	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	12,900	15,400	17,050	20,450	24,600	27,350	28,650
ROW DWELLINGS	12,450	14,900	16,500	19,750	23,750	26,400	27,550
WALKUP	12,900	15,400	17,000	20,400	24,600	27,300	28,600
ELEVATOR-STRUCTURE	17,100	19,950	25,150	------	------	------	------
WORCESTER:							
DETACHED AND SEMIDETACHED	13,150	15,650	17,350	20,700	25,000	27,750	29,050
ROW DWELLINGS	13,050	15,600	17,300	20,600	24,850	27,600	28,850
WALKUP	13,550	16,250	18,050	21,450	25,900	28,750	30,150
ELEVATOR-STRUCTURE	16,650	19,450	24,550	------	------	------	------
FALL RIVER:							
DETACHED AND SEMIDETACHED	12,800	15,250	16,950	20,200	24,350	27,050	28,300
ROW DWELLINGS	11,950	14,200	15,850	18,850	22,700	25,300	26,400
WALKUP	13,400	15,800	17,700	21,100	25,500	28,350	29,700
ELEVATOR-STRUCTURE	16,000	18,650	23,600	------	------	------	------
LOWELL:							
DETACHED AND SEMIDETACHED	13,350	15,950	17,700	21,150	25,400	28,250	29,650
ROW DWELLINGS	13,000	15,450	17,150	20,450	24,600	27,400	28,600
WALKUP	13,800	16,400	18,200	21,750	26,150	29,150	30,550
ELEVATOR-STRUCTURE	16,700	19,500	24,650	------	------	------	------
SALEM:							
DETACHED AND SEMIDETACHED	13,000	15,500	17,150	20,500	24,700	27,400	28,750
ROW DWELLINGS	12,550	14,950	16,600	19,800	23,850	26,550	27,700
WALKUP	13,350	15,950	17,750	21,250	25,550	28,400	29,750
ELEVATOR-STRUCTURE	15,900	18,600	23,450	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
NEW HAMPSHIRE							
MANCHESTER:							
DETACHED AND SEMIDETACHED	12,750	15,850	17,450	20,950	25,100	27,950	29,400
ROW DWELLINGS	12,550	15,100	16,750	19,900	23,950	26,650	27,850
WALKUP	12,500	15,500	17,650	20,850	24,150	26,550	27,900
ELEVATOR-STRUCTURE	15,250	17,750	22,400	------	------	------	------
CONCORD:							
DETACHED AND SEMIDETACHED	13,700	17,000	18,750	22,400	26,900	29,950	31,450
ROW DWELLINGS	13,400	16,100	17,900	21,250	25,650	28,500	29,750
WALKUP	13,000	16,150	18,400	21,750	25,200	27,650	29,150
ELEVATOR-STRUCTURE	16,300	19,000	24,000	------	------	------	------
DOVER:							
DETACHED AND SEMIDETACHED	12,350	15,250	16,900	20,200	24,200	27,000	28,350
ROW DWELLINGS	12,150	14,550	16,200	19,200	23,150	25,750	26,900
WALKUP	12,100	14,900	17,000	20,100	25,150	28,000	28,850
ELEVATOR-STRUCTURE	14,700	17,050	21,600	------	------	------	------
KEENE:							
DETACHED AND SEMIDETACHED	13,100	16,200	17,900	21,400	25,700	28,600	30,050
ROW DWELLINGS	12,800	15,450	17,150	20,400	24,550	27,400	28,550
WALKUP	12,800	15,850	18,000	21,400	24,750	27,150	28,500
ELEVATOR-STRUCTURE	15,050	18,150	22,950	------	------	------	------
NASHUA:							
DETACHED AND SEMIDETACHED	12,750	15,850	17,450	20,950	25,100	27,950	29,400
ROW DWELLINGS	12,550	15,100	16,750	19,900	23,950	26,650	27,850
WALKUP	12,850	15,900	18,150	21,400	24,800	27,300	28,700
ELEVATOR-STRUCTURE	15,250	17,750	22,350	------	------	------	------
PORTSMOUTH:							
DETACHED AND SEMIDETACHED	13,400	16,550	18,300	21,950	26,350	29,300	30,750
ROW DWELLINGS	13,150	15,800	17,550	20,850	25,050	27,900	29,200
WALKUP	11,250	13,950	15,900	18,750	21,700	23,850	25,050
ELEVATOR-STRUCTURE	15,950	18,550	23,450	------	------	------	------
RHODE ISLAND							
PROVIDENCE:							
DETACHED AND SEMIDETACHED	13,650	16,350	18,150	21,600	26,100	28,950	30,300
ROW DWELLINGS	13,100	15,500	17,300	20,650	24,850	27,600	28,850
WALKUP	12,950	15,350	17,150	20,450	24,700	27,400	28,750
ELEVATOR-STRUCTURE	16,950	19,750	24,850	------	------	------	------
NEWPORT:							
DETACHED AND SEMIDETACHED	13,750	16,450	18,250	21,850	26,300	29,150	30,500
ROW DWELLINGS	13,200	15,600	17,450	20,800	25,100	27,850	29,150
WALKUP	13,100	15,500	17,300	20,700	24,900	27,650	29,050
ELEVATOR-STRUCTURE	17,100	20,000	25,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
RHODE ISLAND--CONTINUED							
WESTERLY:							
DETACHED AND SEMIDETACHED	13,750	16,450	18,250	21,850	26,300	29,150	30,500
ROW DWELLINGS	13,200	15,600	17,450	20,800	25,100	27,850	29,150
WALKUP	13,150	15,600	17,400	20,850	25,100	27,850	29,200
ELEVATOR-STRUCTURE	17,100	20,000	25,150	------	------	------	------
PAWTUCKET:							
DETACHED AND SEMIDETACHED	13,650	16,350	18,150	21,600	26,100	28,950	30,300
ROW DWELLINGS	13,100	15,500	17,300	20,650	24,850	27,600	28,850
WALKUP	12,950	15,350	17,150	20,450	24,700	27,400	28,750
ELEVATOR-STRUCTURE	16,900	19,700	24,800	------	------	------	------
WOONSOCKET:							
DETACHED AND SEMIDETACHED	13,500	16,100	17,900	21,400	25,750	28,550	29,900
ROW DWELLINGS	12,850	15,350	17,050	20,400	24,550	27,250	28,550
WALKUP	12,750	15,250	16,850	20,100	24,400	27,150	28,400
ELEVATOR-STRUCTURE	16,550	19,300	24,300	------	------	------	------
VERMONT							
BURLINGTON:							
DETACHED AND SEMIDETACHED	12,750	15,300	16,900	20,200	24,300	27,000	28,300
ROW DWELLINGS	12,700	15,050	16,800	19,950	23,900	26,700	27,950
WALKUP	11,250	13,800	15,800	18,700	21,600	23,850	25,050
ELEVATOR-STRUCTURE	15,400	17,900	22,700	------	------	------	------
BENNINGTON:							
DETACHED AND SEMIDETACHED	12,750	15,300	16,900	20,200	24,300	27,000	28,300
ROW DWELLINGS	12,700	15,050	16,800	19,950	23,900	26,700	27,950
WALKUP	11,250	13,800	15,800	18,700	21,600	23,850	25,050
ELEVATOR-STRUCTURE	15,400	17,900	22,700	------	------	------	------
BRATTLEBORO:							
DETACHED AND SEMIDETACHED	12,750	15,300	16,900	20,200	24,300	27,000	28,300
ROW DWELLINGS	12,700	15,050	16,800	19,950	23,900	26,700	27,950
WALKUP	11,250	13,800	15,800	18,700	21,600	23,850	25,050
ELEVATOR-STRUCTURE	15,400	17,900	22,700	------	------	------	------
MONTPELIER:							
DETACHED AND SEMIDETACHED	12,450	14,850	16,450	19,600	23,600	26,250	27,500
ROW DWELLINGS	12,300	14,650	16,300	19,350	23,200	25,900	27,100
WALKUP	10,950	13,450	15,350	18,200	20,950	23,150	24,300
ELEVATOR-STRUCTURE	15,400	17,900	22,700	------	------	------	------
RUTLAND:							
DETACHED AND SEMIDETACHED	12,600	15,000	16,600	19,950	23,850	26,650	27,850
ROW DWELLINGS	12,500	14,850	16,450	19,600	23,500	26,300	27,450
WALKUP	11,050	13,550	15,500	18,400	21,200	23,400	24,650
ELEVATOR-STRUCTURE	15,300	17,800	22,500	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II							
NEW JERSEY							
CAMDEN:							
DETACHED AND SEMIDETACHED	12,900	15,500	17,200	20,450	24,700	27,400	28,750
ROW DWELLINGS	12,250	14,650	16,250	19,350	23,200	25,950	27,050
WALKUP	11,050	13,650	15,550	18,400	21,350	23,450	24,750
ELEVATOR-STRUCTURE	17,000	19,750	25,000	-------	-------	-------	-------
ATLANTIC CITY:							
DETACHED AND SEMIDETACHED	12,900	15,450	17,150	20,400	24,650	27,350	28,700
ROW DWELLINGS	12,300	14,750	16,350	19,450	23,300	26,100	27,200
WALKUP	10,250	12,700	14,500	17,100	19,850	21,850	23,000
ELEVATOR-STRUCTURE	16,200	18,800	23,850	-------	-------	-------	-------
BURLINGTON:							
DETACHED AND SEMIDETACHED	12,950	15,550	17,250	20,500	24,750	27,450	28,850
ROW DWELLINGS	12,300	14,700	16,350	19,400	23,250	26,000	27,100
WALKUP	11,250	13,900	15,850	18,650	21,700	23,850	25,150
ELEVATOR-STRUCTURE	17,050	19,900	25,150	-------	-------	-------	-------
GLOUCESTER:							
DETACHED AND SEMIDETACHED	12,900	15,500	17,200	20,450	24,700	27,400	28,750
ROW DWELLINGS	12,250	14,650	16,250	19,350	23,200	25,950	27,050
WALKUP	10,650	13,200	15,000	17,750	20,600	22,650	23,900
ELEVATOR-STRUCTURE	17,000	19,750	25,000	-------	-------	-------	-------
TRENTON:							
DETACHED AND SEMIDETACHED	13,200	15,750	17,500	20,850	25,150	27,950	29,350
ROW DWELLINGS	12,500	14,900	16,600	19,750	23,650	26,400	27,600
WALKUP	11,300	13,950	15,850	18,800	21,750	23,900	25,200
ELEVATOR-STRUCTURE	18,700	21,700	27,450	-------	-------	-------	-------
VINELAND:							
DETACHED AND SEMIDETACHED	14,300	17,100	18,950	22,600	27,250	30,300	31,750
ROW DWELLINGS	13,500	16,200	17,900	21,350	25,550	28,550	29,850
WALKUP	11,350	14,100	16,050	18,950	21,900	24,150	25,500
ELEVATOR-STRUCTURE	17,550	20,350	25,800	-------	-------	-------	-------
NEWARK:							
DETACHED AND SEMIDETACHED	12,800	15,200	16,950	20,200	24,300	26,950	28,250
ROW DWELLINGS	12,250	14,550	16,150	19,150	23,100	25,750	26,900
WALKUP	12,100	15,050	17,150	20,300	23,550	25,900	27,300
ELEVATOR-STRUCTURE	17,400	20,250	25,600	-------	-------	-------	-------
ASBURY PARK:							
DETACHED AND SEMIDETACHED	12,800	15,200	16,950	20,200	24,300	26,950	28,250
ROW DWELLINGS	12,250	14,550	16,150	19,150	23,100	25,750	26,900
WALKUP	11,900	14,750	16,800	19,900	23,100	25,400	26,750
ELEVATOR-STRUCTURE	16,700	19,400	24,500	-------	-------	-------	-------
NORTH BERGEN:							
DETACHED AND SEMIDETACHED	12,800	15,200	16,950	20,200	24,300	26,950	28,250
ROW DWELLINGS	12,250	14,550	16,150	19,150	23,100	25,750	26,900
WALKUP	12,400	15,400	17,500	20,750	24,100	26,500	27,900
ELEVATOR-STRUCTURE	17,100	19,900	25,150	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW JERSEY--CONTINUED							
FREEHOLD:							
DETACHED AND SEMIDETACHED	12,800	15,200	16,950	20,200	24,300	26,950	28,250
ROW DWELLINGS	12,250	14,550	16,150	19,150	23,100	25,750	26,900
WALKUP	11,850	14,750	16,750	19,850	23,050	25,350	26,700
ELEVATOR-STRUCTURE	16,700	19,400	24,500	-------	-------	-------	-------
NEW YORK							
ALBANY:							
DETACHED AND SEMIDETACHED	13,350	15,950	17,600	21,000	25,400	28,150	29,550
ROW DWELLINGS	12,500	15,150	16,850	20,050	24,100	26,850	28,100
WALKUP	12,150	15,050	17,100	20,300	23,500	25,800	27,200
ELEVATOR-STRUCTURE	16,800	19,450	24,750	-------	-------	-------	-------
GLENS FALLS:							
DETACHED AND SEMIDETACHED	12,050	14,450	16,000	19,100	22,950	25,500	26,800
ROW DWELLINGS	11,550	13,800	15,300	18,200	21,850	24,400	25,450
WALKUP	11,600	14,300	16,300	19,300	22,400	24,550	25,900
ELEVATOR-STRUCTURE	15,050	18,600	23,550	-------	-------	-------	-------
MASSENA:							
DETACHED AND SEMIDETACHED	12,800	15,350	16,950	20,200	24,350	27,050	28,450
ROW DWELLINGS	12,250	14,600	16,250	19,300	23,150	25,850	27,050
WALKUP	11,700	14,500	16,450	19,500	22,600	24,800	26,200
ELEVATOR-STRUCTURE	16,200	18,750	23,750	-------	-------	-------	-------
PLATTSBURGH:							
DETACHED AND SEMIDETACHED	12,650	15,150	16,800	20,050	24,150	26,800	28,150
ROW DWELLINGS	12,150	14,500	16,050	19,150	22,950	25,600	26,700
WALKUP	11,600	14,300	16,300	19,300	22,400	24,550	25,900
ELEVATOR-STRUCTURE	15,050	18,600	23,550	-------	-------	-------	-------
SYRACUSE:							
DETACHED AND SEMIDETACHED	13,450	16,050	17,700	21,200	25,600	28,400	29,750
ROW DWELLINGS	12,850	15,300	17,000	20,200	24,250	27,100	28,350
WALKUP	12,250	15,150	17,200	20,450	23,700	26,000	27,450
ELEVATOR-STRUCTURE	16,800	19,500	24,750	-------	-------	-------	-------
POUGHKEEPSIE:							
DETACHED AND SEMIDETACHED	13,750	16,450	18,200	21,750	26,200	29,100	30,500
ROW DWELLINGS	13,200	15,600	17,400	20,700	24,900	27,800	29,050
WALKUP	12,600	15,650	17,750	21,050	24,350	26,750	28,200
ELEVATOR-STRUCTURE	17,350	20,100	25,500	-------	-------	-------	-------
WATERTOWN:							
DETACHED AND SEMIDETACHED	13,250	15,800	17,500	20,850	25,150	27,950	29,300
ROW DWELLINGS	12,600	15,050	16,750	19,900	23,900	26,650	27,900
WALKUP	12,050	14,950	17,000	20,100	23,350	25,550	27,000
ELEVATOR-STRUCTURE	16,550	19,200	24,350	-------	-------	-------	-------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW YORK--CONTINUED							
SCHENECTADY:							
DETACHED AND SEMIDETACHED	13,350	15,950	17,600	21,000	25,400	28,150	29,550
ROW DWELLINGS	12,500	15,150	16,850	20,050	24,100	26,850	28,100
WALKUP	12,150	15,050	17,100	20,300	23,500	25,800	27,200
ELEVATOR-STRUCTURE	16,800	19,450	24,750	-------	-------	-------	-------
BINGHAMTON:							
DETACHED AND SEMIDETACHED	13,300	15,800	17,550	20,950	25,300	28,050	29,400
ROW DWELLINGS	13,000	15,500	17,200	20,450	24,600	27,450	28,700
WALKUP	12,100	15,000	17,000	20,150	23,400	25,600	27,050
ELEVATOR-STRUCTURE	16,850	19,550	24,800	-------	-------	-------	-------
ITHACA:							
DETACHED AND SEMIDETACHED	13,200	15,700	17,450	20,800	25,050	27,850	29,150
ROW DWELLINGS	12,900	15,400	17,100	20,300	24,350	27,200	28,400
WALKUP	12,000	14,900	16,850	20,050	23,300	25,500	26,900
ELEVATOR-STRUCTURE	16,500	19,150	24,300	-------	-------	-------	-------
BUFFALO:							
DETACHED AND SEMIDETACHED	14,250	17,000	18,850	22,500	27,100	30,100	31,550
ROW DWELLINGS	13,950	16,650	18,500	22,000	26,400	29,500	30,750
WALKUP	10,800	13,450	16,900	20,100	23,250	25,600	26,950
ELEVATOR-STRUCTURE	17,400	20,250	25,500	-------	-------	-------	-------
ROCHESTER:							
DETACHED AND SEMIDETACHED	13,850	16,550	18,350	21,900	26,450	29,300	30,750
ROW DWELLINGS	13,600	16,250	18,100	21,450	25,750	28,700	30,000
WALKUP	10,450	13,050	16,500	19,550	22,650	24,900	26,200
ELEVATOR-STRUCTURE	17,000	19,800	24,950	-------	-------	-------	-------
JAMESTOWN:							
DETACHED AND SEMIDETACHED	13,800	16,500	18,300	21,850	26,350	29,250	30,650
ROW DWELLINGS	13,500	16,200	17,950	21,300	25,650	28,650	29,850
WALKUP	10,450	13,050	16,500	19,550	22,650	24,900	26,200
ELEVATOR-STRUCTURE	16,850	19,650	24,800	-------	-------	-------	-------
ELMIRA:							
DETACHED AND SEMIDETACHED	14,750	17,650	19,650	23,400	28,200	31,300	32,800
ROW DWELLINGS	14,450	17,350	19,250	22,850	27,450	30,650	32,000
WALKUP	11,250	13,950	17,600	20,900	24,150	26,650	28,050
ELEVATOR-STRUCTURE	18,100	21,050	26,550	-------	-------	-------	-------
NEW YORK CITY:							
DETACHED AND SEMIDETACHED	14,550	17,400	19,300	23,050	27,750	30,850	32,300
ROW DWELLINGS	13,950	16,600	18,450	21,950	26,350	29,350	30,750
WALKUP	15,150	18,800	21,300	25,250	29,250	32,150	33,850
ELEVATOR-STRUCTURE	23,850	27,550	31,300	37,550	43,550	46,350	-------
NASSAU COUNTY (HEMPSTEAD):							
DETACHED AND SEMIDETACHED	15,550	18,600	20,700	24,650	29,700	32,950	34,550
ROW DWELLINGS	14,950	17,750	19,750	23,450	28,150	31,350	32,800
WALKUP	16,200	20,100	22,800	26,950	31,250	34,400	36,200
ELEVATOR-STRUCTURE	21,600	24,950	28,350	34,050	39,450	42,050	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW YORK--CONTINUED							
PUTNAM COUNTY:							
DETACHED AND SEMIDETACHED	13,500	16,150	17,850	21,400	25,750	28,550	29,950
ROW DWELLINGS	12,950	15,400	17,100	20,300	24,400	27,200	28,450
WALKUP	14,050	17,400	19,750	23,400	27,100	29,800	32,350
ELEVATOR-STRUCTURE	19,700	22,750	25,850	31,000	35,950	38,300	-------
SUFFOLK COUNTY:							
DETACHED AND SEMIDETACHED	14,600	17,450	19,350	23,150	27,850	30,900	32,400
ROW DWELLINGS	14,050	16,650	18,550	22,000	26,400	29,450	30,800
WALKUP	15,200	18,800	21,400	25,300	29,300	32,250	33,950
ELEVATOR-STRUCTURE	20,100	23,300	26,450	31,700	36,800	39,150	-------
WESTCHESTER COUNTY:							
DETACHED AND SEMIDETACHED	14,100	16,850	18,650	22,300	26,400	29,800	31,250
ROW DWELLINGS	13,500	16,050	17,800	21,250	25,450	28,400	29,800
WALKUP	14,650	18,150	20,550	24,350	28,250	31,100	32,750
ELEVATOR-STRUCTURE	19,400	22,400	25,500	30,600	35,450	37,750	-------
ORANGE CO.:							
DETACHED AND SEMIDETACHED	14,400	17,250	19,100	22,850	27,500	30,500	31,950
ROW DWELLINGS	13,800	16,400	18,250	21,700	26,100	29,050	30,400
WALKUP	14,950	18,600	21,100	25,000	28,950	31,850	33,550
ELEVATOR-STRUCTURE	21,050	24,300	27,550	33,100	38,450	40,900	-------
ROCKLAND COUNTY:							
DETACHED AND SEMIDETACHED	14,300	17,100	18,950	22,650	27,250	30,300	31,750
ROW DWELLINGS	13,700	16,300	18,150	21,550	25,850	28,850	30,200
WALKUP	14,850	18,450	20,950	24,800	28,750	31,600	33,250
ELEVATOR-STRUCTURE	20,650	23,850	27,100	32,500	37,700	40,100	-------
PUERTO RICO							
SAN JUAN:							
DETACHED AND SEMIDETACHED	11,400	13,600	15,100	18,050	21,750	24,150	25,350
ROW DWELLINGS	10,900	13,050	14,500	17,150	20,650	23,000	24,100
WALKUP	10,450	12,900	14,650	17,400	20,150	22,200	23,400
ELEVATOR-STRUCTURE	11,550	13,500	17,100	19,000	20,850	-------	-------
PONCE:							
DETACHED AND SEMIDETACHED	11,450	13,700	15,150	18,150	21,800	24,200	25,400
ROW DWELLINGS	10,950	13,150	14,550	17,200	20,750	23,050	24,150
WALKUP	10,550	12,950	14,750	17,450	20,250	22,250	23,450
ELEVATOR-STRUCTURE	11,650	13,550	17,200	19,100	20,950	-------	-------
MAYAGUEZ:							
DETACHED AND SEMIDETACHED	11,450	13,700	15,150	18,150	21,800	24,200	25,400
ROW DWELLINGS	10,950	13,150	14,550	17,200	20,750	23,050	24,150
WALKUP	10,550	12,950	14,750	17,450	20,250	22,250	23,450
ELEVATOR-STRUCTURE	11,650	13,550	17,200	19,100	20,950	-------	-------

XUM

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
PUERTO RICO--CONTINUED							
ARECIBO:							
DETACHED AND SEMIDETACHED	11,450	13,700	15,150	18,150	21,800	24,200	25,400
ROW DWELLINGS	10,950	13,150	14,550	17,200	20,750	23,050	24,150
WALKUP	10,550	12,950	14,750	17,450	20,250	22,250	23,450
ELEVATOR-STRUCTURE	11,650	13,550	17,200	19,100	20,950	------	------
VIRGIN ISLANDS							
ST. THOMAS:							
DETACHED AND SEMIDETACHED	14,650	17,550	19,450	23,250	28,000	31,100	32,600
ROW DWELLINGS	14,050	16,750	18,600	22,100	26,550	29,600	31,000
WALKUP	13,650	16,700	19,050	22,600	26,200	28,800	30,300
ELEVATOR-STRUCTURE	14,450	16,850	21,350	23,700	26,050	------	------
ST. CROIX:							
DETACHED AND SEMIDETACHED	14,250	17,050	18,950	22,700	27,250	30,300	31,750
ROW DWELLINGS	13,750	16,400	18,200	21,600	25,950	28,900	30,250
WALKUP	13,150	16,200	18,400	21,800	25,300	27,850	29,300
ELEVATOR-STRUCTURE	14,100	16,450	20,800	23,150	25,450	------	------
CHARLOTTE AMALIE:							
DETACHED AND SEMIDETACHED	14,750	17,650	19,600	23,400	28,150	31,300	32,850
ROW DWELLINGS	14,100	16,900	18,700	22,200	26,700	29,750	31,200
WALKUP	13,600	16,650	19,000	22,550	26,100	28,750	30,200
ELEVATOR-STRUCTURE	14,600	16,950	21,500	23,950	26,250	------	------
REGION III							
DELAWARE							
WILMINGTON:							
DETACHED AND SEMIDETACHED	11,950	14,400	15,900	18,950	22,800	25,450	26,650
ROW DWELLINGS	11,450	13,700	15,100	18,050	21,800	24,150	25,350
WALKUP	10,250	12,600	14,300	17,050	19,800	21,600	22,800
ELEVATOR-STRUCTURE	15,150	17,600	22,400	------	------	------	------
DOVER:							
DETACHED AND SEMIDETACHED	12,000	14,500	16,000	19,100	22,950	25,600	26,800
ROW DWELLINGS	11,500	13,800	15,250	18,150	21,950	24,300	25,500
WALKUP	10,300	12,700	14,450	17,150	19,900	21,850	22,950
ELEVATOR-STRUCTURE	15,250	17,750	22,550	------	------	------	------
WASHINGTON, D.C.							
WASHINGTON, D.C.:							
DETACHED AND SEMIDETACHED	14,150	16,950	18,700	22,350	26,950	30,000	31,300
ROW DWELLINGS	13,450	16,150	17,850	21,250	25,650	28,550	29,750
WALKUP	10,700	13,150	15,150	17,750	20,600	22,750	23,900
ELEVATOR-STRUCTURE	15,850	18,300	23,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
MARYLAND							
BALTIMORE:							
DETACHED AND SEMIDETACHED	11,500	13,800	15,300	18,250	21,900	24,500	25,550
ROW DWELLINGS	11,000	13,200	14,600	17,450	20,950	23,300	24,400
WALKUP	9,800	12,100	13,750	16,300	18,900	20,750	21,850
ELEVATOR-STRUCTURE	15,650	18,200	23,050	------	------	------	------
ABERDEEN:							
DETACHED AND SEMIDETACHED	11,350	13,600	15,100	18,000	21,600	24,150	25,200
ROW DWELLINGS	10,850	13,050	14,400	17,200	20,650	22,950	24,050
WALKUP	9,600	11,850	13,450	15,900	18,450	20,300	21,400
ELEVATOR-STRUCTURE	15,650	18,200	23,050	------	------	------	------
HAGERSTOWN:							
DETACHED AND SEMIDETACHED	12,000	14,350	15,900	19,000	22,800	25,500	26,600
ROW DWELLINGS	11,450	13,750	15,200	18,150	21,800	24,200	25,350
WALKUP	10,250	12,700	14,400	17,100	19,800	21,750	22,950
ELEVATOR-STRUCTURE	15,200	17,700	22,400	------	------	------	------
SALISBURY:							
DETACHED AND SEMIDETACHED	11,300	13,600	15,050	17,950	21,550	24,050	25,150
ROW DWELLINGS	10,850	12,950	14,350	17,150	20,600	22,900	24,000
WALKUP	9,900	12,250	13,850	16,450	19,050	20,950	22,100
ELEVATOR-STRUCTURE	15,850	18,400	23,300	------	------	------	------
ANNAPOLIS:							
DETACHED AND SEMIDETACHED	10,950	13,100	14,500	17,350	20,850	23,300	24,250
ROW DWELLINGS	10,450	12,550	13,850	16,550	19,850	22,150	23,200
WALKUP	9,400	11,650	13,250	15,650	18,150	19,950	21,000
ELEVATOR-STRUCTURE	15,050	17,550	22,150	------	------	------	------
CAMBRIDGE:							
DETACHED AND SEMIDETACHED	10,650	12,800	14,150	16,900	20,300	22,700	23,650
ROW DWELLINGS	10,200	12,200	13,500	16,150	19,400	21,600	22,600
WALKUP	8,850	10,900	12,350	14,700	17,000	18,700	19,700
ELEVATOR-STRUCTURE	15,100	17,550	22,200	------	------	------	------
CUMBERLAND:							
DETACHED AND SEMIDETACHED	10,850	13,050	14,400	17,200	20,650	23,150	24,100
ROW DWELLINGS	10,400	12,450	13,750	16,450	19,750	22,000	23,000
WALKUP	9,250	11,450	12,950	15,400	17,800	19,550	20,600
ELEVATOR-STRUCTURE	14,750	17,200	21,750	------	------	------	------
FREDERICK:							
DETACHED AND SEMIDETACHED	11,100	13,350	14,800	17,650	21,200	23,750	24,700
ROW DWELLINGS	10,700	12,750	14,150	16,900	20,300	22,600	23,600
WALKUP	9,500	11,700	13,300	15,800	18,250	20,050	21,200
ELEVATOR-STRUCTURE	15,200	17,700	22,400	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
PENNSYLVANIA							
PHILADELPHIA:							
DETACHED AND SEMIDETACHED	13,950	16,850	18,300	22,200	26,650	29,750	31,050
ROW DWELLINGS	13,400	16,100	17,750	21,150	25,400	28,350	29,450
WALKUP	11,450	14,150	16,100	19,000	22,050	24,300	25,500
ELEVATOR-STRUCTURE	16,100	18,700	23,750	-------	-------	-------	-------
ALLENTOWN:							
DETACHED AND SEMIDETACHED	13,550	16,300	18,000	21,500	25,850	28,800	30,100
ROW DWELLINGS	12,950	15,600	17,200	20,500	24,650	27,450	28,600
WALKUP	11,100	13,750	15,600	18,450	21,350	23,550	24,700
ELEVATOR-STRUCTURE	15,150	17,550	22,250	-------	-------	-------	-------
BELLEFONTE:							
DETACHED AND SEMIDETACHED	14,200	17,150	18,950	22,600	27,100	30,300	31,650
ROW DWELLINGS	13,600	16,400	18,100	21,550	25,900	28,900	30,000
WALKUP	11,700	14,450	16,400	19,350	22,500	24,750	25,950
ELEVATOR-STRUCTURE	16,050	18,550	23,600	-------	-------	-------	-------
HARRISBURG:							
DETACHED AND SEMIDETACHED	13,600	16,450	18,150	21,650	26,000	29,050	30,300
ROW DWELLINGS	13,050	15,650	17,300	20,600	24,750	27,650	28,750
WALKUP	11,150	13,800	15,650	18,550	21,550	23,700	24,850
ELEVATOR-STRUCTURE	15,350	17,800	22,600	-------	-------	-------	-------
LANCASTER:							
DETACHED AND SEMIDETACHED	13,250	16,050	17,650	21,050	25,350	28,300	29,550
ROW DWELLINGS	12,750	15,300	16,850	20,100	24,200	26,950	28,000
WALKUP	10,850	13,450	15,300	18,100	21,000	23,150	24,250
ELEVATOR-STRUCTURE	15,150	17,550	22,250	-------	-------	-------	-------
YORK:							
DETACHED AND SEMIDETACHED	13,250	16,050	17,650	21,050	25,350	28,300	29,550
ROW DWELLINGS	12,750	15,300	16,850	20,100	24,200	26,950	28,000
WALKUP	10,850	13,450	15,300	18,100	21,000	23,150	24,250
ELEVATOR-STRUCTURE	15,150	17,550	22,250	-------	-------	-------	-------
POTTSTOWN:							
DETACHED AND SEMIDETACHED	13,250	16,050	17,650	21,050	25,350	28,300	29,550
ROW DWELLINGS	12,750	15,300	16,850	20,100	24,200	26,950	28,000
WALKUP	10,850	13,450	15,300	18,100	21,000	23,150	24,250
ELEVATOR-STRUCTURE	15,150	17,550	22,250	-------	-------	-------	-------
READING:							
DETACHED AND SEMIDETACHED	13,250	16,050	17,650	21,050	25,350	28,300	29,550
ROW DWELLINGS	12,750	15,300	16,850	20,100	24,200	26,950	28,000
WALKUP	11,050	13,650	15,600	18,400	21,350	23,500	24,650
ELEVATOR-STRUCTURE	15,150	17,550	22,250	-------	-------	-------	-------
SCRANTON:							
DETACHED AND SEMIDETACHED	13,450	16,200	17,850	21,300	25,600	28,600	29,800
ROW DWELLINGS	12,850	15,450	17,000	20,300	24,400	27,250	28,300
WALKUP	10,300	12,750	14,500	17,150	19,900	21,950	23,000
ELEVATOR-STRUCTURE	16,150	18,700	23,800	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
PENNSYLVANIA--CONTINUED							
BETHLEHEM:							
DETACHED AND SEMIDETACHED	12,900	15,550	17,150	20,500	24,600	27,450	28,600
ROW DWELLINGS	12,400	14,850	16,300	19,500	23,500	26,100	27,100
WALKUP	10,500	13,100	14,800	17,550	20,350	22,300	23,550
ELEVATOR-STRUCTURE	15,400	17,900	22,700	-------	-------	-------	-------
PITTSBURGH:							
DETACHED AND SEMIDETACHED	13,100	15,700	17,350	20,650	24,850	27,700	28,950
ROW DWELLINGS	12,500	15,000	16,450	19,650	23,700	26,400	27,500
WALKUP	11,400	14,150	16,100	19,100	22,100	24,350	25,550
ELEVATOR-STRUCTURE	15,400	17,900	22,650	-------	-------	-------	-------
ALTOONA:							
DETACHED AND SEMIDETACHED	12,550	15,050	16,650	19,800	23,800	26,500	27,700
ROW DWELLINGS	11,950	14,400	15,800	18,850	22,700	25,300	26,400
WALKUP	10,950	13,550	15,500	18,350	21,200	23,400	24,550
ELEVATOR-STRUCTURE	14,350	16,700	21,100	-------	-------	-------	-------
ERIE:							
DETACHED AND SEMIDETACHED	12,950	15,550	17,250	20,500	24,650	27,500	28,750
ROW DWELLINGS	12,400	14,850	16,350	19,450	23,450	26,200	27,250
WALKUP	10,900	13,500	15,450	18,200	21,100	23,300	24,400
ELEVATOR-STRUCTURE	15,200	17,600	22,250	-------	-------	-------	-------
JOHNSTOWN:							
DETACHED AND SEMIDETACHED	12,500	15,000	16,600	19,750	23,750	26,450	27,650
ROW DWELLINGS	11,850	14,200	15,650	18,600	22,450	25,000	26,050
WALKUP	10,900	13,500	15,450	18,200	21,100	23,300	24,400
ELEVATOR-STRUCTURE	14,500	16,900	21,350	-------	-------	-------	-------
NEW CASTLE:							
DETACHED AND SEMIDETACHED	12,500	15,000	16,600	19,750	23,750	26,450	27,650
ROW DWELLINGS	11,950	14,300	15,750	18,750	22,600	25,200	26,250
WALKUP	10,900	13,500	15,450	18,250	21,150	23,300	24,400
ELEVATOR-STRUCTURE	14,500	16,900	21,350	-------	-------	-------	-------
SHARON:							
DETACHED AND SEMIDETACHED	13,600	16,300	18,100	21,500	25,850	28,800	30,150
ROW DWELLINGS	12,950	15,600	17,150	20,400	24,600	27,450	28,600
WALKUP	10,900	13,500	15,450	18,200	21,100	23,300	24,400
ELEVATOR-STRUCTURE	14,500	16,900	21,350	-------	-------	-------	-------
VIRGINIA							
RICHMOND:							
DETACHED AND SEMIDETACHED	9,950	12,000	14,750	17,600	21,200	23,600	24,650
ROW DWELLINGS	8,900	10,800	13,300	15,900	19,150	21,250	22,150
WALKUP	8,400	10,450	13,300	15,650	18,100	19,950	21,000
ELEVATOR-STRUCTURE	12,600	14,600	18,500	-------	-------	-------	-------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
VIRGINIA--CONTINUED							
NORFOLK:							
DETACHED AND SEMIDETACHED	10,700	12,900	15,750	18,850	22,700	25,300	26,400
ROW DWELLINGS	9,550	11,600	14,250	17,050	20,500	22,800	23,750
WALKUP	8,600	10,650	13,600	15,950	18,450	20,400	21,350
ELEVATOR-STRUCTURE	13,850	16,150	20,400	-------	-------	-------	-------
VIRGINIA BEACH:							
DETACHED AND SEMIDETACHED	10,150	12,250	14,950	17,900	21,500	24,000	25,050
ROW DWELLINGS	9,050	11,000	13,500	16,150	19,450	21,650	22,550
WALKUP	8,600	10,650	13,600	15,950	18,450	20,400	21,350
ELEVATOR-STRUCTURE	13,850	16,150	20,400	-------	-------	-------	-------
PORTSMOUTH:							
DETACHED AND SEMIDETACHED	10,100	12,250	14,950	17,850	21,500	23,950	25,000
ROW DWELLINGS	9,050	11,000	13,450	16,100	19,400	21,600	22,500
WALKUP	8,450	10,500	13,350	15,700	18,150	20,100	21,050
ELEVATOR-STRUCTURE	13,850	16,150	20,400	-------	-------	-------	-------
CHESAPEAKE:							
DETACHED AND SEMIDETACHED	10,150	12,250	14,950	17,900	21,500	24,000	25,050
ROW DWELLINGS	9,050	11,000	13,500	16,150	19,450	21,650	22,550
WALKUP	8,350	10,350	13,200	15,450	17,900	19,800	20,750
ELEVATOR-STRUCTURE	13,850	16,150	20,400	-------	-------	-------	-------
SUFFOLK:							
DETACHED AND SEMIDETACHED	10,150	12,250	14,950	17,900	21,500	24,000	25,050
ROW DWELLINGS	9,050	11,000	13,500	16,150	19,450	21,650	22,550
WALKUP	8,600	10,650	13,600	15,950	18,450	20,400	21,350
ELEVATOR-STRUCTURE	12,700	14,800	18,650	-------	-------	-------	-------
ROANOKE:							
DETACHED AND SEMIDETACHED	10,350	12,500	15,300	18,250	21,950	24,500	25,550
ROW DWELLINGS	9,250	11,250	13,800	16,500	19,850	22,100	23,050
WALKUP	8,600	10,650	13,600	15,950	18,450	20,400	21,350
ELEVATOR-STRUCTURE	12,650	14,650	18,550	-------	-------	-------	-------
LYNCHBURG:							
DETACHED AND SEMIDETACHED	10,150	12,250	14,950	17,900	21,500	24,000	25,050
ROW DWELLINGS	9,050	11,000	13,500	16,150	19,450	21,650	22,550
WALKUP	8,600	10,650	13,600	15,950	18,450	20,400	21,350
ELEVATOR-STRUCTURE	12,650	14,650	18,550	-------	-------	-------	-------
DANVILLE:							
DETACHED AND SEMIDETACHED	10,150	12,250	14,950	17,900	21,500	24,000	25,050
ROW DWELLINGS	9,050	11,000	13,500	16,150	19,450	21,650	22,550
WALKUP	8,700	10,800	13,750	16,150	18,700	20,700	21,700
ELEVATOR-STRUCTURE	12,650	14,650	18,550	-------	-------	-------	-------
NEWPORT NEWS:							
DETACHED AND SEMIDETACHED	10,200	12,300	15,100	18,050	21,750	24,150	25,200
ROW DWELLINGS	9,100	11,050	13,600	16,250	19,600	21,800	22,700
WALKUP	8,800	10,950	13,950	16,450	19,050	21,050	22,100
ELEVATOR-STRUCTURE	14,000	16,300	20,550	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
VIRGINIA--CONTINUED							
HAMPTON:							
DETACHED AND SEMIDETACHED	10,200	12,300	15,100	18,050	21,750	24,150	25,200
ROW DWELLINGS	9,100	11,050	13,600	16,250	19,600	21,800	22,700
WALKUP	8,650	10,750	13,650	16,100	18,650	20,600	21,650
ELEVATOR-STRUCTURE	14,000	16,300	20,550	-------	-------	-------	-------
FREDERICKSBURG:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,300	18,250	21,950	24,400	25,550
ROW DWELLINGS	9,150	11,150	13,700	16,400	19,800	21,950	22,850
WALKUP	8,750	10,750	13,700	16,150	18,750	20,650	21,650
ELEVATOR-STRUCTURE	13,850	16,100	20,350	-------	-------	-------	-------
WARRENTON:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,300	18,250	21,950	24,400	25,550
ROW DWELLINGS	9,150	11,150	13,700	16,400	19,800	21,950	22,850
WALKUP	8,750	10,750	13,700	16,150	18,750	20,650	21,650
ELEVATOR-STRUCTURE	13,850	16,100	20,350	-------	-------	-------	-------
HARRISONBURG:							
DETACHED AND SEMIDETACHED	10,250	12,350	15,200	18,150	21,850	24,300	25,300
ROW DWELLINGS	9,150	11,100	13,650	16,350	19,700	21,900	22,800
WALKUP	8,700	10,800	13,750	16,150	18,750	20,700	21,750
ELEVATOR-STRUCTURE	12,800	14,900	18,850	-------	-------	-------	-------
BRISTOL:							
DETACHED AND SEMIDETACHED	10,500	12,700	15,600	18,700	22,500	25,000	26,100
ROW DWELLINGS	9,450	11,450	14,050	16,800	20,250	22,500	23,500
WALKUP	8,750	10,850	13,800	16,200	18,800	20,700	21,700
ELEVATOR-STRUCTURE	13,600	15,700	19,950	-------	-------	-------	-------
EASTERN SHORE:							
DETACHED AND SEMIDETACHED	10,200	12,300	15,100	18,050	21,750	24,150	25,200
ROW DWELLINGS	9,100	11,050	13,600	16,250	19,600	21,800	22,700
WALKUP	8,600	10,650	13,600	16,000	18,500	20,500	21,500
ELEVATOR-STRUCTURE	12,800	14,900	18,850	-------	-------	-------	-------
WEST VIRGINIA							
CHARLESTON:							
DETACHED AND SEMIDETACHED	10,650	12,900	15,950	18,950	22,850	25,500	26,600
ROW DWELLINGS	10,200	12,350	15,150	18,100	21,750	24,250	25,250
WALKUP	9,350	11,650	14,800	17,500	20,500	22,400	23,500
ELEVATOR-STRUCTURE	16,150	18,700	23,750	-------	-------	-------	-------
BECKLEY:							
DETACHED AND SEMIDETACHED	10,400	12,550	15,500	18,500	22,250	24,850	25,850
ROW DWELLINGS	9,950	12,050	14,800	17,650	21,200	23,700	24,750
WALKUP	9,100	11,350	14,450	17,050	19,700	21,800	22,850
ELEVATOR-STRUCTURE	15,700	18,250	23,100	-------	-------	-------	-------

XUM

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
WEST VIRGINIA--CONTINUED							
BLUEFIELD:							
DETACHED AND SEMIDETACHED	10,400	12,550	15,500	18,500	22,250	24,850	25,850
ROW DWELLINGS	9,950	12,050	14,800	17,650	21,200	23,700	24,750
WALKUP	9,100	11,350	14,450	17,050	19,700	21,800	22,850
ELEVATOR-STRUCTURE	15,700	18,250	23,100	-------	-------	-------	-------
HUNTINGTON:							
DETACHED AND SEMIDETACHED	10,500	12,650	15,650	18,650	22,450	25,050	26,150
ROW DWELLINGS	10,000	12,100	14,950	17,850	21,350	23,850	24,900
WALKUP	9,250	11,450	14,550	17,250	19,950	22,050	23,100
ELEVATOR-STRUCTURE	15,850	18,400	23,400	-------	-------	-------	-------
PARKERSBURG:							
DETACHED AND SEMIDETACHED	10,750	12,950	16,000	19,050	22,950	25,650	26,750
ROW DWELLINGS	10,250	12,400	15,300	18,250	21,850	24,400	25,450
WALKUP	9,250	11,450	14,550	17,250	19,950	22,050	23,100
ELEVATOR-STRUCTURE	15,850	18,400	23,400	-------	-------	-------	-------
WHEELING:							
DETACHED AND SEMIDETACHED	10,400	12,550	15,500	18,500	22,250	24,850	25,850
ROW DWELLINGS	9,950	12,050	14,800	17,650	21,200	23,700	24,750
WALKUP	9,100	11,350	14,450	17,050	19,700	21,800	22,850
ELEVATOR-STRUCTURE	15,700	18,250	23,100	-------	-------	-------	-------
MARTINSBURG:							
DETACHED AND SEMIDETACHED	9,650	11,750	14,450	17,250	20,750	23,150	24,150
ROW DWELLINGS	9,300	11,250	13,750	16,400	19,800	22,050	23,000
WALKUP	8,350	10,450	13,300	15,700	18,200	20,100	21,100
ELEVATOR-STRUCTURE	15,700	18,250	23,100	-------	-------	-------	-------
FAIRMONT:							
DETACHED AND SEMIDETACHED	10,700	12,900	15,900	18,950	22,850	25,500	26,600
ROW DWELLINGS	10,200	12,350	15,150	18,100	21,750	24,250	25,350
WALKUP	9,000	11,200	14,250	16,800	19,500	21,500	22,600
ELEVATOR-STRUCTURE	15,650	18,250	23,050	-------	-------	-------	-------
POINT PLEASANT:							
DETACHED AND SEMIDETACHED	10,000	12,100	14,950	17,850	21,400	23,900	24,950
ROW DWELLINGS	9,550	11,600	14,250	17,000	20,400	22,750	23,750
WALKUP	8,850	11,000	13,950	16,400	19,000	21,000	22,050
ELEVATOR-STRUCTURE	15,800	18,350	23,300	-------	-------	-------	-------
REGION IV							
ALABAMA							
BIRMINGHAM:							
DETACHED AND SEMIDETACHED	9,200	11,150	13,700	16,450	19,800	21,950	23,000
ROW DWELLINGS	8,850	10,600	13,100	15,600	18,800	20,900	21,900
WALKUP	7,550	9,350	11,900	14,000	16,300	18,000	18,850
ELEVATOR-STRUCTURE	12,450	14,600	18,400	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
ALABAMA--CONTINUED							
DOTHAN:							
DETACHED AND SEMIDETACHED	8,750	10,650	13,100	15,750	18,900	20,950	22,000
ROW DWELLINGS	8,400	10,100	12,500	14,850	17,850	19,900	20,900
WALKUP	7,150	8,950	11,350	13,450	15,600	17,150	18,050
ELEVATOR-STRUCTURE	12,150	14,150	17,850	-------	-------	-------	-------
FLORENCE:							
DETACHED AND SEMIDETACHED	8,850	10,700	13,150	15,850	19,050	21,150	22,150
ROW DWELLINGS	8,450	10,150	12,550	15,050	18,100	20,050	21,050
WALKUP	7,200	9,000	11,400	13,500	15,700	17,250	18,100
ELEVATOR-STRUCTURE	12,350	14,450	18,200	-------	-------	-------	-------
HUNTSVILLE:							
DETACHED AND SEMIDETACHED	8,650	10,500	12,950	15,450	18,650	20,700	11,000
ROW DWELLINGS	8,350	10,000	12,400	14,750	17,750	19,800	20,700
WALKUP	7,100	8,850	11,250	13,250	15,350	16,950	17,750
ELEVATOR-STRUCTURE	12,150	14,150	17,900	-------	-------	-------	-------
MOBILE:							
DETACHED AND SEMIDETACHED	9,600	11,600	14,350	17,100	20,600	22,900	23,950
ROW DWELLINGS	9,200	11,100	13,700	16,300	19,600	21,800	22,850
WALKUP	7,850	9,800	12,400	14,650	17,050	18,800	19,750
ELEVATOR-STRUCTURE	13,050	15,200	19,150	-------	-------	-------	-------
MONTGOMERY:							
DETACHED AND SEMIDETACHED	8,700	10,600	13,050	15,700	18,850	20,900	21,900
ROW DWELLINGS	8,400	10,100	12,500	14,850	17,850	19,900	20,900
WALKUP	7,150	8,900	11,300	13,400	15,500	17,050	18,000
ELEVATOR-STRUCTURE	12,250	14,350	18,050	-------	-------	-------	-------
TUSCALOOSA:							
DETACHED AND SEMIDETACHED	8,650	10,500	12,950	15,450	18,650	20,700	21,700
ROW DWELLINGS	8,350	10,000	12,400	14,750	17,750	19,800	20,700
WALKUP	7,100	8,850	11,250	13,250	15,350	16,950	17,750
ELEVATOR-STRUCTURE	12,150	14,150	17,900	-------	-------	-------	-------
FLORIDA							
JACKSONVILLE:							
DETACHED AND SEMIDETACHED	9,450	11,400	14,100	16,850	20,250	22,450	23,500
ROW DWELLINGS	9,050	10,900	13,450	16,000	19,200	21,450	22,400
WALKUP	7,700	9,600	12,250	14,350	16,700	18,350	19,250
ELEVATOR-STRUCTURE	13,400	15,500	19,700	-------	-------	-------	-------
FORT WALTON BEACH:							
DETACHED AND SEMIDETACHED	9,350	11,350	13,900	16,700	20,050	22,200	23,350
ROW DWELLINGS	9,000	10,850	13,350	15,900	19,000	21,250	22,150
WALKUP	7,650	9,550	12,100	14,250	16,600	18,200	19,050
ELEVATOR-STRUCTURE	13,250	15,400	19,550	-------	-------	-------	-------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
FLORIDA--CONTINUED							
GAINESVILLE:							
DETACHED AND SEMIDETACHED	9,800	11,900	14,650	17,500	21,100	23,350	24,450
ROW DWELLINGS	9,350	11,350	13,950	16,600	19,900	22,250	23,300
WALKUP	7,700	9,550	12,250	14,350	16,650	18,350	19,250
ELEVATOR-STRUCTURE	13,900	16,150	20,550	------	------	------	------
PANAMA CITY:							
DETACHED AND SEMIDETACHED	9,350	11,350	13,900	16,700	20,050	22,200	23,350
ROW DWELLINGS	9,000	10,850	13,350	15,900	19,000	21,250	22,150
WALKUP	7,650	9,550	12,100	14,250	16,600	18,200	19,050
ELEVATOR-STRUCTURE	13,250	15,400	19,550	------	------	------	------
PENSACOLA:							
DETACHED AND SEMIDETACHED	9,350	11,350	13,900	16,700	20,050	22,200	23,350
ROW DWELLINGS	9,000	10,850	13,350	15,900	19,000	21,250	22,150
WALKUP	7,450	9,350	11,850	13,950	16,250	17,800	18,650
ELEVATOR-STRUCTURE	13,250	15,400	19,550	------	------	------	------
TALLAHASSEE:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,400	17,300	20,750	23,000	24,100
ROW DWELLINGS	9,250	11,150	13,750	16,400	19,650	21,950	22,900
WALKUP	7,500	9,400	12,050	14,050	16,450	18,050	18,900
ELEVATOR-STRUCTURE	13,700	15,900	20,150	------	------	------	------
MIAMI:							
DETACHED AND SEMIDETACHED	11,000	13,250	16,250	19,450	23,450	26,050	27,300
ROW DWELLINGS	10,450	12,550	15,650	18,550	22,350	24,850	26,050
WALKUP	8,750	11,000	14,000	16,550	19,150	21,100	22,200
ELEVATOR-STRUCTURE	13,850	16,150	20,400	------	------	------	------
FORT LAUDERDALE:							
DETACHED AND SEMIDETACHED	11,200	13,400	16,500	19,750	23,800	26,400	27,750
ROW DWELLINGS	10,600	12,800	15,850	18,850	22,650	25,150	26,400
WALKUP	8,000	10,150	12,900	15,150	17,550	19,350	20,350
ELEVATOR-STRUCTURE	13,250	15,450	19,450	------	------	------	------
FORT MYERS:							
DETACHED AND SEMIDETACHED	9,850	11,800	14,500	17,400	20,950	23,300	25,200
ROW DWELLINGS	9,300	11,250	13,950	16,600	19,900	22,150	23,300
WALKUP	7,600	9,550	12,150	14,400	16,700	18,300	19,250
ELEVATOR-STRUCTURE	12,950	15,100	19,100	------	------	------	------
KEY WEST:							
DETACHED AND SEMIDETACHED	11,000	13,250	16,250	19,450	23,450	26,050	27,300
ROW DWELLINGS	10,450	12,550	15,650	18,550	22,350	24,850	26,050
WALKUP	8,750	11,000	14,000	16,550	19,150	21,100	22,200
ELEVATOR-STRUCTURE	13,850	16,150	20,400	------	------	------	------
WEST PALM BEACH:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,250	18,250	22,000	24,400	25,550
ROW DWELLINGS	9,800	11,800	14,650	17,400	20,900	23,200	24,400
WALKUP	8,350	10,550	13,450	15,900	18,450	20,300	21,300
ELEVATOR-STRUCTURE	13,550	15,750	19,900	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
FLORIDA--CONTINUED							
TAMPA:							
DETACHED AND SEMIDETACHED	8,750	10,500	13,000	15,550	18,600	20,750	21,700
ROW DWELLINGS	8,300	10,050	12,500	14,750	17,750	19,850	20,700
WALKUP	7,800	9,700	12,300	14,600	16,900	18,550	19,500
ELEVATOR-STRUCTURE	13,550	15,800	19,900	------	------	------	------
COCOA BEACH:							
DETACHED AND SEMIDETACHED	8,700	10,450	12,900	15,400	18,500	20,600	21,550
ROW DWELLINGS	8,250	9,950	12,350	14,650	17,600	19,650	20,550
WALKUP	7,750	9,650	12,200	14,450	16,800	18,400	19,300
ELEVATOR-STRUCTURE	13,450	15,700	19,700	------	------	------	------
DAYTONA BEACH:							
DETACHED AND SEMIDETACHED	10,250	12,250	15,200	18,200	21,750	24,300	25,400
ROW DWELLINGS	9,700	11,750	14,600	17,300	20,750	23,200	24,250
WALKUP	9,100	11,350	14,300	17,000	19,700	21,750	22,750
ELEVATOR-STRUCTURE	15,900	18,500	23,300	------	------	------	------
FORT PIERCE:							
DETACHED AND SEMIDETACHED	9,250	11,100	13,800	16,450	19,750	22,000	23,050
ROW DWELLINGS	8,800	10,600	13,150	15,600	18,750	20,950	21,850
WALKUP	8,300	10,300	13,050	15,450	18,100	19,650	20,700
ELEVATOR-STRUCTURE	14,400	16,750	21,050	------	------	------	------
LAKELAND:							
DETACHED AND SEMIDETACHED	8,800	10,550	13,100	15,700	18,750	20,950	21,850
ROW DWELLINGS	8,350	10,100	12,600	14,900	17,850	20,000	20,900
WALKUP	7,900	9,800	12,400	14,700	17,000	18,750	19,650
ELEVATOR-STRUCTURE	13,550	15,750	19,850	------	------	------	------
ORLANDO:							
DETACHED AND SEMIDETACHED	8,600	10,300	12,750	15,200	18,250	20,300	21,200
ROW DWELLINGS	8,150	9,800	12,150	14,400	17,350	19,350	20,200
WALKUP	7,400	9,250	11,700	13,850	16,050	17,700	18,550
ELEVATOR-STRUCTURE	13,200	15,300	19,350	------	------	------	------
SARASOTA:							
DETACHED AND SEMIDETACHED	8,950	10,750	13,400	15,950	19,150	21,350	22,300
ROW DWELLINGS	8,550	10,350	12,800	15,150	18,250	20,350	21,300
WALKUP	8,100	10,100	12,800	15,200	17,650	19,400	20,400
ELEVATOR-STRUCTURE	13,900	16,150	20,400	------	------	------	------
ST. PETERSBURG:							
DETACHED AND SEMIDETACHED	8,600	10,300	12,750	15,200	18,250	20,300	21,200
ROW DWELLINGS	8,150	9,800	12,150	14,400	17,350	19,350	20,200
WALKUP	7,650	9,550	12,100	14,250	16,550	18,250	19,100
ELEVATOR-STRUCTURE	13,350	15,450	19,500	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
GEORGIA							
ATLANTA:							
DETACHED AND SEMIDETACHED	9,200	11,050	13,600	16,250	19,600	21,700	22,700
ROW DWELLINGS	8,700	10,500	13,000	15,450	18,600	20,700	21,650
WALKUP	8,000	9,950	12,650	14,900	17,300	19,000	20,000
ELEVATOR-STRUCTURE	13,800	16,000	20,300	-------	-------	-------	-------
ALBANY:							
DETACHED AND SEMIDETACHED	9,150	11,000	13,500	16,150	19,350	21,550	22,550
ROW DWELLINGS	8,650	10,450	12,900	15,350	18,400	20,550	21,500
WALKUP	7,950	9,900	12,500	14,750	17,200	18,850	19,850
ELEVATOR-STRUCTURE	13,700	15,900	20,100	-------	-------	-------	-------
AUGUSTA:							
DETACHED AND SEMIDETACHED	9,400	11,250	14,000	16,700	20,100	22,250	23,300
ROW DWELLINGS	9,000	10,800	13,300	15,950	19,150	21,250	22,250
WALKUP	8,050	9,950	12,650	14,950	17,300	19,150	20,050
ELEVATOR-STRUCTURE	12,850	14,900	18,850	-------	-------	-------	-------
BRUNSWICK:							
DETACHED AND SEMIDETACHED	8,600	10,350	12,700	15,200	18,250	20,300	21,250
ROW DWELLINGS	8,150	9,850	12,150	14,450	17,350	19,350	20,250
WALKUP	7,300	9,100	11,500	13,550	15,800	17,350	18,250
ELEVATOR-STRUCTURE	13,700	15,900	20,100	-------	-------	-------	-------
COLUMBUS:							
DETACHED AND SEMIDETACHED	8,950	10,750	13,350	15,950	19,200	21,250	22,300
ROW DWELLINGS	8,600	10,350	12,750	15,250	18,300	20,300	21,250
WALKUP	7,900	9,750	12,400	14,600	16,950	18,750	19,600
ELEVATOR-STRUCTURE	13,600	15,800	19,950	-------	-------	-------	-------
MACON:							
DETACHED AND SEMIDETACHED	9,050	10,850	13,500	16,100	19,400	21,450	22,500
ROW DWELLINGS	8,700	10,450	12,850	15,350	18,500	20,500	21,450
WALKUP	7,650	9,450	12,050	14,200	16,450	18,200	19,050
ELEVATOR-STRUCTURE	13,600	15,800	19,950	-------	-------	-------	-------
ROME:							
DETACHED AND SEMIDETACHED	8,650	10,400	12,900	15,400	18,500	20,500	21,500
ROW DWELLINGS	8,250	9,950	12,250	14,650	17,550	19,500	20,450
WALKUP	7,400	9,150	11,700	13,750	15,950	17,550	18,450
ELEVATOR-STRUCTURE	13,400	15,600	19,750	-------	-------	-------	-------
SAVANNAH:							
DETACHED AND SEMIDETACHED	8,600	10,350	12,700	15,200	18,250	20,300	21,250
ROW DWELLINGS	8,150	9,850	12,150	14,450	17,350	19,350	20,250
WALKUP	7,300	9,100	11,500	13,550	15,800	17,350	18,250
ELEVATOR-STRUCTURE	13,700	15,900	20,100	-------	-------	-------	-------
VALDOSTA:							
DETACHED AND SEMIDETACHED	8,900	10,700	13,250	15,850	19,050	21,100	22,100
ROW DWELLINGS	8,500	10,250	12,650	15,050	18,100	20,100	21,050
WALKUP	7,800	9,600	12,250	14,450	16,750	18,450	19,350
ELEVATOR-STRUCTURE	13,400	15,600	19,750	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
KENTUCKY							
LOUISVILLE:							
DETACHED AND SEMIDETACHED	9,150	11,000	13,550	16,250	19,550	21,700	22,750
ROW DWELLINGS	8,750	10,550	13,000	15,450	18,600	20,700	21,650
WALKUP	8,350	10,300	13,100	15,500	17,950	19,750	20,800
ELEVATOR-STRUCTURE	13,800	16,050	20,300	-------	-------	-------	-------
ASHLAND:							
DETACHED AND SEMIDETACHED	9,450	11,350	14,000	16,800	20,250	22,450	23,550
ROW DWELLINGS	9,000	10,850	13,450	16,000	19,200	21,350	22,300
WALKUP	8,400	10,400	13,150	15,550	18,100	19,950	20,900
ELEVATOR-STRUCTURE	14,200	16,650	21,000	-------	-------	-------	-------
BOWLING GREEN:							
DETACHED AND SEMIDETACHED	8,850	10,650	13,050	15,650	18,900	20,950	21,950
ROW DWELLINGS	8,450	10,200	12,600	14,900	18,050	20,000	20,950
WALKUP	7,700	9,550	12,200	14,450	16,700	18,400	19,350
ELEVATOR-STRUCTURE	13,350	15,500	19,600	-------	-------	-------	-------
CORBIN:							
DETACHED AND SEMIDETACHED	9,150	11,000	13,550	16,250	19,550	21,700	22,750
ROW DWELLINGS	8,750	10,550	13,000	15,450	18,600	20,700	21,650
WALKUP	8,000	9,900	12,600	14,900	17,300	19,050	20,000
ELEVATOR-STRUCTURE	13,800	16,050	20,300	-------	-------	-------	-------
COVINGTON:							
DETACHED AND SEMIDETACHED	9,850	11,800	14,550	17,400	21,000	23,300	24,400
ROW DWELLINGS	9,350	11,250	13,950	16,550	20,000	22,150	23,200
WALKUP	8,900	11,100	14,050	16,600	19,250	21,200	22,300
ELEVATOR-STRUCTURE	14,550	17,000	21,400	-------	-------	-------	-------
FRANKFORT:							
DETACHED AND SEMIDETACHED	8,550	10,250	12,650	15,200	18,300	20,250	21,250
ROW DWELLINGS	8,150	9,850	12,150	14,450	17,400	19,300	20,200
WALKUP	7,750	9,700	12,250	14,500	16,750	18,550	19,450
ELEVATOR-STRUCTURE	12,700	14,850	18,700	-------	-------	-------	-------
HOPKINSVILLE:							
DETACHED AND SEMIDETACHED	8,700	10,400	12,850	15,400	18,550	20,600	21,600
ROW DWELLINGS	8,300	10,000	12,400	14,650	17,650	19,650	20,550
WALKUP	7,250	9,050	11,450	13,550	15,700	17,350	18,200
ELEVATOR-STRUCTURE	13,100	15,250	19,300	-------	-------	-------	-------
LEXINGTON:							
DETACHED AND SEMIDETACHED	8,900	10,700	13,150	15,800	19,050	21,100	22,100
ROW DWELLINGS	8,500	10,250	12,650	15,000	18,100	20,100	21,050
WALKUP	8,600	10,650	13,500	16,000	18,550	20,400	21,450
ELEVATOR-STRUCTURE	13,800	16,050	20,300	-------	-------	-------	-------
MIDDLESBORO:							
DETACHED AND SEMIDETACHED	9,150	11,000	13,550	16,250	19,550	21,700	22,750
ROW DWELLINGS	8,750	10,550	13,000	15,450	18,600	20,700	21,650
WALKUP	8,050	10,000	12,700	15,050	17,400	19,150	20,150
ELEVATOR-STRUCTURE	13,800	16,050	20,300	-------	-------	-------	-------

XUM

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
KENTUCKY--CONTINUED							
MURRAY:							
DETACHED AND SEMIDETACHED	8,700	10,400	12,850	15,400	18,550	20,600	21,600
ROW DWELLINGS	8,300	10,000	12,400	14,650	17,650	19,650	20,550
WALKUP	7,100	8,850	11,150	13,250	15,400	17,000	17,800
ELEVATOR-STRUCTURE	13,100	15,250	19,300	------	------	------	------
NEWPORT:							
DETACHED AND SEMIDETACHED	9,350	11,200	13,800	16,550	20,000	22,100	23,200
ROW DWELLINGS	8,950	10,750	13,300	15,750	19,050	21,100	22,100
WALKUP	8,150	10,150	12,800	15,200	17,600	19,450	20,400
ELEVATOR-STRUCTURE	13,900	16,250	20,500	------	------	------	------
OWENSBORO:							
DETACHED AND SEMIDETACHED	9,350	11,200	13,800	16,550	20,000	22,100	23,200
ROW DWELLINGS	8,950	10,750	13,300	15,750	19,050	21,100	22,100
WALKUP	8,150	10,150	12,800	15,200	17,600	19,450	20,400
ELEVATOR-STRUCTURE	13,900	16,250	20,500	------	------	------	------
PADUCAH:							
DETACHED AND SEMIDETACHED	8,550	10,250	12,650	15,200	18,300	20,250	21,250
ROW DWELLINGS	8,150	9,850	12,150	14,450	17,400	19,350	20,200
WALKUP	7,750	9,700	12,250	14,500	16,750	18,550	19,450
ELEVATOR-STRUCTURE	13,100	15,250	19,300	------	------	------	------
MISSISSIPPI							
JACKSON:							
DETACHED AND SEMIDETACHED	8,900	10,700	13,250	15,800	19,050	21,100	22,200
ROW DWELLINGS	8,300	9,950	12,250	14,650	17,550	19,500	20,450
WALKUP	7,100	8,850	11,350	13,350	15,450	17,050	17,850
ELEVATOR-STRUCTURE	12,400	14,400	18,250	------	------	------	------
BILOXI:							
DETACHED AND SEMIDETACHED	8,650	10,400	12,950	15,350	18,550	20,550	21,550
ROW DWELLINGS	8,250	9,900	12,250	14,600	17,500	19,500	20,400
WALKUP	7,350	9,200	11,750	13,800	15,950	17,650	18,450
ELEVATOR-STRUCTURE	12,700	14,800	18,800	------	------	------	------
CORINTH:							
DETACHED AND SEMIDETACHED	9,050	10,950	13,500	16,150	19,500	21,650	22,600
ROW DWELLINGS	8,100	9,850	12,250	14,500	17,500	19,450	20,350
WALKUP	7,400	9,150	11,650	13,750	16,000	17,550	18,400
ELEVATOR-STRUCTURE	12,650	14,700	18,500	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	8,900	10,700	13,250	15,800	19,050	21,100	22,200
ROW DWELLINGS	8,300	9,950	12,250	14,650	17,550	19,500	20,450
WALKUP	7,100	8,850	11,350	13,350	15,450	17,050	17,850
ELEVATOR-STRUCTURE	12,300	14,300	18,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
MISSISSIPPI--CONTINUED							
GREENWOOD:							
DETACHED AND SEMIDETACHED	8,900	10,700	13,250	15,800	19,050	21,100	22,200
ROW DWELLINGS	8,300	9,950	12,250	14,650	17,550	19,500	20,450
WALKUP	7,400	9,200	11,750	13,850	16,050	17,650	18,500
ELEVATOR-STRUCTURE	12,400	14,400	18,250	------	------	------	------
GULFPORT:							
DETACHED AND SEMIDETACHED	8,950	10,750	13,300	15,850	19,100	21,150	22,250
ROW DWELLINGS	8,350	10,000	12,350	14,700	17,600	19,550	20,500
WALKUP	7,000	8,750	11,100	13,050	15,100	16,650	17,400
ELEVATOR-STRUCTURE	12,500	14,600	18,450	------	------	------	------
HATTIESBURG:							
DETACHED AND SEMIDETACHED	8,900	10,700	13,250	15,800	19,050	21,100	22,200
ROW DWELLINGS	8,300	9,950	12,250	14,650	17,550	19,500	20,450
WALKUP	7,100	8,850	11,350	13,350	15,450	17,050	17,850
ELEVATOR-STRUCTURE	12,400	14,400	18,250	------	------	------	------
SOUTHAVEN:							
DETACHED AND SEMIDETACHED	8,750	10,550	13,050	15,500	18,700	20,750	21,750
ROW DWELLINGS	8,150	9,800	12,100	14,350	17,300	19,200	20,150
WALKUP	7,500	9,350	11,950	14,000	16,250	18,000	18,800
ELEVATOR-STRUCTURE	12,150	14,200	17,950	------	------	------	------
TUPELO:							
DETACHED AND SEMIDETACHED	8,900	10,700	13,250	15,800	19,050	21,100	22,200
ROW DWELLINGS	8,500	10,250	12,600	15,050	18,050	20,100	21,050
WALKUP	7,250	9,050	11,600	13,600	15,800	17,400	18,200
ELEVATOR-STRUCTURE	12,400	14,400	18,250	------	------	------	------
NORTH CAROLINA							
GREENSBORO:							
DETACHED AND SEMIDETACHED	8,850	10,650	13,100	15,750	18,900	21,000	21,950
ROW DWELLINGS	8,500	10,200	12,550	14,900	18,000	20,000	20,950
WALKUP	7,150	8,900	11,350	13,400	15,550	17,050	17,950
ELEVATOR-STRUCTURE	12,900	15,000	19,000	------	------	------	------
ASHEVILLE:							
DETACHED AND SEMIDETACHED	8,850	10,700	13,200	15,850	19,000	21,100	22,100
ROW DWELLINGS	8,950	10,750	13,300	15,750	19,050	21,200	22,150
WALKUP	8,000	10,000	12,800	15,050	17,450	19,200	20,250
ELEVATOR-STRUCTURE	13,250	15,400	19,400	------	------	------	------
CHARLOTTE:							
DETACHED AND SEMIDETACHED	8,850	10,650	13,100	15,750	18,900	21,000	21,950
ROW DWELLINGS	8,450	10,150	12,500	14,850	17,900	19,900	20,800
WALKUP	7,450	9,250	11,800	13,950	16,150	17,700	18,650
ELEVATOR-STRUCTURE	12,900	15,000	19,000	------	------	------	------

XUM

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
NORTH CAROLINA--CONTINUED							
DURHAM:							
DETACHED AND SEMIDETACHED	8,550	10,300	12,700	15,250	18,300	20,350	21,300
ROW DWELLINGS	8,200	9,850	12,150	14,450	17,450	19,400	20,300
WALKUP	6,950	8,250	11,050	13,050	15,150	16,600	17,500
ELEVATOR-STRUCTURE	12,850	14,950	18,900	------	------	------	------
ELIZABETH CITY:							
DETACHED AND SEMIDETACHED	10,150	12,250	14,950	17,900	21,500	24,000	25,050
ROW DWELLINGS	9,050	11,000	13,500	16,150	19,450	21,650	22,550
WALKUP	8,350	10,350	13,200	15,450	17,900	19,800	20,750
ELEVATOR-STRUCTURE	13,850	16,150	20,400	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	9,000	10,850	13,300	15,950	19,200	21,350	22,350
ROW DWELLINGS	8,650	10,350	12,750	15,100	18,300	20,000	21,300
WALKUP	6,850	8,550	11,000	12,950	15,000	16,400	17,350
ELEVATOR-STRUCTURE	12,550	14,400	18,300	------	------	------	------
RALEIGH:							
DETACHED AND SEMIDETACHED	8,700	10,550	12,950	15,600	18,700	20,800	21,700
ROW DWELLINGS	8,450	10,150	12,450	14,800	17,850	19,850	20,800
WALKUP	7,100	8,850	11,250	13,300	15,400	16,900	17,800
ELEVATOR-STRUCTURE	12,850	14,950	18,950	------	------	------	------
WILMINGTON:							
DETACHED AND SEMIDETACHED	8,700	10,500	12,900	15,500	18,650	20,700	21,600
ROW DWELLINGS	8,400	10,100	12,400	14,750	17,750	19,800	20,750
WALKUP	7,500	9,300	11,850	13,950	16,200	17,800	18,700
ELEVATOR-STRUCTURE	12,800	14,850	18,850	------	------	------	------
WINSTON-SALEM:							
DETACHED AND SEMIDETACHED	9,000	10,800	13,300	16,000	19,200	21,300	22,300
ROW DWELLINGS	8,600	10,350	12,750	15,150	18,300	20,350	21,250
WALKUP	7,550	9,350	11,950	14,100	16,350	17,900	18,850
ELEVATOR-STRUCTURE	12,850	14,950	18,950	------	------	------	------
FAYETTEVILLE:							
DETACHED AND SEMIDETACHED	9,750	11,700	14,400	17,300	20,750	23,050	24,150
ROW DWELLINGS	9,350	11,200	13,800	16,400	19,800	22,000	23,000
WALKUP	7,550	9,400	12,000	14,150	16,450	18,000	18,950
ELEVATOR-STRUCTURE	12,900	15,000	19,000	------	------	------	------
SOUTH CAROLINA							
COLUMBIA:							
DETACHED AND SEMIDETACHED	8,350	10,100	12,400	14,900	17,900	19,850	20,800
ROW DWELLINGS	8,050	9,650	11,900	14,150	17,050	18,950	19,800
WALKUP	7,000	8,650	11,050	13,200	15,050	16,550	17,500
ELEVATOR-STRUCTURE	12,600	14,650	18,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
SOUTH CAROLINA--CONTINUED							
AIKEN:							
DETACHED AND SEMIDETACHED	8,350	10,100	12,400	14,900	17,850	19,900	20,850
ROW DWELLINGS	8,000	9,650	11,900	14,100	17,050	18,900	19,800
WALKUP	7,250	9,100	11,500	13,550	15,700	17,300	18,250
ELEVATOR-STRUCTURE	12,800	14,850	18,850	------	------	------	------
ANDERSON:							
DETACHED AND SEMIDETACHED	8,250	10,000	12,300	14,700	17,700	19,650	20,650
ROW DWELLINGS	7,950	9,500	11,800	14,000	16,850	18,750	19,600
WALKUP	6,750	8,350	10,700	12,600	14,550	16,100	16,950
ELEVATOR-STRUCTURE	12,750	14,750	18,550	------	------	------	------
BEAUFORT:							
DETACHED AND SEMIDETACHED	8,550	10,350	12,700	15,250	18,300	20,350	21,350
ROW DWELLINGS	8,250	10,000	12,200	14,500	17,400	19,400	20,350
WALKUP	7,150	8,900	11,250	13,250	15,400	17,000	17,850
ELEVATOR-STRUCTURE	12,950	15,000	18,950	------	------	------	------
CHARLESTON:							
DETACHED AND SEMIDETACHED	9,200	11,150	13,750	16,450	19,750	21,900	23,000
ROW DWELLINGS	8,850	10,650	13,200	15,700	18,850	20,950	21,900
WALKUP	7,500	9,400	11,900	14,000	16,250	17,900	18,850
ELEVATOR-STRUCTURE	13,200	15,350	19,400	------	------	------	------
FLORENCE:							
DETACHED AND SEMIDETACHED	8,000	9,700	11,900	14,350	17,200	19,150	20,050
ROW DWELLINGS	7,700	9,250	11,400	13,600	16,400	18,200	19,050
WALKUP	6,700	8,400	10,600	12,500	14,500	16,000	16,900
ELEVATOR-STRUCTURE	12,800	14,850	18,850	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	8,400	10,150	12,500	14,950	18,050	20,000	20,950
ROW DWELLINGS	8,100	9,700	11,950	14,250	17,150	19,050	19,950
WALKUP	6,800	8,500	10,750	12,650	14,700	16,200	17,050
ELEVATOR-STRUCTURE	12,800	14,850	18,850	------	------	------	------
GREENWOOD:							
DETACHED AND SEMIDETACHED	8,400	10,150	12,550	15,000	18,000	20,000	21,000
ROW DWELLINGS	8,100	9,700	12,000	14,250	17,150	19,100	19,950
WALKUP	7,050	8,700	11,150	13,100	15,150	16,800	17,650
ELEVATOR-STRUCTURE	12,750	14,750	18,550	------	------	------	------
MYRTLE BEACH:							
DETACHED AND SEMIDETACHED	8,550	10,350	12,700	15,250	18,300	20,350	21,350
ROW DWELLINGS	8,250	10,000	12,200	14,500	17,400	19,400	20,350
WALKUP	7,150	8,900	11,250	13,250	15,400	17,000	17,850
ELEVATOR-STRUCTURE	12,950	15,000	18,950	------	------	------	------
NORTH AUGUSTA:							
DETACHED AND SEMIDETACHED	8,900	10,750	13,200	15,850	19,000	21,050	22,100
ROW DWELLINGS	8,450	10,200	12,600	14,950	18,150	20,000	20,950
WALKUP	7,350	9,200	11,700	13,750	15,950	17,600	18,500
ELEVATOR-STRUCTURE	13,350	15,500	19,600	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
SOUTH CAROLINA--CONTINUED							
ORANGEBURG:							
DETACHED AND SEMIDETACHED	8,350	10,100	12,400	14,900	17,900	19,850	20,800
ROW DWELLINGS	8,050	9,650	11,900	14,150	17,050	18,950	19,800
WALKUP	7,000	8,650	11,050	13,200	15,050	16,550	17,500
ELEVATOR-STRUCTURE	12,600	14,650	18,450	------	------	------	------
ROCKHILL:							
DETACHED AND SEMIDETACHED	8,450	10,250	12,600	15,150	18,150	20,250	21,200
ROW DWELLINGS	8,150	9,800	12,050	14,350	17,300	19,200	20,100
WALKUP	7,100	8,900	11,200	13,200	15,300	16,900	17,800
ELEVATOR-STRUCTURE	12,800	14,850	18,850	------	------	------	------
SPARTANSBURG:							
DETACHED AND SEMIDETACHED	8,600	10,400	12,750	15,300	18,450	20,450	21,400
ROW DWELLINGS	8,250	9,900	12,250	14,550	17,550	19,500	20,400
WALKUP	7,150	8,950	11,300	13,300	15,450	17,050	17,900
ELEVATOR-STRUCTURE	12,800	14,850	18,850	------	------	------	------
TENNESSEE							
KNOXVILLE:							
DETACHED AND SEMIDETACHED	9,350	11,250	13,850	16,600	20,050	22,200	23,250
ROW DWELLINGS	8,950	10,750	13,300	15,850	19,000	21,100	22,150
WALKUP	8,050	10,050	12,700	15,050	17,500	19,250	20,200
ELEVATOR-STRUCTURE	12,300	14,250	18,000	------	------	------	------
CHATTANOOGA:							
DETACHED AND SEMIDETACHED	8,600	10,400	12,750	15,300	18,500	20,400	21,400
ROW DWELLINGS	9,000	10,800	13,400	15,950	19,150	21,300	22,300
WALKUP	8,250	10,300	13,050	15,450	17,950	19,750	20,750
ELEVATOR-STRUCTURE	12,550	14,600	18,350	------	------	------	------
JOHNSON CITY:							
DETACHED AND SEMIDETACHED	8,850	10,700	13,150	15,700	19,000	21,050	22,050
ROW DWELLINGS	8,500	10,200	12,600	15,000	18,050	20,000	21,000
WALKUP	8,050	10,050	12,700	15,050	17,450	19,200	20,200
ELEVATOR-STRUCTURE	12,300	14,250	18,000	------	------	------	------
KINGSPORT:							
DETACHED AND SEMIDETACHED	9,150	11,050	13,600	16,300	19,700	21,800	22,850
ROW DWELLINGS	8,800	10,550	13,050	15,550	18,700	20,750	21,750
WALKUP	7,600	9,450	11,950	14,150	16,450	18,100	19,000
ELEVATOR-STRUCTURE	12,300	14,250	18,000	------	------	------	------
OAK RIDGE:							
DETACHED AND SEMIDETACHED	9,050	10,900	13,450	16,050	19,400	21,500	22,550
ROW DWELLINGS	8,700	10,450	12,950	15,400	18,500	20,550	21,550
WALKUP	8,050	10,050	12,700	15,050	17,500	19,250	20,200
ELEVATOR-STRUCTURE	12,300	14,250	18,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
TENNESSEE--CONTINUED							
MEMPHIS:							
DETACHED AND SEMIDETACHED	9,350	11,300	13,900	16,600	20,050	22,300	23,300
ROW DWELLINGS	8,600	10,450	12,950	15,400	18,500	20,600	21,550
WALKUP	7,700	9,550	12,150	14,350	16,650	18,300	19,200
ELEVATOR-STRUCTURE	13,200	15,300	19,250	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	10,100	12,200	15,000	17,950	21,650	24,050	25,100
ROW DWELLINGS	9,300	11,300	13,950	16,600	19,950	22,200	23,350
WALKUP	8,550	10,550	13,550	16,000	18,500	20,350	21,350
ELEVATOR-STRUCTURE	13,200	15,300	19,250	------	------	------	------
UNION CITY:							
DETACHED AND SEMIDETACHED	10,150	12,300	15,100	18,050	21,800	24,200	25,300
ROW DWELLINGS	9,350	11,350	14,050	16,700	20,100	22,400	23,500
WALKUP	7,550	9,300	11,900	14,100	16,300	17,950	18,850
ELEVATOR-STRUCTURE	14,400	16,700	21,050	------	------	------	------
NASHVILLE:							
DETACHED AND SEMIDETACHED	9,150	11,000	13,600	16,250	19,550	21,750	22,700
ROW DWELLINGS	8,700	10,600	12,950	15,500	18,600	20,700	21,700
WALKUP	7,700	9,550	12,200	14,350	16,700	18,400	19,300
ELEVATOR-STRUCTURE	12,100	14,150	17,850	------	------	------	------
CLARKSVILLE:							
DETACHED AND SEMIDETACHED	8,800	10,650	13,100	15,650	18,900	21,000	22,000
ROW DWELLINGS	8,450	10,150	12,500	14,950	17,950	19,950	20,950
WALKUP	7,050	8,800	11,250	13,200	15,350	16,900	17,750
ELEVATOR-STRUCTURE	12,650	14,750	18,600	------	------	------	------
COLUMBIA:							
DETACHED AND SEMIDETACHED	9,200	11,050	13,650	16,300	19,600	21,800	22,800
ROW DWELLINGS	8,750	10,650	13,000	15,550	18,650	20,750	21,750
WALKUP	7,750	9,650	12,350	14,450	16,800	18,600	19,500
ELEVATOR-STRUCTURE	13,000	15,300	19,350	------	------	------	------
REGION V							
ILLINOIS							
CHICAGO:							
DETACHED AND SEMIDETACHED	11,550	14,050	17,250	20,550	24,700	27,550	28,800
ROW DWELLINGS	11,150	13,450	16,550	19,750	23,750	26,400	27,700
WALKUP	10,250	12,700	16,050	19,050	20,500	24,250	25,450
ELEVATOR-STRUCTURE	14,450	16,800	21,250	------	------	------	------
MOLINE:							
DETACHED AND SEMIDETACHED	11,200	13,600	16,800	20,000	24,100	26,750	28,000
ROW DWELLINGS	10,500	12,700	15,650	18,650	22,450	24,950	26,200
WALKUP	9,650	12,000	15,200	17,950	19,350	22,900	23,950
ELEVATOR-STRUCTURE	13,550	15,800	19,950	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
ILLINOIS--CONTINUED							
ROCKFORD:							
DETACHED AND SEMIDETACHED	10,950	13,250	16,250	19,450	23,400	26,000	27,250
ROW DWELLINGS	10,300	12,400	15,300	18,200	21,850	24,350	25,550
WALKUP	9,450	11,700	14,850	17,550	18,900	22,400	23,400
ELEVATOR-STRUCTURE	13,300	15,350	19,500	------	------	------	------
ROCK ISLAND:							
DETACHED AND SEMIDETACHED	11,200	13,600	16,800	20,000	24,100	26,750	28,000
ROW DWELLINGS	10,500	12,700	15,650	18,650	22,450	24,950	26,200
WALKUP	9,650	12,000	15,200	17,950	19,350	22,900	23,950
ELEVATOR-STRUCTURE	13,550	15,800	19,950	------	------	------	------
STERLING:							
DETACHED AND SEMIDETACHED	11,150	13,500	16,650	19,800	23,850	26,600	27,800
ROW DWELLINGS	10,400	12,550	15,650	18,550	22,200	24,800	25,950
WALKUP	9,600	11,900	15,150	17,900	19,300	22,750	23,850
ELEVATOR-STRUCTURE	13,500	15,700	19,800	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	10,200	12,350	15,250	18,200	21,850	24,300	25,450
ROW DWELLINGS	9,600	11,500	14,250	16,950	20,400	22,700	23,750
WALKUP	9,350	11,600	14,700	17,400	20,100	22,250	22,250
ELEVATOR-STRUCTURE	13,400	15,550	19,650	------	------	------	------
BELLEVILLE:							
DETACHED AND SEMIDETACHED	10,600	12,850	15,900	18,900	22,700	25,300	26,500
ROW DWELLINGS	10,000	12,000	14,850	17,650	21,250	23,700	24,750
WALKUP	9,700	12,050	15,300	18,100	20,950	23,150	24,300
ELEVATOR-STRUCTURE	13,500	15,650	19,800	------	------	------	------
CARBONDALE:							
DETACHED AND SEMIDETACHED	10,200	12,350	15,250	18,200	21,850	24,300	25,450
ROW DWELLINGS	9,600	11,500	14,250	16,900	20,400	22,700	23,750
WALKUP	9,350	11,600	14,700	17,400	20,100	22,250	23,300
ELEVATOR-STRUCTURE	13,400	15,550	19,700	------	------	------	------
CHAMPAIGN:							
DETACHED AND SEMIDETACHED	9,800	11,800	14,650	17,450	20,950	23,300	24,400
ROW DWELLINGS	9,250	11,100	13,650	16,350	19,600	21,900	22,800
WALKUP	9,000	11,150	14,150	16,750	19,300	21,350	22,500
ELEVATOR-STRUCTURE	12,900	14,900	18,850	------	------	------	------
DANVILLE:							
DETACHED AND SEMIDETACHED	10,250	12,450	15,350	18,300	22,000	24,450	25,600
ROW DWELLINGS	9,650	11,650	14,350	17,050	20,550	22,850	23,900
WALKUP	9,450	11,700	14,800	17,500	20,300	22,450	23,550
ELEVATOR-STRUCTURE	13,500	15,650	19,800	------	------	------	------
EAST ST LOUIS:							
DETACHED AND SEMIDETACHED	10,050	12,150	15,100	17,950	21,550	24,000	25,100
ROW DWELLINGS	9,450	11,300	14,050	16,650	20,050	22,400	23,350
WALKUP	8,600	10,700	13,600	16,050	18,550	20,550	21,500
ELEVATOR-STRUCTURE	14,550	16,900	21,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
ILLINOIS--CONTINUED							
LA SALLE:							
DETACHED AND SEMIDETACHED	11,100	13,400	16,600	19,750	23,750	26,400	27,700
ROW DWELLINGS	10,450	12,550	15,500	18,450	22,200	24,700	25,850
WALKUP	9,550	11,850	14,950	17,750	20,450	22,650	23,750
ELEVATOR-STRUCTURE	14,100	16,400	20,750	------	------	------	------
PEORIA:							
DETACHED AND SEMIDETACHED	10,350	12,500	15,450	18,500	22,150	24,700	25,850
ROW DWELLINGS	9,750	11,700	14,500	17,200	20,750	23,100	24,150
WALKUP	9,550	11,750	14,950	17,750	20,500	22,600	23,750
ELEVATOR-STRUCTURE	13,700	15,900	20,050	------	------	------	------
QUINCY:							
DETACHED AND SEMIDETACHED	9,700	11,750	14,550	17,350	20,800	23,150	24,250
ROW DWELLINGS	9,150	11,050	13,550	16,200	19,400	21,600	22,650
WALKUP	8,900	11,050	14,000	16,550	19,200	21,200	22,250
ELEVATOR-STRUCTURE	12,750	14,800	18,700	------	------	------	------
INDIANA							
INIANAPOLIS:							
DETACHED AND SEMIDETACHED	9,800	11,850	14,600	17,450	20,900	23,250	24,300
ROW DWELLINGS	9,300	11,300	13,950	16,600	19,900	22,250	23,200
WALKUP	8,500	10,650	13,450	15,900	18,350	20,250	21,250
ELEVATOR-STRUCTURE	14,600	16,950	21,500	------	------	------	------
BLOOMINGTON:							
DETACHED AND SEMIDETACHED	9,650	11,650	14,350	17,150	20,550	22,900	23,950
ROW DWELLINGS	9,200	11,100	13,700	16,250	19,600	21,800	22,800
WALKUP	8,800	11,000	13,850	16,400	19,050	20,950	21,950
ELEVATOR-STRUCTURE	14,850	17,200	21,900	------	------	------	------
EVANSVILLE:							
DETACHED AND SEMIDETACHED	9,350	11,300	13,950	16,650	19,950	21,350	23,250
ROW DWELLINGS	8,950	10,750	13,250	15,800	19,000	21,200	22,150
WALKUP	8,900	11,200	14,150	16,750	19,350	21,300	22,350
ELEVATOR-STRUCTURE	14,350	16,750	21,250	------	------	------	------
FORT WAYNE:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,850	20,250	22,650	23,600
ROW DWELLINGS	9,100	10,950	13,500	16,100	19,350	21,600	22,550
WALKUP	8,400	10,550	13,350	15,700	18,200	20,050	21,100
ELEVATOR-STRUCTURE	14,550	16,850	21,400	------	------	------	------
GARY:							
DETACHED AND SEMIDETACHED	9,900	12,000	14,800	17,650	21,200	23,550	24,700
ROW DWELLINGS	9,450	11,450	14,150	16,750	20,150	22,550	23,500
WALKUP	9,300	11,550	14,600	17,250	19,950	22,000	23,050
ELEVATOR-STRUCTURE	15,800	18,350	23,250	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
INDIANA--CONTINUED							
HAMMOND:							
DETACHED AND SEMIDETACHED	10,400	12,700	15,600	18,600	22,300	24,850	26,000
ROW DWELLINGS	10,000	12,100	14,900	17,700	21,300	23,750	24,800
WALKUP	8,650	10,850	13,650	16,150	18,700	20,600	21,600
ELEVATOR-STRUCTURE	14,800	17,200	21,800	------	------	------	------
LAFAYETTE:							
DETACHED AND SEMIDETACHED	10,050	12,150	14,950	17,800	21,350	23,850	24,950
ROW DWELLINGS	9,600	11,600	14,300	17,000	20,400	22,800	23,750
WALKUP	8,700	10,850	13,800	16,250	18,850	20,800	21,800
ELEVATOR-STRUCTURE	15,000	17,400	22,000	------	------	------	------
SOUTH BEND:							
DETACHED AND SEMIDETACHED	10,150	12,250	15,050	18,000	21,550	24,050	25,150
ROW DWELLINGS	9,650	11,700	14,400	17,050	20,550	23,000	24,000
WALKUP	8,900	11,150	14,050	16,600	19,200	21,150	22,250
ELEVATOR-STRUCTURE	15,100	17,550	22,250	------	------	------	------
TERRE HAUTE:							
DETACHED AND SEMIDETACHED	10,350	12,550	15,500	18,500	22,150	24,700	25,800
ROW DWELLINGS	9,950	11,950	14,800	17,600	21,100	23,550	24,650
WALKUP	9,050	11,250	14,250	16,850	19,550	21,550	22,600
ELEVATOR-STRUCTURE	15,300	17,800	22,650	------	------	------	------
MICHIGAN							
DETROIT:							
DETACHED AND SEMIDETACHED	12,250	12,950	15,900	19,000	22,850	25,450	26,600
ROW DWELLINGS	10,200	12,250	15,200	18,050	21,750	24,200	25,300
WALKUP	9,400	11,650	14,750	17,500	20,200	22,300	23,400
ELEVATOR-STRUCTURE	14,650	17,050	21,600	------	------	------	------
ANN ARBOR:							
DETACHED AND SEMIDETACHED	12,250	12,950	15,900	19,000	22,850	25,450	26,600
ROW DWELLINGS	10,200	12,250	15,200	18,050	21,750	24,200	25,300
WALKUP	9,400	11,650	14,750	17,500	20,200	22,300	23,400
ELEVATOR-STRUCTURE	14,650	17,050	21,600	------	------	------	------
FLINT:							
DETACHED AND SEMIDETACHED	12,750	13,500	16,600	19,750	23,750	26,450	27,800
ROW DWELLINGS	10,650	12,800	15,800	18,750	22,600	25,150	26,400
WALKUP	8,850	11,050	13,900	16,500	19,150	21,050	22,100
ELEVATOR-STRUCTURE	14,050	16,350	20,750	------	------	------	------
SAGINAW:							
DETACHED AND SEMIDETACHED	11,750	12,450	15,300	18,200	21,900	24,400	25,600
ROW DWELLINGS	9,800	11,800	14,550	17,300	20,850	23,200	24,350
WALKUP	8,950	11,200	14,100	16,750	19,450	21,350	22,450
ELEVATOR-STRUCTURE	14,050	16,350	20,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN--CONTINUED							
YPSILANTI:							
DETACHED AND SEMIDETACHED	12,950	13,700	16,800	20,000	24,100	26,850	28,100
ROW DWELLINGS	10,800	12,950	16,050	19,100	23,000	25,500	26,750
WALKUP	9,050	11,250	14,200	16,850	19,450	21,500	22,600
ELEVATOR-STRUCTURE	14,500	16,900	21,350	------	------	------	------
GRAND RAPIDS:							
DETACHED AND SEMIDETACHED	9,550	11,500	14,200	16,900	20,350	22,700	23,700
ROW DWELLINGS	9,100	10,950	13,550	16,100	19,350	21,550	22,600
WALKUP	9,250	11,600	14,700	17,350	20,100	22,250	23,300
ELEVATOR-STRUCTURE	13,300	15,500	19,550	------	------	------	------
BATTLE CREEK:							
DETACHED AND SEMIDETACHED	9,750	11,800	14,500	17,300	20,850	23,250	24,250
ROW DWELLINGS	9,300	11,200	13,850	16,500	19,850	22,100	23,150
WALKUP	9,250	11,500	14,600	17,300	19,950	22,300	23,150
ELEVATOR-STRUCTURE	13,600	15,850	19,950	------	------	------	------
BENTON HARBOR:							
DETACHED AND SEMIDETACHED	10,550	12,750	15,650	18,650	22,450	25,100	26,150
ROW DWELLINGS	10,050	12,100	14,950	17,800	21,350	23,700	24,900
WALKUP	9,850	12,300	15,550	18,450	21,250	23,500	24,700
ELEVATOR-STRUCTURE	14,300	16,700	21,050	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	10,150	12,300	15,150	18,050	21,750	24,250	25,350
ROW DWELLINGS	9,750	11,650	14,450	17,200	20,700	23,050	24,150
WALKUP	9,900	12,450	15,700	18,600	21,450	23,800	24,900
ELEVATOR-STRUCTURE	14,200	16,550	20,900	------	------	------	------
KALAMAZOO:							
DETACHED AND SEMIDETACHED	9,600	11,600	14,300	17,000	20,500	22,900	23,850
ROW DWELLINGS	9,150	11,050	13,650	16,250	19,550	21,750	22,750
WALKUP	8,800	11,050	14,000	16,550	19,150	21,200	22,200
ELEVATOR-STRUCTURE	13,400	15,600	19,700	------	------	------	------
LANSING:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,850	20,050	24,150	26,950	28,150
ROW DWELLINGS	10,800	15,250	16,100	19,150	23,000	25,550	26,800
WALKUP	9,650	12,050	15,250	18,050	20,850	23,050	24,200
ELEVATOR-STRUCTURE	13,850	16,200	20,400	------	------	------	------
MARQUETTE:							
DETACHED AND SEMIDETACHED	9,200	11,150	13,700	16,350	19,700	21,950	22,950
ROW DWELLINGS	8,800	10,600	13,100	15,550	18,700	20,800	21,850
WALKUP	8,950	11,250	14,150	16,750	19,350	21,450	22,450
ELEVATOR-STRUCTURE	12,600	14,700	18,550	------	------	------	------
MUSKEGON:							
DETACHED AND SEMIDETACHED	9,600	11,600	14,300	17,050	20,500	22,900	23,900
ROW DWELLINGS	9,200	11,050	13,650	16,250	19,500	21,750	22,800
WALKUP	8,200	10,250	13,000	15,300	17,700	19,600	20,550
ELEVATOR-STRUCTURE	13,300	15,500	19,550	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN--CONTINUED							
TRAVERSE CITY:							
DETACHED AND SEMIDETACHED	10,500	12,700	15,650	18,650	22,400	25,050	26,100
ROW DWELLINGS	10,050	12,100	14,950	17,750	21,350	23,800	24,950
WALKUP	9,000	11,250	14,200	16,800	19,450	21,550	22,450
ELEVATOR-STRUCTURE	14,600	17,000	21,450	-------	-------	-------	-------
MINNESOTA							
MINNEAPOLIS:							
DETACHED AND SEMIDETACHED	10,900	13,150	16,250	19,400	23,300	25,950	27,150
ROW DWELLINGS	10,400	12,550	15,450	18,450	22,150	24,700	25,800
WALKUP	8,950	11,200	14,050	16,600	19,200	21,200	22,200
ELEVATOR-STRUCTURE	13,500	15,650	19,850	-------	-------	-------	-------
DULUTH:							
DETACHED AND SEMIDETACHED	11,050	13,350	16,500	19,700	23,650	26,350	27,550
ROW DWELLINGS	10,600	12,700	15,700	18,700	22,500	25,100	26,200
WALKUP	9,450	11,700	14,850	17,550	20,300	22,450	23,500
ELEVATOR-STRUCTURE	13,700	15,900	20,100	-------	-------	-------	-------
MANKATO:							
DETACHED AND SEMIDETACHED	10,350	12,600	15,500	18,550	22,250	24,800	25,950
ROW DWELLINGS	9,950	11,950	14,750	17,600	21,200	23,600	24,700
WALKUP	8,500	10,500	13,350	15,800	18,200	20,100	21,150
ELEVATOR-STRUCTURE	12,900	14,950	18,900	-------	-------	-------	-------
ROCHESTER:							
DETACHED AND SEMIDETACHED	10,650	12,900	15,900	18,950	22,800	25,350	26,500
ROW DWELLINGS	10,200	12,250	15,100	18,050	21,650	24,100	25,250
WALKUP	8,700	10,800	13,650	16,150	18,700	20,700	21,650
ELEVATOR-STRUCTURE	12,600	14,650	18,600	-------	-------	-------	-------
ST CLOUD:							
DETACHED AND SEMIDETACHED	9,000	10,900	13,500	16,100	19,250	21,450	22,450
ROW DWELLINGS	8,550	10,300	12,700	15,150	18,200	20,300	21,200
WALKUP	8,950	11,100	14,150	16,700	19,300	21,300	22,350
ELEVATOR-STRUCTURE	12,450	14,450	18,300	-------	-------	-------	-------
ST PAUL:							
DETACHED AND SEMIDETACHED	10,900	13,150	16,250	19,400	23,300	25,950	27,150
ROW DWELLINGS	10,400	12,550	15,450	18,450	22,150	24,700	25,800
WALKUP	8,950	11,050	14,050	16,600	19,200	21,200	22,200
ELEVATOR-STRUCTURE	12,750	14,800	18,750	-------	-------	-------	-------
WORTHINGTON:							
DETACHED AND SEMIDETACHED	9,900	11,950	14,800	17,650	21,150	23,600	24,700
ROW DWELLINGS	9,500	11,400	14,050	16,750	20,150	22,400	23,500
WALKUP	8,200	10,150	12,900	15,250	17,600	19,400	20,400
ELEVATOR-STRUCTURE	12,350	14,350	18,200	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
OHIO							
CINCINNATI:							
DETACHED AND SEMIDETACHED	10,000	12,000	14,850	17,750	21,250	23,750	24,850
ROW DWELLINGS	9,050	10,950	13,500	16,050	19,250	21,450	22,500
WALKUP	8,750	10,850	13,800	16,350	18,850	20,800	21,850
ELEVATOR-STRUCTURE	15,350	17,850	22,500	-------	-------	-------	-------
DAYTON:							
DETACHED AND SEMIDETACHED	10,000	12,050	14,900	17,800	21,300	23,800	24,900
ROW DWELLINGS	9,050	10,950	13,500	16,050	19,250	21,450	22,500
WALKUP	8,750	10,850	13,800	16,350	18,850	20,800	21,850
ELEVATOR-STRUCTURE	15,350	17,850	22,500	-------	-------	-------	-------
CLEVELAND:							
DETACHED AND SEMIDETACHED	11,200	13,600	16,700	19,950	23,950	26,650	27,900
ROW DWELLINGS	10,850	13,000	16,100	19,200	23,050	25,750	26,900
WALKUP	9,900	12,250	15,500	18,450	21,300	23,500	24,700
ELEVATOR-STRUCTURE	14,950	17,450	22,050	-------	-------	-------	-------
AKRON:							
DETACHED AND SEMIDETACHED	9,800	11,950	14,750	17,550	21,050	23,400	24,550
ROW DWELLINGS	10,700	12,800	15,850	18,850	22,700	25,300	26,500
WALKUP	9,650	11,950	15,100	17,900	20,700	22,850	23,950
ELEVATOR-STRUCTURE	14,250	16,600	21,000	-------	-------	-------	-------
FINDLEY:							
DETACHED AND SEMIDETACHED	9,200	11,200	13,800	16,450	19,750	21,950	23,000
ROW DWELLINGS	9,800	11,800	14,600	17,350	20,950	23,300	24,400
WALKUP	8,950	11,100	14,000	16,700	19,300	21,250	22,350
ELEVATOR-STRUCTURE	13,550	15,750	20,000	-------	-------	-------	-------
LORAIN:							
DETACHED AND SEMIDETACHED	9,700	11,800	14,550	17,350	20,850	23,150	24,250
ROW DWELLINGS	10,400	12,450	15,400	18,300	22,050	24,550	25,700
WALKUP	9,450	11,650	14,800	17,550	20,350	22,450	23,550
ELEVATOR-STRUCTURE	14,300	16,650	21,050	-------	-------	-------	-------
MANSFIELD:							
DETACHED AND SEMIDETACHED	9,450	11,500	14,200	16,900	20,250	22,550	23,600
ROW DWELLINGS	10,000	11,950	14,800	17,650	21,250	23,700	24,800
WALKUP	9,200	11,350	14,400	17,100	19,850	21,800	22,900
ELEVATOR-STRUCTURE	13,900	16,200	20,500	-------	-------	-------	-------
TOLEDO:							
DETACHED AND SEMIDETACHED	10,050	12,150	15,000	17,850	21,450	23,900	25,000
ROW DWELLINGS	10,650	12,750	15,750	18,800	22,600	25,200	26,350
WALKUP	9,700	12,050	15,300	18,100	20,950	23,150	24,250
ELEVATOR-STRUCTURE	14,650	17,050	21,550	-------	-------	-------	-------
YOUNGSTOWN:							
DETACHED AND SEMIDETACHED	9,450	11,500	14,200	16,900	20,250	22,550	23,600
ROW DWELLINGS	10,100	12,050	14,900	17,800	21,450	23,900	25,000
WALKUP	9,200	11,350	14,400	17,100	19,850	21,800	22,900
ELEVATOR-STRUCTURE	13,950	16,250	20,550	-------	-------	-------	-------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
OHIO--CONTINUED							
COLUMBUS:							
DETACHED AND SEMIDETACHED	10,400	12,550	15,500	18,450	22,200	24,800	25,850
ROW DWELLINGS	10,250	12,350	15,250	18,100	21,750	24,250	25,400
WALKUP	9,400	11,650	14,750	17,550	20,200	22,300	23,450
ELEVATOR-STRUCTURE	13,850	16,100	20,350	------	------	------	------
ATHENS:							
DETACHED AND SEMIDETACHED	10,550	12,750	15,700	18,700	22,550	25,250	26,250
ROW DWELLINGS	10,050	12,050	14,900	17,750	21,300	23,750	24,850
WALKUP	9,550	11,850	15,000	17,850	20,600	22,700	23,900
ELEVATOR-STRUCTURE	14,050	16,350	20,700	------	------	------	------
LIMA:							
DETACHED AND SEMIDETACHED	10,400	12,550	15,500	18,450	22,200	24,800	25,850
ROW DWELLINGS	10,000	12,050	14,900	17,700	21,300	23,700	24,850
WALKUP	9,500	11,800	14,900	17,750	20,450	22,550	23,700
ELEVATOR-STRUCTURE	13,850	16,100	20,350	------	------	------	------
MARIETTA:							
DETACHED AND SEMIDETACHED	10,550	12,750	15,700	18,700	22,550	25,250	26,250
ROW DWELLINGS	10,400	12,500	15,450	18,400	22,100	24,650	25,800
WALKUP	9,350	11,600	14,700	17,500	20,150	22,200	23,400
ELEVATOR-STRUCTURE	14,050	16,350	20,700	------	------	------	------
NEWARK:							
DETACHED AND SEMIDETACHED	10,150	12,250	15,100	18,000	21,700	24,250	25,250
ROW DWELLINGS	10,000	12,050	14,850	17,650	21,250	23,650	24,750
WALKUP	9,150	11,450	14,450	17,200	19,800	21,850	22,950
ELEVATOR-STRUCTURE	13,550	15,750	19,900	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	10,400	12,550	15,500	18,450	22,200	24,800	25,850
ROW DWELLINGS	10,150	12,250	15,100	18,000	21,600	24,050	25,200
WALKUP	9,400	11,550	14,750	17,550	20,200	22,300	23,450
ELEVATOR-STRUCTURE	13,850	16,100	20,350	------	------	------	------
TROY:							
DETACHED AND SEMIDETACHED	10,200	12,400	15,250	18,150	21,850	24,450	25,450
ROW DWELLINGS	9,750	11,750	14,500	17,250	20,700	23,050	24,150
WALKUP	9,300	11,650	14,700	17,500	20,150	22,250	23,300
ELEVATOR-STRUCTURE	13,650	15,850	20,050	------	------	------	------
ZANESVILLE:							
DETACHED AND SEMIDETACHED	10,550	12,750	15,700	18,700	22,550	25,250	26,250
ROW DWELLINGS	10,400	12,500	15,450	18,400	22,100	24,650	25,800
WALKUP	9,350	11,600	14,700	17,500	20,200	22,250	23,400
ELEVATOR-STRUCTURE	14,050	16,350	20,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
WISCONSIN							
MILWAUKEE:							
DETACHED AND SEMIDETACHED	9,450	11,500	14,150	16,900	20,300	22,650	23,700
ROW DWELLINGS	9,300	11,150	13,700	16,350	19,700	21,900	22,950
WALKUP	9,200	11,350	14,400	17,000	19,700	21,750	22,800
ELEVATOR-STRUCTURE	13,300	15,450	19,550	------	------	------	------
EAU CLAIRE:							
DETACHED AND SEMIDETACHED	9,250	11,200	13,800	16,500	19,800	22,150	23,100
ROW DWELLINGS	9,100	10,850	13,400	15,950	19,150	21,350	22,350
WALKUP	9,250	11,450	14,550	17,150	19,900	21,850	22,950
ELEVATOR-STRUCTURE	13,000	15,100	19,050	------	------	------	------
GREEN BAY:							
DETACHED AND SEMIDETACHED	8,850	10,700	13,200	15,800	18,900	21,150	22,150
ROW DWELLINGS	8,650	10,350	12,750	15,250	18,250	20,350	21,350
WALKUP	8,550	10,600	13,400	15,850	18,350	20,300	21,200
ELEVATOR-STRUCTURE	12,400	14,400	18,250	------	------	------	------
MADISON:							
DETACHED AND SEMIDETACHED	9,400	11,400	14,050	16,750	20,150	22,500	23,500
ROW DWELLINGS	9,250	11,000	13,600	16,200	19,450	21,750	22,700
WALKUP	9,100	11,250	14,300	16,850	19,550	21,550	22,550
ELEVATOR-STRUCTURE	13,200	15,350	19,400	------	------	------	------
REEDSVILLE:							
DETACHED AND SEMIDETACHED	9,050	10,950	13,450	16,100	19,300	21,600	22,600
ROW DWELLINGS	8,850	10,650	13,050	15,650	18,750	20,900	21,950
WALKUP	8,750	10,900	13,700	16,250	18,850	20,750	21,750
ELEVATOR-STRUCTURE	12,700	14,750	18,650	------	------	------	------
SUPERIOR:							
DETACHED AND SEMIDETACHED	9,650	11,650	14,350	17,150	20,600	23,000	24,050
ROW DWELLINGS	9,450	11,300	13,900	16,650	20,000	22,250	23,300
WALKUP	9,600	11,800	14,950	17,700	20,450	22,600	23,700
ELEVATOR-STRUCTURE	13,500	15,700	19,850	------	------	------	------
WAUSAU:							
DETACHED AND SEMIDETACHED	9,050	10,950	13,450	16,100	19,300	21,600	22,600
ROW DWELLINGS	8,800	10,600	13,000	15,600	18,650	20,850	21,850
WALKUP	8,750	10,850	13,650	16,150	18,700	20,650	21,700
ELEVATOR-STRUCTURE	12,650	14,700	18,600	------	------	------	------
REGION VI							
ARKANSAS							
LITTLE ROCK:							
DETACHED AND SEMIDETACHED	9,850	11,950	14,750	17,550	21,100	23,500	24,500
ROW DWELLINGS	9,400	11,400	14,050	16,700	20,100	22,350	23,400
WALKUP	8,100	10,100	12,750	15,100	17,550	19,350	20,250
ELEVATOR-STRUCTURE	12,200	14,100	17,950	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
ARKANSAS--CONTINUED							
FAYETTEVILLE:							
DETACHED AND SEMIDETACHED	9,800	11,800	14,650	17,400	21,000	23,300	24,350
ROW DWELLINGS	9,350	11,350	13,950	16,600	20,000	22,200	23,200
WALKUP	7,300	9,150	11,500	13,600	15,800	17,350	18,200
ELEVATOR-STRUCTURE	12,100	14,000	17,650	-------	-------	-------	-------
FORT SMITH:							
DETACHED AND SEMIDETACHED	9,250	11,200	13,850	16,450	19,800	22,050	22,950
ROW DWELLINGS	9,000	10,850	13,450	15,950	19,200	21,350	22,350
WALKUP	7,650	9,500	12,000	14,200	16,450	18,200	19,050
ELEVATOR-STRUCTURE	12,300	14,300	18,100	-------	-------	-------	-------
JONESBORO:							
DETACHED AND SEMIDETACHED	9,150	11,000	13,700	16,250	19,550	21,750	22,600
ROW DWELLINGS	8,800	10,700	13,250	15,700	18,900	21,200	21,950
WALKUP	7,500	9,300	11,850	14,000	16,200	17,850	18,750
ELEVATOR-STRUCTURE	11,900	13,850	17,500	-------	-------	-------	-------
TEXARKANA:							
DETACHED AND SEMIDETACHED	9,450	11,400	14,100	16,800	20,250	22,450	23,450
ROW DWELLINGS	9,000	10,950	13,450	16,000	19,300	21,450	22,400
WALKUP	7,700	9,600	12,100	14,400	16,700	18,400	19,300
ELEVATOR-STRUCTURE	12,100	14,000	17,650	-------	-------	-------	-------
LOUISIANA							
NEW ORLEANS:							
DETACHED AND SEMIDETACHED	8,500	10,300	12,650	15,000	18,150	20,200	21,000
ROW DWELLINGS	8,000	9,700	12,100	14,400	17,250	19,150	20,100
WALKUP	7,650	9,550	12,050	14,200	16,450	18,200	19,000
ELEVATOR-STRUCTURE	13,400	15,500	19,750	-------	-------	-------	-------
BATON ROUGE:							
DETACHED AND SEMIDETACHED	9,150	11,000	13,550	16,050	19,400	21,600	22,450
ROW DWELLINGS	8,600	10,400	12,950	15,350	18,400	20,450	21,450
WALKUP	7,350	9,200	11,550	13,650	15,800	17,450	18,250
ELEVATOR-STRUCTURE	13,300	15,400	19,550	-------	-------	-------	-------
BURAS:							
DETACHED AND SEMIDETACHED	8,650	10,450	12,850	15,300	18,450	20,550	21,450
ROW DWELLINGS	8,200	9,850	12,350	14,650	17,600	19,600	20,450
WALKUP	7,300	9,150	11,500	13,650	15,800	17,450	18,300
ELEVATOR-STRUCTURE	13,600	15,800	20,100	-------	-------	-------	-------
HOUMA:							
DETACHED AND SEMIDETACHED	8,450	10,250	12,550	14,900	18,050	20,050	20,850
ROW DWELLINGS	7,950	9,650	11,950	14,250	17,100	19,000	19,950
WALKUP	7,500	9,400	11,800	13,950	16,200	17,850	18,650
ELEVATOR-STRUCTURE	13,300	15,400	19,550	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
LOUISIANA--CONTINUED							
LAFAYETTE:							
DETACHED AND SEMIDETACHED	8,450	10,250	12,550	14,900	18,050	20,050	20,850
ROW DWELLINGS	7,950	9,650	11,950	14,250	17,100	19,000	19,950
WALKUP	7,600	9,500	11,900	14,100	16,350	18,000	18,850
ELEVATOR-STRUCTURE	13,300	15,400	19,550	-------	-------	-------	-------
LAKE CHARLES:							
DETACHED AND SEMIDETACHED	9,100	11,000	13,500	16,050	19,400	21,550	22,450
ROW DWELLINGS	8,550	10,350	12,950	15,350	18,400	20,450	21,450
WALKUP	7,750	9,700	12,250	14,450	16,750	18,500	19,350
ELEVATOR-STRUCTURE	13,400	15,500	19,750	-------	-------	-------	-------
SHREVEPORT:							
DETACHED AND SEMIDETACHED	9,700	11,700	14,500	17,200	20,750	23,200	24,100
ROW DWELLINGS	9,050	11,000	13,550	16,200	19,500	21,650	22,600
WALKUP	7,650	9,550	12,050	14,350	16,550	18,300	19,200
ELEVATOR-STRUCTURE	13,200	15,300	19,400	-------	-------	-------	-------
ALEXANDRIA:							
DETACHED AND SEMIDETACHED	8,850	10,600	13,150	15,650	18,750	21,000	21,900
ROW DWELLINGS	8,700	10,050	12,400	14,750	17,700	19,750	20,600
WALKUP	7,450	9,250	11,700	13,850	16,050	17,700	18,650
ELEVATOR-STRUCTURE	12,800	14,850	18,750	-------	-------	-------	-------
MARSHALL:							
DETACHED AND SEMIDETACHED	8,900	10,650	13,200	15,700	18,850	21,100	21,950
ROW DWELLINGS	8,400	10,200	12,550	15,050	18,050	20,100	21,000
WALKUP	7,400	9,200	11,600	13,750	16,000	17,650	18,450
ELEVATOR-STRUCTURE	12,250	14,200	18,000	-------	-------	-------	-------
MONROE:							
DETACHED AND SEMIDETACHED	8,800	10,500	13,000	15,450	18,600	20,850	21,650
ROW DWELLINGS	8,250	10,000	12,350	14,700	17,650	19,650	20,500
WALKUP	7,650	9,450	12,000	14,200	16,450	18,150	19,050
ELEVATOR-STRUCTURE	13,050	15,150	19,300	-------	-------	-------	-------
NEW MEXICO							
ALBUQUERQUE:							
DETACHED AND SEMIDETACHED	10,150	12,200	13,600	16,200	19,500	21,800	22,700
ROW DWELLINGS	9,650	11,600	12,900	15,400	18,400	20,500	21,500
WALKUP	8,350	10,350	11,750	13,900	16,150	17,750	18,650
ELEVATOR-STRUCTURE	15,200	17,700	22,400	-------	-------	-------	-------
ALAMOGORDO:							
DETACHED AND SEMIDETACHED	10,650	12,750	14,250	16,950	20,400	22,800	23,750
ROW DWELLINGS	10,050	12,050	13,400	16,000	19,100	21,250	22,300
WALKUP	8,700	10,800	12,200	14,450	16,750	18,450	19,400
ELEVATOR-STRUCTURE	14,250	16,550	20,950	-------	-------	-------	-------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
ARTESIA:							
DETACHED AND SEMIDETACHED	10,650	12,750	14,200	16,900	20,400	22,750	23,600
ROW DWELLINGS	10,050	12,050	13,450	16,100	19,200	21,400	22,400
WALKUP	8,750	10,850	12,250	14,600	16,850	18,600	19,450
ELEVATOR-STRUCTURE	14,500	16,850	21,350	------	------	------	------
CARLSBAD:							
DETACHED AND SEMIDETACHED	10,800	13,000	14,450	17,200	20,750	23,100	24,050
ROW DWELLINGS	10,200	12,300	13,700	16,400	19,500	21,750	22,800
WALKUP	8,650	10,850	12,250	14,450	16,750	18,500	19,350
ELEVATOR-STRUCTURE	14,500	16,850	21,350	------	------	------	------
CLOVIS:							
DETACHED AND SEMIDETACHED	10,650	12,750	14,200	16,900	20,400	22,750	23,600
ROW DWELLINGS	10,050	12,050	13,450	16,100	19,200	21,400	22,400
WALKUP	8,650	10,750	12,100	14,450	16,650	18,400	19,250
ELEVATOR-STRUCTURE	14,300	16,600	20,950	------	------	------	------
FORT SUMNER:							
DETACHED AND SEMIDETACHED	11,050	13,300	14,800	17,600	21,250	23,700	24,700
ROW DWELLINGS	10,500	12,600	14,000	16,700	20,000	22,250	23,350
WALKUP	9,100	11,300	12,750	15,100	17,500	19,300	20,250
ELEVATOR-STRUCTURE	14,900	17,350	21,900	------	------	------	------
GALLUP:							
DETACHED AND SEMIDETACHED	11,650	13,950	15,600	18,550	22,400	25,000	26,000
ROW DWELLINGS	10,850	12,950	14,450	17,200	20,550	22,900	24,000
WALKUP	9,300	11,650	13,150	15,600	18,100	19,900	20,850
ELEVATOR-STRUCTURE	15,300	17,850	22,500	------	------	------	------
HOBBS:							
DETACHED AND SEMIDETACHED	10,650	12,750	14,200	16,900	20,400	22,750	23,600
ROW DWELLINGS	10,050	12,050	13,450	16,100	19,200	21,400	22,400
WALKUP	8,750	10,850	12,250	14,600	16,850	18,600	19,450
ELEVATOR-STRUCTURE	14,300	16,600	20,950	------	------	------	------
LA CRUCES:							
DETACHED AND SEMIDETACHED	10,650	12,750	14,200	16,900	20,400	22,750	23,600
ROW DWELLINGS	10,050	12,050	13,450	16,100	19,200	21,400	22,400
WALKUP	8,900	11,050	12,450	14,800	17,150	18,900	19,800
ELEVATOR-STRUCTURE	14,300	16,600	20,950	------	------	------	------
LAS VEGAS:							
DETACHED AND SEMIDETACHED	10,950	13,150	14,650	17,400	21,000	23,450	24,400
ROW DWELLINGS	10,600	12,650	14,050	16,800	20,100	22,350	23,400
WALKUP	9,100	11,300	12,800	15,150	17,500	19,350	20,300
ELEVATOR-STRUCTURE	14,900	17,300	21,900	------	------	------	------
LOS ALAMOS:							
DETACHED AND SEMIDETACHED	11,350	13,650	15,200	18,000	21,800	24,350	25,300
ROW DWELLINGS	10,850	12,950	14,450	17,200	20,600	22,900	24,050
WALKUP	9,350	11,650	13,150	15,550	18,000	19,850	20,850
ELEVATOR-STRUCTURE	15,250	17,800	22,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
RATON:							
DETACHED AND SEMIDETACHED	10,850	13,050	14,550	17,250	20,850	23,250	24,200
ROW DWELLINGS	10,600	12,650	14,050	16,800	20,100	22,350	23,400
WALKUP	9,100	11,300	12,800	15,150	17,500	19,350	20,300
ELEVATOR-STRUCTURE	14,900	17,300	21,900	------	------	------	------
SANTA FE:							
DETACHED AND SEMIDETACHED	10,900	13,050	14,600	17,300	20,900	23,300	24,250
ROW DWELLINGS	10,600	12,650	14,050	16,800	20,100	22,350	23,400
WALKUP	9,100	11,300	12,800	15,150	17,500	19,350	20,300
ELEVATOR-STRUCTURE	14,900	17,300	21,900	------	------	------	------
SILVER CITY:							
DETACHED AND SEMIDETACHED	11,250	13,600	15,100	17,900	21,700	24,200	25,150
ROW DWELLINGS	10,700	12,850	14,300	17,050	20,400	22,700	23,850
WALKUP	9,250	11,550	13,050	15,350	17,850	19,700	20,650
ELEVATOR-STRUCTURE	15,200	17,650	22,350	------	------	------	------
TRUTH OR CONSEQUENCE:							
DETACHED AND SEMIDETACHED	10,550	12,600	14,100	16,750	20,200	22,500	23,400
ROW DWELLINGS	10,000	11,900	13,350	15,950	19,000	21,200	22,200
WALKUP	8,650	10,750	12,150	14,400	16,700	18,400	19,300
ELEVATOR-STRUCTURE	14,100	16,450	20,800	------	------	------	------
FARMINGTON:							
DETACHED AND SEMIDETACHED	11,350	13,650	15,250	18,150	21,850	24,400	25,400
ROW DWELLINGS	10,850	12,950	14,450	17,200	20,550	22,900	24,000
WALKUP	9,300	11,650	13,150	15,600	18,100	19,900	20,850
ELEVATOR-STRUCTURE	15,300	17,850	22,500	------	------	------	------
TERRA AMARILLO:							
DETACHED AND SEMIDETACHED	11,350	13,650	15,200	18,000	21,800	24,350	25,300
ROW DWELLINGS	10,850	12,950	14,450	17,200	20,600	22,900	24,050
WALKUP	9,350	11,650	13,150	15,550	18,000	19,850	20,850
ELEVATOR-STRUCTURE	15,250	17,800	22,450	------	------	------	------
TAOS:							
DETACHED AND SEMIDETACHED	11,500	13,750	15,350	18,200	22,000	24,550	25,550
ROW DWELLINGS	10,950	13,100	14,600	17,350	20,850	23,150	24,300
WALKUP	9,500	11,750	13,250	15,700	18,200	20,050	21,050
ELEVATOR-STRUCTURE	15,400	17,950	22,650	------	------	------	------
SOCORRO:							
DETACHED AND SEMIDETACHED	10,550	12,600	14,100	16,750	20,200	22,500	23,400
ROW DWELLINGS	10,000	11,900	13,350	15,950	19,000	21,200	22,200
WALKUP	8,650	10,750	12,150	14,400	16,700	18,400	19,300
ELEVATOR-STRUCTURE	14,100	16,450	20,800	------	------	------	------
RUIDOSO:							
DETACHED AND SEMIDETACHED	11,350	13,650	15,200	18,000	21,800	24,350	25,300
ROW DWELLINGS	10,850	12,950	14,450	17,200	20,600	22,900	24,050
WALKUP	9,350	11,650	13,150	15,550	18,000	19,850	20,850
ELEVATOR-STRUCTURE	15,250	17,800	22,450	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
DULCE:							
DETACHED AND SEMIDETACHED	12,200	14,650	16,300	19,400	23,400	26,150	27,250
ROW DWELLINGS	11,600	13,900	15,500	18,450	22,100	24,600	25,750
WALKUP	10,050	12,400	14,100	16,700	19,350	21,300	22,350
ELEVATOR-STRUCTURE	18,250	21,250	26,850	------	------	------	------
ISLETA:							
DETACHED AND SEMIDETACHED	12,500	14,950	16,700	19,900	24,050	26,850	27,950
ROW DWELLINGS	10,350	12,400	13,800	16,500	19,650	21,950	22,950
WALKUP	9,000	11,100	12,600	14,900	17,250	18,950	19,950
ELEVATOR-STRUCTURE	16,250	18,950	23,950	------	------	------	------
JEMEZ:							
DETACHED AND SEMIDETACHED	11,150	13,400	14,950	17,800	21,450	23,950	24,950
ROW DWELLINGS	10,650	12,750	14,250	16,950	20,300	22,550	25,850
WALKUP	9,200	11,400	12,900	15,300	17,750	19,500	20,500
ELEVATOR-STRUCTURE	16,700	19,500	24,650	------	------	------	------
LAGUNA:							
DETACHED AND SEMIDETACHED	11,350	13,650	15,200	18,150	21,850	24,400	25,400
ROW DWELLINGS	10,850	12,950	14,450	17,250	20,600	22,950	26,250
WALKUP	9,350	11,600	13,150	15,600	18,100	19,850	20,850
ELEVATOR-STRUCTURE	17,000	19,850	25,100	------	------	------	------
MESCALERO:							
DETACHED AND SEMIDETACHED	11,650	14,050	15,650	18,650	22,450	25,050	26,050
ROW DWELLINGS	11,100	13,350	14,850	17,700	21,150	23,550	24,750
WALKUP	9,650	11,900	13,550	16,050	18,600	20,400	21,400
ELEVATOR-STRUCTURE	17,450	20,400	25,800	------	------	------	------
PENASCO:							
DETACHED AND SEMIDETACHED	11,850	14,250	15,900	18,950	22,850	25,500	26,550
ROW DWELLINGS	11,300	13,550	15,100	18,000	21,550	23,950	25,100
WALKUP	9,800	12,150	13,750	16,300	18,850	20,750	21,800
ELEVATOR-STRUCTURE	17,800	20,750	26,200	------	------	------	------
POJOAQUE:							
DETACHED AND SEMIDETACHED	11,650	14,050	15,650	18,650	22,450	25,050	26,050
ROW DWELLINGS	11,100	13,350	14,850	17,700	21,150	23,550	24,750
WALKUP	9,650	11,900	13,550	16,050	18,600	20,400	21,400
ELEVATOR-STRUCTURE	17,450	20,400	25,800	------	------	------	------
OKLAHOMA							
OKLAHOMA CITY:							
DETACHED AND SEMIDETACHED	9,000	10,800	13,450	16,000	19,200	21,450	22,400
ROW DWELLINGS	8,600	10,400	12,800	15,250	18,300	20,400	21,300
WALKUP	7,500	9,400	11,850	14,050	16,350	18,000	18,900
ELEVATOR-STRUCTURE	12,250	14,250	18,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
OKLAHOMA--CONTINUED							
ADA:							
DETACHED AND SEMIDETACHED	9,450	11,300	14,100	16,750	20,150	22,500	23,400
ROW DWELLINGS	9,000	10,850	13,400	15,950	19,100	21,300	22,300
WALKUP	7,850	9,850	12,400	14,700	17,150	18,850	19,750
ELEVATOR-STRUCTURE	12,500	14,450	18,300	------	------	------	------
ARDMORE:							
DETACHED AND SEMIDETACHED	9,650	11,550	14,400	17,150	20,600	23,050	24,000
ROW DWELLINGS	9,200	11,150	13,700	16,350	19,600	21,850	22,800
WALKUP	8,300	10,300	13,000	15,450	17,950	19,750	20,700
ELEVATOR-STRUCTURE	13,050	15,150	19,150	------	------	------	------
ENID:							
DETACHED AND SEMIDETACHED	9,550	11,450	14,250	17,000	20,400	22,750	23,700
ROW DWELLINGS	9,150	11,050	13,550	16,150	19,400	21,650	22,600
WALKUP	7,650	9,500	11,950	14,200	16,550	18,200	19,050
ELEVATOR-STRUCTURE	12,950	14,900	18,950	------	------	------	------
GUYMON:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,500	17,250	20,700	23,150	24,150
ROW DWELLINGS	9,300	11,200	13,800	16,450	19,750	22,000	22,950
WALKUP	8,150	10,100	12,800	15,150	17,600	19,450	20,350
ELEVATOR-STRUCTURE	13,100	15,250	19,250	------	------	------	------
LAWTON:							
DETACHED AND SEMIDETACHED	9,150	11,050	13,650	16,300	19,550	21,850	22,750
ROW DWELLINGS	8,800	10,600	13,000	15,550	18,650	20,800	21,700
WALKUP	7,650	9,550	12,100	14,250	16,650	18,300	19,200
ELEVATOR-STRUCTURE	12,100	14,000	17,750	------	------	------	------
SHAWNEE:							
DETACHED AND SEMIDETACHED	9,450	11,300	14,100	16,750	20,150	22,500	23,400
ROW DWELLINGS	9,000	10,850	13,400	15,950	19,100	21,300	22,300
WALKUP	7,850	9,850	12,400	14,700	17,150	18,850	19,750
ELEVATOR-STRUCTURE	12,500	14,450	18,300	------	------	------	------
STILLWATER:							
DETACHED AND SEMIDETACHED	9,450	11,300	14,100	16,750	20,150	22,500	23,400
ROW DWELLINGS	9,000	10,850	13,400	15,950	19,100	21,300	22,300
WALKUP	7,850	9,850	12,400	14,700	17,150	18,850	19,750
ELEVATOR-STRUCTURE	12,500	14,450	18,300	------	------	------	------
WOODWARD:							
DETACHED AND SEMIDETACHED	9,550	11,450	14,250	17,000	20,400	22,750	23,700
ROW DWELLINGS	9,150	11,050	13,550	16,150	19,400	21,650	22,600
WALKUP	8,000	10,000	12,550	14,950	17,400	19,100	20,050
ELEVATOR-STRUCTURE	12,950	14,900	18,950	------	------	------	------
TULSA:							
DETACHED AND SEMIDETACHED	8,350	10,050	12,500	14,850	17,850	19,900	20,750
ROW DWELLINGS	7,750	9,400	11,600	13,800	16,550	18,450	19,300
WALKUP	7,300	9,100	11,500	13,600	15,800	17,400	18,250
ELEVATOR-STRUCTURE	11,050	12,800	16,200	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS					
	1	2	3	4	5	6
	0					
REGION VI--CONTINUED						
OKLAHOMA--CONTINUED						
BARTLESVILLE:						
DETACHED AND SEMIDETACHED	10,050	12,500	14,850	17,850	19,900	20,750
ROW DWELLINGS	9,400	11,600	13,800	16,550	18,450	19,300
WALKUP	9,200	11,550	13,700	15,950	17,500	18,350
ELEVATOR-STRUCTURE	12,800	16,200	------	------	------	------
MCALESTER:						
DETACHED AND SEMIDETACHED	9,800	12,200	14,500	17,400	19,400	20,250
ROW DWELLINGS	9,150	11,300	13,450	16,150	18,000	18,800
WALKUP	8,900	11,200	13,300	15,400	16,950	17,800
ELEVATOR-STRUCTURE	12,500	15,800	------	------	------	------
MUSKOGEE:						
DETACHED AND SEMIDETACHED	10,100	12,500	14,900	17,900	19,950	20,800
ROW DWELLINGS	9,650	11,950	14,200	17,050	19,000	19,850
WALKUP	9,100	11,450	13,550	15,750	17,350	18,150
ELEVATOR-STRUCTURE	13,200	16,750	------	------	------	------
TEXAS						
DALLAS:						
DETACHED AND SEMIDETACHED	10,900	13,500	16,050	18,300	21,550	22,450
ROW DWELLINGS	9,500	11,800	14,100	16,950	18,850	19,700
WALKUP	9,150	11,550	13,650	15,850	17,400	18,300
ELEVATOR-STRUCTURE	14,900	18,900	------	------	------	------
SHERMAN:						
DETACHED AND SEMIDETACHED	11,050	13,650	16,300	19,650	21,800	22,850
ROW DWELLINGS	9,500	11,750	14,050	16,850	18,750	19,650
WALKUP	9,150	11,500	13,650	15,850	17,350	18,250
ELEVATOR-STRUCTURE	15,250	19,250	------	------	------	------
TYLER:						
DETACHED AND SEMIDETACHED	10,550	13,050	15,600	18,750	20,850	21,750
ROW DWELLINGS	9,300	11,600	13,750	16,550	18,400	19,250
WALKUP	8,600	10,850	12,850	14,900	16,350	17,250
ELEVATOR-STRUCTURE	15,500	19,650	------	------	------	------
WACO:						
DETACHED AND SEMIDETACHED	10,500	13,000	15,450	18,650	20,700	21,700
ROW DWELLINGS	9,250	11,450	13,700	16,450	18,300	19,150
WALKUP	8,650	10,850	12,850	14,950	16,350	17,200
ELEVATOR-STRUCTURE	15,100	19,100	------	------	------	------
FORT WORTH:						
DETACHED AND SEMIDETACHED	10,650	13,250	15,800	18,950	21,150	22,050
ROW DWELLINGS	10,100	12,550	14,950	17,900	20,000	20,900
WALKUP	9,300	11,750	13,950	16,150	17,800	18,600
ELEVATOR-STRUCTURE	15,500	19,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS					
	1	2	3	4	5	6
	0					
REGION VI--CONTINUED						
TEXAS--CONTINUED						
ABILENE:						
DETACHED AND SEMIDETACHED	11,100	13,750	16,400	19,700	22,000	22,950
ROW DWELLINGS	10,400	12,950	15,400	18,500	20,700	21,550
WALKUP	8,800	11,100	13,150	15,200	16,800	17,550
ELEVATOR-STRUCTURE	16,000	20,300	------	------	------	------
SAN ANGELO:						
DETACHED AND SEMIDETACHED	10,950	13,650	16,250	19,500	21,850	22,750
ROW DWELLINGS	10,500	13,000	15,500	18,650	20,800	21,750
WALKUP	9,150	11,550	13,700	15,950	17,500	18,300
ELEVATOR-STRUCTURE	16,200	20,500	------	------	------	------
WICHITA FALLS:						
DETACHED AND SEMIDETACHED	11,050	13,800	16,400	19,650	22,000	22,950
ROW DWELLINGS	10,500	13,000	15,500	18,650	20,800	21,750
WALKUP	10,250	12,900	15,300	17,800	19,550	20,450
ELEVATOR-STRUCTURE	16,200	20,500	------	------	------	------
HOUSTON:						
DETACHED AND SEMIDETACHED	9,400	11,600	13,800	16,650	18,550	19,350
ROW DWELLINGS	9,000	11,100	13,200	15,850	17,650	18,450
WALKUP	8,500	10,700	12,700	14,650	16,200	17,000
ELEVATOR-STRUCTURE	13,900	17,550	------	------	------	------
BEAUMONT:						
DETACHED AND SEMIDETACHED	9,650	11,900	14,150	17,100	19,050	19,850
ROW DWELLINGS	9,200	11,350	13,500	16,250	18,050	18,900
WALKUP	8,650	10,900	12,900	14,950	16,500	17,300
ELEVATOR-STRUCTURE	14,250	18,000	------	------	------	------
BRYAN:						
DETACHED AND SEMIDETACHED	11,150	13,750	16,350	19,750	22,000	22,900
ROW DWELLINGS	9,700	11,950	14,200	17,050	19,000	19,850
WALKUP	7,800	9,850	11,700	13,500	14,950	15,650
ELEVATOR-STRUCTURE	13,650	17,250	------	------	------	------
EL CAMPO:						
DETACHED AND SEMIDETACHED	10,300	12,650	15,050	18,150	20,250	21,100
ROW DWELLINGS	9,950	11,000	13,100	15,700	17,500	18,300
WALKUP	8,750	11,050	13,100	15,150	16,700	17,550
ELEVATOR-STRUCTURE	13,750	17,400	------	------	------	------
LUFKIN:						
DETACHED AND SEMIDETACHED	10,150	12,500	14,900	17,950	20,000	20,900
ROW DWELLINGS	9,700	12,000	14,250	17,100	19,050	19,900
WALKUP	8,500	10,750	12,750	14,750	16,300	17,100
ELEVATOR-STRUCTURE	13,900	17,550	------	------	------	------
TEXAS CITY:						
DETACHED AND SEMIDETACHED	9,400	11,600	13,800	16,650	18,550	19,350
ROW DWELLINGS	9,000	11,100	13,200	15,850	17,650	18,450
WALKUP	8,850	11,200	13,250	15,350	16,950	17,800
ELEVATOR-STRUCTURE	13,900	17,550	------	------	------	------
DETACHED AND SEMIDETACHED	9,400	11,600	13,800	16,650	18,550	19,350
ROW DWELLINGS	9,000	11,100	13,200	15,850	17,650	18,450
WALKUP	8,850	11,200	13,250	15,350	16,950	17,800
ELEVATOR-STRUCTURE	13,900	17,550	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS--CONTINUED							
LUBBOCK:							
DETACHED AND SEMIDETACHED	9,200	11,050	13,700	16,350	19,700	21,900	22,800
ROW DWELLINGS	7,700	9,250	11,500	13,700	16,400	18,300	19,150
WALKUP	6,900	8,650	10,900	12,850	14,950	16,400	17,200
ELEVATOR-STRUCTURE	12,550	14,550	18,400	------	------	------	------
AMARILLO:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,600	17,400	21,050	23,350	24,350
ROW DWELLINGS	8,150	9,800	12,150	14,450	17,350	19,350	20,200
WALKUP	7,250	9,100	11,500	13,600	15,800	17,350	18,200
ELEVATOR-STRUCTURE	12,850	14,950	18,900	------	------	------	------
EL PASO:							
DETACHED AND SEMIDETACHED	9,200	11,000	13,650	16,250	19,600	21,850	22,750
ROW DWELLINGS	8,550	10,200	12,700	15,100	18,100	20,300	21,150
WALKUP	7,650	9,500	12,000	14,150	16,450	18,100	18,950
ELEVATOR-STRUCTURE	12,200	14,250	18,000	------	------	------	------
MIDLAND:							
DETACHED AND SEMIDETACHED	8,800	10,600	13,150	15,700	18,850	21,000	21,900
ROW DWELLINGS	7,400	9,000	11,100	13,250	15,900	17,750	18,550
WALKUP	6,850	8,600	10,850	12,800	14,900	16,350	17,150
ELEVATOR-STRUCTURE	12,000	13,900	17,600	------	------	------	------
ODESSA:							
DETACHED AND SEMIDETACHED	8,800	10,600	13,150	15,700	18,850	21,000	21,900
ROW DWELLINGS	7,350	8,900	11,000	13,100	15,750	17,550	18,350
WALKUP	6,550	8,200	10,350	12,250	14,200	15,600	16,400
ELEVATOR-STRUCTURE	12,000	13,900	17,600	------	------	------	------
SAN ANTONIO:							
DETACHED AND SEMIDETACHED	7,850	9,400	11,650	13,900	16,750	18,600	19,400
ROW DWELLINGS	7,400	9,000	11,100	13,250	15,900	17,750	18,450
WALKUP	7,250	9,150	11,450	13,600	15,850	17,350	18,200
ELEVATOR-STRUCTURE	13,300	15,450	19,650	------	------	------	------
AUSTIN:							
DETACHED AND SEMIDETACHED	8,650	10,400	12,850	15,350	18,450	20,550	21,400
ROW DWELLINGS	8,200	9,950	12,250	14,600	17,550	19,550	20,350
WALKUP	7,150	9,050	11,300	13,500	15,650	17,150	18,000
ELEVATOR-STRUCTURE	13,200	15,350	19,450	------	------	------	------
CORPUS CHRISTI:							
DETACHED AND SEMIDETACHED	9,050	10,850	13,500	16,100	19,350	21,550	22,400
ROW DWELLINGS	8,650	10,500	13,000	15,450	18,600	20,750	21,550
WALKUP	7,800	9,750	12,350	14,500	16,850	18,500	19,450
ELEVATOR-STRUCTURE	12,350	14,300	18,200	------	------	------	------
DEL RIO:							
DETACHED AND SEMIDETACHED	8,200	9,800	12,150	14,550	17,450	19,450	20,200
ROW DWELLINGS	7,700	9,350	11,550	13,800	16,550	18,450	19,250
WALKUP	7,250	9,100	11,450	13,600	15,850	17,350	18,250
ELEVATOR-STRUCTURE	13,850	16,100	20,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS--CONTINUED							
EAGLE PASS:							
DETACHED AND SEMIDETACHED	9,600	11,500	14,250	17,000	20,450	22,700	23,650
ROW DWELLINGS	7,950	9,600	11,850	14,150	17,000	18,950	19,750
WALKUP	7,500	9,500	11,850	14,150	16,400	18,000	18,900
ELEVATOR-STRUCTURE	14,200	16,550	20,950	------	------	------	------
HARLINGEN:							
DETACHED AND SEMIDETACHED	9,050	10,850	13,450	16,100	19,300	21,500	22,400
ROW DWELLINGS	8,200	9,900	12,250	14,650	17,500	19,550	20,350
WALKUP	7,500	9,500	11,900	14,150	16,450	18,050	19,000
ELEVATOR-STRUCTURE	13,150	15,200	19,300	------	------	------	------
JUNCTION:							
DETACHED AND SEMIDETACHED	8,950	10,800	13,350	15,900	19,150	21,300	22,150
ROW DWELLINGS	8,050	9,750	12,050	14,350	17,300	19,300	20,050
WALKUP	7,600	9,550	12,000	14,300	16,600	18,250	19,150
ELEVATOR-STRUCTURE	14,450	16,800	21,250	------	------	------	------
LAREDO:							
DETACHED AND SEMIDETACHED	8,950	10,750	13,300	15,900	19,050	21,250	22,100
ROW DWELLINGS	8,450	10,250	12,650	15,100	18,100	20,200	21,000
WALKUP	6,600	8,300	10,450	12,400	14,450	15,850	16,650
ELEVATOR-STRUCTURE	13,850	16,100	20,500	------	------	------	------
VICTORIA:							
DETACHED AND SEMIDETACHED	8,450	10,150	12,600	15,000	18,000	20,050	20,850
ROW DWELLINGS	8,000	9,700	11,950	14,250	17,150	19,150	19,900
WALKUP	7,750	9,700	12,200	14,500	16,900	18,500	19,450
ELEVATOR-STRUCTURE	14,350	16,650	21,150	------	------	------	------
REGION VII							
IOWA							
DES MOINES:							
DETACHED AND SEMIDETACHED	10,200	12,300	15,150	18,100	21,800	24,200	25,350
ROW DWELLINGS	9,750	11,750	14,450	17,250	20,750	23,050	24,100
WALKUP	9,000	11,300	14,250	16,900	19,600	21,500	22,600
ELEVATOR-STRUCTURE	14,200	16,450	20,850	------	------	------	------
BETTENDORF:							
DETACHED AND SEMIDETACHED	10,650	12,800	15,800	18,850	22,750	25,250	26,450
ROW DWELLINGS	10,150	12,200	15,000	17,900	21,600	24,050	25,100
WALKUP	9,450	11,750	14,900	17,550	20,350	22,400	23,550
ELEVATOR-STRUCTURE	14,650	16,950	21,500	------	------	------	------
CEDAR RAPIDS:							
DETACHED AND SEMIDETACHED	10,550	12,700	15,700	18,650	22,500	25,000	26,150
ROW DWELLINGS	10,400	12,550	15,450	18,400	22,100	24,650	25,750
WALKUP	9,400	11,650	14,800	18,200	21,050	22,250	23,400
ELEVATOR-STRUCTURE	14,550	16,850	21,400	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4*	5	6
REGION VII--CONTINUED							
IOWA--CONTINUED							
COUNCIL BLUFFS:							
DETACHED AND SEMIDETACHED	9,200	11,150	13,750	16,400	19,750	21,900	22,950
ROW DWELLINGS	8,850	10,600	13,050	15,650	18,750	20,900	21,850
WALKUP	8,650	10,850	13,700	16,250	18,800	20,700	21,700
ELEVATOR-STRUCTURE	13,050	15,200	19,150	-------	-------	-------	-------
DAVENPORT:							
DETACHED AND SEMIDETACHED	10,550	12,700	15,700	18,650	22,500	25,000	26,150
ROW DWELLINGS	10,100	12,150	14,950	17,800	21,400	23,850	24,900
WALKUP	9,400	11,650	14,800	18,200	21,050	22,250	23,400
ELEVATOR-STRUCTURE	14,650	16,950	21,500	-------	-------	-------	-------
DUBUQUE:							
DETACHED AND SEMIDETACHED	10,550	12,700	15,700	18,650	22,500	25,000	26,150
ROW DWELLINGS	10,100	12,150	14,950	17,800	21,400	23,850	24,900
WALKUP	9,400	11,650	14,800	18,200	21,050	22,250	23,400
ELEVATOR-STRUCTURE	14,400	16,750	21,200	-------	-------	-------	-------
MASON CITY:							
DETACHED AND SEMIDETACHED	9,200	11,100	13,700	16,300	19,650	21,850	22,850
ROW DWELLINGS	8,800	10,600	13,050	15,550	18,700	20,850	21,750
WALKUP	8,900	11,050	14,050	17,300	20,000	21,150	22,200
ELEVATOR-STRUCTURE	14,400	16,750	21,200	-------	-------	-------	-------
SIOUX CITY:							
DETACHED AND SEMIDETACHED	10,550	12,700	15,700	18,650	22,500	25,000	26,150
ROW DWELLINGS	10,000	12,050	14,850	17,700	21,300	23,750	24,750
WALKUP	8,950	11,050	14,050	17,350	20,050	21,200	22,250
ELEVATOR-STRUCTURE	14,400	16,750	21,200	-------	-------	-------	-------
WATERLOO:							
DETACHED AND SEMIDETACHED	10,550	12,700	15,700	18,650	22,500	25,000	26,150
ROW DWELLINGS	10,100	12,150	14,950	17,800	21,400	23,850	24,900
WALKUP	9,400	11,650	14,800	18,200	21,050	22,250	23,400
ELEVATOR-STRUCTURE	14,400	16,750	21,200	-------	-------	-------	-------
KANSAS							
KANSAS CITY:							
DETACHED AND SEMIDETACHED	11,150	13,500	16,650	19,800	23,850	26,500	27,750
ROW DWELLINGS	10,450	12,550	15,550	18,450	22,250	24,750	25,850
WALKUP	9,350	11,600	14,750	17,400	20,150	22,250	23,350
ELEVATOR-STRUCTURE	15,450	17,900	22,650	-------	-------	-------	-------
TOPEKA:							
DETACHED AND SEMIDETACHED	10,600	12,800	15,850	18,800	22,650	25,200	26,400
ROW DWELLINGS	10,150	12,100	15,050	17,850	21,550	24,050	25,050
WALKUP	8,500	10,650	13,500	15,900	18,450	20,400	21,300
ELEVATOR-STRUCTURE	14,450	16,750	21,150	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
KANSAS--CONTINUED							
GARDEN CITY:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,800	17,650	21,200	23,600	24,650
ROW DWELLINGS	9,500	11,350	14,050	16,750	20,150	22,500	23,450
WALKUP	8,000	9,950	12,600	14,950	17,300	19,050	20,000
ELEVATOR-STRUCTURE	13,550	15,700	19,800	-------	-------	-------	-------
PITTSBURG:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,550	17,300	20,850	23,200	24,250
ROW DWELLINGS	9,300	11,150	13,850	16,400	19,800	22,100	23,050
WALKUP	7,800	9,800	12,400	14,600	16,950	18,750	19,600
ELEVATOR-STRUCTURE	13,250	15,350	19,400	-------	-------	-------	-------
SALINA:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,550	17,350	20,950	23,250	24,350
ROW DWELLINGS	9,350	11,200	13,900	16,450	19,850	22,150	23,150
WALKUP	7,900	9,850	12,450	14,650	17,050	18,750	19,650
ELEVATOR-STRUCTURE	13,400	15,450	19,450	-------	-------	-------	-------
WICHITA:							
DETACHED AND SEMIDETACHED	10,250	12,400	15,350	18,200	21,950	24,400	25,550
ROW DWELLINGS	9,750	11,700	14,550	17,250	20,800	23,200	24,200
WALKUP	8,200	10,300	13,050	15,350	17,850	19,650	20,650
ELEVATOR-STRUCTURE	13,250	15,350	19,400	-------	-------	-------	-------
MISSOURI							
KANSAS CITY:							
DETACHED AND SEMIDETACHED	11,150	13,500	16,650	19,800	23,850	26,500	27,750
ROW DWELLINGS	10,450	12,550	15,550	18,450	22,250	24,750	25,850
WALKUP	9,350	11,600	14,750	17,400	20,150	22,250	23,350
ELEVATOR-STRUCTURE	15,450	17,900	22,650	-------	-------	-------	-------
JOPLIN:							
DETACHED AND SEMIDETACHED	10,350	12,550	15,500	18,400	22,200	24,700	25,850
ROW DWELLINGS	9,750	11,700	14,500	17,250	20,750	23,050	24,100
WALKUP	8,750	10,800	13,750	16,250	18,800	20,700	21,750
ELEVATOR-STRUCTURE	14,450	16,750	21,150	-------	-------	-------	-------
ST. JOSEPH:							
DETACHED AND SEMIDETACHED	10,750	12,900	15,950	19,000	22,900	25,500	26,700
ROW DWELLINGS	10,050	12,050	14,900	17,700	21,300	23,750	24,800
WALKUP	9,000	11,200	14,200	16,750	19,450	21,400	22,500
ELEVATOR-STRUCTURE	14,800	17,200	21,750	-------	-------	-------	-------
SEDALIA:							
DETACHED AND SEMIDETACHED	10,750	12,900	15,950	19,000	22,900	25,500	26,700
ROW DWELLINGS	10,050	12,050	14,900	17,700	21,300	23,750	24,800
WALKUP	9,000	11,200	14,200	16,750	19,450	21,400	22,500
ELEVATOR-STRUCTURE	14,800	17,200	21,750	-------	-------	-------	-------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
MISSOURI--CONTINUED							
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	10,800	13,000	16,050	19,100	23,050	25,700	26,850
ROW DWELLINGS	10,100	12,150	15,000	17,800	21,500	23,950	25,000
WALKUP	8,550	10,600	13,450	15,850	18,400	20,300	21,250
ELEVATOR-STRUCTURE	14,700	17,050	21,600	------	------	------	------
ST. LOUIS:							
DETACHED AND SEMIDETACHED	11,150	13,400	16,500	19,750	23,750	26,400	27,650
ROW DWELLINGS	10,350	12,350	15,300	18,250	21,900	24,450	25,550
WALKUP	8,250	10,300	13,000	15,400	17,900	19,650	20,600
ELEVATOR-STRUCTURE	15,100	17,550	22,200	------	------	------	------
CAPE GIRARDEAU:							
DETACHED AND SEMIDETACHED	10,550	12,700	15,750	18,750	22,600	25,200	26,350
ROW DWELLINGS	9,900	11,800	14,600	17,400	20,850	23,250	24,300
WALKUP	7,850	9,800	12,350	14,650	17,050	18,650	19,650
ELEVATOR-STRUCTURE	14,900	17,300	21,850	------	------	------	------
COLUMBIA:							
DETACHED AND SEMIDETACHED	10,950	13,150	16,300	19,450	23,400	26,000	27,250
ROW DWELLINGS	10,150	12,150	15,050	17,950	21,550	24,000	25,100
WALKUP	8,150	10,150	12,800	15,200	17,650	19,350	20,300
ELEVATOR-STRUCTURE	14,900	17,300	21,900	------	------	------	------
KIRKSVILLE:							
DETACHED AND SEMIDETACHED	10,950	13,150	16,300	19,450	23,400	26,000	27,250
ROW DWELLINGS	10,150	12,150	15,050	17,950	21,550	24,000	25,100
WALKUP	8,200	10,200	12,900	15,300	17,750	19,500	20,450
ELEVATOR-STRUCTURE	14,900	17,300	21,900	------	------	------	------
ROLLA:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,800	17,650	21,250	23,600	24,700
ROW DWELLINGS	9,250	11,100	13,750	16,350	19,650	21,900	22,850
WALKUP	7,400	9,200	11,650	13,800	16,050	17,600	18,450
ELEVATOR-STRUCTURE	13,700	15,900	20,100	------	------	------	------
NEBRASKA							
OMAHA:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,250	18,200	21,950	24,400	25,500
ROW DWELLINGS	9,800	11,800	14,550	17,350	20,900	23,250	24,250
WALKUP	8,550	10,650	13,450	15,950	18,500	20,400	21,350
ELEVATOR-STRUCTURE	13,950	16,200	20,500	------	------	------	------
GRAND ISLAND:							
DETACHED AND SEMIDETACHED	10,750	12,900	15,850	18,950	22,850	25,350	26,550
ROW DWELLINGS	10,400	12,500	15,450	18,450	22,200	24,650	25,750
WALKUP	8,900	11,100	14,100	16,650	19,300	21,250	22,300
ELEVATOR-STRUCTURE	14,450	16,750	21,100	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
NEBRASKA--CONTINUED							
LINCOLN:							
DETACHED AND SEMIDETACHED	10,200	12,350	15,150	18,100	21,800	24,200	25,350
ROW DWELLINGS	9,900	11,900	14,600	17,450	21,050	23,350	24,400
WALKUP	8,150	10,150	12,800	15,200	17,650	19,400	20,350
ELEVATOR-STRUCTURE	13,750	16,000	20,100	------	------	------	------
NORFOLK:							
DETACHED AND SEMIDETACHED	10,450	12,550	15,450	18,500	22,250	24,850	26,000
ROW DWELLINGS	10,000	12,000	14,850	17,700	21,250	23,650	24,650
WALKUP	8,450	10,450	13,300	15,700	18,200	20,150	21,100
ELEVATOR-STRUCTURE	14,600	16,900	21,400	------	------	------	------
NORTH PLATTE:							
DETACHED AND SEMIDETACHED	9,450	11,350	14,000	16,750	20,150	22,450	23,500
ROW DWELLINGS	8,950	10,700	13,250	15,800	18,950	21,100	22,050
WALKUP	8,300	10,300	13,100	15,500	17,950	19,900	20,850
ELEVATOR-STRUCTURE	14,050	16,300	20,650	------	------	------	------
O'NEILL:							
DETACHED AND SEMIDETACHED	10,400	12,500	15,400	18,400	22,150	24,600	25,800
ROW DWELLINGS	9,950	11,950	14,800	17,550	21,150	23,450	24,500
WALKUP	8,600	10,700	13,550	16,050	18,600	20,550	21,550
ELEVATOR-STRUCTURE	13,950	16,200	20,500	------	------	------	------
SCOTTSBLUFF:							
DETACHED AND SEMIDETACHED	10,600	12,800	15,700	18,750	22,500	25,050	26,200
ROW DWELLINGS	10,050	12,100	14,950	17,800	21,400	23,850	24,900
WALKUP	8,800	10,900	13,850	16,400	18,950	20,950	22,000
ELEVATOR-STRUCTURE	14,200	16,450	19,650	------	------	------	------
REGION VIII							
COLORADO							
DENVER:							
DETACHED AND SEMIDETACHED	9,350	11,250	13,850	16,500	19,850	22,150	23,150
ROW DWELLINGS	8,900	10,700	13,200	15,700	18,900	21,050	22,050
WALKUP	7,800	9,750	12,300	14,550	16,800	18,550	19,450
ELEVATOR-STRUCTURE	13,350	15,600	19,650	------	------	------	------
COLORADO SPRINGS:							
DETACHED AND SEMIDETACHED	9,350	11,250	13,850	16,500	19,850	22,150	23,150
ROW DWELLINGS	8,900	10,700	13,200	15,700	18,900	21,050	22,050
WALKUP	7,800	9,750	12,300	14,550	16,800	18,550	19,450
ELEVATOR-STRUCTURE	13,350	15,600	19,650	------	------	------	------
DURANGO:							
DETACHED AND SEMIDETACHED	9,850	11,900	14,700	17,450	21,050	23,450	24,500
ROW DWELLINGS	9,350	11,250	13,800	16,500	19,850	22,100	23,150
WALKUP	8,150	10,200	12,900	15,250	17,650	19,450	20,450
ELEVATOR-STRUCTURE	14,000	16,300	20,650	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
COLORADO--CONTINUED							
GRAND JUNCTION:							
DETACHED AND SEMIDETACHED	9,750	11,700	14,450	17,250	20,700	23,100	24,150
ROW DWELLINGS	9,300	11,100	13,700	16,350	19,700	21,850	22,950
WALKUP	8,100	10,100	12,800	15,150	17,500	19,300	20,250
ELEVATOR-STRUCTURE	13,900	16,200	20,450	------	------	------	------
GREELEY:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,500	17,300	20,800	23,200	24,250
ROW DWELLINGS	9,350	11,250	13,800	16,500	19,850	22,100	23,150
WALKUP	8,150	10,200	12,900	15,250	17,650	19,450	20,450
ELEVATOR-STRUCTURE	12,700	14,950	18,800	------	------	------	------
PUEBLO:							
DETACHED AND SEMIDETACHED	9,100	10,950	13,550	16,150	19,400	21,600	22,600
ROW DWELLINGS	8,700	10,450	12,850	15,350	18,450	20,500	21,500
WALKUP	7,550	9,450	12,000	14,150	16,300	18,050	18,900
ELEVATOR-STRUCTURE	13,050	15,200	17,250	------	------	------	------
MONTANA							
HELENA:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,500	17,300	20,850	23,200	24,250
ROW DWELLINGS	9,350	11,150	13,850	16,500	19,950	22,100	23,150
WALKUP	8,800	11,100	14,050	16,550	19,150	21,200	22,100
ELEVATOR-STRUCTURE	15,300	17,750	22,550	------	------	------	------
ANACONDA:							
DETACHED AND SEMIDETACHED	10,150	12,200	15,050	17,900	21,550	24,000	25,150
ROW DWELLINGS	9,700	11,600	14,300	17,050	20,600	22,800	23,950
WALKUP	9,100	11,550	14,500	17,150	19,800	21,950	22,900
ELEVATOR-STRUCTURE	15,850	18,350	23,350	------	------	------	------
BILLINGS:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,800	20,250	22,500	23,600
ROW DWELLINGS	9,050	10,750	13,350	15,850	19,150	21,250	22,300
WALKUP	8,400	10,650	13,550	15,900	18,350	20,350	21,250
ELEVATOR-STRUCTURE	14,900	17,200	21,850	------	------	------	------
BOZEMAN:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------
BUTTE:							
DETACHED AND SEMIDETACHED	10,150	12,200	15,050	17,900	21,550	24,000	25,150
ROW DWELLINGS	9,700	11,600	14,300	17,050	20,600	22,800	23,950
WALKUP	9,000	11,400	14,350	16,950	19,600	21,700	22,650
ELEVATOR-STRUCTURE	15,850	18,350	23,350	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA--CONTINUED							
DILLON:							
DETACHED AND SEMIDETACHED	10,150	12,200	15,050	17,900	21,550	24,000	25,150
ROW DWELLINGS	9,700	11,600	14,300	17,050	20,600	22,800	23,950
WALKUP	9,100	11,550	14,500	17,150	19,800	21,950	22,900
ELEVATOR-STRUCTURE	15,850	18,350	23,350	------	------	------	------
GLASGOW:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------
GLENDIVE:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------
GREAT FALLS:							
DETACHED AND SEMIDETACHED	10,250	12,250	15,150	18,100	21,700	24,200	25,300
ROW DWELLINGS	9,800	11,700	14,450	17,350	20,850	23,050	24,400
WALKUP	9,200	11,600	14,650	17,250	19,950	22,100	23,100
ELEVATOR-STRUCTURE	16,050	18,550	23,600	------	------	------	------
HAVRE:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------
KALISPEL:							
DETACHED AND SEMIDETACHED	9,550	11,550	14,250	16,950	20,350	22,700	23,750
ROW DWELLINGS	9,150	10,950	13,550	16,200	19,450	21,600	22,650
WALKUP	8,650	10,950	13,800	16,300	18,750	20,800	21,750
ELEVATOR-STRUCTURE	15,000	17,400	22,100	------	------	------	------
LAUREL:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,400	17,100	20,600	23,000	24,000
ROW DWELLINGS	9,300	11,050	13,750	16,350	19,750	21,900	22,900
WALKUP	8,750	11,000	13,900	16,450	19,000	21,000	21,950
ELEVATOR-STRUCTURE	15,150	17,550	22,350	------	------	------	------
LIBBY:							
DETACHED AND SEMIDETACHED	9,550	11,550	14,250	16,950	20,350	22,700	23,750
ROW DWELLINGS	9,150	10,950	13,550	16,200	19,450	21,600	22,650
WALKUP	8,650	10,950	13,800	16,300	18,750	20,800	21,750
ELEVATOR-STRUCTURE	15,000	17,400	22,100	------	------	------	------
MILES CITY:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA--CONTINUED							
MISSOULA:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,800	20,250	22,500	23,600
ROW DWELLINGS	9,050	10,750	13,350	15,850	19,150	21,250	22,300
WALKUP	8,400	10,650	13,550	15,900	18,350	20,350	21,250
ELEVATOR-STRUCTURE	14,900	17,200	21,850	-------	-------	-------	-------
SUPERIOR:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,800	20,250	22,500	23,600
ROW DWELLINGS	9,050	10,750	13,350	15,850	19,150	21,250	22,300
WALKUP	8,250	10,500	13,300	15,600	18,050	20,000	20,850
ELEVATOR-STRUCTURE	14,900	17,200	21,850	-------	-------	-------	-------
BROWNING:							
DETACHED AND SEMIDETACHED	10,850	13,050	16,150	19,200	23,050	25,750	26,950
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------
HARLEM:							
DETACHED AND SEMIDETACHED	10,850	13,050	16,150	19,200	23,050	25,750	26,950
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------
WOLF POINT:							
DETACHED AND SEMIDETACHED	10,900	13,100	16,150	19,250	23,100	25,800	27,000
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------
LODGE GRASS:							
DETACHED AND SEMIDETACHED	10,850	13,050	16,100	19,200	23,050	25,700	26,900
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------
NORTH DAKOTA							
FARGO:							
DETACHED AND SEMIDETACHED	9,750	11,650	14,400	17,300	20,800	23,050	24,200
ROW DWELLINGS	9,250	11,200	13,750	16,350	19,750	21,900	22,950
WALKUP	9,000	11,250	14,000	16,600	19,450	21,400	22,500
ELEVATOR-STRUCTURE	14,300	16,650	21,050	-------	-------	-------	-------
BISMARCK:							
DETACHED AND SEMIDETACHED	10,000	12,000	14,750	17,700	21,350	23,650	24,800
ROW DWELLINGS	9,450	11,450	14,100	16,800	20,300	22,500	23,550
WALKUP	9,200	11,500	14,200	16,950	19,950	21,850	23,000
ELEVATOR-STRUCTURE	14,650	17,000	21,500	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
NORTH DAKOTA--CONTINUED							
DICKINSON:							
DETACHED AND SEMIDETACHED	9,550	11,500	14,200	17,000	20,450	22,700	23,800
ROW DWELLINGS	9,050	11,000	13,550	16,100	19,450	21,550	22,550
WALKUP	8,800	11,050	13,700	16,250	19,150	21,050	22,050
ELEVATOR-STRUCTURE	14,050	16,400	20,650	-------	-------	-------	-------
GRAND FORKS:							
DETACHED AND SEMIDETACHED	9,400	11,300	13,950	16,750	20,150	22,300	23,400
ROW DWELLINGS	9,050	11,000	13,550	16,100	19,450	21,550	22,550
WALKUP	8,700	10,850	13,450	16,000	18,850	20,700	21,700
ELEVATOR-STRUCTURE	14,050	16,400	20,650	-------	-------	-------	-------
MINOT:							
DETACHED AND SEMIDETACHED	9,500	11,400	14,050	16,850	20,300	22,500	23,600
ROW DWELLINGS	9,000	10,900	13,450	16,000	19,300	21,400	22,400
WALKUP	8,700	10,900	13,600	16,200	18,900	20,850	21,900
ELEVATOR-STRUCTURE	14,000	16,250	20,500	-------	-------	-------	-------
SOUTH DAKOTA							
SIOUX FALLS:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,400	17,150	20,600	23,000	24,000
ROW DWELLINGS	9,150	11,050	13,700	16,350	19,700	21,750	22,850
WALKUP	8,700	10,850	13,750	16,250	18,850	20,750	21,850
ELEVATOR-STRUCTURE	12,400	14,450	18,250	-------	-------	-------	-------
ABERDEEN:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,450	17,200	20,650	23,150	24,100
ROW DWELLINGS	9,200	11,150	13,800	16,400	19,750	21,900	23,000
WALKUP	8,850	11,050	14,000	16,550	19,150	21,100	22,300
ELEVATOR-STRUCTURE	12,450	14,500	18,400	-------	-------	-------	-------
BLACK HILLS:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,400	17,150	20,600	22,900	24,000
ROW DWELLINGS	9,150	11,050	13,700	16,350	19,700	21,750	22,850
WALKUP	8,700	10,850	13,750	16,250	18,850	20,750	21,850
ELEVATOR-STRUCTURE	12,400	14,450	18,250	-------	-------	-------	-------
MITCHELL:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,400	17,150	20,600	22,900	24,000
ROW DWELLINGS	9,150	11,050	13,700	16,350	19,700	21,750	22,850
WALKUP	8,700	10,850	13,750	16,250	18,850	20,750	21,850
ELEVATOR-STRUCTURE	12,400	14,450	18,250	-------	-------	-------	-------
PIERRE:							
DETACHED AND SEMIDETACHED	10,250	12,400	15,250	18,100	2,200	24,350	25,350
ROW DWELLINGS	9,600	11,550	14,250	17,000	20,500	22,700	23,800
WALKUP	8,750	10,950	13,800	16,400	18,950	20,850	22,000
ELEVATOR-STRUCTURE	13,450	15,650	19,800	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
SOUTH DAKOTA--CONTINUED							
RAPID CITY:							
DETACHED AND SEMIDETACHED	9,800	11,850	14,600	17,350	20,850	23,300	24,300
ROW DWELLINGS	9,250	11,300	13,900	16,600	19,900	22,050	23,200
WALKUP	9,100	11,400	14,400	17,000	19,700	21,750	22,950
ELEVATOR-STRUCTURE	12,450	14,500	18,350	------	------	------	------
PINE RIDGE:							
DETACHED AND SEMIDETACHED	11,450	13,800	17,000	20,200	24,350	27,150	28,300
ROW DWELLINGS	10,800	13,100	16,150	19,300	23,250	25,700	27,000
WALKUP	10,200	12,800	16,200	19,200	22,250	24,450	25,850
ELEVATOR-STRUCTURE	16,650	19,450	24,550	------	------	------	------
WINNER:							
DETACHED AND SEMIDETACHED	11,450	13,800	17,000	20,200	24,350	27,150	28,300
ROW DWELLINGS	10,800	13,100	16,150	19,300	23,250	25,700	27,000
WALKUP	10,200	12,800	16,200	19,200	22,250	24,450	25,850
ELEVATOR-STRUCTURE	14,600	17,050	21,550	------	------	------	------
STEPHAN:							
DETACHED AND SEMIDETACHED	11,450	13,800	17,000	20,200	24,350	27,150	28,300
ROW DWELLINGS	10,800	13,100	16,150	19,300	23,250	25,700	27,000
WALKUP	10,200	12,800	16,200	19,200	22,250	24,450	25,850
ELEVATOR-STRUCTURE	14,600	17,050	21,550	------	------	------	------
ISABEL:							
DETACHED AND SEMIDETACHED	11,250	13,550	16,750	19,850	23,950	26,700	27,850
ROW DWELLINGS	10,800	13,100	16,150	19,300	23,250	25,700	27,000
WALKUP	10,200	12,800	16,200	19,200	22,250	24,450	25,850
ELEVATOR-STRUCTURE	14,600	17,050	21,550	------	------	------	------
UTAH							
SALT LAKE CITY:							
DETACHED AND SEMIDETACHED	10,000	12,050	14,900	17,750	21,400	23,750	24,900
ROW DWELLINGS	8,850	10,650	13,150	15,700	18,850	20,950	21,900
WALKUP	8,200	10,250	13,050	15,350	17,850	19,650	20,650
ELEVATOR-STRUCTURE	12,950	15,100	19,100	------	------	------	------
CEDAR CITY:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,300	18,250	21,950	24,500	25,600
ROW DWELLINGS	9,100	10,950	13,500	16,150	19,350	21,600	22,550
WALKUP	8,400	10,550	13,450	15,800	18,350	20,200	21,250
ELEVATOR-STRUCTURE	13,400	15,600	19,750	------	------	------	------
LOGAN:							
DETACHED AND SEMIDETACHED	10,200	12,200	15,100	18,000	21,700	24,150	25,300
ROW DWELLINGS	9,000	10,800	13,350	15,950	19,150	21,300	22,300
WALKUP	8,350	10,400	13,300	15,600	18,150	19,950	21,050
ELEVATOR-STRUCTURE	13,150	15,400	19,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
UTAH--CONTINUED							
MOAB:							
DETACHED AND SEMIDETACHED	10,350	12,500	15,400	18,350	22,100	24,650	25,800
ROW DWELLINGS	9,150	11,000	13,550	16,200	19,500	21,650	22,700
WALKUP	8,450	10,600	13,500	15,900	18,450	20,300	21,400
ELEVATOR-STRUCTURE	13,450	15,650	19,800	------	------	------	------
PROVO:							
DETACHED AND SEMIDETACHED	10,000	12,050	14,900	17,750	21,400	23,750	24,900
ROW DWELLINGS	8,850	10,650	13,150	15,700	18,850	20,950	21,900
WALKUP	8,200	10,250	13,050	15,350	17,850	19,650	20,650
ELEVATOR-STRUCTURE	12,950	15,100	19,100	------	------	------	------
VERNAL:							
DETACHED AND SEMIDETACHED	10,350	12,450	15,350	18,300	22,050	24,550	25,700
ROW DWELLINGS	9,150	11,000	13,550	16,200	19,500	21,650	22,700
WALKUP	8,450	10,600	13,500	15,900	18,450	20,300	21,400
ELEVATOR-STRUCTURE	13,400	15,600	19,750	------	------	------	------
WYOMING							
CASPER:							
DETACHED AND SEMIDETACHED	9,400	11,400	14,050	16,750	20,100	22,400	23,500
ROW DWELLINGS	9,000	10,800	13,450	15,950	19,150	21,350	22,300
WALKUP	8,900	11,200	14,200	16,700	19,400	21,350	22,350
ELEVATOR-STRUCTURE	13,550	15,800	20,050	------	------	------	------
CHEYENNE:							
DETACHED AND SEMIDETACHED	8,900	10,800	13,250	15,800	19,050	21,200	22,250
ROW DWELLINGS	8,500	10,250	12,750	15,800	18,200	20,200	21,100
WALKUP	8,450	10,600	13,450	15,800	18,300	20,250	21,150
ELEVATOR-STRUCTURE	12,850	15,000	18,950	------	------	------	------
CODY:							
DETACHED AND SEMIDETACHED	9,050	11,000	13,550	16,200	19,500	21,650	22,700
ROW DWELLINGS	8,700	10,400	12,950	15,450	18,500	20,550	21,550
WALKUP	8,600	10,800	13,700	16,150	18,650	20,600	21,500
ELEVATOR-STRUCTURE	13,100	15,250	19,300	------	------	------	------
GILLETTE:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,500	17,250	20,850	23,150	24,300
ROW DWELLINGS	9,350	11,150	13,900	16,500	19,800	22,100	23,050
WALKUP	9,200	11,600	14,700	17,300	20,100	22,150	23,150
ELEVATOR-STRUCTURE	14,050	16,250	20,700	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	9,350	11,300	13,900	16,550	19,950	22,250	23,250
ROW DWELLINGS	8,950	10,700	13,350	15,800	19,000	21,200	22,050
WALKUP	8,850	11,050	14,100	16,550	19,250	21,150	22,200
ELEVATOR-STRUCTURE	13,450	15,700	19,850	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
WYOMING--CONTINUED							
LARAMIE:							
DETACHED AND SEMIDETACHED	9,000	10,900	13,450	16,000	19,300	21,450	22,500
ROW DWELLINGS	8,650	10,350	12,900	15,300	18,400	20,500	21,400
WALKUP	8,550	10,750	13,650	16,100	18,600	20,500	21,450
ELEVATOR-STRUCTURE	13,000	15,150	19,150	------	------	------	------
POWELL:							
DETACHED AND SEMIDETACHED	9,050	11,000	13,550	16,200	19,500	21,650	22,700
ROW DWELLINGS	8,700	10,400	12,950	15,450	18,500	20,550	21,550
WALKUP	8,600	10,800	13,700	16,150	18,650	20,600	21,500
ELEVATOR-STRUCTURE	13,100	15,250	19,300	------	------	------	------
RIVERTON:							
DETACHED AND SEMIDETACHED	10,350	12,450	15,350	18,250	22,000	24,450	25,650
ROW DWELLINGS	9,850	11,800	14,700	17,450	20,950	23,400	24,350
WALKUP	9,200	11,600	14,700	17,300	20,100	22,150	23,150
ELEVATOR-STRUCTURE	14,050	16,250	20,700	------	------	------	------
ROCK SPRINGS:							
DETACHED AND SEMIDETACHED	9,050	11,000	13,550	16,200	19,500	21,650	22,700
ROW DWELLINGS	8,700	10,400	12,950	15,450	18,500	20,550	21,550
WALKUP	8,600	10,800	13,700	16,150	18,650	20,600	21,500
ELEVATOR-STRUCTURE	13,100	15,250	19,300	------	------	------	------
REGION IX							
ARIZONA							
PHOENIX:							
DETACHED AND SEMIDETACHED	10,350	12,450	15,400	18,300	22,050	24,550	25,750
ROW DWELLINGS	9,650	11,650	14,400	17,150	20,600	23,000	24,000
WALKUP	8,550	10,700	13,550	16,000	18,500	20,400	21,400
ELEVATOR-STRUCTURE	14,300	16,600	21,050	------	------	------	------
CASA GRANDE:							
DETACHED AND SEMIDETACHED	10,750	12,950	16,000	19,050	22,950	25,500	26,750
ROW DWELLINGS	10,050	11,650	14,950	17,800	21,400	23,900	24,900
WALKUP	8,250	10,350	13,100	15,500	17,900	19,750	20,700
ELEVATOR-STRUCTURE	14,600	16,900	21,450	------	------	------	------
DOUGLAS:							
DETACHED AND SEMIDETACHED	10,700	12,850	15,900	18,850	22,700	25,350	26,600
ROW DWELLINGS	9,950	12,000	14,850	17,650	21,200	23,700	24,750
WALKUP	8,850	11,050	14,000	16,550	19,050	21,050	22,100
ELEVATOR-STRUCTURE	14,500	16,750	21,250	------	------	------	------
FLAGSTAFF:							
DETACHED AND SEMIDETACHED	10,600	12,800	15,850	18,800	22,100	25,200	26,450
ROW DWELLINGS	9,950	12,000	14,850	17,650	21,200	23,700	24,750
WALKUP	8,800	11,000	13,950	16,450	19,000	21,000	21,950
ELEVATOR-STRUCTURE	15,350	17,750	22,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
ARIZONA--CONTINUED							
KINGMAN:							
DETACHED AND SEMIDETACHED	10,750	12,950	16,000	19,050	22,950	25,500	26,750
ROW DWELLINGS	10,050	11,650	14,950	17,800	21,400	23,900	24,900
WALKUP	8,900	11,150	14,100	16,700	19,250	21,250	22,250
ELEVATOR-STRUCTURE	14,600	16,900	21,450	------	------	------	------
SACATON:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,750	19,950	24,050	26,750	28,050
ROW DWELLINGS	10,550	12,750	15,700	18,700	22,450	25,100	26,200
WALKUP	9,300	11,700	14,750	17,450	20,150	22,250	23,300
ELEVATOR-STRUCTURE	15,600	18,100	22,950	------	------	------	------
SAN CARLO:							
DETACHED AND SEMIDETACHED	11,350	13,700	16,950	20,100	24,250	27,000	28,300
ROW DWELLINGS	10,600	12,850	15,850	18,900	22,700	25,300	26,400
WALKUP	9,400	11,800	14,850	17,650	20,350	22,450	23,550
ELEVATOR-STRUCTURE	15,750	18,250	23,150	------	------	------	------
SELLS:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,750	19,950	24,050	26,750	28,050
ROW DWELLINGS	10,550	12,750	15,700	18,700	22,450	25,100	26,200
WALKUP	9,300	11,700	14,750	17,450	20,150	22,250	23,300
ELEVATOR-STRUCTURE	15,600	18,100	22,950	------	------	------	------
WHITE RIVER:							
DETACHED AND SEMIDETACHED	11,700	14,050	17,400	20,700	24,900	27,700	29,100
ROW DWELLINGS	10,950	13,200	16,300	19,400	23,300	26,050	27,150
WALKUP	9,650	12,100	15,250	18,100	20,900	23,050	24,150
ELEVATOR-STRUCTURE	16,200	18,800	23,750	------	------	------	------
SAFFORD:							
DETACHED AND SEMIDETACHED	10,900	13,050	16,200	19,250	23,150	25,850	27,100
ROW DWELLINGS	10,150	12,300	15,200	18,100	21,750	24,300	25,350
WALKUP	9,000	11,250	14,300	16,900	19,550	21,550	22,600
ELEVATOR-STRUCTURE	14,700	17,050	21,550	------	------	------	------
CAMP VERDE:							
DETACHED AND SEMIDETACHED	10,950	13,200	16,300	19,350	23,350	26,000	27,250
ROW DWELLINGS	10,200	12,400	15,250	18,150	21,850	24,400	25,450
WALKUP	9,100	11,350	14,350	17,000	19,600	21,600	22,650
ELEVATOR-STRUCTURE	15,200	17,650	22,300	------	------	------	------
KEAMS CANYON:							
DETACHED AND SEMIDETACHED	11,450	13,800	17,100	20,300	24,500	27,250	28,550
ROW DWELLINGS	10,700	12,950	15,950	19,050	22,900	25,500	26,650
WALKUP	9,500	11,850	15,050	17,750	20,500	22,650	23,750
ELEVATOR-STRUCTURE	15,900	18,450	23,300	------	------	------	------
FORT MCDOWELL:							
DETACHED AND SEMIDETACHED	10,850	13,050	16,200	19,200	23,100	25,800	27,050
ROW DWELLINGS	10,150	12,250	15,150	18,000	21,600	24,200	25,250
WALKUP	8,950	11,200	14,200	16,800	19,400	21,450	22,500
ELEVATOR-STRUCTURE	15,000	17,450	22,100	------	------	------	------

XUM

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
ARIZONA--CONTINUED							
PARKA:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,750	19,950	24,050	26,750	28,050
ROW DWELLINGS	10,550	12,750	15,700	18,700	22,450	25,100	26,200
WALKUP	9,450	11,850	14,950	17,700	20,450	22,600	23,650
ELEVATOR-STRUCTURE	15,600	18,100	22,950	------	------	------	------
PEACH SPRINGS:							
DETACHED AND SEMIDETACHED	11,450	13,800	17,100	20,300	24,500	27,250	28,550
ROW DWELLINGS	10,700	12,950	15,950	19,050	22,900	25,500	26,650
WALKUP	9,500	11,850	15,050	17,750	20,500	22,650	23,750
ELEVATOR-STRUCTURE	15,900	18,450	23,300	------	------	------	------
TUCSON:							
DETACHED AND SEMIDETACHED	12,050	14,500	17,950	21,300	25,650	28,650	30,000
ROW DWELLINGS	11,250	13,550	16,750	19,950	24,000	26,800	28,000
WALKUP	9,250	11,550	14,600	17,250	19,900	21,950	23,000
ELEVATOR-STRUCTURE	15,750	18,300	23,150	------	------	------	------
YUMA:							
DETACHED AND SEMIDETACHED	10,950	13,200	16,300	19,350	23,350	26,000	27,250
ROW DWELLINGS	10,200	12,350	15,250	18,150	21,850	24,350	25,400
WALKUP	9,100	11,350	14,350	17,000	19,600	21,600	22,650
ELEVATOR-STRUCTURE	14,600	17,000	21,450	------	------	------	------
SAWMILL:							
DETACHED AND SEMIDETACHED	12,850	15,450	19,150	22,800	27,450	30,500	32,000
ROW DWELLINGS	12,000	14,500	17,950	21,350	25,600	28,600	29,800
WALKUP	10,650	13,300	16,800	19,900	22,950	25,300	26,600
ELEVATOR-STRUCTURE	17,050	19,700	24,900	------	------	------	------
NOGALES:							
DETACHED AND SEMIDETACHED	12,600	15,150	18,750	22,250	26,850	29,950	31,350
ROW DWELLINGS	11,750	14,200	17,550	20,900	25,150	28,000	29,200
WALKUP	10,450	13,000	16,450	19,550	22,550	24,850	------
ELEVATOR-STRUCTURE	16,450	19,150	24,250	------	------	------	------
CALIFORNIA							
LOS ANGELES:							
DETACHED AND SEMIDETACHED	9,500	11,350	14,100	16,800	20,200	22,550	23,650
ROW DWELLINGS	8,850	10,700	13,200	15,700	18,900	21,050	21,950
WALKUP	8,000	10,050	12,600	14,950	17,250	19,050	20,000
ELEVATOR-STRUCTURE	15,900	18,500	23,350	------	------	------	------
BAKERSFIELD:							
DETACHED AND SEMIDETACHED	9,500	11,350	14,100	16,800	20,200	22,550	23,650
ROW DWELLINGS	8,850	10,700	13,200	15,700	18,900	21,050	21,950
WALKUP	8,000	10,050	12,600	14,950	17,250	19,050	20,000
ELEVATOR-STRUCTURE	15,900	18,500	23,350	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
BISHOP:							
DETACHED AND SEMIDETACHED	9,900	11,800	14,650	17,450	21,050	23,500	24,550
ROW DWELLINGS	9,150	11,150	13,700	16,300	19,600	21,850	22,800
WALKUP	8,350	10,400	13,150	15,550	18,000	19,850	20,850
ELEVATOR-STRUCTURE	16,500	19,150	24,250	------	------	------	------
INYOKERN:							
DETACHED AND SEMIDETACHED	9,850	11,750	14,600	17,400	20,950	23,450	24,500
ROW DWELLINGS	9,150	11,100	13,600	16,250	19,550	21,750	22,750
WALKUP	8,300	10,400	13,100	15,500	17,900	19,700	20,700
ELEVATOR-STRUCTURE	16,400	19,100	24,150	------	------	------	------
LANCASTER:							
DETACHED AND SEMIDETACHED	9,550	11,450	14,200	16,900	20,350	22,750	23,800
ROW DWELLINGS	8,900	10,800	13,300	15,850	19,050	21,200	22,150
WALKUP	8,100	10,150	12,700	15,050	17,450	19,200	20,150
ELEVATOR-STRUCTURE	16,000	18,650	23,600	------	------	------	------
MAJAVE:							
DETACHED AND SEMIDETACHED	9,800	11,700	14,500	17,300	20,800	23,200	24,300
ROW DWELLINGS	9,100	11,050	13,550	16,200	19,450	21,700	22,600
WALKUP	8,250	10,300	13,000	15,300	17,700	19,550	20,550
ELEVATOR-STRUCTURE	16,300	19,050	24,050	------	------	------	------
OJAI:							
DETACHED AND SEMIDETACHED	8,400	10,100	12,550	14,900	17,950	20,050	20,950
ROW DWELLINGS	7,800	9,500	11,700	13,900	16,750	18,650	19,450
WALKUP	7,650	9,550	12,050	14,250	16,500	18,100	19,100
ELEVATOR-STRUCTURE	15,150	17,650	22,200	------	------	------	------
OXNARD:							
DETACHED AND SEMIDETACHED	8,800	10,550	13,100	15,600	18,750	20,950	21,950
ROW DWELLINGS	8,200	9,950	12,250	14,600	17,550	19,550	20,400
WALKUP	7,900	9,900	12,400	14,700	17,000	18,800	19,700
ELEVATOR-STRUCTURE	15,900	18,500	23,350	------	------	------	------
PASO ROBLES:							
DETACHED AND SEMIDETACHED	9,100	10,850	13,450	16,050	19,300	21,550	22,550
ROW DWELLINGS	8,450	10,250	12,600	15,050	18,050	20,150	21,000
WALKUP	8,250	10,300	13,000	15,300	17,700	19,550	20,550
ELEVATOR-STRUCTURE	16,300	19,050	24,050	------	------	------	------
PIRU:							
DETACHED AND SEMIDETACHED	8,400	10,100	12,550	14,900	17,950	20,050	20,950
ROW DWELLINGS	7,800	9,500	11,700	13,900	16,750	18,650	19,450
WALKUP	7,650	9,550	12,050	14,250	16,500	18,100	19,100
ELEVATOR-STRUCTURE	15,150	17,650	22,200	------	------	------	------
RIDGECREST:							
DETACHED AND SEMIDETACHED	9,150	10,900	13,550	16,150	19,450	21,750	22,750
ROW DWELLINGS	8,500	10,300	12,650	15,100	18,150	20,200	21,100
WALKUP	8,300	10,400	13,100	15,500	17,900	19,700	20,700
ELEVATOR-STRUCTURE	16,400	19,100	24,150	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
SAN BERNARDINO:							
DETACHED AND SEMIDETACHED	8,800	10,550	13,100	15,600	18,750	20,950	21,950
ROW DWELLINGS	8,200	9,950	12,250	14,600	17,550	19,550	20,400
WALKUP	8,000	10,050	12,600	14,950	17,250	19,050	20,000
ELEVATOR-STRUCTURE	15,900	18,500	23,350	------	------	------	------
SANTA BARBARA:							
DETACHED AND SEMIDETACHED	8,850	10,650	13,200	15,700	18,900	21,100	22,100
ROW DWELLINGS	8,250	10,050	12,350	14,700	17,700	19,700	20,550
WALKUP	8,150	10,200	12,800	15,150	17,600	19,350	20,350
ELEVATOR-STRUCTURE	16,000	18,650	23,600	------	------	------	------
SANTA MARIA:							
DETACHED AND SEMIDETACHED	9,100	10,850	13,450	16,050	19,300	21,550	22,550
ROW DWELLINGS	8,450	10,250	12,600	15,050	18,050	20,150	21,000
WALKUP	8,250	10,300	13,000	15,300	17,700	19,550	20,550
ELEVATOR-STRUCTURE	16,300	19,050	24,050	------	------	------	------
TEHACHAPI:							
DETACHED AND SEMIDETACHED	9,100	10,850	13,450	16,050	19,300	21,550	22,550
ROW DWELLINGS	8,450	10,250	12,600	15,050	18,050	20,150	21,000
WALKUP	8,250	10,300	13,000	15,300	17,700	19,550	20,550
ELEVATOR-STRUCTURE	16,300	19,050	24,050	------	------	------	------
VENTURA:							
DETACHED AND SEMIDETACHED	8,800	10,550	13,100	15,600	18,750	20,950	21,950
ROW DWELLINGS	8,200	9,950	12,250	14,600	17,550	19,550	20,400
WALKUP	8,000	10,050	12,600	14,950	17,250	19,050	20,000
ELEVATOR-STRUCTURE	15,900	18,500	23,350	------	------	------	------
SANTA ANA:							
DETACHED AND SEMIDETACHED	9,100	10,900	13,500	16,100	19,400	21,550	22,600
ROW DWELLINGS	8,500	10,250	12,600	15,050	18,100	20,150	21,050
WALKUP	8,300	10,300	13,050	15,350	17,800	19,600	20,600
ELEVATOR-STRUCTURE	16,650	19,300	24,450	------	------	------	------
SACRAMENTO:							
DETACHED AND SEMIDETACHED	9,350	11,250	13,900	16,500	19,900	22,150	23,150
ROW DWELLINGS	8,900	10,700	13,250	15,750	18,950	21,100	22,050
WALKUP	8,050	10,100	12,800	15,050	17,450	19,250	20,150
ELEVATOR-STRUCTURE	14,650	17,050	21,550	------	------	------	------
CHICO:							
DETACHED AND SEMIDETACHED	9,450	11,350	14,050	16,700	20,100	22,400	23,400
ROW DWELLINGS	9,000	10,800	13,400	15,900	19,150	21,300	22,300
WALKUP	7,600	9,500	12,050	14,150	16,400	18,150	19,000
ELEVATOR-STRUCTURE	14,850	17,200	21,750	------	------	------	------
DAVIS:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,850	20,250	22,550	23,550
ROW DWELLINGS	9,050	10,950	13,500	16,000	19,250	21,450	22,450
WALKUP	8,300	10,350	13,100	15,500	17,950	19,800	20,700
ELEVATOR-STRUCTURE	14,950	17,300	21,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
FT BIDWELL:							
DETACHED AND SEMIDETACHED	14,400	17,350	21,500	23,500	26,000	27,600	28,250
ROW DWELLINGS	13,700	16,500	20,450	22,350	24,750	25,700	26,700
WALKUP	12,200	14,650	18,200	19,850	22,000	22,850	23,750
ELEVATOR-STRUCTURE	16,250	18,800	23,750	------	------	------	------
PLACERVILLE:							
DETACHED AND SEMIDETACHED	9,350	11,250	14,000	16,600	20,000	22,250	23,250
ROW DWELLINGS	8,900	10,750	13,300	15,850	19,000	21,200	22,150
WALKUP	8,300	10,350	13,150	15,500	17,950	19,800	20,700
ELEVATOR-STRUCTURE	15,050	17,550	22,150	------	------	------	------
REDDING:							
DETACHED AND SEMIDETACHED	9,600	11,550	14,300	17,000	20,450	22,800	23,800
ROW DWELLINGS	9,150	11,050	13,600	16,200	19,450	21,700	22,700
WALKUP	8,300	10,350	13,150	15,500	17,950	19,800	20,700
ELEVATOR-STRUCTURE	15,050	17,550	22,150	------	------	------	------
STOCKTON:							
DETACHED AND SEMIDETACHED	9,350	11,250	13,900	16,500	19,900	22,150	23,150
ROW DWELLINGS	8,900	10,700	13,250	15,750	18,950	21,100	22,050
WALKUP	8,050	10,100	12,750	15,050	17,450	19,250	20,150
ELEVATOR-STRUCTURE	14,650	17,050	21,550	------	------	------	------
SUSANVILLE:							
DETACHED AND SEMIDETACHED	12,700	15,350	19,000	21,500	24,000	25,600	26,750
ROW DWELLINGS	12,100	14,600	18,100	20,450	22,850	24,350	25,450
WALKUP	10,750	13,000	16,100	18,200	20,300	21,650	22,650
ELEVATOR-STRUCTURE	14,850	17,200	21,750	------	------	------	------
YREKA:							
DETACHED AND SEMIDETACHED	9,650	11,650	14,350	17,100	20,600	22,950	23,950
ROW DWELLINGS	9,200	11,100	13,700	16,300	19,600	21,800	22,850
WALKUP	8,350	10,400	13,200	15,600	18,050	19,900	20,850
ELEVATOR-STRUCTURE	15,150	17,650	22,300	------	------	------	------
SAN FRANCISCO:							
DETACHED AND SEMIDETACHED	14,300	17,250	21,350	25,400	30,600	34,050	35,600
ROW DWELLINGS	13,650	16,500	20,300	24,250	29,100	32,450	33,900
WALKUP	11,950	14,850	18,800	22,200	25,750	28,350	29,700
ELEVATOR-STRUCTURE	18,550	21,550	27,200	------	------	------	------
FRESCO:							
DETACHED AND SEMIDETACHED	9,800	11,750	14,550	17,300	20,850	23,200	24,250
ROW DWELLINGS	9,300	11,250	13,900	16,550	19,850	22,150	23,150
WALKUP	8,050	9,950	12,650	14,850	17,250	19,050	19,950
ELEVATOR-STRUCTURE	16,500	19,200	24,300	------	------	------	------
GRINDSTONE:							
DETACHED AND SEMIDETACHED	12,700	15,350	19,000	21,500	24,000	25,600	26,750
ROW DWELLINGS	12,100	14,600	18,100	20,450	22,850	24,350	25,450
WALKUP	10,750	13,000	16,100	18,200	20,300	21,650	22,650
ELEVATOR-STRUCTURE	14,850	17,200	21,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
HOOPA:							
DETACHED AND SEMIDETACHED	14,400	17,350	21,500	23,500	26,000	27,000	28,250
ROW DWELLINGS	13,700	16,500	20,450	22,350	24,750	25,700	26,700
WALKUP	12,200	14,650	18,200	19,850	22,000	22,850	23,750
ELEVATOR-STRUCTURE	16,250	18,800	23,750	-------	-------	-------	-------
MODESTO:							
DETACHED AND SEMIDETACHED	10,300	12,500	15,400	18,300	22,050	24,550	25,700
ROW DWELLINGS	9,800	11,900	14,650	17,450	20,900	23,300	24,450
WALKUP	8,150	10,150	12,850	15,100	17,500	19,350	20,200
ELEVATOR-STRUCTURE	14,850	17,200	21,750	-------	-------	-------	-------
SAN JOSE:							
DETACHED AND SEMIDETACHED	10,900	13,150	16,250	19,350	23,300	25,950	27,100
ROW DWELLINGS	10,400	12,550	15,450	18,450	22,150	24,700	25,800
WALKUP	8,950	11,100	14,050	16,600	19,250	21,200	22,200
ELEVATOR-STRUCTURE	15,450	17,950	22,650	-------	-------	-------	-------
SAN RAFAEL:							
DETACHED AND SEMIDETACHED	10,350	12,500	15,400	18,350	22,050	24,600	25,700
ROW DWELLINGS	9,900	11,900	14,650	17,500	21,000	23,450	24,500
WALKUP	9,950	12,300	15,550	18,350	21,350	23,450	24,650
ELEVATOR-STRUCTURE	15,200	17,650	22,250	-------	-------	-------	-------
SAN DIEGO:							
DETACHED AND SEMIDETACHED	9,750	11,700	14,550	17,250	20,750	23,150	24,150
ROW DWELLINGS	9,300	11,200	13,850	16,450	19,750	22,050	23,100
WALKUP	7,950	9,900	12,600	14,800	17,150	18,900	19,800
ELEVATOR-STRUCTURE	15,950	18,550	23,450	-------	-------	-------	-------
EL CAJON:							
DETACHED AND SEMIDETACHED	9,750	11,700	14,550	17,250	20,750	23,150	24,150
ROW DWELLINGS	9,300	11,200	13,850	16,450	19,750	22,050	23,100
WALKUP	8,150	10,150	12,950	15,250	17,650	19,400	20,350
ELEVATOR-STRUCTURE	15,950	18,550	23,450	-------	-------	-------	-------
ARROWHEAD:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,350	18,350	22,050	24,550	25,700
ROW DWELLINGS	9,650	11,700	14,350	17,150	20,650	22,950	24,000
WALKUP	8,450	10,550	13,300	15,750	18,300	20,050	21,100
ELEVATOR-STRUCTURE	17,100	20,100	25,550	-------	-------	-------	-------
BARSTOW:							
DETACHED AND SEMIDETACHED	10,150	12,150	15,050	18,050	21,600	24,100	25,200
ROW DWELLINGS	9,500	11,450	14,050	16,850	20,200	22,550	23,500
WALKUP	8,300	10,300	13,050	15,400	17,800	19,600	20,650
ELEVATOR-STRUCTURE	17,000	19,750	25,050	-------	-------	-------	-------
BIG BEAR:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,350	18,350	22,050	24,550	25,700
ROW DWELLINGS	9,650	11,700	14,350	17,150	20,650	22,950	24,000
WALKUP	8,450	10,550	13,300	15,750	18,300	20,050	21,100
ELEVATOR-STRUCTURE	17,300	20,100	25,550	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
DESERT CENTER:							
DETACHED AND SEMIDETACHED	10,050	12,050	14,950	17,800	21,450	23,900	25,050
ROW DWELLINGS	9,400	11,350	13,950	16,650	20,050	22,300	23,350
WALKUP	8,250	10,200	12,900	15,300	17,700	19,450	20,450
ELEVATOR-STRUCTURE	16,850	19,650	24,800	-------	-------	-------	-------
NEEDLES:							
DETACHED AND SEMIDETACHED	10,150	12,150	15,050	18,050	21,600	24,100	25,200
ROW DWELLINGS	9,500	11,450	14,050	16,850	20,200	22,550	23,500
WALKUP	8,300	10,300	13,050	15,400	17,800	19,600	20,650
ELEVATOR-STRUCTURE	17,000	19,750	25,050	-------	-------	-------	-------
VICTORVILLE:							
DETACHED AND SEMIDETACHED	10,150	12,150	15,050	18,050	21,600	24,100	25,200
ROW DWELLINGS	9,500	11,450	14,050	16,850	20,200	22,550	23,500
WALKUP	8,300	10,300	13,050	15,400	17,800	19,600	20,650
ELEVATOR-STRUCTURE	17,000	19,750	25,050	-------	-------	-------	-------
HAWAII							
HONOLULU:							
DETACHED AND SEMIDETACHED	13,100	15,850	19,550	23,250	30,200	31,150	32,600
ROW DWELLINGS	12,500	15,050	18,600	22,100	26,600	29,700	31,050
WALKUP	11,200	13,950	17,700	20,900	24,200	26,650	28,000
ELEVATOR-STRUCTURE	14,800	17,250	21,800	-------	-------	-------	-------
HILO:							
DETACHED AND SEMIDETACHED	14,450	17,450	21,500	25,600	30,800	34,250	35,950
ROW DWELLINGS	13,700	16,550	20,450	24,300	29,250	32,600	34,100
WALKUP	12,400	15,350	19,500	23,050	26,650	29,350	30,800
ELEVATOR-STRUCTURE	16,300	18,650	23,950	-------	-------	-------	-------
KAUAI:							
DETACHED AND SEMIDETACHED	15,100	18,350	22,550	26,850	32,450	36,000	37,700
ROW DWELLINGS	14,400	17,400	21,500	25,450	30,750	34,300	35,800
WALKUP	12,600	15,700	19,850	23,500	27,250	30,000	31,450
ELEVATOR-STRUCTURE	16,650	19,350	24,500	-------	-------	-------	-------
KONO:							
DETACHED AND SEMIDETACHED	14,650	17,850	21,950	26,150	31,550	35,000	36,650
ROW DWELLINGS	14,000	16,900	20,900	24,750	29,900	33,350	34,800
WALKUP	12,600	15,700	19,850	23,500	27,250	30,000	31,450
ELEVATOR-STRUCTURE	16,650	19,350	24,500	-------	-------	-------	-------
MAUI:							
DETACHED AND SEMIDETACHED	14,350	17,350	21,300	25,400	30,600	34,050	35,600
ROW DWELLINGS	13,650	16,450	20,350	24,100	29,100	32,450	33,950
WALKUP	12,250	15,250	19,350	22,850	26,450	29,150	30,650
ELEVATOR-STRUCTURE	16,200	18,850	23,800	-------	-------	-------	-------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
HAWAII--CONTINUED							
GUAM:							
DETACHED AND SEMIDETACHED	12,000	14,500	17,900	21,300	25,700	28,550	29,900
ROW DWELLINGS	11,450	13,750	17,000	20,200	24,500	27,150	28,400
WALKUP	10,250	12,700	16,150	19,100	22,150	24,300	25,550
ELEVATOR-STRUCTURE	13,550	15,800	20,000	------	------	------	------
NEVADA							
RENO:							
DETACHED AND SEMIDETACHED	9,600	11,500	14,250	16,950	20,450	22,750	23,800
ROW DWELLINGS	9,100	11,000	13,550	16,100	19,400	21,700	22,600
WALKUP	8,900	11,000	14,050	16,600	19,200	21,200	22,150
ELEVATOR-STRUCTURE	15,200	17,700	22,300	------	------	------	------
LAS VEGAS:							
DETACHED AND SEMIDETACHED	9,900	11,900	14,850	17,650	21,150	23,650	24,750
ROW DWELLINGS	9,450	11,400	14,050	16,700	20,150	22,500	23,450
WALKUP	9,200	11,350	14,450	17,050	19,800	21,800	22,800
ELEVATOR-STRUCTURE	15,650	18,150	22,950	------	------	------	------
REGION X							
ALASKA							
ANCHORAGE:							
DETACHED AND SEMIDETACHED	14,650	17,700	21,850	26,100	31,300	34,800	36,500
ROW DWELLINGS	13,950	16,850	20,800	24,700	29,900	33,200	34,700
WALKUP	11,950	14,900	18,850	22,350	25,850	28,450	29,950
ELEVATOR-STRUCTURE	18,800	21,900	27,700	------	------	------	------
FAIRBANKS:							
DETACHED AND SEMIDETACHED	15,600	18,850	23,250	27,800	33,400	37,100	38,900
ROW DWELLINGS	14,900	18,000	22,150	26,350	31,850	35,400	37,000
WALKUP	12,700	15,450	20,100	23,750	27,550	30,350	31,900
ELEVATOR-STRUCTURE	19,950	23,150	29,300	------	------	------	------
JUNEAU:							
DETACHED AND SEMIDETACHED	14,150	17,150	21,050	25,200	30,200	33,650	35,300
ROW DWELLINGS	13,550	16,350	20,200	24,050	29,050	32,250	33,700
WALKUP	11,950	14,900	18,900	22,350	25,850	28,500	29,950
ELEVATOR-STRUCTURE	18,200	21,200	26,750	------	------	------	------
KETCHIKAN:							
DETACHED AND SEMIDETACHED	14,100	17,050	21,000	25,100	30,050	33,500	35,100
ROW DWELLINGS	13,400	16,200	20,000	23,750	28,700	31,850	33,350
WALKUP	12,000	14,950	18,950	22,400	25,950	28,600	30,050
ELEVATOR-STRUCTURE	18,400	21,400	27,050	------	------	------	------
KODIAK:							
DETACHED AND SEMIDETACHED	14,100	17,050	21,000	25,100	30,100	33,500	35,150
ROW DWELLINGS	13,400	16,200	20,000	23,750	28,700	31,850	33,350
WALKUP	12,000	14,950	18,950	22,450	25,950	28,600	30,050
ELEVATOR-STRUCTURE	18,500	21,500	27,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
ALASKA--CONTINUED							
SITKA:							
DETACHED AND SEMIDETACHED	14,150	17,100	21,100	25,200	30,200	33,650	35,250
ROW DWELLINGS	13,550	16,300	20,100	23,850	28,800	32,050	33,550
WALKUP	12,100	15,150	19,150	22,750	26,300	28,900	30,350
ELEVATOR-STRUCTURE	18,950	22,100	27,900	------	------	------	------
KENAI:							
DETACHED AND SEMIDETACHED	16,250	19,650	24,300	28,900	34,700	38,800	40,500
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
YAKUTAT:							
DETACHED AND SEMIDETACHED	16,250	19,650	24,300	28,900	34,700	38,800	40,500
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
FORT YUKON:							
DETACHED AND SEMIDETACHED	26,800	32,500	40,200	47,850	58,350	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
GALENA:							
DETACHED AND SEMIDETACHED	28,750	35,000	43,200	51,450	62,700	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
COASTAL AREA, NORTH OF ALEUTIANS:							
DETACHED AND SEMIDETACHED	32,450	39,450	48,700	57,950	70,750	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
TOK JUNCTION:							
DETACHED AND SEMIDETACHED	24,800	30,100	37,150	44,250	53,950	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
BARTER ISLAND, NORTH COASTAL AREA:							
DETACHED AND SEMIDETACHED	33,400	40,600	50,100	59,650	72,800	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
INLAND AREA, NORTH OF ALEUTIANS:							
DETACHED AND SEMIDETACHED	36,850	45,050	55,600	66,250	80,750	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
IDAHO							
BOISE:							
DETACHED AND SEMIDETACHED	9,600	11,650	14,300	17,100	20,600	22,850	24,000
ROW DWELLINGS	9,150	11,050	13,600	16,250	19,550	21,800	22,800
WALKUP	8,650	10,750	13,650	16,150	18,600	20,600	21,550
ELEVATOR-STRUCTURE	12,250	14,250	18,050	------	------	------	------
IDAHO FALLS:							
DETACHED AND SEMIDETACHED	9,950	12,100	14,850	17,750	21,350	23,750	24,850
ROW DWELLINGS	9,500	11,500	14,150	16,850	20,300	22,650	24,150
WALKUP	9,000	11,150	14,150	16,800	19,350	21,400	22,450
ELEVATOR-STRUCTURE	12,700	14,750	18,700	------	------	------	------
MCCALL:							
DETACHED AND SEMIDETACHED	10,100	12,200	14,950	17,950	21,500	23,900	25,100
ROW DWELLINGS	9,600	11,600	14,250	17,000	20,500	22,800	23,900
WALKUP	9,100	11,300	14,300	16,900	19,500	21,600	22,600
ELEVATOR-STRUCTURE	12,800	14,850	18,900	------	------	------	------
POCATELLO:							
DETACHED AND SEMIDETACHED	10,550	12,850	15,800	18,900	22,750	25,250	26,500
ROW DWELLINGS	10,150	12,250	15,050	17,950	21,550	24,050	25,200
WALKUP	9,500	11,950	15,100	17,850	20,600	22,800	23,900
ELEVATOR-STRUCTURE	13,550	15,750	19,900	------	------	------	------
TWIN FALLS:							
DETACHED AND SEMIDETACHED	10,500	12,750	15,700	18,750	22,600	25,100	26,350
ROW DWELLINGS	10,000	12,100	14,950	16,250	21,400	23,850	25,050
WALKUP	9,450	11,800	15,000	17,700	20,450	22,600	23,700
ELEVATOR-STRUCTURE	13,450	15,650	19,750	------	------	------	------
LEWISTON:							
DETACHED AND SEMIDETACHED	10,300	12,500	15,450	18,300	22,100	24,600	25,750
ROW DWELLINGS	9,850	11,900	14,700	17,450	21,050	23,400	24,450
WALKUP	8,600	10,650	13,550	15,950	18,450	20,350	21,400
ELEVATOR-STRUCTURE	12,600	14,700	18,550	------	------	------	------
OREGON							
PORTLAND:							
DETACHED AND SEMIDETACHED	9,300	11,200	13,800	16,550	19,850	22,050	23,100
ROW DWELLINGS	8,800	10,700	13,250	15,650	18,900	21,000	21,950
WALKUP	7,650	9,550	12,100	14,250	16,600	18,250	19,200
ELEVATOR-STRUCTURE	12,200	14,100	17,850	------	------	------	------
ONTARIO:							
DETACHED AND SEMIDETACHED	9,900	11,950	14,650	17,600	21,100	23,500	24,650
ROW DWELLINGS	9,450	11,350	14,000	16,650	20,100	22,400	23,500
WALKUP	8,200	10,200	12,900	15,300	17,600	19,500	20,400
ELEVATOR-STRUCTURE	12,800	14,850	18,900	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
OREGON--CONTINUED							
BEND:							
DETACHED AND SEMIDETACHED	9,050	10,900	13,400	16,100	19,350	21,450	22,500
ROW DWELLINGS	8,550	10,400	12,900	15,250	18,400	20,450	21,350
WALKUP	7,300	9,100	11,550	13,600	15,850	17,400	18,300
ELEVATOR-STRUCTURE	12,200	14,100	17,850	------	------	------	------
COOS BAY:							
DETACHED AND SEMIDETACHED	9,100	11,000	13,500	16,250	19,500	21,650	22,650
ROW DWELLINGS	8,600	10,450	12,950	15,300	18,500	20,550	21,450
WALKUP	7,850	9,800	12,400	14,650	17,100	18,750	19,750
ELEVATOR-STRUCTURE	12,500	14,500	18,250	------	------	------	------
EUGENE:							
DETACHED AND SEMIDETACHED	8,650	10,500	12,900	15,500	18,550	20,650	21,600
ROW DWELLINGS	8,200	10,000	12,400	14,650	17,650	19,650	20,500
WALKUP	7,050	8,350	11,200	13,200	15,350	16,900	17,750
ELEVATOR-STRUCTURE	11,950	13,850	17,550	------	------	------	------
MEDFORD:							
DETACHED AND SEMIDETACHED	8,800	10,600	13,050	15,650	17,800	20,900	21,850
ROW DWELLINGS	8,350	10,100	12,550	14,800	17,900	19,900	20,750
WALKUP	7,500	9,300	11,800	13,900	16,200	17,850	18,800
ELEVATOR-STRUCTURE	12,100	13,950	17,700	------	------	------	------
WEST SALEM:							
DETACHED AND SEMIDETACHED	8,900	10,800	13,250	15,950	19,100	21,200	22,250
ROW DWELLINGS	8,450	10,300	12,750	15,050	18,200	20,200	21,100
WALKUP	7,300	9,100	11,500	13,550	15,800	17,400	18,300
ELEVATOR-STRUCTURE	12,250	14,250	17,950	------	------	------	------
WASHINGTON							
SEATTLE:							
DETACHED AND SEMIDETACHED	9,800	11,850	14,600	17,450	20,950	23,250	24,400
ROW DWELLINGS	9,300	11,250	13,900	16,550	19,900	22,150	23,150
WALKUP	8,600	10,700	13,550	16,000	18,550	20,400	21,450
ELEVATOR-STRUCTURE	14,450	16,800	21,200	------	------	------	------
PORT ANGELES:							
DETACHED AND SEMIDETACHED	10,050	12,100	14,950	17,850	21,500	23,900	25,000
ROW DWELLINGS	9,550	11,550	14,200	16,950	20,450	22,700	23,800
WALKUP	8,400	10,450	13,250	15,600	18,100	19,950	20,950
ELEVATOR-STRUCTURE	14,800	17,250	21,800	------	------	------	------
LONGVIEW:							
DETACHED AND SEMIDETACHED	10,100	12,200	15,050	18,000	21,650	24,050	25,200
ROW DWELLINGS	9,650	11,700	14,350	17,050	20,600	22,950	23,950
WALKUP	8,900	11,050	14,000	16,550	19,150	21,150	22,150
ELEVATOR-STRUCTURE	14,900	17,400	21,950	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
WASHINGTON--CONTINUED							
ABERDEEN:							
DETACHED AND SEMIDETACHED	9,900	11,950	14,700	17,600	21,200	23,500	24,600
ROW DWELLINGS	9,350	11,350	14,000	16,700	20,100	22,300	23,400
WALKUP	8,650	10,800	13,700	16,100	18,700	20,650	21,650
ELEVATOR-STRUCTURE	14,550	16,900	21,450	-------	-------	-------	-------
BELLINGHAM:							
DETACHED AND SEMIDETACHED	9,900	11,950	14,700	17,600	21,200	23,500	24,600
ROW DWELLINGS	9,350	11,350	14,000	16,700	20,100	22,300	23,400
WALKUP	8,650	10,800	13,700	16,100	18,700	20,650	21,650
ELEVATOR-STRUCTURE	14,550	16,900	21,450	-------	-------	-------	-------
OLYMPIA:							
DETACHED AND SEMIDETACHED	9,900	11,950	14,700	17,600	21,200	23,500	24,600
ROW DWELLINGS	9,350	11,350	14,000	16,700	20,100	22,300	23,400
WALKUP	8,650	10,800	13,700	16,100	18,700	20,650	21,650
ELEVATOR-STRUCTURE	14,550	16,900	21,450	-------	-------	-------	-------
YAKIMA:							
DETACHED AND SEMIDETACHED	10,250	12,450	15,250	18,300	22,000	24,500	25,700
ROW DWELLINGS	9,950	11,850	14,650	17,400	20,950	23,300	24,300
WALKUP	8,550	10,650	13,550	16,050	18,550	20,500	21,500
ELEVATOR-STRUCTURE	15,200	17,700	22,400	-------	-------	-------	-------
SPOKANE:							
DETACHED AND SEMIDETACHED	10,200	12,350	15,250	18,100	21,800	24,300	25,450
ROW DWELLINGS	9,500	11,450	14,150	16,800	20,300	22,550	23,600
WALKUP	8,950	11,100	14,150	16,650	19,300	21,300	22,350
ELEVATOR-STRUCTURE	13,500	15,700	19,900	-------	-------	-------	-------
CHENEY:							
DETACHED AND SEMIDETACHED	10,300	12,500	15,450	18,350	22,150	24,650	25,750
ROW DWELLINGS	9,600	11,650	14,350	17,050	20,550	22,850	23,900
WALKUP	8,200	10,200	12,950	15,250	17,650	19,450	20,450
ELEVATOR-STRUCTURE	13,650	15,950	20,100	-------	-------	-------	-------
COEUR D ALENE:							
DETACHED AND SEMIDETACHED	10,250	12,400	15,350	18,250	22,000	24,500	25,600
ROW DWELLINGS	9,550	11,550	14,250	16,900	20,450	22,700	23,750
WALKUP	8,700	10,750	13,750	16,150	18,700	20,700	21,650
ELEVATOR-STRUCTURE	13,600	15,850	20,000	-------	-------	-------	-------
KENNEWICK:							
DETACHED AND SEMIDETACHED	10,400	12,600	15,500	18,500	22,250	24,750	25,900
ROW DWELLINGS	9,900	11,950	14,750	17,600	21,150	23,500	24,600
WALKUP	9,050	11,200	14,300	16,800	19,450	21,450	22,550
ELEVATOR-STRUCTURE	14,700	17,100	21,650	-------	-------	-------	-------
PULLMAN:							
DETACHED AND SEMIDETACHED	10,700	12,900	15,950	19,000	22,850	25,450	26,600
ROW DWELLINGS	10,200	12,350	15,150	18,050	21,700	24,200	25,300
WALKUP	9,150	11,350	14,450	17,050	19,750	21,850	22,800
ELEVATOR-STRUCTURE	14,850	17,350	21,950	-------	-------	-------	-------

[FR Doc.74-11168 Filed 5-16-74;8:45 am]

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(Revised as of January 1, 1974)

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federal register

May 20, 1974—Pages 17747–17823

MONDAY, MAY 20, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 98
Pages 17747–17823



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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Allocation of Tobacco Inspection Service and Eligibility for Price Support

On April 10, 1974, a notice of rulemaking was published in the FEDERAL REGISTER (39 FR 13008) containing proposals by the Department to amend its regulations relating to tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart A—Tobacco Loan Program (7 CFR Part 1464) to require the producer to designate the warehouse in which he desires to market his tobacco and comply with other specified conditions before such tobacco will be eligible for price support, by adding a new Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-cured Tobacco on Designated Markets (7 CFR Part 29) and by amending Part 725 (7 CFR Part 725) to conform those regulations to the amendments in Parts 29 and 1464. The aforesaid policy statement and regulations are statements of agency policy and rules and regulations issued pursuant to the authority of the Tobacco Inspection Act (49 Stat. 731, 7 CFR 511 et seq.); the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended (15 U.S.C. 714 et seq.)); the Agricultural Act of 1949, as amended (63 Stat. 1051 (7 U.S.C. 1421 et seq.)); and the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended (7 U.S.C. 1301, 1314, 1371, 1375)).

Interested persons were afforded opportunity to file written data, views and arguments on the proposals and a substantial number were received. After consideration of all relevant material, including the proposals set forth in the aforesaid notice, the data, views, and arguments filed thereon, and other available information, it is concluded that such amendments to the tobacco inspection and price support regulations should be made effective with the modifications set forth below.

Statement of consideration. Under the amended regulations, price support will be provided at each warehouse only to the producers whose farms are within limited distances from the warehouse, and only the producers who had previously designated the warehouses for the marketing of all or specific quantities of their tobacco. Tobacco inspection will be provided throughout the marketing season by apportioning the available inspectors to each marketing area on the basis of the estimated quantity of tobacco ready for marketing in each market area. Such assignment of inspectors will be made by the Secretary of Agriculture after considering the recommendations of a Flue-Cured Tobacco Advisory Committee appointed by the Secretary pursuant to the Federal Advisory Committee Act. In the past, a producer could obtain price support at any warehouse, and the Secretary, in cooperating with the industry, assigned inspectors to all warehouses largely on the basis of schedules recommended by an industry marketing committee and representatives of the various markets.

The facilities available for processing flue-cured tobacco limit the quantity of tobacco which may be marketed, without creating market gluts, to about 85 million pounds per week. This is substantially less than the quantities which are actually ready for marketing and which producers are anxious to market during most weeks of the marketing season. It is also substantially less than the weekly quantities which (i) could be purchased by the sets of buyers which are available to serve all warehouses, or (ii) could be inspected by the number of inspectors which the Secretary has available. In efforts to maintain orderly marketing in this situation, industry committees have for several years, established opening dates for the markets in the various belts, and limitations of the weekly purchases by each set of buyers so that total weekly marketings would not exceed the capacity of the available processing facilities. While the inspection of tobacco by the Secretary, largely in accordance with such opening date and selling schedules, has effectively controlled the quantity of weekly marketings, it has failed to equalize the opportunity of producers in all areas in marketing their tobacco and obtaining price support. With the markets opening first in the most southern areas (where tobacco matures earliest) and moving northward only as the marketing in each area is largely completed, producers in the more northern areas have not had local markets available when their tobacco was ready for market to the same extent as producers in the more southern areas. This has resulted in millions of pounds of tobacco being transported from the northern areas to the more southern markets by producers seeking to market as early as possible. In many instances, the tobacco transported to southern areas for marketing must be re-transported northward for processing. The movement of tobacco outside its production area for marketing also creates considerable disorder in the overall market situation. It displaces the sales opportunity of the producers in the vicinity of the markets to which it is transported, and delays the reassignment of the inspectors from the southern areas to the more northern areas. In the overall, these conditions have resulted in increasing the costs of marketing tobacco and in the inequity to producers as to their marketing opportunities.

Interested persons were invited to submit views and recommendations by April 25, 1974. Many responses were received. Some recommended that the proposal be adopted without change. Some objected to the proposal on the basis that it restricted the warehouses which producers could use, that it would prolong the time required to market the tobacco, and, that it would be disruptive to normal marketing processes. None of the reasons for opposition, however, were persuasive in showing that the proposal would not be in the best interest of the producers collectively, in that producers would have more equitable access to their local markets, there would be more orderly marketing and the time required to market the entire crop would likely be shortened. In several instances the features objected to by some respondents were the basis of others favoring the proposal.

Many of the responses recommended modifications to the proposal. The greatest number related to the distance limitation on the warehouses which could be designated. Some recommended no limitation, others recommended that the distance be increased to 100 miles, 110 miles and to 120 miles or more. However, it also appeared that many respondents were measuring the distance to the market from the farm rather than from the county seat. Upon considering these suggestions it is concluded that the proposed 80 miles may be unduly restrictive but that more than 100 miles would not be compatible with the objective of affording producers equitable access to their local markets. Accordingly, 100 miles is substituted for the 80 miles set forth in the proposal. Some recommended that changes in designation be allowed more frequently than set forth in the proposal. Some recommended that such changes be allowed at any time. If changes were allowed frequently or at any time the purpose of the designations would be defeated as the designations

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would not provide an adequate basis for determining the quantity of tobacco that would be sold at each warehouse and the inspection service and sales opportunity needed at each warehouse. However, after considerations of the recommendations, the proposed provisions are modified to provide that in addition to the periods set forth in the proposal for producers to change designations, changes may be made at any time with respect to tobacco designated for sale at warehouses which have ceased to operate or to have tobacco inspection or price support available.

There were objections to the provisions in the proposal that price support would not be available to tobacco sold at a warehouse which had sold in excess of the quantity allowed and had failed to reduce the quantity sold the following sales day so as to be in compliance with the opening date and selling schedule for the warehouse. It was argued that such would penalize producers rather than the warehouse for warehouse actions. This provision is modified to provide that if a warehouse sells in excess of the quantity allowed by the opening date and selling schedule and does not deduct such excess from the quantity allowed on either of the following two sales days, neither tobacco inspection nor price support will be allowed on the next succeeding day. Since compliance with the selling schedule by warehouses is essential in achieving the orderly and equitable marketing of the tobacco, this change in the sanction should provide incentive to warehouses toward such compliance.

It was recommended that the proposal be modified to specifically provide that, for the purpose of developing opening dates and selling schedules, any undesignated tobacco in any county be apportioned to the warehouses which were designated for the sale of tobacco produced in the county in the same proportion as the tobacco designated to such warehouses. This recommendation is adopted. Objection was also made that the May 31 date for the producer to designate his tobacco each year did not provide the warehouses sufficient time to prepare for the marketing season. Because of the lateness of the effective date of this regulation, a date earlier than May 31 could not be adopted for the 1974 crop. However, if 1974 crop experience shows that an earlier date would be more desirable, the program will be amended to adopt an earlier date for future years.

In the notice of proposed rulemaking, it was proposed that certain conforming amendments be made to Part 725 (7 CFR Part 725) of the regulations. However, a further review indicates that such proposed amendments to Part 725 are unnecessary and, therefore, they are not adopted.

It is hereby found and determined that thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) Producers, warehousemen and buyers are familiar with the amendments since notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning the amendments involved; (b) farmers, warehousemen and buyers are now making plans for the marketing of the 1974 flue-cured tobacco crop which is expected to begin before mid-July; and (c) it is necessary to provide as much time as possible prior to the start of marketing to allow producers to make their warehouse designations and for the other segments of the industry to make whatever preparations are necessary for the marketing of tobacco under the producer designation system.

Therefore, good cause exists for making the amendments to the regulations herein effective May 20, 1974.

Accordingly, Parts 29 and 1464 of this title are amended as follows:

The regulations governing tobacco inspection are amended by adding a new Subpart G as follows:

Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets

Sec.

29.9401 Definitions.
29.9402 Policy statement.
29.9403 Flue-Cured Tobacco Advisory Committee.
29.9404 Marketing area opening dates and marketing schedules.
29.9405 Issuance of marketing area opening date and selling schedules by the Secretary.
29.9406 Failure to comply with opening date and selling schedule by warehouses.

AUTHORITY: Tobacco Inspection Act, 49 Stat. 731 (7 U.S.C. 511 et seq.); Commodity Credit Corporation Charter Act, 62 Stat. 1070, as amended (15 U.S.C. 714 et seq.).

Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets

§ 29.9401 Definitions.

As used in this Subpart, the following terms shall have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) "Marketing area" means a geographical area within the flue-cured tobacco production area specified by the Secretary each year on the basis of his determination that significant quantities of tobacco produced in such area are ready for marketing.

§ 29.9402 Policy statement.

The sets of inspectors available to serve the flue-cured marketing areas are currently adequate to provide inspection service as rapidly as tobacco can be purchased, handled and processed by the currently existing facilities of the buyers, and the lack of inspection personnel is not a limiting factor to accelerated marketings or the extension of price support to producers. The sets of buyers assigned to the flue-cured markets by the buying industry are adequate to purchase tobacco as rapidly as it can be handled and processed by the buyers' facilities. However, the tobacco ready for marketing during most weeks of the marketing season substantially exceeds the quantities which can be purchased, handled and processed by the currently existing facilities of the buyers. Moreover, the total number of flue-cured markets are substantially greater than the number of sets of buyers assigned by the buying companies or the number of sets of available inspectors. In this situation, about 6 months is required to market a year's crop of flue-cured tobacco and all warehouses cannot be served at the same time by the available sets of inspectors and the sets of buyers assigned by the buying companies. As additional sets of inspectors would not relieve the situation, inspection service will be provided by assigning the available inspectors to the various marketing areas and to warehouses within the marketing areas in a manner determined by the Secretary to provide the best and most equitable service to all growers.

§ 29.9403 Flue-Cured Tobacco Advisory Committee.

To assist the Secretary in making the apportionment and assignment of inspectors, a Flue-Cured Tobacco Advisory Committee, appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix I), shall advise and recommend to the Secretary marketing area opening dates and selling schedules for the flue-cured tobacco to be sold in each marketing area and in each warehouse within the marketing area.[1]

§ 29.9404 Marketing area opening dates and marketing schedules.

(a) The Flue-Cured Tobacco Advisory Committee shall recommend to the Secretary marketing areas in the flue-cured tobacco production area, marketing area opening dates and selling schedules for each marketing area and for the individual warehouses in each marketing area which specify the length of time inspectors will be available to inspect tobacco and/or the quantity of tobacco to be marketed in each area and through each warehouse within such marketing area. In developing such opening date and selling schedules, the committee shall take into account the following:

(1) When a sufficient volume of tobacco produced within a specific area of the flue-cured tobacco production area will be ready for marketing;

(2) The volume of tobacco ready for marketing which the producers have designated under § 1464.2(e) of this title to be sold at specific warehouses and also the volume of tobacco ready for market which has not been so designated by the producers; for the purpose of developing opening date and selling schedules, the committee shall consider any undesignated tobacco in any county as being distributed to the warehouses which were designated for the sale of tobacco produced in the county in the same proportion as the tobacco designated at such warehouses.

(3) The processing or redrying capacity of the industry and the number of inspectors available to provide inspection service during the specific period involved;

(4) Such other factors or information as may be necessary to develop an effective and equitable opening date and selling schedule.

(b) The Flue-Cured Tobacco Advisory Committee shall thereupon submit its recommended opening date and selling schedule and the geographic areas to be included in specific marketing areas to the Secretary together with a basis supporting its recommendations.

§ 29.9405 Issuance of marketing area opening date and selling schedules by the Secretary.

(a) The Secretary shall review the recommendations of the Flue-Cured Tobacco Advisory Committee and based upon such recommendations and the basis therefor and such other information as may be available to him, shall specify the geographic areas to be encompassed by specific marketing areas, set the opening dates for sale within the marketing areas and issue the selling schedules. The inspection of flue-cured tobacco shall be in accordance with such schedules.

(b) The Flue-Cured Tobacco Advisory Committee shall recommend modifications in the opening date and marketing schedule during the flue-cured tobacco marketing season as may be warranted by changes in marketing conditions and the Secretary shall act thereon in the same manner as approving the initial opening date and marketing schedules.

§ 29.9406 Failure to comply with opening date and selling schedule by warehouses.

Each warehouse shall comply with the opening date and selling schedule issued by the Secretary. If on any sales day a warehouse sells tobacco in excess of that allowed by such schedule, such excess amount shall be deducted from the quantity of tobacco authorized to be sold at that warehouse on either of the following two sales days. If such reduction in the quantity of tobacco sold is not made by the warehouse within such two days, no tobacco inspection or price support services shall be made available at such warehouse on the next succeeding sales day.

[1] It is contemplated that for the 1974 marketing year, the current Industry-Wide Flue-Cured Marketing Committee will be appointed as the Flue-Cured Tobacco Advisory Committee.

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 5]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

(1) In § 1464.2, paragraphs (e) (2) and (3) are redesignated paragraphs (e) (3) and (4) respectively and a new paragraph (e) (2) is added as follows:

§ 1464.2 Availability of price support.

* * * * * *

(e) * * *

(2) For flue-cured tobacco offered for sale at auction warehouses, price support will be available only on tobacco which has been designated for sale at specified warehouses by the producer under the following conditions:

(i) *Definition.* "Producer" as used in this subparagraph means the person who was issued the tobacco marketing card pursuant to Part 725 of this title.

(ii) *Producer designation of warehouses.* Producers will be required, as a condition of price support, to designate the warehouses at which they will market their tobacco. Such designations may be at any warehouse or warehouses in any market within a radius of 100 miles from the county seat of the county in which the farm is located, or if such farm is physically within two counties, then from the county seat of the county in which the county ASCS office administering that farm is located. To the extent that there are less than eight markets within such radius, any warehouse or warehouses in any of the eight markets nearest to the county seat may be designated. A producer may obtain price support only in a warehouse he has designated, and at each such warehouse only with respect to the quantity of tobacco he designated for sale at such warehouse.

(iii) *When producer designations shall be made.* Producer designations of the warehouse or warehouses at which they will market their tobacco shall be made each year during a period which shall be announced by the county ASCS office in their county prior to the start of the period. Such period shall be prior to May 31 each year, except for the 1974 crop, such period shall be prior to June 15. Producers who lease quota after such period may designate the warehouse or warehouses at which the leased pounds will be marketed at the time the lease is filed at the county ASCS office. During the five workdays ending on the first Friday of each calendar month after any flue-cured marketing area has opened for inspection and sale of tobacco, producers in any part of the flue-cured production area may change their designations with respect to that portion of their tobacco then remaining to be marketed. Producers who have designated warehouses which cease to operate or cease to have tobacco inspection or price support available may change their designations of such warehouses at any time subsequent to such occurrences.

(iv) *Form and content of designations.* A designation shall be made by each producer for each warehouse at which he desires to market his tobacco by executing a form provided by the county ASCS office. The producer will be required to indicate on such form the name of the warehouse or warehouses designated by him and the pounds of flue-cured tobacco he desires to sell at each such warehouse as well as any other information requested on such form.

(v) *Issuing warehouse designation card.* The county ASCS office shall execute and furnish the producer a warehouse designation card for each warehouse which the producer designates. Changes in designation by the producer shall be accomplished by the producer returning his warehouse designation card to the county ASCS office and requesting the transfer of any unmarketed pounds of flue-cured tobacco shown on any warehouse designation card to a warehouse designation card for another eligible warehouse or warehouses.

(vi) *Use of warehouse designation cards by warehouses.* (*a*) The warehouse shall enter on the warehouse designation card the date of sale and the pounds of that producer's tobacco sold as well as any other information requested from the warehouse on such card;

(*b*) A separate sale bill marked "no price support" shall be prepared for that quantity of tobacco weighed in that is in excess of the pounds designated as shown on the warehouse designation card;

(*c*) The warehouse shall mark "no price support" on the sale bill for any tobacco for which the producer failed to present the warehouse a warehouse designation card.

(vii) *Availability of designation information.* Each county ASCS office shall send all designations received to the Flue-Cured Tobacco Cooperative Stabilization Corporation, Raleigh, North Carolina, following each designation period and each period for changing designations. That corporation shall inform the Flue-Cured Tobacco Advisory Committee of the pounds designated to each warehouse and the pounds of any undesignated tobacco which, for the purpose of recommending opening dates and selling schedules in accordance with Part 29 of this title, is available for apportioning for sale at each warehouse. That corporation also shall furnish each warehouse the name and address of the producers who designated the warehouse, the

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pounds each designated and the pounds which represent 110 percent of the marketing quota of each such producer.

(viii) *Failure to comply with opening date and selling schedule by warehouses.* If on any sales day a warehouse sells tobacco in excess of that allowed by the opening date and selling schedule issued in accordance with Part 29 of this title, such excess amount shall be deducted from the quantity of tobacco authorized to be sold at that warehouse on either of the following two sales days. If such reduction in quantity of tobacco sold is not made by the warehouse within such two days, no tobacco inspection or price support shall be made available at such warehouse on the next succeeding sales day.

* * * * *

(2) In § 1464.8 paragraphs (e), (f), (g), (h) and (i) are redesignated as paragraphs (f), (g), (i) and (j) respectively and a new paragraph (e) is added as follows:

§ 1464.8 Eligible tobacco.

* * * * *

(e) If flue-cured tobacco which was delivered to the association through an auction warehouse is a quantity which, when added to previous marketings of that producer at that warehouse, does not exceed the quantity designated by the producer for marketing at that warehouse.

* * * * *

Effective date. The foregoing amendments and revisions shall become effective May 20, 1974.

Done at Washington, D.C., this 15th day of May 1974.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.74-11520 Filed 5-17-74;8:45 am]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Certain Federal Inspection Services

In FR Doc. 11092 appearing at page 17217 in the issue for Tuesday, May 14, 1974, the following correction should be made. In § 68.42a under the entry for "Appeal inspection:" the second indented line should read as follows:

"(b) Basis new sample ----------(*)".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 639]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 19-25, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.939 Lemon Regulation 639.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to improve. Average f.o.b. price was $6.02 per carton the week ended May 11, 1974, compared to $5.87 per carton the previous week. Track and rolling supplies at 155 cars were up 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at the meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 14, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 19, 1974, through May 25, 1974, is hereby fixed at 275,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-11551 Filed 5-16-74;11:44 am]

[Peach Regulation 4]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

This regulation requires that all California peaches, entering interstate commerce, grade at least U.S. No. 1. It also establishes minimum sizes for certain specified varieties and a minimum size for all other varieties. This action is necessary to assure that the peaches shipped will be of suitable quality and size in the interest of consumers and producers. The regulation is the same as that which regulates intrastate shipments of California peaches.

Findings. (1) Pursuant to the amended marketing agreement, and Order No. 917 (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation is based upon an appraisal of the current and prospective market conditions for California peaches. The committee estimates that 8,010,000 packages of peaches will be available for shipment in the 1974 season compared with actual shipment of 7,288,000 packages last season. Although peach production in the 9 Southern States is forecast at 21 percent less than last year, industry reports indicate that 1974 shipments of fresh California plums, and nectarines will be considerably larger than last year. Such plums and nectarines provide strong competition to California fresh peaches. The grade and size requirements hereinafter set forth are necessary to prevent the handling of California peaches of a lower grade or smaller size than specified herein for such peaches so as to provide good quality fruit in the interest of producers and consumer pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 18, 1974. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until May 9, 1974, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified was promptly submitted to the Department on May 10, 1974; shipments of the current crop of such peaches are currently underway; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical, as to minimum grade and size, with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.433 Peach Regulation 4.

(a) During the period May 18, 1974, through July 2, 1974, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade.

(2) Any package or container of Arm Gold, Early Amber, Desert Gold, Pat's Pride, Royal April, Royal Gold, Spring Gold, or Springtime variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 108 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, that is packed in accordance with the requirements of standard pack, measure not less than 2 inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any container may fail to meet such diameter requirement.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 18, 1974. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until May 9, 1974, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified was promptly submitted to the Department on May 10, 1974; shipments of the current crop of such peaches are currently underway; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical, as to minimum grade and size, with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.433 Peach Regulation 4.

(a) During the period May 18, 1974, through July 2, 1974, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade.

(2) Any package or container of Arm Gold, Early Amber, Desert Gold, Pat's Pride, Royal April, Royal Gold, Spring Gold, or Springtime variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 108 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, that is packed in accordance with the requirements of standard pack, measure not less than 2 inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any container may fail to meet such diameter requirement.

(3) Any package or container of Springcrest variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box that is packed in accordance with the requirements, of standard pack, measure not less than 2⅛ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any container may fail to meet such diameter requirement.

(4) Any package or container of Robin, any type of Babcock, Blazing Gold, Bonjour, Cardinal, Dixired, Gold Dust, June Lady, Merrill Gemfree, Royal May, or Early Coronet variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 88 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 75 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box, or a No. 12B standard peach box that is packed in accordance with the requirements of standard pack measure not less than 2¼ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(5) Any package or container of Aurora, Coronet, Indian Red, Merrill Beauty, Merrill Gem, Peterson Elberta, Red Haven, Regina, or Red Top variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box that is packed in accordance with the requirements of standard pack, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(6) Any package or container of Alamar, Angelus, Belmont, Carnival, Fairtime, Fay Elberta, Fayette, Fiesta, Fortyniner, Franciscan, Halloween, J. H. Hale, John Gee, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), Madera Gem, Maidens, Mardigras, Merricle, O'Henry, Pacifica, Pageant, Parade, Paradise, Preuss Suncrest, Regular Elberta, Red Globe, Red Lady, Rio Oso Gem, Royal Faye, Royal Hale, Scarlet Lady, Summerset, Summertime, Suncrest, Toreador, or William's Gem variety peaches unless:

(i) Such peaches when packed in a No. 22D lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the peach box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box that is packed in accordance with the requirements of standard pack, measure not less than 2⅞ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(b) During the period May 18, 1974, through June 30, 1974, no handler shall handle any package or container of any variety of peaches not specifically named in paragraphs (a) (2), (3), (4), (5), or (6) of this section unless:

(1) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(2) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than 2⅛ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any such container may fail to meet such diameter requirements.

(c) During the period July 1 and 2, 1974, no handler shall handle any package or container of any variety of peaches not specifically named in para-

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graphs (a) (2), (3), (4), (5) or (6) of this section unless:

(1) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the lug box; or

(2) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the peach box; or

(3) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(d) Peach Regulation 3 (38 FR 11064, 14815) is hereby terminated as of the effective date hereof.

(e) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," and "standard pack," shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–1223); "No. 22D standard lug box" and "No. 12B standard peach box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

Dated: May 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–11490 Filed 5–17–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

[Amdt. 5]

Subpart A—Tobacco Loan Program

CROSS REFERENCE: For a document concerning tobacco inspection and price support services with regard to flue-cured tobacco, and filed jointly by the Commodity Credit Corporation and the Agricultural Marketing Service, see FR Doc. 74–11520, *supra*.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–WA–14]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation regulations is to change the Using agency for Subareas A and B of Restricted Area R–3101 PMRFAC FOUR, Hawaii, and for Restricted Areas R–3104 A, B, and C Island of Kahoolawe, Hawaii, R–3107 A and B Kaula Rock, Hawaii, and R–3120 PMRFAC Five, Hawaii.

The change will correct the identity of the military organization for whom the restricted areas are designated.

Since designation of a different using agency is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, as it is essential that the correct using agency of the restricted areas be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation regulations is amended, effective May 20, 1974, as hereinafter set forth.

In § 73.31 (39 FR 664)

1. The Using agency for R–3101 PMRFAC FOUR, Hawaii, SUBAREA A, is changed to read as follows:

Using agency. Commanding Officer, Pacific Missile Range Facility, Hawaii (COPMRFAC HAWAII).

2. The Using agency for R–3101 PMRFAC FOUR, Hawaii, SUBAREA B, is changed to read as follows:

Using agency. Commanding Officer, Pacific Missile Range Facility, Hawaii (COPMRFAC HAWAII).

3. The Using agency for R–3104A Island of Kahoolawe, Hawaii, is changed to read as follows:

Using agency. Commander, Fleet Training Group Pearl Harbor (COMPLETRAGRU PEARL).

4. The Using agency for R–3104B Island of Kahoolawe, Hawaii, is changed to read as follows:

Using agency. Commander, Fleet Training Group Pearl Harbor (COMPLETRAGRU PEARL).

5. The Using agency for R–3104C Island of Kahoolawe, Hawaii, is changed to read as follows:

Using agency. Commander, Fleet Training Group Pearl Harbor (COMPLETRAGRU PEARL).

6. The Using agency for R–3107A Kaula Rock, Hawaii, is changed to read as follows:

Using agency. Commander, Fleet Training Group Pearl Harbor (COMPLETRAGRU PEARL).

7. The Using agency for R–3107B Kaula Rock, Hawaii, is changed to read as follows:

Using agency. Commander, Fleet Training Group Pearl Harbor (COMPLETRAGRU PEARL).

8. The Using agency for R–3120 PMRFAC FIVE, Hawaii, is changed to read as follows:

Using agency. Commanding Officer, Pacific Missile Range Facility Hawaii (COPMRFAC HAWAII).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 14, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–11436 Filed 5–17–74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–852; Amdt. No. 1]

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

Deletion of Procedural Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

Section 292.3 provides special procedural requirements relating to the filing and posting of documents affecting Alaskan air carriers in the Board's "Alaska Liaison Office."

Although the Board currently maintains an Alaska regional office in Anchorage, the functions of that office are not the same as those formerly performed by the "Alaska Liaison Office" referred to in § 292.3, which has not been maintained for some years. Thus, since the requirements prescribed by § 292.3 have been rendered obsolete by the discontinuation of the "Alaska Liaison Office," the section should be deleted.

In deleting these special procedural requirements which were previously applicable to all proceedings affecting Alaskan air carriers, it should be noted that the Board intends to prescribe, from time to time, such special procedural requirements as it may deem appropriate, to enable its Alaska regional office to serve as a readily accessible repository for copies of relevant materials filed with the Board in particular proceedings or types of proceedings.

Accordingly, we have determined to amend Part 292 by deleting the provisions of § 292.3.

Inasmuch as this amendment relates only to procedural requirements the Board finds that notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 292 of the Economic Regulations (14 CFR Part 292) effective May 15, 1974, as follows:

1. Amend the table of contents by deleting and reserving the title of § 292.3. As amended the Table of Contents will read in pertinent part:

* * * * *

§ 292.3 [Reserved]

* * * * *

2. Delete and reserve § 292.3 the section as amended to read as follows:

§ 292.3 [Reserved]

(Sec. 204(a) of the Federal Aviation Act of 1958 as amended, 72 Stat. 743; (49 U.S.C. 1324.))

Effective date: May 15, 1974.

Adopted: May 15, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–11478 Filed 5–17–74;8:45 am]

[Reg. ER–846; Amdt. 22]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Definition of Large Aircraft

Correction

In FR Doc. 74–10584 appearing at page 16341 in the issue for Wednesday, May 8, 1974, the following correction should be made. On page 16342, in the last paragraph of the first column, the first sentence should read as follows: "Similarly, the objections of some respondents to the exclusion of the Convair 240 and 340 or the Hawker Siddeley 748 rest implicitly on the fact that these were not expressly listed in Order 72–9–62 as aircraft that would not qualify under the air taxi exemption."

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8924]

PART 13—PROHIBITED TRADE PRACTICES

Edu-Cards Corp.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception; § 13.1057 Packaging deceptively; 13.1057–40 Oversized containers. Subpart—Misrepresenting oneself and goods—Goods: § 13.1698 Packaging deceptively. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively:* § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively,* 13.2100–10 Packaging.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Edu-Cards Corporation, Commack, N.Y., Docket 8924, Apr. 24, 1974]

In the Matter of Edu-Cards Corporation a Corporation

Consent order requiring a Commack, N.Y., manufacturer of toy, gift and hobby products, among other things to cease packaging its products in oversized containers creating appearance or impression that contents contained therein are of a greater size or quantity than is the fact.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Edu-Cards Corporation, a corporation, and its officers, agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of toy, gift and hobby merchandise and any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

*New.

1. Packaging said products in oversized boxes or other containers so as to create the appearance or impression that the width or thickness or other dimensions or quantity of products contained in a box or container is appreciably greater than is the fact; but nothing in this order shall be construed as forbidding respondent to use oversized containers if respondent justifies the use of such containers as necessary for the efficient packaging of the products contained therein and establishes that respondent has made all reasonable efforts to prevent any misleading appearance or impression from being created by such containers;

2. Providing wholesalers, retailers or other distributors of said products with any means or instrumentality with which to deceive the purchasing public in the manner described in paragraph (1) above.

It is further ordered, That respondent or its successors or assigns notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent distribute a copy of this order to all divisions and subsidiaries of said corporation and all firms and individuals involved in the formulation or implementation of respondent's business policies, and all firms and individuals engaged in the advertising, marketing, or sale of respondent's products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this Order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

Issued: April 24, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74–11471 Filed 5–17–74;8:45 am]

[Docket No. C–2496]

PART 13—PROHIBITED TRADE PRACTICES

Hutcheson Meats and Robert E. Brannan

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 *Business status, advantages or connections;* 13.15–70 Financing activities; § 13.73 *Formal regulatory and statutory requirements;* § 13.73–92 Truth in Lending Act; § 13.85 *Government approval, action, connection or standards;* § 13.85–60 Standards, specifications, or source; § 13.155 *Prices;* § 13.155–10 Bait; § 13.155–70 Percentage savings; § 13.155–95 Terms and conditions; § 13.155–95(a) Truth in Lending Act; § 13.155–100 Usual as reduced, special, etc.; § 13.175 *Quality of product or service;* § 13.180 *Quantity;* § 13.230 *Size or weight.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* § 13.1051–20 Adequate; Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 *Financing activities;* —Goods: § 13.1623 Formal regulatory and statutory requirements; § 13.1623–95 Truth in Lending Act; § 13.1715 *Quality;* § 13.1720 *Quantity;* § 13.1743 *Size or weight.* —Prices: § 13.1779 *Bait;* § 13.1823 *Terms and conditions;* § 13.1823–20 Truth in Lending Act; § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–75 Truth in Lending Act; § 13.1857 *Instruments' sale to finance companies;* § 13.1882 *Prices;* § 13.1886 *Quality, conditions;* § 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147 (15 U.S.C. 45, 52, 1601–1605)) [Cease and desist order, New Orleans Meats, Inc., doing business as Hutcheson Meats, et al., Kenner, La., Docket C–2496, Mar. 20, 1974]

In the Matter of New Orleans Meats, Inc., a Corporation, Doing Business as Hutcheson Meats, and Robert E. Brannan, Individually and as an Officer of Said Corporation

Consent order requiring a Kenner, La., seller and distributor of beef and other meat products, among other things to cease using bait advertisements; misrepresenting the price, quality, and quantity of its products; and violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent New Orleans Meats, Inc., a corporation, doing business as Hutcheson Meats, its successors and assigns, its officers and Robert E. Brannan, individually and as an officer of said corporation, respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of meat or other food products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement, or utilizing any sales presentation, which represents directly or by implication:

(a) That any products are offered for sale, when the purpose of such representation is not to sell the offered products,

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but to obtain prospects for the sale of other products at higher prices.

(b) That any product is offered for sale when such offer is not a bona fide offer to sell such product.

(c) That any meat offered for sale is high quality meat, which in fact is either ungraded or below the grades of "Prime" "Choice" and "Good", or which is yield grade 5 of the quality grade.

(d) That the meat a purchaser will receive or take home, when untrimmed beef sides, hindquarters, forequarters, or other untrimmed pieces, "Bundles", or "Packs" are sold, will consist, after cutting, dressing and trimming, entirely or primarily of steaks, or other high quality cuts, unless such is the fact.

2. Disseminating, or causing the dissemination of, any advertisement, or utilizing any sales presentation, which:

(a) Fails to disclose clearly, without ambiguity, and with prominence:

(1) That untrimmed beef sides, hindquarters, forequarters, or other untrimmed pieces, "Bundles", or "Packs", offered for sale, will suffer weight loss due to cutting, dressing and trimming.

(2) That the price charged for untrimmed meat is based on the hanging weight before cutting, dressing and trimming occurs.

(3) That correct average percentage of weight loss of such untrimmed side, quarter, piece, "Bundle", or "Pack" due to cutting, dressing and trimming.

(b) Fails to include clearly and with prominence:

(1) When United States Department of Agriculture graded meat is advertised which is below the grade of "USDA Good", the meat will be identified as grades U.S. Standard and/or U.S. Commercial.

3. Disseminating, or causing the dissemination of, any advertisement, or utilizing any sales presentation, which misrepresents in any manner the price, quantity or quality of any meat or other food products, or savings available to purchasers thereof.

4. Disseminating, or causing the dissemination of, any advertisement, or utilizing any sales presentation, which represents directly or by implication, that the prices stated in such advertisements are not the regular and ordinary prices at which respondents offer for sale, and sell meat or other food products, but are instead "sale" or "special" prices, and therefore are lower than respondents' regular and ordinary prices, when, in fact, such advertised prices are the prices regularly and ordinarily charged by respondents for the products advertised and do not constitute a reduction or dollar saving from respondents' regular and ordinary prices.

5. Disseminating, or causing the dissemination of, any advertisement, or utilizing any sales presentation, which represents, directly or by implication:

(a) That purchasers may arrange for credit granted by respondents for purchases of meat or other food products when respondents do not in fact extend credit in the ordinary course and conduct of their business.

(b) That purchasers may arrange to make deferred payments for their purchases directly to respondents when, in the ordinary course and conduct of their business, respondents do not accept deferred payments but transfer purchasers' obligations to a finance company or other third party to whom such deferred payments must be made.

6. Disseminating, or causing the dissemination of, any advertisement, or utilizing any sales presentation, which fails to disclose clearly and with prominence that purchasers' obligations will be transferred to a finance company, or other third party, when, in the ordinary course and conduct of their business, such is respondents' practice.

7. Discouraging the purchase of, or disparaging in any manner, any meat or other food products which are advertised or offered for sale.

8. Displaying any side, hindquarter, forequarter, or other portion of a beef carcass of inferior quality and unwholesome appearance, or of fatty, wasty yield grade, to prospective customers who have answered an advertisement or sales presentation of respondents, as the meat featured in such advertisement or presentation, so as to discourage such prospective customers from seeking to purchase the meat which was the subject of the advertisement or presentation.

9. Failing to maintain for a period of two (2) years adequate records, and to permit the inspection and copying thereof by Commission representatives:

(a) Which disclose the facts upon which are based price representations and statements as to the quality and the U.S.D.A. grade of meat offered for sale, savings claims, representations as to the percentage of steaks, or other high quality cuts in advertised meat, and similar representations from the type covered by this Order, and from which the validity of such statements and representations can be established; and

(b) Records from which respondents' compliance with the requirements of this Order can be ascertained.

It is further ordered, That respondents New Orleans Meats, Inc., doing business as Hutcheson Meats, its successors and assigns, its officers and Robert E. Brannan, individually and as an officer of said corporation, respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, assist or promote, directly or indirectly, any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z of the Truth in Lending Act, do forthwith cease and desist from:

1. Stating in any advertisement the amount of the down payment required or that no down payment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless there is also stated, in terminology prescribed under § 226.8 of regulation Z, as required by § 226.10(d) (2) of regulation Z, all of the following items—(i) the cash price; (ii) the amount of the down payment required or that no down payment is required, as applicable; (iii) the number, amount, and due dates or period of repayments scheduled to repay the indebtedness if the credit is extended; (iv) the annual percentage rate; and (v) the deferred payment price.

2. Making any disclosure not in accordance with the requirements of § 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all persons now engaged, or who become engaged, in the sale of meat or other food products as respondents' agents, salesmen, representatives or employees, and to secure from each of said persons a signed statement acknowledging receipt of a copy thereof.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individually respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 20, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-11470 Filed 5-17-74;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1105—SUBMISSION OF EXISTING STANDARDS; OFFERS TO DEVELOP STANDARDS; AND THE DEVELOPMENT OF STANDARDS

Consumer Product Safety Standards; Requirements and Procedures; Correction

In FR Doc. 74-10731 appearing at page 16206 in the FEDERAL REGISTER of May 7, 1974, the following concluding text was inadvertently omitted from paragraph 16 of the preamble (39 FR 16209):

"The Commission concludes that § 1105.8(a) should not be changed as suggested. Where alternative test methods are appropriate, the standards will identify them. If not originally included in the standard, they may be added afterwards by amending the standard in accordance with the provisions of section 9(e) of the act."

Dated: May 15, 1974.

SADYE E. DUNN, *Secretary, Consumer Product Safety Commission.*

[FR Doc.74-11468 Filed 5-17-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-75—DELEGATIONS OF AUTHORITY

Special and Limited Delegations of Authority; Construction Contracts

Subpart 8-75.2, Special and Limited Delegations, is revised as follows. The delegation of contracting authority to the Assistant Administrator for Construction is amended to include the services of artists for works of art for new buildings, to reflect an organizational realignment in the Office of Construction, and to include certain site facility work in utility-connection contracts. The delegation of authority for purchases of controlled substances is deleted from this subpart and will be reissued in subpart 8-74. New § 8-75.201-16 is added to incorporate delegations of contracting authority to the National Cemetery System.

Compliance with the provisions of 38 CFR 1.12, as to the notice of proposed regulatory development and delayed effective date is unnecessary in this instance as the change consists of statements of delegations of contracting authority.

1. Section 8-75.201-2 is amended by revising the introductory paragraph and paragraph (b) to read as follows:

§ 8-75.201-2 Architectural and engineering services; Central Office.

Authority to execute, award, and administer contracts and related documents involving the expenditure of funds for the acquisition of architectural and engineering services and of services of artists for works of art authorized in connection with new buildings, is delegated to the following:

• • • • • •

(b) Project Directors, or in their absence the Senior Project Supervisors.

2. Sections 8-75.201-4 is amended by revising the section heading, the introductory paragraph, and paragraph (b) as follows:

§ 8-75.201-4 Utility-connection and other site facility contracts; Central Office.

Authority to execute, award, and administer contracts and related documents involving the expenditure of funds for the acquisition of utility connections and other site facilities is delegated to the following:

• • • • • •

(b) Chief, Utilities Contract Administration Division, or in his absence the Director of Architecture and Engineering.

3. Section 8-75.201-5 is revised to read as follows:

§ 8-75.201-5 Construction contracts; field stations, supply depots.

The Chief, Supply Service, at a field station, the Manager, VA Supply Depot, and any employee designated by them in accordance with § 8-75.101(b) of this Chapter are authorized to execute, award, and administer contracts for construction projects assigned by the Chief Medical Director, under delegation of the Assistant Administrator for Construction, or those accomplished with station or depot funds. Contracting officers, in executing, awarding and administering construction contracts, including those for maintenance and repair projects, will be guided by Federal Procurement Regulations, Veterans Administration Procurement Regulations, and procedures established by the Assistant Administrator for Construction.

3. Section 8-75.201-7 is revised to read as follows:

§ 8-75.201-7 Issue of Government bills of lading—Transportation of remains of deceased beneficiaries.

The Chief, Medical Administration Service, at a Veterans Administration hospital, or the person acting in that capacity, is delegated authority to issue and to sign as "Issuing Officer," Government bills of lading for the shipment of the remains of beneficiaries expiring in a Veterans Administration hospital.

4. Section 8-75.201-10 is revised to read as follows:

§ 8-75.201-10 Architectural and engineering services; field stations, supply depots.

The Chief, Supply Service, at a field station, the Manager, VA Supply Depot, and any employee designated by them in accordance with § 8-75.101(b) of this chapter are authorized to execute, award, and administer contracts for the acquisition of architectural and engineering services when the cost of such services are chargeable to station or depot funds.

§ 8-75.201-11 [Revoked]

5. Section 8-75.201-11, Authority to purchase narcotics and other controlled drugs, is revoked.

6. Section 8-75.201-16 is added to read as follows:

§ 8-75.201-16 National Cemetery System.

Authority for the National Cemetery System to procure supplies, equipment and non-personal services is delegated as follows:

(a) Authority to execute, award, and administer contracts and related documents involving the expenditures of funds for the acquisition and transportation of headstones and markers is delegated to the following:

(1) Director and Deputy Director, National Cemetery System.

(2) Director, Headstone Service, National Cemetery System.

(3) Chief, Procurement Division, Headstone Service, National Cemetery System.

(4) Chief and Assistant Chief, Funds and Contracts Section, Procurement Division, Headstone Service, National Cemetery System.

(b) Authority to issue and sign Government Bills of Lading for the transportation of headstones and markers is further delegated to:

(1) Transportation Specialist, Headstone Service, National Cemetery System.

(2) Chief, Transportation Section, Procurement Division, Headstone Service, National Cemetery System.

(c) Authority to procure, in accordance with the provisions of FPR 1-3.6, supplies, equipment, and non-personal services (including construction) required for the operation of National Cemeteries is delegated to:

(1) Director and Deputy Director, National Cemetery System.

(2) Chief and Assistant Chief, National Cemetery Supervising Office.

(3) National Cemetery Superintendents.

(Sec. 205(c), 63 Stat. 390, as amended (40 U.S.C. 486(c)); sec. 210(c), 72 Stat. 1114 (38 U.S.C. 210(c)))

Effective date. These regulations are effective May 13, 1974.

Approved: May 13, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH, *Deputy Administrator.*

[FR Doc.74-11472 Filed 5-17-74; 8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Architect Engineer Services; Procurement Actions

Correction

In FR Doc. 74-10020, appearing at page 15272, in the issue for Thursday, May 2, 1974, in the third column, paragraph (f) of § 14-4.1004-3 and the paragraph immediately below it should read as follows:

(f) Any other criteria applicable to a particular procurement.

§ 14-4.1004-4 Action by agency head or his authorized representative.

The head of each procuring activity, as the responsible official to whom authority is delegated, is authorized to perform the functions prescribed by § 1-4.1004-4 of this title.

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 58—GRANTS FOR PUBLIC HEALTH

Grants to Schools of Public Health for Public Health Training—Miscellaneous Amendments

Notice of proposed rulemaking, public rulemaking procedures and postponement of effective date have been omitted in the issuance of the following miscellaneous amendments to 42 CFR Part 58, Grants to Schools of Public Health for Public Health Training, because all schools of public health affected hereby have actual notice of such amendments and have previously had an opportunity to comment thereon and consequently such procedures would serve simply to delay necessary implementation and thus be contrary to the public interest.

The major substantive change made hereby is to revise § 58.2 of the current program regulations setting forth the policy concerning availability of funds to permit schools to have 24 months in which to obligate grant funds made available under Part 58, instead of requiring that such funds be obligated during the same year in which the grant is made. This will permit schools to obligate such funds in a more reasonable manner. These amendments also make a number of editorial and technical changes primarily directed at revising the regulations to substitute "Secretary" for "Surgeon General" and to update the citations to the current program authority.

Written comments concerning these miscellaneous amendments are invited from interested persons. Inquiries may be addressed, and data, views and arguments may be presented in writing, in triplicate, to Chief, Office of Grants Policy, Bureau of Health Resources Development, Health Resources Administration, Room 5B-36, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20014. All comments received in response to these amendments will be available for public inspection and copying at the above referred to address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant materials received not later than June 19, 1974, will be considered.

Dated: April 1, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: May 15, 1974.

FRANK CARLUCCI,
Acting Secretary.

Part 58 of Title 42 of the Code of Federal Regulations is amended as follows:

1. In § 58.1, paragraph (a) is revised and paragraph (e) is revised. As amended, § 58.1 reads as follows:

§ 58.1 Definitions.

* * * * *

(a) "Schools of public health" mean those public or nonprofit schools in the United States or its territories or possessions accredited for the degree of Master of Public Health by a body or bodies recognized by the Secretary. The American Public Health Association is a body so recognized.

* * * * *

(e) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

2. Section 58.2 is revised to read as follows:

§ 58.2 Allocations, time of making and duration.

(a) The Secretary shall award a grant under this part in accordance with the allocation set forth in § 58.3, to each school of public health whose application is found by the Secretary to meet the requirements of section 309(c) of the Act and the regulations in this part.

(b) Funds awarded under this part may be expended by the school at any time before the end of the 24 month period specified in the grant award document.

3. The first sentence of § 58.3 is amended to read as follows:

§ 58.3 Basis of allocations.

Two-thirds of the funds made available pursuant to section 309(c) of the Act for any fiscal year shall be allocated among the schools of public health in the same proportion that the average number of Federally sponsored students in each school of public health during the last three fiscal years for which data are available bears to the average total number of Federally sponsored students in all schools of public health for that same period. * * *

4. Section 58.6 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended, § 58.6 reads as follows:

§ 58.6 Payments.

Payments from grants to a school of public health shall be made only after an application therefor has been submitted and approved in accordance with § 58.2.

5. Section 58.8 is amended to read as follows:

§ 58.8 Reports.

Each grantee shall at such times and in such form as the Secretary may prescribe, make such reports pertinent to the carrying out of its approved application and to the purposes for which the grant is made available as may be required by the Secretary.

6. Section 58.10 is revised to read as follows:

§ 58.10 Termination of grants.

Whenever the Secretary finds that a grantee has failed to comply with the regulations of this part or its approved application, he may, on reasonable notice to the grantee, withhold further payments or terminate the grant.

[FR Doc.74-11477 Filed 5-17-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Medicaid; Federal Matching for Mechanized Systems

Notice of proposed rulemaking was published June 13, 1973, at 38 FR 15584, implementing section 1903(a)(3) of the Act (amended by section 235 of Public Law 92-603). Requirements were specified for obtaining increased Federal matching, under title XIX of the Social Security Act, for mechanized claims processing and information retrieval systems.

Comments were received concerning the requirements for: (1) Prompt issuance of explanation of benefits (EOB); (2) proprietary rights of the Federal government in systems for which there has been Federal financial participation (FFP) under this regulation; (3) systems compatibility; (4) criteria to be used for approval of systems; and (5) access by Federal and State personnel to systems.

The response of the Department is: (1) Issuance of EOB is required by the Act and by intent of Congress; (2) retention of a Federal right to reproduce or otherwise use software or modifications thereof designed, developed, or installed with 90 percent FFP is necessary to achieve significant economies by preventing repetitive FFP for identical developmental work; (3) the final regulation clarifies that systems compatibility with other organizations means professional standards review organizations (PSRO's) at this time (as requirements evolve, FFP will be available for systems modifications); (4) criteria for approval of systems are contained in the regulation guidelines (equivalent systems are acceptable); and (5) access by Federal and State personnel is necessary to determine economy, efficiency, and effectiveness.

Changes have been made in the regulation to specify that proprietary rights will be retained by the State government. The Federal government will retain a right to reproduce or otherwise use software or modifications thereof designed, developed, or installed with 90 percent Federal matching funds. Other changes have been made to add requirements for a reasonable time period for system use after installation, and for system operation at the time a claim for matching is made. Also, clarifying and editorial changes have been made. The provision for matching of hospital cost determination systems has been deleted since the statutory authorization has expired.

Accordingly, the regulation as proposed with necessary changes has been adopted.

§ 250.90 Federal financial participation; Mechanized claims processing, and information retrieval systems.

(a) *Definitions.* For purposes of this section:

(1) A mechanized claims processing and information retrieval system is a system of software and hardware used to process claims for medical care and services rendered under the medical assistance program and to retrieve and produce utilization and management information about such services which is required by the single State agency and Federal Government for program administration and audit purposes.

(2) Hardware means automatic equipment used for a claims processing and information retrieval system. Such equipment accepts data input, stores data, performs calculations and other processing steps, and prepares information output. This equipment includes:

(i) Electronic digital computers;

(ii) Peripheral or auxiliary equipment used in support of electronic computers whether selected and acquired with the computer or separately;

(iii) Data transmission or communications equipment that is selected and acquired solely or primarily for use with a configuration of automatic data processing equipment which includes an electronic digital computer; and

(iv) Punched card equipment whether used in conjunction with or independent of an electronic digital computer.

(3) Software means computer programs, procedures and associated documentation used to operate the hardware.

(4) Design and development means the definition of system requirements, detailing of system and program specifications, programing, and testing. This includes the use of hardware only to the extent necessary for the design and development phase.

(5) Installation means the integrated testing of programs and subsystems, system conversion, and turnover to operational status. This includes the use of hardware only to the extent necessary for the installation phase.

(6) Operations means the automated processing of claims, payments, and reports on a continuing basis. Operations includes the use of supplies, software, hardware, and personnel directly associated with the functioning of the mechanized system.

(b) *Federal financial participation.* (1) Effective July 1, 1971, Federal financial participation is available at 90 percent of expenditures in the administration of the plan under title XIX of the Social Security Act for design, development, or installation of a mechanized claims processing and information retrieval system which is likely to afford more efficient, economical and effective administration of the program and which has received approval by the Social and Rehabilitation Service. Such approval shall be based upon a finding by the Service that:

(i) The system meets criteria established in program regulation guides issued by the Service and meets the following conditions:

(A) It is compatible with the claims processing and information retrieval systems utilized in the administration of title XVIII for prompt eligibility verification and for crossover claims for persons eligible for both programs; and

(B) It supports the data requirements of professional standards review organizations established under Part B of title XI of the Act.

(ii) The State agency agrees in writing that:

(A) The State will have all ownership rights in software or modifications thereof and associated documentation designed, developed, or installed with 90 percent Federal financial participation under this section, except that the Department of Health, Education and Welfare reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to do so, such software, modifications, and documentation.

(B) Methods and procedures for properly charging the costs of all systems whether acquired from public or private sources shall be in accordance with Federal regulations in Part 74 of this title and applicable Social and Rehabilitation Service program regulation guides; and

(C) The complete system designed, developed, or installed, or hardware acquired, with Federal financial participation under this regulation will be used for a period of time which is consistent with the advanced planning documentation, as approved, or which the Service determines is sufficient to justify the Federal funds invested.

(D) Information in the system will be safeguarded in accordance with the regulations of the Service.

(2) Effective July 1, 1971, Federal financial participation is available at 75 percent of expenditures in the administration of the plan under title XIX of the act for operations of a mechanized claims processing and information retrieval system which has received approval by the Service. Such approval shall be based upon a finding by the Service that:

(i) The system meets all the conditions specified in paragraph (b)(1)(i) of this section;

(ii) The State agency agrees to the conditions specified in paragraph (b)(1)(ii)(B) and (C) of this section;

(iii) The system with all its component subsystems is operating or has been operating, on a continuing basis as of the date the claim for Federal financial participation is made;

(iv) The system provides both patient and provider profiles for utilization review and program management purposes; and

(v) The system provides prompt written notice to each individual who is furnished services covered by the State plan of the specific services so covered, the name of the provider furnishing the services, the date or dates on which the services were furnished, and the amount of the payment or payments made under the plan on account of the services.

(3) Access to the system in all of its aspects, including design, development, and operation, including work performed by any source, and including cost records of contractors and subcontractors, shall be made available by the State at intervals deemed necessary by the Service to determine whether the conditions for approval are being met and to determine its efficiency, economy and effectiveness. Failure to provide for full access by appropriate State and Federal representatives to all parts of the system shall result in termination of payments for Federal financial participation for the system.

(4) Approvals of systems by the Service under the provisions of this section will be undertaken only as a result of State applications for increased matching.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date: This regulation shall be effective May 20, 1974. Federal financial participation will be retroactive to July 1, 1971, as provided by section 235 of P.L. 92-603.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Dated: February 4, 1974.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: May 8, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-11462 Filed 5-17-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Aransas National Wildlife Refuge, Texas

The following special regulation is issued and is effective May 20, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

Public hunting of deer and wild hogs on a portion of the Aransas National Wildlife Refuge, Texas, with bow and arrow is permitted from noon September 26 through September 30, October 4 through October 7, and October 11 through October 14, 1974. That portion open to hunting is designated by signs and delineated on maps available at refuge headquarters near Austwell, Texas and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with applicable State hunting regulations subject to the following special conditions:

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(1) A bag limit of three (3) deer, either sex, no more than 2 bucks, may be taken by each hunter. There is no limit as to the number of wild hogs that may be taken.

(2) All hunters must check in and out of the hunting area at the refuge entrance on Texas Farm Road 2040.

(3) A valid 1974–75 State of Texas hunting license is required of each participant.

(4) All hunting arrows must bear the name and address of the user in a non-water-soluble medium.

(5) No target or field arrows are permitted on the refuge.

(6) Shooting at, or of other wildlife species on the refuge other than deer or wild hogs is prohibited.

(7) All motor vehicles must travel only on the shell surfaced roads or designated trails of the refuge.

(8) No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer.

(9) In the event of an early arrival of any whooping cranes, the refuge or any portion thereof may be immediately closed to hunting.

The provisons of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in 50 CFR Part 32 and are effective through October 14, 1974.

E. F. JOHNSON,
Refuge Manager, Aransas National Wildlife Refuge, Austwell, Texas.

MAY 3, 1974.

[FR Doc.74–11449 Filed 5–17–74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM REGULATIONS

Puerto Rico

I. INTRODUCTION

On March 18, 1974, the Federal Energy Office issued a notice of "proposed price regulation and public hearing," to announce that it would receive written comments and hold a public hearing in San Juan, Puerto Rico with respect to its price regulations in Puerto Rico (39 FR 10454, March 20, 1974). On March 26, 1974, a "further notice of proposed price regulation and public hearing" was issued by FEO, which specified the dates for the hearing as April 8 and 9, 1974 (39 FR 11514, March 27, 1974).

Hearings were held on April 8 and 9, 1974, and on May 6, 1974, the FEO issued a press release to announce its determination in this proceeding to treat all entities of mainland United States refining firms that operate in Puerto Rico as refiners under the FEO price regulations. This means that in determining selling prices, these entities must average the cost of the petroleum products they purchase in Puerto Rico with all other product costs of the mainland firms of which they are a part. The higher costs of the products purchased in Puerto Rico—which are all refined from foreign crude oil, which is exempt from U.S. price controls—cannot be passed through directly in the prices charged in Puerto Rico.

The background of this proceeding and some of the issues it raised are as follows.

Certain refiners on the mainland United States, which are subject to the general price regulations of the FEO for refiners, also own, control or are otherwise affiliated with entities which operate in Puerto Rico.

Certain of these entities operating in Puerto Rico purchase the products they sell in Puerto Rico from Commonwealth Oil Refining Company, Inc. (CORCO) and/or from Gulf Oil Company, both of which operate refineries in Puerto Rico.

CORCO refines all foreign source crude oil which is exempt from price regulation and is not affiliated with any mainland U.S. refiner. Its products are therefore being sold at generally higher prices than the prices charged by refiners which use both foreign crude oil and domestic crude oil, which is subject to price regulation. Thus, if the entities of a refiner operating in Puerto Rico were to be treated separately under the price regulations as "resellers," the prices charged in Puerto Rico would generally reflect the higher prices of exempt crude oil, whereas, by treating them as part of their affiliated mainland U.S. refiners, the prices charged in Puerto Rico will generally reflect the lower average price of all crude oil, both domestic and foreign, of those refiners.

The FEO amended its regulations on March 18, 1974, to make clear that the Puerto Rican entities of mainland U.S. refiners would be subject to the price regulations applicable to refiners until a determination was made in this proceeding as to whether such treatment is appropriate.

II. THE COMMENTS OF THE INTERESTED PARTIES

The following interested parties participated in this proceeding by filing written comments, by making oral presentations, or both: The Commonwealth of Puerto Rico, by Federico Hermandez Denton, Secretary of the Department of Consumer Affairs, and by Teodoro Moscoso, Administrator of the Economic Development Administration; Commonwealth Oil Refining Company, Inc. (CORCO), which operates its only refinery in Puerto Rico, and sells gasoline to various marketing companies in Puerto Rico; Caribbean Gulf Refining Corp., which operates a refinery in Puerto Rico and is a wholly owned subsidiary of Gulf Oil, and Gulf Petroleum, S.A., which is a marketing company in Puerto Rico, and which is also a wholly owned subsidiary of Gulf Oil; Arco Caribbean, Inc., which is a marketing company in Puerto Rico and is wholly owned subsidiary of Atlantic Richfield Company; Esso Standard Oil, S.A., Limited and Esso Standard Oil Company (Puerto Rico), both of which are marketing companies in Puerto Rico and are wholly owned subsidiaries of Exxon; Compañia Petrolera Chevron, Inc., which is a marketing company in Puerto Rico and is a wholly owned subsidiary of Standard Oil Company of California; Texaco Puerto Rico, Inc., which is a marketing company in Puerto Rico and is a wholly owned subsidiary of Texaco, Inc.; Mobil Oil Caribe Inc., which is a marketing company in Puerto Rico and is a wholly owned subsidiary of Mobil Oil Corporation; The Shell Company (Puerto Rico) Limited, which is a marketing company in Puerto Rico and is 99.9 percent owned by The Shell Petroleum Company Limited, an English Company; The Shell Oil Company, a Delaware Corporation, which does not have any direct or indirect interest in The Shell Company (Puerto Rico), and the stock of which is approximately 30 percent publicly held and 70 percent owned by Shell Petroleum N.V., a Netherlands company. (The stock of Shell Petroleum, N.V. is owned 60 percent by Royal Dutch Petroleum Company, The Hague, Netherlands, and 40 percent by the "Shell" Transport and Trading Company, Limited, London, England. The "Shell" Transport and Trading, Limited, London, England, owns indirectly, The Shell Company (Puerto Rico)); The Association of Gas Retailers of Puerto Rico, by Efrian Reyes, President; and the Federation of Gasoline Retailers of Puerto Rico, by Heriberto Torres Vazques and by Orlando Vargas.

The marketing entities of mainland U.S. refiners operating in Puerto Rico generally urged that the traditional and historical approach to pricing petroleum products in Puerto Rico is based on the use of foreign source crude oil and on the pricing of products produced from that oil under a Caribbean price structure. They further urged that any attempt to establish a different price structure would involve subsidies from the mainland, and would result in an economic incentive to abandon operations in Puerto Rico because the Puerto Rican market would no longer be a profit center. As further support for the argument that Puerto Rico should be treated separately, some marketing companies pointed out that the logistics of supply required a Latin American or Caribbean source of supply, that Puerto Rico is identified with the Latin American area for marketing purposes, that Puerto Rico has a unique semi-autonomous relationship with the United States, which results in a separate tax jurisdiction, and that the U.S. import quota system, under which the refining industry in Puerto Rico operates, recognizes that Puerto Rico relies on foreign source crude.

The further point was made, with respect to Puerto Rico's separate tax status, that under the refiner pricing rule, the cost increases incurred in Puerto Rico would be recovered in large part by the prices charged on the mainland and as a result, the net income of the mainland company would increase and be subject to the Federal corporate income tax, which it is not subject to in Puerto Rico.

One of the marketing entities operating in Puerto Rico (Arco), stated that price regulation as a refiner was preferable because it would lead to a more orderly marketing situation, which, would benefit consumers and the industry.

The Commonwealth of Puerto Rico urged that the refiner price rule be applied in Puerto Rico. The Commonwealth stated that the lower prices that result from the refiner price rule are essential to the economy of Puerto Rico. The adverse impact on the economy of Puerto Rico resulting from the increased prices of foreign crude oil has been particularly severe, since the island is dependent on petroleum for 99 percent of its energy requirements, all of which is of foreign origin. The Commonwealth estimated that the increased prices of crude oil would result in a total impact on its economy in 1974 of over $300 million in increased costs to consumers for gasoline, electricity, and other fuels, based on the refiner price rule, and an additional $144 million for gasoline and diesel fuel if the reseller rule were to be applied.

The Government further urged that the economy of Puerto Rico, which is heavily dependent on imports, has a low per capita income and high rates of inflation and unemployment.

All of the marketing companies asserted that, whichever price rule is to be applied, adjustments to their May 15, 1973 prices were needed because of the unusually small margins in effect on that date. These small margins resulted from the price controls of the Puerto Rican government which were then in effect, but which were subsequently modified to restore margins to approximately their historical levels.

III. CONCLUSIONS

The FEO has concluded that the refiner price rule should be applied in Puerto Rico. The foremost consideration in this regard is the adverse impact that the reseller rule would have on the economy of Puerto Rico.

The Emergency Petroleum Allocation Act of 1973 included Puerto Rico in the allocation and price regulation system contemplated by the Act, and the need to maintain "equitable" prices for petroleum products in Puerto Rico is particularly acute in view of the nature of the Puerto Rican economy.

Although Puerto Rico does have a semi-autonomous governmental status, the fact that it has been included in the definition of the United States under the Emergency Petroleum Allocation Act of 1973 means that the averaging of costs in Puerto Rico with costs in the mainland United States cannot properly be regarded as a subsidy, any more than the averaging of costs with respect to one state where costs are high with those of another state where costs are low can be regarded as a subsidy from one state to another.

The FEO recognizes, however, that the differing treatment of Puerto Rico under the tax laws of the United States results in subjecting increased product cost recoupment revenues to Federal corporate income taxes in the mainland United States, which would not be subject to such taxes in Puerto Rico. The FEO has concluded, however, that the public policy expressed in the Emergency Petroleum Allocation Act of 1973, together with the consistent United States policy of promoting the Puerto Rican economy, favors the conclusion reached here. The tax consequences on each marketing company will vary, depending on its tax situation, and FEO will cooperate with the affected companies in trying to resolve tax problems resulting from this decision.

The comments of the marketing companies were uniform in urging that some adjustment in their May 15, 1973 margins was needed, and the FEO has found that an adjustment should be made, and that the January 15, 1974 margins, which is the date the FEO regulations became applicable in Puerto Rico, are appropriate. Accordingly, lawful base prices for firms in Puerto Rico which sell at the wholesale level to retail sales outlets and which are wholly owned, directly or indirectly, by mainland United States refining firms shall be the weighted average cost of products purchased on May 15, 1973, plus the January 15, 1974 margin on those products plus the amount of increased product cost allocated to the products under the refiner's price formulae of § 212.83 (c).

Increased product costs incurred in Puerto Rico after January 15, 1974, and through April 30, 1974, which have not been recouped in revenues from sales in Puerto Rico through May 30, 1974 and which have not been previously included under the "B" or "G" factors of the refiner's price formulae, may be included under the "G" factor as unrecouped increased product costs when the costs are calculated for the month of May, 1974, to determine lawful base prices for June, 1974. Increased product costs incurred in Puerto Rico during the month of May, 1974, may also be included in the refiner's price formulae, under the "B" factor, when the costs are calculated for the month of May, 1974, (the month of measurement), to determine lawful base prices for June, 1974 (the current month), and increased product costs should thereafter be taken into account in the refiner's price formula on current basis. The amount of unrecouped increased product costs in Puerto Rico for each product shall be the weighted average unit cost of the product sold during the period of January 15, 1974 through April 30, 1974, plus the January 15, 1974 margin on that product, multiplied by the volume of the product sold during the period, less the revenues received on sales of the product during the period of January 15, 1974 through May 30, 1974.

As noted above, Shell (Puerto Rico) is not owned, directly or indirectly by a mainland United States refiner. Accordingly, it must be treated as a reseller under the price regulations and permitted to pass through its increased product costs in the form of increased prices. In order to avoid the potentially disruptive and chaotic effects in the marketplace of having one marketer with prices substantially in excess of those of the other marketers, FEO has determined that it is necessary to require CORCO to adjust its prices to Shell (Puerto Rico) downward, and to permit CORCO to make an upward adjustment in the prices it charges to its other customers, so that it will continue to obtain a dollar-for-dollar pass through of its increased product costs.

The selling price to Shell (Puerto Rico) by CORCO for each product during each month shall be the weighted average price at which CORCO's products are currently being sold by marketers in Puerto Rico other than Shell (Puerto Rico), less the January 15, 1974 margin of Shell (Puerto Rico) on that product. The total number of dollars that CORCO would otherwise have recouped through sales to Shell (Puerto Rico) at prices determined under the refiner's price formulae may be applied equally to the prices charged during the same month in sales to purchasers other than Shell (Puerto Rico).

Under the reseller price rules, and with an adjusted margin, the lawful base price that may be charged by Shell (Puerto Rico) shall be the weighted average cost of the product in inventory on May 15, 1973, plus the January 15, 1974 margin of Shell (Puerto Rico) on that product, plus increased product costs (the difference between current weighted average unit cost of the product in inventory and the May 15, 1973 weighted average unit cost of the product in inventory), plus an amount to recoup increased product costs which were not recouped between January 15, 1974 and May 15, 1974, but not including any price increases pursuant to § 212.93(b).

The amount permitted to be added by Shell (Puerto Rico) for unrecouped costs in determining its lawful base prices shall be the total number of dollars of unrecouped increased product costs for each product, as defined below, which shall be equally applied to the total volume of each product estimated to be sold between May 15, 1974, and February 28, 1975. The unrecouped increased product costs for each product shall be the weighted average unit cost of the product sold during the period of January 15, 1974 through May 15, 1974, plus the January 15, 1974 margin of Shell (Puerto Rico) on that product, multiplied by the volume of the product sold during that period, less the revenues received on sales of the product during the period.

Issued in Washington, D.C. on May 16, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

[FR Doc.74–11616 Filed 5–16–74;3:29 pm]

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[RULING 1974–11]

APPENDIX—FEO RULINGS

"NEW" AND "RELEASED" CRUDE OIL

Current Free Market Price Under § 212.74

FACTS. Firm A, a producer, produced 8,170 barrels of a single grade of crude oil from a particular property in April, 1974. The base production control level for that property for the month of April is 6,420 barrels. The ceiling price under § 212.73 for the base production control level crude oil is $4.10 per barrel and its free market price is $9.25 per barrel. The free market price is the price being paid in the open market for substantial quantities of that grade and quality of imported crude oil or so-called "stripper-well" crude oil.

Firm A receives an offer from Firm B to purchase its April production of 8,170 barrels of crude oil at an average price of $9.00 per barrel. This price is based upon a price of $15.82 per barrel for 1750 barrels of "new" crude petroleum priced under § 212.74(a) and a price of $15.82 per barrel as the "current free market price," to be applied in the formula of § 212.74(b).

ISSUE. Is Firm B's offer a "bona fide offer * * * to buy such crude oil at a lawful price," within the meaning at § 211.64(a)?

RULING. No. Firm B's offer is not a bona fide offer to buy at a lawful price because it makes use of an artificially high "current free market price" in order to obtain all of Firm A's production at an average price per barrel that approaches the current free market price for all of Firm A's production of 8,170 barrels, even though Firm A only produced 1,750 barrels of "new" oil.

Section 212.74 was intended to provide an incentive for increased production by permitting the amount of production in excess of the base production control level ("new" oil) to be sold at free market prices, and, in addition, to permit a portion of the base production control level crude oil that is equivalent to the amount of "new" oil also to be sold at free market prices. The formula of § 212.74(b) was intended to spread the increased price of this amount of crude oil equivalent to the amount of "new" oil, which is permitted to be sold at free market prices, across the entire volume of base production control level crude oil sold during the month. It was not intended to permit all base production control level crude oil to be sold at free market prices.

Use of an artificially high "current free market price" for "new" oil and in the formula of § 212.74(b) constitutes an attempt to evade the price limitations of § 212.73 applicable to crude oil, (other than "new" and "released" crude oil) and to obtain an unlawful price, and would be contrary to § 210.62(c), which provides, in part, that "Any practice which constitutes a means to obtain a price higher than is permitted by the regulations in this chapter . . . is a violation of these regulations."

Accordingly, the purpose of this ruling is to make clear that the "current free market price" for purposes of § 212.74 (a) "new" oil, and for use in the formula of § 212.74(b), is the price being paid for substantial quantities of that grade and quality of crude oil, from the nearest field, in the open market in sales not subject to price controls, but not including any sales involving crude oil priced pursuant to the price formula of § 212.74 (b). Use of any higher "current free market price" will be treated as a violation of the price regulations of § 212.73 and § 210.62(c).

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

MAY 16, 1974.

[FR Doc.74–11656 Filed 5–17–74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

FRESH PEACHES GROWN IN GEORGIA

Proposed Expenses and Rate of Assessment for FY 1974–75

This notice invites written comment relative to the proposed expenses of $10,800 and rate of assessment of $0.02 per bushel basket of peaches (net weight of 48 pounds), or an equivalent of peaches in other containers or in bulk, to support the activities of the Industry Committee for the 1974–75 fiscal period under Marketing Order No. 918.

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1974, through February 28, 1975, will amount to $10,800.

(2) That rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed at $0.02 per bushel basket of peaches (net weight of 48 pounds), or an equivalent of peaches in other containers or in bulk.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 7, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–11451 Filed 5–17–74;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 728, 1421]

1975 WHEAT SET-ASIDE, LOAN AND PURCHASE PROGRAMS

Proposed Determinations Relative to Set-Aside, Loan Rates, Payments and Program Operating Provisions for 1975

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to (a) whether there should be a set-aside requirement for wheat for the 1975 crop; and, if so, the extent of such requirement; (b) whether there should be a provision for additional diversion for the 1975 crop and, if so, the extent of such diversion and payment rate therefor; (c) the loan level for the 1975 crop of wheat, including commodity eligibility and storage requirements; (d) and other related provisions necessary to carry out the loan and purchase program and the set-aside program.

The determinations are to be based on the following considerations:

(a) *Whether there should be a set-aside requirement for wheat for the 1975 crop.* Section 379b(c)(1) of the Agricultural Adjustment Act of 1938, as amended, requires that the Secretary shall provide for a set-aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set-aside, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect, then, as a condition of eligibility for loans, purchases, and payments authorized by section 107(c) of the Agricultural Act of 1949, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to such percentage of the wheat allotment for the farm as may be specified by the Secretary.

(b) *Whether there should be a provision for additional diversion and, if so, the extent of such diversion and the payment rate therefor.* Section 379b(c)(2) of the Agricultural Adjustment Act of 1938, as amended, provides that, to assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized by section 107(c) of the Agricultural Act of 1949 to be made for required diversion, to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under the regular program. The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable, taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary is required to limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

(c) *Loan and purchase program and rate.* Section 107 of the Agricultural Act of 1949, as amended, provides that loans and purchases of each crop of wheat shall be made available at such level as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains: *Provided,* That in no event shall such level be in excess of the parity price for wheat or less than $1.37 per bushel.

(d) *Other related provisions necessary to carry out the loan and purchase program and the set-aside program for 1975* including but not limited to determinations such as (1) whether substitution should be permitted and, if so, the extent of such substitution, (2) whether to permit haying and grazing and/or alternate crops on set aside acreage if it is determined that set aside is needed, (3) the terms and conditions under which haying and grazing and/or alternate crops will be allowed and (4) such other provisions as may be necessary to carry out the program.

Prior to making any of the foregoing determinations consideration will be given to any data, views and recommendations relative to these determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director on or before June 19, 1974. All written submissions made pursuant to this notice will be made available for public inspection at

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the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on May 13, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-11487 Filed 5-17-74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1421]

1975 WHEAT SET-ASIDE, LOAN AND PURCHASE PROGRAMS

Notice of Proposed Determinations Relative to Set-Aside, Loan Rates, Payments and Program Operating Provisions for 1975

CROSS REFERENCE: For a document concerning loan and purchase programs for 1975 wheat set-aside, and filed jointly by the Commodity Credit Corporation and the Agricultural Stabilization Service, see FR Doc. 74-11487, *supra*.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-21; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Windshield Zone Intrusion

The purpose of this notice is to propose a new motor vehicle safety standard that would regulate the intrusion of vehicle parts outside the occupant compartment into a defined zone in front of the windshield during a frontal barrier crash test.

A notice published August 31, 1972 (37 FR 17763), proposed a standard that would prohibit penetration of the protected zone by any part of a vehicle outside of the occupant compartment during a 30-mph frontal impact into a fixed barrier. Comments were submitted in reaction to the proposal and on the basis of all information gathered. The NHTSA has concluded that certain aspects of the initial proposal should be revised.

Objections were raised by a number of commenters to the requirement that no part of the vehicle outside of the occupant compartment enter the protected zone or contact the windshield other than windshield molding and components normally in contact with the windshield. Toyota, Chrysler, Ford, Jeep, Rolls Royce, International Harvester, American Motors, and Japan Automobile Manufacturers Association commented that prohibition of entrance into the protected zone or contact with the windshield by parts of the vehicle such as chips of paint, glass, and other small particles is unrealistic as these materials do not represent a danger to the vehicle occupants if they enter the zone and impact the windshield opening with a limited amount of force. The difficulty of detecting the intrusion of these particles into the protected zone was also pointed out. The commenters requested that this aspect of the proposed standard be revised to allow penetration of the protected zone and contact with the windshield opening by vehicle fragments during the crash test. Chrysler and General Motors argued that contact by vehicle parts with the windshield opening should be allowed in areas outside of the protected zone.

The NHTSA has found that the position asserted by the commenters has merit. The previously proposed requirement forbidding any intrusion into the protected zone appears to be more stringent than necessary to accomplish the level of vehicle occupant safety desired. Particles capable of no more than one-quarter inch penetration into a Styrofoam template during a 30-mph frontal barrier crash have been found to represent no danger to vehicle occupants. Utilization of the Styrofoam template in the test procedure would have the advantage of assuring reliable test results. Intrusion into the protected zone would be easily ascertainable as the vehicle parts would either dent the material or become embedded in it. In order to provide a more realistic performance requirement, therefore, it is proposed that a Styrofoam template in the shape of the protected zone be affixed to the windshield prior to the barrier collision. It would be required that no vehicle parts penetrate the Styrofoam during the barrier crash by more than one-quarter inch. The template would be cut or formed from Styrofoam type DB, cut cell.

Responding to the requests made by Chrysler and General Motors, the NHTSA has tentatively determined that contact with the windshield opening in the area below the protected zone would not diminish the safety intended to be afforded to vehicle occupants by this standard. That area of the windshield has not been found susceptible to occupant impact and thus, prohibition of the entrance of vehicle parts into that vicinity is not demanded. It is therefore proposed that during the 30-mph frontal barrier crash test, contact by vehicle parts outside of the occupant compartment with the windshield opening below the protected zone be allowed if the inner surface of that portion of the windshield is not penetrated.

A number of comments focused on the prescribed procedure for determining the lower edge of the protected zone. They objected to that part of the requirement specifying the application of a 90-pound force to the sphere used to ascertain the boundary. The NHTSA has tentatively concluded that a revision of the procedure would ensure more repeatable test results. It is proposed that no force other than gravity be exerted on the sphere in defining the lower edge of the protected zone. The sphere would be rolled along the windshield-instrument panel interface, and the line created by the locus of points contacted would be translated one-half inch downward along the windshield and then projected onto the exterior surface of the windshield glazing material. It has been determined that this procedure will not alter the area covered by the currently proposed protected zone in a way that would reduce the desired degree of safety.

In light of the above, it is proposed that 49 CFR Part 571 be amended by the addition of a new standard to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: July 1, 1974.

Proposed effective date: Passenger cars—September 1, 1975. Multipurpose passenger vehicles, trucks, and buses with GVWR of 10,000 pounds or less—September 1, 1976.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 501.8.)

Issued on May 10, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

§ 571.____ Standard No. ___; windshield zone intrusion.

S1. *Scope.* This standard specifies limits for the displacement into the windshield area of motor vehicle components during a crash.

S2. *Purpose.* The purpose of this standard is to reduce crash injuries and fatalities that result from occupants contacting vehicle components displaced near or through the windshield.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses of 10,000 pounds or less gross vehicle weight rating. However, it does not apply to forward control vehicles.

S4. *Definitions.* "Windshield Opening" means the outer surface of the windshield glazing material.

S5. *Requirements.* When the vehicle, traveling longitudinally forward at any speed up to and including 30 mph, impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, under the conditions of S7, no part of the vehicle outside the occupant compartment shall penetrate the protected zone template affixed according to S6 to a depth of more than one-quarter inch, and no such part of a vehicle shall penetrate the inner surface of that portion of the windshield below the protected zone defined in S6.

S6. *Protected zone template.*

S6.1 The lower edge of the protected zone is determined by the following procedure (see Figure 1).

(a) Place a 6.5-inch diameter rigid sphere in a position such that it simultaneously contacts the inner surface of the windshield glazing and the surface of the instrument panel, including padding. If any accessories or equipment such as the steering control system obstruct positioning of the sphere, remove them for the purposes of this procedure.

(b) Draw the locus of points on the inner surface of the windshield contactable by the sphere across the width of the instrument panel. From the outermost contactable points, extend the locus line horizontally to the edges of the glazing material.

(c) Draw a line on the inner surface of the windshield below and one-half inch distant from the locus line.

(d) The lower edge of the protected zone is the longitudinal projection onto the windshield opening of the line determined in S6.1(c).

S6.2 The protected zone is the space enclosed by the following surfaces, as shown in Figure 1:

(a) The windshield opening in its precrash configuration.

(b) The locus of points 3 inches outward along perpendiculars drawn to each point on the windshield opening.

(c) The locus of lines forming a 45° angle with the windshield opening at each point along the top and side edges of the windshield opening and the lower edge of the protected zone determined in S6.1, in the plane perpendicular to the edge at that point.

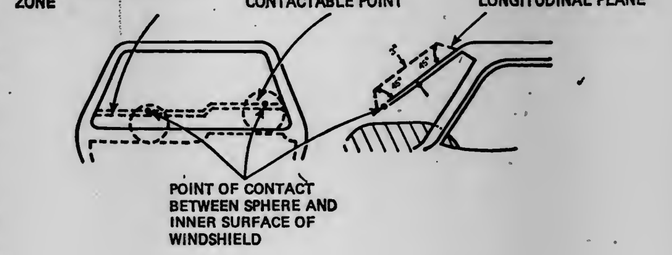
S6.3 A template is cut or formed from Styrofoam, type DB, cut cell, to the dimensions of the zone as determined in S6.2. The template is affixed to the windshield so that it delineates the protected zone and remains affixed throughout the crash test.

S7. *Test conditions.*

S7.1 The hood, hood latches, and any other hood retention components are engaged prior to the barrier collision.

S7.2 Adjustable cowl tops or other adjustable panels in front of the windshield are in the position used under normal operating conditions when windshield wiping systems are not in use.

S7.3 The vehicle is loaded in the manner specified by the applicable provisions of S8.1.1 of Motor Vehicle Safety Standard No. 208, with anthropomorphic test devices placed and restrained as specified in S4 and S5.1 of that standard.



WINDSHIELD PROTECTED ZONE
Figure 1

[FR Doc.74-11429 Filed 5-17-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 74-419]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Applications by Federal Savings and Loan Associations for Branch Offices, Mobile Facilities or Satellite Offices

MAY 13, 1974.

The Federal Home Loan Bank Board considers it advisable to propose to amend certain provisions in Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) which limit the number of applications by the same Federal savings and loan association for permission to establish branch offices (12 CFR 545.14), mobile facilities (12 CFR 545.14-4) or satellite offices (12 CFR 545.14-5) that such Board will consider and process at the same time.

Under the present regulations the Board considers and processes at the same time multiple applications for such office facilities to the extent that the State authorities in the State in which the applicant's home office is located consider and process at the same time more than one such application of the same savings and loan association, savings bank or similar institution, or commercial bank of such State. However, the Board does not consider and process such multiple applications for such office facilities in certain States, such as Florida, where commercial banks are not permitted to operate branches but where a comparable competitive situation to multiple office facilities may exist because State authorities and the Federal Reserve Board consider at the same time multiple applications by bank holding companies to acquire commercial banks. The proposed amendments provide in substance that the Board will consider at the same time multiple applications for such office facilities of Federal associations whose home offices are located in a State in which the State authorities consider at the same time multiple applications of holding companies to acquire thrift institutions or commercial banks having their home offices in such State.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said Part 545 by revising §§ 545.14(b)(1)(i), 545.14-4(b)(4), and 545.14-5(c)(5) thereof to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by June 19, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.14 Branch office.

* * * * *

(b) *Eligibility.* (1) Except as provided in paragraph (b)(2) of this section, a Federal association shall be eligible to have an application for permission to establish a branch office (including an application for a limited facility branch office) considered and processed only if, at the date on which such application is filed with the Board:

(i) The association does not have on file with the Board any other such application, excluding any application as to

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which more than 4 months have elapsed since the date of publication of notice thereof; except that the limitations of paragraph (b)(1)(i) shall not prohibit the consideration and processing at the same time of (*a*) both an application in which the applicant proposes, under the provisions of paragraph (j)(1) of this section, that the office applied for be a limited facility branch office and an application in which it does not so propose or (*b*) more than one branch office or more than one limited facility branch office application of the same association to the extent that the appropriate State authority of the State in which the applicant's home office is located considers and processes at the same time (*1*) more than one branch office application or more than one limited facility branch office application of the same savings and loan association, savings bank or similar institution or commercial bank of such State or (*2*) more than one application of the same savings and loan holding company or bank holding company to acquire savings and loan associations or similar institutions or commercial banks which have or will have their home offices in such State.

§ 545.14–4 Mobile facility.

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(b) *Eligibility.* No application for permission to establish a mobile facility by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the date on which such application is filed with the Board:

• • • • • •

(4) The association has on file any other application for permission to establish a mobile facility with respect to which action by the Board is pending, except that the association may have on file more than one mobile facility application to the extent that the appropriate State authority of the State in which the applicant's home office is located permits to be on file at the same time (i) more than one mobile facility application of the same savings and loan association, savings bank or similar institution or commercial bank of such State or (ii) more than one application of the same savings and loan holding company or bank holding company to acquire savings and loan associations or similar institutions or commercial banks which have or will have their home offices in such State; or

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§ 545.14–5 Satellite office.

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(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

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(5) A Federal association may not operate more than 5 satellite offices at any one time, and may not file applications for more than 2 such offices in any 12-month period, except that a Federal association may file in the same 12-month period more than two satellite office applications to the extent that the appropriate State authority of the State in which the applicant's home office is located permits to be on file at the same time (i) more than two satellite office applications of the same savings and loan association, savings bank or similar institution or commercial bank of such State, or (ii) more than two applications of the same savings and loan holding company or bank holding company to acquire savings and loan associations or similar institutions or commercial banks which have or will have their offices in such State. An application which has been disapproved shall be disregarded in determining compliance with the preceding sentence.

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(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–11486 Filed 5–17–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–10788]

REPORTING OF MARKET INFORMATION ON TRANSACTIONS IN LISTED SECURITIES

Proposed Rulemaking

The Commission is publishing for public comment a proposal to amend Rule 17a–15 (17 CFR 240.17a–15) (the "Rule") under the Securities Exchange Act of 1934.[1] The Rule provides for reporting of prices and volume of completed transactions with respect to securities registered on exchanges. The purpose of the amendment, which would add a new paragraph (i) to the Rule, is to establish procedures for appeal to the Commission from certain actions which may be taken pursuant to any composite tape plan declared effective by the Commission under the Rule. In this connection, the Commission also is announcing today that it has declared effective as of May 17, 1974 the consolidated tape plan jointly filed on April 22, 1974 by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the National Association of Securities Dealers, Inc.[2] Although various provisions of this plan state that decisions of the Consolidated Tape Association with respect to certain matters will be subject to an appeal to the Commission, the Commission presently has no applicable rules and regulations for any such petitions of appeal.

The text of the proposed amendment, which would be adopted pursuant to the Commission's authority under the Securities Exchange Act of 1934 and in particular under sections 17(a) and 23(a) of that Act, follows:

§ 240.17a–15 Reporting of market information on transactions in listed securities.

• • • • • •

(i)(1) Any person (including but not limited to registered national securities exchanges, national securities associations, brokers, dealers, issuers, vendors and subscribers to last sale reports) aggrieved by any action (including but not limited to denial, limitation or termination of access to last sale reports) taken by any person pursuant to a plan declared effective by the Commission under paragraph (a) of this section may appeal such action to the Commission.

(2) Such action shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby filed within 30 days after such action has been taken or within such longer period as the Commission may determine.

(3) Application to the Commission for review, or the institution of review by the Commission on its own motion, shall operate as a stay of such action, if the aggrieved party otherwise would forfeit a right he currently is enjoying, until an order is issued upon such review pursuant to paragraph (i)(4) of this section, unless the Commission orders otherwise, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments).

(4) In any proceeding for such review, if the Commission, after appropriate notice and opportunity for hearing, and upon consideration of the record of any proceedings conducted in connection with such action and such other evidence as it may deem relevant, determines that the specific grounds on which such action is based exist in fact and such action is in accord with the applicable provisions of such plan, the Commission shall by order dismiss the proceeding. Otherwise, the Commission shall by order set aside the action and require the entity taking such action to accord the aggrieved person the right, benefit or privilege sought to be denied or to take such other action as may be appropriate, subject to such terms and conditions as the Commission determines to be in accordance with the public interest and consistent with such plan. Nothing contained in paragraph (i)(4) of this section, however, shall prevent the Commission from taking such other action, based on the information available to it, that the Commission deems necessary or appropriate in the public interest or for the protection of investors.

All interested persons may submit written comments on the proposed

[1] Rule 17a–15 was originally adopted on November 8, 1972 (effective December 15, 1972) and was published in Securities Exchange Act Release No. 9850 (November 8, 1972).

[2] Securities Exchange Act Release No. 10787 (May 10, 1974).

amendment. Any communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC. 20549, should be received on or before June 14, 1974 and should refer to File No. S7–433. All comments received will be available for public inspection.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, 49 Stat. 1379, 52 Stat. 1076, (15 U.S.C. 78q., 78w.))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 10, 1974.

[FR Doc.74–11503 Filed 5–17–74;8:45 am]

FEDERAL ENERGY OFFICE

MANDATORY PETROLEUM REGULATIONS

[10 CFR Part 212]

Computation of Landed Cost; Proposed Rulemaking

I. The price control regulations for petroleum products currently enforced by the Federal Energy Office were originally published by the Cost of Living Council on August 22, 1973, as part of Phase IV of the Economic Stabilization Program. They were subsequently amended and the responsibility for administering the regulations was delegated by the Cost of Living Council to the Federal Energy Office on December 26, 1973. Independent statutory authority for the regulations was established by enactment of the Emergency Petroleum Allocation Act of 1973 on November 27, 1973. The basic premise of the regulations has been continued throughout. As applied to refiners' prices, the regulatory system permits refiners to increase prices only to reflect, on a dollar-for-dollar basis, costs incurred in acquiring imported and domestic crude petroleum and refined products.[1]

The regulations established a formula which must be applied by refiners in calculating allowable price increases on a once-a-month basis. The formula implements in precise mathematical terms the dollar-for-dollar cost pass-through principle. In determining costs of imported crude petroleum which refiners may use as allowable costs to justify price increases, the regulations look to "landed costs". It is at this point that the regulations squarely address the issue of transactions between affiliated entities, or the notion of "transfer pricing", which is the subject of this proposed rulemaking.

The importance of controlling transfer prices can be readily demonstrated. If the transfer price between the international affiliate and the United States affiliate is accepted for the determination of landed cost, the profits of the affiliated entities as a whole can be increased by raising the transfer price. Profits will be higher for the international affiliate due to the higher transfer price, but the U.S. affiliate will not suffer a corresponding decrease in profitability because under current controls it can recover the higher transfer price through higher domestic prices. In sum, United States users will pay higher prices which will be reflected in higher profits for the international operations of the affiliated entities. There is an obvious incentive for transfer prices to be increased in order to maximize profitability, but to the disadvantage of U.S. consumers. FEO has reason to believe this practice has occurred during the past several months and that it may explain in part the significant increases in international profits reported by the major oil companies.

In FEO regulations the term "landed costs" is defined to mean, for purposes of complete arms-length transactions, the purchase price at the point of origin plus the actual transportation costs. For purposes of products purchased in a transaction between affiliated entities, the landed costs of the product is computed by use of the "customary accounting procedures generally accepted and consistently and historically applied by the firm concerned." Similarly, in the case of products shipped pursuant to a transaction between affiliated entities, the transportation element in landed costs is computed by use of the same standard.[2]

The Cost of Living Council deliberately used this general and inclusive standard for initially determining costs in transactions among affiliated entities. It did so because the universe of international oil transactions is very broad and the Cost of Living Council was not then prepared to prescribe particular accounting practices.

At the same time, the Council recognised that generally accepted accounting techniques might not accurately reflect actual costs. Sophisticated accounting techniques could potentially be used to circumvent the rules. Moreover, even absent any effort at circumvention, accounting practices applied in times having comparatively stable crude oil prices may not fairly reflect actual costs when applied in the current turbulent period.

Since the regulations were first issued, there have been dramatic increases in world oil prices. For instance, the posted price for 34° Arab light, an important reference crude in the Persian Gulf, moved from $2.591 in January 1973 to $5.896 in December, and then in January 1974, the posted price was more than doubled to $11.651. These changes resulted in increased payments by the oil companies to the governments of the producing countries from $2.16 per barrel in January 1973, to $3.06 per barrel in December 1973 and to $7.00 per barrel by January 1974.

Accompanying these price increases, there has been a substantial increase in the amount of oil which the host countries control directly as part of their increased equity participation in the producing operations. Most of this oil is purchased by the companies pursuant to buy-back agreements at prices which are generally higher than that of the companies own equity oil, hence the higher the participation percentage the higher the average cost of oil. Compounding matters, the buy-back price for participation oil has in many cases not yet been agreed upon. Application of the 93 percent of posted price formula applicable before January 1974 would yield prices above those which are now being quoted in the market, and there remains considerable uncertainty as to what price may ultimately prevail.

Moreover, the Arab oil boycott against most European countries and the United States forced temporary rearrangements of supply patterns and required some firms to enter the spot and auction markets to obtain short-term supplies. This forced prices in those markets to record highs for December and January although prices have subsequently receded somewhat. Under stable market conditions that formerly prevailed, use of different accounting procedures for determining transfer prices by companies similarly situated produced relatively inconsequential differences on cost. But in circumstances where prices have increased as dramatically as in the past year, these differences are greatly magnified and have a significant impact on product prices to U.S. consumers. In addition, the present unsettled market conditions have apparently resulted in various companies giving quite different meaning to "market" when that is used as an accounting standard for setting transfer prices.

Although it could not foresee the exact course of events when the regulations were written, the Cost of Living Council recognized that such problems could occur. To deal with them, the regulations contain language enabling the agency to look behind company accounting procedures. Specifically, the regulations provide in § 212.83(e) that:

> Whenever a firm uses a landed cost which is computed by use of its customary accounting procedures, the FEO may allocate such costs between the affiliated entities if it determines that such allocation is necessary to reflect the actual costs of these entities or the FEO may disallow costs which it determines to be in excess of the proper measurement of costs.

Similarly, the preamble to the Phase IV petroleum price regulations states specifically:

> The Council intends to review the accounting procedures which firms subject to this section apply in making the necessary computations and reserves the right to require firms to modify their accounting procedures for purposes of this provision where the Council concludes the accounting practices used by the firms are not a fair reflection of the actual cost incurred. Changes in business practices designed to frustrate the purposes of these rules may also be disallowed by the Council. 38 FR 25686 (1973).

[1] A separate provision, Subpart I of Part 212, which would permit passthrough for price increases to recover non-product cost increases—e.g., labor, overhead, new construction and the like—is not relevant to this proposed rulemaking.

[2] This proposed rulemaking does not deal with transportation costs and is restricted to product costs. Computation of transportation costs may be the subject of a separate rulemaking action.

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Thus, the Council—and now FEO by virtue of the delegation of authority and the enactment of the Emergency Petroleum Allocation Act—has two sets of controls over transfer prices: first, FEO requires companies to measure costs by customary accounting practices which are generally accepted and historically and consistently applied; and second, it has explicit authority to go behind that general standard and insure, in specific cases, that companies use a proper measure of costs to justify allowable price increases.

In the Fall of 1973, the Cost of Living Council Energy Division, working in conjunction with the Internal Revenue Service, formalized its process of reviewing price increases put into effect by refiners pursuant to the predecessor of § 212.83. In January 1974, after the authority was delegated to FEO, Form FEO–96 was issued, requiring refiners to enumerate all the calculations called for under the pricing formula in order to justify their price increases. These forms must be submitted on a monthly basis and FEO has required refiners to file forms covering the period beginning with the month of November.

In addition, on January 10, 1974, FEO announced the establishment of a Refinery Audit Review Program (RARP), designed as a comprehensive audit package to verify the costs which refiners had been reporting in support of price increases. A team of about 60 Internal Revenue Service auditors were trained during the latter part of January and in early February to conduct the audit process, and an exhaustive set of guidelines (an audit checklist) was developed as an enforcement tool for use by the auditors. Beginning in early February, these auditors were dispatched to the headquarters of 30 of the largest refiners to begin the on-site audit process. This audit is still continuing and the first round is not scheduled for completion until the end of May, 1974.

Based upon the preliminary information from those audits, it appears that certain firms are using accounting procedures which do not accurately reflect costs. Thus, it now appears that it will be necessary for FEO to exercise its powers pursuant to § 212.83(e) to disallow costs in excess of actual costs. These regulations set out in detail the standards which FEO proposes to use in exercising this authority. In particular, the proposed rule sets out the methods by which FEO will determine actual costs in order to decide whether customary accounting procedures have accurately reflected increases in these costs.

These proposed regulations are not intended to alter or to expand in anyway the authority which FEO presently may exercise under its existing regulations. Rather the proposed regulations are interpretive in nature, setting out with more precision the measurement of actual costs as required in any application of § 212.83(e). In addition, the proposed regulations set out procedures to be followed in the future to provide for the timely determination of actual costs for transactions between affiliated entities.

FEO intends to implement this rule (or the rule as modified in the light of public comments on this proposal) through the issuance of orders disallowing costs in excess of those permitted by the rule.

II. In general, the proposed regulations attempt to determine what the actual cost of product would have been to the U.S. affiliate if it had purchased the product in an arms-length transaction. This yardstick is used in order to find a transfer price equal to that which would have resulted from ordinary market forces, and to the extent that it is successfully applied, the arms-length measure should result in refiners having as nearly as possible the same measure of actual costs whether or not the product is purchased from a related party.

The method for determining the comparable market price takes into account two considerations. First, in the absence of affiliation, U.S. refiners dependent upon foreign crude as a matter of ordinary business practice, would have entered into medium and long-term contractual commitments with their major overseas suppliers for the bulk of their crude requirements. Thus spot sales are not an appropriate measure of the prices which U.S. marketing entities would pay to their international affiliates. Second, to discharge its regulatory responsibilities FEO must have available a method for calculating actual costs rapidly and accurately on a monthly basis. Moreover, the method should be one which the companies can apply themselves by reference to their own records or some publicly available standard. In this respect, the Internal Revenue Service's method of determining transfer prices is unsuitable. Although the IRS too focuses on arms-length prices, it has been able to settle on appropriate transfer prices only several years after the fact. To satisfy these considerations the regulations focus on actual prices in sales to unrelated parties for product from the same country of origin, deriving from these a comparable market price.

FEO's preferred measure of costs is the market standard, but in some cases there may be insufficient information from independent sales to make it possible to determine in a timely manner and with reasonable precision the comparable market price. Unless some other clearly appropriate method for determining a representative arms-length price is established as a result of public comments and suggestions in this rulemaking proceeding, the net cost method will have to be applied. Under the net-cost method cost increases will be measured on the basis of increases in the net cost of the product to the affiliated entities plus the market value of any services performed by the non-United States affiliates. For equity oil this is equivalent to increases in payments to the host governments plus any increases in production expenses. The use of the net cost standard insures the affiliated entities that they will earn the same absolute per unit profit as they earned in the base period, but it does not permit them any increase in profits which might be permitted through the application of the market standard. In some instances the use of market prices may not permit a firm actually to recover all of its increased cost outlays, and in those instances the firm may calculate its costs on the net cost basis. Increases in landed costs are measured from the base period of May 1973. This is the base period used throughout the regulations for measuring increased costs.

To the extent that increased costs calculated pursuant to the customary accounting methods used by affiliated entities exceed increased actual costs as measured either by increases in comparable market prices or in net cost, they will be disallowed by FEO pursuant to the authority of § 212.83(e). This authority will be exercised with respect to all landed costs incurred beginning October 1973, the first full month after 10 CFR 150.356(c), now § 212.83(e), went into effect.

A. Comparable Sales Method

Comparable Market Price. The comparable market price is computed on the basis of all sales or purchases to unrelated parties in the month of measurement. From these sales the regulations identify a representative contract price by excluding both very high and low prices. This is done by arraying by price all sales to unaffiliated entities, including those pursuant to underlift and overlift agreements. From this array the highest-priced 20 percent of sales measured on a volume basis and the lowest 20 percent are eliminated. The weighted average price, weighted by volume, of the remaining sales is taken to be the comparable market price. This procedure permits computation of a definite price but eliminates from consideration both very low and very high prices which are not representative of mainstream pricing developments. This approach is not suitable when the volume of independent transactions is small, and in such cases the net cost method must be applied.

Adjustments. In arraying the data from third party transactions, prices must be adjusted to a f.o.b. basis for a standard reference crude. Adjustments will be made to reflect differences in quality, location at which delivery is made, terms of payment, payments for insurance, freight or brokerage, and other contract terms. Adjustments will be made only to the extent that the appropriate values may be ascertained with reasonable precision from market data. When possible, adjustments will be made on the basis of actual price differences to the affiliated entities for the transactions being compared. For instance, adjustments for gravity or sulphur differentials will be based upon the differences in price for the products being compared which the international affiliate pays to the producing country. Only material adjustments will be made and no adjustment will be made for ordinary commercial terms, e.g., payment within 60 days.

Purchased oil. Since purchases by the international affiliate from unrelated parties (other than those pursuant to buy-back agreements) are presumed to be arms-length transactions, any resale of the purchased oil to a U.S. affiliate shall be made at the international affiliate's purchase price plus the market value of any services rendered by the international affiliate. In recognition of the fact that the price of buy-back oil is tied to the overall settlement of the host country and producing company's interests, buy-back prices which companies are required to purchase will not ordinarily be considered in determining the comparable market price.

B. Net Cost Method

Net cost determination. When there is no comparable transaction which, after reasonable adjustment for different circumstances of sale, will permit the calculation of a comparable market price, FEO will require that the cost to the U.S. affiliate be calculated on the basis of the net cost of the crude or product to the international affiliate. In general, the application of the net-cost standard will limit the affiliated companies' margins per barrel to those prevailing in May 1973.

Equity crude. For crude which is produced by an affiliated entity, net costs include direct and indirect production expenses, royalties payable to non-affiliated entities, and foreign taxes and other payments to host governments directly attributable to the production and exportation of the crude. Foreign taxes for these purposes include direct foreign excise taxes imposed on the imported oil and payable by the affiliated entities and income taxes and excess profit taxes to the extent such taxes are payable to host countries on income directly derived from production of petroleum. In general, the application of these rules should permit companies importing equity oil to recover any increase in their tax-paid costs since May 1973. For crude obtained pursuant to production sharing agreements, increased costs shall include any additional foreign excess profit taxes which have become payable because of the increase in world prices.

Purchased crude. For crude purchased from a non-affiliated entity, cost is the purchase price. For participation crude, this is the price paid to the producing country whether pursuant to a buy-back agreement or other form of purchase. When a partner in a joint-venture obtains crude in excess of its proportional share pursuant to an overlift agreement, its cost shall be the net cost to it of that oil after taking account of dividends and other adjustments between the partners attributable to the amount overlifted.

Brokerage and services. When the net-cost method is used to calculate the actual cost to the U.S. affiliate, the market value of brokerage and other services including refining provided by the non-U.S. affiliates may be added to net costs. It would not ordinarily be anticipated, however, that the value of such services as measured on a per unit basis will have increased since May 1973.

C. General Rules

Contingent price contracts. Some crude purchased from international affiliates will be subject to subsequent adjustments in price when the international affiliate determines the price for the crude which it has to pay the producing country or other third parties. In particular this is true for crude from countries in which the percentage of participation is subject to change retroactively and the buy-back price for participation crude has not been finally determined. In those cases, refiners shall at the time of landing in the U.S. use their best estimates of the expected cost. Such judgments must be sustained by the submission of supporting data to FEO. In no case, however, will FEO permit the inclusion in increased costs of amount in excess of the higher of (i) 80 percent of the posted price, (ii) the tax-paid cost for equity crude from the same source, or (iii) actual payments to non-affiliated persons for the product in question. Costs shall be subsequently increased or decreased as appropriate when final liability is determined.

Exchanges. FEO recognizes that suppliers may be able to increase their costs by engaging in wash sales or other artificial exchange or purchase and sale transactions. In general, no problems result in this connection as long as crude imported into the United States is either equity crude of the affiliated entities or is crude purchased directly from the host country. Thus, to monitor the situation FEO will require U.S. affiliate to indicate what percentage of their imports is purchased from non-affiliated entities other than the government of the country of origin. If this percentage has increased over May 1973, FEO may require evidence that the company has not engaged in transactions to artificially increase its landed costs. For purposes of determining net cost in ordinary exchanges, the oil purchased shall be given the cost basis of the oil sold plus or minus any net payments to the exchanging partner.

Timing. Increased costs to a U.S. affiliate shall be considered to be "incurred" only when the U.S. affiliate has actually paid the international affiliate or has accrued its liability to pay for the imported product according to the customary accounting procedures generally accepted and consistently and historically applied by the company. In no case, however, shall increased costs be incurred before the product is actually physically landed in the U.S.

Consistent computation. In order that the computation of the amount of increased costs as required by Part 212 not be artificially inflated, it is necessary that the cost of crude to the U.S. affiliate in the base period, May 1973, and the month of measurement be computed on the same basis. When both equity and purchased crude is lifted from a country by the non-U.S. affiliates, it is presumed that amounts of equity and purchased crude proportional to liftings will be landed in the U.S. Thus in conformity with industry practice the average net cost of an imported barrel shall be the weighted average of the buy-back price and the tax-paid cost of equity crude. For any month the same method must be used for all crude or product from a particular country. Different methods of computation, however, may be used for crude from different countries.

Supporting data required. In view of the fact that the regulations governing the inclusion of a refiner's increased product costs operate on a monthly basis, refiners in the future will be asked to produce, at the time cost increases are to be passed through as increases in the base price, underlying data justifying such cost increases for the month in question. To this end, firms indicating increases on their Form 96 shall be required to provide accompanying documentation establishing the relevant cost of product both for the May 1973 base period and for the month of measurement. Such documentation shall include, at minimum, net cost data and a computation of the comparable market price for a reference crude for each country from which products are imported as well as a schedule setting forth what adjustments need to be made in computing the comparable market price for other imported crudes or product for each country. Supporting data should indicate all prices paid or received and the volumes passing at such prices pursuant to any contract to any person, affiliated or non-affiliated, and the method by which the comparable market price has been computed. To the extent that data adequate on its face to justify the use of the comparable sales method is not provided, the net cost method must be applied. Contingent price sales should be separately identified and treated in the manner set out above and appropriate supporting data provided.

Effective date. Increases in actual costs as measured by customary accounting methods will be disallowed to the extent that such increases exceed the increase in actual costs as measured by these regulations for all months of measurement beginning October 1973.

III. The following examples illustrate the application of these proposed regulations.

Example 1. X is a refiner for purposes of Section 212.83. X purchases crude from its international affiliate Y. Y in turn purchases crude from Z, a company solely engaged in the production of petroleum in Country M. Z is owned jointly by Y and another international oil company. For May 1973 and the month of measurement, Table A presents various costs and prices for a representative crude lifted from Country M, f.o.b. the point of loading.

In May 1973 and in the month of measurement, X imported into the United States 5,000,000 barrels of crude purchased from Y,

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all of which Y was entitled to by virtue of its equity share in Z.

In May 1973 and the month of measurement Y made sales of its equity crude to H, J, K and L, all unaffiliated parties, for the prices shown in Table B. To compute the comparable sales price, the highest priced 20 percent and the lowest priced 20 percent of sales are excluded, and the weighted average price of the remainder is calculated. This price is $2.02 in May 1973 and at $7.57 in the month of measurement. Under the net cost method X's per unit cost is the tax-paid cost, $1.72 in May and $7.12 in the month of measurement.

X and Y may use a variety of intercompany accounting methods to establish transfer prices. Three methods are set out in Table C. In the first, Y transfers oil to X at the tax-paid cost plus 40 cents per barrel, $2.12 in May 1973 and $7.52 in the month of measurement. In the second, Y transfers oil to X at the posted price, $2.742 in May 1973 and $11.651 in the month of measurement. In the third, Y transfers to X at "market," but for this purpose the highest price to an unaffiliated buyer is used, $2.17 in May 1973 and $9.00 in the month of measurement.

Table C shows the total increased costs for X as calculated pursuant to the comparable sales method, the net cost method, and each of the three accounting methods.

Cost increases will be disallowed to the extent that they exceed the higher of those allowed by the net-cost method or the comparable sales method which in this case is $27,750,000. Since the first accounting method yields increased costs less than this, no costs will be disallowed. Under the second accounting method, increased costs are $44,545,000, and hence increased costs of $16,795,000 would be disallowed ($44,545,000–27,745,000). Under the third method increased costs are $34,150,000 and hence costs of $6,400,000 would be disallowed ($34,150,000–27,750,000).

TABLE A.—REPRESENTATIVE CRUDE

	May 1973	Month of measurement
1. Posted price	$2.742	$11.651
2. Royalty	(.34)	(1.45)
3. Producing cost	(.18)	(0.18)
4. Pro forma profit	2.282	10.071
5. Tax at 55%	1.26	5.54
6. Government Take (lines 5+2)	1.60	7.00
7. Tax paid cost (lines 6+3)	1.72	7.12

TABLE B.—SALES TO UNAFFILIATED PERSONS
(Prices f.o.b. point of loading)

Buyer	May 1973 Price	May 1973 Sales (barrels)	May 1973 Adjusted Sales[1] (barrels)	Buyer	Month of measurement Price	Month of measurement Sales (barrels)	Month of measurement Adjusted Sales (barrels)
H				H	$9.00	100,000	
J	$2.12	160,000		J	7.58	550,000	450,000
K	2.10	200,000	180,000	K	7.54	150,000	150,000
L	1.98	540,000	360,000	L	7.52	200,000	
Total sales		900,000		Total sales		1,000,000	
Weighted average price of adjusted sales			$2.02	Weighted average price of adjusted sales			$7.57

[1] Derived by eliminating the 20 percent highest priced sales and the 20 percent lowest priced sales.

TABLE C.—*Comparative cost standards*

Standard	May 1973	Month of measurement	Cost increase per barrel	Total increased costs[7]	Total costs disallowed
Net-cost method[b]	$1.72	$7.12	$5.40	$27,000,000	NA
Comparable sales method	2.02	7.57	5.55	27,750,000	NA
Accounting method 1[c]	2.12	7.52	5.40	27,000,000	None
Accounting method 2[d]	2.742	11.651	8.909	44,545,000	$16,795,000
Accounting method 3[e]	2.17	9.00	6.83	34,150,000	6,400,000

[a] Cost of crude only; transport excluded.
[b] Tax-paid cost.
[c] Tax-paid cost plus $0.40 per barrel.
[d] Posted Price.
[e] Highest third-party sale.
[f] Calculated as the total quantity of crude landed in the month of measurement times the cost increase per barrel. This is equivalent to A in the formula of Section 212.83.

Example 2. Assume the same facts as Example 1, except that in May 1973 the country M owns 25 percent of Z pursuant to a participation agreement and that M's share is further increased to 50 percent in the month of measurement. Y is obliged to purchase M's share of production pursuant to a buy-back agreement. The buy-back price was 93 percent of the posted price in May or $2.55 per barrel. In the month of measurement the buy-back price is 85 percent of posting or $9.91 per barrel. The net cost per unit of crude to Y in May is the weighted average cost of the equity crude and the buy-back crudes, $1.9525 (0.75×$1.72+0.25×$2.55). The net cost in the month of measurement is $8.505 (0.50×$7.12+0.50×$9.91). The per unit increase in net cost is $6.5525 and total increase in net costs is $32,762,500 ($6.5525×5,000,000). If the sales prices to unaffiliated entities remain the same as in Table B increased costs computed according to the comparable sales method would remain unchanged at $27,750,000. Increased costs calculated by X and Y's customary accounting method would be disallowed only to the extent that they exceeded $32,762,500, the higher of the two permissible computations.

Example 3. Assume the same facts as Example 1, except that in the month of measurement Y exchanges 5,000,000 barrels with a non-affiliated entity. The oil received in the exchange is then imported by X. Both the oil sold and the oil purchased is priced at $10.00 per barrel. If the net cost method is used to calculate permissible increased costs, the oil received would take the cost basis of that given up, and hence the net-cost per unit of the oil imported by X would be $7.12, the tax-paid cost. Note that the income from the sale and the expense of the purchase balance in Y's income account.

Example 4. Assume the same facts as Example 3 except that the price of the crude purchased from the non-affiliated entity is $10.50 so that X made a net payment of $0.50. The actual cost per unit of the oil imported by X per unit is the basis of the oil sold by Y plus the premium paid for the purchased oil. Thus, the net cost would be $7.62 ($7.12+0.50).

IV. Interested persons are invited to participate in the rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice. Persons commenting on the proposed regulations are asked to address themselves to the general questions posed in Part A. In addition major international oil companies are requested to provide certain detailed price information set out in Part B.

A. GENERAL QUESTIONS

1. What contract terms or other circumstances should be considered in adjusting sales to independent parties to determine the comparable market price? What values should be assigned to such adjustments? How may such adjustments be readily computed and made before cost increases are recouped?

2. To what extent do the requirements of the regulations deviate from customary accounting practices now being employed?

3. What special problems may result from the application of these regulations to refined products?

4. What economic effects in terms of prices or supply would result from the application of these regulations? In particular, to what extent would individual companies divert supplies away from the United States or rearrange supply patterns if either the comparable sales method or the net cost method were adopted.

5. What other significant and material issues should be considered in the adoption of these regulations?

B. PRICE INFORMATION

Major international oil companies are requested to provide the following:

1. A statement of accounting procedures historically used, and if "market" is used, details of how the market price is determined including actual calculations for the months of May 1973 and October 1973 through April 1974.

2. Schedules by country of origin and month for the months of May 1973, and October 1973 through April 1974, showing for each shipment of crude landed during the month.

a. Type of Crude.
b. Date landed.
c. Volume.
d. Payment to host government.
e. Tax-paid cost, buy-back price, or purchase price as applicable.
f. Purchase price per 10 CFR 212.83(b) (show component parts).
g. Transportation cost per 10 CFR 212.83 (b).
h. Landed cost (g plus f). This figure should agree with that used to calculate cost increases on the FEO Form 96.

For item 2d and 2e a weighted average of equity and buy-back crude may be used if the company does not separate the two in its own accounts. Crude obtained from unaffiliated persons or pursuant to exchanges should be separately shown.

3. Schedules showing the monthly weighted average by country for items 2d through 2h weighted by volume, segregating equity crude, buy-back crude and other crude, except that a weighted average of equity and buy-back crude may be used if the company does not separate the two in its own accounts.

4. Schedules by country of origin and month of loading for the months of May 1973 and October 1973 through April 1974, showing for each sale of crude by the affiliated companies to a non-affiliated person:

a. Type of crude.
b. Date of loading.
c. Duration of contract pursuant to which the sale is made.
d. Volume.
e. F.o.b. price, point of loading.
f. Rebates, discounts or other consideration passing directly or indirectly to the non-affiliated parties.
g. Net realization (e less f).

Volumes shipped pursuant to overlift or underlift agreements should be included at their net cost taking account of dividends or other adjustments attributable to the overlifts.

5. Any other relevant market information.

Companies should answer the questions with respect to their operations and the operations of their affiliates showing in detail the expected impact on their transfer prices of both the comparable sales method and the net cost method. To the extent that persons believe particular regulations are not practical, they should attempt to provide alternatives keeping in mind the paramount need to permit the ascertainment of accurate arms-length prices in a prompt and equitable manner.

To the maximum extent practicable all information submitted pursuant to this rulemaking will be placed on the public record. When, however, a person possesses information which is relevant to this rulemaking and which he believes comes within the exception for trade secrets, commercial or financial information contained in 5 U.S.C. 552 or which contains or relates to a trade secret or other matters referred to in 18 U.S.C. 1905, and which he wishes to have withheld from public disclosure, he should separately identify and separately submit such information. FEO will treat such information as confidential to the extent that it is entitled to such confidentiality under the Freedom of Information Act or Section 205 of the Economic Stabilization Act of 1970, as amended. Pricing information provided by individual companies pursuant to the requests in Part B will be considered confidential for these purposes although aggregate data which does not permit the identification of individual companies may be placed in the public record.

Comments shoud be addressed to the Executive Secretariat, Room 3309, Box AJ, Federal Energy Office, Washington, D.C. 20461. Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Computation of Landed Costs." Thirty copies should be submitted. All comments received by Monday, June 17, 1974, will be considered by the Federal Energy Office before final action is taken on the proposed regulations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 33575)

In consideration of the foregoing, it is propsed to amend Part 212 of Chapter II, Title 10 of the Code of Federal Regulations by adding a new § 212.84 as set forth below.

Issued in Washington, D.C. on May 16, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

§ 212.84 Disallowance of Costs.

(a) *Scope.* This section prescribes the standards which FEO shall apply in transactions between affiliated entities in disallowing costs pursuant to § 212.83 (e). Costs shall be disallowed for all months of measurement beginning October 1973 to the extent they exceed these standards.

(b) *Methods of disallowance.*—(1) *General rule.* Increased product costs incurred in transactions between affiliated entities shall be disallowed to the extent that such costs calculated pursuant to customary accounting methods used by affiliated entities exceed increased actual costs. Actual costs are calculated by determining what the cost of the crude oil or other covered product would have been to the U.S. affiliate if it had purchased that product in an arms-length transaction from its foreign affiliate. To determine the appropriate arms-length price for these purposes (the "comparable market price"), reference shall be made to actual sales between unrelated parties for that product from a particular country. If sales to related parties are not significant in volume or are composed primarily of spot transactions, actual costs shall deemed to be the net cost of that product to the affiliate entities plus the market value of any services performed by the foreign affiliate. If net cost exceeds the comparable market price, firms may recoup increased product costs calculated on the net cost basis.

(2) *Comparable sales method.* (i) The comparable market price of crude oil or other covered products shall be determined by reference to all sales of crude oil or other covered product from the country of origin to unaffiliated entities. Quantities lifted pursuant to overlift and underlift agreements shall be considered sales, the price being the net cost of the crude oil taking account of dividends and other adjustments between partners attributable to the amount overlifted or underlifted. Purchases pursuant to buy-back arrangements shall not be considered sales for this purpose.

(ii) Actual sale prices to unrelated parties shall be adjusted to reflect differences in products and circumstances. Adjustments shall be made to reflect differences in quality, location at which delivery is made, terms of payment, payments for insurance, freight or brokerage, and other contract terms. Adjustments shall be made only to the extent that the appropriate values may be ascertained with reasonable precision from market data. When possible, adjustments shall be made on the basis of actual price differences to the affiliated entities for the transactions being compared. For instance, adjustments for gravity or sulphur differentials shall be based upon the differences in price for the products being compared which the international affiliate pays to the producing country. Only material adjustments shall be made and no adjustment will be made for ordinary commercial terms, e.g., payment within 60 days.

(iii) The comparable sale price shall be the weighted average price after adjustment weighted by volume, of such sales after excluding the highest priced 20 percent of such sales and the lowest priced 20 percent of such sales measured on a volume basis.

(iv) If total sales to unaffiliated parties are not significant or if sales are primarily of a spot or occasional nature, the comparable market price method shall not be used.

(v) The comparable market price for resales to a U.S. affiliate of purchases by the foreign affiliates from unrelated parties (other than purchases pursuant to buy-back agreements) shall be the foreign affiliate's purchase price plus the market value of any services performed by the affiliate.

(3) *Net cost method.* (i) When the comparable sales method cannot be used, the actual cost to the U.S. affiliate shall be calculated on the basis of the net cost of the crude oil or other covered product to the international affiliate.

(ii) For crude oil which is produced by an affiliated entity, net costs include direct and indirect production expenses, royalties payable to non-affiliated entities, and foreign taxes directly attributable to the production and exportation of the crude oil. Foreign taxes for these purposes include direct foreign excise taxes imposed on the exported crude oil and payable by the affiliated entities and income taxes and excess profit taxes to the extent such taxes are payable to host countries on income directly derived from production of crude oil. In general, the application of these rules should permit companies importing equity crude oil to recover any increases in their tax-paid costs since May 1973. For crude oil obtained pursuant to production sharing agreements, increased product costs shall include any additional excess profit taxes which have become payable because of the increase in world prices.

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(iii) For crude oil or other covered products purchased from a non-affiliated entity, the net cost is the purchase price. For participation crude oil, net cost is the price paid to the producing country whether pursuant to a buy-back agreement or other form of purchase. When a partner in a joint-venture obtains crude oil in excess of its proportional share pursuant to an overlift agreement, its cost shall be the net cost to it of that crude oil after taking account of dividends and other adjustments between the partners attributable to the amount overlifted.

(iv) When crude oil or another covered product is exchanged with non-affiliated entities, the product received or purchased shall take the basis of the product transferred or sold plus or minus any net payments to the exchanging partner.

(v) The market value of brokerage and other services including refining provided by the international affiliate may be added to net cost when the net cost method is used to calculate the actual costs to the U.S. affiliate. In the absence of substantial evidence to the contrary, it shall be presumed that there has been no increase in the per unit value of such services since May 1973.

(c) *General rule.* (1) In instances where crude oil or another covered product purchased from foreign affiliates is subject to subsequent adjustments in price, refiners shall give their best estimates of the expected cost, which estimates must be sustained by the submission of supporting data to FEO. In no case, however, shall the inclusion in increased costs be permitted of amounts in excess of the higher of (i) 80 percent of the posted price, (ii) the tax-paid cost for equity crude oil from the same source, or (iii) actual payments to non-affiliated persons for the product in question. Actual costs may be subsequently increased or decreased as appropriate when final liability is determined.

(2) Increased product costs shall be considered incurred when the product is physically landed in the United States. In computing the comparable market price, however, companies may use the sale of quantities loaded at the country of origin during the month of measurement if that accords with the company's customary accounting practices.

(3) The same method of calculation shall be used for all products from a particular country in computing the cost to the U.S. affiliate in the May 1973 base period and in computing the actual cost in the month for which a cost increase is claimed. Different methods of computation may be used for product from different countries.

(4) Companies claiming increased product costs shall provide documentation establishing the relevant cost of product both for the May 1973 base period and for the month for which a cost increase is claimed. Such documentation shall include, at minimum, net cost data and the computation of the comparable market price for a reference crude oil for each country from which products are imported. Supporting data shall indicate all prices paid and the volumes passing at such prices pursuant to any contract to any firm, affiliated or non-affiliated, and the method by which the comparable market price has been computed. To the extent that data adequate to compute the comparable market price is not provided, the net cost method must be applied. Contingent sales shall be separately identified and treated in the manner set out in subsection (c)(1) and appropriate data provided. In addition, U.S. affiliates shall indicate what percentage of their imports is purchased from non-affiliated entities other than the government of the country of origin. If this percentage has increased over May 1973, FEO may require evidence that the entity has not engaged in transactions artificially to increase its landed costs.

[FR Doc.74-11617 Filed 5-16-74;3:20 pm]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-67]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Postponed Meeting

The meeting of the Executive Committee of the National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center), announced for June 3, 1974 (39 FR 16906) at the Department of State, Room 507, SA-2, has been canceled. The meeting site has been changed to Honolulu, Hawaii and scheduled for June 21, 1974.

The meeting is being postponed to take advantage of the fact that several participants will be in Honolulu at that time on other business.

Dated: May 13, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74-11469 Filed 5-17-74;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Notice of Meeting

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department in Washington, D.C., on June 3, 1974.

The meeting is called for the purpose of considering the basic issues involved in the current international negotiations for the reform of the international monetary system.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within one or more of the exemptions to public disclosure set forth in 5 U.S.C. 552(b) and that the public interest requires such meeting be closed to public participation.

Dated: May 16, 1974.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

[FR Doc.11666 Filed 5-17-74;9:57 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF; POTENTIAL FUTURE OIL AND GAS LEASING

Preparation of Environmental Impact Statement

In order to ensure that adequate consideration is given to the environmental impacts of and alternatives to implementation of the program announced by President Nixon for an increase in potential future Outer Continental Shelf (OCS) oil and gas leasing to ten million acres in 1975, the Bureau of Land Management of the Department of the Interior will prepare an environmental impact statement for the proposed action pursuant to the provisions of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)). OCS areas which may be affected by the proposed program include the following:

	Approximate location
Atlantic Coast OCS areas:	
1. North Atlantic	Bay of Fundy to Cape Cod north of 40° N. latitude and south of.[1]
2. Mid-Atlantic	Cape Cod to Cape Hatteras between 40° N. to 35° N. latitude.
3. South Atlantic	Cape Hatteras to Key West south of 35° N. latitude.
Gulf of Mexico OCS areas:	
4. East Gulf	East of 88 W. longitude.
5. Central Gulf	Between 88° W. to 93° W. longitude.
6. West Gulf	West of 93° W. longitude to Mexican border.
Pacific OCS areas:	
7. Southern California Borderland	South of 34° N. latitude to Mexican border (except Santa Barbara Channel).
8. Santa Barbara	Santa Barbara Channel.
9. North and Central California	North of 34° N. latitude to California-Oregon border (except Santa Barbara Channel).
10. Washington-Oregon	Between California-Oregon border and Canadian border.
Alaska OCS areas:	
11. Cook Inlet	South of 60° N. latitude.
12. Southern Aleutian Shelf	West of 153° W. longitude.
13. Gulf of Alaska	North of 56° N. latitude, east of 153° W. longitude.
14. Bristol Bay	South of 58° N. latitude, east of 165° W. longitude.
15. Bering Sea Shelf	U.S. Waters south of 66° N. latitude.
16. Beaufort Sea	Between 142° W. and 160° W. longitude.
17. Chukchi Sea	U.S. waters north of 66° N. latitude, west of 160° W. longitude.

[1] The line drawn from a point at: 42°19.9' N. latitude, 67°46.9' W. longitude, thence to 42°9.3' N. latitude, 67°40.0' W. longitude, thence 41°42.4' N. latitude, 67°28.8' W. longitude, and ending at 41°15.2' N. latitude, 66°58.9' W. longitude.

It is the intention of the Bureau of Land Management to prepare an environmental statement which, in general, will describe the following topics: The proposed leasing action; the management system pertaining to the proposed action, including leasing procedures, supervision, inspection, and regulation of lease operations, and monitoring of actual and threatened environmental effects of lease operations; OCS oil and gas resource potential; energy supply and demand; technology for developing oil and gas offshore; environmental settings; natural phenomena that exist or occur in particular OCS regions, and which have the potential to cause or contribute to environmental impacts arising from the proposed action; the potential environmental impacts of the proposed action, offshore and onshore, including without limitation matters such as the cumulative impact of oil and gas operations under the proposed leasing action.

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impacts on competing uses of OCS resources, the effect of the proposed action on the level of environmental study prior to leasing and on the level of supervision of lease operations after leasing, and the degree to which environmental effects might be reduced as a result of improvements in methods of lease supervision; and the alternatives to the proposed action and their potential environmental impacts.

In due course, the Bureau of Land Management will prepare and disseminate a draft environmental statement and solicit comments on the statement from other Federal agencies, State and local governments, and interested members of the public. Moreover, it is the intention of the Bureau of Land Management to schedule public hearings, the location of which will be designated in a future notice published in the FEDERAL REGISTER, to consider the proposed action and the draft environmental statement.

The Bureau of Land Management will prepare individual environmental statements pursuant to section 102(2)(C) of the National Environmental Policy Act, supra, for each potential lease sale involved in the proposed action. This will provide a detailed environmental analysis on a tract-by-tract basis.[2]

The reasoning behind the proposed program and the determination to prepare a formal assessment of the environmental impacts of the proposal to increase OCS oil and gas leasing is as follows:

(a) Energy consumption in the United States will continue to rise. Despite conservation measures which have been instituted as a result of the recent oil embargo, all predictions indicate that there will be further increases in demand. Should domestic oil production continue to decline and demand continue to grow as in the past, imports would necessarily increase from 35 percent of U.S. consumption in 1973 to roughly half of U.S. consumption by 1980.

(b) The substantial rise in foreign oil prices in recent months also has created difficulties. If foreign oil purchases are increased, there would be a chronic balance of payments outflow which would create critical problems in international monetary affairs.

(c) An increase in domestic oil and gas production offers the greatest chance among available alternatives of avoiding increasing dependence upon potentially insecure foreign supplies of energy. While the mix between energy forms may change somewhat with rapid growth of other forms of energy such as increases in coal production and development of nuclear energy, the U.S. must continue to be heavily dependent on oil and gas through the next two decades.

(d) The Outer Continental Shelf represents a large and promising area for oil and gas exploration. The Department's Geological Survey estimates undiscovered recoverable oil resources offshore totalling 65 to 130 billion barrels of petroleum (7–14 State and 58–116 Federal) and 395 to 790 trillion cubic feet of gas (40–80 State and 355–710 Federal). Production from those resources, in addition to production from known OCS resources, would greatly help in attaining the goal of avoiding dependence on insecure foreign sources of oil and gas.

(e) The proposed action to increase OCS oil and gas leasing to 10 million acres in 1975 is a major Federal action significantly affecting the quality of the human environment.

(f) The environmental statement process articulated in the National Environmental Policy Act provides a formalized method for evaluating the environmental impact of OCS development. For example, the view—that the considerable OCS development which has occurred to date has not resulted in long lasting, unacceptable marine or shoreside environmental or socio-economic impacts—would be evaluated.

The viability of the program, and the bases therefor, will be evaluated in the decision-making processes of which the environmental statement concerning the increases in OCS leasing from approximately 3 million acres in 1974 to 10 million acres in 1975, and the individual environmental statements on the 1975 sales, are a part. Studies and views that will be considered in these decision-making processes include more than the preparation of the environmental statements referred to. The following steps have already been taken:

(a) On April 18, 1973, the President directed the Council on Environmental Quality to study the potential environmental impacts of OCS oil and gas exploration and development along the Atlantic Coast and the Gulf of Alaska. The Report of the Council on Environmental Quality, OCS Oil and Gas—An Environmental Assessment, which was submitted to the President on April 18, 1974, is undergoing a thorough review within the Department.

(b) On February 20, 1974, the Bureau of Land Management published in the FEDERAL REGISTER (39 FR 6541), a "Request for Comments" inviting and encouraging all concerned parties representing the oil and gas industry and the general public to submit information concerning areas of interest for oil and gas resource potential and areas of environmental concern. Comments received to date in response to this request are now being studied and analyzed within the Department of the Interior, and a report will be released in the near future. This is one action taken during the first tier of a new two-tier system for selecting potential OCS leasing areas and individual tracts within those areas. The Bureau of Land Management will use these rankings of areas, and its own evaluations of resource potential and need to protect environmental values, the CEQ report, and views of other Federal agencies to identify areas for potential lease sales. In the second tier of the system, industry and other groups will be asked to provide their views on individual tracts within areas as in the past. Thereafter, an environmental statement for the individual lease sale would be prepared, as mentioned above, and if the sale is determined to be environmentally acceptable, the terms of the leases would be established, and the sale held.

(c) The Department is conducting an inventory and analysis of existing environmental and socio-economic data. The CEQ report represents a significant contribution to this level of effort. Contracts have been entered into with universities for more specific analyses of frontier areas such as the North Atlantic, from the Bay of Fundy to Sandy Hook, New Jersey; the mid-Atlantic, from Sandy Hook to Cape Hatteras; the South Atlantic, from Cape Hatteras to Cape Canaveral; and the Gulf of Alaska, from Cook Inlet to Unimak Island. The Department has also contracted for studies of southern California and is broadening and updating our information concerning the Gulf of Mexico.

(d) The Secretary of the Interior has created a Federal-State Research Advisory Board which will advise on the scope and conduct of baseline studies and monitoring programs for potential leasing in frontier areas of the Atlantic and Alaska. We expect to issue a number of contracts for base-line studies after receiving advice from the advisory board. Representatives of seaboard States have been invited to participate on the Board and others will be so invited.

In this connection, the Department has decided to proceed in nearly simultaneous time frames with environmental base-line studies on the Outer Continental Shelves of the Atlantic Ocean and the Gulf of Alaska in order to explore further the feasibility of oil and gas leasing in those areas. These base-line studies will consider weather, sea state, biologic populations and natural hazards. Their design will draw upon the National Oceanic and Atmospheric Administration (NOAA), Bureaus in the Department, the States, and the private sector. NOAA and the USGS have been asked to design appropriate studies for the Gulf of Alaska for early consideration by the Advisory Board. Because legal issues may delay OCS development in the Atlantic, the Gulf of Alaska may be the first frontier area in which an OCS sale could be held.

The Gulf of Alaska was identified by the CEQ in its recent report as one of the frontier OCS areas with the greatest environmental risk. The studies to be undertaken are necessary to determine the acceptability of leasing in this area. The Department believes steps should now be taken to protect the option of a sale in that area near the end of 1975 if the difficult environmental and technological problems identified in the CEQ report can be satisfactorily dealt with. The Department has no intention of leasing anywhere on the OCS if it cannot be accomplished in an environmentally acceptable way.

(e) The Department is now evaluating the feasibility of requiring permittees and lessees to furnish the Secretary with copies of all data obtained during offshore exploration and development for oil and gas. Notice of proposed rule making will be published in the FEDERAL REGISTER for public comment soon.

(f) Officials of the Department of the Interior have been involved in a continuing dialogue with environmental organizations, representatives of industry and other concerned individuals in an effort to obtain the benefit of their views relative to the environmental aspects and the oil and gas potential of the proposed action. Discussions have been held on the advisability of an OCS exploratory program that would further help to pinpoint the areas of the greatest potential production of oil and gas. These discussions have involved a number of alternative plans which include: special limited lease sales in frontier areas with a requirement for prompt exploration; leases for exploration only; a Federal exploratory drilling program; and off-structure stratigraphic drilling by both private and public entities.

Persons wishing to express their views concerning the preparation of an environmental impact statement for the proposed program to increase OCS oil and gas leasing and the other undertakings referred to may submit comments to Director, Attention 730, Bureau of Land Management, Washington, D.C. 20240.

GEORGE C. TURCOTT,
Associate Director,
Bureau of Land Management.

Approved: May 13, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

[FR Doc.74–11447 Filed 5–17–74;8:45 am]

[2] Decisions to prepare environmental impact statements for potential lease sales would take into account the status of pending litigation, including U.S. v. Maine et al. and U.S. v. Florida.

Office of Hearings and Appeals

[Docket No. M74–113]

BIMBO COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 661(c) (1970), Bimbo Coal Company, Inc. has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 2 Mine located at Hall Hollow, Buchanan County, Virginia.

30 CFR 77.1605(k) provides as follows:

Berms or guards shall be provided on the outer bank of the elevated roadways.

The alternate method which Petitioner proposes to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that the loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signals shall be posted designated curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturers brakes.
(b) Engine or Jacobs brakes.
(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super-elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Petitioner further states that the alternative method outlined above will, at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 19, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MAY 13, 1974.

[FR Doc.74–11463 Filed 5–17–74;8:45 am]

[Docket No. M 74–101]

O. C. COAL MINE #2

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), H. W. Weaver, d.b.a. O. C. Coal Mine #2 has filed a petition to modify the application of 30 CFR 75.1405 to its O. C. Coal Mine #2 located at Gunnison, Colorado.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner seeks a waiver of the foregoing safety standard for the following reasons:

(1) Petitioner utilizes forty inch wide, one-ton wooden cars in its mine. These cars comprise two three-car trips which are hauled by one-half inch rope cable. The cars are manuevered by hand on the surface, and they are pulled inside by a mule.

(2) The subject cars are not uncoupled in the mine. The uncoupling takes place aboveground on a flat surface when the cars are at rest.

(3) The size and awkwardness of automatic couplers would create a safety hazard. In addition, the installation of said couplers would prove impractical because:
(a) The cars are too small to accommodate the couplers.
(b) Petitioner's personnel would be unable to manuever the cars by hand on the surface.
(c) It would not be possible to manuever the cars underground by mule.
(d) The mine will continue to produce coal for only three more years.

(4) The alternate method will at all times guarantee no less than the same measure of protection as afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 19, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

MAY 13, 1974.

[FR Doc.74–11466 Filed 5–17–74;8:45 am]

[Docket No. M 74–102]

O. C. COAL MINE #2

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), H. L. Weaver, d.b.a. O. C. Coal Mine #2 has filed a petition to modify the application of 30 CFR 75.313 to its O. C. Coal Mine #2 located in Gunnison, Colorado.

30 CFR 75.313 provides in pertinent part as follows:

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The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after March 30, 1970, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required prior to the date on which such equipment is required to be permissible under §§ 75.500, 75.501, and 75.504. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. • • •

Petitioner seeks a waiver of the foregoing safety standard as it applies to Petitioner's Sullivan shortwall cutting machine for the following reasons:

(1) Petitioner's mine is situated above the water table level, and there has never been any gas detected in the mine.

(2) From information Petitioner has gathered, it is impractical to mount a methane monitor on the subject cutting machine.

(3) Petitioner cannot afford to install a methane monitor on its cutting machine.

(4) Petitioner's alternate method will at all times guarantee the same measure of protection as afforded by the application of the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 19, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 13, 1974.

[FR Doc.74-11464 Filed 5-17-74;8:45 am]

[Docket No. M 74-116]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Co. has filed a petition to modify the application of 30 CFR 75.1405 to its Bird No. 3 Mine located in Tire Hill, Pennsylvania.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405-1 which provides as follows:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states the following:

(1) Cars subject to this petition for modification are small two-ton cars of an extremely old manufacture, and no automatic couplers for these cars are available by any manufacturer. These cars have been in use in Petitioner's mine since 1962, and no accidents have resulted therefrom.

(2) Due to nature of grade, cars must travel by rope haulage on 20 percent grade for a distance of 600 feet. In the coupling process, a coupling pin is attached to a lever which extends to the side of the car and the pin remains in the hole in the bumper, thus making it unnecessary for person to be between cars. The link end of the coupler has a rod permanently attached to the coupling link of the other car and it extends outward to the side of the car, thus making it unnecessary for person to be between cars. Cars can be coupled and uncoupled by these rods thereby assuring adequate clearance and safety of Petitioner's employees. The motorman, while remaining in his locomotive, can maneuver the coupling link to the bumper of the locomotive by said rod.

(3) Coal in Petitioner mine is transported by belt haulage.

(4) The aforementioned plan was initiated and instituted by pilot plan on one car in order to determine its efficacy. Results determined from test and pilot project concluded that outstanding protection is afforded employees. This is indicated conclusively by the fact that no employee is required to place any part of his body between any cars when coupling or uncoupling haulage vehicles.

(5) All personnel operating cars subject to this petition for modification are provided with training and safety orientation.

(6) Petitioner asserts that its alternate method will at all times guarantee adequate protection to the miners and will not result in a diminution of safety.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 19, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 13, 1974.

[FR Doc.74-11465 Filed 5-17-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

EMERGENCY CONSERVATION MEASURES PROGRAM

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a draft environmental statement on the Emergency Conservation Measures Program, USDA-ASCS-ES (Adm.) 74-2. The Emergency Conservation Measures Program is authorized under Public Law 85-58. This program provides cost-sharing assistance to farmers for carrying out emergency conservation measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes or other natural disasters in counties designated by the Secretary upon a finding that a natural disaster has occurred. The measures carried out under the ECM restore or enhance the quality of the environment and in some instances reduces the potential for health hazards.

In general, the environment is enhanced in the area of the disaster by correcting damage to the farmlands by the removal of debris and other solid wastes, the filling or shaping of gullies, and the repairing of damaged conservation structures. Also, measures carried out to control wind erosion result in an improvement of the air quality in the area. Potential adverse environmental impacts include a temporary increase in sedimentation of waterways, some damage to wildlife habitat during construction activities, some temporary lowering of air quality while carrying out some measures.

The draft statement was filed with the CEQ on April 30, 1974. Copies of the statement are being forwarded to all State Clearinghouses, various conservation and environmental organizations and Federal agencies as outlined in the CEQ guidelines. Copies of the statement are available for inspection during regular working hours at USDA, Agricultural Stabilization and Conservation Service, Room 4702-South Building, 14th & Independence Avenue, SW., Washington, D.C. 20250, and at the State office for the Agricultural Stabilization and Conservation Service in each State. A limited number of single copies are available upon request to the Washington, D.C. office.

Comments concerning the proposed action should be addressed to the Director, Environmental Quality and Land Use Programs Division, Agricultural Stabilization and Conservation Service, Washington, D.C., to be received by June 28, 1974.

Signed at Washington, D.C. on May 13, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-11468 Filed 5-17-74;8:45 am]

Forest Service

APALACHICOLA NATIONAL FOREST, FLA.

Proposed Transmission Line Right-of-Way; Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the proposal for a 230 KV Transmission Line Right-of-Way across the Apalachicola National Forest, Florida, USDA-FS-R8-DES (Adm.)-74-8.

This environmental statement concerns an application for a special use permit by the City of Tallahassee, Florida for the proposed construction of a 230 KV Transmission line across the Apalachicola National Forest.

This draft environmental statement was transmitted to CEQ on May 10, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, N.W., Room 804
Atlanta, Ga. 30309

Forest Supervisor
USFS, Box 1050
214 South Bronough Street
Tallahassee, Florida 32302

A limited number of single copies are available upon request to B. Frank Finison, Forest Supervisor, National Forests in Florida, Box 1050, 214 South Bronough Street, Tallahassee, Florida 32302.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Public meetings will be held on June 3, 1974, at 7:30 p.m. at the Leon County Courthouse in Tallahassee, Florida and on June 4, 1974, at 7:30 p.m. at the Wakulla County Courthouse in Crawfordville, Florida.

Comments concerning the proposed action and requests for additional information should be addressed to B. Frank Finison, Forest Supervisor, National Forests in Florida, Box 1050, 214 South Bronough Street, Tallahassee, Florida 32302. Comments must be received by July 10, 1974 in order to be considered in the preparation of the final environmental statement.

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc. 74-11452 Filed 5-17-74;8:45 am]

EUREKA-GRAVE CREEK PLANNING UNIT, MONTANA; MULTIPLE USE PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Multiple Use Plan—Eureka-Grave Creek Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-74-16.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Eureka-Grave Creek Planning Unit, on the Fortine Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 93,585 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ on May 13, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, DC 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA Forest Service
Kootenai National Forest
418 Mineral Avenue
Libby, MT 59923

A limited number of single copies are available upon request to Forest Supervisor Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923. Comments must be received by July 12, 1974, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

MAY 13, 1974.

[FR Doc.74-11455 Filed 5-17-74;8:45 am]

PORCUPINE/BUFFALO HORN PLANNING UNIT, MONTANA; MULTIPLE USE PLAN

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Porcupine/Buffalo Horn Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) 74-19.

The environmental statement concerns a proposed action to implement a revised Multiple Use Plan for the Porcupine/Buffalo Horn Planning Unit, Gallatin Ranger District, Gallatin National Forest in Gallatin County, Montana. The number of affected acres are 46,167. Inventory analysis was done to the most intense level used by the Forest Service. The plan provides the District Ranger with detailed management prescriptions for the Unit. The Unit is broken into four subunits (management units) which contain similar resource problems, opportunities, and capabilities.

This final environmental statement was filed with CEQ on May 13, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building, Room 3077
Missoula, MT 59801

USDA Forest Service
Gallatin National Forest
Federal Building
Bozeman, MT 59715

USDA Forest Service
Gallatin Ranger District
Gallatin Gateway, MT 59730

A limited number of single copies are available upon request to Forest Supervisor Lewis E. Hawkes, Gallatin National Forest, P.O. Box 130, Bozeman, MT 59715.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

MAY 13, 1974.

[FR Doc.74-11453 Filed 5-17-74;8:45 am]

UPPER FISHER PLANNING UNIT, MONTANA; MULTIPLE USE PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for Multiple Use Plan, Upper Fisher Planning Unit, Forest Service Report Number USDA-FS-DES (Adm). R1-74-15.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Upper Fisher Planning Unit, Libby and Fisher River Ranger Districts, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 65,000 acres of National Forest lands which have been stratified into ten management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ on May 10, 1974.

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Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. and Independence Ave., S.W.
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, MT 59801

Supervisor's Office
Kootenai National Forest
418 Mineral Avenue
Libby, MT 59923

USDA Forest Service
Libby Ranger District
Libby Ranger Station
Libby, MT 59923

USDA Forest Service
Fisher River Ranger District
Canoe Gulch Ranger Station
Libby, MT 59923

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923. Comments must be received by July 10, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: May 10, 1974.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.74–11454 Filed 5–17–74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKERS OF 400,000 DWT

Computation of Foreign Construction Costs

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of tankers of about 400,000 DWT. This notice supersedes the "Notice of Intent" dated October 1, 1973, for the same size vessel, which was published in the FEDERAL REGISTER of October 4, 1973.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on June 7, 1974, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, NW., Washington, D.C. 20230.

Dated: May 15, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–11493 Filed 5–17–74;8:45 am]

CONVERSION OF SINGLE SCREW CARGO SHIPS TO CARGO/CONTAINER VESSELS

Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of conversion of single screw cargo ships to cargo/container vessels, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on June 12, 1974, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Dated: May 15, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–11492 Filed 5–17–74;8:45 am]

National Oceanic Atmospheric Administration

MARINE MAMMALS; CAPTURE, KILLING, INJURY OR OTHER TAKING OF MARINE MAMMALS

Notice of Intent To Prescribe Regulations; Correction

On March 13, 1974, in 39 FR 9685 a notice of intent to prescribe regulations pursuant to section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, et seq. "the Act") was published. The notice included a table listing 19 species of marine mammals with estimated population levels. Number 10 on the list, spotted dolphin, was listed as "unknown-rare." The word "rare" was erroneously included. The correct listing should be:

"10. Spotted dolphin (*Stenella* attenuata, *S. frontalis, S. graffmani, S. dubis*). * * * unknown"

Dated: May 10, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–11479 Filed 5–17–74;8:45 am]

ROBERT ELSNER

Application for Marine Mammal Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Robert Elsner, Professor of Physiology, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99701, to take by shooting, forty (40) harbor seals (*Phoca vitulina richardii* and/or *Phoca vitulina largha*), forty (40) ringed seals (*Pusa hispida*), ten (10) ribbon seals (*Histriophoca fasciata*), ten (10) bearded seals (*Erignathus barbatus*) and ten (10) northern sea lions (*Eumetopias jubatus*) for the purpose of scientific research.

The harbor seals will be taken from the southern coast of Alaska and the Bering Sea. The ringed seals, ribbon seals and bearded seals will be taken from the Bering Sea and the Chukchi Sea. The northern sea lions will be taken from coastal regions of the Bering Sea and the Gulf of Alaska. All of the animals will be taken between July, 1974 and June, 1976 by Dr. Robert Elsner or a skilled agent.

Dr. Elsner has conducted physiological research in Alaska since 1953, and has dealt specifically with Alaska seals and sea lions since 1963.

The requested species of marine mammals have been selected because of their known and suspected responses to diving asphyxia. Thus, they provide experimental models for clarification of physiological and biochemical reactions which can be usefully explored in them and, by comparison with terrestrial species, can be useful in establishing biological generalizations regarding asphyxia and natural defenses against its consequences.

Tissue and organ samples taken from the requested seals and sea lions will be utilized in a series of comparative studies on the responses of such tissues to asphyxial hypoxia, or reduced levels of oxygen. These samples will be utilized in the following projects:

1. The response of kidney, heart and brain tissues to asphyxia, and the interrelationships between asphyxia, circulation and metabolism;
2. The function of the elastic, bulbous structure at the base of the aorta;
3. The responses of the seal heart to prolonged exposure to low oxygen and elevated carbon dioxide levels;
4. The response of cardiac muscle to experimental blockage of coronary arteries;
5. The mechanisms involved in the control of cardiovascular reactions to diving asphyxia;
6. The adaptations of morphology and function of respiratory organs and their collapse during dives;
7. Microscopic structural changes of seal heart and kidneys during severe reduction of blood supply to the heart.

Certain parts of the skeletal remains will be presented to collections of the Alaska Department of Fish and Game and the University of Alaska for further study.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202–343–7780 and the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907–586–7221.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before June 19, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 15, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–11481 Filed 5–17–74;8:45 am]

SEA-ARAMA MARINEWORLD

Application for Marine Mammal Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for the purpose of public display, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Sea-Arama Marineworld, Seawall Boulevard at 91st Street, P.O. Box 3068, Galveston, Texas 77550, to take seven (7) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display, and to subsequently maintain a permanent inventory of no more than fifteen (15) Atlantic bottlenosed dolphins (*Tursiops truncatus*), through the replacement of animals lost in the course of normal attrition.

The dolphins will be taken from the Gulf of Mexico along the Texas coast, primarily in the vicinity of Galveston Island and Aransas Bay. They will be taken by Sea-Arama Marineworld capture personnel by means of a nylon net, and then transported to the Galveston facility by truck. Following the taking of the seven dolphins which are currently desired, other dolphins will be taken as needed to maintain the dolphin inventory at fifteen animals.

Three dolphins will be maintained in each of four circular concrete holding pools, 15 feet in diameter and 7 feet deep. These twelve dolphins will be displayed in the show stadium, 100 feet long, 40 feet wide and 14 feet deep.

The entire stadium/holding pool complex contains 340,000 gallons of filtered sea water.

The three remaining dolphins will be maintained and displayed in the 30,000 gallon porpoise petting pool, 29 feet long, 17 feet wide and 10 feet deep. Two 10,000 gallon isolation pools, 11 feet in diameter and 6 feet deep, are also available.

Dr. Kenneth N. Gray, Veterinarian and Curator of Sea-Arama Marineworld, supervises the care and maintenance staff. He is assisted by two Assistant Curators, with 8 and 1½ years experience in marine mammal husbandry, and a Curating assistant, with 8 months experience. The training staff includes two individuals each with 9 years experience and two individuals each with 2 years of experience or less.

Sea-Arama Marineworld hosts approximately 400,000 visitors annually, and cooperates, through a formal alliance, with the marine mammal research program of the Marine Biomedical Institute of the University of Texas.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the animals.

Documents submitted in connection with this application are available as follows:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202–343–7780);

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702 (telephone 813–893–3145).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before June 19, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 15, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–11485 Filed 5–17–74;8:45 am]

SEA-ARAMA MARINEWORLD

Application for Marine Mammal Public Display Permit; Hearing

Notice is hereby given that, as authorized by § 216.33 of the regulations governing the taking and importig of marine mammals (39 FR 1851, January 15, 1974), a hearing will be held at 10 a.m. on June 5, 1974, in the Penthouse Conference Room, National Marine Fisheries Service, Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. 20037. The purpose of the hearing is to consider a display permit application from Sea-Arama Marineworld, Galveston, Texas, to take seven (7) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display, thus increasing the current dolphin inventory to fifteen (15) animals, and to maintain an inventory of fifteen dolphins by replacing those animals lost in the course of normal attrition.

It is the desire of the National Marine Fisheries Service to receive public comments on the specific application outlined above as well as on the general concept of permitting, in advance, marine mammals to be taken for the purpose of replacing those animals lost in the course of normal attrition, and on the general concept of permitting scientific investigators to conduct "research of opportunity" by taking dead marine mammals which are found in the course of other authorized research projects.

Individuals and organizations may express their views or opinions by appearing at this hearing, or by submitting written comments for inclusion in the record between the date of publication of this notice and 15 days following the hearing. Written comments should be submitted, and inquires with respect to this hearing directed, either to the Director, National Marine Fisheries Service, Washington, D.C. 20235, or to the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: May 15, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–11484 Filed 5–17–74;8:45 am]

BUTTONWOOD PARK ZOO, NEW BEDFORD, MASS., ET AL.

Marine Mammal Applications for Public Display Permits

Notice is hereby given that the following applicants have applied in due form for permits to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the regulations governing the taking and importing of marine mammals.

1. Buttonwood Park Zoo, Park Department, City of New Bedford, Massachusetts to take two (2) California sea lions (*Zalophus californianus*) and four (4) Atlantic harbor seals (*Phoca vitulina concolor*) for public display.

The California sea lions will be taken by a professional collector from the California Channel Islands, acclimated to captivity by the collector and transported via commercial airline to the New Bedford facility. The harbor seals will be taken during June 1974 by a pro-

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fessional collector in the vicinity of Casco Bay, Maine, acclimated to captivity by the collector and transported by truck to the New Bedford facility.

The animals will be maintained in a 68,000 gallon pool, which has maximum dimensions of 66 feet long, 34 feet wide and five feet deep. Fresh water for the pool is provided by the municipal water supply, and is monitored to maintain proper water quality standards. A salt water bath is constantly available to the animals, as are hauling out areas and shelter facilities.

In addition to the Zookeeper, Mr. Jim Reviere, who has been with the Buttonwood Park Zoo since June 1973, care and maintenance for the seals and sea lions will be provided by a Zoo Caretaker and an attendant, who have each been with the Zoo for 20 years or more.

The seals and sea lions will be displayed in a non-performing exhibit.

In addition to the four harbor seals and two sea lions, two Atlantic harbor seals will be boarded during the period of September to June of each year on behalf of the aquarium at the Northeast Fisheries Center, National Marine Fisheries Service, if that facility is granted a permit to take two harbor seals.

The Buttonwood Park Zoo is solely owned by the City of New Bedford, and is operated on a non-profit basis for the benefit of the general populace of the New Bedford area.

2. Aquarium Program, National Marine Fisheries Service, Northeast Fisheries Center, Woods Hole, Massachusetts 02543 to take two (2) Atlantic harbor seals (*Phoca vitulina concolor*) for public display.

The harbor seals will be taken during June 1974, by a professional collector in the vicinity of Casco Bay, Maine, acclimated to captivity by the collector, and transported to the Woods Hole facility by National Marine Fisheries Service personnel famaliar with the care and maintenance requirements of harbor seals.

The seals will be displayed during the months of June through September each year at the Woods Hole facility. They will be maintained in a 7,000 gallon oval concrete pool, 30 feet long, 15 feet wide and four feet deep. The pool is supplied constantly with flowing seawater taken from Woods Hole Harbor.

During the months of September to June each year, the harbor seals will be maintained at the Buttonwood Park Zoo, New Bedford, Massachusetts. They will be held in a 68,000 gallon pool with up to four other harbor seals and two California sea lions. The seals will be transferred to New Bedford each September by truck, under the supervision of the Buttonwood Park Zoo pinniped maintenance staff. They will be returned in the same manner to Woods Hole each June.

The Aquarium facility is an adjunct of the Northeast Fisheries Center Laboratory of the National Marine Fisheries Service. No admission is charged to the 200,000 annual visitors to the aquarium.

The arrangements and facilities for transporting and maintaining the marine mammals as described in the above applications have been reviewed and inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the animals.

Documents submitted in connection with these applications are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930, Telephone 617-281-0640.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before June 19, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 9, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-11480 Filed 5-17-74;8:45 am]

CHILDREN'S ZOO; LINCOLN, NEBR. ET AL.

Marine Mammal Applications for Public Display Permits

Notice is hereby given that the following applicants have applied in due form for permits to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the regulations governing the taking and importing of marine mammals.

1. The Children's Zoo, 2800 A Street, Lincoln, Nebraska 68502, to take one (1) male and two (2) female California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands. All animals will be taken from beaches using nets, during the period from November 1974 to April 1975.

The sea lions will be maintained in a 44,000 gallon display tank with an island in the center for emergence from the water and sun basking.

The Children's Zoo Director, Alan B. Bietz, graduated from Union College with a degree in biology. George Smith, Curator, has 7 years experience as Curator at Children's Zoo.

The Zoo is owned and operated by Arnott R. Folsom Zoological Society, a non-profit, independent organization. Last year the zoo was visited by 47,029 adults and 44,610 children.

2. Marineland of Florida, Route 1, Box 122, St. Augustine, Florida 32084 to take two (2) Pacific pilot whales (*Globicephala macrorhyncha*) for the purpose of public display.

The pilot whales will be taken off the coast of southern California by Marineland of the Pacific personnel using a head net. The animals will be transferred to St. Augustine by air freight under the supervision of the Director of Training at Marineland of Florida, who has 16 years experience with marine mammals.

The pilot whales will be maintained and displayed in a 67,000 gallon oval pool, 40 feet long, 30 feet wide, and 9 feet deep. One pilot whale currently occupies this pool. The care and maintenance requirements of the pilot whales will be provided by staff members with from five to twenty-one years experience, with an average of fifteen years in the care, training and husbandry of marine mammals.

The pilot whales will be displayed in a performing exhibit six times each day. An estimated 800,000 persons will visit Marineland annually.

3. Dianna Wilson Allen, P.O. Box 971, Donna, Texas 78737, to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

The sea lions will be taken from the California Channel Islands by a professional collector, acclimated to captivity by the collector, and transported to the Applicant by air freight.

The sea lions will be maintained in a salt water pool, 5½ feet long, 3 feet wide and 3 feet deep, with a cage of the same dimensions situated above the pool. A portable pool, 10 feet in diameter, is also available to the sea lions.

Mrs. Allen currently exhibits two sea lions in a traveling seal show, which performs in circuses, and at shopping centers and schools. The requested animals will be trained to perform in this show. The sea lions will be transported between show sites by truck.

Mrs. Allen has been training and exhibiting sea lions for approximately 50 years. Her engagements at schools are arranged with a School Assembly Service.

4. The Birmingham Zoo, 2630 Cahaba Road, Birmingham, Alabama 35233, to take one (1) male and six (6) female California sea lions (*Zalophus californianus*) for the purpose of public display.

The sea lions will be taken from the California Channel Islands by a professional collector, acclimated to captivity by the collector and transported to the Birmingham facility by commercial airlines.

The sea lions will be maintained and displayed in a pool, 48 feet long, 20 feet wide and 5½ feet deep. Three holding pools, 9 feet wide and 10 feet long will also be available. This sea lion facility is currently under construction and will be completed during the summer of 1974. Two animal keepers with more than ten years experience each, and one new trainee keeper, will provide for the care and maintenance requirements of the sea lions. The animal keepers will work under the supervision of the Zoo Director, with 17 years experience, the Assistant Director, 4½ years, and the Zoo Veterinarian, with 19 years of practice with exotic wild animals.

The sea lions will be displayed daily in a non-performing exhibit. With the completion of the new sea lion facility, the Birmingham Zoo, a municipal facility, will be the only facility to display marine mammals in this manner in the State of Alabama. An estimated 400,000 persons will visit the Zoo annually.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described applications have been inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above applications are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, telephone 343-7780;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3145;

Regional Director, National Marine Fisheries Service Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of these applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before June 19, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 15, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-11482 Filed 5-17-74;8:45 am]

ALASKA, DEPARTMENT OF FISH AND GAME, ET AL.

Marine Mammal Applications for Scientific Research Permits

Notice is hereby given that the following applicants have applied in due form to take marine mammals for the purpose of scientific research, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations governing the taking and importing of marine mammals.

1. *State of Alaska, Department of Fish and Game, Subport Building, Juneau, Alaska 99801*, to take by killing each year for three years: one hundred-fifty (150) Pacific harbor seals (*Phoca vitulina richardii*); fifty (50) northern sea lions (*Eumetopias jubata*); five (5) belukha whales (*Delphinapterus leucas*); ten (10) ringed seals (*Pusa hispida*); ten (10) bearded seals (*Erignathus barbatus*); ten (10) ribbon seals (*Histriophoca fasciata*); and ten (10) ice-breeding harbor seals (*Phoca vitulina largha*), and to tag up to 500 Pacific harbor seals (*Phoca vitulina richardii*), 300 ice-breeding harbor seals (*Phoca vitulina largha*), and 3,000 northern sea lions (*Eumetopias jubata*).

The research proposal involves the following:

1. Determination of the status of Alaskan marine mammal populations by an annual examination of distribution, migration and concentration, sex and age composition, productivity, mortalities, seasons with associated harvests and hunting pressures, population trends, and habitat factors;

2. Determination of the selective utilization of prey species by ringed seals, Pacific harbor seals, ribbon seals and bearded seals, and assessment of the influence and significance of oceanographic conditions on the distribution of seals and sea lions in view of the ecological adaptations of each species;

3. Assessment of age composition, growth patterns, productivity, distribution, movements, food habits and other major aspects of the biology of ice inhabiting seals.

Tissues and organ samples collected from the requested marine mammals will be used as follows:

1. Teeth will be collected from all animals for age determination;

2. Weights and morphometric measurements will be recorded to determine growth rates and seasonal condition of different species and geographic populations;

3. Skeletal materials will be collected for taxonomic and systematic studies;

4. Reproductive organs will be utilized in determining age at sexual maturity, annual reproductive cycles, age specific productivity, occurrence of reproductive senility, uterine mortality, fetal implantation, fetal development, and the probability of isolation;

5. Stomachs will be analyzed to determine various aspects of specific and interspecific food webs;

6. Internal organs will be analyzed for the presence of parasites, geographic and interspecific comparisons of internal organ characteristics, pathology, and pesticide and heavy metal burdens;

7. Skin samples will be analyzed to determine molt patterns and geographic variations in pelage patterns;

8. Blubber samples will be analyzed for interspecific and seasonal comparisons of fatty acid compositions;

9. Muscle tissues will be analyzed for determination of pathology and pesticide and heavy metal burdens.

Specimen materials not utilized in Department of Fish and Game projects will be made available to other researchers. Skeletal materials will be placed in the collections of the University of Alaska and the Smithsonian Institution. Usable remains will be given, where feasible, to coastal residents for food.

2. Dr. Harry Hollien, Communication Sciences Laboratory, University of Florida, Gainesville, Florida 32601, to conduct bioacoustic studies with Atlantic bottlenosed dolphins (*Tursiops truncatus*) off the Atlantic coast of Florida.

These studies are to be conducted to determine the feasibility of using underwater transmission of various recorded sounds to divert bottlenosed dolphins from the trawl nets used by fishing vessels in the Atlantic Ocean and Gulf of Mexico, thus reducing the probability of entanglement and subsequent death of the dolphins.

The studies will involve a dolphin population of approximately 100 animals, located in coastal waters between Ft. Pierce and Melbourne, Florida. Three local fishermen will provide the boat facilities from which the studies will be conducted. The recorded sounds which will be tested include killer whale sounds, distress calls, baby dolphin cries, dolphin jaw claps, tail and/or fin slapping, male dominance sounds, motor boat noise, sounds of explosions, and noise or periodic sounds of various frequencies.

The bioacoustic field studies will be conducted with approximately 50 separate tests through December 1974. If the preliminary results warrant an extension, a second series of tests will be conducted through December 1975. Concurrent with the field studies, laboratory studies will be conducted with a dolphin taken into captivity prior to the effective date of the Act. Dr. Hollien, Director of the Communication Sciences Laboratory, will coordinate the studies.

3. David T. Richardson, Department of Marine Resources, Fisheries Research Station, West Boothbay Harbor, Maine 04575, to take, mark and release twenty five (25) Atlantic harbor seals for the purpose of scientific research.

The seals will be taken by means of a light, positively buoyant entangling net from coastal regions of the State of Maine, in the area of Sagadahoc or Lincoln counties and in the Mount Desert area of Hancock County.

Each seal will be restrained within the capture boat, tagged with a sonic transmitter, marked with a yellow picric acid dye and released. The sonic transmitter weighs approximately 400 grams and is attached to the seal by means of a canvas webbing harness with degradable lacings. The requested harbor seals will be taken, tagged and tracked through December 1975. The tagging and tracking operations will be conducted by Mr. Richardson, who has worked with seals in Maine since 1971.

This project is a continuation of a study conducted under an economic hardship exemption, during which study one harbor seal was successfully taken. The project is directed toward a determination of the relationships involving seals and fisheries resources on the Maine coast. Efforts will be made to observe, photograph and document the feeding and hunting behavior of seals in the field by visual observation, color photography and ultrasonic telemetry. Tagged seals will be tracked and monitored in an effort to correlate time spent at various depths of the water column and geographic areas with observed pres-

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ence and behavior of prey populations. Selective tagging of prey populations by ultrasonic telemetry may be used to substantiate prey-predator relationships.

Documents submitted in connection with these applications are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202–343–7780 (All Applications);
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907–586–7221 (Application No. 1);
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813–893–3141 (Application No. 2);
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617–281–0640 (Application No. 3).

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of those applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before June 19, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 15, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–11483 Filed 5–17–74;8:45 am]

Office of the Secretary

[Dept. Organization Order 25–5B]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

APRIL 25, 1974.

This order, effective April 25, 1974, supersedes the material appearing at 38 FR 15980 of June 19, 1973; 38 FR 19267 of July 19, 1973; 38 FR 26477 of September 21, 1973; and 39 FR 1871 of January 15, 1974.

SECTION 1. *Purpose.*

.01 This order prescribes the organization and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). The scope of authority and functions of NOAA are set forth in Department Organization Order 25–5A.

.02 This revision establishes a new Great Lakes Environmental Research Laboratory (Section 17.05), a Program Manager for Marine Ecosystems Analysis (Section 17.01), and an Office of International Fisheries (Section 12.05). It also eliminates the old Office of Coastal Environment, replaces it with an Office of Coastal Zone Management (Section 9), and makes certain other changes.

SEC. 2. *Organization structure.* The organization structure and line of authority of NOAA shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. *Office of the Administrator.*

.01 The *Administrator* of NOAA formulates policies and programs for achieving the objective of NOAA and directs the execution of these programs.

.02 The *Deputy Administrator* assists the Administrator in formulating policies and programs and in managing NOAA. He is assisted by an Assistant Deputy Administrator, who also acts as Naval Deputy to the Administrator, to effect necessary coordination and joint activity with the Navy on ocean programs of mutual organizational interest.

.03 The *Associate Administrator* assists the Administrator and the Deputy Administrator in formulating policies and programs and in managing NOAA.

.04 The *Executive Office* shall perform such services as will facilitate the handling of matters and execution of actions by the Administrator and other officials within the Office of the Administrator.

SEC. 4. *Special staff offices.* .01 The *Office of General Counsel* shall provide legal services for all components of NOAA, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10–6.

.02 The *Office of Congressional and Legislative Affairs* shall coordinate contacts with Congress, except for matters relating to appropriations, and, in consultation with NOAA's General Counsel, formulate recommendations for legislative programs, and review, coordinate, and advise on all legislative matters affecting NOAA's programs and activities. These activities shall, as applicable, be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Relations, and of the Departmental Office of the General Counsel.

.03 The *Office of International Affairs* shall recommend policies and plans for U.S. participation in international activities relating to NOAA's programs; coordinate NOAA's policies on treaties and international multilateral and bilateral agreements; prepare and coordinate positions for U.S. participation in international organizations and maintain liaison with those organizations providing protocol and secretariat functions, as required, for U.S. representatives; manage NOAA's international training program; and coordinate and advise on special programs for bilateral cooperation with foreign countries including U.S. AID programs. The office shall provide a broad overview of international fisheries affairs. The Office of International Affairs will work through the offices of the Associate Administrator and appropriate major line components on matters of substance.

.04 The *Office of Public Affairs* shall recommend objectives and policies relating to public affairs; plan and conduct an information and education program to insure that the public, Congress, user groups, and employees are properly informed on matters relating to NOAA's activities and environmental safety and conservation; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Communications.

.05 The *Office of Ecology and Environmental Conservation* shall act as a central point to which ecological and environmental conservation interests can communicate their views on NOAA activities; act as a focal point for the review of all NOAA activities which impinge upon ecological and environmental conservation matters; review NOAA activities to insure full compliance with the purposes and provisions of Sections 102 and 103 of the National Environmental Policy Act of 1969; coordinate preparation, within NOAA, of environmental statements and comments required by Section 102 of the Act; and represent NOAA within the interagency councils of the Government on matters that involve ecology or environmental quality within NOAA's assigned responsibilities.

SEC. 5. *Associate Administrator for Marine Resources.* The Associate Administrator for Marine Resources shall maintain cognizance over and establish policy for NOAA's marine resources, marine and coastal environment management and protection, mapping, charting, and geodetic programs, as well as those programs closely related thereto. He shall not maintain cognizance over or establish policy for NOAA's real time marine environmental predictions (including observations related thereto) which are assigned to the Associate Administrator for Environmental Monitoring and Prediction. As the primary program policy officer for marine resources, marine and coastal environment management and protection, mapping, charting and geodetic programs, he shall:

Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

Assure development of plans and programs for adequate operational services and research and technology for meeting user requirements.

Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

Monitor and evaluate assigned programs in terms of planned accomplishments, quality and degree of responsiveness to user needs; and recommend, as necessary, program curtailments, redirections, expansion and new program initiatives.

Discharge Federal coordinating functions assigned to Commerce under OMB Circular A–16 (National Geodetic Control and Related surveys), Federal coordination of marine mapping, charting and geodesy, and others as may be assigned by the Administrator.

Act as NOAA's focal point for coordination of marine affairs with the National Science Foundation; develop and coordinate NOAA's posture for relevant deliberations by the Committees of the Federal Council for Science and Technology and the Committees of the National Academies of Science and Engineering.

Develop NOAA policy and provide continuing direction and overview of international fisheries affairs, including participation in negotiation within international forums, commissions, and agreements; provide the NOAA focal point for management and coordination of NOAA's responsibilities in assigned marine science bilateral international agreements, including those for which NOAA is assigned lead U.S. agency functions.

Provide direct policy and program overview of programs in marine environmental protection, including those of major regional significance; act as NOAA's focal point in developing NOAA's posture in dealing with related programs of other agencies, including the required interagency coordination to assure that assigned programs are coordinated with related programs of other agencies.

Provide management and coordination for the manned undersea science and technology program and other special programs assigned by the Administrator.

SEC. 6. *Associate Administrator for Environmental Monitoring and Prediction.* The Associate Administrator for Environmental Monitoring and Prediction shall maintain cognizance over and establish policy: for environmental satellite, meteorological, hydrologic, marine environmental services, climatological, upper atmospheric and space, geomagnetic and seismological programs which entail monitoring and prediction of the environment; for activities in intentional and inadvertent environmental modification; and for aircraft resources. The marine environmental services program includes marine environmental observations necessary for the prediction of coastal zone and oceanic conditions and those required on a routine basis for the measurement of pollution and other ocean constituents. He shall also be the NOAA focal point for planning emergency readiness and preparedness against natural disasters. As the primary program policy officer for all activities indicated above, he shall:

Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

Assure the development of plans and programs for adequate research, technology and operational services for meeting user requirements. Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

Monitor and evaluate assigned programs in terms of planned accomplishments, quality and degree of responsiveness to user needs; and recommend as necessary, program curtailments, redirections, expansions and new program initiatives.

Carry out Department of Commerce responsibilities under the Weather Modification Reporting Act, P.L. 92–205, 15 U.S.C. 330–330e.

Conduct or monitor studies of the economic, social, and legal ramifications of environmental modification and conduct or monitor studies of unwanted side effects.

Establish policy on the scheduling and utilization of Research Flight Facility aircraft in conjunction with the Director of the Environmental Research Laboratories; monitor the development of a plan for the modernization of the Research Flight Facility; and monitor the management and allocation of NOAA aircraft resources, including reviews of the adequacy of flying safety programs.

Provide management and coordination for the Global Atmospheric Research Program (GARP) of the World Weather Program, International Hydrologic Decade, the special foreign currency program and other special programs assigned by the Administrator.

Act as NOAA's focal point for coordination with the National Science Foundation; develop and coordinate NOAA's posture for relevant deliberations by the Committees of the Federal Council for Science and Technology; and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs of other agencies.

Act as NOAA's focal point for relevant coordination with Committees of the National Academy of Sciences and the National Academy of Engineering.

Discharge Federal coordinating functions assigned to Commerce under OMB Circular A–62 (Federal meteorological services), those assigned to NOAA for the World Weather Watch and the Global Atmospheric Research Program, and the Integrated Global Ocean Station System, and others as may be assigned by the Administrator.

SEC. 7. *Assistant Administrator for Administration.* The *Assistant Administrator for Administration* shall provide administrative management and support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, exercise functional supervision over such decentralized services, and provide advice and guidance to the Administrator on the utilization of NOAA resources. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The *Administrative Operations Division* shall perform the following functions: property and supply management; directives management; records and files management; reports management; space and facilities management; travel and transportation services; mail, messenger, and related office services; graphic services; safety; security; and processing of tort claims.

.02 The *Office of Management and Computer Systems* shall conduct studies and provide analytical assistance to develop or improve the organization and staffing structure and other management systems within NOAA; provide management staff services in the application of advance management principles and techniques; carry out the NOAA committee management function; develop and maintain a central system for collecting, analyzing, presenting and disseminating information on program status and performance; develop systems for measuring productivity and performance; exercise overall management, planning and coordination of NOAA's automatic data processing and telecommunication needs and facilities including serving as the focal point within NOAA for intra- and interagency matters, and the review and evaluation of proposals for automatic data processing and telecommunications requirements and systems; and engage in research into advance system concepts and apply or provide guidance in the application of these concepts. It shall provide systems analysis and programming support to NOAA's executive and administrative management functions and to other NOAA functions as requested, and shall operate and provide system and special software support for automatic data processing facilities for all NOAA components except where separate facilities are approved.

.03 The *Personnel Division* shall provide personnel management services by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civilian personnel.

.04 The *Finance Division* shall provide centralized financial accounting for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.05 The *Radio Frequency Management Division* shall, as a Department-wide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of the Department of Commerce.

.06 The *Northwest Administrative Service Office* shall provide administrative services responsive to the requirements of the National Marine Fisheries Service Northwest, Southwest, and Alaska Regions, the NOS Pacific Marine Center, and such other NOAA organizational units which can be accommodated. These services shall include personnel administration, procurement and contracting, property management, motor vehicle pool operation, and office services.

SEC. 8. *Office of Sea Grant.* The Office of Sea Grant shall provide support, primarily to institutions, for research, education, and advisory services aimed at assisting those who are interested in and responsible for the development, utilization, and management of the seas and the Great Lakes of the United States, including their resources, and shall manage NOAA's Marine Advisory Services to the user community.

SEC. 9. *Office of Coastal Zone Management.* The Office of Coastal Zone Management shall serve as the focal point for the coordination with State, Federal, and other governmental institutions concerned with the implementation of the Coastal Zone Management Act of 1972, 16 U.S.C. 1451–1464. The Office shall develop policies and guidelines on a continuing basis to effectively manage, and where possible restore or enhance the land and water resources of the coastal zones of the nation. It shall make annual grants to the coastal States in support of the development and administration of State coastal zone man-

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agement programs and the acquisition, development, and operation of estuarine sanctuaries. The Office shall also develop policies and guidelines and administer the marine sanctuaries program authorized under Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434.

SEC. 10. *Office of programs and budget.* The Office of Programs and Budget shall provide NOAA management with overall program and budgetary control from program integration through budget execution. This Office shall be the focal point for contacts with the Office of the Secretary and the Office of Management and Budget on NOAA program and budgetary matters and shall guide the overall planning and budgetary functions so as to assure the effective development, justification and presentation of NOAA programs and budgets. The Office shall provide advice to the Office of the Administrator and other NOAA officials on program and budgetary matters and perform the following specific functions:

Plan and manage the annual review of NOAA programs.

Consolidate and integrate program guidance developed by the primary program policy officers on the development of issue studies and related supporting documentation requested by the Office of the Secretary and OMB in conjunction with the program-budget cycle.

Formulate and interpret budgetary policies and procedures.

Analyze and aggregate NOAA budgetary requirements.

Develop and recommend fiscal plans to assure optimum use of available funds; and allocate and maintain budgetary control of funds.

Review and report on execution of approved budgets and associated fiscal plans in close collaboration with the Assistant Administrator for Administration.

SEC. 11. *Director of the NOAA Corps.* The Director of the NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

SEC. 12. *National Marine Fisheries Service.* The National Marine Fisheries Service (NMFS) shall conduct an integrated program of research and services related to the protection and rational use of living marine resources for their aesthetic, economic, and recreational value by the American people. The Service shall administer programs to determine the consequences of the naturally varying environment and man's activities on living marine resources; to provide knowledge and services to foster their efficient and judicious use; and to achieve domestic and international management, use and protection of living marine resources. The Service shall be organized as set forth below.

.01 *Office of the Director.* The *Director* shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy Director.

.02 The *Office of Resource Research* shall plan, develop, and manage research programs designed to better understand living marine resources and the environmental quality essential for their existence, and to describe options for their utilization consistent with national needs and goals. The Office's activities shall include: biological surveys designed to monitor, assess and predict abundance and availability of living marine resources; collection and documentation of scientific data for protecting access of U.S. citizens to living marine resources; development and interpretation of data for use by managers of resources; and major regional ecological studies where NMFS is assigned the leadership roll. It shall also conduct research on the potential of aquaculture, the assessment and characterization of the living resources, and the improvement of fish detection and harvesting systems.

.03 The *Office of Resource Utilization* shall plan, develop, evaluate, and manage programs: of economic and marketing research including demand and supply projections, cost benefit studies, and foreign trade analysis; of collection, analysis, compilation, and dissemination of fisheries statistical and market news information; of financial assistance to the fishing industry in the form of loans, mortgages, loan insurance, and subsidies; of microbiological, chemical, and technological research to enhance the quality and utilization of fishery resources; of voluntary national inspection and certification of fishery products; to improve marketing practices and to alleviate extraordinary short term supply-demand imbalances; and of fishery extension services. The Office shall also be responsible for the management of national research programs in fishery products technology.

.04 The *Office of Resource Management* shall manage programs concerning promulgation and enforcement of domestic and international regulations for the protection of marine fisheries and marine mammal resources of the United States; the Pribilof Islands fur seal harvest; the Columbia River Anadromous Fisheries Resources Enhancement; water resources development projects and fisheries environment protection; and State-Federal fisheries management. It shall plan, develop, and evaluate programs to improve the management of fisheries resources so as to achieve the appropriate allocation of these resources among competing users and to protect their environment; establish national guidelines for managing fisheries for biological, economic, and social purposes; provide a mechanism through legislation, coordination, and cooperation for State and the Federal Government to jointly manage resources within these guidelines; and administer a grant-in-aid program to improve the capability of the States to conduct improved biological, social, and economic information required for management of fisheries resources.

.05 The *Office of International Fisheries* shall be the focal point and have primary staff responsibility for all matters involving international affairs within the purview of the NMFS. This shall include coordinating all NMFS inputs to other government agencies, industry, other interested constituencies, and foreign and international entities; overseeing the implementation throughout NMFS of NOAA policy decisions in the area of international affairs; responsibility for all international negotiations in which NMFS is involved; acquiring data and providing analysis regarding the status and impacts of foreign fishing efforts and industry as well as foreign governmental attitudes and policies regarding fishing; monitoring and coordinating activities with regard to the U.S. Fisheries Attache Program; and responsibility for the NMFS Foreign Translation Program.

.06 a. The *Field Structure* shall consist of the following organizational elements:

(1) *Five Regional Offices* as shown in Exhibit 2.[1] Regional Offices shall act as representatives of the Director with State conservation agencies, recreational interests, the fishing industry, universities, and the general public. Regional Offices shall also plan, organize, and manage regionalized fishery resource research, conservation, management, and utilization programs within the geographical area of responsibility.

(2) *Fisheries Centers and Laboratories*, and *Fishery Products Technology Centers and Laboratories* which shall report to program components at the Headquarters of NMFS or Regional Offices, as appropriate.

b. The *Southeast and Northeast Regions* shall provide their own administrative support and, where feasible and practical, extend this support to other NOAA field units. The Northwest, Southwest, and Alaska Regions shall obtain administrative support from the Northwest Administrative Service Office at Seattle, Washington. The Fishery Research Centers and Laboratories and Fishery Products Technology Centers and Laboratories shall obtain administrative support from the nearest NMFS Regional Office or the Northwest Administrative Service Office.

SEC. 13. *National Ocean Survey.* The National Ocean Survey (NOS) shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; and provide basic data for engineering, scientific, commercial, industrial and defense needs, support the quest for more knowledge of our environment and undertake a program of marine technology development to observe, measure and chart oceanic phenomena and resources. In performance

[1] A copy of Exhibit 2 is attached to the original of this document on file in the Office of the Federal Register.

of these functions, it shall conduct surveys, investigations, analyses and research and technology development; and shall disseminate data in the fields of geodesy, gravity, astronomy, aeronautical charting, hydrography, oceanography, and marine technology. The NOS shall be organized as set forth below.

.01 *Office of the Director.* The *Director* shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy Director.

.02 The *Office of National Geodetic Survey* shall fulfill national requirements for a system of geodetic control for precise gravimetric and global configuration and mensuration data. It shall establish and maintain a geodetic control network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement and boundary surveys; make observations for variation of latitude and longitude; disseminate geodetic data; and conduct related research.

.03 The *Office of Fleet Operations* shall manage the NOAA fleet and the NOAA ship facilities in support of the NOAA marine program. It shall direct and monitor ship operating schedules and activities related to ship operations, repairs and maintenance of vessels, vessel complements, and special equipment and instrumentation unique to NOAA ships. The Office shall be responsive to overall NOAA fleet service requirements.

.04 The *Office of Marine Surveys and Maps* shall contribute to the safety of marine navigation through nautical charting and related publications, and seek added knowledge about the states and processes of the ocean. It shall plan and direct marine geophysical mapping and services, hydrographic and oceanographic surveys; analyze physical phenomena pertaining to the sea, including tide and current phenomena, the dynamic and physical properties of seawater and shoreline and bottom configuration as they affect seawave and current propagation and attenuation; operate a network of tide stations; compile survey data, including the compilation of nautical charts and marine geophysical maps; and conduct research. It shall also make studies and conduct photogrammetric surveys for coastal mapping, seaward boundaries and coastal evacuation maps.

.05 The *Office of Aeronautical Charting and Cartography* shall contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. It shall collect and evaluate air navigation information and compile aeronautical chart manuscripts; print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. The Office also shall print and distribute weather charts and related documents.

.06 The *Office of Marine Technology* shall act as the focus of the national effort for technology related to testing, evaluation and calibration of sensing systems for ocean use, and shall enhance the quality of such systems by the dissemination of operational results and technical information to the national oceanographic community. It shall serve NOAA with marine systems technology, ocean engineering, sensor systems, buoy systems, data automation systems and other technology functions as may be assigned, and shall assist with the design, development and procurement in these technical areas.

.07 The *Office of Program Development and Management* shall serve as the focal point for NOS planning, budgeting, and allocation and reprogramming of resources; provide executive and technical services in support of programs throughout the NOS; and provide executive management services to the Director.

.08 a. The *Field Structure* shall consist of the following organizational elements:

(1) The *Atlantic and Pacific Marine Centers* shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units.

(2) The *Lake Survey Center* shall conduct surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canal, the Minnesota-Ontario Border Lakes, and compile and publish charts and related publications. It shall plan and collect data relating to the Great Lakes including flood and storm protection, power generation, beach erosion, and shore structures as they apply to navigation.

(3) The *NOAA Data Buoy Office* and the *National Oceanographic Instrumentation Center* shall report to the Office of Marine Technology at the Headquarters of NOS.

b. The *Atlantic Marine Center* and the *Lake Survey Center* shall provide their own administrative support, including that required by vessels under their respective jurisdictions, and, where feasible and practical, extend this support to other NOAA field units. The Pacific Marine Center shall obtain administrative support, including that required by vessels under its jurisdiction, from the Northwest Administrative Service Office at Seattle. The NOAA Data Buoy Center and the National Oceanographic Instrumentation Center shall receive administrative support from NOAA Headquarters.

SEC. 14. *National Weather Service.* The National Weather Service (NWS) shall observe and report the weather, river, and ocean conditions of the United States and its possessions; issue forecasts and warnings of weather, flood and ocean conditions that affect the Nation's safety, welfare and economy; develop the National Meteorological, Hydrologic and Oceanic Service Systems; participate in international meteorological, hydrologic, oceanic and climatological activities, including exchange of data and forecasts; and provide forecasts for domestic and international aviation and for shipping on the high seas. The Service shall be organized as set forth below.

.01 *Office of the Director.* a. The *Director* shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy Director.

b. The *Engineering Division* shall be responsible for engineering aspects of procurement specifications, contract monitoring, coordination of training, testing and inspection, equipment reconditioning, installation and maintenance standards and procedures, and field modification of all facilities, equipment and instruments of NWS and other NOAA organizational units on a designated organizational basis.

.02 The *Office of Meteorological Operations* shall have cognizance over and establish policies and procedures to observe, prepare and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; develop the plans and procedures for operation of meteorological field services; and serve as the primary channel for coordinating NWS field services operations and for technical aspects of meteorological programs.

.03 The *Office of Hydrology* shall have cognizance over and establish policies and procedures to provide river and flood forecasts and warnings, and water supply forecasts; conduct research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for use in water resource planning and operational problems.

.04 The *Systems Development Office* shall manage, plan, design, and develop a system to meet all meteorological, hydrological and oceanographic service requirements of the NWS; develop, test and evaluate techniques and equipment; and translate research results into operational practices.

.05 The *National Meteorological Center* shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The *Office of Oceanography* shall establish policies and develop plans and procedures for observing, collecting, and processing data for forecasts and warnings of the oceanic environment and their dissemination to users. The Office shall serve as the primary channel for coordinating all aspects of the NWS oceanographic service programs and procedures.

.07 The *Field Structure* shall consist of six regions as shown in Exhibit 3.[1] A

[1] A copy of Exhibit 3 is attached to the original of this document on file in the Office of the Federal Register.

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region shall consist of a Regional Office managed by a Regional Director, and field offices reporting to the Regional Director.

a. Each region shall provide weather, river and oceanic services within its prescribed geographical area by issuing forecasts and warnings of weather, flood and oceanic conditions, and shall conduct operational and scientific meteorological, hydrological, oceanographic and climatological service programs as are assigned to it.

b. Regional Offices shall provide administrative and technical support for all NWS components in their respective regions and shall provide such services to other components of NOAA as determined to be practicable and advantageous to NOAA.

SEC. 15. *Environmental Data Service.* The Environmental Data Service (EDS) shall acquire, process, archive, analyze, and disseminate worldwide environmental (solid earth, marine, atmospheric, solar, and aeronomy) information, data, and products for use by commerce, industry, the scientific and engineering community, the general public and for Federal, State, and local governments; guide applied research pertinent to the improvement of such services; provide relevant World Data Center facilities; coordinate international exchange activities in oceanic, climatological, geophysical, solar, and aeronomy data; and provide editorial, publishing, library and related information services. The Service shall be organized as set forth below.

.01 *Office of the Director.* The *Director* shall formulate and execute basic policies and shall manage the Service.

.02 The *Environmental Science Information Center* shall develop policies for and provide editorial and publishing services to NOAA components; manage central library system; provide functional guidance to NOAA libraries; and develop and implement automated scientific information systems for NOAA and external use.

.03 The *National Climatic Center* shall acquire, process, archive, and disseminate climatological data and develop analytical and descriptive products to meet user requirements, and shall provide facilities for the World Data Center—A (Meteorology and Nuclear Radiation).

.04 The *National Oceanographic Data Center* shall acquire, process, archive, and disseminate oceanographic data and develop analytical and descriptive products to meet user requirements and provide facilities for the World Data Center—A (Oceanography).

.05 The *National Geophysical and Solar-Terrestrial Data Center* shall acquire, process, archive, evaluate and disseminate solid earth and marine geophysical data and ionospheric, solar and other space environment data; develop analytical, climatological and descriptive products to meet user requirements; and provide facilities for World Data Center—A (Geomagnetism, Gravity, Seismology and Solar-Terrestrial Physics).

.06 The *Center for Experiment Design and Data Analysis* shall provide service and support in data management and scientific analysis for large-scale environmental field research projects, and assist in the planning, design, and implementation of such projects to ensure that data needs are met.

SEC. 16. *National Environmental Satellite Service.* The National Environmental Satellite Service (NESS) shall provide observations of the environment by operating the National Environmental Satellite System; increase the utilization of satellite data in environmental services; and manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite activities with NASA and DOD. The Service shall be organized as set forth below.

.01 *Office of the Director.* The *Director* shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy Director.

.02 The *Office of Operations* shall provide data from environmental satellites and increase the value and the use of these data by operating the NOAA environmental satellite systems, including collecting, processing and analyzing data from operational and specified research and development satellites, and developing new and improved applications of satellite data.

.03 The *Office of Systems Engineering* shall provide conceptual and detailed engineering to implement new or modified environmental satellite systems. It shall conduct design studies; specify, procure, install and check out ground equipment required for the environmental satellite systems; modify existing hardware to accommodate spacecraft changes; and originate development of new equipment when required.

.04 The *Office of Research* shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications.

.05 The *Office of Systems Integration* shall conduct definition studies, provide overall planning, arrange for the development of major elements and coordinate the integration and check out the environmental satellite system. It shall coordinate the efforts of other NESS offices, other NOAA services, other agencies, and industrial and other groups for the establishment of these capabilities; establish system objectives, performance, cost criteria, and interface standards; and provide assessments of system performance and requirements for new system capabilities.

SEC. 17. *Environmental Research Laboratories.* The Environmental Research Laboratories (ERL) shall conduct an integrated program of research, fundamental technology development, and services relating to the oceans and inland waters, the lower and upper atmosphere and the space environment so as to increase understanding of man's geophysical environment and thus provide the scientific basis for improved services. The ERL shall be organized as set forth below.

.01 *Office of the Director.* a. The *Director* shall formulate and execute basic policies and manage ERL. He shall be immediately assisted by a Deputy Director.

b. *The Office of Programs* shall provide policy and management advice to the Director; lead and coordinate program planning activities, including program planning and budgetary requirements; coordinate ERL's activities with national and international scientific programs; review and evaluate current programs; develop a management information system; and provide related staff assistance to the Director.

c. The *Office of Research Support Services* shall provide administrative and technical services to all ERL components at Boulder, Colorado, and at other locations except as otherwise specified.

d. The *Program Manager for Weather Modification* shall have technical cognizance over laboratory work in experimental weather modification; and, in particular, shall have line management authority over the Experimental Meteorology Laboratory, the Research Flight Facility, and the National Hurricane Research Laboratory.

e. The *Program Manager for Marine Ecosystems Analysis* shall provide leadership in the planning and coordination of NOAA's major regional Marine Ecosystems Analysis projects, including the direction of the planned field studies incorporated therein.

.02 *Oceanographic Laboratories.*

a. The Atlantic Oceanographic and Meteorological Laboratories shall conduct research toward a fuller understanding of the ocean basins and borders, of oceanic processes and of ocean-atmosphere interactions.

b. The Pacific Marine Environmental Laboratory shall conduct basic and applied research directed at achieving a comprehensive understanding of the environmental process at work in the coastal areas of the Pacific Northwest, as well as in selected areas of the open ocean. Emphasis shall be placed on investigations of the natural physical processes, and on monitoring and predicting the effects of man's activities in the regions on physical and associated biological processes.

.03 *Space and Aeronomy Laboratories.*

a. The Space Environment Laboratory shall conduct research in the field of solar-terrestrial physics; develop techniques necessary for forecasting of solar disturbances and their subsequent effects on the earth environment; and provide environment monitoring of forecasts.

b. The Aeronomy Laboratory shall study the nature of and the physical and chemical process controlling the ionosphere and exosphere of the earth and other planets. Theoretical, laboratory, ground-based, rocket and satellite studies are included.

c. The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis shall be given to the propagation of sound waves and electromagnetic waves at millimeter, infrared and optical frequencies.

.04 *Atmospheric Laboratories.*

a. The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nucleating substances in the lower atmosphere. The Laboratory is NOAA's major focus for design and conduct of laboratory and field experiments towards developing feasible methods of practical, beneficial weather modification.

b. The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

c. The Geophysical Fluid Dynamics Laboratory shall conduct investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modeling and computer simulation, for the behavior and properties of the atmosphere and the ocean.

d. The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting and providing advance warning of their occurrence and severity.

.05 The *Great Lakes Environmental Research Laboratory* shall conduct research directed toward an understanding of the environmental processes in the Great Lakes and their watersheds. Emphasis shall be placed upon an interdisciplinary systems approach to the solving of problems in resource management and environmental services for that region.

Effective date. April 25, 1974.

HERBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

Approved:

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74-11491 Filed 5-17-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

NATIONAL ADVISORY COUNCILS

Meetings

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of June 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Health Services Council.	June 18, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed—Contact Russell Z. Seidel, Parklawn Bldg., Room 15-35, 5600 Fishers Lane, Rockville, Md. Code 301-443-2940.

Purpose. The Council is charged with advising on policies, needs, and requirements for research and development designed to increase effectiveness and efficiency of medical care and health services. Council is also charged with the final review of grant applications for Federal assistance in the program areas administered by the Bureau of Health Services Research.

Agenda. The Council will review research grant applications. Meeting will be closed to the public in accordance with the determination made by the Administrator, Health Resources Administration pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Joint Meeting of the National Advisory Health Services Council and Federal Hospital Council.	June 19, 9 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Contact Russell Z. Seidel, Parklawn Bldg., Roopp 15-35, 5600 Fishers Lane, Rockville, Md. Code 301-443-2940.

Purpose. The Councils are charged with advising on policies and regulations under Title III and Title VI of the Public Health Service Act.

Agenda. The Councils will be receiving reports from the Director and staff members of the Bureau of Health Services Research relative to program plans and will be open to the public.

Committee name	Date, time, place	Type of meeting and/or contact person
Federal Hospital Council.	June 20, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed—9-10 a.m. Open—remainder of meeting. Contact Russell Z. Seidel, Parklawn Bldg., Room 15-35, 5600 Fishers Lane, Rockville, Md., Code 301-443-2940.

Purpose. The Council is charged with advising on policies and regulations under Title VI of the Public Health Service Act and to provide final review of grant applications for Federal assistance in the program area administered by the Bureau of Health Services Research.

Agenda. The Council will review research grant applications. Meeting will be closed to the public in accordance with the determination made by the Administrator, Health Resources Administration pursuant to the provisions of Public Law 92-463, Section 10(d). The meeting will be open to the public for that portion when the Director, Division of Facilities Utilization submits his report.

Agenda items are subject to change as priorities dictate.

Those portions of the meetings so indicated, are open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members or other relevant information on the Councils should contact the person listed above.

Dated: May 14, 1974.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.74-11434 Filed 5-17-74;8:45 am]

Office of Education

FULBRIGHT-HAYS TRAINING GRANTS

Criteria for Funding of Applications for Fiscal Year 1974

On March 26, 1974, there was published in the FEDERAL REGISTER at 39 FR 11216, a notice which set forth criteria for funding of applications for Fiscal Year 1974 for financial assistance under section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452).

Interested persons were given until April 10, 1974, in which to submit written comments, suggestions, or objections regarding the proposed criteria. No such responses were received.

The criteria are therefore adopted without change, as set forth below.

Effective date. Since no changes have been made in the proposed criteria, they shall become effective May 20, 1974.

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Hays Training Grants—Doctoral Dissertation Research Abroad.)

Dated: May 3, 1974.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Approved: May 15, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Four separate programs are supported under the authority of section 102(b)(6). The programs and the criteria for each read as follows:

1. *Doctoral Dissertation Research Abroad program.* Under this program the Commissioner, with the approval of the Board of Foreign Scholarships, will select applications to be funded on the basis of the following criteria:

(a) Academic qualifications of the candidate;

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(b) Soundness and feasibility of the project;

(c) Preference will be given to foreign languages and areas that are critical to the national interest, for which adequate instruction has not been widely available in the United States, and for which there exists a shortage of trained personnel.

2. *Faculty Research Abroad program.* Under this program the Commissioner, with the approval of the Board of Foreign Scholarships, will select applications to be funded on the basis of the following criteria:

(a) Relevance of the proposed project to the U.S. educational institution's educational goals and to its plans for developing programs in foreign languages and area studies;

(b) The project's potential impact on foreign languages and area studies in American education;

(c) The project's relevance to contemporary issues and problems significantly related to the national interest;

(d) Scholarly qualifications of the candidate, and his previous opportunities for research abroad;

(e) The extent to which direct experience abroad is necessary to complete the project and the effectiveness with which host country resources would be utilized;

(f) Soundness and feasibility of the project.

3. *Group Projects Abroad program.* Under this program the Commissioner, with the approval of the Board of Foreign Scholarships, will select applications to be funded on the basis of the following criteria:

(a) The potential impact of the project on the development of foreign language and area studies programs in American education;

(b) The project's relevance to the applicant institution's educational goals and its relationship to the institution's program development in foreign languages and area studies;

(c) The extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which host country resources would be utilized;

(d) Preference to projects concerning foreign languages and geographic areas which are of special concern to the national interest and for which adequate instruction has not been widely available in the United States.

4. *Foreign Curriculum Consultants program.* Under this program the Commissioner, with the approval of the Board of Foreign Scholarships, will select applications to be funded on the basis of the following criteria:

(a) Potential impact on the applicant institution's plans for developing its foreign language and area studies programs;

(b) Potential effective use of the results of the consultant's work following the completion of the project;

(c) Appropriateness of the consultant's duties and the approximate allocation of time among the duties;

(d) Number of faculty, students, and members of the relevant community who are expected to be affected by the consultant's activities;

(e) Likelihood that educational institutions other than the grantee will share in the consultant's services and the extent to which such institutions have participated in helping define the nature of these services;

(f) Adequacy of the arrangements made for coordinating the consultant's work under the supervision of a project director.

(22 U.S.C. 2452(b)(6))

[FR Doc.74-11448 Filed 5-17-74;8:45 am]

Office of the Secretary

CALIFORNIA

Proposed Designation of Professional Standards Review Organization for Area VIII

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the San Joaquin Foundation for Medical Care designating it as the Professional Standards Review Organization for PSRO Area VIII, which area is designated a Professional Standards Review Organization in 42 CFR 101.7.

The Secretary has determined that the San Joaquin Foundation for Medical Care is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of California, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area VII. As stipulated in its Articles of Incorporation, the principal officers of San Joaquin Foundation for Medical Care are:

Name	*Office held*
1. Robert E. Evert, M.D.	President.
2. Arnold Sherverman, M.D.	Vice President.
3. Joseph Brakovic, M.D.	Secretary-Treasurer.

The official address of the corporaton is 302 Fresno Street, Suite 102, Stockton, California 93712.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VIII who objects to the Secretary entering into an agreement with the San Joaquin Foundation for Medical Care on the grounds that this organization is not representative of doctors in such area may, on or before June 19, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 433 doctors of medicine and osteopathy are engaged in active practice in the PSRO Area VIII. In the event that more than 10 percentum of such doctors express objections as described the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the San Joaquin Foundation for Medical Care is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-11457 Filed 5-17-74;8:45 am]

MASSACHUSETTS

Proposed Designation of Professional Standards Review Organization for Area III

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Charles River Health Care Foundation, Incorporated, designating it as the Professional Standards Review Organization for PSRO Area III located in the State of Massachusetts, which area is designated a Professional Standards Review Organization area in 42 CFR 101.25.

The Secretary has determined that the Charles River Health Care Foundation, Incorporated is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Massachusetts, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III. As stipulated in its Articles of Incorporation, the principal officers of Charles River Health Care Foundation, Inc., are:

Name	*Office Held*
1. Richard C. Kerr, M.D.	President.
2. Thomas J. Carnicelli, M.D.	Vice President.
3. Frederick C. Haddon, M.D.	Treasurer.
4. Lewis S. Pilcher, M.D.	Executive Director.

The official address of the corporation is 200 Washington Street, Newton Lower Falls, Massachusetts 02162.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III who objects to the Secretary entering into an agreement with the Charles River Health Care Foundation, Inc., on the grounds that this organization is not representative of doctors in such area may, on or before June 19, 1974, mail such objection in writing to the Director, Office of Professional Standards Review Department of Health, Education, and Welfare, P.O. Box No. 2111, Rockville, Maryland 20852. All such objections must include the physician's address, the locations(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 738 doctors of medicine and osteopathy are engaged in active practice in PSRO Area III. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Charles River Health Care Foundation, is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-11459 Filed 5-17-74;8:45 am]

MASSACHUSETTS

Proposed Designation of Professional Standards Review Organization for PSRD Area IV

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Bay State Health Care Foundation, Inc., designating it as the Professional Standards Review Organization for PSRO Area IV located in the State of Massachusetts, which area is designated a Professional Standards Review Organization in 42 CFR 101.25.

The Secretary has determined that the Bay State Health Care Foundation is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Massachusetts, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV. As stipulated in its Articles of Incorporation, the principal officers of the Bay State Health Care Foundation, Inc., are:

Name	*Office Held*
1. Robert J. Brennen, M.D.	President.
2. Curtis Prout, M.D.	Vice-President.
3. Richard Kahn	Executive Director.
4. Russell Rowell, M.D.	Secretary.
5. Edward P. Hanley	Treasurer.

The official address of the corporation is 100 Charles River Plaza, Boston, Massachusetts 02114.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV who objects to the Secretary entering into an agreement with the Bay State Health Care Foundation, Inc., on the grounds that this organization is not representative of doctors in such area may, on or before June 19, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box No. 2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 7,884 doctors of medicine and osteopathy are engaged in active practice in the PSRO Area IV. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Bay State Health Care Foundation Incorporated is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-11458 Filed 5-17-74;8:45 am]

MINNESOTA

Proposed Designation of Professional Standards Review Organization for Area II

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Foundation for Health Care Evaluation designating it as the Professional Standards Review Organization for PSRO Area II located in the State of Minnesota, which area is designated a Professional Standards Review Organization in 42 CFR 101.27.

The Secretary has determined that the Foundation for Health Care Evaluation is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Minnesota, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area II. As stipulated in its Articles of Incorporation, the principal officers of the Foundation for Health Care Evaluation are:

Name	*Office Held*
1. Richard YaDeau, M.D.	Chairman.
2. Frederick Dill, M.D.	President.
3. Richard Carley, M.D.	President elect.
4. David Craig	Secretary.
5. Thomas Recht	Treasurer.

The official address of the corporation is 1535 Medical Arts Building, Minneapolis, Minnesota 55402.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II who objects to the Secretary entering into an agreement with the Foundation for Health Care Evaluation on the grounds that this organization is not representative of doctors in such area may, on or before June 19, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland, 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,220 doctors of medicine and osteopathy are engaged in active practice in the PSRO Area II. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Foundation for Health Care Evalu-

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ation is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-11460 Filed 5-17-74;8:45 am]

OREGON

Proposed Designation of Professional Standards Review Organization for Area I

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Multnomah Foundation for Medical Care designating it as the Professional Standards Review Organization for PSRO Area I located in the State of Oregon, which area is designated a professional Standards Review Organization in 42 CFR 101.41.

The Secretary has determined that the Multnomah Foundation for Medical Care is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Oregon, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in Oregon. As stipulated in its Articles of incorporation, the principal officers of the Multnomah Foundation for Medical Care are:

Name	*Office Held*
1. John W. Bussman	President.

The official address of the corporation is 5319 S.W. Westgate Drive, Portland, Oregon 97221.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I who objects to the Secretary entering into an agreement with the Multnomah Foundation for Medical Care on the grounds that this organization is not representative of doctors in such area may, on or before June 19, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,640 doctors of medicine and osteopathy are engaged in active practice in the PSRO Area I. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Multnomah Foundation for Medical Care is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-11456 Filed 5-17-74;8:45 am]

WYOMING

Proposed Designation of Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Wyoming Health Services Company, Inc., designating it as the Professional Standards Review Organization for the State of Wyoming, which area is designated a Professional Standards Review Organization in 42 CFR 101.56.

The Secretary has determined that the Wyoming Health Services Company is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Wyoming, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Wyoming. As stipulated in the Articles of Incorporation, the principal officers of the Wyoming Health Services Company, Incorporated are:

Name	*Office Held*
1. Thomas Nicholas, M.D.	Chairman.
2. Fenworth M. Downing, M.D.	President.
3. John Corbett, M.D.	Vice President.
4. William Nichols	Secretary-Treasurer.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Wyoming who objects to the Secretary entering into an agreement with the Wyoming Health Services, Inc., on grounds that this organization is not representative of doctors in such area may, on or before June 19, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 2111, Rockville Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 332 doctors of medicine and osteopathy are engaged in active practice in the State of Wyoming. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Wyoming Health Services Company, Inc., is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-11461 Filed 5-17-74;8:45 am]

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Meeting

The Child and Family Development Research Review Committee will meet on Tuesday, May 21 through Friday, May 24. The meeting will be held daily from 9 a.m. to 5:30 p.m. in Room 905, Holiday Inn of Chevy Chase, 5520 Wisconsin Avenue, NW., Chevy Chase, Maryland 20015, and will be closed to the public except for the opening remarks. The purpose of the Committee is to review applications for research and demonstration projects in the areas of child development and child welfare, and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Director, OCD, followed by the review of demonstration proposals concerned with the study of family styles, adoption of handicapped children, and other child development and child welfare issues which have been submitted to the Office of Child Development for the award of grants. These applications are exempt from mandatory disclosure under 5 USC 552(b)(4) and (6) in that they contain trade secrets, commercial or financial information obtained from a person and privileged or confidential, and other personnel records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755-7758

Dated: May 7, 1974.

BARBARA ROSENGARD,
Executive Secretary.

THE CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

AGENDA

May 21-24, 1974

May 21, 9 a.m., Opening Remarks (Saul R. Rosoff, Acting Director, OCD; Frank Ferro, Acting Associate Chief, Children's Bureau, OCD).
May 21, 9:30 a.m., May 24, 5 p.m., Review of grant applications.

[FR Doc.74-11475 Filed 5-17-74;8:45 am]

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Meeting

The Child and Family Development Research Review Committee will meet on Tuesday, May 28, 1974, through Friday, May 31. The meeting will be held daily from 9 a.m. to 5 p.m. in Room P509, Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C., and will be closed to the public except for the opening remarks. The purpose of the committee is to review applications for research and demonstration projects in the areas of child development and child welfare, and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Acting Director, Office of Child Development, followed by the review of research and demonstration proposals concerned with the study of the interface between family and school, television and children, deinstitutionalization of children, and other child development and child welfare issues, which have been submitted to the Office of Child Development for the award of grants. These applications are exempt from mandatory disclosure under 5 USC 552(b) (4) and (6) in that they contain trade secrets, commercial and financial information obtained from a person and privileged or confidential, and other personnel records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755-7758

Dated: May 3, 1974.

BARBARA ROSENGARD,
Executive Secretary.

THE CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

AGENDA

May 28-31, 1974

May 28, 9 a.m., Opening remarks: (Saul R. Rosoff, Acting Director, OCD; Frank Ferro, Acting Associate Chief, Children's Bureau).
May 28, 9:30 a.m., May 31, 5 p.m., Review of grant applications.

[FR Doc.74-11476 Filed 5-17-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 48-12397-01]

GREEN BAY X-RAY SERVICE, INC.

Notice of Hearing

Green Bay X-Ray Service, Inc., 838 Borvan Avenue, Green Bay, Wisconsin (the Licensee) is the holder of Byproduct Material License No. 48-12397-01, which authorizes the company to perform industrial radiography in accordance with the conditions specified therein. The license is due to expire on March 31, 1978.

On December 26, 1973, the Director of Regulatory Operations, pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205 of the Commission's regulations, served on the Licensee a Notice of Violation together with a Notice of Proposed Imposition of Civil Penalties. The Notice of Violation alleged that the Licensee had committed eighteen separate violations of the Commission's regulations and/or the conditions of the Licensee's license and set forth the proposed civil penalty to be assessed for each violation. These alleged violations were based on the results of an inspection conducted from October 15, 1973 to November 1, 1973 of the Licensee's activities.

On January 24, 1974, the Licensee responded to the above Notices by requesting remission of the penalties proposed in the Notice of Violation for the violations designated as Items, 3, 4, 5, 9, 14, 15, 16a, 16b, and 17. The Licensee's response further requested mitigation of the penalties proposed for the violations designated in the Notice of Violation as Items 1, 2, 6, 7, 8, and 11. The Director of Regulatory Operations, after consideration of the Licensee's response, by letter dated February 19, 1974, served on the Licensee an Order Imposing Civil Monetary Penalties requiring the Licensee to pay civil penalties in the amount of Five Thousand Dollars ($5,000.00). The Order contained a determination by the Director of Regulatory Operations that the penalties proposed for the violations designated in the Notice of Violation as Items 1, 2, 3, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16a, 16b, and 17 should be imposed. The penalties proposed for Items 4 and 12 were remitted, and the penalty proposed for Item 9 was reduced from Three Hundred Dollars ($300.00) to One Hundred and Fifty Dollars ($150.00). On February 28, 1974, the Licensee requested a hearing with respect to the violations designated in the Notice of Violation as Items 1, 2, 6, 7, 14, 15, and 17.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before Mr. Samuel W. Jensch, Chief Administrative Law Judge, at a time and place to be set by the Chief Administrative Law Judge.

The Chief Administrative Law Judge will consider and initially decide, as the issues in this proceeding:

(a) whether the Licensee committed the violations of the Commission's regulations and the conditions of the license designated as Items 1, 2, 6, 7, 14, 15, and 17 in the Notice of Violation referenced above; and

(b) whether the Order Imposing Civil Penalties as it relates to Items 1, 2, 6, 7, 14, 15, and 17 designated in the Notice should be sustained.

A prehearing conference or conferences will be held by the Chief Administrative Law Judge, at a date and place to be set by him, to consider pertinent matters in accordance with the Commission's "Rules of Practice." The date and place of the hearing will be set at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, may be filed by the Licensee not later, than June 10, 1974.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Chief Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to its membership will be published in the FEDERAL REGISTER.

Dated at Germantown, Maryland, this 13th day of May, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-11444 Filed 5-17-74;8:45 am]

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[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO., ET AL.

Notice of Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 2 to the Facility Operating License No. DPR-44 issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power and Light Co. and Atlantic City Electric Co., which revised certain Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit 2, located in York County, Pennsylvania on the western shore of the Connowingo Pond. This amendment is effective as of its date of issuance and remains in effect through May 20, 1974.

The amendment permits a temporary change of the allowable time which the reactor core isolation cooling system can remain inoperable while reactor power operation is continued.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 10, 1974, (2) Amendment No. 2 to the License No. DPR-44, with attachments, and (3) the Commission's related Safety Evaluation, dated May 13, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland this 13th day of May, 1974.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Projects Branch 1-2, Directorate of Licensing.

[FR Doc.74-11445 Filed 5-17-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, May 22, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-11489 Filed 5-17-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/60]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 19, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, as a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 19, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 6414-A. Bain Pest Control Service, 347 Central Street, Lowell, Massachusetts 01852. *Checker Brand Roach & Ant Residual Spray.* Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2 pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.738%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4-EGU. Bonide Chemical Co., Inc., 2 Wurz Avenue, Yorkville, New York 13495. *Bonide Seed Protector.* Active Ingredients: Hardwood Distillate Oils 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4-58. Bonide Chemical Co., Inc., 2 Wurz Avenue, Yorkville, New York 13495. *Bonide Copper Spray or Dust Superior to Bordeaux Mixture.* Active Ingredients: Copper (in basic copper sulphate) expressed as metallic 7.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4-126. Bonide Chemical Co., Inc., 2 Wurz Avenue, Yorkville, New York 13495. *Bonide Vegetable Spray 4-In-1 Liquid.* Active Ingredients: Malathion (O,O-Dimethyl dithiophosphate of diethyl mercaptosuccinate) 9.4%; Technical Methoxychlor (equivalent to 8.36% 2,2-bis (p-methoxyphenyl)-1,1,1-trichloroethane and 1.14% related compounds 9.5%; 2,4-Dinitro-6-octyl phenyl crotonate 1.4%; 2,6-Dinitro-4-octyl phenyl crotonate Nitrooctyl phenols (principally dinitro) 0.1%; Aromatic Petroleum Solvents 13.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 270-IL. Farnam Companies, Inc., P.O. Box 21447, Phoenix, Arizona 85036. *Farnam Summer Sore Screw-Worm Ear-Tick Bomb IV.* Active Ingredients: Ronnel O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (from technical grade) 2.5%; Xylene 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 270-30. Farnam Companies, Inc., 9990 F Street, Omaha, Nebraska 68127. *Farnam Repel-X Emulsifiable Fly Spray.* Active Ingredients: Piperonyl Butoxide Technical 1.00% (Equivalent 0.80% (Butylcarbityl) (6-propylpiperonyl) ether and 0.20% of related compounds); Pyrethrins I & II 0.40%; Petroleum Hydrocarbons 3.60%; Butoxypolypropylene Glycol 50.00%; Pine Oil 40.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1258-OIN. Olin Corporation, P.O. Box 991, Little Rock, Arkansas 72203. *Olin Calcium Hypochlorite Sanitizer.* Active Ingredients: Calcium Hypochlorite 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-70. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox Rotenone 5% Oil Concentrate.* Active Ingredients: Rotenone 5.00%; Other Cube Resins 10.00%; Methyl Napthalenes 85.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720-EEU. Southern Mill Creek Products Company, Inc., P.O. Box 1096, Tampa, Florida 33601. *SMCP Diazinon 12.5% Insect Spray.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.5%; Aromatic petroleum derivative solvent 72.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5741-O. Spartan Chemical Company, Inc., 110 N. Westwood Ave., Toledo, Ohio 43607. *Spartan's Sparquat 256 Germicidal Cleaner.* Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzy Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(a) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications Received previously published in the Federal Register of May 2, 1974 (39 FR 15439).

EPA Reg. No. 359-399. Rhodia Inc., Chipman Division, P.O. Box 2009, New Brunswick, New Jersey 08903. *Shed-A-Leaf "L".* Correction: Originally published as *Sied-A-Leaf "L".*

EPA File Symbol 538-RRU. O. M. Scott & Sons Co., Marysville, Ohio 43040. (*Scotts*) *Proturf 101V Broad Spectrum Fungicide.* Active Ingredients: Chlorothalonil (Tetrachloroisophthalonitrile) 9.5% . . . Correction: Originally published as Chlorothalonil (Tetraoloisophthalonitrile) 9.5%.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received previously published in the Federal Register of May 8, 1974 (39 FR 16406).

EPA File Symbol 603-EUL. Ralston Purina Company, General Offices, Checkerboard Square, St. Louis, Missouri 63188. *Purina Diazinon Spray-12½%.* Correction: Originally published as *Purina Diazinon Spray-11 12½%.*

Dated: May 14, 1974.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.74-11862 Filed 5-17-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-340]

COLORADO INTERSTATE GAS CO.

Availability of Staff Draft Environmental Impact Statement

MAY 13, 1974.

Notice is hereby given in the above Docket, that on May 14, 1974, as required by § 2.82(b) of Commission Order No. 415-C, a draft environmental statement prepared by the staff of the Federal Power Commission was made available for comments. This statement deals with the application by Colorado Interstate Gas Company for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing construction and operation of 223 miles of 16-inch pipeline extending from the Elk Basin on the Montana-Wyoming border to Chouteau County, Montana, 114 miles of 16-inch pipeline loop extending from Carbon County, Wyoming to Fremont County, Wyoming; and a 4,800 horsepower compressor station in Chouteau County, Montana.

This statement has been circulated for comments to Federal, state and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its Regional Office located at 555 Battery Street, San Francisco, California 94111. Copies may be obtained from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before June 27, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.82 (c) of Order No. 415-C.

All petitions to intervene must be filed on or before June 28, 1974.

MARY B. KIDD,
Secretary.

[FR Doc.74-11527 Filed 5-17-74;8:45 am]

FOREIGN TRADE ZONES BOARD

[Docket No. 9-74]

KANSAS CITY INTERNATIONAL AIRPORT, KANSAS CITY, MISSOURI

Application To Establish A Foreign-Trade Zone Site

Notice is hereby given that an application has been submitted by the Greater Kansas City Foreign-Trade Zone, Inc. (GKCFTZI), grantee of Foreign-Trade Zones No. 15 (Kansas City, Missouri) and No. 17 (Kansas City, Kansas), to the Foreign-Trade Zones Board (the Board) requesting authority for the establishment of an additional zone site at 117th and International Avenue (Gateway Plaza), Kansas City, Missouri, on a parcel adjacent to the new Kansas City International Airport.

The proposal calls for the construction and operation of a warehouse/office type zone building with some 75,000 square feet of space by Airport Entrance Development Company (AEDC), a Missouri copartnership, owner of the land on which the building would be located. Final construction plans were prepared after being reviewed by the Port Director of Customs who advised concerning security requirements. Eventual expansion of the facility to a total of 150,000 square feet is contemplated. The proposed facility is to be located within an international business center, known as Gateway Plaza, being developed in the airport area by AEDC. Management agent for the center including the proposed zone site is Leo Eisenberg & Company, Kansas City, Missouri.

Based upon a need in the airport area for special Customs facilities to serve air freight related activities, the zone proposal is considered by the sponsor a part of their efforts to enhance the international trade related business climate of the Greater Kansas City inland port area by providing foreign-trade zone facilities for the business community. Reference was made in its original 1972 application as to the possibility of such a site when the new airport went into operation. This occurred in 1973.

Certain business firms have expressed an interest in using the proposed zone as initial tenants for air freight related activities involving such items as software, wigs, watches, sports equipment and luggage goods. Airlines have also indicated an interest.

In accordance with the Board's regulations an Examiners Committee has been appointed to conduct an investigation of the proposal and report its findings to the Board. The committee is composed of John J. Da Ponte, Jr. (Chairman), Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Washington, D.C. 202340; Donald E. Grimwood, Director, Inspection and Control Division, Office of the Regional Commissioner of Customs, 300 South Wacker Drive, Chicago, Illinois 60606; and Colonel W. R. Needham, District Engineer, U.S. Army Engineer District Kansas City, Kansas City, Missouri 64106.

A copy of the application and accompanying exhibits will be available for public inspection, together with the original zone application and hearing transcript, during regular business hours for 30 calendar days from the appearance of this notice in the FEDERAL REGISTER at the following locations:

Office of the Executive Secretary
Foreign-Trade Zones Board
U.S. Department of Commerce, Room 6886B
14th and Constitution Avenue, NW.
Washington, D.C. 20230

Office of the Port Director of Customs
U.S. Customs Service
Room 160, Federal Building
601 East 12th Street
Kansas City, Missouri 64106

Comments concerning the proposal are invited in writing (original and six copies) from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the above address and postmarked by June 19, 1974.

Dated: May 15, 1974.

JOHN J. DA PONTE, JR.,
Executive Secretary, Foreign-Trade Zones Board.

[FR Doc.74-11496 Filed 5-17-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

IDOE PROPOSAL REVIEW PANEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the IDOE Proposal Review Panel to be held at 8:30 a.m. on June 5, 6, and 7, 1974, in Room 704 at 1800 G Street, NW., Washington, D.C. 20550.

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The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of IDOE proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals requiring further information about this panel may contact Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Room 710, 1800 G Street, NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

MAY 8, 1974.

[FR Doc.74-11474 Filed 5-17-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 15, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service, Marketing Florist Crops in 11 Selected SMSA's, Form, Single time, Lowry, Growers, wholesalers, retailers and mass markets.

Forest Service, Youth Conservation Corps IV, Summer, 1974, Form, Single time, Planchon, Enrollees in Youth Conservation Corps Program in 1974.

Statistical Reporting Service, Illinois Soybean Insecticide Survey, 1974, Form, Single time, Lowry/Foster, Soybean farmers.

DEPARTMENT OF COMMERCE

Bureau of the Census, National Prisoner Statistics—Inmates Under Sentence of Death, Form NPS 8, Annual, Tunstall, State correctional agencies or institutions.

National Oceanic and Atmospheric Administration, Ocean Science Resources Study State Questionnaire, Form, Single time, Planchon, State agencies dealing in Ocean and coastal science.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Oceanic Gamefish Investigations Big Game Fishing Log, Form NOAA 88-904A, Occasional, Planchon, Recreational fishermen and boat captains.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Instructions for Right to Read A-102 Financial and Performance Report, Form OE 361, Semi annual, Lowry, SEA's LEA's, community projects.

Health Resources Administration, Death Registration and Chronic Disease Project, Form HRANCHS 0426, Single time, Wann, Individuals.

REVISIONS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Application for Assistance—American Schools and Hospitals Abroad, Form 1010-2, Single time, Caywood, Boards of directors of private organizations.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Custom Work Rates, Form, Annual, Lowry, Custom operators and farmers.

DEPARTMENT OF COMMERCE

National Bureau of Standards, Survey of Lead-Based Paint Hazard in Dwelling Units, Form NBS 744, Single time, Sunderhauf, Households in Allegheny Co., Pa.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, Statistical Report on Medical Care: Recipients, Payments, Services, Form SRS NCSS-2082, Annual, Sunderhauf, State Medicaid (Title XIX) agencies.

Annual Statistical Report on Cost Standards and Maximums and other Limitations on Money Payments, Form SRS-NCSS 108, Annual, Sauderhauf, State public assistance agencies.

VETERANS ADMINISTRATION

Request for Change of Program or Place of Training (Son or Daughter), Form VA 22-5495, Occasional, Caywood, Son or daughter of veteran.

Request for Change of Program or Place of Training (Widow, Widower, Wife, or Husband), Form VA 22-5495W, Occasional, Caywood, Widow, widower, wife, or husband of veteran.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Forest Service, Pulpwood Received, Form, ------, Annual, Evinger, Pulpmills in eastern U.S.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce:

Copper Controlled Materials—Copper-Base Powder Mills, Form DIB 919, Quarterly, Evinger, Mills making powder of copper metal.

Copper Controlled Materials—Brass and Bronze Foundries, Form DIB 918, Quarterly, Evinger, 150 large copper foundries.

Copper Controlled Materials—Brass Mills and Copper Wire Mills, Form DIB 917, Quarterly, Evinger, 100 largest brass and wire mills.

Economic Development Administration, Supplement to Application for Title III, Technical Assistance Grant, Form ED 300, Occasional, Evinger (x).

Application for Technical Assistance, Form ED 302, Occasional, Evinger (x).

Financial Report Title III Technical Assistance Grants, Form ED 325, Quarterly, Evinger (x).

Application for Loan-Statement of Personal History, Form ED 200, Occasional, Evinger (x).

Application for Commercial or Industrial Loan—Direct Loan, Form ED 201, Occasional, Evinger (x).

Application for Loan-Commercial or Industrial Project by a Local Development Company or Other Agent, Form ED 202, Occasional, Evinger (x).

Application for Working Capital Guarantee, Form ED 203, Occasional, Evinger (x).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Teenagers' Self Testing Kit (Longitudinal Study of Impact of Elementary Health Education Curriculum on Attitudes and Behavior of Students), Form CDC 16.4, Single time, Wann, Teenagers.

Social and Rehabilitation Service, A System of Quality Control of Eligibility and Payments in Public Assistance, Forms 341-A, etc., Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-11547 Filed 5-17-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ALLIED EQUITIES CORP.

Notice of Suspension of Trading

MAY 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Allied Equities Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:00 p.m. (EDT) May 7, 1974 through midnight on May 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11518 Filed 5-17-74;8:45 am]

[File No. 500-1]

AMERICAN EXPORT LINES, INC. (FORMERLY KNOWN AS AMERICAN EXPORT ISBRANDTSEN LINES, INC.)

Notice of Suspension of Trading

MAY 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Export Lines, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:30 p.m. (EDT) May 8, 1974 through May 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11517 Filed 5-17-74;8:45 am]

AMERICAN EXPORT INDUSTRIES, INC.

[File No. 500-1]

Notice of Suspension of Trading

MAY 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock series A and B, the convertible subordinated debentures 5¼ 1993, the warrants and the common stock of American Export Lines, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:30 p.m. (EDT) on May 8, 1974 through May 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11507 Filed 5-17-74;8:45 am]

[Release No. 34-10787]

AMERICAN STOCK EXCHANGE, INC., ET AL.

Consolidated Tape Plan

The Securities and Exchange Commission announced that it has sent to the sponsors of a consolidated tape plan refiled jointly by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the National Association of Securities Dealers, Inc. on April 22, 1974 a letter declaring the plan effective as of May 17, 1974. The plan, originally filed on March 2, 1973 pursuant to Securities Exchange Act Rule 17a-15 (17 CFR 240.17a-15), provides for reporting of prices and volume of completed transactions in securities registered on exchanges.

The text of the letter follows:

American Stock Exchange, Inc.
Midwest Stock Exchange, Inc.
National Association of Securities Dealers, Inc.
New York Stock Exchange, Inc.
Pacific Stock Exchange, Inc.
PBW Stock Exchange, Inc.

DEAR SIRS: This is in response to the revised consolidated tape plan jointly filed by you with the Commission on April 22, 1974 (the "Revised Plan"), pursuant to Securities Exchange Act Rule 17a-15.

On March 8, 1974, the Commission notified the plan's sponsors of its definitive comments on the consolidated tape plan filed initially on March 2, 1973. Initial comments had been conveyed to the plan's sponsors on July 13, 1973.

The Commission's letter of March 8, 1974 requested modification of the plan's terms in a number of areas. After a review of the Revised Plan the Commission finds that, except as may specifically be discussed below, the plan accurately reflects the Commission's requested changes.

Eligible Securities—In its March 8 letter, the Commission requested that the term "Eligible Securities" be defined as those securities substantially meeting the listing standards of the New York Stock Exchange ("NYSE") and the American Stock Exchange ("Amex"). The Revised Plan contains a new section on Eligible Securities with, among other things, the following provisions: (1) Initially, Eligible Securities will include all securities presently listed on the NYSE and Amex and securities listed or admitted to unlisted trading privileges on other registered national securities exchanges if they substantially meet the listing standards of the NYSE or Amex; (2) After the date "Phase II" commences, the term Eligible Securities will include any security which becomes listed and which, at the time of listing or commencement of trading, substantially meets the listing requirements of the NYSE or Amex, as they may be in effect at that time; (3) Securities shall cease to be Eligible Securities whenever they do not substantially meet the listing criteria from time to time in effect for continued listing on the NYSE or Amex; (4) The determination of whether a security meets the criteria for eligibility is to be made by the national securities exchange on which such security is listed or admitted to unlisted trading privileges; and (5) If the Commission finds any such determination is improper, it may require that such security be deemed not to be an Eligible Security for purposes of the Revised Plan. The Commission has no objection to this modification in view of the right reserved to the Commission to review the determination that a security, or any group of securities, meets, or continues to meet, the eligibility standards.

Allocation of Expenses—The Commission indicated in its March 8 letter it would not object to an equitable allocation of expenses of the tape among exchanges which are open during periods when other exchanges are closed. The Revised Plan provides, in effect, that expenses incurred in reporting trades after the end of the normal operating hours of the NYSE and Amex will be allocated "on an appropriate pro rata basis." The Commission understands that at this point it is difficult to estimate reasonably the exent of such expenses and therefore it would be premature to comment on the fairness of any such allocation.

Pre-Opening Run-off—The Commission's March 8 letter requested that some procedure be adopted whereby the consolidated tape would be activated prior to the opening of any exchange so that all trades which took place subsequent to the prior day's close of the tape, and before the opening of exchanges, would be reported in sequence. The Revised Plan contains no provision for such run-off. We understand, however, that the Revised Plan's sponsors will reconsider the feasibility of such run-off when data is available as to the number of trades which would be involved.

Additional Provisions Not Requested By The Commission—The Revised Plan has been changed to include a provision to cover the cost of "installing hardware as necessary" for the operation of the consolidated tape and for the high speed transmission line for interrogation equipment, the availability of which the Commission had requested in its March 8 letter.

The Revised Plan also contains a provision which requires that the Revised Plans' sponsors resolve by June 7, 1974 certain issues with respect to the reporting of bonds, options and any possible new "products".

The Commission does not object to the inclusion of these provisions in the Revised Plan.

Amendments to the Plan—As you are aware, the Commission in its March 8 letter did not request the plan's sponsors to include in the Revised Plan a provision for Commission approval of subsequent amendments thereto or for Commission initiation of amendments. The Commission wants to reiterate that its reason for not requiring such a provision is that the authority to declare a plan effective pursuant to Securities Exchange Act Rule 17a-15 includes the authority to review and pass upon subsequent amendments to the plan. In addition, inherent in the Commission's authority to amend Rule 17a-15 when necessary or appropriate is the authority to require amendments to the plan.

The Commission is of the view that the Revised Plan represents an appropriate vehicle for the consolidated reporting of transactions in listed securities; therefore, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, the Commission hereby declares the Revised Plan effective as of May 17, 1974.

Now that the Revised Plan has been declared effective, it is important the CTA make available to vendors the technical specifications and other data necessary for the consolidated tape to be fully operational within the time frame specified in the Revised Plan.

The plan sponsors should note also that the Commission is today publishing for comment a proposed amendment to Rule 17a-15 which would establish procedures for appeal to the Commission of certain actions which may be taken pursuant to the plan.[1]

Sincerely yours,

George A. Fitzsimmons,
Secretary.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, 49 Stat. 1379, 52 Stat. 1076, 15 U.S.C. 78q., 78w.)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 10, 1974.

[FR Doc.74-11502 Filed 5-17-74;8:45 am]

APOLLO INDUSTRIES, INC.

[File No. 500-1]

Notice of Suspension of Trading

MAY 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Apollo Industries Inc. (incorporated in Maine) being traded otherwise than on a national securities exchange is required in the pub-

[1] Securities Exchange Act Release No. 10788 (May 10, 1974).

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lic interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (EDT) on May 10, 1974 through May 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-11505 Filed 5-17-74;8:45 am]

[70-5502]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), Ninth and Louisiana Streets, Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Arkansas proposes to issue and sell, subject to the competitive bidding requirements of rule 50 promulgated under the Act, $40,000,000 principal amount of its First Mortgage Bonds, percent Series due 2004. The interest rate on the bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Arkansas (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Arkansas' Mortgage and Deed of Trust dated as of October 1, 1944, to Morgan Guaranty Trust Company of New York, Trustee, as heretofore supplemented and as to be further supplemented by a Twenty-sixth Supplemental Indenture to be dated as of June 1, 1974, which includes a prohibition until June 1, 1979, against refunding the bonds with the proceeds of funds borrowed at a lower effective interest cost.

Arkansas proposes to utilize the net proceeds from the issuance and sale of the proposed bonds and of $20,000,000 of common stock to Middle South (File No. 70-5487) to retire short-term debt outstanding (estimated to aggregate $50,000,000 when the proceeds of the bonds are received) and to finance its construction program (estimated at $170,300,000 for 1974). Fees and expenses incident to the proposed transactions are estimated at $120,000, including counsel fees of $31,500 and accountants' fees of $7,500. The fee of counsel for the successful bidders is estimated at $12,000 and is to be paid by the successful bidders.

The Arkansas Public Service Commission and the Tennessee Public Service Commission have authorized the proposed issuance and sale of the bonds. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 5, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-11514 Filed 5-17-74;8:45 am]

[File No. 500-1]

CALEDONIA SILVER LEAD MINING CO., ET AL.

Notice of Suspension of Trading

MAY 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Caledonia Silver Lead Mining Co., Judith Gold Corporation, Lookout Mountain Mining & Milling Co., Nancy Lee Mines, Inc., New Era Mines, Inc., Signal Silver Gold, Inc., Silver Bowl, Inc., United Mines, Inc., and Utah-Idaho Consolidated Uranium, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:00 p.m. (EDT) May 7, 1974 through midnight on May 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-11509 Filed 5-17-74;8:45 am]

[70-5498]

CENTRAL POWER AND LIGHT CO.

Notice of Proposed Installment Purchase of Pollution Control Facilities; Request for Exemption from Competitive Bidding

Notice is hereby given that Central Power and Light Company, ("CP&L") 120 North Chaparral Street, Corpus Christi, Texas 78403, an electric utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act 1935 ("Act") designating sections 6(a), 7, 9(a)(1), 10, 12(d) and rules 44(b)(3) and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CP&L states that in order to comply with applicable federal and state control standards with respect to its Barney M. Davis Power Station presently under construction in Nueces County, Texas, it is necessary to construct certain air and water pollution control facilities ("facilities"). To finance construction of the facilities, CP&L proposes to enter into an Installment Sale Agreement ("agreement") with the Nueces County Navigation District No. 1 ("District"), an instrumentality of the State of Texas.

The agreement provides that CP&L will transfer to the District CP&L's interest in the facilities as they presently exist and that the District will reimburse CP&L for the cost of construction of the presently completed facilities. CP&L will then cause the construction of the facilities to be completed for the District, the District reimbursing CP&L for the costs of construction to the extent funds are available in the construction fund created under an Indenture of Trust ("indenture"), as further described below. Upon completion of the construction of the facilities, title to the facilities will automatically vest in CP&L, and CP&L will pay for the facilities through installments, as further described below.

The District will finance the acquisition and construction of the facilities through the issue and sale of the District's Environmental Improvement Revenue Bonds, to be issued initially in two series, denominated "Series 1974, Issue A Bonds" and "Series 1974, Issue B Bonds" (collectively, the "bonds"). The Issue A Bonds will be in a total principal amount of $8,000,000, the bond sale proceeds to be used to finance the cost of the water pollution control facilities. The Issue B Bonds will be in a total principal amount of $1,000,000, the bond sale proceeds to be used to finance the cost of the air pollution control facilities. The bonds will be issued under the indenture between the District and a corporate trustee approved by CP&L; the bonds will be dated June 1, 1974, will bear interest semi-annually and will mature June 1, 2004. The bonds are not redeemable prior to 1984 except under certain circumstances. The bonds are subject to mandatory redemption beginning in 1990 in satisfaction of sinking fund provisions which will cause at least 25 percent in principal amount of the bonds to be retired prior to maturity.

The proceeds from the sale of the bonds (except as otherwise required by the indenture) will be deposited in a construction fund created under the indenture, and costs of acquisition and construction of the facilities will be reimbursed to CP&L out of funds in the construction fund. In the event amounts in the construction fund are insufficient to pay all costs of the facilities, the agreement obligates CP&L to pay all additional amounts.

The agreement contains an unsecured commitment by CP&L to pay the District the purchase price for the facilities in installments. The installments will be sufficient to enable the District to pay principal, interest, sinking fund and redemption premium requirements with respect to the bonds.

CP&L states that it is contemplated that the bonds will be sold by the District pursuant to arrangements between the District and Blyth Eastman Dillon & Co., Inc., as underwriter. It is expected that the terms of the bonds, including sale price and interest rate, will be agreed upon on or about June 11, 1974, that a public offering of the bonds will be made by the underwriter, and that delivery and payment for the bonds will be made on July 10, 1974. CP&L will not be a party to the Bond Purchase Agreement, pursuant to which the underwriter will purchase the bonds from the District, but the Bond Purchase Agreement provides that the terms of the bonds and of the indenture will be satisfactory to CP&L.

CP&L states that counsel states they are prepared to give a legal opinion that interest on the bonds will be exempt from federal income taxation. CP&L states that it has been advised that similar tax-exempt bonds have historically carried an annual interest rate approximately 1½ percent to 2½ percent lower than comparable taxable long-term bonds.

CP&L requests exception from the competitive bidding requirements of rule 50 pursuant to clause (a)(5) thereof.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $100,000, including legal fees of $58,750. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, that any interested person may, not later than June 3, 1974, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-11504 Filed 5-17-74;8:45 am]

[File No. 500-1]

COOK INDUSTRIES, INC.

Notice of Suspension of Trading

MAY 8, 1974.

The common stock of Cook Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cook Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:00 noon (EDT) on May 8, 1974 through May 9, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-11516 Filed 5-17-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

MAY 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 12, 1974 through May 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-11512 Filed 5-17-74;8:45 am]

[812-3568]

GENERAL ELECTRIC OVERSEAS CAPITAL CORP.

Notice of Application Pursuant To Section 6(c) of the Act for An Exemption From Certain Provisions of Rule 6c-1 Thereunder

Notice is hereby given that General Electric Overseas Capital Corporation ("Applicant"), 570 Lexington Avenue, New York, New York 10022, a wholly owned finance subsidiary of General Electric Company ("GE"), has filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from the provision of subparagraph (b)(7) of rule 6c-1 ("Rule") under the Act which requires that 90 percent of Applicant's assets must be invested in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned directly or indirectly by GE. Applicant is seeking a reduction of that requirement from 90 percent to 60 percent. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Rule 6c-1 states certain requirements which Applicant must meet in order to be exempt from all provisions of the Act. Subparagraph (b)(7) thereof requires that at least 90 percent of the assets of the finance subsidiary, exclusive of United States Government securities and cash items and short-term investments in foreign government and commercial paper, will be invested in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be,

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owned, directly or indirectly, by the parent company, and any assets of the finance subsidiary not invested in, such companies will only be invested in or loaned to companies which are customers or suppliers of the parent company or a subsidiary of the parent company; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly-owned subsidiaries of the parent company.

Applicant was incorporated in 1965, in part to support export sales to GE's foreign customers. On December 7, 1965, the Commission granted Applicant an exemption from all provisions of the Act (Act Release No. 4433). Applicant indicated in its application for such order that it then contemplated that at least 90% of its assets would be invested in or loaned to foreign companies which were affiliates of GE within the meaning of the Act. Following the Commission's adoption of Rule 6c–1 in 1968, Applicant was requested by the Commission to relinquish its exemptive order and to operate under the Rule and agreed to do so. Applicant's earlier exemptive order was, accordingly, rescinded.

Subsequently GE began using Applicant to make loans to foreign airlines to assist them in purchasing McDonnell Douglas DC–10 aircraft using GE engines. Because of the magnitude of the loan program, Applicant reached the maximum permitted limits under the Rule in July, 1973. Although Applicant is presently complying with the Rule, it has been necessary for it to transfer some of its loans to GE in order to do so. Because Applicant is already committed to lend substantial additional amounts under existing loan agreements, Applicant states that further transfers will be required in the near future unless the order sought is granted. For the following reasons Applicant believes that such transfers are undesirable and that it should be permitted to allocate up to 40% of its assets for investment in and loans to companies which are unaffiliated customers or suppliers of GE or a subsidiary of GE:

1. Based on past experience and present conditions, Applicant states that continued sales of DC–10 aircraft and their associated engines can be made only to foreign customers to whom credit is advanced. In the earlier phase of the DC–10 program, this required GE (through Applicant) to assume a very substantial portion of the financing burden for the sales of the jet engines. Although the need for financing from the manufacturers has diminished, Applicant states that it is still required on occasion to make new loans to procure sales. Applicant asserts that obtaining foreign sales has been and continues to be of great importance to the success of the DC–10 program. From the standpoint of the United States balance of payments, Applicant states that the aggregate value of export sales of the aircraft (including engines) placed under firm orders or under options to date is in excess of $2 billion and that accordingly the program has real significance to this country's continued economic health.

2. Applicant states that since GE itself could make almost all the loans GE should not be prevented from realizing the advantages which accrue when Applicant makes them. First, by using Applicant, GE minimizes to some extent the risk in making the loans which might result if the lender were also the manufacturer, should a dispute arise out of a claim by the purchaser of inadequate engine performance. Second, use of Applicant assures greater potential flexibility in tapping sources of funds for these loans since Applicant can avail itself, when financial conditions are favorable, of the Eurodollar pool as a source for funds to support airline financing loans, a source which would be partly foreclosed to GE because of certain provisions of the Internal Revenue Code. Third, Applicant has been able to make loans to support the DC–10 program in circumstances in which GE could not do so without incurring substantial tax burdens under foreign tax laws.

3. Applicant submits that an examination of the purposes and policies of the Act, as reflected in section 1(b) thereof, indicates that granting the relief sought in the application would not in any way involve or give rise to any of the dangers or abuses which the Act was designed to eliminate or remedy. Applicant is not a conventional investment company which owns, holds or trades securities and is owned directly by the public. Rather, it is an entity whose sole purpose is to provide a method of financing for the foreign business activities of GE in such a way as to promote a favorable United States balance of payments. Applicant further submits that, to the extent that subparagraph (b)(7) of Rule 6c–1 is sought to be modified, it is believed that Applicant's agreement that the assets not invested in affiliates of GE or its subsidiaries will be loaned only to customers or suppliers of GE or its subsidiaries will be adequate to preclude the possibility that Applicant might become, in effect, an investment company investing in securities solely in anticipation of the return to be derived therefrom or the profits to be made upon trading therein. Finally, Applicant argues that since all of the outstanding securities of Applicant not held by its parent are debt securities, guaranteed by GE, public security holders of Applicant rely on the credit of GE rather than on the loan portfolio of Applicant. Applicant therefore submits that there would not appear to be a compelling need for the holders of its securities to be protected by the more stringent provisions of the Rule.

4. Applicant indicates that it has been forced to transfer some $11.5 million of foreign airline financing loans to GE in order to maintain compliance with the existing 10 percent limitation in the Rule.

Applicant submits that the administrative burdens involved in transferring such loans are extensive and achieve no additional protection to the investors either in securities of Applicant or GE.

Applicant states that it is seeking this exemption in order to increase the flexibility necessary to promote export sales to foreigners, thereby benefiting the United States balance of payments; and Applicant also states that the exemption requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 3, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11508 Filed 5–17–74;8:45 am]

[70–5496]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Common Stock by Holding Company Pursuant to A Rights Offering; Request for Exemption from Competitive Bidding

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York, New York 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to offer up 4,340,000 authorized but unissued shares of its common stock ("additional common stock") for subscription by the holders of its outstanding shares of common stock on the basis of 1 share for each 10 shares of common stock held on the record date. The record date will be June 6, 1974, or such later date as GPU's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by GPU's Board of Directors at about 9:00 a.m. on the anticipated record date, will not be more than 100 percent and not less than 85 percent of the closing price of GPU common stock on the New York Stock Exchange on the day prior to the record date. The subscription offer will expire June 28, 1974, unless the record date should be later than June 6, 1974, in which event the expiration date will be specified by amendment.

Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of GPU common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 10 shares, but not in exact multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 10 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. In addition, each holder of a warrant or warrants who exercises such warrant or warrants in full will be given the privilege of subscribing, subject to allotment, at the same subscription price, for shares of additional unsubscribed common stock.

The offering of the additional common stock will not be underwritten. GPU proposes to utilize the services of securities dealers ("participating dealers") in soliciting the exercise by the initial record holders of original issue warrants of the subscription privileges and in disposing of the shares of additional common stock available to GPU for such disposition. The purchase price to be paid to GPU by participating dealers (during the 45 business days following the warrant expiration date when the released shares are made available by GPU to the participating dealers for purchase) for such released shares will be the price per share then applicable to sales of GPU common stock by participating dealers as determined and announced by GPU, less the participating dealer purchase fee.

GPU does not propose to mail warrants to stockholders whose registered addresses are outside the United States, Bermuda, Canada and Mexico. To the extent that GPU does not receive instructions from such stockholders to exercise their warrants, the rights evidenced by such warrants may be sold by Hartford National Bank and Trust Company, the subscription agent. The net proceeds of such sale will be held by Hartford National Bank and Trust Company for the account of such stockholders.

It is stated that the net proceeds of the sale of the additional common stock will be used by GPU for additional investment in its subsidiaries and to repay all or a portion of GPU's short-term indebtedness expected to be outstanding at the time of sale of the additional common stock.

The estimated fees and expenses to be incurred in connection with the proposed transactions are $831,000, including legal fees of $44,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 31, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11506 Filed 5–17–74;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

MAY 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 12, 1974 through May 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11513 Filed 5–17–74;8:45 am]

[File No. 500–1]

SOVEREIGN INDUSTRIES, INC.

Notice of Suspension of Trading

MAY 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Sovereign Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:00 p.m. (EDT) May 7, 1974 through midnight on May 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11510 Filed 5–17–74;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

MAY 9, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being trade otherwise than on a natural securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 10, 1974 through May 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–11515 Filed 5–17–74;8:45 am]

[File No. 500–1]

ZENITH DEVELOPMENT CORP.

Notice of Suspension of Trading

MAY 10, 1974.

It appearing to the Securities and Exchange Commission that the summary

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suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 12, 1974 through May 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11511 Filed 5-17-74;8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory), first announced on January 24, 1974 (Securities Exchange Act Release No. 10612), will hold its first meeting on June 3, 1974 at the Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. The meeting will commence at 10:30 a.m. local time.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms, and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing a uniform key regulatory report.

The Group's scheduled meeting will be for the purpose of formulating the initial steps to be taken in pursuing the committee's goals.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 15, 1974.

[FR Doc.74-11614 Filed 5-17-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5277]

PRUDENTIAL MINORITY ENTERPRISES, INC.

Notice of Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to 13 CFR 107.701 (1974) for the transfer of control of Prudential Minority Enterprises, Inc. (licensee), a small business investment company licensed by the Small Business Administration on March 10, 1970, and operating under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

Licensee, a New Jersey corporation with its principal place of business located at 213 Washington Street, Newark, New Jersey 07101, is presently owned by PRUCO, Inc. (a wholly owned subsidiary of The Prudential Insurance Company of America).

Under a Stock Purchase Agreement between PRUCO, Inc., and Rutgers Minority Investment Company (License No. 02/02-5283) (Rutgers), a small business investment company operating under the provisions of section 301(d) of the Act, Rutgers will acquire all of the licensee's capital stock in exchange for shares of the non-voting Common Stock, Series A, of Rutgers plus a limited amount of cash.

The basis for the exchange will be (a) the net worth of the licensee at March 31, 1974, plus (b) the amount of an investment made by the licensee since March 31, 1974, in a certain small business concern, less a 15 percent reserve against such investment for losses; (c) subtract from the sum of (a) and (b) the Final Cash Balance of the licensee, as defined in the Stock Purchase Agreement; and (d) divide the result of (c) by 1,000. Rutgers will pay PRUCO, Inc., cash in lieu of delivering a fractional share.

Notice is further given that any person may submit comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 on or before June 4, 1974.

A similar notice shall be published by the licensee in a newspaper of general circulation in Newark, New Jersey.

Dated: May 16, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-11648 Filed 5-17-74;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Veterans Administration Central Office, 811 Vermont Avenue NW., Washington, D.C. on June 21, 1974 at 10 a.m. The committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake, and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity it will be necessary for those wishing to attend to contact Mr. James Lefter, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202-389-2868), prior to June 19, 1974.

Dated: May 14, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-11473 Filed 5-17-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[V-74-26]

ALUMINUM COMPANY OF AMERICA

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, Pennsylvania 15219 has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655), and 29 CFR 1905.10 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.212(a)(3)(ii) Point of operation guarding.

The address of the place of employment that will be affected by the application is as follows:

Aluminum Company of America
Warrick Operations
Highway 66
Newburgh, Indiana 47630

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant states that it uses press brakes for construction and maintenance purposes. The applicant contends that it is not able to comply with the requirements of 29 CFR 1910.212(a)(3)(ii) because no existing point of operation guarding device can be utilized in its operation.

The applicant states that it has purchased and tested two devices normally employed on production-type machines. Both the photoelectric system and the altering capacitance device have proven inadequate. With either system, the variations in the size or shape of the work piece precludes the use of the guard or requires its constant readjustment thereby placing its control in the hands of the operator. The applicant believes this situation greatly enhances the probability that the guard might be improperly set or bypassed altogether, thus, enhancing the danger by instilling the operator with a false sense of security.

The applicant states that it has screened other available guarding devices and queried numerous manufacturers concerning its problem, but to no avail.

The applicant contends that it is insuring the safety of its employees by: (1) Adhering to ANSI Standard B11.3-1973 which recognizes the difficulty in guarding press brakes and allows location guarding; (2) placing safety color coding on its press brakes; (3) placing warning signs and operating instructions on or near the press brakes; (4) discussing the situation during its monthly safety committee meetings; and (5) continuing its search for an effective guard.

The applicant contends that its continuing attempts at providing a guard should bring compliance with 29 CFR 1910.212(a)(3)(ii) by March 14, 1975.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse
Room 423
46 East Ohio Street
Indianapolis, Indiana 46204

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views, and arguments relating to the pertinent application no later than June 19, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than June 19, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the application for variance. Therefore, it is ordered, pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.10(c) that Aluminum Company of America be, and it is hereby, authorized to follow ANSI Standard B11.3-1973 and to maintain those continuous research, safety, and informational programs stipulated in its application for variance in lieu of the requirements of § 1910.212(a)(3)(ii).

Aluminum Company of America shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of May 20, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 10th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-11438 Filed 5-17-74;8:45 am]

[V-74-27]

BRUNSWICK STAMPING, INC.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Brunswick Stamping, Inc., Green Swamp Road, Brunswick, Georgia 31520 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance from the standards prescribed in 29 CFR 1910.217(c)(3)(i)(c); (c)(3)(iv); (c)(3)(vi) and in 29 CFR 1910.217(d) concerning mechanical power presses.

The address of the place of employment that will be affected by the application is as follows:

Brunswick Stamping, Inc.
Green Swamp Road
Brunswick, Georgia 31520

The applicant certifies that employees who would be affected by the variance have been notified of the application by posting a copy on the bulletin board at the corporation's manufacturing facility. Employees have been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.217(c)(3)(i)(c); (c)(3)(iv); (c)(3)(vi) and (d). 29 CFR 1910.217(c)(3)(i)(c) requires a restraint device to prevent the operator from reaching into the point of operation at all times; § 1910.217(c)(3)(iv) provides that pull-outs shall be operated only by the press slide or upper die; § 1910.217(c)(3)(vi) requires that the operator be restrained from reaching into the point of operation; and § 1910.217(d) prohibits the hand feeding of materials within the point of operation of dies in mechanical power presses, effective August 31, 1974. The applicant states that he has designed, built, and tested new safety devices which effectively prevent a press from stroking or the slide falling while an operator's hands or fingers are in the point of operation. It contends that new means of safeguarding will permit manual feeding within the point of operation of dies, and that compliance with 29 CFR 1910.217(d) is not required. The new safeguard consists of a slide stop which is automatically interposed between the upper and lower dies when the slide is at top stop position for manual feeding. An interlocked barrier device or a pull-out/restraint device is used in series with the slide stop. The operating system utilizes two-part position sensing; pneumatic controls which relay operating signals only when contact is made by a mechanical moving part as it reaches a predetermined position. A pressure sensing sequence lock will render the system inoperative in the event of inadequate pilot air pressure and device will fail safe. The operator must be in full restraint position before press is capable of intentional or unintentional stroking. The slide cannot fall when the operator is in any released position. The press is incapable of starting an intentional stroke unless the slide stop with trip control is in the fully retracted position. The operator restraint and press are nonrepeat and restraint is fail safe.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, Room 210, 1726 M Street, NW., Washington, D.C. 20210 and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, NE.
Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
Enterprise Building, Suite 201
6605 Abercorn Street
Savannah, Georgia 31405

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and

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arguments relating to the pertinent application no later than June 19, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than June 19, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship pending a decision the variance application. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Brunswick Stamping, Inc. be, and it is hereby, authorized to fully utilize and demonstrate the effectiveness of the new safety devices.

Brunswick Stamping, Inc. shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of May 20, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 10th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-11439 Filed 5-17-74;8:45 am]

[V-74-28]

INTERLAKE STAMPING CORP.

Notice of Application for Variance

Notice of application. Notice is hereby given that Interlake Stamping Corp., 4732 East 355th Street, Willoughby, Ohio 44094, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.217(c) (3) (iii) (c) concerning presence sensing devices and 29 CFR 1910.217(d) (1) concerning conduct of mechanical power press operations.

The address of the place of employment that will be affected by the application is as follows:

Interlake Stamping Corp.
4732 East 355th Street
Willoughby, Ohio 44094

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.217(c) (3) (iii) (c) which requires that a presence sensing device not be used as a tripping mechanism and by 29 CFR 1910.217(d) (1) which prohibits the manual feeding within the point of operation of dies (effective August 31, 1974). The applicant states that he has purchased a 22-ton Bliss OBI mechanical power press equipped with an air friction clutch and an Erwin Sick electronic light curtain. The press is equipped with special controls and a highly reliable brake monitoring system. The applicant further proposes to use the electronic light curtain as both a protective device and as a means of cycling the press. The applicant states that electronic light curtain devices are used as a tripping means in Europe and a large body of standards governing their design and use in this manner has been accumulated.

The applicant claims that records in European countries which widely employ presence sensing devices as a means of actuating the press, indicate that they are fully as safe as any of the alternative methods currently accepted by OSHA. As presently installed in the applicant's plant, they are designed for completely fail-safe operation and do not rely upon the perfect functioning of any one relay or other component. When used as a tripping mechanism as well as a point of operation device, electronic light curtains require minimal operator effort and are less fatiguing than other actuating means such as two-hand trips or foot pedals. Use of electronic light curtains as described results in increased productivity. The applicant has visited Europe several times for the purpose of studying the method he proposed to use.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210 and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Saefty and Health Administration
300 South Wacker Drive, Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views, and arguments relating to the pertinent application no later than June 19, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than June 19, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

Signed at Washington, D.C., this 10th day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-11440 Filed 5-17-74;8:45 am]

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Subcommittee Meeting

Notice is hereby given that the Project 1926/1910 Subcommittee of the Advisory Committee on Construction Safety and Health, established under section 107(e) (1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (20 U.S.C. 656) will meet on Wednesday, June 5, and Thursday, June 6, 1974, starting at 9:00 a.m. in Room 107 B & C, Main Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C. The meeting shall be open to the public.

The Subcommittee will continue review of the General Industry Standards, Part 1910, to determine which individual items may be applicable to construction operations.

Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee Management Officer by May 31, 1974. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, to the Committee Management Officer no later than May 31, 1974. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed.

Communications may be mailed to:

N. Schnaubelt
Committee Management Office
Department of Labor
Occupational Safety and Health Administration
1726 M Street, N.W. Room 200
Washington, D.C. 20210

Signed at Washington, D.C., this 16th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-11629 Filed 5-17-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 511]

ASSIGNMENT OF HEARINGS

MAY 15, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after May 20, 1974.

MC 112822 Sub-312, Bray Lines Incorporated, now being assigned July 8, 1974 (2 days), in Room 13025, 450 Golden Gate Ave., San Francisco, California.

MC 119234 Sub-3, Mercer Marine Transit Corp., Extension Boats, now being assigned July 10, 1974 (3 days), in Room 13025, 450 Golden Gate Ave., San Francisco, Calif.

MC-136384 Sub-7, Palmer Motor Express, Inc., now being assigned hearing July 8, 1974 (2 weeks), at Atlanta, Ga., in a hearing room to be later designated.

MC-138316 Sub-7, Frank R. Givigliano, DBA Givigliano Transport, now assigned May 20, 1974, at Denver, Colo., is postponed indefinitely.

MC-C-8282, Foothills Trucking Company, Inc. and Guignard Freight Lines, Inc.—Investigation of Operations and Practices, now being assigned hearing July 22, 1974 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC-136155 Sub-3, Gay Trucking Company, now being assigned hearing July 23, 1974 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC-106644 Sub-168, Superior Trucking Company, Inc., MC-108341 Sub-34, Moss Trucking Company, Inc., MC-108676 Sub-56, A. J. Metler Hauling & Rigging, Inc., and MC-127834 Sub-96, Cherokee Hauling & Rigging, Inc., now being assigned hearing July 25, 1974 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC-107515 Sub-886, Refrigerated Transport Co., Inc., now being assigned hearing July 29, 1974 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC-134958 Sub-6, Hams Express, Inc., now being assigned July 8, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-111662 Sub-1, Space World U.S.A. Tours, Inc., now being assigned July 10, 1974 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 134612 Sub-1, Fast Motor Service, Inc., now being assigned July 15, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 114734 Sub 25, D and J Transfer Co., Extension—Iowa Beef, now being assigned hearing July 8, 1974 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 134211 Sub 121, Hilt Truck Line, Inc., now being assigned hearing July 10, 1974 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 134211 Sub 143, Hilt Truck Line, Inc., now being assigned hearing July 15, 1974 (1 week), at Omaha, Nebr., in a hearing room to be later designated.

MC 27356 Sub 6, M-F Express, Inc., now assigned June 17, 1974, at Greenville, Miss., will be held in Hearing Room 3rd Floor, U.S. Post Office & Federal Bldg., Main Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11501 Filed 5-17-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MAY 15, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 30, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-730 (Sub.-No. 32), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sacramento, Stockton, and Coalinga, Calif., points within 30 miles of Coalinga, Calif., and those points in that part of Alameda, Contra Costa, and Solano Counties, Calif., on and south of California Highway 12, to points in Colorado. The purpose of this filing is to eliminate the gateways of Sparks, Nev., and points in Utah.

No. MC-730 (Sub-No. E33), filed May 15, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum* and *petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Los Angeles, Orange, and Ventura Counties, Calif., to points in that part of Idaho south of Idaho County. The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC-730 (Sub-No. E34), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* products as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sacramento, Stockton, and Coalinga, Calif., points within 30 miles of Coalinga, Calif., and those points in that part of Alameda, Contra Costa, and Solano Counties, Calif., on and south of California Highway 12, to those points in that part of Montana in and west of Carbon, Yellowstone, Golden Valley, Fergus, Chouteau, and Hill Counties, Mont. The purpose of this filing is to eliminate the gateways of Sparks, Nev., and Pocatello, Idaho.

No. MC-730 (Sub-No. E35), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sacramento, Stockton, and Coalinga, Calif., points within 30 miles of Coalinga, Calif., and those points in that part of Alameda, Contra Costa, and Solano Counties, Calif., on and south of California Highway 12, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Sparks, Nev., and points in Utah.

No. MC-730 (Sub-No. E36), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Los An-

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geles, Orange, and Ventura Counties, Calif., to those points in that part of Montana in and west of Carbon, Yellowstone, Golden Valley, Fergus, Chouteau, and Hill Counties, Mont. The purpose of this filing is to eliminate the gateways of Sparks, Nev., and Pocatello, Idaho.

No. MC–730 (Sub-No. E38), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Great Falls, Mont., to points in Oregon. The purpose of this filing is to eliminate the gateway of Asotin County, Wash.

No. MC–730 (Sub-No. E39), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Kalispell and Missoula, Mont., and points within 7 miles of Kalispell, and Missoula, Mont., to points in Oregon. The purpose of this filing is to eliminate the gateway of Asotin County, Wash.

No. MC–730 (Sub-No. E40), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Arizona to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC–76177 (Sub-No. E2), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A & B explosives* and *blasting supplies*, between points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, on the one hand, and, on the other, points in Colorado, Montana, and Wyoming. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa., and Seneca, Ill.

No. MC–76177 (Sub-No. E3), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A & B explosives* and *blasting supplies*, between points in Delaware and New Jersey, on the one hand, and, on the other, points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of points within 15 miles of both Reynolds and Allentown, Pa., and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E4), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives* and *blasting supplies*, between points in New York, on the one hand, and on the other, points in Alabama, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC–95540 (Sub-No. E146), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30302. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Alabama. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E147), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, GA 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats* and *frozen meat products*, from Jacksonville, Fla., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E149), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products, and dairy products*, from Orangeburg, S.C., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E183), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in New Jersey on and south of U.S. Highway 30, to points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line, and thence along U.S. Highway 66 to Bristow, thence along Oklahoma Highway 16 to Muskogee, thence along Oklahoma Highway 10 to the intersection with U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway points in Pike or Spaulding Counties, Ga.

No. MC–95540 (Sub-No. E214), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Jacksonville and Tampa, Fla., to points in Idaho. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC–95540 (Sub-No. 215), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga., 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Tampa and Jacksonville, Fla., to points in California. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC–110525 (Sub-No. E30), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Arizona. The purpose of this filing is to eliminate the gateways of Newark, N.J., Allegheny County, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E33), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Colorado. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Addyston, Ohio.

No. MC–110525 (Sub-No. E38), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to

points in Idaho. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E41), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, PA. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Connecticut to points in Iowa. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Morgantown and Natrium, W. Va.

No. MC–110525 (Sub-No. E42), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Kansas. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa.; and Addyston, Ohio.

No. MC–110525 (Sub-No. E46), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Michigan. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Painesville, Ohio.

No. MC–110525 (Sub-No. E47), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Connecticut to points in Minnesota. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Bridgeville, Pa.

No. MC–110525 (Sub-No. E48), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Connecticut to points in Mississippi. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Institute, W. Va.

No. MC–110525 (Sub-No. E49), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Missouri. The purpose of this filing is to eliminate the gateways of Newark, N.J., and S. Fayette Township, Allegheny County, Pa.

No. MC–110525 (Sub-No. E50), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Montana. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E51), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, PA. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Nebraska. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E52), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, PA. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Nevada. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E53), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in New Mexico. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E54), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, PA 19335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in North Carolina. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. E55), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in North Dakota. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–11055 (Sub-No. E56), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Ohio. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E57), filed, May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, PA. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Connecticut to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Bridgeville, PA.

No. MC–110525 (Sub-No. E58), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, PA. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Oregon. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E60), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in South Carolina. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. E61), filed May 1, 1974. Applicant: CHEMICAL

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LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in South Dakota. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E63), filed May 1, 1974. Applicant; CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Texas. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–110525 (Sub-No. E64), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Utah. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E73), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Delaware to points in Arkansas. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E74), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in California. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E75), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Colorado. The purpose of this filing is to eliminate the gateways of points in Allegheny County, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E76), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Connecticut. The purpose of this filing is to eliminate the gateway of points in the New York, N.Y., Commercial zone.

No. MC–110525 (Sub-No. E77), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, 520 East Lancaster Avenue, Downingtown, Pa. 19335. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to the District of Columbia. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC–110525 (Sub-No. E78), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Delaware to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E79), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Delaware to points in Georgia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E80), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Delaware to points in Louisiana. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E81), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Illinois. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E82), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, (except bituminous products and materials), in bulk, in tank vehicles, from points in Delaware to points in Indiana. The purpose of this filing is to eliminate the gateways of Natrium and Follansbee, W. Va.

No. MC–110525 (Sub-No. E83), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Delaware to points in Iowa. The purpose of this filing is to eliminate the gateway of Follansbee and Natrium, W. Va.

No. MC–110525 (Sub-No. E84), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kansas. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E85), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Louisiana. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E86), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Massachusetts. The purpose of this filing is to eliminate the gateway of points in the New York, N.Y., commercial zone.

No. MC–110525 (Sub-No. E88), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, in bulk, in tank vehicles, from points in Delaware to points in Minnesota. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC–110525 (Sub-No. E89), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), from points in Delaware to points in Mississippi. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E90), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Missouri. The purpose of this filing is to eliminate the gateway of S. Fayette Township, Allegheny County, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11497 Filed 5–17–74;8:45 am]

[Notice No. 83]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 10, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74840. By order of May 14, 1974, the Motor Carrier Board approved the transfer to Cedar Van Lines, Inc., Minneapolis, Minn., of Certificate No. MC–133904 issued December 23, 1969, to McConnell Van Lines, Inc., Hershey, Nebr., authorizing the transportation of household goods between Hershey, Nebr., and points in Nebraska within 55 miles of Hershey on the one hand, and, on the other, points in Colorado and Wyoming. Mr. Robert E. Swanson, Registered Practitioner, 1211 South Sixth Street, Stillwater, Minn. 55082.

No. MC–FC–74841. By order of May 14, 1974, the Motor Carrier Board approved the transfer to Cedar Van Lines, Inc., Minneapolis, Minn., of Certificate No. MC–134072 issued April 24, 1970, to Jackson Transfer, Inc., Minneapolis, Minn., authorizing the transportation of household goods and emigrant movables between points in Greenwood County, Kansas, on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Oklahoma, and Texas. Mr. Robert E. Swanson, Registered Practitioner, 1211 So. Sixth Street, Stillwater, Minn. 55082.

No. MC–FC–75083. By supplemental order entered May 13, 1974, the Motor Carrier Board approved the transfer to Sharon Trucking Corp., Jersey City, N.J., of the operating rights set forth in Permit No. MC–129228 (Sub-No. 3), issued April 12, 1974, to McCabe's Express & Trucking Co., Ltd., Jersey City, N.J., authorizing the transportation of lighting fixtures and lamps, and equipment, materials, and supplies used in their manufacture and sale (except commodities in bulk), between Fall River, Mass., on the one hand, and, on the other, points in Louisiana, Minnesota, Texas, and points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca and Koochiching Counties, Minn., to the United States-Canada Boundary lines, restricted to operations to be performed under a continuing contract, or contracts with Aluminum Processing Corporation of Fall River, Miss. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for transferee and George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306, practitioner for transferor.

No. MC–FC–75129. By order entered May 14, 1974, the Motor Carrier Board approved the transfer to John P. Atkinson, Philadelphia, Pa., of the operating rights set forth in Certificate No. MC–519, issued December 31, 1969, to Carl S. Tucker, Woodrow W. Tucker, Jesse C. Tucker, Harry E. Tucker, and Russell A. Tucker, a partnership, doing business as H. Tucker & Sons, Philadelphia, Pa., authorizing the transportation of household goods, as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, and Delaware; and electrical equipment, between points in Philadelphia County, Pa.; and between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and Atlantic City, N.J. Raymond A. Thistle, Jr., Suite 1012 Four Penn Center, Philadelphia, Pa. 19103, attorney for transferor and Henry E. Skaroff, 1555 Pratt St., Philadelphia, Pa. 19124, attorney for transferee.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11500 Filed 5–17–74;8:45 am]

[Notice No. 68]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 13, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication on or before June 4, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 266 TA), filed May 6, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, P.O. Box 2809 (Box zip 64106), Kansas City, Mo. 64142. Applicant's representative: Rodger John Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sec-

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tions A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Maryland, the District of Columbia, Illinois, Delaware, New Jersey, New York, Indiana, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and Ohio, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: District Supervisor Vernon V. Coble, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 730 (Sub-No. 366 TA), filed May 3, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rathdrum, Idaho, and points within 5 miles thereof, to Spokane, Wash., for 180 days. SUPPORTING SHIPPER: Golden Penn Oil Co., Inc., 3011 So. Fife, Tacoma, Wash. 98409. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 1646 (Sub-No. 5 TA), filed April 30, 1974. Applicant: W. D. KIBLER TRUCKING COMPANY, 60 South State Avenue, Indianapolis, Ind. 46201. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocer and food business houses and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Indianapolis, Ind., to Middletown, Dayton, Miamisburg, Hamilton, and Harrison, Ohio, for 180 days. SUPPORTING SHIPPER: The Great Atlantic & Pacific Tea Company, Inc., 950 Stuyvesant Avenue, Union, N.J. 07083. SEND PROTESTS TO: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 2900 (Sub-No. 258 TA), filed April 30, 1974. Applicant: RYDER TRUCK LINES, INC., Off.: 2050 Kings Rd., Mlg.: P.O. Box 2408 (Box zip 33003), Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, commodities of unusual value and those requiring special equipment), serving the plant site and warehouse facilities of Fisher-Price at or near Murray, Ky., as an off-route point in connection with applicant's presently authorized regular routes, for 180 days. SUPPORTING SHIPPER: Fisher-Price Toys, East Aurora, N.Y. 14052. SEND PROTESTS TO: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

NOTE.—Applicant states that with authority in MC 2900 and subs, it will interline shipments at present interchange points but plan no interchange at point sought.

No. MC 10761 (Sub-No. 264 TA), filed May 3, 1974. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in North Carolina, South Carolina, Michigan, Ohio, Connecticut, Rhode Island, Vermont, New Jersey, New Hampshire, Massachusetts, Maine, Pennsylvania, and New York, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 13900 (Sub-No. 20 TA), filed May 3, 1974. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's representative: Harold G. Hernly, 118 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders as defined in Section 402(a) of the Act, from St. Louis, Mo., to Norfolk, Va., and its commercial zone, for 180 days. SUPPORTING SHIPPER: Springmeier Shipping Company, Inc., 1123 Hadley Street, St. Louis, Mo. 63101. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 20916 (Sub-No. 14 TA), filed May 3, 1974. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Utility vaults, junction boxes, pad mounts, highway median barriers, stairs and balconies, cattleguards, stock waterers, fences, and feed bunks*, all made of concrete, from the plant facilities of Smith Cattleguard, Inc., at Midland, Va., to points in the District of Columbia, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and West Virginia, and (2) *Concrete fence*, from the facilities of Smith Cattleguard, Inc., at Gainesville, Ga., to Mechanicsville, Va., for 180 days. SUPPORTING SHIPPER: Rodney Smith, President, Smith Cattleguard, Inc., Midland, Va. 22728. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th St. and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 27356 (Sub-No. 7 TA) (CORRECTION), filed April 10, 1974, published in the FEDERAL REGISTER issue of April 29, 1974 and May 8, 1974, and in third publication this issue. Applicant: M–F EXPRESS, INC., 610 E. Emma Ave., Springdale, Ark. 72764. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and commodities which because of size, weight or value require the use of special equipment), Between Hattiesburg, Miss., and junction U.S. Highway 98 and Mississippi Highway 26 at or near Lucedale, Miss.: From Hattiesburg over U.S. Highway 49 to junction U.S. Highway 98 south of Hattiesburg, thence over U.S. Highway 98 to junction Mississippi Highway 26 at or near Lucedale, Miss., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving Lucedale, Miss. as a point of joinder only, for 180 days.

NOTE.—Applicant states that it does intend to join the regular route authority in Docket No. MC 27356 and Subs, thereunder and interline with all carriers at all authorized service points.

SUPPORTING SHIPPERS: Jones Truck Lines, Inc., 610 E. Emma Ave., Springdale, Ark. 72764, MC 111231.

NOTE.—Support statement is submitted by Jones Truck Lines, Inc., which was authorized on August 16, 1973, by order entered in Docket No. MC–F–11951, to assume temporary management control of MF Express, Inc. (MFX).

SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 29734 (Sub-No. 10 TA), filed April 30, 1974. Applicant: JOSEPH H. SMITH AND WILLIAM H. SMITH, doing business as JOSEPH H. SMITH & COMPANY, 950 Marlborough Street, Philadelphia, Pa. 19125. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and inedible animal grease and inedible animal oil*, in bulk, in tank vehicles, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, in Maryland east of the Susquehanna River and the Chesapeake Bay; and points in Accomac, Norfolk, Namsemond, Northampton, Isle of Wight, Southampton, Surry, and Sussex Counties, Va., for 180 days. SUPPORTING SHIPPERS: Jacob Stern & Sons, Inc., 910 Benjamin Fox Pavilion, Jenkintown, Pa. 19046 and Acme-Hardesty Company, Inc., 910 Benjamin Fox Pavilion, Jenkintown, Pa. 19046. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 41951 (Sub-No. 20 TA), filed May 1, 1974. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, P.O. Box 458, Cambridge, Md. 21613. Applicant's representative: M. Bruce Morgan, Azar Building, Box 786, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen, in containers) from Queen Anne, Md., and Millsboro, Del., to points in North Carolina, Florida, South Carolina, and Georgia, for 180 days. SUPPORTING SHIPPERS: Wm. S. Treat, Jr., Vice President-Sales, Fox Foods, Inc., P.O. Box 298, Queen Anne, Md. 21657, and Ernest P. Szwarc, Traffic Manager, Flasic Foods, Inc., 28820 Southfield, Box 104, Lathrup Village, Mich. 48076. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th St. and Constitution Ave. NW., Washington, D.C. 20423.

No. MC 76449 (Sub-No. 19 TA), filed May 1, 1974. Applicant: NELSON'S EXPRESS, INC., 675 North Market Street, P.O. Box 312, Millersburg, Pa. 17061. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 N. Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Current carrying wiring devices and parts; machinery, equipment, tools, materials and supplies* used in the production, storage, transportation and installation of current carrying wiring devices and parts; *plastic hose and couplings; test materials; office, plant, laboratory and warehouse machinery, equipment, materials and supplies; janitorial equipment and supplies; and advertising materials*, between the plants and warehouses of AMP, Incorporated located in Cumberland, Dauphin, Lancaster, Snyder, York, Perry, Schuylkill, Chester, and Franklin Counties, Pa., on the one hand, and, on the other, the plants and warehouses of AMP, Incorporated located in Staunton, Va., and points in Amherst and Augusta Counties, Va., restricted to shipments originated at the above origins and destined to the above destinations, for 180 days. SUPPORTING SHIPPER: AMP, Incorporated, P.O. Box 3608, 2800 Fulling Mill Road, Harrisburg, Pa. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 78830 (Sub-No. 3 TA), filed April 29, 1974. Applicant: MOULDEN & SONS, INC., P.O. Box 18, Enumclaw, Wash. 98022. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and charcoal*, from Black Diamond, Wash., to Springfield and Portland, Oreg., for 180 days. SUPPORTING SHIPPER: Palmer Coal Company, Box 8, Black Diamond, Wash. 98010. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 82492 (Sub-No. 105 TA), filed May 3, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cider and vinegar*, in containers, from the facilities utilized by Vintage Foods, Inc., at or near Bailey, Mich., to points in North Dakota (except Fargo) and South Dakota, for 180 days. SUPPORTING SHIPPER: Vintage Foods, Inc., 17558 Bailey Rd., Bailey, Mich. 49303. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 99780 (Sub-No. 39 TA), filed April 30, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Mlg: P.O. Box 1345 (Box zip 61601), Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen meats, and vegetables*, from Noblesville, Ind., to points in Illinois, and Indiana, that portion of Wisconsin bounded on the south by Wisconsin State line, north from Beloit on State Route 213 to U.S. Route 14 to U.S. Route 12 including all of Madison, north along U.S. Route 12 to where it intersects with Interstate Route 94, then east along Interstate Route 94 to State Route 33, east along State Route 33 to Lake Michigan. That portion of Iowa bounded by the State line on the east and from Dubuque west along U.S. Route 52 to State Route 136, south along State Route 136 to U.S. Route 151, west along U.S. Route 151 to Cedar Rapids, Iowa, south along U.S. Highway 218 to the State line including all of Cedar Rapids and Iowa City. That portion of Missouri bounded on the east by the State line, from the State line west and south along State Route 47 to State Route 21A, east along State Route 21A to the State line. From Posen, Ill., to points in Iowa and Missouri, restricted to traffic originating at the above specified origins and destined to the above specified destinations;

(2) *Frozen foods, meats and vegetables*, from Noblesville, Ind., to points in Illinois, Indiana, that portion of Wisconsin bounded on the south by the Wisconsin State line, north from Beloit on State Rout 213 to U.S. Route 14 to U.S. Route 12 including all of Madison, north along U.S. Route 12 to where it intersects with Interstate Route 94, then east along Interstate Route 94 to State Route 33, east along State Route 33 to Lake Michigan. That portion of Iowa bounded by the State line on the east and from Dubuque west along U.S. Route 52 to State Route 136, south along State Route 136 to U.S. Route 151, west along U.S. Route 151 to Cedar Rapids, Iowa, south along U.S. 218 to the State line including all of Cedar Rapids and Iowa City. That portion of Missouri bounded on the east by the State line, from the State line west and south along State Route 47 to State Route 21A, east along State Route 21A to the State line. From Posen, Ill., to points in Iowa and Missouri, restricted to traffic originating at the above specified origins and destined to the above specified destinations; (3) *Frozen foods, meats, and vegetables*, from Noblesville, Ind., to that portion of Wisconsin bounded on the south by the Wisconsin State line, north from Beloit on State Route 213 to U.S. Route 14 to U.S. Route 12 including all of Madison, north along U.S. Route 12 to where it intersects with Interstate Route 94, then east along Interstate Route 94 to State Route 33, east along State Route 33 to Lake Michigan, restricted to traffic originating at the above specified origins and destined to the above specified destinations;

(4) *Frozen foods, meats and vegetables*, from Noblesville, Ind. That portion of Iowa bounded by the State line on the east and from Dubuque west along U.S. Route 52 to State Route 136, south along State Route 136 to U.S. Route 151, west along U.S. Route 151 to Cedar Rapids, Iowa, south along U.S. 218 to the State line including all of Cedar Rapids and Iowa City, restricted to traffic originating at the above specified origins and destined to the above specified destinations; and (5) *Frozen foods, meats, and vegetables*, from Noblesville, Ind. That portion of Missouri bounded on the east by the State line, from the State line west and south along State Route 47 to State Route 21A, east along State Route 21A to the State line, restricted to traffic originating at the above specified origins and

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destined to the above specified destinations, for 180 days. SUPPORTING SHIPPER: James L. Phillips, Customer Service Manager, Fred's Frozen Foods, 2395 East Conner Street, Noblesville, Ind. 46060. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107496 (Sub-No. 952 TA), filed May 1, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855 (Box zip 50304), Third St. and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite*, in bulk, in tank vehicles, from points in Clinton County, Iowa, on and west of U.S. Highway 61 to points in Illinois, for 150 days. SUPPORTING SHIPPER: Vertex Chemical Corp., DeWitt, Iowa 52742. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109324 (Sub-No. 27 TA), filed April 30, 1974. Applicant: GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard boxes*, between the plant site of Rock City Packaging of Arkansas, Inc., located at Conway, Ark., on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Missouri, Illinois, Tennessee, Alabama, Mississippi, and Louisiana, for 180 days. SUPPORTING SHIPPER: Rock City Packaging, Inc., P.O. Box 877, Harrison, Ark. 72601. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 109692 (Sub-No. 26 TA), filed May 3, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Building, P.O. Box 5608, Kansas City, Mo. 64105. Applicant's representative: Lucy Kennard Bell, 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Clay, clay products and fittings*, and *other clay articles*, from Pittsburg, Kans., to points in Arkansas, Colorado, Iowa, Minnesota, Missouri, Oklahoma, South Dakota, and Wyoming, for 180 days. SUPPORTING SHIPPER: U.S. Dickey Clay Manufacturing Company, P.O. Box 6, Pittsburg, Kans. 66762. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110525 (Sub-No. 1094 TA), filed April 30, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed styrene monomer*, in bulk, in tank vehicles, from the plantsite of American Aniline Corp., Calvert City, Ky., to the plantsite of O'Brien Corp., South Bend, Ind., for 180 days. SUPPORTING SHIPPER: The O'Brien Corporation, 2001 W. Washington, P.O. Box 4037, South Bend, Ind. 46634. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 111045 (Sub-No. 116 TA), filed May 3, 1974. Applicant: REDWING CARRIERS, INC., 7809 Palm River Road, P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Mobile, Ala., to Tampa, Fla., for 180 days. SUPPORTING SHIPPER: GAF Corporation, 32 Main Street, South Bound Brook, N.J. 08880. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 111170 (Sub-No. 213 TA), filed May 3, 1974. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 N. West Avenue, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from Little Rock, Ark., to Springhill, La., for 180 days. SUPPORTING SHIPPER: Stauffer Chemical Co., Westport, Conn. 06880. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111231 (Sub-No. 187 TA), filed April 30, 1974. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic fittings and bonding cement*, from Clinton, Iowa, to Oklahoma City, Okla., for 180 days. SUPPORTING SHIPPER: Carlon—An Indianhead Co., Commerce Part Square, 23200 Chagrin, Cleveland, Ohio 77122. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111401 (Sub-No. 415 TA), filed April 30, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Wood Preservative* (Petroleum Base), in bulk, in tank vehicles, from Cotton Valley, La., to Caney, Kans., for 180 days. SUPPORTING SHIPPER: H. P. Struessel, T. M., Koppers Company, Inc., 5137 Southwest Avenue, St. Louis, Mo. 63110. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 111729 (Sub-No. 435 TA) filed May 3, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success (NHP-PO), N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prescription drugs and items related thereto*, between points in Florida, restricted to traffic having an immediately prior or subsequent movement by air, for 90 days. SUPPORTING SHIPPER: Walgreen Drugs Stores, 4300 Peterson Avenue, Chicago, Ill. 60646. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113861 (Sub-No. 57 TA), filed May 1, 1974. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, P.O. Box 725, Memphis, Tenn. 38101. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, for 180 days. SUPPORTING SHIPPER: Trumbull Asphalt Company of Delaware, 59th & Archer Road, Summit, Ill. 60501. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 114004 (Sub-No. 143 TA), filed May 3, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., 3828 New Benton Highway, P.O. Box 1715, Little Rock, Ark. 72209. Applicant's representative: Joseph Howard, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, transported on wheeled undercarriages, from the plantsite of Fuqua Homes, Inc., located at or near Ruston, La., to points in Texas, Arkansas, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Fuqua Homes, Inc., 200 McDonald Avenue, Ruston, La. 71270. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114273 (Sub-No. 183 TA), filed May 3, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel paving joint roadway*, from Maquoketa, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Wady, Inc., P.O. Box 942, Maquoketa, Iowa 52060. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114761 (Sub-No. 8 TA), filed April 30, 1974. Applicant: GETTER TRUCKING INCORPORATED, P.O. Box 368, Cut Bank, Mont. 59427. Applicant's representative: John R. Davidson, Suite 805, Midland Bank Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, equipment, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in Montana and North Dakota, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Ohio, Indiana, Michigan, and Illinois, for 180 days. SUPPORTING SHIPPERS: L. P. Anderson Supply, 820 Main St., Billings, Mont. 59101; and Cenex, P.O. Box 126, Laurel, Mont. 59044; and Continental Technical Service, Inc., 6554 South Frontage Rd. W., Billings, Mont. 59102. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

NOTE.—Applicant intends to tack with MC 114761.

No. MC 115162 (Sub-No. 291 TA), filed May 2, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, lighter fluid, and fireplace logs*, from Branson, Mo., to points in Arkansas, Illinois, and Texas, for 180 days. SUPPORTING SHIPPER: Husky Industries, 62 Perimeter Center East, Atlanta, Ga. 30338. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 115322 (Sub-No. 100 TA), filed April 29, 1974. Applicant: REDWING REFRIGERATED, INC., Mlg: P.O. Box 10177, Off: Highway 527, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Cade and Lozes, La., to points in Alabama, Florida, and Georgia, for 180 days. SUPPORTING SHIPPER: Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, La. 70560. SEND PROTESTS TO: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 115876 (Sub-No. 28 TA), filed May 2, 1974. Applicant: ERWIN HURNER, 2605 South Rivershore Drive, Moorhead, Minn. 56560. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, closures, caps and/or covers for plastic containers*, from Itasca, Ill., to Fargo, N. Dak., for 180 days. SUPPORTING SHIPPER: Cass Clay Creamery, Inc., 200 North 20th Street, Fargo, N. Dak. 58102. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116254 (Sub-No. 142 TA), filed May 2, 1974. Applicant: CHEM-HAULERS, INC., P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum furnace residue and aluminum scrap*, from El Campo, Plano, and Pasadena, Tex., to Mt. Pleasant, Tenn., for 180 days. SUPPORTING SHIPPER: American Recycle Company, P.O. Box 525, Mt. Pleasant, Tenn. 38474. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 117427 (Sub-No. 86 TA), filed May 3, 1974. Applicant: G. G. PARSONS TRUCKING CO., a Corporation, P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated particleboard*, from the plantsite of Funder America, Inc., at Mocksville, N.C., to points in Delaware, Maryland, Illinois, Indiana, Kentucky, Michigan, New York, New Jersey, Pennsylvania, Ohio, Tennessee, Virginia, South Carolina, North Carolina, and West Virginia, for 180 days. SUPPORTING SHIPPER: Funder America, Inc., P.O. Box 907, Mocksville, N.C. 27028. SEND PROTESTS TO: Terrell Price, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 117557 (Sub-No. 18 TA), filed May 2, 1974. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and equipment, industrial and contractor's machinery and equipment, truck bodies, truck beds, conveyor bodies* mounted on vehicles or wheel assemblies, and *parts, attachments, and accessories* for the above, from the plantsite and facilities of Henderson Manufacturing Company at Manchester, Iowa, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming), for 180 days. SUPPORTING SHIPPER: Henderson Mfg. Co., Manchester, Iowa 52507. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 117883 (Sub-No. 192 TA), filed April 18, 1974. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products and vehicle body sealer or sound deadener compound, and related advertising materials and supplies when shipped therewith* (except commodities in bulk), from Congo, W. Va., Emlenton and Farmers Valley, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin, restricted to traffic originating at the above-named origins and destined to the named destinations, for 180 days. SUPPORTING SHIPPER: Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, Pa. 16301. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118089 (Sub-No. 15 TA), filed May 3, 1974. Applicant: ROBERT HEATH TRUCKING, INC., P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commoditites in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Alabama, Georgia, Florida, North Carolina, Mississippi, Tennessee, South Carolina, Colorado, Kansas, Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Idaho, Arizona, California, Nevada, Oregon, Washington, Utah, Montana, Virginia, Maryland, the District of Columbia, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, for 180 days. SUPPORTING SHIPPER: Ralph L. McGee, General Traffic Manager, American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 123233 (Sub-No. 53 TA), filed May 2, 1974. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville d'Anjou, 437, Quebec, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from ports of entry between the United States and Canada located at or near Highgate Springs, Vt. and Derby Line, Vt., to Twin Mountain, N.H., and West Lebanon, N.H., restricted to traffic having an immediate prior movement in foreign commerce, for 180 days. SUPPORTING SHIPPER: Pike Industries, Inc., Tilton, N.H. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 124060 (Sub-No. 1 TA), filed May 6, 1974. Applicant: JOHN Y. WIGGINS, doing business as JOHNNY'S EXPRESS, 70 Thiem Avenue, Rochelle Park, N.J. 07662. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antiques, new furniture, store fixtures, displays, advertising materials, and department store supplies*, between Carlstadt, N.J., on the one hand, and, on the other, points in Connecticut on and west of U.S. Highway 5 running from Long Island Sound to the Massachusetts-Connecticut border, for 180 days. SUPPORTING SHIPPER: Lord & Taylor, 424 Fifth Avenue, New York City, N.Y. 10017. SEND PROTESTS TO: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 124078 (Sub-No. 595 TA), filed May 1, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral spirits*, in bulk, in tank vehicles, between Douglasville, Ga., on the one hand, and, on the other, Jacksonville, Largo, Orlando, Pompano Beach, and Tampa, Fla., for 180 days. SUPPORTING SHIPPER: Arivec Chemicals, Inc., P.O. Box 54, Douglasville, Ga. 30134. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 596 TA), filed May 3, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined vegetable oil*, in bulk, in tank vehicles, from Louisville, Ky., to Jackson, Miss., for 180 days. SUPPORTING SHIPPER: Glidden-Durkee Div. of SCM Corp., P.O. Box 958, 1303 S. Shelby, Louisville, Ky. 40201 (J. L. Himmelheber, Sr., Transportation Manager-Southern Region). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No MC 124964 (Sub-No. 16 TA), filed April 29, 1974. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726 and Off: Highway 441 and Haines Creek Rd. Tavares, Fla. 32778.. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs*, in mechanical refrigerated equipment, from West Orange, N.J., to Atlanta, Ga., restricted to traffic moving under continuing contract with Organon, Inc., West Orange, N.J., for 180 days. SUPPORTING SHIPPER: Organon, Inc., Marion Drive, West Orange, N.J. SEND PROTESTS TO: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 125023 (Sub-No. 24 TA), filed May 6, 1974. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Rochester, N.Y., to Fort Wayne, Ind., for 180 days. SUPPORTING SHIPPER: Allen Products, Inc., 1701 N. Harrison, Fort Wayne, Ind. 46808. SEND PROTESTS TO: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 127625 (Sub-No. 18 TA), filed May 6, 1974. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, in bulk, in dump vehicles, from points in Chatham County, Ga., to the plantsite of Gifford-Hill & Company, Inc., near Harleyville, S.C., for 180 days. SUPPORTING SHIPPER: Gifford-Hill and Company, Inc., P.O. Box 11576, Charlotte, N.C. 28209. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 129350 (Sub-No. 46 TA), filed May 3, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 15 South 21st Street, P.O. Box 212, Billings, Mont. 59101. Applicant's representative: Clayton Brown (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Dayton, Ohio, to Phillip and Spearfish, S. Dak.; Dickinson, N. Dak.; and Lewiston, Idaho, for 180 days. SUPPORTING SHIPPER: BLM Tire Co., 2307 4th Avenue North, Billings, Mont. 59101. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129662 (Sub-No 3 TA), filed April 30, 1974. Applicant: LOISELLE TRANSPORT LTD., a Corporation, 426 Deschambault Street, St. Boniface 6, Manitoba, Canada. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, from the ports of entry on the International Boundary line between the United States and Canada at or near Baudette, Noyes, and Lancaster, Minn. and Pembina, N. Dak., to points in Nebraska, Kansas, Montana, Wisconsin, Iowa, North Dakota, South Dakota, Minnesota, Indiana, Illinois, Michigan, Wyoming, and Colorado, limited to foreign commerce originating at Winnipeg, Canada, and (2) *Rock asphalt*, from Augusta, Kans., to ports of entry on the International Boundary line, between the United States and Canada at or near Noyes, Baudette, and Lancaster, Minn. and Pembina, N. Dak., limited to foreign

commerce destined for delivery at Winnipeg, Canada, for the account of Welciad Industries Canada, Ltd., for 180 days. SUPPORTING SHIPPER: Welciad Industries Canada, Ltd., 515 Munroe Avenue, Winnipeg, Manitoba, Canada. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 133966 (Sub-No. 33 TA), filed May 6, 1974. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Edward G. Villadon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulation and insulation materials* (except commodities in bulk), and *materials* used in the installation thereof, from points in Carbon, Lackawanna, Luzerne, and Schuylkill Counties, Pa., to points in Delaware, the District of Columbia, Maryland, New York, Connecticut, New Hampshire, Rhode Island, Massachusetts, Vermont, Maine, Virginia, West Virginia, Indiana, Ohio, Michigan, Kentucky, North Carolina, South Carolina, and New Jersey, for 180 days. SUPPORTING SHIPPER: Certain-teed Products Corp./CSG Group, P.O. Box 860, Valley Forge, Pa. 19482. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134477 (Sub-No. 58 TA), filed April 2, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118, and Mailing: P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except tallow in tank vehicles and hides), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. RESTRICTION: Restricted to traffic originating at and destined to the named points. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 59 TA), filed April 9, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118, and Mailing: P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except tallow in tank vehicles and hides), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. RESTRICTION: Restricted to traffic originating at and destined to the named points. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 61 TA), filed May 3, 1974. Applicant: SCHANNO TRANSPORTATION, INC., Off: 5 West Mendota Road, West St. Paul, Minn. 55118, and Mlg: P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning or washing compound*, liquid or dry; *buffing or polishing compounds; textile softener; grease or oil; lubricating;* and *deodorants or disinfectants* (except commodities in bulk), from the plantsite and storage facilities utilized by Economics Laboratory, Inc., at or near Joliet, Ill., to Hopkins and Roseville, Minn., for 180 days. RESTRICTION: Restricted to traffic originating at and destined to points named above. SUPPORTING SHIPPER: Economics Laboratory, Inc., Osborn Bldg., St. Paul, Minn. 55101. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134775 (Sub-No. 5 TA), filed May 2, 1974. Applicant: GUNTER BROTHERS, INC., 19060 Frager Road, Kent, Wash. 98031. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, shakes, and shingles*, from Santa Clara, Pittsburg, and Bakersfield, Calif., to points in Washington, under contract with Hugh McNiven Co. of Seattle, Wash., for 180 days. SUPPORTING SHIPPER: McNiven Co., 1021 Mercer, Seattle, Wash. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 134783 (Sub-No. 22 TA), filed April 29, 1974. Applicant: DIRECT SERVICE, INC., Dimmett Highway West, P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat; meat products, meat-by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Colorado, Kansas, Missouri, Iowa, Illinois, Mississippi, Texas, Oklahoma, and Louisiana, for 180 days. SUPPORTING SHIPPER: Ralph L. McGee, General Traffic Manager, American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135874 (Sub-No. 44 TA), filed May 6, 1974. Applicant: LTL PERISHABLES, INC., 132nd and Q Streets, P.O. Box 37468, (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Bill White (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Newman Grove, Nebr., to the Minneapolis-St. Paul, Minn., Commercial Zone, for 180 days. SUPPORTING SHIPPER: Newman Grove Cooperative Creamery Company, Inc., Howard Deaver, Plant Manager, New Grove, Nebr. 68758. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136511 (Sub-No. 4 TA), filed May 3, 1974. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, P.O. Box 48, Big Island, Va. 24526. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Galax, Va., and Elkin, N,C., to points in Arizona, New Mexico, California, Colorado, Nevada, Oregon, Texas, Utah, and Washington, for 180 days. SUPPORTING SHIPPER: Vaughan-

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Bassett Furniture Corporation, P.O. Box 779, Galax, Va. 24333. SEND PROTESTS TO: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 138835 (Sub-No. 16 TA), filed May 6, 1974. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 1059, Harrisonburg, Va. 22801. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Winchester, Va., to points in (a) Arkansas, Alabama, Florida, Louisiana, Maine, Mississippi, New Hampshire, Vermont; (b) New York on and west of Interstate Highway 87 (except Albany, N.Y.), and points within 10 miles of Albany, N.Y., and the New York, N.Y., Commercial Zone; (c) Maryland on and south of U.S. Highway 301; (d) Georgia on and south of Interstate Highway 85 (except Atlanta, Ga.) and points within 15 miles thereof; and (e) Tennessee on and west of Interstate Highway 65 (except points in Davidson County, Tenn.), for 180 days. SUPPORTING SHIPPER: Rich Products Corporation, P.O. Box 245, 1145 Niagara Street, Buffalo, N.Y. 14240. SEND PROTESTS TO: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 139071 (Sub-No. 1 TA), filed April 29, 1974. Applicant: SENTRY TRANSPORT, INC., 5525 East 51st Street, Tulsa, Okla. 74135. Applicant's representative: Wm. L. Peterson, Jr., 401 N. Hudson, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from Wilkes-Barre, Pa., and Mechanicsburg, Pa., along irregular routes to designated strategic storage areas in Granite City, Ill. and Dempsey SSC, Mineral Wells, Tex., for 180 days. SUPPORTING SHIPPER: C. H. Culpepper, Director, Emergency Preparedness Staff, Dept. of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20910. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139071 (Sub-No. 2 TA), filed April 29, 1974. Applicant: SENTRY TRANSPORT, INC., 5525 E. 51st Street, Tulsa, Okla. 74135. Applicant's representative: Wm. L. Peterson, Jr., 401 N. Hudson, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from Forest Park, Ga., to points in Alabama, Tennessee, North Carolina, South Carolina, and Kentucky, for 180 days. SUPPORTING SHIPPER: C. H. Culpepper, Director, Emergency Preparedness Staff, Dept. of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20910. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139222 (Sub-No. 1 TA), filed April 30, 1974. Applicant: MERCURY TRUCK LINES, INC., 510 East Spruce Street, Missoula, Mont. 59801. Applicant's representative: Milton Datsopoulos, 310 North Higgins Avenue, Missoula, Mont. 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), REGULAR ROUTES, *General Commodities* (with the usual exceptions), (1) From Ravalli, Mont., over Alternate U.S. Highway 10 to Dixon, Mont., thence over unnumbered highway via Charlo, Mont., to Ronan, Mont.; and also from Charlo over unnumbered highway to junction U.S. Highway 93 at a point four miles north of St. Ignatius, Mont., and thence over U.S. Highway 93 to Kalispell, and return over the same routes. Service is authorized to and from all intermediate points; (2) Between Missoula and Darby, Mont.: From Missoula over U.S. Highway 93 to Darby via Florence, Mont. (also from Florence, Mont. over unnumbered highway to Hamilton, Mont., and thence over U.S. Highway 93 to Darby), and return over the same routes. Service is authorized to and from all intermediate points; (3) Between Polson, Mont., and Kalispell, Mont., serving all intermediate points: From Polson over Montana Highway 35 to U.S. Highway 2, thence over U.S. Highway 2 to Kalispell, and return over the same route; and (4) Between Darby, Mont., and the Trapper Creek Job Corps Camp, located approximately 10.5 miles southwest of Darby, serving all intermediate points: From Darby over U.S. Highway 93 to junction Montana Highway 473, thence over Montana Highway 473 to the Trapper Creek Job Corps Camp, and return over the same route. IRREGULAR ROUTES, *General Commodities* (with the usual exceptions), between Missoula and Kalispell, Mont., on the one hand, and, on the other, Swan River Youth Forest Camp at or near Goat Creek, Mont., for 180 days.

NOTE.—Applicant intends to tack at Missoula and Ravalli, Mont. with other authority sought by us in a simultaneous application and will interline at Missoula and Kalispell, Mont.

SUPPORTING SHIPPERS: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 139222 (Sub-No. 2 TA), filed April 30, 1974. Applicant: MERCURY TRUCK LINES, INC., 510 East Spruce Street, Missoula, Mont. 59801. Applicant's representative: Milton Datsopoulos, 310 N. Higgins Avenue, Missoula, Mont. 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, specifically *athletic suits* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Missoula, Mont., and Ravalli, Mont.: From Missoula over Montana Highway 200 and U.S. Highway 10 to junction with Montana Highway 200, thence over Montana Highway 200 to Ravalli, Mont., and return over the same route serving all intermediate points, for 180 days.

NOTE.—Applicant states it will tack at Missoula and Ravalli, Mont., with other authority sought by us in a simultaneous application and will interline at Missoula, Mont.

SUPPORTING SHIPPER: Terry's Manufacturing, Inc., Ravalli, Mont. 59863. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 139273 (Sub-No. 1 TA), filed May 3, 1974. Applicant: KINGS COUNTY TRUCK LINES, a Corporation, 550 S. L Street, Tulare, Calif. 93274. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, accessories, and related supplies*, from Burbank, Calif., to Reno, Sparks, and Carson City, Nev., for 180 days. SUPPORTING SHIPPER: Baskin Robbins, Inc., 1201 South Victory Blvd., Burbank, Calif. 91502. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angles, Calif. 90012.

No. MC 139723 (Sub-No. 1 TA), filed April 30, 1974. Applicant: FARISH R. THOMPSON, doing business as THOMPSON TRUCKING, P.O. Box 733, Afton, Wyo. 83110. Applicant's representative: Dennis M. Olsen, 485 "E" Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, and wood shavings*, from the facilities of Star Studs Co., a division of New Idria Mining and Chemical Company near Afton, in Lincoln County, Wyo., to the railroad yards in Cokeville, Lincoln County, Wyo., for further shipment in interstate commerce, for 180 days. SUPPORTING SHIPPERS: Star Studs Company, division of New Idria Mining & Chemical Company, P.O. Box 517, Afton, Wyo. 83110, and International Paper Company, Long-Bell Division, P.O. Box 579, Longview, Wash. 98632. SEND PROTESTS TO: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Rm. 1006 Federal Bldg. & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 139733 (Sub-No. 1 TA), filed April 23, 1974. Applicant: J. L. HUTCHISON, doing business as J. L. HUTCHISON TRUCKING, Route 3, Freeport, Ill. 61032. Applicant's representative: J. L. Hutchison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Feed and feed ingredients*, from points in (1) Illinois, (2) Minnesota, and Nebraska, to points in Iowa; (2) Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, to Gilt Edge Farms, Inc., at Dakota, Ill.; (3) Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, to Oink, Inc., at Pilger, Nebr., and (B) *Equipment, materials, and supplies* used or useful in the construction, maintenance, and operation of livestock production facilities, from points in (1) Indiana, Iowa, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin, to Gilt Edge Farms, Inc., at Dakota, Ill., and (2) Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin, to Oink, Inc., at Pilger, Nebr., for 180 days. SUPPORTING SHIPPER: Hunter Barney, Vice President, Gilt Edge Farms, Inc., Box 63, Freeport, Ill. SEND PROTESTS TO: District Supervisor Richard O. Chandler, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139756 (Sub-No. 1 TA), filed April 30, 1974. Applicant: HOWARD HERLEE LISK, doing business as HOWARD LISK, Route 1, Box 166, Wadesboro, N.C. 28170. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete products and materials, equipment, and supplies* used in the production of pre-cast concrete products (except commodities in bulk), between Charlotte, N.C., on the one hand, and, on the other, points in Georgia, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Carolina Concrete Pipe Co., a Division of Reliance Universal Inc., 3701 N. Graham, P.O. Box 10004, Charlotte, N.C. 28237. SEND PROTESTS TO: Terrell Price, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 139757 (Sub-No. 1 TA), filed May 1, 1974. Applicant: GUS MATONEK, INC., 256 State Park Drive, Bay City, Mich. 48706. Applicant's representative: James R. Davis, 1018 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, crushed, ground, or pulverized, in bulk, in dump vehicles, from points in Iosco County, Mich., to the plant site of Medusa Cement Company at or near Sylvania, Ohio, for 180 days. SUPPORTING SHIPPER: Gold Bond Building Products, Division of National Gypsum Company, 325 Delaware Avenue, Buffalo, N.Y. 14202, and Michigan Gypsum Company, 28404 Bay Road, Saginaw, Mich. 48605. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 139759 (Sub-No. 1 TA), filed May 3, 1974. Applicant: BENJAMIN FERNANDEZ, doing business as DIRECT COURIER, 2780 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sera, cell and cultures, biological research products and equipment, chemicals, laboratory equipment and apparatus, medical reagents, plasma, and live animals*, between points in Montgomery and Frederick Counties, Md., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, Rhode Island, New York, Massachusetts, Connecticut, and the District of Columbia, restricted to shipments weighing not in excess of 150 pounds, from one consignor to one consignee in a given day, and restricted against the transportation of radiopharmaceuticals, for 180 days. SUPPORTING SHIPPERS: Dr. Robert W. McKinney, Vice President, Production, Microbiological Associates, Inc., Walkersville, Md. and Stephanie Passman, Marketing Associate, Electro-Nuclionics Labs, Inc., 4905 Del Ray Avenue, Bethesda, Md. 20014. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 139764 (Sub-No. 1 TA), filed April 29, 1974. Applicant: RALPH E. WITH, doing business as C & L TRUCKING CO., 1827 Clement Avenue, Alameda, Calif. 94501. Applicant's representative: R. Frederic Fisher, 311 California Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate, black plate, and cold rolled sheet steel*, restricted to shipments having a subsequent movement by water carrier in foreign commerce, from the plant site of Pennville Corporation, Benicia Industrial Tract, Benicia, Calif., to Oakland, Alameda, and San Francisco, Calif., for 180 days. SUPPORTING SHIPPER: Pennville Corporation, 810 E. Main, Ontario, Calif. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 139771 TA, filed May 6, 1974. Applicant: GAFCO, INC., 1040 West 45th Street, Norfolk, Va. 23508. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic and malt beverages*, in containers, and *tobacco products*, from the facilities of C. H. Peters & Co., Inc., at Norfolk, Va., to the International Boundary line between the United States and Canada at or near Noyes, Minn., for 180 days. SUPPORTING SHIPPER: C. H. Peters & Co., Inc., 1041 W. 45th Street, Norfolk, Va. 23508. SEND PROTESTS TO: District Supervisor C. M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Bldg., 400 North Eighth Street, Richmond, Va. 23240.

MOTOR CARRIERS OF PASSENGERS

No. MC 139688 (Sub-No. 1 TA), filed April 30, 1974. Applicant: GULF SOUTH TRANSIT, LTD., 729 Prentiss Avenue, Pascagoula, Miss. 39567. Applicant's representative: V. Douglass Gunter, 4750A McWillie Drive, Jackson, Miss. 39206. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between points in Mobile County, Ala., and the plant sites of Ingalls Shipbuilding, Division of Litton Industries, Pascagoula, Miss., under contract with Ingalls Shipbuilding, for 180 days. SUPPORTING SHIPPER: Litton Industries, Ingalls Shipbuilding, Pascagoula, Miss. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite St., Jackson, Miss. 39201.

No. MC 139707 (Sub-No. 1 TA), filed May 3, 1974. Applicant: RESORT BUS LINES, INC., 41 Railroad Avenue, Yonkers, N.Y. 10710. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from Bronx, N.Y., to Paterson, N.J., and return, for 150 days. SUPPORTING SHIPPER: The Great Atlantic & Pacific Tea Co., Inc., Attn: J. J. McCusker, 900 Delaware Avenue, Paterson, N.J. 07503. SEND PROTESTS TO: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11499 Filed 5-17-74;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-43 (Sub-No. 2)]

LEASE AND INTERCHANGE OF VEHICLES

Adjustment of Compensation for Equipment Leased by Motor Carriers of Property Because of Rising Fuel Costs

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of May, 1974.

Upon consideration of the record in the above-entitled proceeding, including the order entered February 14, 1974 (35 FR 6519) and of:

(1) Petition of Tajon, Inc., filed March 13, 1974, for reconsideration;

(2) Petition of Movers Round Table, filed March 18, 1974, for reconsideration;

(3) Petition of Movers' & Warehousemen's Association of America, Inc., filed March 18, 1974, for reconsideration;

(4) Petition of Beaver Transport Co., et al., filed March 18, 1974, for reconsideration;

(5) Petition of The Kaplan Trucking Co., et al., filed March 18, 1974, for reconsideration;

(6) Petition of Household Goods Carriers' Bureau, Inc., filed March 12, 1974, as corrected by letter dated March 14, 1974, for reconsideration;

(7) Petition of Steel Carriers' Tariff Association, Inc., filed March 14, 1974, for reconsideration;

(8) Petition of National Independent Truckers Unity Committee, filed April 3, 1974, for leave to intervene and permission to file a tendered reply to the petition in (7) above;

(9) Tendered reply by petitioner named in (8) above, filed April 3, 1974, to the petition in (7) above;

(10) Tendered supplemental reply by petitioner named in (8) above, filed April 8, 1974, to the petition in (7) above;

(11) Petition of the Commonwealth of Pennsylvania, filed April 12, 1974, for leave to intervene for the purpose of submitting for inclusion in the record a tendered copy of a letter (dated April 11, 1974) from the Governor of Pennsylvania to the Chairman of this Commission;

(12) Tendered reply (letter specified in (11) above), of the Commonwealth of Pennsylvania, filed April 12, 1974, to the petition in (7) above;

It appearing that petitioner in (8) above is an organization whose members have an interest in the outcome of this proceeding and, accordingly, permission to intervene should be granted in order to allow the interests of such operators to be protected;

It further appearing that petitioner in (11) above represents millions of citizens whose vital interests depend upon the continued availability of responsive motor transportation service and, therefore, permission to intervene should be granted; and good cause appearing therefor:

It is ordered, That National Independent Truckers Unity Committee and the Commonwealth of Pennsylvania be, and they are hereby, permitted to intervene in this proceeding with the right to participate in all further proceedings herein.

It is further ordered, That the tendered pleadings in (9), (10), (11), and (12) above be, and they are hereby, accepted for filing.

It is further ordered, That the petitions in (1), (2), (3), (4), (5), (6), and (7) above be, and they are hereby, denied, for the reasons that no sufficient or proper cause appears for reconsidering the order entered and served herein February 14, 1974, or for granting any other relief sought.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary

[FR Doc.74-11498 Filed 5-17-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 464, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 10–16, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 464 (39 FR 16472). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.764 (Valencia Orange Regulation 464 (39 FR 16472)) are hereby amended to read as follows:

§ 908.764 Valencia Orange Regulation 464.

* * * * * * *

(b) * * *

(1) * *

(i) District 1: 400,000 cartons;

(ii) District 2: 340,000 cartons;

(iii) District 3: 260,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-11552 Filed 5-20-74;8:45 am]

[Lemon Reg. 638, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 12–18, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 638 (39 FR 16852): The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b)(1) of § 910.938 (Lemon Regulation 638) (39 FR 16852) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period May 12, 1974, through May 18, 1974, is hereby fixed at 300,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-11553 Filed 5-20-74;8:45 am]

[Nectarine Reg. 5]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

This regulation for California Nectarine shipments sets a minimum grade of

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U.S. No. 1, except that it provides an additional tolerance for individual fruit of all varieties not well formed but not badly misshapen, and an additional tolerance for the Sun Free and Golden Grand Varieties affected by fairly smooth or smooth russeting. It also prescribes minimum sizes for 39 named varieties. The regulation is essentially the same as that which was effective for the 1973 crop.

Findings. (1) Pursuant to the amended marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other information, it is hereby found that the limitation of shipments of nectarines, as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) This regulation is based upon an appraisal of projected crop and marketing conditions. The committee estimates that 8,265,000 packages of nectarines will be available for shipment in the 1974 season compared with actual shipments of 7,509,000 packages last season. Although peach production in the 9 Southern States is forecast at 21 percent less than last year, industry reports indicate that 1974 shipments of fresh California freestone peaches and plums likely will be the largest in several years. Such peaches and plums are strong competitors of nectarines. It is concluded that the grade and size requirements hereinafter provided are necessary to provide good quality fruit, in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act, is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines, which are currently regulated pursuant to Nectarine Regulation 4 (38 FR 12811, 15727), must await the development of the crop thereof, adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date of this regulation; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 8, 1974.

§ 916.347 Nectarine Regulation 5.

(a) *Order.* (1) During the period May 22, 1974, through July 6, 1974, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided further,* That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting.

(2) During the period May 22, 1974, through July 6, 1974, no handler may handle any package or container of May Red variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of a standard pack, not more than 130 nectarines in the lug box;

(ii) Such nectarines when packed in a standard basket, are of a size not smaller than a size that will pack 4 x 5 standard pack; or

(iii) Such nectarines when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph (2), measure not less than 1¾ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of nectarines in any container may fail to meet such diameter requirement.

(3) During the period May 22, 1974, through July 6, 1974, no handler shall handle any package or container of Arm King, Crimson Gold, Mayfair, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box; or

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack;

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph (3), measure not less than 1⅞ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(4) During the period May 22, 1974, through July 6, 1974, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Spring Grand, Sunbright, or Sunrise variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirement of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph (4), measure not less than 2 inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(5) During the period May 22, 1974, through July 6, 1974, no handler shall handle any package or container of Early Sun Grand, Grandandy, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Summer Grand, Sun Grand, or Rose variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than 2⅛ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(6) During the period May 22, 1974, through July 6, 1974, no handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flame Kist, Flavor Top, Gold King, Granderil, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than 2¼ inches in diameter as measured by a rigid ring: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(7) Nectarine Regulation 4 (38 FR 12811, 15727) is hereby terminated as of the effective date hereof.

(8) When used herein, "diameter," "U.S. No. 1," and "standard pack" shall have the same meaning as set forth in the United States Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); "standard basket" shall mean the standard basket set forth in section 43502 of the Agricultural Code of California; "No. 22D standard lug box" shall have the same meaning as set forth in section 43001 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-11564 Filed 5-20-74;8:45 am]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Limitation of Handling

This regulation requires potatoes grown in designated counties of Virginia and North Carolina to meet minimum quality and size requirements. This should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

Notice of rulemaking with respect to a proposed handling regulation, to be effective under Marketing Agreement No. 104 and Marketing Order No. 953, both as amended (7 CFR Part 953), regulating the handling of potatoes grown in the production area, was published in the April 23, 1974, FEDERAL REGISTER (39 FR 14350). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons through May 6, 1974, to file written data, views or arguments pertaining to that proposal. None was filed.

The notice was based upon recommendations of the Southeastern Potato Committee, established pursuant to said marketing agreement and order. The recommendations are consistent with the marketing policy the committee unanimously adopted and reflect its appraisal of the crop and prospective market conditions.

Shipments of potatoes from the production area are expected to begin about June 5. The grade and size requirements provided herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable size from being distributed to fresh market outlets. The specific requirements, hereinafter set forth, will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed are so exempted because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are also exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found and determined that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act by setting the minimum standards of quality and maturity and the grading and inspection requirements which the Secretary has found should be maintained for orderly marketing.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by June 5, 1974.

The regulation is as follows:

§ 953.334 Handling regulation.

During the period June 5 through July 31, 1974, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Pub. L. 92–233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It

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includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated May 10, 1974, to become effective June 5, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–11556 Filed 5–20–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1974 Crop Supplement to Cotton Loan Program Regulations

The Cotton Loan Program regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to loan operations for cotton are supplemented as shown below for the 1974 crop of cotton. Section 1427.101 contains the schedule of base loan rates for upland cotton. Such rates are based on the preliminary national loan rate applicable to Middling one-inch upland cotton (micronaire 3.5 through 4.9) net weight, at average location in the U.S. which was announced by press release on August 27, 1973, adjusted to Strict Low Middling 1 1/16 inch cotton as the base quality for computing loans.

Sections 1427.102–105 contain the schedules of premiums and discounts for grade and staple length of upland cotton, micronaire differentials for upland and extra long staple cotton, and base loan rates for eligible qualities of extra long staple cotton. Those schedules were announced by press releases on February 20, 1974.

The material previously appearing in §§ 1427.100 through 1427.105 remains in full force and effect as to previous crops of cotton.

Generally, the quality differentials for upland and extra long staple cotton are developed in April each year and issued in early May. However, in view of market activity and widespread interest, such differentials were developed and announced earlier this year. Since the base loan rates contained herein are based on the previously announced preliminary national loan rate for upland cotton, such rates are considered preliminary until determined by public notice to be final.

In consideration of the various factors involved, it is found and determined that compliance with the notice of proposed rulemaking procedure is impracticable and contrary to the public interest. Therefore, this supplement is being issued without following such proposed rulemaking procedure and shall be effective upon filing with the Office of Federal Register. The revised supplement reads as follows:

Sec.
1427.100 Purpose.
1427.101 Schedule of base loan rates for eligible 1974-crop upland cotton by warehouse location.
1427.102 Schedule of premiums and discounts for grade and staple length of eligible 1974-crop upland cotton.
1427.103 Schedule of micronaire differentials for 1974-crop upland cotton.
1427.104 Schedule of loan rates for eligible qualities of 1974-crop extra long staple cotton by warehouse location.
1427.105 Schbdule of micronaire differentials for 1974-crop extra long staple cotton.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; (15 U.S.C. 714 b and c); (7 U.S.C. 1441, 1444, 1421)

§ 1427.100 Purpose.

This subpart is for the purpose of announcing that loans will be available on upland and extra long staple cotton of the 1974 crop under the terms and conditions stated in the Cotton Loan Program regulations issued by Commodity Credit Corporation and contained in this Part 1427. This subpart also contains schedules to be used in determining loan rates on 1974-crop cotton.

§ 1427.101 Schedule of base loan rates for eligible 1974-crop upland cotton by warehouse location.

ALABAMA

[In cents per pound, net weight]

City	County	Basis strict low middling white 1 1/16 "4134" loan rate
Akron	Hale	27.45
Albertville	Marshall	27.55
Alicesville	Pickens	27.45
Arab	Marshall	27.55
Atmore	Escambia	27.45
Attalla	Etowah	27.70
Belle Mina	Limestone	27.55
Berry	Fayette	27.55
Birmingham	Jefferson	27.55
Boligee	Greene	27.45
Brent	Bibb	27.55
Camden	Wilcox	27.45
Centreville	Bibb	27.55
Clayton	Barbour	27.55
Cullman	Cullman	27.55
Decatur	Morgan	27.55
Demopolis	Marengo	27.45
Dutton	Jackson	27.55
Eclectic	Elmore	27.55
Elkmont	Limestone	27.55
Eufaula	Barbour	27.55
Eutaw	Greene	27.45
Evergreen	Conecuh	27.45
Fayette	Fayette	27.55
Frisco City	Monroe	27.45
Gadsden	Etowah	27.70
Georgiana	Butler	27.55
Geraldine	De Kalb	27.55
Goodway	Monroe	27.45
Greenbrier	Limestone	27.55
Greensboro	Hale	27.45
Haleyville	Winston	27.55
Hamilton	Marion	27.45
Hartford	Geneva	27.55
Hartselle	Morgan	27.55
Havana Junction	Hale	27.45
Headland	Henry	27.55
Huntsville	Madison	27.55
Hurtsboro	Russell	27.70
Jasper	Walker	27.55
Lafayette	Chambers	27.70
Livingston	Sumter	27.45
McCullough	Escambia	27.45
Madison	Madison	27.55
Marion	Perry	27.58
Mobile	Mobile	27.45
Montgomery	Montgomery	27.58
Moundville	Hale	27.45
Newbern	Hale	27.45
New Hope	Madison	27.55
Newville	Henry	27.55
Northport	Tuscaloosa	27.45
Oneonta	Blount	27.55
Opelika	Lee	27.70
Opp	Covington	27.58
Panola	Sumter	27.45
Red Bay	Franklin	27.45
Rogersville	Lauderdale	27.45
Russellville	Franklin	27.45
Samantha	Tuscaloosa	27.45
Samson	Geneva	27.55
Scottsboro	Jackson	27.55
Section	Jackson	27.55
Selma	Dallas	27.55
Stevenson	Jackson	27.55
Sulligent	Lamar	27.45
Sweet Water	Marengo	27.45
Sylacauga	Talladega	27.70
Talladega	Talladega	27.70
Tallassee	Elmore	27.55
Tuscumbia	Colbert	27.45
Tuskegee	Macon	27.55
Union Springs	Bullock	27.55
Uniontown	Perry	27.55
Wetumpka	Elmore	27.55

ARIZONA

Eloy	Pinal	26.20
Phoenix	Maricopa	26.20
Picacho	Pinal	26.20
Safford	Graham	26.20
Yuma	Yuma	26.20

ARKANSAS

Batesville	Independence	27.25
Blytheville	Mississippi	27.35
Bradley	Lafayette	27.15
Brinkley	Monroe	27.35
Camden	Ouachita	27.15
Clarendon	Monroe	27.35
Cotton Plant	Woodruff	27.35
Dardanelle	Yell	27.25
Dell	Mississippi	27.35
Dumas	Desha	27.25
Earle	Crittenden	27.35
England	Lonoke	27.25
Endora	Chicot	27.25
Evadale	Mississippi	27.35
Forrest City	St. Francis	27.35
Fort Smith	Sebastian	27.15
Helena	Phillips	27.35
Hope	Hempstead	27.15
Hughes	St. Francis	27.35
Jonesboro	Craighead	27.35
Leachville	Mississippi	27.35
Lepanto	Poinsett	27.35
Little Rock	Pulaski	27.25
Lonoke	Lonoke	27.25
McCrory	Woodruff	27.35
McGehee	Desha	27.25
Marianna	Lee	27.35
Marked Tree	Poinsett	27.35
Marvell	Phillips	27.35
Newport	Jackson	27.25
North Little Rock	Pulaski	27.25
Osceola	Mississippi	27.35
Pine Bluff	Jefferson	27.25
Portland	Ashley	27.25
Searcy	White	27.25
Sparkman	Dallas	27.15
Trumann	Poinsett	27.35
Waldo	Columbia	27.15
Walnut Ridge	Lawrence	27.25
West Memphis	Crittenden	27.35
Wynne	Cross	27.35

CALIFORNIA

Bakersfield	Kern	26.20
Brawley	Imperial	26.20
Calico	Kern	26.20
El Centro	Imperial	26.20
Fresno	Fresno	26.20
Imperial	Imperial	26.20
Kerman	Fresno	26.20
Los Angeles	Los Angeles	26.20
Pixley	Tulare	26.20
Tulare	Tulare	26.20

FLORIDA

Jay	Santa Rosa	27.55

GEORGIA

Adairsville	Bartow	27.90
Alamo	Wheeler	27.70
Albany	Dougherty	27.70
Alexander	Wilkinson	27.90
Arabi	Crisp	27.70
Arlington	Calhoun	27.55
Athens	Clarke	28.05
Atlanta	Fulton	27.90
Augusta	Richmond	28.05
Bartow	Jefferson	27.90
Blakely	Early	27.55
Bronwood	Terrell	27.70
Buena Vista	Marion	27.90
Butler	Taylor	27.90
Byromville	Dooly	27.70
Cadwell	Laurens	27.90
Camilla	Mitchell	27.55
Carrollton	Carroll	27.90
Cedartown	Polk	27.90
Chauncey	Dodge	27.90
Chester	Dodge	27.90
Cochran	Bleckley	27.90
Colquitt	Miller	27.55
Columbus	Muscogee	27.90
Comer	Madison	28.05
Concord	Pike	27.90
Cordele	Crisp	27.70
Coverdale	Turner	27.70
Cuthbert	Randolph	27.55
Davisboro	Washington	27.90
Dawson	Terrell	27.70
DeSoto	Sumter	27.70
Dexter	Laurens	27.90
Doerun	Colquitt	27.55
Donalsonville	Seminole	27.55
Douglas	Coffee	27.70
Dublin	Laurens	27.90
Dudley	Laurens	27.90
Eastman	Dodge	27.90
East Point	Fulton	27.90
Edison	Calhoun	27.55
Elko	Houston	27.90
Ellaville	Schley	27.90
Fitzgerald	Ben Hill	27.70
Fort Gaines	Clay	27.55
Funston	Colquitt	27.55
Gay	Meriwether	27.90
Glennville	Tattnall	27.70
Greenville	Meriwether	27.90
Haralson	Coweta	27.90
Hawkinsville	Pulaski	27.90
Hollonville	Pike	27.90
Ideal	Macon	27.90
Jeffersonville	Twiggs	27.90
Jesup	Wayne	27.70
Kingston	Bartow	27.90
Leslie	Sumter	27.70
Louisville	Jefferson	27.90
Lumpkin	Stewart	27.70
Luthersville	Meriwether	27.90
Lyons	Toombs	27.70
McDonough	Henry	27.90
Madison	Morgan	27.90
Mansfield	Newton	27.90
Marshallville	Macon	27.90
Meigs	Thomas	27.55
Metter	Candler	27.90
Midville	Burke	27.90
Millen	Jenkins	27.90
Monroe	Walton	27.90
Montezuma	Macon	27.90
Moultrie	Colquitt	27.55
Norman Park	Colquitt	27.55
Ocilla	Irwin	27.70
Oglethorpe	Macon	27.90
Omega	Tift	27.70
Parrott	Terrell	27.70
Pinehurst	Dooly	27.70
Pinelog	Bartow	27.90
Pine Mountain	Harris	27.90
Pitts	Wilcox	27.70
Plains	Sumter	27.70
Portal	Bulloch	27.90
Quitman	Brooks	27.55
Rebecca	Turner	27.70
Rents	Laurens	27.90
Reynolds	Taylor	27.90
Rochelle	Wilcox	27.70
Rome	Floyd	27.90
Rutledge	Morgan	27.90
Sandersville	Washington	27.90
Sasser	Terrell	27.70
Sandia	Coweta	27.90
Shellman	Randolph	27.55
Social Circle	Walton	27.90
Soperton	Treutlen	27.90
Statesboro	Bulloch	27.90
Swainsboro	Emanuel	27.90
Sycamore	Turner	27.70
Sylvania	Screven	27.90
Sylvester	Worth	27.70
Tennille	Washington	27.90
Tifton	Chattooga	27.90
Twin City	Emanuel	27.90
Unadilla	Dooly	27.70
Vienna	Dooly	27.70
Wadley	Jefferson	27.90
Warrenton	Warren	28.05
Warwick	Worth	27.70
Watkinsville	Oconee	28.05
Waynesboro	Burke	27.90
Winder	Barrow	28.05
Wrightsville	Johnson	27.90
Yatesville	Upson	27.90
Youth	Walton	27.90

LOUISIANA

Alexandria	Rapides	27.15
Bernice	Union	27.15
Cheneyville	Rapides	27.15
Conahatta	Red River	27.15
Dahl	Richland	27.25
Ferriday	Concordia	27.25
Franklinton	Washington	27.35
Haynesville	Claiborne	27.15
Lake Providence	East Carroll	27.25
Mansfield	De Soto	27.15
Mer Rouge	Morehouse	27.25
Monroe	Ouachita	27.25
Natchitoches	Natchitoches	27.15
New Orleans	Orleans	27.85
Oak Grove	West Carroll	27.25
Opelousas	St. Landry	27.15
Plain Dealing	Bossier	27.15
Rayville	Richland	27.25
Shreveport	Caddo	27.15
Tallulah	Madison	27.25
Winnsboro	Franklin	27.25

MISSISSIPPI

Aberdeen	Monroe	27.40
Batesville	Panola	27.40
Belzoni	Humphreys	27.35
Bonneville	Prentiss	27.40
Brookhaven	Lincoln	27.35
Canton	Madison	27.40
Carthage	Leake	27.40
Clarksdale	Coahoma	27.35
Cleveland	Bolivar	27.35
Columbia	Marion	27.35
Columbus	Lowndes	27.40
Como	Panola	27.40
Corinth	Alcorn	27.40
Drew	Sunflower	27.35
Flora	Madison	27.35
Greenville	Washington	27.35
Greenwood	Leflore	27.35
Grenada	Grenada	27.45
Gulfport	Harrison	27.30
Hattiesburg	Forrest	27.35
Hollandale	Washington	27.35
Holly Springs	Marshall	27.40
Houston	Chickasaw	27.40
Indianola	Sunflower	27.35
Inverness	Sunflower	27.35
Itta Bena	Leflore	27.35
Jackson	Hinds	27.35
Kosciusko	Attala	27.40
Leland	Washington	27.35
Macon	Noxubee	27.40
Magee	Simpson	27.35
Magnolia	Pike	27.35
Marks	Quitman	27.35
New Albany	Union	27.40
Okolona	Chickasaw	27.40
Oxford	Lafayette	27.40
Philadelphia	Neshoba	27.40
Pontotoc	Pontotoc	27.40
Prentiss	Jefferson Davis	27.35
Quitman	Clarke	27.35
Ripley	Tippah	27.40
Rolling Fork	Sharkey	27.35
Rosedale	Bolivar	27.35
Ruleville	Sunflower	27.35
Shaw	Bolivar	27.35
Shelby	...do	27.35
Shubuta	Noxubee	27.40
Taylor	Lafayette	27.35
Tunica	Tunica	27.35
Tupelo	Lee	27.40
Tutwiler	Tallahatchie	27.35
Tylertown	Walthall	27.35
Vaiden	Newton	27.40
Vicksburg	Warren	27.35
West Point	Clay	27.40
Yazoo City	Yazoo	27.35

MISSOURI

Arbyrd	Dunklin	27.35
Caruthersville	Pemiscot	27.35
Charleston	Mississippi	27.35
Gideon	New Madrid	27.35
Hayti	Pemiscot	27.35
Kennett	Dunklin	27.35
Lilbourn	New Madrid	27.35
Malden	Dunklin	27.35
Portageville	New Madrid	27.35
Sikeston	Scott	27.35

NEW MEXICO

Artesia	Eddy	26.85
Carlsbad	...do	26.85
Deming	Luna	26.75
Las Cruces	Dona Ana	26.85
Lovington	Lea	26.95
Roswell	Chaves	26.85

NORTH CAROLINA

Battleboro	Nash	28.10
Butner	Granville	28.10
Candor	Montgomery	28.20
Charlotte	Mecklenburg	28.20
Cherryville	Gaston	28.20
Clinton	Sampson	28.10
Conway	Northampton	28.10
Dunn	Harnett	28.10
Edenton	Chowan	28.10
Enfield	Halifax	28.10
Fayetteville	Cumberland	28.10
Gastonia	Gaston	28.20
Gibson	Scotland	28.10
Goldsboro	Wayne	28.10
Henderson	Vance	28.10
Jackson	Northampton	28.10
Laurinburg	Scotland	28.10

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NORTH CAROLINA—Continued

City	County	Basis strict low middling white 1 1/16" "4134" loan rate
Lewiston	Bertie	28.10
Lincolnton	Lincoln	28.20
Lumberton	Robeson	28.10
Mooresville	Iredell	28.20
Morven	Anson	28.20
Murfreesboro	Hertford	28.10
Nashville	Nash	28.10
Newton	Catawba	28.20
Parkton	Robeson	28.10
Pembroke	do	28.10
Rafford	Hoke	28.10
Raleigh	Wake	28.10
Rich Square	Northampton	28.10
Roanoke Rapids	Halifax	28.10
Rowland	Robeson	28.10
Saint Pauls	do	28.10
Salisbury	Rowan	28.20
Scotland Neck	Halifax	28.10
Seaboard	Northampton	28.10
Selma	Johnston	28.10
Shelby	Cleveland	28.20
Smithfield	Johnston	28.10
Tarboro	Edgecombe	28.10
Wagram	Scotland	28.10
Wake Forest	Wake	28.10
Washington	Beaufort	28.10
Weldon	Halifax	28.10
Williamston	Martin	28.10
Wilson	Wilson	28.10
Woodland	Northampton	28.10

OKLAHOMA

Altus	Jackson	27.05
Anadarko	Caddo	27.05
Chickasha	Grady	27.05
Frederick	Tillman	27.05
Hobart	Kiowa	27.05
Mangum	Greer	27.05
Mountain View	Kiowa	27.05
Oklahoma City	Oklahoma	27.05

SOUTH CAROLINA

Allendale	Allendale	28.10
Anderson	Anderson	28.20
Bamberg	Bamberg	28.10
Barnwell	Barnwell	28.10
Bennettsville	Marlboro	28.10
Bishopville	Lee	28.10
Bowman	Orangeburg	28.10
Branchville	do	28.10
Brunson	Hampton	28.10
Calhoun Falls	Abbeville	28.20
Cameron	Calhoun	28.10
Charleston	Charleston	28.10
Cheraw	Chesterfield	28.20
Chester	Chester	28.20
Chesterfield	Chesterfield	28.20
Clio	Marlboro	28.10
Columbia	Richland	28.20
Dalzell	Sumter	28.10
Darlington	Darlington	28.10
Denmark	Bamberg	28.10
Dillon	Dillon	28.10
Edgefield	Edgefield	28.20
Ellloree	Orangeburg	28.10
Estill	Hampton	28.10
Fountain Inn	Greenville	28.20
Gaffney	Cherokee	28.20
Garnett	Hampton	28.10
Greenville	Greenville	28.20
Greenwood	Greenwood	28.20
Hartsville	Darlington	28.10
Heath Springs	Lancaster	28.20

SOUTH CAROLINA—Continued

City	County	Basis strict low middling white 1 1/16" "4134" loan rate
Jefferson	Chesterfield	28.20
Kingstree	Williamsburg	28.10
Lake City	Florence	28.10
Lamar	Darlington	28.10
McColl	Mariboro	28.10
Manning	Clarendon	28.10
Marion	Marion	28.10
Mountville	Laurens	28.20
Mullins	Marion	28.10
Newberry	Newberry	28.20
Norway	Orangeburg	28.10
Olanta	Florence	28.10
Orangeburg	Orangeburg	28.10
Pendleton	Anderson	28.20
Pinewood	Sumter	28.10
Prosperity	Newberry	28.20
Ridgeway	Fairfield	28.20
Rock Hill	York	28.20
Saluda	Saluda	28.20
Spartanburg	Spartanburg	28.20
St. Matthews	Calhoun	28.10
Summerton	Clarendon	28.10
Sumter	Sumter	28.10
Swansea	Lexington	28.20
Timmonsville	Florence	28.10
Union	Union	28.20
Wagener	Aiken	28.20
Williston	Barnwell	28.10

TENNESSEE

Brownsville	Haywood	27.40
Covington	Tipton	27.40
Dyersburg	Dyer	27.40
Five Points	Lawrence	27.45
Henderson	Chester	27.40
Jackson	Madison	27.40
Lawrenceburg	Lawrence	27.45
Memphis	Shelby	27.40
Milan	Gibson	27.40
Ripley	Lauderdale	27.40
Tiptonville	Lake	27.40

TEXAS

Abernathy	Hale	26.95
Abilene	Taylor	27.05
Ballinger	Runnels	27.05
Bay City	Matagorda	27.05
Big Spring	Howard	26.95
Bowina	Parmer	26.95
Brady	McCulloch	27.05
Brenham	Washington	27.05
Brownfield	Terry	26.95
Brownsville	Cameron	26.95
Brownwood	Brown	27.05
Bryan	Brazos	27.05
Burton	Washington	27.05
Cameron	Milam	27.05
Childress	Childress	27.05
Cleburne	Johnson	27.05
Colorado City	Mitchell	27.05
Commerce	Hunt	27.15
Corpus Christi	Nueces	27.05
Corsicana	Navarro	27.05
Crosbyton	Crosby	26.95
Dallas	Dallas	27.05
Dimmitt	Castro	26.95
Elgin	Bastrop	27.05
Enloe	Delta	27.15
Ennis	Ellis	27.05
Fabens	El Paso	26.85
Fauna	Harris	27.15
Floydada	Floyd	27.05
Fort Stockton	Pecos	26.95

TEXAS—Continued

City	County	Basis strict low middling white 1 1/16" "4134" loan rate
Galnesville	Cooke	27.15
Galveston	Galveston	27.15
Garland	Dallas	27.15
Greenville	Hunt	27.15
Hamlin	Jones	27.05
Harlingen	Cameron	26.95
Hart	Castro	26.95
Haskell	Haskell	27.05
Hearne	Robertson	27.05
Hillsboro	Hill	27.05
Honey Grove	Fannin	27.15
Houston	Harris	27.15
Hubbard	Hill	27.05
Kaufman	Kaufman	27.15
Kenedy	Karnes	27.05
Knox City	Knox	27.05
La Grange	Fayette	27.05
Lamesa	Dawson	26.95
Levelland	Hockley	26.95
Littlefield	Lamb	26.95
Lockhart	Caldwell	27.05
Lockney	Floyd	26.95
Lubbock	Lubbock	26.95
McKinney	Collin	27.15
Marlin	Falls	27.05
Memphis	Hall	27.05
Mexia	Limestone	27.05
Morton	Cochran	26.95
Muleshoe	Bailey	26.95
Munday	Knox	27.05
Navasota	Grimes	27.05
Needville	Fort Bend	27.15
Oconnell	Lynn	26.95
Paducah	Cottle	27.05
Paris	Lamar	27.15
Pecos	Reeves	26.95
Plainview	Hale	26.95
Pyote	Ward	26.95
Quanah	Hardeman	27.05
Quitaque	Briscoe	26.95
Ralls	Crosby	26.95
Raymondville	Willacy	26.95
Roaring Springs	Motley	27.05
Rochester	Haskell	27.05
Rosebud	Falls	27.05
Rosenberg	Fort Bend	27.15
Rotan	Fisher	27.05
Rule	Haskell	27.05
San Angelo	Tom Green	27.05
Seagraves	Gaines	26.95
Seymour	Baylor	27.05
Shamrock	Wheeler	27.05
Slaton	Lubbock	26.95
Snyder	Scurry	27.05
Stamford	Jones	27.05
Stanton	Martin	26.95
Sudan	Lamb	26.95
Sweetwater	Nolan	27.05
Tahoka	Lynn	26.95
Taylor	Williamson	27.05
Temple	Bell	27.05
Terrell	Kaufman	27.15
Texarkana	Bowie	27.15
Tulia	Swisher	26.95
Turkey	Hall	26.95
Vernon	Wilbarger	27.05
Waco	McLennan	27.05
Waxahachie	Ellis	27.05
Wellington	Collingsworth	27.05
Wichita Falls	Wichita	27.05
Winters	Runnels	27.05

VIRGINIA

Brodnax	Brunswick	28.10

§ 1427.102 Schedule of premiums and discounts for grade and staple length of eligible 1974-crop upland cotton.

GRADE	Code [1]	Staple (inches) 13/16 (24)	7/8 (28)	29/32 (29)	15/16 (30)	31/32 (31)	1 (32)	1 1/32 (33)	1 1/16 (34)	1 1/32 (35)	1 1/8 (36)	1 5/32 (37)	1 3/16 (38)	1 7/32 (39)	1 1/4 and longer (40)
		Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
WHITE															
GM and better	(01-11)	−520	−480	−425	−360	−270	−135	+80	+220	+255	+300	+365	+455	+630	+775
SM	(21)	−525	−485	−430	−370	−275	−140	+75	+215	+250	+295	+355	+440	+615	+765
MID Plus	(30)	−540	−505	−450	−385	−295	−160	+50	+190	+230	+270	+325	+405	+575	+725
MID	(31)	−555	−520	−465	−400	−310	−180	+30	+170	+210	+250	+300	+375	+530	+660
SLM Plus	(40)	−615	−575	−530	−460	−395	−280	−80	+70	+100	+130	+170	+250	+385	+510
SLM	(41)	−650	−610	−555	−500	−425	−335	−145	Base	+30	+70	+105	+175	+305	+425
LM Plus	(50)	−715	−680	−630	−575	−500	−415	−275	−170	−145	−125	−110	−85	−60	−10
LM	(51)	−745	−710	−670	−610	−545	−465	−340	−240	−215	−195	−185	−170	−145	−120
SGO Plus	(60)	−850	−825	−790	−735	−675	−600	−535	−485	−475	−470	−470	−470	−470	−470
SGO	(61)	−895	−870	−830	−790	−730	−660	−600	−555	−550	−545	−545	−545	−545	−545
GO Plus	(70)	−1,005	−970	−935	−895	−845	−785	−720	−690	−680	−680	−680	−680	−680	−680
GO	(71)	−1,050	−1,010	−980	−935	−890	−830	−770	−745	−740	−735	−735	−735	−735	−735
LIGHT SPOTTED															
GM	(12)	−565	−520	−470	−415	−335	−230	−30	+90	+125	+145	+195	+270	+435	+595
SM	(22)	−575	−530	−480	−420	−345	−240	−45	+75	+110	+135	+175	+250	+415	+570
MID	(32)	−620	−585	−540	−485	−410	−330	−140	−15	+15	+50	+95	+165	+265	+385
SLM	(42)	−720	−690	−625	−580	−515	−440	−320	−225	−220	−195	−185	−165	−155	−120
LM	(52)	−840	−810	−770	−720	−670	−610	−550	−510	−505	−500	−500	−500	−500	−500
SPOTTED															
GM	(13)	−705	−655	−620	−565	−510	−450	−355	−305	−295	−280	−270	−260	−235	−210
SM	(23)	−715	−660	−625	−570	−520	−465	−365	−320	−310	−290	−280	−270	−250	−230
MID	(33)	−770	−720	−680	−635	−580	−530	−450	−405	−400	−390	−385	−385	−385	−385
SLM	(43)	−870	−825	−785	−735	−695	−655	−600	−570	−565	−565	−565	−565	−565	−565
LM	(53)	−985	−940	−900	−865	−825	−780	−730	−715	−710	−705	−705	−706	−706	−705
TINGED															
GM	(14)	−910	−855	−825	−785	−765	−740	−720	−710	−705	−705	−705	−705	−705	−705
SM	(24)	−920	−870	−835	−795	−780	−750	−730	−720	−715	−715	−715	−715	−715	−715
MID	(34)	−975	−925	−890	−855	−830	−805	−785	−775	−775	−775	−775	−775	−775	−775
SLM	(44)	−1,000	−1,010	−975	−930	−915	−885	−870	−865	−865	−865	−865	−865	−865	−865
LM	(54)	−1,105	+1,120	−1,090	−1,050	−1,035	−1,005	−990	−985	−985	−985	−985	−985	−985	−985
YELLOW STAINED															
GM	(15)	−1,090	−1,035	−1,005	−975	−955	−925	−915	−905	−905	−905	−905	−905	−905	−905
SM	(25)	−1,095	−1,040	−1,020	−985	−965	−935	−925	−915	−915	−915	−915	−915	−915	−915
MID	(35)	−1,150	−1,105	−1,080	−1,045	−1,020	−990	−980	−975	−975	−975	−975	−975	−975	−975
LIGHT GRAY															
GM	(16)	−595	−555	−510	−450	−365	−255	−75	+50	+85	+120	+165	+225	+370	+490
SM	(26)	−640	−600	−555	−500	−425	−330	−160	−35	−5	+40	+85	+135	+265	+380
MID	(36)	−730	−690	−660	−600	−530	−455	−340	−240	−225	−195	−185	−165	−140	−110
SLM	(46)	−885	−855	−820	−770	−710	−655	−585	−545	−530	−520	−520	−520	−520	−520
GRAY															
GM	(17)	−695	−655	−610	−560	−485	−400	−275	−180	−160	−125	−90	−35	+40	+110
SM	(27)	−755	−715	−675	−620	−555	−480	−380	−295	−280	−255	−240	−225	−210	−175
MID	(37)	−905	−870	−835	−780	−730	−675	−600	−560	−555	−545	−545	−545	−545	−545
SLM	(47)	−1,050	−1,000	−975	−925	−875	−825	−780	−745	−740	−735	−735	−735	−735	−735

Grade Symbols: CM—Good Middling; SM—Strict Middling; MID—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

[1] Grade and staple codes. Staple below 13/16 is coded 24 and is not eligible for loan. Any grade code starting with an 8 is "below grade" and is not eligible for loan. Grade code 99 is mixed-packed and is not eligible for loan.

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§ 1427.103 Schedule of micronaire differentials for 1974-crop upland cotton.

Micronaire reading:	Points per pound (discount)
5.3 and above	125
5.0 through 5.2	50
3.5 through 4.9	0
3.3 through 3.4	70
3.0 through 3.2	190
2.7 through 2.9	325
2.6 and less	500

§ 1427.104 Schedule of loan rates for eligible qualities of 1974-crop extra long staple cotton by warehouse location.

[In cents per pound, net weight]

Code grade	Staple length (inches) (micronaire 3.5 and above) 1 3/4 (44) Cotton stored in approved warehouses in— Arizona and California	1 3/4 (44) Cotton stored in approved warehouses in— New Mexico, Texas, and other States	1 5/16 (46) Cotton stored in approved warehouses in— Arizona and California	1 5/16 (46) Cotton stored in approved warehouses in— New Mexico, Texas, and other States	1 3/8 and longer (48) Cotton stored in approved warehouses in— Arizona and California	1 3/8 and longer (48) Cotton stored in approved warehouses in— New Mexico, Texas, and other States
1	51.05	51.55	51.20	51.70	51.30	51.80
2	50.95	51.45	51.15	51.65	51.20	51.70
3	50.80	51.30	51.00	51.50	51.05	51.55
4	50.55	51.05	50.70	51.20	50.80	51.30
5	49.36	49.85	49.50	50.00	49.55	50.05
6	41.20	41.70	41.30	41.80	41.35	41.85
7	33.40	33.90	33.45	33.95	33.50	34.00
8	31.85	32.35	31.90	32.40	31.95	32.45
9	31.05	31.55	31.10	31.60	31.15	31.65

§ 1427.105 Schedule of micronaire differentials for 1974-crop extra long staple cotton.

Micronaire reading:	Points per pound (discount)
3.5 and above	0
3.3 through 3.4	20
3.0 through 3.2	120
2.7 through 2.9	320

Effective date. This subpart shall become effective May 20, 1974.

Signed at Washington, D.C. on May 10, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-11383 Filed 5-20-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER D—TRADE REGULATION RULES

PART 432—POWER OUTPUT CLAIMS FOR AMPLIFIERS UTILIZED IN HOME ENTERTAINMENT PRODUCTS

Correction

In FR Doc. 74-10118 appearing at page 15387 in the issue of Friday, May 3, 1974, make the following changes:

1. In the first column on page 15388, the first Note should be designated "Note 1".

2. On page 15389, insert the three lines appearing under footnote " directly after the fourth line in the first column.

3. In the second column on page 15393, "age home", which appears under footnote " should be transposed to appear under the last line of this column.

Title 21—Food and Drug

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

ETORPHINE HYDROCHLORIDE AND DIPRENORPHINE

On March 29, 1974, the Drug Enforcement Administration published a Notice of Proposed Rulemaking in the FEDERAL REGISTER (39 FR 11535) regarding control procedures for etorphine hydrochloride and diprenorphine. All interested parties were afforded an opportunity to submit their objections, comments or requests for a hearing.

In response to said Notice, the Administration received comments from the Division of Wildlife, Colorado Springs, Colorado and Yellowstone National Park, Wyoming, suggesting that the distribution of these controlled substances should not be limited to licensed veterinarians. As stated in the March 29, 1974 Notice, the Drug Enforcement Administration will forward these comments to the Food and Drug Administration indicating its willingness to permit other qualified persons to use etorphine hydrochloride and diprenorphine if the Food and Drug Administration deems it proper and changes the labeling of the substances.

Therefore, under the authority vested in the Attorney General by section 301, 307, 308, 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 827, 828 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 21 of the Code of Federal Regulations, the Administrator orders that:

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

1. Section 1301.74 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (g) to read as follows:

§ 1301.74 Other security controls for nonpractitioners.

(g) Before the initial distribution of etorphine hydrochloride and/or diprenorphine to any person, the registrant must verify that the person is authorized to handle the substances(s) by contacting the Drug Enforcement Administration.

* * * * * *

2. Section 1301.75 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (d) to read as follows:

§ 1301.75 Physical security controls for practitioners.

(d) Etorphine hydrochloride and diprenorphine shall be stored in a safe or steel cabinet equivalent to a U.S. Government Class V security container.

* * * * * *

PART 1304—RECORDS AND REPORTS OF REGISTRANTS

3. Section 1304.38 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (d) to read as follows:

§ 1304.38 Reports from the manufacturers of bulk materials or dosage units.

* * * * * *

(d) Registrants manufacturing etorphine hydrochloride or diprenorphine shall, on a weekly basis, forward a copy of the order forms received for these substances to the Administration.

* * * * * *

PART 1305—ORDER FORMS

4. Section 1305.06(b) of Title 21 of the Code of Federal Regulations be amended by adding a new phrase to read as follows:

§ 1305.06 Procedure for executing order forms.

* * * * * *

(b) Only one item shall be entered on each numbered line. There are five lines on each order form. If one order form is not sufficient to include all items in an order, additional forms shall be used. Order forms for etorphine hydrochloride and diprenorphine shall contain only these substances. The total number of items ordered shall be noted on that form in the space provided.

* * * * * *

5. Part 1305 of Title 21 of the Code of Federal Regulations be amended by adding a new § 1305.16 to read as follows:

§ 1305.16 Special procedure for filling certain order forms.

(a) The purchaser of etorphine hydrochloride or diprenorphine shall submit copy 1 and 2 of the order form to the supplier and retain copy 3 in his own files.

(b) The supplier, if he determines that the purchaser is a veterinarian engaged in zoo and exotic animal practice, wildlife management programs and/or research and authorized by the Administrator to handle these substances shall fill the order in accordance with the procedures set forth in § 1305.09 except that: (1) Order forms for etorphine hydrochloride and diprenorphine shall only contain these substances in reasonable quantities and (2) the substances shall only be shipped to the purchaser at the location printed by the Administration upon the order form under secure conditions using substantial packaging material with no markings on the outside which would indicate the content.

6. Section 1305.13 be amended by adding a new paragraph (d) to read as follows:

§ 1305.13 Preservation of order forms.

* * * * * *

(d) The supplier of etorphine hydrochloride and diprenorphine shall maintain order forms for these substances separately from all other order forms and records required to be maintained by the registrant.

Effective date. In order to protect the public welfare by ensuring that etorphine hydrochloride and diprenorphine are manufactured, distributed, stored, and used in a proper manner, the foregoing provisions shall be effective on May 21, 1974.

Dated: May 16, 1974.

ANDREW C. TARTAGLINO,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.74-11631 Filed 5-20-74;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE B—REGULATIONS RELATING TO MONEY AND FINANCE

PART 300—DISTINCTIVE PAPER FOR UNITED STATES CURRENCY AND OTHER SECURITIES

Transfer of Provisions

Regulations formerly appearing in Part 300, Chapter II, Subtitle B, of Title 31 of the Code of Federal Regulations are transferred to Chapter VI of Subtitle B and redesignated as Part 601 of that chapter. Accordingly Part 300 of Subtitle B is hereby vacated.

This redesignation shall become effective on May 21, 1974.

Dated: May 15, 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-11641 Filed 5-20-74;8:45 am]

CHAPTER VI—BUREAU OF ENGRAVING AND PRINTING, DEPARTMENT OF THE TREASURY

PART 601—DISTINCTIVE PAPER FOR UNITED STATES CURRENCY AND OTHER SECURITIES

Transfer of Provisions

CROSS REFERENCE: For a document transferring provisions from Part 300, Chapter II, Subtitle B of Title 31, Code of Federal Regulations to this chapter, see FR Doc. 74-11641, *supra*.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Variance for State of Massachusetts

On May 31, 1972, (37 FR 10842), pursuant to section 110 of the Clean Air Act, the Administrator approved, with certain exceptions, a plan implementing National Ambient Air Quality Standards for the State of Massachusetts. This publication contains the Administrator's approval of a revision of that plan.

By letter dated February 15, 1974, the Massachusetts Department of Public Health (the Department), after proper notice and public hearing, submitted for the Administrator's approval a temporary revision to regulations 5.1.2 and 5.4.1 of the State Implementation Plan for the Southeastern Massachusetts Air Pollution Control District, with certain conditions, that would allow the New England Power Company (the "Company") to use coal with a maximum sulfur content of 2.5 percent and a maximum ash content of 15 percent in unit #3 at the Company's Brayton Point Generating Station in Somerset, Massachusetts from May 4, 1974 to December 31, 1974.

The Brayton Point plant is located in the Metropolitan Providence Interstate air quality control region (AQCR), which is rated Priority 1 for the control of sulfur oxides and particulate matter. The applicable sulfur oxide regulation (regulation 5.1.2) was approved by EPA as a part of the Massachusetts implementation plan for attaining and maintaining primary and secondary air quality standards for sulfur oxides in that AQCR. As such it limits the use of fossil fuels to a maximum sulfur content of .55 pounds per million Btu heat release potential. This equates to approximately a .7 percent sulfur content in coal. The Ash Content in Fuels regulation (regulation 5.4.1) was also approved for the purpose of achieving primary and secondary particulate standards in the same AQCR. It requires the use of fuel with an ash content not in excess of 9 percent by dry weight.

The Administrator has carefully evaluated the variance as submitted by Massachusetts and has determined that subject to the following conditions it may be approved:

1. During the period of this variance the Company shall:

(a) Use coal with the lowest available sulfur and ash contents, but in no event with a sulfur content in excess of a maximum of 1.5 percent and ash content in excess of 15 percent by dry weight, except that the Company need not use coal with a sulfur or ash content lower than that required by the Department's regulations 5.1.2 and 5.4.1, respectively.

(b) Report to the Department and the Regional Administrator of the Environmental Protection Agency, Region I, (the "RA") each thirty days, beginning thirty days after approval of this revision, on the quantity and quality of coal presently being used and its efforts to obtain a higher quality coal. Such report should include, at a minimum, the following information:

(i) Maximum percent sulfur and method of analysis; and

(ii) Maximum percent ash and method of analysis; and

(iii) Heating value of fuel; and

(iv) Quantity consumed weekly with an indication of the average sulfur and ash content.

2. Although the Company may use coal with an ash content up to and including 15 percent by dry weight, the company must meet the mass emission limitation for particulates in regulation 2.5.1. To insure that this limitation is met, within 30 days after achieving rated capacity, but not later than 90 days after initial start-up of Unit #3, a performance test for particulate emissions shall be conducted and a written report of the test results furnished to the Department and the RA. Such test shall be conducted in accordance with the performance test requirements of the Standards of Performance for New Stationary Sources, set forth at 40 CFR Parts 60.8, 60.9, 60.46, except that the time limits specified herein shall apply.

3. *Ambient Air Monitoring.* (a) Prior to July 1, 1974, the Company shall install a comprehensive ambient air quality m a comprehensive ambient air quality monitoring system which will monitor total suspended particulate matter and sulfur oxide concentrations in areas surrounding the plant. The number of sites, locations, operating procedures, and equipment are to be approved by the Department and the RA. Data from the monitoring program shall be supplied to the Department and the RA in a manner, format. and frequency as specified by them.

(b) To obtain valid and representative data, a comprehensive quality assurance program approved by the Department and the RA will be developed and implemented by July 1, 1974. This will include but not be limited to operation, maintenance, calibration and quality control plans and procedures.

(c) If the Regional Administrator determines at any time that primary national ambient air quality standards for sulfur dioxides or particulate matter are not being maintained in the vicinity of the Brayton Point Plant, he may direct the New England Power Company to

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burn coal of an appropriate lesser sulfur or ash content, but not less than .55 pounds sulfur per million Btu heat release potential or 9% ash content, under specified conditions as he determines necessary to assure maintenance of the primary national ambient air quality standards. Such conditions may include adverse meteorological conditions or emissions from other sources.

4. *Plan for an SO_x removal system for Unit 3.* Except as provided in condition 5(b), relating to the Administrator's approval of a long term low sulfur coal supply contract, prior to the dates shown below the Company shall:

(a) June 1, 1974—Submit to the RA (i) a legally binding contract executed with a flue gas desulfurization manufacturing firm for design of a sulfur oxide (SO_x) removal system for Unit Number Three, together with the operation and maintenance procedures associated with such system, that will enable such unit to comply with Regulations 4 and 5 of the Department, or (ii) an alternative method of designing such a system with a detailed description of the steps to be taken and the qualifications of the individuals who will prepare the design;

(b) August 15, 1974—Submit to the RA a detailed explanation of the proposed SO_x removal system, including at a minimum, the following information:

(i) Expected design efficiency for SO_x removal;

(ii) Description of the processes selected to remove sulfur oxides, including preliminary drawings, plans and specifications and an estimate of the land area necessary for full application to unit 3;

(iii) Description of the method selected to dispose of by-products from the proposed SO_x removal system, including an estimate of the amount of any land area required and the proposed location(s) of such land area; and

(iv) Environmental evaluation and analysis of the environmental impact of the burning of coal in unit 3 considering all available alternatives which can be utilized to comply with all applicable regulations of the Department, including specifically the selected SO_x removal system, which shall be equivalent, to the greatest extent practicable, to the evaluation and analysis required under section 102(2)(c) of the National Environmental Policy Act, and the Massachusetts Environmental Policy Act.

(c) November 1, 1974—Submit to the RA final plans and specifications for the installation, operation and maintenance of said SO_x removal system, together with a proposed schedule for installation of the system.

5. *Report on the availability of low sulfur coal.* (a) Prior to October 1, 1974, the Company shall submit to the RA a written report on the availability of coal conforming to the requirements of Regulation 5 to meet the total requirements of unit #3 for a five year period, including the names of sources and distributors actually committed to supply the Company or from whom the Company reasonably can expect to obtain coal, location of the mines, a statement as to whether or not the mines are presently operating, the quality of coal by sulfur and ash content expected to be obtained from each mine, the estimated quantity of coal in each mine and method and time of delivery, and copies of any contractual commitments for the purchase of such fuel.

(b) The Company may submit to the RA a long term low sulfur fuel contract that provides for a minimum five year supply of coal with an adequate quantity and quality to meet all applicable emission limitations. Upon the RA's approval of this contract the Company will be exempt from further compliance with condition number five.

6. Except as provided in condition 3(c) of this variance, failure to comply with any of the above conditions will render the variance void, and the company will be subject immediately to all regulations in the Massachusetts implementation plan to which the variance is applicable.

All conditions imposed by the Massachusetts Department of Public Health and submitted as a part of this variance are approved, except where inconsistent with the conditions imposed above.

The variance with the added conditions, and the time period involved, satisfy all requirements of 51.15 and 40 CFR 52.1131 for the following reasons: There has been an adequate demonstration that the conditions added will prevent any interference with the expeditious attainment and maintenance of primary standards for particulates and sulfur oxides during the period of the variance. The Agency therefore evaluated the variance to insure that any delay in compliance with emission limitations in the approved implementation plan would be reasonable in view of relevant circumstances. The Administrator concludes that the delay is in fact reasonable in view of the following circumstances: (1) The Company was initially encouraged by the Federal Energy Office directly, and by this Agency indirectly, to convert unit #3 to the use of coal for a period sufficient in time to free a significant quantity of low sulfur oil for other priority uses throughout the anticipated duration of this year's fuel shortage. (2) In reliance upon this encouragement the Company proceeded to convert unit #3 to provide capacity for the use of coal; it also stockpiled a large quantity of coal; and it committed itself irrevocably in a variety of other respects to the use of coal in unit #3 for the generation of electricity for the period of time involved. (3) The variance will permit the Company to honor fully its present commitments and obligations. (4) The conditions imposed will prevent any adverse impact on human health. (5) Moreover, the conditions will insure that the Company embarks immediately upon a program to achieve permanent compliance with all applicable regulations within the earliest reasonable time.

The State's submittal is available for public inspection during normal business hours at the following addresses: Department of Public Health, Bureau of Air Quality Control, 600 Washington Street, Room 320, Boston, Massachusetts 02111; and EPA Region I Office of Public Affairs, Room 2203 John F. Kennedy Federal Building, Boston, Massachusetts 02203. In addition, EPA's evaluation of the State's submittal is available during normal business hours at the EPA address listed above.

The Agency finds that good cause exists for not publishing the action as a notice of proposed rulemaking and for making it effective immediately upon publication for the following reasons:

1. Relying upon earlier encouragement by the Federal Energy Office, the Company had planned to begin using coal at unit #3 on May 4th. The necessary investment and power supply commitments already incurred make it extremely important that the Company know immediately the fuel restrictions which are applicable to its so that it can resume operation and generation of electricity for New England.

2. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal laws, which provided for an adequate public hearing and comment, and further participation would be impracticable.

(42 U.S.C. 1857c-5)

Dated: May 15, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of 40 CFR Ch. I, is amended as follows:

Subpart W—Massachusetts

1. In Section 52,1125, paragraph (b) is amended by adding the following entry to the table:

§ 52.1125 Compliance schedules.

(b) • • •

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Brayton Point Electric[1] Generation Station.	Somerset	5.1.2. 5.4.1.	Feb. 12, 1974	May 4, 1974	Dec. 31, 1974

[1] Subject to conditions as appear at 39 FR 17839 May 21, 1974.

[FR Doc.74-11591 Filed 5-20-74;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

Beet Sugar Processing Category; Correction

In FR Doc. 74-2155 appearing on pages 4034 through 4038 in the issue of January 31, 1974, make the following changes:

1. On page 4034, column 3, second paragraph, the word "plantsite" on the third line is amended to read "plant site".

2. On page 4036, column 1, first paragraph, the sentence beginning on the fourth line is amended to read as follows:

These plants are larger than 2090 kkg (2300 tons) per day of beets sliced and thus are not exempt from the zero discharge requirement.

3. On page 4036, column 1, fifth paragraph, the number 2040 appearing on line 21 of the paragraph is amended to be 2090.

4. On page 4036, column 1, fifth paragraph, the word "beet" appearing on line 22 of the paragraph is amended to read "beets".

5. On page 4036, the paragraph under "(c) Economic impact" in the third column is deleted and the following is substituted in lieu thereof: "Analysis of the revised guidelines indicates a substantial reduction in the potential economic impact as projected for the guidelines as originally proposed. For 1977 the economic analysis has identified from one to two potential closures representing approximately 1.0 to 3.0 percent of industry capacity and 50 to 100 full-time employees. Under the 1983 requirements, there are potentially one to two additional closures representing 2.0 to 3.5 percent of industry capacity and an additional 50 to 100 full-time employees. No price increases are expected as a result of the revised guidelines, and there should be no noticeable impact on industry growth or the balance of payments."

6. In § 409.13(a), at page 4037, the word "discharged" appearing on line 11 is amended to read "discharge".

Dated: May 13, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-11590 Filed 5-20-74;8:45 am]

PART 417—SOAP AND DETERGENT MANUFACTURING POINT SOURCE CATEGORY

Miscellaneous Amendments; Corrections

In FR Doc. 74-8077 appearing on pages 13370 through 13393 in the issue of April 12, 1974, make the following changes:

1. On page 13370, column 3, the third paragraph is amended to read as follows: "In view of the foregoing considerations, the pretreatment standards for new sources have been revised to eliminate the requirement for pretreatment (except as required by 40 CFR 128.131) in all subcategories other than spray dried detergents, liquid detergents, drum dried and dry blending detergents manufacture in which a COD restriction is specified."

2. In the English units portion of the table in § 417.32, at page 13376, the effluent limitation for average of daily values for 30 consecutive days for BOD_5 now reads "0.02"; the figure should read "0.01."

3. In § 417.106, at page 13382 the words "a source within the soap manufacturing by batch kettle subcategory," are deleted and the words "a source within the air-SO3 sulfation and sulfonation subcategory," are substituted in lieu thereof.

4. In the English units portion of the table in § 417.162(a), at page 13389, the effluent limitation maximum for any 1 day for COD now reads ".90"; the figure should read "1.80".

Dated: May 13, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-11589 Filed 5-20-74;8:45 am]

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory; Corrections

In FR Doc. 74-3717 appearing at page 6806 in the issue of February 22, 1974, make the following changes:

§ 424.22 [Amended]

1. In § 424.22(b), at page 6810, the paragraph immediately below the table is deleted and the following is substituted in lieu thereof:

Provided, however, That for nonelectric furnace smelting processes, the units of effluent limitations set forth in this section shall be read as "kg/kkg of product" rather than "kg/Mwh," and the limitations (except for pH) shall be 3.3 times those listed in the table in this section (or, for English units, "lb/ton of product" rather than "lb/Mwh," and the limitations (except for pH) shall be three times those listed in the table).

§ 424.23 [Amended]

2. In § 424.23, at page 6811, the paragraph immediately below the table is deleted and the following is substituted in lieu thereof:

Provided, however, That for nonelectric furnace smelting processes, the units of effluent limitations set forth in this section shall be read as "kg/kkg of product" rather than "kg/Mwh," and the limitations (except for pH) shall be 3.3 times those listed in the table in this section (or, for English units, "lb/ton of product" rather than "lb/Mwh," and the limitations (except for pH) shall be three times those listed in the table).

§ 424.25 [Amended]

3. In § 424.25, at page 6811, the paragraph immediately below the table is deleted and the following is substituted in lieu thereof:

Provided, however, That for nonelectric furnace smelting processes, the units of effluent limitations set forth in this section shall be read as "kg/kkg of product" rather than "kg/Mwh," and the limitations (except for pH) shall be 3.3 times those listed in the table in this section (or, for English units, "lb/ton of product" rather than "lb/Mwh," and the limitations (except for pH) shall be three times those listed in the table).

Dated: May 13, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-11588 Filed 5-20-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Reporting Instructions

This change to the General Services Administration Procurement Regulations (GSPR) transfers various reporting instructions applicable to supply contracts from GSPR 5-1 to GSPR 5A-1.

The table of contents for Part 5A-1 is amended to delete § 5A-1.5079 through 5079-4 and to add the following new entries:

Sec.

5A-1.5001	Report on procurement by civilian executive agencies.
5A-1.5004	Synopses of proposed procurements.
5A-1.5005	Synopses of contract awards.
5A-1.5009	Report of identical bids.
5A-1.5010	Notice of award of contracts subject to the Walsh-Healey Public Contracts Act.

Subpart 5A-1.50—Reports

1. Sections 5A-1.5001, 5A-1.5004, 5A-1.5005, 5A-1.5009, and 5A-1.5010 are added as follows:

§ 5A-1.5001 Report on procurement by civilian executive agencies.

(a) *Submission.* (1) This section provides instructions which implement the reporting requirements prescribed by § 1-16.804 (GSA Reports Control Symbol GS-28-OA).

(2) Reports on procurement shall be prepared quarterly in accordance with instructions on the reverse of the report form and shall include cumulative fiscal year data by the contracting activities subject to GSPR 5A having reportable procurements.

(3) Reports from Central Office procuring activities shall be submitted through normal channels in an original and one copy to reach the Central Office, Central Control Division (BCC), Office of Finance, Office of Administration, within 30 calendar days after the close of the report period.

(4) Reports from regional procuring activities shall be forwarded to the Regional Director of Administration who shall prepare a summary report for each service or staff office based on the individual reports received. The summary report, together with the component regional reports, shall be submitted to the

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Central Office in accordance with (a)(3), above.

(b) *Form.* This report shall be prepared on Standard Form 37, Report on Procurement by Civilian Executive Agencies, illustrated at § 1-16.901-37. Where Standard Form 37 refers to "Reporting Agency" the instructions shall apply to each office in the Central Office and regional office having reportable procurements.

§ 5A-1.5004 Synopses of proposed procurements.

Reports of proposed procurements shall be submitted to the Department of Commerce in accordance with FPR 1-1.1003 and § 5A-1.1003.

§ 5A-1.5005 Synopses of contract awards.

Reports of contract awards shall be submitted to the Department of Commerce in accordance with FPR 1-1.1004 and § 5A-1.1004

§ 5A-1.5009 Report of identical bids.

Reports of identical bids shall be submitted to the Attorney General in accordance with FPR 1-1.1603.

§ 5A-1.5010 Notice of award of contracts subject to the Walsh-Healey Public Contracts Act.

Notice of award of contracts subject to the Walsh-Healey Public Contracts Act shall be submitted to the Department of Labor, Wage and Hour and Public Contracts Divisions, Washington, DC 20212 on Standard Form 99, Notice of Award of Contract (see FPR 1-12.604).

2. Section 5A-1.5083-1 is revised as follows:

§ 5A-1.5083-1 Submission.

Each Central Office and regional procuring activity, executing national and/or regional term contracts for stock items, shall report those items which have, as of June 30 each year, unordered balances of guaranteed minimum quantities. Reports prepared for national term contracts shall be submitted to the Procurement Assistance Branch (FPCC), so as to be received no later than July 13 of each year, for transmittal to the Central Office, Central Control Division (BCC), Office of Finance, Office of Administration by July 20 of each year. Reports prepared for regional term contracts shall be submitted to the regional Finance Office, no later than July 15 of each year.

3. Section 5A-1.5083-4 is revised as follows:

§ 5A-1.5083-4 Instructions.

(a) The required data shall be obtained from such records as are available in the Central Office and/or regional procuring activities, including any cumulative tabulations from GSA Form 1227, Contractor's Report of Orders Received and Shipments Made.

(b) Instructions for preparation of the report are on the face of the form.

(c) A negative report shall be submitted by each Central Office and regional procuring activity which has no unordered balance to report.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. These regulations are effective on the date shown below.

Dated: May 8, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74-11595 Filed 5-20-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 183—FINANCIAL ASSISTANCE FOR ENVIRONMENTAL EDUCATION PROJECTS

Notice of proposed rulemaking was published in the FEDERAL REGISTER on January 30, 1974 (39 FR 3892), setting forth regulations governing the administration of the Environmental Education Act (Pub. L. 91-516, 20 U.S.C. 1531-1536). This program provides financial assistance for research, demonstration, and pilot projects designed to educate the public on problems of environmental quality and ecological balance. Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92-318), a public hearing was held on February 20, 1974, in Washington, D.C. on the proposed regulations. In addition, written comments were received and considered.

1. *Summary of comments.* One commenter suggested that a greater percentage of funds be allocated to formal education agencies and institutions and that funds be awarded to projects identified by States as having priority. Formal education organizations and activities are included in the funding priorities listed in the guidelines. The responsibilities and criteria for determining awards described in the regulations are consistent with the requirements of the authorizing legislation and the general review procedures available under the State and Regional Clearinghouse system of OMB Circular A-95. Accordingly, no change was made in these regulations and guidelines.

2. Assistance provided under this program is subject to the provisions in the governing legislation, as well as the provisions in this part. Assistance under this program is also subject to the applicable provisions of Subchapter A of this Chapter (45 CFR Part 100a, published at 38 FR 30654; 30862, November 6, 1973).

After making necessary changes to correct minor technical and grammatical errors, Part 183 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

Effective Date. Pursuant to Section 503 of the Education Amendments of 1972 (P.L. 92-318), these regulations become effective June 20, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.522, Environmental Education Act)

Dated: April 29, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 13, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Subpart A—Description of Programs

Sec.
183.1 Scope and purpose.
183.2 Definitions.
183.3 Categories of assistance.
183.4 Applications.
183.5 Level of support.

Subpart B—General Projects

183.10 General projects.
183.11 Applicants.

Subpart C—Minigrant (Workshop) Projects

183.20 Minigrant (workshop) projects.
183.21 Applicants.

Subpart D—Standards for Awards

183.30 Review of applications.
183.31 Requirement for technical eligibility.
183.32 Criteria for awards.
183.33 Geographic distribution.

Subpart E—General Terms and Conditions

183.40 General provisions.
183.41 Supplementation of effort.
183.42 Reports.

AUTHORITY: Public Law 91-516, 84 Stat. 1312-1315 (20 U.S.C. 1531-1536).

Subpart A—Description of Program

§ 183.1 Scope and purpose.

(a) The Environmental Education Act (Public Law 91-516; 20 U.S.C. 1531-1536) authorizes a program of grants and contracts to support research, demonstration, and pilot projects designed to educate the public on the problems of environmental quality and ecological balance. Such projects shall support the development of educational processes dealing with man's relationship with his natural and man-made surroundings, and include the relation of population, pollution, resource allocation and depletion, conservation, transportation, technology, and urban and rural planning to the total human environment. These processes would be designed to help the learner both to perceive and understand the concepts of "environment" and environmental principles and problems and to be able to identify and evaluate alternative solutions to environmental problems. Emphasis shall be placed on the development of skills and insights needed to understand the structure, requirements, and impact within and among various environmental entities, systems and subsystems.

(b) In accordance with this purpose, financial assistance will be provided for projects involving participants in inquiries into both the specific and general environmental implications of human activities and their short and long range effect on societal resources and general public policy. Areas of participant inquiry should encompass or fall within one or more of the following:

(1) The import of the application of scientific and technological findings (e.g., the impact of "inventions" on social and environmental quality and resources).

(2) Human settlements—urban, suburban, and rural (e.g., impact of urban, suburban, and rural balance on ecology of an area and the human condition).

(3) Food production; energy production; population dynamics; transportation; planning—urban, suburban, and rural (e.g., implication of selected interrelated human life support activities).

(4) Air; water—fresh, estuarine, marine; land use; and other resource utilization, allocation, depletion, and conservation; and environmental pollution (e.g., use, depletion, and destruction of life support resources).

Thus the environmental education process is multifaceted, multidisciplinary, and issue or problem-oriented. Otherwise worthwhile but specialized and narrowly defined educational approaches, such as traditional learning approaches to such areas as conservation and resource use, environmental science, nature study, outdoor education, or sex education, which normally tend to exclude consideration of mutually reinforcing social, physical, cultural, and policy implications of these concerns do not adequately meet the scope and purposes of the act. While an environmental education project supported under this part could draw upon some of the ideas and materials of these traditional subject areas, it could do so only in synthesis with ideas and materials from a number of other subject areas, including social sciences, technology, arts and humanities as appropriate and needed for the area of inquiry.

(20 U.S.C. 1532(a)(2))

§ 183.2 Definitions.

As used in this part:

"Act" means the Environmental Education Act (Public Law 91-516; 20 U.S.C. 1531-1536);

"Formal education sectors" means State or local educational agencies or institutions and accredited nonprofit educational institutions;

"Citizen's group or volunteer organization," as referred to in § 183.21 means a nonprofit organization, association, foundation, or society which has been organized and active for at least 1 year;

(20 U.S.C. 1534(c))

"Nonformal education sectors" means public or nonprofit private agencies or organizations which contribute, directly or indirectly, to the education of citizens, such as libraries, museums, community centers, organized citizens' groups, etc.;

"Nonprofit organization or agency" means an organization or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1531)

§ 183.3 Categories of assistance.

Applications for financial assistance may be submitted for one of two basic project categories denominated as "General Projects" and "Minigrant (Workshop) Projects." These two basic project categories are distinguished as to purpose and type of activity.

(a) *General projects.* Under this category financial assistance may be awarded for: (1) Projects designed to assist the development of effective environmental education practices and materials suitable for use by formal and/or nonformal education sectors, and (2) projects designed to assist utilization of effective environmental education practices and materials.

(20 U.S.C. 1532)

(b) *Minigrant (workshop) projects.* Under this category, grants in amounts not to exceed $10,000 may be made for the conduct of workshops, seminars, symposiums, and conferences (especially for adults and community groups other than the group funded). The projects must be designed to assist communities in acquiring an understanding of the causes, effects, issues and options surrounding a local environmental problem.

(20 U.S.C. 1534)

§ 183.4 Applications.

(a) Applications shall contain, in the case of minigrant (workshop) project applications, documentary evidence that the applicant organization or group has been organized and active for 1 or more years prior to the submission of the application.

(20 U.S.C. 1532(b)(3)(A)(i))

(b) In addition, applications for assistance under this part must: (1) Provide that the activities for which assistance is sought will be administered by, or set forth the method by which the applicant proposes to supervise the administration of these activities;

(2) Set forth such policies and procedures that assure that the applicant will adequately evaluate activities to be carried out under the application; and

(20 U.S.C. 1532(b)(3)(A)(iii); 1534)

(3) Provide assurance that the applicant will comply with the requirements of the act, the regulations in this part, and general terms and conditions as have been made generally applicable to Office of Education grants.

(20 U.S.C. 1532(b), 1534)

§ 183.5 Level of support.

(a) Except with respect to general projects for evaluation, dissemination (including national demonstration projects), curriculum development, and minigrant (workshop) projects which are eligible for 100 percent funding, the Federal dollar contribution to any project will not exceed the following ceilings:

(1) 80 percent of the project cost for the first year; and

(2) an amount for second and third year funding, not in excess of 60 and 40 percent respectively of the first year project cost.

(b) Within the ceilings set out under paragraph (a) of this section the amount to be awarded for the conduct of a project will be an amount determined by the Commissioner, on the basis of the following factors:

(1) The cost of the project in relation to the total cost of all similar projects;

(2) The availability of funds in the light of the number of approvable projects;

(3) The need for reasonable distribution of funds among the various categories of projects; and

(4) The ability of the applicant to obtain funds from sources other than pursuant to this part.

(c) Funds awarded may be expended only to the extent consistent with the assurance given under § 183.41 and in accordance with Subpart G of Part 100a of this chapter (cost principles).

(20 U.S.C. 1532(b)(4))

Subpart B—General Projects

§ 183.10 General projects.

(a) Awards for general projects, as authorized by section 3 of the act, will be made by the Commissioner for research, demonstration or pilot project activities, including but not limited to such activities as:

(1) The development of curricula (including interdisciplinary curricula) in the preservation and enhancement of environmental quality and ecological balance;

(2) Dissemination of information relating to such curricula and to environmental education generally;

(3) In the case of grants to State and local educational agencies, for the support of environmental education programs at the elementary and secondary education levels;

(4) Preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposia, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology, and for public service personnel, Government employees, and business, labor and industrial leaders and employees;

(5) Planning of outdoor ecological study centers;

(6) Community education programs on environmental quality, including special programs for adults;

(7) Preparation and distribution of materials suitable for use by the mass media in dealing with the environment and ecology; and

(8) Demonstration, testing, and evaluation of activities, whether or not assisted under this section.

(b) In carrying out the purposes of section 3 of the act, the Commissioner may from time to time establish priorities among activities to be funded in any given year.

(20 U.S.C. 1532(b)(2))

§ 183.11 Applicants.

(a) Applicants for general project awards may be institutions of higher education, State or local educational

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agencies, and other public and nonprofit private agencies, organizations and institutions including libraries and museums.

(b) The Commissioner reserves the right to make contracts to either profit-making or nonprofit agencies, organizations, or institutions to carry out the purposes of this subpart. Proposals for such contracts will be entertained by the Commissioner on invitation only and in accordance with such specifications as are developed by him.

(20 U.S.C. 1532(b)(1))

Subpart C—Minigrant (Workshop) Projects

§ 183.20 Minigrant (workshop) projects.

The Commissioner is authorized to make grants of $10,000 or less for projects intended to assist communities in acquiring an understanding of the causes, effects, issues and options surrounding a local environmental problem. Such grants will be available for community workshops, conferences, symposia, or seminars on a community/local environmental problem.

(20 U.S.C. 1534)

§ 183.21 Applicants.

(a) An applicant for a minigrant (workshop) project may be any public or nonprofit private organization. However, preference will be given to local citizens groups and volunteer organizations working in the environmental field.

(20 U.S.C. 1534(a) and House Report 91-1362, p. 9)

(b) An applicant group or organization must have been organized and active for at least 1 year before making application for a grant.

(20 U.S.C. 1534(c))

Subpart D—Standards for Awards

§ 183.30 Review of applications.

An application for either a general project or a minigrant (workshop) project under Subpart B or Subpart C of this part will be reviewed twice. The first basis for review will be for the technical eligibility of the application. The second will be a competitive evaluation of the merit of the proposed project.

(20 U.S.C. 1532(b), 1534)

§ 183.31 Requirement for technical eligibility.

An application for an award under either Subpart B or Subpart C of this part will be initially considered by the Commissioner if the following conditions are met:

(a) The proposed project activity falls within the scope and meets the purposes described in § 183.1;

(b) The applicant qualified as an eligible applicant under § 183.11 or § 183.21;

(c) In the case of applications by local school systems, the applicant indicates that the State education agency has received a copy of the proposal for review and comments; and

(20 U.S.C. 1532(b)(3)(B))

(d) The application, whether or not submitted with respect to a project funded in a previous year, complies with the provisions in § 183.4.

(20 U.S.C. 1532(b)(c))

§ 183.32 Criteria for awards.

Applications which have met the requirements listed in § 183.31 will be further evaluated by the Commissioner in addition to the criteria set forth in § 100a.26(b) of this chapter on the extent to which they meet the following criteria as reflected by the particular factors indicated under each criterion, as appropriate.

(a) The project is well designed:

(1) The objective, approach (methodology), and primary content areas/materials to be used or developed by the project are justified in light of target group characteristics and information needs:

(2) The project will utilize appropriate multidisciplinary or interdisciplinary content and approaches;

(3) It involves students or representatives of the target group in planning and conducting the project to assure its relevancy and effectiveness (e.g., potential users of materials, participants in personnel development or community education projects were among the initial project planning group and a mechanism for their continual input has been developed);

(4) It facilitates student/participant involvement with local environmental problems and issues outside the formal education structure and will suggest effective methods for dealing with environmental problems;

(5) It will encourage and assist participants in identifying alternative solutions to environmental problems rather than accepting predetermined solutions;

(6) It focuses on the process of learning as well as specific knowledge content (e.g., a guided process but to a great extent determined by the learner, his past experiences, competencies and interests, and by the objective of the activity);

(7) In the case of materials development projects, provision has been made, and is documented in the proposal, for field testing the material developed;

(8) In the case of personnel development projects, procedures for selecting trainees reflect preproject assessment of group needs and provision has been made for followup assistance to participants.

(b) The project will use innovative techniques and materials;

(c) The environmental education content is sound:

(1) The content of the material to be used or developed by the project will be technically accurate and valid for environmental education purposes (see § 183.1);

(2) The project is concerned with long term as well as immediate environmental improvement.

(d) The project makes use of volunteers (professionals, students and others) when such assistance is available and would enhance the project.

(e) The problems to be addressed by the project are significant educationally and environmentally—that is, the project will address problems and resources which are relevant to the lives and experiences of the participants and will encourage exploration of community environmental problems and use of community resources for the purpose of achieving individual as well as group understanding.

(f) The potential multiplier effect of the project is significant:

(1) The project or its outgrowths can be perpetuated without Federal funding;

(2) In the case of community projects, groups and individuals who are not members of the sponsoring organization are also participating in and supporting the project;

(3) Maximum use will be made of relevant resources of the community to be served including a showing that efforts have been made to contribute resources over and beyond those legally required for Federal funding.

(g) The project promises to be nationally as well as locally significant:

(1) The project will make a substantial contribution toward meeting the national need for environmental education content development and utilization;

(2) The project will help participants recognize the immediate and long-term environmental and educational impact of personal and occupational decisions and policies (e.g., local, national, and international implications);

(3) The applicant will be able and plans to incorporate successful aspects of the project in existing programs and with the resources normally available to it.

(20 U.S.C. 1532(b)(3)(A) and 1532(c)(2)(C))

§ 183.33 Geographic distribution.

In determining awards, the Commissioner will also consider appropriate geographical distribution of approved programs and projects throughout the nation.

(20 U.S.C. 1532(c)(2)(B))

Subpart E—General Terms and Conditions

§ 183.40 General provisions.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1531)

§ 183.41 Supplementation of effort.

(a) Any application for general project funds under this part shall be accompanied by an assurance that Federal funds made available under the application will supplement, and to the extent practicable, increase the amount of funds from non-Federal sources that would, in the absence of such Federal funds be made available for activities under the act and this part, and in no case supplant such funds.

(20 U.S.C. 1532(b)(3)(A)(iv))

(b) In determining whether the assurance under paragraph (a) of this section is adequate, the Commissioner may request additional data from the applicant as he deems appropriate.

(20 U.S.C. 1532(b)(3)(A))

§ 183.42 Reports.

The grant recipient shall submit an annual report and such other reports, in such form and containing such information as the Commissioner requires.

(20 U.S.C. 1532(b)(3)(A)(vi); 20 U.S.C. 1534(c))

GUIDELINES

ENVIRONMENTAL EDUCATION ACT

[Public Law 91-516]

Financial Assistance for Pilot and Demonstration Projects to Educate the Public on Problems of Environmental Quality and Ecological Balance

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Part 1—Introduction

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Environmental Education Act, P.L. 91-516. The legal requirements include the Act itself (20 U.S.C. 1531-1536) and the regulations (45 CFR 183). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied on.

(20 U.S.C. 1531 et seq.; 113 Cong. Rec. 5936 (daily ed. May 23, 1967); United States v Jefferson County Board of Education, 372 F 2nd 836, 857 (5th Cir., 1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guidelines. For example, if the legal authority for the guideline is section 2 of the Act (20 U.S.C. 1531), and the guideline affects § 183.1 of the regulations (45 CFR 183.1), the following citation will be placed on the line immediately following the guideline (20 U.S.C. 1531; 45 CFR 183.1). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

SEC. 1.2 *History and scope of program.* (a) The Environmental Education Act, enacted in 1970, established an Office of Environmental Education within the Office of Education that was directed to encourage and support the development of educational resources required to meet the environmental education needs of all age groups and all sectors of the country.

(b) The Office of Environmental Education (hereafter in these Guidelines called simply either OEE or the Office) began its work by supporting a wide spectrum of activities to test the full range of environmental education needs and resources around the country.

(c) The initial experimentation and investigation enabled OEE to acquire a wide knowledge of the strengths, weaknesses, gaps, and characteristics of environmental education activities throughout the United States. As a consequence, the Office has been able to refine its overall concept of environmental education. This revision is reflected in the types of environmental education projects that the Office has designated for priority funding.

(20 U.S.C. 1531)

SEC. 1.3 *Purpose of guidelines.* (a) The Guidelines set forth funding priorities (Part 4). The Guidelines also provide an introduction to OEE's concept of environmental education (Part 2) and to its role in the universe of environmental education (Part 3).

(b) The Guidelines are intended as a useful tool for all citizens of every educational level who are interested in utilizing the knowledge, resources, and financial aid of OEE to develop environmental education projects in their communities. Environmental education is an activity where citizens throughout society must both teach and learn if the goal of an environmentally educated public is to be realized.

(20 U.S.C. 1531)

Part 2—Environmental Education

SEC. 2.1 *Background.* Environmental education is a relatively new activity still undergoing important developments in its practical application and theoretical foundations. The interaction of the practical and the theoretical has evolved into two working definitions of environmental education that, taken together, reflect the consensus established among many educators, ecologists, environmentalists, and other citizens concerning the basic aspects of environmental education.

(20 U.S.C. 1532(a)(2))

SEC. 2.2 *Working definition: process and theory*—(a) *Multidisciplinary.* (1) Environmental education is the process that fosters greater understanding of society's environmental problems and also the processes of environmental problem-solving and decision-making. This is accomplished by teaching the ecological relationships and principles that underlie these problems and showing the nature of the possible alternative approaches and solutions.

That is, the process of environmental education helps the learner perceive and understand environmental principles and problems, and enables him to identify and evaluate the possible alternative solutions to these problems and assess their benefits and risks. It involves the development of skills and insights needed to understand the structure, requirements, and impact of interactions within and among various environmental entities, subsystems, and systems.

(2) The definition above reveals that environmental education is not a single discipline, but rather is interdisciplinary and multidisciplinary. This characteristic is essential, for in order to accomplish its unique goals, environmental education must utilize at least four broad areas: the total environment and its problems; ecological principles, relationships, and concepts; the entire educational system (both formal and nonformal sectors); and most of the traditional disciplines, from chemistry, physics, and biology to sociology, economics, psychology, and the arts. Each environmental education activity partakes of particular aspects of these areas, fusing them in a manner that makes a greater comprehension and understanding of contemporary environmental issues and problems possible by bringing about deeper awareness of relevant interrelationships and, where appropriate, the nature of possible alternatives to existing environmental situations.

(3) Environmental education deals with problems that we need to understand but that we cannot fully understand through the approach of any single traditional discipline. Environmental education activities thus require considerable intellectual rigor and discipline to utilize the methodologies of traditional approaches: such activities need to impart many of the kinds of intellectual skills that would be needed for the mastery of traditional disciplines. Environmental education activities are also unusual in that they demand as well that the tools of the various disciplines be used in a highly integrative manner.

(4) This working definition also makes clear that environmental education is not only a resource for society in its efforts to solve or deal with contemporary and future environmental problems but also a contribution to greater environmental understanding. Environmental education activities do not promote a particular viewpoint or solution, but rather bring about special awareness, perspectives, and skills. These enable the learner to see that particular issue at hand as a phenomenon related to other phenomena and help him understand the nature of possible approaches to the issue.

(20 U.S.C. 1531(b))

(b) *Problem-solving education.* (1) Environmental education activities should teach, in addition, one or both of the following processes of problem-solving: the intellectual problem-solving that must be learned as a part of the general intellectual discipline required to master relevant methodologies and information and to synthesize them as they are brought to bear on particular environmental issues, and the practical problem-solving that deals with actual environmental, social, and economic factors that must be considered and weighed if rational solutions to environmental problems are being sought. In environmental education activities, problem-solving is emphasized as a process, taught in such a way that it is transferable to other environmental problems and helpful in gaining insight into a variety of environmental phenomena. Environmental education activities, for instance, could help citizens understand cost-benefit analyses and benefit-risk assessments of alternative approaches to an environmental dilemma; thus imparting the ability to find, evaluate, and weigh various solutions, not simply to reply on a particular approach or solution.

(2) In cases where a community environmental problem or issue might be the taking-off point for an environmental education activity, the goal of the activity would be to place the issue in the larger context of environmental relationships and to focus on the process of problem-solving as a transferable

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learning experience and as a way to utilize the knowledge and techniques available in the traditional disciplines. In this way, citizens would acquire an information and concept base with which to evaluate alternative solutions to any environmental or pollution problems in light of its environmental, social, and economic costs and benefits.

(3) Environmental education is not intended to be tied to specific local problems. Citizen education to bring about greater understanding of immediate problems or to enable citizens to understand a specific problem should lead to additional ways to impart and acquire the kinds of information, perspectives, and techniques that are essential in developing the environmental awareness and skills that our society needs. These ways may involve an emphasis on learner-directed and discovery-guided inquiry, or innovative and integrative learning outside the classroom approach. They may also operate through more traditional approaches, such as lectures, classroom activities, and other non-experience oriented educational methods if the learner is to attain some of the essential skills, concepts, and facts he needs.

(20 U.S.C. 1531 (b))

SEC. 2.3 *Working definition: content and purposes.* (1) One of the most important concepts in environmental education is the definition of "environment." Clearly environment can no longer be assumed to imply only endangered species and walks in the wilderness; it includes these but is something far more encompassing.

(2) Because the environment itself is so vast and complex, environmental education is much more comprehensive than specialized approaches to environmental subjects, such as traditionally defined approaches to conservation and resource use education, environmental science, nature study, and outdoor education. These approaches normally do not give consideration to mutually reinforcing social, physical, cultural, political, economic, technological, and ethical implications of their areas of focus. It is generally agreed, however, that environmental education projects would undoubtedly draw upon some of the ideas and materials of these traditional subjects and emphases, but would do so in synthesis with ideas and materials from many other areas, such as the social sciences, the applied and theoretical natural sciences, the arts, and other areas of the humanities, all as appropriate and needed for the particular topic of inquiry.

(20 U.S.C. 1531 (a))

(b) *Areas of inquiry appropriate to environmental education.* General areas of the natural and man-built environment that would be considered by OEE as suitable areas of inquiry for projects eligible for funds under the Environmental Education Act include: the import of the application of scientific and technological findings; human settlements—urban, suburban, and rural; food production; energy production; population dynamics; transportation; planning—urban, suburban, and rural; air; water—aquatic, estuarine, marine; land use and other resource utilization, allocation, depletion, and conservation; and environmental pollution.

Of course, while an environmental education activity would usually have its focus in only one of these areas, it would include aspects of more than one, and often several, of the areas in an integrative fashion. The areas themselves are separately defined for the sake of convenience only; in reality, they are all interconnected. It is this interwoven quality and the balances and relationships among areas that environmental education deals with.

(1) *Example: population dynamics.* A project addressing, within the area of population dynamics, the causes and consequences of population change would need to examine several interrelationships, including the mutual impacts of population increase or decrease and such areas as rural-urban shifts (human settlements), resource use and allocation, economic and social patterns, and environmental pollution.

(2) *Example: transportation.* If some aspect of transportation is chosen as an area for an environmental education activity, the following kinds of questions would have to be examined, as appropriate to the activity: what are the impacts of present transportation modes on environmental pollution, land use planning, resource allocation, contributions to perceptions of crowding and actual crowding? Are there alternatives to existing transportation technologies and what are their drawbacks and benefits? What are the implications of implementing one or more alternative means of transportation on a local, regional, or national level? What economic and other trade offs would be involved? What types of planning would be needed? Does the examination of the alternatives and of the types of planning impart information, stimulate awareness, and provide opportunities for problem-solving rather than promote a particular view, bias, or misleading simplified version of the situation?

(3) *Example: conservation.* (i) If some aspect of conservation is chosen as an area for an environmental education activity, the following represent the kinds of interrelationships and questions that would need examination. What are the impacts of technological development (science and technology) on the use and allocation of natural resources? What might be the mutual impacts of alternative natural resource use and allocation practices and human settlements, population change, and the economic characteristics of a community or society? What are the relative benefits and risks among these alternatives?

(ii) One of the chief goals of environmental education is to help us learn how to proceed as a society toward a condition of "productive harmony" with our environment, where destructive change is minimized and healthy change can proceed.

(iii) Through environmental education, we can learn how to explore the implications of our activities and the choices we have, and can establish a pattern of feedback to help us constantly reassess our activities. This would be the process of "continuous social diagnosis" that was emphasized in the approved recommendations of the United Nations Conference on the Human Environment in Stockholm in June 1972. It was stated that such continuous social diagnosis should "facilitate the development of social and cultural indicators for the environment in order to establish a common methodology for assessing environmental developments." Such a process can give us the knowledge to change course where necessary, minimize undesirable effects, and maintain a dynamic, productive, and health relationship with our environment.

(20 U.S.C. 1532(a) (2); 45 CFR 183.1)

PART 3—ROLE OF THE OFFICE OF ENVIRONMENTAL EDUCATION

SEC. 3.1 *Overview.* At present, there is agreement concerning what environmental education should achieve and the most promising approaches for obtaining the desired goals. This knowledge has been acquired as the public, private and public institutions, and the Office of Environmental Education have explored the scope, purposes, and general concepts and characteristics of environmental education and worked with a variety of environmental education programs. It is clear, however, that, as the national experience increases and changes, current concepts, definitions, and priorities will be revised accordingly.

The role of the Office of Environmental Education is to provide a coherent framework of leadership and support for this complex and massive educational effort. The current plan for accomplishing long-term environmental education goals is based on the premise that, in addition to the development of new environmental education resources, full utilization of existing resources must be facilitated. The plan entails assistance, technical assistance, evaluation, and dissemination.

(20 U.S.C. 1532(a)(1))

SEC. 3.2 *Financial assistance* (a) *Grant support.* One function of OEE is to administer the program of grants authorized by the Environmental Education Act.

These funds are given to support a variety of environmental education projects that meet the requirements and criteria set by the Office and by the National Advisory Council on Environmental Education and that are judged to have significant value to the public. When individual citizens, community groups, and public and private institutions are developing their own local, regional and national programs, there should be available to them a variety of tested, relevant, and useable models that they can use or adapt to provide structure, process, and substance to various key aspects of their particular program. These models would include curriculums, source material, and methods for training educational and nonedcational personnel. Therefore, the Office supports pilot and demonstration projects which promise to be successful in meeting the local need for which they were developed, but that are also applicable to program development needs in other locations and nationally.

(b) *Attract support from other sources.* Environmental Education Act funds are intended to attract longer-term and more substantial assistance to local project sites. This support would include financial assistance as well as other forms of aid to be obtained from all sources, both private and governmental, local, regional, and national. It is hoped that contributions from such sources will assure that adequate resources for development are available even though Environmental Education Act funds are limited, and will encourage the continued development and implementation of programs. A variety of projects, both those that were successful in Environmental Education Act grant competitions and those that were not, have reported success in acquiring private foundation, State, or local funds.

(20 U.S.C. 1532(b) (3) (A) (iv))

SEC. 3.3 *Technical assistance.* The technical assistance program of OEE is concerned primarily with helping persons, institutions, and communities involved in environmental education activities to identify and make use of resources and expertise available to them locally or from other sources. Generally this aspect of OEE's program does not include direct funding to local projects. Rather, the services of technical assistance teams or individuals located throughout the country will be provided upon request, subject to environmental education priority needs.

(20 U.S.C. 1533)

SEC. 3.4 *Dissemination and evaluation.* High priority is being given to the continual assessment of environmental education needs and resources, evaluation of these resources, and establishment of effective means for pooling ideas, experiences, and resources throughout the country. These activities will be sponsored by the Office of Education and therefore are not being given priority in the annual grant competition.

(20 U.S.C. 1532(b)(2))

PART 4—FUNDING PRIORITIES FOR FISCAL YEAR 1974

SEC. 4.1 *General projects.*—(a) *Objectives.* General projects should be designed to assist the development of effective environmental education practices and materials suitable for use by formal and/or nonformal education sectors.

Financial assistance may also be awarded for projects designed to assist the utilization of effective environmental education processes, practices, and materials.

"Formal education sectors" means all public and nonprofit private accredited educational agencies, institutions, and organizations; "nonformal education sectors" means public or nonprofit private agencies or organization that contribute, directly or indirectly, toward the education of citizens, such as libraries, museums, community centers, organized citizens' groups, and similar organizations.

(20 U.S.C. 1532(b)(2))

(b) *Priority areas for funding.*—(1) *Resource material development projects.* Resource material development projects foster the development of supplementary, guide, or curriculum materials, primarily for one or more grades, at the junior and senior high school level (grades 7–12) and for nonformal/community education.

The projects should focus on the material resource needs of specific schools or organizations while at the same time developing these materials in such a way that they can be used by a large number of schools and organizations around the country.

(2) *Personnel development projects.* Personnel development projects are designed primarily for educational personnel associated with grades 7 through 12 and for personnel in other fields whose decisions and activities have an impact on environmental problems and environmental education opportunities in schools, communities, and elsewhere.

The purpose of personnel development projects should be to provide participants with skills and techniques in communicating environmental principles and concepts to others and in utilizing these concepts within the framework of their jobs.

(3) *Community education projects.* Community education projects are designed to test or demonstrate promising methods of providing broad sectors of a community with an understanding of environmental principles, concepts, and problems.

Such projects should focus on the local environment and local environmental problems as they relate to local needs, public policies, and laws.

(4) *Elementary and secondary education projects.* Elementary and secondary education projects are sponsored primarily by local school districts and are designed to assist the introduction of environmental education concepts into the existing curriculum of the school district.

Such project will deal with a community environmental problems and will be conducted and in many cases designed by students.

(20 U.S.C. 1532(b)(2))

(c) *Non-priority areas.* Grant assistance may be considered for nonpriority environmental education general projects if funding is available and if such projects show unusual potential in advancing the art of environmental education. Nonpriority general project activities include information dissemination relating to environmental education curricula; preservice training programs; planning of outdoor ecological study centers; preparation of environmental education materials for use by the mass media; and evaluation of environmental education activities.

(20 U.S.C. 1532(b)(2))

SEC. 4.2 *Minigrant workshops.* (a) Examples of minigrant workshops may include:

(1) Workshops for community residents on the positive and negative environmental, economic, and social effects of a proposed industrial air pollution ban;

(2) Symposia on the—past, present, and future—impacts of community population distribution and change on the physical, economic, and social environment of the community;

(3) Seminars on the environmental implications of alternative urban renewal or land use plans; or

(4) Conferences on community energy needs, current use patterns, and alternatives.

(20 U.S.C. 1534(a); 45 CFR 183.20)

(b) The specific objective of any such project might be that of assisting citizen participation in the determination of local policies and practices which impact on the environment, or it might address the resolution of a specific issue. Activities might include such things as: a survey of target group knowledge of and attitude toward the issue to be addressed, followed by the conduct of town or neighborhood meetings for discussion sessions with representatives of various interests involved and with technical and environmental impact experts; a community symposium to translate in lay terms and disseminate the impact of new local, State, regional or Federal laws or standards on local environmental resources and needs.

(20 U.S.C. 1534(a); 45 CFR 183.20)

[FR Doc.74-11645 Filed 5-20-74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1, Amdt. 1-93]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions

The purpose of this amendment is to delegate to the Commandant of the Coast Guard all functions vested in the Secretary by the Intervention on the High Seas Act (February 5, 1974, Pub. L. 93–248, 88 Stat. 8), implementing the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, except the authority in section 13(a) to nominate individuals to the list of experts provided for in article III of the convention.

Since this amendment relates to Departmental management, procedures, and practices notice and public procedures thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, paragraph (o) of § 1.46 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding at the end thereof a new subparagraph (7), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

. . . . . .

(o) Carry out the functions vested in the Secretary by the following statutes:

. . . . . .

(7) Intervention on the High Seas Act (Pub. L. 93–248) except section 13(a).

. . . . . .

Effective date. This amendment is effective May 21, 1974.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C., on May 10, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-11613 Filed 5-20-74;8:45 am]

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-106; Amdt. Nos. 172-26, 173-81, 174-22, 178-33, 179-13]

PART 173—SHIPPERS

Shipment of Hazardous Materials

Correction

In FR Doc. 74-11220 appearing at page 17313 in the issue of May 15, 1974, in the last line of §§ 173.70(d) and 173.71(d) the word "EXPLOSIVES" should read "EXPLOSIVE."

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3106 is amended to show that positions that are concerned with advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming and management of intelligence resources are excepted under Schedule A. This authority does not apply to positions assigned to Cryptologic and Communications Intelligence Activities/Functions.

Effective May 21, 1974, § 213.3106(d) (1) is amended as set out below:

§ 213.3106 Department of Defense.

. . . . . .

(d) *General.* (1) Positions concerned with advising, administering, supervising or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of the Commission, it is impracticable to

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examine. This authority does not apply to positions assigned to Cryptologic and Communications Intelligence Activities /Functions.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11579 Filed 5–20–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–23–AD, Amdt. 39–1852]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch TFE731–2–2B and –1C Engines

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted May 1, 1974, and made effective immediately by telegram dated May 1, 1974, to all known United States operators or owners of aircraft incorporating AiResearch Model TFE731–2–2B and –1C engines. The airworthiness directive requires the removal of engines incorporating power section P/N 3072102–1, Series 1 through 13, not modified by incorporation of Change 20, within specified time limits. Installation of the modification was required prior to return to service, as well as implementation of an operational procedure prior to further flight. The telegraphic AD was required because of thermal distortion compressor rubs and low-cycle fatigue failures of low pressure compressor (LPC) stator anti-rotation pins.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of aircraft, certificated in all categories, incorporating AiResearch TFE–731–2–2B and –1C engines. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model TFE731–2–2B and –1C Engines Installed in Aircraft, Certificated in All Categories.

(A) Within twenty (20) additional cycles in service, or fifty total cycles in service, whichever occurs earlier, after the receipt of this telegram, and prior to further flight in the event that more than fifty (50) cycles have been accumulated in service prior to receipt of this telegram, remove the AiResearch Model TFE731–2–2B and –1C engines incorporating power section P/N 3072102–1, Series 1 through 13, not modified by incorporation of change number 20 from service. Engines may be returned to service after the incorporation of change number 20. For the purpose of this AD an operational cycle is defined as follows:

A cycle is considered as any engine operation sequence involving engine start, at least one acceleration to a thrust level of 90 percent low pressure rotor speed or above and shutdown.

(B) Prior to further engine operation, after receipt of this telegram, for all engines incorporating power section P/N 3072102–1, Series 1 through 13, not modified by incorporation of change number 20, install a placard in plain view of the flight crew stating the following information:

"Rotate fan by hand prior to each ground start to check for compressor rubbing. If the fan does not rotate after applying a light force, do not start the engine until the fan rotates freely. A light drag upon application of a light force to the fan is not symptomatic of a compressor rub condition which would be hazardous. A continuous light drag is usually due to a seal rubbing which is not a cause for concern. Should a restart of the engine be planned within one hour after shutdown, rotate the fan approximately one-fourth of a revolution, 10 minutes after shutdown, to minimize the extent of any rotor/case bowing. If the rub has not cleared within two hours after shutdown, determine the cause and correct the condition before a start is attempted."

The placard and procedure may be discontinued upon completion of the modification described in (a) above.

(C) If adequate records of the number of cycles on the engine do not exist, the engines shall be removed from service prior to further flight.

(D) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective May 23, 1974, for all persons except those to whom it was made effective immediately by telegram dated May 1, 1974.

Issued in Los Angeles, Calif., on May 10, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)))

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.74–11568 Filed 5–20–74;8:45 am]

[Docket No. 74–SO–51, Amdt. 39–1851]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Model G–1159 Airplanes

It has been found that if the pitch trim motor in the Grumman G–1159 airplanes is operating in one direction, and as a result of pilot application or a failure a signal is applied in the opposite direction, the trim rate will increase in the initial direction rather than slow down or stall. This could cause the aircraft to deviate from the desired flight path at an unexpected rate or increase unwanted stick forces. Since this condition is likely to exist in other airplanes of the same type design, an airworthiness directive is being issued to require modification of the trim system wiring in the junction box on the Grumman G–1159 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and unnecessary and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to Grumman G–1159, Serial Numbers 1 Through 110 and 775 Except 91 and 95, Certified in all Categories

Compliance required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and unnecessary and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to Grumman G–1159 Airplanes Certificated in all Categories

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent operation of the pitch trim at a greater rate when an additional signal in the opposite direction is selected, modify the Automatic Flight Control System junction box in accordance with Grumman American Aviation Corporation, Aircraft Service Change 142, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective May 30, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Atlanta, Ga. May 10, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74–11569 Filed 5–20–74;8:45 am]

[Docket No. 74–SO–53, Amdt. 39–1849]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman G–1159 Airplanes

There is a design condition in the fire extinguishing electrical circuitry in the Grumman G–1159 aircraft that could result in the fire extinguisher system not being readily available to fight an engine fire. Since this condition is likely to exist or develop in other aircraft of the same design, an airworthiness directive is being issued to require replacement of two switches in the fire extinguisher system on Grumman 1159 aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to Grumman G–1159 Airplanes Certificated in all Categories.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To provide dual electrical fire extinguisher squib circuits, accomplish the following or an equivalent rework approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

Remove the left and right fire extinguisher switches MS24523–21 and install MS24524–21 switches in their place.

Wire switches in accordance with Grumman Gulfstream II Aircraft Service Change 121.

Replace pilot's circuit breaker panel nameplate 1159AV2042 with nameplate 1159SB–20082–11.

This rework is outlined in detail in the Grumman Gulfstream II Aircraft Service Change 121.

This amendment is effective May 24, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on May 10, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74–11570 Filed 5–20–74;8:45 am]

[Docket No. 74–NE–14, Amdt. 39–1847]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

Amendment 39–1337 (36 FR 22225), AD 71–24–5, lowered the life limits of certain specified compressor rotor discs listed in the Pratt and Whitney Service Bulletin No. 3421 and required their removal from service prior to reaching these lowered life limits. After issuing Amendment 39–1337, the agency determined that there were additional discs not listed in the above incorporated service bulletin which should be subject to the revised lower life limits. Therefore, the AD is being amended to include these additional discs, which are listed in Revision No. 3, dated December 10, 1973, to the Pratt & Whitney Service Bulletin No. 3421. The original compliance time for those discs which were already subject to the AD is being retained in this amendment to the AD. In addition, this amendment updates the language of the AD to reflect the reorganization of the agency's regional offices by deleting obsolete language referring to the FAA Eastern Region and inserting in its place reference to the New England Region.

Since a situation exists that requires immediate adoption of this amendment, it is found that notice and public procedure hereon are not practical and there is good cause for making this amendment effective in less than thirty days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment No. 39–1337 (36 FR 22225), AD 71–24–5, is amended as follows:

1. The applicability paragraph is amended by adding the phrase "as amended by Revision No. 3, dated December 10, 1973" at the end of the paragraph.

2. The paragraph beginning with the words "To preclude compressor rotor disc failure as the result of reduced life from traces of lead—" is deleted in its entirety and the following paragraph is inserted in lieu thereof:

(a) To preclude compressor rotor disc failure as the result of reduced life from traces of lead—

(1) For those discs listed in Pratt & Whitney Aircraft turbojet Engine Service Bulletin No. 3421, dated August 4, 1971, remove from service the listed discs prior to reaching the revised life limit or within the next 30 cycles in service after November 26, 1971, whichever comes later.

(2) For those discs not listed in the above Service Bulletin but listed in Revision No. 3, dated December 10, 1973, remove from service the listed discs prior to reaching the revised life limit or within the next 30 cycles in service after the effective date of this amendment, whichever comes later.

3. The paragraph commencing with the words "The manufacturer's Service Bulletin identified and described in this directive" is amended by deleting the words "FAA, Eastern Region, Federal Building, J. F. Kennedy International Airport, Jamaica, New York" and inserting the words "FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts" in lieu thereof.

4. The phrase "Eastern Region" is deleted wherever it appears in the AD and the phrase "New England Region" is substituted in lieu thereof.

This amendment becomes effective May 31, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Mass., on May 10, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74–11571 Filed 5–20–74;8:45 am]

[Airspace Docket No. 74–NW–04]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 25, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 11097) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Oregon, Transition Area.

Interested persons were given thirty days in which to submit written comments. No objections to the proposed amendment were received.

Subsequent to the issuance of the NPRM a typographical error was found. The east boundary of the airspace extending upward from 7500' MSL was stated as "° ° ° longitude 120°00'00" W ° ° °.", the description should read "° ° ° longitude 122°00'00" W ° ° °." Since the area was depicted correctly in the NPRM, this change is editorial in nature and imposes no additional burden on any person; notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440) the description of the Portland, Oregon, transition area is amended as follows:

Delete the last sentence of the description beginning, "That airspace south of Portland extending upward from 10,000 feet MSL * * *", and substitute the following:

That airspace south of Portland extending upward from 7500 feet MSL bounded on the north by the 60-mile circle centered on Portland International Airport, on the northeast by the southwest edge of V–165, on the east by longitude 122°00'00" W., on the south by the north edge of V–536, on the west by longitude 122°23'00" W.; that airspace southeast of Portland extending upward from 10,000 feet MSL bounded on the northeast by the southwest edge of V–165, on the south by the north edge of V–536, and on the west by longitude 122°00'00" W.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., on May 13, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74–11572 Filed 5–20–74;8:45 am]

[Airspace Docket No. 74–NW–05]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 25, 1974, a Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 11097) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Oregon, Transition Area.

Interested persons were given thirty days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., on May 13, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

In § 71.181 (39 FR 440) the description of the Eugene, Oregon Transition Area is amended to read as follows:

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EUGENE, OREGON

That airspace extending upward from 700 feet above the surface within a 21-mile radius of the Eugene VORTAC; that airspace extending upward from 1200 feet above the surface northeast of Eugene, bounded on the north by V–536, on the southeast by V–121N (proposed), on the southwest by the arc of the 21-mile radius circle, on the northwest by V–23E; that airspace east of Eugene bounded on the north by V–121 (proposed), on the east by latitude 122°30'00" W. on the southwest by V–452 and on the west by the arc of the 21-mile radius circle.

[FR Doc.74–11573 Filed 5–20–74;8:45 am]

[Airspace Docket No. 73–EA–112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 6122 of the FEDERAL REGISTER for February 19, 1974, the Federal Aviation Administration published a proposed rule which would alter the DuBois, Pa., control zone (39 FR 376).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Jamaica, N.Y., on May 2, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Du Bois, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 41°-10'42" N., 78°53'50" W., of Du Bois-Jefferson County Airport, Du Bois, Pa.; within 3 miles each side of the Du Bois-Jefferson County Airport ILS localizer northeast course, extending from the 5-mile radius zone to 8.5 miles northeast of the OM; and within 2.5 miles each side of the Clarion, Pa. VORTAC 066° radial, extending from the 5-mile radius zone to 23 miles east of the Clarion, Pa. VORTAC.

[FR Doc.74–11574 Filed 5–20–74;8:45 am]

[Airspace Docket No. 74–EA–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 7803 of the FEDERAL REGISTER for February 28, 1974, the Federal Aviation Administration published a proposed rule so as to alter the Clarksburg, W. Va., Control Zone (39 FR 368).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

The subject amendment is essential to the continued air service within controlled airspace. Therefore, with the imminent need to change scheduled air services, good cause exists for making the amendment effective in less than 30 days.

In view of the foregoing, the proposed regulation is hereby adopted, effective on May 21, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on May 2, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the description of the Clarksburg, W. Va. control zone by deleting the last sentence and by substituting in lieu thereof the following:

This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

[FR Doc.74–11575 Filed 5–20–74;8:45 am]

[Airspace Docket No. 74–WA–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alterations to Jet Routes and VOR Federal Airways

On January 29, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 3687) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign several jet routes in the Alaska area and extend a VOR Federal Airway from Sisters Island, Alaska, to the new VOR/DME facility located at Whitehorse, Yukon Territory, Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

One of the proposed amendments was to extent V–307 from Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada. To solve a route ambiguity problem, the FAA has decided to change the numbered identifier of this proposed airway from V–307 to V–428, and also to change the numbered identifier of the airway between Biorka Island, Alaska, and Sisters Island from V–307 to V–428. The route ambiguity problem results from multiple junctions that exist between V–307 and V–317 which cross each other twice between Annette Island, Alaska, and Sisters Island, Alaska, thereby creating occasional doubt as to where transition will be made from one route to the other. This route ambiguity can be partially resolved by redesignating this portion of V–307 to V–428. Additionally, FAA Flight Inspection has determined that the signal strength from the Sisters Island VORTAC will not support an airway between Sisters Island and Whitehorse. However, it is possible to maintain low altitude minimums by utilizing the Haines, Alaska, RBN which is located approximately one half mile south of the original recommended airway alignment thereby creating only a slight bend in the airway. Action is taken herein to add these changes to the airway descriptions in this docket.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

Section 75.100 (39 FR 699) is amended as follows:

1. J–515 is revised to read:

JET ROUTE NO. 515

From Fargo, N. Dak., via Pembina, N. Dak.; to INT Pembina 356° radial and the United States/Canadian border. From Whitehorse, Yukon Territory, Canada, via Northway, Alaska; Fairbanks, Alaska; Bettles, Alaska; to Barrow, Alaska. The airspace within Canada is excluded.

2. J–536 is revised to read:

JET ROUTE NO. 536

From Sisters Island, Alaska; to Whitehorse, Yukon Territory, Canada. The airspace within Canada is excluded.

3. J–160 is revised to read:

JET ROUTE NO. 160

From Fairbanks, Alaska, via INT Fairbanks 016° and Fort Yukon, Alaska, 229° radials; Fort Yukon; to Komakuk, Yukon Territory, Canada, NDB. The airspace within Canada is excluded.

Section 71.125 (39 FR 340) is amended as follows:

1. V–307 is revised to read:

V–307

From Sandspit, British Columbia, Canada, via Annette Island, Alaska; 42 miles 12 AGL, 99 miles 55 MSL, 31 miles 12 AGL, to Biorka Island, Alaska. The airspace within Canada is excluded.

2. By adding:

V–428

From Biorka Island, Alaska, via Sisters Island, Alaska; Haines, Alaska, RBN; to Whitehorse, Yukon Territory, Canada. The airspace within Canada is excluded.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on May 15, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–11576 Filed 5–20–74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

LAKE MEREDITH RECREATION AREA, TEXAS

Off Road Use

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of August 31, 1964 (78 Stat. 744; 43 U.S.C. 600d), 245 DM1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478) as amended, Southwest Region Order No. 5 (37 FR 7722), it is proposed to amend § 7.57 to Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to change the name shown in the Code of Federal Regulations for this area from Sanford Recreation Area to Lake Meredith Recreation Area and to establish areas for use by off-road vehicles. The determination in regard to off-road vehicle use is based on the requirements of sections 3 and 4 of Executive Order 11644 and of § 4.19(b) of the regulations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Further, with regard to the designation of areas for the use of off-road vehicles, below, the Department will adhere to the 30-day period for comment established by § 4.19(b) of this chapter, as amended in the FEDERAL REGISTER of April 1, 1974 (39 FR 11882). Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Superintendent, Lake Meredith Recreation Area, P.O. Box 325, Sanford, Texas 79078, on or before June 20, 1974.

The title for § 7.57 now reading Sanford Recreation Area is revised to read Lake Meredith Recreation Area and paragraph (a) now designated as "Reserved" is revised to read as follows:

§ 7.57 Lake Meredith Recreation Area.

(a) The operation of motor vehicles within the Lake Meredith Recreation Area is prohibited outside of established public roads, parking areas, except within the cutbanks of Blue Creek, comprising about 275 acres, and except below the 3,000 ft. contour on the following described lands, being known as the Rosita Area on the Canadian River flood plain:

Beginning at property corner 191 at coordinates 538,112.90N and 1,894,857.49E thence in a straight line S05°14'47" E, 3349.09 ft., to property corner 192, thence in a straight line N85°03'12" E, 6999.38 ft., to property corner 193, thence in a straight line N58°29'53"E, 3737.77 ft., to property corner 194, thence in a straight line N51°20'25"E, 1457.45 ft., to property corner 195, thence in a straight line S74°40'44"E, 4064.61 ft., to property corner 196, thence in a straight line N79°59'22"E, 3118.40 ft., to property corner 197A, thence in a northeasterly direction to property corner 200, thence in a straight line N56°24'11"E, 1073.57 ft., to property corner 201, thence in a straight line S80°04'22"E, 2684.69 ft., to property corner 202, thence in a straight line N69°21'31"E, 2974.09 ft., to property corner 203, thence in a straight line S37°59'16"E, 1538.83 ft., to property corner 204, thence in a straight line N28°36'59"E, 744.10 ft., to property corner 205, thence in a straight line N00°19'04"E, 1136.41 ft., to property corner 206, thence in a westerly direction to property corner 181, thence in a straight line S89°51'52"W, 1434.80 ft., to property corner 182, thence in a straight line N75°53'25"W, 4267.11 ft., to property corner 183, thence in a straight line S76°16'20"W, 3835.45 ft., to property corner 184, thence in a westerly direction to property corner 189, thence in a straight line S71°35'59"W, 2901.46 ft., to property corner 190, thence in a straight line S78°24'16"W, 6506.70 ft., to the point of beginning as shown on Bureau of Reclamation drawing number 662–525–1431 dated July 9, 1965, such Rosita Area comprising about 1,500 acres.

Nothing contained in this § 7.57(a) shall be deemed to restrict the use of motor vehicles outside of public roads and parking areas for official or emergency purposes, as required in the discretion of the Superintendent.

(1) The Superintendent may establish limits on the number of vehicles permitted in the above designated areas when such limitations are necessary in the interest of public safety or for coordination of other visitor uses, or for conservation of the natural resources of the area.

* * * * * *

WILLIAM E. DYER,
Superintendent, Lake Meredith Recreation Area.

[FR Doc.74–11563 Filed 5–20–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Handling Limitations

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, that would limit the handling of sweet cherries by establishing a regulation as recommended by the Washington Cherry Marketing Committee. The committee functions pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) which regulate the handling of sweet cherries grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This notice invites written comments relative to the proposed seasonal regulation on the grade, size, and containers used in the handling of such cherries. The proposal reflects the committee's appraisal of the 1974 crop and current and prospective market conditions. Shipments of Washington sweet cherries are currently regulated by Cherry Regulation 12 (38 FR 17182) through June 30, 1974. The proposed regulation contains the same requirements and would be effective from July 1, 1974, through June 30, 1975.

The proposed grade and size requirements are designed to prevent the handling of cherries grading lower than the grade specified and smaller than the size specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act. The proposed requirements for containers and packaging of cherries in faced packs and any packs of 20 pounds, net weight, or larger are designed to prevent deceptive packaging practices, promote buyer confidence, and maintain the integrity of the Washington sweet cherry industry. Individual shipments not exceeding 100 pounds of cherries sold for home use and not for resale, subject to the prescribed safeguards, are excepted from these requirements because the quantity of cherries so handled is relatively inconsequential when compared with the total quantity handled, and it would be administrative impracticable to regulate the handling of such shipments due to the proximity of their source and destination.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 10, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

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The proposal is as follows:

§ 923.313 Cherry Regulation 13.

(a) *Order.* During the period July 1, 1974, through June 30, 1975, no handler shall, except as provided in paragraph (b) of this section, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(1) *Minimum grade.* U.S. No. 1: *Provided,* That the following tolerances, by count of the cherries in the lot, shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries: a total of 10 percent for defects; including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than 1 percent by count of the cherries in the lot, for cherries affected by decay: *Provided further,* That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) *Minimum size.* At least 95 percent by count, of the cherries in the lot shall measure not less than 48/64 inch in diameter.

(3) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 90 percent, by count, of the cherries in the lot shall measure not less than 54/64 inch in diameter.

(4) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall be not less than 20 pounds; and no container of cherries shall contain less than 12 pounds, net weight, of cherries.

(b) *Exceptions.* Notwithstanding any other provision of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) of this section, and of §§ 923.41 and 923.55:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Grades of Sweet Cherries (§§ 51.2646–51.2660 of this title); and "faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

Dated: May 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–11555 Filed 5–20–74;8:45 am]

Forest Service

[36 CFR Part 211]

ADMINISTRATIVE APPEALS

Proposal To Combine Procedures

The Department of Agriculture proposes to combine certain of its administrative appeals procedures in the Office of the Secretary. The Appeal Regulation (36 CFR Part 211) would be superseded after pending cases thereunder had been finally decided. The appeals presently in Class One before the Board of Forest Appeals would fall within the jurisdiction of the Department's Board of Contract Appeals in accordance with new regulations in 7 CFR Part 24 as described in a notice of proposed rulemaking published concurrently with this notice of proposed rule making. The appeals presently in Class Two and Three under the Appeal Regulation (36 CFR 211.20) would be handled under new administrative review procedures set forth below.

The proposed administrative review procedure would simplify and expedite review of administrative actions and decisions by Forest Officers in those areas primarily committed to agency discretion. Parties aggrieved by such actions or decisions will only be required to seek a maximum of two levels of review to reach a final administrative determination. Formalized hearings and pleadings will not be required and time will be greatly reduced in reaching final decisions. Disputed legal rights involving issues of breach of written agreements having the legal effect of contracts will be handled through a more formalized process before a Board of Contract Appeals.

Prior to issuance of the proposed regulations, any data, views or recommendations pertaining thereto which are submitted in writing to the Hearing Clerk, 14th and Independence SW., United States Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be certain of consideration, such submissions should be postmarked not later than June 30, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed to add to Subpart A of Part 211, Title 36, a new § 211.2 to read as follows:

§ 211.2 Review of decisions of Forest Officers other than those subject to appeal to the Board of Contract Appeals of the Department.

(a) Any person aggrieved by any administrative action or written decision of an officer of the Forest Service, other than an action or decision appealable to the Board of Contract Appeals of the Department of Agriculture under 7 CFR Part 24, may file with such officer a written request for reconsideration thereof or written request for administrative review, except where the relief sought is reformation of a contract, monetary damages, or where the decision involves personnel matters, or where the jurisdiction of another government agency, the Comptroller General or a court supersedes that of the Department of Agriculture.

(b) Such action or decision shall be final unless request for reconsideration or administrative review under paragraph (a) of this section is filed within 45 days of such administrative action or receipt of notice of such decision whichever is later. The request shall identify the action or decision involved and, unless accompanied by a showing of an acceptable reason for allowing a longer time for preparation, shall state in detail the reasons why the action or decision is believed in error and the nature of the relief requested. Additional time for filing the supporting statement may be granted by the Forest Officer.

(c) Upon receipt of a request for administrative review and supporting statement, the Forest Officer shall prepare his own statement reviewing the matter and presenting the facts and considerations upon which his administrative action or decision was based. The two statements, together with all papers comprising the record in the matter, shall then be transmitted to the reviewing officer.

(d) The reviewing officer will be the immediate superior within the Forest Service of the officer whose action or decision is being reviewed except that the first level of review shall not be below that of Forest Supervisor and original actions or decisions of the Chief of the Forest Service may be reviewed by the Secretary at his discretion. There shall be no more than two levels of review under this section. The reviewing officer shall review the record submitted with the request for review and send his written decision to the aggrieved party or parties and the subordinate officer within 30 days of receipt of the request and record, provided however, that more than 30 days for review and decision is permissible where additional information must be obtained to complete the record upon which the decision is to be made. The aggrieved party may, within 15 days after filing his request for review, file a request with the Forest Officer whose action or decision is to be reviewed or the reviewing Forest Officer, requesting an opportunity to present his views orally. Such Forest Officer shall arrange for an informal oral presentation before him or his designee. In any such case, the Forest Officer shall include in the written record a summary of the oral hearing and any documentary evidence received at the hearing.

(e) Decisions at the second level of review shall constitute a final administrative determination of the Department of Agriculture.

Effective date. These provisions shall take effect on July 1, 1974.

Signed at Washington, D.C., on May 16, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74–11678 Filed 5–20–74;8:45 am]

Office of the Secretary

[7 CFR Part 24]

ADMINISTRATIVE APPEALS

Proposal To Combine Procedures

The Department of Agriculture proposes to combine certain of its administrative appeals procedures in the Office of the Secretary. The jurisdiction of the existing Board of Contract Appeals of the Department (7 CFR 2400.1 to 2400.13) would be enlarged to include appeals after one level of review by Forest Service officers below the Regional Forester and direct appeal from Regional Forester and Chief, Forest Service, decisions in cases involving disputes under written instruments having the legal effect of contracts. Such appeals are generally the same as presently in Class One before the existing Board of Forest Appeals of the Department (36 CFR 211.20 to 211.37).

The enlarged jurisdiction of the new Board of Contract Appeals, the composition of the Board and new rules of procedure including accelerated handling in cases involving $25,000 or less would be set forth in a new Part 24 of Title 7 of the Code of Federal Regulations.

Cases pending before the existing Boards would be carried to final disposition under existing procedures applicable to each Board except the parties may agree with consent of the new Board to have a pending case within the prescribed jurisdiction of the new Board handled under the new procedures.

Prior to issuance of the proposed regulations, any data, views or recommendations pertaining thereto which are submitted in writing to the Hearing Clerk, 14th and Independence SW., United States Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be certain of consideration, such submissions should be postmarked not later than June 20, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed regulation would read as follows:

PART 24—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Subpart A—Organization and Functions

Sec.
24.1 General.
24.2 Composition of Board.
24.3 Presiding Officer.
24.4 Jurisdiction.
24.5 Time for filing notice of appeal.
24.6 Board location and address.
24.7 Public information.
24.8 Transfer of pending appeals under 7 CFR Part 2400 and 36 CFR Part 211.
24.9 Rules of Procedure.
24.10 Definitions.
24.11–20 [Reserved]

Subpart B—Rules of Procedure

24.21 Rules of Procedure of Board of Contract Appeals established under Subpart A.

Rule
1 Appeals, how taken.
2 Notice of appeal, contents.
3 Time limitations.
4 Appeal file.
5 Board action upon receipt of appeal file.
6 Status of appeal file.
7 Dismissal for lack of jurisdiction.
8 Complaint.
9 Answer.
10 Additional pleadings and motions.
11 Pre-hearing briefs and oral argument.
12 Pre-hearing conference.
13 Discovery procedures.
14 Objections to discovery sought under Rule 13.
15 Sanctions.
16 Subpoena power.
17 Evidence.
18 Notice of hearings.
19 Hearings.
20 Absence of a party at a hearing.
21 Conduct of hearings.
22 Transcript.
23 Post-hearing briefs.
24 Representation of parties at hearings.
25 Settlement.
26 Closing the record.
27 Accelerated procedure.
28 Decisions of Board.
29 Reconsideration.
30 Failure to prosecute an appeal.
31 Ex parte communications.

AUTHORITY: (5 U.S.C. 301); (40 U.S.C. 486(c)); sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); 20 Stat. 35, as amended (16 U.S.C. 551); 50 Stat. 525, as amended (7 U.S.C. 1011(f)); secs. 9, 10, 62 Stat. 1072, 1073 (15 U.S.C. 714g, 714h).

Subpart A—Organizations and Functions

§ 24.1 General.

This Subpart prescribes the organization and functions of the Board of Contract Appeals, United States Department of Agriculture (referred to as the "Board"). The provisions of 5 U.S.C. 551–559 (Administrative Procedure Act, 80 Stat. 378, as amended) are not applicable to proceedings before the Board except for the requirements under 5 U.S.C. 552 (81 Stat. 54) respecting public information, agency rules, opinions, orders and records.

§ 24.2 Composition of Board.

The Board shall be composed of not less than three nor more than five members appointed by the Secretary of Agriculture, one of whom shall be designated Chairman and one of whom shall be designated Vice-Chairman. A majority of such members shall be qualified attorneys admitted to practice law in any State or the District of Columbia. A vacancy on the Board shall not impair the powers or affect the duties of the Board. The Vice-Chairman shall act for the Chairman upon request or when the Chairman is absent or unable to act. In any case where a panel of three members is required to decide such case, and one or more of such panel members initially designated is absent or unable to act, the Chairman may designate another member or members to serve on the panel to decide such case. In any case where a single member is required to decide a case under accelerated procedures and such member is absent or unable to act, the Chairman may designate another member to decide such case.

§ 24.3 Presiding Officer.

The Chairman shall act as Presiding Officer or designate a member of the Board to so act in each proceeding. The Presiding Officer shall have power to:

(a) Rule upon motions and requests;

(b) Adjourn the hearing from time to time and change the time and place of hearing;

(c) Administer oaths and affirmations and take affidavits;

(d) Receive evidence;

(e) Order the taking of depositions;

(f) Admit or exclude evidence;

(g) Hear oral argument on facts or law;

(h) Consolidate appeals filed by two or more appellants; and

(i) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

The Presiding Officer shall be the sole member in cases designated for accelerated procedure under the rules of procedure of the Board. In all other cases, three members shall be the panel and a decision of a majority of the panel shall constitute the decision of the Board. The Chairman is hereby delegated authority to request subpoenas pursuant to 5 U.S.C. 304.

§ 24.4 Jurisdiction.

(a) *Decisions of contracting officers of the Department of Agriculture and Commodity Credit Corporation.* The Board shall have jurisdiction of appeals taken from decisions of contracting officers of agencies of the Department of Agriculture and Commodity Credit Corporation within the scope of the Disputes Article of contracts.

(b) *Claims by or against Commodity Credit Corporation.* The Board shall have jurisdiction to consider and determine, upon specific referral by the President or a Vice-President of Commodity Credit Corporation, an appeal by any person on a contract claim by or against Commodity Credit Corporation not pending in the Department of Justice or in litigation and involving doubtful or disputed questions of fact or law where claimant has

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been unable to effect settlement or adjustment satisfactory to him under other established policies and procedures.

(c) *Contract Work Hours Standards Act.* The Board shall have jurisdiction of appeals taken from decisions of contracting officers of the Department of Agriculture under the Contract Work Hours Standards Act (Pub. L. 87-581, August 13, 1962, 76 Stat. 357; 40 U.S.C. 327-332).

(d) *Debarment.* The Board shall have jurisdiction to hear and determine the issue of debarment and the period thereof, if any, on an appeal by a person debarred (1) by an authorized official of the Commodity Credit Corporation under 7 CFR 1407.6(d), or (2) by an authorized official of the Department of Agriculture under 41 CFR 4-1.604-1(b).

(e) *Appeals from decisions of contracting officers of the Forest Service.* The Board shall have jurisdiction of appeals from decisions of contracting officers of the Forest Service, Department of Agriculture, in which the issue under appeal relates to a breach of the terms or provisions of a contract, except that appeals subject to Board jurisdiction under § 24.4 (a) or (d) shall be excluded from jurisdiction under this paragraph and except that appeals from decisions of contracting officers of the Forest Service determined to be subject to administrative review under 36 CFR 211.2 shall be excluded from jurisdiction under this paragraph. The Board shall issue a ruling on the issue of jurisdiction or lack thereof under this paragraph. Either party may appeal such ruling to the Secretary within 30 days from the date of receipt of the Board's ruling. The decision of the Secretary on appeal of such ruling shall be final as to the issue of jurisdiction. No appeal under this paragraph shall lie where the relief sought is reformation of contract, monetary damages or amendment of contract to extend the term of the contract.

§ 24.5 Time for filing notice of appeal.

A notice of appeal shall be filed within the time prescribed in the contract or applicable regulation of the Department, provided, that in case of appeal under § 24.4(e), the notice of appeal shall be filed within 30 days from the date of receipt of the decision of the contracting officer of the Forest Service. The time for filing a notice of appeal shall not be extended by the Board.

§ 24.6 Board location and address.

The Board of Contract Appeals is located in Washington, D.C. All correspondence and all documents to be filed with the Board should be addressed to the Board of Contract Appeals, care of the Hearing Clerk, 14th & Independence SW., United States Department of Agriculture, Washington, D.C. 20250.

§ 24.7 Public information.

The records of the Board are open to the public for inspection and copying at the office of the Board. Decisions and rulings of the Board shall be published from time to time and copies made available to the public upon request at cost of duplication except that the Board shall, in its discretion, have authority to make copies of decisions and rulings available at no charge in appropriate circumstances. Hearings before the Board shall be open to the public.

§ 24.8 Transfer of pending appeals under 7 CFR Part 2400 and 36 CFR Part 211.

Appeals filed prior to the effective date of this Part with the Board of Contract Appeals pursuant to 7 CFR 2400.1 to 2400.13 shall be carried to final disposition thereunder, and appeals filed prior to the effective date of this Part with the Board of Forest Appeals pursuant to 36 CFR 211.20 to 211.37 shall be carried to final disposition thereunder, except that where the Board established under this Subpart determines that a pending appeal is within its jurisdiction, the Board upon agreement of the parties may direct and order that further proceedings in such pending appeal shall be governed by this part.

§ 24.9 Rules of Procedure.

The Chairman of the Board shall prescribe its Rules of Procedure and publish such rules in Subpart B of this part and may prescribe and so publish amendments thereto from time to time. The Rules of Procedure and any amendments thereto shall be consistent with this Subpart.

§ 24.10 Definitions.

(a) "Board" means the Board of Contract Appeals established under this Subpart.

(b) "Chief" means the Chief, Forest Service, United States Department of Agriculture.

(c) "Contract" means any agreement entered into by the Department or its agencies or authorized officials with any person, including timber sale contracts, grazing permits, special use permits, cooperative agreements and other written instruments having the legal effect of contracts between the Forest Service and a person.

(d) "Contracting officer" means any person who is designated as a contracting officer. For purposes of appeals under § 24.4(e), "contracting officer of the Forest Service" means (1) a Forest Supervisor who makes a decision arising out of a contract on appeal from a decision of a subordinate Forest officer, (2) a Regional Forester who makes a decision arising out of a contract on appeal from a decision of a subordinate Forest Supervisor or who makes a decision under a contract as the initial decision maker, or (3) the Chief who makes a decision under a contract as the initial decision maker.

(e) "Department" means the United States Department of Agriculture.

(f) "Forest Supervisor" means a Forest Supervisor having responsibility for a National Forest of the Forest Service and any officer or employee of the Forest Service to whom authority has heretofore or may hereafter be delegated to act in his stead.

(g) "Government attorney" means the attorney of the Department designated to handle a particular appeal on behalf of the contracting officer.

(h) "Hearing Clerk" means the Hearing Clerk, 14th and Independence SW., United States Department of Agriculture, Washington, D.C. 20250.

(i) "Person" means any individual, partnership, public or private corporation, association, agency or other legal entity.

(j) "Presiding officer" means the member of the Board designated to preside at proceedings in a particular appeal.

(k) "Regional Forester" means a Regional Forester having responsibility for a Region of the Forest Service and where applicable a Forest and Range Experiment Station Director, Wood Products Laboratory Director, Director of the Institute of Tropical Forestry, Area Director, and any officer or employee of the Forest Service to whom authority has heretofore or may hereafter be delegated to act in their stead.

§§ 24.11-20 [Reserved]

Effective date. The provisions of this Subpart shall take effect on July 1, 1974.

Signed at Washington, D.C., on May 16, 1974.

EARL L. BUTZ,
Secretary.

Subpart B—Rules of Procedure

§ 24.21 Rules of Procedure of Board of Contract Appeals established under Subpart A.

The rules of procedure of the Board of Contract Appeals, Department of Agriculture, established under Subpart A are hereby prescribed as follows:

Rule 1. Appeals, how taken. A notice of appeal shall be in writing in an original with two copies filed with the Board, care of the Hearing Clerk. Such notice of appeal shall be mailed or otherwise filed within the time specified in the contract or allowed by applicable provision of law or regulation. A notice of appeal under § 24.4(e) shall be filed not later than 30 days from the date of receipt of the decision being appealed.

Rule 2. Notice of appeal, contents. A notice of appeal shall indicate that an appeal is thereby intended, the agency or field office of the Department involved, the decision from which the appeal is taken, the date of receipt of the decision involved and, where applicable, the contract number. The notice of appeal shall be signed by the appellant or his authorized representative or attorney. The complaint referred to in Rule 8 may be filed together with the notice of appeal or the notice of appeal may also be designated by the appellant as the complaint if it otherwise fulfills the requirements of a complaint.

Rule 3. Time limitations. Whenever the final date for performance of any act under this Part falls on a Saturday, Sunday or national holiday, the time for performance shall be extended to the next working day. If mailing is required, it shall be considered timely if the mailing is postmarked by midnight of such next working day. Where the action required to be taken is within a prescribed number of days after receipt of a notice, the date of receipt shall be excluded in computing such period of time. The Board may extend any time limitation prescribed under its Rules of Procedure on good cause shown except for the time prescribed for filing any notice of appeal or appeal on the question of jurisdiction under § 24.4(e).

Rule 4. Appeal file. The contracting officer after request from the Board shall not later than the time prescribed by the Board prepare and file with the Board 3 copies of all documents pertinent to the appeal as an appeal file including as applicable but not necessarily limited to:

(a) The decision and findings of fact from which appeal is taken;

(b) The contract, including specifications and pertinent amendments, plans and drawings;

(c) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(d) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(e) Any additional information considered pertinent.

Rule 5. Board action upon receipt of appeal file. The Board upon receipt of the appeal file from the contracting officer shall send a copy thereof to appellant and to the Government attorney. The appellant may supplement the appeal file by filing with the Board 3 copies of any additional documents not contained in the appeal file which appellant believes are also pertinent to the appeal. Such filing shall be made with the Board within the time prescribed by the Board. Upon receipt of any such additional documents from appellant, the Board shall send copies thereof to the contracting officer and the Government attorney.

Rule 6. Status of appeal file. The appeal file as supplemented by the appellant shall be a part of the record before the Board except that where a party files objection to inclusion of one or more specific documents prior to closing of the record, the Board will rule on admissibility of such documents.

Rule 7. Dismissal for lack of jurisdiction. A motion to dismiss for lack of jurisdiction may be filed with the Board by a party at any time. The Board may also raise the question of jurisdiction at any time on its own motion. Hearing on the issue of jurisdiction shall be afforded the parties either prior to hearing on the merits or at the hearing on the merits as prescribed by the presiding officer.

Rule 8. Complaint. Appellant shall file a complaint in an original and 2 copies with the Board not later than 30 days from the date of receipt of notice of docketing from the Board. Upon a showing of good cause by appellant the time for such filing may be extended by the presiding officer. The complaint shall contain simple, concise statements of error in the decision, dollar amounts, where applicable, and reference to contract provisions.

Rule 9. Answer. The Government attorney shall file an Answer in an original and 2 copies with the Board not later than 30 days from the date of receipt of the complaint from the Board. Upon a showing of good cause by the Government attorney the time for such filing may be extended by the presiding officer. The Answer shall contain simple, concise statements of defenses and may include counter-claims. The Board shall send a copy of the Answer to appellant.

Rule 10. Additional pleadings and motions. The presiding officer, in his discretion, may permit such additional pleadings and motions to be filed as may be desirable in the interests of defining the issues and affording the parties full opportunity to prepare their cases.

Rule 11. Pre-hearing briefs and oral argument. The presiding officer, in his discretion, may require or allow the filing of pre-hearing briefs in such manner as he may prescribe and may also require or allow oral argument prior to any evidentiary hearing on the merits.

Rule 12. Pre-hearing conference. The presiding officer, in his discretion, may require a pre-hearing conference to consider:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute;

(e) Such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the presiding officer and this writing shall constitute part of the record.

Rule 13. Discovery procedures. (a) *Discovery methods.* Parties may obtain discovery by one or more of the following methods:

(1) *Depositions.* Depositions upon oral examination before any officer authorized to administer oaths at the place of examination for use as evidence or for purposes of discovery. Each party shall bear its own expenses associated with the taking of any deposition.

(2) Written interrogatories.

(3) Inspection and copying of documents.

(4) Admission of facts.

(b) *Time, place and manner.* The parties may agree on the time, place and manner of discovery under this Rule, or failing such agreement, the time, place and manner of discovery shall be governed by order of the presiding officer.

Rule 14. Objections to discovery sought under Rule 13. The presiding officer upon motion by either party objecting to all or part of the discovery sought under Rule 13 shall prescribe such limitations thereon as he deems necessary and appropriate.

Rule 15. Sanctions. The presiding officer in any instance of failure or refusal of a party to comply with discovery orders issued under Rule 14 without excuse or explanation satisfactory to the presiding officer may (a) decide the fact or issue relating to the material requested to be produced, or the subject matter to be produced, or the subject matter of the probable testimony, in accordance with the claims of the other party or in accordance with other available evidence, (b) dismiss the appeal if the appellant is the disobedient party, or (c) make such other ruling as he determines just and proper.

Rule 16. Subpoena power. The Chairman has authority by delegation from the Secretary to request the appropriate United States Attorney to apply to the appropriate United States District Court for the issuance of subpoenas pursuant to 5 U.S.O. 304.

Rule 17. Evidence. (a) *Depositions.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the presiding officer may in his discretion receive depositions as evidence in supplementation of that record.

(b) *Weight.* The weight to be attached to any evidence of record shall rest within the sound discretion of the presiding officer.

(c) *Relevance.* The presiding officer shall receive only evidence which is germane to the issues involved and shall exclude, insofar as practicable, evidence which is immaterial, irrelevant or unduly repetitious or which is not of the sort upon which responsible persons are accustomed to rely.

(d) *Additional evidence.* The presiding officer, at any stage of a proceeding may request a party to submit additional evidence on any matter relevant to the appeal.

(e) *Substitution of copies.* The presiding officer may grant leave to substitute copies of documents offered in evidence in lieu of the originals during or after a hearing.

(f) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: Provided, That the parties shall be given adequate notice of matters so noticed and shall be given adequate opportunity to show that such facts are erroneously noticed.

Rule 18. Notice of hearings. The Board shall give notice of the time and place set for hearing which shall be scheduled as may best serve the interests of the parties and the Board. Such notice shall be sent to the parties in writing 30 days in advance of the date for such hearing unless the parties waive notice.

Rule 19. Hearings. A hearing before the Board shall be a matter of right which shall be afforded to appellant unless he waives such right. The Government attorney may request a hearing in any case and a hearing shall be afforded even though appellant has waived the right to a hearing. The presiding officer may require a hearing in any case.

In cases where the parties agree and request that the appeal be decided on the written record and the presiding officer does not require a hearing, the case shall not go to hearing but shall be decided on the written record.

Rule 20. Absence of a party at a hearing. The absence of appellant at a scheduled hearing may result in dismissal of the appeal for failure to prosecute if such absence is unexplained or not excused. The presiding officer where a party is absent may continue the case, or may, in his discretion, receive evidence from the other party and rule that the absent party has waived a hearing.

Rule 21. Conduct of hearings. (a) *General.* Hearings shall be conducted by the presiding officer in such a way as to afford the parties a full and complete review of the decision on appeal and to obtain a clear and orderly record. Hearings shall be conducted as informally as possible and shall be open to the public. Testimony shall be reported verbatim. Testimony of witnesses shall be upon oath or affirmation and subject to cross-examination and questions from the presiding officer and Board members.

(b) *Burden of proof and order of proceeding.* The burden of proof rests on the appellant asserting the claim or error in the decision except that the burden of proof in case of counter-claims rests on the party asserting them. Unless otherwise permitted by the presiding officer, the appellant shall proceed first at the hearing followed by the presentation of the Government attorney and any rebuttal case permitted by the presiding officer.

(c) *Objections.* If a party objects to the admission or rejection of any evidence or to a limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection and the presiding officer shall rule thereon or reserve ruling.

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(d) *Records and documents.* Upon proof of authenticity, papers, books, records or documents shall be admissible in evidence without the production of the person who made or prepared the same except that the person who prepared documents specially for use at the hearing should be available to explain such documents.

(e) *Exhibits.* All documents offered in evidence at a hearing shall be marked for identification by number or letter as prescribed by the presiding officer. Except where the presiding officer finds that the furnishing of copies is impracticable, a copy of each proposed exhibit shall be made available to the other party when offer is made.

(f) *Offer of proof.* Whenever evidence is excluded from the record the offering party may make an offer of proof briefly stating the evidence proposed to be received into evidence.

(g) *Affidavits.* The presiding officer may receive affidavits in evidence if the evidence is otherwise admissible.

Rule 22. Transcript. Transcripts of the proceedings shall be made available by the Board to the Government attorney. Transcripts of the proceedings may be ordered at the hearing by appellant at actual cost of duplication (Pub. L. 92-463, October 6, 1972, 86 Stat. 770, 5 U.S.C. App. I). Transcripts of the proceedings shall also be available to any person at actual cost of duplication.

Rule 23. Post-hearing briefs. The presiding officer shall prescribe the manner of filing any post-hearing briefs.

Rule 24. Representation of parties at hearings. Appellant may appear before the Board in person or be represented by an authorized representative or attorney subject to the limitations prescribed in 7 CFR 1.26 regarding representation before the Department. The Government shall be represented by the Government attorney.

Rule 25. Settlement. The parties may agree to settlement of all or part of the issues at any stage of the proceedings before issuance of a decision of the Board.

Rule 26. Closing the record. The presiding officer shall close the record (1) after all pleadings, written argument, and documentary evidence have been received in a case submitted on the written record or (2) after any post-hearing briefing has been concluded in a case involving a hearing. The presiding officer upon proper request and showing of good cause may reopen the record prior to issuance of a decision of the Board.

Rule 27. Accelerated procedure. (a) *Election.* Appellant may elect at the time of filing the notice of appeal or the complaint to have the appeal handled under this Rule 27. The Board may proceed under this Rule 27 upon a finding that the appeal falls within the limitations prescribed in paragraph (b) of this Rule 27 and that the Government attorney does not object to handling under the accelerated procedure.

(b) *Dollar amount limitation.* In order to be handled under this Rule 27, the Board shall determine that $25,000 or less is involved in the claim of the appellant together with the amount involved in any counter-claim filed by the Government attorney. If no dollar amount of claim or counter-claim is involved, the Board shall determine whether the appeal can be properly disposed of under this Rule 27 and shall issue an appropriate ruling granting or denying the request of appellant.

(c) *Elimination of procedures.* In any appeal handled under these accelerated procedures, the presiding officer shall require the filing of a complaint, answer and appeal file but may dispense with briefs, discovery and additional pleadings.

(d) *Presiding officer as decision maker.* The presiding officer in any appeal handled under these accelerated procedures on the basis of the written record where no hearing is held, or on the basis of the entire record after hearing where a hearing is held, shall issue a short written decision as soon as practicable after closing of the record and such decision shall be the final decision of the Board.

Rule 28. Decisions of Board. The Board shall issue written decisions containing Findings of Fact and Conclusions and send copies to the parties by certified mail or if delivered directly with a notification of the date of delivery.

Rule 29. Reconsideration. The Board shall consider any request for reconsideration of a decision filed by either party not later than 30 days from the date of receipt of such decision by the party making the request. The Board may deny such request or may permit such additional proceedings as it deems necessary.

Rule 30. Failure to prosecute an appeal. Whenever a record discloses the failure of the appellant to file documents required by these rules, respond to notices or correspondence from the Board, or to comply with orders of the Board, or if the record otherwise indicates an intention not to continue the prosecution of an appeal filed, the Board may issue an order requiring appellant to show cause within 30 days why the appeal should not be dismissed for lack of prosecution. If the appellant shall fail to show such cause, the appeal may be dismissed with prejudice.

Rule 31. Ex parte Communications. No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

Effective date. The provisions of this part shall take effect on July 1, 1974.

Signed at Washington, D.C., on May 16, 1974.

JOHN H. SHOUSE,
Acting Chairman,
Board of Contract Appeals.

PAUL H. RAFF,
Alternate Chairman,
Board of Forest Appeals.

[FR Doc.74-11670 Filed 5-20-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 131]

GRANTS FOR COLLEGE LIBRARY RESOURCES

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in sections 201-208 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1021-1028, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 131 of the Code of Federal Regulations to read as set forth below.

At present, there will be no guidelines under this program. The revised regulations contain all mandatory requirements for the program. Should guidelines be issued in the future they will be limited to material in the nature of suggestions and recommendations for program management and operation and will be published in the FEDERAL REGISTER 30 days prior to their effective date.

1. *Program Purpose.* The Higher Education Act of 1965, as amended, authorizes the Commissioner to make grants to assist and encourage the acquisition of library resources to institutions of higher education, to combinations of such institutions, to new institutions of higher education, and other public and private nonprofit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal, cooperative basis.

2. *Section 503 Procedures and Effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the college library resources program under Title II, Part A, of the Higher Education Act of 1965, as amended. Upon publication of revised Part 131 in final form—after comments and hearing—all preceding rules, regulations, guidelines, interpretations, and orders issued in connection with or affecting Part 131 will be superseded effective thirty days after such publication.

3. *Effect of Office of Education General Provisions Regulations.* The proposed regulations differ from the current regulations in that provisions have been deleted relating to general fiscal and administrative matters which are now covered in the overall Office of Education general provisions regulations, published in the FEDERAL REGISTER as a final regulation on November 6, 1973 (38 FR 30654) in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. Reference is made in particular to the provisions of proposed Part 100a of Title 45, Code of Federal Regulations, containing general provisions for discretionary programs, which would be applicable to the college library resources program under Title II, Part A, of the Higher Education Act of 1965, as amended.

4. *Changes in the Proposed Regulations.* The major substantive changes since the publication of the previous regulations in the FEDERAL REGISTER (June 4, 1969, 34 FR 8916, as amended at 35 FR 18875, December 11, 1970), brought about through the Education Amendments of 1972, are the mandatory requirement for basic grants, the widening of eligibility under the college library resources program to include other public and private nonprofit library institutions in addition to institutions of higher education, and changes in the maintenance of effort requirements.

In fiscal years 1971 and 1972 the program was conducted under regulations which required institutions applying for basic grants to meet eligibility standards for supplemental grants. The Education Amendments of 1972 amended section 202 of the Act so as to mandate that an institution meeting the criterion for basic grants would be eligible therefore, without further showing. The proposed regulations reflect this change.

The Education Amendments of 1972 also eliminated for basic and supplemental grants the choice of base years for maintenance of effort by eliminating the alternative use of "the two-year period ending June 30, 1965." The requirement, that the amount raised by the applicant to "match" the grant be an amount in addition to the amount expended for maintenance of effort, was eliminated. Authority to waive the maintenance of effort requirement, under regulations, in special and unusual circumstances, was added in section 202 of the Act. The program for fiscal year 1973 was operated in accordance with the legislative mandate in the Education Amendments of 1972.

The Advisory Council on College Library Resources mandated by section 205 of the Act (20 U.S.C. 1025) was discontinued under the authority of section 448(b) of the General Education Provisions Act, 20 U.S.C. 1233g(b).

The proposed regulations would reflect the changes made by the Education Amendments of 1972.

Minor technical changes were made to delete matters covered by the general provisions and to update references to organizational units.

5. *Citations of Legal Authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section above the citation and after the preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

6. *Opportunity for Public Hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations; as follows:

A hearing will take place at the U.S. Office of Education in the auditorium of Regional Office Building Three (ROB-3) located at 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10 a.m. on June 17, 1974.

Interested parties may also submit written comments and recommendations prior to the date of the hearing to Room 2079-G, 400 Maryland Avenue, SW., Washington, D.C. 20202, ATTENTION: Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Chairman, Task Force on Section 503, Office of Education, at the above address and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance No. 13.406, College Library Resources)

Dated: April 11, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 6, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 131—COLLEGE LIBRARY RESOURCES PROGRAM

Subpart A—General

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Appendix A—Point Scores for Review of Applications for Supplemental Grants.
Appendix B—Point Scores for Review of Applications for Special Purpose Grants.

AUTHORITY: Sec. 202-204 of Pub. L. 89-329, 79 Stat. 1224-1226, as amended (20 U.S.C. 1021-1028), unless otherwise noted.

Subpart A—General

§ 131.1 Applicability.

The regulations in the part apply to grants made by the Commissioner to assist and encourage improvements in library resources for institutions of higher education pursuant to his authority under Title II-A of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1021-1028)

§ 131.2 Definitions.

As used in this part:

"Act" means Title II-A of the Higher Education Act of 1965, Public Law 89-329, 79 Stat. 1219, as amended.

(20 U.S.C. 1021-1028)

"Acquisition of books and other materials to be used for library purposes" means the purchase, lease-purchase, or straight lease of such books and other materials. It includes the necessary costs of ordering, processing, and cataloging such books and other materials and delivery of them to the initial place at which they are to be available for use: *Provided*, That such costs should ordinarily exceed neither the average of $2.75 per volume or item acquired nor 20 percent of the total grant awarded.

"Basic grant" means a grant made pursuant to section 202 of the Act.

"Branch" means a campus of an institution of higher education located in a community in the United States different from that of the parent institution, not within a reasonable commuting distance from the main campus, and which has college level programs for which library facilities, services, and materials are necessary.

"Combination of institutions" means a group of institutions of higher education that have entered into a cooperative arrangement for the purposes of carrying out a common objective on their behalf or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective for the benefit of said institution.

(20 U.S.C. 1022)

"Full-time equivalent of the number of part-time students" is determined by dividing the total number of credit hours of part-time students by the student-hour load required by the institution for full-time student standing.

"Full-time student" means a student who is carrying a sufficient number of credit hours or their equivalent (including research or special studies) to secure the degree or certificate toward which he is working in no more than the number of semesters or terms normally taken therefor at the institution in which he is enrolled.

(20 U.S.C. 1023(a))

"Institution of higher education" means an educational institution in any State which meets all of the following criteria:

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(a) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(b) It is legally authorized within such State to provide a program of education beyond secondary education.

(c) It provides at least one of the following types of programs:

(1) An educational program for which it awards a bachelor's degree;

(2) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree;

(3) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(d) It is a public or other nonprofit institution.

(e) It is either accredited by an organization named in a published list of the Commissioner as a nationally recognized accrediting agency or association or meets at least one of the following requirements:

(1) The Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, that the institution will meet the accreditation standards of such an agency or organization within a reasonable period of time and that the institution will be deemed to be within this paragraph (e) if the Commissioner determines that there is satisfactory assurance that, upon acquisition of the library resources with respect to which assistance under this part is sought, to be acquired within a reasonable time, the institution will meet the accreditation standards of such agency or association.

(2) It is an institution whose credits are accepted, or transferred, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(20 U.S.C. 1026, 1141(a))

"Joint-use library facilities" means those library facilities, services, or materials provided by and for the use of a combination of institutions of higher education.

(20 U.S.C. 1022)

"Law library materials" means books, periodicals, documents, magnetic tapes, phonograph records, audio-visual materials, cataloging materials, and other printed and published materials which are suitable for inclusion in the law library resources of institutions of higher education and other eligible library institutions and which (with the exception of periodicals and newspapers) with reasonable care and use may be expected to last for more than one year. Such term also includes necessary binding for such printed and published materials, but shall not include equipment and supplies.

"Library materials" means books, periodicals, documents, magnetic tapes, phonograph records, audio-visual materials, cataloging materials, and other printed and published materials which are suitable for inclusion in the library resources of institutions of higher education and other eligible library institutions and which (with the exception of periodicals and newspapers) with reasonable care and use may be expected to last for more than one year. Such terms also include necessary first binding of such printed and published materials, but shall not include equipment or supplies.

(20 U.S.C. 1021(c))

"Library purposes," as applied to expenditures, means expenditures for the maintenance and operation of libraries, such as salaries, wages, supplies, materials, and equipment. Such term does not include expenditures for construction, acquisition, expansion or improvement of buildings, initial equipment therefor, site acquisition, or other capital expenditures.

"New institution of higher education" means an educational institution in any State which demonstrates to the Commissioner that it has undertaken procedures preparatory to the enrollment of students in the fiscal year following the fiscal year for which a grant is requested and that, upon enrollment of such students, it will be an institution of higher education as defined in this section.

(20 U.S.C. 1022)

"Public and private nonprofit library institutions" means a library agency which is not part of an institution of higher education and whose primary function is to provide library and information services to institutions of higher education on a formal cooperative basis. A library agency shall be deemed to meet this requirement if it demonstrates that it provides over 50 percent of its library and information services to students, faculty, and independent researchers of institutions of higher education (excluding from that percentage the general public and students at the elementary and secondary level) on the basis of a formal written agreement with one or more institutions of higher education to make available library and information services on a cooperative basis.

(20 U.S.C. 1021, 1022)

"School or department of divinity" means an institution of higher education or a department or branch of such an institution whose program is specifically for the education of students to prepare them to become ministers of religion, to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(20 U.S.C. 1141(1), 1027)

"Special purpose grant" means a grant made pursuant to section 204 of the Act.

"Supplemental grant" means a grant made pursuant to section 203 of the Act.

"Total institutional expenditures" means expenditures for the maintenance and operation of institutions of higher education, including those for administration, instruction, research, extension and public services, library operation, and physical plant maintenance. Such term shall not include expenditures for construction, acquisition, expansion, or improvement of buildings, initial equipment therefor, site acquisition, or other capital expenditures.

"Volume" means any printed, typewritten, handwritten, mimeographed, or processed work contained in one binding or portfolio, hardbound or paperbound, which has been classified, cataloged, or otherwise prepared for library use, including bound periodical volumes and nonperiodical Government documents.

(20 U.S.C. 1021–1028)

§ 131.3 Program purposes.

Funds appropriated under the Act shall be used by the Commissioner to make grants to eligible applicants to assist them in the acquisition of books and other materials to be used for library purposes. Such grants shall be made in the following manner:

(a) From the amount available for grants under this part, a basic grant shall be made to each eligible applicant which makes application;

(b) Not more than 25 percent of the amounts available for grants under this part for any fiscal year may be used for special purpose grants for either:

(1) Meeting a special need for additional library resources which will make a substantial contribution to the quality of an institution's educational resources (hereinafter referred to as Type A);

(2) Making special national or regional needs in the library and information sciences (hereinafter referred to as Type B);

(3) Establishing and strengthening joint-use library facilities (hereinafter referred to as Type C); and

(4) Assisting other public and private library institutions which provide library and information services to institutions of higher education on a formal, cooperative basis (hereinafter referred to as Type D).

(c) The remainder of such appropriation not used for basic or special purpose grants may be used for supplemental grants.

(20 U.S.C. 1024)

§ 131.4 Ineligible purposes.

No grants may be made under this part for library materials to be used—

(a) For sectarian institution or religious worship;

(b) Primarily in connection with any part of a program of a school or department of divinity; or

(c) Primarily in connection with any medical library or related scientific communication instrumentality which is eligible for assistance under the Medical

Library Assistance Act of 1965 (Pub. L. 89–291).

(20 U.S.C. 1027, 42 U.S.C. 280b et seq.)

§ 131.5 Cross reference to general provisions regulations.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1021–1028)

Subpart B—Basic Grants

§ 131.10 Eligible applicants.

The following are eligible to apply for a basic grant:

(a) An institution of higher education on its own behalf;

(b) An institution of higher education on behalf of a branch;

(c) A combination of institutions of higher education;

(d) A new institution of higher education (as defined in § 131.2) which shall be eligible for only one basic grant as a new institution of higher education; and

(e) Public and private nonprofit library institutions.

(20 U.S.C. 1022)

§ 131.11 Application for a basic grant.

Each application for a basic grant shall contain information sufficient to enable the Commissioner to determine—

(a) The eligibility of the applicant pursuant to § 131.10;

(b) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is being sought; and

(c) The applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for library materials an amount not less than the average annual amount it expended for such materials during the two fiscal years preceding the fiscal year for which assistance is being sought.

(20 U.S.C. 1022)

§ 131.12 Amount of grant.

The amount of a basic grant shall, for any fiscal year, be equal to the amount expended by the applicant for library resources during that year from funds other than funds received under this part, except that no basic grant shall exceed $5,000 for each eligible applicant. In the case of an application from a combination of institutions, the amount of the basic grant may not exceed $5,000 for each member institution or branch on whose behalf the application is filed.

(20 U.S.C. 1022)

§ 131.13 Waiver.

(a) If the Commissioner determines that there are special and unusual circumstances which prevent the applicant from making the assurances required by § 131.11 (b) and (c), he may waive such requirements for such assurances.

(b) Such waiver will be granted under the following circumstances and to the following extent:

(1) A recently established institution or branch, after making unusually high expenditures for library materials and total library purposes in its initial five years of operation, to establish a basic program of library service, may reduce expenditures to a level adequate to maintain normal standards of operation.

(2) A well-established institution, after undergoing sudden substantial increases in enrollment or in program activity requiring an unusually high level of expenditures for library materials and for total library purposes for a temporary period of time, may decrease such expenditures to a level adequate to maintain normal standards of operation.

(3) A well-established institution after making an unusual "one-time" expenditure for library materials to acquire a special collection, may decrease such expenditure to a level to maintain normal standards of operation. If the "one-time" expenditure also resulted in a substantial increase in expenditure for all library purposes, it may also decrease expenditures for such purposes to a level adequate to maintain normal standards of operation.

(4) An institution which is unable to maintain a normal level of expenditures because of theft, vandalism, fire, flood, earthquake, or other catastrophic occurrence, may temporarily reduce the level of expenditures for library materials and total library purposes.

(5) When an institution has made unusually high expenditures for library materials or total library purposes to replace losses from theft, vandalism, fire, flood, earthquake, or other catastrophic occurrence in order to return to prior standards of library service, it may reduce such expenditures to a level adequate to maintain normal standards of operation.

(c) The Commissioner may also grant a waiver to the extent appropriate, based on the applicant's ability to provide other evidence of special and unusual circumstances that the requirements for such assurances cannot be met for reasons other than those specified in paragraph (b) of this section.

(20 U.S.C. 1022)

Subpart C—Supplemental Grants

§ 131.20 Eligible applicants.

The following are eligible to apply for a supplemental grant:

(a) An institution of higher education;

(b) A branch of an institution of higher education;

(c) A combination of institutions of higher education;

Provided, That in the fiscal year for which the grant is requested that the applicant institution or branch, either individually or as a member of a combination, has also applied for and is eligible to receive a basic grant in excess of $1,500 for or on behalf of such institution or branch.

(20 U.S.C. 1023(a); H.R. Report No. 1178, 89th Cong., 1st Sess. (to accompany H.R. 9567) at p. 60 (1965))

§ 131.21 Application for a supplemental grant.

Each application for a supplemental grant shall contain information sufficient to enable the Commissioner to determine—

(a) The eligibility of the applicant pursuant to § 131.5;

(b) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is being sought;

(c) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for library materials an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is being sought;

(d) The size and quality of the library resources of the application in relation to—

(1) Its present enrollment and expected increase in its enrollment;

(2) Any special circumstances which are impeding or will impede the proper development of its library resources;

(3) How a supplemental grant would be used to improve the size or quality of its library resources.

(e) The relative priority of the application in light of the criteria established by the Commissioner and set forth in § 131.22.

(20 U.S.C. 1023)

§ 131.22 Criteria for review of application for a supplemental grant.

The following criteria shall be applied by the Commissioner in approving applications for supplemental grants, in accordance with the point scores set forth in Appendix A to this part:

(a) Degree of deficiency in the number of volumes of the applicant's library in relation to recent and expected increase in such enrollment and the type of institution or branch applying for a grant;

(b) Participation in other Federal programs aiding disadvantaged students;

(c) Number of economically disadvantaged students enrolled;

(d) Recency of the establishment of the library collection; and

(e) Efforts made to improve resources through membership in a library consortium or other efforts through participation in joint-use library facilities.

(20 U.S.C. 1023; H.R. Rept. No. 621, 89th Cong., 1st Sess. at p. 11 (1965); and Senate Rept. No. 673, 89th Cong., 1st Sess. at p. 24 (1965))

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§ 131.23 Amount of grant.

(a) *Supplemental grant.* The amount of a supplemental grant may not exceed $20 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in the applicant institution or branch except that, where an application is made both by a parent institution and a branch thereof, the number of students enrolled in the branch may not be considered in computing the amount of the grant for the applicant parent institution. In the case of an application for a combination of institutions of higher education, the amount of the supplemental grant may not exceed $20 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in each eligible member institution: *Provided, however,* Where a member institution has also applied for and received in the same fiscal year a supplemental grant on its own behalf, the number of students so enrolled may not be counted in computing the amount of the grant for the combination.

(20 U.S.C. 1023(a))

§ 131.24 Waiver.

The Commissioner may waive the assurances required by § 131.21 (b), (c) under the same circumstances and to the same extent as set forth in § 131.13(b).

(20 U.S.C. 1023)

Subpart D—Special Purpose Grants

§ 131.30 Eligible Applicants.

The following are eligible to apply for a special purpose grant:

(a) Types A and B—

(1) An institution of higher education;

(2) A branch of an institution of higher education;

(b) Type C—

(1) A combination of institutions of higher education;

(c) Type D—

(1) Public and private nonprofit library institutions.

(20 U.S.C. 1024(a)(2))

§ 131.31 Application for a special purpose grant.

Each application for a special purpose grant shall contain information sufficient to enable the Commissioner to determine—

(a) The eligibility of the applicant pursuant to § 131.30;

(b) Whether the purpose for which the grant is requested is one of the four purposes set forth in § 131.3;

(c) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such library purposes during the fiscal years 1964 and 1965 or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(d) That the application (or applicants jointly in the case of a combination of institutions) will expend, during the fiscal year for which the grant is requested (from funds other than funds received under this part) for the same purpose as such grant, an amount from such other sources equal to not less than 33⅓ percent of such grants;

(e) The relative priority of the application in light of the criteria, applicable to grants Type A, Type B, Type C, or Type D, as appropriate, which the Commissioner has established and set forth in § 131.32.

(20 U.S.C. 1024)

§ 131.32 Criteria for review of a special purpose grant.

The following criteria will be applied by the Commissioner (using the point scores in Appendix B of this part) in approving applications for special purpose grants:

(a) *Type A grant.* (1) Location in a community characterized by significant social and economic deprivation;

(2) Location in a designated Model Cities area;

(3) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other);

(4) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged and black communities described; and

(5) Degree to which grant and matching funds will meet the special needs described.

(b) *Type B grant.* (1) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other) in professional schools;

(2) Availability of special collections to support the research and training of graduate students who expect to work in areas affecting the economically disadvantaged of the community;

(3) Availability of printed catalog or other guides to collection and number of academic institutions receiving and utilizing the above catalogs and guides; and

(4) Degree to which the program of acquisition will contribute to the criteria described in subparagraphs (2) and (3) of this paragraph (b).

(c) *Type C grant.* (1) Degree to which members of combinations are supportive of research and training activities which prepare persons to work in areas affecting the disadvantaged, including those supported by other Federal programs;

(2) Number of institutions applying as members of the combination submitting application;

(3) Availability and adequacy of catalog or other guides to collection and existence of computerized system or other center in operation;

(4) Employment of full-time director by the combination with adequate supporting staff, equipment, and facilities;

(5) Adequate evidence that combination will be able to continue without the support of Federal funds; and

(6) Degree to which grant and matching funds will meet the special needs described.

(d) *Type D grant.* (1) Number and type of institutions of higher education with which applicant has a formal, cooperative agreement to provide library and information services;

(2) Availability of a published catalog of or other guide to the available collection;

(3) Existence of a comprehensive collection which meets the special needs of institutions of higher education;

(4) Adequacy of staff, equipment, and facilities; and

(5) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged.

(20 U.S.C. 1024)

§ 131.33 Amount of grant.

The amount of the special purpose grant will be determined by the Commissioner on the basis of the special needs demonstrated by the applicant and the funds available for special purpose grants.

(20 U.S.C. 1024)

APPENDIX A

COLLEGE LIBRARY RESOURCES PROGRAM

Point Scores for Review of Applications for Supplemental Grants.

SEC. 1. *System of points scores.* In applying the criteria set forth in § 131.22 of the regulations for this program (45 CFR Part 131), the Commissioner shall employ a system of scoring in the review of supplemental grant applications as set forth below.

SEC. 2. *Points.* A maximum of 60 points may be scored in relation to the criteria as follows:

(a) Degree of deficiency in the number of volumes of the applicant's library in relation to the recent and expected increase in student enrollment and the type of institution or branch applying for a grant. (12 points)

(b) Participation in other Federal programs aiding disadvantaged students. (10 points)

(c) Number of economically disadvantaged students enrolled. (30 points)

(d) Recency of the establishment of the library collection. (3 points)

(e) Efforts made to improve resources through membership in a library consortium or other efforts through participation in joint-use library facilities. (5 points)

Maximum score (60 points).

SEC. 3. *Detailed explanation of scoring.* Each of the criteria, (a)–(e) in Sec. 2 above, is scored as follows:

(a) *Degree of deficiency in the number of volumes in the applicant's library in relation to the recent and expected increase in student enrollment and the type of institution or branch applying for a grant.* When for the year of application the number of volumes held by the library falls below the minimum for its types of institution (as set forth below under "Minimum for Institutions") to the following degree:

Deficiency percentage:	*Maximum points*
90 or more	12
80 to 89	11
70 to 79	10
60 to 69	9
50 to 59	8
40 to 49	7
30 to 39	6
20 to 29	5
10 to 19	4
Under 10	3
None	0

Maximum score, 12.

The minimum for institutions shall be:

"One year institutions" enrolling up to 50,000 full-time students: 10,000 volumes, increased by 2,500 volumes for each additional 250 full-time students enrolled.

"Two year colleges" enrolling up to 1,000 full-time students: 20,000 volumes, increased by 5,000 volumes for each additional 500 full-time students enrolled.

"Four and five year colleges" granting bachelor's and master's degrees enrolling up to 600 full-time students: 50,000 volumes, increased by 10,000 for each additional 200 full-time students enrolled to a maximum of 300,000 volumes.

"*Universities*" granting Ph.D. degrees 500,000 volumes maximum.

(b) *Participation in other Federal programs aiding disadvantaged students.* (1) If the institution participates in, or is assisting a developing institution or a consortium of such institutions, under a HEA Title III Grant, (3 points) or

(2) If the institution participates in or is assisting a developing institution or a consortium of such institutions, under a HEA Title III Grant, WITH A LIBRARY COMPONENT. (5 points)

(3) Participation in the special services for disadvantaged students program, Title IV of the Higher Education Act.

(i) If the institution received a grant of less than $50,000 under Title IV (HEA). (1 point)

(ii) If the institution received a grant of $50,000 to $100,000 under Title IV (HEA). (2 points)

(iii) If the institution received a grant of $100,000 to $150,000 under title IV (HEA). (3 points)

(iv) If the institution received a grant of $150,000 to $200,000 under Title IV (HEA). (4 points)

(v) If the institution received a grant of over $200,000 under Title IV (HEA). (5 points)

Maximum score—(10 points).

(c) *Number of economically disadvantaged students enrolled.* (1) Percentage of student population whose family income is under $6,000 per annum.

Score per criterion	
0 to 20	1
21 to 40	2
41 to 60	3
61 to 80	4
81 to 100	5

(2) Number of students whose family income is under $6,000 per annum.

1 to 100	1
101 to 250	2
251 to 500	3
501 to 750	4
751 and over	5

(3) C(1)____ × C(2)____ = ____
Score Score (Total)

(4) Number of minority group students enrolled in the institution—such as American Indian, Negro, Oriental, Spanish-Surnamed American, Disadvantaged Appalachians or other specified groups.

Score per criterion	
500 or more	5
400 to 499	4
300 to 399	3
200 to 299	2
100 to 199	1
99 or below	0
Maximum score	30

The number of students supported under the Federal College Work-Study Program may be used in lieu of the income factor in this criterion.

(d) *Recency of the establishment of the library collection.* The institution's library collection and services were first made available to the applicant's body during the year of application or the two academic years immediately preceding the year of application.

(1) If first made available in the year of application—5 points.

(2) If first made available in the year preceding the year of application—3 points.

(3) If first made available in the second year preceding the year of application—1 point.

Maximum score—5 points.

(e) *Efforts made to improve resources through membership in a library consortium or other efforts through participation in joint-use library facilities.* An institution of higher education is a member of library consortium, including participation in programs supported by Title III of the Library Services and Construction Act. (5 points)

Maximum score. (5 points)

(20 U.S.C. 1023)

APPENDIX B

LIBRARY RESOURCES PROGRAM

Point Scores for Review of Applications for Special Purpose Grants.

In addition to the criteria set forth in § 100a.26(b) of the Office of Education General Provisions Regulations (45 CFR 100a.26(b)) and in applying the criteria set forth in § 131.32 of the regulations for this program (45 CFR Part 131), the Commissioner shall employ the following system of scoring in the review of the special purpose grant applications:

	Points
Type A Grant:	
(1) Location in a community characterized by significant social and economic deprivation	5
(2) Location in a designated Model Cities Area	5
(3) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other)	5
(4) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged and black communities described	10
(5) Degree to which grant and matching funds will meet the special needs described	5
Type B Grant:	
(1) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other) in professional schools	5
(2) Availability of special collections to support the research and training of graduate students who expect to work in areas affecting the economically disadvantaged of the community	10
(3) Availability of printed catalog or other guides to collection and number of academic institutions receiving and utilizing the above catalogs and guides	5
(4) Degree to which the program of acquisition will contribute to goals described in (2) and (3) above	5
Type C Grant:	
(1) Degree to which members of combinations are supportive of research and training activities which prepare persons to work in areas affecting the disadvantaged, including those supported by other Federal programs	5
(2) Number of institutions applying as members of the combination submitting application	5
(3) Availability and adequacy of catalog or other guides to collection and existence of computerized system or other center in operation	5
(4) Employment of full-time director by the combination with adequate supporting staff, equipment, and facilities	5
(5) Adequate evidence that combination will be able to continue without the support of Federal funds	5
(6) Degree to which grant and matching funds will meet the special needs described	5
Type D Grant:	
(1) Number and type of institutions of higher education with which applicant has a formal, cooperative agreement to provide library and information services	5
(2) Availability of a published catalog or other guide to the available collection	5
(3) Existence of a comprehensive collection which meets the special needs of institutions of higher education	10
(4) Adequacy of staff, equipment, and facilities	5
(5) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged	5

[FR Doc.74-11644 Filed 5-20-74;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 12600]

DOWTY ROTOL PROPELLERS

Proposed Airworthiness Directives

Amendment 39–1803 (39 FR 10426), AD 74–7–3, requires the replacement of sets of rollers after each report of significant propeller induced vibration in flight, repetitive replacement of sets of rollers, inspections for broken rollers and proper preload in bearing assemblies, and the replacement of propeller blades and blade retaining bolts, if necessary, until through hardened sets of rollers are installed on Dowty Rotol type (c) R 209/4–40–4.5/2 propellers. After issuing Amendment 39–1803, the FAA has determined that the reason for the issuance of Amendment 39–1803 (reports of cracks in full width case hardened rollers in the bottom (C.F.) race that could result in eventual propeller failure) is also applicable to Dowty Rotol type (c) R 245/4–40–4.5/13 and (c) R 259/4–40–4.5/17 propellers. In addition, the FAA has determined that if ten or more rollers are found to be broken or if the preload is found to be less than .0035 inches during the inspection required by paragraph (c) of Amendment 39–1803, it is necessary that the propeller bearing assembly be dealt with in the same manner as paragraph (c) presently requires with respect to the propeller blade and blade retaining bolt. Therefore, the FAA is considering amending Amendment 39–1803 to make it applicable to Dowty Rotol type (c) R 245/4–40–4.5/13 and (c) R 259/4–40–4.5/17 propellers and to require that if ten or more rollers are found to be broken or if the preload is found to be less than .0035 inches, during the inspection specified in paragraph (c) of Amendment 39–1803, the propeller bearing assembly must be removed from service before further flight and marked in a manner that will prevent its further use. In addition, it is also proposed that several clarifying revisions be made to Amendment 39–1803.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 20, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1803 (39 FR 10426), AD 74–7–3, as follows:

1. By amending the applicability statement and the introductory language of the AD to read as follows:

DOWTY ROTOL. Applies to Dowty Rotol type (c) R 209/4–40–4.5/2, (c) R 245/4–40–4.5/13, and (c) R 259/4–40–4.5/17 Propellers Installed on, but not Necessarily Limited to, Nihon Model YS–11 and YS–11A Series Airplanes and Convair Models 600[240D], 640[340D], and 640[440D] Series Airplanes Equipped With Rolls-Royce Dart Model 542 Series Engines

Compliance is required as indicated.

To prevent possible propeller failure resulting from cracking of full width case hardened rollers in the bottom (C.F.) race of the propeller blade bearings, accomplish the following:

2. By amending the introductory language of paragraph (b) of the AD, the first sentence of paragraph (c) of the AD, and paragraph (d) of the AD by inserting between the date, "December 20, 1972," and the phrase "or an FAA-approved equivalent", the following phrase:

For type (c) R 209/40–4.5/2 propellers; Dowty Rotol Service Bulletin No. 61–542–9, dated June 21, 1973, for type (c) R 245/4–40–4.5/13 and (c) R 259/4–40–4.5/17 propellers;

3. By amending the second sentence of paragraph (c) of the AD to read as follows:

(c) • • • If ten or more rollers are found to be broken or if the preload is found to be less than .0035 inches, before further flight, remove the associated propeller blade, blade retaining bolt, and bearing assembly from service, mark them in a manner that will prevent their further use, and replace them with serviceable parts of the same part number or FAA-approved equivalents.

Issued in Washington, D.C., on May 14, 1974.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.74–11578 Filed 5–20–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–EA–35]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Chantilly, Va. control zone (39 FR 366).

The present control zone designation contains a reference to the Herndon VORTAC which must be deleted. The proposed alteration will also provide controlled airspace, in accordance with present agency criteria for designation of controlled airspace, for aircraft executing the instrument approach procedures to Dulles International Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before June 20, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Chantilly, Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Chantilly, Va. control zone and by substituting the following in lieu thereof:

Within a 5.5-mile radius of the center, 38°56'40" N., 77°27'24" W. of Dulles International Airport; within a 6-mile radius of the center of the airport, extending clockwise from a 063° bearing to a 160° bearing from the airport; within 2.5 miles each side of the Dulles International Airport runway 1R ILS localizer course, extending from the 5.5-mile radius zone to 0.5 miles north of the OM; within 2 miles each side of the extended centerline of Dulles International Airport runway 30, extending from the west end of runway 30 to 5.5 miles west and within 3.5 miles each side of the Dulles International Airport runway 19R ILS localizer course, extending from the 5.5-mile radius zone to 10 miles north of the OM.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 7, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74–11577 Filed 5–20–74;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC–58; Notice No. 74–8]

REQUIRING NON-SLIP SURFACES AND HANDHOLDS FOR DRIVERS OF COMMERCIAL MOTOR VEHICLES

Advance Notice of Proposed Rule Making

The Director of the Bureau of Motor Carrier Safety is considering rulemaking to require commercial motor vehicles operated in interstate or foreign commerce to have non-slip surfaces and handholds at locations where drivers must climb upon the vehicles in order to perform duties related to the operation of the equipment.

The purpose of the rulemaking is to reduce the number of accidental injuries to drivers who slip and fall while performing such tasks as connecting air and electrical lines between truck tractors and semitrailers, entering or leaving cabs, and walking or climbing upon trailers, semitrailers, and cargo for the purpose of loading, unloading, and inspecting cargo.

There is evidence that slip-and-fall accidents involving drivers who climb upon the motor vehicles pose a substantial problem in the motor carrier industry. Information received from the Transportation Safety Institute of Ontario indicates that for 1971, 37 percent of the lost-time personal-injury accidents during operation of commercial motor vehicles in that Province were slips or falls from vehicles. Information supplied to the Department of Transportation by several motor carriers showed that, for one carrier of motor vehicles, slips and falls accounted for more than 20 percent of all injuries sustained by drivers. The three principal categories of driver slip-and-fall accidents which were identified during a review of that information were: (1) Accidents occurring while the driver was entering or leaving the cab; (2) accidents occurring during tractor coupling and uncoupling operations; and (3) accidents occurring while the driver was loading or unloading cargo or checking its condition.

Aware of the substantial number of lost-time accidents of this type, several manufacturers and motor carriers have taken action on their own initiative to prevent or reduce the severity of these accidents. Many carriers have installed skid-resistant surface material, having a high coefficient of friction, on fuel tank steps, on the tops of the fuel tanks themselves, and as covering on frame rails. An increasing number of carriers is now specifying electrical and air connections which the driver can reach while he is standing on the ground. As a rule, the connections are located on the left side of the vehicle, but they can be used interchangeably with the centrally-located connections of older tractors, trailers, and semitrailers.

In an effort to alleviate the dangers and discomfort of driver entry into, and egress from, cabs which are located at a considerable height, several motor carriers have installed two handholds on the outside of the cab at the place where the driver must climb, thereby creating a "ladder" for his use. In addition, steps with highly skid-resistant surfaces have been provided, so that the driver can climb directly into the cab instead of using his arms to swing his weight into the cab, as most present designs require. Carriers have also installed a grab rail on the rear of the outside of the tractor, so that the driver will have a handhold when he is performing coupling and uncoupling operations.

The question now before the Director is whether devices of this type and other similar improvements should be made mandatory on equipment operated in interstate or foreign commerce. A particularly troublesome problem is slips and falls from walkways and footholds designed or intended to be used by drivers and others during loading, unloading, and inspection of cargo. The problem seems most severe in the case of trailers and semitrailers used to haul automobiles and tank vehicles used in the solid bulk and liquid bulk hauling industries. The largest percentage of driver slip-and-fall accidents seems to occur in these categories of operations.

The Director invites comments from interested persons on the need, from the standpoint of safety, for adoption of new regulations that would protect drivers by diminishing the chance of injury during coupling and uncoupling of vehicles, entry into and egress from cabs, and loading, unloading, and inspection of cargo. The Director especially invites motor carriers to submit additional information and accident statistics relating to their experience with drivers slipping and falling from commercial motor vehicles. Examples of grab rail and skid-free surface designs which have proven to be either adequate or inadequate, from a safety point of view, are also requested. The Bureau is contemplating requiring more skid-free surfaces and large walkways that are equipped with safety devices. In addition, rules pertaining to ladders and other methods of access to cabs and cargo will be considered as subjects for rulemaking: improved ladders that have larger steps and handholds, as well as skid-free surfaces, seem to be a promising way of reducing slip-and-fall accidents. The Bureau is also giving special consideration to regulations that will require the locations of air and electrical connections to be situated so that they can be operated by drivers while they are standing at the left side of the vehicle with both feet on the ground. Uniformity of the location of places where air and electrical connections are made would, it would seem, contribute to safety while drivers are coupling and uncoupling combination vehicles. The Bureau solicits comments on the most effective type of rules to promote safety of operation, vehicle uniformity, and interchangeability of equipment.

Comments on other pertinent matters are also invited and will be given careful consideration.

Comments should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on September 9, 1974, will be considered before further action is taken on the proposal. Comments will be available for examination by the public in the Docket Room of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

This advanced notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on May 12, 1974.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

[FR Doc.74–11623 Filed 5–20–74;8:45 am]

[49 CFR Part 395]

[Docket No. MC–59; Notice No. 74–9]

DRIVERS DECLARED "OUT OF SERVICE"

Notice of Proposed Rulemaking

The Director of the Bureau of Motor Carrier Safety is considering a revision of § 395.13 of the Federal Motor Carrier Safety Regulations. Section 395.13 provides for declaring "out of service" a driver of a commercial motor vehicle in interstate or foreign commerce who, at the time of examination, may not lawfully drive any more without exceeding the hours-of-service limitations in the Regulations.

As amended in November 1973 (38 FR 31428), § 395.13 authorizes special agents of the Federal Highway Administration to declare drivers "out of service" by completing Form MCS–65. The section prohibits a driver who has been declared "out of service" from further driving and prohibits a motor carrier from requiring or permitting the driver to drive any further, until the driver can lawfully do so in conformity with the hours-of-service rules in § 395.3, § 395.10, or § 395.11.

The revision under consideration would restate the existing rules. In addition, it would explicitly provide for service of a copy of the driver-out-of-service form (now Form MCS–89) on the motor carrier by tender of a copy of the form to the driver. That is what is now done in practice. The present driver-out-of-service form instructs the motor carrier to complete a section of the form and send the completed document to the appropriate Regional Motor Carrier Safety Office. At present, however, the Regulations do not specify a time limit within which the carrier must send in the completed form. The Director proposes to set a time-limit of 15 days within which that must be done. The

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proposed 15-day deadline is consistent with the existing requirement in § 396.5 of the regulations, which provides for completion and disposition of Form MCS–63, the form used to declare a vehicle "out of service".

The Bureau is tentatively of the view that the proposed 15-day time limit should not impose a real burden on any motor carrier. Prompt receipt of completed forms would assist the Bureau to carry out its mission of increasing highway safety.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety proposes to revise § 395.13 of the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III in title 49, CFR) to read as follows:

§ 395.13 Drivers declared "Out of Service".

(a) *Authority to declare drivers "Out of Service".* Every special agent of the Federal Highway Administration (as defined in Appendix B to this subchapter) is authorized to declare a driver out of service and to notify the driver and motor carrier of that declaration, if he finds at the time and place of examination that the driver has driven or been on duty immediately prior to the examination longer than the maximum period permitted by §§ 395.3, 395.10, or 395.11 of this subchapter.

(b) *Action taken when a driver is declared "Out of Service".* When he declares a driver out of service, the special agent shall—

(1) Record his finding that the driver has exceeded the hours-of-service rules on Form MCS–89, "Notice of Driver Declared 'Out of Service'", and serve the finding on the driver and motor carrier by tendering a copy of the completed Form MCS–89 to the driver; and

(2) Place a copy of Form MCS–88, "Out of Service Driver", on the motor vehicle.

(c) *Duties of the motor carrier.* (1) A motor carrier must not require or permit a driver who has been declared out of service to drive or operate a motor vehicle until that driver may lawfully do so under the rules in §§ 395.3, 395.10, or 395.11 of this subchapter.

(2) A motor carrier must complete the "Motor Carrier's Report of Compliance with Notice" section of a copy of Form MCS–89 that has been served upon him and send the copy of the Form MCS–89, so completed, to the Director, Regional Motor Carrier Safety Office, Federal Highway Administration, at the address specified upon the Form within 15 days following the date of the examination.

(d) *Duties of the driver.* A driver who has been declared out of service must not drive or operate a motor vehicle until he may lawfully do so under the rules in §§ 395.3, 395.10, or 395.11 of this subchapter.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed revision. All comments submitted should refer to the docket number and notice number that appear at the top of this document. Comments should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on July 15, 1974 will be considered before further action is taken on the proposal. All comments received will be available for examination in the Docket Room of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street SW., Washington, D.C. 20590, both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on May 13, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.74–11622 Filed 5–20–74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 571, 575]

[Docket No. 74–23;Notice No. 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS; CONSUMER INFORMATION

Temperature for Tire Tests

This notice proposes amendment of Standard No. 119, *New pneumatic tires for vehicles other than passenger cars*, 49 CFR 571.119, Standard No. 109, *New pneumatic tires (passenger cars)*, 49 CFR 571.109, and § 575.104, *Uniform tire quality grading*, 49 CFR Part 575, to establish an upper-limit temperature of 105° F. for the high speed and endurance tests.

In Standard 119 and § 575.104, the present test temperature of 100° F. is similar to that of Standard 109, *New pneumatic tires*, except that the latter was established several years ago with a ±5° tolerance. The National Highway Traffic Safety Administration (NHTSA) has concluded that physical tolerances confuse the requirements and complicate the enforcement of minimum performance standards. In Standard 109, for example, the 10° tolerance range could be understood as permitting manufacturers to test near 95° F. and the NHTSA to test near 105° F., thus producing results which would be difficult to compare meaningfully.

By comparison, the Standard 119 and § 575.104 requirement that the tire be tested at any temperature up to 100° F., taken together with the explanation of usage in 49 CFR 571.4, means clearly that the NHTSA would test and the tire must conform, at any temperature from 90° to 100°. Normally, therefore, the manufacturer must test at sufficiently adverse temperatures to satisfy himself that in the exercise of due care his tires will pass NHTSA testing at any temperatures up to 100° F.

The NHTSA is of the opinion that tires should be capable of meeting the requirements of the applicable standards at any temperatures up to 105° F. This is the range originally intended to be included in Standard 109, although as noted the language of that standard is ambiguous in its effect. This proposal is intended to establish a firm, upper-limit temperature condition of 105° F. in both standards and in the Quality Grading regulation.

It is therefore proposed that the following amendments be made in Parts 571 and 575 of Title 49, Code of Federal Regulations.

A. In Standard No. 109, 49 CFR 571.109:

1. A new S4.2.2.8 would be added to read:

S4.2.2.8 *Temperature conditions.* The tire must be capable of meeting the requirements of S5.4 and S5.5 when conditioned at any ambient temperature up to 105°F. for 3 hours before the test is conducted, and with an ambient temperature maintained at any level up to 105°F. during all phases of testing.

2. S5.4.1.2 would be amended to read: S5.4.1.2 Condition the tire assembly in accordance with S4.2.2.8.

3. S5.4.2.2. would be deleted and reserved.

4. In S5.5.3, the expression "100±5°F." would be changed to "105°F."

B. In Standard No. 119, 49 CFR 571.119:

1. The temperature of "100°F." appearing twice in the first sentence of S7.1.2 would be changed to "105°F."

2. In S7.4(c), the temperature "100°F." would be changed to "105°F."

C. In § 575.104, 49 CFR Part 575:

1. Paragraph (e)(2) would be revised by the addition of the following language at the end of the present paragraph: "and at any ambient temperature up to 105°F. for 3 hours before the test is conducted, and with an ambient temperature maintained at any level up to 105°F. during all phases of testing."

2. In paragraphs (h)(2), (h)(5), and (h)(8), the temperature of "100°F." would be replaced by the temperature of "105°F."

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments

received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: July 5, 1974.

Proposed effective date: 6 months following publication of the final rule.

(Secs. 108, 119, Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on May 15, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74–11565 Filed 5–17–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 413]

ELECTROPLATING POINT SOURCE CATEGORY

Hearing on Proposed Pretreatment Standards

On March 28, 1974, the Environmental Protection Agency published a notice of proposed rulemaking, establishing pretreatment standards under section 307 (b) of the Federal Water Pollution Control Act, 33 U.S.C. 1251, for incompatible pollutants introduced into publicly owned treatment works by existing sources within the copper, nickel, chromium and zinc segments of the electroplating category. (39 FR 11510)

During the period provided for public comment on the proposed regulation, a request for a public hearing was submitted on behalf of the National Association of Metal Finishers. The Agency, in response to this request, has scheduled a public hearing for Monday, June 10, 1974. The hearing will begin at 9:15 a.m. and will be held in Room 3905, Waterside Mall, 401 M Street, SW., Washington, D.C.

The hearing will be open to the public. Any persons wishing to present oral evidence at the hearing should inform the Agency in writing by June 3, 1974, of the general subject of their testimony and the approximate time necessary for the presentation.

ROBERT V. ZENER,
Acting Assistant Administrator for Enforcement and General Counsel (EG–329).

MAY 6, 1974.

[FR Doc.74–11566 Filed 5–20–74;8:45 am]

[40 CFR Part 417]

SOAP AND DETERGENT MANUFACTURING POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants; Extension of Time for Comment

On April 12, 1974, the Environmental Protection Agency published a notice of proposed rulemaking establishing the applicability of effluent limitations guidelines promulgated under sections 301 and 304(b) of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq. (the Act), to pretreatment standards for existing sources under section 307(b) of the Act. The due date for comments provided in the notice was May 13, 1974. (39 FR 13394).

Subsequently, EPA has received requests that the period for submission of public comments on the proposed regulation be extended. EPA recognizes that over 95 percent of the plants in this industry category discharge to publicly owned treatment works and hence will be affected by the proposed regulation and that the notice of proposed rulemaking incorporated distinctions based on production of products with specific pollution characteristics not previously directly employed in the development of the effluent limitations guidelines themselves. Accordingly, in order to facilitate informed and useful public participation in the formulation of pretreatment standards for the soap and detergent industry category, the time for submission of comments is hereby extended to and including June 12, 1974.

Dated: May 15, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–11565 Filed 5–20–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[Docket No. 19947]

LEASED CHANNEL RATES FOR INTERNATIONAL SERVICES

Order Extending Time for Comments

1. By Notice of Inquiry and notice of proposed rulemaking in the above-captioned matter released March 6, 1974, FCC 74–198, ____ F.C.C. 2d ____ (39 FR 9464), we instituted an investigation into the appropriate ratemaking approach for international leased channel service. That Notice directed the parties to submit, no later than May 14, 1974, written comments with respect to the designated issues.

2. We have received motions for extension of the time in which to file the required comments from Western Union International, Inc. (WUI) and ITT World Communications Inc. (ITT). WUI requests extension of time until June 14, 1974. ITT requests an extention until May 28, 1974. The motions state that the extension is needed to permit preparation of the required comments and was necessitated by the absence of key corporate personnel. The motions have not been opposed.

3. The above motions have shown good cause for an extension of the filing period. However, we believe that the need for a thirty-day extension, as requested by WUI, has not been shown and that such an extension would unduly delay the proceeding. After reviewing the matter, it appears that an extension of three weeks is an appropriate period.

4. *Accordingly, it is ordered*, Pursuant to § 0.303(c) of the Commission's rules and regulations, that the time for parties to submit their comments in this proceeding is extended until June 3, 1974.

The date for reply comments is also extended until July 3, 1974.

5. *It is further ordered*, That to the extent provided for herein the above-referenced motions are granted and otherwise denied in all respects.

Adopted: May 14, 1974.

Released: May 15, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74–11543 Filed 5–20–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19987]

FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Subpart B (FM Broadcast Stations) of Part 73 in certain respects, Docket No. 19987.

1. On March 28, 1974, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 10, 1974, 39 FR 13007. Comment and reply comment dates are presently May 14 and May 23, 1974, respectively.

2. On May 13, 1974, the Association of Public Radio Stations (Public Radio) filed a request for extension of time in which to file comments to and including May 28, 1974. Public Radio states that the U.S.–Mexico FM Agreement has far-reaching implications on the allocation of frequencies in the noncommercial FM band throughout the United States. It notes that a petition was circulated widely throughout the country to noncommercial stations and those stations have not as yet had time to reply in sufficient numbers. It adds that the Agreement affects portions of a petition for rule making initiated by the Corporation for Public Broadcasting which is pending before the Commission. Public Radio states that the additional time will be used to work out in detail the relationship between the Agreement and the Corporation for Public Broadcasting petition and hopefully come to a position of strong support based on relevant data.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including May 28 and June 11, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act

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of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 14, 1974.

Released: May 15, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11549 Filed 5-20-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20049]

FM BROADCAST STATIONS IN MARSHFIELD, MASS.

Proposed Table of Assignments and Order to Show Cause

In the matter of amendment of § 73.202 (b), *Table of assignments*, FM Broadcast Stations (Marshfield, Massachusetts), Docket No. 20049, RM-2158.

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by Marshfield Broadcasting Company ("Marshfield"), an opposition filed by Wasque Corporation ("Wasque") and supplemental filings by Marshfield.[1]

2. Although matters were more complicated when Marshfield first filed, they have become less so since then. Originally, Marshfield urged that Channel 240A be assigned to Marshfield, Massachusetts, to provide a first aural facility, and to accomplish this, proposed removing that channel from Falmouth, Massachusetts. Since a 307(b) comparative hearing for use of Channel 240A was underway between applicants proposing Falmouth and Tisbury, Massachusetts, Marshfield proposed a substitute channel for use in each community. Subsequently, the Tisbury applicant (Wasque) prevailed and the Marshfield petition was amended to propose a substitute channel only for Tisbury (Channel 224A) but not one for Falmouth. As a result Falmouth would lose its Class A channel but retain its Class B channel.[2]

3. The community of Marshfield, located 32 miles south of Boston, has a 1970 Census population of 15,223, more than double the 1960 figure. Marshfield asserts that the community is still growing at a fast pace and in need of a first local outlet. The channel proposed is intended to fill this need and simultaneously make for a more efficient system of area assignments. We have been assured that this channel, if used at a site at least 1.5 miles from Marshfield, and the substitute proposed for Tisbury, would meet all applicable requirements and also that for the areas of preclusion, substitute channels are available or the precluded communities are smaller and presumably less in need of an assignment than Marshfield. Wasque's pleading, filed before it prevailed in hearing, with partly directed to the original proposal to make a substitution at Falmouth as well as Tisbury. This point is no longer at issue. However, other points made by Wasque still are at issue. Thus, Wasque sought to cast doubt on Marshfield's need for a station by contending that ample service exists in the area and by asserting that Marshfield has made no showing of special need. Wasque also indicated that it wished to maintain its present channel for promotional reasons and opposed a delay in the inauguration of its operation pending the outcome of a rule making proceeding. Finally, Wasque insisted that the costs of changing channel should be assessed against Marshfield.

4. From available information, Marshfield and environs are fast growing, and we believe that a prima facie case has been made for the first assignment there. Wasque's comments about outside service, even if accurate, are not dispositive of the need for local service. Nor, under the circumstances here, does the preclusionary impact necessarily impose an obstacle, although parties interested in any affected community may indeed seek to have the issue addressed further. Finally, as to a change in the Tisbury channel, several points need to be made. Wasque's preference for a particular channel cannot be permitted to obscure the need to base our decision on public interest grounds. While Wasque should not be forced to await the outcome of this proceeding, it is at liberty to take this proceeding into account if it desires. The cost of a change in channels, if required, is to be absorbed by the benefitting party. Since the construction permit was granted three months ago and this proceeding may take a number of months more, it is not possible to condition that permit or otherwise act to avoid cost by delaying effectuation of that grant, unless of course, Wasque prefers to avoid a subsequent changeover. Comments on this point as well as other aspects of the proposal before us are invited.

5. In view of the foregoing, and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as follows:

City	Channel No. Present	Channel No. Proposed
Marshfield, Mass		240A
Falmouth, Mass	240A, 270	270
Tisbury, Mass		224A

6. *Showings required.* Comments are invited upon the proposals referred to above. Petitioner should affirm its intention to apply for the channel if assigned and to promptly build on it if the application is granted. Failure of the petitioner to do so may result in denial of its proposal.

7. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

8. *It is ordered.* That, pursuant to section 316 of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a permit, the following permittee shall show cause why the permit of the station should not be modified to specify operation on the new channel as proposed herein instead of the present channel:

Station	Location	Permittee
WVOI	Tisbury, Mass	Wasque Corp.

Pursuant to § 1.87(b) of the Commission's rules, the permittee of Station WVOI may, not later than July 1, 1974, request that a hearing be held on the proposed modifications. Pursuant to § 1.87(f), if the right to request a hearing is waived, the aforementioned party may, not later than July 22, 1974, file written statements showing with particularity why its permit should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on the party to furnish additional information, designate the matter for hearing, or issue without further proceedings an order modifying the permit as proposed in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the above-mentioned date, the party will be deemed to consent to the modification as proposed in the Order to Show Cause and a final order will be issued by the Commission.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 1, 1974, and reply comments on or before July 22, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

11. The Secretary of the Commission will send a copy of this notice of proposed rule making by Certified Mail, return receipt requested, to Wasque Corporation, as the party to whom Show Cause Order was directed.

Adopted: May 9, 1974.

Released: May 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11550 Filed 5-20-74;8:45 am]

[1] Marshfield asks for leave to respond to Wasque's response to the extent that Wasque's response was said to have gone beyond responding to Marshfield's comments. Wasque has not objected and in our view the public interest would be served by having all relevant information before us. Accordingly, leave will be granted.

[2] While we could explore a replacement channel for Falmouth, no current interest has been expressed. In addition, the channel mentioned by Marshfield is a Class A and as such would perpetuate the intermixture of Falmouth channels. Since the need for such a step at this time is anything but clear, we shall not now propose a substitution at Falmouth. Commenting parties are free to raise the issue in their filings if they would wish to use a replacement channel there.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-10560]

BROKER-DEALER REGISTRATION

Notice of Proposal To Adopt and To Amend Rule and Related Form

The Securities and Exchange Commission (the "Commission") has under consideration a proposal to adopt Rule 15b6-1 (17 CFR 240.15b6-1) under the Securities Exchange Act of 1934 (the "Act"). The proposed rule would provide that Commission revocation[1] or cancellation[2] of the registration of a broker or dealer pursuant to section 15 (b) of the Act shall be effective for purposes of section 3(a)(2) of the Securities Investor Protection Act of 1970 ("SIPC Act") (15 U.S.C. 78ccc(a)(2)) one year after the date of the order of revocation or cancellation or, in the event such order is stayed, one year after the termination of the stay, but shall be effective for all other purposes upon the effective date of such order.

[1] Section 15(b)(5) of the Act provides, among other things, that the Commission shall, after appropriate notice and opportunity for hearing, by order, revoke the registration of any broker or dealer if it finds that such sanction is in the public interest and that acts or circumstances specified in the section have occurred or exist with reference to or have been committed by such broker or dealer, whether prior to or subsequent to becoming such a broker or dealer or by any person associated with such broker or dealer, whether prior or subsequent to becoming so associated.

[2] Section 15(b)(6) of the Act provides, among other things, that "if the Commission finds that any registered broker or dealer, or any broker or dealer for whom an application for registration is pending, is no longer in existence or has ceased to do business as a broker or dealer, the Commission shall by order cancel the registration or application of such broker or dealer."

The Commission also has under consideration a proposal to amend Rule 15b6-1 and related Form BDW under the Act. Rule 15b6-1 (17 CFR 240.15b6-1) deals with withdrawal of a broker's or dealer's registration and provides that a notice to withdraw shall, in general, become effective on the 60th day after filing unless the Commission institutes or has instituted a proceeding prior to such date to censure, suspend or revoke such broker or dealer or to impose terms and conditions on the withdrawal. Such notice to withdraw is filed on Form BDW. The proposed amendment to Rule 15b6-1 would provide an additional period of one year after the broker's or dealer's withdrawal from registration has become effective during which the broker or dealer would continue in a registered status solely for purposes of section 3(a)(2) of the SIPC Act but could not operate as a broker or dealer.

PURPOSE OF PROPOSED RULE 15b6-1 AND AMENDMENT TO RULE 15b6-1

Section 3(a) of the SIPC Act establishes as members of the Securities Investor Protection Corporation ("SIPC") all persons registered as brokers or dealers under section 15(b) of the Act and all members of a national securities exchange with certain exceptions not here relevant. Section 5 of the SIPC Act provides that SIPC may initiate a court proceeding to protect customers of "members" of SIPC. The Commission deems it advisable to provide a formal period during which registration for purposes of the SIPC Act would be maintained after the broker or dealer has withdrawn or has been canceled or revoked, although for other purposes the entity would cease to be a broker or dealer.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of sections 15(b) and 23(a) of the Securities Exchange Act of 1934, and finding it to be in the public interest, hereby proposes to adopt § 240.15b5-1 and to amend § 240.15b6-1 and related Form BDW (17 CFR 249.501a) as set forth below.

§ 240.15b5-1. Extension of registration for purposes of section 3(a)(2) of the Securities Investor Protection Act of 1970 after cancellation or revocation.

(a) Commission revocation or cancellation of the registration of a broker or dealer pursuant to section 15(b) of the Act shall be effective for purposes of section 3(a)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ccc(a)(2)) one year after the date of the order of revocation or cancellation or, in the event such order is stayed, one year after the termination of the stay, but shall be effective for all other purposes upon the effective date of such order.

§ 240.15b6-1. Withdrawal from registration.

(a) Notice of withdrawal from registration as a broker or dealer pursuant to section 15(b) shall be filed on Form BDW (§ 249.501a of this chapter) in accordance with the instructions contained therein.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by a broker or dealer pursuant to section 15(b) shall become effective for all matters other than the broker's or dealer's registration status for purposes of section 3(a)(2) of the Securities Investor Protection Act of 1970 ("SIPC Act") (15 U.S.C. 78ccc(a)(2)) on the 60th day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine and shall become effective for purposes of section 3(a)(2) of the SIPC Act fourteen months after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If a notice to withdraw from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings pursuant to section 15(b) of the Act to censure, suspend, or revoke the registration of such broker or dealer, or if prior to the effective date of the notice of withdrawal for purposes other than the SIPC Act the Commission institutes such a proceeding or a proceeding to impose terms or conditions upon such withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions including terms and conditions relating to the effective date of the notice of withdrawal for purposes of the SIPC Act as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(c) Every notice of withdrawal filed pursuant to this section shall constitute a "report" within the meaning of sections 15(b) and 17(a) and other applicable provisions of the Act.

Form BDW

Instruction 1 of the General Instructions of the back of Form BDW would be amended to conform to the language contained in proposed Rule 15b6-1 (17 CFR 240, 15b6-1).

(Secs. 15(b), 23(a), 48 Stat. 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, secs. 6, 10, 70 Stat. 570-4, 580; (15 U.S.C. 78o(b), 78w))

All interested persons are invited to submit their views in writing on this proposal to adopt Rule 15b5-1 and to amend Rule 15b6-1 and related Form BDW to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 by June 21, 1974. All such communications shall bear the file No. S7-521 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

May 1, 1974.

[FR Doc.74-11639 Filed 5-20-74;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1249]

[No. 35129 (Sub-No. 3)]

ANNUAL FINANCIAL REPORTS OF CLASS I, CLASS II, AND CLASS III COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Proposed Revision

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of March 1974.

This proceeding is being instituted on our own motion to revise and replace certain schedules and instructions in Motor Carriers of Property annual financial report (AFR) form filed with the Commission.

For classes I and II proposed schedules involving significant revisions as to content, form or clarity, and a list of all proposed revisions are summarized in Appendix A.[1] The proposed schedules for class III are presented in Appendix B.[1]

EVENTS LEADING TO THIS PROCEEDING

In March 1973 the Commission issued a report and order in No. 32155 (Sub-No. 2), Uniform System of Accounts for Class I and Class II Common and Contract Motor Carriers of Property (49 CFR Part 1207), covering revision of the system of accounts. Then on October 12, 1973, the Commission approved a set of separate operating accounts for household goods carriers in 32156 (Sub-No. 3), Classification of Revenue and Expense Accounts for Class I and Class II Common and Contract Motor Carriers of Property for Household Goods Operations (49 CFR Part 1207).

These proceedings resulted in providing a new accounting system for motor carriers of property, including a separate classification of operating, revenue and expense accounts for household goods carriers. Accordingly, the AFR's must also be revised to reflect the data to be collected through the system.

Certain reporting changes presented in this notice for class I and class II motor carriers of property were suggested by the American Trucking Association (ATA) in their petition No. 32155 (Sub-No. 2); other reporting changes were designed by the Commission to meet the requirements of the new system of accounts.

The class III motor carriers of property AFR is also being revised to implement the above changes. Although the number of reported accounts would increase, the proposed class III AFR would be more in line with those being proposed for class I and class II carriers. This should ease any future transition for class III carriers into class II. The additional expense account reporting will not be a significant burden since most of the information is now required by tax authorities for Federal income tax purposes and payroll tax reports.

In addition to the above changes we are considering revision of the reporting requirements for affiliated relationships, changes in financial position, pension funds, Federal income tax, and compensation. Similar changes have been made recently to the rail carrier AFR, Form R1 (see report and order under docket No. 35344, Annual Reports of Class I Railroad Companies, served August 3, 1972). In keeping with the Commission's policy of uniformity and adequate disclosure we propose to make similar revisions to each of the other systems and report forms in the future.

Many of the proposed changes do not require additional disclosure. The major changes are described in the following paragraphs. The discussion is confined to class I schedules. The same revisions apply to class II unless stated otherwise. Changes in the class III AFR are discussed in items 9 and 10 under the heading "Report Revisions Caused by New Uniform System of Accounts". Copies of the proposed schedules affected by these major changes are provided in Appendix A and B.

AFR CHANGES REQUIRED BY NEW UNIFORM SYSTEM OF ACCOUNTS

1. Schedule 4000A, Expenses by Equipment Type, is a new requirement. This schedule requires the carrier to disclose those expenses outlined in Instruction 12 of the new uniform system of accounts by type of equipment and is applicable to class I and II carriers of general commodities (cost study carriers as defined in Instruction 27 of the system). The desirability and feasibility of analyzing cost by type of equipment was discussed by the Commission in No. 34013, Rules to Govern Assembling and Presenting Cost Evidence, wherein the Commission expressed support for revision of the uniform system of accounts which would improve cost analysis. Collecting expenses by equipment type was given as an example of improving cost data. In No. 32155 (Sub-No. 2) Instruction 32 was adopted requiring the carrier to maintain records on expenses by equipment type.

2. Schedule 20, Classification of Motor Carriers of Property, would be revised to show the local cartage revenue by commodity classification. The intercity information, currently shown in Schedule 9004, Commodities Transported in Intercity Service, would be included in Schedule 20.

3. Schedule 1220, Revenue Equipment Owned, would be revised by eliminating reporting of units by axle and adding a column to obtain number of units operating on LP gas.

4. For class I only, Schedule 2330C, Capital Lease Obligations, would be set up to provide separate reporting of capitalized lease obligations.

5. Schedule 4000, Operating Expenses, has been revised to report the operating expenses in matrix format. Schedule 4000HG, Operating Expenses, Household Goods Carriers, has been added for collecting operating expenses in the matrix format provided for carriers required to use the new household goods operating accounts (Instruction 28B carriers).

6. Schedule 3000HG, Operating Revenues, Household Goods Carriers, would be added to gather data on household goods revenue (Instruction 28B carriers).

7. All proposed revisions to the class I AFR are described in Appendix A, "List of Revisions". The same revisions apply to class II where similar schedules exist.

8. For class III annual reports the Statement of Financial Position (Balance Sheet) would be revised to disclose more detailed description of receivables, property, and payables.

9. For class III annual reports the Results of Operations (Income Statement) would be revised to require reporting of more detail on operating expenses.

AFR CHANGES PROPOSED FOR PURPOSES OF UNIFORMITY AND DISCLOSURE

1. Items 13 through 15 would be replaced by Schedule 13A, Companies Controlled by Respondent; Schedule 13B, Companies Indirectly Controlled by Respondent; Schedule 13C, Companies Under Common Control with Respondent; and Schedule 13D, Companies Controlling Respondent. Instructions would be revised to specify principal business activity, form of control, extent of control, and names of other parties in the relationship.

2. Add new Schedule 103, Statement of Changes in Financial Position. This statement, which requires the carrier to disclose his sources and applications of funds, has been in use for some time and just recently received general acceptance as a major financial statement. The Rail Form R1 has had this statement since 1972.

3. Explanatory note on pension funds from Schedule 101, Comparative Balance Sheet Statement—Liability Side, would be moved to Schedule 104, Notes to Financial Statements, and the instructions revised to disclose actuarial valuation and pension fund differences; funding arrangement, if any; affiliate relationship in the pension plan, if any; and investments in respondent's or affiliate's own securities.

4. Schedule 8800, Income Taxes on Ordinary Income, would be replaced by Schedule 8700A, Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes; Schedule 8700B, Computation of Federal Income Taxes; and Schedule 8700C, Consolidated Federal Income Tax Information. The instructions would require the disclosure of information concerning consolidated income tax, reconciliation of net income with taxable income, and computation of Federal income tax. The effective date of these schedules would be delayed until the outcome of Assn. of American Railroads v. United States, Civil Action No. 540–73 (D.D.C.), is reached.

5. Schedule 9002A, Compensation of Officers, Directors, Etc., would be changed to Schedule 9002C, Compensation of Officers, Directors, Etc., and the instructions revised to disclose (1) salary at the annual rate, including changes, and (2) compensation from affiliates (this has previously been reported in Schedule 9009).

6. Schedule 9009A and 9009B, Contracts and Agreements—Affiliated Companies, would be replaced with Schedules 9009A, Transactions Between Respondent and Companies or Persons Affiliated with Respondent for Services Received or Provided, Schedule 9009B, Other Transactions Between Respondent and Companies or Persons Affiliated with Respondent, Schedule 9009C, Transactions Between Noncarrier Subsidiaries of Respondent and Other Affiliated Companies or Persons for Services Received or Provided, and Schedule 9009D, Other Transactions Between Noncarrier Subsidiaries of Respondent and Other Affiliated Companies or Persons. The instructions would require reporting transactions between affiliates totaling $10,000 or more.

The above revisions would be made effective January 1, 1974, to coincide with the effective date of the new system of accounts adopted by this Commission in No. 32155 (Sub-No. 2) as noted above, except for schedules 8700A, 8700B, and 8700C which must be deferred pending the outcome of Assn. of American Railroads v. United States, Civil Action No. 540–73 (D.D.C.).

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 220 of the Interstate Commerce Act and pursuant to section 553 of the Administrative Procedure Act with a view of adopting the proposed regulations set forth in the appendix to this notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all motor carriers of property subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefore should later appear, but that respondents or any other interested parties may participate in the proceeding by submitting for consideration written statements of fact, views and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested person wishing to submit statement of facts, views, or arguments shall file 6 copies of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before June 15, 1974.

It is further ordered, That written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C., during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–11649 Filed 5–20–74;8:45 am]

[1] To be filed as part of the original document.

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

United States Customs Service

CUSTOMS BONDS

Proposed Incorporation of Immigration and Naturalization Service Form Into the Vessel, Vehicle, or Aircraft Bonds, Customs Forms

Notice is hereby given that pursuant to the authority of R.S. 251, as amended (19 U.S.C. 66), sections 623, 624, 46 Stat. 759, as amended (19 U.S.C. 1623, 1624), and section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), it is proposed to incorporate the provisions of the Bond for Payment of Sums and Fines Imposed under Immigration and Nationality Act (Term or Single Entry), Immigration and Naturalization Service Form I-310, into the Vessel, Vehicle, or Aircraft Bond (Single Entry), Customs Form 7567, and the Vessel, Vehicle, or Aircraft Bond (Term), Customs Form 7569. It is also proposed to amend condition 4 of the Vessel, Vehicle, or Aircraft Bonds to provide that when merchandise subject to duty is removed from the place of unlading prior to obtaining a proper permit for removal, the importing carrier is liable for liquidated damages in an amount equal to the total of the duties, taxes, charges, and exactions accruing on the merchandise so removed.

Presently, before the entry and clearance of a vessel or aircraft, a carrier customarily files two separate bonds. One of the bonds, either the Vessel, Vehicle, or Aircraft Bond (Single Entry), Customs Form 7567, or the Vessel, Vehicle, or Aircraft Bond (Term), Customs Form 7569, is required by Customs in order to insure the carrier's performance of certain obligations, and to insure the payment of certain charges and other monetary liabilities (including penalties), under the provisions of the Tariff Act of 1930, as amended. The other bond, the Bond for Payment of Sums and Fines Imposed under Immigration and Nationality Act (Term and Single Entry), Immigration and Naturalization Service Form I-310, is required by the Immigration and Naturalization Service to insure the payment of certain fines and civil penalties which might be incurred by the carrier under the provisions of the Immigration and Nationality Act. Inasmuch as both of the bonds are submitted by carriers in connection with the entry of vessels and aircraft, and inasmuch as both bonds call for the payment to the district director of Customs of charges, penalties, or other liabilities, incurred, it is proposed to eliminate Immigration and Naturalization Service Form I-310 by incorporating its provisions into the Vessel, Vehicle, or Aircraft Bonds, Customs Forms 7567 and 7569. Combining the two bonds in this manner will reduce the number of documents filed by carriers in connection with the entry and clearance of vessels and aircraft.

Condition 4 of the present Vessel, Vehicle, or Aircraft Bonds makes the importing carrier liable for the payment of all duties, taxes, charges, and exactions accruing on the merchandise removed from the place of unlading prior to obtaining a proper permit for removal. The proposed amendment to condition 4 of the bonds makes the importing carrier liable for liquidated damages in an amount equal to the total duties, taxes, charges, and exactions accruing on the merchandise removed. This liability will not be relieved by the subsequent payment by the actual importer of the duties, taxes, and other fees assessed with respect to the merchandise. Converting the importing carrier's liability into one for liquidated damages is intended to encourage stricter adherence to the provisions of section 448(a), Tariff Act of 1930, as amended (19 U.S.C. 1448(a)), which require that the merchandise be held at the place of unlading until a permit for removal has been issued. Compliance with this requirement is necessary for the enforcement of Customs cargo security program, especially the Cargo Loss Reporting System, which benefits both Customs and the public by allowing any discrepancy between the manifested and entered quantities of merchandise to be quickly determined.

Accordingly, it is proposed to amend the Vessel, Vehicle, or Aircraft Bond (Single Entry), Customs Form 7567, and the Vessel, Vehicle, or Aircraft Bond (Term), Customs Form 7569, to read as follows:

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

No. _____

Vessel, Vehicle, or Aircraft Bond (Single Entry)

(To lade or unlade at night or on Sunday or a holiday, to land equipment for repairs, etc., to discharge on lighters or outside docks, to pay legal charges, penalties, etc., to land cargo in other districts or foreign ports, to secure the payment of overtime, and to produce documents.)

Know all men by these presents that* _____ _____ _____ of _____, as principal, and* _____, of _____, as sureties, are held and firmly bound into the UNITED STATES OF AMERICA in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19__.

Whereas, the said _____ is the owner, master, commanding officer, operator, purser, person in charge or command, agent, charterer, or consignee of the _____ (Vessel, vehicle, or aircraft) _____ (Line) _____, which has arrived or is expected to arrive at the port of _____, on _____, 19__, to report, enter, and clear, and to discharge and take on cargo and passengers pursuant to the provisions of the Tariff Act of 1930, as amended, the Immigration and Nationality Act, as amended, the regulations issued pursuant to either of said acts, and other acts and regulations relating to the entry and clearance of vessels, vehicles, and aircraft;

Whereas, the above-bounden principal has requested the assignment of Customs officers or employees, and Immigration and Naturalization Service officers or employees to overtime duty at night or on Sunday or a holiday pursuant to the provisions of the Tariff Act of 1930, as amended, the Act of February 13, 1911, as amended, the Act of March 2, 1931, as amended, the Immigration and Nationality Act, as amended, or any other act or acts, and regulations relating thereto, in effect at the time of such duty, on behalf of vessels, vehicles, or aircraft;

Whereas, in the case of a vessel or aircraft bringing aliens into the United States, the owner, master, commanding officer, purser, person in charge or command, agent, charterer, or consignee thereof may incur liability for fines or civil penalties, including passage money refund, imposed by the Attorney General pursuant to the provisions of sections 231, 233, 237, 239, 243, 251, 253, 254, 255, 256, 271, 272, and/or 273 of the Immigration and Nationality Act, as amended, in connection with its operations; and

Whereas, under the said Immigration and Nationality Act no vessel or aircraft shall be granted clearance (or released from custody) pending the determination by the Attorney General of the question of such liability or while such fines or civil penalties remain unpaid: *Provided*, That clearance (or release from custody) may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such fines, or of a bond with sufficient surety to secure the payment thereof;

Now, therefore, the condition of this obligation is such that—

(1) If the above-bounden principal shall pay to the district director of Customs of said port promptly on demand such penalties as may be incurred by the vessel, vehicle, or aircraft, together with the sums chargeable under law and regulations for such services as may be performed for said vessel, vehicle, or aircraft by Customs or Immigration and Naturalization Service officers or employees, and shall promptly pay any duties, charges, exactions, penalties, or other sums found legally due the United States from any master or other proper officer or owner of said vessel, vehicle, or aircraft, and any and all fines (or penalties) imposed by the Attorney General pursuant to the above-cited sections of the Immigration and Nationality Act, as amended, against the owner, master, commanding officer, purser, person in charge or command, agent, charterer, or consignee of the said vessel or aircraft;

(2) And if the above-bounden principal shall exonerate and hold harmless the United States and its officers from or on account of any risk, loss, or expense of any kind or description which might occur or be occasioned by reason of the granting of any special license or permit to discharge or take on cargo, equipment, baggage, ballast, fuel, or other articles at night or on Sunday or a holiday, as well as from any loss or damage resulting from fraud or negligence on the part of any officer, agent, or other person employed by the above-bounden principal, by reason of the granting of any special license or permit;

(3) And if fuel supplies, sea stores, vessel supplies, crew purchases, ships' stores, and equipment shall not be unladen from the vessel or aircraft of the above-bounden principal, or removed from the place of unlading, except under Customs supervision, and if any such merchandise so unladen and permitted to be removed from the place of unlading without entry therefor having been made is returned into Customs custody and reladen, under Customs supervision, on the vessel or aircraft from which unladen, or in the event of failure to comply with the foregoing provisions the above-bounden principal shall pay the duties, taxes, charges, and exactions accruing on the merchandise with respect to which there has been a default (it being understood and agreed that the amount to be collected shall be based upon the quantity and value of such merchandise as determined by the district director of Customs, and that the decision of the district director as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties, taxes, charges, and exactions, also shall be binding on all parties to this obligation);

(4) And if pursuant to proper permit by the district director of Customs the above-bounden principal shall land, place or store any merchandise or baggage (hereinafter called merchandise) on lighters, piers, landing places, or spaces adjoining thereto, or such other places within the limits of the port permitted by the district director on special request made by the principal hereon, and shall retain such merchandise at such places until a permit for the removal thereof is granted, and, in the event that any such merchandise shall be removed therefrom before proper permits have been issued, shall pay as liquidated damages an amount equal to all duties, taxes, charges, and exactions accruing on any part of the merchandise so removed; or, in the event the merchandise so removed is free of duty, shall pay as liquidated damages an amount equal to the value of such merchandise, the damages on any one shipment not to exceed $500 (it being understood and agreed that the amount to be collected in either case shall be based upon the quantity and value of such merchandise as determined by the district director of Customs, and that the decision of the district director as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties, taxes, charges, and exactions also shall be binding on all parties of this obligation);

(5) And if all merchandise shown on the manifest of said vessel or aircraft to be destined for other United States Customs ports or for foreign ports is landed at the destination stated and proof thereof is furnished the said district director in the form and within the time required by law and regulations, or any lawful extension thereof, or if in the event such proof cannot be produced because of casualty or other cause, evidence satisfactory to the district director is furnished showing that the merchandise destined for foreign ports has not been landed in the United States or if so landed that entry thereof has been first made, or in the case of merchandise destined for other United States Customs ports, if evidence is furnished showing that for unavoidable causes the merchandise has been landed at a port other than that stated in the manifest and there properly entered, or that such merchandise has been lost or destroyed in transit, or in default of the foregoing if the obligors shall pay all duties, taxes, charges, and exactions which may be found legally due thereon; or in the event the merchandise is free of duty, if said obligors shall pay as liquidated damages an amount equal to the value of such merchandise as may be determined by the district director as indicated in the preceding condition of this obligation, the damages not to exceed $500;

(6) And if the above-bounden principal shall deliver to the district director of Customs at the port(s) of exportation a complete outward manifest, in all cases where the law and regulations require such manifest to be filed, and all required shipper's export declarations in the form prescribed by law and regulations not later than the fifteenth business day after departure when the merchandise is exported to Canada by rail, not later than the seventh business day after departure for shipments aboard a United States-flag carrier between the United States and Puerto Rico, or from the United States or Puerto Rico to the United States Possessions, and not later than the fourth business day after clearance, or departure when clearance is not required, of any other carrier; and for failure to file any manifest required by law or regulations and all required export declarations within the period of four days, seven days or fifteen days allowed therefor, shall pay to the district director of Customs a penalty of fifty dollars ($50) for each day's delinquency beyond the four-day, seven-day, or fifteen-day period, and if the required manifest and all required shipper's export declarations are not filed within three days following the applicable period, then for each succeeding day of delinquency shall pay to the district director of Customs a penalty of one hundred dollars ($100); and if all other documents required by law and regulations to be delivered to the district director of Customs are delivered to the said district director in the form and manner and within the time required by law and regulations, and any lawful extension thereof;

Then this obligation shall be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

_____ _____ _____ [SEAL]
(Name) (Address) (Principal)

_____ _____ _____ [SEAL]
(Name) (Address) (Surety)

_____ _____ _____ [SEAL]
(Name) (Address) (Surety)

_____ _____ _____ [SEAL]
(Name) (Address) (Surety)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the[1] _____ of the corporation named as principal in the within bond; that _____, who signed the said bond on behalf of the principal, was then _____ of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

_____ (Corporate Seal)

(To be used when no power of attorney has been filed with the district director of Customs.)

[1] May be executed by the secretary, assistant secretary, or other officer of the corporation.

*If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

Know all men by these presents that* _____ _____ _____ of _____, as principal, and* _____, of _____, and _____, of _____, as sureties, are held and firmly bound into the United States of America in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19__.

Whereas, the said _____ is the owner, master, commanding officer, operator, purser, person in charge or command, agent, charterer, or consignee of certain vessels, vehicles, or aircraft of the _____ (Line), which are expected to arrive during the period of one year from _____, 19__, to and including _____, 19__, to report, enter, and clear, and

*If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

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to discharge and take on cargo and passengers pursuant to the provisions of the Tariff Act of 1930, as amended, the Immigration and Nationality Act, as amended, the regulations issued pursuant to either of said acts, and other acts and regulations relating to the entry and clearance of vessels, vehicles, and aircraft;

Whereas, the above-bounden principal has requested or will request the assignment of Customs officers or employees, and Immigration and Naturalization Service officers or employees to overtime duty at night or on Sunday or a holiday pursuant to the provisions of the Tariff Act of 1930, as amended, the Act of February 13, 1911, as amended, the Act of March 2, 1931, as amended, the Immigration and Nationality Act, as amended, or any other act, or acts, and regulations relating thereto, in effect at the time of such duty, on behalf of vessels, vehicles, or aircraft;

Whereas, in the case of a vessel or aircraft bringing aliens into the United States, the owner, master, commanding officer, purser, person in charge or command, agent, charterer, or consignee thereof may incur liability for fines or civil penalties, including passage money refund, imposed by the Attorney General pursuant to the provisions of sections 231, 233, 237, 239, 243, 251, 253, 254, 255, 256, 271, 272 and/or 273 of the Immigration and Nationality Act as amended, in connection with its operations; and

Whereas, under the said Immigration and Nationality Act no vessel or aircraft shall be granted clearance (or released from custody) pending the determination by the Attorney General of the question of such liability or while such fines or civil penalties remain unpaid, *Provided*, That clearance (or release from custody) may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such fines, or of a bond with sufficient surety to secure the payment thereof;

Now, Therefore, the condition of this obligation is such that—

(1) If the above-bounden principal shall pay to the district director of Customs promptly on demand such penalties as may be incurred by the vessels, vehicles, or aircraft, together with the sums chargeable under law and regulations for such services as may be performed for said vessels, vehicles, or aircraft by Customs or Immigration and Naturalization Service officers or employees, and shall promptly pay any duties, charges, exactions, penalties, or other sums found legally due the United States from any master or other proper officers or owner of said vessels, vehicles, or aircraft and any and all fines (or penalties) imposed by the Attorney General pursuant to the above-cited sections of the Immigration and Nationality Act, as amended, against the owner, master, commanding officer, purser, person in charge or command, agent, charterer, or consignee of the said vessels or aircraft;

(2) And if the above-bounden principal shall exonerate and hold harmless the United States and its officers from or on account of any risk, loss, or expense of any kind or description which might occur or be occasioned by reason of the granting of any special license or permit to discharge or take on cargo, equipment, baggage, ballast, fuel, or other articles at night or on Sunday or a holiday, as well as from any loss or damage resulting from fraud and negligence on the part of any officer, agent, or other person employed by the above-bounden principal, by reason of the granting of any special license or permit;

(3) And if all fuel supplies, sea stores, vessel supplies, crew purchases, ships' stores, and equipment shall not be unladen from the vessels or aircraft of the above-bounden principal nor removed from the place of unlading except under Customs supervision, and if any such merchandise so unladen and permitted to be removed from the place of unlading without entry therefor having been made is returned into Customs custody and reladen, under Customs supervision, on the vessels or aircraft from which unladen, or in the event of failure to comply with the foregoing provisions, the above-bounden principal shall pay the duties, taxes, charges, and exactions accruing on the merchandise with respect to which there has been a default (it being understood and agreed that the amount to be collected shall be based upon the quantity and value of such merchandise as determined by the district director of Customs, and that the decision of the district director as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties, taxes, charges, and exactions also shall be binding on all parties to this obligation);

(4) And if pursuant to proper permit by the district director of Customs the above-bounden principal shall land, place or store any merchandise or baggage (hereinafter called merchandise) on lighters, piers, landing places, or spaces adjoining thereto, or such other places within the limits of the port permitted by the district director on special request made by the principal hereon, and shall retain such merchandise at such places until a permit for the removal thereof is granted, and, in the event that any such merchandise shall be removed therefrom before proper permits have been issued, shall pay as liquidated damages an amount equal to all duties, taxes, charges, and exactions accruing on any part of the merchandise so removed; or, in the event the merchandise so removed is free of duty, shall pay as liquidated damages an amount equal to the value of such merchandise, the damages on any one shipment not to exceed $500 (it being understood and agreed that the amount to be collected in either case shall be based upon the quantity and value of such merchandise as determined by the district director of Customs, and that the decision of the district director as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties, taxes, charges, and exactions also shall be binding on all parties to this obligation);

(5) And if all merchandise shown on the manifest of any of said vessels or aircraft to be destined for other United States Customs ports or for foreign ports is landed at the destination stated and proof thereof is furnished the said district director in the form and within the time required by law and regulations, or any lawful extension thereof, or, if in the event such proof cannot be produced because of casualty or other cause, evidence satisfactory to the district director is furnished showing that the merchandise destined for foreign ports has not been landed in the United States, or if so landed that entry thereof has been first made, or in the case of merchandise destined for other United States Customs ports, if evidence is furnished showing that for unavoidable causes the merchandise has been landed at a port other than that stated in the manifest and there properly entered, or that such merchandise has been lost or destroyed in transit, or in default of the foregoing if the obligors shall pay all duties, taxes, charges, and exactions which may be found legally due thereon; or in the event the merchandise is free of duty, if said obligors shall pay as liquidated damages an amount equal to the value of such merchandise as may be determined by the district director as indicated in the preceding condition of this obligation, the damages not to exceed $500;

(6) And if the above-bounden principal shall deliver to the district director of Customs at the port(s) of exportation a complete outward manifest, in all cases where the law and regulations require such manifest to be filed, and all required shipper's export declarations in the form prescribed by law and regulations not later than the fifteenth business day after departure when the merchandise is exported to Canada by rail, not later than the seventh business day after departure for shipments aboard a United States-flag carrier between the United States and Puerto Rico, or from the United States or Puerto Rico to the United States Possessions, and not later than the fourth business day after clearance, or departure when clearance is not required, of any other carrier; and for failure to file any manifest required by law or regulations and all required export declarations within the period of four days, seven days or fifteen days allowed therefor, shall pay to the district director of Customs a penalty of fifty dollars ($50) for each day's delinquency beyond the four-day, seven-day or fifteen-day period, and if the required manifest and all required shipper's export declarations are not filed within three days following the applicable period, then for each succeeding day of delinquency shall pay to the district director of Customs a penalty of one hundred dollars ($100); and if all other documents required by law and regulations to be delivered to the district director of Customs are delivered to the said district director in the form and manner and within the time required by law and regulations, or any lawful extension thereof;

Then this obligation shall be void; otherwise to remain in full force and effect.

In the event the above-bounden surety has not appointed an agent for the service of process, in accordance with section 7, title 8, United States Code, in the judicial district where an entry is made, or a charge incurred, the above-bounden surety consents to service of process upon the Clerk of the United States District Court wherein any suit is brought upon this bond by the United States of America, with like effect as upon an agent appointed by the surety. Such Clerk shall provide notice of service of process to the surety at

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(mailing address requested by the surety)

Signed, sealed, and delivered in the presence of—

(Name)	(Address)	[SEAL]
(Name)	(Address)	(Principal)
(Name)	(Address)	[SEAL]
(Name)	(Address)	(Surety)
(Name)	(Address)	[SEAL]
(Name)	(Address)	(Surety)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, ----------, certify that I am the [1] ---------- of the corporation named as principal in the within bond; that ----------, who signed the said bond on behalf of the principal, was then ---------- of said corporation; that I know his signature and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

----------[Corporate Seal]

(To be used when no power of attorney has been filed with the district director of Customs.)

[1] May be executed by the secretary, assistant secretary, or other officer of the corporation.

Prior to the adoption of this amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than June 20, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved:

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization Service.

[FR Doc.74-11642 Filed 5-20-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

POINT LAY, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 12, 1973, his Final Decision determining the eligibility of the Native Village of Point Lay, said decision appearing in 38 FR 34210.

On January 9, 1974, the State of Alaska filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Point Lay. Thereafter, on March 22, 1974, the State of Alaska filed a Motion to Dismiss its appeal from the Final Decision of the Director on the eligibility of the Native Village of Point Lay.

The Ad Hoc Board, finding no reason for justifying the denial of Motion of the State of Alaska to Dismiss its Appeal from the Final Decision of the Director on the eligibility of the Native Village of Point Lay, on April 8, 1974, issued a Final Order Dismissing the Appeal of the State of Alaska and Certifying Village.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeal of the State of Alaska and Certifying Village, which requested the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Point Lay as eligible for benefits under the Alaska Native Claims Settlement Act, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Point Lay eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further appealable, and also issues to the Native Village of Point Lay a Certification of Eligibility.

CLARENCE ANTIOQUIA,
Acting Director.

MAY 10, 1974.

[FR Doc.74-11632 Filed 5-20-74;8:45 am]

Bureau of Land Management

WYOMING

Competitive Lease Offer of Oil Shale Lands

MAY 15, 1974.

Notice is hereby given that on June 11, 1974, Wyoming TRACT W-b, as hereafter described in paragraph 1, will be offered for oil shale lease by sealed bids to the qualified bidder submitting the highest amount per acre as bonus for the privilege of leasing the lands in accordance with the provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181-263), and the general Notice of Sale of Oil Shale Leases published in the FEDERAL REGISTER of November 30, 1973.

1. TRACT W-b:

T. 13 N., R. 99 W., 6th P.M.,
Sec. 1, S½, S½N½, lots 1, 3, and 4;
Sec. 2, all;
Sec. 3, all;
Sec. 4, lot 1, SE¼NE¼;
Sec. 10, E½, E½NW¼;
Sec. 11, all;
Sec. 12, all.
T. 14 N., R. 99 W., 6th P.M.,
Sec. 33, E½E½;
Sec. 34, all;
Sec. 35, all.

The area described aggregates 5,083.24 acres.

2. *Lease terms.* The lease will be issued on a form the full text of which is published as Appendix "A" to the general Notice of Sale published in the FEDERAL REGISTER on November 30, 1973. The lease will be issued for a period of 20 years and so long thereafter as production is had in commercial quantities, subject to readjustment of terms at the end of each 20-year period. The lessee will be required to pay royalty on production in the amount and manner prescribed in section 7 of the lease, and to maintain a bond as provided in section 9. The terms of the lease as published in the FEDERAL REGISTER are solely for leases issued under the prototype oil shale leasing program and will not necessarily be included in any oil shale leases not issued pursuant to that program.

3. *Minimum royalty.* Section (7)(e)(1) of the lease form requires the payment of a minimum royalty for the sixth and each succeeding year which shall for this tract be based upon the following production rate and oil shale grade:

Tract	Shale grade, gallons per ton	Production rate (thousands of tons per year)	
		6th year	15th year
Tract W-b.....	30	284	2,140

4. *Bidding procedures.* The lease will be offered competitively through sealed bidding. A lease will be issued only to the qualified bidder submitting the highest amount per acre as a bonus for the privilege of leasing the lands. No specific form of bid is required but all bids must identify the lease sale and must show the total amount bid, the amount bid per acre, and the amount submitted with the bid. Oil and Gas Bid Form No. 3120-17 may be adapted for this purpose. No telephonic or telegraphic bids will be accepted, and no oil payment, overriding royalty, logarithmic, or sliding scale bid will be considered. Bids shall not be modified after they have been submitted. Bids must be for the full tract described in this Notice of Sale. Bids must be submitted in sealed envelopes plainly marked "Sealed Bid for Oil Shale Lease. Not to be opened before 10 a.m., local time on June 11, 1974." Bids may be mailed or delivered in person until 10 a.m., local time, June 11, 1974, to the State Director, Wyoming State Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyoming 82001. Bids received after that time will be returned unopened. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

5. *Payment of bonus and advance rental.* All bids must be accompanied by a certified check, cashier's check, bank draft, money order, or cash for one-fifth of the bonus bid payable to the Bureau of Land Management, which amount shall be returned to the bidder after the lease sale should he be an unsuccessful bidder. If the bidder, after being notified that his bid has been accepted and that he will be awarded a lease, fails to comply with the applicable regulations or the

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terms of this notice, or if he fails to execute the lease within 15 days after receiving the lease form, his deposit will be forfeited.

Each bid must also be accompanied by a certified check, cashier's check, bank draft, money order, or cash for the first year's annual rental of $2,542.00. This amount shall be returned to all unsuccessful bidders after the lease sale.

6. *Evidence of qualifications.* Each bid must be accompanied by a statement over the bidder's signature or that of his authorized agent with respect to his qualifications. The statement shall contain the following information:

(a) If the bidder is an individual, a statement as to whether native born or naturalized; if an association, it must submit a certified copy of the articles of association and a statement by its members as to their citizenship. If the bidder is a corporation, it must submit statements showing: (i) The State in which it is incorporated; (ii) that it is authorized to hold leases for oil shale deposits, and the names of the officers authorized to act in such matters in behalf of the corporation; (iii) the percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside the United States; and (iv) the name, address, and citizenship of any stockholder owning or controlling 20 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or in behalf of aliens, or persons who have addresses outside the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which reasonably can be ascertained by it, the facts as to the citizenship of each. The bid of a corporation also shall be accompanied by a copy either of the minutes of the meeting of the board of directors or of the by-laws indicating that the person signing the bid has authority to do so, or, in lieu of such a copy, a certificate by the Secretary of the corporation to that effect, over the corporate seal, or appropriate reference to the record of the Bureau of Land Management in connection with which such articles and authority have been furnished previously; and

(b) The certification required by 41 CFR 60–1.7(b) and Executive Order No. 11375, on Form 1140–8 (November 1973) and Form 1140–7 (December 1971).

7. *Bid opening.* The bids will be opened at 10 a.m., local time, June 11, 1974, in Court Room 2, Joseph C. O'Mahoney Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming 82001. The opening of bids is for the purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, local time, June 11, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

8. *Acceptance or rejection of bids.* No bid for this tract will be accepted and no lease for this tract will be awarded to any bidder unless the bidder has complied with all requirements of this Notice, his bid is the highest for the offered tract, and the amount of the bonus bid has been determined to be adequate by the United States. The Government reserves the right to reject any or all bids. Any cash, checks, drafts, or money orders submitted with the bid may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

9. *Preliminary Development Plan.* Within forty-eight hours after being informed that his bid has been accepted and that a lease will be issued to him, the successful bidder must transmit a preliminary development plan, in duplicate, to the Officer conducting the lease sale. This plan will be made public upon issuance of the lease, and, therefore, confidential information relative to the lessee's operations should not be included in the submission. Confidential information should be submitted in the same manner, but under separate cover. The submission or acceptance of these plans will not be binding on the lessee or lessor and will not authorize any action by the lessee, but the plan is required for the lessor's guidance in establishing initial supervision of the lessee's activities. The preliminary development plan should include the method of development, the proposed location of on and off-site facilities, the schedule for development, and monitoring programs to determine environmental criteria.

10. *Further information.* Information concerning this oil shale lease sale may be obtained from the Chief, Division of Upland Minerals, Bureau of Land Management, Room 4647, Interior Building, 18th & C Streets NW., Washington, D.C. 20240; and the State Director, Wyoming State Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

CURT BERKLUND,
Director, Bureau of Land Management.

[FR Doc.74-11640 Filed 5-20-74;8:45 am]

Office of the Secretary

[INT DES 74-57]

LEGISLATIVE PROPOSAL FOR BOUNDARY CHANGE; GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VIRGINIA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed boundary change for George Washington Birthplace National Monument, Virginia.

The draft statement considers expansion of the monument through the acquisition of approximately 722 acres of privately owned and 390 acres of State-owned land.

Written comments on the environmental statement are invited and will be accepted on or before July 5, 1974. Comments should be addressed to the Mid-Atlantic Regional Office or the Superintendent, George Washington Birthplace National Monument at the addresses given below.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Virginia Office
National Park Service
P.O. Box 10008
Richmond, Virginia 23240

Superintendent
George Washington Birthplace National Monument
Washington's Birthplace
Virginia 22705

Dated: May 17, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.11723 Filed 5-20-74;8:45 am]

[INT DES 74-56]

PROPOSED MASTER PLAN; HOME OF FRANKLIN DELANO ROOSEVELT NATIONAL HISTORIC SITE, HYDE PARK, NEW YORK

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement on the proposed master plan for the Home of Franklin Delano Roosevelt National Historic Site. The statement examines the effects of the actions proposed in the master plan for the protection, development, and management of the area.

Written comments on the environmental statement are invited and will be received by the Superintendent at the address listed below on or before July 5, 1979.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Superintendent
Home of Franklin Delano Roosevelt
National Historic Site
Hyde Park, New York 12538

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 02114

Dated: May 14, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-11721 Filed 5-20-74;8:45 am]

[INT FES 74-23]

DEEPWATER PORTS

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement for deepwater ports.

The statement was developed for proposed legislation to authorize the Secretary of the Interior to license the construction and operation of deepwater port facilities located on the Outer Continental Shelf.

Copies of the final statement are available for inspection at the following locations:

Office of Communications, Room 7222, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-3171;
Office of Public Affairs, Bureau of Land Management, Room 5625, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-5717.

Single copies may be obtained by writing the Office of Public Affairs, Bureau of Land Management, Room 5625, Department of the Interior, Washington, D.C. 20240.

Dated: May 17, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-11722 Filed 5-20-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A044]

COLORADO

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Colorado:

Baca — Las Animas

The Secretary has found that this need exists as a result of a natural disaster consisting of snowstorms October 31, 1972, through April 7, 1973, in Baca County, and snowstorms March 23, 1973, through April 7, 1973, in Las Animas County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor John D. Vanderhoof that such designation be made.

Applications for Emergency loans must be received by this Department prior to June 30, 1974, for both physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 14th day of May 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-11557 Filed 5-20-74;8:45 am]

[Notice of Designation Number A045]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Missouri:

Linn — Grundy

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall January 1, 1973, to April 20, 1973, and a snowstorm April 9, 1973, in Grundy County, and excessive rainfall September 1972 to April 19, 1973, and a snowstorm April 9, 1973, in Linn County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department not later than June 30, 1974, for physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 14th day of May 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-11558 Filed 5-20-74;8:45 am]

[Notice of Designation Number A043]

SOUTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in South Carolina:

Dorchester

The Secretary has found that this need exists as a result of a natural disaster consisting of a snowstorm February 9-11, 1973.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor John C. West that such designation be made.

Applications for Emergency loans must be received by this Department prior to June 30, 1974, for both physical losses and for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 14th day of May 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-11559 Filed 5-20-74;8:45 am]

Soil Conservation Service

LEE-PHILLIPS WATERSHED PROJECT, ARKANSAS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Lee-Phillips Watershed Project, Lee and Phillips Counties, Arkansas, USDA-SCS-EIS-WS-(ADM)-74-14-(F)-AR.

The environmental statement concerns a plan for watershed protection, flood prevention, and agricultural water management. The planned works of improvement include the accelerated application of conservation land treatment, supplemented by constructing new channels and enlarging previously man modified channels to provide flood protection and agricultural drainage. Approximately 78.3 miles of channel work is planned.

The final environmental statement was transmitted to CEQ on April 26, 1974.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 5029, Federal Building, 700 West Capitol, Little Rock, Arkansas 72203

Dated: May 7, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.940, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-11611 Filed 5-20-74;8:45 am]

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SOUTH BRANCH-PARK RIVER WATERSHED PROJECT, SECTION 5; CONNECTICUT

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and Part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973, the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for section 5, South Branch-Park River Watershed project, Hartford County, Connecticut.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings the State Conservationist, Soil Conservation Service (responsible Federal official) has determined that the preparation and review of an environmental statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned work involves modification of about one-half mile of channel within the city limits of Hartford, Connecticut to alleviate flooding in residential areas.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Mansfield Professional Park, Storrs, Connecticut 06268

Notice of Negative Declaration, South Branch-Park River Watershed, Connecticut

No administrative action or implementation of the proposal will be taken until June 15, 1974.

Dated: May 7, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources.

[FR Doc. 74-11610 Filed 5-20-74;8:45 am]

WATERSHED PLANNING

Authorization

This provides notice of authorization dated May 9, 1974 to concerned state conservationists of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watersheds. The state conservationist may now proceed with investigations and surveys as necessary to develop watershed work plans under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566), as amended. Environmental assessments will be made in accordance with the requirements of the National Environmental Policy Act (Pub. L. 91-190), concurrently with the preparation of the watershed work plans.

Persons interested in any of these projects may contact the local organizations or the concerned state conservationist as indicated below:

Arkansas:

Big Creek Watershed, 87,630 acres; Columbia County.
Sponsors—Columbia County Conservation District and City of Magnolia.
State Conservationist—Mr. M. J. Spears, Soil Conservation Service, Federal Building, Room 5029, 700 West Capitol Street, P.O. Box 2323, Little Rock, Arkansas 72203.

Florida:

Pahokee Drainage District Watershed; 14,500 acres; Palm Beach County.
Sponsors—Pahokee Drainage District and Palm Beach-Broward Soil and Water Conservation District.
Pelican Lake Sub-Drainage District Watershed; 7,000 acres; Palm Beach County.
Sponsors—Pelican Lake Sub-Drainage District and Palm Beach-Broward Soil and Water Conservation District.
State Conservationist—Mr. William E. Austin, Soil Conservation Service, Federal Building, P.O. Box 1208, Gainesville, Florida 32601.

Oregon:

Oak Grove Watershed; 20,000 acres; Hood River County.
Sponsors—Hood River Irrigation District and Hood River Soil and Water Conservation District.
State Conservationist—J. W. Mitchell, Soil Conservation Service, Washington Building, 1218 S.W. Washington Street, Portland, Oregon 97205.

Dated: May 9, 1974.

(Catalog of Federal Domestic Assistance Program No. 10,904, National Archives Reference Services)

KENNETH E. GRANT,
Administrator, Soil Conservation Service.

[FR Doc.74-11612 Filed 5-20-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MEDICAL COLLEGE OF GEORGIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00183-33-19095. Applicant: Medical College of Georgia, 1459 Gwinnett Street, Augusta, Georgia 30902. ARTICLE: Scanning Microdensitometer. Manufacturer: Vickers Ltd., United Kingdom. Intended use of article: The article is intended to be used in the investigation of the involvement of cycling—noncycling cell transitions in a variety of disease processes, especially aging. Specimens from normal, untreated, and treated diseased skin from human donors of different ages are collected and epidermal chalone samples prepared and measured by an *in vitro* bioassay in which the number of cycling and noncycling cells are determined. A portion of the specimen is also histologically prepared, cytochemically stained and the cell cycle distribution pattern cytophotometrically determined. Specifically, this article will be used to measure the following parameters on an individual cell basis:

Feulgen—DNA Content
Methyl Green Basophilia
Silver Grain Counts
Chromatin Heterogeneity

The article will also be used by predoctoral, post doctoral and resident medical students in a number of research projects. In addition, a formal course on analytical microscopy which will include cythophotometry and autoradiology will be offered to provide a basic understanding of the microspectrophotometer and its application to biomedical research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides optical density measurements at all wavelengths in the visible spectrum between 400 and 700 nanometers by employing a built-in prism monochromator and a high sensitivity photomultiplier system. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 15, 1974 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-11625 Filed 5-20-74;8:45 am]

SOUTHERN ILLINOIS U.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00514-65-46070. Applicant: Southern Illinois University, Center for Electron Microscopy, Carbondale, Ill. 62901. Article: Scanning electron microscope, model mark IIA. Manufacturer: Cambridge Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used on a University wide basis for faculty and graduate research and teaching. Research specimens in the physical sciences will include fracture studies of alloys and composites, precision location of heterojunctions in solid state devices, nucleation and crystal growth studies, examination of bonding interfaces, and metal cutting surfaces and fatigue studies. Research specimens to be studied in the natural sciences include bacterial spores, protozoa pollens seeds, leaves and microscopic morphology of fossils. The article will be used for teaching a course which involves transmission and scanning electron microscopy as well as ancillary equipment and their application to biological and metallurgical research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (December 30, 1970).

Reasons: The specimen stage of the foreign article provides the capability of 90 degree tilt. The most closely comparable domestic instrument, the AMR 900, manufactured by the Advanced Metals Research Corporation did not provide a specimen stage capable of tilt to 90 degrees at the time the article was ordered. The National Bureau of Standards (NBS) advised in its memorandum dated March 26, 1974 that the capability of the specimen stage to tilt 90 degrees is pertinent to the applicant's intended taxonomic studies of biological materials. NBS also advised that it knows of no other scanning electron microscope of domestic manufacture capable of satisfying the pertinent capability at the time of order. Accordingly, we find that the Model AMR 900 is not of equivalent scientific value to the foreign articles for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.106, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-11626 Filed 5-20-74;8:45 am]

Domestic and International Business

UNIVERSITY OF CHICAGO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00376-33-46070. Applicant: The University of Chicago, The Enrico Fermi Institute, 5630 South Ellis Avenue, Chicago, IL 60637. Article: Scanning electron microscope, Model HFS-2. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for general research purposes in biology, geology, and solid state physics. The materials to be studied will be various biological cells, groups of cells and small organisms, viruses and rock samples, such as amorphous semi-conductors. Research Projects to be undertaken include the study of:

(1) Polysome organization,
(2) Myosin filament structure,
(3) Intercellular junctions in reaggregating embryonic cells, and
(4) Nerve-muscle junctions in culture.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 11, 1972).

Reasons: The foreign article has a guaranteed resolution of 50 Angstroms. Domestic instruments manufactured by Advanced Metals Research Corporation (AMR) and ETEC Corporation (ETEC) provide a guaranteed resolution of 100 Angstroms. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated August 30, 1973 that the best available resolution is pertinent to the applicant's research use in studies of ribosomes in polysome clusters, myosin filaments, and intercellular junctions. HEW also advised that it knows of no domestic instrument which provided the pertinent characteristic at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-11628 Filed 5-20-74;8:45 am]

UNIVERSITY OF PORTLAND

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00002-25-26000. Applicant: University of Portland, Multnomah School of Engineering, 5000 N. Willamette Blvd., Portland, Oregon 97203. Article: Type 854 Universal SCR Converter Units (AC-DC). Manufacturer: Robinson Electronic Instruments, United Kingdom. Intended use of article: The foreign article is intended to be used in teaching courses in DC transmission, Energy Conversion, and other electrical power courses. The article will also be used to demonstrate AC-DC and DC-AC electrical power conversion.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for demonstrating and simulating the alternating current (ac) to direct current (dc) and dc to ac conversion aspects of a dc power transmission system, including ac phase relationships, and connections. The National Bureau of Standards (NBS) advised in its memorandum dated April 24, 1974 that the capability described above is pertinent to the applicant's educational purposes. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-11627 Filed 5-20-74;8:45 am]

WISTAR INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c).

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of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy o fthe record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00196–33–30950. Applicant: Wistar Institute, 36th Street at Spruce, Philadelphia, Pa. 19104. Article: High Vacuum Freeze Etch Unit, BAF 301. Manufacturer: Balzers Limited, Switzerland. Intended use of article: The article is intended to be used in the investigation of nuclear pores of different cell lines to determine whether or not the DNA initiation takes place at the site of the nuclear pores on the nuclear membrane. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article, designed for performing the freeze etching technique, provides control of the temperature of the specimen table to ±0.1 degrees Centigrade (°C) in the −80 to −120°C work range and incorporates a microtome which provides the capability of multiple cuts per specimen. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 15, 1974 that the capabilities described above are pertinent to the applicant's purposes. HEW also advised that the most closely comparable domestic instrument, the Model DFE–3 manufactured by Denton Vacuum Incorporated, does not provide the pertinent capabilities, and that it knows of no other domestic instruments which provide the pertinent capabilities.

We, therefore, find that neither the Model DFE–3 nor other comparable domestic articles are of equivalent scientific value to the article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–11624 Filed 5–20–74;8:45 am]

National Bureau of Standards

COMMERCIAL STANDARD

Notice of Intent To Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 115–60, "Porcelain Enameled (Glass Lined) Tanks for Domestic Hot Water Service." It has been tentatively determined that this standard is no longer technically adequate and revision would serve no useful purpose due to the fact that the subject is adequately covered by a replacement document published by the General Services Administration titled Federal Specification W–H–196J, "Heater, Water, Electric and Gas Fired, Residential."

Any comments or objections concerning the intended withdrawal of this standard should be made in writing to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before June 20, 1974. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: May 15, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–11560 Filed 5–20–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

REGIONAL MEDICAL PROGRAMS AD HOC REVIEW COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following Committee scheduled to assemble during the month of May 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Regional Medical Programs Ad Hoc Review Committee.	May 22–24, 9:00 a.m., Parklawn Bldg., Conference Room C–H, 5600 Fishers Lane, Rockville, Md.	Open—May 22, 9:00–10:00 a.m. Closed—remainder of meeting. Contact Mrs. Judy Silsbee, Parklawn Bldg., Room 11A–18, 5600 Fishers Lane, Rockville, Md. Code 301–443–4385.

Purpose. The Committee will review applications for grants under Title IX and make recommendations to the National Advisory Council on Regional Medical Programs with respect to the approval and funding of such applications.

Agenda. The Committee will discuss administrative matters and conduct other related business, and this portion of the meeting shall be open to the public. The Committee will review grant applications, and this portion of the meeting shall be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463, section 10(d).

Earlier notice of this meeting was not feasible due to the recent establishment of this Committee.

Agenda items are subject to change as priorities dictate.

A portion of the meeting is open to the public for observation and participation. Anyone wishing to participate should contact the above individual.

Dated: May 20, 1974.

KENNETH M. ENDICOTT,
Administrator, Health Resources Administration.

[FR Doc.74–11720 Filed 5–20–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–434–DR; Docket No. NFD–197]

NORTH DAKOTA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11748 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92–209 (85 Stat. 742); notice is hereby given that on May 14, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from heavy rains, snowmelt runoff, and flooding, beginning about April 14, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 91–606. I therefore declare that such a major disaster exists in the State of North Dakota. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Pub. L. 91–606, as amended), I hereby appoint Mr. Donald G. Eddy, HUD Region 8, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of North Dakota to have been adversely affected by this declared major disaster:

The Counties of:

Bottineau	Renville
Cavalier	Rolette
McHenry	Towner
Pembina	Walsh
Pierce	Ward

This disaster has been designated as FDAA–434–DR.

Dated: May 14, 1974.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 74–11566 Filed 5–20–74;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N–74–233]

MALVERN OF MADISON, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Malvern of Madison, Inc., David B. Blandford, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing dated March 5, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Malvern of Madison, located in the County of Madison, the State of Virginia, and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer March 25, 1974, in answer to the allegations of the Notice of Proceedings and Opportunity for a Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge James Broderick, in Room 7155, Department of HUD Building, 451 7th Street SW., Washington, D.C. on May 21, 1974, at 10:00 a.m.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 14, 1974.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74–11567 Filed 5–20–74;8:45 am]

AD HOC ADVISORY GROUP ON PUERTO RICO

PUBLIC MEETING

The Ad Hoc Advisory Group on Puerto Rico will hold a public meeting from 10:00 a.m. to 4:00 p.m. as follows, unless the Co-Chairmen extend the time: Wednesday, June 12, 1974, Room S126, United States Capitol Building, Washington, D.C.

The purpose of the meeting will be to conduct the business of the Advisory Group, and to review and discuss the testimony received during the Advisory Group's public hearings.

PETER J. GALLAGHER,
Executive Director.

[FR Doc.74–11525 Filed 5–21–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–368]

ARKANSAS POWER AND LIGHT CO.

Amendment to Construction Permit

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Construction Permit No. CPPR–89 to Arkansas Power & Light Company (licensee) for Arkansas Nuclear One, Unit 2. This amendment corrects errors in the designated construction completion dates in the construction permit. The amendment, effective as of the date of issuance, fixes April 1, 1976 as the earliest date for completion of the facility and October 1, 1976 as the latest date for completion of the facility.

On October 24, 1973, the licensee filed a request for a correction and extension of the earliest and latest dates for completion of the facility by amendment of the construction permit. The licensee's application for a construction permit estimated the earliest date of completion of the facility as April 1, 1975, and the latest date of completion of the facility as September 1, 1975. However, testimony presented during the Public Hearing held on October 27, 1972 indicated revisions by the licensee, and estimated the earliest date for completion of the facility as April 1, 1976, and estimated the latest date for completion of the facility as October 1, 1976.

Accordingly, on the basis of the hearing testimony and to correct the error in the earliest and latest construction completion dates, the regulatory staff has determined that Condition 2.A of Construction Permit No. CPPR–89 should be amended to provide for the earliest completion date of the facility as April 1, 1976 and the latest date for completion of the facility as October 1, 1976.

Prior public notice of proposed issuance of this amendment is not required since the amendment does not present a significant hazards consideration.

The amendment is effective as of the date of issuance. The licensee's request for amendment, dated October 24, 1973, and a copy of Amendment No. 1 to Construction Permit No. CPPR–89 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20545, and at the Arkansas Polytechnic College Library, Russellville, Arkansas 72801. Single copies of the amendment may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Marylarid, this 14th day of May, 1974.

For the Atomic Energy Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1–3, Directorate of Licensing.

[FR Doc.74–11529 Filed 5–20–74;8:45 am]

[Docket No. PRM–170–2]

CINCINNATI GAS AND ELECTRIC CO., ET AL.

Filing of Petition

Notice is hereby given that Troy B. Conner, Jr., Esq. and Nicholas S. Reynolds, Esq., 1747 Pennsylvania Avenue, NW., Washington, D.C., by petition for requested the Commission to amend its regulation, fees for facilities and materials licenses under the Atomic Energy Act of 1954, as amended, 10 CFR Part 170. The petition for rule making was filed on behalf of the Cincinnati Gas and Electric Company, Columbus and Southern Ohio Electric Company, Dayton Power and Light Company, Duke Power Company, Gulf States Utilities Company, Mississippi Power and Light Company, Pacific Gas and Electric Company, Public Service Electric and Gas Company, San Diego Gas and Electric Company, South Carolina Electric and Gas Company, Southern California Edison Company, and Texas Utilities Generating Company.

The petitioners request that the Commission amend § 170.21 of 10 CFR Part 170 which contains the schedule of fees for production and utilization facilities. The amendments proposed by the petitioners would assess fees for Commission licensing services based upon the value of such services to each petitioner.

The petitioners state that in view of the recent Supreme Court decisions National Cable Television Assn. Inc. v. United States et al (39 L. Ed. 2d 370) and Federal Power Commission v. New England Power Co. et al (39 L. Ed. 2d 383) the current fee schedule in § 170.21 is illegal since it does not assess fees based upon the value to the recipient of the AEC licensing, health and safety, compliance, and inspection activities.

The petitioners submit that, based upon information currently available, a fair and equitable fee schedule should reflect that at least ninety-five percent of the regulatory costs of the Commission inure to the benefit of the public. The complete text of the schedule of fees proposed by the petitioners is attached to the petition.

The petitioners also request that 10 CFR Part 170 be amended to provide for a rebate or, in the alternative, a credit against future fees, to reimburse each

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petitioner for fees previously paid which did not reflect the true value to each petitioner of the regulatory services received by the petitioner.

The Commission staff is reviewing the provisions of 10 CFR Part 170 in the light of the referenced Supreme Court decisions and the petitioners' request for rulemaking will be considered in the further conduct of that study.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before July 22, 1974.

Dated at Germantown, Md. this 14th day of May 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-11528 Filed 5-20-74;8:45 am]

[Docket Nos. STN 50-454, etc.]

COMMONWEALTH EDISON CO.

Order for Prehearing Conferences

In the matter of Commonwealth Edison Co., (Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2); Docket Nos. STN 50-454, STN 50-455, STN 50-456, STN 50-457.

Take notice, that separate prehearing conferences will be held in this proceeding for the Byron and the Braidwood Stations.

1. With respect to the Braidwood Station, a prehearing conference will be held on June 7, 1974, at 10 a.m., local time, in the City Council Chamber, 150 West Jefferson Street, Joliet, Illinois 60431.

The primary purpose of this prehearing conference will be to advise the parties of the Board's observations regarding the regulatory staff's draft environmental statement.

2. The prehearing conference pertaining to the Byron Station will be held on June 18, 1974, at 10 a.m., local time, in Room 815 (County Board Room) Winnebago County Courthouse, 400 West State Street, Rockford, Illinois 61101.

This prehearing conference will deal primarily with:

(a) the status of the discovery process;
(b) the Board's observations concerning the Draft Environmental Statement for the proposed Byron Station, and
(c) the ground rules for the Evidentiary Hearing presently contemplated to commence on September 4, 1974.

In addition, the Board will also deal with any matters the parties wish to raise that may facilitate the Byron Station Evidentiary Hearing.

It is so ordered.

Issued at Bethesda, Maryland, this 15th day of May, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.74-11531 Filed 5-20-74;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Changes to Technical Specifications of Provisional Operating License

The U.S. Atomic Energy Commission (the Commission) issued on February 11, 1974, and published in the FEDERAL REGISTER on February 13, 1974 (39 FR 5529), a notice of consideration of a proposed change in the Technical Specifications of Provisional Operating License No. DPR-22 issued to the Northern States Power Company to permit the use of fuel assemblies using a partial loading of 8 x 8 fuel (containing U-235 and including a fuel assembly containing segmented test rods) and to authorize changes in the limiting conditions for operations associated with fuel densification for the 8 x 8 and 7 x 7 fuels for the Monticello Nuclear Generating Plant Unit 1 (the facility).

The Minnesota Pollution Control Agency (MPCA) filed a "Request for Hearing and Petition to Intervene" dated March 15, 1974, under 10 CFR 2.714 of the Commission's rules of practice. Subsequently, on April 18, 1974, MPCA filed a "Withdrawal of Request for Hearing and Petition to Intervene" based upon the consolidation of these issues with the licensing proceeding involving the conversion of the provisional operating license of the Monticello facility to a full term license (see: Atomic Safety and Licensing Board's Memorandum and Order Ruling on Petition for Leave to Intervene dated April 30, 1974). Accordingly, the Commission has issued Change No. 14 to the Technical Specifications of Provisional Operating Licensee No. DPR-22 to the Northern States Power Company (the licensee). This change, effective immediately, authorizes the items which were the subject of the February 11, 1974 notice, as referenced above.

The licensee is presently authorized to possess and operate the facility located in Wright County, Minnesota, at power levels up to 1670 MWt using a full core 7 x 7 fuel (containing U-235).

The Commission has found that the application for the above action dated November 19, 1973, as supplemented by filings dated December 14, 1973, January 15, 1974, February 8, 27 and 28, 1974, and April 1, 1974, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission's Directorate of Licensing completed the major portion of its evaluation of the action and issued a Safety Evaluation on April 8, 1974, concluding that there is reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility with the 8 x 8 fuel and the related changes to the Technical Specifications as authorized by Change No. 14, which is incorporated in License No. DPR-22 as Amendment No. 3 thereto.

Copies of (1) the Atomic Safety and Licensing Board's Memorandum and Order Ruling on Petition for Leave to Intervene dated April 30, 1974, (2) Amendment No. 3 with Change No. 14 to the Technical Specifications of Provisional Operating License No. DPR-22, (3) the Directorate of Licensing's Safety Evaluation dated April 8, 1974, (4) the Safety Evaluation by the Directorate of Licensing concurrently issued with Amendment No. 3 which considers abnormal core transients and the effects of fuel densification, (5) the Technical Report on the General Electric Company 8 x 8 assembly by the Directorate of Licensing dated February 5, 1974, and (6) the Report of the Advisory Committee on Reactor Safeguards dated February 12, 1974, on the subject of operation of boiling water reactors with 8 x 8 fuel bundles, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Environmental Library of Minnesota at 1222 SE. 4th Street, Minneapolis, Minnesota 55414. Single copies of these items may be obtained upon request sent to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Notice is being given that the Commission also has issued, as part of the above Amendment No. 3 to the license, revisions to the Technical Specifications for the facility which include changes in the specification provisions relating to (1) pressure relief, (2) control rod scram times, (3) standby gas treatment systems, and (4) reactor vessel temperature measurements.

The application, as supplemented, for these four changes complies with the standards and requirements of the Act and the Commission's rules and regulations. The Commission has found that these changes do not involve a significant hasards consideration and that the approval of these actions will not be inimical to the common defense and security or to the health and safety of the public. The Regulatory staff's review of these changes is reflected in a concurrently issued Safety Evaluation.

For further details with respect to these four items, see (1) the applications for amendment dated January 23, 1974 and March 1, 1974, as supplemented on March 8 and 19, and April 10 and 26, 1974, (2) Amendment No. 3 to License No. DPR-22, with any attachments, and (3) the Commission's concurrently issued Safety Evaluation. All of these items also are available for inspection at the two public document rooms previously stated herein. Copies of items (2) and (3) also

may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 14th day of May 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-11530 Filed 5-20-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

MAY 17, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on June 6-8, 1974, in Room 1046, 1717 H Street NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, JUNE 6, 1974

9:30 a.m.-12:30 p.m. and 1:30 p.m.-2:30 p.m.—Millstone Nuclear Power Station Unit 2. The Committee will review the application for an operating license for this facility. This will include presentations by and discussions with representatives and consultants of the AEC Regulatory Staff and the Applicants.

(NOTE: These sessions will include closed portions, if required, to discuss proprietary information related to the design, fabrication, construction, or operation of the plant, its systems, or components. Closed portions will also be held, if required, to discuss security plans for this station and for Committee deliberative sessions.)

FRIDAY, JUNE 7, 1974

9:30 a.m.-10:30 a.m. Meeting with representatives of the AEC Regulatory Staff to hear presentations and discuss matters relating to reactor operating experience and current licensing activity, including the following:

Turkey Point Nuclear Generating Plant. Performance of cluster control rods.

10:30 a.m.-12:30 p.m. and 1:30 p.m.-3:30 p.m.—H. B. Robinson Unit 2. The Committee will consider a request for a power level increase for this unit. This will include presentations by and discussions with representatives and consultants of the AEC Regulatory Staff and the Carolina Power and Light Company.

(NOTE: These sessions will include closed portions, if required, to discuss proprietary information related to the design, fabrication, construction, or operation of the plant, its systems, or components. Closed portions will also be held, if required, to discuss security plans for this station and for Committee deliberative sessions.)

4:30 p.m.-5:15 p.m.—Presentation on Sneak Circuit Analysis. The Committee will hear a presentation by representatives of the Boeing Company on the application of sneak circuit analysis.

It should be noted that, in addition to the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close such portions of the meeting to protect proprietary data as indicated above (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any factual material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is feasible. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than May 29, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and as follows:

Millstone Nuclear Power Station Unit 2, Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.
H. B. Robinson Unit 2, Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 5, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. daylight saving time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movies, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. on or after August 7, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-11754 Filed 5-20-74;11:28 am]

ADVISORY COMMITTTEE ON REACTOR SAFEGUARDS; PROCEDURES SUBCOMMITTEE

Notice of Meeting

MAY 17, 1974.

In accordance with the requirements of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Procedures Subcommittee will meet in Washington, D.C. on June 5, 1974, to discuss various proposed changes in ACRS procedures and the Committee's deliberative process.

The Subcommittee will meet in Executive Session with members of the ACRS staff and a consultant.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted meeting will involve the discussion of working papers which fall within exemption (5) of 5 U.S.C. 552(b); that the discussion will consist of exchanges of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that any factual material that may be involved will be inextricably intertwined during these discussions and no separation of such factual material is feasible. It is essential to close such meetings to protect the free interchange of internal

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views and to avoid undue interference with Subcommittee and agency operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-11755 Filed 5-20-74;11:28 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23080-2; Order 74-5-82]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of May 1974.

The multielement service mail rate formulas, which were designed to provide a uniform rate of pay for like services, are comprised of a line-haul rate and a terminal charge which varies by 3 classes of station—X, Y and Z. These 3 station classes are separated by originated traffic breakpoints which reflect the minimum traffic volume standards established by the Board for each letter designation.[1] The orders fixing the multielement service mail rate formulas provide for the periodic reclassification of stations without disturbing the rates or the rate structure, when the annual revenue tonnage originated at stations bring them within a different class.

The last station reclassification was effected in early 1971, based on originating tons for the year ended June 30, 1970. With the pendency of the omnibus Priority and Nonpriority Domestic Service Mail Rate Investigation, we viewed any further updating of station classification as unnecessary since stations would be appropriately reclassified in the final rate order issued in that proceeding subject to being retroactive to the beginning of the open-rate period.[2] Because of unexpected interruptions and complexities,[3] however, the mail rate investigation has now run over 3 years and is expected to continue for some considerable future period.[4] Further, by letter of March 22, 1974, the Postmaster General has requested the Board to resume periodic station reclassifications. In light of these considerations, and the substantial period of time which has elapsed since our last review, the Board believes that interim reviews and prospective station reclassifications are in order pending the outcome of the formal proceeding in this docket.

By order 74-1-89,[5] the Board established temporary multielement domestic service mail rates for sack and standard and daylight container mail, container minimum chargeable weights and pickup and delivery charges to be effective for the duration of the Phase 2 period of this investigation. These temporary rate formulas contain terminal charges for the X, Y and Z stations, and reflect the same origination-based traffic breakpoints which have been historically utilized for separating the 3 station classes and grouping individual stations into these classes. Effective July 1, 1970, however, originating tons of traffic were deleted from the carriers' regulatory reporting requirements, making on-line revenue tonnage unavailable thereafter for station classification purposes. As the first step in resuming the reclassification process, therefore, we are proposing to change the data base for classifying stations from originated to enplaned tons, the latter of which are readily accessable in the carriers' accounting reports.

Because the use of enplanements will provide a significantly higher classification base than originations, it is also necessary to effect a compensating adjustment in the minimum traffic volume standards which separate the 3 station classes. To make this adjustment, we determined and applied to these standards the ratio of enplanements to originations for the latest period for which both data are available in the carrier reports. Only passenger traffic was used to obtain the desired ratio since comparable data is unavailable for overall traffic (passengers, freight, mail, etc.). As reflected in Appendix 1, enplaned passengers were 108.4 percent of originated passengers in domestic scheduled operations for the year ended June 30, 1970. Applying this percentage to the aforementioned 25,000 and 5,000 originated ton traffic breakpoints results in, and we are proposing to amend our temporary rate order to so establish, the following revised standards for classifying stations: [6]

Class of station:	*Total revenue tons enplaned per year*
X	27,000 and over.
Y	5,400 to 26,999.
Z	5,399 or less.

Using the foregoing classification standards, the Board finds that the volume of enplaned revenue tonnage for the year ended March 31, 1973,[7] brings certain stations within the classifications set forth in Appendix 2. Additionally, we intend to follow a policy of reviewing station traffic enplanements every six months and issuing such reclassification orders as may be indicated by these reviews. Although the Postmaster General has suggested quarterly review periods, we believe a semi-annual review of the new classification data will be sufficient to keep pace with the movement of the various stations into different classes.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302.

It is ordered, That:

All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and, effective May 25, 1974:

(a) amend Orders E-25610, 70-4-9 and 74-1-89 respectively, to reflect the following station classification standards:

Class of station:	*Total revenue tons enplaned per year*
X	27,000 and over.
Y	5,400 to 26,999.
Z	5,399 or less.

(b) based on station traffic enplanements for the year ended March 31, 1973, establish the station classifications specified in Appendix 2 attached; [8] *Provided*, That any station not listed in Appendix 2 shall be classified as a class Z station.[9]

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the station classifications or to the other findings and conclusions proposed herein, notice thereof shall be filed within 15 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after date of service of this order.

3. If notice of objection is not filed within 15 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing the station classifications, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing the station classifications herein specified.

[1] As set forth in Orders E-25610, August 28, 1967, and 70-4-9, April 2, 1970, respectively, these standards are as follows:

Class of station:	*Total revenue tons originated per year*
X	25,000 and over.
Y	5,000 to 24,999.
Z	4,999 or less.

[2] March 28, 1973, the first day of the Phase 2 period of the investigation. Final multielement service mail rates for the Phase 1 period were established in Order 73-11-91, November 20, 1973, and that rate period is now closed.

[3] Most particularly, the institution of the containerized mail program.

[4] The hearing is scheduled to begin November 12, 1974.

[5] January 16, 1974.

[6] We are also proposing to make parallel amendments to the classification standards set forth in Orders E-25610 and 70-4-9, since these standards are also based on originated tons.

[7] The most recent period for which data processing reflecting station traffic enplanements is available.

[8] Filed as part of the original document.

[9] In accordance with prior orders, the present review and reclassification, as well as any subsequent reviews and reclassifications effected pursuant to the revised classification standards reflected herein, shall be accomplished without affecting the rates for mail.

4. Notwithstanding the reclassification of stations as set forth above, this proceeding shall remain open pending the entry of an order fixing the final rates in Docket 23080-2.

5. This order shall be served upon the parties listed in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-11646 Filed 5-20-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

NORTH CAROLINA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on May 23, 1974, at the Hilton Inn, 1707 Hillsboro Street, Raleigh, North Carolina 27605.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting shall be to hold a final briefing session in preparation for a factfinding meeting on conditions in penal institutions in the State of North Carolina scheduled to be held May 24–25, 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 14, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc. 74-11580 Filed 5-20-74;8:45 am]

NORTH CAROLINA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the North Carolina State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on May 24, and reconvene at 9 a.m. on May 25, 1974, in Courtroom #2, Federal Building, Capitol Square and New Bern Avenue, Raleigh, North Carolina 27601.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice which affect persons residing in the State of North Carolina with special emphasis on the conditions in North Carolina penal institutions as they relate to the civil rights of inmates; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice as these pertain to North Carolina penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin, or in the administration of justice with respect to North Carolina penal institutions; and to related areas.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 14, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-11581 Filed 5-20-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

INDUSTRIAL CLASS 0782

Grounds Maintenance, Homestead Air Force Base, Florida.

Comments and views regarding this proposed addition may be filed with the Committee on or before June 20, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.74-11634 Filed 5-20-74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed additions of the following services to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

INDUSTRIAL CLASS 7374

Keypunch and Verification, U.S. Coast Guard, Washington, D.C.
Interstate Commerce Commission, Washington, D.C.

Comments and views regarding these proposed additions may be filed with the Committee on or before June 20, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-11636 Filed 5-20-74;8:45 am]

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on April 5, 1974 (39 FR 12377).

Pursuant to the above notice the following service is added to Procurement List 1974.

SERVICE

INDUSTRIAL CLASS 7699

Typewriter Repair and Maintenance (JO), U.S. Customs, 6 World Trade Center, New York, N.Y., List of prices available from GSA, PMDS, Region 2.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-11635 Filed 5-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AUTOMOBILI FERRUCCIO LAMBORGHINI

1976 Nitrogen Oxide Standard Suspension Request; Notice and Procedures for Disposition

Section 202(b)(5)(B) of the Clean Air Act, as amended, provides that at any time after January 1, 1973, any automobile manufacturer may file with the Administrator of the Environmental Protection Agency an application requesting the suspension for one year only of the effective date, with regard to that manufacturer, of the nitrogen oxides emission standard applicable to light duty vehicles manufactured beginning with the 1976 model year.

If the Administrator determines that such suspension should be granted, he must simultaneously with such determination prescribe by regulation an interim emission standard applicable to light duty vehicles manufactured during the 1976 model year.

On July 30, 1973, the Administrator granted to Chrysler Corporation, Ford Motor Company, and General Motors Corporation a one-year suspension of the effective date of the statutory 1976 light duty vehicle nitrogen oxides emission

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standard. The Administrator simultaneously established an interim NO_x emission standard of 2.0 grams per mile applicable to each applicant's 1976 model year vehicles (see 38 FR 22474, August 21, 1973).

The Administrator's decision was based on findings required by section 202(b)(5)(D)(i), (ii), (iii), and (iv) of the Clean Air Act, as amended. EPA regards findings (i) (a suspension is essential to the public interest) and (iii) and (iv) (technology required to meet the standards is not generally available) as applicable to the automobile industry as a whole and hence, conclusive as to any applications for suspension of the 1976 NO_x statutory standard. The remaining finding, that the applicant has made all good faith efforts to meet the statutory standard (section 202(b)(5)(D)(ii)), will be made with respect to each applicant on the basis of an application, and after adequate time for public review and comment. A decision granting or denying any application will be made within 60 days after receipt thereof. Any manufacturer granted a suspension will be subject to the interim 2.0 grams per mile NO_x standard established by the July 30, 1973 decision.

On Friday, December 28, 1973, the Administrator announced 1976 NO_x standard, and delineated procedures for disposition of those applications and all other applications for suspension filed with the Administrator prior to January 4, 1974 (see 38 FR 35528). Then on February 1, 1974, (see 39 FR 4132) the Administrator granted suspension of the 1976 NO_x emission standard to sixteen (16) manufacturers. Subsequently, requests for suspension were granted to eight additional manufacturers on April 26, 1974 (see 39 FR 14752).

On April 26, 1974 an application for suspension of the 1976 NO_x standard was received from Automobili Ferruccio Lamborghini S.p.A. The procedures for disposition of this application and all other requests for suspension under section 202(b)(5)(B) of the Act, filed with the Administrator prior to June 15, 1974, will be those procedures set forth in the aforementioned December 28, 1973, FEDERAL REGISTER notice, which are as follows: (i) The applications will be made available for public review and comment; (ii) the Administrator will conduct a public hearing, if, on the basis of public comments received, he determines a useful purpose would be served thereby (such hearing will be announced by FEDERAL REGISTER notice); (iii) each application will be reviewed by EPA to determine whether the applicant made all good faith efforts; (iv) if any application is deemed deficient the applicant will be notified by EPA to supplement his suspension request and, if the applicant fails to satisfactorily revise the application, the applicant will be required to appear and testify at a public hearing; and (v) the Administrator will issue by FEDERAL REGISTER notice his decision to grant or deny the respective applications on or before the 60th day from the day of receipt of such applications.

Any interested person may participate in this procedure through the filing of written comments or information with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3220, 401 M Street SW., Washington, D.C. 20460 on or before June 20, 1974.

Any person who provides written information for consideration may be required, upon 24 hours notice, to appear at a hearing, if held, to respond to questions by the hearing panel or by such other interested persons as the panel deems appropriate at any time prior to conclusion of the hearing.

Presentations by interested persons shall be addressed to whether the applicant has made all good faith efforts to meet the standard.

The applications and such portions of the applicants' supporting documentation as may properly be made public will be available for public inspection in the Freedom of Information Office, Environmental Protection Agency, Room 227, 401 M Street SW., Washington, D.C. 20460. Any person may obtain copies of public portions of the applications as provided for by 40 CFR Part 2.

Dated: May 15, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-11593 Filed 5-20-74;8:45 am]

INTERREGIONAL RESEARCH PROJECT NO. 4

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H5049) has been filed by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide and insecticide sodium arsenite (calculated as As_2O_3) in or on raisins at 0.225 part per million.

Dated: May 9, 1974.

JOHN B. RITCH, Jr.,
Director Registration Division.

[FR Doc.74-11592 Filed 5-20-74;8:45 am]

[OPP-50003]

PREDATOR CONTROL (COYOTES AND RED FOXES)

Notice of Issuance of Experimental Use Permit to Montana

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), the Montana Department of Livestock has applied to the Environmental Protection Agency (EPA) for an experimental use permit. This permit (No. 34192-EXP-1G) is being issued in accordance with 40 CFR Part 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939) and allows the shipment and use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes and red foxes. The SCSLEM is to be used only in an experimental program approved by the EPA in 21 selected counties in the State of Montana, under the supervision and control of approved SCSLEM applicators as designated by the Montana Department of Livestock.

This program began on April 11, 1974, and will expire on October 15, 1975. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

EPA invites interested persons to submit written comments with reference to this notice to the FEDERAL REGISTER Section, Technical Services Division (HM-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room EB-1, Washington, D.C. 20460. Three copies of the comments must be submitted to facilitate the work of EPA and others interested in inspecting them; if the comments are not submitted in triplicate, they may not be reviewed in time to have significant impact on the subject. The comments must be received on or before June 20, 1974 and should bear the notation OPP-50003. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C.

PROGRAM FOR EXPERIMENTAL USE OF SODIUM CYANIDE SPRING-LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL IN THE STATE OF MONTANA

I. PURPOSE

Sodium cyanide will be used in the spring-loader ejector mechanism (SCSLEM) in an experimental program. This experimental program is designed to measure the usefulness of this tool as a method of reducing domestic livestock losses due to predation by coyotes and red foxes. This program will also evaluate the effect of the method on nontarget species.

II. OBJECTIVES

A. Determine the effectiveness of the SCSLEM in preventing or reducing livestock losses when used in conjunction with trapping, denning, shooting, aerial hunting, and other methods.

B. Determine the most effective placement location of the SCSLEM for taking coyotes and red foxes.

C. Determine the influence of climatic conditions upon the effectiveness of the SCSLEM.

D. Determine the cost of controlling coyotes and red foxes by using the SCSLEM in comparison to alternative control methods, such as trapping, denning, shooting, aerial hunting, and other methods.

E. Determine the effects of the use of the SCSLEM in coyote and red fox control with regard to human safety.

F. Determine the economic benefits derived from the use of the SCSLEM to livestock producers.

G. Determine the selectivity of the SCSLEM when used to control coyotes and red foxes.

H. Determine the amount of coyote and red fox control that can be achieved through the use of the SCSLEM without causing "unreasonable adverse effects" on the environment.

I. Determine the effectiveness of the use of the SCSLEM in comparison to the control of coyotes and red foxes by trapping, denning, shooting, aerial hunting, and other methods.

J. Determine the impact of SCSLEM's on nontarget species.

III. CONTROL

A. *Program Coordinator.* The program will be directed by Kenneth Seyler, Environmental Coordinator, Department of Livestock, Brands-Enforcement Division.

B. *Field Supervisor.* The Biologist for the Department of Livestock, Brands-Enforcement Division, will supervise the field operation of the experimental program and be responsible for the distribution of the mechanisms and capsules, help applicators with special problems and assist in gathering and reporting data.

C. *Applicators.* Applicators of the SCSLEM's will be state trappers, county trappers or livestock association trappers under the supervision of the Montana Department of Livestock. These trappers will be licensed as approved SCSLEM applicators by the Montana Department of Agriculture upon successful completion of a training course conducted jointly by the Department of Livestock and the Department of Agriculture. The participation of the Bureau of Sport Fisheries and Wildlife of the U.S. Department of the Interior in the training program is encouraged and permitted to the extent authorized by that Agency's rules and regulations and interpretations of administrative orders.

IV. PROCEDURES FOR IMPLEMENTATION

A. *Training Program for Applicators.* The training program will include information necessary for the approved SCSLEM applicator to understand the nature of the chemical and the mechanism, the techniques of selection of placement sites, selection of SCSLEM baits or scents, actual setting of the mechanism, visitation periods, record keeping and reporting, legal responsibility, proper storage of the chemical capsule and mechanism when not in use, and method for disposal of used or inoperative capsules. Special emphasis will be given to environmental and human safety precautions to be observed when using the SCSLEM.

B. *Purchase of SCSLEM's.* SCSLEM's will be purchased by the Department of Livestock from the M-44 Safety Predator Control Company, 2501 W. Washington, Midland, Texas 79701. All expenses incurred in purchase and placement of the mechanisms and sodium cyanide capsules will be the responsibility of the Montana Department of Livestock.

C. *Distribution of SCSLEM's.* Each approved SCSLEM applicator will be issued SCSLEM's by the Department of Livestock to be used only within assigned experimental areas during the program. Additional SCSLEM's will be provided only after initial supplies are accounted for through proper reporting procedures. No explosive devices will be permitted.

The antidote, amyl nitrate capsules, must be available for distribution to the approved SCSLEM applicators. Each applicator must be advised of the antidote.

D. *Recordkeeping.* A record of each applicator who obtains the chemical capsules and/or mechanisms will be kept. These records will include:

1. Name of the approved SCSLEM applicator.
2. Location of ranch or farm headquarters, directions and mileage from nearest ranch/town.
3. The number of mechanisms and capsules purchased.
4. A signed agreement to comply with the terms of the reporting system and the conditions of the experimental program.

E. *Data reporting.* Each applicator must submit the following information to the Montana Department of Livestock at least once a month or when he purchases additional capsules and/or mechanisms, whichever comes first.

1. Name of ranch or farm owner where SCSLEM's are placed.
2. Type of ranch or farm operation (range, feeder, etc.).
3. Name of applicator of SCSLEM.
4. Number of SCSLEM'S in use each month and a map showing the layout of mechanisms in each area. The map should be of sufficient detail so that a person unfamiliar with the placement of the SCSLEM's will be able to locate them.
5. Number of SCSLEM's placed at each specific site.
6. Number of coyotes, red foxes and nontarget species taken at each SCSLEM location.
7. Number of discharged capsules at each SCSLEM location, noting the cause of each discharge. Number of capsules replaced at each SCSLEM location.
8. Number of livestock losses to coyotes and red foxes in 1973 (need only be included in first monthly report).
9. Description of any climatic effects upon the SCSLEMS.
10. Number and type of accidents involving humans, domestic animals and wildlife.
11. Number and type of livestock losses in experimental and control areas to:
    a. Coyotes and red foxes.
    b. Other known causes.
    c. Unknown causes.
12. Other control measures used at the same time that SCSLEM's are in use and animals taken. Written permission must be granted by the landowner to allow representatives of the Montana Department of Livestock, the Montana Department of Agriculture, the Environmental Protection Agency, and the U.S. Bureau of Sport Fisheries and Wildlife to enter on their property for the purpose of inspecting and monitoring all aspects of the experimental program. Any person found to be using the materials improperly or falsifying required data will be denied further use of SCSLEM's, and may be subject to the civil and criminal penalties under the Federal Insecticide, Fungicide and Rodenticide Act. Failure to adhere to the provisions of this program could result in suspension of the program.

V. DATA SUMMARIZATION AND ANALYSIS

A. The Program Coordinator will be responsible for collecting SCSLEM data reports from approved applicators for summary and computation of data. Quarterly reports of these summaries shall be sent to the Hazardous Materials Control Division, EPA, Region 8, Denver, Colorado. The Montana Department of Livestock will collect requested data from control areas where the SCSLEM's are not used, for summarization and comparison with data from SCSLEM use areas. The Program Coordinator will also send this information to the Regional Office on a quarterly basis. The data from control areas will consist of livestock losses due to coyote and red fox predation, losses due to other or unknown causes, and coyote or red fox taken due to other control methods, such as trapping, snaring, shooting, denning, and other methods.

A precensus of livestock to be protected and an index of coyote and red fox populations will be determined in both the control areas and experimental areas. A postcensus of livestock populations and the index of coyote and red fox populations will be conducted in both areas at the completion of the program.

B. This program will begin about April 11, 1974 and end October 15, 1975. No mechanism or capsules may be distributed after October 15, 1975. All unused capsules must be returned to the Department of Livestock before November 1, 1975. Final data summaries and analyses must be submitted to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room E-347, Washington, D.C. 20460, by December 31, 1975.

C. Use of the SCSLEM will not be permitted where use of the mechanism will harm endangered or threatened species that may be attracted to the SCSLEM.

VI. EXPERIMENTAL PROGRAM

A. *Location of SCSLEM Sites.* This program will be conducted in areas of the Biotic Provinces listed below.

Big Dry Region. Carter, Custer, Garfield, Petroleum, Phillips, Powder River, and Rosebud.

Broad Valley Rockies Region. Beaverhead and Madison.

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Rocky Mountain Foreland Region. Carbon, Fergus, Judith Basin, Musselshell, Stillwater, Sweet Grass, Teton, and Wheatland.

Two Rivers Region. Dawson and McCone.

Yellowstone Rockies Region. Gallatin and Meagher.

The designated counties in each Biotic Province were selected on the material basis of the occurrence of greatest predation losses of livestock. The areas selected also differ in climatic and geographic conditions.

1. Areas will be selected in each approved county where the SCSLEM will be used by the qualified applicators to control predation.

2. Estimated numbers of mechanisms and capsules that will be permitted in each Biotic Province by the Department of Livestock are as follows:

Big Dry Region. 1,750 Mechanisms and 17,500 Capsules.

Broad Valley Rockies Region. 500 Mechanisms and 5,000 Capsules.

Rocky Mountain Foreland Region. 2,000 Mechanisms and 20,000 Capsules.

Two Rivers Region. 500 Mechanisms and 5,000 Capsules.

Yellowstone Rockies Region. 500 and 5,000 Capsules.

Total for the Program. 5,250 Mechanisms and 52,500 Capsules.

3. Control areas have been selected in five of the counties which will be representative of areas where SCSLEM's are used.

No SCSLEM's will be used in control areas. Other methods of controlling will be permitted, such as trapping, denning, snaring, shooting, aerial hunting, and other methods. These control areas shall be at least 100 square miles in area, and shall be at least five miles from the nearest site where SCSLEM's are used.

Control areas shall be selected in the following five counties: Dawson, Gallatin, Madison, Rosebud, and Stillwater.

These counties may be changed prior to initiation of the program if the change has been approved by the Environmental Protection Agency. This system of control areas will be reevaluated by the EPA and the Montana Department of Livestock before the spring of 1975.

B. *Work to be accomplished.* 1. Training of approved applicators.

2. Establishment of distribution points and methods for the distribution of the mechanism and antidote to approved applicators.

3. Collection of program data from approved applicators.

4. Establishment of activities needed for monitoring and surveillance of all aspects of the experimental program by the Montana Department of Livestock, the Environmental Protection Agency, and the U.S. Bureau of Sport Fisheries and Wildlife.

5. Establishment of a method to evaluate selectivity of the SCSLEM's.

6. Establishment of a method to evaluate the program on an ongoing basis in order to meet the program objectives.

7. Coordination of the program work and objectives in order to use the data already being collected and generated by predator control of the Department of Interior's Bureau of Sport Fisheries and Wildlife, the U.S. Department of Agriculture's W-123 Predator Control Research Committee, and the USDA Economic Research Service's study on the economic aspects of the livestock industry and predator control.

8. Establishment of a method for an economic analysis of coyote and red fox control with the SCSLEM's.

9. Establishment of methods to census the livestock and coyote and red fox populations in the SCSLEM use areas and the areas where no SCSLEM's are used.

10. Collection of monthly program data from SCSLEM use areas and control areas where no SCSLEM's are in use.

Dated: May 15, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-11658 Filed 5-20-74;8:45 am]

[OPP-32000/61]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the Federal Register (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 22, 1974 any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 3(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 22, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 2749-47. Aceto Chemical Co., Inc., 126-02 Northern Boulevard, Flushing, New York 11368. *MCPP-4K.* Active Ingredients: Potassium Salt of 2-(2-Methyl-4-Chlorophenoxy) Propionic Acid 48.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2749-134. Aceto Chemical Co., Inc., 126-02 Northern Boulevard, Flushing, New York 11368. *Dimethogon 25% Wettable Powder Systemic Insecticide.* Active ingredients: Dimethoate (O,O-Dimethyl S-[N-Methylcarbamoylmethyl] Phosphorodithioate) 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5590-RLL. Aerosol Techniques, Incorporated, Old Gate Lane, Milford, Connecticut 06460. *Spray Disinfectant and Air Deodorant.* Active Ingredients: Ethyl alcohol 44.25%; Essential oils 0.90%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 0.33%; C-phenyl phenol 0.25%. Method of support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 8590-ULE. Agway, Inc., Fertilizer Chemical Division, Box 1333, Syracuse, New York 13201. *Agway Lesco Feeder.* Active Ingredients: O,O-Diethyl O-(3-chloro-4-methyl-2-oxo-(2H)-1 - benzopyran-7-yl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 241-EGL. American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540. *Protex Temefos 25% Dust Concentrate.* Active Ingredients: Temefos (O,O'-(thiodi-p-phenylene) O,O,O' O'-tetramethyl bisphosphorothioate) 26.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 12014-1. A&V, Inc., P.O. Box 211, Butler, Wisconsin 53007. *A&V-70 Algaecide.* Active Ingredients: Copper as elemental 7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8126-296. Chemagro Div. of Baychem Corp., P.O. Box 4913, Kansas City, Missouri 64120. *Nemacur 15% Granular Nematicide.* Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl(1 - methylethyl)phosphoramidate 15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9093-G. E. L. Brown, Inc., 267 East Valley Blvd., Rialto, California 92376. *C-8 Commercial Bug Death Electronic Insect Killer.* Active Ingredients: Pyrethrins 0.9%; Technical Piperonyl Butoxide 9.0%; Petroleum Distillate 3.6%; Isopropyl alcohol Cosmetic Grade 6.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1448-42. Buckman Laboratories, Inc., 1256 North McLean Boulevard, Memphis, Tennessee 38108. *Busan 77.* Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene - (dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1448-43. Buckman Laboratories, Inc., 1256 North McLean Boulevard, Memphis, Tennessee 38108. *Busan 30.* Active Ingredients: 2-(thiocyanomethylthio) benzothiazole 30%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 348-EL. Castle Chemical Company, 301 Master Avenue, Savage, Minnesota 55378. *"Cover-Up" MH Seed Protectant.* Active ingredients: Maneb (Manganese ethylenebisdithiocarbamate) 50.0%; HCB (Hexachlorobenzene) 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8799-RI. C-H Products Corporation, 267 East Valley Blvd., Rialto, California 92376. *C-H C-1 Commercial Automatic Aerosol Insecticide.* Active Ingredients: Pyrthrins 0.9%; Technical Piperonyl Butoxide 9.0%; Petroleum Distillate 3.6%; Isopropyl Alcohol Cosmetic Grade 6.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8799-RT. C-H Products Corporation, 267 East Valley Blvd., Rialto, California 92376. *C-H H-1 Home Spray Automatic Aerosol Insecticide.* Active Ingredients: Pyretharins .50%; Technical Piperonyl Butoxide 5.00%; Petroleum Distillate 2.00%; Isopropyl Alcohol Cosmetic Grade 12.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239-2211. Chevron Chemical Company—Ortho Division, 940 Hensley Street, Richmond, California 94804. *Ortho Difolatan 4 Flowable A Liquid Fungicide.* Active Ingredients: cis-N-[(1,1,2,2-tetrachloroethyl)thio]-4-cyclohexene - 1,2 - dicarboximide 39%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 464-LNE. The Dow Chemical Company, P.O. Box 1706, 9008 Building, Midland, Michigan 48640. *Dow Tordon K Salt Liquor For Formulation of Herbicides Only.* Active Ingredients: Picloram (4-amino-3,5,6-trichloropicolinic acid), Potassium Salt 34.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1598-EGG. FGK, Inc., P.O. Box 2419, 121 East Davie Street, Raleigh, North Carolina 27602. *FGK 344% Nematicidal Soil Fumigant Granules.* Active Ingredients: 1,2-Dibromo-3-chloropropane 32.8%; Other halogenated C3 compounds 1.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905-87. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis, Tennessee 38137. *Helena Brand 2 LB. Chlorate Defoliant.* Active ingredients: Sodium Chlorate 20.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905-118. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis, Tennessee 38137. *Helena Brand 3 Lb. Chlorate Defoliant.* Active ingredients: Sodium Chlorate 27.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407-GAI. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *Imperial Grain Preserver No. 2.* Active Ingredients: Isobutyric acid 28.2%; Propionic acid 18.8%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 15382-2. Kalo Laboratories, Inc., 10386 Bunker Ridge Road, Kansas City, Missouri 64137. *Double-Noctin Fungicide Plus Nitrogen Bacteria.* Active Ingredients: Captan 26.32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6294-RA. Kiefer-McNeil, Division of McNeil Corp., 999 Sweitzer Ave., Akron, Ohio 44311. *GPC Algae-Burn.* Active Ingredients: Trichloro - S - Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34160-R. Lighthouse for the Blind of Houston, 3530 W. Dallas, Houston, Texas 77019. *Pine Oil Disinfectant.* Active Ingredients: Pine Oil 30%; Soap 13%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 802-LEU. The Chas. H. Lilly Co., 109 S.E. Adler, Portland, Oregon 97214. *Superior Type Spray Oil "V".* Active Ingredients: Petroleum Oil 98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 962-73. Los Angeles Chemical Company, 4545 Ardine Street, South Gate, California 90280. *LACCO Magic Sulphur.* Active Ingredients: Sulphur 98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 72-LTE. Miller Chemical & Fertilizer Corporation, P.O. Box 333, Hanover, Pennsylvania 17331. *Miller Diazinon 4# E.C, Insecticide.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 47.5%; Aromatic petroleum derivative solvent 26.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 72-LTR. Miller Chemical & Fertilizer Corporation, P.O. Box 333, Hanover, Pennsylvania 17331. *Miller Diazinon AG Insecticide.* Active Ingredients: O,O-diethyl o-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48%; Xylene 36%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2224-32. Mobil Chemical Company, P.O. Box 26683, Richmond, Virginia 23261. *Merphos Stabilized Technical.* Active Ingredients: Tributyl Phosphorotrithioite 96.0%; Related compounds 2.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2139-109. Nor-Am Agricultural Products, Inc., 30 North Wacker Drive, Chicago, Illinois 60606. *Soyex 3EC Herbicide.* Active Ingredients: Fluorodifen 34.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1258-340. Olin Corporation, Agricultural Division, P.O. Box 991, Little Rock, Arkansas 72203. *Zinc Omadine Powder Industrial Microbiostat.* Active Ingredients: Zinc 2-pyridinethiol 1-oxide 95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 70-ROA. Rigo Company, 1200 Ft. Wayne Bank Bldg., Fort Wayne, Indiana 46802. *Rigo Rat Blues-D.* Active Ingredients: Diphacinone 2-diphenylacetyl—1,3-Indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 70-ROI. Rigo Company, 1200 Ft. Wayne Bank Bldg., Fort Wayne, Indiana 46802. *Kill-Ko Rat Blues-D.* Active Ingredients: Diphacinone 2-diphenylacetyl—1,3-Indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 70-ROT. Rigo Company, 1200 Ft. Wayne Bank Bldg., Fort Wayne, Indiana 46802. *Rigo Rat Blues-F.* Active ingredients: 3—(alpha - Acetonylfurfuryl)—4—Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) interim policy.

EPA File Symbol 70-ROU. Rigo Company, 1200 Ft. Wayne Bank Bldg., Fort Wayne, Indiana 46802. *Kill-Ko Rat Blues-F.* Active Ingredients: 3—(alpha-Acetonylfurfuryl)-4—Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11687-7. Transvaal, Inc., P.O. Box 691 Marshall Road, Jacksonville, Arkansas 72076. *Transvaal Brush-RHAP LV-4T Herbicide 2,4,5-T Low Volatile.* Active Ingredients: Isooctyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 65.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11687-27. Transvaal, Inc., P.O. Box 691 Marshall Road, Jacksonville, Arkansas 72076. *Transvaal Brush-RHAP LV-6T Herbicide 2,4,5-T Low Volatile.* Active Ingredients: Isooctyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 88.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11687-43. Transvaal, Inc., P.O. Box 691 Marshall Road, Jacksonville, Arkansas 72076. *Transvaal Brush-RHAP LV OXY-4T Herbicide.* Active Ingredients: Butoxyethyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 62.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11687-63. Transvaal, Inc., P.O. Box 691 Marshall Road, Jacksonville, Arkansas 72076. *Transvaal Brush-RHAP LV OXY-6T Herbicide.* Action Ingredients: Butoxyethyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 82.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 499-RIN. Whitmire Research Laboratories, Inc., 3568 Tree Court Industrial Blvd., St. Louis, Missouri 63122. *Whitmire Prescription Treatment No. 1200 Aerosol Generator Synthetic Pyrethroid S.B.P. 1382 "Resmethrin".* Active Ingredients: (5-Benzyl-3-furly)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 1.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1700-44. Winru Chemical & Sales Company, 923 State Line Avenue, Kansas City, Missouri 64101. *Winru Pyrenone Industrial Spray.* Active Ingredients: Technical Piperonyl Butoxide 3.00%; Pyrethrins 0.30%; Petroleum Distillate 96.70%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of May 10, 1974 (39 FR 16921).

EPA File Symbol 12026-T. Stavely Chemicals Limited, Stavely Works, Chesterfield, Derbyshire S43 2PB, England. *Stavely Diuron 80.* Active Ingredients: Diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea 80%. Correction: Originally published as 03-(3,4-dichlorophenyl)-1,1-dimethylurea 80%.

Dated: May 14, 1974.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.74-11563 Filed 5-20-74;8:45 am]

[OPP—180010]

USE OF PREDACIDES TO PROTECT ENDANGERED ATTWATER'S PRAIRIE CHICKEN

Notice of Issuance of a Specific Exemption

The Environmental Protection Agency has granted a specific exemption to the Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, United States Department of the Interior, to use strychnine alkaloid and suffocating

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gas cartridges as emergency predatory skunk, raccoon, coyote, opossum and armadillo control to protect the endangered nesting Attwater's prairie checken on the Ottwater's Prairie Chicken National Wildlife Refuge in Colorado County, Texas, as provided in section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995) and the regulations thereunder (40 CFR 166.1 et seq.).

Background. The Secretary of the Interior, after consultation with the Secretaries of Agricultural; Health, Education, and Welfare; and the Administrator of the Environmental Protection Agency, determined that an emergency situation, as defined in Executive Order 11643 of February 8, 1972, existed on the Attwater's Prairie Chicken National Wildlife Refuge, Colorado County, Texas. Specifically, the Order provides that the head of any agency may authorize the emergency use of chemical toxicants on Federal lands under his jurisdiction for the purpose of preserving one or more wildlife species thratened with extinction, or likely within the foreseeable future to become so threatened. Such authorization may only be made if in each specific case a written finding is made, following consultation with the Secretaries of the Interior; Agriculture and Health, Education, and Welfare; and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve the use of chemical toxicants.

The Attwater's prairie chicken is now found only in small and scattered populations in the gulf coastal prairie of Texas, chiefly in Refugio and Colorado Counties. There has been a downward trend in the population: a trend which has been accelerated by the poor breeding success of the past two years. The estimated population decreased from 2,200 in 1971 to 1,600 in 1973. The skunk, raccoon, coyote, opossum and armadillo prey on the Attwater's prairie chicken. While predation is a year-round problem, the problem is most evident during the nesting season. Two efforts employing approximately 900 man-hours, 7,000 miles of driving, 1,756 steel leg-hold trap nights, 63 live trap nights, and 142 hours of hunting and shooting were utilized to reduce populations of nest predators on the Attwater's Prairie Chicken National Wildlife Refuge and adjoining private lands. These efforts did not reduce the potential of severe predator damage occurring to prairie chicken nests on the Refuge and therefore did not accomplish the objective of protecting the endangered Attwater's prairie chicken.

Since this emergency appeared to prompt remedial action involving the use of nonregistered toxicants to control predatory animals that were destroying the nests of the endangered Attwater's prairie chicken, the Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, made application to the Environmental Protection Agency on March 6, 1974, for a specific exemption from the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973). Application was made in accordance with the provisions of § 166.3 of the regulations (40 CFR Part 166) governing exemption of Federal and State agencies for use of pesticides under emergency conditions. The regulations concerning exemptions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303).

Conclusion. The Environmental Protection Agency granted a specific exemption in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995), on March 20, 1974, with the following provisions:

1. A maximum of 735 individual strychnine alkaloid treated eggs and 500 suffocating gas cartridges be placed on lands within the Attwater's Prairie Chicken National Wildlife Refuge.
2. The program be carried out by Bureau of Sport Fisheries and Wildlife personnel only.
3. The program be terminated when it is determined by Bureau personnel that the nesting season is complete. At that time an effort will be made to recover those strychnine-treated eggs remaining intact.
4. An attempt be made to quantify the target and nontarget organisms taken by the control procedures.
5. Efficacy data for the use of the suffocating gas cartridges against the target species be developed and submitted to the EPA.
6. A report be submitted to the EPA at the conclusion of the program indicating the numbers of baits and cartridges used and retrieved, the effectiveness in reducing predation on the Attwater's prairie chicken, and any adverse incidents occurring.

Benefits to be obtained from this program are other than economic. An important part of the Applicant's role in management of the nation's fish and wildlife resources is the protection and enhancement of endangered species. The Attwater's prairie chicken needs immediate relief from nest-destroying predators to survive. It is not anticipated that this program will pose adverse effects on man and the environment.

Notice of this exemption is given pursuant to the provisions of section 18 the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995) and the regulations thereunder (40 CFR 166.10).

Dated: May 15, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-11657 Filed 5-20-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 74-17; Agreement No. 9955-1]

BILLABONG; WESTFAL-LARSEN & CO. ET AL.

Amendment of Order of Investigation and Hearing

Agreement No. 9955-1—A/S Billabong; Westfal-Larsen & Co. A/S; Fred. Olsen & Co.; and Star Shipping A/S.

This proceeding was instituted by order of investigation and hear served May 7, 1974, to determine the approvability under section 15 of the Shipping Act, 1916 of Agreement No. 9955-1. We ordered the proceeding expedited so that a decision may be rendered prior to November 12, 1974, the expiration date of the present order of approval of Agreement No. 9955.

In order to facilitate expedition of this proceeding we find it appropriate to waive certain provisions of the rules of practice which require leave of the Commission before early institution of the discovery process. Accordingly, the order of investigation in this proceeding is hereby amended to include the following ordering paragraph:

It Is Further Ordered, That the provision of 46 CFR 502.201(b) requiring leave of the Commission to take testimony by deposition if notice thereof is served within 20 days of commencement of the proceeding, the provision of 46 CFR 502.206(a) requiring leave of the Commission to serve interrogatories if notice thereof is served within 20 days of commencement of the proceeding, and the provision of 46 CFR 502.208(a) requiring leave of the Commission to serve a request for admissions if notice thereof is served within 10 days of commencement of the proceeding, are hereby waived.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11621 Filed 5-20-74;8:45 am]

EUGENE T. GILLEN, INC. ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Eugene T. Gillen, Inc.
16 Beaver Street
New York, New York 10004

OFFICERS

Eugene T. Gillen, President
Julie Horngrad, Secretary/Treasurer
Frederick J. Matalevich, Vice President

Jacob Shupak
Frankenfield Road
Ottsville, Pennsylvania 18942

Ayres Aeroplan, Inc.
P.O. Box 3090
Albany, Georgia 31708

OFFICERS

Fred P. Ayres, President
Robert L. Frank, Vice President
June Ayres, Treasurer/Vice President
Pauline Driggers, Secretary

Naim Kazar
One World Trade Center
New York, New York 10048

Marshall Fuirman
96 Maria Drive
Hillsdale, New Jersey 07642

Ted L. Rausch Co. of Oregon
206 S. W. Stark Street
Portland, Oregon 97204

OFFICERS

David C. Buffam, Sr., President
Eugene E. Brosterhous, Vice President
Ted L. Rausch, Secretary/Treasurer

Bemo Shipping Company Incorporated
One World Trade Center, Suite 1707
New York, New York 10048

OFFICERS

Bernard L. Epstein, President
James R. Penson, President/Treasurer
Albert Sorrentino, Vice President/Secretary

Dated: May 15, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11618 Filed 5-20-74;8:45 am]

COMPAGNIE MARITIME BELGE, S.A., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thos. R. Stakem, Esquire
Macleay, Lynch, Bernhard & Gregg
1625 K Street NW.
Washington, D.C. 20006

Agreement No. 9966-2 modifies an approved sailing agreement covering the trade between U.S. Gulf ports and ports of West Africa in the Mauritania/Angola range by adding language to Article 2 thereof whereby the parties set forth a plan of rationalization as to their outbound sailings at only Houston, Texas and New Orleans, Louisiana in order to avoid conflicting sailing dates. Scheduling of sailings from other loading ports covered by the agreement shall be at the discretion of the individual party.

Dated: May 14, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11619 Filed 5-20-74;8:45 am]

MATSON AGENCIES INC. AND COLUMBUS LINE/HAMBURG SUED

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 10, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Esq.
Counsel
Matson Navigation Co.
100 Mission Street
San Francisco, California 94105

Agreement No. T-2964, between Matson Agencies, Inc. (Matson) and Columbus Line/Hamburg Sued (Columbus) is an agency agreement wherein Columbus appoints Matson as its exclusive general agent in Hawaii to perform services such as husbanding, cargo booking and operation, vessel operation, cost estimates, claims, and other duties as required. Compensation is as agreed to by the parties and filed with the Commission.

Dated: May 16, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11620 Filed 5-20-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8785]

ALLEGHENY POWER SERVICE CORP.

Notice of Amendment

MAY 14, 1974.

Take notice that on May 6, 1974 Allegheny Power Service Corporation (Allegheny) tendered for filing on behalf of Monongahela Power Company (Monongahela) and West Penn Power Company (West Penn) Amendment No. 3 to the Interchange Agreement among Monongahela, West Penn and Pennsylvania Power Company and Ohio Edison Company, dated October 17, 1968.

Allegheny states Amendment No. 3 increases the demand charge for Short-Term Power and Energy, from $0.40 to $0.45 per kilowatt week and establishes a new short term power service. This new service is comprised of short-term power and energy supplied by a third party, the charges therefor being computed as follows: demand charge of supplying third party plus 12.5 cents per kilowatt week plus 115 percent of energy charges of third party supplier.

Allegheny requests an effective date of May 15, 1974 for said Amendment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11538 Filed 5-20-74;8:45 am]

[Docket No. CP74-186]

CITIES SERVICE GAS CO.

Extension of Time and Postponement of Hearing; Correction

MAY 13, 1974.

In the notice of further extension of time and postponement of hearing, issued April 29, 1974 and published in the FEDERAL REGISTER May 6, 1974, 39 FR 15914, please change the notice dated April 29, 1974, to permit Union Gas System, Inc., to serve its direct testimony

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and exhibits on June 17, 1974, rather than on May 15, 1974.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11535 Filed 5–20–74;8:45 am]

[Docket No. E–8757]

CONNECTICUT LIGHT AND POWER CO.

Proposed Rate Schedule

MAY 14, 1974.

Take notice that on May 1, 1974, Connecticut Light and Power Company (CL&P) tendered for filing as a proposed rate schedule a proposed Purchase Agreement With Respect to Montville Unit No. 6, dated December 31, 1973, between CL&P and Montaup Electric Company.

CL&P states that the proposed rate schedule provides for sales to Montaup Electric Company of specified percentages of capacity and energy from CL&P's Montville Unit No. 6 during the period January 1, 1974 through April 30, 1974. CL&P further alleges that the filing is in accordance with Part 35 of the Commission's regulations. A notice suitable for publication in the FEDERAL REGISTER, as required by § 35.8(a) of these regulations was, however, omitted.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11534 Filed 5–20–74;8:45 am]

[Docket No. E–8777]

DUKE POWER CO.

Notice of Supplement

MAY 14, 1974.

Take notice that on May 1, 1974, Duke Power Company (Duke) tendered for filing a supplement to its Electric Power Contract with the Town of Huntersville, North Carolina (Huntersville), designated as Duke Power Company Rate Schedule FPC No. 251. Duke states the said supplement provides for an increase in contract demand from 1800 KW to 2800 KW made at the request of Huntersville.

Duke proposes an effective date of June 19, 1974, for said supplement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11536 Filed 5–20–74;8:45 am]

[Docket Nos. RP72–150, etc.]

EL PASO NATURAL GAS CO.

Order Denying Motion

MAY 10, 1974.

Major rate increases of El Paso Natural Gas Company (El Paso) in Docket Nos. RP73–104 and RP74–57 were consolidated with the proceedings in Docket No. RP73–84 for hearing and decision by order issued February 8, 1974.[1] By order in Docket No. RP69–6, et al., issued February 14, 1974, we approved a stipulation and agreement disposing of all issues in a number of dockets relating to El Paso's Southern Division System, except the issue of rate design in Docket No. RP72–150 which we consolidated with the proceedings in Docket No. RP73–104 and RP74–57.

On April 9, 1974, El Paso filed a motion proposing that the issue of rate design in the proceeding in Docket No. RP72–150 and the issues of rate design, cost classification and cost allocation in the proceedings in Docket Nos. RP73–104 and RP74–57 be considered in an initial phase. All other issues in the latter two proceedings would be reserved for a second phase.

Although El Paso suggests that its proposal would expedite results, it seems highly unlikely that determining theoretical cost classifications, cost allocations and rate design in Docket Nos. RP73–104 and RP74–57 prior to a review of cost of service elements will actually result in faster ultimate disposition of these proceedings. We believe that, in a ratemaking proceeding, a prior or contemporaneous determination of the cost of service generally facilitates arriving at a proper cost allocation and rate design. El Paso's proposal to reverse this normal sequence of consideration of issues would make a realistic appraisal of the impact of different cost allocation and rate design proposals more difficult and would place an unnecessary burden on the Presiding Administrative Law Judge.

[1] The proceeding in Docket No. RP73–84 was subsequently severed by order issued April 16, 1974.

The posture of the proceedings in Docket No. RP72–150 is entirely different from those in Docket Nos. RP73–104 and RP74–57. Since only rate design remains to be determined in the proceeding in Docket No. RP72–150, severance might expedite a final decision in this proceeding. All three proceedings, however, will require a determination of the proper rate design on El Paso's Southern Division System. In our order of February 14, 1974, we indicated that our intent in consolidating all three proceedings was to avoid relitigation of the eventual decision on rate design for the Southern Division System. This continues to be our intention, and, therefore, we decline to sever the proceeding in Docket No. RP72–150.

The Commission finds. Good cause has not been shown for granting El Paso's motion of April 9, 1974.

The Commission orders. (A) El Paso's motion of April 9, 1974, in these dockets is denied.

(B) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11537 Filed 5–20–74;8:45 am]

[Project No. 2179]

MERCED IRRIGATION DISTRICT

Application for Approval of Revised Exhibits K and R

MAY 10, 1974.

Public notice is hereby given that application was filed under the Federal Power Act (16 U.S.C. 791a–825r) by Merced Irrigation District (Correspondence to: Mr. Kenneth R. McSwain, Chief Engineer and Manager, Merced Irrigation District, P.O. Box 759, Merced, California) for Commission approval of Revised Exhibits K and R for the Exchequer Project No. 2179 on the Merced River in Mariposa County, California.

Revised Exhibit K for the Exchequer Project was submitted pursuant to Article 35 of the license. The revised Exhibits K and R show additional BLM administered lands to be included in the Horseshoe Bend Recreation Site which is proposed for future development of camp sites. The revised Exhibit R drawings also show the existing and proposed recreational facilities as finally located including two additional sites, Bagby and Hunters Valley Road, proposed for future development by concessionaires.

The revised drawings show deviations in the numbers and scheduling of development of outdoor recreation facilities. The net additions of 200 camp units and 56 picnic units increase the totals to be developed to 886 and 388, from 686 and 332, respectively.

Other changes proposed in the numbers of public use facilities are in sanitary facilities which are decreased at Barrett Cove and increased in the Horseshoe Bend area for a project net increase.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11538 Filed 5–20–74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members

MAY 10, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

2. *Membership.* Additional members of the Technical Advisory Committees, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Mr. E. F. Weitzel, General Planning Engineer; Bonneville Power Administration (replaces Mr. Edward H. Gehrig).

TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Mr. George T. Berry, General Manager; Power Authority of the State of New York (replaces Mr. Asa George).

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11544 Filed 5–20–74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating Additional Members

MAY 10, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. *Membership.* Additional members of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. Gordon Vickery, Superintendent; Seattle Department of Lighting.

Mr. Don C. Frisbee, Chairman and Chief Executive Officer; Pacific Power and Light Company.

Mr. Edward V. Sherry, Manager—Energy Systems; Air Products and Chemicals, Inc.

Mr. Robert E. Shepherd, Director—Office of Energy Programs; Department of the Interior.

By the Commission

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11545 Filed 5–20–74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating Additional Members

MAY 10, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. Ed Rovner, Director, Energy Projects; National Governors' Conference.

Dr. Walter J. Clayton, Director, Office of Program Development; Rural Electrification Administration.

Mr. George M. Bennsky, Director, Office of Fuels and Energy; Department of State.

Mr. Merrill J. Whitman, Assistant Director for Energy Systems Analysis; Atomic Energy Commission.

Dr. Stephen J. Gage, Senior Staff Member; Council on Environmental Quality.

By the Commission

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11546 Filed 5–20–74;8:45 am]

[Docket No. RP74–87]

PENNZOIL CO. AND UNITED GAS PIPE LINE CO.

Investigation, Hearing and Procedures

MAY 14, 1974.

Recent financial transactions involving a spin-off by Pennzoil Company (Pennzoil) of one of its subsidiaries, United Gas Pipe Line Company (United), both of which are natural gas companies subject to the jurisdiction of this Commission, have come to the attention of the Commission. Based upon the present information available to the Commission, certain persons may have or may be about to violate provisions of the Natural Gas Act or rules, regulations, or orders thereunder. The Commission therefore undertakes, pursuant to section 14 of the Natural Gas Act, an investigation of the financial transactions indicated below, but not necessarily limited thereto, to determine, inter alia, whether any person has or is about to violate any of the provisions of the Natural Gas Act, or any rule, regulation, or order thereunder; to determine what action, if any, this Commission should take to meet its responsibilities under the Natural Gas Act with respect to these transactions; to aid in the enforcement of the provisions of the Natural Gas Act; and to obtain information which may serve as a basis for recommending further legislation to Congress with respect to these kinds of transactions.

The Commission's knowledge of these transactions is derived from United's April 2, 1974, filing with the Securities and Exchange Commission of a Form S–1, Registration Statement, pursuant to the Securities Act of 1933, proposing the implementation of its Parent's plan to dispose of 100 percent of United's common stock. On April 3, 1974, the Securities and Exchange Commission cleared the Registration Statement as meeting its requirements as to the adequacy of disclosure and the Registration Statement became effective on April 3, 1974. According to the Statement, its filing with the Securities and Exchange Commission was occasioned by the declaration by the Board of Directors of Pennzoil on March 4, 1974, of a dividend to Pennzoil's common stockholders of record on April 5, 1974, of 100 percent of the common stock of United to be distributed on the basis of .3 shares of United's stock for each share of common stock held in Pennzoil. The stated effect of this disposal is to finalize a planned severance of the corporate affiliation between Pennzoil and United which plan seeks to eliminate certain problems in dealing with federal and state regulatory agencies and to improve the competitive position of both. Pennzoil's board also authorized a contribution of up to $15,000,000 to United's capital surplus by forgiving $10,000,000 of United's demand notes held by Pennzoil and by assuming up to $5,000,000 of United's income tax liability for the first quarter of 1974.

The Registration Statement indicates that between December 31, 1973, and April 3, 1974, United issued, as a stock dividend to Pennzoil, 1,000,000 shares of 9¾ percent cumulative preferred stock, $100 par at a book value of $100,000,000. Of this amount, $68,564,000 was charged against capital surplus which was the entire amount of capital surplus available as of February 28, 1974. The remaining $31,436,000 was charged against retained earnings. By the terms of the preferred stock, United is required to establish certain purchase funds in the nature of sinking funds amounting to $4,000,000 semi-annually commencing December 1, 1974, which will be utilized for the mandatory retirement of 40,000 shares of the preferred stock commencing December, 1981, until the series is fully retired. It appears that upon retirement the effect will be to significantly reduce United's permanent capital by an amount in excess of 25 percent from its February 28, 1974, level of $378 million. The April 2, 1974 Registration Statement indicates Pennzoil will dispose of this stock to institutional purchasers but the Securities and Exchange Commission has advised it is now contemplated the preferred stock will be disposed of publicly and therefore a further Registration Statement will have to be filed with respect to that issue.

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Also, sometime between December 31, 1973, and April 3, 1974, United's common stock was split to increase the number of shares from 500,000 outstanding to 9,918,000 outstanding, but the par value was decreased from $100 to $1, resulting in an overall decrease in the par value of the common stock of $40,082,000 and an offsetting increase in capital surplus of a like amount. This $40,082,000, together with Pennzoil's capital contribution to United of up to $15,000,000, make up United's capital surplus of $53,146,000 as of February 28, 1974, as adjusted to reflect these transactions.

The information presently available to the Commission raises questions as to whether there have been or may be violations of the Natural Gas Act. Section 12 of the Natural Gas Act provides:

> It shall be unlawful for any officer or director of any natural-gas company to receive for his own benefit, directly or indirectly, any money or thing of value in respect to the negotiation, hypothecation, or sale by such natural-gas company of any security issued, or to be issued, by such natural-gas company, or to share in any proceeds thereof, or to participate in the making or paying of any dividends, other than liquidating dividends, of such natural-gas company from any funds properly included in capital account. [52 Stat. 827 (1938); 15 U.S.C. 717k].

The dividend to Pennzoil of preferred stock out of United's capital surplus and retained earnings as well as the planned disposition of that stock by Pennzoil may lead to the accrual of benefits, directly or indirectly, to the officers or directors of Pennzoil or United in violation of section 12 of the Natural Gas Act. Further, the participation of the officers or directors of Pennzoil or United in the making or paying of the preferred stock dividend may be a violation of section 12 of the Act to the extent it involves the payment of funds, other than liquidating dividends, properly included in a capital account.

Accordingly, evidence is required of Pennzoil, United, and their officers and directors, individually and collectively to show why they, or any one of them, are not, or will not be, in violation of section 12 of the Natural Gas Act as a result of any of the above or related transactions. Detailed evidence of the specifics of the transactions above and any related transactions and the net effect of them must also be provided.

In addition, we must determine and will investigate whether following these transactions United can be properly financed so as to maintain its existing and future services at reasonable costs. Of particular concern is that according to the S–1 Registration Statement the common equity ratio of United after the transactions declined from 43.78 percent to 20.08 percent. Furthermore, provisions for the preferred stock issue as described in the S–1 Registration Statement place a number of restrictions on the payment of dividends on outstanding shares of common stock. These factors may significantly affect United's ability to raise new capital at a reasonable cost in the future. We, therefore, will require United and Pennzoil to provide evidence on United's requirements for new capital funds and details as to how it may expect to raise such funds at a reasonable cost after completing the transactions. On this point evidence should be presented by United and Pennzoil on an individual and a consolidated basis for the years 1967 through 1973 and for the period in 1974 prior to the disposal of United by Pennzoil, all on an actual basis, balance sheets and income statements, statements of retained earnings, statement of changes in financial position (funds statement), statement of long and short-term debt and capital stock, and Federal income tax returns. United also individually and as consolidated with its subsidiaries should present evidence on a pro forma annual basis setting forth the above required information for the next ten-year period. The ten year pro forma financial statements should be supported and accompanied by detailed construction budgets, financing budgets, and schedules of sinking fund requirements and dividend payments.

Also, we are concerned about and will investigate the possible detriment to United and its continued ability to maintain the level of service to its customers, which it would otherwise provide, were it not for the $100,000,000 of stock dividends recently paid out, and other recent dividends, including the payment of $30,000,000 of cash dividends in 1973 (when net income was only $23,602,000) and the severance of the corporate relationship between United and Pennzoil. Our concern is not unaffected by the fact that United has been curtailing deliveries of gas to its customers since November, 1970, and at a daily average rate of 33% during 1973. We will therefore investigate in this and such subsequent proceedings as may be required, whether United will continue to be willing and able to perform the services to its customers presently authorized pursuant to outstanding certificate authorizations pursuant to section 7 of the Natural Gas Act, or if United will not be able to do so in the future, whether its present certificate authorizations should be amended to prohibit certain of these financial transactions, particularly, but not limited to, the payment of certain dividends, which may otherwise hinder in the future its ability to maintain existing certificated services.

We must also determine and will investigate whether Pennzoil or any of its subsidiaries will be altering, rescinding, or repudiating any of their contracts with United or any subsidiaries, particularly but not limited to gas supply contracts, as a result of its divorce from United, and the resultant impact upon the pipeline's ability to continue to render adequate service to its customers. We must determine what actions, if any, should be taken to prevent any resulting impacts that may not be in the public interest. Pennzoil and United must provide evidence of all outstanding contracts, including advance payment contracts and agreements, between the two companies and/or their subsidiaries, or designate by reference those relevant contracts on file with the Commission, together with an indication of contemplated future contracts and show the effect, if any, of these transactions on those contracts. Additionally, they must present evidence on any planned changes in the terms and conditions of those existing contracts.

Finally, we will investigate to determine whether abandonment authorization, by Pennzoil, pursuant to section 7 (b) of the Natural Gas Act, is required for the abandonment of its relationship with United. Pennzoil and United have in the past been intimately connected in many phases of their operations. The severance of their corporate ties in this instance may amount to an abandonment of United's natural gas system and may therefore require abandonment authorization under section 7(b) of the Natural Gas Act. We believe this to be another issue for consideration in this proceeding and we expect Pennzoil, United and others to respond to this question in these proceedings.

The enumeration of the issues above is not intended as a limitation on the scope of this proceeding and all parties inclusive of Commission staff are free to pursue any other relevant issues that may become manifest during the course of this investigation.

The Commission finds. It is necessary and proper to institute a formal investigation and proceeding pursuant to section 14 of the Natural Gas Act into the matters set forth above to determine if there have been or are about to be violations of the Natural Gas Act, or any rule, regulation, or order thereunder, to aid in the enforcement of the provisions of the Natural Gas Act, or to serve as a basis for proposed legislation, and to therefore require United, Pennzoil and any of their affiliates, officers and directors to show cause why the transactions discussed in the aforementioned Registration Statement will not be in violation or cause a violation of the Natural Gas Act, or any rule, regulation, or order thereunder.

The Commission orders. (A) Pursuant to the provisions of the Natural Gas Act, particularly sections 6, 7, 8, 12, 14, 15, and 16 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Natural Gas Act, a public hearing shall be convened on July 8, 1974, at a hearing room of the Federal Power Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, wherein pursuant to this investigation Pennzoil, United, their affiliates, and their officers and directors will be required to show cause why the transactions set forth in the S–1 Registration Statement filed with the Securities and Exchange Commission on April 2, 1974, and any other related financial or contractual transactions are not, or will not be, in violation of any provision of the Natural Gas Act, or any rule, regulation or order thereunder.

(B) On or before June 13, 1974, Pennzoil, United, its affiliates, and directors and officers are hereby directed to file their evidence in response to the questions and issues raised in the body of this order, as well as any other evidence they may wish to present in furtherance of their positions.

(C) The Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5(d)) shall, following the completion of cross-examination above, prescribe such further procedures as may be warranted.

(D) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 28, 1974, in accordance with the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.74–11539 Filed 5–20–74;8:45 am]

[Docket No. E–8242]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Further Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 13, 1974.

On May 3, 1974, Public Service Company of Oklahoma (PSCO) filed a motion for a further extension of the procedural dates fixed by notice issued April 12, 1974, in the above-designated matter. The motion states that there is no objection to the motion by any of the parties.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Rebuttal Evidence by PSCO, June 3, 1974.
Prehearing Conference, June 17, 1974 (10 a.m., e.d.t.).
Hearing, To commence at the conclusion of the prehearing conference.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74–11541 Filed 5–20–74;8:45 am]

[Docket No. E–8763]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Proposed Rate Schedule

MAY 14, 1974.

Take notice that on May 2, 1974, Public Service Company of Oklahoma (PSCO) tendered for filing supplements to its Rate Schedule FPC 186. The supplements are a letter agreement, dated June 23, 1971, and an amending Letter Agreement, dated March 6, 1974, between PSCO and Associated Electric Cooperative, Inc. (AEC).

PSCO states that the supplements provide for sale by PSCO to AEC of 100 MW of capacity for the twelve-year period June 1, 1974 to May 31, 1986, for various of PSCO's generating units. PSCO alleges that the terms and conditions of the proposed supplement are similar to the terms and conditions in Supplement No. 6 to Rate Schedule FPC 161 between PSCO and Kansas Gas and Electric. PSCO requests an effective date for the proposed supplement of June 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74–11540 Filed 5–20–74;8:45 am]

[Docket Nos. RP72–91, etc.]

SOUTHERN NATURAL GAS CO.

Granting Late Petition To Intervene

MAY 13, 1974.

On November 9, 1973, United Gas, Inc. (United), filed a late petition to intervene in these proceedings solely for the purpose of calling the Commission's attention to United's briefs filed in United Gas Pipe Line Company, Docket No. RP72–75 (Phase II). As United's petition states, the Commission issued Opinion No. 671 in Docket No. RP72–75 on October 31, 1973, which stated that:

> [t]he issue of conjunctive billing is raised and discussed at length by the Administrative Law Judge in his initial decision of April 3, 1973, in Southern Natural Gas Company, Docket Nos. RP72–91, *et al.*, presently before the Commission. We shall defer determination of this issue until after our decision in Southern.

United thus argues that since the outcome in the Southern:

> proceeding will have considerable effect upon Petitioner's rights in Docket No. RP72–75, Petitioner asks to intervene herein only to the extent of requesting this Commission to consider in this matter the • • • briefs which have heretofore been filed by Petitioners in Docket No. RP72–75 insofar as those briefs relate to conjunctive billing.

Since United's late petition to intervene is limited and since the granting of such petition will not delay this proceeding, we find that good cause exists to grant United's petition to intervene.

The Commission finds. Participation by United in these proceedings may be in the public interest, and good cause exists for permitting such intervention.

The Commission orders. (A) United is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of these proceedings.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.74–11543 Filed 5–20–74;8:45 am]

[Docket No. E–8215]

UNION ELECTRIC CO.

Certification of Settlement Agreement

MAY 14, 1974.

Take notice that on April 29, 1974, Presiding Administrative Law Judge Walter T. Southworth certified to the Commission two proposed settlement agreements resolving outstanding issues in this docket.

The first agreement relates to the increase in rates to the W–2 customers of Union Electric Company (Union). The second agreement relates to the rate increase to Missouri Power and Light Company (MPL) and is on the same terms and conditions as the settlement agreement with the W–2 customers.

Copies of the agreements are on file with the Commission and are available for public inspection. Any person desiring to comment upon the agreements should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 28, 1974.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74–11542 Filed 5–20–74;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL BANCOMPANY

Order Approving Acquisition of Bank

Central Bancompany, Jefferson City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 85 percent or more of the voting shares of The Boone County National Bank of Columbia, Columbia, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given

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in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of approximately $257 million, representing 1.9 percent of the total deposits held by commercial banks in Missouri, and is the eighth largest banking organization in the State.[1] Acquisition of Bank (deposits of $62 million) would increase Applicant's share of State deposits by less than 0.5 of one percentage point, and would not significantly increase the concentration of banking resources within the State, nor alter Applicant's Statewide ranking.

Bank, with 36 percent of the total market deposits, is the largest of eight commercial banks in the Columbia market.[2] One of the competing banks is a subsidiary of Missouri's third largest bank holding company. Applicant has no subsidiary bank in the relevant market but does have two subsidiary banks in a separate but adjoining banking market approximately 33 miles south of Columbia in Jefferson City. There is no significant existing competition between Bank and Applicant's Jefferson City subsidiaries; nor is there significant existing competition between Bank and Applicant's other subsidiary bank, which is located approximately 130 miles from Bank. It further appears that no significant potential competition would be eliminated by the proposed acquisition. Columbia and Jefferson City are the two largest cities in Central Missouri and are centers of separate and distinct trade areas. These two cities could be expected to be of interest to expansion-minded holding companies in the State. The Columbia market, moreover, is relatively attractive for de novo entry considering a population gain of almost 47 percent for the last decade and a population per banking office ratio somewhat higher than the State average (6,224 v. 5,521). However, six independent banks will remain in the market after the subject acquisition, and most of the multi-bank holding companies in the State remain potential entrants into both the Columbia and Jefferson City areas. It appears, therefore, that consummation of the proposed acquisition would have no significant adverse effect upon existing or potential competition within the market.

The financial and managerial resources of Applicant, its subsidiary banks and Bank are regarded as satisfactory and future prospects for all are favorable. Although there is no evidence in the record to indicate that the major banking needs of the community to be served are not presently being met, affiliation with Applicant would enable Bank to offer overdraft checking, direct equipment leasing services and 24-hour automated teller facilities. These considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 14, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-11601 Filed 5-20-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank in Cleburne, Cleburne, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Texas and presently controls sixteen banks[1] with aggregate deposits of approximately $2.6 billion, representing some 7.5 percent of total commercial deposits in Texas.[2] Approval of this application would increase Applicant's share of Statewide deposits by only .08 of one percent and would have no appreciable effect upon the concentration of banking resources in the State.

Bank is the twelfth largest of 45 banks in the Fort Worth banking market (approximated by the Fort Worth RMA) and holds $27.6 million in deposits, or about 1.3 percent of total commercial bank deposits in the market. Approval of the proposed transaction would have no adverse effects on competition. The acquisition of Bank would effect Applicant's initial entry into the Fort Worth market and would introduce Applicant as an additional competitive force in this highly concentrated market area. There is no substantial existing competition between Bank and any of Applicant's banking subsidiaries, the nearest of which is located in the Dallas market some 48 miles to the east; nor is there a reasonable probability of substantial future competition developing between Bank and any of Applicant's banking subsidiaries, in view of distances involved, the number of banks in intervening areas, and Texas' prohibitive branching laws. Ease of entry into the Fort Worth market would not be significantly diminished, for numerous banks would remain as potential entry vehicles for additional bank holding companies.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval. Although there is no evidence in the record that the banking needs of the community are not being adequately served, considerations of the convenience and needs of the community to be served lend weight toward approval. Applicant's acquisition of Bank would permit Bank to better serve the growing and diversified local economy by introducing or offering greater expertise in such services as trusts, real estate financing, factoring, foreign trade, and industrial development. It is the Board's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

[1] All banking data are as of June 30, 1973, and reflect holding company formations and acquisitions approved through April 30, 1974.

[2] The Columbia banking market is approximated by the Columbia SMSA, which is coterminous with Boone County.

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governors Brimmer and Sheehan.

[1] In addition Applicant indirectly controls interests of less than 25 percent in two banks. Applicant has agreed to divest its minority interests in the two banks.

[2] All banking data are as of June 30, 1973, and reflect holding company formations and acquisitions approved by the Board through April 15, 1974.

By order of the Board of Governors,[1] effective May 13, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-11602 Filed 5-20-74;8:45 am]

FIRST PENNSYLVANIA CORP.

Proposed Acquisition of City Finance Plan

First Pennsylvania Corporation, Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of City Finance Plan, Downey, California. Notice of the application was published on April 12, 1974, in the Los Angeles Times, a newspaper circulated in Los Angeles county and the counties contiguous and adjacent thereto in southern California.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring and servicing loans secured by second mortgages, and the sale of credit life and credit disability and credit property and casualty insurance, related to the extensions of credit by the Applicant. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 7, 1974.

Board of Governors of the Federal Reserve System, May 10, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-11603 Filed 5-20-74;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governors Brimmer and Sheehan.

FIRST PENNSYLVANIA CORP.

Proposed Acquisition of Globe Finance Co.

First Pennsylvania Corporation, Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Globe Finance Company, Los Angeles, California. Notice of the application was published on April 12, 1974, in the Los Angeles Times, a newspaper circulated in Los Angeles county and the counties contiguous and adjacent thereto in southern California.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring and servicing loans or other extensions of credit for consumer purposes, including loans secured by second mortgages, and the sale of credit life and credit disability and credit property and casualty insurance, related to the extensions of credit by the Applicant. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 7, 1974.

Board of Governors of the Federal Reserve System, May 10, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-11605 Filed 5-20-74;8:45 am]

FIRST RANTOUL CORP.

Formation of Bank Holding Company

First Rantoul Corporation, Rantoul, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank, Rantoul, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 10, 1974.

Board of Governors of the Federal Reserve System, May 13, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-11606 Filed 5-20-74;8:45 am]

MULTIBANK FINANCIAL CORP.

Acquisition of Bank

Multibank Financial Corp., Boston, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Security National Bank of Springfield, Springfield, Massachusetts ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none has been received. The Federal Reserve Bank of Boston has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls seven subsidiary banks and is the sixth largest banking organization and bank holding company in Massachusetts, with aggregate deposits of $561.6 million representing 4.1 percent of total deposits of commercial banks in the state.[1] Acquisition of Bank (deposits of $82 million) will have a nominal effect on state-wide concentration, increasing Applicant's share of commercial bank deposits in Massachusetts by .21 percent. Applicant's ranking within the state would be unchanged as there is a considerable disparity in size between Applicant and the five larger Boston-based bank holding companies, each of which controls deposits in excess of $1 billion. The proposed acquisition is part of an aggressive state-wide expansion program by Applicant, which has acquired six banks in the past two and a half years.

Bank operates four offices and is the fourth largest of 11 commercial banks located in the relevant banking market, the Springfield-Holyoke Ranally Metropolitan Area (RMA). The market is highly concentrated, with the three largest

[1] All banking data are as of October 17, 1973.

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banking organizations controlling 80 percent of total commercial bank deposits. Two of the larger Springfield banks and a Holyoke bank are affiliated with bank holding companies considerably larger than Applicant.

Two of Applicant's banks operate in markets contiguous to Bank's market. Northampton National Bank, Northampton (Hampshire County), with deposits of $17.9 million, operates in the Northampton-Amherst market, and its closest office to Bank is 22 miles distant; The Mechanics National Bank of Worcester, (Worcester County), with deposits of $110.6 million, operates in the Worcester RMA. However, Applicant is not a dominant competitor in either of these markets, nor does any subsidiary of Applicant draw a significant amount of business from the Springfield area.

The potential for competition between Applicant and Bank to intensify in the future is slight. Massachusetts law restricts branching to the home office county, and therefore Applicant's subsidiary banks cannot branch into Hampden County, where Bank derives substantially all of its business. In view of the economic condition of the Springfield area and the intense competitive environment, it is not likely that Applicant would seek to enter by establishing a de novo bank. Although alternative entry vehicles exist within the market, they do not represent significantly less anticompetitive means of entry than acquisition of Bank. In view of the above considerations, approval of the proposed acquisition will have no adverse competitive effects and may in fact have the procompetitive effect of strengthening Bank's position in the concentrated Springfield market.

The financial and managerial resources and prospects of Applicant and its present subsidiary banks are satisfactory, particularly in view of Applicant's injecting equity capital into several subsidiary banks and strengthening management at the holding company level. The financial and managerial resources and future prospects of Bank are fair in light of Springfield's static economic situation and Bank's limited capacities relative to its competitors. Affiliation with Applicant will provide Bank with additional management depth and greater financial resources which should improve Bank's prospects and its competitive viability. It is this Reserve Bank's judgment that banking factors lend weight toward approval of the application.

There is no evidence in the record to indicate that the convenience and needs of the community are not being adequately served by existing institutions. However, Applicant has stated its intention to provide or improve Bank's services in the areas of computer facilities, equipment leasing and accounts receivable financing. The convenience and needs factors are consistent with approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Boston, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective May 9, 1974.

[SEAL] FRANK E. MORRIS,
President.

[FR Doc.74-11607 Filed 5-20-74;8:45 am]

SAFRABANK S.A. AND TRADE DEVELOPMENT BANK HOLDING S.A.

Acquisition of Bank

Safrabank S.A., Panama City, Panama and its subsidiary Trade Development Bank Holding S.A., Luxembourg, Luxembourg, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 585,803 voting shares of Republic New York Corporation, New York, New York. At the same time Safrabank S.A. has applied for the Board's approval under section 3(a)(3) to acquire up to 1,350,000 voting shares of Trade Development Bank Holding S.A. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 27, 1974.

Board of Governors of the Federal Reserve System, May 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11604 Filed 5-20-74;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Southeast National Bank of North Dade, Dade County, Florida, a proposed new bank ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization and bank holding company in Florida, controls 32 banks with aggregate deposits of approximately $1.8 billion, representing 8.9 percent of total deposits in commercial banks in Florida.[1] Since Bank is a proposed new bank, consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits in the State.

Bank is to be located in northeastern Dade County, which is part of the Greater Miami banking market (approximated by Dade County and the southern third of Broward County), the relevant banking market. Applicant presently has seven subsidiary banks operating in the relevant banking market and controls about 23 percent of market deposits.[2] Competing in the market are 39 other banking organizations controlling 97 banks, including banking subsidiaries of the State's second, third, fourth, fifth, and sixth largest banking organizations. Since Bank is a proposed new bank, Applicant's acquisition of Bank would not have any immediate effect on Applicant's share of commercial bank deposits in the Greater Miami banking market, nor would it have significant adverse effects on existing or potential competition in that same market. In reaching this conclusion, the Board recognizes that de novo expansion by a market's largest banking organization within a particular area of the market could reduce the prospects for eventual deconcentration of that market by preempting viable sites for de novo entry by other banking organizations not already represented in the market. However, on the basis of the facts of record in this case, including the rapid and substantial growth underway in Bank's proposed service area and the numerous banking offices located in the areas intervening between Bank and Applicant's banking subsidiaries, it is the Board's view that this area can support additional entries by other banking organizations and that no significant adverse competitive effects will be realized. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant and its subsidiary banks are regarded as generally satisfactory, particularly in view of Applicant's commitment to provide additional capital to certain of its banking subsidiaries. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as an affiliate of Applicant appear favorable. Banking factors as the concern Applicant's group and the proposed new bank are consistent with approval of the application. Although there is no evidence that the major banking needs of the area are not being adequately served at the present time, the proposed new bank will provide a convenient source of banking services for the rapidly growing northeastern part of Dade county. Some of the services Applicant proposes to provide through Bank include consumer and personal loans, small business financing, mortgage financing, professional billing and payroll accounting, and trust services. Considerations relating to the convenience and needs factors, therefore, lend some weight toward approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that effective date, and (c) Southeast National Bank of North Dade, Dade County, Florida, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors, effective May 13, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-11606 Filed 5-20-74;8:45 am]

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through April 30, 1974.

[2] Included among Applicant's banking subsidiaries is a recently approved but as yet unopened bank, Southeast Bank of Westland.

UNION COMMERCE CORP., CLEVELAND, OHIO

Order Approving Acquisition of Port Clinton National Bank, Port Clinton, Ohio

Union Commerce Corporation, Cleveland, Ohio (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 99.2%, including rights to directors' shares, of the voting shares of Port Clinton National Bank, Port Clinton, Ohio (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Federal Reserve Bank of Cleveland has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banking subsidiaries with aggregate deposits of $1.1 billion or 4.24 percent of total deposits of commercial banks in the State.[1] Bank had year-end 1973 deposits of $21.9 million. Acquisition of Bank would increase Applicant's share of State deposits by .09 percent to 4.32 percent and would not result in any significant increase in concentration of banking resources in Ohio. Bank is the second largest of five banks headquartered in the Port Clinton banking market, which is approximated by the eastern two-thirds of Ottawa County, and controls 25.9 percent of market deposits.

Applicant's closest banking office to Bank is a branch of The Union Commerce Bank, Cleveland, Ohio 58 miles east of Port Clinton. There is no significant competition between Applicant's banking subsidiaries and Bank, and there is little likelihood for any competition to develop under the county-wide branching restrictions of Ohio law. Furthermore, de novo entry into this market by Applicant seems unlikely because of the low population per banking office and the static nature of economic activity in the area. Accordingly, consummation of the proposed transaction would appear to have no adverse effects on existing or potential competition.

There is no evidence to indicate that the banking needs of the Port Clinton banking market are not being adequately met. However, Applicant plans to have Bank increase its lending activity and to provide trust, leasing, and other specialized services through its subsidiaries. Accordingly, the factors relating to the convenience and needs of the community involved lend weight toward approval of the proposed transaction.

The financial and managerial factors and future prospect of Applicant, its subsidiaries, and Bank are considered generally satisfactory. Accordingly, banking factors are consistent with approval of the application.

It is the judgment of the Federal Reserve Bank of Cleveland that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, as summarized above, the Federal Reserve Bank of Cleveland approves the application. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless said period is extended for good cause by the Board or by this bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority from the Board of Governors of the Federal Reserve System, effective May 10, 1974.

[SEAL] WILLIS J. WINN,
President.

[FR Doc.74-11609 Filed 5-20-74;8:45 am]

[1] Banking data as of June 30, 1973, unless otherwise indicated.

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 16, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Army; Advanced Hybrid Computer Systems Requirements Survey, Form ----, Single time, NSD/IS/Sheftel, Private industry and universities.

Defense Civil Preparedness Agency; State and Local Civil Preparedness Instructional Program—Contractor's Summary, Form DCPA 177, 177A, 177B, and 181, Monthly, NSD, Universities and State CD Offices.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration:

Development of Financial Management Information System, Form ADAMNIDA 0422, Quarterly, HRD/Lowry/Marcantonio, Drug Abuse Prevention Units.

Needs for Care of Patients Resident in State Mental Hospitals—Texas State Mental Hospitals; Form ADAMMH DB 0508, Single time, OMB, Psychiatric patients and treatment personnel.

Health Resources Administration:

Regulatory Use of a Quality Evaluation System for Long-Term Care, Form HRAEBHR 0426, Single time, HRD/Caywood, Administrators, nursing staff and residents.

Practice History of a National Sample of Licensed Dental Hygienist, Form HRA BHRD 0509, Single time, Weiner, Dental hygienists.

National Institute of Education; Pilot Survey of Student Attitudes, Form ----, Single time, Planchon, 6th Grade students in Alum Rock schools.

National Institutes of Health; Contraception, Pregnancy Tests and Congenital Malformation, Form ----, Single time, Reese, Women who recently delivered.

Social Security Administration; Notice of Missing Social Security Check, Form SSA 735, Occasional, Caywood, Individuals entitled to SS benefit.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Application for Worker-Trainee; Form CT-F-11, Occasional, Caywood, Individuals.

VETERANS ADMINISTRATION

Monthly Report on Designated Housing Marketing Area; Form VA 26-6306, Monthly, Sunderhauf, Mortgage lenders in 89 housing market areas.

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governors Brimmer and Sheehan.

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EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health:
- Guide for Preparation of Progress Report (Graduate Training Grant), Form NIH 596, Annual, Evinger (x).
- Application for MBBS Grant, Form NIH 1060, Occasional, Evinger (x).
- Application for Training Grant and Continuation Support, Form PHS 2499-1, 2 (NIH RG-6), Occasional, (Evinger (x)).
- International Fellowship Applications and Instruction Sheets, Form NIH FI-1, Annual, Evinger (x).
- Application for Staff Fellowship, Form NIH OD-4, Occasional, Evinger (x).
- Medical Library Resource Project Grant Application, Form NIH LM-2, Occasional, Evinger (x).

Social Security Administration:
- Husband's Certification, Form SSA 3, Occasional, Evinger (x).
- SSI Notice of Change of Address; Form SSA 8160, Occasional, Evinger (x).
- Report of Disability Interview Widow (Divorced Wife), Form SSA 401A, Occasional, Evinger (x).
- Group Practice Plan Individual Patient Utilization Report of Social Security Medical Insurance Service, Form SSA 1591, Monthly, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-11692 Filed 5-20-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74-32)]

NASA PHYSICAL SCIENCES COMMITTEE

Meeting

An informal Ad Hoc Subcommittee of the NASA Physical Sciences Committee will meet on June 12, 1974, Room 7002, Federal Office Building 6, 400 Maryland Avenue SW.

The sole agenda item of the meeting, scheduled to run from 9 a.m. to 3 p.m., is the discussion of personal competence and fitness of individuals being considered for employment in scientific positions. Such discussion, if held in open session, would constitute an unwarranted invasion of the personal privacy of the individuals concerned. The meeting will therefore be held in closed session, pursuant to 5 U.S.C. 552(b)(6).

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

MAY 14, 1974.

[FR Doc.74-11523 Filed 5-20-74;8:45 am]

[Notice (74-31)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERONAUTICAL PROPULSION

Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion will meet on June 4-5, 1974, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in Conference Room 625, Federal Office Building 10B. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons including Committee members and other participants.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The Committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation. There are 12 members on the Aeronautical Propulsion Committee. The current Chairman is Mr. Hillard E. Barrett.

The following list sets forth the approved agenda and schedule for the meeting. For further informtaion, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

JUNE 4, 1974

Time	Topic
8:30 a.m.	Report of the Chairman (*Purpose.* To summarize information of interest from the May 1974 meeting of the Research and Technology Advisory Council.)
8:50 a.m.	Report of the Executive Secretary (*Purpose.* To brief the Committee on recent organizational and policy changes in NASA, review the agenda, review tentative FY 1975 budget allocation and plans, and report NASA action on past Committee recommendations.)
9:30 a.m.	Center Highlight Reports (*Purpose.* To present brief reports by NASA Research Center representatives on progress and accomplishments in research and technology programs related to aeronautical propulsion.)
1:00 p.m.	Report on Future Aviation Fuels and Energy-Conservative Aircraft Programs (*Purpose.* To brief the Committee on NASA's recent and other agencies' current and planned programs relating to future aircraft fuels and energy-conservative engines and aircraft. The planned establishment of an Ad Hoc Fuels Panel and its functions will also be described.)

JUNE 5, 1974

8:30 a.m.	Review of NASA's Aeronautical Propulsion Research and Technology Program Objectives. (*Purpose.* To describe the research and technology objectives, targets and milestones established for the aeronautical propulsion discipline.)
11:15 a.m.	Discussion of Propulsion/Airframe Integration Research Program (*Purpose.* To obtain Committee comments and advice on the NASA Propulsion/Airframe Integration Research Program recently scrutinized by military service and industry experts.)
1:30 p.m.	Committee Discussions and Recommendations. (*Purpose.* To discuss major elements presented during the meeting and to summarize recommendations to the NASA Research and Technology Advisory Council.)
3:00 p.m.	Adjournment.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

MAY 14, 1974.

[FR Doc.74-11524 Filed 5-20-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR REGULATORY BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Regulatory Biology to be held at 9 a.m. on June 6 and 7, 1974, in Room 321 at 1800 G Street, NW, Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals requiring further information about this panel may contact Dr. James W. Campbell, Program Director, Regulatory Biology Program, Room 323, 1800 G Street, NW, Washington, D.C. 20550.

Dated: May 9, 1974.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

[FR Doc.74-11526 Filed 5-20-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

COOK TREADWELL & HARRY, INC.

Notice of Suspension of Trading

MAY 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cook Treadwell & Harry, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:00 noon (EDT) on May 8, 1974 through May 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11636 Filed 5-20-74;8:45 am]

[812-3627]

INVESTORS MUTUAL, INC., ET AL.

Notice of Filing of Application for Exemption

Notice is hereby given that Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., and Investors Variable Payment Fund, Inc. (collectively "Applicants"), open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Dr. Paul McCracken ("McCracken"), a director of Applicants, shall not be deemed an "interested person" of the Applicants and Investors Diversified Services, Inc. ("IDS"), the principal underwriter of the Applicants' shares, within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of Lincoln National Corporation ("Lincoln"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

McCracken, a member of Applicants' boards of directors, is also a director of Lincoln. Lincoln National Life Insurance Company and Lincoln National Investment Management Company, wholly-owned subsidiary of Lincoln, National Sales Corporation, a wholly-owned subsidiary of Lincoln, are registered broker-dealers under the Securities Exchange Act of 1934 ("Exchange Act"). The broker-dealers do not conduct a general broker-dealer business but are registered as broker-dealers to sell mutual fund shares and variable annuities and to provide brokerage services for the Lincoln complex of companies.

Applicants represent that the boards of Applicants as presently constituted, comply with section 10 of the Act which, in pertinent part, prohibits each Applicant from having a board of directors which shall have more than 60 percent of the members thereof who are interested persons of such Applicant and requires each Applicant to have a majority of directors which are not interested persons of IDS. Application is being made to prevent noncompliance in the future in the event a presently non-interested director ceases to be a director or becomes an interested person through another affiliation.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer.

Section 2(a)(3) of the Act includes in the definition of an "affiliated person" of another person, any person directly or indirectly controlling, controlled by or under common control with such other person.

McCracken, as a member of the board of directors of Lincoln, and thus an affiliate of Lincoln's wholly-owned broker-dealer subsidiaries, may be deemed an "interested person" of Applicants.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Applicants represent that McCracken is not an officer or director of any of the broker-dealers and has no personal interest in their operation. Applicants further state that McCracken is a professor of business administration at the University of Michigan and that he receives no remuneration from Lincoln or the broker-dealers except his fees as a director of Lincoln which comprise an insignificant portion of his total income. Further, Applicants represent and warrant that so long as McCracken remains a director of Lincoln and any of the Applicants, they will not effect brokerage transactions with any of the broker-dealers specified in the application or any other broker-dealer subsidiary of Lincoln.

Applicants represent that McCracken's independence in acting on behalf of Applicants is in no way impaired merely because of this affiliation with Lincoln and that the requested exemption is therefore consistent with the provisions of section 6(c) of the Act.

Notice is further given that any interested person may, not later than 5:30 p.m. on June 7, 1974, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11637 Filed 5-20-74;8:45 am]

[File No. 22-7904]

TANDY CORP.

Application and Opportunity for Hearing

MAY 13, 1974.

Notice is hereby given that Tandy Corporation (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of The Fort Worth National Bank (the "Bank") under an indenture dated as of January 15, 1963 (the "1963 Indenture"), which was qualified under the Act, and the trusteeship of the Bank under a new indenture to be dated as of June 30, 1974 (the "New Indenture"), which will be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under either of said Indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interests (as defined in such Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, inter alia, that with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor (as defined in the Act) are outstanding. However, under clause (ii) of Subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of such obligor are outstanding, if the burden of proving shall be sustained, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as

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to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

1. As of April 30, 1974, there were outstanding $2,492,500 principal amount of 6½% Subordinated Debentures outstanding under the 1963 Indenture.

2. The Company and the Bank propose to enter into the New Indenture as of June 30, 1974 under which the Bank will act as trustee with respect to up to $58,000,000 principal amount of 10% Subordinated Debentures to be due June 30, 1994 proposed to be issued by the Company in exchange for shares of its Common Stock pursuant to an exchange offer to be made by the Company.

3. The New Indenture contains the provisions permitted by the proviso of section 310 (b) (1) (i) and (ii) of the Act, whereas the 1963 Indenture contains only the provision permitted by the proviso of section 310(b) (1) (ii) of the Act.

4. The obligations of the Company under the 1963 Indenture are wholly unsecured and it is proposed that the obligations to be incurred under the New Indenture will be wholly unsecured. Obligations under the 1963 Indenture and the New Indenture shall rank equally with one another. Neither the 1963 Indenture nor the New Indenture makes provision for any sinking fund. The Company is not in default under the 1963 Indenture.

5. The terms of the 1963 Indenture and the proposed New Indenture differ in respect of principal amount, interest rates, maturity, restrictions on dividends and restrictions on acquisition or retirement of common stock. The New Indenture contains no restrictions upon the payment of dividends or the acquisition or retirement of common stock. The 1963 Indenture contains such restrictions, and the issuance of the debentures under the New Indenture, in exchange for common stock, is permitted thereunder. Both the 1963 Indenture and the New Indenture provide that if the trustee has or acquires a conflicting interest as therein defined, it shall terminate such conflict or resign within 90 days after ascertaining it has such a conflicting interest.

6. The provisions of the 1963 Indenture and the New Indenture are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either of the Indentures.

The Company has waived notice of hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 500 North Capitol Street NW, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than June 7, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporate Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11615 Filed 5-20-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1063]

CALIFORNIA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of California as a major disaster area following severe storms and flooding, beginning on or about March 29, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following County: Mendocino, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
Regional Office
450 Golden Gate Avenue
San Francisco, California 94102

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93-24.

Applications for disaster loans under this announcement must be filed not later than July 8, 1974.

Dated: May 9, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-11597 Filed 5-20-74;8:45 am]

[License No. 06/06-0162]

GULF INVESTMENT CORP.

Surrender of License To Operate as a Small Business Investment Company

Notice is hereby given that Gulf Investment Corporation (GIC) Post Office Box 1847, Harlingen National Bank Building, Harlingen, Texas 78550, has pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR (1974 ed.)), voluntarily surrendered its license to operate as a small business investment company (SBIC).

GIC was incorporated under the laws of the State of Texas to operate solely as an SBIC under the Small Business Investment Act of 1956, as amended (15 U.S.C. 661 et seq.), (Act) and it was issued License Number 06/06-0162 by the Small Business Administration (SBA) on March 23, 1973.

Under the authority vested by the Act and the Regulations promulgated thereunder, surrender of the license of GIC is hereby accepted and accordingly, it is no longer licensed to operate as an SBIC.

Dated: May 9, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-11598 Filed 5-20-74;8:45 am]

[Notice of Disaster Loan Area 1062]

HAWAII

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Hawaii as a major disaster area following heavy rains and flooding beginning on or about April 19, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Honolulu and Kauai, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
1149 Bethel Street, Room 402
Honolulu, Hawaii 96813

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than July 8, 1974.

Dated: May 9, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-11599 Filed 5-20-74;8:45 am]

[Notice of Disaster Loan Area 1058, Amdt. 3]

MISSISSIPPI

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Mississippi as a major disaster area following heavy rains and flooding beginning on or about April 12, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: Harrison, and adjacent affected areas. (See 39 FR 15076 and 39 FR 16417)

Applications may be filed at the:

Small Business Administration
District Office
Petroleum Building, 6th Floor
Pascagoula and Amite Streets
Jackson, Mississippi 39205

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93-24.

Applications for disaster loans under this announcement must be filed not later than July 8, 1974.

Dated: May 10, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-11600 Filed 5-20-74;8:45 am]

STATE OF OHIO, ET AL.

Amendments to Notice of Disaster Relief Loan Availability

Declarations of Disaster Loan Areas numbered—

1045 State of Ohio
1046 State of Tennessee
1047 State of Kentucky
1048 State of Alabama
1049 State of Indiana
1050 State of Louisiana
1051 State of Georgia
1052 State of West Virginia
1053 State of Illinois
1054 State of Michigan
1055 State of North Carolina
1056 State of Georgia
1059 State of Virginia,

and any amendments thereto, previously published in the FEDERAL REGISTER, are hereby amended to read as follows:

"Applications for disaster loans under this announcement must be filed not later than June 28, 1974."

Dated: May 9, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-11596 Filed 5-20-74;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

GENERAL COUNSEL

Delegation of Authority

Pursuant to the authority vested in me by section 205 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1115), I hereby delegate to the General Counsel of the Special Action Office for Drug Abuse Prevention, the performance of the functions vested in me by 408(g) of that Act (21 U.S.C. 1175(g)), as added by section 303(a) of Pub. L. 93-282, approved May 14, 1974.

Dated: May 17, 1974.

ROBERT L. DUPONT,
Director.

[FR Doc.74-11712 Filed 5-20-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-29]

DOW CHEMICAL U.S.A.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Dow Chemical U.S.A., Midland Division, Midland, Michigan 48640 has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655), and 29 CFR 1905.10 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.93f (c)(6)(ix) Methyl chloromethyl ether-laboratory activities and § 1910.93h(c)(6)(ix) bis-Chloromethyl ether-laboratory activities.

The address of the place of employment that will be affected by the application is as follows:

Dow Chemical U.S.A.
Midland Division
Midland, Michigan 48640

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant states that small quantities of methyl chloromethyl ether contaminated with low levels of bis-chloromethyl ether are handled in a number of laboratory bench hoods located in buildings 441, 458, 574, and 1603 and not equipped with exhaust air decontamination devices as required by 29 CFR 1910.93f(c)(6)(ix) and 29 CFR 1910.93h(c)(6)(ix).

The applicant contends that at present it is unable to comply with the requirements of the aforementioned standards because the requisite technology is not readily available and a nominal length of time is necessary to design, purchase, construct and install the decontamination equipment.

The applicant further contends that employee safety is insured due to the following: (1) Intentional release of methyl chloromethyl ether is prohibited; (2) except as stated above, the hoods in question comply with all applicable standards; (3) each hood has an independent exhaust system which vents through a stack located on the roof of the building involved; (4) access to the roof is limited to authorized employees only; and (5) no hood operations are allowed while maintenance on the hood exhaust system is being carried out.

The applicant states that the decontamination equipment should be installed and functioning on or about February 25, 1975.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive—Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
230 Bagley Avenue
Detroit, Michigan 48226

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than June 20, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than June 20, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, and from consideration of the work conditions and the safety measures in effect, that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the application for variance. Therefore, it is ordered, pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.10(c) that Dow Chemical U.S.A. be, and it is hereby, authorized to continue to use the hoods referred to in its application provided the conditions and practices therein stipulated are adhered to.

Dow Chemical U.S.A. shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of May 21, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 16th day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-11630 Filed 5-20-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 512]

ASSIGNMENT OF HEARINGS

MAY 16, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 112713 Sub 160, Yellow Freight System, Inc., now being assigned hearing July 8, 1974 (1 week), at Madison, Wis., in a hearing room to be later designated.

MC-2229 Sub 179, Red Ball Motor Freight, Inc., now being assigned hearing July 8, 1974 (1 week), at Denver, Colo., in a hearing room to be later designated.

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MC 107002 Sub-441, Miller Transporters, Inc., now being assigned July 8, 1974 (2 days), at New Orleans, La., in a hearing room to be later designated.

MC 119792 Sub-39, Chicago Southern Transportation Co., now being assigned July 10, 1974 (3 days), at New Orleans, La., in a hearing room to be later designated.

MC 126039 Sub 1, W. Gray Braxton, d.b.a. W. Gray Braxton Trucking Co., now being assigned July 15, 1974 (1 week), at New Orleans, La., in a hearing room to be later designated.

MC 43963 Sub 3, Chief Truck Lines, Inc., now being assigned hearing July 8, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 124211 Sub 242, Hilt Truck Line, Inc., now being assigned hearing July 31, 1974 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 88380 Sub 12, R. E. B. Transportation, Inc., now being assigned hearing July 15, 1974 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC-F-12145, DPD, Inc.—Purchase (Portion)—R. J. (Red) Andrews Truck Line, now being assigned hearing July 17, 1974 (3 days), at Dallas, Tex., in a hearing room to be later designated.

MC-F-12093, Crouch Bros., Inc.—Purchase (Portion)—Bestway Freight Lines, Inc., now being assigned hearing July 22, 1974 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC-31389 Sub 178, McLean Trucking Company, now being assigned hearing July 8, 1974 (2 weeks), at Lansing, Mich., in a hearing room to be later designated.

MC-20872 Sub 15, Lime City Trucking Company, Inc., now assigned June 10, 1974, at Chicago, Ill., is cancelled and reassigned June 10, 1974, in Room 802, State Office Bldg., 100 North Senate Ave., Indianapolis, Ind.

MC 136051 Sub-3, RPD, Inc., now assigned June 18, 1974; MC 124692 Sub-125, Sammons Trucking, now assigned June 19, 1974; MC 110420 Sub-693, Quality Carriers, Inc., and MC 110988 Sub-304, Schneider Tank Lines, Inc., now assigned June 21, 1974, at Chicago, Ill., will be held in Room 1665, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC-F-11896, Crouse Cartage Company—Purchase—Marc Truck Lines, Inc., and MC 123389 Sub-15, Crouse Cartage Company, now assigned June 24, 1974, at Chicago, Ill., will be held in Room 1743, Everett McKinley Dirksen Building, 219 S. Dearborn St.

No. 35888, Albemarle Paper Company V. Norfolk and Western Railway Company, Et Al., now assigned May 21, 1974, at Washington, D.C., is cancelled.

MC-114273 Sub 155, Cedar Rapids Steel Transportation, Inc., now being assigned hearing July 24, 1974 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-95084 Sub 97, Hove Truck Line, now being assigned hearing July 22, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12115, Illinois-California Express, Inc.—Purchase (Portion)—Rogers Cartage Co., now being assigned hearing July 29, 1974 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-128383 Sub 40, Pinto Trucking Service, Inc., now being assigned hearing August 1, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11654 Filed 5-20-74;8:45 am]

[No. MC-C-3 (Sub-No. 4)]

CHICAGO, ILL. (PORT OF INDIANA) Commercial Zones and Terminal Areas

MAY 16, 1974.

At the request of Harold P. Boss, representative of certain Motor Carriers serving the Chicago, Ill., area, the time for filing representations in this proceeding has been extended from May 27, 1974, to July 15, 1974.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11655 Filed 5-20-74;8:45 am]

[No. 35066]

DEPARTMENT OF DEFENSE Petition for Declaratory Order (JATO) Units

MAY 13, 1974.

Notice is hereby given that, by petition filed February 6, 1974, the Secretary of the Army (on behalf of the Department of Defense) seeks, pursuant to section 554(e) of the Administrative Procedure Act, 5 U.S.C. 554(e), a declaratory order determining the proper classification of a commodity identified as "jet thrust (JATO) units."

Jet thrust units are rocket motors loaded with solid propellant containing explosive elements used to propel rockets or missiles and also used as an aid for aircraft liftoffs. The Uniform Freight Classification description, under the generic heading of explosives group commodities applicable to jet thrust unit in Item 35715 UFC-11, ICC No. 7, has been in effect, without change, since 1958. In addition, Agent Graziano's Hazardous Materials Regulations Tariff No. 25, ICC No. 25 lists jet thrust units as A and B explosives in Items 173.79 and 173.92.

Since 1966, the Standard Transportation Commodity Code Tariff No. 1 ICC No. 292 (STCC) has been published by LaValle and other agents. The STCC Tariff No. 1-A (effective September 15, 1972) designates jet thrust units as code number 37 222 10 and 37 222 11 making the JATO units part of the Commodity Grouping "Aircraft or Parts" instead of "explosives." This new commodity grouping results in higher rates applying on the involved commodity and allegedly disrupts the relationship in rates between commodities which have historically been accorded similar rates and rate adjustments.

Petitioner contends that the STCC classification results in a complete departure from the historical, decisional and Uniform Freight Classifications of JATO units as explosives. Furthermore, this departure from historical classification has resulted in confusion and uncertainty which is exemplified by the fact that there has been inconsistencies in the same railroad's billing.

Any person interested in the matter which is the subject of the petition and who wishes to actively participate in any further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, Room 5342, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, on or before June 17, 1974, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours.

A copy of this notice will be served upon the petitioner, and notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the office of the Commission's Secretary at Washington, D.C., and by delivering a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11651 Filed 5-20-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 16, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before June 5, 1974.

FSA No. 42834—*Newsprint Paper from Thunder Bay, Ontario, Canada.* Filed by Western Trunk Line Committee, Agent (No. A-2704), for interested rail carriers parties to its tariff 169-Q, I.C.C. No. A-4754. Rates on newsprint paper, in carloads, as described in the application, from Thunder Bay, Ontario, Canada, to Chicago, Illinois and Milwaukee, Wisconsin.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11652 Filed 5-20-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY Elimination of Gateway Letter Notices

MAY 16, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 31, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-730 (Sub-No. E31), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and refined petroleum products*, including fuel oil, in bulk, in tank vehicles, from points in Kern County, Calif., to points in Utah. The purpose of this filing is to eliminate the gateway of St. George, Utah.

No. MC-46280 (Sub-No. E1), filed May 4, 1974. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission) commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and new, uncrated furniture), between Detroit, Mich., and Omaha, Nebr. The purpose of this filing is to eliminate the gateway of Bath, Mich.

No. MC-76177 (Sub-No. E1), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32d St., Birmingham, Ala. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Georgia, on the one hand, and on the other, points in Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota, Kansas, and Minnesota. The purpose of this filing is to eliminate the gateways of McAdory, Ala., and Wolf Lake, Ill.

No. MC-76177 (Sub-No. E14), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Iowa, on the one hand, and on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Nemours, W. Va.

No. MC-95540 (Sub-No. E136), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to points in Delaware. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E138), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Jacksonville, Fla., to points in Oregon. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC-95540 (Sub-No. E139), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Jacksonville, Fla., to points in Washington. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC-95540 (Sub-No. E140), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Dade City, Fla., to points in Montana. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and points in Tennessee.

No. MC-95540 (Sub-No. E152), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, other than frozen in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida on and east of a line beginning at the Georgia-Florida State line, and thence south along U.S. Highway 27 to Tallahassee, thence along U.S. Highway 319 to Medart, thence along U.S. Highway 98 to the Ochlockonee Bay, thence along the Ochlockonee Bay to the Gulf of Mexico, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC-95540 (Sub-No. E166), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, other than frozen, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida on and east of U.S. Highway 231, to points in Kentucky (except Louisville, Ky., and points in its commercial zone). The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC-95540 (Sub-No. E167), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, other than frozen, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida, to points in Illinois (except points in that part of Illinois on and south of a line beginning at a point on the Illinois-Indiana State line near Vincennes, Ind., and extending along U.S. Highway 50 to Flora, Ill., thence along U.S. Highway 45 to its intersection with Illinois Highway 15, thence along Illinois Highway 15 to the Mississippi River). The purpose of this filing is to eliminate the gateway of Doraville, Ga.

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No. MC-95540 (Sub-No. E185), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Jacksonville, Fla., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC-95540 (Sub-No. E186), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga., 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga., 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Tampa and Jacksonville, Fla., to points in Texas. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC-95540 (Sub-No. E187), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga., 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Jacksonville, Fla., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC-95540 (Sub-No. E217), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Jacksonville, Fla., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC-110525 (Sub-No. E1), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in Connecticut. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Newark, N.J.

No. MC-110525 (Sub-No. E2), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in Delaware. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E3), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in Maine. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E4), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in Maryland. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E5), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Newark, N.J.

No. MC-110525 (Sub-No. E6), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E7), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in New Jersey. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E8), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in New York. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E9), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in that part of Ohio on and east of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E11), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E12), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston) to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Newark, N.J.

No. MC-110525 (Sub-No. E13), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston) to points in Vermont. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E15), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to those points in West Virginia on and northeast of a line beginning at the West Virginia-Kentucky State line, thence along Interstate Highway 64 to Charleston, thence along Interstate Highway 64/77 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E19), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as described in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, (except liquefied petroleum gases), in bulk, in tank vehicles, from points in California to points in Maryland. The purpose of this filing is to eliminate the gateway of Harris County, Tex.

No. MC-110525 (Sub-No. E29), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Connecticut to points in Alabama. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Greensboro, N.C.

No. MC-110525 (Sub-No. E31), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Connecticut to points in Arkansas. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Institute, W. Va.

No. MC-110525 (Sub-No. E32), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in California. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Mapleton, Ill.

No. MC-110525 (Sub-No. E34), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Delaware. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC-110525 (Sub-No. E36), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Connecticut to points in Florida. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Greensboro, N.C.

No. MC-110525 (Sub-No. E37), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Connecticut to points in Georgia. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Charlotte, N.C.

No. MC-110525 (Sub-No. E39), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Illinois. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC-110525 (Sub-No. E40), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Indiana. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC-110525 (Sub-No. E44), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Connecticut to points in Louisiana. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Greensboro, N.C.

No. MC-110525 (Sub-No. E45), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Maryland. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC-110525 (Sub-No. E47), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in tank vehicles, from points in Connecticut to points in Kentucky. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC-110525 (Sub-No. E59), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to those points in Pennsylvania on and west of Pennsylvania Highway 191. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC-110525 (Sub-No. E66), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Washington. The purpose of this filing is to

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eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E69), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C 677, in bulk, in tank vehicles, from points in Connecticut to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E69), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Wyoming. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E71), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in Delaware to points in Alabama. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Atlanta, Ga.

No. MC–110525 (Sub-No. E72), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Arizona. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E101), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Oregon. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E102), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Rhode Island. The purpose of this filing is to eliminate the gateway of points in the New York, N.Y., commercial zone.

No. MC–110525 (Sub-No. E103), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Delaware to points in South Carolina. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E104), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in South Dakota. The purpose of this filing is to eliminate the gateway Follansbee, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E105), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The* nous products and materials, in bulk, in tank vehicles, from points in Delaware to points in Tennessee. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E106), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Delaware to points in Texas. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E107), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Utah. The purpose of the filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E108), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Delaware to points in Virginia. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and the District of Columbia.

No. MC–110525 (Sub-No. E109), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Washington. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E110), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Delaware to points in West Virginia. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and the District of Columbia.

No. MC–110525 (Sub-No. E111), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, from points in Delaware to points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E112), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from points in Delaware to points in Wyoming. The purpose of this filing is to

eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E113), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from the District of Columbia to points in Alabama. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–113843 (Sub-No. E4), filed April 29, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Vernon, Tex., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill.

No. MC–114045 (Sub-No. E18), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Phoenix, Ariz., to points in Indiana, Ohio, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–118831 (Sub-No. E9), filed May 2, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from points in North Carolina in and east of the counties of Transylvania, Henderson, Buncombe, and Madison (except Charlotte, N.C., and except caustic soda from Acme, N.C., and points within five miles thereof), to points in Georgia. The purpose of this filing is to eliminate the gateways of points in South Carolina (except Charleston).

No. MC–124211 (Sub-No. E38), (CORRECTION) filed April 29, 1974, published in the FEDERAL REGISTER May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebraska 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cardboard and fiberboard boxes*, from points in Pennsylvania to Sioux City, Iowa, and to points in Nebraska, California, and points in that part of Texas on and west of U.S. Highway 83 and on and north of U.S. Highway 90. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Dorsey Laboratories, division of Wander Co., in Lancaster County, Nebr. The purpose of this republication is to show the correct sub-number previously published as E8.

No. MC–129282 (Sub-No. E1), filed April 26, 1974. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages*, from Houston, Tex., to Texarkana, Ark., and points in that part of Louisiana on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Longview, Tex. (b) *Malt beverages*, from New Orleans, La., to points in New Mexico. The purpose of this filing is to eliminate the gateway of San Antonio, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11650 Filed 5–20–74;8:45 am]

[Notice No. 84]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically note) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 10, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75061. By order entered May 9, 1974, the Motor Carrier Board approved the transfer to Englewood Transit Company, a corporation, Commerce City, Colorado, of the operating rights set forth in Certificate of Registration No. MC–98170 (Sub-No. 1), issued November 27, 1964, to Colorado Storage, Inc., Pueblo, Colorado, evidencing a right to engage in operations in interstate or foreign commerce in the transportation of general freight between Pueblo and Boone, Colorado, serving intermediate points, and to conduct a transfer, moving and general cartage business from and to Pueblo and to and from all other points in the State of Colorado. Roger Sollenbarger, 9580 West 14th Ave., Lakewood, Colo. 80215, attorney for applicants.

No. MC–FC–75062. By order entered May 9, 1974, the Motor Carrier Board approved the transfer to Golden Industrial Service, Inc., Golden, Colo., of the operating rights set forth in Certificate of Registration No. MC–121495 (Sub-No. 1), issued January 21, 1965, to Englewood Transit Company, a corporation, Commerce City, Colo., evidencing a right to engage in operations in interstate or foreign commerce in the conduct of a transfer, moving, and general cartage business in the City and County of Denver and in the Counties of Adams, Arapahoe, and Jefferson in the State of Colorado, and to conduct operations within the corporate limits of the City and County of Denver, a Home Rule City, for the conduct of a transfer, moving, and general cartage business. Robert Sollenbarger, 9580 West 14th Ave., Lakewood, Colo. 80215, attorney for applicants.

No. MC–FC–75088. By order entered May 16, 1974, the Motor Carrier Board approved the transfer to Consolidated Terminal and Travel Bureau, Inc., New York, N.Y., of Licenses Nos. MC–130045, MC–130045 (Sub-No. 1), and MC–130045 (Sub-No. 2), issued by the Commission March 2, 1970, July 28, 1971, and December 30, 1971, respectively, to Wm. A. Groux Tours, Inc., Clifton, N.J., authorizing operations as a broker at Clifton, N.J., in connection with transportation by motor vehicle in interstate or foreign commerce of students, their teachers and chaperones, and their baggage, in round trip all-expense tours, beginning and ending at New York, N.Y., and points in Nassau, Suffolk, Putnam, Westchester, Rockland, and Orange Counties, N.Y., and Bergen, Hudson, Union, Essex, Morris, Passaic, and Monmouth Counties, N.J., and extending to points in the United States, except Alaska and Hawaii; passengers and their baggage, in round-trip, all expense tours, beginning and ending at points in Bronx, Manhattan, Kings, Queens, and Richmond Counties, N.Y., and extending to points in Sullivan County, N.Y.; and beginning and ending at New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in Bergen, Hudson, Union, Essex, Morris, and Passaic Counties, N.J., and extending to Washington, D.C. Robert E. Goldstein, 8 West 40th St., New York, N.Y. 10018, attorney for transferee and L. C. Major, Jr., 421 King St., Alexandria, Va., 22314, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11653 Filed 5–20–74;8:45 am]

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TUESDAY, MAY 21, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 99

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ADMINISTRATION ON AGING

■

Model Projects on Aging

V 39 I 99 MAY 21 74 XUM

Title 45—Public Welfare

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MODEL PROJECTS ON AGING

On November 8, 1973 there were published in the FEDERAL REGISTER (38 FR 30878) interim regulations to implement the Model Projects program under section 308 of the Older Americans Act of 1965, as amended by Pub. L. 93–29, the Older Americans Comprehensive Services Amendments of 1973. Funds for this program from fiscal year 1973 were available under the Second Supplemental Appropriations Act, 1973 (Pub. L. 93–50) only through December 31, 1973. Accordingly, interim regulations were published in order to begin operation of the program as quickly as possible, as any delay of program implementation would have been contrary to the public interest by delaying the benefits to older persons under this program. In particular, the publication of interim regulations made it possible to implement Project SSI–ALERT, which was designed to reach and provide information to those older persons eligible to receive benefits under the Supplemental Security Income Program implemented on January 1, 1974. It also enabled continuation of Area-wide Model Projects and other programs which no longer fall under the auspices of the Older Americans Act research and development program.

Interested parties were encouraged to submit written comments, suggestions or objections concerning the interim regulations to the Commissioner on Aging on or before December 15, 1973 for consideration prior to promulgation of final regulations for the program. Only one comment was received in response to the notice and it has been given careful consideration. No changes have been made in the regulations except for those of a technical nature and those which referred to the use of fiscal year 1973 funds.

The provisions of 45 CFR Part 901.5 are amended to provide that grants made under Part 910 will conform to the provisions of 45 CFR Part 74.

Thus, the provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, will apply to grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. In addition, the relevant portions of Part 74 will apply to grants to all other grantees to the extent prescribed by 45 CFR 901.5, as amended.

Federal financial assistance extended under Part 910 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

In addition, the provisions of 45 CFR 903.16 are amended to extend the date for submission by States of the State Plan for fiscal year 1975, and to give a State authority to operate under its approved State Plan for fiscal year 1974 until approval by the Commissioner of the fiscal year 1975 State Plan.

Effective date.—Part 910 of Title 45 of the Code of Federal Regulations is revised, and Part 903, § 903.16 and Part 901, § 901.5 are amended, effective May 21, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.756—Special Programs for the Aging)

Dated: May 1, 1974.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved: May 2, 1974.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved: May 16, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 901—GENERAL

PARAGRAPH 1. § 901.5 is revised to read as follows:

§ 901.5 General administrative requirements.

The provisions of Part 74 of this title, establishing uniform administrative requirements and cost principles, shall apply to all grants under Parts 903, 904, 905, 909, and 910 of this chapter to State or local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to awards made to all other grantees under Parts 903, 904, 905, 909 and 910 of this chapter:

45 CFR PART 74

Subpart
- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-Related Income.
- G Matching and Cost Sharing.
- H Standards for Grantee Financial Management Systems.
- K Grant Payment Requirements.
- M Grant Closeout, Suspension, and Termination.
- O Property.
- Q Cost Principles.

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR THE AGING

PAR. 2. § 903.16 is revised to read as follows:

§ 903.16 Plan submission and approval.

(a) The State plan shall be submitted for approval within 60 days following the effective date of this part, and for each fiscal year thereafter, at least 60 days prior to the beginning thereof, except as set forth under paragraph (b) of this section. Any State plan or amendment meeting the requirements of this part as determined by the Commissioner shall be approved.

(b) The State plan for fiscal year 1975 must be submitted to the Commissioner by September 1, 1974. The State plan approved under this part for fiscal year 1974 shall remain in force until the approval of the State plan for fiscal year 1975, but in no case may the State plan for fiscal year 1974 remain in force after November 1, 1974.

PART 910—MODEL PROJECTS ON AGING

PAR. 3.—Part 910 is revised to read as follows:

Sec.
- 910.1 General.
- 910.2 Project awards.
- 910.3 Application submission and review procedures.
- 910.4 Condition of awards.
- 910.5 Confidentiality.
- 910.6 Project revisions.
- 910.7 Reports.
- 910.8 Evaluation.
- 910.9 Contracts.

AUTHORITY: Sec. 308, Pub. L. 93–29, 87 Stat. 44–45 (42 U.S.C. 3028).

§ 910.1 General.

The Commissioner may, after consultation with the State agency designated under § 903.13 of this chapter, make grants to any public or nonprofit private agency or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. Sections 910.2–910.8 deal with grants and § 910.9 with contracts.

§ 910.2 Project awards.

(a) In making grants under this part, the Commissioner will give special consideration to projects designed to:

(1) Assist in meeting the special housing needs of older persons by:

(i) Providing financial assistance to such persons who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards. Such financial assistance may be granted to older persons up to a maximum of $1500 per dwelling for the purchase of necessary materials such as paint, roofing materials, plumbing and heating fixtures, or needed sanitary facilities and for the procurement of necessary labor to perform the repairs. Only those older persons whose incomes fall below the Department of Commerce, Bureau of Census poverty threshold shall be eligible for this financial assistance. Any home repair or renovation activity should be developed by the grantee in consultation with representatives of labor, and local officials concerned with enforcement of building codes and public health.

(ii) Studying and demonstrating methods of adapting housing or construction of new housing to meet the needs of older persons suffering from physical disabilities;

(iii) Demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes. These methods may not include payment of property taxes for older persons or reimbursement of older persons for property taxes paid by them.

(2) Provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

(3) Provide perretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

(4) Provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, and other services designed to assist such individuals in leading a more independent life.

(b) The Commissioner will also give special consideration to projects designed to:

(1) Serve those older persons in greatest need, particularly low income and minority older persons; and

(2) Further efforts to foster the development of coordinated and comprehensive service systems for older persons;

(3) Initiate or expand information and referral sources and services on a Statewide or areawide basis; or

(4) Assist older persons in national disasters, and other crises of national scope or significance.

§ 910.3 Application submission and review procedures.

(a) Application for funds under this part shall be submitted in writing and in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of any award, including the regulations of this chapter.

(b) When applications are submitted by agencies or organizations other than the State agency, the State agency shall have the opportunity for review and comment. Comments, if any, and recommendations made by the State agency shall be part of the application for a Model Project on Aging. If the proposed project is located within a planning and service area with an area agency designated under § 903.63 of this chapter, the area agency shall have the opportunity for review and comment.

(c) Applicants may be requested to submit additional information while a project application is being considered by the Commissioner. All applications which meet the legal requirements for an award will be considered for funding. The Commissioner will determine the action to be taken with respect to each application and notify the applicant accordingly in writing.

§ 910.4 Condition of awards.

Within the limits of funds available for such purpose, the Commissioner will award a grant to those applicants whose proposed projects will, in his judgment, best promote the purposes of this part and title III of the Act. All awards shall be in writing, shall set forth the amount of funds awarded, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the project is carried out satisfactorily and Federal funds are available. For continuation support within the project period, grantees must make separate application in accordance with the guidelines established.

§ 910.5 Confidentiality.

No information about, or obtained from, an individual, and in possession of an agency providing services to such individual under a project under this part, shall be disclosed in a form identifiable with the individual without the individual's informed consent.

§ 910.6 Project revisions.

Projects shall be conducted in accordance with the provisions of the application as approved by the Commissioner. A recipient of an award shall request in writing that the approved plan of operation or method of financing will be materially changed. The request for revision shall be submitted for approval in the same manner as the original application. Project revisions may be initiated by the Commissioner, if, on the basis of reports, it appears that the project is ineffective, or if changes are made in Federal appropriations, laws, regulations, or policies governing Model Projects on Aging.

§ 910.7 Reports.

Recipients of awards shall make such reports to the Commissioner including reports of findings and results of evaluation, in such form and containing such information as may reasonably be necessary to enable him to perform his functions under this part and shall keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 910.8 Evaluation.

Projects supported under this part will be evaluated in accordance with the criteria set forth in the notice published in the FEDERAL REGISTER on June 28, 1973 (38 FR 17030) which promulgates the evaluation standards for programs and projects under the Older Americans Act of 1965, as amended.

§ 910.9 Contracts.

(a) *Eligibility.* Subject to applicable provisions in this part, the Commissioner may enter into contracts with any public or private agency or organization to carry out the purposes of title III and this part.

(b) *Provisions.* Any contract under this part shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

(c) *Payments.* Payments under any contract under this part may be made in advance or by way of reimbursement and in such installments and on such conditions as the Commissioner may determine.

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■

ALLOCATION OF BUTANE, NAPHTHA, AND OTHER PRODUCTS

Proposed Revision

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FEDERAL ENERGY OFFICE

[10 CFR Part 211]

ALLOCATION OF BUTANE, NAPHTHA, AND OTHER PRODUCTS

Proposed Revision

The Federal Energy Office hereby gives notices of proposal to amend Title 10 of the Code of Federal Regulations, Part 211, in Subparts E, J, and K concerning the allocation of butane, naphtha, and other products.

On March 29, 1974 the Federal Energy Office published proposed revisions and clarifications to several subparts of the allocation regulations contained in Part 211. Among those subparts to be revised was Subpart K (Other Products). On May 6, 1974 revisions of Part 211 were published effective June 1, 1974 as final rulemaking in the FEDERAL REGISTER (39 FR 15960). A revision of Subpart K was not included in that final rulemaking because it had become apparent that Subpart K might be affected by a proposed revision to Subpart J which would alter the scope of that subpart.

The purpose of this notice is to propose a revision of Subpart J which now applies to petrochemical feedstocks but as proposed would only cover naphtha and gas oil. Subpart E (Butane) would also be revised. A further revision of Subpart K, which would apply to products not covered in the other subparts is also included for consideration.

SUBPART E (BUTANE)

The proposed revision of Subpart E parallels those revisions to Subpart D (Propane) published in the May 6, 1974 FEDERAL REGISTER.

In addition to butane, natural gasoline would also be allocated under Subpart E. In this connection FEO recognizes that its authority to allocate natural gasoline has been questioned. The proposed Subpart E, however, reflects FEO's view that it does have authority to allocate natural gasoline. Notwithstanding this fact FEO invites comments as to whether the allocation of natural gasoline is within the scope of FEO's jurisdiction.

The proposed base period for Subpart E would consist of each calendar quarter during the period April 1, 1972 through March 31, 1973. The definition of "standby volumes" in § 211.92 would be modified to exclude those volumes of butane which are intended as a substitute for a process or plant protection fuel use. The definitions set forth in § 211.92 would also clarify that the use of butane for gasoline blending and manufacturing is not "energy production." Blending and manufacturing of gasoline would be defined separately for this Subpart.

The allocation levels provided in § 211.93 would be conformed to the May 6 revision of Part 211. In essence, these changes would clearly state that the allocation levels for "agricultural production" and "Department of Defense uses" are not subject to an allocation fraction and would provide new allocation levels for synthetic natural gas plant use, governmental use and gasoline blending and manufacturing use.

The proposed § 211.93 would provide less restrictive allocation levels to reflect the current supply/demand situation, but would retain certain restraints on the diversion of butane to lower priority uses.

Section 211.94 would establish modified allocation levels to be employed by a butane or natural gasoline supplier when its allocation fraction is greater than one (1.0).

As with propane, the current priority/non-priority method of allocation used in Subpart E would be replaced with a more comprehensive method of allocation developed as part of the May 6 revisions.

The requirement found in § 211.10 concerning determination of base period volumes has been modified for suppliers of butane to require reporting only to butane resellers.

Proposed § 211.96(b) would require new wholesale purchasers to petition FEO for assignment of a supplier and a base period use. The present restrictions on release of butane from merchant storage would be discontinued except for those restrictions found in proposed § 211.96(c).

In order to monitor inventories of butane, § 211.97 now imposes a requirement that all owners of butane in storage report those quantities to the FEO. Further, butane and natural gasoline reporting requirements would be developed in conjunction with those for propane.

SUBPART J

The current Subpart J was designed to enable a specific class of users—petrochemical producers—to obtain sufficient quantities of petrochemical feedstocks for use in petrochemical production. The subpart, however, is deficient in that it does not establish a method of allocation which is generally self-executing as found in the product subparts. Instead, the current Subpart J requires a petrochemical producer to petition FEO for assignment of additional supplies when necessary. This is administratively undesirable as it would require a greater degree of FEO intervention in the allocation process than is necessary or efficient. Generally, the provisions of this Subpart have proven to be unworkable in practice.

Further, certain allocated products used as petrochemical feedstock are susceptible to allocation under more than one subpart under the current allocation program. This situation has created confusion for suppliers and purchasers and in some cases operated to deny allocations of a product for a high priority use. Thus, in the case of petrochemical feedstocks, FEO's expressed policy of providing a high priority for the petrochemical industry has been undercut.

Consequently, FEO has established petrochemical feedstock use as an allocation level for propane under Subpart D and for middle distillates under Subpart G. The new crude oil program provides for allocation of crude oil to petrochemical producers under Subpart C. The proposed Subparts E, K, and J would establish allocation levels for petrochemical feedstock use of 100 percent of current requirement for butane and natural gasoline, 120 percent of base period use for naphtha and gas oil, and 100 percent of current requirements for "other products." In addition, a new allocation level for chemical processing use would be added to Subpart K to provide for the allocation of products such as hexane which are used as a solvent in the production of petrochemicals. Petrochemical producers may also utilize the provisions of Subpart A in adjusting their base period use or in petitioning for assignment of suppliers.

FEO believes that these changes will establish a consistent approach to its allocation programs by providing for the allocation of a product under a single subpart. Most importantly, it will insure that the priority allocation level intended for petrochemical use will actually operate to provide a priority level of supplies to petrochemical producers rather than merely serve as a policy statement of FEO's intentions.

FEO would, therefore, by the revisions to Subparts J and K, improve the consistency of its allocation programs by providing that any particular product would be allocated under only one subpart. All uses of a particular allocated product, such as petrochemical feedstock use or use as a solvent or diluent would have an allocation level within that product subpart. Suppliers and purchasers of the product would then have established relationships and clearly defined allocation entitlements based upon their use of the product.

Naphtha and gas oil are currently allocated under several subparts according to their various uses. The proposed Subpart J would provide for the allocation of naphtha and gas oil under that subpart. The allocation system would recognize the fact that a large majority of the naphtha and gas oil produced in a refinery is not resold but is further processed as feedstock in the manufacturing of products such as benzene and motor gasoline. Because of the large amounts of naphtha and gas oil available for internal use by refiners, subpart J would require only that refiners allocate 100 percent of the allocation requirements of those products to their wholesale purchasers and end-users without the application of an allocation fraction. Refiners would also not be required to calculate and report their allocable supply and allocation fractions to the FEO.

If a supplier experiences hardship as a result of its supply obligation under this subpart, the supplier may petition the FEO for (1) an assignment of additional suppliers, (2) the designation of an allocation fraction which may be applied to its purchaser's allocation requirement, or (3) the reassignment of its purchasers.

SUBPART K (OTHER PRODUCTS)

Subpart K is designed to allocate all refined petroleum products not allocated under Subparts D through J of Part 211. These products include, but are not limited to, benzene, hexane, toluene, mixed xylene, lubricant base stock oils, lubricants, greases and process oils. The proposed Subpart remains essentially unchanged from that revision proposed in the March 29, 1974 FEDERAL REGISTER.

Subpart K as presently proposed would have base periods which correspond to the calender quarters of 1973. For purposes of Subpart K the definition of wholesale purchaser-consumer is changed to include only those purchasers which consume more than 20,000 gallons of lubricants, 40,000 pounds of greases, or 55,000 gallons of other products per year.

Section 211.203 contains new allocation levels for chemical processing and the compounding and blending of lubricants. The method of allocation used in Subpart K conforms to that presently utilized in Subparts D through I. Exception, however, would be made for certain firms which purchase small quantities of lubricants, greases, and other products.

Section 211.206 would allow end-users of products subject to Subpart K to apply to their State office for assignment or adjustment if they are unable to acquire sufficient quantities of these products.

Interested persons are invited to participate in this rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Office, Box AI, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Proposed Revision of Subparts E, J, and K." Fifteen copies should be submitted. All comments received by June 4, 1974 and all other relevant information will be considered by the Federal Energy Office before final action is taken on the proposed regulations.

In consideration of the foregoing it is proposed to amend Subparts E, J, and K of Part 211, Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., May 16, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Subpart E of Part 211 is proposed to be revised to read as follows:

Subpart E—Butane and Natural Gasoline

Sec.
211.91 Scope.
211.92 Definitions.
211.93 Allocation levels.
211.94 Modified allocation levels.
211.95 Supplier/purchaser relationships.
211.96 Method of allocation.
211.97 Procedures and reporting requirements.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748; 38 FR 33575.

Subpart E—Butane and Natural Gasoline

§ 211.91 Scope.

(a) This subpart applies to the mandatory allocation of isobutane, normal butane, natural gasoline and certain mixtures containing butane produced in or imported into the United States, except bottled butane.

(b) This subpart does not provide for a State set-aside.

§ 211.92 Definitions.

For purposes of this subpart:

"Base period" means each calendar quarter during the period April 1, 1972, through March 31, 1973, which corresponds to the present calendar quarter.

"Butane" means a hydrocarbon whose chemical composition is predominantly C_4H_{10} including isobutane and normal butane. Butane also includes butane in raw mixed streams of natural gas liquids, whether or not further fractionated or processed to recover butane.

"Bottled butane" means butane bottled in cylinders with a capacity of one hundred (100) pounds or less: *Provided,* That the cylinders are not manifolded at the time of sale.

"Merchant storage facility" means any facility which is utilized to store butane for firms other than the owner or operator of such a facility.

"Gasoline blending and manufacturing" means the use of butane or natural gasoline in a process in which petroleum hydrocarbon liquids are either physically mixed or chemically converted to produce aviation or motor gasoline. Gasoline blending and manufacturing includes those processes which physically blend butane with other petroleum hydrocarbons to produce gasoline or its constituents and those chemical processes such as alkylation and reforming in which light hydrocarbons are combined with butane or natural gasoline to form gasoline components.

"Natural gasoline" means a mixture of hydrocarbon, mostly pentanes and heavier, which meet vapor pressure, end point, and other specifications for natural gasoline prescribed by the Gas Processors Association.

"Plant protection fuel" means the use of butane in the minimum volume required to prevent physical harm to plant facilities or danger to plant personnel. This includes the protection of such material and equipment which would otherwise be damaged, but does not include sufficient quantities of butane required to maintain plant production. Butane may not be considered plant protection fuel if an alternate fuel is available and technically feasible for substitution.

"Process fuel" means butane used to convert a substance from one form to another such as in applications requiring precise temperature controls or precise flame characteristics. Butane may not be considered process fuel if an alternate fuel is available and technically feasible for substitution.

"Standby volumes" means those volumes of butane used by an industry as a temporary substitute for another product (such as natural gas) in times of shortage or curtailment of the other product. Volumes of butane which are used as a temporary substitute for a process fuel or plant protection fuel are not considered standby volumes for purposes of this subpart.

"Supplier" means any firm or any part or subsidiary of any firm other than the Department of Defense which presently, during the base period, or during any period between the base period and the present supplies, sells, transfers or otherwise furnishes (as by consignment) any allocated product or crude oil to wholesale purchasers or end-users, including but not limited to refiners, natural gas processing plants or fractionating plants, importers, resellers, jobbers, and retailers.

"Where no substitute for butane is available" means those circumstances in which no alternate fuel is available or in which a firm has historically relied upon butane as its sole fuel source.

§ 211.93 Allocation levels.

(a) *General.* The allocation levels in this paragraph only apply to allocations made by suppliers to wholesale purchaser-consumers and end-users. Except as otherwise provided in this Subpart, suppliers shall allocate to all purchasers to which the allocation levels apply in accordance with the provisions of § 211.10. End-users and wholesale purchaser-consumers which are entitled to purchase butane under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users and wholesale purchaser-consumers which are entitled to purchase butane under an allocation level subject to reduction by application of an allocation fraction shall receive second priority.

(b) *Allocation levels not subject to an allocation fraction.* One hundred (100) percent of current requirements for the following uses:

(1) Agricultural production;

(2) Department of Defense use as specified in § 211.26.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by the application of an allocation fraction) for the following uses:

(i) Emergency services;
(ii) Energy production;
(iii) Sanitation services;
(iv) Telecommunications services;
(v) Passenger transportation services;
(vi) Medical and nursing buildings;
(vii) Aviation ground support vehicles and equipment;
(viii) Start-up, testing and flame stability of electrical utility plants; and
(ix) Petrochemical feedstock use.

(2) One hundred (100) percent of base period use for:

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(i) Synthetic natural gas plant feedstock use;

(ii) Industrial use as a process or plant protection fuel or where no substitute for butane is available; and

(iii) Governmental use.

(3) Ninety-five (95) percent of base period use for all residential use.

(4) Ninety (90) percent of base period use for the following uses:

(i) Commercial use (the maximum volume which may be obtained for this use, however is 210,000 gallons per year);

(ii) Standby volumes or any other industrial use;

(iii) Transportation services other than passenger transportation services or aviation ground support vehicles, for vehicles equipped to use butane as of December 27, 1973;

(iv) Gasoline blending and manufacturing use; and

(v) Schools.

(d) *Gas utilities.* The use of butane for peak shaving by gas utilities is limited to the volumes of butane equal to those amounts contracted for, held in storage by, or purchased for delivery during the base period, regardless of whether those volumes were used during the base period. Butane shall not be used for peak shaving as long as the gas utility continues service during such peak shaving usage to interruptible industrial customers (other than for process fuel, plant protection fuel, or raw material) or to any non-residential customer which can use a fuel other than natural gas, propane, or butane.

§ 211.94 Modified allocation levels.

(a) For purposes of § 211.10(g), the modified allocation levels for butane which apply when a supplier's allocation fraction is in excess of one (1.0) are listed below.

(b) Modified allocation levels not subject to an allocation fraction. One hundred (100) percent of current requirements for the following uses:

(1) Agricultural production;

(2) Department of Defense use as specified in § 211.26.

(c) Modified allocation levels subject to an allocation fraction:

(1) One hundred (100) percent of current requirements (as reduced by the application of an allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Sanitation services;

(iv) Telecommunications services;

(v) Passenger transportation services;

(vi) Medical and nursing buildings;

(vii) Aviation ground support vehicles and equipment;

(viii) Start-up, testing and flame stability of electrical utility plants;

(ix) Residential use;

(x) Schools;

(xi) Commercial;

(xii) Transportation services other than passenger transportation services or aviation ground support vehicles; and

(xiii) Petrochemical feedstock use.

(2) One hundred ten (110) percent of base volume for:

(i) Industrial use as a process or plant protection fuel, or where no substitute for butane is available; and

(ii) Governmental use.

(3) One hundred (100) percent of base period volumes for:

(i) Stand-by volumes, or any other industrial use;

(ii) Gasoline blending and manufacturing;

(iii) Gas utilities. The use of butane for peak shaving by gas utilities is limited to the volumes of butane equal to those amounts contracted for, held in storage by, or purchased for delivery during a base period, regardless of whether those volumes were used during the base period. Butane shall not be used for peak shaving as long as the gas utility continues service during such peak shaving usage to interruptible industrial customers (other than for process fuel, plant protection fuel, or raw material) or to any nonresidential customer who can use a fuel other than natural gas, propane, or bureau; and

(iv) Synthetic natural gas plant feedstock use.

§ 211.95 Supplier/purchaser relationships.

Supplier/purchaser relationships shall be as set forth in § 211.9–13, unless otherwise specified in this subpart.

§ 211.96 Method of allocation.

(a) *General.* Except as otherwise specifically provided by this subpart, the allocation of butane shall be as specified in § 211.10. Adjustments to a wholesale purchaser's base period volume specified in § 211.13 shall apply to this subpart. New wholesale purchasers and end-users are subject to the requirements of § 211.12. Notwithstanding the provisions of 211.12(c) each supplier which sells butane or natural gasoline to a wholesale purchaser-consumer or end-user shall determine the base period volume of those purchasers but is not required to report that determination to such purchasers except on written request by a purchaser.

(b) The provisions of § 211.12(e)(1) concerning mutual arrangements between new wholesale purchaser-consumers and suppliers shall not apply to this Subpart. New wholesale purchaser-consumers must apply to National FEO for an assignment pursuant to § 211.12 (e)(3) in order to establish a supplier/purchaser relationship and a base period volume.

(c) Operators of storage facilities shall not release for shipment to gas utilities any quantity of butane which, when taken together with other amounts of butane supplied to that utility for a period which corresponds to a base period exceeds its quantity of butane which may be supplied under the allocation level for utilities in § 211.93(d).

(d) Suppliers with two or more distribution subsystems or regions independent of one another may calculate separate allocation fractions for each such area provided that the supplier notifies the FEO by certified mail of the use of multiple allocation fractions and fully justifies such practices at least fifteen days prior to distributing any supplies pursuant to multiple allocation fractions. The FEO may disallow the use of multiple allocation fractions to the extent that it determines that such a practice contravenes the intent of this part.

(e) All provisions of this subpart pertaining to the allocation and reporting of butane shall also pertain to natural gasoline.

§ 211.97 Procedures and reporting requirements.

(a) All owners of storage facilities (or operators thereof) with a capacity in excess of 500,000 gallons which store butane, shall report to the Administrator, FEO, the total volume, locations, and ownership of butane in storage including that owned by the storage owner or operator of affiliated companies, and that held in transit. If it is not possible to report each separate account of "in transit" storage, then the total volume shall be reported. This same information shall be reported as of the end of each month on form FEO #103B and filed within fifteen (15) days after the close of that month. All owners of butane in storage shall file form FEO #104A with the operator of the storage facility. These reports shall be kept on file by the storage operator, and are subject to FEO audit.

(b) All matters pertaining to the allocation of butane and natural gasoline shall be addressed to the Administrator, FEO, Washington, D.C. 20461, unless otherwise provided.

(c) The general reporting requirements contain §§ 211.222 and 211.224 shall not apply to this subpart. The reporting requirements of § 211.225 shall, however, apply to this subpart. The information required to be maintained on FEO forms by § 211.223 may be maintained by suppliers in accordance with that firm's customary recordkeeping practices.

(d) Suppliers and importers shall report in accordance with forms and instructions to be issued by the FEO for reporting under § 211.87(e).

2. Subpart J is proposed to be revised to read as follows:

Subpart J—Naphtha and Gas Oil

Sec.
211.181 Scope.
211.182 Definitions.
211.183 Allocation levels.
211.184 Supplier/purchaser relationships.
211.185 Method of allocation.
211.186 Procedures and reporting requirements.

AUTHORITY: Emergency Petroleum Allocation of 1973, Pub. L. 93–159, E.O. 11748; 38 FR 33575.

Subpart J—Naphtha and Gas Oil

§ 211.181 Scope.

(a) This subpart applies to the mandatory allocation of all naphtha and gas oil produced in or imported into the United States.

(b) This subpart does not provide for a state set-aside.

§ 211.182 Definitions.

"Base period" means each calendar quarter of 1973 which corresponds to the current calendar quarter.

"Gasoline blending and manufacturing" means the use of naphtha or gas oil in a process in which petroleum hydrocarbon liquids are either physically mixed or chemically converted to produce aviation or motor gasoline. Gasoline blending and manufacturing includes those processes which physically blend naphtha or gas oil with other petroleum hydrocarbons to produce aviation or motor gasoline or its constituents and those chemical processes such as alkylation and reforming in which light hydrocarbons are combined with naphtha and gas oil to form motor gasoline components.

"Gas oil" means a petroleum fraction made up predominantly of 430°F to 700°F boiling range material excluding process oils and refined lubricating oils.

"Naphtha" means a petroleum fraction made up predominantly of C_5 to 430°F boiling range, or fraction thereof. This definition does not include specific hydrocarbon constituents such as hexane.

"Supplier" means any firm or any part or subsidiary of any firm other than the Department of Defense which presently, during the base period, or during any period between the base period and the present supplies, sells, transfers or otherwise furnishes (as by consignment) any allocated product or crude oil to wholesale purchasers or end-users, including but not limited to refiners, importers, resellers, jobbers, and retailers.

§ 211.183 Allocation levels.

(a) *General.* The allocation levels in this paragraph apply only to allocations made by suppliers to wholesale purchaser-consumers and end-users. The allocation levels do not apply to a supplier's own end use of naphtha or gas oil. Suppliers shall first allocate one hundred percent of the allocation requirements of all their purchasers entitled to an allocation under this part without application of an allocation fraction. Suppliers may then dispose of the remainder of their total supply at their discretion. The allocation levels listed below are not arranged in sequence of priority. Suppliers shall distribute available supplies of naphtha to all classifications of purchasers listed in the following allocation levels without regard to order of listing.

(b) *Allocation levels (not subject to an allocation fraction).* (1) One hundred (100) percent of current requirements for the following uses:

(i) Agricultural production;

(ii) Department of Defense use as specified in § 211.26.

(2) One hundred and twenty (120) percent of base period use for petrochemical feedstock use.

(3) One hundred (100) percent of base period use for the following uses:

(i) Gasoline blending and manufacturing;

(ii) Industrial use; and

(iii) Synthetic natural gas feedstock use;

(4) Ninety (90) percent of base period use for the following uses:

(i) Commercial use; and

(ii) All other uses.

§ 211.184 Supplier/purchaser relationships.

Supplier/purchaser relationships shall be as set forth in § 211.9–13, unless otherwise specified in this subpart.

§ 211.185 Method of allocation.

(a) The provisions of § 211.10 shall not apply to this subpart.

(b) Suppliers shall supply one hundred (100) percent of their purchasers' allocation requirements without applications of an allocation fraction.

(c) Provision to adjust a wholesale purchaser's base period volume are specified in § 211.13. New wholesale purchasers and end-users are subject to the requirements of § 211.12.

(d) Any supplier which experiences a hardship as a result of its supply obligation under this subpart may apply to the National Office of FEO for an assignment of additional suppliers, the designation of an allocation fraction which may be applied to its purchaser's allocation requirements, or the reassignment of its purchasers.

(e) In order to remedy supply imbalances which may exist, the National FEO may order the transfer of supplies of naphtha or gas oil from any firm which controls naphtha or gas oil and may assign to any such firm new purchasers of naphtha or gas oil.

§ 211.186 Procedures and reporting requirements.

(a) All refiners and importers shall report in accordance with forms and procedures to be issued by FEO.

(b) The reporting requirements contained in Subpart L shall not apply to this subpart except the provision of § 211.225.

(c) All matters pertaining to the allocation of naphtha and gas oil shall be filed with the National office of FEO.

3. Subpart K is proposed to be revised to read as follows:

Subpart K—Other Products

Sec.
211.201 Scope.
211.202 Definitions.
211.203 Allocation levels.
211.204 Modified allocation levels.
211.205 Supplier/purchaser relationships.
211.206 Method of allocation.
211.207 Procedures and reporting requirements.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 33575.

Subpart K—Other Products

§ 211.201 Scope.

(a) This subpart applies to the mandatory allocation of those allocated products which are not subject to allocation under Subparts D through J of this part, including benzene, toluene, mixed xylenes, hexane, refined lubricating oils, and process oil produced in or imported into the United States.

(b) This subpart does not provide for a State set aside.

§ 211.202 Definitions.

For purposes of this subpart:

"Base period" means the calendar quarter of 1973 which corresponds to the current quarter.

"Chemical processing" means the use of an allocated product as a solvent or diluent in the manufacturing of commercial chemicals (including petrochemicals).

"Greases" means lubricating greases which are solid semi-fluid products comprising a dispersion of a thickening agent in a liquid lubricant.

"Lubricant base stock oils" means those refined petroleum products which are primary components used in the compounding and blending of lubricants and greases including but not limited to bright stocks, solvent neutrals, coastal oils, pale oils and red oils as described by the Bureau of Mines.

"Lubricants" means all grades of lubricating oils which have been blended with the necessary lubricant additives so as to produce a lubricating oil composition in a form that is designed to be used for lubricating purposes in industrial, commercial and automotive use without further modification, wherein said lubricating oils are comprised of greater than 10 percent of refined petroleum products by weight.

"Mixed xylenes" means any mixture of xylenes which does not constitute a petrochemical.

"Gasoline blending and manufacturing" means the use of other products in a process in which petroleum hydrocarbon liquids are either physically mixed or chemically converted to produce aviation or motor gasoline. Gasoline blending and manufacturing includes those processes which physically blend other products with other petroleum hydrocarbons to produce motor gasoline or its constituents and those chemical processes in which hydrocarbons are combined with other products to form aviation or motor gasoline components.

"Other products" means allocated products which are not subject to allocation under Subparts D through J of this part, including benzene, toluene, mixed xylenes, hexane, refined lubricating oils and process oils.

"Refined lubricating oils" means lubricants, greases, and lubricant base stock oils.

"Supplier" means any firm or any part or subsidiary of any firm other than the Department of Defense which presently, during the base period, or during any period between the base period and the present supplies sells, transfers or otherwise furnishes (as by consignment) any allocated product or crude oil to wholesale purchasers or end-users, including but not limited to refiners, importers, resellers, jobbers, and retailers.

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"Wholesale purchaser-consumer" means any firm that is an ultimate consumer which, as part of its normal business practices, purchases or obtains an allocated product from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and purchased or obtained more than 20,000 gallons of lubricant, 40,000 pounds of greases or 55,000 gallons of any other product subject to this Subpart in any completed calendar year subsequent to 1971.

§ 211.203 Allocation levels.

(a) *General.* The allocation levels listed in this section only apply to allocations made by suppliers to wholesale purchaser-consumers and end-users. Suppliers shall allocate to all purchasers to which the allocation levels apply in accordance with the provisions of § 211.10: End-users and wholesale purchaser-consumers which are entitled to purchase other products under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users and wholesale purchaser-consumers which are entitled to purchase other products under an allocation level subject to reduction by application of an allocation fraction shall receive second priority.

(b) *Allocation levels not subject to an allocation fraction.* One hundred (100) percent of current requirements for the following uses:

(1) Agricultural production,

(2) Department of Defense for use as specified in § 211.26.

(c) *Allocation levels subject to the allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by the application of the allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Sanitation services;

(iv) Passenger transportation services;

(v) Telecommunications service;

(vi) Cargo, freight, and mail hauling;

(vii) Chemical processing;

(viii) Petrochemical feedstock use.

(2) One hundred (100) percent of base period use for:

(i) Industrial use;

(ii) Synthetic natural gas feedstock use;

(iii) Blending and compounding of lubricants;

(iv) Gasoline blending and manufacturing;

(v) All other uses.

§ 211.204 Modified allocation levels.

(a) For purposes of § 211.10(g), the modified allocation levels for other products which apply when a supplier's allocation fraction is in excess of one (1.0) are listed below.

(b) Modified allocation levels not subject to an allocation fraction. One hundred (100) percent of current requirements for the following uses:

(1) Agricultural production:

(2) Department of Defense use as specified in § 211.26.

(c) Modified allocation levels subject to an allocation fraction. (1) One hundred (100) percent of current requirements (as reduced by the application of an allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Sanitation services;

(iv) Telecommunications services;

(v) Passenger transportation services;

(vi) Cargo, freight and mail handling;

(vii) Chemical processing;

(viii) Petrochemical feedstock use;

(ix) Industrial use; and

(x) Blending and compounding of lubricants.

(d) One hundred (100) percent of base period use for:

(i) Synthetic natural gas plant feedstock use;

(ii) Gasoline blending and manufacturing;

(iii) All other uses.

§ 211.205 Supplier/purchaser relationships.

Supplier/purchaser relationships shall be as set forth in § 211.9–13 unless otherwise specified in this subpart.

§ 211.206 Method of allocation.

(a) *General.* Except as provided in paragraph (b) below, the allocation of other products shall be as specified in § 211.10. Adjustments to a wholesale purchaser's base period volume specified in § 211.13 shall apply to this subpart except for those provisions for unusual growth adjustments found in § 211.13(b). New wholesale purchasers and end-users are subject to the requirements of § 211.12.

(b) Firms which purchase lubricants, greases or other products in containers with a capacity of 55 gallons or less, and which have not purchased more than 10,000 gallons of lubricants or 5,000 pounds of greases or 10,000 gallons of any remaining other product in any completed calendar year subsequent to 1972 shall be entitled to receive a volume of lubricants and greases equal to one hundred (100) percent of their current requirements without being subject to an allocation fraction. The maximum volume which any such firm may obtain pursuant to this paragraph is 10,000 gallons or 5,000 pounds of grease or 10,000 gallons of any remaining other product. A firm receiving its allocation pursuant to this paragraph shall be exempt from the allocation and reporting requirements of this part.

§ 211.207 Procedures and reporting requirements.

(a) All documents to be filed by wholesale purchasers pertaining to the allocation of other products shall be addressed to the Administrator, FEO, Washington, D.C. 20461.

(b) All petitions by end users for an adjustment or assignment of an "other product" shall be filed with the appropriate State office in accordance with Subpart I of Part 205 of this chapter.

(c) The reporting provisions contained in Subpart L of this part shall not apply to this subpart except § 211.225.

(d) All producers and importers of products subject to this subpart shall report to the National FEO in accordance with forms and instructions issued by FEO.

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H.R. 8101..... Pub. Law 93–280
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H.R. 9293..... Pub. Law 93–283
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H.R. 9492..... Pub. Law 93–279
Wild and Scenic Rivers Act, amendments
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Narcotic Addict Treatment Act of 1974
(May 14, 1974; 88 Stat. 124)
S. 1125..... Pub. Law 93–282
Alcoholism and alcohol abuse programs, appropriations authorizations, extension
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Environmental Education Amendments of 1974
(May 10, 1974; 88 Stat. 121)
S. 2509..... Pub. Law 93–284
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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–SW–35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Effective Date Delayed

On April 26, 1974, FR Doc. No. 74–9539 was published in the FEDERAL REGISTER (39 FR 14696). This document amended Part 71 of the Federal Aviation Regulations and contained an alteration of the Monroe, Louisiana, transition area which was to be effective July 18, 1974. Subsequent to publication of the docket, persistent technical and engineering problems have been encountered in relocating the Monroe VORTAC, and the commissioning date and alteration of the Monroe transition area are delayed to August 15, 1974. Action is taken herein to amend the effective date.

Since this amendment will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, FR Doc. No. 74–9539 is amended to change the effective date of Airspace Docket No. 73–SW–35 from 0901 G.m.t., July 18, 1974, to 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, on May 10, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74–11667 Filed 5–21–74;8:45 am]

[Airspace Docket No. 74–SO–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to temporarily redesignate the Lexington, Ky., control zone.

The Lexington control zone is described in § 71.171 (39 FR 354) and is effective 24 hours per day. The runways at Blue Grass Airport will be closed for resurfacing from 0100 to 0600 local time, daily, for approximately 90 days, commencing on June 16, 1974. Since no aircraft operations can be conducted at this airport during these hours, it is unnecessary to man the airport traffic control tower, thus negating the requirement for a control zone. It is necessary to temporarily redesignate the control zone to be effective from 0600 to 0100 hours, local time, daily, beginning on June 16, 1974, and resuming the normal 24-hour operations on September 15, 1974. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 16, 1974, to 0901 G.m.t., September 15, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Lexington, Ky., control zone is amended as follows:

"• • • This control zone is effective from 0600 to 0100 hours, local time, daily, beginning 0901 GMT, June 16, 1974, and ending 0901 GMT, September 15, 1974." is added to the description.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 13, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc. 74–11668 Filed 5–21–74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Requirements for Requesting Extensions of Filing Time, Due Dates of Reports, and Clarification of Foreign Carriers

Correction

In FR Doc. 74–10718, appearing at page 16879 in the issue of Friday, May 10, 1974, make the following changes:

1. In § 239.2 footote "2" should be redesignated as footnote "1".
2. In § 239.4 the word "applise" in line five should read "applies".

PART 242—REPORTING RESULTS OF SCHEDULED ALL-CARGO SERVICES

Requirements for requesting extensions of filing time and due dates of reports

Correction

In FR Doc. 10719 appearing at page 16880 in the issue of Friday, May 10, 1974, in § 242.2 footnote "2" should be redesignated as footnote "1".

PART 243—REPORT OF CHARTER SERVICES PERFORMED FOR THE MILITARY AIRLIFT COMMAND

Requirements for requesting extensions of filing time and due dates of reports

Correction

In FR Doc. 10720, appearing at page 16880 in the issue of Friday, May 10, 1974, in § 243.2 footnote "2" should be redesignated as footnote "1".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2504]

PART 13—PROHIBITED TRADE PRACTICES

Charles Reynolds Hair Center, et al.

Correction

In FR Doc. 74–9803 appearing on page 15029 of the issue of Tuesday, April 30, 1974, on page 15030, in paragraph 4, line 6, the word reading "survey" should read "surgery".

[Docket No. C–2503]

PART 13—PROHIBITED TRADE PRACTICES

Mota-Nu, Inc., et al.

Correction

In FR Doc. 74–9804 appearing on page 15030 of the issue of Tuesday, April 30, 1974, in line 5, after the word "records;" insert the following: "§ 13.1051 Failing to maintain records:".

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–5488, 34–10754, 35–18392, AS–155]

INSTRUCTIONS TO FINANCIAL STATEMENTS, SUMMARIES OF OPERATIONS AND EXHIBITS

Amendments to Forms S–1, S–7, S–8, S–9, S–11, 10, 12, 8–K, 10–K, 11–K, 12–K and U5S, and Regulation S–X

The Securities and Exchange Commission today adopted certain amendments of the instructions pertaining to financial statements, summaries of operations and exhibits in the above forms and amendments of a related definition in Rule 1–02 and of Rule 5–02–39(d) of Regulation S–X [17 CFR 210.1–02 and 210.5–02–39(d)]. The instructions in the forms are amended generally to conform

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the terminology to that adopted in Regulation S–X in Accounting Series Release No. 125 [37 FR 14591], to correct references to changed rule and caption numbers in Regulation S–X which were changed in Accounting Series Release No. 125, to achieve consistency among similar requirements in various forms, and to provide clarifications and modifications of the instructions in some respects. The definition of the term "significant subsidiary" in Rule 1–02 of Regulation S–X is amended to achieve consistency with the bases and tests of significance of subsidiaries and other affiliates in the instructions to the forms; e.g., Instruction 8 of Form S–1. The amendment to Rule 5–02–39(d), which was not included in the proposals that were published for comment, reduces the requirements specified in that rule for summaries of stockholders' equity accounts.

The amendments were proposed in Securities Act Release No. 5405 (Securities Exchange Act Release No. 10272, Public Utility Holding Company Act Release No. 18025) [38 FR 20471] on July 9, 1973. Forms S–1 [17 CFR 239.11], S–7 [17 CFR 239.26], S–8 [17 CFR 239.16b], S–9, [17 CFR 239.22], S–11 [17 CFR 239.18] are used for registration of Securities Act Release No. 5405 (Securi-1933; Forms 10 [17 CFR 249.210] and 12 [17 CFR 249.212] are used for registration of securities under the Securities Exchange Act of 1934; Forms 8–K [17 CFR 249.308], 10–K [17 CFR 249.310], 11–K [17 CFR 249.311] and 12–K [17 CFR 249.312] are used for special or annual reports pursuant to the 1934 Act; and Form U5S [17 CFR 259.5s] is used for annual reports by holding companies registered under the Public Utility Holding Company Act of 1935. Regulation S–X [17 CFR Part 210] states the requirements applicable to the form and content of financial statements filed under the forms.

The comments received on the proposals were given careful consideration in the determination of the definitive amendments. Numerous suggestions for changes in the rules of an editorial or clarifying nature were adopted. The more significant or extensive changes which were adopted are discussed below.

In the requirements for summaries of operations in Forms S–1, S–8, S–11, 10 and 10–K (e.g., Item 6 in Form S–1) and for statements of income in Forms S–7 and S–9 (e.g., Item 6 in Form S–7), the format and the order of the instructions were made consistent and the instructions regarding the items of revenue and expense to be included in the summaries and regarding the computation of ratios of earnings to fixed charges in the summaries and the statements were updated to reflect current requirements. In this connection in the specifications for "fixed charges" (e.g., Instruction 5(c) of Item 6 of Form S–1), the criterion for the interest factor of one third of all rentals has been deleted inasmuch as reliable estimates of the portion of rentals which represent interest can now generally be made and there is considerable evidence that one third of rentals is not a reasonable approximation of the interest factor today. In Form S–9 the general instruction pertaining to the use of the form is amended to conform the requirements relating to the fixed charge ratios to the comparable requirements under Item 3, Statements of Income.

Comments were made that the requirements for the ratios of earnings to fixed charges and to combined fixed charges and preferred dividends should be reconsidered in view of questions regarding whether the criteria for the computations continue to be appropriate and whether the disclosures have sufficient analytical value to readers to warrant their continuation. A further study is planned in the light of these questions to determine what, if any, additional amendents would be appropriate.

The proposed clarification of the instructions for the furnishing of separate summaries of operations of the registrant in addition to consolidated statements was deleted and the original language in the instructions was restored, inasmuch as most commentators considered that the requirements for separate registrant statements would be extended by the proposal. Many also indicated a belief that the general requirements for separate financial statements of registrants in addition to consolidated statements should be reduced. This matter will also be given further consideration.

The proposal to change the requirements for a summary of operations in Form S–8 to requirements for statements of income consistent with Form S–9 was eliminated on the basis of comments that this would be an extension of requirements which could not be justified by the purposes of Form S–8. In this form also the instructions to the summary were clarified regarding the periods for which various statements are required.

The instruction to the summaries (and the statements of income) regarding reconciliations of revenues and net income for differences in reports previously issued (e.g., Instruction 3 of Item 6 of Form S–1) has been revised to conform it closely to a comparable rule in Regulation S–X (Rule 3–07(b) [17 CFR 210.3–07(b)]).

One of the instructions to the summary of operations in Form 10–K (Instruction 5 to Item 2) which requires a statement by the registrant and a letter by the independent accounting regarding changes in accounting principles or practices, as amended in this release, has been adopted in Form 12–K (Instruction 7 as to Exhibits). This requirement, which was adopted in Form 10–K in Release No. 34–9344 [36 FR 19363], is considered to be applicable to utility company registrants who utilize Form 12–K in filing their annual reports in lieu of Form 10–K. The instruction has been further amended to provide that the independent accountant's letter regarding a specific change need be filed only one time.

Certain of the instructions regarding financial statements (i.e., Instructions 4, 6, 7 and 8 as to Financial Statements of Form S–1 and similar instructions in Forms S–7, S–9, 10 and 10–K) were modified or clarified and made consistent among forms with respect to the requirements for financial statements of the registrant to be filed and for the filing or omission of financial statements of subsidiaries not consolidated and of 50 percent or less owned persons. Similar instructions regarding these latter requirements were also included for consistency under Exhibits in Forms 12 (Instructions 7 and 8) and 12–K (Instructions 4 and 5). A test relating to income, which is considered an important test of significance of affiliates, is adopted in the instructions in the forms and in the definition of "significant subsidiary" in Regulation S–X as an addition to the existing tests relating to assets and revenues. The tests as proposed have been modified to eliminate certain exclusions in relation to the assets and income tests on the basis of comments that their effect would be minimal in most instances. In Form 8–K the tests in Instruction 4 of Item 2 for determining the significance of acquisitions and dispositions of assets or businesses were conformed to the tests in the definition in Regulation S–X.

The instructions pertaining to succession to and acquisition of other business (i.e., Instructions 11 and 12 as to Financial Statements of Form S–1 and similar instructions in Forms S–7 and 10) have been updated to reflect current requirements and practices and clarified as between past and future successions. Further clarifications have been made in the instructions as proposed and the requirements for pro forma income statements have been stated in accordance with suggestions received. Comparable instructions have been included in Form S–9 to achieve consistency with Form S–7.

In Form S–11 corrections of several references and requirements relating to Regulation S–X were made to reflect revisions of the regulation in Accounting Series Release No. 125. Item 26 and special provision C–3 of the Instructions as to Financial Statements are revised and special provisions C–5, 6 and 7 are omitted to reflect the adoption in Regulation S–X of new schedules as Rules 12–42 and 12–43 [17 CFR 210.12–42 and 210.12–43] in substitution for the schedules specified in Rules 12–37 and 12–38 [17 CFR 210.12–37 and 210.12–38] and new instructions in Rule 5–04 [17 CFR 210.5–04] for Schedules XVII, XVIII and XIX which were previously designated as Schedules XVIII, XIX and XX in Form S–11.

In Form U5S corrections of references to the revised Regulation S–X were also made. Paragraphs 1(c) (i) and (ii) of the Instructions as to Financial Statements, which provide for the omission of certain

schedules specified in Rule 5–04 of Regulation S–X, are revised to provide for the omission also of new Schedule XVIII which was adopted under Rule 5–04. Schedule XVII, which is presently specified for omission in paragraphs (c) (i) and (ii), formerly required compliance with Rule 12–17 [17 CFR 210.12–17] of Regulation S–X [Part 210], the requirements of which rule were combined with Rule 12–04 and Schedule III under Rule 5–04, Schedule XVII in Rule 5–04 [17 CFR 210.5–04] now requires compliance with new Rule 12–42, and it is considered appropriate to continue to permit the omission in Form U5S of Schedule XVII with regard to the new requirements as well as the old by the continued omission of Schedule III. New Schedule XIX, which requires information regarding certain other investments, would be required if applicable. Also in Form U5S, the Instructions as to Financial Statements are updated to make them consistent with those of Form 10–K with respect to requiring statements of source and application of funds and the examination by the independent accountant of the schedules filed in support of the financial statements.

These amendments are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j and 77s] thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d) and 78w] thereof; and the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n and 79t] thereof.

Commission action. The Commission hereby amends a definition in § 210.1–02, § 210.5–02–39(d), and various items and instructions in §§ 239.11, 239.26, 239.16b, 239.22, 239.18, 249.210, 249.212, 249.308, 249.310, 249.311, 249.312 and 259.5s of Chapter II of Title 17 of the Code of Federal Regulations and as so amended they read as shown in the attached text of the amendments.

The amendments shall be effective with respect to the applicable rules and forms on July 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 25, 1974.

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

I. Part 210 of this chapter (Regulation S–X). The definition of the term "significant subsidiary" in § 210.1–02 (Rule 1–02) and paragraph (d) of § 210.5–02–39 (Rule 5–02–39) are amended to read as follows:

§ 210.1–02 Definition of Terms Used in Regulation S–X (17 CFR Part 210).

* * * * *

(t) *Significant subsidiary.* The term "significant subsidiary" means (1) a subsidiary or (2) a subsidiary and its subsidiaries which meet any of the conditions described below based on (i) the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were a registrant and (ii) the most recent annual consolidated financial statements of the registrant being filed:

(*a*) The parent's and its other subsidiaries' investments in and advances to, or their proportionate share (based on their equity interests) of the total assets (after intercompany eliminations) of, the subsidiary exceed 10 percent of the total assets of the parent and its consolidated subsidiaries.

(*b*) The parent's and its other subsidiaries' proportionate share (based on their equity interests) of the total sales and revenues (after intercompany eliminations) of the subsidiary exceeds 10 percent of the total sales and revenues of the parent and its consolidated subsidiaries.

(*c*) The parent's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiary exceeds 10 percent of such income of the parent and its consolidated subsidiaries, provided that if such income of the parent and its consolidated subsidiaries is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

* * * * *

§ 210.5–02 Balance sheets.

* * * * *

39. *Other stockholders' equity.*

* * * * *

(d) A summary of each account under this caption setting forth the information prescribed in Rule 11–02 [§ 210.11–02] shall be given for each period for which an income statement is required to be filed.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.11 [Amended]

II. Section 239.11 (Form S–1), General Instruction E, Items 6 and 21, the Instructions as to Financial Statements, and the Instructions as to Exhibits are amended to read as follows:

GENERAL INSTRUCTIONS

E. *Omission of Information Regarding Foreign Subsidiaries.* Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Commission. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental.

* * * * *

Item 6. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) Each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) Any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed and for the corresponding interim period of the preceding fiscal year, and

(c) Any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

Instructions. 1. Subject to to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss. See Item 21(b).

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribtuion of water, or the furnishing of telephone or telegraph services; or (ii) in holding securities of companies engaged in such business, it may at its option include a summary for the twelve-month period prior to the date of the most recent balance sheet being filed, in lieu of the summaries for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retrocatively adjusted have not previously been filed with the Commission or otherwise made public.

4. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total

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enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items, eliminated in consolidation.

6. If long term debt or preferred stock is being registered, there shall be shown the annual interest requirements of such long term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated. If preferred stock is being registered, there shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. The rigistrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required in paragraph 5(a), an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

8. In connection with any unaudited summary for an interim period (or twelve month period permitted by Instruction 2), a statement shall be made that all adjustments necessary to a fair statement of the results for such period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

9. [7.] (No other change.)

* * * * *

Item 21. *Financial Statements.* Include in the prospectus all financial statements called for by the Instructions as to Financial Statements for this form, except as provided in paragraphs (a) and (b) below:

(a) All schedules to balance sheets and income statements may be omitted from the prospectus except (1) those prepared in accordance with Rule 12-16 [17 CFR 210.12-16] of Regulation S-X [17 CFR Part 210] which are applicable to income statements included in the prospectus and (2) those prepared in accordance with Rules 12-27, 12-42 and 12-43 [17 CFR 210.12-27, 210.12-42 and 12-43] of Regulation S-X [17 CFR Part 210] which are applicable to the most recent balance sheet included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements may also be omitted from the prospectus.

(b) If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Item 21 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411(b)] regarding incorporation by reference of financial statements and to Section 10(a)(3) of the Act and Release No. 4936 regarding updating the financial statements in specified circumstances.

A. STATEMENTS OF THE REGISTRANT

1. *Balance Sheets of the Registrant.* (a) The registrant shall file a balance sheet as of a date within 90 days prior to the date of filing the registration statement. This balance sheet need not be audited. If all of the following conditions exist, this balance sheet may, however, be as of a date within six months prior to the date of filing.

(1) The registrant files annual and other reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934;

(2) The total assets of the registrant and its subsidiaries, as shown by the most recent consolidated balance sheet being filed, less any valuation or qualifying accounts, amount to $5,000,000 or more, exclusive of intangibles; and

(3) No long-term debt of the registrant is in default as to principal, interest or sinking fund provisions.

(b) If the balance sheet required by paragraph (a) is not audited, there shall be filed in addition an audited balance sheet as of a date within one year unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheet may be as of the end of the preceding fiscal year.

2. *Statements of Income and Source and Application of Funds of the Registrant.* The registrant shall file statements of income and source and application of funds for each of the three fiscal years preceding the date of the most recent balance sheet being filed and for the interim period, if any, between the end of the most recent of such fiscal years and the date of the most recent balance sheet being filed. These statements shall be audited to the date of the most recent audited balance sheet being filed.

3. *Omission of Registrant's Statements in Certain Cases.* Notwithstanding Instructions 1 and 2, the individual financial statements of the registrant may be omitted if (i) consolidated financial statements of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the lists of financial statements filed under Item 31.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

B. CONSOLIDATED STATEMENTS

4. *Consolidated Balance Sheets.* There shall be filed a consolidated balance sheet of the registrant and its subsidiaries as of the same date as each balance sheet of the registrant filed pursuant to Instruction 1. The consolidated balance sheet shall be audited if the registrant's balance sheet as of the same date is audited. If the registrant's balance sheets are omitted pursuant to Instruction 3, the consolidated balance sheets being filed shall be as of the same dates as the balance sheets of the registrant which would be required and shall be audited if the corresponding balance sheet of the registrant would be required to be audited.

5. *Consolidated Statements of Income and Source and Application of Funds.* There shall be filed consolidated statements of income and source and application of funds of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the most recent consolidated balance sheet being filed and for the period, if any, between the end of the most recent of such fiscal years and the date of the most recent consolidated balance sheet being filed. These statements shall be audited to the date of the most recent audited consolidated balance sheet being filed.

C. STATEMENTS OF SUBSIDIARIES NOT CONSOLIDATED AND 50 PERCENT OR LESS OWNED PERSONS

6. *Financial Statements of Subsidiaries Not Consolidated and 50 Percent or Less Owned Persons.* (a) Subject to Rule 4-08 [17 CFR 210.4-08] of Regulations S-X [17 CFR Part 210] regarding group financial statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the financial statements which would be required if each such subsidiary or other person were a registrant. Insofar as practicable, these financial statements shall be as of the same dates or for the same periods as those of the registrant.

(b) If it is impracticable to file financial statements of any subsidiary not consolidated or 50 percent or less owned person accounted for by the equity method as of a date within 90 days, or within six months if registrant's financial statements are required to be filed as of a date within six months, prior to the date of filing, there may be filed in lieu thereof audited financial statements of such subsidiary or other person as of the end of its most recent annual or semi-annual fiscal period preceding the date of filing the registration statement for which it is practicable to do so.

7. *Summarized Financial Information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 8.

8. *Omission of Financial Statements Required by Instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

9. *Financial Statements of Affiliates Whose Securities Collateralize an Issue Being Registered.* (a) For each affiliate of the registrant whose securities constitute or are to constitute a substantial portion of the collateral for any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change.)

D. SPECIAL PROVISIONS

10. *Reorganization of Registrant.* (a) If, during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital shares, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change.)

11. *Past Successions to Other Businesses.* (a) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, had major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business or businesses shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages (determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (1) for one full year or less, no substitution; (ii) more than one, but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition, they would not be required subsequently. (See Release No. 33-4950 [34 F.R. 4856] with regard to audit requirements for such financial statements.)

(b) (Omitted.)

[(c)] (b) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

12. *Future Successions to Other Businesses.* (a) If, after the date of the most recent balance sheet filed pursuant to Part A or B above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities on Form S-1 [§ 239.11] under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession, and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(b) (No change.)

(c) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary; provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business or for assets of such business.

13. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

14. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are required to be filed as to the accounts of each person whose balance sheet is being filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

15. *Revaluation of Property.* (No change.)

16. *Capital Shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change.)

17. *Debt Discount and Expense Written Off.* (No change.)

18. *Premiums and Discount and Expense on Securities Retired.* (No change.)

19. *Other Changes in Other Stockholders' Equity.* If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 15(c) above shall also apply here.

20. *Predecessors.* (No change.)

21. *Omission of Certain Information.* (a) (No change.)

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for

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which the information is so omitted, considered in the aggregate, would not meet the test of a significant subsidiary.

(c) (No change.)

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 13. (No change.)

14. Copies of the exhibits called for by Instructions 4 and 7 to Item 6.

§ 239.26 [Amended]

III. Section 239.26 (Form S–7). Items 6 and 10 and the Instructions as to exhibits are amended to read as follows:

Item 6. *Statements of Income.* Furnish in comparative columnar form statements of income for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) each of the last fiscal years of the registrant, and

(b) any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed pursuant to Item 10(a) and for the corresponding interim period of the preceding fiscal year, and

(c) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A statement of source and application of funds shall be furnished for each fiscal year or other period for which a statement of income is required to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210] and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S–X 17 [CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph service; or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the most recent balance sheet being filed, in lieu of the income statements for the interim periods specified

3. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the statements shall be reconciled as to sales or revenues and net income in the statement or in a note thereto with the amounts previously reported provided, however, that such reconciliations need not be made [illegible] if they have been made in filings with the Commission in connection with the financial statements [illegible]

tion. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

6. If long term debt or preferred stock is being registered, there shall be shown the annual interest requirements of such long term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated. If preferred stock is being registered, there shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required in paragraph 5(a), an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

8. In connection with any unaudited statement for an interim period (or twelve-month period permitted by Instruction 2), a statement shall be made that all adjustments necessary to a fair statement of the results for such period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made, otherwise there shall be [illegible]

be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 10(b).

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Item 10. *Other Financial Statements and Schedules.* (a) There shall be filed a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of filing the registration statement. These balance sheets need not be audited, but if they are not audited there shall be filed in addition audited balance sheets as of a date within one year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the end of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S–X. (See Instruction 1 to Item 6.) [17 CFR Part 210]

Instructions. The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the list of financial statements filed.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

(b) [(1)] Subject to Rule 4–08 [17 CFR 210.4–08] of Regulation S–X [17 CFR Part 210] regarding group financial statements and the instructions below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the

prior to the date of filing, there may be filed in lieu thereof an audited balance sheet of such subsidiary or other person as of the end of the most recent annual or semi-annual fiscal period preceding the date of filing the registration statement for which it is practicable to do so.

2. Notwithstanding paragraph (b) and Instruction 10 of Item 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 10 of Item 6, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in, and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

[(d)] (c) *Past Successions to Other Businesses.* (1) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, had major significance in relation to the registrant, audited income statements separate or combined as appropriate for such business or businesses shall be filed for such period prior to the purchase as may be necessary when added to the [illegible] which [illegible] by cover the equivalent merged prior to the date of the registrant's most recent audited balance sheet as follows: (i) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition they would not be required subsequently. (See Release No. 33–4950 [34 FR 4968] with regard to audit requirements for such financial statements.)

(2) (Omitted)

[(3)] (2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

[(c)] (d) *Future Successions to Other Businesses.* (1) If, after the date of the most recent balance sheet filed pursuant to (a) above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities on Form S–1 [§ 239.11] under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statements for a pooling of interests or would have been presented on a pro forma basis for a purchase had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(e) Notwithstanding the provisions of Regulation S–X, no schedules other than those prepared in accordance with Rules 12–16, 12–27, 12–43 and 12–43 [17 CFR 210.12–16, 210.12–27, 210.12–43 and 210.12–43] of that regulation need be furnished

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INSTRUCTIONS AS TO EXHIBITS

[illegible] (No change.)

GENERAL INSTRUCTIONS

F. Filing of Other Financial Statements in Certain Cases. The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

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Item 11. *Financial Statements of the Plan.* (a) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(1) An audited statement of financial condition as of the end of the latest fiscal year of the plan.

(2) An audited statement of income and changes in plan equity for the latest fiscal year of the plan.

(b) If audited financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

(c) (Deleted)

Instruction. The statements required by this item shall be prepared and audited in accordance with the applicable provisions of Regulation S–X [17 CFR Part 210] and shall be accompanied by the schedules specified in Rule 6–34 [17 CFR 210.6–34] of that Regulation [17 CFR Part 210].

NOTE: (No change.)

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Item 19. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the issuer for—

(a) each of the last five fiscal years of the issuer (or for the life of the issuer and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. Statements of source and application of funds and of retained earnings and other stockholders' equity accounts shall be furnished for each of the last two fiscal years covered by the summary. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X and shall be audited. If the issuer includes in its annual report filed pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 financial statements of the issuer and its subsidiaries consolidated, the summary and statements required by this item shall be prepared on a consolidated basis

Instructions. 1. Subject to appropriate variation to conform to the nature of the business of the following items shall be included, net sales or operating or other revenues [illegible]

the terminology to that adopted in Regulation S–X in Accounting Series Release No. 125 [37 FR 14591], to correct references to changed rule and caption numbers in Regulation S–X which were changed in Accounting Series Release No. 125, to achieve consistency among similar requirements in various forms, and to provide clarifications and modifications of the instructions in some respects. The definition of the term "significant subsidiary" in Rule 1–02 of Regulation S–X is amended to achieve consistency with the bases and tests of significance of subsidiaries and other affiliates in the instructions to the forms; e.g., Instruction 8 of Form S–1. The amendment to Rule 5–02–39(d), which was not included in the proposals that were published for comment, reduces the requirements specified in that rule for summaries of stockholders' equity accounts.

The amendments were proposed in Securities Act Release No. 5405 (Securities Exchange Act Release No. 10272, Public Utility Holding Company Act Release No. 18025) [38 FR 20471] on July 9, 1973. Forms S–1 [17 CFR 239.11], S–7 [17 CFR 239.26], S–8 [17 CFR 239.16b], S–9, [17 CFR 239.22], S–11 [17 CFR 239.18] are used for registration of Securities Act Release No. 5405 (Securi-1933; Forms 10 [17 CFR 249.210] and 12 [17 CFR 249.212] are used for registration of securities under the Securities Exchange Act of 1934; Forms 8–K [17 CFR 249.308], 10–K [17 CFR 249.310], 11–K [17 CFR 249.311] and 12–K [17 CFR 249.312] are used for special or annual reports pursuant to the 1934 Act; and Form U5S [17 CFR 259.5s] is used for annual reports by holding companies registered under the Public Utility Holding Company Act of 1935. Regulation S–X [17 CFR Part 210] states the requirements applicable to the form and content of financial statements filed under the forms.

The comments received on the proposals were given careful consideration in the determination of the definitive amendments. Numerous suggestions for changes in the rules of an editorial or clarifying nature were adopted. The more significant or extensive changes which were adopted are discussed below.

In the requirements for summaries of operations in Forms S–1, S–8, S–11, 10 and 10–K (e.g., Item 6 in Form S–1) and for statements of income in Forms S–7 and S–9 (e.g., Item 6 in Form S–7), the format and the order of the instructions were made consistent and the instructions regarding the items of revenue and expense to be included in the summaries and regarding the computation of ratios of earnings to fixed charges in the summaries and the statements were updated to reflect current requirements. In this connection in the specifications for "fixed charges" (e.g., Instruction 5(c) of Item 6 of Form S–1), the criterion for the interest factor of one third of all rentals has been deleted inasmuch as reliable estimates of the portion of rentals which represent interest can now generally be made and there is considerable evidence that one third of rentals is not a reasonable approximation of the interest factor today. In Form S–9 the general instruction pertaining to the use of the form is amended to conform the requirements relating to the fixed charge ratios to the comparable requirements under Item 3, Statements of Income.

Comments were made that the requirements for the ratios of earnings to fixed charges and to combined fixed charges and preferred dividends should be reconsidered in view of questions regarding whether the criteria for the computations continue to be appropriate and whether the disclosures have sufficient analytical value to readers to warrant their continuation. A further study is planned in the light of these questions to determine what, if any, additional amendents would be appropriate.

The proposed clarification of the instructions for the furnishing of separate summaries of operations of the registrant in addition to consolidated statements was deleted and the original language in the instructions was restored, inasmuch as most commentators considered that the requirements for separate registrant statements would be extended by the proposal. Many also indicated a belief that the general requirements for separate financial statements of registrants in addition to consolidated statements should be reduced. This matter will also be given further consideration.

The proposal to change the requirements for a summary of operations in Form S–8 to requirements for statements of income consistent with Form S–9 was eliminated on the basis of comments that this would be an extension of requirements which could not be justified by the purposes of Form S–8. In this form also the instructions to the summary were clarified regarding the periods for which various statements are required.

The instruction to the summaries (and the statements of income) regarding reconciliations of revenues and net income for differences in reports previously issued (e.g., Instruction 3 of Item 6 of Form S–1) has been revised to conform it closely to a comparable rule in Regulation S–X (Rule 3–07(b) [17 CFR 210.3–07(b)]).

One of the instructions to the summary of operations in Form 10–K (Instruction 5 to Item 2) which requires a statement by the registrant and a letter by the independent accounting regarding changes in accounting principles or practices, as amended in this release, has been adopted in Form 12–K (Instruction 7 as to Exhibits). This requirement, which was adopted in Form 10–K in Release No. 34–9344 [36 FR 19363], is considered to be applicable to utility company registrants who utilize Form 12–K in filing their annual reports in lieu of Form 10–K. The instruction has been further amended to provide that the independent accountant's letter regarding a specific change need be filed only one time.

Certain of the instructions regarding financial statements (i.e., Instructions 4, 6, 7 and 8 as to Financial Statements of Form S–1 and similar instructions in Forms S–7, S–9, 10 and 10–K) were modified or clarified and made consistent among forms with respect to the requirements for financial statements of the registrant to be filed and for the filing or omission of financial statements of subsidiaries not consolidated and of 50 percent or less owned persons. Similar instructions regarding these latter requirements were also included for consistency under Exhibits in Forms 12 (Instructions 7 and 8) and 12–K (Instructions 4 and 5). A test relating to income, which is considered an important test of significance of affiliates, is adopted in the instructions in the forms and in the definition of "significant subsidiary" in Regulation S–X as an addition to the existing tests relating to assets and revenues. The tests as proposed have been modified to eliminate certain exclusions in relation to the assets and income tests on the basis of comments that their effect would be minimal in most instances. In Form 8–K the tests in Instruction 4 of Item 2 for determining the significance of acquisitions and dispositions of assets or businesses were conformed to the tests in the definition in Regulation S–X.

The instructions pertaining to succession to and acquisition of other business (i.e., Instructions 11 and 12 as to Financial Statements of Form S–1 and similar instructions in Forms S–7 and 10) have been updated to reflect current requirements and practices and clarified as between past and future successions. Further clarifications have been made in the instructions as proposed and the requirements for pro forma income statements have been stated in accordance with suggestions received. Comparable instructions have been included in Form S–9 to achieve consistency with Form S–7.

In Form S–11 corrections of several references and requirements relating to Regulation S–X were made to reflect revisions of the regulation in Accounting Series Release No. 125. Item 26 and special provision C–3 of the Instructions as to Financial Statements are revised and special provisions C–5; 6 and 7 are omitted to reflect the adoption in Regulation S–X of new schedules as Rules 12–42 and 12–43 [17 CFR 210.12–42 and 210.12–43] in substitution for the schedules specified in Rules 12–37 and 12–38 [17 CFR 210.12–37 and 210.12–38] and new instructions in Rule 5–04 [17 CFR 210.5–04] for Schedules XVII, XVIII and XIX which were previously designated as Schedules XVIII, XIX and XX in Form S–11.

In Form U5S corrections of references to the revised Regulation S–X were also made. Paragraphs 1(c) (i) and (ii) of the Instructions as to Financial Statements, which provide for the omission of certain

schedules specified in Rule 5–04 of Regulation S–X, are revised to provide for the omission also of new Schedule XVIII which was adopted under Rule 5–04. Schedule XVII, which is presently specified for omission in paragraphs (c) (i) and (ii), formerly required compliance with Rule 12–17 [17 CFR 210.12–17] of Regulation S–X [Part 210], the requirements of which rule were combined with Rule 12–04 and Schedule III under Rule 5–04. Schedule XVII in Rule 5–04 [17 CFR 210.5–04] now requires compliance with new Rule 12–42, and it is considered appropriate to continue to permit the omission in Form U5S of Schedule XVII with regard to the new requirements as well as the old by the continued omission of Schedule III. New Schedule XIX, which requires information regarding certain other investments, would be required if applicable. Also in Form U5S, the Instructions as to Financial Statements are updated to make them consistent with those of Form 10–K with respect to requiring statements of source and application of funds and the examination by the independent accountant of the schedules filed in support of the financial statements.

These amendments are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j and 77s] thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d) and 78w] thereof; and the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n and 79t] thereof.

Commission action. The Commission hereby amends a definition in § 210.1–02, § 210.5–02–39(d), and various items and instructions in §§ 239.11, 239.26, 239.16b, 239.22, 239.18, 249.210, 249.212, 249.308, 249.310, 249.311, 249.312 and 259.5s of Chapter II of Title 17 of the Code of Federal Regulations and as so amended they read as shown in the attached text of the amendments.

The amendments shall be effective with respect to the applicable rules and forms on July 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 25, 1974.

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935; AND INVESTMENT COMPANY ACT OF 1940

I. Part 210 of this chapter (Regulation S–X). The definition of the term "significant subsidiary" in § 210.1–02 (Rule 1–02) and paragraph (d) of § 210.5–02–39 (Rule 5–02–39) are amended to read as follows:

§ 210.1–02 Definition of Terms Used in Regulation S–X (17 CFR Part 210).

* * * * *

(t) *Significant subsidiary.* The term "significant subsidiary" means (1) a subsidiary or (2) a subsidiary and its subsidiaries which meet any of the conditions described below based on (i) the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were a registrant and (ii) the most recent annual consolidated financial statements of the registrant being filed:

(*a*) The parent's and its other subsidiaries' investments in and advances to, or their proportionate share (based on their equity interests) of the total assets (after intercompany eliminations) of, the subsidiary exceed 10 percent of the total assets of the parent and its consolidated subsidiaries.

(*b*) The parent's and its other subsidiaries' proportionate share (based on their equity interests) of the total sales and revenues (after intercompany eliminations) of the subsidiary exceeds 10 percent of the total sales and revenues of the parent and its consolidated subsidiaries.

(*c*) The parent's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiary exceeds 10 percent of such income of the parent and its consolidated subsidiaries, provided that if such income of the parent and its consolidated subsidiaries is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

* * * * *

§ 210.5–02 Balance sheets.

* * * * *

39. *Other stockholders' equity.*

* * * * *

(d) A summary of each account under this caption setting forth the information prescribed in Rule 11–02 [§ 210.11–02] shall be given for each period for which an income statement is required to be filed.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.11 [Amended]

II. Section 239.11 (Form S–1). General Instruction E, Items 6 and 21, the Instructions as to Financial Statements, and the Instructions as to Exhibits are amended to read as follows:

GENERAL INSTRUCTIONS

E. *Omission of Information Regarding Foreign Subsidiaries.* Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Commission. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental.

* * * * *

Item 6. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) Each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) Any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed and for the corresponding interim period of the preceding fiscal year, and

(c) Any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

Instructions. 1. Subject to to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss. See Item 21(b).

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribtuion of water, or the furnishing of telephone or telegraph services; or (ii) in holding securities of companies engaged in such business, it may at its option include a summary for the twelve-month period prior to the date of the most recent balance sheet being filed, in lieu of the summaries for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retrocatively adjusted have not previously been filed with the Commission or otherwise made public.

4. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total

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enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items, eliminated in consolidation.

6. If long term debt or preferred stock is being registered, there shall be shown the annual interest requirements of such long term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated. If preferred stock is being registered, there shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. The rigistrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required in paragraph 5(a), an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

8. In connection with any unaudited summary for an interim period (or twelve month period permitted by Instruction 2), a statement shall be made that all adjustments necessary to a fair statement of the results for such period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

9. [7.] (No other change.)

* * * * *

Item 21. *Financial Statements.* Include in the prospectus all financial statements called for by the Instructions as to Financial Statements for this form, except as provided in paragraphs (a) and (b) below:

(a) All schedules to balance sheets and income statements may be omitted from the prospectus except (1) those prepared in accordance with Rule 12-16 [17 CFR 210.12-16] of Regulation S-X [17 CFR Part 210] which are applicable to income statements included in the prospectus and (2) those prepared in accordance with Rules 12-27, 12-42 and 12-43 [17 CFR 210.12-27, 210.12-42 and 12-43] of Regulation S-X [17 CFR Part 210] which are applicable to the most recent balance sheet included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements may also be omitted from the prospectus.

(b) If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Item 21 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411(b)] regarding incorporation by reference of financial statements and to Section 10(a)(3) of the Act and Release No. 4936 regarding updating the financial statements in specified circumstances.

A. STATEMENTS OF THE REGISTRANT

1. *Balance Sheets of the Registrant.* (a) The registrant shall file a balance sheet as of a date within 90 days prior to the date of filing the registration statement. This balance sheet need not be audited. If all of the following conditions exist, this balance sheet may, however, be as of a date within six months prior to the date of filing.

(1) The registrant files annual and other reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934;

(2) The total assets of the registrant and its subsidiaries, as shown by the most recent consolidated balance sheet being filed, less any valuation or qualifying accounts, amount to $5,000,000 or more, exclusive of intangibles; and

(3) No long-term debt of the registrant is in default as to principal, interest or sinking fund provisions.

(b) If the balance sheet required by paragraph (a) is not audited, there shall be filed in addition an audited balance sheet as of a date within one year unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheet may be as of the end of the preceding fiscal year.

2. *Statements of Income and Source and Application of Funds of the Registrant.* The registrant shall file statements of income and source and application of funds for each of the three fiscal years preceding the date of the most recent balance sheet being filed and for the interim period, if any, between the end of the most recent of such fiscal years and the date of the most recent balance sheet being filed. These statements shall be audited to the date of the most recent audited balance sheet being filed.

3. *Omission of Registrant's Statements in Certain Cases.* Notwithstanding Instructions 1 and 2, the individual financial statements of the registrant may be omitted if (i) consolidated financial statements of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the lists of financial statements filed under Item 31.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

B. CONSOLIDATED STATEMENTS

4. *Consolidated Balance Sheets.* There shall be filed a consolidated balance sheet of the registrant and its subsidiaries as of the same date as each balance sheet of the registrant filed pursuant to Instruction 1. The consolidated balance sheet shall be audited if the registrant's balance sheet as of the same date is audited. If the registrant's balance sheets are omitted pursuant to Instruction 3, the consolidated balance sheets being filed shall be as of the same dates as the balance sheets of the registrant which would be required and shall be audited if the corresponding balance sheet of the registrant would be required to be audited.

5. *Consolidated Statements of Income and Source and Application of Funds.* There shall be filed consolidated statements of income and source and application of funds of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the most recent consolidated balance sheet being filed and for the period, if any, between the end of the most recent of such fiscal years and the date of the most recent consolidated balance sheet being filed. These statements shall be audited to the date of the most recent related audited consolidated balance sheet being filed.

C. STATEMENTS OF SUBSIDIARIES NOT CONSOLIDATED AND 50 PERCENT OR LESS OWNED PERSONS

6. *Financial Statements of Subsidiaries Not Consolidated and 50 Percent or Less Owned Persons.* (a) Subject to Rule 4-03 [17 CFR 210.4-03] of Regulations S-X [17 CFR Part 210] regarding group financial statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the financial statements which would be required if each such subsidiary or other person were a registrant. Insofar as practicable, these financial statements shall be as of the same dates or for the same periods as those of the registrant.

(b) If it is impracticable to file financial statements of any subsidiary not consolidated or 50 percent or less owned person accounted for by the equity method as of a date within 90 days, or within six months if registrant's financial statements are required to be filed as of a date within six months, prior to the date of filing, there may be filed in lieu thereof audited financial statements of such subsidiary or other person as of the end of its most recent annual or semi-annual fiscal period preceding the date of filing the registration statement for which it is practicable to do so.

7. *Summarized Financial Information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 8.

8. *Omission of Financial Statements Required by Instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

9. *Financial Statements of Affiliates Whose Securities Collateralize an Issue Being Registered.* (a) For each affiliate of the registrant whose securities constitute or are to constitute a substantial portion of the collateral for any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change.)

D. SPECIAL PROVISIONS

10. *Reorganization of Registrant.* (a) If, during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital shares, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change.)

11. *Past Successions to Other Businesses.* (a) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, had major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business or businesses shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (1) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition, they would not be required subsequently. (See Release No. 33-4950 [34 F.R. 4886] with regard to audit requirements for such financial statements.)

(b) (Omitted.)

[(c)] (b) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

12. *Future Successions to Other Businesses.* (a) If, after the date of the most recent balance sheet filed pursuant to Part A or B above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities on Form S-1 [§ 239.11] under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession, and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(b) (No change.)

(c) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary; provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business or for assets of such business.

13. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

14. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are required to be filed as to the accounts of each person whose balance sheet is being filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

15. *Revaluation of Property.* (No change.)

16. *Capital Shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change.)

17. *Debt Discount and Expense Written Off.* (No change.)

18. *Premiums and Discount and Expense on Securities Retired.* (No change.)

19. *Other Changes in Other Stockholders' Equity.* If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 15(c) above shall also apply here.

20. *Predecessors.* (No change.)

21. *Omission of Certain Information.* (a) (No change.)

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for

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which the information is so omitted, considered in the aggregate, would not meet the test of a significant subsidiary.

(c) (No change.)

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 13. (No change.)

14. Copies of the exhibits called for by Instructions 4 and 7 to Item 6.

§ 239.26 [Amended]

III. Section 239.26 (Form S–7). Items 6 and 10 and the Instructions as to exhibits are amended to read as follows:

Item 6. *Statements of Income.* Furnish in comparative columnar form statements of income for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) each of the last fiscal years of the registrant, and

(b) any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed pursuant to Item 10(a) and for the corresponding interim period of the preceding fiscal year, and

(c) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A statement of source and application of funds shall be furnished for each fiscal year or other period for which a statement of income is required to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210] and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S–X 17 [CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph service; or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the most recent balance sheet being filed, in lieu of the income statements for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the statements shall be reconciled as to sales or revenues and net income in the statement or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

4. The statements shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the statement shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

6. If long term debt or preferred stock is being registered, there shall be shown the annual interest requirements of such long term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated. If preferred stock is being registered, there shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required in paragraph 5(a), an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

8. In connection with any unaudited statement for an interim period (or twelve-month period permitted by Instruction 2), a statement shall be made that all adjustments necessary to a fair statement of the results for such period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

9. [8.] (No other change.)

10. Statements of income and source and application of funds conforming with the foregoing and statements of retained earnings and other stockholders' equity shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 10(b).

* * * * *

Item 10. *Other Financial Statements and Schedules.* (a) There shall be filed a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of filing the registration statement. These balance sheets need not be audited, but if they are not audited there shall be filed in addition audited balance sheets as of a date within one year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the end of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S–X. (See Instruction 1 to Item 6.) [17 CFR Part 210]

Instructions. The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the list of financial statements filed.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

(b) [(1)] Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group financial statements and the instructions below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the balance sheets which would be required if each such subsidiary or other person were a registrant.

[(2)] (Paragraph omitted)

Instructions. 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant. If it is impracticable to file a balance sheet of any subsidiary not consolidated or 50 percent or less owned person accounted for by the equity method as of a date within six months

prior to the date of filing, there may be filed in lieu thereof an audited balance sheet of such subsidiary or other person as of the end of the most recent annual or semi-annual fiscal period preceding the date of filing the registration statement for which it is practicable to do so.

2. Notwithstanding paragraph (b) and Instruction 10 of Item 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 10 of Item 6, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in, and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

[(d)] (c) *Past Successions to Other Businesses.* (1) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, had major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business or businesses shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the most recent three fiscal years and the interim period specified in Item 6. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages (determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (i) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition they would not be required subsequently. (See Release No. 33–4950 [34 FR 4868] with regard to audit requirements for such financial statements.)

(2) (Omitted)

[(3)] (2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

[(c)] (d) *Future Successions to Other Businesses.* (1) If, after the date of the most recent balance sheet filed pursuant to (a) above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities on Form S–1 [§ 239.11] under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statements for a pooling of interests or would have been presented on a pro forma basis for a purchase had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(e) Notwithstanding the provisions of Regulation S–X, no schedules other than those prepared in accordance with Rules 12–16, 12–27, 12–42 and 12–43 [17 CFR 210.12–16, 210.12–27, 210.12–42 and 210.12–43] of that regulation need be furnished.

* * * * *

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 5. (No change)

6. Copies of the exhibits called for by Instructions 4 and 7 to Item 6.

§ 239.16b [Amended]

IV. Section 239.16b (Form S–8) General Instruction F; Items 11, 19 and 25; and the instructions as to exhibits are amended to read as follows:

GENERAL INSTRUCTIONS

F. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

* * * * *

Item 11. *Financial Statements of the Plan.* (a) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(1) An audited statement of financial condition as of the end of the latest fiscal year of the plan.

(2) An audited statement of income and changes in plan equity for the latest fiscal year of the plan.

(b) If audited financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

(c) (Deleted)

Instruction. The statements required by this item shall be prepared and audited in accordance with the applicable provisions of Regulation S–X [17 CFR Part 210] and shall be accompanied by the schedules specified in Rule 6–34 [17 CFR 210.6–34] of that Regulation [17 CFR Part 210].

NOTE: (No change.)

* * * * *

Item 19. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the issuer for—

(a) each of the last five fiscal years of the issuer (or for the life of the issuer and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. Statements of source and application of funds and of retained earnings and other stockholders' equity accounts shall be furnished for each of the last two fiscal years covered by the summary. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X and shall be audited. If the issuer includes in its annual report filed pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 financial statements of the issuer and its subsidiaries consolidated, the summary and statements required by this item shall be prepared on a consolidated basis.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss.

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2. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The issuer shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (No change)

5. If the annual report of the issuer which accompanies the prospectus includes a summary of operations or statements of source and application of funds, retained earnings or other stockholders' equity substantially meeting the above requirements, such summary or statements may be incorporated by reference in the prospectus.

* * * * * *

Item 25. *Financial Statements.* (a) Include the audited financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report audited financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

(b) If the annual report of the issuer to its security holders for its last fiscal year includes audited financial statements for the last two fiscal years substantially meeting the above requirements, such statements may be incorporated by reference in the prospectus.

* * * * * *

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 7. (No change.)

8. A copy of the exhibit called for by Instruction 3 of Item 19.

§ 239.22 [Amended]

V. Section 239.22 (Form S–9). General Instruction A, Items 3 and 5, and the Instructions as to Exhibits are amended to read as follows:

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form S–9.* (a) (1), (2) and (3) (No change.)

(a) (4) If the issuer has had fixed charges during any of its last five fiscal years or any more recently-ended twelve-month period reported in the registration statement, then (i) the earnings of the issuer after all operating and income deductions except fixed charges and taxes based on income or profits after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons, have been at least three times its fixed charges in the case of utilities, or ten times its fixed charges in the case of any other issuer, for each such fiscal year and such twelve-month period, and (ii) for the last fiscal year or twelve-month period so reported, such earnings have been at least three times its fixed charges in the case of utilities, or ten times its fixed charges in the case of any other issuer, for each such fiscal year and such twelve-month period, and (ii) for the last fiscal year or twelve-month period so reported, such earnings have been at least three times its fixed charges in the case of utilities, or six times its fixed charges in the case of the other issuer, for such period, adjusted to give effect to (A) the issuance of securities being registered, (B) any issuance, retirement or redemption of securities during or after such period, or (C) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(a) (5), (6) and (7) (No change.)

(b) (No change.)

(c) (1) (No change.)

(c) (2) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness, (ii) such portion of rentals as can be demonstrated as representative of the interest factor in the circumstances of a particular case, and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) (No change.)

* * * * * *

Item 3. *Statements of Income.* (a) Furnish in comparative columnar form statements of income for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(1) each of the last five fiscal years of the registrant, and

(2) any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed pursuant to Item 5(a) and for the corresponding interim period of the preceding fiscal year, and

(3) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A statement of source and application of funds shall be furnished for each fiscal year or other period for which a statement of income is requested to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X, [17 CFR and Part 210] shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulations S–X [17 CFR, and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S–X Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water or the furnishing of telephone or telegraph service; or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the most recent balance sheet being filed, in lieu of the income statements for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the statements shall be reconciled as to sales or revenues and net income, in the summary or in a note thereto, with the amounts originally reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

4. (a) The registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) (No change.)

5. In connection with any unaudited statement for an interim period (or twelve-month period permitted by Instruction 2), a statement shall be made that all adjustments necessary to a fair statement of the results for such period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

6. (No change.)

7. Statements of income and source and application of funds conforming with the foregoing and statements of retained earnings and other stockholders equity shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 5(b).

(b) (No change.)

(c) (No change.)

* * * * * *

Item 5. *Balance Sheets and Schedules.* (a) There shall be filed a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of filing the registration statement. These balance sheets need not be audited but, if they are not audited there shall be filed in addition audited balance sheets as of a date within one year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210]. (See Instruction 1 to Item 3.)

Instructions. The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the list of financial statements filed under Item 9.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

(b) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group financial statements and the instructions below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the balance sheets which would be required if each such subsidiary or other person were a registrant.

Instructions. 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant. If it is impracticable to file a balance sheet of any subsidiary not consolidated or 50 percent or less owned person accounted for by the equity method as of a date within six months prior to the date of filing, there may be filed in lieu thereof an audited balance sheet of such subsidiary or other person as of the end of the most recent annual or semi-annual fiscal period preceding the date of filing the registration statement for which it is practical to do so.

2. Notwithstanding paragraph (b) and Instruction 7 of Item 3, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 7 of Item 3, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

(c) *Past Successions to Other Businesses.*

(1) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, has major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the most recent three fiscal years and the interim period specified in Item 3. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages (determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (i) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition, they would not be required subsequently. (See Release No. 33–4950 [34 FR 4886] with regard to audit requirements for such financial statements.)

(2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(d) *Future Successions to Other Businesses.* (1) If, after the date of the most recent balance sheet filed pursuant to (a) above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses' financial statements, combined if appropriate, which would be required if they were registering securities on Form S–1 [§ 239.11] under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase, had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary; provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business or for assets of such business.

[(c)] (e) Notwithstanding the provisions of Regulation S–X [17 CFR Part 210], no schedules other than those prepared in accordance with Rules 12–16, 12–27, 12–42 and 12–43 [17 CFR 210.12–16, 210.17–27, 210.12–42 and 210.12–43] of that regulation need be furnished.

* * * * * *

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 5. (No change.)

6. A copy of the exhibit called for by Instruction 4(d) to Item 3.

§ 239.18 [Amended]

VI. Section 239.18 (Form S–11). Items 6 and 26, the Instructions as to Financial Statements and the Instructions as to Exhibits are amended to read as follows:

Item 6. Summary of Operations. (a) Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(1) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(2) any interim period between the end of the most recent fiscal year and the date

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of the most recent balance sheet being filed and for the corresponding interim period of the preceding fiscal year, and

(3) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: rental income; mortgage interest income; management fees; operating expenses; real estate taxes; depreciation; interest expense; other income; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items and realized gain or loss on sales of properties and investments; realized gain or loss on sales of properties and investments, less applicable tax; income before extraordinary items; extraordinary items, less applicable tax; cumulative effect of changes in accounting principles; and net income or loss. See Item 26(b).

2. In connection with any unaudited summary for an interim period, a statement shall be made that all adjustments necessary to a fair presentation of the results for such interim period have been made. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished, as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the statement shall be reconciled as to revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retoractively adjusted have not previously been filed with the Commission or otherwise made public.

4. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and distributions for each period of the summary shall also be shown. The basis of the computation of per share earnings and the status for Federal income tax purposes shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

5. (a) If a debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges, for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 F.R. 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

6. If long-term debt or preferred stock is being registered, there shall be shown the annual interest requirements of such long-term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated. If preferred stock is being registered, there shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required in paragraph 5(a), an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

8. [7.] (No other change.)

(b) If, during the period for which income statements are required, the registrant (i) was organized to acquire and hold primarily for investment one specific property or group of properties, or (ii) has acquired one or more properties which in the aggregate are significant, or (iii) since the date of the latest balance sheet required has acquired one or more properties which in the aggregate are significant, the following shall be furnished with respect to such properties in addition to any summary of operations required by paragraph (a):

(1) An historical summary of operations, for the period specified in paragraph (a), which shall exclude items not comparable to the proposed future operation of the property, such as mortgage interest, leasehold rental, depreciation, corporate expenses and Federal and state income taxes. Earnings per unit shall not be given in this summary. The three most recent fiscal years of this summary shall be audited.

(2) (No change.)

(3) If appropriate under the circumstances, there shall be given in tabular form for a limited number of years the estimated cash distribution per unit showing the portion thereof reportable as taxable income and the portion representing a return of capital together with an explanation of annual variations, if any. If taxable net income per unit will become greater than the cash available for distribution per unit, that fact and the approximate year of occurrence shall be stated, if significant.

* * * * *

Item 26. *Financial Statements.* Include in the prospectus all financial statements called for by the Instructions as to Financial Statements for this form, except as provided in paragraphs (a) and (b) below.

(a) All schedulues to balance sheets and income statements may be omitted from the prospectus, except those prepared in accordance with Instruction 4 of the Instructions as to Financial Statements herein and the requirements under Rule 5-04 [17 CFR 210.5-04] of Regulation S-X [17 CFR Part 210] for schedules designated XVI, XVII, XVIII and XIX which are applicable to the balance sheets and income statements included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements in Form S-1 [17 CFR 239.11] may also be omitted from the prospectus.

(b) If the statements of income and expenses and realized gain or loss on investments or the related statements of other stockholders' equity are included in their entirety in lieu of the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. The balance sheets, income statements and the schedules shall be prepared in accordance with the applicable requirements of Article 5 [17 CFR 210.5-01—210.5-04] of Regulation S-X [17 CFR Part 210] except as otherwise provided in the special provisions hereunder. Item 26 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411(b)] regarding incorporation by reference of financial statements and to Section 10(a)(3) of the Act and Release No. 4936 [33 FR 18617] regarding updating the financial statements in specified circumstances.

A. GENERAL PROVISIONS

1. The financial statements filed as a part of a registration statement on this form shall be in accordance with the requirements of Form S-1 [17 CFR 239.11].

B. SPECIAL PROVISION AS TO REAL ESTATE INVESTMENT TRUSTS

2. In lieu of the income statements required by Rule 5-03 [17 CFR 210.5-03] of Regulation S-X [17 CFR Part 210] there shall be filed statements of income and expense and statements of realized gain or loss on investments which shall generally conform with the requirements of Rules 6-04 and 6-05 [17 CFR 210.6-04 and 210.6-05] of Regulation S-X [17 CFR Part 210]. In place of the balance sheet caption prescribed by Rule 5-02-39(a)(3) [17 CFR 210.5-02-39(a)(3)] of Regulation S-X there shall be shown separately (a) the balance of undistributed net income and (b) accumulated net realized gain or loss on investments, and the statements of other stockholders' equity shall generally conform to the requirements of Rule 6-07 [17 CFR 210.6-07] of Regulation S-X [17 CFR Part 210]. The trust's status as a "real estate investment trust" under applicable provisions of the Internal Revenue Code as amended shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the trust has relied in making or not making provisions for Federal income taxes.

C. SPECIAL PROVISIONS AS TO SCHEDULES

3. *Schedules Required to be Filed.* Except as provided in Instruction 4 below, the schedules specified by Rule 5-04 [17 CFR 210.5-04] of Regulation S-X [17 CFR Part 210] shall be filed.

4. *Marketable Securities—Other Security Investments (Schedule I).* In lieu of the Schedule of Marketable Securities—Other Security Investments as prescribed by Rule 12-02 [17 CFR 210.12-02] required under Schedule I there shall be filed a schedule in accordance with that prescribed by Rule 12-19. [17 CFR 210.12-19]

5. 6 and 7 (Omitted)

[8] 5. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

INSTRUCTIONS AS TO EXHIBIT

Introductory sentences and Instructions 1 to 12. (No change.)

13. Copies of the exhibits called for by Instructions 4 and 7 to Item 6.

* * * * *

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

§ 249.10 [Amended]

VII. Section 249.10 (Form 10). Item 2, the Instructions as to Financial Statements and the Instructions as to Exhibits are amended to read as follows:

Item 2. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the registration statement.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss.

2. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall be also shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (a) If debt securities are being registered, the registrant may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]).

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) (No change.)

5. (No change.)

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the registration statement. Regulation S-X governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Attention is directed to Rules 12b-23 and 12b-36 [17 CFR 240.12b-23 and 240.12b-36].

If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 2, the statements so included need not be included elsewhere in the registration statement.

A. STATEMENTS OF THE REGISTRANT

1. *Balance Sheets of the Registrant.* (a) The registrant shall file an audited balance sheet as of the end of its most recent fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case the balance sheet may be as of the end of the preceding fiscal year.

(b) If the most recent fiscal year of the registrant has ended within 90 days prior to the date of filing the registration statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 90 days after the date of the most recent fiscal year, an audited balance sheet of the registrant as of the end of the most recent fiscal year.

2. *Statements of Income and Source and Application of Funds of the Registrant.* (a) The registrant shall file audited statements of income and source and application of funds for each of the three fiscal years preceding the date of the balance sheet required by Instruction 1(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 1(b) audited statements of income and source and application of funds of the registrant for the fiscal year immediately preceding the date of the balance sheet.

3. *Omission of Registrant's Statements in Certain Cases.* Notwithstanding Instructions 1 and 2, the individual financial statements of the registrant may be omitted if (i) consolidated financial statements of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the list of financial statements filed under Item 18.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

B. CONSOLIDATED STATEMENTS

4. *Consolidated Balance Sheets.* (a) There shall be filed and audited consolidated balance sheet of the registrant and its subsidiaries as of the end of the most recent fiscal year of the registrant, unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case this balance sheet may be as of the end of the preceding fiscal year.

(b) If the most recent fiscal year of the registrant has ended within 90 days prior to the date of filing the registration statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 90 days after the end of registrant's fiscal year, an audited consolidated balance sheet of the registrant and its subsidiaries as of the end of the last fiscal year.

5. *Consolidated Statements of Income and Source and Application of Funds.* (a) There

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shall be filed audited consolidated statements of income and source and application of funds of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the consolidated balance sheet required by Instruction 4(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 4(b) audited consolidated statements of income and source and application of funds of the registrant and its subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

C. STATEMENTS OF SUBSIDIARIES NOT CONSOLIDATED AND 50 PERCENT OR LESS OWNED PERSONS

6. *Financial Statements of Subsidiaries not Consolidated and 50 Percent or Less Owned Persons.* (a) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group financial statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the financial statements which would be required if each such subsidiary or other person were a registrant.

(b) If the fiscal year of any subsidiary not consolidated or 50 percent or less owned person ends within 90 days before the date of filing the registration statement, or after the date of filing, the statements required by paragraph (a) may be filed as an amendment to the registration statement within 90 days after the end of such subsidiary's or other person's fiscal year.

7. *Summarized Financial Information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 8.

8. *Omission of Statements Required by Instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (a) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (b) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (c) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

9. *Financial Statements of Affiliates Whose Securities Collateralize an Issue Being Registered.* (a) For each affiliate of the registrant whose securities constitute or are to constitute a substantial portion of the collateral for any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change.)

D. SPECIAL PROVISIONS

10. *Reorganization of Registrant.* (a) If during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital shares, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change.)

11. *Past Successions to Other Businesses.* (a) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, had major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business or businesses shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages (determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (i) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition they would not be required subsequently. (See Release No. 33–4950 [34 FR 4886] with regard to audit requirements for such financial statements.)

(b) (Omitted)

[(c)] (b) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

12. *Future Successions to Other Businesses.* (a) If, after the date of the most recent balance sheet filed pursuant to Part A or B above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase, had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(b) (No change.)

(c) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary; provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business or for assets of the business.

13. *Statements of Banks and Life-Insurance Companies.* Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1974 need not be audited.

14. *Registrant Not in the Production Stage.* Notwithstanding the foregoing instructions, if [17 CFR 210.5A–1] the registrant falls within the terms of paragraph (b) or (c) of Rule 5A–01 of Regulation S–X [17 CFR Part 210], the following statements, all of which shall be audited, shall be filed for the registrant and each of its significant subsidiaries, if any:

(a), (b) and (c) (No change.)

15. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

16. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are required to be filed as to the accounts of each person whose balance sheet is being filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

17. *Revaluation of Property.* (No change.)

18. *Capital Shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change.)

19. *Debt Discount and Expense Written Off.* (No change.)

20. *Premiums and Discount and Expense on Securities Retired.* (No change.)

21. *Other Changes in Other Stockholders' Equity.* If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account or the declaration of payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof, and (3) the accounts affected, including all material related entries. Instruction 17(c) above shall also apply here.

22. *Predecessors.* (No change.)

23. *Omission of Certain Information.* (a) (No change.)

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate, would not meet the test of a significant subsidiary.

(c) (No change.)

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 10. (No change.)

11. Copies of the exhibits called for by Instructions 3 and 4(d) of Item 2.

§ 249.12 [Amended]

VIII. Section 249.12 (Form 12) The Instructions as to Exhibits are amended to read as follows.

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 6. (No change.)

7. If the registrant files annual reports with the Federal Power Commission, furnish copies of the following reports and statements:

(a) (No change.)

(b) the registrant's annual report to stockholders for each of its last three fiscal years (copies of such reports filed with manually signed copies of the registration statement shall contain manually signed reports of the independent accountant or accountants);

(c) (No change.)

(d) for each other majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements required for such subsidiary and 50 percent or less owned persons by the form otherwise appropriate for registration of securities of the registrant in lieu of Form 12.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons accounted for by the equity method may be omitted, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statements; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

8. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, furnish copies of the following reports and statements:

(a), (b), and (c) (No change.)

(d) for each majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b) or (c) above, the financial statements (which need not be audited) required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for registration of securities of the registrant in lieu of Form 12 [17 CFR 249.212].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted pursuant to the criteria for omission specified in Instruction 7.

9. (No change.)

§ 249.308 [Amended]

IX. Section 249.308 (Form 8–K). Item 2 and Financial Statements of Business Acquired are amended to read as follows.

Item 2. *Acquisition or Disposition of Assets.* If the registrant or any of its majority-owned subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, furnish the following information:

(a) (No change.)

(b) (No change.)

Instructions. 1. No information need be given as to (i) any transaction between any person and any wholly-owned subsidiary of such person; i.e., a subsidiary substantially all of whose outstanding voting shares are owned by such person and/or its other wholly-owned subsidiaries; (ii) any transaction between two or more wholly-owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the issuer of such securities.

2. (No change.)

3. (No change.)

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the registrant's and its other subsidiaries' equity in the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 10 percent of the total assets of the registrant and its consolidated subsidiaries, (ii) if it involved the succession to or disposition of a business which would meet the test of a significant subsidiary, or (iii) if it involved the acquisition or disposition of an interest in a business which would meet the test of a significant subsidiary and would be required to be accounted for by the equity method.

5. (No change.)

6. (No change.)

* * * * * *

FINANCIAL STATEMENTS OF BUSINESSES ACQUIRED

1. *Businesses for Which Statements are Required.* The financial statements specified below shall be filed for any business the succession to which or the acquisition of an interest in which is required to be described in answer to Item 2 above.

2. *Statements Required.* (a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. This balance sheet need not be audited, but if it is not audited there shall also be filed an audited balance sheet as of the close of the preceding fiscal year.

(b) Income and source and application of funds statements of the business shall be filed for each of the last three full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These income and source and application of funds statements shall be audited up to the date of the audited balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be audited. In such case, the income and source and application of funds statements required shall be audited to the close of the latest full fiscal year.

(d) (No change.)

3. *Application of Regulation S–X* [17 CFR Part 210]. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of the statements required by the preceding instruction, including the basis of consolidation, and prescribes the statements of other stockholders' equity to be filed. No supporting schedules need be filed.

4. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

§ 249.310 [Amended]

X. Section 249.310 (Form 10–K). Item 2 and the Instructions as to Financial Statements are amended to read as follows.

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Item 2. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated; or both, as appropriate, for—

(a) each of the last five fiscal years of registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the report.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss.

2. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported, provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (a) If debt securities are registered under Section 12 of the Act, the registrant may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]).

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owed persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) (No change.)

5. Describe any change in accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices, which materially affected the financial statements being filed with the Commission for the fiscal year covered by the report or which is reasonably certain to affect the financial statements of future fiscal years. State the date of the change and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall be filed as an exhibit unless previously filed.

6. (No change.)

* * * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the annual report. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Attention is directed to Rules 12b–23 and 12b–36 [17 CFR 240.12b–23 and 230.12b–36]. (See Release 34–9083 [36 FR 4483].)

If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 2, the statements so included need not be otherwise included in the annual report.

1. *Statements of the Registrant.* (a) There shall be filed for the registrant, in comparative columnar form, audited balance sheets as of the end of the last two fiscal years and audited statements of income and source and application of funds for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the registrant may be omitted if (1) consolidated financial statements of the registrant and one or more of its subsidiaries are being filed, (2) the conditions specified in either of the following paragraphs are met, and (3) the basis for the omission is stated in the list of financial statements filed under Item 10.

(i) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(ii) The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement, for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statements.

2. *Consolidated Statements.* There shall be filed for the registrant and its subsidiaries, in comparative columnar form, audited consolidated balance sheets as of the end of the last two fiscal years of the registrant and audited consolidated statements of income and source and application of funds for such fiscal years.

3. *Financial Statements of Subsidiaries not Consolidated and 50 Percent or Less Owned Persons.* (a) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group financial statements and Instructions 4 and 5 below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant, the financial statements which would be required if each such subsidiary or other person were a registrant.

(b) If the fiscal year of any subsidiary not consolidated or 50 percent or less owned person ends within 90 days before the date of filing the annual report, or after the date of filing, the financial statements required by paragraph (a) may be filed as an amendment to the report within 90 days after the end of such subsidiary's or other person's fiscal year.

4. *Summarized Financial Information.* Notwithstanding Instruction 3, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 5.

5. *Omission of Financial Statements Required by Instruction 3.* Notwithstanding Instructions 3 and 4, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (a) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent consolidated balance sheet; (b) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (c) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

6. *Financial Statements of Affiliates whose Securities are Pledged as Collateral.* (No other change.)

7. *Statements of Banks and Life Insurance Companies.* Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1974 need not be audited.

8. *Registrants Not in the Production Stage.* (a) Notwithstanding the foregoing instructions, if the registrant falls within the terms of paragraph (b) or (c) of Rule 5A–01 [17 CFR 210.5A–01] of Regulation S–X [17 CFR Part 210], the following statements, all of which shall be audited except as provided in (b) below, shall be filed for the registrant and each of its significant subsidiaries, if any:

(i) The statements specified in Rules 5A–02, 5A–03, 5A–04, 5A–05 and 5A–07 [17 CFR 210.5A–02, 210.5A–03, 210.5A–04, 210.5A–05 and 210.5A–07] shall be filed in comparative columnar form, as of the end of the last two fiscal years; and

(ii) The statements of cash receipts and disbursements specified in Rule 5A–06 [17 CFR 210.5A–06] shall be filed, in comparative columnar form, for such fiscal years.

(b) The financial statements prescribed in (a) above need not be audited if all of the following conditions are met by the registrant and each of its significant subsidiaries, if any:

(i), (ii), (iii) and (iv) (No change.)

(v) No exchange upon which the shares are listed, or governmental authority having jurisdiction, requires the furnishing to it, or the publication of, audited financial statements.

9. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

§ 249.311 [Amended]

XI. Section 249.311 (Form 11–K). The Instructions as to Financial Statements are amended to read as follows.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

Furnish an audited statement of financial condition of the plan as of the end of the last fiscal year of the plan and an audited statement of income and changes in plan equity of the plan for the fiscal year. These statements shall be prepared and audited in accordance with the applicable provisions of Regulation S–X [17 CFR Part 210] and shall be accompanied by the schedules specified in Rule 6–34 [17 CFR 210.6–34] of that regulation [17 CFR Part 210].

§ 249.312 [Amended]

XII. Section 249.312 (Form 12–K). The Instructions as to Exhibits are amended to read as follows.

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 3. (No change.)

4. If the registrant files annual reports with the Federal Power Commission, the following reports and statements shall be filed:

(a) (No change.)

(b) The registrant's annual report to stockholders for its last fiscal year (copies of such report filed with manually signed copies of the report on this form shall contain manually signed reports of the independent accountant or accountants);

(c) (No change.)

(d) For each other majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for an annual report by the registrant to the Securities and Exchange Commission in lieu of Form 12–K [17 CFR 249.312].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons accounted for by the equity method may be omitted, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

5. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, the following reports and statements shall be filed:

(a), (b) and (c) (No change.)

(d) For each majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a); (b) or (c) above, the financial statements (which need not be audited) required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for an annual report by the registrant to the Securities and Exchange Commission in lieu of Form 12–K [17 CFR 249.312].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted pursuant to the criteria for omission specified in Instruction 4.

6. (No change.)

7. A statement shall be filed describing any change in accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices which materially affected the financial statements being filed with the Commission pursuant to Instruction 4 or 5 for the fiscal year covered by the report or which is reasonably certain to materially affect the financial statements of future fiscal years. State the date of the change and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall be filed as a part of the exhibit unless previously filed.

* * * * * *

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 259.5s [Amended]

XIII. Section 259.5s (Form U5S). The Instructions as to Financial Statements are amended to read as follows.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. Consolidating Statements.

(a) There shall be filed for each registered holding company in the system a consolidating balance sheet as of the end of the calendar year and consolidating statements of income, source and applications of funds, and retained earnings and other stockholders' equity for the calendar year. These consolidating statements shall set forth the individual statements of the parent company and each subsidiary included in the consolidation as well as the elimination adjustments and the consolidated statements. Where any holding company system includes more than one registered holding company, separate consolidating statements shall be filed for each subsidiary registered holding company and its subsidiaries; and, if such subsidiary holding company is included in consolidation with its parent, the consolidated statements of such subsidiary holding company shall be shown in the consolidating statements of the top registered holding company.

(b) Consolidating statements [17 CFR Part 210] shall be prepared in accordance with the requirements of Regulation S–X which governs the examination and the form and content and the basis of consolidation of the financial statements and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. The individual corporate and consolidated statements, included in the consolidating statements, of the top registered holding company and of each other system company filing this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 shall be audited in accordance with Regulation S–X [17 CFR Part 210]. Separate notes supporting individual statements of a system company may be omitted if the required information is separately set forth in the notes supporting the consolidated statements of its parents. Such notes may also be omitted, except in the case of a system company filing this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, if all companies for which notes are omitted pursuant to this sentence, considered in the aggregate as a single company, would not constitute a significant subsidiary (as defined in Regulation S–X [17 CFR Part 210]) of the top registered holding company. If any financial statement required to be audited or supported by notes herein has been filed with the Commission in audited form pursuant to any act administered by it, the requirements of this form as to such audit or as to such supporting notes may be satisfied by incorporating such statement by reference, provided the written consent of the independent accountant to such incorporation is filed as a part of this report.

(c) For the purposes of this form, however, only the following schedules specified in Rule 5–04 [17 CFR 210.5–04] of Regula-

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tion S–X [17 CFR part 210] need be filed, to the extent required by that regulation:

(i) In support of the corporate and consolidated financial statements (included in such consolidating statements) of the top registered holding company, all required schedules except Schedules II, III, IV, X, XVII, and XVIII; and

(ii) In support of the financial statements (included in such consolidating statements) of each subsidiary company, which files this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, all required schedules, except Schedules II, III, IV, X, XVII, and XVIII; provided that any schedule of a subsidiary company may be omitted if the information required is set forth separately in the consolidated schedules of its parent or elsewhere in the financial statements or in the answers to any of the items of the form.

The schedules shall be examined by the independent accountant. Any required schedule may be incorporated by reference to any prior filing under any act administered by the Commission; provided that at least one copy of such prior filing has been filed with, or is simultaneously filed with, each securities exchange on which any security of the particular system company is listed and registered; and provided further that the written consent of the accountant to such incorporation is filed as part of this report. If the information required in any schedule of any system company is contained in any schedule or schedules of such company's report to the Federal Power Commission, duplicates of such schedules with appropriate references may be used to satisfy the requirements of this form.

(d) (No change.)

(e) The elimination adjustments supporting each consolidating statement shall be in detail (not net) showing the adjustments pertaining to each company included in the consolidation and shall be accompanied by an explanation in sufficient detail to reveal clearly the nature of each such adjustment.

2. Other Statements. Comparable corporate statements shall be filed for any subsidiary company in the holding company system not included in the consolidating statements required above. Such corporate statements need not be prepared and audited in accordance with the requirements of Regulation S–X [17 CFR Part 210] except where the company is a significant subsidiary and a majority-owned subsidiary as defined in Regulation S–X [17 CFR Part 210].

[FR Doc.74–11711 Filed 5–21–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–157]

PART 153—ANTIDUMPING

Potassium Chloride From Canada

MAY 15, 1974.

On January 9, 1974, there was published in the FEDERAL REGISTER (39 FR 1471) a notice of tentative determination to modify or revoke dumping finding with respect to potassium chloride, otherwise known as muriate of potash, from Canada. A finding of dumping applicable to this merchandise was published as T.D. 69–265, in the FEDERAL REGISTER of December 19, 1969 (34 FR 19904).

The above-mentioned notice set forth the reasons for the proposed modification, and interested parties were afforded an opportunity to make written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding," potassium chloride, otherwise known as muriate of potash, from Canada is no longer being, nor is it likely to be, sold in the United States at less than fair value by Kalium Chemicals, Limited; Potash Company of Canada, Limited; Potash Company of America; International Minerals and Chemical Corporation; and CF Industries, Inc., and the finding of dumping with respect to such merchandise is hereby modified to exclude shipments by these companies. Accordingly, § 153.43 of the Customs Regulations is amended to show the exclusion of potassium chloride produced and sold by these five companies from the finding of dumping:

§ 153.43 List of current findings.

• • • • • •

Merchandise	Country	T.D.	Modified by
Potassium chloride, otherwise known as muriate of potash, except that produced and sold by U. S. Borax & Chemical Co., Kalium, Saskatchewan, Canada; Kalium Chemicals, Limited, Regina, Saskatchewan, Canada; Potash Company of Canada, Limited, Lanigan, Saskatchewan, Canada; Potash Company of America, Saskatoon, Saskatchewan, Canada; International Minerals and Chemical Corporation, Libertyville, Illinois, U.S.A.; and CF Industries, Inc., Chicago, Illinois, U.S.A.	Canada.....	69–265	74–157

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[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–11659 Filed 5–21–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Components of Paper and Paperboard in Contact With Aqueous and Fatty Foods

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4B2937) filed by Kelco Co., 8355 Aero Drive, San Diego, CA 92123, and other relevant material, concludes that § 121.2526 (21 CFR 121.2526) of the food additive regulations should be amended as set forth below to provide for safe use of xanthan gum as a suspension aid or stabilizer in the manufacture of paper and paperboard intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120, § 121.2526(a)(5) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

• • • • • •

(a) • • •

(5) • • •

List of substances	*Limitations*
• • •	• •
Xanthan gum, conforming to the identity and specifications prescribed in § 121.1224, except that the residual isopropyl alcohol shall not exceed 6,000 parts per million.	For use only at a maximum level of 0.125 percent by weight of finished paper as a suspension aid or stabilizer for aqueous pigment slurries employed in the manufacture of paper and paperboard.
• • •	• •

Any person who will be adversely affected by the foregoing order may at any time on or before June 21, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective May 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: May 15, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11686 Filed 5–21–74;8:45 am]

PART 121—FOOD ADDITIVES

Silmicides

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3H2894) filed by Nopco Chemical Division, Diamond Shamrock Chemical Co., Diamond Shamrock Corp., 350 Mt. Kemble Ave., P.O. Box 2384R, Morristown, N.J. 07960, and other relevant material concludes that the food additive regulations should be amended, as set forth below, to provide for safe use of 3,3,4,4 - tetrachlorotetrahydrothiophene 1,1-dioxide as an antimicrobial agent to control slime in the production of paper and paperboard intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2505(c) is amended by alphabetically inserting a new item in the list of substance as follows:

§ 121.2505 Slimicides.

• • • • • •

(c) • • •

List of substances	*Limitations*
• • •	• •
3,3,4,4 - Tetrachlorotetrahydrothiophene 1,1-dioxide.	• • •
• • •	• •

Any person who will be adversely affected by the foregoing order may at any time on or before June 21, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective May 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1).)

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11687 Filed 5–21–74;8:45 am]

PART 121—FOOD ADDITIVES

Styrene Block Polymers

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 3B2889) filed by Shell Chemical Co., 1700 K St., NW., Washington, D.C. 20006, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, (1) to provide for the safe use of styrene block polymers with 2-methyl-1,3-butadiene as articles or as components of articles intended for use in contact with food and, (2) to incorporate under the general category of styrene block polymers, the subject item together with styrene block polymers with 1,3-butadiene provided for under § 121.2622 (21 CFR 121.2622).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart F by revising § 121.2622 to read as follows:

§ 121.2622 Styrene block polymers.

The styrene block polymers identified in paragraph (a) of this section may be safely used as articles or as components of articles intended for use in contact with food, subject to provisions of this section.

Styrene block polymers	Molecular weight (minimum)	Solubility	Glass transition points	Maximum extractable fraction in distilled water at specified temperatures, times and thicknesses	Maximum extractable fraction in 50 percent ethanol at specified temperatures, times and thicknesses
1. Styrene block polymers with 1,3-butadiene; for use as articles or as components of articles that contact food of types I, II, IV–B, VI, VII–B, and VIII identified in Table 1 in §121.2526(c) under conditions of use D, E, F, and G described in Table 2 in 121.2526(c).	29,000	Completely soluble in toluene.	−26° C. to −80° C. and 92° C. to 98° C.	0.025 milligram per square inch of surface at reflux temperature for 30 minutes on a 0.075 inch thick sample.	0.005 milligram per square inch of surface at 150° F. for 2 hours on a 0.075 inch thick sample.
2. Styrene block polymers with 2-methyl-1,3-butadiene; for use as articles or as components of articles that contact food of types I, II, IV–B, VI, VII–B and VIII identified in Table 1 in §121.2526(c) under conditions of use D, E, F, and G described in Table 2 in §121.2526(c).	29,000	Completely soluble in toluene.	−52° C. to −47° C. and 92° C. and 98° C.	0.01 milligram per square inch of surface at reflux temperature for 2 hours on a 0.025 inch thick sample.	0.01 milligram per square inch of surface at 150° F. for 2 hours on a 0.025 inch thick sample.

(a) For the purpose of this section, styrene block polymers are basic polymers manufactured as described in this paragraph, so that the finished polymers meet the specifications prescribed in paragraph (b) of this section, when tested by the methods described in paragraph (c) of this section.

(1) Styrene block polymers with 1,3-butadiene are those produced by the catalytic solution polymerization of styrene and 1,3-butadiene.

(2) Styrene block polymers with 2-methyl-1,3-butadiene are those produced by the catalytic solution polymerization of styrene and 2-methyl-1,3-butadiene.

(b) Specifications:

(c) The analytical methods for determining whether styrene block polymers conform to the specifications prescribed in this section are as follows and are applicable to the finished polymer.

(1) *Molecular weight.* Molecular weight shall be determined by intrinsic viscosity (or other suitable method).

(2) *Glass transition points.* The glass transition points shall be determined by ASTM Method D2236–70[1] modified by using a forced resonant vibration instead of a fixed vibration and by using frequencies of 25 to 40 cycles per second instead of 0.1 to 10 cycles per second.

(3) *Maximum extractable fractions in distilled water and 50 percent ethanol.* The maximum extractable fractions in distilled water and 50 percent ethanol shall be determined in accordance with § 121.2526(d)(3) using a sandwich form of the finished copolymer of the specified thickness and for the time and temperature specified in paragraph (b) of this section.

[1] Copies may be obtained from: American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(d) The provisions of this section are not applicable to butadiene-styrene copolymers listed in other sections of this subpart.

Any person who will be adversely affected by the foregoing order may at any time on or before June 21, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office

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during working hours, Monday through Friday.

Effective date. This order shall become effective on May 22, 1974

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

NOTE: Incorporation by reference provisions approved by the Director of the Office of the FEDERAL REGISTER April 29, 1974.

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-11688 Filed 5-21-74;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Modification of Certain Rules Concerning Procurement Procedures

Part 201 of Chapter II, Title 22 (A.I.D. Reg. 1) is amended as follows:

1. In the table of contents the reference to § 201.23 is amended to read: "§ 201.23 Negotiated Procurement Procedures"; the reference to § 201.24 is revised to read: "§ 201.24 [reserved]"; and the reference to Appendix B is revised to read "Appendix B [Reserved]."

2. Section 201.22 is revised to read as follows:

§ 201.22 Formal competitive bid procedures.

If the implementing document requires, or if the importer elects procurement through the formal competitive procedures set forth in this section, then except as paragraphs (f) or (g) of this section may apply, the following minimum requirements shall be applicable:

(a) *Contents of the invitation for bids.* Every invitation for bids and every attachment or amendment to an invitation shall be in the English language. The invitation shall contain the following:

(1) *Statement of requirements.* The invitation shall state specifically that the formal competitive bid procedures set forth in this § 201.22 apply. The terms and conditions which apply to the procurement shall be clearly indicated, including any factors other than price to be used in evaluation. Commodity specifications shall be stated in terms of U.S. standards, in a non-restrictive manner, and in sufficient detail to permit maximum response from prospective suppliers.

(2) *Statement regarding submission of bids.* Invitations for bids shall state the applicable invitation number, the address to which bids are to be sent, the closing hour and date for submission and the date, hour, and place for public opening of bids. If additional drawings, details, regulations or forms are necessary for bidding, the invitation shall state where such material may be obtained.

(3) *Statement regarding this Part 201.* The invitation for bids shall expressly indicate the extent to which any resulting contract is subject to the requirements of this Part 201.

(4) *Statement regarding late bids.* The invitation for bids shall state that no bid received at the address designated in the invitation after closing hour and date for submission will be considered for award unless its late arrival at that address is attributable to mishandling of the bid documents by the purchaser or any of his agents directly associated with receiving or processing bids. In no case will the purchaser consider a bid which was not received at the place of public opening before the award was made.

(b) *Advertising the invitation for bids.* The importer shall comply with the minimum notification requirements set forth in this paragraph (b). He may also take any further steps to notify prospective suppliers which are consistent with prudent procurement.

(1) *Submission to A.I.D.* Three copies of the invitation for bids must be sent to A.I.D., Small Business Office, Washington, D.C. 20523, and a number of copies which is adequate in relation to the probable number of interested suppliers shall be made available in eligible source countries at suitable places designated by the borrower/grantee and agreed to by A.I.D. Invitations must be available to prospective suppliers free of charge, unless otherwise authorized by the Small Business Office, AID/W. All copies must be accompanied by a complete set of any additional drawings, details, applicable government regulations, and other pertinent data necessary to the preparation of bids, or make reference to such additional documents as are readily available to the public or are available for public inspection.

(2) *Time of submission.* Copies of the invitation for bids must be furnished sufficiently in advance of the bid-closing date to permit adequate preparation of bids. Unless a longer period is prescribed by the Small Business Office, AID/W, or upon application of the importer a lesser period is authorized by such Office, the required copies shall be sent so as to arrive in the Small Business Office, AID/W, at least 45 days in advance of the bid-closing date.

(3) *Resubmission of invitation for bids to A.I.D.* A.I.D. may require the revision and resubmission to A.I.D. of any invitation for bids which does not comply with the requirements of this § 201.22. In such cases the importer shall effect changes necessary to assure compliance with the applicable requirements. The bid-closing date will be extended as A.I.D. (Small Business Office) may instruct.

(c) *Handling bids.* Bids received shall be held intact and sealed and shall be safeguarded against disclosure of contents prior to bid opening. The bids shall be opened publicly as specified in the bid invitation, and all properly submitted bids shall be considered. Direct submission of a bid by a prospective supplier, rather than through an agent or other representative of the supplier in the cooperating country, shall not be cause for rejection.

(d) *Awards.* Every award shall be made to that responsible bidder whose bid, conforming to the invitation for bids, is lowest in price, unless another bid is demonstrably more advantageous to the importer because of any factor (other than price) set forth in the invitation for bids as a factor to be considered in the evaluation of bids.

(e) *Submission of award information to A.I.D.* The importer shall complete Form A.I.D. 11-83 "Abstract of Bids", identifying thereon the successful bidder, and noting any two or more identical bids or any evidence of suspected collusion. If the lowest bid has not been accepted, the importer shall justify the award and shall append to the Abstract a statement of reasons for rejecting all lower bids. The Abstract and any justification statement shall be sent in triplicate to the Office of Commodity Management, A.I.D., Washington, D.C. 20523, to arrive within 20 days after the award of the contract.

(f) *Exemption for small value procurement.* With respect to any commodity procurement arranged under a single import license or other authority where the estimated landed cost of all purchases made by him under a single Schedule B subsection (2 digits) is less than $5,000 the importer is exempted from the advertising requirements of paragraph (b) of this section. This exemption does not apply to procurement undertaken in amounts of less than $5,000 for the purpose, or with the effect, of evading the requirements of paragraph (b) of this section.

(g) *Waiver provisions.* A.I.D. may waive the requirements set forth in this § 201.22 (a) through (e) in the following situations:

(1) *Proprietary procurement.* (i) Procurement where A.I.D. has determined that, in order to assure the interchangeability or standardization of equipment, or because of special design requirements, or for any similar reason, purchase of a commodity by reference to a particular specification, trade name, or designation is necessary.

(ii) Application for waivers shall be made in writing to A.I.D. by the importer and shall include supporting justification together with the recommendations of the borrower/grantee. In the absence of other instructions, such applications shall be submitted to the US AID for transmittal to AID/W. Notice of approval or rejection of any such application of a waiver will normally be transmitted to the importer through the US AID.

(2) *Emergency procurement.* (i) Procurement where A.I.D. determines that the time required to meet these requirements would result in

(a) Unacceptable delay or to a substantial increase in the cost of:

(1) A project's completion or

(2) A plant's production or

(b) Failure to meet required agricultural planting schedules.

(ii) A request for an emergency procurement waiver shall be made by the importer to the US AID. The request shall state the facts justifying such emergency procurement and shall bear the endorsement of the borrower/grantee. Emergency procurement requires the prior written approval of the US AID.

(3) *Special situations.* Procurement where AID/W has determined that it would be impracticable or inconsistent with the purpose of the Act to require adherence to the procedures prescribed in paragraph (b) of this section.

3. Section 201.23 is revised to read as follows:

§ 201.23 Negotiated procurement procedures.

(a) *General requirements.* In the absence of a clear statement concerning the applicability of formal competitive bid procedures set forth in § 201.22 (a) through (e) or in the event such procedures are waived in accordance with § 201.22(g), a solicitation by an importer requesting an offer or quotation from a supplier to furnish commodities shall be understood as a representation that the procurement will be accomplished pursuant to negotiated arrangements. Procurement on a negotiated basis shall be in accord with good commercial practice. Solicitations by the importer for quotations and offers shall be made uniformly to a reasonable number of prospective suppliers and all quotations and offers received, whether or not specifically solicited, shall be given consideration before making an award.

(b) *Publicizing.* To provide suppliers in the United States with an opportunity to participate in furnishing commodities which may be purchased on a negotiated basis under A.I.D. financing, A.I.D. will periodically publish for each cooperating country a list of commodities which may be expected to be imported, and the names and addresses of the importers which have traditionally purchased those commodities. Interested suppliers will then make offers or furnish quotations, on the products they desire to sell, directly to the importer of those products. A.I.D. will not publicize specific proposed purchases which are to be undertaken on a negotiated basis unless specifically requested to do so by the importer in accordance with the provisions of paragraph (c) of this section.

(c) *Notification.* If the importer elects to solicit quotations and offers for specific proposed purchases through publication by A.I.D., A.I.D. will notify prospective suppliers of the export opportunity. Requests for such notification shall be submitted to the Small Business Office, A.I.D., Washington, D.C. 20523, and shall contain the name and address of the importer, a full description of the commodities and/or services required, applicable price and delivery terms and other relevant procurement data in the English language and in terms of U.S. standards.

(d) *Notice of quotations and offers received.* A.I.D. may require that the importer furnish an abstract in the English language and identify thereon all offers or quotations received, the offer accepted or order placed, the price, the quantity, the name and address of all persons submitting offers or quotations and of their principals, if any (including manufacturers or processors of the commodity).

(e) *Procurement under special supplier-importer relationships.*

(1) Solicitation of offers from more than one supplier is not required if

(i) The importer is purchasing for resale or processing, as the supplier's regularly authorized distributor or dealer, a commodity which, under the terms of the distributorship or dealer agreement, the importer is precluded from buying from another supplier, or

(ii) The importer is purchasing for resale a registered brand-name commodity from a supplier who is the exclusive distributor of that commodity to the area of the importer.

(2) A.I.D. may require the importer to furnish, or cause to be furnished, to A.I.D. documentary evidence of the existence of the relationships described in paragraph (e) (1) of this section.

§ 201.24 [Reserved]

4. Section 201.24 is amended by deleting the entire text of the section and substituting therefor: "[Reserved]".

5. Section 201.31(f) is revised to read as follows:

§ 201.31 Suppliers of commodities.

* * * * *

(f) *Distribution of shipping documents.* The supplier shall make the customary commercial document distribution, as well as any special distribution (e.g., to the A.I.D. Mission in the importing country) which may be specified in the Letter of Credit or other payment instruction covering the transaction. Prior to presenting the documents specified in § 201.52 for payment, the supplier shall mail a copy of the Ocean Bill of Lading described in § 201.52(a)(4)(i) to the Maritime Administration, Cargo Preference Control Center, Commerce Building, Washington, D.C. 20235.

* * * * *

6. Sec. 201.62 is amended to read as follows:

§ 201.62 Responsibilities of borrower/grantee and of supplier.

(a) *Responsibilities of borrower/grantee.* The borrower/grantee shall:

(1) When required by A.I.D., develop and periodically update, or cooperate with A.I.D. in the development and updating of, lists of importers who have traditionally imported the commodities which may be purchased under the loan or grant. Such listings shall be by commodity groupings selected by A.I.D., cover all commodities eligible for financing, and, to the extent such information is available, show the names and addresses of all importers regardless of the source from which their imports originated.

(2) Insure that the importer

(i) Procures in accordance with the conditions set forth in Subpart C as applicable, and

(ii) Except as provided otherwise in § 201.22(d) pays no more than the lowest available competitive price, including transportation cost, for the commodity.

(b) *Responsibility of supplier.* In accordance with the provisions contained in the Supplier's Certificate which the supplier executed in order to receive payment, the supplier is responsible for compliance with the provisions of this Subpart G other than paragraph (a) of this section.

7. Appendix B is amended by deleting the entire text of the appendix and substituting therefor: "[Reserved]."

Effective date. These amendments shall become effective on May 22, 1974.

Dated: May 9, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-11685 Filed 5-21-74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Changes in Procedures as the Result of the Fair Labor Standards Amendments of 1974

On April 24, 1974, there was published in the FEDERAL REGISTER a proposal to revise Part 511 of Title 29 of the Code of Federal Regulations to adapt the procedures prescribed by the Fair Labor Standards Amendments of 1974, Pub. L. No. 93-259, particularly with respect to the greater responsibility of the employers or of the industry in establishing its inability to pay rates comparable to the ones in the various States.

After consideration of all written matter presented in response to the proposal, the proposed changes are adopted.

These revisions shall become effective May 22, 1974.

1. As amended, § 511.8 reads as follows:

§ 511.8 Prehearing statements.

* * * * *

(b) Any interested person who wishes to participate on his own behalf or by counsel shall file a written prehearing statement not later than ten days before the first hearing date set for any committee in a notice of hearing concerning minimum wages for Puerto Rico or the Virgin Islands, or such other period of time as may be prescribed in a notice of hearing, or other notice published in the FEDERAL REGISTER, the original and 11 copies of the prehearing statement shall

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be filed at the Office of the Director of the Caribbean Office of the Wage and Hour Division, United States Department of Labor, 7th Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and one copy at the Office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D.C. 20210. If such statements are sent by air mail from Puerto Rico or the Virgin Islands to the mainland, or from the mainland to Washington, such filing shall be deemed timely if postmarked within the time provided. The number of copies of such statements and the time and places for filing them will be specified in notices of hearings to determine minimum wages for American Samoa. The prehearing statement shall describe the person's interest in the proceeding and shall contain (1) the prepared statement he proposes to give, if any; (2) a statement of the individual classifications and minimum wage rates, if any, he proposes to support; (3) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13; (4) the names and addresses of the witnesses he proposes to call and a summary of the evidence he proposes to develop; (5) the name and address of the individual who will present his case; and (6) a statement of the approximate length of time his case will take. If the prehearing statement is in conformity with the above requirements, the person shall have the right to participate as a party. In accordance with section 6(c) of the Administrative Procedure Act, industry committee shall, after considering the advice of committee counsel, issue subpoenas authorized by section 9 of the Fair Labor Standards Act of 1938, to parties who make a request therefor accompanied by a clear showing of general relevance and reasonable scope of the evidence sought.

2. As revised, § 511.10 reads as follows:

§ 511.10 Subjects and issues.

(a) The declared policy of the Act with respect to industries or enterprises in Puerto Rico, the Virgin Islands, and American Samoa engaged in commerce or in the production of goods for commerce is to reach as rapidly as is economically feasible without substantially curtailing employment the object of the minimum wage rate which would apply in each such industry under paragraph (1) or (5) of section 6(a) but for section 6(c). Each industry committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico, the Virgin Islands, or American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Island and American Samoa; except that the committee, in determining wages for Puerto Rico and the Virgin Islands, shall recommend to the Secretary the minimum wage rate prescribed in section 6(a) or 6(b), which would be applicable but for section 6(c) unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years or in the case of employees of public agencies other appropriate information, in the record which establishes that the industry, or a predominant portion thereof, is unable to pay that wage.

(b) Whenever the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate (not in excess of that prescribed in paragraph (1) or (5) of section 6(a), or section 6(b) of the Act, whichever would be applicable) that can be determined for it under the principles set out in this section which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in that industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classification within an industry, in making such a classification, and in determining the minimum wage rate for such a classification, the committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living and production costs; (b) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

3. As revised, § 511.13 reads as follows:

§ 511.13 Evidence.

In accordance with the notice of hearing, the committee and any authorized subcommittee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing. Other pertinent evidence available to the Department of Labor may be presented at the hearing. The committee itself may call witnesses not otherwise scheduled to testify. Oral or documentary evidence may be received, but the committee shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every interested person who has met the requirements for participation as a party shall have the right to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses called by others as may be required for a full and true disclosure of the facts. Testimony on behalf of an employer or group of employers as to inability to pay the minimum wage rate specified in paragraph (1) or (5) of section 6(a), or section 6(b) of the Act, whichever would be applicable, or as to inability to adjust to a higher minimum wage rate than prescribed by any applicable wage order of the Secretary, shall be supported by tangible objective data filed as part of the prehearing statement under § 511.8, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years for the individual firm or firms involved. Such financial data shall include the most recent period of a year or fraction thereof for which data are available. Financial statements filed in accordance with this provision, except those relating to a period of less than a full fiscal year or a fiscal year ending less than 90 days prior to the filing of the pre-hearing statement, shall be certified by an independent public accountant or shall be sworn to conform to and be consistent with the corresponding income tax returns covering the same years. Evidence of witnesses not present at the hearing may be submitted only by affidavits received with, or as a part of, a prehearing statement which meets the requirements of § 511.8 and satisfactorily explains why each affiant cannot be present. Such affidavits will be received in evidence to the same extent that testimony from affiants would have been admitted had they been present. The committee will give such weight to these statements as it considers appropriate, and the fact that such affiants have not been subject to cross-examination may be considered, along with other relevant facts, in assessing the weight to be given such evidence.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended (29 U.S.C. 205, 206, 208))

Signed at Washington, D.C., this 17th day of May 1974.

FREDERICK J. GLASGOW,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74–11742 Filed 5–21–74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 132—SECOND CLASS

Exemption of Compliance on the Size of Coupons or Application or Order Forms

On March 6, 1974, the Postal Service published in the FEDERAL REGISTER, 39 FR 8616–17, revised codified regulations, to be effective June 3, 1974, pertaining to the conditions under which second-class publications may contain novelty pages incorporating coupons or application or order forms (39 CFR 132.4(g)(3) (v–vii)). It has come to our attention, however, that requiring compliance with these regulations on their effective date, June 3, 1974, would impose a significant financial burden on affected publishers, since they would be unable to deplete supplies of preprinted novelty pages ordered for forthcoming issues of their publications prior to our announcement on March 6, 1974 of the change in our regulations.

In consideration of the financial burden it would impose on publishers to amend or discard previously ordered supplies, and in consideration of the need for conservation in these times of paper and other shortages, the Postal Service hereby exempts publishers from compliance with these new regulations until January 1, 1975, at which time all novelty pages incorporating coupons or application or order forms must be prepared in accordance with new regulations published on March 6, 1974, in the FEDERAL REGISTER. Accordingly, during the period of June 3, 1974 to December 31, 1974 second-class publications complying with the regulations on this subject in effect either before or after June 3, 1974 will be accepted for mailing at the appropriate second-class rates by the Postal Service.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74–11674 Filed 5–21–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 18—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Miscellaneous Amendments to Chapter

The following revisions to Chapter 18 of Title 41 are prescribed as set forth below. These revisions to Chapter 18 covering changes made by Revision 8 of the NASA Procurement Regulation were effective September 18, 1973, except for the change to "Deferred Compensation," effective January 1, 1974, and interim changes made by Procurement Regulation Directives.

PART 18–7—CONTRACT CLAUSES

1. Section 18–7.104–35 is revised to read as follows:

§ 18–7.104–35 Progress payments.

The policies and procedures set forth in Subpart 5 of Appendix E concerning the use of progress payments shall be followed by procurement offices. The provisions to be included in the invitation for bids and the "Progress Payments" clause authorized for use pursuant to Subpart 5 of Appendix E are authorized for use in accordance with the instructions contained therein, except that the short form "Progress Payments" clause set forth in paragraph (b) of this section may be used in lieu of the clause set forth in paragraph (a) of this section whenever it is estimated that the procurement will be less than $100,000 and the standard percentages are to be used.

(a) Progress Payments Total Costs Clause (Long Form).

PROGRESS PAYMENTS (LONG FORM "TOTAL COSTS" CLAUSE) (SEPTEMBER 1973)

Progress payments shall be made to the Contractor as work progresses, from time to time upon request, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) 80 percent of the amount of the Contractor's total costs incurred under this contract (except as provided in (6) below) plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments.

(2) The Contractor's total costs ((a)(1)(i)) shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 80 percent of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in item (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 80 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed 80 percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(6) With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, the costs of these pension contributions shall be excluded from Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, the costs of these pension contributions may be included in Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the amount. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from Contractor total costs for progress payment purposes until payment therefor has been made.

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 80 percent[1] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

(c) *Reduction or Suspension.* The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contact substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a)(1).

(d) *Title.* Immediately, upon the date of this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; special test equipment and other special tooling to which the Government is to acquire title pursuant to any other provision of this contract; nondurable (*i.e.*, noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids title to which is not obtained as special tooling pursuant to this paragraph; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocated or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocated or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to, and accepted by the Government under

[1] For lower percentages for this paragraph (b) and for (a)(3)(ii) and (a)(4), see E.512–2.

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this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) *Risk of Loss.* Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) *Control of Costs and Property.* The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) *Reports-Access to Records.* Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify his books, records and accounts.

(h) *Special Provisions Regarding Default.* If this contract is terminated pursuant to the clause entitled "Default," (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled "Default," title shall vest in the Contrator upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

(i) *Reservations of Rights.* The rights and remedies of the Government provide in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of his obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

(j) *Progress Payments to Subcontractors.* (1) The amount mentioned in item (a) (1) (ii) above shall be the sum of (i) all the progress payments made by the Contractor to his subcontractors and remaining unliquidated, and (ii) unpaid billings for progress payments to subcontractors which have been approved for current payment in the ordinary course of business, when under subcontracts which conform to (2) below.

(2) Subcontracts on which progress payments to subcontractors may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time", between the beginning of work and the first delivery, approximating four months or more for small business concerns and six months or more for firms which are not small business concerns, which (i) are substantially similar to and as favorable to the Government as this "Progress Payment" clause, no more favorable to the subcontractor than this clause is to the Contractor and on a basis of not more than 80 percent of total costs (except that this percentage may be 85 percent of total costs for those subcontractors which are small business concerns), and (ii) make all rights to the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to him hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

(4) The billings described in (j) (1) (ii) above shall be paid promptly by the Contractor in the ordinary course of business, not later than a reasonable time after payment of equivalent amounts by the Government to the Contractor.

(5) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to offer and provide progress payments to those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraph 503 of Appendix E of the NASA Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) Progress Payments Total Costs Clause (Short Form).

PROGRESS PAYMENTS (SHORT FORM "TOTAL COSTS" CLAUSE) (SEPTEMBER 1973)

Upon request of the Contractor, progress payments shall be made to the Contractor from time to time as work progresses, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.* (1) Unless a smaller amount is requested, each progress payment shall be 80 percent of the contractor's cumulative total costs under this contract, (except as provided in (4), below) less the sum of any previous progress payments. In no event, however, may the aggregate amount of progress payments made exceed 80 percent of the total contract price.

(2) The Contractor's costs must be reasonable, allocable to this contract, consistent with sound and generally accepted accounting principles, and may include depreciation or amortization allowance. Such costs shall exclude amounts for materials to which the Contractor has not acquired title.

(3) At no time shall unliquidated progress payments exceed 80 percent of the total contract price of the items and services not yet delivered and invoiced to and accepted by the Government.

(4) With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, the costs of these pension contributions shall be excluded from Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, the costs of these pension contributions may be included in Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the amount. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from Contractor total costs for progress payment purposes until payment therefor has been made.

(b) *Recovery of Progress Payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced, and accepted shall be reduced by 80 percent of the contract price of such items and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been recovered.

(c) *Reduction or Suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the Contracting Officer the Contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to Material and Work.* When any progress payment is made under this contract, title to material acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the Contractor and properly chargeable to this contract under generally accepted accounting principles shall vest in the Government. The Contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed, or damaged. Upon completion of performance of all obligations of the Contractor under this contract, title to all property and work not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the Contractor.

(e) *Records and Reports.* The Contractor shall maintain reasonable controls for proper administration of this clause and shall furnish such statements and information as may reasonably be requested by the Contracting Officer. The Government shall be afforded reasonable opportunity to examine the Contractor's books, records, and accounts.

(f) *Default.* If this contract is terminated for default, the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the Contractor in accordance with the default clause.

(g) *Reservation of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

2. Section 18–7.203–4 (a) and (b) is revised to read as follows.

§ 18–7.203–4 Allowable cost, fee and payment.

(a) *Allowable cost, fixed fee and payment.* Insert the following clause in all cost-reimbursement type contracts, except as provided in paragraph (b) of this section. Additional instructions for use of the clause are set forth in paragraph (c) of this section.

ALLOWABLE COST, FIXED FEE AND PAYMENT (SEPTEMBER 1973)

(a) For the performance of this contract, the Government shall pay to the Contractor:

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) such fixed fee, if any, as may be provided for in the Schedule.

(b) (1) Once each month (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representatives of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor (except as provided herein with respect to pension contribution) in the performance of this contract and claimed to constitute allowable cost.

(2) When pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect costs for payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect cost for payment purposes until payment has been made.

(c) Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule; *provided*, however, that after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total fixed fee or one hundred thousand dollars ($100,000), whichever is less.

(d) At any time or times prior to final payment under this contract the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out out of or under this contract, subject only to the following exceptions.

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; *provided*, that such claims are not known to the Contractor on the date of the execution of the release; and *provided further*, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one-year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

(b) *Allowable cost, incentive fee, and payment.* When the contract provides for incentives which may result in the revision of the fee, the clause set forth below will be used, except in cost-plus-award-fee type contracts. Additional instructions for use of the clause are set forth in paragraph (c) of this section.

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT (SEPTEMBER 1973)

(a) (1) For the performance of this contract, the Government shall pay to the Contractor—

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) a fee determined as provided in this contract

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the term—

(i) "target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below; and

(ii) "target fee" means the fee which was initially negotiated on the assumption that this contract would be performed and delivered as stipulated in the Schedule, for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below.

(b) (1) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor (except as provided herein with respect to pension contribution) in the performance of this contract and claimed to constitute allowable cost.

(2) When pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect cost for payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect cost for payment purposes until payment has been made.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of fee shall be made to the Contractor as specified in the Schedule; provided, however, that whenever in the opinion of the Contracting Officer, the Contractor's performance or cost then incurred indicates that target fee will not be achieved, payment of fee will be based on such lesser fee, not lower than the minimum fee, as the Contracting Officer may determine to be appropriate. After payment of eighty-five percent (85%) of the applicable fee, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total applicable fee or one hundred thousand dollars ($100,000) whichever is less. When the Contracting Officer has ordered that fee payment be reduced in accordance with the foregoing, he may increase the basis for payment to an amount not to exceed the target fee upon an affirmative showing by the Contractor that such action is justified and equitable.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment

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theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audits, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fee which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver—

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of the contract; provided, that such claims are not known to the Contractor on the date of the execution of the release; and provided further, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental, thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one-year period following final payment.

Except as provided in (j) below, payments under the assignment and claims excepted from the release shall be subject to adjustment by reason of the adjustment of fee in accordance with (i) below.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

(h) When the work under this contract (including any supplies or services which are ordered separately under, or otherwise added to, this contract) is increased or decreased by contract modification or when any equitable adjustment in the target cost is authorized under any other clause of this contract, equitable adjustments in the target cost, target fee, minimum fee, maximum fee, or any or all of them, as appropriate, shall be set forth in an amendment or supplemental agreement to this contract.

(i) The fee payable hereunder shall be the target fee increased by (*insert contractor's participation*) cents for every dollar by which the total allowable cost is less than the target cost or decreased by (*insert contractor's participation*) cents for every dollar by which the total allowable cost exceeds the target cost. In no event shall the fee be greater than ---- percent nor less than ---- percent, of the target cost; and, except as provided in (j) below, within these limits such fee shall be subject to adjustment, by reason of increase or decrease of total allowable cost, on account of payments under the assignment required by (f) (i) above, and claims excepted from the release required by (f) (ii) above. If this contract is terminated in its entirety, the portion of the target fee payable shall not be subject to an increase or decrease as provided in this paragraph. The terminations shall be otherwise accomplished pursuant to other applicable provisions of this contract.

(j) For the purpose of the adjustment of the fee in accordance with (i) above, the term "total allowable cost" shall not include allowable costs arising out of:

(i) any of the causes specifically enumerated in the clause hereof entitled "Excusable Delays" to the extent they are without the fault or negligence of the Contractor or any subcontractor;

(ii) the taking effect, after the negotiation of the target cost of this contract, of a statute, court decision, written ruling or regulation which results in the Contractor's being required to pay or bear the burden of any tax or duty, or increase in the rate thereof.

(iii) any direct cost attributed to the Contractor's assistance or participation in litigation as required by the Contracting Officer pursuant to a provision of this contract, including the furnishing of evidence and information requested pursuant to the clause hereof entitled "Notice and Assistance Regarding Patent and Copyright Infringement";

(iv) the procurement and maintenance of additional insurance not included in the target cost and required by the Contracting Officer or claims for reimbursement for liabilities to third persons pursuant to the clause hereof entitled "Insurance—Liability to Third Persons";

(v) any claim, loss or damage resulting from a risk for which the Contractor has been relieved of liability pursuant to the clause hereof entitled "Government Property.";

Except as otherwise specifically provided in this contract, all other allowable costs shall be included in the term "total allowable cost" for the purpose of the adjustment of the fee in accordance with (i) above.

(k) The total allowable cost and the adjusted fee determined as provided in this clause shall be evidenced by a modification of this contract signed by the Contractor and the Contracting Officer.

In the event the contracts call for spare parts or other supplies and services which are to be ordered under a provisioning document or Government option, the following provision (l) shall be included:

(l) Compensation for supplies (including spare parts) and services which are to be furnished under this contract pursuant to a provisioning document or Government option shall be determined in accordance with the provisions of this clause notwithstanding any inconsistent provision in such provisioning document or Government option.

* * * * *

3. Section 18–7.404–52 is revised to read as follows.

§ 18–7.404–52 Date of incurrence of costs.

The clause set forth in § 18–7.205–52 may be inserted when authorized in accordance with § 18–15.205–30.

4. Section 18–7.451–3 is revised to read as follows.

§ 18–7.451–3 Allowable cost and payment.

Insert the clause set forth below.

ALLOWABLE COST AND PAYMENT (SEPTEMBER 1973)

(a) For the performance of this contract, the Government shall pay to the Contractor the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(i) Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract, except that if the Contractor is not an educational institution the allowable costs shall be determined in accordance with Part 15, Subpart 2, of said Regulation; and

(ii) the terms of this contract.

(b) (1) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor (except as provided herein with respect to pension contribution) in the performance of this contract and claimed to constitute allowable cost.

(2) When pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect costs for payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect cost for payment purposes until payment has been made.

(c) (1) Promptly after receipt of each invoice or voucher, the Government shall, subject to the provisions of paragraph (d) below, make payment thereon as approved by the Contracting Officer.

(2) After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or ten thousand dollars ($10,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher, shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; *provided* that such claims are not known to the Contractor on the date of the execution of the release, and *provided further* that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one (1) year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

PART 18–15—CONTRACT COST PRINCIPLES AND PROCEDURES

1. Section 18–15.204 is revised to read as follows.

§ 18–15.204 Application of Principles and Procedures.

(a) Deviations from the cost principles in this Subpart 18–15.2 shall be processed in accordance with the procedures in § 18–1.109–3.

(b) Costs shall be allowed to the extent that they are reasonable (See § 18–15.201–3), allocable (see § 18–15.201–4), and determined to be allowable in view of the other factors set forth in §§ 18–15.201–2 and 18–15.205. These criteria apply to all of the selected items of cost which follow, notwithstanding that particular guidance is provided in connection with certain specific items for emphasis or clarity.

(c) Costs incurred as reimbursements to a subcontractor under a cost-reimbursement, fixed-price incentive, or price redeterminable type subcontract of any tier above the first firm fixed-price or fixed-price escalation subcontract are allowable to the extent that allowance is consistent with the subpart of this Part 18–15 which is appropriate to the subcontract involved. Thus, if the subcontract is for supplies, such costs are allowable to the extent that the subcontractor's costs would be allowable if this Subpart 18–15.2 were incorporated in the subcontract; if the subcontract is for construction, such costs are allowable to the extent that the subcontractor's costs would be allowable if Subpart 18–15.4 were incorporated in the subcontract. Similarly, costs incurred as payments under firm fixed-price or fixed-price escalation subcontracts or modifications thereto, when cost analysis was performed pursuant to § 18–3.807–10(b), shall be allowable only to the extent that the price was negotiated in accordance with the principles in § 18–15.106.

(d) Selected items of cost are treated in § 18–15.205. However, § 18–15.205 does not cover every element of cost and every situation that might arise in a particular case. Failure to treat any item of cost in § 18–15.205 is not intended to imply that it is either allowable or unallowable. With respect to all items, whether or not specifically covered, determination of allowability shall be based on the principles and standards set forth in this subpart and, where appropriate, the treatment of similar or related selected items.

2. Section 18–15.205–4 is revised to read as follows:

§ 18–15.205–4 Bonding costs.

(a) Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the contractor. They arise also in instances where the contractor requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

(b) Costs of bonding required pursuant to the terms of the contract are allowable.

(c) Costs of bonding required by the contractor in the general conduct of his business are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

3. Section 18–15.205–6(f) is revised to read as follows.

§ 18–15.205–6 Compensation for personal services.

* * * * *

(f) *Deferred compensation.* (1) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals. It includes (i) contributions to pension, annuity, stock bonus, and profit-sharing plans; (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans; and (iii) other deferred compensation, whether paid in cash or in stock.

(2) Deferred compensation is allowable only to the extent that:

(i) It is, together with all other compensation paid to the employee, reasonable in amount; and

(ii) It is paid pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or pursuant to a plan established and consistently applied thereafter by the contractor; and either

(a) It is deductible for the same fiscal year for Federal income tax purposes under Section 404 (excluding subsection (a) (5)) of the Internal Revenue Code of 1954 as amended and the regulations of the Internal Revenue Service, *provided*, that

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(1) Normal costs of pension plans incurred subsequent to the effective date of this paragraph, not funded in the year incurred, shall not be allowable in subsequent years (except that a payment made to a fund by the time set for filing of the Federal income tax return for any taxable year shall be deemed to have been made during such taxable year);

(2) Allowable costs of contributions for past service or supplementary pension or annuity credits (including contributions for the equivalent of interest that would have been earned on previously unfunded costs, sometimes called "freezing payments") shall not exceed, for any year, amounts required to systematically amortize the actuarial liability annually over not less than ten or more than forty years beginning with the year that the liability was first assumed, either by announcement, agreement, regular practice or other means which would reasonably inform employees that continuing service would result in retirement benefits based in part on the previously unfunded past service (but see paragraph (f)(2)(ii)(a)(3) of this section);

(3) Pension costs of previous years which have not been funded as of the effective date of this paragraph are allowable to the extent they are systematically funded over not less than ten years, provided the contractor can demonstrate that pension costs were allocated to Government contracts on a funding rather than an accrual basis in the accounting periods previous to the effective date of this paragraph and also provided that the systematic funding starts no later than the contractor's first full fiscal year after the effective date of this paragraph;

(4) The determination of allowable costs shall take into consideration unrealized, as well as realized appreciation in the market value of the fund assets, established in a rational and systematic basis. This recognition shall include unrealized appreciation on equity securities taking into account both the investment policy and prior growth experience of the fund. The appreciation to be recognized for equity securities generally shall be the amount by which 80 percent of the market value exceeds the total adjusted book value. The adjusted book value is defined as the acquisition cost adjusted for appreciation or depreciation previously recognized whether or not actually recorded in the asset account. Unrealized depreciation of equity securities may be recognized to the extent of unrealized appreciation previously recognized, but the total of value of all equity securities in a fund shall not be depreciated below the acquisition cost. Initial recognition of accumulated unrealized appreciation may be spread over a period of time not to exceed ten years. Ordinarily, appreciation and depreciation need not be recognized for debt securities expected to be held to maturity and redeemed at face value;

(5) Abnormal forfeitures, due to significant reduction in the contractor's level of employment, that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of costs otherwise allowable; where abnormal forfeitures were not taken into account previously, appropriate credit shall be given to the Government pursuant to § 18–15.201–5;

(6) Any amount paid or funded and deductible in any year under section 404 (excluding section 404(a)(5)) of the Internal Revenue Code of 1954 as amended prior to the time it becomes allowable under this subdivision (a) shall be applied to future years, in order of time, as if actually paid and deductible in such years;

(7) Increased normal and past service cost caused by delay in funding the actuarial liability beyond 30 days after each quarter of the year to which such costs are assignable, are unallowable. Determination of unallowable costs shall be made in accordance with the actuarial method used in calculating the normal and past service costs.

* * * * *

The following revisions to Chapter 18 of Title 41 are prescribed as set forth below. These revisions to Chapter 18 covering changes made by Revision 7 of the NASA Procurement Regulation were effective July 31, 1973, except for interim changes made by Procurement Regulation Directives.

PART 18–13—GOVERNMENT PROPERTY

1. Section 18–13.301 (b) and (f) is revised to read as follows.

§ 18–13.301 Providing facilities.

* * * * *

(b) In the event a written determination is made by the head of the installation to provide new facilities pursuant to paragraph (a)(5)(i) of this section, a copy of the determination together with a brief statement by the contracting officer of the circumstances justifying the provision of such facilities shall be furnished to the Office of Supply and Equipment Management, NASA Headquarters (Code BE). A copy shall accompany the request for facilities project approval pursuant to § 18–13.302(b).

* * * * *

(f) Prior to acquiring new centrally reportable equipment (see B.102–22) except ADP in paragraph (g) of this section (see FSC 7440) which has an item acquisition cost of $1,000 or more, DOD Industrial Plant Equipment Requisition (DD Form 1419) shall be submitted via the Contracting Officer to the Installation Equipment Visibility System (EVS) Coordinator for EVS screening (including DIPEC screening of the items covered by § 18–13.312) in accordance with Subpart 18–13.50. The Contracting Officer shall insure that such screening for availability has been accomplished and that suitable equipment is not available.

* * * * *

2. Section 18–13.306–4 is revised to read as follows.

§ 18–13.306–4 Screening existing Government-owned special test equipment costing $1,000 or more.

In order to minimize the acquisition of new special test equipment or components thereof, the contracting officer shall consider the utilization of the NASA Equipment Visibility System (EVS) and DIPEC, when recommended by the EVS Coordinator, to ascertain whether any Government-owned property can be furnished in accordance with the policy set forth in § 18–13.306–1. To accomplish such screening, Department of Defense Industrial Plant Equipment Requisition (DD Form 1419) shall be submitted to the Equipment Visibility System (EVS) Coordinator of the cognizant NASA installation in accordance with Subpart 18–13.50. Where special test equipment is to be acquired in the manner described in § 18–13.306–3(b), the screening shall be accomplished before contract award. Where special test equipment is to be acquired in the manner described in § 18–13.306–3(c), the contracting officer shall normally accomplish the screening and notify the contractor of the Government's election within the notice period provided in the Special Test Equipment clause in § 18–13.705. Thereafter, the Government-owned items to be furnished shall be promptly shipped to the contractor and the contract shall be equitably adjusted pursuant to the Special Test Equipment clause. However, if the contracting officer determines that the savings anticipated from furnishing Government-owned items would be exceeded by costs that might be incurred as a result of delays or administrative actions, he may, except as to items identified in § 18–13.312, waive the screening and shall immediately advise the contractor that the Government will not furnish the equipment.

3. Section 18–13.405(a) is revised to read as follows.

§ 18–13.405 Non-Government use of industrial plant equipment (IPE).

(a) The prior written approval of the contracting officer is required for any non-Government use of active Government-owned industrial plant equipment (see B.102–11). Before non-Government use exceeding 25 percent may be authorized, prior approval of the Director of Procurement shall be obtained. In addition, non-Government use of machine tools, and secondary metalforming and cutting machines (Federal Supply Classes 3405, 3408, 3410, 3411 through 3419 and 3441 through 3449) in excess of 25 percent shall require the advance approval of the Office of Emergency Preparedness which shall be obtained through the Director of Procurement with the concurrence of the Director of Supply and Equipment Management, NASA Headquarters, (Code BE). Requests requiring the approval of the Director of Procurement or the Office of Emergency Preparedness shall be submitted at least six weeks in advance of the projected use and shall include:

(1) The total number of active IPE items involved and total acquisition cost thereof; and

(2) An itemized listing of active equipment having an acquisition cost of $25,000 or more, showing for each such item the nomenclature, production equipment code, year of manufacture, and the acquisition cost.

* * * * *

4. Section 18–13.406 is revised to read as follows.

§ 18–13.406 Rent-free use of Government production and research property on work for foreign governments.

Upon the request of a foreign government, or a contractor certifying that he is acting on behalf of a foreign government, Government production and research property located in the United States, its possessions, or Puerto Rico, may be authorized for use without charge on contracts of foreign government or subcontracts thereunder if:

(a) Such use is approved by the Director of Procurement with the concurrence of the Director of Supply and Equipment Management, NASA Headquarters (Code BE);

(b) Such use is legally authorized;

(c) The foreign government's placement of the contract directly with the contractor is consistent with the best interest of the United States;

(d) It appears that the foreign government will place the contract with the contractor whether or not such use is authorized, or that no competitive pricing advantage will accrue to the contractor by virtue of such use;

(e) The contractor agrees that no charge for the use of such property will be included in the price charged the foreign government under the contract; and

(f) Such use will not interfere with foreseeable requirements of the United States.

5. Section 18–13.606 is revised to read as follows.

§ 18–13.606 Disposition.

(a) Except for nonseverable production and research property for which specific provision is made by § 18–13.307, the disposition of Government production and research property shall be in accordance with Part 18–24 of this chapter and NASA Management Instruction 4310.1, "Screening and Utilization of Excess Contractor Inventory".

(b) Contracts under which Government production and research property is provided to a contractor shall reserve to the Government the right to abandon such property in place, without any obligation to restore or rehabilitate the premises of the contractor. However, this right may be waived if the prior approval of the head of the installation is obtained. The authority to grant such approval shall not be delegated.

6. Subpart 18–50 is revised in its entirety as follows:

Subpart 18–13.50—Acquisition of Inactive Equipment

§ 18–13.5000 Scope of subpart.

This subpart establishes procedures for the acquisition of the equipment cited in B.306–1 from:

(a) The NASA Equipment Visibility System (EVS) prescribed in NPD 4000.2 and Part 4, Section V of NASA Equipment Management Manual (NHB 4200.1); and

(b) From the Department of Defense Industrial Plant Equipment Center (DIPEC) pursuant to the DOD–NASA Agreement for Utilization of Idle Industrial Plant Equipment set forth in NASA Management Instruction 1052.17.

§ 18–13.5001 General.

In accordance with the policy set forth in § 18–13.301, NASA will not provide contractors with new equipment unless fully justified and an economical, practical, and appropriate alternative does not exist. To implement this policy, contracting officers shall determine in addition to the procedures prescribed in this subpart, that:

(a) Suitable equipment at the installation or in the possession of the installation's contractors is not available for loan or transfer, and

(b) Current excess property listings promulgated by the Department of Defense and the General Services Administration have been screened, and that the requirement cannot be satisfied therefrom.

§ 18–13.5002 Procedure.

(a) *Requests for inactive equipment.* Requests for item(s) of equipment to be acquired by screening availability from NASA's EVS and DIPEC idle inventories shall be submitted on DD Form 1419 (DOD Industrial Plant Equipment Requisition) in an original and three (3) copies via the contracting officer to the Installation's EVS coordinator for processing in accordance with the further procedures prescribed in Part 4, Section V of NASA Equipment Management Manual (NHB 4200.1).

(b) *Instructions for preparation of DD Form 1419.* A separate DD Form 1419 will be completed for each item of equipment required, i.e., if sixteen (16) lathes of the same type and model are required, sixteen (16) DD Form 1419's will be completed as follows:

Requisition number. The EVS coordinator will assign a requisition number to each DD Form 1419 request. When DIPEC is to be screened, each number assigned will be coded for Automatic Data Processing by DIPEC. It will also identify the requiring installation and provide a serial number and date of submission for subsequent reference. The requisition number will begin with the appropriate FEDSTRIP/MILSTRIP Activity Address Code set forth below:

Ames Research Center	809101
Flight Research Center	809103
Goddard Space Flight Center	809301
Johnson Space Center	807402
Kennedy Space Center	804200
Langley Research Center	803301
Lewis Research Center	805501
Marshall Space Flight Center	804101
NASA Headquarters	803302
NASA Pasadena Office	809143
Wallops Station	803303

Next will be a four digit entry comprised of the last digit of the current calendar year and the Julian date of the year, i.e. 9035 for February 4, 1969. The last entry will be a four digit number from 0001 to 9999, to sequentially number requisition forms prepared on the same date. For example: the ninth requisition prepared on February 1, 1969 would be 9032–0009 preceded by the FEDSTRIP/MILSTRIP Activity Address Code, an example being Langley–"803301 9032–0009". When submitting subsequent DD Forms 1419 related to the item requested, the same requisition number is to be used and alpha code added to the end of the requisition number to indicate a second or third action on the basic request. Alpha "A" would indicate a second request, "B" a third, etc. In this manner, all actions, correspondence, etc., relative to a given request can be identified at all levels of processing, by the use of the requisition number.

SECTION I

Item Description. It is necessary to provide a complete description of the item desired, to obtain maximum screening results. Requests for single purpose or general purpose equipment with special features must contain detailed descriptive data as to the size and capacities, setting forth special operating features or particular operations required to be performed by the item.

Block 1. Enter the complete 12 digit Production Equipment Code (PEC) (see § 18–13.312 or Defense Industrial Plant Equipment Center Operations Manual DSAM 4215.1, Appendix 1C, Index of Industrial Plant Equipment Handbooks). If not available, enter the applicable 11 digit Federal Stock Number (FSN).

Block 2. Enter the manufacturer's name and Federal supply code for manufacturer's (Cataloging Handbook H4–1) of the item requested.

Block 2a. Enter the manufacturer's model, style or catalog number assigned to the equipment being requisitioned. Always use the model number if available. The style number is the next preference. Insert "NONE" in this block if the model, type or catalog number is not known.

Block 3. Activities using Federal Stock Numbers (FSN) as the identifying number will enter that number. When the FSN is known, it will be included in all reports in addition to the commodity code.

Block 4. Enter the 2 digit power code described in Appendix 1D of Defense Industrial Plant Equipment Center Operations Manual DSAM 4215.1. These codes designate the voltage, current, phase and cycle by which the item requested will be operated.

Block 5. Self-explanatory.

Block 6. Place an "X" in the applicable block to indicate whether physical inspection is or is not desired, prior to acceptance.

Block 7. Self-explanatory.

Block 8. Enter the complete description of the item, including the major group, class, subclass, type, subtype, size group, specifying size, etc., as selected from the appropriate directory or handbook. (See § 18–13.312, *Index of Industrial Plant Equipment Handbooks* for descriptive information.) Continue the item description in Block 52 if additional space is required to describe the item desired.

SECTION II

Block 9. Enter the NASA installation, the facility or contractor's name, street address,

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city, state and zip code from which the requisition is being initiated. The address should be the one to which inquiries of a technical nature are to be referred. Include the name and telephone number of the individual to be contacted concerning the item requested.

Block 10 and 10a. Enter the contract number or document number and the date of the document which authorizes the acquisition of the items shown in Section I. Normally this will be a facility contract number, otherwise it should be a purchase order number or purchase request number.

Block 11. Not applicable.

Block 12. Indicate if the property is for NASA in-house use or a contractor facility. Disregard the "Military" block. Show NASA contract number and program for which item is to be used.

Block 13. Enter the specific function to be performed by the equipment. When applicable, enter the tolerances, capacities, specifications, etc., which equipment must satisfy.

Block 14. Enter the date the item must be installed in place to meet production requirements. From this date deduct the estimated number of days required for installation. Enter the adjusted date in this block.

Block 15. Enter the date by which DIPEC must issue a Certificate of Non-Availability. The date will be developed by subtracting the procurement leadtime and 45 days administrative leadtime from the date shown in Block 14.

Block 16. Enter the Defense Material System Priority Rating that is assigned to the contract or anticipated purchase order.

Block 17. Place an "X" in the appropriate box. If for replacement, identify the item to be replaced and the reason for replacement.

Block 18. Enter an "X" in the appropriate box. Show the appropriation symbol if answer is "yes".

Block 19. Not applicable.

Blocks 20 and 21. In addition to the official's title and signature, enter the signing official's typed name, office symbol or name, and telephone number and extension. For contractor's requirements, the signing official should be the company representative who prepares and submits the requirement to the cognizant NASA certifying office.

Block 22. Self-explanatory.

Block 23. Certification of need for the item requisitioned is the function of the contracting officer of the NASA installation having jurisdiction over the contract. For NASA in-house requirements certification can be made by the EVS coordinator.

Block 23a. Not applicable.

Block 23b. Name and address of the installation certifying the requirement.

Block 23c. Signature of the property administrator or contracting officer at plant level.

Block 23d. Self-explanatory.

Block 23e. Signature of NASA installation official certifying the requirement.

Block 23f. Self-explanatory.

SECTION III.

This section if for the EVS coordinator's certification of the requirement to DIPEC.

Block 24. Self-explanatory.

Block 25. Self-explanatory.

Block 26. Self-explanatory.

Block 27. Self-explanatory.

SECTION IV.

To be completed by DIPEC, copy is used for admittance to storage site for inspection of property offered.

SECTION V.

To be completed by DIPEC if equipment is not available.

SECTION VI.

Blocks 42, 43, 44 and 45. To be completed by the requesting official signing the requisition in Section II. (See Block 20.) Reasons for non-acceptance are to be shown in Section VIII-Remarks, or by separate document attached to the DD Form 1419.

SECTION VII.

Block 46. Enter complete name, street address, city, state and zip code of the contractor or installation to which the item is to be shipped. Indicate rail head and truck delivery points when other than the address named.

Block 47. Self-explanatory.

Block 48. Self-explanatory.

Blocks 49a and b. Insure that NASA appropriation symbols are included with work order number.

Block 49c. Enter NASA appropriation symbol chargeable for any special work ordered, i.e., rebuild, repair, accessory replacement.

Block 49d. Enter NASA installation and office symbol which will make payment for transportation and packing, crating and handling of item requisitioned.

Block 50. Self-explanatory.

SECTION VIII.

Block 51. This block can be used to expand or explain entries made in Blocks 1 through 50. When requisitioning equipment from excess listings, identify issuing office, list number, date, control number and item number assigned to equipment.

(c) *Processing DD Form 1419.* (1) The essential information, outlined in the above instructions, covering Sections I and II, is required to be completed prior to submission of DD Form 1419 to the EVS coordinator who will review each submission for completeness and authenticity. Incomplete or invalid requests will be returned for correction. The original and two (2) copies of the approved DD Form 1419 will be forwarded to DIPEC for screening of inventories. Upon completion of the screening process, DIPEC will annotate the results of the screening in Section IV or V. Certification of non-availability when cited in Section V is evidence that screening has been accomplished by DIPEC. The original and one (1) copy of the request will be returned by DIPEC to the EVS coordinator of the cognizant NASA installation indicated in Section III.

(2) When a suitable item is allocated in Section IV, inspection of the equipment is recommended. Notification of acceptance or rejection of the item offered must reach DIPEC within 30 days after allocation. A copy of the DD Form 1419 will serve as the clearance document to inspect the equipment at the storage site. Acceptance or rejection of item, without inspection or after inspection is to be noted in Section VI. If it is determined that the item is acceptable, Section VII is to be executed. The NASA appropriation symbol must be cited where applicable in Section VII. In either instance, acceptance or rejection, the original of the DD Form 1419 is to be returned to DIPEC by the EVS coordinator.

§ 18–13.5003 Transfers from NASA to the military departments.

Requests for NASA idle industrial plant equipment received directly by NASA installations from the military departments shall be referred to the EVS coordinator.

7. Section 18–13.5102(d) is deleted, the revised section to read as follows:

§ 18–13.5102 Procedure for determining facilities expansion.

The following procedures will be applied in determining the need for facilities expansion, to the extent applicable:

(a) When prime contractors are being selected or requested to submit proposals pursuant to § 18–3.802–3, for each procurement, the contracting officer will require all potential sources to state in writing whether additional facilities will be required, the estimated cost and nature of such facilities, and whether the contractor will furnish the facilities with contractor funds or will request the Government to provide the facilities.

(b) When the selected contractor has stated that additional Government facilities will be required, the contracting officer will advise the contractor to submit a formal application for facilities, furnishing the information indicated in §§ 18–13.5105 and 18–13.5106. The contractor may request assistance in preparing his application for facilities. In order to expedite processing the application, it is important that full and complete justification be given for the required facilities. When the application for facilities is prepared in conjunction with contract proposal for an end-item, nine (9) copies of the facility application should be forwarded together with the proposal, or as soon as practicable thereafter. Any facilities requirements by subcontractors shall be prepared in accordance with the procedures and provisions of this Subpart 18–13.51 and submitted through the prime contractor to the contracting officer for comments and evaluations. All facilities approved for subcontractors will be provided under separate facilities contracts except as may be provided under § 18–13.303–1.

(c) If a facilities project involves construction work, approval of the Deputy Administrator, or other designated officials, must be obtained by the cognizant NASA Headquarters Program Director prior to the initiation of the procurement action, in accordance with the policies and procedures set forth in NASA Handbook 7330.1, "Approval of Facility Projects."

8. Section 18–13.5103(a) is revised to read as follows.

§ 18–13.5103 Processing the application.

(a) Upon receipt of a formal facilities application, the contracting officer will:

(1) Forward three (3) copies of the application to the appropriate installation technical office for review and request comments and recommendations as to the technical aspects and overall scope of application.

(2) Forward one (1) copy to the Office of Supply and Equipment Management, NASA Headquarters, (Code BE).

• • • • •

9. Section 18–13.5104(b) is revised to read as follows.

§ 18–13.5104 Administration of approved facilities application.

• • • • •

(b) The contracting officer will require, prior to acquisition, the screening of equipment which may be available from existing Government inventories and will request assistance of the Equipment Visibility System (EVS) Coordinator in screening inactive and idle inventories. Allocation of such equipment will be requested by the contractor through and with the concurrence of the NASA contracting officer pursuant to Subpart 18–13.50. If screening of any item of idle Government production and research property on an approved application cannot be completed within 30 days the contracting officer or his representative may approve purchase of the item without further screening.

• • • • •

PART 18–24—DISPOSITION OF PERSONAL PROPERTY IN POSSESSION OF CONTRACTORS

1. Section 18–24.101–31 is added to read as follows:

§ 18–24.101–31 Centrally reportable equipment.

Centrally reportable equipment means that plant equipment (including industrial plant equipment), special test equipment, special tooling or non-flight space property which is:

(a) Used as a separate item or component of a system, and

(b) Valued at $1,000 or more, and

(c) Identifiable by function or description under one of the Federal Supply Groups or Classes except FSC 7440.

2. Section 18–24.203–1(e) is revised to read as follows.

§ 18–24.203–1 Submission of inventory schedules.

• • • • •

(e) If centrally reportable equipment (see § 18–24.101–31) has not previously been reported under B306–1(a)(3), it will be reported on DD Form 1342, marked "reutilization screening," 120 days prior to reporting such items as excess. The DD Form 1342 will be forwarded through the contracting officer of the cognizant NASA installation marked for EVS. Centrally reportable equipment which is not redistributed during this period of reutilization screening will be reported pursuant to § 18–24.203–2.

3. Section 18–24.205–4(c) is revised to read as follows.

§ 18–24.205–4 Special screening procedures.

• • • • •

(c) *Nuclear materials.* (1) The possession, use, and transfer of certain nuclear materials are subject to the controls of the United States Atomic Energy Commission (AEC) pursuant to the Atomic Energy Act of 1954, as amended. The materials are:

(i) *By-product material*—meaning any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material (see AEC Regulation 10 CFR, Part 30);

(ii) *Source material* meaning—

(a) Uranium, thorium, or any other material which is determined by AEC pursuant to the provisions of the Atomic Energy Act of 1954, as amended, to be source material, or

(b) Ores containing one or more of the foregoing materials, in such concentration as the AEC may, by regulation, determine from time to time (see AEC Regulation 10 CFR Part 40); and

(iii) *Special nuclear material* meaning—

(a) Plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the AEC, pursuant to the provisions of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, or

(b) Any material artificially enriched by any one of the foregoing (see AEC Regulation 10 CFR Part 70).

(2) Excess nuclear material in the categories described above shall be disposed of in accordance with instructions provided in the license agreement between the contractor in possession and the AEC. In the absence of specific instructions, excess materials described above shall be reported by letter to the Office of Supply and Equipment Management, NASA Headquarters. The nature of the material, quantity, location, and ownership shall be indicated.

• • • • •

4. Section 18–24.206–1(i) is revised to read as follows.

§ 18–24.206–1 General.

• • • • •

(i) Auction, spot bid, and retail sales: Auction, spot bid, and retail sales shall not be utilized for selling contractor inventory, unless approved on an individual case basis by the Director, Office of Supply and Equipment Management (Code BE), NASA Headquarters.

5. Section 18–24.206–2(e) is revised to read as follows.

§ 18–24.206–2 Competitive sales.

• • • • •

(e) *Approval of sale.* Bids shall be evaluated by the plant clearance officer to establish that the sale price is fair and reasonable in the light of reasonable knowledge or test of the market, due regard being given to current prices for products for which quotations are published and to the circumstances, nature, condition, quantity, and location of the property. Award shall be approved to that responsible bidder whose bid is most advantageous to the Government, price and other factors considered. Award shall not be approved to any bidder who would not be eligible to enter into a sales contract with NASA in accordance with the provisions of the Joint Consolidated List of Debarred, Ineligible and Suspended Contractors (see Subpart 18–1.6). If it is determined that an award to a contractor on a Joint Consolidated List would be in the best interest of the Government, the plant clearance officer shall request approval from the Director of Procurement, NASA Headquarters through the Director, Office of Supply and Equipment Management (Code BE), NASA Headquarters.

• • • • •

6. Section 18–24.206–5 is revised to read as follows:

§ 18–24.206–5 Applicability of antitrust laws.

Whenever an award is proposed to any private interest of personal property with an acquisition cost to the Government of $3 million or more, or of a patent, process, technique, or invention, irrespective of cost, the selling NASA installation shall promptly notify the Attorney General and the Administrator of the General Services Administration of the proposed disposal and the probable terms and conditions thereof. The installation shall include in the notification the following information:

(a) Location and description of property (specifying the tonnage if scrap);

(b) Proposed sale price of property (explaining the circumstances if proposed purchaser was not highest bidder);

(c) Acquisition cost of property to Government;

(d) Manner of sale, indicating whether by-.

(1) Sealed bid (specifying number of purchasers solicited and bids received),

(2) Auction or spot bid (stating how sale was advertised), or

(3) Negotiation (explaining why property was not offered for sale by competitive bid);

(e) Proposed purchaser's name, address, and trade name (if any), under which it is doing business;

(f) If a corporation, give name of State and date of incorporation, and name and address of-.

(1) Each holder of 25 percent or more of the corporate stock,

(2) Each subsidiary, and

(3) Each company under common control with proposed purchaser;

(g) If a partnership, give-.

(1) Name and address of each partner, and

(2) Other business connections of each partner;

(h) Nature of proposed purchaser's business, indicating whether its scope is local, statewide, regional, or national;

(i) Estimated dollar sales volume of proposed purchaser (as of latest calendar or fiscal year);

(j) Estimated net worth of proposed purchaser; and

(k) Proposed purchaser's intended use of property.

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Upon request, the selling NASA installation shall furnish the Attorney General such additional information as it may possess concerning the proposed disposition. The Attorney General will advise the installation whether the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws. A copy of the notification furnished the Attorney General will be forwarded by the selling NASA installation to the Director, Office of Supply and Equipment Management (Code BE), NASA Headquarters.

7. Section 18–24.208 is revised to read as follows.

§ 18–24.208 Destruction or abandonment.

Destruction or abandonment of surplus personal property may be accomplished only after every effort has been made to effect disposition by other authorized disposal methods. NASA Form 812, "Determination and Authorization to Abandon or Destroy Surplus Property" properly executed, reviewed, and approved by the installation Property Disposal Review Board and the Director, Office of Supply and Equipment management (Code BE), NASA Headquarters, when required, will be utilized to abandon or destroy surplus personal property. No personal property shall be abandoned or destroyed on a contractor's premises without the contractor's consent.

8. Section 18–24.211–1 is revised to read as follows.

§ 18–24.211–1 Property Disposal Review Board.

A Property Disposal Review Board shall be established at each NASA installation by the Head of the installation and at NASA Headquarters by the Director, Headquarters Administrative Office (see NASA Management Instruction 4320.1, "Disposal of Surplus Personal Property"). Board members, including a chairman and alternate members, shall be appointed in writing and shall serve for a period of one year. A quorum of three voting members shall be required at each Board meeting. No person shall serve as a member of a Property Disposal Review Board in reviewing any property action in which he has participated.

9. Section 18–24.301–6 is revised to read as follows.

§ 18–24.301–6 DD Form 1342, DOD Property Record.

Shall be used to report Centrally Reportable Equipment (See B.306–1 or C.306–1).

Appendix B—Control of Government Property in Possession of Contractors

1. B.102–6 is revised to read as follows.

B.102–6 *"Special test equipment"* means either single or multipurpose integrated test units engineered, designed, fabricated, or modified, to accomplish special purpose testing in the performance of the contract. Such testing units comprise electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, that are mechanically, electrically, or electronically interconnected so as to become a new functional entity, causing the individual item or items to become interdependent and essential in the performance of special purpose testing in the development or production of particular supplies or services. The term *"special test equipment"* does not include:

(i) Material;

(ii) Special tooling;

(iii) Buildings and nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment); and

(iv) Plant equipment items used for general plant testing purposes.

2. B.102–22 is added to read as follows:

B.102–22 *"Centrally reportable equipment"* means that plant equipment (including industrial plant equipment), special test equipment, special tooling or non-flight space property which is (i) used as a separate item or component of a system, and (ii) is valued at $1,000 or more, and (iii) is identifiable by function or description under one of the Federal Supply Groups or Classes, except FSC 7440.

3. B.201(b) is revised to read as follows.

* * * * *

(b) *Direct Purchase by the Contractor.* Direct purchases shall be subject to a determination by the NASA contracting officer that the items are allocable to the contract involved and are reasonably necessary. In the case of purchase authorization of Centrally Reportable Equipment, such authorization shall include a citation of a certificate of nonavailability including a date by which the equipment must be purchased by the contractor. For purposes of property control within the scope of this appendix, it shall be considered that property purchased by the contractor, for which reimbursement is to be requested, becomes Government property upon its receipt by the contractor. This provision shall not be deemed to alter or modify contractual provisions relating to passage of title.

* * * * *

4. B.305 is revised to read as follows.

B.305 *Records of Special Test Equipment.* The contractor's property control system shall be such as to provide the following minimum information regarding each item of Government-owned special test equipment, except as indicated in (c) below:

(i) Contract number or equivalent code designation;

(ii) Nomenclature or description of item (including identification number and item on which used);

(iii) Identity of any general purpose test equipment incorporated as components in such a manner that removal and reutilization may be feasible and economical;

(iv) Quantity received or fabricated;

(v) Posting reference and date of transaction;

(vi) Location;

(vii) Disposition;

(viii) Unit or group price; and

(ix) Retention category (when required by the contract).

(a) In event group pricing of special test equipment is utilized by the contractor, as recognized in B.302–1, unit prices may be computed as and when required.

(b) Retention category, item (ix) above (when applicable), shall be established by the contractor at time of acquisition or fabrication of the item of special test equipment. Retention categories defined in B.304(b) will be used for special test equipment. This information will be utilized to expedite screening when the special test equipment becomes excess to contract requirements. After a major system has gone out of production, this information need not be required for those items of special test equipment which have been retained for spare production, overhaul or repair work.

(c) Records of items of special test equipment costing $1,000 or more and centrally reportable pursuant to B.306–1 will be maintained in accordance with B.306 "Record of Plant Equipment."

5. B.306 is revised to read as follows.

B.306 *Record of Plant Equipment.*

(a) *Plant Equipment Costing $1,000 or More.* The contractor shall maintain individual item records (manual or mechanized) of each item of Government-owned plant equipment having a unit cost of $1,000 or more which will provide the following minimum information:

(i) Federal Supply Code for Manufacturer (Cataloging Handbooks H4–1, H4–2) and, at the option of the contractor, the name and address of the equipment manufacturer;

(ii) Manufacturer's model/part number;

(iii) Serial number and year built (when available);

(iv) U.S. Government identification/tag number;

(v) Noun name of the item and Federal Supply Classification (Cataloging Handbook H2–1, H2–2, and H2–3);

(vi) Acquisition document reference and date;

(vii) Location;

(viii) Dispositon document reference and date;

(ix) Contract number or equivalent code designation; and

(x) Unit price when equipment is Government-furnished or cost (f.o.b. manufacturer) when contractor acquired. (Unit price will be reduced when accessory and auxiliary items are permanently separated from the basic item of plant equipment.)

DD Form 1342 may be used as a source document for setting up accounting records as prescribed herein.

(b) *Record of Accessory and Auxiliary Equipment.* Accessory and auxiliary equipment, which is attached to or otherwise a part of an item of plant equipment or has been acquired for use in connection with a specific item, shall be recorded on the record of the item of plant equipment. In the event the accessory or auxiliary item is not attached to, a part of, or acquired for use with a specific item of plant equipment, it shall be recorded as indicated in B.306(d).

(c) *Record of Manufacturing Systems.* Where plant equipment (including accessory or auxiliary type items) is assembled and interconnected to form a single operating unit to perform continuously the same manufacturing process, such equipment may, for property and inventory control purposes, be grouped and recorded as a single item of plant equipment on one plant equipment record in lieu of an individual item record for each component comprising the item of plant equipment. This does not obviate the requirement for adequately describing the component items on the plant equipment record nor does it preclude the use of more than one plant equipment record form when additional space is required.

(d) *Plant Equipment Costing More than $200 and Less Than $1,000.* Except where individual item records are necessary for effective control, calibration, or maintenance, summary stock records may be maintained for minor plant equipment and for plant equipment costing between $200 and $1,000 per unit. The contractor's property control

system shall be such as to provide the following minimum information:

(i) Contract number or equivalent code designation;

(ii) Noun name, Federal Supply Classification in Cataloging Handbooks H2–1, H2–2 and H2–3;

(iii) Manufacturer or Federal Supply Code for the manufacturer and model/part number;

(iv) Quantity received;

(v) Balance on hand;

(vi) Posting reference and date of transaction;

(vii) Unit price;

(viii) Location (see B.301(g)); and

(ix) Disposition.

In addition, where appropriate as determined by the property administrator the serial number or Government identification number or both for each item shall be recorded in a permanent manner in the property records and, upon disposition, lined out or otherwise deleted from the record. DD Form 1342 may be used for individual record cards for items costing between $200 and $1,000.

6. B.306–1 is revised to read as follows.

B.306–1 *Reporting Centrally Reportable Equipment.*

(a) NASA requires that certain NASA furnished or contractor acquired equipment as defined in B.102–22, centrally reportable equipment, be reported to the Equipment Visibility System (EVS). The contractor shall report all unreported items in the contractor's possession and, subsequently, shall report equipment items to EVS (1) at the time of receipt and acceptance of accountability, (2) when major changes occur in the data initially submitted to NASA, and (3) when the equipment is no longer required for or actively being used in pursuit of NASA programs or projects. Reporting will be accomplished by completion of Section I of DD Form 1342 or by other means acceptable to the contracting officer provided DD Form 1342 equivalent line item data is furnished. The data furnished at the time the equipment is reported pursuant to (a)(3) above will include the equipment's current condition code. Reportable data shall be forwarded through the contracting officer of the cognizant NASA installation marked for the Equipment Visibility System (EVS). Reportable data will be prepared and forwarded within 15 working days after the event which created the need for its preparation and forwarding.

(b) Equipment will be identified by noun name using the Joint DOD Handbooks as listed in § 18–13.312 and the Federal Cataloguing Handbooks H2–1 and H2–2. The forms prepared for components will be clearly marked with the word "component." Reporting of newly listed items which are in the possession of the contractor shall be accomplished within 180 days following the date of the new handbook or the page change.

7. Attachment 1 to Appendix B is revised to read as follows.

INSTRUCTIONS FOR THE PREPARATION OF NASA PROPERTY RECORD, DD FORM 1342, FEB. 1968 EDITION FOR REPORTING OF CENTRALLY REPORTABLE EQUIPMENT

This instruction is to be used in the preparation of DD Form 1342 to report newly acquired equipment, items not previously reported, when major changes occur in the data initially submitted or equipment which is no longer required for or actively being used in pursuit of NASA programs or projects. Only one initial report is required. In-use items will be reported initially to the equipment visibility system (EVS) through the contracting officer (see B.306–1) by use of this form by marking "active" and "initial" in Block 1. Idle items being initially reported are to be identified by marking "idle" and "initial" in Block 1.

Block 1. Check appropriate boxes to indicate "Active" or "Idle" report and that the report is an "Initial" or "Changed" report.

Block 2. Enter the Julian date of preparation of the form. The first character will be the last digit of the current calendar year, and the next three characters, the Julian date of the year.

Block 3. Enter the Identification Number/Government Tag Number as recorded on the identification plate affixed to the equipment.

SECTION I.—INVENTORY RECORD

Block 4. To obtain item identification data for reporting purposes use:

a. *Production Equipment Directories, D1 and D2.* The PEC selection for metalworking machinery and welding, heat cutting and metalizing equipment items being reported will be obtained by comparing and matching a directory entry by manufacturer's designation, nomenclature, and size of capacity data. After selection, enter a 12 digit code consisting of the 10 digit number and a 2 digit model code. When an item of IPE cannot be coded from the applicable directory, enter the first four digits of the applicable PEC.

b. *IPE Handbooks.* The PEC selection will be obtained from Section 3 of the appropriate Defense Supply Agency commodity handbook (see NASA PR 13.312) by the same method as outlined for directories as shown above. The PEC consists of 12 digits. For all other reportable items which cannot be identified to the order listed below:

(1) Section II of the IPE handbook will be screened for applicable entry. The PEC selected will be equal to a specific nomenclature and size or capacity data matching the item being reported.

(2) If Section II does not contain size or capacity data to cover the specific item, then the PEC representing the nomenclature only will be selected. The PEC for the nomenclature usually can be determined by presence of zeros in the 9th through the 12th position of the PEC, and the absence of a size or capacity in Column 2.

(3) Additional description as required by the applicable descriptive guide shown in Section IV will be included on all reports submitted.

c. When an item cannot be coded from the sources indicated above, enter the first four digits of the applicable PEC/FSC.

Block 5. Not applicable.

Block 6. Indicate in dollars (omit any symbols, decimal points, commas, etc.) the acquisition cost used for property accounting purposes. The acquisition cost will be the price of the basic item plus accessories and auxiliary equipment procured and delivered with the basic unit. If the initial acquisition cost data are not available, an appraised acquisition cost (based on known costs at the time of manufacture of the same or similar equipment), price lists for the period involved, or the best available price from other sources in NASA or DOD, should be used which will achieve conformity of prices for like items of equipment.

Block 7. Enter one of the three type codes (1, 2, or 3) listed in Appendix 1C of Defense Supply Agency Manual DSAM 4215.1.

Block 8. Enter the last two digits of the year the item was manufactured. If the actual year of manufacture cannot be determined, estimate the date, and place an "E" immediately preceding the entry.

Block 9. Enter the appropriate operating power code listed in Appendix 1C of DSAM 4215.1.

Block 10. Not applicable.

Block 11. Enter the two-digit code "32" to indicate NASA-owned equipment.

Block 12. Not applicable.

Block 13. Not applicable.

Block 14. Enter the name of the manufacturer of the equipment being reported. Do not use a distributor's or vendor's name.

a. Enter the name of the manufacturer under which the item is listed in the Directory of Metalworking Machinery, Directory of Welding, Heat Cutting, and Metallizing Equipment or appropriate Handbook. In some cases manufacturers have merged or become subsidiaries of another company; therefore, in reporting the manufacturer's name, use the appropriate manufacturing division of subsidiary name, and not the parent company.

b. Enter the word "Unknown" when the name of the manufacturer is not known.

Block 15. This is a five digit numerical code identifying the manufacturer. The manufacturer's code will be obtained from Production Equipment Directories D1 and D2, the DSAH series Industrial Plant Equipment Handbooks or Cataloging Handbook H4–1.

Block 16.

a. Enter the manufacturer's model, style, or catalog number for the equipment being reported. Always use the model number, if available. Style number would be next in preference. When the manufacturer does not assign a model, style, or catalog number, the word "None" will be inserted.

b. When the model number is obtained from IPE directories or handbooks, the model number must agree with the manufacturer's description, size, capacities of the equipment and Plant Equipment Code. All model numbers must be verified by a physical inspection of the equipment.

c. When unable to locate a model number, refer to manufacturer's brochure or purchase order. If the model number is obtained from other than the equipment, indicate the source in "Remarks", Block 54.

Block 17. Enter the serial number taken from the equipment. If a serial number is not assigned to the item, enter "NONE".

Blocks 18, 19, 20 and 21. The length, width and height including skid will be recorded to the next foot. Dimensions on boxed items should be to the next foot only.

a. Add 24" to the length, 4" to the width, and 10" to the height of the item for determining skidded dimensions. EXAMPLE: Actual machine measurements are 12'-3" long, 6'-10" wide, and 8'-4" high. By using the above formula, reporting measurements would be 15' long, 8' wide and 10' high.

b. Not applicable.

c. Weight will be recorded to the nearest hundred pounds, except for items weighing less than 500 pounds on which the weight will be indicated to the nearest 10 pounds. The weight will not be limited to that of the basic machine, but will include the weight of accessories and auxiliary equipment. This combined weight does not include skid weight. The carrier's inbound freight bill on machine tool manufacturer's specifications are normally an accurate source document for weight information.

Block 22. Not applicable.

Block 23. Not applicable.

Block 24. Not applicable.

Block 25. Enter the complete contract number under which the contractor is accountable for the item. This normally will be a facility contract number. Otherwise, the production, procurement, service, lease, or lay away contract number, as applicable, will be entered.

Block 26. Enter the complete description of the item, including the major group, class, subclass, type, subtype, size group, specific size, etc., as selected from the appropriate directory or handbook.

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a. *Production Equipment Directories D1 and D2 or H2–1 or H2–2.* Beginning with the noun, insert the description of the item verbatim from the applicable directory for the PEC selected. Next, insert all sizes, capacities, and adjustments thereof, used by the manufacturer to describe the item if not included in the directory entry.

b. *IPE Handbooks.* Enter description from Sections I, II, or III of the handbook.

c. *General.*

(1) Physical inspection by qualified technical personnel will be performed on all items reported to obtain or verify condition, descriptive and capacity data.

(2) If the item being reported is a single purpose item, a complete description of the product produced will be entered with identifying drawing or part numbers, if available.

(3) If the item being reported is designated as general purpose with special features, the special features and their relation to the original design will be fully explained.

Block 27. This entry is to be completed for all IPE that includes electric motors. Enter the electrical characteristics and quantity of all motors. List the main drive motor(s) first, followed by all other motors in order of importance.

Block 28. Enter the NASA installation, or company name, street address, city, state and zip code of the actual location of the equipment in this block. If the actual location is a subcontractor's plant, enter the name of the prime contractor above the subcontractor's name. Do not use the office address if different from the plant address. If no street address exists, insert "No Street Address".

Block 28a. Not applicable.

Block 29. Not applicable.

SECTION II—INSPECTION RECORD

Not applicable.

SECTION III—REMARKS

Not applicable.

SECTION IV—DISPOSITION RECORD

Not applicable.

SECTION V—VALIDATION RECORD

Not applicable.

Appendix C—Control of Property in Possession of Nonprofit Research and Development Contractors

1. C.102–6 is revised to read as follows:

C.102–6 *"Special test equipment"* means either single or multipurpose integrated test units engineered, designed, fabricated, or modified, to accomplish special purpose testing in the performance of the contract. Such testing units comprise electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, that are mechanically, electrically, or electronically interconnected so as to become a new functional entity, causing the individual item or items to become interdependent and essential in the performance of special purpose testing in the development or production of particular supplies or services. The term *"special test equipment"* does not include:

(i) Material;

(ii) Special tooling;

(iii) Buildings and nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment); and

(iv) Plant equipment items used for general plant testing purposes.

2. C.102–24 is added to read as follows:

C.102–24 *"Centrally reportable equipment"* means that plant equipment (including industrial plant equipment), special test equipment, special tooling or non-flight space property which is (i) used as a separate item or component of a system, and (ii) is valued at $1,000 or more, and (iii) is identifiable by function or description under one of the Federal Supply Groups or Classes, except FSC 7440.

3. C.305 is revised to read as follows.

C.305 *Records of Special Test Equipment.* The contractor's property control system shall be such as to provide the following minimum information regarding each item of Government-owned special test equipment; except as indicated in (b) below:

(i) Contract number or equivalent code designation;

(ii) Nomenclature or description of item (including identification number and item on which used);

(iii) Identity of any general purpose test equipment incorporated as components in such a manner that removal and reutilization may be feasible and economical;

(iv) Quantity received or fabricated;

(v) Posting reference and date of transaction;

(vi) Location;

(vii) Disposition; and

(viii) Unit or group price.

(a) In event group pricing of special test equipment is utilized by the contractor, as recognized in C.302–1, unit prices may be computed as and when required.

(b) Records of items of special test equipment costing $1,000 or more and centrally reportable pursuant to C.306–1 will be maintained in accordance with C.306 Record of Plant Equipment.

4. C.306–1 is revised to read as follows.

C.306–1 *Reporting centrally reportable equipment*

(a) NASA requires that certain NASA furnished or contractor acquired equipment as defined in C.102–24, centrally reportable equipment, be reported to the Equipment Visibility System (EVS). The contractor shall report all unreported items in the contractor's possession and, subsequently, shall report equipment items to EVS (1) at the time of receipt and acceptance of accountability, (2) when major changes occur in the data initially submitted to NASA, and (3) when the equipment is no longer required for or actively being used in pursuit of NASA programs or projects. Reporting will be accomplished by completion of Section I of DD Form 1342 or by other means acceptable to the Contracting Officer provided DD Form 1342 equivalent line item data is furnished. The data furnished at the time the equipment is reported pursuant to (a)(3) above will include the equipment's current condition code. Reportable data shall be forwarded through the Contracting Officer of the cognizant NASA installation marked for the Equipment Visibility System (EVS). Reportable data will be prepared and forwarded within 15 working days after the event which created the need for its preparation and forwarding.

(b) Equipment will be identified by noun name using the Joint DOD Handbooks as listed in §18–13.312 and the Federal Cataloguing Handbooks H2–1 and H2–2. The forms prepared for components will be clearly marked with the word "component". Reporting of newly listed items which are in the possession of the contractor shall be accomplished within 180 days following the date of the new handbook or the page change.

5. Attachment 1 to Appendix C is revised to read as follows.

INSTRUCTIONS FOR THE PREPARATION OF NASA PROPERTY RECORD, DD FORM 1342, FEB. 1968 EDITION FOR REPORTING OF CENTRALLY REPORTABLE EQUIPMENT

This instruction is to be used in the preparation of DD Form 1342 to report newly acquired equipment, items not previously reported, when major changes occur in data initially submitted or equipment which is no longer required for or actively being used in pursuit of NASA programs or projects. Only one initial report is required. In-use items will be reported initially to the Equipment Visibility System (EVS) through the contracting officer (see C.306–1) by use of this form by marking "active" and "initial" in Block 1. Idle items being initially reported are to be identified by marking "idle" and "initial" in Block 1.

Block 1. Check appropriate boxes to indicate "Active" report and that the report is an "Initial" report.

Block 2. Enter the Julian date of preparation of the form. The first character will be the last digit of the current calendar year, and the next three characters, the Julian date of the year.

Block 3. Enter the Identification Number/Government Tag Number as recorded on the identification plate affixed to the equipment.

SECTION I.—INVENTORY RECORD

Block 4. To obtain item identification data for reporting purposes use:

a. *Production Equipment Directories, D1 and D2.* The PEC selection for metalworking machinery and welding, heat cutting and metalizing equipment items being reported will be obtained by comparing and matching a directory entry by manufacturer's designations, nomenclature, and size or capacity data. After selection, enter a 12 digit code consisting of the 10 digit number and a 2 digit model code. When an item of IPE cannot be coded from the applicable directory, enter the first four digits of the applicable PEC.

b. *IPE Handbooks.* The PEC selection will be obtained from Section 3 of the appropriate Defense Supply Agency commodity handbook (see NASA PR 13.312) by the same method as outlined for directories as shown above. The PEC consists of 12 digits. For all other reportable items which cannot be identified to the order listed below:

(1) Section II of the IPE handbook will be screened for applicable entry. The PEC selected will be equal to a specific nomenclature and size or capacity data matching the item being reported.

(2) If Section II does not contain size or capacity data to cover the specific item, then the PEC representing the nomenclature only will be selected. The PEC for the nomenclature usually can be determined by presence of zeros in the 9th through the 12th position of the PEC, and the absence of a size or capacity in Column 2.

(3) Additional description as required by the applicable descriptive guide shown in Section IV will be included on all reports submitted.

c. When an item of IPE cannot be coded from the sources indicated above, enter the first four digits of the applicable PEC/FSC.

Block 5. Not applicable.

Block 6. Indicate in dollars (omit any symbols, decimal points, commas, etc.) the acquisition cost used for property accounting purposes. The acquisition cost will be the price of the basic item plus accessories and auxiliary equipment procured and delivered with the basic unit. If the initial acquisition cost data are not available, an appraised acquisition cost (based on known costs) at the time of manufacture of the same or similar

equipment, price lists for the period involved, or the best available price from other sources in NASA or DOD, should be used which will achieve conformity or prices for like items of equipment.

Block 7. Enter one of the three type codes (1, 2, or 3) listed in Appendix 1C of Defense Supply Agency Manual DSAM 4215.1.

Block 8. Enter the last two digits of the year the item was manufactured. If the actual year of manufacture cannot be determined, estimate the date, and place an "E" immediately preceding the entry.

Block 9. Enter the appropriate operating power code listed in Appendix 1C of DSAM 4215.1.

Block 10. Not applicable.

Block 11. Enter the two-digit code "32" to indicate NASA-owned equipment.

Block 12. Not applicable.

Block 13. Not applicable.

Block 14. Enter the name of the manufacturer of the equipment being reported. Do not use a distributor's or vendor's name.

a. Enter the name of the manufacturer under which the item is listed in the Directory of Metalworking Machinery, Directory of Welding, Heat Cutting, and Metallizing Equipment, or appropriate Handbook. In some cases, manufacturers have merged or become subsidiaries of another company; therefore, in reporting the manufacturer's name, use the appropriate manufacturing division of subsidiary name, and not the parent company.

b. Enter the word "Unknown" when the name of the manufacturer is not known.

Block 15. This is a five digit numerical code identifying the manufacturer. The manufacturer's code will be obtained from Production Equipment Directories D1 and D2, the DSAH series Industrial Plant Equipment Handbooks; or Cataloging Handbook H4–1.

Block 16.

a. Enter the manufacturer's model, style, or catalog number for the equipment being reported. Always use the model number, if available. Style number would be next in preference. When the manufacturer does not assign a model, style, or catalog number, the word "None" will be inserted.

b. When the model number is obtained from IPE directories or handbooks, the model number must agree with the manufacturer's description, size, capacities of the equipment and Plant Equipment Code. All model numbers must be verified by a physical inspection of the equipment.

c. When unable to locate a model number, refer to manufacturer's brochure or purchase order. If the model number is obtained from other than the equipment, indicate the source in "Remarks", Block 54.

Block 17. Enter the serial number taken from the equipment. If a serial number is not assigned to the item, enter NONE.

Blocks 18, 19, 20 and 21. The length, width and height including skid will be recorded to the next foot. Dimensions on boxed items should be to the next foot only.

a. Add 24" to the length, 4" to the width, and 10" to the height of the item for determining skidded dimensions. Example: Actual machine measurements are 12'–3" long, 6'–10" wide, and 8'–4" high. By using the above formula, reporting measurements would be 15' long, 8' wide and 10' high.

b. Not applicable.

c. Weight will be recorded to the nearest hundred pounds, except for items weighing less than 500 pounds on which the weight will be indicated to the nearest 10 pounds. The weight will not be limited to that of the basic machine, but will include the weight of accessories and auxiliary equipment. This combined weight does not include skid weight. The carrier's inbound freight bill on machine tool manufacturer's specifications are normally an accurate source document for weight information.

Block 22. Not applicable.

Block 23. Not applicable.

Block 24. Not applicable.

Block 25. Enter the complete contract number under which the contractor is accountable for the item. This normally will be a facility contract number. Otherwise, the production, procurement, service, lease, or lay away contract number, as applicable, will be entered.

Block 26. Enter the complete description of the item, including the major group, class, subclass, type, size group, specific size, etc., as selected from the appropriate directory or handbook.

a. *Production Equipment Directories D1 and D2, or H2–1 or H2–2.* Beginning with the noun, insert the description of the item verbatim from the applicable directory for the PEC selected. Next, insert all sizes, capacities, and adjustments thereof, used by the manufacturer to describe the item if not included in the directory entry.

b. *IPE Handbooks.* Enter description from Sections I, II, or III of the handbook.

c. *General.*

(1) Physical inspection by qualified technical personnel will be performed on all IPE reported to obtain or verify condition, descriptive and capacity data.

(2) If the item being reported is a single purpose item, a complete description of the product produced will be entered with identifying drawing or part numbers, if available.

(3) If the item being reported is designated as general purpose with special features, the special features and their relation to the original design will be fully explained.

Block 27. This entry is to be completed for all IPE that includes electric motors. Enter the electrical characteristics and quantity of all motors. List the main drive motor(s) first, followed by all other motors in order of importance.

Block 28. Enter the NASA installation, or company name, street address, city, state and zip code of the actual location of the equipment in this block. If the actual location is a subcontractor's plant, enter the name of the prime contractor above the subcontractor's name. Do not use the office address if different from the plant address. If no street address exists, insert "No Street Address."

Block 28a. Not applicable.

Block 29. Not applicable.

SECTION II—INSPECTION RECORD

Not applicable.

SECTION III—REMARKS

Not applicable.

SECTION IV—DISPOSITION RECORD

Not applicable.

SECTION V—VALIDATION RECORD

Not applicable.

Supplement 3—Property Administration

1. S3.603 is revised to read as follows:

S3.603 *Financial reports.* (a) The property administrator is responsible for obtaining, for all contracts assigned to him, financial reports from the contractor as required under the provisions of paragraph B.311 of Appendix B or paragraph C.311 of Appendix C, and the clause of the contract entitled "Financial Report of Government-Owned Space Hardware," when applicable. The reports shall be distributed in accordance with the procedures in paragraphs (b), (c), and (d) below.

(b) Four copies of each of the contractor's semiannual reports (NASA Forms 1017 and 1018), or a negative letter report, when appropriate, shall be reviewed and forwarded by the property administrator within three working days after receipt to the contracting officer, Attention: Industrial Property Specialist. The industrial property specialist will furnish one copy of each report to the cognisant financial management or fiscal officer and forward one copy of each report to the Director, Office of Supply and Equipment Management (Code BE), to arrive not later than July 29 covering the period December 1–June 30 and December 31 covering the period July 1–November 30.

(c) In the case of contracts being administered for the Department of Defense, the reports shall be sent as follows:

(i) *Army*—The procurement contracting officer.

(ii) *Navy*—Commanding Officer, Navy Finance Center, Attention: FPA 20, Washington, D.C. 20390

(iii) *Air Force*—(To be provided).

(iv) *Defense Supply Agency*—Director, Defense Supply Agency, Attention: DSAH–CFS, Cameron Station, Alexandria, Virginia 22314.

(d) For material, the annual contractor's reports specified in B.311(b) shall be accumulated by the property administrator and transmitted to the appropriate Military Department or the Defense Supply Agency, to arrive not later than August 30 of each year. The Army reports shall be sent to the Finance and Accounting Officer, U.S. Army Materiel Command, Washington, D.C. 20315. The Navy, Air Force, and Defense Supply Agency reports shall be sent to the addresses in (c) above.

J. O'NEIL MACKEY, JR.,
Deputy Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc.74–11700 Filed 5–21–74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

PART 62—PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

Public Health and National Health Service Corps Scholarship Program

In the FEDERAL REGISTER of March 28, 1974 (39 FR 11430) the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Title 42, Code of Federal Regulations, by adding thereto a new Part 62 to set forth conditions and procedures for the award of scholarships pursuant to section 225 of the Public Health Service Act.

Interested persons were afforded the opportunity to participate in the rule-making through submission of comments on or before April 12, 1974. Five comments from members of the public were received. Four of those comments requested that § 62.2(c) of the proposed regulation, which contains a non-exclusive list of health related specialties, be revised to include schools of social work, podiatry and rehabilitation therapy, so

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that students therein could be supported under the program. Such section however neither precludes nor mandates which students will be supported and therefore no revision is necessary. The regulations provide instead that the Secretary will from time to time designate and publish in the FEDERAL REGISTER a list of those health-related specialties for which the United States Public Health Service has need and for which scholarship support will be available (§ 62.6(a)). Inasmuch as the predictable shortage of physicians in the Public Health Service in the mid-70's and beyond far exceeds that of any other health profession, it has been determined that the limited funds presently available will be used for the training of physicians (M.D. and D.O.). As necessary in the future, training in the other health-related specialties, including those referred to in the comments received, will be considered. The fifth comment received requested that the regulations be revised to provide that students who attend school on a 12-month rather than the traditional 9-month academic year basis receive stipend support for each month for which they attend school instead of the present policy, which has been retained, that stipend support be provided only on an academic year basis. We would point out that while it is correct that we will not be paying stipends to the 12-month student in an amount greater than that received by the student who is attending school during the traditional 9-month academic year, such student will be receiving full payment of tuition and fees, while his service commitment will be limited to that of a student attending school on a 9-month academic year basis. That comment also suggested that the service requirement accrue on a month to month basis commensurate with scholarship payments. Inasmuch as the statute provides otherwise that is, one year of service for each academic year of support, we are unable to adopt the proposed change. Further, such comment requested that even if the present stipend policy be retained, it would aid students in 12-month programs if the payment mechanism allowed for 12-monthly payments rather than the 9-monthly payments presently proposed. The 9-monthly payment mechanism was adopted, among the variety of reasonable payment options, expecting those students in programs covering longer periods to exercise the necessary financial self discipline to "stretch" the funds over their entire school year. Future regulatory changes will be considered however, if experience indicates that another payment mechanism is more reasonable.

Effective date: The regulation as set forth below shall become effective May 22, 1974.

Dated: May 9, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary.

Sec.
62.1 Applicability.
62.2 Definitions.
62.3 Eligibility.
62.4 Application and selection.
62.5 Scholarship and tuition.
62.6 Designation of health related specialties and stipend amount.
62.7 Service to obligation.
62.8 Failure to perform.
62.9 Waiver or suspension.

AUTHORITY: Sec. 5, 86 Stat. 1293 (42 U.S.C. 234).

§ 62.1 Applicability.

The regulations in this part are applicable to scholarships awarded pursuant to section 225 of the Public Health Service Act, which authorized the Secretary to award scholarships in order to obtain trained physicians, dentists, nurses and other health-related specialists for the National Health Service Corps and other units of the Public Health Service.

§ 62.2 Definitions.

As used in this part, the following terms shall have the following meanings:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "School" means a public or private, school of medicine, osteopathy, dentistry, pharmacy, nursing or other health related specialty which provides a course of study, or a portion thereof, which leads respectively to a degree of Doctor of Medicine, Doctor of Osteopathy, Doctor of Dental Surgery or an equivalent degree, Bachelor of Science in pharmacy, an associate degree, diploma, or baccalaureate degree in nursing or an appropriate degree for the particular health specialty and which is accredited or assured accreditation by an accrediting agency or association that is recognized for such purpose by the United States Commissioner of Education, or where appropriate by the Secretary.

(d) "Full time student" means a student who is enrolled in a school pursuing a course of study leading to a degree or diploma and who is enrolled for a sufficient number of credit hours in any semester or other academic term to enable such student to complete the course of study within not more than the number of semesters or other academic terms normally required therefor at the school in which such person is enrolled.

(e) "Service" means the United States Public Health Service.

(f) "Academic year" means the traditional, approximately nine month September to June annual session. For the purpose of computing academic year equivalents for students who, during a twelve-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of nine-months duration.

(g) "Corps" means the National Health Service Corps.

§ 62.3 Eligibility.

To be eligible for a scholarship under this subpart an applicant must:

(a) Be accepted for enrollment, or be enrolled, as a full-time student in a school in the United States or its territories or possessions;

(b) Maintain an acceptable level of academic standing. For the purpose of this paragraph acceptable level of academic standing means the eligibility of a student to continue in attendance at the school where the student is enrolled in accordance with the school's standards and practices;

(c) Be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be selected for civilian service in the National Health Service Corps;

(d) Agree in writing to serve, as described in § 62.7 in the Commissioned Corps of the Service or as a civilian member of the National Health Service Corps;

(e) Be a citizen of the United States.

§ 62.4 Application and selection.

(a) An application for a scholarship under this subpart shall be submitted in such form and at such time as the Secretary may require.

(b) Applicants in the health-related specialties so designated by the Secretary pursuant to section 62.6 will be evaluated and selected by the Secretary taking into consideration (1) academic performance, (2) faculty recommendations, (3) work experience, and (4) relative need of the Service for particular health-related specialties.

§ 62.5 Scholarship and tuition.

(a) The Secretary may award scholarships for each approved academic year of training not to exceed four years for any individual recipient. The amount of the scholarship stipend which will be paid monthly shall be an amount not in excess of the basic pay and allowances of a commissioned officer, without dependents, on active duty in pay grade 0–1 with less than two years of service as established by the Secretary pursuant to § 62.6.

(b) The Secretary will contract or otherwise arrange for the payment of those tuition and other educational fees necessarily incurred by a full-time student.

§ 62.6 Designation of health related specialties and stipend amount.

(a) The Secretary will from time to time designate and publish in the FEDERAL REGISTER those health-related specialties for which the Service has need and for which support under this subpart will be available.

(b) The Secretary will also from time to time determine and publish in the FEDERAL REGISTER the amount of the scholarship stipend for each health-related specialty for which support under this subpart will be available.

§ 62.7 Service obligation.

(a) A scholarship recipient is obligated to serve on active duty for one year as a Commissioned Officer in the Service or as a civilian member of the National Health Service Corps following completion of academic training, for each academic year of support or fraction therefor received under this program: *Provided, however,* That in no event shall a recipient serve less than two years.

(b) At least one-half the total period of service required by paragraph (a) to be performed by each recipient shall be spent providing health care and services: (1) in an area designated under section 329(b) of the Act, as a critical health manpower shortage area; (2) as a member of the Indian Health Service or Bureau of Medical Services and in an area determined by the Secretary (under section 329 of the Act or otherwise) to have a health manpower shortage; or (3) in connection with any program of designated by the Secretary, for the provision of health care and services in such an area.

(c) For recipients receiving a degree from a school of medicine, osteopathy, or dentistry, the commencement of a period of obligated service may be deferred for a period of time not to exceed one year for internship (or equivalent training) and for good cause shown, at the option of the Secretary for an additional period of time for residency training. Such periods of internship and residency shall not be creditable in satisfying an active duty service obligation, unless such internship and residency is served in a facility of the Public Health Service, or other facility of the National Health Service Corps.

(d) For recipients receiving degrees in other health-related specialties the obligated service period will commence upon completion of their academic training.

§ 62.8 Failure to perform.

(a) If, for any reason, a participant fails to complete an active duty service obligation, such participant shall be liable for the payment of an amount equal to the scholarship payments, tuition and other educational fees paid, plus interest at the maximum legal prevailing rate running from the date such payments were made. Any amount which the United States is entitled to recover under this paragraph, shall within the three year period beginning on the date on which it is determined that a breach occurred, be paid to the United States. For the purpose of this paragraph maximum legal prevailing rate of interest shall mean the maximum permissible rate prescribed by the District of Columbia Code on the day of breach applicable to this type of debt.

(b) When a person undergoing training in the program terminates academic training, he shall be liable for repayment to the United States for an amount equal to the cost of tuition and other educational expenses paid to or for such person from Federal funds plus any scholarship payments received by such person under the program. Repayment of such amount shall be within three years of the date of termination.

§ 62.9 Waiver or suspension.

(a) A person who fails to complete an active duty service obligation or who fails to complete academic training may seek waiver or suspension of any obligation incurred pursuant to § 62.7 upon written request to the Secretary setting forth the basis, circumstances and causes which support the requested action.

(b) The Secretary may waive or suspend any obligation under § 62.7 with respect to any individual whenever compliance by such individual

(1) Is impossible or

(2) Would involve extreme hardship to such individual and if enforcement of such obligation with respect to any such individual would be against equity and good conscience.

(c) For the purpose of paragraph (b)(1) of this section compliance with an obligation by an individual will be deemed impossible, and such compliance will be waived, where the Secretary determines, on the basis of such information and documentation as he may require that the individual has died or suffers from a physical or mental disability that results in the inability of such individual to perform the services or other activities which would be necessary in order to comply with the obligation.

(d) For the purpose of paragraph (b)(2) of this section in determining whether to waive or suspend any or all of indebtedness or service obligation of an individual as imposing an undue hardship and being against equity and good conscience, the Secretary on the basis of such information and documentation as he may require, will take into consideration the following:

(1) The individual's present financial resources and obligations;

(2) The individual's estimated future financial resources and obligations;

(3) The extent to which the individual is practicing the profession for which support was provided in a manner which is similar to and consistent with the position which such individual would have occupied in the Public Health Service or the Corps;

(4) The extent to which the individual has problems of a personal nature, e.g. physical or mental disability, terminal illness in the immediate family, which so intrude on the individual's ability to perform as to raise a presumption that the individual will be unable to perform the obligations incurred.

[FR Doc.74-11729 Filed 5-21-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 123—BILINGUAL EDUCATION

Guidelines

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 1, 1973 (38 FR 27223), setting forth regulations for the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act, as amended, 20 U.S.C. 880b—880b–5). Pursuant to Section 503 of the Education Amendments of 1972, a public hearing on the proposed regulations was held on October 30 in Washington, D.C. In addition, written comments on the proposed regulations were received.

As provided by section 708 of the Bilingual Education Act (20 U.S.C. 880b–5), the Advisory Committee on the Education of Bilingual Children, at meetings held in Washington, D.C. on January 10–11 and January 30–31, 1974, reviewed and commented upon the proposed regulations, including the criteria for approval of applications.

A. *Summary of comments; changes in the regulations.* The following comments were submitted to the Office of Education regarding the proposed regulations, either at the public hearing held on October 30, 1973, or in writing. After the summary of each comment, a response is set forth stating changes which have been made in the regulations, or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the final regulations. Where the section number in the final regulations differs from that in the proposed rule, the proposed section number is also identified.

1. Section 123.01 *Purpose.*

Comment. One commenter objected to the use of the term "special educational needs."

Response. The term is taken from Section 702 of the Bilingual Education Act. It is defined in § 123.02 as "needs associated with a limited ability to speak English," and should not be confused with needs associated with limited mental capacity. No change in the regulation is, therefore, deemed necessary.

Comment. Several commenters objected to the use of the term "children of limited English-speaking ability."

Response. The term is taken from Section 702 of the Bilingual Education Act. It is defined in § 123.02, pursuant to that section of the Act, as "children who come from environments where the dominant language is other than English." Since the regulation follows the statutory language, no change is deemed necessary.

2. Section 123.02 *Definitions.*

Comment. Several commenters suggested additions to the definition of "bilingual education," including particularly a provision relating to learning two languages within their cultural contexts.

Response. The definition ("the use of two languages, one of which is English, as media of instruction") is taken from the legislative history of the Bilingual Education Act (Sen. Rept. No. 91–634, 56 (1970)). It is intended to be sufficiently broad to permit the support of the "new and imaginative" programs referred to in Section 702 of the Act. Because of their importance to the success of any bilingual education program, "activities designed to impart to students a knowledge of the history and culture associated with their languages" are required as a part of the

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instructional component described in § 123.12(b). Accordingly, the thrust of the commenters' suggestion is reflected in the regulations. No change in the definition of "bilingual education" is made.

Comment. Two commenters suggested revisions of the definition of "dominant language" to permit meeting the needs of children who come from homes but not communities in which a language other than English is most relied upon for communication.

Response. The reference to "the community" has been deleted from the definition.

Comment. One commenter questioned whether Indian children not enrolled in schools operated by tribal organizations or the Department of the Interior as described in the definition of "local educational agency" could be served by programs assisted under the Bilingual Education Act.

Response. It should be understood that any local educational agency may conduct a program under Part 123 to meet the needs of Indian children of limited English-speaking ability, regardless of their residence, so long as it complies in other respects with the requirements of the regulations. Section 706 of the Act (relating to children on or from reservations) does not confine the benefits of the Act to Indian children attending schools operated by tribal organizations or the Department of the Interior.

3. Section 123.12. *Authorized activities.*

Comment. One commenter suggested that a school be deemed to have a high concentration of children of limited English-speaking ability from low-income families where a lesser percentage of such children were enrolled therein. Another suggested defining such a school in relation to the enrollment of such children in the school district as a whole.

Response. Section 123.12(a)(1) has been amended to define such a school as one in which either 5 per centum of the enrollment or 25 children are children of limited English-speaking ability from low-income families. A more restrictive definition relating to the district-wide enrollment is deemed inadvisable.

Comment. One commenter suggested that the language skills set out in § 123.12(a)(3)(i) were described too narrowly.

Response. Section 123.12(a)(3)(i) has been amended to authorize activities designed to develop "listening, speaking, reading, writing, and other academic skills in two languages. These activities are required as a part of the instructional component described in § 123.12(b).

Comment. Several commenters suggested additions to the authorized activities enumerated in § 123.12(a).

Response. The enumerated activities with minor modifications are taken from Section 704 of the Bilingual Education Act. It should be noted that, where otherwise authorized by law, activities (in addition to those specifically enumerated in the regulation) which will make substantial progress toward achieving the purpose of the Act are authorized by § 123.12(a)(3)(viii). No change in the regulation is deemed necessary.

Comment. Two commenters supported mandatory staff training, but one suggested that preservice training should not be required. One commenter also suggested that early childhood education activities be required in certain circumstances.

Response. Section 123.12(b) has been amended to require inservice training of program personnel. Preservice training, while authorized, is not a required activity under the amended regulation. Early childhood education activities are not required because they are not deemed to be essential to the success of all bilingual education programs.

Comment. A number of comments were received concerning the participation of children whose dominant language is English in bilingual education programs. The most frequent suggestion was to require the participation of such children in a ratio approximating the ratio of such children enrolled in each school affected by the program. The comments also reflected concern that the participation of such children not dilute the benefits of the program to children of limited English-speaking ability.

Response. Section 123.12(d) has been amended to provide for the participation of children whose dominant language is English at each school affected by the bilingual education program, unless the applicant conclusively demonstrates that such participation would not contribute to the achievement of the purpose of the Bilingual Education Act. The reference to the ratio of such children to children of limited English-speaking ability participating in the program has been deleted from the regulation. A further safeguard against the dilution of the benefits of bilingual education programs is the requirement in § 123.01 that such programs be designed to meet the needs of children of limited English-speaking ability.

Comment. One commenter suggested that the limitation regarding the separation of children by language or ethnic background was educationally inadvisable, at least as applied to young children.

Response. Section 123.12(d) has been amended to permit such separation for a portion of the school day for specific language learning activities where the applicant demonstrates that it is essential to the achievement of the purpose of the Bilingual Education Act.

Comment. One commenter suggested that materials developed in bilingual education programs be required to be made available to local educational agencies conducting programs under Part 123.

Response. Section 123.12 has been amended by adding paragraph (e), which incorporates this suggestion.

4. Section 123.13 *Applications.*

Comment. One commenter suggested that the access of the public to applications and written materials relating thereto be facilitated.

Response. Section 123.13(a) has been amended to incorporate this suggestion.

Comment. Two commenters suggested that the reference in § 123.13(b)(5) to standardized achievement test scores as a measurement of the success of bilingual education programs be deleted.

Response. The regulation has been amended to incorporate this suggestion. It should be understood that standardized tests, if reliable and valid, are one acceptable measurement of the success of a program. Other objective measurements are also acceptable, and would be required in assessing the degree to which certain objectives of a program, such as those relating to inservice training or school-home activities, have been attained.

Comment. Two commenters suggested that the evaluations of bilingual education programs required by § 123.12(b)(5) be conducted by other than the applicant.

Response. Section 123.13(b)(5)(i) permits the evaluation of programs by the Commissioner or a public or private agency designated by him. The bi-annual evaluation reports described in § 123.13(b)(5)(ii) are to be prepared by the applicant with the participation of the community advisory group (see § 123.16(a)(3). Since the regulatory provisions regarding evaluation contemplate assessments by other than the applicant and since evaluations conducted by outside groups might result in a dilution of program benefits to children of limited English-speaking ability, the suggested requirement is deemed inadvisable.

Comment. Several commenters suggested additions to the provision in § 123.13(b)(7) regarding the use in bilingual education programs of "the assistance of persons with expertise in the educational problems of children of limited English-speaking ability," and of "cultural and educational resources."

Response. The regulation is taken from section 705(a)(8) of the Bilingual Education Act, and is intended to be sufficiently broad to permit the use of the assistance of any person with the required expertise and any cultural or educational resource in the area to be served. The definition of "cultural and educational resources" has been modified to conform to the statutory language.

Comment. Two commenters supported the provision in § 123.13(b)(10) for the coordination of bilingual education programs with activities funded under other Federal laws, and one suggested the provision be strengthened as to coordination with activities funded under Title VII of the Education Amendments of 1972 (the Emergency School Aid Act).

Response. The regulation has been modified to incorporate an explicit reference to the Emergency School Aid Act.

5. Section 123.14 *Criteria for assistance.*

Comment. Numerous and diverse comments were received regarding the numercial criteria for assistance contained in § 123.14(a) (and § 123.14(b) of the proposed regulations). Several commenters suggested revisions in weights of the criteria set out in § 123.14(a), including particularly increases in the number of points awarded for "staffing" (§ 123.14(a)(2)(iv)) and "parent and community involvement" (§ 123.14(a)(2)(vi)). Additional criteria were suggested

for inclusion in § 123.14(a), and one commenter suggested that the "objective criteria" contained in § 123.14(a)(1) be deleted. Several commenters stressed the importance of progress in meeting the needs of children of limited English-speaking ability as a criterion, either alone or together with the criteria in § 123.14(a), for the approval of applications for continued assistance under § 123.14(b) of the proposed regulations.

Response. The regulation has been modified in several respects. Point values for "staffing" (§ 123.14(a)(2)(iv)), "parent and community involvement" (§ 123.14(a)(2)(vi)), and "needs assessment" (§ 123.14(a)(2)(i)) have been increased; the point value of "continuation of program" (§ 123.14(a)(2)(xi)) has been decreased. Section 123.14(a)(1), "objective criteria," has been retained pursuant to sections 705(b)(2)(A) and 703(b) of the Act, but is assigned less weight relative to the "educational and programmatic criteria" set out in § 123.14(a)(2) because of the increase in points for the latter. Section 123.14(a)(2)(vii), "delivery of services," has been modified to include an assessment of the material required to be submitted by § 123.13(b)(1) and (4), since such material is deemed to be relevant to the likelihood of the success of bilingual education programs. Other changes in § 123.14(a) are not deemed to be advisable.

Section 123.14(b) of the proposed regulation has been deleted so as to permit all applications to be rated on the basis of the same criteria, except that the extent to which a program proposed to be continued has made substantial progress in meeting the needs of children of limited English-speaking ability is included in § 123.14(a)(2)(iii) as a criterion for approval of applications for the continuation of assistance. In connection with the involvement of the community advisory group in the review of applications suggested by one commenter, it should be noted that under § 123.16(a)(3), one of the functions of that group is to participate in the evaluation of bilingual education programs, and that evaluation reports constitute a part of the basis for an assessment of the progress achieved by such programs.

Comment. A number of comments were received regarding § 123.14(b) (§ 123.14(c) of the proposed regulations). Several commenters objected to the requirement that applicants for assistance to continue programs beyond the fifth year present more compelling reasons for funding, and several offered suggestions for a more precise definition of these reasons.

Response. The requirement for a more compelling justification for programs previously assisted for five years has been retained in modified form. This provision recognizes that applicants which have conducted such programs have to some extent addressed the needs of their students and are, by virtue of their experience with such programs, better able to continue to meet those needs without Federal assistance. Further, it reflects the purpose of the Bilingual Education Act to provide for the support of "new and imaginative" programs (see Section 702 of the Act). While the provision permits Federal assistance beyond the fifth year to support exceptionally meritorious programs, it is intended to facilitate the adoption by school districts of new approaches in meeting the needs of limited English-speaking children.

The regulation has been revised to make it clear that applicants which have conducted programs assisted under the Act for five previous years need not make the more compelling justification for continued funding if they choose to address the needs of new students and employ new educational approaches. Thus, the requirement for a special showing is confined to applicants which propose to continue programs which have been supported by Federal funds for a substantial period of time. The regulation has also been modified to make it clear that applications to continue programs previously assisted for five years will be assessed on the basis of the criteria in § 123.14(a).

6. Section 123.16 *Parent and community participation.*

Comment. One commenter suggested that the composition, by dominant language, of the community advisory group reflect the composition of the population to be served by the bilingual education program. Another suggested that members of such group be identified by ethnicity rather than dominant language.

Response. Section 123.16(c) has been amended to incorporate the first suggestion above. Since the Bilingual Education Act speaks in terms of needs related to language rather than ethnicity, incorporating the second suggestion into the regulation is deemed inadvisable.

7. *Other comments.*

Several commenters suggested requirements for which no authority can be found in the Bilingual Education Act and which therefore could not be incorporated into the regulations.

In addition, a number of comments were received regarding such matters as eligible applicants (§ 123.11(a)) and target schools (§ 123.12(a)(1)), which are governed by specific provisions of the Act and which therefore could not be changed as suggested.

B. *Other changes.*

Numerous minor changes have been made to correct clerical errors or to affect technical matters.

After consideration of the above comments and consultation with the Advisory Committee on the Education of Bilingual Children, Part 123 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

Effective date. Pursuant to section 503(d) of the Education Amendments of 1972 (Pub. L. 92-318), these regulations become effective on June 21, 1974.

(Catalog of Federal Domestic Assistance Programs No. 13.403, Bilingual Education)

Dated: April 8, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education and Welfare.

Sec.
123.01 Purpose.
123.02 Definitions.
123.03 General terms and conditions.
123.11 Eligibility for assistance.
123.12 Authorized activities.
123.13 Applications.
123.14 Criteria for assistance.
123.15 Participation of children enrolled in private schools.
123.16 Parent and community participation.

AUTHORITY: Title VII of the Elementary and Secondary Education Act of 1965, as amended, 81 Stat. 816-819 (20 U.S.C. 880b-880b-5), unless otherwise noted.

§ 123.01 Purpose.

Assistance made available under this part shall be for the purpose of developing and carrying out new and imaginative elementary and secondary school programs designed to meet the special educational needs of children of limited English-speaking ability.

(20 U.S.C. 880b)

§ 123.02 Definitions.

Except as otherwise specified, the following definitions shall apply to the terms used in this part:

"Bilingual education" means the use of two languages, one of which is English, as media of instruction.

(Sen. Rept. No. 91-634, 56 (1970))

"Children of limited English-speaking ability" means children who come from environments where the dominant language is other than English.

(20 U.S.C. 880b)

"Dominant language" means the language most relied upon for communication in the home.

(20 U.S.C. 880b-880b-5)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. In addition, such term includes a nonprofit institution or organization of an Indian tribe which operates on or near a reservation an elementary or secondary school for Indian children and which is approved by the Commissioner of Education for purposes of this part, and an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior.

(20 U.S.C. 880b-3a, 881(f))

"Special educational needs" means the needs associated with a limited ability to speak English.

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(20 U.S.C. 880b–880b–5)

"State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 881(j))

§ 123.03 General terms and conditions.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), except that such assistance shall not be subject to the provisions of § 100a.26(b) of this chapter, relating to criteria for awards.

(20 U.S.C. 880b–880b–5)

§ 123.11 Eligibility for assistance.

(a) Applications for assistance under this part may be submitted by (1) a local educational agency or a combination of such agencies, or (2) an institution of higher education (as such institutions are defined in 20 U.S.C. 881(e)) applying jointly with a local educational agency.

(b) In the case of applications submitted by a local educational agency in combination with an institution of higher education, where a single budget is submitted the local educational agency shall be considered the grantee. Where separate budgets are submitted, the Commissioner may consider each of the joint applicants as a grantee for the purpose of conducting its part of a joint program.

(20 U.S.C. 880b, 880b–3(a))

§ 123.12 Authorized activities.

(a) The following activities are authorized to be carried out with financial assistance made available under this part where such activities are designed to carry out the purpose described in § 123.01:

(1) Planning for and taking other steps leading to the development of bilingual education programs designed to meet the special educational needs of children of limited English-speaking ability in schools having a high concentration of such children from families (i) with incomes below $3,000 per year, or (ii) receiving payments under a program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act, including research projects, pilot projects designed to test the effectiveness of plans so developed, and the development and dissemination of special instructional materials for use in bilingual education programs. For purposes of this section, a school shall be deemed to have a high concentration of the children described in this subparagraph if such children constitute at least 5 per centum of the enrollment of such school or if at least 25 such children are enrolled in such school.

(2) Providing (i) preservice training designed to prepare persons to participate in the programs described in (a)(1) of this section as teachers, teacher-aides, or other ancillary education personnel such as counselors, and (ii) inservice training and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs; and

(3) Establishing, maintaining, and operating the programs described in paragraph (a)(1) of this section, including (i) activities designed to develop listening, speaking, reading, writing, and other academic skills in the English language and in the dominant language of participating children of limited English-speaking ability; (ii) activities designed to impart to students a knowledge of the history and culture associated with their languages; (iii) activities to establish closer cooperation between the school and the home; (iv) early childhood education activities related to the purpose described in § 123.01 and designed to improve the potential for profitable learning activities by children of limited English-speaking ability; (v) adult education activities related to the purpose described in § 123.01, particularly for parents of children participating in the programs described in this paragraph; (vi) activities designed for dropouts or potential dropouts having need of the programs, described in this paragraph; (vii) activities conducted by accredited trade, vocational, or technical schools which are related to the purpose described in § 123.01; and (viii) other activities which will make substantial progress toward achieving the purpose described in § 123.01.

(20 U.S.C. 880b–2)

(b) Any program assisted under this part shall include, at a minimum, the activities described in paragraphs (a)(2)(ii) and (a)(3)(iii) of this section, and an instructional component which combines the activities described in paragraphs (a)(3)(i) and (a)(3)(ii) of this section.

(20 U.S.C. 880b–3(a)(3), 880b–3(b)(3)(A), Sen. Rept. No. 91–634, 57 (1970))

(c) Except as provided in § 123.15, activities assisted under this part shall be designed primarily to meet the special educational needs of children enrolled in schools operated by the applicant local educational agency.

(20 U.S.C. 880b, 880b–3)

(d)(i) Programs assisted under this part shall provide for the participation at each school affected by such programs of children whose dominant language is English as well as children of limited English-speaking ability, unless the applicant conclusively demonstrates that such participation of children whose dominant language is English will not contribute to the achievement of the purpose described in § 123.01. Such programs shall include such provisions as are necessary to prevent the separation of children by language or ethnic background in any activity included in such programs, unless the applicant demonstrates that such separation for a portion of the school day for specific language learning activities is essential to the achievement of the purpose described in § 123.01.

(ii) No child of limited English-speaking ability attending a school having a high concentration of the children described in paragraph (a)(1) of this section shall be prohibited from participating in a program assisted under this part on the ground that such child is not a member of a family described in paragraph (a)(1)(i) or (a)(1)(ii) of this section.

(20 U.S.C. 880b, 880b–2, 880b–3(a)(3), 880b–3(b)(3)(A); Sen Rept. No. 91–634, 56 (1970))

(e) Activities assisted under this part shall include provision for making available, at a cost not exceeding the actual cost of reproduction, sample copies of any materials resulting from the proposed program to any local educational agency which is receiving assistance under this part and which requests copies of such materials.

(20 U.S.C. 880b–3(a)(3))

(f) Federal funds made available under this part for any fiscal year shall be so used as to supplement and, to the extent practicable, increase the level of funds (including funds made available under Title I of the Elementary and Secondary Education Act of 1965) that would, in the absence of such Federal funds, be made available by the applicant for the activities described in § 123.12, and in no case as to supplant such funds.

(20 U.S.C. 880b–3(a)(4))

(g) Federal funds made available under this part shall not be used in connection with any sectarian activity or religious worship, or in connection with any part of a school or department of Divinity. "School or department of Divinity," for purposes of this paragraph, means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects. (*Lemon* v. *Kutzman*, 403 U.S. 602 (1971)).

§ 123.13 Applications.

(a) An applicant desiring to receive assistance under this part for any fiscal year shall submit to the Commissioner an application therefor for that fiscal year, which application shall set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose described in § 123.01, and such policies and procedures as will assure that the applicant will use the funds received under this part only for the activities described in § 123.12. The Commissioner may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence and other written materials relating thereto, (including reports relating to performance and evaluation of approved programs), shall be made readily available to members of the public by the applicant and, pursuant to the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (45 CFR Part 5), by the Commissioner. The applicant shall make copies of such materials available to such persons at a cost not exceeding the actual cost of reproduction.

(20 U.S.C. 880b–3(a)(3), 880b–3(b)(1), 1231 d)

(b) Applications for assistance under this part shall contain the following assurances and information:

(1) *Administration by applicant.* An assurance that the activities for which assistance is sought under this part will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient operation of the program;

(3) *Supplementation of funds.* A statement of the amount, source, and use of funds available for the activities described in § 123.12 from non-Federal sources and under Title I of the Elementary and Secondary Education Act of 1965 for the fiscal year for which assistance is sought, and for the fiscal year preceding such year;

(4) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(5) *Evaluation, reports, and records.* An assurance (i) that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this part have been effective in improving the educational opportunities of children of limited English-speaking ability; and (ii) that the applicant will submit to the Commissioner an annual report and such other reports, in such form and containing such information, as he may reasonably require to carry out his functions under this part, and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and vertification of such reports. Reports relating to performance and evaluation of approved programs shall be submitted to the Commissioner not less frequently than twice annually, and shall include averages of scores on reliable and valid tests or other objective measurements of the success of such programs in attaining the objectives stated in the applicant's program application.

(6) *Participation of part-time students.* An assurance that provision has been made for the participation in the proposed program of children of limited English-speaking ability who are not enrolled in the schools of the applicant on a full-time basis, and a description of the provisions for such participation;

(7) *Use of educational resources.* A description of provisions made by the applicant for the utilization in connection with the proposed program of the assistance of persons with expertise in the educational problems of children of limited English-speaking ability, and for optimum use in such program of the cultural and educational resources in the area to be served. For purposes of this subparagraph, the term "cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit private schools, and public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television outlets, and other cultural and educational resources.

(8) *Review by State educational agency.* A statement indicating that the appropriate State educational agency (as defined in 20 U.S.C. 881(k)) has been given a reasonable opportunity (at least 15 days) to review the proposed program, including the identity of the State official or agency to whom the proposed program has been submitted for such review, and the date of such submission, and a copy of any recommendations made by such official or agency. In the case of an application submitted by an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior, the Secretary of the Interior or his designate shall be treated as the appropriate State educational agency for purposes of this subparagraph.

(9) *Coordination.* A statement of procedures employed by the applicant to coordinate its proposed program with activities funded under any other law of the United States, including Title VII of the Education Amendments of 1972 (Emergency School Aid Act);

(10) *Cross-reference.* The assurances and information described in §§ 123.15(a) and 123.16(a).

(20 U.S.C. 880b–3(a)(1), (2), (4), (5), (6), (7), and (8), 880b–3(b)(4), 885, 1607(c)(3))

§ 123.14 Criteria for assistance.

(a) In approving applications submitted by local educational agencies (or by such agencies applying jointly with institutions of higher education), the Commissioner shall apply the following criteria:

(1) *Objective criteria.* (60 points) The need for such assistance, as indicated by the number and percentage of children of limited English-speaking ability between the ages of 3 and 18, inclusive, residing in the school district served by the applicant agency; and

(2) *Educational and programmatic criteria.* (140 points) The extent to which the proposed program promises to increase the educational opportunities of children of limited English-speaking ability in the school district served by the applicant agency, as indicated by the following:

(i) *Needs assessment.* (20 points) The extent to which the applicant has identified and demonstrated by objective evidence the nature and magnitude of the educational needs to be addressed by the proposed program, and the extent of the needs so identified;

(ii) *Statement of objectives.* (10 points) The extent to which the application sets forth objectives in relation to the needs assessed which are interrelated, specific, measurable, and realistically attainable within the specified periods;

(iii) *Activities.* (30 points) (*a*) The extent to which the activities included in the proposed program promise to result in the attainment of the applicant's stated objectives, and (*b*) in the case of an applicant which received assistance under this part during the fiscal year prior to the fiscal year for which assistance is sought, the extent to which the applicant demonstrates, by evaluation reports and other objective evidence, that any program proposed to be continued has made substantial progress in meeting the special educational needs of children of limited English-speaking ability;

(iv) *Staffing.* (15 points) The extent to which the application (*a*) sets forth an adequate staffing plan which includes provisions for making maximum use of present staff capabilities, and (*b*) provides for continuing training of professional and paraprofessional staff which promises to increase the effectiveness of the proposed program;

(v) *Use of educational resources.* (5 points) The extent to which the applicant proposes to utilize the expertise and cultural and educational resources described in § 123.13(b)(7);

(vi) *Parent and community involvement.* (20 points) The extent to which the application (*a*) delineates specific opportunities for the participation of the community advisory group described in § 123.16 in the planning, implementation, and evaluation of the proposed program, and (b) includes evidence that such participation has been encouraged and has in fact occurred;

(vii) *Delivery of services.* (5 points) The extent to which the application sets forth (*a*) a plan for meeting the logistical requirements of the proposed activities, including a description of adequate and conveniently available facilities and equipment, (*b*) a statement of methods of administration likely to ensure the proper and efficient operation of the proposed program, and (*c*) a statement of fiscal control and fund accounting procedures likely to ensure the proper disbursement of and accounting for funds made available under this part;

(viii) *Resource management.* (5 points) The extent to which the application contains evidence that (*a*) the costs of program components are reasonable in relation to the expected benefits; (*b*) the proposed program will be coordinated with existing efforts; and (c) all possible efforts have been made to minimize the amount of funds requested for purchase

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of equipment necessary for implementation of the proposed program;

(ix) *Evaluation.* (15 points) The extent to which the application sets forth a format for objective, quantifiable measurement of the success of the proposed program in attaining the stated objectives, including (*a*) a statement of the criteria by which attainment of objectives is to be measured; (*b*) a description of the instruments to be used to collect data for evaluation of the proposed program (and the method to be used to validate such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; (*c*) an assessment of the validity of such instruments when used to evaluate the language skills, academic achievement, academic aptitude, or general intelligence of children whose dominant language is other than English; (*d*) a timetable for the collection of data for evaluation, and a description of the method to be used to review the program in light of such data; and (*e*) provisions for comparison of evaulation results with norms, control group performance, results of other programs, or other external standards;

(x) *Dissemination.* (5 points) The extent to which the application sets forth provisions for disseminating the results of the proposed program and making materials, techniques, and other outputs resulting therefrom available to persons residing in the school district served by the applicant local educational agency, the general public, and those concerned with the educational opportunities of children of limited English-speaking ability; and

(xi) *Continuation of program.* (10 points) The extent to which the proposed program is designed in such a manner as to facilitate the continuation of such program as part of the regular school program of the applicant local educational agency upon the unavailability of assistance under this part.

(20 U.S.C. 880b-1(b), 880b-3(a) (2), (3), (5), (6), and (8), 880b-3(b) (1) and (2), 880b-3(b)(3)(A), 1231d, Sen. Rept. No. 91-634, 57 (1970); Sen. Rept. No. 90-726, 49 (1967))

(b) *Funding criteria.* (1) In approving applications for assistance under this part the Commissioner shall give preference to applications for assistance to continue programs assisted under this part during the fiscal year prior to the fiscal year for which assistance is sought, except that he shall not approve an application for assistance for any fiscal year after the fifth consecutive fiscal year for which assistance has been provided under this part, for a program proposed to be continued, unless such application sets forth a program of exceptional promise, for achieving the purpose described in § 123.01 on the basis of the criteria set out in paragraph (a) of this section. For purposes of this paragraph, a proposed program shall not be deemed to continue a program assisted under this part during the fiscal year prior to the fiscal year for which assistance is sought where such proposed program (i) serves no children previously served by a program assisted under this part and (ii) employs curricular materials and pedagogic methodology not employed by the applicant in a program previously assisted under this part.

(2) The Commissioner shall not be required to approve any application submitted by an applicant which received assistance under this part during the fiscal year prior to the fiscal year for which assistance is sought if such applicant fails to demonstrate, that it has made substantial progress in achieving the purpose described in § 123.01. The Commissioner shall not be required to approve any application for assistance under this part which does not meet the requirements of this part or which sets forth a program of such insufficient promise for achieving the purpose described in § 123.01 that its approval is not warranted.

(3) In approving applications for assistance under this part, the Commissioner shall take into consideration any recommendations offered by the appropriate State educational agency to the extent such recommendations are consistent with the criteria set out in this section.

(20 U.S.C. 880b-1(b), 880b-3(a)(3), 880b-3(b)(1), (3)(A), and (4))

§ 123.15 Participation of children enrolled in private schools.

(a) Applications submitted under this part shall contain an assurance that, to the extent consistent with the number of children of limited English-speaking ability enrolled in nonprofit private schools in the area to be served, provision has been made for participation of such children in the proposed program, and a description of the provisions which have been made for such participation. Such provisions shall assure that the special educational needs of such children are addressed to the same extent as the special educational needs of children of limited English-speaking ability enrolled in the schools of the applicant local educational agency.

(20 U.S.C. 880b-3(b)(3)(B))

(b) Any program involving the joint participation of children enrolled in both public and nonprofit private schools shall include such provisions as are necessary to prevent the separation of such children by school or religious affiliation in any program activity.

(c) The activities included in such programs shall be carried out at such locations as will efficiently and conveniently serve the children enrolled in the affected public and nonprofit private schools. Public school personnel may be made available in other than public school facilities to the extent necessary to provide special services for children of limited English-speaking ability, when such services are not normally provided by the affected nonprofit private school. The applicant local educational agency shall maintain administrative direction and control over any such services.

(d) Mobile and portable equipment may be used on nonprofit private school premises only for such time within the program period as may be necessary for the successful participation in such program by children enrolled in such private schools. Provisions for special services for children enrolled in nonprofit private schools shall not include the payment of salaries for teachers or other employees of such schools (except for services performed after school hours when such teachers or other employees are not under the direction and control of such schools), nor shall they include the use of equipment other than mobile or portable equipment on private school premises or any construction, remodeling, or repair of private school facilities. "Mobile or portable equipment," for purposes of this paragraph, means manufactured items which have an extended useful life and are not consumed in use, and which are not permanently fastened to the building or the grounds.

(20 U.S.C. 880b-3(b)(3)(B))

§ 123.16 Parent and community participation.

(a) Applications submitted under this part shall contain an assurance (1) that the applicant local educational agency will consult with a community advisory group established in accordance with paragraph (c) of this section at least once a month (in formal meetings open to the public) with respect to policy matters arising in the administration and operation of any program assisted under this part; (2) that such agency will provide such group with a reasonable opportunity periodically to observe (upon prior and adequate notice to such agency and at such time or times as such group and such agency may agree) and comment upon all activities included in any program assisted under this part; and (3) that such agency will make such provisions as are necessary to insure the participation of such group in the evaluation of any program assisted under this part.

(b) Applicants for assistance under this part shall afford the community advisory group established in accordance with paragraph (c) of this section a reasonable opportunity (not less than 15 days) to review and comment upon proposed programs prior to submission of applications for assistance to the Commissioner. In connection with such review, applicants which received assistance under this part during the fiscal year prior to the fiscal year for which assistance is sought shall furnish to such groups copies of the most recent reports and records described in § 123.13(b)(5). Applicants shall submit with their applications (1) a list of the name, address, and dominant language of each member of the community advisory group; (2) evidence that the names of the members of such group and a statement of the purpose of such group have been published in a newspaper of general circulation or otherwise made public; (3) a statement of the date the application was submitted to such group for review and comment; and (4) the written comments or recommendations, if any, made by such group with respect to such application.

(c) At least 50 per centum of the members of the community advisory group required by this section shall be parents of children directly affected by the proposed program. In addition, the applicant local educational agency shall select as members of such group, other persons representative of the population to be served by the proposed program, such as members of civic and community organizations, teachers, and (where the program is designed to serve such students) secondary school students. The ratio of members of such group whose dominant language is English to members of such group whose dominant language is that of the children of limited English-speaking ability to be served, shall approximate the ratio of such persons in the population to be served by the proposed program.

(20 U.S.C. 1231d; Sen. Rept. No. 91-634, 57 (1970))

[FR Doc.74-11740 Filed 5-21-74;8:45 am]

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—OEO Income Poverty Guidelines

This subpart revises the OEO poverty guidelines as required by section 625 of the Economic Opportunity Act of 1964, as amended. These guidelines are used to determine program eligibility. Accordingly, Chapter X, Part 1060 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Sec.
1060.2-1 Applicability.
1060.2-2 Background.
1060.2-3 Policy.

AUTHORITY: Sec. 602, 78 Stat. 528, 42 U.S.C. 2942.

1060.2-1 Applicability.

This subpart applies to all programs financially assisted under Title II or III-B of the Economic Opportunity Act if such assistance is administered by the Office of Economic Opportunity.

1060.2-2 Background.

In August 1967, OEO issued uniform income guidelines for all programs it funds which use income to determine program eligibility. These guidelines were derived from poverty thresholds developed from a definition of poverty prepared for statistical purposes by the Social Security Administration in 1964. In September 1968; January 1970; December 1970; November 1971; October 1972, and June 1973, OEO issued new guidelines which reflected changes in these poverty thresholds.

1060.2-3 Policy.

(a) The 1972 Amendments to the Economic Opportunity Act of 1964 require the following:

SECTION 625(a) Every agency administering programs authorized by this act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

(b) The revision required by paragraph (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the consumer price index during the annual or other interval immediately preceding the time at which the revision is made.

(c) Revisions required by paragraph (a) of this section shall be made and issued not more than 30 days after the date on which the necessary consumer price index data becomes available.

Pursuant to the above requirements the attached income poverty guidelines were prepared. These are based upon Table A-2 of Current Population Reports, P-60, No. 91, Bureau of the Census, December 1973, and the average percentage change in the Consumer Price Index from 1972 to 1973 as set forth in Table C-44 of the Economic Report of the President, February 1974.

(b) The following definitions, derived from Current Population Reports, P-60, No. 91, Bureau of the Census, December 1973, have been adopted by OEO for use with the attached poverty guidelines:

(1) *Income.* Refers to total cash receipts before taxes from all sources. These include money wages and salaries before any deductions, but not including food or rent in lieu of wages. They include receipts from self-employment or from own farm or business after deductions, for business or farm expenses. They include regular payments for public assistance, social security, unemployment and workmen's compensation, strike benefits from union funds, veterans benefits, training stipends, alimony, child support and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties, or income from estates and trusts. For eligibility purposes, income does not refer to the following money receipts: any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation for injury; also to be disregarded is noncash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or nonfarm housing.

(2) *A farm residence.* Is defined as any dwelling on a place of 10 acres or more with $50 or more annual sales of farm products raised there; or any place less than 10 acres having product sales of $250 or more.

(c) These new income guidelines are to be used for all those OEO-funded programs, whether administered by a grantee or delegate agency, which use OEO income poverty guidelines as admission standards. This revision of the income guidelines does not require current programs which have full enrollments to consider additional applicants. Agencies shall reflect the new income guidelines in reports required by OEO and submitted after July 1, 1974. The new income guidelines do not supersede alternative standards of eligibility approved by OEO, for Special Programs.

(d) These guidelines are also to be used in certain other instances where required by OEO as a definition of poverty; e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

Effective date. This subpart shall be come effective on June 21, 1974.

ALVIN J. ARNETT,
Director.

ATTACHMENT A

OEO POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII

Family size	Nonfarm family	Farm family
1	$2,330	$1,990
2	3,070	2,610
3	3,810	3,240
4	4,550	3,870
5	5,290	4,500
6	6,030	5,130
7	6,770	5,760

For families with more than 7 members, add $740 for each additional member in a nonfarm family and $630 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR ALASKA

Family size	Nonfarm family	Farm family
1	$2,910	$2,480
2	3,840	3,260
3	4,760	4,050
4	5,690	4,830
5	6,610	5,620
6	7,540	6,410
7	8,460	7,190

For families with more than 7 members, add $930 for each additional member in a nonfarm family and $780 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR HAWAII

Family size	Nonfarm family	Farm family
1	$2,680	$2,280
2	3,530	3,000
3	4,380	3,720
4	5,230	4,450
5	6,080	5,170
6	6,930	5,890
7	7,790	6,620

For families with more than 7 members, add $850 for each additional member in a nonfarm family and $720 for each additional member in a farm family.

[FR Doc.74-11765 Filed 5-21-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGD 72-132PH]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Licenses for Operation of Uninspected Towing Vessels

The purpose of this amendment is to change the date by which previously ex-

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perienced towing vessel operating personnel may make application for a license issued by the U.S. Coast Guard and be administered an examination of reduced scope.

Authorization for this procedure was contained in the 2 March 1973 issue of the FEDERAL REGISTER (38 FR 5746), wherein implementing regulations for the Towing Vessel Operator Licensing Act (Pub. L. 92–339) were published. Entitlement was to expire on 1 June 1974.

It has been brought to the attention of the Coast Guard that this date would not allow the full-year "grandfather" period as was the intention of the first proposed regulations. The error stems, in part, from the delays encountered in promulgating the regulations subsequent to the August 1972 date, when this intention was published with the initial proposals for rule making.

Correction of this error would extend the initial licensing period to 1 September 1974. In view of critical personnel shortages within the industry, interested parties have requested that the period be further extended to the end of the year. The Coast Guard believes that this request can be granted without jeopardizing the safety of towing vessel operations. Because of the emergency created by these personnel shortages, the Coast Guard is publishing this amendment as a final rule at this time.

In consideration of the foregoing, 46 CFR Part 10 is amended as follows:

§ 10.16–71 [Amended]

In § 10.16–71, by striking the date "June 1, 1974," and inserting the date "December 31, 1974."

(R.S. 4427, as amended; 46 U.S.C. 405(b); 49 CFR 1.46(o)(3))

Effective date. This amendment shall become effective on May 22, 1974.

Dated: May 16, 1974.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.74–11724 Filed 5–21–74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–106; Amdt. Nos. 172–26, 173–81, 174–22, 178–33, 179–13]

SHIPMENT OF HAZARDOUS MATERIALS

Correction

In FR Doc. 74–11220, appearing at page 17313 in the issue for Wednesday, May 15, 1974, the effective date should be changed to read: January 31, 1975.

G. ROUSSEAU,
Alternate Secretary, Hazardous Materials Regulations Board.

[FR Doc.74–11691 Filed 5–21–74;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–4; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Passive Belt Requirements; Correction

In FR Doc. 74–9522, appearing at page 14593 in the issue of Thursday, April 25, 1974, on page 14594, in the second column, second paragraph, the third line should read, "preting this concept as follows:".

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on May 17, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74–11730 Filed 5–21–74;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 74, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size Regulation

This amendment lowers to $3\frac{5}{16}$ inches the minimum diameter requirement applicable to the handling of white seedless grapefruit grown in the production area in Florida. The specification of such lower minimum size for Florida white seedless grapefruit is necessary to satisfy the current and prospective demand for such grapefruit. The amended regulation recognizes the size distribution of much of the white seedless grapefruit remaining for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The lower minimum diameter requirement for fresh shipments of white seedless grapefruit is consistent with the available supply of and current and prospective demand for such smaller sizes of grapefruit by fresh market outlets. Fresh shipments of Florida grapefruit for the season through May 12, 1974, totaled 22,672 carlots, and there were an estimated 2,823 carlots remaining for shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 533) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of white seedless grapefruit grown in Florida.

Order. In § 905.551 (Grapefruit Regulation 74, 38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 6605, 16231) the provisions of paragraph (b)(4) are amended to read as follows:

§ 905.551 Grapefruit Regulation 74.

* * * * * * *

(b) * * *

(4) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1974, to become effective May 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service,

[FR Doc.74–11781 Filed 5–21–74;8:45 am]

[Grapefruit Reg., Amdt. 4]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Size Requirement for Imports on White Seedless Grapefruit

This amendment lowers the minimum diameter restriction applicable to imported white seedless grapefruit to $3\frac{5}{16}$ inches on May 20, 1974. The restriction is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation imposes the same size requirement on imported white seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108, 28286; 39 FR 7798, 16472) the provisions of paragraph (a) are amended to read as follows:

§ 944.110 Grapefruit Regulation 14.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3\frac{1}{16}$ inches in diameter except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and (color); and

(3) Seedless grapefruit shall be not smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment imposes the same restrictions on imports of white seedless grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 905.551) to the shipment of white seedless grapefruit grown in Florida; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of white seedless grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1974, to become effective May 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–11782 Filed 5–21–74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Ins. 410.2]

PART 1801—RECEIVING AND PROCESSING APPLICATIONS

Credit Reports

Part 1801 of Subchapter A, General Regulations, Chapter XVIII, Title 7, Code of Federal Regulations (38 FR 4772) is amended by redesignating Subpart E as Subpart B, and amending it to provide for contracts with commercial credit reporting companies for credit reports for any applicants for financial assistance and any borrowers, instead of only those applicants for financial assistance under Title V of the Housing Act of 1949 and for any borrowers. Subpart E is therefore reserved. Inasmuch as this redesignated subpart, as amended, extends uniform internal procedures to all applicants for financial assistance rather than just those under Title V of the Housing Act of 1949, it is unnecessary to publish notice of proposed rule making as provided by 5 U.S.C. (b) and (e).

Pursuant to a notice published in the FEDERAL REGISTER on April 23, 1974 (39 FR 14499), the abbreviation for the Farmers Home Administration is now "FmHA" instead of "FHA." This document has been amended to reflect that change.

Section 1801.11 is added to read as follows:

§ 1801.11 Credit reports.

The Farmers Home Administration (FmHA) and the Department of Housing and Urban Development have contracted with credit reporting companies to obtain credit reports. Under the contracts, credit reports may be obtained for any applicants for financial assistance and for any borrowers. Such credit reports may be used whenever the FmHA county supervisor determines that one will be needed in connection with processing an application for assistance or servicing a loan account.

(a) When a loan is approved, a credit report fee will be collected by the designated closing official at the time of loan closing. Such fee will be included in the loan. When a loan is not made, the fee will be paid by the FmHA if the agency ordered the report.

(7 U.S.C. 1989, 5 U.S.C. 301, delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Effective date. This amendment and redesignation shall become effective on May 22, 1974.

Dated: May 8, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74–11734 Filed 5–21–74;8:45 am]

[FmHA Instruction 442.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Community Facility Loans

Subpart A, Community Facility Loans, of Part 1823, Title 7, Code of Federal Regulations (38 FR 29025; 39 FR 12728), is herewith amended. Inasmuch as the changes are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. The following procedural changes are being made:

1. Section 1823.2(a)(1)(i) is amended to delete fire and rescue facilities as a utility type service and clarify applicant's eligibility.

2. Section 1823.2(a)(1)(ii) is amended to clarify the type of facilities covered and to indicate that loans for the proposed facilities must meet appropriate security requirements.

3. Section 1823.3 (b) and (c)(5) are amended to clarify loan purposes for which funds may be used.

4. Section 1823.6(a)(4) is amended to clarify the types of facilities covered and to allow a loan to be considered when assured income security is not available.

5. Section 1823.6(b)(1) is amended to include natural gas distribution and cable TV systems as utility-type facility.

6. Section 1823.6(b)(3) is amended to clarify the types of facilities covered and to allow a loan to be considered under certain conditions when tax based security is not available.

As amended, these sections read as follows:

* * * * * *

§ 1823.2 Applicant eligibility and priority.

(a) * * *

(1) * * *

(i) Loans for facilities providing a utility type service such as water and sewer systems, natural gas distribution systems and cable TV may be made to other than public body type organizations, when operated on a not-for-profit basis.

(ii) Loans for services and facilities basic to social, cultural, recreational needs, public health and safety, and the like, such as fire and rescue facilities, hospitals and health clinics, community and other public buildings, and similar facilities may be made to other than public body-type organization when such facilities are fully available to the public; it is not practicable for the public entity they serve to finance them; and the proposal meets appropriate security requirements of § 1823.6.

* * * * * *

§ 1823.3 Eligible loan purposes.

* * * * * *

(b) To construct, enlarge, extend, or otherwise improve community facilities providing essential service to rural residents. Such facilities include but are not limited to those providing or supporting overall community development such as fire and rescue services; transportation; traffic control; community, social, cultural, and recreational benefits; industrial parks including utilities and access ways but not improvements erected on the land such as businesses or industrial buildings.

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(c) • • •

(5) Construct or relocate roads, bridges, utilities, fences, and other public improvements, or relocate roads, bridges, utilities, fences, and other private improvements.

• • • • • •

§ 1823.6 Security.

(a) *Other-than-public bodies.* • • •

• • • • • •

(4) Loans to incorporated nonpublic body borrowers for services and facilities for social, cultural, recreational needs, public health and safety may be secured through assignments of assured income which will have permanency for the life of the loan, from sources such as insurance premium rebates, or commitments from industries, counties, townships, or municipalities and the like. In those cases where an assignment of assured income is not available, a loan may be considered provided the organization and facilities have been in existence; is able to present evidence of financially successful operation for a period of time sufficient to indicate project success; and have available real and chattel property which has a current market value, determined by a qualified appraiser, equal to or exceeding the amount of the loan to be obtained plus any other indebtedness on the proposed security property. Ordinarily, such applicants shall have been in existence for at least ten years and shall have operated on a financially successful basis for at least the last five years, unless prior concurrence is obtained from the National Office. Such loans will be secured by a mortgage on real and chattel property, an assignment of income and any other security the State Director determines necessary for a sound loan.

(b) *Public bodies.* • • •

(1) Loans to borrowers operating utility-type facilities such as water and sewer systems, natural gas distribution systems and cable TV may be secured by:

• • • • • •

(3) Loans for other community facilities such as social, cultural, recreational needs, public health and safety will be secured by general obligation bonds, assessments, bonds which pledge other taxes, or bonds pledging revenues of the facility being financed if such bonds provide for the mandatory levy and collection of general obligation taxes if revenues are insufficient to properly operate and maintain the facility and retire the loan. In those cases where this type of security is not available, a loan may be considered provided the facility has been in existence; is able to present evidence of financially successful operation for a period of time sufficient to indicate project success; and has available real and chattel property which has a current market value, determined by a qualified appraiser, equal to or exceeding the amount of the loan to be obtained plus any other indebtedness on the proposed security property. Ordinarily, such applicants shall have been in existence for at least ten years and shall have operated on a financially successful basis for at least the last five years, unless prior concurrence is obtained from the National Office. Such loans will be secured by a mortgage on real and chattel property, an assignment of income and any other security the State Director determines necessary for a sound loan.

• • • • • •

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 38 FR 14944, 14946, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Effective date. This amendment is effective on May 22, 1974.

Dated: April 24, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-11735 Filed 5-21-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

Miscellaneous Amendments to Chapter

Notice is hereby given of the amendment of the Atomic Energy Commission's regulations in 10 CFR Parts 2, 20, 50, and 73.

The amendments of Part 2 amend § 2.104(e) to provide that the Secretary of the Commission, rather than the Director of Regulation, will transmit copies of the notice of hearing to State and local officials in accordance with the provisions of § 2.104(e). Section 2.700 is amended to clarify that the scope of Subpart G—Rules of General Applicability, includes rules governing procedure in adjudications initiated by issuance of a notice pursuant to § 2.102(d)(3) regarding the antitrust aspects of the application. A minor editorial change also is made in § 2.714.

Appendix D of Part 20 and Appendix A of Part 73 are amended to list the new daytime telephone number for the Region V office, Directorate of Regulatory Operations.

Section 50.30(c)(2) of Part 50 is amended to clarify that any amendments to the application served on the hearing board after the proceeding has been noticed must be filed also in the regular manner for filing such amendments with the Director of Regulation.

Inasmuch as the amendments set forth below are of a minor nature or are procedural and clarifying changes, notice of proposed rule making and public procedure thereon are not required by section 553 of title 5 of the United States Code, and the Commission has found good cause for making the amendments effective May 22, 1974.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 20, 50, and 73 are published as a document subject to codification.

PART 2—RULES OF PRACTICE

§ 2.104 [Amended]

1. Paragraph 2.104(e) of Part 2 is amended by deleting the words "Director of Regulation" and substituting therefor the word "Secretary."

2. Section 2.700 is amended to read as follows:

§ 2.700 Scope of subpart.

The general rules in this subpart govern procedure in all adjudications initiated by the issuance of an order to show cause, an order pursuant to § 2.205(e), a notice of hearing, a notice of proposed action issued pursuant to § 2.105, or a notice issued pursuant to § 2.102(d)(3).

§ 2.714 [Amended]

3. Section 2.714 is amended by deleting the words "except as provided in § 2.102(d)(3)" and substituting therefor "or as provided in § 2.102(d)(3)".

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

4. Appendix D of Part 20 is amended by changing the daytime telephone number for the Region V Office, Directorate of Regulatory Operations, to read "415-486-3141".

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

§ 50.30 [Amended]

5. Paragraph 50.30(c)(2) of Part 50 is amended by deleting the sentence "Any subsequent amendments to the application filed prior to the public hearing shall be served in the same manner," and substituting therefor "Any subsequent amendments to the application shall be served in the same manner, and three signed originals and the specified number of copies of such amendments shall be filed with the Director of Regulation as provided in paragraph (c)(1)(i) of this section.".

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

6. Appendix A of Part 73 is amended by changing the daytime telephone number for the Region V Office, Directorate of Regulatory Operations, to read "415-486-3141".

Effective date. These amendments become effective on May 22, 1974.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201.))

Dated at Bethesda, Md., this 13th day of May 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-11758 Filed 5-21-74;8:45 am]

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Procedures for Picking Up, Receiving and Opening Packages

On May 18, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 13033) proposed amendments to 10 CFR Part 20 of its regulations. The proposed amendments would require that licensees who pick up packages of radioactive materials at a carrier's facility do so "as expeditiously as possible" and that all labeled packages of radio active material in other than gaseous or special form be monitored "promptly" on receipt for significant, removable, external contamination.

Interested persons were invited to submit written comments and suggestions. Many comments were received, the majority coming from members of the medical profession. Most of the comments urged a greater distinction between packages with little chance of leakage and small potential hazard even if leakage occurred, and packages with greater potential leak-hazard.

On December 28, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 35489), a revised proposed amendment. That proposal recognized a greater distinction in the potential leak-hazard of different packages, and would have provided a number of exemptions from the package monitoring requirements for the lower potential leak-hazard packages.

As provided in the second notice of proposed rule making, a public meeting was held on January 17, 1974 to afford interested persons the opportunity to present statements and to discuss the proposed amendments with the regulatory staff. Representatives from the radiopharmaceutical industry, from Delta Airlines (the petitioner for rule making), and from the Society of Nuclear Medicine, participated in the meeting. The participants generally agreed that the amendments should include a provision that recipients of Type B packages maintain a 24-hour capability to be notified of the arrival of a package for pick up. Such a provision, together with a requirement that a Type B package recipient make arrangements for receipt of a Type B package at the time of its arrival, would provide assurance that Type B packages will be quickly transferred from the carrier to the recipient. Since it appears that recipients of Type B packages are able to be notified and to receive packages, the suggested requirements have been added to the rule without further opportunity for comment.

In view of the possibility that there may be some occasions where shipment of improperly prepared or damaged packages may have produced hazardous levels of radiation during transportation, the rule as adopted requires monitoring of packages for external radiation levels. This monitoring requirement is applicable to all packages containnig radioactive material in excess of Type A quantities, which are not transported under exclusive use conditions, where the consignee and consignor control the handling of packages. Where radiation levels are found to be in excess of limits speciied in the regulations of the Department of Transportation (49 CFR Parts 170-189), the rule requires that the final delivering carrier and the AEC be notified immediately.

Ten written comments were received on the proposed rule, in addition to those offered at the public meeting. Some of the comments suggested additional exemptions from the proposed package monitoring requirement on the basis of small potential leak-hazard. These comments have, for the most part, been reflected in the amendments which follow. Some comments suggested more explicit and stringent requirements on the time periods allowed for the pick up or monitoring of packages, and other comments suggested less stringent requirements. The Commission has not found sufficient reason for modifying the proposed requirements.

Other comments suggested that pick up and monitoring of packages over weekends should not be required and that, for packages which are not removed from the carrier's vehicle for some period after delivery, monitoring be delayed until the package is unloaded from the vehicle. Others suggested that the rule apply only to packages which were damaged or showed evidence of leaking. Adoption of these suggestions would defeat a prime purpose of the amendments of promptly identifying packages which have excessive external radiation levels or leak in the absence of an accident or obvious damage, because they have not been properly assembled or closed.

One commenter maintained that the external contamination levels at which a report would have to be made were too high in comparison to acceptable levels established in the regulations of the Department of Transportation and to levels established elsewhere by AEC for unrestricted areas. The Commission agrees that the levels in this rule are not appropriate under normal working conditions, but has found them acceptable as an indicator of package leakage.

After consideration of the comments and other factors involved, the Commission has revised the proposed amendment as follows:

(1) A requirement has been added to the effect that persons who expect to receive a package containing radioactive material in excess of Type A limits make arrangements to receive the package when it is offered for delivery at his facility by the carrier, or, if the package is to be picked up by the licensee at the carrier's facility, make arrangements to receive notification from the carrier of the arrival of the package, at the time of arrival.

(2) An exemption has been added for packages containing up to 10 millicuries of tritium, carbon-14, sulfur-35, or iodine-125. These materials are extensively used in medicine and research and have a very low hazard potential even in the event of leakage. Considerable unnecessary effort and expense would be incurred if these materials were subjected to the rule.

(3) A requirement has been added that on receipt Type B packages be monitored for external radiation levels.

In summary, the amendments adopted impose the following requirements:

(1) A licensee who expects to receive a package containing quantities of radioactive material in excess of Type A limits (as detailed in the table in § 20.205(b)) must make arrangements (consistent with the manner in which he orders and receives packages of radioactive materials) to receive the package when it is offered for delivery at his facility by the carrier, or, if the package is routed to be picked up by the consignee, make arrangements to receive notification from the carrier of the arrival of the package, at the time of arrival.

(2) If the package routing requires pickup by the recipient, such packages must be expeditiously picked up from the carrier's facility upon notification. This does not require persons to pick up packages at the carrier's facility if they would not otherwise have done so.

(3) Packages containing radioactive material exceeding the quantities or in forms other than those specifically exempted in the amendment must be monitored for external contamination and packages containing more than Type A quantities must be monitored for external radiations levels as soon as practicable after receipt, within three hours if the package is received during normal working hours or within 18 hours if received outside of normal working hours.

(4) If contamination of external surfaces or radiation levels of a package above specified limits is found, the final delivering carrier and the Commission must be notified immediately.

The purpose of the amendments is to facilitate the transfer of radioactive material packages from the transportation system to the consignee, to assure that the relatively high potential radiation hazard packages are monitored for evidence of leakage or excessive external radiation levels in a reasonably short period after transportation, and that any such evidence is immediately reported to the carrier and to AEC in order that radiation exposures and spread of contamination can be minimized. A Regulatory Guide, "Procedures for Picking Up and Receiving Packages of Radioactive Material," to assist licensees in understanding and complying with the amendments has been prepared and is being made available concurrent with publication of the amendments.

In view of the fact that this amendment is intended to prevent excessive spread of contamination, as occurred in the aircraft incident in January 1972, and to make known at the earliest possible time any undue radiation exposures from the transportation of improperly packaged radioactive material as was the case in the recent aircraft incident of April 5, 1974, any delay in the implementation of the rules would be undesirable and contrary to the public interest. The Commission has therefore determined that good cause exists for making the rule effective on May 22, 1974.

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The incidents referenced here have previously been described in AEC public announcements.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to 10 CFR Part 20, are published as a document subject to codification.

1. The section heading of § 20.205 is amended to read "Procedures for picking up, receiving, and opening packages."

2. The present text of § 20.205 is designated paragraph (d), and new paragraphs (a), (b), and (c) are added. As revised, § 20.205 reads as follows:

§ 20.205 Procedures for picking up, receiving, and opening packages.

(a) (1) Each licensee who expects to receive a package containing quantities of radioactive material in excess of the Type A quantities specified in paragraph (b) of this section shall:

(i) If the package is to be delivered to the licensee's facility by the carrier, make arrangements to receive the package when it is offered for delivery by the carrier; or

(ii) If the package is to be picked up by the licensee at the carrier's terminal, make arrangements to receive notification from the carrier of the arrival of the package, at the time of arrival.

(2) Each licensee who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.

(b) (1) Each licensee, upon receipt of a package of radioactive material, shall monitor the external surfaces of the package for radioactive contamination caused by leakage of the radioactive contents, except:

(i) Packages containing no more than the exempt quantity specified in the table in this paragraph;

(ii) Packages containing no more than 10 millicuries of radioactive material consisting solely of tritium, carbon-14, sulfur-35, or iodine-125;

(iii) Packages containing only radioactive material as gases or in special form;

(iv) Packages containing only radioactive material in other than liquid form (including Mo-99/Tc-99m generators) and not exceeding the Type A quantity limit specified in the table in this paragraph; and

(v) Packages containing only radionuclides with half-lives of less than 30 days and a total quantity of no more than 100 millicuries.

The monitoring shall be performed as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or eighteen hours if received after normal working hours.

(2) If removable radioactive contamination in excess of 0.01 microcuries (22,000 disintegrations per minute) per 100 square centimeters of package surface is found on the external surfaces of the package, the licensee shall immediately notify[1] the final delivering carrier and, by telephone and telegraph, the appropriate Atomic Energy Commission Regulatory Operations Regional Office shown in Appendix D.

TABLE OF EXEMPT AND TYPE A QUANTITIES

Transport group[1]	Exempt quantity limit (in millicuries)	Type A quantity limit (in curies)
I	.01	0.001
II	0.1	0.050
III	1	3
IV	1	20
V	1	20
VI	1	1000
VII	25,000	1000
Special Form	1	20

[1] The definitions of "transport group" and "special form" are specified in § 71.4 of this chapter.

(c) (1) Each licensee, upon receipt of a package containing quantities of radioactive material in excess of the Type A quantities specified in paragraph (b) of this section, other than those transported by exclusive use vehicle, shall monitor the radiation levels external to the package. The package shall be monitored as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or 18 hours if received after normal working hours.

(2) If radiation levels are found on the external surface of the package in excess of 200 millirem per hour, or at three feet from the external surface of the package in excess of 10 millirem per hour, the licensee shall immediately notify, by telephone and telegraph, the final delivering carrier and the appropriate Atomic Energy Commission Regulatory Operations Regional Office shown in Appendix D.

(d) Each licensee shall establish and maintain procedures for safely opening packages in which licensed material is received, and shall assure that such procedures are followed and that due consideration is given to special instructions for the type of package being opened.

3. In § 20.401, paragraph (b) is amended to read as follows:

§ 20.401 Records of surveys, radiation monitoring, and disposal.

* * * * *

(b) Each licensee shall maintain records in the same units used in this part, showing the results of surveys required by § 20.201(b), monitoring required by §§ 20.205(b) and 20.205(c), and disposals made under §§ 20.302, 20.303, and 20.304.

* * * * *

Effective date: This amendment becomes effective on May 22, 1974.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201).)

Dated at Germantown, Maryland this 17th day of May 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-11882 Filed 5-21-74;8:45 am]

[1] The reporting requirements in § 20.205 have been approved by GAO under number B-180 225 (R 0054).

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Consignee-Agent Commissions

This amendment to § 212.83(c)(2) of the regulations is to provide for an adjustment in the amount of increased commissions to consignee-agents which may be passed through by refiners, in recognition of the varying amounts of increased costs and commission needs of consignee-agents.

On April 1, 1974, the FEO regulations were amended to allow a refiner that increased the commissions paid to its consignee-agents with respect to the distribution of covered products, to pass through the amount by which the commission was increased, provided the increase did not exceed ten percent of the amount of the commission that was in effect on May 15, 1973 (39 FR 12012, April 2, 1974). At the same time, a consignee agent was defined in a new provision of the regulations to mean a firm which distributes covered products to purchasers under a contractual arrangement with a refiner, under which the refiner retains title to the covered products and specifies the prices to be paid by the purchaser, and under which the refiner pays the consignee agent a commission based on the volume of covered products distributed by the consignee agent.

Consignee agents perform much the same function in the distribution of covered products as do jobbers, who buy covered products and resell them. Consignee agents have experienced varying amounts of increases in non-product costs. Since its April 1, 1974 amendment to the regulations with respect to consignee agents, FEO has been advised that the 10 percent limit on the amount of the commission increase that can be passed through by a refiner does not adequately take into account the needs of this broadly diversified sector of the petroleum distribution system. This amendment is intended to permit the amount of commission adjustment needed by each consignee-agent to cover increased non-product costs to be negotiated between the consignee-agent and the refiner, and for the increased amount actually paid to be passed through by the refiner in the form of higher prices for covered products. The amount of the commission paid to each consignee-agent which can be passed through by a refiner, beginning with June 1974 is, however, limited with respect to each product and each consignee-agent to an amount per gallon in excess of the commission paid to that consignee-agent on that product on May 15, 1973 which is not more than the non-product cost price increases that would be permitted under § 212.93(b) if the consignee-agent were a reseller.

This regulation, it should be noted, applies with respect to the dollar amount of commissions. If a consignee agent has a commission schedule based on a percentage of the selling price, such a percentage must be translated into a dollar amount per unit of volume in order to make the computations under this regulation.

Any refiner that has already increased the amount of commission per unit of volume paid to its consignee agents may pass through the amount of such increases to the extent permitted by the new regulations, but may do so only with respect to commissions incurred in June 1974, or thereafter.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price regulations and to permit the amendment to be implemented during the month of June, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E. O. 11748, 38 F.R. 33575)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective June 1, 1974.

Issued in Washington, D.C., May 17, 1974.

JOHN C. SAWHILL,
Administrator,
Federal Energy Office.

Section 212.83 is amended in paragraph (c)(2) to revise the definition of the term "L_i'" to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *General formulae.*

* * * * *

L_i'=The total dollar amount of non-product costs attributable to includable amounts of commissions incurred during the period "t" (the month of measurement) beginning with June 1974 with respect to sales through consignee agents of the product or products of the type "i." The includable amount of commission incurred with respect to each item sold through each consignee-agent is the dollar amount per unit of volume by which the commission in the period "t" (the month of measurement) exceeds the commission in effect on May 15, 1973, provided that the includable amount shall be an amount reasonably intended to cover increased non-product costs of the consignee-agent, and that it shall not exceed the amount of the non-product cost price increases that would be permitted under § 212.93(b) of this part if the consignee-agent were a reseller.

[FR Doc.74-11804 Filed 5-20-74;12:06 pm]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

[Administrative Order No. 631]

SPECIAL INDUSTRY COMMITTEES FOR NEWLY COVERED EMPLOYMENT IN PUERTO RICO

Appointment; Convention; Notice of Hearings

Paragraph 6(c)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (c)(3)), as amended by the Fair Labor Standards Amendments of 1974 (P. L. 93-259, approved April 8, 1974) provides that in the case of any employee employed in Puerto Rico brought within the purview of the minimum wage provisions by those amendments, special industry committee shall be appointed under section 5 of the Act (29 U.S.C. 205) to recommend the highest minimum wage rate or rates which accord with the standards prescribed by section 8 of the Act (29 U.S.C. 208) and which shall be not less than 60 per centum of the otherwise applicable minimum wage rate in effect under section 6(b), or $1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by subsection (b). The rate or rates recommended by the special committee shall not exceed the rates prescribed in section 6(b) for nonagricultural employees and 6(a)(5) for agricultural employees.

Thus, for nonagricultural employees the rates recommended shall not be in excess of $1.90 an hour for the period ending December 31, 1974; $2.00 an hour during the year beginning January 1, 1975; $2.20 an hour during the year beginning January 1, 1976, and $2.30 an hour after December 31, 1976. For agricultural employees the rates recommended shall not exceed $1.60 an hour during the period ending December 31, 1974; $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1976, and $2.30 an hour after December 31, 1976.

Pursuant to the above cited statutory authority and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) I hereby appoint Industry Committee No. 123-A for Government Workers in Puerto Rico and Industry Committee No. 123-B for Newly-Covered Employments in Puerto Rico Other Than Government Service and to make recommendations in their respective industries, convene such committees, and give notice of the hearings to be held by them.

Industry Committee No. 123-A for Government Workers in Puerto Rico is to recommend minimum rates for all employees of the Government of Puerto Rico and its political subdivisions except those covered by the Wage Orders for the Education Industry (29 CFR 725) and the Hospital and Related Institutions Industry (29 CFR 724). Industry Commitee No. 123-B for Newly Covered Employment in Puerto Rico Other Than Government Service is to consider and recommend minimum rates for all newly-covered employees in Puerto Rico except employees of the Government of Puerto Rico or its political subdivisions. These newly covered employees include the following:

1. *Domestic service workers:* Domestic service means services of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or family in an apartment house or motel may constitute a private home. However, a dwelling house primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home.

Domestic service in and about a private home includes services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

2. Employees employed in retail and service establishments that are parts of covered enterprises and that have an annual dollar volume of sales which is not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977.

3. Employees engaged in handling telegraphic messages for the public where the revenue does not exceed $500 a month.

4. Employees of motion picture theaters.

5. Agricultural employees engaged in processing shade-grown tobacco prior to stemming.

6. Employees in forestry or lumbering operations where the number of employees is eight or less.

7. Agricultural employees of conglomerates with an annual gross volume of sales exceeding $10 million regardless of the number of employees engaged in agriculture.

Industry Committee No. 123-A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 11 a.m. on Monday, June 3, 1974. Industry Committee No. 123-B will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 11 a.m. Monday, June 10, 1974.

The hearings will take place in the office of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, P.R.

Promptly after the receipt of evidence and submissions, each committee shall resolve the issues before it and prepare a report containing its findings of facts, and conclusions as well as the reasons and basis therefor.

Each committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give such industry a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands or American Samoa; except that the minimum rate or rates recommended shall not be less than 60 per centum of the otherwise applicable wage rate in effect under subsection (b) or $1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by section 6(b) (or $1.14 an hour for nonagricultural employees or $1.00 for agricultural employees for the period ending December 31, 1974); and with the further exception that each committee shall recommend the minimum wage prescribed in section 6(b), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years or in the case of employees of public agencies other appropriate information, in the record which establishes that the industry, or a predominant portion thereof, is unable to pay that wage.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings are required to file prehearing statements, as provided in 29 CFR 511.8, containing the data specified in that section not later than 10 days before the hearing date set for each committee, namely, May 24, 1974 for Industry Committee 123-A and May 31, 1974 for Industry Committee 123-B. However, in view of the need to give adequate time to prepare such statements for Industry Committee 123-A prehearing statements received on or before May 30, 1974, shall be considered just as if they were received on May 24, 1974.

Signed at Washington, D.C., this 17th day of May 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-11741 Filed 5-21-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Irradiation of Ethylene-Vinyl Acetate Copolymers

An order published in the FEDERAL REGISTER of August 22, 1970 (35 FR 13436), amended § 121.2570 (21 CFR 121.2570) to provide for the irradiation of ethylene-vinyl acetate copolymers as articles or components of articles intended for use in contact with food to produce molecular crosslinking of the copolymers in order to impart desired properties, such as increased ability to shrink when exposed to heat, subject to the following conditions:

1. Electron beam source shall not exceed 3 million volts intensity.

2. The irradiated copolymers shall have a minimum melt index of 0.01 as determined by ASTM Method D-1238-65T modified by 0.1 percent dusting the irradiated copolymers with 2,6-ditertiary-butyl-4-methyl phenol.

A minimum melt index specification of 0.01 limits irradiation of the copolymers to a maximum dosage of approximately 3 megarads.

Notice was given by publication in the FEDERAL REGISTER of September 12, 1972 (37 FR 18483) that a petition (FAP 3M2825) had been filed by W.R. Grace and Co., Cryovac Division, P.O. Box 464, Duncan, SC 29334, proposing safe use of ethylene-vinyl acetate copolymers irradiated to dosage levels not exceeding 8 megarads at a maximum energy of 3 million electron volts of ionizing radiation to produce additional crosslinking of copolymers intended for use in contact with food.

The Commissioner of Food and Drugs, having evaluated data in the petition (FAP 3M2825), and other relevant material, concludes that the food additive regulations should be amended to provide for the irradiation of ethylene-vinyl acetate copolymers at a maximum energy of 3 million electron volts of ionizing radiation from an electron beam source, at dosage levels not exceeding 8 megarads. Additionally, the Commissioner concludes that the present method for determining minimum melt index, which is inapplicable to copolymers irradiated at dosage levels higher than presently permitted, should be replaced by the extraction end test described below.

The Commissioner further concludes that a dosage limit should be placed on ethylene-vinyl acetate films irradiated for crosslinking purposes and later exposed to further radiation to control the growth of microorganisms. This limit is necessary to hold the total accumulated dosage from both the electron beam and the gamma ray exposure to not more than 8.0 megarads.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 121.2570 be amended by revising paragraph (d) to read as follows:

§ 121.2570 Ethylene-vinyl acetate copolymers.

* * * * *

(d) Ethylene-vinyl acetate copolymers may be irradiated under the following conditions to produce molecular crosslinking of the polymers to impart desired properties such as increased strength and increased ability to shrink when exposed to heat:

(1) Electron beam source at a maximum energy of 3 million electron volts of ionizing radiation; maximum dosage not to exceed 8 megarads.

(2) The finished food-contact film shall meet the extractives limitations prescribed in pargaraph (e)(2) of this section.

(3) The ethylene-vinyl acetate copolymer films may be further irradiated in accordance with the provisions of paragraph (e)(1) of this section: *Provided*, That the total accumulated radiation dosage from both electron beam and gamma ray exposures does not exceed 8.0 megarads.

Interested persons may, on or before July 22, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-11689 Filed 5-21-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74 117]

DRAWBRIDGE OPERATION REGULATIONS

Lake Worth, A.I.W.W., Fla.

At the request of the Town of Palm Beach, Florida, the Coast Guard is considering amending the regulations for the Southern Boulevard bridge across the Atlantic Intracoastal Waterway at Palm Beach to allow closed periods during the morning and evening vehicular traffic rush hour periods from Monday through Friday, except holidays. The draw is presently required to open on signal. This change is being considered to relieve vehicular traffic congestion during these periods.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before June 25, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on

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this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.440a immediately after § 117.44Q to read as follows:

§ 117.440a Southern Boulevard bridge, A.I.W.W., Palm Beach, Fla.

(a) The draw shall open on signal except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except Federal and State holidays, the draw need not open for the passage of vessels. However, the draw shall open at 8:15 a.m. and 5:30 p.m. if any vessels are waiting to pass.

(b) The draw shall open at any time to allow the passage of public vessels of the United States, tugs with tows and vessels in distress. The opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling the bridge shall place conspicuously on both sides of the bridge, signs of such size that they can easily be read at any time from an approaching vessel, clearly indicating the nature of these regulations.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: May 14, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-11725 Filed 5-21-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Chicago, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before June 21, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposed amendment in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

There is an operational requirement to extend the Greenwood 700-foot transition area to join with the Chicago 700-foot transition area. This will allow aircraft in the Galt airport area to be radar vectored at 2000 and 3000 feet MSL and allow the use of the 2000-foot cardinal altitude when aircraft are utilizing Runway 14L at O'Hare International Airport. This cardinal altitude cannot be used at present as it would place the aircraft out of controlled airspace in some areas.

A review of the Chicago transition areas shows it is made up of eleven different citations, ten of which have been added to the original citation. This makes a very irregular area with a boundary very difficult for the pilot and controller to define.

It is proposed to consolidate the transition area citations and make the boundary more regular. This will add a little more controlled airspace, but it is believed it will be beneficial and not restrictive to the pilot or airport operations.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

CHICAGO, ILLINOIS

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at Latitude 42°-29'00" N, Longitude 88°30'00" W, to Latitude 42°29'00" N, Longitude 88°03'00" W, to Latitude 42°40'00" N, Longitude 88°03'00" W, to Latitude 42°43'00" N, Longitude 87°-57'00" W, to Latitude 42°30'00" N, Longitude 87°35'00" W, to Latitude 41°35'00" N, Longitude 87°19'00" W, to Latitude 41°38'-00"N, Longitude 87°19'00" W, to Latitude 41°33'00" N, Longitude 87°10'00" W, to Latitude 41°28'00" N, Longitude 87°14'00" W, to Latitude 41°22'00" N. Longitude 87°40'00" W, to Latitude 41°22'00" N, Longitude 88°30'00" W, to Latitude 41°41'00" N, Longitude 88°30'00" W, to Latitude 41°53'00" N, Longitude 88°50'00" W, to Latitude 42°01'00" N, Longitude 88°50'00" W, to Latitude 42°-00'00" N, Longitude 88°25'00" W, to Latitude 42°15'00" N, Longitude 88°25'00" W, to Latitude 42°21'00" N, Longitude 88°30'00" W, to point of beginning.

In § 71.181 (39 FR 440) the following transition areas are deleted:

Crystal Lake, Illinois	Griffith, Indiana
De Kalb, Illinois	Joliet, Illinois
Frankfort, Illinois	Kenosha, Wisconsin
Gary, Indiana	Lockport, Illinois
Greenwood, Illinois	Morris, Illinois

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on May 3, 1974.

R. O. ZIEGLER,
Director, Great Lakes Region.

[FR Doc.74-11670 Filed 5-21-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mt. Carmel, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before June 21, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing, in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Mt. Carmel Municipal Airport, Mt. Carmel, Illinois. Accordingly, the Mt. Carmel, Illinois transition area must be established to adequately protect aircraft executing the new procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440) the following transition area is amended:

VINCENNES, INDIANA

Add "within a five-mile radius of the Mt. Carmel Municipal Airport (latitude 38°36'30" N., longtitude 87°43'30" W.) and within three miles either side of the 038° bearing from the Mt. Carmel Airport extending from the five-mile radius area northeast to join the Lawrenceville and O'Neal radius areas".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on May 7, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74-11669 Filed 5-21-74;8:45 am]

National Highway Traffic Safety Administration

Federal Highway Administration

[23 CFR Part 1214]

[Docket No. 74-22]

HIGHWAY SAFETY PROGRAMS

Incentive Grant Criteria for Reduction of State Highway Fatality Rates

This notice proposes a new Part 1214 in title 23, Code of Federal Regulations, that would specify criteria for selection of the States that make the most significant reduction of their annual highway fatality rates. States that satisfy the criteria through their reductions in calendar years 1973 and 1974 would qualify to receive incentive grants for fiscal years 1975 and 1976 under section 219 of the 1973 Highway Safety Act (23 U.S.C. 402(j)(2)).

In section 402(j)(2), Congress authorizes the Secretary of Transportation to make incentive grants for fiscal years 1974 through 1976 to the States that:

> • • • have made the most significant progress in reducing traffic fatalities based on the reduction in the rate of such fatalities per one hundred million-vehicle miles during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared with the average annual rate of such fatalities for the four calendar year period preceding such calendar year.

NHTSA and FHWA plan to begin making such grants for fiscal year 1975, based on State performance in the immediately preceding calendar year, 1973. The recipient States will be selected in accordance with criteria which section 402(j)(2) requires the Secretary to establish and publish.

Any State that satisfies the criteria will be eligible for an incentive grant equal to 25 percent of the Federal highway safety funds apportioned to it under section 402 for the fiscal year for which the grant was made. For example, if a State were apportioned $1,000,000 in such fiscal year and were eligible for a fatality reduction incentive grant, the State could receive an additional $250,000 in incentive funds. Although section 402(j)(3) permits the amount of a grant to be based on a State's apportionment under section 405 as well as section 402, NHTSA and FHWA plan to use section 402 only, so as to increase the number of States able to participate in the incentive program. The selection of the activities to be funded by a State with the fatality reduction incentive grant will be at the sole discretion of the State, subject only to the condition that the State be able to demonstrate that the funded acivities advance the purposes of chapter 4 of title 23.

The fatality reduction incentive program was established by the Congress to encourage the States to develop increasingly more effective methods for reducing the highway death and injury toll. The ultimate goal of section 402 is, after all, not the establishment of specific highway safety program elements in each State, but the reduction of the highway carnage by whatever means are found to be most effective by the various States.

The incentive program complements the provision in section 402(c) which requires the States to implement the highway safety program standards issued under that section, as a condition to continued receipt of Federal highway safety funds and a portion of the Federal highway construction funds. While the provision provides a foundation for State highway safety efforts by ensuring compliance with the minimum requirements in the standards, the incentive program will give due recognition to the States that achieve above average results.

The proposed criteria specify four requirements governing the eligibility of a State for an incentive grant. To become eligible, a State would have to satisfy the first and second requirements and either the third or fourth requirement. The first requirement would be that a State must have a fatality rate reduction. That is, the State's number of highway fatalities per 100,000,000 vehicle miles of travel within the State during the calendar year immediately preceding the fiscal year for which funds are authorized under section 402(j)(2) must be less than the State's number of fatalities per 100,000,000 vehicle miles of travel within the State during the four calendar years immediately preceding the base calendar year. The base calendar year is the calendar year immediately and fully preceding a fiscal year for which incentive grants are made.

While section 402(j)(2) puts the emphasis on fatality rates, instead of absolute numbers of fatalities, it would be inconsistent with the section's purpose of recognizing improved highway safety to award an incentive grant to a State with a disproportionately large increase in fatalities. A State has a fatality increase for the purposes of this incentive program if its fatalities for the base calendar year exceed its average annual fatalities for the preceding four calendar years. The second requirement would be, accordingly, that if there were no national fatality increase, a State could not have a fatality increase. If there were a national increase, a State could have a fatality increase only if its percentage did not exceed that of the national increase.

The third and fourth requirements are intended to ensure that grants would be given to only those States that make the most significant progress in reducing their fatality rates. A State would have to satisfy only one of these requirements. A State could satisfy the third requirement which would require that the State must have reduced its rate to an exceptional extent, i.e., so that its rate for the base calendar year is not more than one-half the national rate for such year. Since the national rate for calendar year 1973 has been preliminarily estimated at 4.3, States seeking to qualify under the third requirement for fiscal year 1975 grants would have to achieve a rate of not more than 2.15. Alternatively, a State could satisfy the fourth requirement which would require that the State must have a percent reduction in its fatality rate that is at least 10 percent greater than the percent reduction in the national fatality rate. If there were no national fatality rate reduction, a State with any fatality rate reduction, regardless of its percentage, would satisfy this requirement.

Since there may not be sufficient funds for a particular fiscal year to award a 25 percent incentive grant to all eligible States, the States would be ranked so that the most meritorious States receive the grants. Eligible States that had a fatality rate in the base calendar year of not more than one-half the national rate for the same year would be placed at the top of the list in ascending order of their rates. The other eligible States, those whose percent reduction in their fatality rates were not less than 10 percent greater than the percent reduction in the national fatality rate, would be ranked next, in descending order of their percent reductions. The grants would be made to the States in the order of their ranking until there were insufficient funds left to make a full grant to the next State on the list. That State would receive the remaining funds. Lower-ranked eligible States would receive no incentive funds.

To facilitate analysis of the proposed criteria by interested persons, the following table lists the States that would have been eligible for a grant under the criteria had grants been awarded for fiscal year 1974.

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RANKING OF ELIGIBLE STATES FOR FISCAL YEAR 1974

(BASE CALENDAR YEAR—1972)

State (1)	Fatality rate for base year	Percent reduction in fatality rate	Percent change in fatalities	Grant limit (2)
1. Rhode Island	2.20	24.52	−11.19	$150,000
2. Alaska	3.80	42.90	−26.58	150,000
3. District of Columbia	2.48	41.07	−38.90	150,000
4. New Hampshire	3.53	21.75	−8.56	150,000
5. Delaware	3.85	19.37	−4.00	150,000
6. Indiana	4.23	15.90	−2.32	720,574
7. Ohio	3.86	15.68	−4.71	1,337,374
8. Virginia	3.84	15.28	+1.07	610,625
9. Illinois	3.80	15.27	−7.79	1,424,078
10. New Jersey	2.79	14.71	+0.65	817,783
11. Maryland	3.45	14.62	+0.22	462,396
12. Pennsylvania	3.51	14.14	+0.46	1,466,633
13. Oklahoma	4.20	14.02	−0.38	482,298
14. Hawaii	3.89	13.71	−0.34	150,000
15. West Virginia	5.40	13.01	+0.24	251,688
16. Kansas	4.54	12.96	−3.62	489,044
17. Michigan	3.91	12.40	−1.91	1,161,856
United States	4.41	11.06	+3.05	
Total grant amount				10,124,349

(1) Although the percent reductions in the fatality rate of Tennessee (19.25), Florida (17.33), Arizona (13.69) Kentucky (12.84), and Colorado (12.45) were at least 10 percent greater than the national percent reduction, none of these States would have been eligible because their percent increase in fatalities exceeded the national percent increase.

(2) The Congressional appropriation process and obligational limitations may reduce the number of eligible States that will receive a grant.

The fatality and vehicle miles of travel data used to determine the ranking of the eligible States for fiscal year 1974 are the data submitted by the States to FHWA in accordance with "Instructions for Reporting Highway Traffic and Accidents", issued on January 26, 1968. Data submitted pursuant to that memorandum will be used, subject to verification by NHTSA and FHWA, for future fiscal years also. A copy of the memorandum may be obtained, without charge, by writing to the address provided in this notice for the submission of comments.

Comments are invited on methods for determining the eligibility of the Indian reservations for an incentive grant. Gathering of the necessary data would be complicated by several problems, including the inability to calculate precise vehicle miles of travel and the dispersal of the reservations in 25 States. One approach might be to base the Indian fatality rate on population, instead of vehicle miles of travel.

Promulgation of the criteria for the fatality reduction incentive program does not require public notice and comment pursuant to statute. This request for comments is issued, however, because the States and the public should be afforded an opportunity to participate in the establishment of the criteria so that the widest possible range of views is obtained.

Interested persons, States, and public and private highway safety organizations are invited to submit written data, views, and arguments concerning the criteria proposed by this notice. Comments should refer to Docket No. 74–22. All comments should be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested, but not required, that 3 copies be submitted.

All comments received before the close of business on July 5, 1974, will be considered, and will be available at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, action may be taken at any time after that date, and comments filed after the above date and too late for consideration in regard to the establishment of the criteria will be treated as suggestions for future action. NHTSA and FHWA will continue to file relevant material, as it becomes available, in the docket after the closing date. It is recommended that interested persons continue to examine the docket for new material.

It is proposed that the final criteria be promulgated and published in the FEDERAL REGISTER in approximately two months.

In consideration of the foregoing, it is proposed that a new Part 1214 be added to 23 CFR Chapter II, Subchapter B, to read as set forth below.

Issued on May 15, 1974.

NORBERT T. TIEMANN,
Administrator, Federal Highway Administration.

JAMES B. GREGORY,
Administrator, National Highway Traffic Safety Administration.

PART 1214—INCENTIVE GRANT CRITERIA FOR REDUCTION OF STATE ANNUAL HIGHWAY FATALITY RATES

Sec.
1214.1 Scope.
1214.2 Purpose.
1214.3 Definitions.
1214.4 Award procedures.
1214.5 Eligibility requirements.
1214.6 Ranking of the eligible States.
1214.7 Calculation of a State's vehicle miles of travel, fatalities, and fatality rate.
1214.8 Calculation of the national vehicle miles of travel, fatalities, and fatality rate.

AUTHORITY: Sec. 219, Pub. Law 93–87, 87 Stat. 290, 23 U.S.C. 402(j); and delegation of authority at 49 CFR 1.48 and 1.51.

§ 1214.1 Scope.

This part establishes criteria, in accordance with 23 U.S.C. 402(j)(2), for the awarding of incentive grants to States that make the most significant progress in reducing their annual highway fatality rates.

§ 1214.2 Purpose.

The purpose of this part is to encourage the States to develop and implement effective measures for reducing their highway fatalities.

§ 1214.3 Definitions.

(a) "Base calendar year" means the calendar year immediately and fully preceding a fiscal year for which grants are made under this part.

(b) "Fatality increase" means an increase in the number of fatalities for the base calendar year relative to the average annual number of fatalities for the preceding four calendar years.

(c) "Fatality rate reduction" means a decrease in the fatality rate for the base calendar year relative to the fatality rate for the preceding four calendar years.

§ 1214.4 Award procedures.

For each fiscal year, beginning with fiscal year 1975, for which funds are authorized for implementation of 23 U.S.C. 402(j)(2), grants of 25 percent of a State's apportionment of highway safety funds under 23 U.S.C. 402 will be made to the States eligible under section 1214.5 in the order of their ranking pursuant to § 1214.6. Such grants will be made until all eligible States have received a grant or until there are insufficient funds to award a 25 percent grant to the State with the next highest ranking. That State will be granted the balance of the funds.

§ 1214.5 Eligibility requirements.

To be eligible for an incentive grant under this part, a State shall satisfy the requirements specified in paragraphs (a) and (b) and either paragraph (c) or paragraph (d), of this section. Calculations of vehicle miles of travel fatalities, and fatality rate will be made as specified in §§ 1214.7 and 1214.8. An eligible State shall—

(a) Have a fatality rate reduction;

(b) Not have a fatality increase of a percentage greater than that of any national fatality increase; and either

(c) Have a fatality rate for the base of calendar year not greater than one-half the national fatality rate for such year; or

(d) Have a fatality rate reduction of a percentage not less than 10 percent greater than that of any national fatality rate reduction.

§ 1214.6 Ranking of the eligibility States.

(a) The States that satisfy § 1214.5 (a) through (c) will initially be ranked in ascending order of their fatality rates for the base calendar year.

(b) After the States are ranked pursuant to paragraph (a) of this section, the States that satisfy § 1214.5 (a), (b), and (d), but not (c), will be appended to the ranking in descending order of their fatality rate reductions.

§ 1214.7 Calculation of a State's vehicle miles of travel, facilities, and fatality rates.

A State's vehicle miles of travel, fatalites, and fatality rate will be calculated in accordance with the following procedures.

(a) Calculate the State's vehicle miles of travel and determine its highway fatalities for the base calendar year and for each of the four preceding calendar years using the data submitted by the State, as of the October 1 immediately following the base calendar year, in accordance with the latest revision of "Instructions for Reporting Highway Traffic and Accidents," issued by the Federal Highway Administration on January 26, 1968.

(b) Calculate the State's fatality rate for the base calendar year by dividing the State's highway fatalities for such year by the number of vehicle miles of travel in the State for such year and multiplying the result by 100,000,000.

(c) Calculate the State's fatality rate for the four preceding calendar years by dividing the sum of the State's fatalities for such years by the sum of the vehicle miles of travel in the State during such years and multiplying the result by 100,000,000.

(d) Calculate the State's fatality rate reduction percentage by dividing the reduction by the State's fatality rate for the four preceding calendar years and multiplying the result by 100.

§ 1214.8 Calculation of the national vehicle miles of travel, fatalities, and fatality rate.

The national vehicle miles of travel, fatalities, and fatality rate will be calculated in accordance with the procedures specified in § 1214.7, except that the vehicle miles of travel and fatality data will be that of all the States.

[FR Doc.74–11564 Filed 5–17–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Approval of Compliance Schedules for Oklahoma

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR Part 51 require each State to submit plans which provide for the attainment and maintenance of national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency approved that portion of the Oklahoma implementation plan containing compliance schedules. Final dates by which air pollution sources were to be in compliance with the applicable emission limiting regulations of Oklahoma's plan were clearly prescribed and met the requirements of § 51.15.

On January 8, April 18, July 12 and October 3, 1973, Oklahoma submitted to the Administrator individual source compliance schedules as proposed revisions to the approved plan pursuant to § 51.6. These schedules were established by the State as industrial variances to regulations already in effect. Each schedule was adopted by the State after public notice and hearing in accordance with the procedural requirements of §§ 51.4 and 51.6 and the substantive requirements of § 51.15. Those compliance schedules extending over a period of more than one year and extending beyond January 31, 1974, contain legally enforceable increments of progress, and these increment dates are a part of the schedules described in the regulation proposed today.

Each compliance schedule establishes a new date by which the individual source must comply with the applicable emission limiting regulation, referred to as the "Final Compliance Date". Even though the final compliance date for several of the schedules has now passed, the Administrator proposes their approval as a matter of record.

Under Oklahoma law, variances cannot be granted for more than one year. However, some of the final compliance dates are later than the date of the end of the variance. For this reason, the Administrator proposes to approve unconditionally those schedule portions which fall within the variance period and to condition approval of schedule portions extending beyond the present variance period on the State's renewal of the variance in form and substance identical to the present variance. If the variance is renewed in this manner, the condition will be satisfied and the approval of the next segment of the schedule will not require further action by the State or the Administrator. If the variance is not renewed or is modified, the condition will not be satisfied, and the remainder of the schedule is not approved by the regulation proposed today.

Provisional approval of final compliance dates which are dependent upon extensions of variances is considered to be justifiable only because of the one-year variance limitation in Oklahoma law. Since public notices and hearings concerned the complete schedules and since renewal of variances will not change the schedules, there is no reason to require compliance with § 51.6 procedures at the time Oklahoma renews the variances.

The compliance schedules which the Administrator proposes to approve are described in the regulation proposed today only by name of source, location, regulation involved, date schedule adopted, variance expiration date, and final compliance date. Copies of the full schedules and the Administrator's detailed reasons for proposing approval of each schedule are available for inspection at the following locations: Environmental Protection Agency, Region VI, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201 and the Office of Public Affairs, Freedom of Information Center, Environmental Protection Agency, 232 Waterside Mall West, Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator at 1600 Patterson Street, Suite 1100, Dallas, Texas 75201, attention: Director, Enforcement Division. All comments received on or before June 21, 1974, will be considered and will be available for inspection during normal business hours at the Region VI office. Comments should not repeat or duplicate testimony already presented at the public hearings previously held by the State, because the review of this information has already been completed and duly considered by the Administrator.

This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 1857c–5.

Dated: May 15, 1974.

JOHN QUARLES,
Acting Administrator, Environmental Protection Agency.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart LL—Oklahoma

1. In § 52.1920, paragraph (c) is revised to read as follows:

§ 52.1920 Identification of plan.

* * * * * * *

(c) Supplemental information was submitted on:

(1) February 15, February 25, May 4, and October 16, 1972, and April 20 and July 3, 1973, by the Oklahoma State Department of Health, and

(2) July 14 and October 4, 1972, and

(3) January 8, April 18, July 12, and October 3, 1973.

2. Section 52.1926 is added as follows:

§ 52.1926 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State and have immediately effective dates.

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OKLAHOMA

Source	Location	Regulation involved	Date schedule adopted	Variance expiration date	Final compliance date [1]
American Smelting & Refining Co.:					
(a) Horizontal retort process	Sand Springs	7, 8	Sept. 23, 1973	Jan. 1, 1974	Jan. 1, 1974
A. & S. Metals, Inc.:					
(a) Furnace smelter	Tulsa	7, 8	Nov. 9, 1972	Feb. 1, 1973	Feb. 1, 1973
Empire Foundry Co.:					
(a) Wheelabrator	do	7, 8	do	May 15, 1973	May 15, 1973
Sun Oil Co.:					
(a) Catalytic cracking unit regenerator.	do	7, 8	do	Sept. 10, 1973	Sept. 10, 1973
Oklahoma Cement Corp.:					
(a) No.'s 1 and 2 kilns	Pryor Creek	7, 8	Sept. 23, 1973	Sept. 1, 1973	Sept. 1, 1973
Midwest Carbide Corp.:					
(a) Calcium Carbide electric furnace	do	7, 8	Nov. 9, 1972	July 1, 1973	July 1, 1973
(b) Associated screening equipment	do	7, 8	do	do	June 1, 1973
Kaiser Magnesium Co.:					
(a) Scrap remelt smelting process	Tulsa	7, 8	do	Jan. 15, 1973	Jan. 15, 1973
Great Lakes Carbon Corp.:					
(a) Calciner No. 1	Kremlin	7, 8	do	Oct. 31, 1973	Nov. 1, 1973
(b) Calciner No. 2	do	7, 8	do	do	July 1, 1974
(c) Calciner No. 3	do	7, 8	do	do	Jan. 1, 1975
Chandler Materials Co.:					
(a) No.'s 1, 2, and 3 kilns	Choctaw	7, 8	do	June 15, 1973	June 15, 1973
(b) Crushing and screening	do	7, 8, 9	do	do	Dec. 20, 1972
Chandler Materials Co.:					
(a) No.'s 1, 2, 3, and 4 kilns	Tulsa	7, 8	do	May 31, 1973	May 31, 1973
(b) Crushing and screening	do	7, 8, 9	do	do	do
Chandler Materials Quarry:					
(a) Crushing and screening	do	7, 8, 9	do	Feb. 15, 1973	Feb. 15, 1973
Ward Industries, Inc.:					
(a) Sanding operations	Miami	7, 8, 9	do	June 1, 1973	June 1, 1973
(b) Dryer and pulverizer	do	7, 8, 9	do	do	do
(c) Primary and secondary sawing operations.	do	7, 8, 9	Sept. 23, 1973	Oct. 18, 1973	Oct. 18, 1973
Delta Mining Co.:					
(a) Dryers, intermittent baghouse, transfer, and loading points.	Mill Creek	7, 8	Dec. 3, 1972	Sept. 28, 1973	Sept. 28, 1973
Allied Materials Corp.:					
(a) Asphalt roofing process	Stroud	7, 8	do	Mar. 15, 1973	Mar. 15, 1973
Shawnee Paving Co.:					
(a) Spray tower scrubber	Shawnee	7, 8	do	Jan. 15, 1973	Jan. 15, 1973
Nitak, Inc.:					
(a) Urea prill tower	Pryor Creek	7, 8	do	Aug. 15, 1973	Aug. 15, 1973
Decker Foundry Co., Inc.:					
(a) Cupola	Henryetta	7, 8	Sept. 23, 1973	June 19, 1974	Aug. 19, 1974
Blackwell Zinc Co.:					
(a) 22 retort furnaces	Blackwell	7, 8	Dec. 3, 1972	Nov. 28, 1973	Dec. 31, 1973
OKC Refining, Inc.:					
(a) TCC unit kiln	Okmulgee	7, 8	do	Apr. 15, 1973	Apr. 15, 1973
Hammond Mills, Inc.:					
(a) Cyclone collector on grain grinding unit.	Oklahoma City	7, 8	do	May 12, 1973	May 12, 1973
Sooner Rock & Sand Co.:					
(a) Rock crushing and screening processes.	do	7, 8	do	June 30, 1973	June 30, 1973
Ideal Cement Co.:					
(a) Precipitator and dust disposal system.	Ada	7, 8	Mar. 4, 1973	Feb. 20, 1974	June 22, 1973
(b) Two cement kilns	do	7, 8	do	do	Feb. 1, 1975
National Zinc Co.:					
(a) Sintering process	Bartlesville	7, 8	do	do	July 1, 1974
(b) Retort furnace smelting process	do	7, 8	do	do	May 31, 1975
Corning Glass Works:					
(a) Glass melting furnance tank No. 101.	Muskogee	7, 8	June 3, 1973	Dec. 31, 1973	Oct. 1, 1974
(b) Glass melting furnace tank No. 102.	do	7, 8	do	do	do
Tulsa Iron Works Co.:					
(a) Cupola	Tulsa	7, 8	Sept. 23, 1973	Feb. 15, 1974	Feb. 15, 1974
Petrolite Corp.:					
(a) Two stacks on wedge furnace	Barnsdall	7, 8	do	Aug. 23, 1974	Aug. 23, 1974
(b) Microcrystalline wax prill tower	do	7, 8	do	do	May 31, 1974

[1] Final compliance dates that extend beyond existing variance expiration dates are provisionally approved on condition that the State renew currently effective variances in form and substance identical with that already federally approved and on condition that no variance will be extended past the final compliance date set forth in this table. All schedules in this table are effective immediately.

[FR Doc.74-11587 Filed 5-21-74;8:45 am]

[40 CFR Part 180]

PICLORAM

Proposed Interim Tolerances

Correction

In FR Doc. 74-10366, appearing on page 15880 in the issue of Monday, May 6, 1974, on page 15881, second column, in the sixth full paragraph, the figure reading "0.5" should read "0.05".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20012; RM-1927]

FM BROADCAST STATIONS

Transmission of Non-Aural Signals; Order Extending Time for Filing Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations concerning the transmission of non-aural signals on an FM broadcast station subcarrier pursuant to a subsidiary communications authorization.

1. On April 9, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 22, 1974, 39 FR 14230. Comment and reply comment dates are presently May 23 and June 3, 1974.

2. On May 14, 1974, Information Transmission Corporation (ITX) filed a request for extension of time in which to file comments to and including June 14, 1974. ITX states that the additional time is necessary in order to prepare the technical analysis of the matters raised in the Commission's notice of proposed rule making.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *It is ordered*, that the dates for filing comments and reply comments are extended to and including June 14 and June 28, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 16, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11708 Filed 5-21-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 100]

ASSISTANT ADMINISTRATORS

Delegation of Authority to Determine Adequacy of Assurances of Host Country Participation

Pursuant to the authority vested in me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, I hereby delegate to the Assistant Administrator for Africa, the Assistant Administrator for Asia, the Assistant Administrator for Supporting Assistance, the Assistant Administrator for Latin America, the Assistant Administrator for Program and Management Services, the Assistant Administrator for Program Policy Coordination, the Assistant Administrator for Technical Assistance and the Assistant Administrator for Population and Humanitarian Assistance, each for the projects, activities, countries, or areas within their responsibility the authority to receive and to determine the adequacy of the assurances required by section 110(a) of the Foreign Assistance Act of 1961, as amended,

If assurances are made with respect to all or part of a sectoral program rather than with respect to an individual program or activity, the authority to receive and to determine the adequacy of such assurances is reserved to the Assistant Administrator for Africa, the Assistant Administrator for Asia, the Assistant Administrator for Supporting Assistance and the Assistant Administrator for Latin America, each for the countries or areas within his responsibility.

The authority to receive and to determine the adequacy of assurances with respect to any individual project or activity may be redelegated by the above-named officers of this Agency to those having authority to authorize such projects or activities.

Dated: May 8, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-11675 Filed 5-21-74;8:45 am]

COMMODITIES AND COMMODITY-RELATED SERVICES

List of Ineligible Suppliers

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of the List.* The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing" (22 CFR Part 208). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment special attention is called to the fact that the List as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the List, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the List and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the List.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the List are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. *Suppliers Debarred from A.I.D. financing.* None.

SEC. 4. *Suppliers Suspended from A.I.D. financing.* The following suppliers have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such suppliers:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Colony Steel Co., 122 East 42nd St., New York, N.Y., March 26, 1968.
Concepcion, Mr. Segismundo, 160 Broadway, New York, N.Y. 10038, April 22, 1969.
Domestic Export Corp., 288 New York Avenue, Huntington, New York, February 14, 1972.
Eastar Trading Co., 1830 W. Olympic Blvd., Los Angeles, Calif. 90006, May 20, 1970.
International Enterprises, Inc., 160 Broadway, New York, N.Y. 10038, April 22, 1969.
Kim, Mr. Peter, Eastar Trading Co., 1830 W. Olympic Blvd., Los Angeles, Calif. 90006, May 20, 1970.
LeVita Industries, 35 LaPatera Lane, Golete, Calif. 93016, November 2, 1971.
LeVita, Mr. Frank O., North American Steel Co., Pontiac State Bank Building, Pontiac, Michigan 48058, November 2, 1971.
North American Steel Co., Pontiac State Bank Building, Pontiac, Michigan 48058, November 2, 1971.
R & Z Co., Inc., 2041-47 Pitkin Ave., Brooklyn, N.Y. 11207, October 23, 1969.
Rogers, Mr. Henry, 2041-47 Pitkin Ave., Brooklyn, N.Y. 11207, October 23, 1969.
Rolquin, Mr. E. R., President, Domestic Export Corp., 288 New York Avenue, Huntington, N.Y., February 14, 1972.
Scheinis, Mr. Samuel, 122 East 42nd St., New York, N.Y. 10017, March 25, 1971.
Spe-D-Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, April 5, 1967.
Tricon International, Inc., 160 Broadway, New York, N.Y. 10038, April 22, 1969.
White Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, April 5, 1967.
Wolff, Mr. Tom G., 787 Tucker Road, North Dartmouth, Mass., October 23, 1969.
Zubof, Mr. Samuel, 2041-47 Pitkin Ave., Brooklyn, N.Y. 11207, October 23, 1969.

Dated: May 10, 1974.

WILLARD H. MEINECKE,
Acting Assistant Administrator for Program and Management Services.

[FR Doc.74-11676 Filed 5-21-74;8:45 am]

ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

Determination

The Engineering, Architectural and Construction Industry Advisory Committee provides a systematic dialogue

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between A.I.D. and the engineering, architectural and construction industry in the interest of improving A.I.D. policies and procedures and industry performance relating to A.I.D.-financed activities. There continues to be a significant need for such a systematic dialogue.

Accordingly, I hereby determine, pursuant to the provisions of section 14(a)(1)(A) of the Federal Advisory Committee Act (Pub. L. 92–463) and paragraph 7 of OMB Circular A–63 (Revised) that renewal of the Engineering, Architectural and Construction Industry Advisory Committee for a two-year period beginning May 17, 1974, is in the public interest.

Dated: April 27, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74–11684 Filed 5–21–74;8:45 am]

Office of the Secretary

[Public Notice CM–141]

U.S. ADVISORY COMMITTEE OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Notice of Meeting

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission will meet Friday, June 7, 1974, in the auditorium of the Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California at 10 a.m. The agenda items are: 1974 fishing experience and outlook, 1975 preliminary outlook, domestic and international fleet development, the international enforcement picture, U.S. tuna regulations, post Mexico City alternative management schemes, other Latin American considerations, and options for Ottawa and longer range positions. The meeting will be open to the public.

Dated: May 16, 1974.

RICHARD T. LEHOY,
Acting Executive Secretary.

[FR Doc.74–11431 Filed 5–21–74;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

COMPTROLLER OF THE CURRENCY'S REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE ELEVENTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Eleventh National Bank Region will be held at The Hilton Inn, Dallas, Texas from 1:30 to 5 p.m., on June 28, 1974 and from 9 a.m. to 12 m., on June 29, 1974 at the same location.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Eleventh National Bank Region.

It is hereby determined pursuant to section 10(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Pub. L. 92–463) relating to open meetings and public participation therein.

Dated: May 16, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–11681 Filed 5–21–74;8:45 am]

DEPARTMENT OF JUSTICE

REPUBLIC STEEL CORP. AND STATE OF OHIO

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 10, 1974, a proposed consent decree in United States v. Republic Steel Corporation and the State of Ohio was lodged with the United States District Court for the Northern District of Ohio. The proposed decree would abate discharges from the company's manufacturing facility in Cuyahoga County, Ohio into the Cuyahoga River.

The Department of Justice will receive on or before June 21, 1974, written comments relating to the proposed decree. Comments should be addressed to either the United States Attorney, 400 United States Courthouse, Cleveland, Ohio 44114 or to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to United States v. Republic Steel Corporation and the State of Ohio, D.J. Ref. 90–5–1–1–133.

The proposed consent decree may be examined at the office of the United States Attorney, Room 400, United States Courthouse, Cleveland, Ohio 44114 and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies may also be obtained by mail from the Pollution Control Section. In requesting a copy, please enclose a check in the amount of $2.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.74–11683 Filed 5–21–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 28556]

MONTANA

Order Providing for Opening of Public Lands

MAY 15, 1974.

In an exchange made under the provisions of section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following described land has been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 17 N., R. 27 E.,
Sec. 34, E½NE¼; and
Sec. 35, W½NW¼.

The area described contains 160 acres.

The land is in Petroleum County, Montana, approximately 15 miles north by east of Winnett. The land is adjacent to a large block of public land and will provide better access to these lands which will enhance the present range management and wildlife habitat programs. Topography is hilly, soils are shallow clay loam, vegetation is native grass with small area of land seeded to crested wheatgrass. There are some ponderosa pine groves. There is no surface water. This land will be managed for multiple use with the adjoining national resource lands.

At 10 a.m. on July 1, 1974, subject to valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the operation of the public land laws.

The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101.

KENNETH J. SIRE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–11694 Filed 5–21–74;8:45 am]

Office of the Secretary

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 26, 1974.

Dated: April 26, 1974.

MAXWELL S. McKNIGHT.

[FR Doc.74–11697 Filed 5–21–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

INTRA INVESTMENT CO.

Proposed Public Sale of Stock

Notice is hereby given that the Commodity Credit Corporation ("CCC") proposes to sell 730,468 shares of stock it owns in Intra Investment Company, S.A.L. of Beirut, Lebanon ("Intra"), successor to Intra Bank, S.A.L. This amount represents approximately 7 percent of the total stock outstanding in Intra. CCC, a wholly owned Government corporation within the United States Department of Agriculture, acquired these shares in settlement of a claim it had against Intra Bank based on 53 letters of credit issued by Intra Bank in favor of CCC assuring payment of amounts due for export credit sales of grain and other agricultural commodities under CCC's Export Credit Sales Program. The claim, which was originally in the amount of a little over $21,000,000, was, at the time of its final liquidation by the issuance of the Intra stock to CCC, approximately $10,150,000.

On the basis of the most recent financial information available, the book value of these shares on December 31, 1972, was about LL27 per share or, at the present exchange rate, a total of about $8.5 million. The principal assets of Intra consist of interests in Middle East Airlines, Casino du Liban and the Shipyards Company of La Ciotat.

Invitation For Offers. By this notice, CCC hereby invites offers for the purchase of the above described 730,468 shares of stock. An offer of $7,771,000 has already been received for such stock and, therefore, no offer in a lesser amount will be considered. No offer will be considered which includes a deferred payment arrangement. All offers received will be subject to further negotiation between the parties and CCC. In addition, the selected best offer must be submitted first to the other major Intra stockholders who have the right of first refusal to purchase CCC's shares.

CCC reserves the right to consider only those offers submitted by offerors who CCC determines are financially and otherwise responsible to meet the contractual obligations contemplated in this notice. The offeror shall furnish to CCC, on request, such information as CCC may require to determine the responsibility of the offeror.

Where And How To Submit Offers. Offers, and any modification or withdrawal of offers, shall be submitted to the Controller, Commodity Credit Corporation, U.S. Department of Agriculture, Room 6096 South Building, 14th Street and Independence Avenue, SW., Washington, D.C. 20250, and must be received in that office by 2 p.m. (e.d.t.) on June 24, 1974. Inquiries concerning this notice may be directed to the Controller, CCC, in writing or by telephone—Area Code 202–447–6163.

Offers are to be submitted by letter or telegram. Letter offers shall be in duplicate in sealed envelopes marked with the name and address of the offeror. The postmark shall be used by CCC to determine if the date of mailing was timely enough to allow receipt by the time stated above. Offers submitted by telegram should indicate the date and time of filing for the same reason.

Acceptance of offer. Acceptance by CCC will be by telegram no later than 3 p.m. (e.d.t.) on June 28, 1974. CCC reserves the right to reject any or all offers and to waive any informality therein. Failure to accept shall be construed as rejection or, if so requested in the offer, CCC shall advise the offeror by telegram of rejection.

Signed at Washington, D.C. on May 16, 1974.

H. R. GOLDSTEIN,
Acting Controller, Commodity Credit Corporation.

[FR Doc.74–11671 Filed 5–21–74;8:45 am]

Farmers Home Administration

[Designation No. A046]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Iowa:

Adair	Jasper
Audubon	Jones
Carroll	Mills
Cass	Montgomery
Cedar	Polk
Clarke	Pottawattamie
Crawford	Poweshiek
Dallas	Shelby
Decatur	Tama
Greene	Taylor
Guthrie	Union
Harrison	

The Secretary has found that this need exists as a result of a natural disaster consisting of severe snowstorms with high winds causing blizzard conditions occurring between April 8 and 10, 1973.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for emergency loans must be received by this Department no later than June 30, 1974, for both physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of May, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74–11702 Filed 5–21–74;8:45 am]

[Designation No. A047]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agriculture credit exists in the following counties in Michigan:

Allegan	Leelanau
Antrim	Manistee
Benzie	Mason
Berrien	Montcalm
Cass	Muskegon
Charlevoix	Newaygo
Grand Traverse	Oceana
Ionia	Ottawa
Kalamazoo	Van Buren
Kent	

The Secretary has found that this need exists as a result of a natural disaster consisting of freezes in April and May 1973 in all of the listed counties; damaging freezes as early as January 1973 in Benzie, Kalamazoo and Manistee Counties; a windstorm July 2, 1973, and drought in July and August 1973 in Berrien County; and a drought June 23 through September 1973 in Cass County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than June 30, 1974, for both physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of May 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74–11703 Filed 5–21–74;8:45 am]

Forest Service

PROPOSED MADERA CANYON LAND USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a Proposed Madera Canyon Land Use Plan, Coronado National Forest, USDA–FS–FES (Adm) 74–40.

The environmental statement considers probable environmental effects of the proposed land use plan.

The final environmental statement was filed with CEQ on May 14, 1974.

Copies are available for inspection during regular working hours at the following locations:

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USDA, Forest Service
South Agriculture Bldg., Rm. 3230
14th & Independence Ave., SW.
Washington, D.C. 20250
USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW.
Albuquerque, New Mexico 87102
Coronado National Forest
130 South Scott
Tucson, Arizona 85702

A limited number of single copies are available upon request to the Forest Supervisor, Coronado National Forest, 130 South Scott, P.O. Box 551, Tucson, Arizona 85702.

Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

W. L. EVANS,
Deputy Regional Forester, R3.

MAY 14, 1974.

[FR Doc. 74-11682 Filed 5-21-74;8:45 am]

PRESCOTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Prescott National Forest Grazing Advisory Board will meet at 9 a.m. on May 31, 1974, at the Forest Supervisor's Office in Prescott, Arizona.

The purpose of this meeting is to review items of mutual interest to grazing permittees and the Forest Service, including the current issue of preparing Environmental Statements for grazing on public lands.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number 602-445-4860, extension 311. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

JOHN W. BOHNING,
Acting Forest Supervisor.

MAY 14, 1974.

[FR Doc.74-11693 Filed 5-21-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet June 6, 1974, at 10 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on Licensing Procedures subgroup meeting of April 29, 1974.
4. Report on the work program.
5. Executive Session:
a. Continuation of report on Licensing Procedures subgroup meeting.
b. Discussion of, and preparation of working papers on, the work program:
(1) Foreign availability.
(2) Performance characteristics.
(3) Safeguards.

The Computer Systems Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provision of section 10 (a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b) (1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230. (A/C 202-967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C.

Dated: May 17, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-11749 Filed 5-21-74;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Performance Characteristics and Performance Measurements Subgroup of the Computer Systems Technical Advisory Committee will be held June 6, 1974 at 8:30 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by Henry S. Forrest, Chairman.
2. Presentation of papers or comments by the public.
3. Review of work objectives and goals of the subgroup.
4. Discussion and modification of reports prepared by members of the subgroup.
5. Executive session: Continuation of discussion and modification of reports prepared by members of the subgroup.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974 determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provisions of sections 10(a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b) (1).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: May 17, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FD Doc.74-11750 Filed 5-21-74;8:45 am]

National Bureau of Standards

RECOMMENDED VOLUNTARY STANDARD

Notice of Circulation

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary standard for a determination of its acceptability: TS 217b, "Construction and Industrial Plywood" (a revision of Voluntary Product Standard PS 1-66, "Softwood Plywood, Construction and Industrial").

This circulation is being made in accordance with the provisions of §§ 10.5 and 10.10 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The purpose of this standard is to establish nationally recognized requirements for the principal types and grades of construction and industrial plywood and to provide a basis for common understanding among producers, distributors, and users of the product.

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services on or before July 8, 1974.

Dated: May 16, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-11698 Filed 5-21-74;8:45 am]

RECOMMENDED VOLUNTARY STANDARD

Notice of Circulation

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary standard for a determination of its acceptability: TS 198a, "Plastic-Coated Fabric Wallcovering."

A recommended Voluntary Product Standard TS 198, "Plastic-Coated Wallcovering" had been previously circulated to determine its acceptability (38 FR 17520 dated July 2, 1973), but failed to gain consensus.

This recirculation is being made in accordance with the provisions of § 10.5 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The purpose of the standard is to establish on a voluntary basis nationally recognized quality requirements for plastic-coated fabric wallcovering, and thus provide producers, distributors, and users with a basis for common understanding of the characteristics of this product. The standard defines three types and two classes of plastic-coated fabric wallcovering based on coating weight and flammability. Other requirements include tear strength, abrasion resistance, shrinkage, stain resistance and colorfastness.

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services on or before July 8, 1974.

Dated: May 16, 1974.

RICHARD W. ROBERTS,
Director.

MAY 16, 1974.

[FR Doc.74-11699 Filed 5-21-74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF THE AIR FORCE
AF/JACP
Washington, DC 20314

Patent application 310,037: Air Floatation Cargo Handling System; filed 28 November 1972; PC $4.00/MF $1.45.

Patent application 314,053: Time Differentiating Passive Impulse Gage; filed 11 December 1972; PC $4.00/MF $1.45.

Patent application 315,748: Adapter for Installing Components in Wire Harness; filed 15 December 1972; PC $4.00/MF $1.45.

Patent application 343,315: Mechanical Door Interlock System; filed 21 March 1973; PC $4.00/MF $1.45.

Patent application 392,376: Balance Type Angle of Attack Indicator, filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 392,377: Shock Heated, Wall Confined Fusion Power System; filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 392,378: Method of Making Substrates for Microwave Microstrip Circuits; filed 28 August 1973; PC $400/MF $1.45.

Patent application 392,386: V-Band Coupling; filed 28 August 1973; PC $4.00/MF $1.45.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Mgmt. Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Maryland 20782.

Patent application 293,744: Activated, Recurable, Durable-Press Fabrics; filed 29 September 1972; PC $4.25/MF $1.45.

Patent application 338,198: Water Repellent Cotton Textiles; filed 31 January 1973; PC $4.00/MF $1.45.

Patent application 334,318: N-Substituted Fatty Acid Amide Lubricants; filed 21 February 1973; PC $5.25/MF $1.45.

Patent application 348,539: Catalyst Assist Agents Using Leaving Group Effects; filed 6 April 1974; PC $4.00/MF $1.45.

Patent application 348,555: Uniform Planar Strain Tester; filed 6 April 1973; PC $4.00/MF $1.45.

Patent application 348,557: A Durable-Press Starch Finish for Cotton and Cotton/Polyester Textiles; filed 6 April 1973; PC $4.00/MF $1.45.

Patent application 351,936: Fiber Condenser for Textile Processing; filed 17 April 1973; PC $4.00/MF $1.45.

Patent application 365,899: Pyrolyzed Rosin Products as Synthetic Rubber Tackifiers; filed 1 June 1973; PC $4.00/MF $1.45.

Patent application 368,280: Boll-Weevil Sex Attractant; filed 14 May 1973; PC $4.00/MF $1.45.

Patent 3,713,979: Production of Mannans by Fermentation; filed 26 May 1971, patented 30 January 1973; not available NTIS.

Patent 3,745,088: Active Water-Insoluble Enzymes; filed 23 December 1970, patented 10 July 1973; not available NTIS.

Patent 3,749,681: Catalyst for Selective Hydrogenation of Polyunsaturated Vegetable Oils; filed 26 February 1971, patented 31 July 1973; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 300 7th Street, SW., Washington, DC 20590.

Patent application 453,332: Magnetic Gradient Vehicle Detector; filed 21 March 1974; PC $4.00/MF $1.45.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, DC 20240.

Patent application 440,432: Chemical Mining of Copper Porphyry Ores; filed 7 February 1974; PC $4.00/MF $.45.

Patent application 447,716: Chemical Mining of Copper Porphyry Ores; filed 4 March 1974; PC $4.00/MF $1.45.

Patent 2,810,637: Method of Extracting Aluminum from Aluminum-Silicon Alloys by Low Pressure; filed 13 February 1953, patented 22 October 1957; not available NTIS.

Patent 2,906,292: Gravity-Fed Combustion Equipment Applying Crossfeed Ignition Principle; filed 12 June 1958, patented 15 August 1961; not available NTIS.

Patent 3,005,690: Multiple Compartment Rotary Drum for the Leaching of Ores or Related Products in a Continuous Countercurrent System; filed 15 January 1960, patented 24 October 1961; not available NTIS.

Patent 3,075,710: Process for Wet Grinding Solids to Extreme Fineness; filed 18 July 1960, patented 29 January 1963; not available NTIS.

Patent 3,195,354: Inclined-Piston Dead-Weight Pressure Gauge; filed 29 February 1963, patented 20 July 1965; not available NTIS.

Patent 3,238,652: Mechanical Programming Device; filed 31 December 1963, patented 8 March 1966; not available NTIS.

Patent 3,243,880: Elimination of Agglomeration by Freezing of Lignite or Other Moisture-Containing or Wetted Aggregates During Shipment; filed 23 April 1963, patented 5 April 1966; not available NTIS.

Patent 3,244,473: Solvent Extraction Process for Separating Rhenium from Molybdenum; filed 31 October 1962, patented 5 April 1966; not available NTIS.

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National Zinc Co.:							
(a) Sintering process	Bartlesville	7, 8	do	do	July	1, 1974	
(b) Retort furnace smelting process	do	7, 8	do	do	May	31, 1975	
Corning Glass Works:							
(a) Glass melting furnace tank No. 101.	Muskogee	7, 8	June 3, 1973	Dec. 31, 1973	Oct.	1, 1974	
(b) Glass melting furnace tank No. 102.	do	7, 8	do	do	do		
Tulsa Iron Works Co.:							
(a) Cupola	Tulsa	7, 8	Sept. 23, 1973	Feb. 15, 1974	Feb.	15, 1974	
Petrolite Corp.:							
(a) Two stacks on wedge furnace	Barnsdall	7, 8	do	Aug. 23, 1974	Aug.	23, 1974	
(b) Microcrystalline wax prill tower	do	7, 8	do	do	May	31, 1974	

[1] Final compliance dates that extend beyond existing variance expiration dates are provisionally approved on condition that the State renew currently effective variances in form and substance identical with that already federally approved. Any such extension thus granted will be extended past the final compliance date set forth herein. All schedules in this table are effective immediately.

[FR Doc 74-11567 Filed 5-21-74;8:45 am]

to and including June 14 and June 28, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 16, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc 74-11708 Filed 5-21-74;8:45 am]

such assurances is reserved to the Assistant Administrator for Africa, the Assistant Administrator for Asia, the Assistant Administrator for Supporting Assistance and the Assistant Administrator for Latin America, each for the countries or areas within his responsibility.

The authority to receive and to determine the adequacy of assurances with respect to any individual project or activity may be redelegated by the above-named officials of this agency to those having authority to authorize such projects or activities.

Dated: May 8, 1974.

DANIEL PARKER,
Administrator.

[FR Doc 74-11675 Filed 5-21-74;8:45 am]

COMMODITIES AND COMMODITY-RELATED SERVICES

List of Ineligible Suppliers

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction

payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the List and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the List.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the List are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall

Rolquin, Mr. E. R., President, Domestic Export Corp., 288 New York Avenue, Huntington, N.Y., February 14, 1972.
Scheinis, Mr. Samuel, 122 East 42nd St., New York, N.Y. 10017, March 25, 1971.
Spe-D-Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, April 5, 1967.
Tricon International, Inc., 160 Broadway, New York, N.Y. 10038, April 22, 1969.
White Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, April 5, 1967.
Wolff, Mr. Tom G., 787 Tucker Road, North Dartmouth, Mass., October 23, 1969.
Zubof, Mr. Samuel, 2041-47 Pitkin Ave., Brooklyn, N.Y. 11207, October 23, 1969.

Dated: May 10, 1974.

WILLARD H. MEINECKE,
Acting Assistant Administrator for Program and Management Services.

[FR Doc.74-11676 Filed 5-21-74;8:45 am]

ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

Determination

The Engineering, Architectural and Construction Industry Advisory Committee provides a systematic dialogue

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between A.I.D. and the engineering, architectural and construction industry in the interest of improving A.I.D. policies and procedures and industry performance relating to A.I.D.-financed activities. There continues to be a significant need for such a systematic dialogue.

Accordingly, I hereby determine, pursuant to the provisions of section 14(a)(1)(A) of the Federal Advisory Committee Act (Pub. L. 92-463) and paragraph 7 of OMB Circular A-63 (Revised) that renewal of the Engineering, Architectural and Construction Industry Advisory Committee for a two-year period beginning May 17, 1974, is in the public interest.

Dated: April 27, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-11684 Filed 5-21-74;8:45 am]

Office of the Secretary

[Public Notice CM-141]

U.S. ADVISORY COMMITTEE OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Notice of Meeting

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission will meet Friday, June 7, 1974, in the auditorium of the Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California at 10 a.m. The agenda items are: 1974 fishing experience and outlook, 1975 preliminary outlook, domestic and international fleet development, the international enforcement picture, U.S. tuna regulations, post Mexico City alternative management schemes, other Latin American considerations, and options for Ottawa and longer range positions. The meeting will be open to the public.

Dated: May 16, 1974.

RICHARD T. LEROY,
Acting Executive Secretary.

[FR Doc.74-11431 Filed 5-21-74;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

COMPTROLLER OF THE CURRENCY'S REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE ELEVENTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Eleventh National Bank Region will be held at The Hilton Inn, Dallas, Texas from 1:30 to 5 p.m., on June 28, 1974 and from 9 a.m. to 12 m., on June 29, 1974 at the same location.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Eleventh National Bank Region.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Pub. L. 92-463) relating to open meetings and public participation therein.

Dated: May 16, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-11681 Filed 5-21-74;8:45 am]

DEPARTMENT OF JUSTICE

REPUBLIC STEEL CORP. AND STATE OF OHIO

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 10, 1974, a proposed consent decree in United States v. Republic Steel Corporation and the State of Ohio was lodged with the United States District Court for the Northern District of Ohio. The proposed decree would abate discharges from the company's manufacturing facility in Cuyahoga County, Ohio into the Cuyahoga River.

The Department of Justice will receive on or before June 21, 1974, written comments relating to the proposed decree. Comments should be addressed to either the United States Attorney, 400 United States Courthouse, Cleveland, Ohio 44114 or to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to United States v. Republic Steel Corporation and the State of Ohio, D.J. Ref. 90-5-1-1-133.

The proposed consent decree may be examined at the office of the United States Attorney, Room 400, United States Courthouse, Cleveland, Ohio 44114 and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies may also be obtained by mail from the Pollution Control Section. In requesting a copy, please enclose a check in the amount of $2.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.74-11683 Filed 5-21-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 28556]

MONTANA

Order Providing for Opening of Public Lands

MAY 15, 1974.

In an exchange made under the provisions of section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following described land has been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 17 N., R. 27 E.,
Sec. 34, E½NE¼; and
Sec. 35, W½NW¼.

The area described contains 160 acres.

The land is in Petroleum County, Montana, approximately 15 miles north by east of Winnett. The land is adjacent to a large block of public land and will provide better access to these lands which will enhance the present range management and wildlife habitat programs. Topography is hilly, soils are shallow clay loam, vegetation is native grass with small area of land seeded to crested wheatgrass. There are some ponderosa pine groves. There is no surface water. This land will be managed for multiple use with the adjoining national resource lands.

At 10 a.m. on July 1, 1974, subject to valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the operation of the public land laws.

The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101.

KENNETH J. SIEE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11694 Filed 5-21-74;8:45 am]

Office of the Secretary

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 26, 1974.

Dated: April 26, 1974.

MAXWELL S. McKNIGHT.

[FR Doc.74-11697 Filed 5-21-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

INTRA INVESTMENT CO.

Proposed Public Sale of Stock

Notice is hereby given that the Commodity Credit Corporation ("CCC") proposes to sell 730,468 shares of stock it owns in Intra Investment Company, S.A.L. of Beirut, Lebanon ("Intra"), successor to Intra Bank, S.A.L. This amount represents approximately 7 percent of the total stock outstanding in Intra. CCC, a wholly owned Government corporation within the United States Department of Agriculture, acquired these shares in settlement of a claim it had against Intra Bank based on 53 letters of credit issued by Intra Bank in favor of CCC assuring payment of amounts due for export credit sales of grain and other agricultural commodities under CCC's Export Credit Sales Program. The claim, which was originally in the amount of a little over $21,000,000, was, at the time of its final liquidation by the issuance of the Intra stock to CCC, approximately $10,150,000.

On the basis of the most recent financial information available, the book value of these shares on December 31, 1972, was about LL27 per share or, at the present exchange rate, a total of about $8.5 million. The principal assets of Intra consist of interests in Middle East Airlines, Casino du Liban and the Shipyards Company of La Ciotat.

Invitation For Offers. By this notice, CCC hereby invites offers for the purchase of the above described 730,468 shares of stock. An offer of $7,771,000 has already been received for such stock and, therefore, no offer in a lesser amount will be considered. No offer will be considered which includes a deferred payment arrangement. All offers received will be subject to further negotiation between the parties and CCC. In addition, the selected best offer must be submitted first to the other major Intra stockholders who have the right of first refusal to purchase CCC's shares.

CCC reserves the right to consider only those offers submitted by offerors who CCC determines are financially and otherwise responsible to meet the contractual obligations contemplated in this notice. The offeror shall furnish to CCC, on request, such information as CCC may require to determine the responsibility of the offeror.

Where And How To Submit Offers. Offers, and any modification or withdrawal of offers, shall be submitted to the Controller, Commodity Credit Corporation, U.S. Department of Agriculture, Room 6096 South Building, 14th Street and Independence Avenue, SW., Washington, D.C. 20250, and must be received in that office by 2 p.m. (e.d.t.) on June 24, 1974. Inquiries concerning this notice may be directed to the Controller, CCC, in writing or by telephone—Area Code 202-447-6163.

Offers are to be submitted by letter or telegram. Letter offers shall be in duplicate in sealed envelopes marked with the name and address of the offeror. The postmark shall be used by CCC to determine if the date of mailing was timely enough to allow receipt by the time stated above. Offers submitted by telegram should indicate the date and time of filing for the same reason.

Acceptance of offer. Acceptance by CCC will be by telegram no later than 3 p.m. (e.d.t.) on June 28, 1974. CCC reserves the right to reject any or all offers and to waive any informality therein. Failure to accept shall be construed as rejection or, if so requested in the offer, CCC shall advise the offeror by telegram of rejection.

Signed at Washington, D.C. on May 16, 1974.

H. R. GOLDSTEIN,
Acting Controller, Commodity Credit Corporation.

[FR Doc.74-11671 Filed 5-21-74;8:45 am]

Farmers Home Administration

[Designation No. A046]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Iowa:

Adair	Jasper
Audubon	Jones
Carroll	Mills
Cass	Montgomery
Cedar	Polk
Clarke	Pottawattamie
Crawford	Poweshiek
Dallas	Shelby
Decatur	Tama
Greene	Taylor
Guthrie	Union
Harrison	

The Secretary has found that this need exists as a result of a natural disaster consisting of severe snowstorms with high winds causing blizzard conditions occurring between April 8 and 10, 1973.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for emergency loans must be received by this Department no later than June 30, 1974, for both physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of May, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-11702 Filed 5-21-74;8:45 am]

[Designation No. A047]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agriculture credit exists in the following counties in Michigan:

Allegan	Leelanau
Antrim	Manistee
Benzie	Mason
Berrien	Montcalm
Cass	Muskegon
Charlevoix	Newaygo
Grand Traverse	Oceana
Ionia	Ottawa
Kalamazoo	Van Buren
Kent	

The Secretary has found that this need exists as a result of a natural disaster consisting of freezes in April and May 1973 in all of the listed counties; damaging freezes as early as January 1973 in Benzie, Kalamazoo and Manistee Counties; a windstorm July 2, 1973, and drought in July and August 1973 in Berrien County; and a drought June 23 through September 1973 in Cass County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than June 30, 1974, for both physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of May 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-11703 Filed 5-21-74;8:45 am]

Forest Service

PROPOSED MADERA CANYON LAND USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a Proposed Madera Canyon Land Use Plan, Coronado National Forest, USDA-FS-FES (Adm) 74-40.

The environmental statement considers probable environmental effects of the proposed land use plan.

The final environmental statement was filed with CEQ on May 14, 1974.

Copies are available for inspection during regular working hours at the following locations:

V 39 100 MAY 22 74 XUM

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
14th & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW.
Albuquerque, New Mexico 87102

Coronado National Forest
130 South Scott
Tucson, Arizona 85702

A limited number of single copies are available upon request to the Forest Supervisor, Coronado National Forest, 130 South Scott, P.O. Box 551, Tucson, Arizona 85702.

Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

W. L. EVANS,
Deputy Regional Forester, R3.

MAY 14, 1974.

[FR Doc. 74-11682 Filed 5-21-74;8:45 am]

PRESCOTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Prescott National Forest Grazing Advisory Board will meet at 9 a.m. on May 31, 1974, at the Forest Supervisor's Office in Prescott, Arizona.

The purpose of this meeting is to review items of mutual interest to grazing permittees and the Forest Service, including the current issue of preparing Environmental Statements for grazing on public lands.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number 602-445-4860, extension 311. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

JOHN W. BOHNING,
Acting Forest Supervisor.

MAY 14, 1974.

[FR Doc.74-11693 Filed 5-21-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet June 6, 1974, at 10 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on Licensing Procedures subgroup meeting of April 29, 1974.
4. Report on the work program.
5. Executive Session:
   a. Continuation of report on Licensing Procedures subgroup meeting.
   b. Discussion of, and preparation of working papers on, the work program:
      (1) Foreign availability.
      (2) Performance characteristics.
      (3) Safeguards.

The Computer Systems Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provision of section 10 (a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230. (A/C 202-967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C.

Dated: May 17, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-11749 Filed 5-21-74;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Performance Characteristics and Performance Measurements Subgroup of the Computer Systems Technical Advisory Committee will be held June 6, 1974 at 8:30 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by Henry S. Forrest, Chairman.
2. Presentation of papers or comments by the public.
3. Review of work objectives and goals of the subgroup.
4. Discussion and modification of reports prepared by members of the subgroup.
5. Executive session: Continuation of discussion and modification of reports prepared by members of the subgroup.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974 determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provisions of sections 10(a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b) (1).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: May 17, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FD Doc.74-11750 Filed 5-21-74;8:45 am]

National Bureau of Standards

RECOMMENDED VOLUNTARY STANDARD

Notice of Circulation

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary standard for a determination of its acceptability: TS 217b, "Construction and Industrial Plywood" (a revision of Voluntary Product Standard PS 1-66, "Softwood Plywood, Construction and Industrial").

This circulation is being made in accordance with the provisions of §§ 10.5 and 10.10 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The purpose of this standard is to establish nationally recognized requirements for the principal types and grades of construction and industrial plywood and to provide a basis for common understanding among producers, distributors, and users of the product.

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services on or before July 8, 1974.

Dated: May 16, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-11698 Filed 5-21-74;8:45 am]

RECOMMENDED VOLUNTARY STANDARD

Notice of Circulation

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary standard for a determination of its acceptability: TS 198a, "Plastic-Coated Fabric Wallcovering."

A recommended Voluntary Product Standard TS 198, "Plastic-Coated Wallcovering" had been previously circulated to determine its acceptability (38 FR 17520 dated July 2, 1973), but failed to gain consensus.

This recirculation is being made in accordance with the provisions of § 10.5 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The purpose of the standard is to establish on a voluntary basis nationally recognized quality requirements for plastic-coated fabric wallcovering, and thus provide producers, distributors, and users with a basis for common understanding of the characteristics of this product. The standard defines three types and two classes of plastic-coated fabric wallcovering based on coating weight and flammability. Other requirements include tear strength, abrasion resistance, shrinkage, stain resistance and colorfastness.

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services on or before July 8, 1974.

Dated: May 16, 1974.

RICHARD W. ROBERTS,
Director.

MAY 16, 1974.

[FR Doc.74-11699 Filed 5-21-74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF THE AIR FORCE
AF/JACP
Washington, DC 20314

Patent application 310,037: Air Floatation Cargo Handling System; filed 28 November 1972; PC $4.00/MF $1.45.

Patent application 314,053: Time Differentiating Passive Impulse Gage; filed 11 December 1972; PC $4.00/MF $1.45.

Patent application 315,748: Adapter for Installing Components in Wire Harness; filed 15 December 1972; PC $4.00/MF $1.45.

Patent application 343,315: Mechanical Door Interlock System; filed 21 March 1973; PC $4.00/MF $1.45.

Patent application 392,376: Balance Type Angle of Attack Indicator, filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 392,377: Shock Heated, Wall Confined Fusion Power System; filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 392,378: Method of Making Substrates for Microwave Microstrip Circuits; filed 28 August 1973; PC $400/MF $1.45.

Patent application 392,386: V-Band Coupling; filed 28 August 1973; PC $4.00/MF $1.45.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Mgmt. Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Maryland 20782.

Patent application 293,744: Activated, Recurable, Durable-Press Fabrics; filed 29 September 1972; PC $4.25/MF $1.45.

Patent application 326,198: Water Repellent Cotton Textiles; filed 31 January 1973; PC $4.00/MF $1.45.

Patent application 334,318: N-Substituted Fatty Acid Amide Lubricants; filed 21 February 1973; PC $5.25/MF $1.45.

Patent application 348,539: Catalyst Assist Agents Using Leaving Group Effects; filed 6 April 1974; PC $4.00/MF $1.45.

Patent application 348,555: Uniform Planar Strain Tester; filed 6 April 1973; PC $4.00/MF $1.45.

Patent application 348,557: A Durable-Press Starch Finish for Cotton and Cotton/Polyester Textiles; filed 6 April 1973; PC $4.00/MF $1.45.

Patent application 351,936: Fiber Condenser for Textile Processing; filed 17 April 1973; PC $4.00/MF $1.45.

Patent application 365,899: Pyrolyzed Rosin Products as Synthetic Rubber Tackifiers; filed 1 June 1973; PC $4.00/MF $1.45.

Patent application 368,280: Boll-Weevil Sex Attractant; filed 14 May 1973; PC $4.00/MF $1.45.

Patent 3,713,979: Production of Mannans by Fermentation; filed 28 May 1971, patented 30 January 1973; not available NTIS.

Patent 3,745,088: Active Water-Insoluble Enzymes; filed 23 December 1970, patented 10 July 1973; not available NTIS.

Patent 3,749,681: Catalyst for Selective Hydrogenation of Polyunsaturated Vegetable Oils; filed 26 February 1971, patented 31 July 1973; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 300 7th Street, SW., Washington, DC 20590.

Patent application 453,332: Magnetic Gradient Vehicle Detector; filed 21 March 1974; PC $4.00/MF $1.45.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, DC 20240.

Patent application 440,432: Chemical Mining of Copper Porphyry Ores; filed 7 February 1974; PC $4.00/MF $.45.

Patent application 447,716: Chemical Mining of Copper Porphyry Ores; filed 4 March 1974; PC $4.00/MF $1.45.

Patent 2,810,637: Method of Extracting Aluminum from Aluminum-Silicon Alloys by Low Pressure; filed 13 February 1953, patented 22 October 1957; not available NTIS.

Patent 2,996,292: Gravity-Fed Combustion Equipment Applying Crossfeed Ignition Principle; filed 12 June 1958, patented 15 August 1961; not available NTIS.

Patent 3,005,690: Multiple Compartment Rotary Drum for the Leaching of Ores or Related Products in a Continuous Countercurrent System; filed 15 January 1960, patented 24 October 1961; not available NTIS.

Patent 3,075,710: Process for Wet Grinding Solids to Extreme Fineness; filed 18 July 1960, patented 29 January 1963; not available NTIS.

Patent 3,195,354: Inclined-Piston Dead-Weight Pressure Gauge; filed 29 February 1963, patented 20 July 1965; not available NTIS.

Patent 3,238,652: Mechanical Programming Device; filed 31 December 1963, patented 8 March 1966; not available NTIS.

Patent 3,243,869: Elimination of Agglomeration by Freezing of Lignite or Other Moisture-Containing or Wetted Aggregates During Shipment; filed 23 April 1963, patented 5 April 1966; not available NTIS.

Patent 3,244,475: Solvent Extraction Process for Separating Rhenium from Molybdenum; filed 31 October 1962, patented 5 April 1966; not available NTIS.

V 39 100 MAY 22 74 XUM

Patent 3,244,480: Synthesis of Fibrous Silicon Nitride; filed 3 March 1964, patented 5 April 1966; not available NTIS.

Patent 3,244,480: Synthesis of Fibrous Siliceous Solids; filed 22 September 1971, patented 17 July 1973; not available NTIS.

Patent 3,794,420: Photomechanical Apparatus for Manipulating Image Form; filed 8 February 1973, patented 26 February 1974; not available NTIS.

Patent 3,798,140: Process for Producing Aluminum and Silicon from Aluminum Silicon Alloys; filed 1 February 1973, patented 19 March 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP–2, Washington, DC 20546.

Patent application 393,524: Shared Memory for a Fault-Tolerant Computer; filed 31 August 1973; PC $4.25/MF $1.45.

Patent application 428,994: Digital Transmitter for Data Bus Communications System; filed 27 December 1973. PC $4.00/MF $1.45.

Patent application 429,437: Wide Angle Sun Sensor; filed 28 December 1973; PC $4.00/MF $1.45.

Patent application 446,562: Combined Dual Scatter, Local Oscillator Laser Doppler Velocimeter; filed 28 March 1974; PC $4.00/MF $1.45.

Patent application 447,124: Flow Measuring Apparatus; filed 28 February 1974; PC $4.00/MF $1.45.

Patent application 449,118: Motor Run-Up System; filed 7 March 1974; PC $4.25/MF $1.45.

Patent 3,789,920: Heat Transfer Device; Patented 5 February 1974; not available NTIS.

Patent 3,789,947: Omnidirectional Wheel; patented 5 February 1974; not available NTIS.

Patent 3,790,432: Reinforced Polyquinoxaline Gasket and Method of Preparing the Same; patented 5 February 1974; not available NTIS.

Patent 3,790,795: High Field CDS Detector for Infrared Radiation; patented 5 February 1974; not available NTIS.

Patent 3,790,906: System for Stabilizing Cable Phase Delay Utilizing a Coaxial Cable under Pressure; patented 5 February 1974; not available NTIS.

Patent 3,792,399: Banded Transformer Cores; patented 12 February 1974; not available NTIS.

Patent 3,793,109: Method of Fabricating an Article with Cavities; patented 19 February 1974; not available NTIS.

Patent 3,795,858: Inverter Ratio Failure Detector; patented 5 March 1974; not available NTIS.

Patent 3,795,862: Demodulator for Carrier Transducers; patented 5 March 1974; not available NTIS.

Patent 3,795,900: Multifunction Audio Digitizer; patented 5 March 1974; not available NTIS.

[FR Doc.74–11680 Filed 5–21–74;8:45 am]

Office of the Secretary

COMMERCIAL TECHNICAL ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, June 5, 1974 from 9:30 a.m. to 5 p.m., and Thursday, June 6, 1974 from 9 a.m. to 12 noon in Room 6802, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Tentative agenda items include:

1. Report on Generation of New Technical Enterprises.
2. Discussion of Antitrust White Paper.
3. Progress Reports on other CTAB Studies.
4. Planning Session for CTAB Panel Study on Synthetic Fuels Industry.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting.

Persons desiring to attend the meeting or obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230; Telephone (202) 967–5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

MAY 16, 1974.

[FR Doc.74–11731 Filed 5–21–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CGR MEDICAL CORP.

Approval of Variance for Diagnostic X-ray Systems and Their Major Components

Pursuant to § 1010.4 (21 CFR 1010.4) of the regulations for the administration and enforcement of the Radiation Control for Health and Safety Act of 1968, published in the FEDERAL REGISTER of April 18, 1974 (39 FR 13879), concerning the granting of variances to electronic products for which there are performance standards promulgated pursuant to section 358 of the act (42 U.S.C. 263f), notice is hereby given that a variance has been granted by the Director, Bureau of Radiological Health, Food and Drug Administration, to CGR Medical Corp., 2519 Wilkens Ave., Baltimore, MD 21203.

This variance will apply to removable, fixed-aperture, beam-limiting devices intended for use with the Senographe mammography unit, a diagnostic x-ray system marketed by the applicant. These products will deviate from the requirements of § 1020.31(f)(3) (21 CFR 1020.31(f)(3)) and the performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30), in that means will not be provided to align the center of the x-ray field with the center of the image receptor to within 2 percent of the source-image receptor distance (SID), and the devices will not be marked to indicate the SID for which they are designed.

The applicant has stated in his petition for this variance that the patient-positioning technique employed with the Senographe unit involves immobilization of the breast by placement between the end of the beam-limiting device and the film holder, and that variations in breast thickness preclude specification of a single SID. The applicant has also stated that since the film holder is usually placed against the rib cage at the base of the breast, the center of the x-ray field cannot be aligned with the center of the image receptor to within 2 percent of the SID over the range of SID's normally used. In lieu of the applicable requirements of § 1020.31(f)(3), the applicant has proposed to provide clear and permanent markings upon each beam-limiting device indicating the film holder for which it is designed, and clear and permanent markings upon each film holder relating to the size of the film for which it is intended. When designated combinations of beam-limiting devices and film holders are used, the x-ray field shall not extend beyond any edge of the film holder.

The Director has determined that in addition to the conditions above, the following provisions shall apply to this variance:

(1) In accordance with § 1020.30(h)(1), the information provided to users of these products shall clearly state that designated combinations of beam-limiting devices and film holders must be used to achieve proper radiation protection.

(2) The information provided to assemblers of the Senographe mammography system in accordance with § 1020.30(g) shall clearly designate the beam-limiting devices and film holders which are compatible with this system.

The Director has concluded that under the conditions above these products will provide radiation protection equal to that provided by products meeting all applicable requirements of the performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30) and is therefore granting the variance in accordance with the provisions of § 1010.4(a)(1) for a period of 1 year. The applicant has also been directed to modify, in accordance with § 1010.4(d), the tags, labels, or other certification required by § 1010.2 which are permanently affixed to or inscribed upon the products marketed under this variance. In accordance with § 1010.4(d)(3), the applicant must state the following: "This product complies with Variance No. 74001 effective on August 1, 1974."

Pursuant to provisions of § 6.1(b) (21 CFR 6.1(b)) the possible environmental consequences of this variance have been carefully considered. It has been determined that the action will have neither a marginal nor a significant impact upon the environment. Based upon this determination, it has been concluded that an environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act is not required.

A copy of the environmental analysis report is available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

Variance No. 74001 shall become effective August 1, 1974, and terminate on August 1, 1975, unless written objections and supporting information are filed with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, on or before June 21, 1974, requesting that the variance be modified or not be granted. Upon receipt of such objections and supporting documentation, the effective date of the variance will be stayed until the Director, Bureau of Radiological Health, rules on them. Pursuant to § 1010.4(c)(3), the applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute, final agency action subject to judicial review pursuant to section 358(d) of the act. The application for this variance and all related correspondence are available for public disclosure in the office of the Hearing Clerk, except for information covered by the confidentiality provisions of section 360A(c) of the act.

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11600 Filed 5–21–74;8:45 am]

National Institutes of Health

CANCER CONTROL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, July 12, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., July 12, 1974, to discuss minutes of last meeting, announcements, and future meeting dates. Attendance by the public will be limited to space available. The meeting will be closed to the public on July 12, 1974 from 10:30 a.m. to 5 p.m. to review contract proposals in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Margaret H. Edwards, Executive Secretary, Blair Building, Room 729, National Institutes of Health, Bethesda, Maryland 20014 (301/427–8080), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 9, 1974.

ROBERT S. STONE,
Director, National Institutes of Health.

[FR Doc.74–11665 Filed 5–21–74;8:45 am]

EPIDEMIOLOGY AND BIOMETRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Epidemiology and Biometry Advisory Committee, National Heart and Lung Institute, June 20, 1974, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on June 20 to discuss the current stage of progress of the Hypertension Detection and Follow-Up Program. Attendance by the public will be limited to space available.

The meeting will be closed to the public from 9:30 a.m. to 4 p.m. on June 20 for the review and discussion of ongoing contracts in the hypertension area in accordance with the provisions set forth in section 552(b)(4) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mr. Hugh Jackson, Information Officer, National Heart and Lung Institute, Room 5A20, Building 31, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. William J. Zukel, Executive Secretary of the Committee, Room C809C, Landow Building, phone (301) 496–2533, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.826, National Institutes of Health)

Dated: May 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–11661 Filed 5–21–74;8:45 am]

NANDS COUNCIL RESEARCH SUBCOMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the NANDS Council Research Subcommittee, June 6, 1974, at 8:30 a.m. in the Connecticut Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on June 6, 1974, to discuss program planning and program accomplishments and closed to the public from 10:30 a.m., June 6, 1974, until the conclusion of the meeting to review, discuss and evaluate and/or rank research grant applications in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Information Officer, NINDS, Building 31, Room 8A03, phone: 496–5751, will provide summaries of the meeting and rosters of the committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 7A18A, Westwood Building, NIH, phone: 496–7220, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Dated: May 9, 1974.

ROBERT S. STONE,
Director, National Institutes of Health.

[FR Doc.74–11660 Filed 5–21–74;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL DISEASES AND STROKE COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological Diseases and Stroke Council, June 20, 21, and 22, 1974, at 9 a.m., in Conference Room 9, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on June 20, 1974, from 9 a.m. until 1:30 p.m. and on June 21, 1974, from 1:30 p.m. until the conclusion of the meeting, to discuss program planning and program accomplishments and closed to the public from 1:30 p.m. on June 20, 1974, until 1:30 p.m. on June 21, 1974, to review, discuss and evaluate and/or rank research grant applications in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Information Officer, NINDS, Building 31, Room 8A03, phone: 496–5751, will provide summaries of the meeting and rosters of the committee members.

Dr. Murray Goldstein, Executive Secretary of the committee, Room 757, Westwood Building, NIH, phone: 496–7705, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Dated: May 9, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–11664 Filed 5–21–74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Virus

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Cancer Program Scientific Review Committee A, National Cancer Institute, June 13 and 14, 1974, National Institutes of Health, Building 37, Room 1B04. This meeting will be open to the public on June 13, 1974 from 9 a.m. to 9:30 a.m., to discuss segment program objectives and management practices. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 13, 1974 from 9:30 a.m. to adjournment on June 14, 1974, to review contract proposals, in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496-2760) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-11663 Filed 5-21-74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee B, National Cancer Institute, June 19, 1974, National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public on June 19, 1974 from 8:30 a.m. to 9 a.m., to discuss new approaches in tumor virus detection. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 19, 1974 from 9 a.m. to 5 p.m., to review contract proposals, in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496-2760) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

MAY 15, 1974.

[FR Doc.74-11662 Filed 5-21-74;8:45 am]

Office of Education

SUPPLEMENTARY EDUCATION CENTERS AND SERVICES

Special Programs and Projects; Extension of Closing Date for Receipt of Applications

On February 21, 1974, there was published in the FEDERAL REGISTER (39 FR 6631), a notice of acceptance of applications, with a closing date of April 11, 1974, for the receipt of applications for grants for special programs and projects not previously funded, under section 306 of Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b).

It appears that some confusion has resulted as to the effect of airmailed applications postmarked prior to the deadline date, but received after this date. In light of this situation the closing date for receipt of applications in this category is being extended by this notice to May 31, 1974, affording applicants or prospective applicants an additional period of time in which to apply or to revise applications. All applications sent back to applicants by the Application Control Center must be resubmitted by this new closing date in order to be considered.

Applications already received in this category will be considered in their present form unless revised and received by the new closing date. New or revised applications must also be received by the Office of Education Application Control Center on or before May 31, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The applications are received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(3) An application to be hand delivered must be delivered to the U.S. office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will not be accepted by the Application Control Center after 4 p.m. Washington, D.C. time, on the closing date.

Information and application forms may be obtained from Special Programs and Projects, section 306 of Title III, ESEA, U.S. Office of Education, Room 3682, ROB #3, 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 844B)

(Catalog of Federal Domestic Assistance Number 13.516: Pre-School, Elementary Education—Special Programs and Projects)

Dated: May 20, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-11938 Filed 5-21-74;9:16 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meeting; Correction

Notice is hereby given, pursuant to Pub. L. 92-463, that the Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act, as amended, will meet on Friday, May 24, 1974, at 10 a.m. to 6 p.m. and Saturday, May 25, 1974, from 9 a.m. to 4 p.m. in Room 917, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland. During the period 4 p.m. to 6 p.m. on Friday, May 24, two subcommittees whose establishment has been completed since the last meeting of the Advisory Council will meet to discuss plans for their work. One subcommittee will deal with social security financing, another with the status of women under the social security program. The meetings of the Advisory Council and its subcommittees are open to the public.

This notice corrects FR Doc. 74-11413, published at page 17460 of the issue of Thursday, May 16, 1974, which stated that the meeting on Saturday, May 25, 1974, would be held in Room 5051 HEW-North Building, Third and Independence Avenues, SW., Washington, D.C.

Further information on the Council may be obtained from John Trout, Executive Secretary of the Council, Room 440 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2510. Further information on the Council's subcommittee on financing may be obtained from Mary Ross, Executive Secretary of the Subcommittee, Room 438 Altmeyer Building, telephone (301) 594-2514. Further information on the Council's subcommittee on the status of women under social security may be obtained from James Crum, Executive Secretary of the Subcommittee, Room 454 Altmeyer Building, telephone (301) 594-2834. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807, Social Security Programs)

Dated: May 20, 1974.

JOHN TROUT,
Executive Secretary, Advisory
Council on Social Security.

[FR Doc.74-11929 Filed 5-21-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-430-DR; Docket No. NFD 198]

MISSISSIPPI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Mississippi, dated April 18, 1974, and amended April 20, 1974, April 26, 1974, May 7, 1974, and May 8, 1974, is hereby further amended. Notice is hereby given that on May 14, 1974, the President amended his declaration of a major disaster of April 18, 1974, for Mississippi as follows:

I have determined that the damage in certain areas of the State of Mississippi from heavy rains and flooding beginning about April 12, 1974, and economic injuries and dislocations as a result of reduced salinity in the Mississippi Sound and the Gulf of Mexico caused by flooding and heavy rains during an indeterminate period commencing on or about May 1, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Mississippi. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: May 16, 1974.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-11704 Filed 5-21-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74 136]

BOATING SAFETY ADVISORY COUNCIL

Notice of Open Meeting

This is to give notice pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972 that the Boating Safety Advisory Council, U.S. Coast Guard will conduct an open meeting on Tuesday and Wednesday, June 11-12, 1974 in the Safeco auditorium, Safeco Plaza, Seattle, Washington, beginning at 9 a.m.

The Boating Safety Advisory Council is a 21 member Council authorized by section 33 of the Federal Boat Safety Act of 1971. The Council must be consulted by the Coast Guard in establishing a need for formulating and prescribing regulations which establish minimum safety standards for boats and associated equipment. In addition, the Coast Guard is required to consult with the Council on any other major boat safety matter related to the Act.

The agenda for the June 11-12 meeting consists of the following:

A discussion of the proposed Starting-In-Gear Protection standard, the proposed Fuel and Electrical System standards, proposed changes to capacity formula for low and non-powered boats, a report on the visual distress signal study and an update on the Coast Guard's Boating Safety program.

Any member of the public who wishes to do so may file a written statement with the committee, before or after the meeting, or may present an oral statement with the advance approval of the Chairman.

Interested persons may request addition information concerning the June 11-12 meeting and other matters relating to the Boating Safety Advisory Council (pursuant to the Federal Advisory Committee Act, section 10(b), dated October 6, 1972) from the Executive Director, Boating Safety Advisory Council, U.S. Coast Guard Headquarters (G-BR/62), Washington, D.C. 20590 or by calling (202) 426-4176.

Dated: May 15, 1974.

J. H. DURFEE,
Captain, U.S. Coast Guard,
Acting Chief, Office of Boating Safety.

[FR Doc.74-11727 Filed 5-21-74;8:45 am]

[CGD 74 135]

CERTIFICATION REVISION SUBCOMMITTEE BOATING SAFETY ADVISORY COUNCIL

Notice of Open Meeting

A Subcommittee of the Boating Safety Advisory Council will meet on Wednesday and Thursday, June 12 and 13, 1974, at the Seattle Yacht Club, 1807 East Hamlin Street, Seattle, Washington, beginning at 1:30 p.m. on Wednesday and at 8:30 a.m. on Thursday.

The Subcommittee as authorized by the Federal Boat Safety Act of 1971 was established to review current and anticipated future problems with the present Certification of Compliance regulation and to recommend changes to the Council. The Subcommittee will consist of BSAC members.

The meeting is open to the public.

Dated: May 15, 1974.

J. H. DURFEE,
Captain, U.S. Coast Guard,
Acting Chief, Office of Boating Safety.

[FR Doc.74-11726 Filed 5-21-74;8:45 am]

National Highway Traffic Safety Administration

MAVERICK AND COMET FRONT SEATBELT ASSEMBLIES

Compliance Investigation; Notice of Public Proceeding

The public proceeding in the above matter announced by notice published in the FEDERAL REGISTER on April 25, 1974 (39 FR 14662), will be held on June 12, 1974, rather than May 24, 1974, as originally scheduled. The address and time of the proceeding remain the same: Room 2230/32, Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, D.C., at 10 a.m. Persons wishing to make oral presentations should notify Mrs. Barbara L. Mandley, Office of Standards Enforcement, National Highway Traffic Safety Administration, Washington, D.C. 20590, Tel. (202) 426-2832, before the close of business (4:15 p.m.) on June 10, 1974.

(Sec. 112, 113, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1401, 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 17, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-11762 Filed 5-20-74;11:24 am]

CIVIL AERONAUTICS BOARD

[Docket 26720; Order 74-5-87]

ALOHA AIRLINES, INC. AND HAWAIIAN AIRLINES, INC.

Air Freight Rate Increase; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of May, 1974. By tariff revisions filed April 5 and 17, 1974, and marked to become effective May 20, 1974, Aloha Airlines, Inc. (Aloha) and Hawaiian Airlines, Inc. (Hawaiian Air) propose to increase their freight rates as follows:

1. General commodity rates
   a. Under 500 pounds by 2.0 cents per pound;
   b. 500-999 pounds by 1.8 cents per pound;
   c. 1,000 pounds and over by 1.52 cents per pound.
2. Specific commodity rates—Cancel or add some specific commodity rates and increase others by amounts ranging from 1.0 to 2.7 cents per pound;
3. Minimum charge per bulk shipment from $3 to $5;
4. Minimum charge on shipments of whole blood from $1.50 to $2.50; and
5. Human remains—Caskets of 17 cubic feet or less by $15 to $40 and caskets over 17 cubic feet by $30 to $80 in all markets.

A joint complaint requesting suspension and investigation of Aloha's and Hawaiian's proposals has been filed by the State of Hawaii, City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui (the State). The complaint alleges, inter alia, that (1) Hawaiian Air is the dominant carrier in the market and carries approximately 88 percent of the total cargo traffic moving by air between the island, while Aloha carries the remaining 12 percent; (2) it is misleading to refer to Hawaiian Air's service as an "all-cargo" service, since the aircraft is used for passengers during the day and for cargo at night and this operational scheme must be fully recognized in costing for pricing purposes; (3) both Aloha and Hawaiian Air emerged from 1973 operations with extremely high profits; (4) Hawaiian Air's methods

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of allocation for pricing purposes are not completely acceptable and will not measure up to standards and guidelines already established by the Board in other proceedings; (5) Hawaiian Air's all-cargo costing methodology is based on a 46.2 percent load factor performance, and this is far from adequate; and (6) where there is a large unused capacity on scheduled cargo flights, sound pricing practice would dictate lowering prices to attract new customers and cargo instead of increasing prices, resulting in less cargo and more unused space.

In support of their proposals and in answer to the complaint,[1] the carriers variously contend, inter alia, that (1) there have been no freight rate increases for the inter-island carriers since May 1968, while Mainland carriers have increased their rates numerous times; (2) carrier costs of operation have risen substantially during this period; (3) the intra-Hawaiian air freight rates are comparatively lower than those of the local service carriers, i.e., inter-island rates range from 40 to 70 percent below rates charged by the local service carriers for similar distances; (4) proposals will generate $475,000 additional annual revenue for Hawaiian Air and $228,000 for Aloha; (5) without the currently proposed rate increases, Hawaiian Air forecasts a return of 2.5 percent on its investment in 1974 and Aloha 4.8 percent; (6) even with the proposed increase, Hawaiian Air estimates that it will still incur an operating loss of $673,000 from its freight operations, while Aloha estimates the proposal will increase its return on investment from 4.8 to 5.6 percent; and (7) Hawaiian Air cannot be expected to continue to absorb the losses generated by the freight operation.

The instant filings are two of a series of rate increases filed by domestic carriers in recent weeks, and the first one in intra-Hawaiian rates. The Board has reviewed these proposed rates in the light of industry domestic costs of carrying air freight, which include recognition of the sharp increases in fuel costs recently experienced by the industry. We are also giving consideration to the current and proposed levels of freight rates of Aloha and Hawaiian Air in comparison to Mainland rate levels, the financial results of Hawaiian Air's all-cargo services, and the overall present and forecast profitability of the carriers.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposed rates, to the extent that they apply to human remains shipments in caskets over 17 cubic feet appear to be excessive in relation to costs and thus may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that those rates should be suspended pending investigation.

The remaining portions of the proposals appear sufficiently related to costs that the Board will permit them to become effective. The Board does not find that investigation of these rate increases is warranted and the request therefor will be denied and the complaint dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A[2] are suspended and their use deferred to and including August 17, 1974, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the joint complaint of the State of Hawaii, City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui in Docket 26667 is dismissed;

4. The proceeding herein, designated Docket 26720, be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon Aloha Airlines, Inc., Hawaiian Airlines, Inc., the State of Hawaii, City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui, which are hereby made parties to Docket 26720.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-11736 Filed 5-21-74;8:45 am]

[Docket 25519 Order 74-5-89]

NATIONAL AIR CARRIER ASSOCIATION ET AL.

Order Approving Discussions Relating to Transatlantic Passenger Charter Rate Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of May, 1974.

Application of member carriers of the National Air Carrier Association et al. to engage in transatlantic passenger charter rate discussions.

By application filed May 16, 1974, the member carriers of the National Air Carrier Association (NACA),[1] Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA) request the Board to renew for a period of ninety days the authority previously granted by the Board in Order 73-6-79 (June 19, 1973) and Order 73-10-99 (October 26, 1973) to engage in discussions relating to transatlantic passenger charter rates, subject to the same terms and conditions of the previous orders.

In support, the applicants state that although discussions held pursuant to our June 1973 authorization at Brighton, England, resulted in no agreement, a Steering Committee was established with authorization to monitor developments and to decide when and if a further conference should be called, and state that, if the instant request is granted this Committee could be reconvened to lay groundwork for a new conference. The applicants further maintain that although the Board extended the discussion authority in October 1973, the carriers involved became preoccupied with other more pressing concerns resulting in no further charter rate discussions.

The applicants contend that the adverse economic circumstances which prompted the Board's prior grant of discussion authority have not abated, and state that the recent increases in charter rates have not kept pace with rising costs with the result that anticipated operating results for 1974 will be far worse than for 1973. The applicants believe that a requisite of correcting this uneconomic situation in the Atlantic market is achievement of some method to assure charter rates are at economic levels and in proper relationship with scheduled fares. The applicants hold the most desirable means towards this objective is through some form of intercarrier agreement. In conclusion, the applicants contend that since 1975 charter sales have already begun, meaningful discussions would have to begin almost immediately.

In view of the impending series of IATA conferences to determine the North Atlantic fare structure for effect after November 1974; our previous approvals of such discussions, and the matters submitted by the applicants, we will approve the instant request without awaiting responsive pleadings. In our view, a prompt determination whether carriers can in fact agree on a future industry approach to charter rates could well significantly affect other important rate questions in the scheduled service area now under consideration in IATA. Our present action merely reconfirms the policies articulated in greater detail in our orders on this matter last year.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412 and 414 thereof,

It is ordered, That:

1. All U.S.- and foreign-flag carriers holding certificate or permit authority to provide passenger charter services on the North Atlantic may engage in discussions, for a period not to exceed 90 days from the date of this order, on the subject of rules, practices, procedures, and minimum rate levels applicable to transatlantic passenger charter service, and the relationship of charter rates to fares in scheduled service;

2. The director of the Bureau of Economics be given at least 48 hours' notice of the time and place of the meetings;

3. The carriers keep complete and accurate minutes of such discussions and that a true copy of such minutes and all documenation be filed with the Board's Docket Section not later than two weeks after close of each meeting;

4. Any interested person may advise a direct air carrier participant of his interest in these discussions and upon request all meeting notices and agendas shall be mailed to such interested third person with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearance;

5. Any agreement or agreements reached as a result of such discussions be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or otherwise placed in effect; and

6. This order be served upon all U.S. and foreign-flag carriers holding certificate or permit authority to provide passenger charter service on the North Atlantic and on counsel on behalf of 56 prominent U.S. independent tour operators.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-11907 Filed 5-21-74;8:45 am]

[1] Only Hawaiian Air answered the complaint.

[2] Filed as part of the original document.

[1] Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

Dated at Washington, D.C., May 16, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-11733 Filed 5-21-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

IMPORTERS TEXTILE ADVISORY COMMITTEE

Notice of Meeting

MAY 17, 1974.

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on June 6, 1974, in Room 4833, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 20 members representing importing firms and a trade association, advises Department officials of the effects on import markets of the cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Maine Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-11672 Filed 5-21-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on May 24, 1974, in Room 210, Michigan State University, Kellogg Center, East Lansing, Michigan 48823.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be to review report of Committee members on the Native American Project and discuss plans for the proposed factfinding meeting on Women's Rights tentatively scheduled for June 17-19, 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

CONSUMER PRODUCT SAFETY COMMISSION

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following committee meeting:

Name: Technical Advisory Committee on Poison Prevention Packaging.
Dates: June 6-7, 1974.
Time: 9:30 a.m. to 5 p.m., June 6; 9:30 a.m. to 2 p.m., June 7.
Place: Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C., 6th Floor Conference Room.

Proposed Agenda:

Thursday, June 6: Status report of poison prevention packaging activities; present regulations; activities planned for FY 75; exemption requests from PPPA regulations—criteria and effects.

Friday, June 7: National Formulary Proposed Standard for Tightness of Drug Containers; consumer participation in field programs related to poison prevention packaging activities; withdrawal of proposed standards; modification of testing protocol.

The Technical Advisory Committee on Poison Prevention Packaging was established in 1971 by the Secretary of DHEW under the statutory authority in section 6(a) of the Poison Prevention Packaging Act of 1970 (Public Law 91-601; 15 U.S.C. 1475(a)). The purpose of the Technical Advisory Committee is to provide advice and recommendations on the types and kinds of packaging that will protect children from injury or illness resulting from handling or ingestion of household substances. The administration of the Poison Prevention Packaging Act of 1970, including the use and management of the Technical Advisory Committee, was transferred to the Consumer Product Safety Commission on May 14, 1973, by section 30(a) of the Consumer Product Safety Act (Public Law 92-573; 15 U.S.C. 2079(a)).

The meeting of the Technical Advisory Committee will be open to the public, however, space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C., phone (202) 634-7700.

Dated: May 17, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-11732 Filed 5-21-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[Docket No. EU-D-71-167]

JERSEY CENTRAL POWER AND LIGHT CO.

Availability of Final Environmental Impact Statement

In the matter of final environmental statement on proposed addition to Gilbert Generating Station, Holland Township, New Jersey, Docket No. EU-D-71-167.

In accordance with the National Environmental Policy Act of 1969, and the Delaware River Basin Commission's rules of practice and procedure (Article IV), notice is hereby given of the availability of the FINAL environmental impact statement as of May 24, 1974 which discusses the environmental impact of the project.

The Jersey Central Power and Light Company's proposed project consists of a 130 MW steam turbo-generator utilizing the waste heat from four existing combustion turbines having a combined capacity of 190 MW through the use of

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four heat recovery steam generators. This potential combined cycle operation is a combination of combustion turbine and steam turbine generators whereby 70 percent of the waste heat from each combustion turbine exhaust is utilized to generate steam for the steam turbine. The proposed project also includes a mechanical draft wet cooling tower, waste water treatment facilities, expansion of the existing electric switchyard, and a steam turbine building containing a generator, condenser, control room, offices and other auxiliary equipment. Existing on-site oil tank storage will be utilized for the fuel oil.

Copies of the FINAL environmental impact statement may be examined in the library at the headquarters of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, N.J. Copies of the FINAL may also be examined in the library of the Water Resources Association of the Delaware River Basin, 21 South 12th Street, Philadelphia, Pa. Limited additional copies of the FINAL are available from the Commission upon request.

The FINAL statement will be submitted to the Council on Environmental Quality as of May 20, 1974.

W. BRINTON WHITALL,
Secretary.

MAY 17, 1974.

[FR Doc.74-11677 Filed 5-21-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL CONTRACT PAYMENT OFFICES

Opportunity for Comment

The Office of Management and Budget (OMB), in memoranda to Heads of Executive Departments and Agencies, dated December 7, 1972, and March 14, 1973, established and outlined plans for coordination of executive branch efforts in response to the Commission on Government Procurement (COGP) Report. Interagency task groups made up of assigned lead and participating agencies were formed to examine and recommend executive branch positions on each of the 149 COGP recommendations. Direction of executive branch efforts on COGP matters is a function which was delegated to the General Services Administration (GSA) by Executive Order 11717 on May 9, 1973.

COGP Recommendation A-32 calls for the establishment of contract payment offices to make payments for all Federal agencies in each of the ten Federal regional areas. The reasons given for this recommendation were that, in the opinion of the COGP, the centralization of payment offices would improve promptness in payments which would have a significant impact on the profits realized by Government contractors; that the present multiplicity of paying offices throughout the country is inefficient and costly; and that, therefore, all contract payments for Government agencies should be processed by regional offices using standardized procedures.

COGP Recommendation A-32 reads as follows:

> Establish contract payment offices to make payments for all Federal agencies in each of the ten Federal regional areas. This could be accomplished by a lead agency designated to formulate standard procedures to implement this recommendation.

Following is a summary of a proposal for an executive branch position on COGP Recommendation number 32 in Part A of the Report. The proposal was drafted by a task group which was led by the Department of Defense.

TASK GROUP PROPOSAL FOR AN EXECUTIVE BRANCH POSITION ON COGP RECOMMENDATION A-32 (SUMMARY)

After a detailed analysis which included a thorough questioning of twenty-three executive agencies, the Task Group concluded that the COGP recommendation should not be adopted. In reaching this conclusion, the Task Group employed a questionnaire technique which was designed to elicit agency responses relative to the primary COGP recommendation and to statements made in the COGP Report which depicted confusing duplications and delays in the present procedures. Responses to the questionnaire resulted in the negative conclusion and provided information which refuted the COGP view. Specifically, the responses indicated that: (1) regional disbursing service (check writing) furnished by the Treasury Department and by the Department of Defense disbursing network is prompt and efficient; (2) to establish separate regional offices to make contract payments only would be an unnecessary fragmentation of the Treasury's disbursing system; (3) many of the individual agencies favor regionalization and/or centralization of the payment function within their own agency, but are not willing to delegate payment responsibility to a regional complex not under their control; (4) authority for contract management and payment should not be delegated beyond agency level because personalized and timely service to both contractor and Government would deteriorate and separating the accounting and paying offices would not be feasible since these functions are considered inseparable; (5) there are far less contract payment processing offices in the Federal Government than the COGP Report indicated; (6) the Task Group review of the potential improvements in service to contractors and Government activities and the economies that might accrue from regional paying offices as cited by the COGP indicated that there were no obvious cost advantages in such an arrangement—in fact, there appeared to be cost disadvantages due to a probable overlap of personnel required to man the regional offices and those within the agencies; (7) the study and analysis by the Task Group failed to produce any major shortcomings of the present system; and, on the contrary, revealed that many problems would surface from a regionalized arrangement such as the one recommended by the COGP.

Purpose of Notice. This notice is published for the purpose of public information and to offer an opportunity for public comment on the above Task Group proposal on COGP Recommendation A-32. Interested persons should submit their comments to the General Services Administration (AMC), Washington, D.C. 20405. To be given consideration, written comments must be received not later than July 8, 1974.

Publication of this notice does not imply acceptance by the executive branch of the proposed executive branch position. Responses received from interested parties regarding this notice of opportunity for comment will be given careful consideration in the formulation of a final executive branch position.

Dated at Washington, D.C., on May 16, 1974.

R. E. ZECHMAN,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.74-11695 Filed 5-21-74;8:45 am]

[Temp. Reg. F-221]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications practices inquiry.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission in a proceeding (Docket No. 20003) involving the economic implications and interrelationships arising from policies and practices relating to customer interconnection, jurisdictional separations and rate structures.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 15, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-11696 Filed 5-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of April 16, 1974 and April 30, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: May 10, 1974.

SHELDON MYERS,
Director, Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between April 16, 1974, and April 30, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
D-AEC-06124-FL	St. Lucie Nuclear Power Plant No. 2, Florida	ER-1	A
D-AEC-06125-VA	Surry Power Station, Units 3 and 4, Surry County, Va.	ER-2	A
Department of Agriculture:			
D-AFS-61220-00	Absaroka, Beartooth, and Cutoff Wilderness, Mont. and Wyo.	LO-1	I
D-AFS-65062-CO	Meadow Mountain, White River National Forest, Colo.	S	I
D-AFS-65060-MT	Swan Lake Planning Unit, Flathead National Forest, Mont.	LO-1	I
D-AFS-65078-VA	Laurel Fork Unit Plan, George Washington and Monongahela National Forest, Va.	ER-2	D
D-AFS-65079-FL	Withlacoochee State Forest, Limestone Mining, Fla.	ER-2	E
D-AFS-65080-OR	Timber Management Plan for Deschutes National Forest, Oreg.	LO-1	K
D-AFS-65083-MT	Spotted Bear Planning Unit, Mont.	LO-1	I
D-AFS-65085-VA	North River Unit Plan, George Washington National Forest, Va.	LO-1	D
D-AFS-65089-ID	Elk Summit Planning Unit, Idaho	LO-2	K
D-AFS-65090-MN	Timber Management Plan, Chippewa National Forest, Minn.	LO-1	F
D-AFS-82085-OO	Aquatic Weed Control, Apache National Forest, Ariz. and N. Nex.	LO-1	J
D-SCS-64034-AR	White Oak Creek Fish and Wildlife Development, Arkansas.	LO-1	G
Corps of Engineers:			
D-COE-32498-OO	Locks and Dam No. 26, Mississippi River, Miss. and Ill.	ER-2	H
D-COE-32498-MS	Gulfport Harbor Navigation, Mississippi	ER-2	E
D-COE-32501-AK	Operation and Maintenance of the Dillingham Small Boat Harbor, Alaska.	LO-1	K
D-COE-34113-WA	McNary Dam Project, Wash.	LO-1	K
D-COE-34115-OK	Waurika Lake, Beaver Creek, Okla.	LO-2	G
D-COE-36116-MI	Modification of Ludington Harbor and Channel, Mich.	LO-2	F
D-COE-36007-IL	Rock Island local protection project, Illinois	LO-2	F
D-COE-36008-MO	Union Lake, Bourbeuse River, Mo.	ER-2	H
Delaware River Basin Commission:			
D-DRB-07084-NJ	Addition to Gilbert Generating Station, Hunterdon, N.J.	ER-2	C
Federal Power Commission:			
D-FPC-08050-OO	Loudoun-Leidy, Consolidated Liquid Natural Gas Co., Virginia, Maryland, Pennsylvania.	LO-2	D
Department of Housing and Urban Development:			
D-HUD-85014-CA	Parkway Plaza Neighborhood Development, Napa, Calif.	ER-2	J
D-HUD-85015-IL	Rush-Hubbard Apartments, Chicago, Ill.	LO-2	F
D-HUD-89139-VA	St. Paul Development project, St. Paul, Va.	ER-2	D
Department of Interior:			
D-BPA-08019-WA	Maple Valley 500 KV transmission line, Washington	LO-1	K
D-BPA-08020-WA	San Juan Island Electrical Service, Washington	LO-1	K
D-BPA-08021-WA	Asbe-Hanford 500 KV transmission line, Washington	LO-1	K
D-BPA-08022-WA	Richland Area electrical service transmission line, Washington.	LO-1	K
D-BPA-09011-WA	Mount Pleasant Substation, Washington	LO-1	K
D-BPA-09012-WA	Stevenson Substation, Washington	LO-1	K
D-BPA-09013-WA	Eastern Clark County, Sifton Substation, Washington	LO-1	K
D-BPA-09014-WA	Lane Electric Cooperative, Lowell substation, Washington.	LO-1	K
D-BPA-09015-WA	Sappho Substation, Washington	LO-1	K
D-IBR-38008-OO	Klamath Straits Drain Enlargement California and Oregon.	LO-1	K
D-NPS-61236-CA	Master Plan, Pinnacles National Monument, Monterey County, Calif.	LO-2	J
D-BPA-08018-WA	Raver-Tacoma 500 KV transmission line, Washington	LO-2	K
D-SFW-61241-MS	Noxubee Wilderness Area, Okubbeha County, Miss.	LO-1	E
Department of Transportation:			
D-FAA-51841-IA	Independence Municipal Airport, Independence, Iowa	LO-2	H
D-FAA-51842-AL	Andalusia-Opp Airport, Ala.	LO-2	E
D-FAA-51844-IA	Oelwein Municipal Airport, Oelwein, Iowa	LO-2	H
D-FAA-51845-AL	Moton Field Municipal Airport, Tuskegee, Ala.	LO-2	E
D-FAA-51847-TN	Elizabethtown-Hardin County Airport, Tenn.	ER-2	E
D-FAA-51849-ID	Southern Idaho Regional Airport, Jerome County, Idaho	LO-1	K
D-FAA-51855-TX	Alpine Municipal Airport, Alpine, Tex.	LO-2	G
D-FHW-42124-VA	I-66, Front Royal to Gainesville, Va.	ER-2	D
D-FHW-42161-MI	Gallagher-Hess One-way street system, Michigan	ER-1	F
D-FHW-42162-ID	U.S. 93, SH 75, Junction SH 68 U.S. Forest Boundary, Idaho.	LO-2	K
D-FHW-42163-MA	Rest Area on I-495 at Boulton-Harvard town line, Massachusetts.	LO-2	B
D-FHW-42169-IL	Supplemental freeway, FAP 408, Pike and Adams Counties, Ill.	LO-1	F
D-FHW-42194-AR	Job 6643 Bald Knob Newport, White and Jackson Counties, Ark.	LO-2	G
D-FHW-42195-TX	U.S. H 259, Daingerfield to F.M. Road 250, Lone Star County, Tex.	LO-2	G
D-FHW-42201-FL	Escambia County Scenic Highway, SR 10A, Florida	LO-2	E
D-FHW-42202-FL	Dade, Broward and Palm Beach Counties, SR 25, U.S.-27, Fla.	LO-2	E
D-FHW-42205-ID	St. Maries River at Santa Benewah County, Idaho	LO-2	K
D-FHW-42210-IL	University Street, Peoria County, Ill.	LO-2	F
D-COD-82486-WA	Radar Addition to Puget Sound Vessel Traffic, Washington.	LO-1	K

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is re-

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quired and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between April 16, 1974, and April 30, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-61237-KY...	Beaver Creek Eastern wilderness, Daniel Boone National Forest, Ky.	EPA did not receive the draft statement for review. However, EPA had no objections to the project as reflected in the final statement.	E
F-AFS-65052-NV...	Herbicide control of Sagebrush and Wyethia, Nevada.	The final statement adequately assessed the environmental impact of the proposed action and responded to the various concerns raised with respect to the draft statement.	J
F-AFS-65061-NV...	Pinyon-Juniper Chaining program on forest land, Nevada.	....do....	J
Corps of Engineers (civil works):			
F-COE-21028-OH...	Huron Harbor diked disposal area, Eve County, Huron, Ohio.	EPA had no objections to the project as proposed.	F
F-COE-31039-CA...	Kern River Aqueduct Intertie, Kern County, Calif.	....do....	J
Department of Transportation:			
F-FHW-50067-LA...	Route 61, Kenner Overpass and approaches, Jefferson Parish, La.	....do....	G
F-FHW-42196-LA...	I-410, Junction I-10 to junction U.S. 90, New Orleans, La.	EPA recommended that a comprehensive analysis of the entire I-410 project be undertaken.	G
FS-FHW-42209-NM.	Roy-North SR 39, Harding County, F-044-1(3), N. Mex.	This final impact supplement does not contain sufficient air quality data nor estimates of existing/expected pollutant concentrations.	G
F-FHW-42055-AZ...	Otero-Carmen section of freeway project I-19-1 (25) Santa Cruz County, Ariz.	EPA had no objections to the project as proposed.	J
F-FHW-42176-LA...	Chase-Winnsboro Highway, State Highway 15, Franklin Parish, La.	....do....	G
FS-FHW-41829-LA..	State Route 67, from Clinton, La., to Mississippi State Line, East Feliciana Parish, La.	This final statement supplement provided traffic volume data which was inconsistent with the final statement. Furthermore, EPA questioned other air quality data.	G
F-FHW-40845-NM...	Wilbarger, Route 287 and U.S., 67, Hardeman to Pease River, N. Mex.	EPA had no objections to the project as proposed.	G
F-FHW-40846-TX..	I-35E, North Willock Lane to Hickory Creek Bridge, Dallas and Denton Counties, Tex.	....do....	G
F-FHW-09014-OH...	Linworth to Huntley Utility Line, I-270, Franklin County, Ohio.	....do....	F
FS-FHW-40389-LA..	Chinchuba-Covington Highway, St. Tammany Parish, La.	This supplement to the final statement provided traffic volume data which was inconsistent with the final statement. Furthermore, EPA questioned other air quality data.	G
FS-FHW-40827-TX..	Spur 354 at Loop 12, Dallas, Tex.	EPA questioned the adequacy of the air quality data provided in the final statement supplement.	G
F-FAA-51258-IN...	Starke County Airport, Knox, Ind.	EPA agreed with the project as proposed.	F
Department of Defense:			
F-USN-11046-FL...	Family Housing, McCoy AFB, Orlando, Fla.	EPA generally agreed with the project as proposed. However, EPA made several comments with respect to the stringency of effluent standards for Boggy Creek and the achievement of acceptable noise levels in the area.	E

APPENDIX IV.—*Regulations, legislation and other federal agency actions for which comments were issued between April 16, 1974, and April 30, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Interstate Commerce Commission:			
R-ICC-99080-00.....	49 CFR Part 1100—Freight rates for recyclables.	EPA recommended revision of the ICC's definition of "recyclable materials." EPA felt that the ICC definition was insufficient to adequately assess whether discrimination in freight rates existed.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-11594 Filed 5-21-74;8:45 am]

[OPP-32000/62]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 22, 1974 any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 22, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 100-LUR. Ciba-Geigy Corporation, Agricultural Division, P.O. Box 11422, Greensboro, North Carolina 27409. *Ciba-Geigy Technical Simazine.* Active Ingredients: Simazine: 2-chloro-4,6-bis (ethylamino)-s-triazine 97 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 682-IA. Crop King Chemical, P.O. Box 1016, Yakima, Washington 98907. Crop King Technical Naled 4 percent Dust. Active Ingredients: Naled (O, O-dimethyl O-(1,2-dibromo-2,2-dichloroethyl) phosphate) 3.6 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-EL. FMC Corporation, Citrus Machinery Division, P.O. Box 552, Riverside, California 92503. *Fungicide Concentrate 6.* Active Ingredients: Thiabendazole 0.67 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5748-UE. Household Products Division, Conwood Corporation, P.O. Box 217, Memphis Tennessee 38101. *Hot Shot Improved Fly and Mosquito Insect Killer.* Active Ingredients: Pyrethrins .10 percent; Technical Piperonyl Butoxide .20 percent; N-Octyl Bicycloheptene Dicarboximide .33 percent; Petroleum Distillate .48 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407-GTU. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *Imperial Tomato Gard Insecticide and Fungicide.* Active Ingredients: Captan 5.0 percent; Malathion 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-REG. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Dibrom Sevin Sulfur Dust No. 4-5-25.* Active Ingredients: Naled 4.0 percent; Carbaryl 5.0 percent; Sulfur 25.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-REL. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Dibrom Sevin Dust No. 4-5.* Active Ingredients: Naled 4.0 percent; Carbaryl (1-naphthyl N-methylcarbamate) 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-REU. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Maneb-Sulfur Dust No. 5, 6-50.* Active Ingredients: Maneb 5.50 percent; Sulfur 50.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2155-TO. I. Schneid, Inc., 1429 Fairmont Ave., N.W., Atlanta, Georgia 30318. *Smite.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250 percent; Related compounds 0.034 percent; Pyrethrins 0.150 percent; Piperonyl butoxide technical 0.600 percent; Aromatic petroleum hydrocarbons 0.331 percent; Petroleum distillate 98.625 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1193-TT. The 707 Company, 1530 Stillwell Ave., New York, New York 10461. *707 Formula 2 Automatic Indoor Fogger.* Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclo-penten-1-one .2 percent; N-Octyl-bicycloheptene dicarboximide 1 percent; Petroleum distillates 18.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11214-RO. Target Chemical Company, 17710 Studebaker Road, Cerritos, California 90701. *Target Trifluralin Emulsifiable Concentrate-A Herbicide for Professional Use in Ornamentals.* Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 44.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33722-0. Tex-Ag Company, Inc., P.O. Box 633, Mission, Texas 78572. *Mission Brand Diazinon AG 500.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48.0 percent; Xylene Range Aromatic Hydrocarbon Solvent 39.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of May 9, 1974 (39 FR 16512).

EPA File Symbol 33661-E. Agri-Future Company, 15708 Lop Road, Burnsville, Minnesota 55337. *"Sowmatic" I Seed Box Seed Protectant.* Correction: Originally published as 15708 Lop Road.

V 39 100 MAY 22 74 XUM

EPA File Symbol 1871-IO. Farmcraft, Inc., 8900 S.W. Commercial Street, Tigard, Oregon 97223. *Farmcraft Dust Captan 5.* Correction: Originally published as EPA File Symbol 1871-IA.

Dated: May 14, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-11584 Filed 5-21-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19897; File No. BP-19073; FCC 74R-177, etc.]

CAVALLARO BROADCASTING CORP., ET AL.

Memorandum Opinion and Order; Enlarging Issues

In re applications of Cavallaro Broadcasting Corp., San Juan, Puerto Rico, Docket No. 19897, File No. BP-19073; Boricua Broadcasting Corp., San Juan, Puerto Rico, Docket No. 19898, File No. BP-19201; Summit Broadcasting of Puerto Rico, Inc., San Juan, Puerto Rico, Docket No. 19899, File No. BP-19202; Jose A. Figueroa and Antonio L. Ochoa, d/b as FIGUEROA AND ASSOCIATES, Rio Grande, Puerto Rico, Docket No. 19900, File No. BP-19203; Vieques Radio Corp., Isabel Segunda, Vieques, Puerto Rico, Docket No. 19901, File No. BP-19204; for construction permits.

1. Jose A. Figueroa and Antonio L. Ochoa, d/b as Figueroa and Associates (Figueroa) is an applicant in this proceeding for a construction permit for a standard broadcast station to be located at Rio Grande, Puerto Rico. The application was filed April 27, 1972. It had not been amended, at the time the petition was filed, to reflect Figueroa's interest in an application for construction permit for a new FM broadcast station to be operated in Charlotte Amalie, St. Thomas, Virgin Islands, which was filed on July 20, 1973. These facts are the grounds for the petition filed by Boricua Broadcasting Corporation, one of the applicants herein, asking for the specification of a § 1.65 issue against Figueroa.[2]

2. The facts warrant the addition of a § 1.65 issue against Figueroa. However, because Figueroa revealed in the Charlotte Amalie application that he is a partner in the instant Rio Grande application, and in view of his sworn statement that he believed that he had adequately informed the Commission concerning his applications, no intent to withhold or conceal information is apparent. This is the only omission cited against Figueroa. Therefore, the Board will add the Section 1.65 issue on a comparative basis, only.[3]

3. *Accordingly, it is ordered,* That the petition to enlarge issues filed by Boricua Broadcasting Corporation on January 21, 1974, is granted to the extent that the issues are enlarged in the following respect: [4]

To determine, with respect to Jose A. Figueroa and Antonio L. Ochoa, d/b as Figueroa and Associates, whether that applicant has failed to report substantial and significant changes in its application, in violation of Section 1.65 of the Commission's Rules; and, if so, the effect thereof on that applicant's comparative qualifications.

Adopted: May 14, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-11706 Filed 5-21-74;8:45 am]

[FCC 74-504]

PUBLIC AND BROADCASTING PROCEDURAL MANUAL

Notice to All Broadcast Licensees

MAY 16, 1974.

In our Memorandum Opinion and Order in Docket 19153 (38 FR 3541) the effective date of § 1.526(a)(6) of our rules requiring licensees to retain a copy of the Public and Broadcasting Procedural Manual in their local public file was stayed until a revised version of the Manual was mailed to all licensees.

In view of the anticipated early resolution of certain issues in Docket 19260 (In the matter of the Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standard of the Communications Act) and the probability that such action will necessitate some additional revisions being made to the Manual, we have decided to briefly delay the issuance of a revised Procedural Manual.

Until the Manual has been mailed to all licensees, the effective date of § 1.52(a)(6) will continue to be stayed. Moreover, the texts of the new renewal announcements (pre-filing and post-filing), contained in revised § 1.580 and scheduled to first be broadcast on June 1, 1974 by stations with licenses which expire on December 1, 1974, are hereby temporarily amended, with the final two paragraphs being combined to read as follows:

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the Commission by (date first day of last full calendar month prior to the month of expiration) by writing the FCC, Washington, D.C. 20554.

Upon the completion of the mailing of a revised Procedural Manual, § 1.526(a)(6) will take effect, and the texts of the new renewal announcements will be those which are contained in revised §1.580 and were included in the December 17, 1973 Public Notice on Renewal Procedures (FCC 73-1318) sent to all licensees.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-11707 Filed 5-21-74;8:45 am]

[Docket Nos. 20045, 20046; File Nos. BPH-7960, BPH-8056]

VAIL BROADCASTING CORP. AND RADIO VAIL, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In reapplications of: Vail Broadcasting Corp., Vail, Colorado, Docket No. 20045, File No. BPH-7960, requests: 104.7 MHz, #284; 100 kW (H), 20.3 kW (V), 1367.5 feet; and Radio Vail, Inc., Vail Colorado, Docket No. 20046, File No. BPH-8056, requests: 104.7MHz, #284; 75.57 kW (H & V); 1186 feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications should be granted.

[1] Action by the Commission May 14, 1974. Commissioners Wiley (Chairman), Lee, Reid and Hooks with Commissioner Quello not participating.

[2] The petition was filed on January 21, 1974; an opposition was filed by Figueroa on April 1, 1974, and the Broadcast Bureau and Cavallaro Broadcasting Corporation filed comments on March 1, and February 11, 1974, respectively.

[3] The factual basis for the addition of this issue differs in material respects from that which led the Commission, in the designation Order, to add a 1.65 issue against Summit Broadcasting to determine the effect of non-compliance on that applicant's basic and/or comparative qualification.

[4] Action on this petition moots a similar request which is included in a petition filed by Cavallaro Broadcasting Corporation and which will be acted on separately.

[4] By the Review Board: Board Member Nelson absent.

4. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 14, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11710 Filed 5-21-74;8:45 am]

[Docket Nos. 20047, 20048; File Nos. BPH-8488, BPH-8562]

ZAP COMMUNICATIONS, INC. AND BRECKENRIDGE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Zap Communications, Inc., Breckenridge, Colorado, Docket No. 20047, File No. BPH-8488, requests: 102.3 MHz, #272; 100 W (H & V); 1,425 feet; Robert A. Theobald and Robin G. Theobald, d/b as Breckenridge Broadcasting Co., Breckenridge, Colorado, Docket No. 20048, File No. BPH-8562, requests: 102.3 MHz, #272; 3 kW (H & V); −230 feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications Are Designated For Hearing in a Consolidated Proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

a. To determine which of the proposals would, on a comparative basis, better serve the public interest.

b. To determine, in light of the evidence adduced pursuant to the foregoing issue which, if either, of the applications should be granted.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

6. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 14, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11709 Filed 5-21-74;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF KODIAK/SEA-LAND SERVICE, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 11, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Gerald A. Malia, Esq.
Ragan & Mason
The Farragut Building
900 Seventeenth Street NW.
Washington, D.C. 20006

Agreement No. T-2582-1, between the City of Kodiak (City) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement between the parties which provides for the preferential use by Sea-Land of a containership terminal constructed by City for a term of 20 years, with renewal options. The purpose of this modification is to (1) provide for the purchase by City of a Sea-Land container crane, (2) allow for further adjustment of the monthly charge to be paid by Sea-Land to City for overhead, maintenance and repair, (3) restrict use of the container crane solely for the handling of containerized cargo, and (4) release and discharge any claims between the parties for cost overruns, expenses, or delays arising out of the construction of the containership terminal.

By Order of the Federal Maritime Commission.

Dated: May 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11739 Filed 5-21-74;8:45 am]

GULF/MEDITERRANEAN PORTS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 11, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the

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United States is alleged, the statement shall set forth with particularity the act and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Leon M. Paine, Jr., Secretary
Suite 927—Whitney Building
New Orleans, Louisiana 70130

Agreement No. 134–37 among the member lines of the Gulf/Mediterranean Ports Conference modifies the basic agreement to exclude therefrom cargo moving on through bills of lading for transshipment at a port within the scope of the agreement and destined for interior points not within the scope of the agreement.

It also specifies the North African countries covered by the basic agreement as "Morocco, Algeria, Tunisia, and Libya."

By Order of the Federal Maritime Commission.

Dated: May 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–11738 Filed 5–21–74;8:45 am]

TRANS-PACIFIC AMERICAN FLAG BERTH OPERATORS

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 11, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

E. A. Wester, Secretary
Trans-Pacific American Flag Berth Operators
676 Santa Rosa Avenue
Berkeley, California 94707

Agreement No. 8493–8 modifies the Trans-Pacific American Flag Berth Operators' agreement (TPAFBO) by clarifying and further defining the responsibilities of TPAFBO carriers in connection with transshipped movements of military cargoes, including household goods and personal effects, between Pacific Coast ports of the United States and the Far East. Further, Agreement No. 8493–8 deletes all references to interport movements in the Far East.

By order of the Federal Maritime Commission.

Dated: May 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–11737 Filed 5–21–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENVIRONMENTAL BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Environmental Biology to be held at 9 a.m. on June 6 and 7, 1974, in Room 511 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92–463.

Individuals requiring further information about this panel may contact Dr. John L. Brooks, Program Director, General Ecology Program, Room 331, 1800 G Street NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

MAY 8, 1974.

[FR Doc.74–11673 Filed 5–21–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on *May 17, 1974* (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Quick-Response Survey of Energy Related Scientists and Engineers Requirements, Form ----, Single time, Weiner, R & D Reforming companies.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service; Regulations—Special Supplemental Food Program for Women, Infants, and Children (WIC), Form ----, Occasional, Sheftel, State agencies and local agencies (Health Clinics).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service; QC Manual—QC in AFDC and the Adult Programs (Guam, Puerto Rico, Virgin Islands), Form SRS QC 342, Semi annual, Evinger, Welfare recipients.

DEPARTMENT OF THE INTERIOR

National Park Service, Fishing and Creel Census, Form ----, Occasional, Planchon, Cross section of fishermen in Park.

EXTENSIONS

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Canadian Border Boat Landing Card, Form I–68, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–11807 Filed 5–21–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 813]

ASSIGNMENT OF HEARINGS

MAY 17, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after May 22, 1974.

MC–F–11951, Jones Truck Lines, Inc.,—Cont. & Merger—M–F Express, Inc., and Poplarville Truck Line, Inc., now assigned June 3, 1974, at New Orleans, Louisiana, will be held in Room 265, West Courtroom, 600 Camp Street.

MC–107295 Sub 664, Pre-Fab Transit Co., now assigned June 3, 1974, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC–C–8041, Garrett Freight Lines, Inc., et al-V-Puget Sound Truck Lines, Inc., now being assigned hearing July 16, 1974 (2 days) at Olympia, Wash., in a hearing room to be later designated.

MC–F–12084, Transervice Corp.—Purchase—Moore-Flesher Hauling Co., MC–F–12085, J. Miller Express, Inc.—Purchase (Portion)—Transervice Corp., MC–F–12100, Transervice Corp.—Purchase (Portion)—Miller's Motor Freight, Inc., A.A.A. Trucking Corporation—Purchase (Portion)—Miller's Motor Freight, Inc., MC–F–74937, Lobianco Trucking Co., Inc., York, Pennsylvania, Transferee, and Miller Motor Freight, Inc., York, Pennsylvania, Transferor, MC–FC–74948, Midd-Penn Transportation, Inc., York, Pennsylvania, Transferee and Miller's Motor Freight, Inc., York, Pennsylvania, Transferor, MC–FC–74949, P–Y Transport, Inc., York, Pennsylvania, Transferee and Miller's Motor Freight, Inc., York, Pennsylvania, Transferor, now being assigned hearing July 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139504, Shea/Rustin Transport Company, now being assigned hearing June 27, 1974 (2 days), in Room 305, 1252 West Peachtree St. NW., Atlanta, Ga.

MC–79525 Sub 2, The Norris Brothers Company now being assigned hearing July 15, 1974 (1 week), at Cleveland, Ohio in a hearing room to be later designated.

MC 121658 Sub 4, Steve D. Thompson, now being assigned hearing July 15, 1974 (1 week), at Jackson, Miss., in a hearing room to be later designated.

MC–C–8314, F. : andolph Jones, James H. Reese, and Virginia Homes Manufacturing Corporation—Investigation of Operations and Practices, now being assigned July 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134599 Sub-99, Interstate Contract Carrier Corp., now being assigned July 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139226 Sub-1, Sentry Transport, Inc., now being assigned July 24, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11719 Filed 5–21–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MAY 17, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 3, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–730 (Sub-No. E24), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except petroleum products which require special equipment for the application of heat or to facilitate unloading), in bulk, tank vehicles, from points in Los Angeles, Orange, and Ventura Counties, Calif., to points in Wyoming. The purpose of this filing is to eliminate the gateways of Las Vegas, Nev., and points in Utah.

No. MC–11207 (Sub-No. E5), filed May 3, 1974. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plant site of Vancouver Plywood Company at Charlotte, N.C., to points in Texas and Oklahoma (except points in Craig and Ottawa Counties, Okla.). The purpose of this filing is to eliminate the gateway of the plant site of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC–25798 (Sub-No. E21), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, in containers, (1) from points in Texas to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, and the District of Columbia, (2) from points in Texas north of U.S. Highway 70 to points in New York on and east of New York Highway 14 and points in Pennsylvania on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–76177 (Sub-No. E5), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: J. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, between points in Ohio, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC–76177 (Sub-No. E6), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, between points in Louisiana, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC–76177 (Sub.-No. E10), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32d Street, Birmingham, Ala. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, and *blasting supplies*, between points in Louisiana and Mississippi, on the one hand, and, on the other, points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E11), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in South Carolina, on the one hand, and, on the other, points in Arizona, Colorado, Kansas, Montana, North Dakota, South Dakota, Minnesota, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of McAdory, Ala., and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E15), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in New Jersey, on the one hand, and, on the other, points in Arkansas, Kentucky,

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Tennessee, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E16), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Maine, Massachusetts, Connecticut, New Hampshire, Rhode Island, and New Jersey, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E17), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Georgia, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateways of points in Alabama, and points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E18), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala., 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Delaware, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Reynolds and Allentown, Pa.

No. MC–76177 (Sub-No. E19), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, and blasting supplies*, between points in Mississippi, on the one hand, and, on the other, points in Wyoming, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E20), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, and blasting supplies*, between points in Alabama and Florida, on the one hand, and, on the other, points in Utah, Wyoming, Colorado, and Kansas. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E24), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in New York, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E25), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in New Jersey and Delaware, on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, and Indiana. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E27), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Florida, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E28), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Alabama, on the one hand, and, on the other, points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E29), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Alabama 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies* between points in Florida, on the one hand, and, on the other, points in Missouri, Illinois, and Indiana. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC–76177 (Sub-No. E30), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in New Jersey, Delaware, and Maryland, on the one hand, and, on the other, points in Mississippi, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC–95540 (Sub-No. E151), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, other than frozen, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida to points in Michigan (except points in that part of Michigan on and south of Michigan Highway 21). The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E153), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Madison, Wis., to points in Florida (except points in that part of Florida on and west of U.S. Highway 319). The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E156), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Jacksonville, Fla., to points in Oklahoma. The purpose of this filing is to

eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E157), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Dade City, Fla., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E158), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Orangeburg, S.C., to points in Florida on and west of a line beginning at the Georgia-Florida State line, and thence along Florida Secondary Highway 255 to its intersection with Florida Highway 53, thence along Florida Highway 53 to its intersection with U.S. Highway 27, thence along U.S. Highway 27 to its intersection with Florida Highway 51, thence along Florida Highway 51 to Steinhatchie on the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E162), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Dade City, Fla., to points in Missouri. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E164), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Jacksonville, Fla., to points in Kans. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E165), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products not canned and not frozen, from points in Florida to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E168), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rr. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida to points in Vermont. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E170), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus fruits*, in mixed loads with citrus fruits, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from those points in Florida on and east of U.S. Highway 331 to points in Missouri. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E173), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products* from Dade City, Fla., to points in Kansas. The purpose of this filing is to eliminate the gateways of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E176), filed April 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. 189), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *citrus products*, not canned and not frozen, from points in Florida to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Bridgeton, N.J.

No. MC–95540 (Sub-No. E193), filed April 26, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida to points in Minnesota. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E194), filed April 26, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing, canned tuna*, and *canned and preserved olives*, from San Diego, Calif., to points in Vermont. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC–107002 (Sub-No. E4), filed April 18, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Mobile, Ala., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Cedartown, Ga. (b) *Liquid chemicals*, in bulk, in tank vehicles, from Mobile, Ala., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Hattiesburg, Miss. (c) *Liquid chemicals*, in bulk, in tank vehicles, from Mobile, Ala., to points in Texas. The purpose of this filing is to eliminate the gateway of points in Harrison and Jackson Counties, Miss.

No. MC–110525 (Sub-No. E9), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to those points in that point of New Hampshire

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on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of New York, N.Y., commercial zone and Stoneham, Mass.

No. MC–110525 (Sub-No. E10), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk in tank vehicles, from those points in Alabama (except Anniston) on and east of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line, to those points in that part of Oregon on and west of U.S. Highway 395. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E14), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Alabama (except Anniston) on and east of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line, to points in Washington. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E91), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Montana. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E92), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Nebraska. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E93), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Nevada. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E96), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in New Mexico. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E98), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC–110525 (Sub-No. E99), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in North Dakota. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–114045 (Sub-No. E3), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fort Smith, Ark., to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E23), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products* from Chadds Ford, Pa., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E24), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products*, from Winchester, Va., to points in Arizona, California, Colorado, Nevada, and New Mexico, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E26), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products*, from Red Hook, N.Y., to points in Nevada, Oregon, Utah, and Washington, restricted to the transportation of traffic originating at Red Hook, N.Y. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E27), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Nevada, Oregon, Utah, and Washington, restricted to the transportation of traffic originating at Red Hook, N.Y. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E27), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, in vehicles equipped with mechanical refrigeration, from Pittsburgh and Saltsburg, Pa., to points in Florida and South Carolina. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC–114045 (Sub-No. E28), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Oregon, to points in Oklahoma, Arkansas, Louisiana, Tennessee, Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–114045 (Sub-No. E29), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats*, in containers, from Columbus, Ohio, to points in Colorado, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E30), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Dayton, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E31), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, and fresh meat products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Nashville, Knoxville, Jackson, and Chattanooga, Tenn., to points in Idaho, Colorado, Montana, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E42), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lake Charles, La., to points in New Hampshire and Vermont. The purpose of this filing is to eliminate the gateway of Mt. Pleasant, Tex.

No. MC–114045 (Sub-No. E43), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Idaho to points in Kentucky and Tennessee (except Memphis, Tenn.). The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–114045 (Sub-No. E45), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Baltimore, Md., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E46), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Springhill, La., to points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E47), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Lexington, Ky., to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E48), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lake Charles, La., to points in Texas. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E49), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in Idaho to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Texas, Oklahoma, or Louisiana.

No. MC–114045 (Sub-No. E50), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Description in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lexington, Ky., to points in California. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E53), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities and hides in bulk), from Pratt, Kans., to points in New York. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–119777 (Sub-No. E30), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard*, from Laurel, Miss., to points in Arizona, California, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Wright City, Mo., or the plant site of the Permaneer Corporation in Calhoun County, Ark.

No. MC–124211 (Sub-No. E23), filed April 22, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Malt beverages*, (a) from Monroe, Wis., to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Utah, Texas, and Wyoming, and to points in Missouri on and west of U.S. Highway 59, points in South Dakota on and south of U.S. Highway 14, and points in Fremont, Mills, Montgomery, Page, and Pottawattamie Counties, Iowa; (b) from Sheboygan, Wis., to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Utah, Texas, and Wyoming, and to points in Fremont, Mills, Montgomery, Page, and Pottawattamie Counties, Iowa, points in Missouri on and west of U.S. Highway 59, and points in South Dakota on and south of Interstate Highway 90. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC–124211 (Sub-No. E25), filed April 22, 1974. Applicant: HILT TRUCK LINES, INC., P.O. Box 988 D.T.S. Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*

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(except in bulk, in tank vehicles), from points in Vermilion County, Ill., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of points in Nebraska located in the Council Bluffs, Iowa, commercial zone.

No. MC-127689 (Sub-No. E1), filed May 3, 1974. Applicant: PASCAGOULA DRAYAGE CO., INC., P.O. Box 987, Hattiesburg, Miss. 39401. Applicant's representative: W. G. Rains (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plantsite of the Celotex Corporation at Marrero, La., to points in Georgia, North Carolina, South Carolina, points in Florida on and east of U.S. Highway 231, and Chapman, Greenville, and Selma, Ala. The purpose of this filing is to eliminate the gateway of Beaumont, Miss.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11715 Filed 5-21-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 17, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Florida Docket No. 74292-CCT, filed April 30, 1974. Applicant: GOLD COAST TRUCKING & EXPRESS INC., 278 SW. 32nd Court, Fort Lauderdale, Fla. 33315. Applicant's representative: Richard B. Austin, 214 Palm Coast II Building, 5255 NW. 87th Ave., Miami, Fla. 33166. Certificate of public convenience and necessity sought to operate a freight service as follows:

NOTE.—Applicant seeks to extend its Certificate No. 742 so as to authorize the transportation of *general commodities*, excluding articles of unusual value, household goods, as defined by the Commission, commodities in bulk, or which, by reason of their size and weight, require specialized handling or equipment on regular routes and schedules as follows: (1) Between Fort Lauderdale, Fla., over U.S. Highway 1 to West Palm Beach, Stuart, Fort Pierce, and Vero Beach, thence over State Road 60 to the Florida Turnpike, thence northerly on the Florida Turnpike to Orlando, Fla., and its commercial zone; (2) From Fort Lauderdale, Fla., over I-95 to the Palmetto Expressway, thence southerly over the Palmetto Expressway to its intersection to U.S. Highway 1, thence to Homestead, Fla., and its commercial zone; and (3) From Fort Lauderdale, Fla., over State Road 84 to Naples, thence northerly over U.S. Highway 41, to Fort Myers, Fla. NOTE 1.—Applicant seeks to serve all points not named in Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Collier, and Lee Counties, Fla., and the Cities of Clewiston and Punta Gorda, and their Commercial zones as off route points in connection with the above stated regular routes services. NOTE 2.—that the regular routes service is between Fort Lauderdale and the specified northerly, southerly and westerly points and return the same route; and NOTE 3.—Applicant seeks the Florida Turnpike between Orlando and Homestead as an alternate route for operating conveniences. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9233 filed March 18, 1974. Applicant: QUAD-M DELIVERY SERVICES, INC., 8 Birchknoll Drive, Scotia, N.Y. 12302. Applicant's representative: DiFabio and Couch, 4 Automation Lane, Computer Park, Albany, N.Y. 12205. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Schenectady County and all points in the State. Limited to shipments of fifty pounds or less, with packages of twenty-five pounds or less. Intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC-23466 (Sub-No. 4), filed April 30, 1974. Applicant: CENTRAL OKLAHOMA FREIGHT LINES, INC., 2945 North Toledo, Tulsa, Okla. 74115. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except classes A and B explosives and commodities which require the use of special equipment, over regular routes: Between Oklahoma City, Okla., and Waukomis, Okla., serving the intermediate points of Okarche, Kingfisher, Dover, Hennessey, and Bison, Okla.: From Oklahoma City, Okla., over State Highway 3 to its intersection with U.S. Highway 81, thence via U.S. Highway 81 to Waukomis, Okla., and return over the same route. This authority is to be unitized with applicant's now existing authority at Waukomis, Okla. Interstate, intrastate and foreign commerce authority sought.

HEARING: June 3, 1974, in the Jim Thorpe Office Building, 3d Floor, Oklahoma City, Okla., at 9 a.m. Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11718 Filed 5-21-74;8:45 am]

[Notice No. 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 17, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-45626 (Deviation No. 34), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vermont 05401, filed April 30, 1974. Carrier proposes to operate as a common carrier by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 5 and Interstate Highway 91 (Interchange No. 28) at Newport, Vermont, thence over Interstate Highway 91 to junction U.S. Highway 5 (Interchange No. 13) at Norwich, Vermont, with the following access routes: (a) From the junction of U.S. Highway 5 and unnumbered highway, thence over unnumbered highway to access road, thence over access road to Interstate Highway 91 (Interchange 27), (b) From the junction of Interstate Highway 91 and access road (Interchange 26) to junction of Vermont Highway 58, (c) From junction Interstate Highway 91 and access road (Interchange 25), over access road to Vermont Highway 16, thence over Vermont Highway 16 to U.S. Highway 5, (d) From junction Interstate Highway 91 and access road (Interchange 24) to junction Vermont Highway 122, thence over Vermont Highway 122 to U.S. Highway 5, (e) From junction Interstate Highway 91 and access road (Interchange 23), thence over access road to U.S. Highway 5, (f) From junction Interstate Highway 91 and access road (Interchange 22 to be constructed), thence over access road to junction Highway 5, (g) From junction Highway 91 and access road (Interchange 21 to be constructed), to junction U.S. Highway 2, thence over U.S. Highway 2 to junction U.S. Highway 5, (h) From junction Interstate Highway 91 and access road (Interchange 20 to be constructed), over access road to U.S. Highway 5, (i) From junction Interstate Highway 91 and access road (Interchange 19 to be constructed), to junction Interstate Highway 93, (j) From junction Interstate Highway 91 and access road (Interchange 18 to be constructed), to junction U.S. Highway 5, (k) From junction Interstate Highway 91 and access road (Interchange 17 to be constructed), to unnumbered highway, thence over unnumbered highway to junction U.S. Highway 5, (l) From junction Interstate Highway 91 and access road (Interchange 16), to junction Vermont Highway 25, thence over Vermont Highway 25 to junction U.S. Highway 5, (m) From junction Interstate Highway 91 and access road (Interchange 15), thence over access road to U.S. Highway 5, (n) From junction Interstate Highway 91 and access road (Interchange 14), thence over access road to Vermont Highway 113A, thence over Vermont Highway 113A to junction U.S. Highway 5, at or near Norwich, Vermont, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service route as follows: From Norwich, Vermont over U.S. Highway 5 to Newport, Vermont, and return over the same route.

No. MC-45626 (Deviation No. 35), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vermont 05401, filed May 7, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Boston, Mass., over Interstate Highway 93 to the junction of Interstate Highway 93 and Massachusetts Highway 128, thence over Massachusetts Highway 128 to the junction of Massachusetts Highway 128 and Massachusetts Highway 3A and return over the same route, for operating convenience only. The notice indicates that the carrier presently has authority to transport passengers and the same property over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 3 to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3A to North Chelmsford, Massachusetts, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11720 Filed 5-21-74;8:45 am]

[Notice No. 18]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 17, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 21, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-3560 (Deviation No. 20), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colorado 80223, filed April 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation routes as follows: From Cleveland, Ohio, over Interstate 480 to junction of Interstate 80, thence over Interstate 80 to junction of U.S. Highway 209, thence over U.S. Highway 209 to junction of Interstate Highway 84, thence over Interstate Highway 84 to junction of U.S. Highway 9 at or near Newburgh, New York, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Cleveland over U.S. Highway 422 to junction Ohio Highway 8, thence over Ohio Highway 8 to Canton, Ohio, and (2) From Canton, Ohio over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Butztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion of U.S. Highway 22), thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Potterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J., and (3) From Elizabeth, N.J., over U.S. Highway 1 to junction U.S. Highway 9W, thence over U.S. Highway 9W to at or near Newburg, New York, and return over the same route.

No. MC-30319 (Sub-No. 65) (Deviation No. 7), SOUTHERN PACIFIC TRANSPORT COMPANY, OF TEXAS AND LOUISIANA, 1517 West Front Street, Tyler, Texas 75701, filed May 8, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Corpus Christi, Tex., over Texas Highway 44 to Robstown, Tex., thence over U.S. Highway 77 to Harlingen, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Corpus Christi, Tex., via State Highway 44 to Alice, Tex., thence over U.S. Highway 281 to Edinburg, Tex., thence over State Highway 107 to Harlingen, Tex., and return over the same route.

No. 36473 (Deviation No. 2), CENTRAL TRUCK LINES, INC., P.O. Box 18464, Tampa, Florida 33609, filed April 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cartersville, Ga., over U.S. Highway 411 to Maryville, Tenn., thence over U.S. Highway 411 to U.S. Highway 129, thence over U.S. Highway 129 to Knoxville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follow: From Cartersville, Ga., over U.S. Highway 41 to Chattanooga,

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Tenn., thence over U.S. Highway 11 to Knoxville, Tenn., and return over the same route.

No. MC–103435 (Deviation No. 24), UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colorado 80120, filed April 26, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Ft. Wayne, Indiana, over Interstate Highway 69 to junction Interstate Highway 465 near Indianapolis, Indiana, thence over Interstate Highway 465 to junction U.S. Route 36, thence over U.S. Route 36 to Decatur, Illinois, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Wayne, Indiana, over Indiana Highway 3 to Kendallville, Ind., thence over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., thence over U.S. Highway 54 to junction Business Route U.S. Highway 54 (formerly portion U.S. Highway 54), thence over Business Route U.S. Highway 54 to Kankakee, Illinois, thence over Illinois Highway 17 to Dwight, Ill., thence over unnumbered highway (formerly portion U.S. Highway 66), to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Odell, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Pontiac, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Chenoa, Ill., to junction U.S. Highway 66, thence over Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Lexington, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Business Route U.S. Highway 66 (formerly portion U.S. Highway 66), thence over Business Route U.S. Highway 66 to Normal, Ill., thence over U.S. Highway 51 to Decatur, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11717 Filed 5–21–74;8:45 am]

[Notice No. 41]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 17, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 3114 (Sub-No. 30) (REPUBLICATION), filed November 13, 1973, and published in the FEDERAL REGISTER issue of December 20, 1973, and republished this issue. Applicant: T. H. COMPTON, INC., R.F.D. No. 1, Berkeley Springs, W. Va. 25411. Applicant's representative: William P. Sullivan, 1819 H Street, NW., Washington, D.C. 20006. An Order of the Commission, Operating Rights Board, dated April 25, 1974, and served May 13, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *sand*, from Berkeley Springs, W. Va., to points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Mississippi, Missouri, New Jersey, New Hampshire, New Mexico, North Carolina, Ohio (except points in Cuyohoga, Geauga, Portage, and Lorain Counties, Ohio), Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and Wisconsin; and (2) of lithium ore, from Berkeley Springs, W. Va., to destinations authorized in (1) above and points in Maryland and Pennsylvania; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show the addition of South Carolina as a destination point. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128633 (Sub-No. 9) (REPUBLICATION), filed June 5, 1973, and published in the FEDERAL REGISTER issue of July 12, 1973, and republished this issue. Applicant: LAUREL HILL TRUCKING COMPANY, a Corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Review Board Number 3, dated April 19, 1974, and served May 9, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *such commodities* as are dealt in by department stores, and (2) of *supplies and equipment* used in the conduct of such business, between points in that portion of the New York, N.Y., Commercial Zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), on the one hand, and, on the other, Dearborn, Detroit, Lincoln Park, Pontiac, and Roseville, Mich., and Akron, Bedford, Cleveland, Cuyahoga Falls, Middleburg Heights, Rocky River, Tallmadge, and Wickliffe, Ohio, under a continuing contract or contracts with Atlantic Department Stores, Inc., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show the movement sought is to be a two-way "between" movement rather than a one-way "from and to" service as was implied in a previous publication. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 42487 (Sub-No. 391) (Notice of filing of petition to renew explosives authority), filed May 2, 1974. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Petitioner's representative: Robert M. Bowden, 1621 NW. 21st Ave., Portland, Oreg. 97209. Petitioner holds a motor *common carrier* certificate No. MC 42487 (Sub-No. 31) issued September 6, 1968, authorizing transportation, over irregular routes, of general commodities (except commodities in bulk, household goods as defined by the Commission and those of unusual value), between Seattle, Wash., and Seward and Valdez, Alaska on the one hand, and, on the other, points in Alaska (except those south of Yukutat Bay). By the instant petition, petitioner seeks to renew its explosives authority contained in the certificate specified above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 59323 (Sub-No. 4) (Notice of filing of petition to modify a territorial description), filed May 1, 1974. Petitioner: Bay Motor Express Inc., 150th and Exterior Streets, Bronx, N.Y. 10451. Petitioner's representative: Edward L. Nehez and William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Petitioner holds a motor *common carrier* certificate No. MC 59323 (Sub-No. 4) issued December 4, 1972, authorizing transportation, over irregular routes, of *automobile parts and accessories*, from Bethpage, Long Island City, and Bronx, N.Y., and Hillside, Edgewater, and Englewood, N.J., to points in Fairfield, New Haven, Litchfield and Hartford Counties, Conn. By the instant petition, petitioner seeks to modify its territorial description to read: "between Bethpage, Long Island City, and Bronx, N.Y., and Hillside, Edgewater, and Englewood, N.J., on the one hand, and, on the other, points in Fairfield, New Haven, Litchfield, and Hartford Counties, Conn." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115279 (NOTICE OF FILING OF PETITION TO AMEND AN EXCEPTION), filed May 6, 1974. Petitioner: CLICK MESSENGER SERVICE, INC., 922 South Ave. West, Westfield, N.J. 07090. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *common carrier* certificate in No. MC 115279 issued May 22, 1957, authorizing transportation, over irregular routes, of *general commodities*, in shipments of 100 pounds or less moving from one consignor to consignee (except commercial papers, documents and other written instruments, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), in specialized delivery service, between points in Bergen, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y. By the instant petition, petitioner seeks to modify its exception to read: "(except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commercial papers, documents and other written instruments used by banking institutions), in specialized delivery service". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119456 (NOTICE OF FILING OF PETITION TO MODIFY PERMIT), filed May 6, 1974. Petitioner: J. CAPONE & SONS, INC., 78 Rapelye St., Brooklyn, N.Y. 11237. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier permit* in No. MC 119456 issued June 25, 1964, authorizing transportation, over irregular routes, of *cocoa products, gelatin, gums, cream of tartar, pectin, egg products, seaweed products, fruits, nuts, cocoanuts, dates, honey, and ginger*, between Clifton, N.J., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission, under a continuing contract or contracts with Duche UNI–GUM, Division of Stein Hall & Company, Inc., of Clifton, N.J. By the instant petition, petitioner seeks (1) to modify its commodity description by deleting the commodities cocoa products, gelatin, pectin, egg products, fruits, nuts, cocoanuts, dates, honey, and ginger, and substituting in lieu thereof, the commodities dextrin, starch, tapioca, flour, and sodium alginate; and (2) modify its contracting shipper by deleting the name Duche UNI–GUM, Division of Stein Hall & Company, Inc. of Clifton, N.J., and substituting in lieu thereof the name of Stein-Hall & Co., Inc., Subsidiary of Celanese Corp. to reflect a change in name of said shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240.)

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 24379 (Sub-No. 39) (CORRECTION), filed March 7, 1974, published in the FEDERAL REGISTER issue of April 3, 1974, and May 1, 1974, republished, in part, as corrected this issue. Applicant: LONG TRANSPORTATION COMPANY, a Corporation, 3755 Central Avenue, Detroit, Mich. 48210. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215.

NOTE.—The purpose of this republication is to change the publication date from March 20, 1974, to March 21, 1974, which was previously published incorrect. The rest of the notice remains as previously published. This is a matter directly related to a Section 5 proceeding in No. MC–F–12165 published in the FEDERAL REGISTER issue of March 21, 1974. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 951), filed April 22, 1974. Applicant: RAUN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309, Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk (except as described in Appendix XIII, to the Descriptions case); (2) *acids and liquid chemicals*, in bulk; (3) *liquid chemicals*, in bulk; and (4) *pentachlorophenol*, in bulk, (1) from St. Louis, Mo.-East St. Louis, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Mississippi, New York, Ohio, Oklahoma, Tennessee, and Texas; (2) from St. Louis, Mo.-East St. Louis, Ill., to points in Maryland; (3) from St. Louis, Mo.-East St. Louis, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Louisiana, Massachusetts, Nebraska, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and that part of Maine south of a line beginning at the Maine-New Hampshire state line and extending along U.S. Highway 2 to Bangor, Maine, thence along Maine Highway 9 to the United States-Canada boundary line (except maleic anhydride to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, and West Virginia); and (4) from St. Louis, Mo.-East St. Louis, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York (except points in Kings, Queens, Nassau, and Suffolk Counties), Pennsylvania, Ohio, Oklahoma, Texas, Wisconsin, and points in that part of Tennessee west of U.S. Highway 27.

NOTE.—Common control may be involved. This is a matter directly related to the Section 5 proceeding in MC–F–12207 published in the FEDERAL REGISTER issue of May 8, 1974. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Des Moines, Iowa.

No. MC 139583 (Sub-No. 1), filed February 26, 1974. Applicant: DEDICATED FREIGHT SYSTEMS, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundts, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and related publications, advertising material, and packaging, and shipping supplies*, between the Ford

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Marketing Corporation Parts Distribution Center located in Cuyahoga Heights, Ohio, on the one hand, and, on the other, points in Ashland, Ashtabula, Auglaize, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Delaware, Erie, Fairfield, Franklin, Geauga, Guernsey, Hancock, Hardin, Holmes, Huron, Knox, Lake, Licking, Logan, Lorain, Mahoning, Marion, Medina, Mercer, Morgan, Morrow, Muskinghum, Noble, Ottawa, Perry, Portage, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Wayne, and Wyandot Counties, Ohio; Allegany, Cattaraugus, Cayuga, Chautaugua, Erie, Genesee, Jefferson, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Wayne, Wyoming, Yates Counties, N.Y., and Crawford, Erie, Mercer, Venango, and Warren Counties, Pa., under continuing contract with Ford Marketing Corporation.

NOTE.—Common control may be involved. This is a matter directly related to the Section 5 proceeding in MC–F–12205 published in the FEDERAL REGISTER issue of May 8, 1974. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–F–12202. (Correction) (C W TRANSPORT, INC.—CONTROL AND MERGER—THE OVERLAND TRANSPORTATION COMPANY), published in the May 1, 1974, issue of the FEDERAL REGISTER on pages 15187 and 15188. Prior publication should have included the following regular route authority: Between Junction West Virginia Highway 3 and Interstate Highway 77, located about 2 miles northwest of Beckley, W. Va., and Hillsville, Va., serving no intermediate points, and serving the termini for purposes of joinder only, between Junction North Carolina Highway 16 and U.S. Highways 64 and 70, located about 2 miles north of Newton, N.C., and Junction North Carolina Highway 90 and Interstate Highway 40, located about 1 mile west of Statesville, N.C., serving no intermediate points, and serving Taylorsville and Stoney Point, N.C., and points in Catawba and Iredell Counties, N.C., as off-route points, between Junction Interstate Highway 40 and North Carolina Highway 90, located about 1 mile west of Statesville, N.C., and junction U.S. Highway 70 and U.S. Highway 601, located about 2 miles northwest of Salisbury, N.C., serving various intermediate and off-route points, between junction U.S. Highway 21 and North Carolina Highway 115, located about 3 miles north of Charlotte, N.C., and junction U.S. Highway 21 and North Carolina Highway 150, located about 2 miles west of Mooresville, N.C., serving various intermediate and off-route points.

No. MC–F–12214. Authority sought for purchase by SIOUX TRANSPORTATION COMPANY, INC., 1230 Steuben, Sioux City, IA 51102, of the operating rights and property of LOUISVILLE TRANSFER, INC., 1624 Nicholas St., Omaha, NE 68102, and for acquisition by F. ROBERT BECK, and F. PAUL BECK, both of Sioux City, IA 51102, of control of such rights and property through the purchase. Applicants' attorneys: Earl H. Scudder, Jr., and Thomas D. Sutherland, P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–121478 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Nebraska. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Indiana, and Nebraska. Application has been filed for temporary authority under section 210a (b).

No. MC–F–12215. Authority sought for purchase by H.M.E. MOTOR EXPRESS CO., INC., 2122 Tonnelle Ave., North Bergen, N.J. 07047, of a portion of the operating rights of TREDWAYS EXPRESS, INC., 512 Myrtle Ave., Boonton, N.J., and for acquisition by HAROLD HACKETT, also of N. Bergen, N.J. 07047, of control of such rights through the purchase. Applicants' attorneys: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048, and William J. Angello, P.O. Box Z, 120 Main St., Huntington, N.Y. 11748. Operating rights sought to be transferred: *General commodities*, accepting, among others, classes A and B explosives, livestock, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from points in Essex, Hudson, Bergen, Passaic, and Union Counties, N.J., to points on Long Island, on and west of New York Highway 112. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12216. Authority sought for purchase by C. R. ENGLAND & SONS, INC., 975 W. 21st S. Salt Lake City, UT 84119, of the operating rights of TRANSPORTATION, INC., 930 W. 21st S. Salt Lake City, UT 84119, and for acquisition by EUGENE K. ENGLAND AND WILLIAM K. ENGLAND both of Salt City, UT 84119, of control of such rights through the purchase. Applicant's attorney Daniel B. Johnson, 1123 Munsey Bldg., 1329 E St. NW., Washington, D.C. 20004. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Los Angeles, Azusa, Van Nuys, and San Francisco, Calif., and Pueblo, Colo., to Cedar City, Provo, Salt Lake City, Ogden, and Price, Utah. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii), and as a *contract carrier*, in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, Ohio, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12218. Authority sought for control by CROUCH BROS., INC., doing business as CROUCH FREIGHT SYSTEMS INC., P.O. Box 1059, St. Joseph, MO 64502, of CADDO EXPRESS, INC., 1257 E. Reno, Oklahoma City, OK 73100, and for acquisition by UNITED TRUCK SERVICE, O.N.C. FREIGHT SYSTEMS, and ROCOR INTERNATIONAL, all of 2800 West Bayshore Road, Palo Alto, CA 94303, of control of CADDO EXPRESS, INC., through the acquisition by CROUCH BROS., INC. Applicant's attorneys: Martin J. Rosen, 140 Montgomery St., San Francisco, CA 94104, and Roland Rice, 1111 E St., Washington, D.C. 20004. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Oklahoma City, Okla., and Forgan, Okla., serving various intermediate and off-route points, between Oklahoma City, and Richards Spur, Okla., serving all intermediate points, between Oklahoma City, and Richards Spur, Okla., serving no intermediate points, between Elmwood, and Felt, Okla., serving all intermediate points, between Woodward, and Fargo, Okla., serving various off-route points, between Woodward, and Forgan, Okla., serving various intermediate or off-route points, between Forgan, and Woodward, Okla., serving various off-route points, between Woodward, and Forgan, Okla., serving no intermediate points, CROUCH BROS, INC., is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Washington, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11716 Filed 5–21–74;8:45 am]

by petitioners must be specified in their petitions with particularity.

No. MC–FC–75099. By order entered May 15, 1974, the Motor Carrier Board approved the transfer to Hiltgen Truck Line, Inc., Greenleaf, Kansas, of the operating rights set forth in Certificates Nos. MC–107324 and MC–107324 (Sub-No. 2), issued January 6, 1947, and October 10, 1952, respectively, to Arthur Hiltgen, doing business as Hiltgen Truck Line, Greenleaf, Kansas, authorizing the transportation of general commodities, with the usual exceptions, household goods, and various specified commodities, from, to, or between specified points in Kansas and Missouri. John E. Jandera, 641 Harrison St., Topeka, Kans. 66603, attorney for applicants.

No. MC–FC–75109. By order of May 15, 1974, the Motor Carrier Board approved the transfer to Glasgow Hauling, Inc., Glenside, Pa., of the operating rights in Certificate No. MC–8497 issued August 24, 1962, to James Glasgow, Glenside, Pa., authorizing the transportation of contractors' equipment and building materials, except liquid commodities in bulk, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey. E. Stephen Heisley, Esq., 666 Eleventh Street NW., Washington, D.C. 20001.

No. MC–FC–75114. By order of May 15, 1974, the Motor Carrier Board approved the transfer to Mark III Trucking, Inc., 335 18th Street, Dunbar, W. Va., of the operating rights in Permit No. MC–136399 (Sub-No. 2), issued June 6, 1973, to Doris S. Baker, Ronald W. Fisher, and Jackie H. Browning, a partnership, doing business as BF&B Trucking Co., Dunbar, W. Va., authorizing the transportation of electrical products from Charleston, W. Va., to Belpre, Riverview, and Marietta, Ohio, and Catlettsburg and Ashland, Ky.

No. MC–FC–75150. By order of May 15, 1974, the Motor Carrier Board approved the transfer to L. Gary Morton, Worcester, Mass., of the operating rights in Certificate No. MC–2059 issued October 3, 1955, to S & H Transfer, Inc., Westminster, Mass., authorizing the transportation of various commodities between specified points and areas in Massachusetts, Connecticut, and New York. David M. Marshall, 135 State St., Springfield, Mass. 01103, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–11713 Filed 5–21–74;8:45 am]

[Ex Parte 241; Rule 19, 4th Rev. Exemption No. 10]

CENTRAL RAILROAD CO. OF NEW JERSEY

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40–ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less, and bearing reporting marks assigned to the railroads named below shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
(Detroit and Mackinac Railway Company eliminated)

Effective May 10, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 10, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74–11714 Filed 5–21–74;8:45 am]

[Notice No. 85]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 11, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon

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PART II

FEDERAL ENERGY OFFICE

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

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FEDERAL ENERGY OFFICE

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

Pursuant to the provisions of 10 CFR 211.163(b), 211.164 and 211.165(d)(2), the Federal Energy Office (FEO) hereby provides notice of the volumes of residual fuel oil allocated to each utility for June 1974, and the percentages of such volumes required to be supplied by each supplier for delivery in June 1974. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities, pursuant to the criteria of 10 CFR 205.24, and are reflected in the Appendix.

The utility allocations were determined after review of the impact of reduced fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEO considered all of the factors enumerated in 10 CFR 211.163(b) and also the following other factors:

1. The data contained in the revised Federal Power Commission (F.P.C.) form 23 submitted by utilities for June;

2. Utility residual fuel oil requirements were assumed to be reduced as a result of conservation efforts by utilities designed to achieve at least seven (7) percent load reduction below normal trends;

3. Residual fuel oil needs for utilities were assumed to be reduced as the result of contemplated power purchases from coal and hydro-based utility systems which were considered feasible by the Federal Power Commission;

4. FEO analysis that the supply level of residual fuel oil is expected to be at or slightly below a constrained demand. Inventory buildup by utilities, therefore may be accomplished only to the extent of excess supply.

The amounts shown in the Appendix are the quantities of fuel oil to be delivered to the utility listed during the month of June 1974. Some utilities will not receive any allocation for June. This is due to the fact that these utilities either burn other fuels primarily and use residual fuel oil only for stand-by inventory purposes, or use residual fuel oil as a small percentage of the utility's capacity. In some of the latter instances, even the small amount of residual fuel oil involved is eliminated by the conservation guides established for utilities.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of the month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEO burn level for the month of June. The third and forth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parenthesis. The supplier in parenthesis is presumed, on the basis of the best information available, to be the source of supply for certain resellers supplying utility end-users. This information is provided for the convenience of such suppliers and the FEO requests any additions or corrections in this regard be forwarded to: Residual Fuels Manager for Utilities, P.O. Box 2887, Washington, D.C. 20013.

FEO will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEO burn levels in any month. Adjustments have been made in the allocation levels of certain utilities to reflect necessary corrections in the delivery levels authorized in previous months. It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of June to avoid undue hardship. Such corrections or adjustments may be made pursuant to 10 CFR 205.21 et seq.

FEO expects the utilities to consume supplies at or below FEO burn levels which are based on the utilities' proposed burn level less adjustments for conservation efforts. Where a utility fails to encourage conservation to observe FEO burn levels, its allocation for following months will be appropriately adjusted downward.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Forms 23 and 23A. To insure timeliness and uniformity of data, Form 23 has been revised by FPC. A new Form (FPC Form 23A) has been issued to provide a rolling yearly projection of proposed monthly utility electric generation and corresponding fuel requirements. Utilities which have previously filed Form 23 for July and subsequent months are required to refile using the revised Form 23.

Each utility must mail a completed revised Form 23 to FEO and FPC by June 5, 1974. FPC has mailed copies of revised Form 23 to each utility.

Each utility has also been mailed a set of FPC Form 23A. The filing of this form will be due June 1, for the period July 1, 1974, through June 30, 1975. It is contemplated that residual fuel oil allocations will be issued each utility in June covering the third calendar quarter (July–September). Thus, the timely submission of Form 23A will be a necessary prerequisite to such quarterly allocation.

Reports should be addressed to "Data Collection," FEO, Box 2887, Washington, D.C. 20013.

Issued in Washington, D.C., May 20, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

APPENDIX

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF JUNE 1974

	RECOMMENDED FEO BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
NORTHEAST UTILITIES	2,249,718			2,249,718
AMERADA HESS CORP		68.0	1,529,808	
TAD JONES CO (GULF)		21.0	472,441	
WYATT INC (EXXON)		10.0	224,972	
H N HARTWELLSON INC		1.0	22,497	
UNITED ILLUMINATING CO	669,717			669,717
TEXACO		87.0	582,554	
WYATT INC (EXXON)		13.0	87,063	
MAINE				
BANGOR HYDRO ELEC. CO.	35,709			35,709
SPRAGUE		100.0	35,709	
CENTRAL MAINE POWER CO.	347,555			347,555
TEXACO		100.0	347,555	
MAINE PUBLIC SERVICE CO.	0			0
MASSACHUSETTS				
BOSTON EDISON CO.	1,093,859			1,093,859
WHITE FUEL (TEXACO)		46.0	503,175	
EXXON		42.0	459,421	
SPRAGUE		12.0	131,263	
BRAINTREE ELEC. LT. DEPT.	19,882			19,882
CK SMITH(GOLD.EAGLE)		100.0	19,882	
E.UTIL.ASSOC.(MONTAUP&BLACKS	383,442			383,442
TEXACO		100.0	383,442	
FITCHBURG GAS & EL.	6,723			6,723
NORTHEAST PETROLEUM		100.0	6,723	
HOLYOKE GAS AND ELECTRIC	4,446			4,446
WYATT INC (EXXON)		100.0	4,446	
NEW ENG. ELEC	790,950			790,950
ASIATIC PETRO CORP		60.0	474,570	
GOLD.EAGLE		40.0	316,380	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
NEW ENG. G & E	161,113			161,113
NEW ENGLAND PETRO		84.8	135,524	
WHITE FUEL(TEXACO)		15.2	24,489	
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	29,998			29,998
QUINCY OIL CO (EXXON		100.0	29,998	
NEW HAMPSHIRE				
PUB SER OF N.H.	288,179			288,179
SPRAGUE		26.3	75,791	
CONOCO		73.7	212,388	
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO	361,882			361,882
AMERADA HESS CORP		100.0	361,882	
CONSOL EDISON OF NY	3,625,891			3,625,891
NEW ENGLAND PETRO		45.5	1,649,780	
EXXON		20.8	754,185	
AMERADA HESS CORP		22.3	808,574	
TEXACO		11.4	413,352	
FREEPORT, VILLAGE OF	23,600			23,600
BURNS BROS O.(NEPCO)		100.0	23,600	
LAWRENCE PARK HEAT & LIGHT	0			0
LONG ISLAND LIGHT CO.	1,659,090			1,659,090
NEW ENGLAND PETRO		100.0	1,659,090	
NIAGARA MOHAWK POWER CO.	267,891			1,000,000
NEW ENGLAND PETRO		100.0	1,000,000	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ORANGE & ROCKLAND UTILITIES	1,135,593			1,135,593
NEW ENGLAND PETRO		31.6	359,153	
HOWARD FUEL CORP		68.4	777,430	
ROCHESTER GAS & ELECTRIC	9,445			9,445
ALLIED O		29.7	2,805	
MONOCO OIL COMPANY		70.3	6,640	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	7,000			7,000
CK SMITH		100.0	7,000	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	757,065			757,065
STEUART PETROLEUM CO		22.0	165,554	
TEXACO		5.0	37,853	
GULF		8.0	60,565	
CONOCO		65.0	492,092	
DOVER, CITY OF	34,847			34,847
TEXACO		100.0	34,847	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	984,909			984,909
ASIATIC PETRO CORP		79.0	778,078	
STEUART PETROLEUM CO		21.0	206,831	
MARYLAND				
BALTIMORE GAS & ELECTRIC	1,486,859			1,486,859
AMERADA HESS CORP		52.7	783,575	
EXXON		47.3	703,284	
NEW JERSEY				
ATLANTIC CITY ELECTRIC COMPA	175,104			175,104
AMERADA HESS CORP		100.0	175,104	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GPU INTEGRATED SYSTEM	523,126			523,126
AMERADA HESS CORP		94.0	491,738	
SWANN OIL INC		5.0	26,155	
SHIPLEY-HUMBLE		1.0	5,231	
PUBLIC SERVICE ELECTRIC	1,822,646			1,822,646
AMERADA HESS CORP		83.4	1,520,087	
EXXON		16.6	302,559	
VINELAND,CITY OF ELEC.	67,200			67,200
SWANN OIL INC		100.0	67,200	
PENNSYLVANIA				
PENNSYLVANIA & LGT CO	0			0
PHILADELPHIA ELECTRIC CO.	1,200,188			1,200,188
ARCO		28.5	342,054	
AMERADA HESS CORP		21.5	258,040	
GULF		9.0	108,017	
NEW ENGLAND PETRO		2.1	25,204	
TEXACO		24.0	288,045	
CONOCO		14.9	178,823	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	6,520			6,520
BELCHER OIL(EXXON)		100.0	6,520	
FLORIDA P & L	3,397,918			3,397,918
EXXON		15.0	509,688	
BELCHER OIL(EXXON)		85.0	2,888,230	
FLORIDA POWER CORPORATION	1,837,000			1,837,000
EXXON		60.0	1,102,200	
AMERADA HESS CORP		40.0	734,800	
FORT PIERCE, CITY OF	25,000			25,000
NEW ENGLAND PETRO		100.0	25,000	
GAINESVILLE, CITY OF	59,045			59,045
EASTERN SEABOARD		100.0	59,045	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GULF POWER CO.	0			0
JACKSONVILLE ELEC. AUTH.	813,460			813,460
VEN FUEL INC		82.6	671,913	
CONOCO		17.4	141,542	
KEY WEST UTILITIES	69,921			69,921
STD.OIL-KY		100.0	69,921	
LAKE WORTH UTIL AUTHORITY	7,595			7,595
BELCHER OIL(EXXON)		100.0	7,595	
LAKELAND LIGHT & WTR DEPT	113,683			113,683
BELCHER(STD.OIL-KY)		100.0	113,683	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	456,581			456,581
NEW ENGLAND PETRO		100.0	456,581	
SEBRING UTILITIES COMM.	4,655			4,655
UNION OIL OF CA		100.0	4,555	
TALLAHASSEE, CITY OF	95,917			95,917
UNION OIL OF CA		100.0	95,917	
TAMPA ELECTRIC CO.	57,923			57,923
WESTERN (STD.OIL-KY)		100.0	57,923	
VERO BEACH MUNICIPAL POWER	20,573			20,573
BELCHER OIL(EXXON)		100.0	20,573	
GEORGIA				
GEORGIA POWER COMPANY	0			0
SAVANNAH ELECTRIC & POWER CO	236,610			236,610
COLONIAL OIL(EXXON)		100.0	236,610	
MISSISSIPPI				
MISSISSIPPI POWER CO.	0			0

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTH MISSISSIPPI ELEC	42,748			42,748
SOUTHLND OIL		83.0	35,481	
AMERADA HESS CORP		17.0	7,267	
NORTH CAROLINA				
CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				
S.CAROLINA ELEC & GAS CO	406,205			406,205
EXXON		100.0	406,205	
S.CAROLINA PUB SERV AUTH	15,722			15,722
AMERADA HESS CORP		100.0	15,722	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,369,900			1,369,900
EXXON		58.5	939,751	
AMERADA HESS CORP		24.2	331,516	
AMOCO		7.2	98,633	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC COOP	53,700			63,700
LOGICON INC (SHELL)		80.0	50,960	
E L BRIDE(TEXACO)		20.0	12,740	
JONESBORO WATER AND LIGHT PL	9,654			9,654
DELTA REFINING CO		83.0	8,013	
E L BRIDE(MIDLAND)		17.0	1,641	
COLORADO				
CI&U, S.COLO PWR DIV.	0			0
KANSAS				
CENTRAL KANSAS PWR	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
CHANUTE,CITY OF	3,500			3,500
MID AMER.REFINING		100.0	3,500	
CLAY CENTER LIGHTR	0			0
COFFEYVILLE LT & PWR	4,450			4,450
CRA-FARMLAND		100.0	4,450	
CI&U, WESTERN PWR DIV	0			0
KANSAS GAS & ELEC	0			0
KANSAS POWER & LIGHT	0			0
LARNED WTR & ELEC	0			0
MCPHERSON BD OF PUB UTIL	0			0
OTTAWA WTR & LT	0			0
LOUISIANA				
CENTRAL LOUISIANA ELECTRIC C	0			0
JONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	1,753,887			1,753,887
MURPHY OIL CORP		30.0	526,165	
TAUBER OIL CO		20.5	359,547	
SHELL		21.3	373,578	
EXXON		12.9	225,251	
GULF		9.5	166,519	
ERGON INC (EXXON)		3.8	66,648	
E L BRIDE(OKC REF.)		1.7	29,815	
REESE OIL(SUN OIL)		.3	5,262	
SOUTHWESTERN ELECTRIC POWER	0			0
MISSISSIPPI				
CLARKSDALE WTR & LT	0			0

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
YAZOO CITY PUB SERV	0			0
MISSOURI				
EMPIRE DIST ELEC	0			0
ST JOSEPH LT & PWR	0			0
OKLAHOMA				
BLACKWELL WTR & LT	0			0
OKLAHOMA GAS & ELEC	0			0
WESTERN FARMERS ELEC COOP	0			0
TEXAS				
GULF STATES UTILITIES	820			820
COASTAL STATES MKTG		37.5	308	
TENNECO		16.1	132	
UNITED PETRO DISTRIB		4.0	33	
EXXON		20.1	165	
SOUTH HAMPTON CO		22.3	183	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT	0			0
BRAZOS ELEC COOP	0			0
BRYAN, CITY OF	5,020			5,020
PETROLEUM TST(3 RIVE		100.0	5,020	
DALLAS POWER &LT.	10,000			10,000
WINSTON REF CO		18.2	1,820	
KERR MCGEE OIL CO		18.9	1,890	
J&W REFINING		47.2	4,720	
BEE OIL&REFINING		15.6	1,560	
GARLAND, CITY OF	0			0
HOUSTON LIGHTING	517,284			517,284
AMERADA HESS CORP		100.0	517,284	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	0			0
SAN ANTONIO PUB SERV	109,231			109,231
TESORO		100.0	109,231	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	0			0
WEST TEXAS UTIL	66,117			66,117
PRIDE REFINING INC		100.0	66,117	

5. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS				
COMMONWEALTH EDISON CO.	345,048			345,048
ALLIED C.		98.0	338,147	
CLARK OIL&REF.CORP		2.0	5,901	
ILLINOIS POWER CO	0			0
MISSOURI				
UNION ELECTRIC	0			0
WISCONSIN				
SUPERIOR WTR & LT	0			0
WISCONSIN ELEC PWR	41			41
INDUST FUEL&ASPHALT		100.0	41	

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILITIES	0			0

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
INTERSTATE POWER	0			0
LAMONI MUNIC	0			0
MINNESOTA				
AUSTIN UTILITIES	0			0
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	0			0
MINNESOTA PWR & LT	18,373			18,373
MURPHY OIL		100.0	18,373	
NORTHERN STATES PWR	0			0
OWATONNA MUN UTIL	0			0
WORTHINGTON, CITY OF	0			0
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	0			0
FAIRBURY LT & WTR	0			0
GRAND ISLAND ELEC	0			0
HASTINGS UTILITIES DEPT	0			0
LINCOLN ELECTRIC SYSTEM	0			0
NEBRASKA PUBLIC POWER DISTRI	0			0
OMAHA PUB PWR DIST	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
CLINTON LT & WTR	613			613
CRYSTAL REFINING CO		100.0	613	
CONSUMERS POWER	180,490			180,490
CONSUMERS PWR-CRUDE		54.0	97,465	
LAKESIDE REFINING CO		14.0	25,269	
OSCEOLA REFINING CO		8.0	14,439	
TOTAL LEONARD INC		4.0	7,220	
MURPHY MI.DIV.AMOCO		6.0	10,829	
ENTERPRISE OIL CO		6.0	10,829	
BORON OIL(STANDARD)		3.0	5,415	
INDUST FUEL&ASPHALT		2.0	3,610	
RUPP OIL COMPANY		2.0	3,610	
GLADIEUX REF		1.0	1,805	
DETROIT EDISON CO.	668,197			668,197
SUN OIL LTD		70.0	467,738	
CANADIAN FUEL MKTRS		9.9	66,152	
ENTERPRISE OIL CO		4.8	32,073	
PETRO PRODUCTS		5.4	36,083	
MARATHON OIL		9.9	66,152	
GRAND HAVEN BD PUB	0			0
HILLSDALE BD OF PUB WORKS	1,299			1,299
LEWIS(GLADIEUX REF)		100.0	1,299	
OHIO				
CLEVELAND ELEC ILLUMIN	95,667			95,667
ALLIED O.(ASHLAND)		100.0	95,667	
TOLEDO EDISON	8,045			8,045
SUN OIL		100.0	8,045	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	0			0
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
ARIZONA PUBLIC SERVICE CO.	0			0
SALT RIVER PROJECT	169,408			169,408
TESORO		12.4	21,007	
DOUGLAS OIL CO		2.8	4,743	
GUSTAFSON OIL CO		.9	1,525	
MACMILLAN		17.0	28,799	
POWERINE OIL CO		18.1	30,663	
LITTLE AMERICA		19.7	33,373	
SAN JOAQUIN REF		29.1	49,298	
TUCSON GAS & ELEC	55,020			55,020
GOLDEN GATE PETRO		22.0	12,104	
NAVAJO REFINING		5.0	2,751	
TOSCO		43.0	23,559	
UNION OIL OF CA		25.0	13,755	
HOLLAND OIL(TOSCO)		5.0	2,751	
CALIFORNIA				
BURBANK CITY PUBLIC SER.	44,000			44,000
CARSON(GOLD.EAGLE)		100.0	44,000	
GLENDALE PUBLIC SERVICES	32,927			32,927
POWERINE OIL CO		100.0	32,927	
IMPERIAL IRRIGATION DISTR	36,800			36,800
CRESCENT REFSO(GULF)		100.0	36,800	
LOS ANGELES DEPT OF WATER &	1,172,000			1,172,000
ARCO		59.8	700,856	
EDGINGTON OIL CO		20.9	244,948	
PETROBAY		7.6	89,072	
NEWHALL REFINING CO		5.0	58,600	
SAN JOAQUIN REF		3.5	41,020	
POWERINE OIL CO		3.2	37,504	

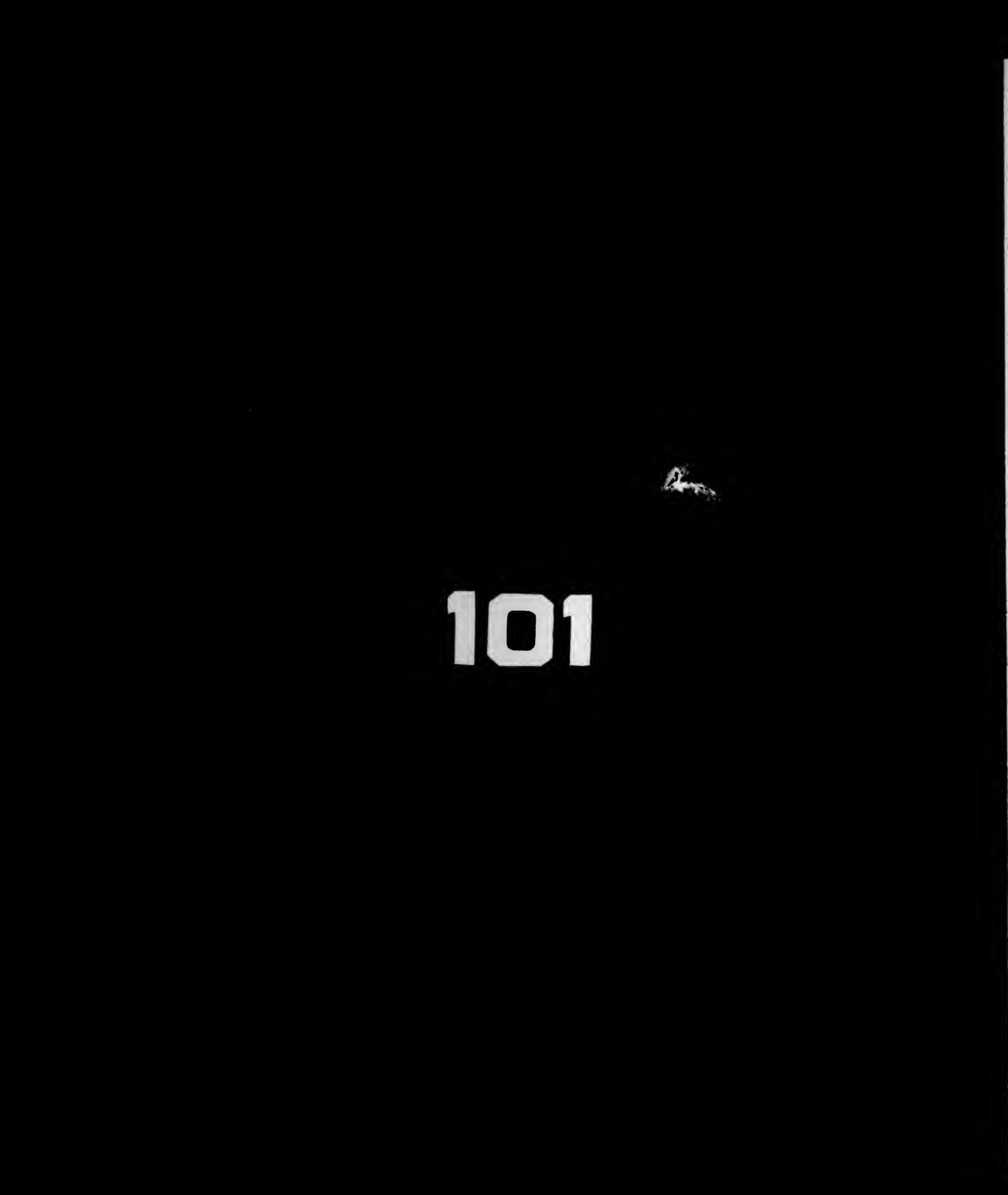
	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PACIFIC GAS & ELECTRIC CO	280,000			280,000
ARCO		71.3	199,540	
UNION OIL OF CA		4.7	13,160	
PHILLIPS PETROLEUM		24.0	67,200	
PASADENA POWER CO.	56,885			56,885
GOLD.EAGLE		100.0	56,885	
SAN DIEGO GAS & ELECTRIC CO.	477,000			477,000
UNION OIL OF CA		29.8	142,146	
HIRI		16.2	77,274	
EDSINGTON OIL CO		21.3	101,501	
TESORO		32.7	155,979	
SOUTHERN CALIF EDISON	2,750,000			2,750,000
SID.OIL-CAL		50.1	1,377,750	
TEXACO		9.7	266,750	
ARCO		7.8	214,500	
EXXON		20.4	561,000	
PACIFIC RESOURCES		6.8	187,000	
MACMILLAN R.F.OIL		3.0	82,500	
CONOCO		2.2	60,500	
COLORADO				
COLORADO SPRINGS LT & PWR	0			0
LAMAR LT & PWR	0			0
PUB SERV COLORADO	0			0
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	0			0
SIERRA PACIFIC POWER	0			0

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
NEW MEXICO				
PLAINS ELEC GEN & TRANSM	0			0
PUB SERV NEW MEXICO	0			0
OREGON				
PACIFIC POWER & LIGHT CO	0			0
TEXAS				
COMMUNITY PUB SERV	1,952			1,952
SID.OIL-TEXAS		100.0	1,952	
EL PASO ELECTRIC	94,705			94,705
SID.OIL-TEXAS		74.5	70,555	
TESORO		25.5	24,150	
UTAH				
UTAH POWER &LIGHT CO.	0			0
WASHINGTON				
PUGET SOUND POWER &LIGHT CO.	0			0
SEATTLE DEPT OF LI	0			0
TACOMA DEPT OF PUBLIC UTILIT	0			0
10. ASCC				
ALASKA				
CORDOVA, TOWN OF	1,976			1,976
TESORO		100.0	1,976	
HAWAII				
HAWAIIAN ELECTRIC COMPANY	632,837			632,837
SID.OIL-CA		100.0	632,837	
HILO ELEC LT	40,790			40,790
SID.OIL-CA		100.0	40,790	
KAUAI ELECTRIC	13,441			13,441
SID.OIL--CA		100.0	13,441	
MAUI ELECTRIC	39,621			39,621
SID.OIL-CA		100.0	39,521	
11. NOT OTHERWISE CLASSIFIED				
UNK				
GUAM PWR AUTH	88,103			88,103
U.S.NAVY		100.0	88,103	
PUERTO RICO WATER RESOURCES	1,863,161			1,863,161
COMMONWEALTH OIL		50.0	931,581	
PUERTO RICO SUN OIL		30.0	558,948	
CARIBBEAN GULF REF		20.0	372,532	
ST CROIX, V.I. WTR PWR	45,730			45,730
AMERADA HESS CORP		100.0	45,730	
ST THOMAS, V.I. WTR PWR	32,394			32,394
AMERADA HESS CORP		100.0	32,394	

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THURSDAY, MAY 23, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 101

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12 CFR

525 18092

14 CFR

288 18071

16 CFR

1105 18093

PROPOSED RULES:

1500 18115

18 CFR

1 18093

20 CFR

PROPOSED RULES:

710 18168

23 CFR

130 18093

24 CFR

203 18094
205 18094
207 18094
213 18094
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221 18094
232 18095
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32 CFR

159 18228

38 CFR

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40 CFR

85 18075

42 CFR

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33 18098

presidential documents

Title 3—The President

EXECUTIVE ORDER 11783

Creating an Emergency Board to Investigate a Dispute Between the Carriers Represented by the National Railway Labor Conference and Certain of Their Employees

WHEREAS, a dispute exists between the carriers represented by the National Railway Labor Conference designated in lists attached hereto and made a part hereof, and certain of their employees represented by the Sheet Metal Workers' International Association, a labor organization; and

WHEREAS, this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS, this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive sections of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a Board, of three members, to be appointed by me, to investigate this dispute. No member of the Board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The Board shall report its finding to the President with respect to this dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the Board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the dispute arose.

Richard Nixon

THE WHITE HOUSE,
May 21, 1974.

Alton & Southern Railway
Ann Arbor Railroad
Atchison, Topeka and Santa Fe Railway
Atlanta and West Point Rail Road—The Western Railway of Alabama
Atlanta Joint Terminals
Baltimore and Ohio Railroad [1]

[1] Authorization also covers Supervisors below the rank of General Foreman employed in the Mechanical Department

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Baltimore and Ohio Chicago Terminal Railroad
Bangor and Aroostook Railroad
Belt Railway Company of Chicago
Bessemer and Lake Erie Railroad
Burlington Northern, Inc.
Camas Prairie Railroad
Central of Georgia Railroad
Central Vermont Railway, Inc.
Chesapeake and Ohio Railway
Chicago and Eastern Illinois Railroad
Chicago and Illinois Midland Railway
Chicago and North Western Transportation Company
Chicago and Western Indiana Railroad
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago, Rock Island and Pacific Railroad
Chicago, West Pullman and Southern Railroad
Cincinnati Union Terminal Company
Clinchfield Railroad
Colorado and Wyoming Railway
Delaware and Hudson Railway
Denver and Rio Grande Western Railroad
Detroit and Toledo Shore Line Railroad
Duluth, Missabe and Iron Range Railway
Duluth, Winnipeg and Pacific Railway
Elgin, Joliet and Eastern Railway
Erie Lackawanna Railway*
Fort Worth and Denver Railway
Georgia Railroad
Grand Trunk Western Railroad
Green Bay and Western Railroad
Houston Belt and Terminal Railway
Illinois Central Gulf Railroad
Illinois Terminal Railroad
Indiana Harbor Belt Railroad
Indianapolis Union Railway
Jacksonville Terminal Company
Joint Texas Division of CRI&P Railroad and FW&D Railway
Kansas City Southern Railway
Kansas City Terminal Railway
Kentucky & Indiana Terminal Railroad
Lake Superior & Ishpeming Railroad
Louisiana and Arkansas Railway
Louisville and Nashville Railroad
Maine Central Railroad
  Portland Terminal Company
Missouri-Kansas-Texas Railroad Company
Missouri Pacific Railroad [2]
  Missouri-Illinois Railroad

*Subject to the approval of the Courts
[2] Authorization includes Reclamation Plant, Sedalia, Missouri

Monongahela Railway
Montour Railroad
Newburgh and South Shore Railway
New Orleans Public Belt Railroad
New Orleans Union Passenger Terminal
New York, Susquehanna and Western Railroad
Norfolk and Portsmouth Belt Line Railroad
Norfolk and Western Railway
Northwestern Pacific Railroad
Peoria and Pekin Union Railway
Pittsburgh and Lake Erie Railroad—The Lake Erie & Eastern Railroad
Portland Terminal Railroad Company
Richmond, Fredericksburg and Potomac Railroad, including Potomac Yard
St. Louis-San Francisco Railway [3]
St. Louis Southwestern Railway
Saint Paul Union Depot Company
San Diego and Arizona Eastern Railway
Seaboard Coast Line Railroad
Soo Line Railroad
Southern Pacific Transportation Company (Pacific Lines Texas and Louisiana Lines)
Southern Railway
  Alabama Great Southern Railroad
  Cincinnati, New Orleans & Texas Pacific Railway
  Georgia Southern and Florida Railway
  New Orleans Terminal Company
  St. Johns River Terminal Company
Staten Island Railroad Corporation [1]
Terminal Railroad Association of St. Louis
Texas and Pacific Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans [4]
Toledo, Peoria and Western Railroad
Union Pacific Railroad
Washington Terminal Company
Western Maryland Railway
Western Pacific Railroad

[FR Doc.74-12054 Filed 5-21-74;4:47 pm]

[3] Authorization includes AT&N District
[4] Authorization includes Midland Valley Subdivision

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–853; Amdt. 20; Docket No. 26317]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Logair and Quicktrans Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on May 17, 1974.

On January 15, 1974, by notice of proposed rulemaking EDR–262 (39 FR 2491), the Board proposed to amend Part 288 of its Economic Regulations (14 CFR Part 288) by establishing new minimum rates for Logair and Quicktrans domestic cargo charters performed for the Department of Defense (DOD). In addition to initiating a full-scale Logair/Quicktrans rate review proceeding, the Board proposed the establishment of interim final rates effective on and after January 15, 1974, increasing the net Logair/Quicktrans compensation by approximately 10 percent pending completion of the full-scale review. This procedure is patterned after one adopted by the Board in ER–819, August 28, 1973, amending Part 288 with respect to minimum rates for certain foreign and overseas transportation services procured for DOD by the Military Airlift Command (MAC).

Comments were filed by Overseas National Airways, Inc. (ONA), Saturn Airways, Inc. (Saturn) and the DOD. All comments and supporting materials have been carefully considered and all contentions not otherwise disposed of herein are rejected.

I. *DC–9/L–188 Logair/Quicktrans Rates.* By EDR–262, the Board proposed increased DC–9/L–188 Logair/Quicktrans minimum rates per course-flown statute mile of $1.8152 and $1.7079, respectively, plus $150 per directed landing. The proposed rates were based upon an analysis of the reported results for ONA and Saturn for the year ended September 30, 1973, adjusted to conform to the Board's established ratemaking policies and practices. Both ONA and Saturn take issue with these proposed rates, whereas the DOD accepts the Board's proposal as being consistent with the interim final rate concept.

ONA proposes Logair/Quicktrans interim rates per course-flown statute mile of $1.9563 and $2.1388, respectively, plus $150 per directed landing, based upon its reported results for the year ended March 31, 1973, adjusted to reflect JP–4 fuel costs of 11.3 cents per gallon which is the amount proposed in EDR–262 as the standard fuel cost to be effective on January 15, 1974.[1] ONA does not address itself to the Board's proposed rate determination. However, review of the data supporting ONA's rate proposals indicates that the major differences, other than the Board's use of more current information,[2] are that ONA based its return element on investment as of March 31, 1973, rather than on average annual investment; and it premised the rate computations on a 400-mile stage length, as recognized for such services in reaching the current rate findings in ER–733, rather than the base-year experience. As set out in Appendices A and B, a recasting of the carrier's DC–9 and L–188 cost computations, to reflect actual stage lengths, average investment and recognized aircraft utilization,[3] produces close to the same Logair rate proposed in EDR–262.

The Board, in adopting the interim final rate procedure, indicated that the concept was to provide for updated minimum MAC rates based on the latest available results so as to maintain fair and reasonable compensation for MAC services pending completion of the full-scale rate review. This was the basis for the Board's DC–9/L–188 rate determinations in EDR–262, which ONA did not directly challenge, and, in our opinion, the carrier's own cost analysis properly adjusted fully supports the proposed rates. Further, ONA's proposed Quicktrans rates assume that the relationship of Quicktrans to Logair costs have remained the same since 1970. The experienced results indicate, however, that this is not the case. Therefore, on the basis of the foregoing, we reject ONA's proposed DC–9/L–188 Logair/Quicktrans interim final rates.

The Board's proposed DC–9/L–188 Quicktrans rate is based solely upon the reported results for Saturn's L–188 aircraft since it was the only carrier operating either of the two aircraft types in Quicktrans service during the base year.

ONA and Saturn both argue that the proposed Quicktrans rates for the DC–9/L–188 should be based on more than one carrier's experience with a specific aircraft type. Both carriers believe the MAC rate should represent costs for all available equipment eligible to perform MAC services whether utilized or not. Saturn claims that ONA could bid its equipment in FY 1975 and that, even for interim final rate purposes, at least ONA's ownership costs—investment and depreciation—should be taken into account in the Quicktrans rate determination. The carriers contend that to do otherwise, undermines the class rate concept of Part 288. Saturn also objects to the proposed rates on the grounds that the exclusion of ONA's ownership cost distorts the historic relationship between Logair-Quicktrans rates.

Our treatment here is consistent with the Board's interim final rate determinations in ER–819, wherein the data for carriers which were not participating or would not participate in past or future MAC contract services were deleted.[4] Saturn's L–188 operation represents the only experienced data available which includes the current MAC contracts through at least fiscal year 1974. Should the circumstances change and ONA become a Quicktrans contractor with its DC–9 and/or L–188 aircraft, it could at that time challenge the reasonableness of the then-existing rates.

Saturn objects to the Board's proposed adjustments of experienced aircraft utilization to the levels underlying the current rates as established in ER–733.[5] The carrier contends that this is inconsistent with the Board's action in ER–819, wherein we recognized the carriers' experienced utilization as being reasonable in light of the contraction of MAC service volume and a favorable comparison with the utilization realized in commercial operations. Saturn concludes that the Board should, therefore, recognize the higher of L–188/DC–9 utilization attained in either the MAC domestic or system operations for each equipment type.

The carriers' reported utilizations, which are as low as 5.5 hours, on their face raise questions of whether or not the carriers' fleets are in excess of their needs, and whether or not reliance on those figures would result in charging the MAC operations with the cost of excess aircraft maintained for commercial operations. Furthermore, Saturn has not shown that the nature of domestic MAC charter operations requires these low utilizations, that the reductions in MAC services have caused the low

[1] The suggested Logair rate is based on reported results for ONA's operations while the Quicktrans rate proposal is derived by using the same relationship obtained from the current Quicktrans-to-Logair rates.

[2] EDR–262 is predicated on reported results for the year ended September 30, 1973.

[3] ONA does not dispute the Board's adjustment in EDR–262 increasing the reported utilization.

[4] ER–819, August 28, 1973, on page 10.

[5] The levels forecast in ER–733 were as follows:

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utilizations, or that the utilizations employed in EDR–262 are not reasonably attainable. On this basis, we cannot find that use of the reported utilizations for interim rate purposes would be warranted.

Saturn

L–100:	
Logair	9.0
Quicktrans	8.5
ONA	
DC–9:	
Logair	8.0
Quicktrans	7.5
L–188:	
Logair	7.5
Quicktrans	7.5

In summary, we will amend Part 288 to establish the DC–9/L–188 Logair and Quicktrans interim final minimum rates proposed in EDR–262.

II. *DC–8–61/63 Logair/Quicktrans Rates.* Subsequent to the issuance, of EDR–262, Saturn, on January 25, 1974, filed a supplement to its petition in Docket 26136, which was consolidated in this proceeding, setting forth recommendations for revised DC–8 Logair/Quicktrans interim final rates. Saturn expressed its desire for an updated DC–8 rate, contending that MAC is contemplating use in the near future, of this equipment in domestic services. The carrier, therefore, presented what it considers a realistic proposal based on current costs. While the carrier acknowledged that immediate action on its DC–8 rate recommendations is not necessary, and would not wish such consideration to delay fixing of the Logair/Quicktrans interim final rates for equipment now being used, it stated that MAC is entitled to such information in evaluating the cost-effectiveness of utilizing DC–8 equipment in future domestic services.

Based on an assumed stage length of 488 miles and 8.1 hours average daily utilization, Saturn has reworked its forecast for the international MAC services with DC–8 aircraft and arrived at proposed Logair and Quicktrans[6] interim final rates per course-flown statute mile of $4.4421 and $4.5147, respectively, plus $275 per directed landing.

ONA also submitted recommendations for DC–8 rates, basing its computations on an average stage length of 650 miles and an average daily utilization of 8.0 hours. It proposed DC–8 rates for Logair/Quicktrans operations of $4.2292 and $4.3127 per course-flown statute mile plus $275 per directed landing.

DOD, taking cognizance of Saturn's supplemental petition, has also submitted proposed DC–8 rates. However, DOD anticipates that DC–8 use in domestic MAC operations would be at stage lengths of 700 and 592 miles for Logair and Quicktrans services, respectively, and has revised Saturn's proposal accordingly. As set out in Appendix C inclusive of fuel costs,[7] DOD is proposing DC–8 Logair and Quicktrans rates of $4.3262 and $4.3779 per course-flown statute mile, respectively, plus $275 per directed landing.

We agree with DOD that economies of operation would dictate a longer stage length for DC–8 services than the average experience in MAC domestic charters, and its proposals of 700 miles for Logair and 592 miles for Quicktrans appear reasonable. Moreover, the Board agrees that the present DC–8 rates are unreasonably low in view of the current cost estimates for operations with this aircraft type. Accordingly, we will accept the DOD proposal for Logair/Quicktrans DC–8 rates, as computed in Appendix C[8]—including estimated fuel costs. Since the amended DC–8 rates were not proposed in EDR–262, we will allow petitions for reconsideration of this amendment. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 on or before June 6, 1974. Copies of any petition filed will be available for inspection by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the within rule amendments.

III. *Other matters.* Saturn suggests that the rates for AW–650 and DC–6A aircraft be deleted. The carrier contends that neither aircraft are in MAC contractor fleets and there is no reason to think that MAC will seek to use these obsolete aircraft. Saturn's recommendation has merit and we will delete the AW–650 and DC–6A Logair/Quicktrans rates.

DOD's answer indicates that with respect to Logair service it is planning to supply fuel to the carriers at no cost as the simplest method of dealing with the fuel problem. As a result, it seeks to have fuel costs removed entirely from the Logair minimum rates. However, DOD states that the Navy is unable, at this time, to implement the proposal with respect to Quicktrans services. Although the end result of the DOD proposal is the same as would be achieved pursuant to the proposed rates, we believe that there may be merit to handling the matter as suggested. However, we think that this matter is best deferred for consideration within the full-scale rate review. This will permit additional time for the participating carriers to consider the proposal and for DOD to seek resolution of the difficulties that currently do not allow the proposal to apply to Quicktrans operations.[9]

For the reasons set forth above, we have determined to adjust the minimum MAC domestic rates established by ER–747, effective on and after January 15, 1974.[10] Also, we find good cause exists for making the rule effective prior to the expiration of the normal 30 day's notice.

Amendments. In consideration of the foregoing, the Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288) as follows:

Revise § 288.7 (b) as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

(1) For services provided on and after January 15, 1974:

Aircraft type	Linehaul rate per course-flown statute mile		Rates per directed landing
	Logair	Quicktrans	
DC–8–30	$1.8152	$1.7079	$150
L–188C	1.8152	1.7079	150
L–100–20/30	2.2367	2.3033	150
DC–8–61/63	4.3262	4.3779	275

Provided, however, That, effective January 15, 1974, if the price of any fuel product purchased from DOD for such services varies from the base levels specified below, the total minimum compensation for the transportation provided shall be adjusted (either upward or downward, as the case may be) by the difference in the price per gallon for such product paid by the carrier and the price specified for such product below, times the number of U.S. gallons of such product purchased by the carrier from DOD for the transportation provided. The base levels are as follows:

	Standard price per U.S. gallon
AVGAS:	
115/145	$0.20
100/130	.38
91/96	.38
80/87	.38
Jet:	
JP–4	.113
JP–5	.123

* * * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended (49 U.S.C. 1324, 1373, and 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–11910 Filed 5–22–74;8:45 am]

[6] The Quicktrans rate proposal is based on the Logair rate determination adjusted to reflect the higher JP–5 fuel price of 12.3 cents per gallon.

[7] As discussed later herein, DOD submitted a proposal to provide military fuel without cost for Logair services and to reimburse the carriers for commercial fuel costs incurred in domestic MAC services. Thus, it has excluded such expense in its proposed DC–8 rates.

[8] Appendices A, B, and C are filed as part of the original document.

[9] It is noted that results reported on Form 243 for Logair/Quicktrans services currently do not set out fuel costs as a separate expense item.

[10] As previously set forth, this is the date the notice originally provided for the increased rates to be effective. The DOD in its comment indicated that it did not object to finalization of the proposed rates retroactive to that date.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7314]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Interest on a Section 4912(c) Debt Obligation

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for October 12, 1973 (38 FR 28295), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform such regulations to subparagraph (G) of section 861(a)(1) of the Internal Revenue Code of 1954, relating to the treatment of interest on a section 4912(c) debt obligation, as added by section 3(a) of the Interest Equalization Tax Extension Act of 1971 (85 Stat. 15).

Section 861(a)(1)(G) of the Internal Revenue Code was enacted in conjunction with section 4912(c) of the Code which provides, in effect, that a domestic corporation or partnership may elect to have certain debt obligations it issued subject to the interest equalization tax. Section 861(a)(1)(G) provides that interest paid by the issuing company or partnership on certain debt obligations with respect to which it has made a section 4912(c) election shall not be treated as U.S. source income. This has the effect of exempting such interest from the 30-percent U.S. withholding tax when it is paid to a nonresident alien individual or a foreign corporation.

The amendment to the regulations enumerates the conditions which must be met before the interest on certain debt obligations would not be treated as U.S. source income. The debt obligation must be part of an issue of debt obligations with respect to which an election has been made under section 4912(c). Such a debt obligation cannot have a maturity exceeding 15 years on the date it was originally issued or treated under section 4912(c)(2) as issued by reason of being assumed. When such debt obligation was originally issued it must have been purchased by one or more underwriters with a view to distribution through resale. If the preceding conditions are met, interest on a debt obligation attributable to periods after the effective date of the section 4912(c) election will not be treated as U.S. source income.

Based upon comments received from interested parties, certain changes were made to the regulations as originally proposed. The first such change occurs in § 1.861–2(d)(3) where additional language was added in order to illustrate that a "best-efforts" underwriter is not regarded as someone who purchased with an intent to resell. In addition, language was added to indicate that nothing in the regulations would prohibit the use by an issuer of a related underwriter. Since each instance where an issuer uses a related underwriter is to be decided on the individual facts and circumstances, the regulations provide that consideration shall be given as to whether the conditions governing the purchase of the debt obligation by the underwriter from the issuer are those which would have been imposed between independent persons.

Subdivision (ii) of § 1.861–2(d)(4) was amended by extending the time an underwriter has to register the debt obligations for trading on a foreign securities exchange or market from 15 calendar days to the latter of 4 months from the date on which the underwriter purchased the debt obligations or the date of the first interest payment. Additional language was also added for the purpose of defining what was meant by the term "foreign established securities market".

Language was added to the introductory language of § 1.861–2(d)(4)(iii) to clarify the point that in evaluating restrictions as to whom an underwriter may sell debt obligations, the material factor is whether such restriction was imposed by the issuer; if so, the restriction will prevent the debt obligations from qualifying under section 861(a)(1)(G) and these regulations. Subdivision (A) of § 1.861–2(d)(4)(iii) was changed to permit each obligation of an issue of debt obligations to qualify as purchased for resale if at least 95 percent of the face amount of the issue, of which it is a part, was sold by the underwriter within 30 days after he purchased it. Language was also added to subdivision (B) to make it clear that any written statements or assurances of the underwriter are to be taken into account under the facts and circumstances test to determine whether the debt obligation was purchased with a view to distribution through resale. The burden of showing satisfaction of that test was also removed from the exclusive realm of the underwriter.

In addition, subdivision (iv) was amended to deal with the situation where restrictions are required to be met in order to comply with United States or foreign law. One such example is the exemption from the Securities and Exchange Commission registration requirements for securities which are not sold to United States persons or to persons who will resell to United States persons.

The proposed regulations were also revised by adding two new subparagraphs. The first, new subparagraph (6), provides that the provisions of section 861(a)(1)(G) and these regulations will apply to interest paid on debt obligations, even if the interest equalization tax expires, if such debt obligations are subject to a section 4912(c) election made prior to such expiration. The second, new subparagraph (7), adds a definition of the term "underwriter" by cross referencing to the definition of the term in section 4919(c)(1).

Adoption of amendments to the regulations. On October 12, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 28295) to conform the Income Tax Regulations (26 CFR Part 1) to subparagraph (G) of section 861(a)(1) of the Internal Revenue Code of 1954, relating to the treatment of interest on a section 4912(c) debt obligation, as added by section 3(a) of the Interest Equalization Tax Extension Act of 1971 (85 Stat. 15). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Section 1.861–2(d), as set forth in the appendix to the notice of proposed rulemaking is changed by revising subparagraphs (3) and (4) thereof, and by adding new subparagraphs (6) and (7). The revised and new subparagraphs read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: May 17, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

§ 1.861–2 Interest.

* * * * *

(d) *Section 4912(c) debt obligations*—(1) *In general.* Under section 861(a)(1)(G), interest on a debt obligation shall not be treated as income from sources within the United States if—

(i) The debt obligation was part of an issue of debt obligations with respect to which an election has been made under section 4912(c) (relating to the treatment of such debt obligations as debt obligations of a foreign obligor for purposes of the interest equalization tax),

(ii) The debt obligation had a maturity not exceeding 15 years (within the meaning of subparagraph (2) of this paragraph) on the date it (A) is originally issued, or (B) is treated under section 4912(c)(2) as issued by reason of being assumed by a certain domestic corporation,

(iii) The debt obligation, when originally issued, was purchased by one or more underwriters (within the meaning of paragraph (d)(3) of this section) with a view to distribution through resale (within the meaning of paragraph (d)(4) of this section), and

(iv) The interest on the debt obligation is attributable to periods after the effective date of an election under section 4912(c) to treat such debt obligations as debt obligations of a foreign

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obligor for purposes of the interest equalization tax.

(2) *Maturity not exceeding 15 years.* The date the debt obligation is issued or treated as issued is not included in the 15 year computation, while the date of maturity of the debt obligation is included in such computation.

(3) *Purchased by one or more underwriters.* For purposes of this paragraph, the debt obligation when originally issued will not be treated as purchased by one or more underwriters unless the underwriter purchases the debt obligation for his own account and bears the risk of gain or loss on resale. Thus, for example, a debt obligation, when originally issued will not be treated as purchased by one or more underwriters if the underwriter acts only in the capacity of an agent of the issuer. Neither will a debt obligation when originally issued be treated as purchased by one or more underwriters if the agreement between the underwriter and issuer is merely for a "best efforts" underwriting, for the purchase by the underwriter of all or a portion of the debt obligations remaining unsold at the expiration of a fixed period of time, or for any other arrangement under the terms of which the debt obligations are not purchased by the underwriter with a view to distribution through resale. The fact that an underwriter is related to the issuer will not prevent the underwriter from meeting the requirements of this paragraph. In determining whether a related underwriter meets the requirements of this paragraph, consideration shall be given to whether the purchase by the underwriter of the debt obligation from the issuer for resale was effected by a transaction subject to conditions similar to those which would have been imposed between independent persons.

(4) *With a view to distribution through resale.* (i) An underwriter who purchased a debt obligation shall be deemed to have purchased it with a view to distribution through resale if the requirements of subdivision (ii) or (iii) of this subparagraph are met.

(ii) The requirement of this subdivision is that—

(A) The debt obligation is registered, approved, or listed for trading on one or more foreign securities exchanges or foreign established securities markets within 4 months after the date on which the underwriter purchases the debt obligation, or by the date of the first interest payment on the debt obligation, whichever is later, or

(B) The debt obligation, or any substantial portion of the issue of which the debt obligation is a part, is actually traded on one or more foreign securities exchanges or foreign established securities markets on or within 15 calendar days after the date on which the underwriter purchases the debt obligation.

For purposes of this subparagraph, a foreign established securities market includes any foreign over-the-counter market as reflected by the existence of an inter-dealer quotation system for regularly disseminating to brokers and dealers quotations of obligations by identified brokers or dealers, other than quotations prepared and distributed by a broker or dealer in the regular course of his business and containing only quotations of such broker or dealer.

(iii) The requirements of this subdivision are that, except as provided in subdivision (iv) of this subparagraph, the underwriter is under no written or implied restriction imposed by the issuer with respect to whom he may resell the debt obligation, and either—

(A) Within 30 calendar days after he purchased the debt obligation the underwriter or underwriters either (*1*) sold it, or (2) sold at least 95 percent of the face amount of the issue of which the debt obligation is a part, or

(B) (*1*) The debt obligation is evidenced by an instrument which, under the laws of the jurisdiction in which it is issued, is either negotiable or transferable by assignment (whether or not it is registered for trading), and (2) it appears from all the relevant facts and circumstances, including any written statements or assurances made by the purchasing underwriter or underwriters, that such debt obligation was purchased with a view to distribution through resale.

(iv) The requirements of subdivision (iii) of this subparagraph may be met whether or not the underwriter is restricted from reselling the debt obligation—

(A) To a United States person (as defined in section 7701(a)(30)) or

(B) To any particular person or persons, pursuant to a restriction imposed by, or required to be met in order to comply with, United States or foreign securities or other law.

(5) *Statement with return.* Any taxpayer who is required to file a tax return, and who excludes from gross income interest of the type specified in this paragraph must comply with the requirements of § 1.861–2(c).

(6) *Effect of termination of IET.* If the interest equalization tax expires, the provisions of section 861(a)(1)(G) and this paragraph shall apply to interest paid on debt obligations only with respect to which a section 4912(c) election was made.

(7) *Definition of term "underwriter."* For purposes of section 861(a)(1)(G) and this paragraph, the term "underwriter" shall mean any underwriter as defined in section 4919(c)(1).

[FR Doc.74–11937 Filed 5–22–74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 166—STATE ADULT EDUCATION PROGRAMS

State Plans

Pursuant to the authority contained in the Adult Education Act (20 U.S.C. 1201–1211), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare hereby amends the regulations in the State Adult Education Programs (45 CFR Part 166) to delete from § 166.11 the requirement that the States submit their annual State plan ninety days after the effective date of the revised regulations.

The requirement that the States submit a revised State plan within 90 days after the effective date of revised regulations proved to be unrealistic. Many States were late in submitting their revised plans for fiscal year 1974. All State plans have now been submitted. It is proposed, therefore, to delete the 90-day requirement. Since all State plans have now been submitted, no new date for submission of State plans for fiscal year 1974 is necessary.

As amended, paragraph (a) of § 166.11 shall read as follows:

§ 166.11 State plan-general.

(a) *Purpose.* The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to carry out the purpose set forth in § 166.1, and to provide the basis on which Federal payments to the State under this part are made. State agencies desiring to participate under the Act shall submit to the Commissioner a State plan which shall meet the requirements of section 306(a) of the Act and the regulations in this subpart.

* * * * *

It is the general policy of the Department to afford interested parties an opportunity to comment on proposed rules. However, in view of the short time remaining in the fiscal year, it is determined that an opportunity for comment would be impracticable.

(5 U.S.C. 553(b))

(Catalog of Federal Domestic Assistance No. 13.400, Adult Education-Grants to States)

Effective date. This amendment to the regulation will be effective on June 24, 1974.

Dated: May 15, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.74–11922 Filed 5–22–74;8:45 am]

EXPLANATION OF TECHNICAL AMENDMENT CHANGES—Continued

Section	Change	Reason
9. § 85.075–20(b)(2), § 85.074–20(b)(2), § 85.175–18(b)(2), § 85.275–20(b)(2).	Require manufacturers to substantiate the need for a closer tolerance.	Time and cost of special test procedure should be justified.
10. Figure A75–2, Figure B175–2, Figure C75–2.	Conditioning columns shown as optional; use of analysis stream has been deleted.	Low interference CO instrumentation does not require conditioning columns.
11. § 85.075–20(c), § 85.175–18(c), § 85.275–20(c).	Define components used in revised Figure A75–2; specify criteria for use of conditioning column.	Revision of Figure A75–2.
12. Figure B175–2	Make improvement; descriptions correspond with revised Figure B175–2.	Revision of Figure B175–2.
13. § 85.075–21(b)(2)(iii), § 85.275–21(b)(2)(iii).	Add provision allowing use of suitable collection tubing material, other than stainless steel or aluminum, if approved by the Administrator.	Recognize that other materials may be functionally equivalent.
14. § 85.075–22(g), § 85.175–19(g), § 85.275–22(g).	Remove requirement for recording dynamometer information.	Information recorded elsewhere.
15. § 85.075–22(j), § 85.175–19(j), § 85.275–22(j).	Specify criteria for use of a central laboratory barometer.	Clarify that measurement does not require an individual barometer in every cell.
16. § 85.075–22(n), § 85.175–19(m), § 85.275–22(m).	Remove requirement when conditioning columns are not used; specify that if dilution of sample with ambient air is used, humidity can be used for measurement.	Measurement only necessary when conditioning columns are used; clarify measurement procedure.
17. § 85.075–23(a)(2)	Add provision for substitution of zero grade air for zero grade nitrogen; increase allowed humidity of zero grade air.	Error in 1091/73 publication of technical amendments. Regenize that zero grade air is a satisfactory substitute for zero grade nitrogen.
18. § 85.075–23(a)(6), § 85.075–24(a)(6), § 85.275–23(a)(6), § 85.275–24(a)(6).	Add optional schematic depicting V3 in different locations.	Previous placement of V3 represented a potential danger of overpressurizing the ozonator.
19. § 85.075–23(a)(6), § 85.075–24(a)(6), § 85.275–23(a)(6), § 85.275–24(a)(6).	Add alternative procedure so that in (a)(6)(vii) using most technically correct equation and elaborating on areas of ambiguity in calibration procedure.	Allow use of most technically correct calculation; clarify procedure.
20. § 85.075–23(a)(6)(viii), § 85.075–24(a)(6)(viii), § 85.175–20(a)(6)(viii), § 85.275–20(a)(6)(viii).	Specify criteria which are consistent with § 85.075–20(c)(11).	Clarify the test procedure.
21. § 85.075–24(b)(1)(i), § 85.175–20(b)(1)(i), § 85.275–22(b)(1)(i).	Specify that both disconnection, the CVS from the tailpipe and turning off the CVS pump be conditions for soak.	Taking both actions is not necessary; running pump during soak may improve CVS reliability.
22. § 85.175–21(b)(15–21).	Specify conditions when conditioning column is not used.	Make consistent with criteria specified in § 85.175–18(b)(11) and § 85.175–19(m).
23. § 85.175–23(c)	Specify calculations for case when conditioning column is not used.	Make consistent with criteria specified in § 85.075–20(c)(11) and § 85.075–22(n).
24. § 85.075–26(c), § 85.275–26(c).	Delete repetitious wording	Error in previous publication.
25. § 85.075–30(b)(1)(ii), § 85.275–30(b)(1)(ii).	Delete provision requiring two durability engines when a particular system is used in only one engine family.	Provision is discriminatory against manufacturers with an undiversified product line.
26. § 85.771–5(c)(2)	Reduce the number of engines selected at random from four to three and speed of maximum rated torque from two to one.	Provision is unnecessary since the second engine is normally identical to the first engine.
27. § 85.874–5(b)(2)	Add provision which permits the Administrator to select an emission data engine on a basis other than fuel rate at maximum rated torque.	Allow the Administrator to select an emission data engine on the basis of features which increase the potential for the worst case emissions of the typical engine as specified in November 15, 1972 CFR § 85.874–5(b)(2).
28. § 85.874–5(b)(3)	Remove mandatory requirement that durability engines must always be selected as currently outlined in the subparagraph.	Minor changes in product line would require testing of a durability engine under current mandatory procedure. Provide additional flexibility testing unnecessary.
29. § 85.874–5(c)(1)	Remove specification for mixing point pressure.	Provide specification for control of vehicle tailpipe pressure in § 85.076–20(b)(2) adequate control over mixing point pressure.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Miscellaneous Amendments

The need for a number of technical amendments has been identified. These amendments and corrections are set forth in this publication and are described in the table below.

The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking, public rulemaking procedure, and postponement of effective date in the issuance of these amendments, in that (1) none of the changes in any way invalidate the test procedures currently used by the manufacturers as prescribed by regulation for the 1974 and 1975 model year and (2) the changes primarily remove requirements and restrictions which have been found to be unnecessary for assuring compliance with the standards. These amendments do not in any way require a manufacturer to make changes in the certification test procedures, but rather permit modifications in test procedures if a manufacturer elects to utilize the modifications hereby authorized. The only new requirement is that manufacturers who request EPA to use special exhaust gas sampling systems having very low pressure must substantiate the need for the closer tolerance.

Note that the following explanation of the changes made by these technical amendments are presented in a sequence that disregards the subpart affected but rather in a sequence governed by the paragraph number after the hyphen (i.e., -5b, -13b, -14, etc.). This is done to avoid redundancy in these explanations, for the paragraph number in each case deals with the identical subject matter in each of the several major subparts of the regulation. In contrast, to comply with FEDERAL REGISTER requirements, the amendments themselves are presented separately for each subpart.

EXPLANATION OF TECHNICAL AMENDMENT CHANGES

Section	Change	Reason
1. § 85.275–5(b)(2)	Remove requirement that if any single displacement control system represents over 70 percent of projected family sales, two emission data vehicles must be selected unless permits A dministrator to make such a selection if total family sales are high.	Provision was discriminatory against manufacturers with an undiversified product line.
2. § 85.075–13(b)-(1), § 85.074–13(b)(1), § 85.275–13(b)(1).	Remove required recording of fuel temperature data during the running loss test.	Procedure has been determined to be unnecessary.
3. § 85.075–13(d), § 85.074–13(d), § 85.275–13(d).	Add optional procedure increasing the allowable temperature range of the fuel prior to delivery to the fuel tank and placing the instruction for recording the fuel and ambient temperature after the fuel tank fill rather than after the diurnal soak for draining and recharging the fuel tank.	Allow movement of the vehicle between fueling and the start of the diurnal soak since some laboratories cannot conduct the diurnal soak at the vehicle fueling site due to safety considerations.
4. § 85.075–14(b), § 85.074–14(b), § 85.175–12(b), § 85.275–14(b).	Increase speed tolerance on dynamometer driving schedule during vehicle preconditioning.	Less stringent speed tolerance during preconditioning will have no effect on exhaust emission results and will allow the use of more types of dynamometers.
5. § 85.075–15–(e).	Specify that all accessories must be turned off for engine startup during the cold start test.	Wording should have been carried forward from § 85.074–15(a) but was not.
6. § 85.075–15(a), § 85.074–15(a), § 85.175–13(a), § 85.275–15(a).	Remove time restriction for setting dynamometers using automatic control of preabsorbable power settings.	Restriction has been determined to be unnecessary.
7. § 85.075–20(e), § 85.175–18(e), § 85.275–20(e).	Add provision that exact conformance with schematics is not mandatory.	Recognize that other configurations of the required components can produce accurate results.
8. § 85.075–30(b)(1)(i), § 85.074–30(b)(1)(i), § 85.175–30(b)(1)(i), § 85.275–30(b)(1)(i).	Remove specification for mixing point pressure.	Provide specification for control of vehicle tailpipe pressure in § 85.076–20(b)(2) adequate control over mixing point pressure.

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EXPLANATION OF TECHNICAL AMENDMENT CHANGES—Continued

Section	Change	Reason
30. § 85.074-30(b)(1)(i), § 85.074-30(b)(1)(i).	Correct reference and language in paragraph.	Error in November 15, 1972 recompilation.
31. § 85.074-30(b)(1)(ii), § 85.074-30(b)(1)(ii).	Add language to define the engine model affected in the event the test engine failed to comply with the emission standards.	Result of additional selection criteria in § 85.074-5(b)(2).
32. Appendix V	Delete Appendix V and the associated schematic.	Information has become common knowledge in the industry; a variety of configurations have been shown to produce equivalent results; therefore, a specific drawing is no longer needed.

Part 85 of Chapter I, of Title 40 of the Code of Federal Regulations as applicable beginning with the 1974 model year is amended as follows, effective on May 23, 1974.

(Secs. 202, 206, 301(a), Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, and 1857g(a)))

Dated: May 13, 1974.

JOHN QUARLES,
Acting Administrator.

1. In § 85.074-13, a sentence is added after "conditions prescribed", paragraph (b)(1) is revised, and paragraph (d) is added. As amended, the section reads as follows:

§ 85.074-13 Evaporative emission collection procedure.

* * *. An alternative procedure to that described in paragraph (a) is presented in paragraph (d).

* * * * * *

(b) *Running loss test.* (1) The vehicle shall be placed on the dynamometer.

* * * * * *

(d) *Alternative to paragraph (a): Diurnal breathing loss test.* (1) The test vehicle shall be allowed to "soak" in an area where the ambient temperature is maintained between 60° F. and 86° F. for a period of not less than 10 hours. (The vehicle preparation requirements of § 85.074-11 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 76° F. and 86° F.

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 85.074-12, shall be drained and recharged with the specified test fuel, § 85.074-10(a), to the prescribed "tank fuel volume," defined in § 85.002. The temperature of the fuel prior to delivery to the fuel tank shall be between 50° and 60° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Connect the prescribed fuel tank thermocouple to the recorder and record the fuel and ambient temperatures at a chart speed of approximately 12 inches per hour (or equivalent record). Plug the exhaust pipe(s) and inlet pipe to the air cleaner and when the fuel temperature reaches 60°±2° F. install the prescribed vapor collection systems on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84° F.±2° F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour, following admittance to the 76° F.–86° F. soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

2. In § 85.074-14, paragraph (b) is revised. As amended, the section reads as follows:

§ 85.074-14 Dynamometer driving schedule.

* * * * * *

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 85.074-15, is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 85.074-19(f) are adhered to. When conducted to meet the requirements of § 85.074-12, the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 m.p.h.

* * * * * *

3. In § 85.074-15, paragraph (j) is revised and reads as follows:

§ 85.074-15 Dynamometer procedure.

* * * * * *

(j) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

* * * * * *

4. In § 85.074-20, paragraphs (b)(1) and (b)(2) are revised. As amended, the section reads as follows:

§ 85.074-20 Sampling and analytical system (exhaust emissions).

* * * * * *

(b) * * *

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

(2) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances to ±1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

* * * * * *

5. In § 85.074-22, paragraphs (g) and (j) are revised. As amended, the section reads as follows:

§ 85.074-22 Information to be recorded.

* * * * * *

(g) Indicated road load power absorption at 50 m.p.h. and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator: *Provided*, The test cell records show the pertinent information.

* * * * * *

(j) Test cell barometric pressure, ambient temperature, and humidity.

NOTE: A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1% of the barometric pressure at the central barometer location.

* * * * * *

6. In § 85.074-23, paragraph (a)(6) is revised and Figure A74-8 is added. As amended, the section reads as follows.

§ 85.074-23 Analytical system calibration and sample handling.

(a) * * *

(6) NO_x Converter Efficiency Determination: The apparatus described and illustrated in Figure A74-7 or Figure A74-8 is to be used to determine the conversion efficiency of devices that convert NO_x to NO.

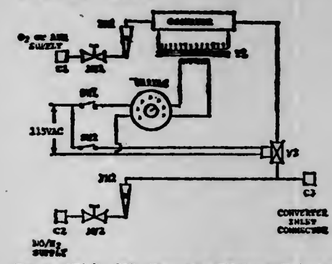


FIGURE A74-7.—NO_x Converter Efficiency Detector

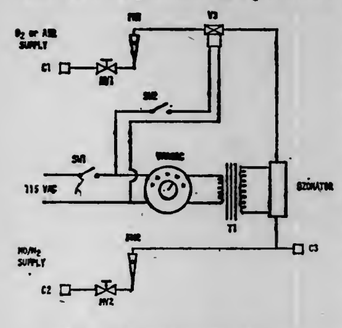


FIGURE A74-8 - NO_x CONVERTER EFFICIENCY DETECTOR

The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/N_2 supply (150–250 p.p.m.) at C2, the O_2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

(ii) With the efficiency detector variac off, place the NO_x converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent om (ii). NO_2 is now being formed from the NO+O_2 reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NO_x converter in the convert mode. The analyzer will now indicate the total NO_x concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+O_2 is still passing through the converter. This reading is the total NO_x concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation (A).

$$\% \text{ Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100 \text{ percent} \qquad (A)$$

(The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range. See alternate procedure in pargraph (a)(6)(viii).

(viii) Alternative to paragraph (a)(6)(vii): Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2. Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation (A).

$$(A) \qquad \% \text{ Eff.} = \left[1 + \frac{(v-vi)}{(iii-iv)}\right] \times 100\%$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Although steps (ii) and (viii) are not used in the calculations, their values should be recorded to complete the data set for the test sequence. This procedure does not depend on the amount of NO_2 in the span gas nor the equivalence of flows in the bypass and converter modes; however, to be consistent with good operating practice, flows should be nominally the same, and the NO_2 concentration should be less than 5% of the NO span concentration. Efficiency checks should be made at a frequency (daily to weekly) consistent with good quality assurance provisions.

* * * * * *

7. In § 85.075-13, a sentence is added after conditions prescribed", paragraph (b)(1) is revised, and paragraph (d) is added. As amended, the section reads as follows:

§ 85.075-13 Evaporative emission collection procedure.

* * *. An alternative procedure to that described in paragraph (a) is presented in paragraph (d).

* * * * * *

(b) *Running loss test.* (1) The vehicle shall be placed on the dynamometer.

* * * * * *

(d) *Alternate to paragraph (a): Diurnal breathing loss test.* (1) The test vehicle shall be allowed to "soak" in an area where the ambient temperature is maintained between 60° F. and 86° F. for a period of not less than 10 hours. (The vehicle preparation requirements of § 85.075-11 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 76° F. and 86° F.

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 85.075-12, shall be drained and recharged with the specified test fuel, § 85.075-10(a), to the prescribed "tank fuel volume," defined in § 85.002. The temperature of the fuel prior to delivery to the fuel tank shall be between 50° and 60° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Connect the prescribed fuel tank thermocouple to the recorder and record the fuel and ambient temperatures at a chart speed of approximately 12 inches per hour (or equivalent record). Plug the exhaust pipe(s) and inlet pipe to the air cleaner and when the fuel temperature reaches 60°±2°F install the prescribed vapor collection systems on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to head the fuel in the tank to 84°F.±2° F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour, following admittance to the 76° F.–86° F. soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

8. In § 85.075-14, paragraph (b) is revised. As amended, the section reads as follows:

§ 85.075-14 Dynamometer driving schedule.

* * * * * *

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 85.075-15, is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the

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tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 85.075–19(f) are adhered to. When conducted to meet the requirements of § 85.075–12, the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 m.p.h.

• • • • • •

9. In § 85.075–15, paragraph (a) is corrected and paragraph (j) is revised. As amended, the section reads as follows:

§ 85.075–15 Dynamometer procedure.

• • • • • •

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour soak according to the provisions of §§ 85.075–12 and 85.075–13 and a "hot" start test with a 10-minute soak between the two tests. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. The composite samples collected in bags are analyzed for hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, and oxides of nitrogen.

• • • • • •

(j) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

10. In § 85.075–20, paragraphs (a), (b)(1), (b)(2), and (c), and Figure A75–2 are revised. As amended, the section reads as follows:

§ 85.075–20 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawings.* The following figures (Figs. A75–1 and A75–2) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

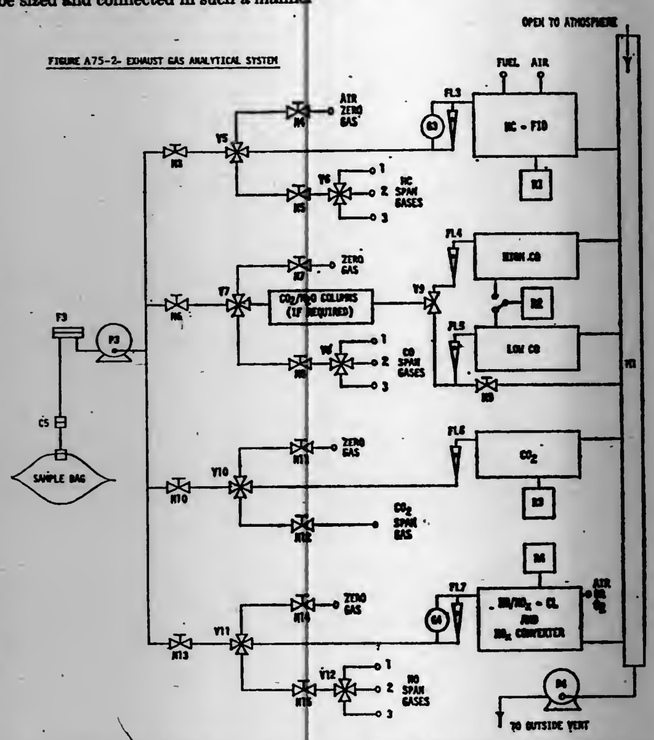
(b) • • •

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

(2) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances to ±1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

• • • • • •

FIGURE A75–2. EXHAUST GAS ANALYTICAL SYSTEM



(c) *Component description (exhaust gas analytical system).* The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. See Appendix V. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure A75–2.

(1) Quick-connect leak-tight fitting (C5) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matter from the collected sample.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V5, V6, V7, V8, V9, V10, V11, and V12) for directing samples, span gases or zeroing gases to the analyzers.

(5) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(6) Flowmeters (FL3, FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(7) Pressure gauges (G3 and G4) to facilitate greater precision in setting and reading flowrates.

(8) Manifold (M1) to collect the expelled gases from the analyzers.

(9) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(10) Analyzers to determine hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen concentrations See § 85.075–23(a).

(11) Sample conditioning column containing $CaSO_4$ or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

NOTE: If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted. See §§ 85.075–22(n), and 85.075–26(c). A CO instrument will be considered to be essentially free of CO_2 and water vapor interference of its response to a mixture of 3 percent CO_2 in N_2, which has been bubbled through water at room temperature (68°–86° F.), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(12) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

11. In § 85.075–21, paragraph (b)(2)(iii) is revised. As amended, the section reads as follows:

§ 85.075–21 Sampling and analytical system (fuel evaporative emissions).

• • • • • •

(b) • • •

(2) • • •

(iii) Collection tubing—stainless steel, aluminum, or other suitable material approved by the Administrator, $\frac{5}{16}$ inch ID, for connecting the collection traps to the fuel system vents.

• • • • • •

12. In § 85.075–22, paragraphs (g), (j), and (n) are revised. As amended, the section reads as follows:

§ 85.075–22 Information to be recorded.

• • • • • •

(g) Indicated road load power absorption at 50 m.p.h. and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vhelcle test cell number may be used, with the advance approval of the Administrator: *Provided*, The test cell records show the pertinent information.

• • • • • •

(j) Test cell barometric pressure, ambient temperature, and humidity.

NOTE: A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

• • • • • •

(n) The humidity of the dilution air.

NOTE: If conditioning columns are not used (see § 85.075–20(c)(11)), this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

13. In § 85.075–23, paragraph (a) is revised and Figure A75–8 is added. As amended, the section reads as follows.

§ 85.075–23 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade air or zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 400 p.p.m. (0.04 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired range. Select the desired attenuation scale of the HC analyzer, set the capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to with ±2 percent of the true values.

(5) Compare values obtained on the CO and CO_2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction.

(6) NO_x converter efficiency determination: The apparatus described and illustrated in Figure A 75–7 or Figure A 75–8 is to be used to determine the conversion efficiency of devices that convert NO_2 to NO. The following procedure is to be used for determining the values to be used in Equation (A).

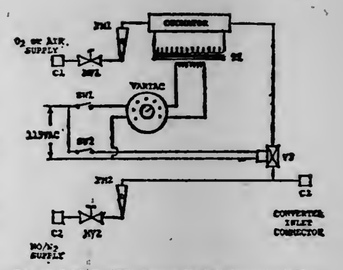


FIGURE A 75–7—NO_x Converter Efficiency Detector.

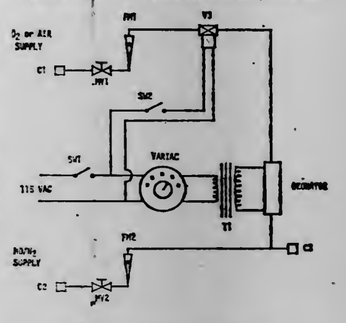


FIGURE A75–8 – NO_2 CONVERTER EFFICIENCY DETECTOR

(i) Attach the NO/N_2 supply (150–250 ppm) at C2, the O_2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

(ii) With the efficiency detector variac off, place the NO_x converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO_2 is now being formed from the $NO+O_2$ reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NO_x converter in the convert mode. The analyzer will not indicate the total NO_x concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The

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mixture $NO+O_2$ is still passing through the converter. This reading is the total NO_x concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO_2 converter by substituting the concentrations obtained during the test into Equation (A).

$$\%\ \text{Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100 \text{ percent} \quad \text{(A)}$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the intrument range. See alternate procedure in paragraph (a)(6)(viii).

(viii) Alternative to paragraph (a)(6)(vii): Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO converter by substituting the concentrations obtained during the test into Equation (A).

$$(A)_\ \%\text{Eff.} = \left[1+\frac{(v-vi)}{(iii-iv)}\right]\times 100\%$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Although steps (ii) and (vii) are not used in the calculations, their values should be recorded to complete the data set for the test sequence. This procedure does not depend on the amount of NO_2 in the span gas nor the equivalence of flows in the bypass and converter modes; however, to be consistent with good operating practice, flows should be nominally the same, and the NO_2 concentration should be less than 5% of the NO_2 span concentration. Efficiency checks should be made at a frequency (daily to weekly) consistent with good quality assurance provisions.

(7) Check the efficiency of the sample conditioning system, if used, by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble a mixture of 3% CO_2 in N_2 through water at room temperature (68°–86°F.), through the conditioning column into the CO instrument. If the response meets the criteria of § 85.075–20(c)(11), then the conditioning column is functioning acceptably. If the response is higher than the specified limit, a new conditioning column should be installed and the test repeated.

(iv) Sample conditioning systems should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

• • • • • •

14. In § 85.075–26, paragraph (c) is revised. As amended, the section reads as follows:

§ 85.075–26 Calculations (exhaust emissions).

• • • • • •

(c) **Meaning of symbols:**

HC_{mass} = Hydrocarbon emissions, in grams per test phase.

$Density_{HC}$ = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (16.33 gm./cu. ft.).

HC_{corr} = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane×3.

$HC_{corr} = HC_s - HC_d(1-1/DF)$

where:

HC_s = Hydrocarbon concentrations of the dilute exhaust sample as measured, in p.p.m. carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

$NO_{x\,mass}$ = Oxides of nitrogen emissions, in grams per test phase.

$Density_{NO_2}$ = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x\,corr}$ = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

$NO_{x\,corr} = NO_{xs} - NO_{xd}(1-1/DF)$

where:

NO_{x_s} = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.

NO_{x_d} = Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

CO_{mass} = Carbon monoxide emissions, in grams per test phase.

$Density_{CO}$ = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

CO_{corr} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO_2 extraction, in p.p.m.

$CO_{corr} = CO_s - CO_d(1-1/DF)$

where:

CO_s = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$CO_s = (1-0.01925CO_{2_s} - 0.000323R)CO_{sm}$

where:

CO_{sm} = Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.

CO_{2_s} = Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

R = Relative humidity of the dilution air, in percent. (see § 85.075–23(n))

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

$CO_d = (1-0.000323R)CO_{dm}$

where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

NOTE.—If a CO instrument which meets the criteria specified in § 85.075–20(e)(11) is used and the conditioning column has been deleted, CO_{sm} can be substituted directly for CO_s and CO_{dm} can be substituted directly for CO_d.

$$DF = \frac{13.4}{CO_{2_s}+(HC_s+CO_s)\times 10^{-4}}$$

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528° R and 760 mm. Hg).

$$V_{mix} = V_o \times N \frac{(P_B - P_A)\ (528°\ F)}{(760\ \text{mm. Hg})\ (T_p)}$$

where:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump. (See calibration techniques in Appendix III)

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure in mm. Hg.

P_A = Pressure depression below atmosphere measured at the inlet to the positive displacement pump.

T_p = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

K_H = Humidity correction factor.

$$K_H = \frac{1}{1-0.0047\ (H-75)}$$

where:

H = Absolute humidity in grains of water per pound of dry air.

$$H = \frac{(43.478)\ R_a \times P_d}{P_B - (P_d \times R_a/100)}$$

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

• • • • • •

15. In § 85.075–30, paragraph (b)(1)(ii) is corrected by deleting the words "the same" which follow the words "represent all vehicles".

16. In § 85.175–12, paragraph (b) is revised. As amended, the section reads as follows:

§ 85.175–12 Dynamometer driving schedule.

• • • • • •

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I to this part or as printed on a driver's aid chart approved by the Administrator when conducted to meet the requirements of 85.175–13, is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicles is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable: *Provided*, The provisions of § 85.175–17(d) are adhered to. When conducted to meet the requirements of § 85.175–11, the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 m.p.h.

17. In § 85.175–13, paragraph (a) is corrected and paragraph (j) is revised. As amended, the section reads as follows:

§ 85.175–13 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12 hour soak and a "hot" start test with a 10 minute soak between the two tests. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shut-down make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. Diesel hydrocarbons are analyzed continuously, with manual or electronic integration, during each test. The composite (flow integrated) samples collected in bags are analyzed for carbon

monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of dilution air is analyzed for hydrocarbon, carbon monoxide and oxides of nitrogen.

• • • • • •

(j) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

18. In § 85.175–18, paragraphs (a), (b)(1), (b)(2), (c), and (d), and Figures B 175–2 and B 175–3, are revised. As amended, the section reads as follows:

§ 85.175–18 Sampling and analytical systems (exhaust emissions).

(a) *Schematic drawings.* The following figures (Fig. B 175–1, B 175–2, and B 175–3) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) • • •

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

(2) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances to ±1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

• • • • • •

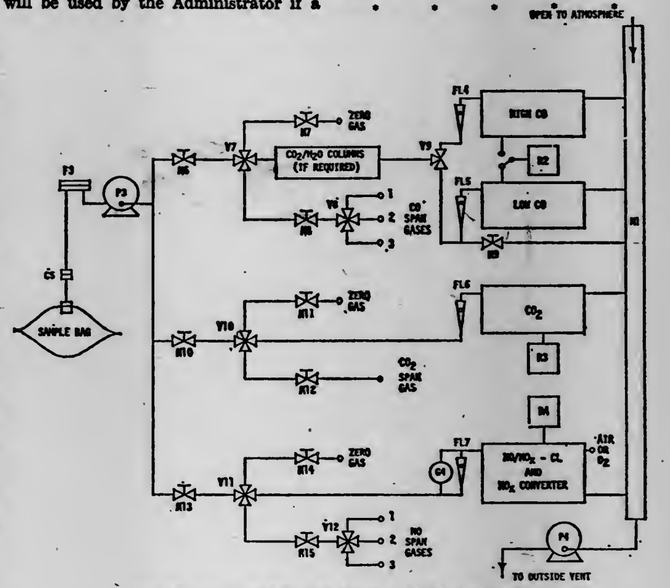


Figure B175-2 Exhaust Gas Batch Analytical System

(c) *Component description (exhaust gas batch analytical system).* The following components will be used in the exhaust gas batch analytical system for testing under the regulations in this part. The analytical system provides for the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B 175–2.

(1) Quick-connect, leak-tight fitting (C5) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matter from the collected sample.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V7, V8, V9, V10, V11, and V12) for directing samples, span gases or zeroing gases to the analyzers.

(5) Flow control valves (N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(6) Flowmeters (FL4, FL5, FL6, and FL7) to indicate gas flow rates.

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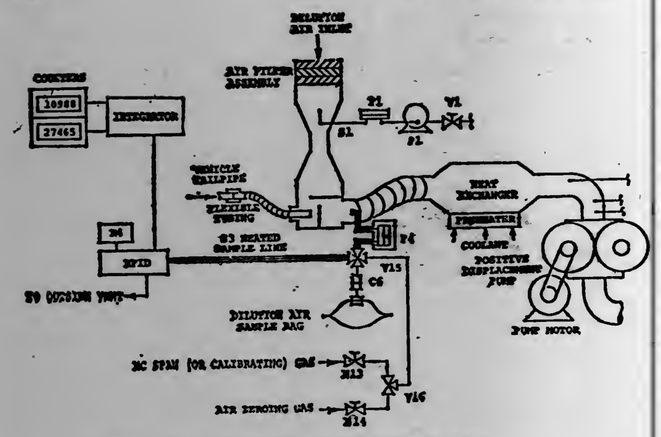


Figure B 175-3 Diesel Hydrocarbon Continuous Analysis System

(7) Pressure gauge (G4) to facilitate greater precision in setting and reading flowrate.

(8) Manifold (M1) to collect the expelled gases from the analyzers.

(9) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the testroom (optional).

(10) Analyzers to determine carbon monoxide, carbon dioxide and oxides of nitrogen concentrations (see 85.175–20(a)).

(11) Sample conditioning column containing $CaSO_4$ or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

NOTE: If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted. See 85.175–19(m) and 85.175–23(c).

A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2, which has been bubbled through water at room temperature (68°–86° F.), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(12) Recorders (R1, R2, and R3) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

(d) *Component description (exhaust gas continuous analytical system).* The following components will be used in the exhaust gas continuous analytical system for testing under regulations in this part. This analytical system provides for the continuous determination of exhaust hydrocarbon concentration by heated flame ionization detector (HFID) analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B175–3.

(1) Heated continuous sampling line (S3).

(2) Heated filter (F4) to remove particulate matter from heated hydrocarbon sample.

(3) Selector valves (V5 and V6) for directing the continuous dilute exhaust sample, dilution air bag sample, span or zeroing gases to the analyzers.

(4) Quick-connect, leak-tight fitting (C6) to attach dilution air sample bag to analytical system.

(5) Heated hydrocarbon analyzer (HFID) complete with heated pump, filter, and flow control system. The response time of this instrument shall be less than 1 second for 90 percent of full scale response. Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(6) Chart recorder (R1) and analog integrator with two readouts, or chart recorder (R1) and on-line digital computer for manual or electronic integration of analyzer output signal during the three operating phases of the test.

(7) Flow control valves (N4 and N5) to regulate the gas flow rates.

19. In § 85.175–19, paragraphs (g), (j), and (m) are revised. As amended, the section reads as follows:

§ 85.175–19 Information to be recorded.

• • • • •

(g) Indicated road load power absorption at 50 m.p.h. and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator: *Provided*, The test cell records show the pertinent information.

• • • • •

(j) Test cell barometric pressure, ambient temperature, and humidity.

NOTE: A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

• • • • •

(m) The humidity of the dilution air.

NOTE: If conditioning columns are not used (see § 85.175–18(c)(11)), this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

• • • • •

20. In § 85.175–20, paragraph (a) is revised and Figure B175–8 is added. As amended, the section reads as follows.

§ 85.175–20 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance. Operate heated hydrocarbon analyzer, sampling line, and filter at 375°±10° F.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade air or zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 400 p.p.m. (0.04 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired ranges. Select the desired attenuation scale of the HC analyzer, set the sample capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the NO_x analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to with ±2 percent of the true values.

(5) Compare values obtained on the CO and CO_2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction.

(6) NO_x converter efficiency determination. The apparatus described and illustrated in Figure B 175–7 or Figure B 175–8 is to be used to determine the conversion efficiency of devices that convert NO_x to NO.

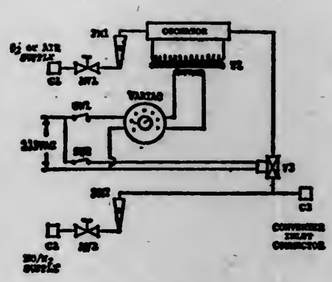


FIG. B 175-7—NO_x CONVERTER EFFICIENCY DETECTOR

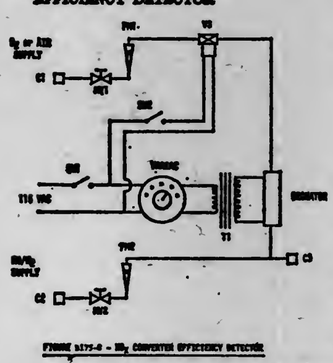


FIGURE B175-8 – NO_x CONVERTER EFFICIENCY DETECTOR

The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/N_2 supply (150–250 p.p.m.) at C2, the O_2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

(ii) With the efficiency detector variac off, place the NO_2 converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO_2 is now being formed from the NO+N_2 reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NO_2 converter in the convert mode. The analyzer will now indicate the total NO_x concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+O_2 is still passing through the converter. This reading is the total NO_x concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2. Calculate the efficiency of the NO_2 converter by substituting the concentrations obtained during the test into Equation (A).

EQUATION A

$$\%\,\text{Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100\,\%$$

The efficiency of the converter should be greater than 90 percent. Adjustment of the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range. See alternate procedure in paragraph (a)(6)(viii).

(viii) Alternative to paragraph (a)(6)(vii): Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO_2 converter by substituting the concentrations obtained during the test into Equation (A).

$$\text{(A)}\quad \%\,\text{Eff.} = \left[1 + \frac{(v-vi)}{(iii-iv)}\right] \times 100\,\%$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Although steps (ii) and (vii) are not used in the calculations, their values should be recorded to complete the data set for the test sequence. This procedure does not depend on the amount of NO_2 in the span gas nor the equivalence of flows in the bypass and converter modes; however, to be consistent with good operating practice, flows should be nominally the same, and the NO_2 concentration should be less than 5 percent of the NO_x span concentration. Efficiency checks should be made at a frequency (daily to weekly) consistent with good quality assurance provisions.

(7) Check the efficiency of the sample conditioning system, if used, by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble a mixture of 3% CO_2 in N_2 through water at room temperature (68°–86° F.), through the conditioning column into the CO instrument. If the response meets the criteria of § 85.175–18(c)(11), then the conditioning column is functioning acceptably. If the response is higher than the specified limit, a new conditioning column should be installed and the test repeated.

(iv) Sample conditioning systems should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

• • • • •

21. In § 85.175–21, paragraph (b)(15) is revised, the language in paragraph (b)(16) is deleted, and paragraphs (b)(17) through (b)(21) are redesignated (b)(16) through (b)(20), respectively. As amended, the section reads as follows:

§ 85.175–21 Dynamometer test runs.

• • • • • •

(b) • • •

(15) Turn off the positive displacement pump or disconnect the exhaust tube from the tailpipe of the vehicle.

(16) Repeat the steps in subparagraphs (2) through (10) of this paragraph for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in subparagraph (7) of this paragraph shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot start test sample period.)

(18) As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the hot start "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.175–20.

(19) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(20) The positive displacement pump may be turned off, if desired.

22. In § 85.175–23, paragraph (c) is revised. As amended, the section reads as follows:

§ 85.175–23 Calculations (exhaust emissions).

• • • • •

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Where:

HC_e = Average hydrocarbon concentrations of the dilute exhaust sample as calculated from the integrated HC trace, in p.p.m. carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

$NO_{x,mass}$ = Oxides of nitrogen emissions, in grams per test phase.

$Density_{NO}$ = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x,c}$ = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

$$NO_{x,c} = NO_{x,e} - NO_{x,d}(1 - 1/DF)$$

Where:

$NO_{x,e}$ = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.

$NO_{x,d}$ = Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

CO_{mass} = Carbon monoxide emissions, in grams per test phase.

$Density_{CO}$ = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

$CO_{c,c}$ = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO_2 extraction, in p.p.m.

$$CO_{c,c} = CO_c - CO_d(1 - 1/DF)$$

Where:

CO_c = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$$CO_c = (1 - 0.01925\ CO_{2,c} - 0.000323\ R)\ CO_{e,c}$$

Where:

$CO_{e,c}$ = Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.

$CO_{2,c}$ = Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

R = Relative humidity of the dilution air, in percent. (See 85.175-19(m))

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

$$CO_d = (1 - 0.000323\ R)\ CO_{d,e}$$

Where:

$CO_{d,e}$ = Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

NOTE: If a CO instrument which meets the criteria specified in 85.175-19(b)(1) is used and the conditioning column has been deleted, $CO_{e,c}$ can be substituted directly for CO_c and $CO_{d,e}$ can be substituted directly for CO_d.

$$DF = \frac{13.4}{CO_{2,c} + (HC_c + CO_c) \times 10^{-4}}$$

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528° R and 760 mm. Hg).

$$V_{mix} = V_p N K_H \frac{(P_B - P_1)}{(760\ \text{mm. Hg})(T_p)}\ (528°\ R).$$

Where:

V_p = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump. (See calibration techniques in Appendix III)

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure in mm. Hg.

P_1 = Pressure depression below atmospheric measured at the inlet to the positive displacement pump.

T_p = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

K_H = Humidity correction factor.

$$K_H = \frac{1}{1 - 0.0047(H - 75)}$$

NOTE: The constant 0.0047 will be updated to reflect any data which becomes available on Light-Duty diesel engine tests.

Where:

H = Absolute humidity in grains of water per pound of dry air.

$$H = \frac{(43.478)\ R_a \times P_d}{P_B - (P_d \times R_a/100)}$$

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

• • • • • • • • • •

§ 85.275–5 [Amended]

23. In 85.275–5, paragraph (b)(2) is revised by substituting "may" for "will" after the words "of that combination" in the fourth sentence of the paragraph.

24. In § 85.275–13, a sentence is added after "conditions prescribed", paragraph (b)(1) is revised, and paragraph (d) is added. As amended, the section reads as follows:

§ 85.275–13 Evaporative emission collection procedure.

• • •. An alternative procedure to that described in paragraph (a) of this section is presented in paragraph (d) of this section.

• • • • • • • • • •

(b) *Running loss test.* (1) The vehicle shall be placed on the dynamometer.

• • • • • • • • • •

(d) *Alternative to paragraph (a): Diurnal breaching/loss test.* (1) The test vehicle shall be allowed to "soak" in an area where the ambient temperature is maintained between 60° F. and 86° F. for a period of not less than 10 hours. (The vehicle preparation requirements of § 85.275–11 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 76° F. and 86° F.

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 85.275–12, shall be drained and recharged with the specified test fuel, § 85.275–10(a), to the prescribed "tank fuel volume," defined in § 85.202. The temperature of the fuel prior to delivery to the fuel tank shall be between 50° and 60° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Connect the prescribed fuel tank thermocouple to the recorder and record the fuel and ambient temperatures at a chart speed of approximately 12 inches per hour (or equivalent record). Plug the exhaust pipe(s) and inlet pipe to the air cleaner and when the fuel temperature reaches 60°±2° F install the prescribed vapor collection systems on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84°±2° F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour, following admittance to the 76° F.–86° F. soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

25. In § 85.275–14, paragraph (b) is revised. As amended, the section reads as follows:

§ 85.275–14 Dynamometer driving schedule.

• • • • • • • • • •

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 85.275–15, is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable: *Provided*, The vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable: *Provided*, The provisions of § 85.275–19(f) are adhered to. When conducted to meet the requirements of § 85.275–12, the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 m.p.h.

• • • • • • • • • •

26. In § 85.275–15, paragraph (a) is corrected and paragraph (j) is revised. As amended, the section reads as follows:

§ 85.275–15 Dynamometer procedure.

• • • • • • • • • •

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour soak according to the provisions of §§ 85.275–12 and 85.275–13 and a "hot" start test with a 10-minute soak between the two tests. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. The composite samples collected in bags are analyzed for hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, and oxides of nitrogen.

• • • • • • • • • •

(j) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

27. In § 85.275–20, paragraphs (a); (b)(1), (b)(2), and (c), and Figure C75–2 are revised. As amended, the section reads as follows:

§ 85.275–20 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawings.* The following figures (Figs. C75–1 and C75–2) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) • • •

(1) A dilution air filter asembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

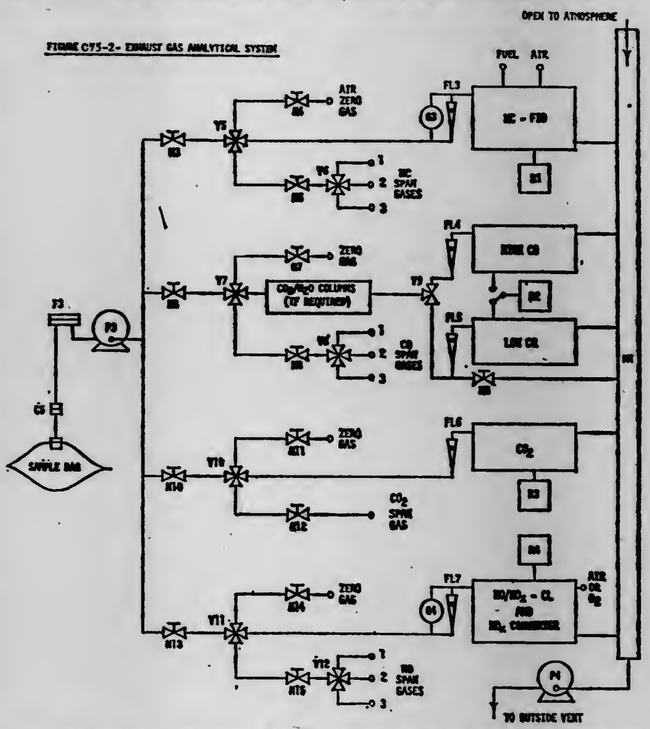
(2) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances of ±1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

• • • • • • • • • •

(See figure attached)

(c) *Component description (exhaust gas analytical system).* The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. See Appendix V. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure C75–2.

FIGURE C75–2– EXHAUST GAS ANALYTICAL SYSTEM



(1) Quick-connect leak-tight fitting (C5) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matters from the collected sample.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V5, V6, V7, V8, V9, V10, V11, and V12) for directing samples, span gases or zeroing gases to the analyzers.

(5) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(6) Flowmeters (FL3, FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(7) Pressure gauges (G3 and G4) to facilitate greater precision in setting and reading flow rates.

(8) Manifold (M1) to collect the expelled gases from the analyzers.

(9) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(10) Analyzers to determine hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen concentrations. See § 85.275–23(a).

(11) Sample conditioning column containing $CaSO_4$ or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

NOTE: If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted. See §§ 85.275–22(n), and 85.275–26(c). A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2, which has been bubbled through water at room temperature 68°–86° F.), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(12) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acqui-

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sition systems are incorporated, the computer facility printout may be used.

28. In 85.275–21, paragraph (b) (2) (iii) is revised. As amended, the section reads as follows:

§ 85.275–21 Sampling and analytical system (fuel evaporative emissions).

• • • • •

(b) • • •

(2) • • •

(iii) Collection tubing—stainless steel, aluminum, or other suitable material approved by the Administrator, 5/16 inch ID, for connecting the collection traps to the fuel system vents.

29. In § 85.275–22, paragraphs (g), (j), and (n) are revised. As amended, the section reads as follows:

§ 85.275–22 Information to be recorded.

• • • • •

(g) Indicated road load power absorption at 50 m.p.h. and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator: *Provided*, That the test cell records show the pertinent information.

• • • • •

(j) Test cell barometric pressure, ambient temperature, and humidity.

NOTE: A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

• • • • •

(n) The humidity of the dilution air.

NOTE: If conditioning columns are not used (see § 85.275–20(c)(11)), this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

30. In § 85.275–23, paragraph (a) is revised and Figure C75–8 is added. As amended, the section reads as follows.

§ 85.275–23 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with either zero grade air or zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 400 p.p.m. (0.04 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired range. Select the desired attenuation scale of the HC analyzer, set the capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the CO and CO_2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction.

(6) NO_x converter efficiency determination: The apparatus described and illustrated in Figure C 75–7 or Figure C 75–8 is to be used to determine the conversion efficiency of devices that convert NO_x to NO.

The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/N_2 supply (150–250 ppm) at C2, the O_2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

(ii) With the efficiency detector variac off, place the NO_x converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

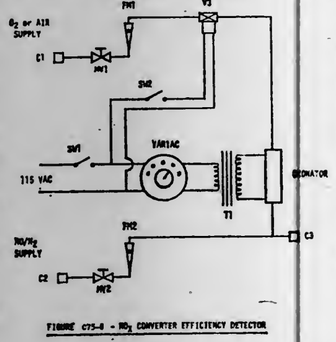


FIGURE C75–8 - NO_2 CONVERTER EFFICIENCY DETECTOR

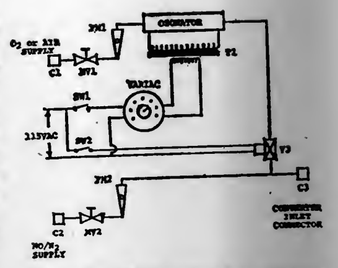


FIGURE 75–7—NO_x Converter Efficiency Detector

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO_2 is now being formed from the $NO+O_2$ reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NO_x converter in the convert mode. The analyzer will now indicate the total NO_x concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture $NO+O_2$ is still passing through the converter. This reading is the total NO_x concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2. Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation

$$\%\,\text{Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100 \text{ percent} \quad (A)$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range. See alternate procedure in paragraph (a)(6)(viii).

(viii) Alternative to paragraph (a)(6)(vii): Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2. Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation (A).

$$\text{(A) } \%\,\text{Eff.} = \left[1 + \frac{(v-vi)}{(iii-iv)}\right] \times 100\,\%$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Although steps (ii) and (viii) are not used in the calculations, their values should be recorded to complete the data set for the test sequence. This procedure does not depend on the amount of NO_2 in the span gas nor the equivalence of flows in the bypass and converter modes; however, to be consistent with good operating practice, flows should be nominally the same, and the NO_2 concentration should be less than 5% of the NO_x span concentration. Efficiency checks should be made at a frequency (daily to weekly) consistent with good quality assurance provisions.

(7) Check the efficiency of the sample conditioning system, if used, by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble a mixture of 3% CO_2 in N_2 through water at room temperature (68°–86° F.), through the conditioning column into the CO instrument. If the response meets the criteria of § 85.275–20(c)(11), then the conditioning column is functioning acceptably. If the response is higher than the specified limit, a new conditioning column should be installed and the test repeated.

(iv) Sample conditioning systems should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

• • • • •

31. In § 85.275–26, paragraph (c) is revised. As amended, the section reads as follows:

§ 85.275–26 Calculations (exhaust emissions).

• • • • •

(c) Meaning of symbols:

HC_{mass} = Hydrocarbon emissions, in grams per test phase.

$Density_{HC}$ = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (16.33 gm./cu. ft).

HC_{conc} = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane × 3.

$HC_{conc} = HC_e - HC_d(1-1/DF)$

where:

HC_e = Hydrocarbon concentrations of the dilute exhaust sample as measured, in p.p.m. carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

$NO_{x_{mass}}$ = Oxides of nitrogen emissions, in grams per test phase.

$Density_{NO_2}$ = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x_{conc}}$ = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

$NO_{x_{conc}} = NO_{x_e} - NO_{x_d}(1-1/DF)$

where:

NO_{x_e} = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.

NO_{x_d} = Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

CO_{mass} = Carbon monoxide emissions, in grams per test phase.

$Density_{CO}$ = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO_2 extraction, in p.p.m.

$CO_{conc} = CO_e - CO_d(1-1/DF)$

where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$CO_e = (1 - 0.01925CO_{fc} - 0.000323R)\,CO_{em}$

where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.

CO_{fc} = Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

R = Relative humidity of the dilution air, in percent.

(see § 85.275–22(n))

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

$CO_d = (1 - 0.000323R)\,CO_{dm}$

where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

NOTE: If a CO instrument which meets the criteria specified in § 85.275–20(c)(11) is used and the conditioning column has been deleted, CO_{em} can be substituted directly for CO_e and CO_{dm} can be substituted directly for CO_d.

$$DF = \frac{13.4}{CO_{fc} + (HC_e + CO_e) \times 10^{-4}}$$

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528°R and 760 mm. Hg).

$$V_{mix} = V_p \times N \frac{(P_B - P_1)\,(528°R)}{(760 \text{ mm. } Hg)\,(T_p)}$$

where:

V_p = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

(See calibration techniques in Appendix III)

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure in mm. Hg.

P_1 = Pressure depression below atmosphere measured at the inlet to the positive displacement pump.

T_p = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

K_H = Humidity correction factor.

$$K_H = \frac{1}{1 - 0.0047\,(H-75)}$$

where:

H = Absolute humidity in grains of water per pound of dry air.

$$H = \frac{(43.478)\,R_a \times P_d}{P_B - (P_d \times R_a/100)}$$

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

• • • • •

32. In § 85.275–30, paragraph (b)(1)(ii) is corrected by deleting the words "the same" which follow the words "represent all vehicles".

33. In § 85.774–5 the language in paragraph (c)(2) is deleted and the space is reserved for future addition.

34. In § 85.874–5, paragraphs (b)(2) and (c)(1) are revised and paragraph (b)(3) is added. As amended, the section reads as follows:

§ 85.874–5 Test engines.

• • • • •

(b) • • •

(2) Engines of each engine family will be divided into groups based upon exhaust emission control system. One engine of each engine-system combination shall be run for smoke emission data as prescribed in § 85.874–7(a). Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine system combination, then one military engine shall be also selected. The engine with the highest fuel feed per stroke will usually be selected.

(3) The Administrator may select a maximum of one additional engine within each engine system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system, fuel system, compression ratio, rated speed, rated horsepower, peak torque speed and peak torque.

(c) • • •

(1) One engine from each engine-system combination shall be tested as prescribed in § 85.874–7(b). Within each combination, the engine which features the highest fuel feed per stroke, primarily at rated speed and secondarily at the speed of maximum rated torque, will usually be selected for durability testing. In the case where more than one engine in an engine-system combination has the highest fuel feed per stroke, the engine with the highest maximum rated horsepower will usually be selected for durability testing. If an engine system combination includes both military and nonmilitary engines, then the nonmilitary

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engine with the highest maximum rated horsepower will usually be selected for durability testing.

• • • • •

35. In § 85.874–30, paragraph (b)(1)(i) is corrected and language for paragraph (b)(1)(ii) is added. As amended the section reads as follows:

§ 85.874–30 Certification.

• • • • •

(b)(1) • • •

(i) A test engine selected under § 85.874–5(b)(2) shall represent all engines in the same engine system combination.

(ii) A test engine selected under § 85.874–5(b)(3) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

• • • • •

36. In § 85.974–30, paragraph (b)(1)(i) is corrected and language for paragraph (b)(1)(ii) is added. As amended the section reads as follows:

§ 85.974–30 Certification.

• • • • •

(b)(1) • • •

(i) A test engine selected under § 85.974–5 in accordance with § 85.874–5(b)(2) shall represent all engines in the same engine system combination.

(ii) A test engine selected under § 85.974–5 in accordance with § 85.874–5(b)(3) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

• • • • •

Appendix V and Associated Schematic [Deleted]

37. Appendix V and the associated schematic are deleted.

[FR Doc.74–11764 Filed 5–22–74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Dehydrated (Low-Moisture) Apricots [1]

On page 3831 of the FEDERAL REGISTER of January 30, 1974, a notice of proposed rulemaking was published that would amend the United States Standards for Grades of Dehydrated (Low-Moisture) Apricots by increasing the limits for moisture from the present 3.5 and 5.0 percent levels to a maximum of 7.5 percent for all styles. Interested persons were given until February 28, 1974, to submit written data, views, or arguments regarding the proposed amendment.

Statement of consideration leading to the amendment. Two major packers of dehydrated (low-moisture) apricots requested the amendment to the U.S. grade standards proposed in the FEDERAL REGISTER of January 30, 1974. The amendment would raise the present maximum moisture limits from 3.5 and 5.0 percent to 7.5 percent.

The rigors of the dehydrating process necessitate the use of a very high quality dried fruit to manufacture a U.S. Grade A dehydrated product. With the growing scarcity of high quality dried fruit, it has been necessary to use a fruit of lesser quality with respect to bruises. The additional processing needed to attain the 3.5 and 5.0 percent moisture level causes the appearance of the dehydrated product to be adversely affected by scorching. The Department feels that the proposed higher moisture level is a reasonable trade-off for retaining the high quality in flavor and appearance of low moisture product when it was processed from very high quality dried fruit.

Two dissenting consumer comments were received. They did not feel that they should be forced to pay for the additional water. The Department contends that:

1. Since these standards are voluntary they are not now controlling the marketing of dehydrated fruit at this moisture level; and

2. Moisture level, per se, is not a factor of quality and should be included in the standards at a high enough level to encompass all product that may be legally labeled "dehydrated" (the level may be restricted by buyers' specifications); and

3. Dehydrated apricots are primarily an institutional item used for remanufacture into bakery and other retail items. A higher moisture level is more suitable for such remanufacturing operations. Essentially the only product, as described by these standards, that reaches the consumer directly is packaged for hikers and back-packers and sold through sporting goods stores.

Comments received from industry support the increased moisture levels. This support is concurred in by the Fruit and Vegetable Division's inspection personnel.

After considering all relevant matters, including the proposal set forth in the aforesaid notice, the following amendment to the United States Standards for Grades of Dehydrated (Low-Moisture) Apricots is hereby promulgated, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

The amendment is:

Section 52.3872 is changed to read:

§ 52.3872 Moisture of low-moisture apricots.

The moisture content of all styles of the finished product shall not be more than 7.5 percent.

Effective date. The amendment to the United States Standards for Grades of Dehydrated (Low-Moisture) Apricots, which have been in effect since November 30, 1959, shall become effective on June 30, 1974.

Dated: May 20, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74–11926 Filed 5–22–74;8:45 am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Dehydrated (Low-Moisture) Peaches [1]

On page 3831 of the FEDERAL REGISTER of January 30, 1974, a notice of proposed rulemaking was published that would amend the United States Standards for Grades of Dehydrated (Low-Moisture) Peaches by increasing the limits for moisture from the present 3.0 and 5.0 percent levels to a maximum of 7.5 percent for all styles. Interested persons were given until February 28, 1974, to submit written data, views, or arguments regarding the proposed amendment.

Statement of consideration leading to the amendment. Two major packers of dehydrated (low-moisture) peaches requested the amendment to the U.S. grade standards proposed in the FEDERAL REGISTER of January 30, 1974. The amendment would raise the present maximum moisture limits from 3.0 and 5.0 percent to 7.5 percent.

The rigors of the dehydrating process necessitate the use of a very high quality dried fruit to manufacture a U.S. Grade A dehydrated product. With the growing scarcity of high quality dried fruit, it has been necessary to use a fruit of lesser quality with respect to bruises. The additional processing needed to attain the 3.0 and 5.0 percent moisture level causes the appearance of the dehydrated product to be adversely affected by scorching. The Department feels that the proposed higher moisture level is a reasonable trade-off for retaining the high quality in flavor and appearance of low moisture product when it was processed from very high quality dried fruit.

Two dissenting consumer comments were received. They did not feel that they should be forced to pay for the additional water. The Department contends that:

1. Since these standards are voluntary they are not now controlling the marketing of dehydrated fruit at this moisture level; and

2. Moisture level, per se, is not a factor of quality and should be included in the standards at a high enough level to encompass all products that may be legally labeled "dehydrated" (the level may be restricted by buyers' specifications); and

3. Dehydrated peaches are primarily an institutional item used for remanufacture into bakery and other retail items. A higher moisture level is more suitable for such remanufacturing operations. Essentially the only product, as described by these standards, that reaches the consumer directly is packaged for hikers and back-packers and sold through sporting goods stores.

Comments received from industry support the increased moisture levels. This support is concurred in by the Fruit and Vegetable Division's inspection personnel.

After considering all relevant matters, including the proposal set forth in the aforesaid notice, the following amendment to the United States Standards for Grades of Dehydrated (Low-Moisture) Peaches is hereby promulgated, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

The amendment is:

Section 52.3912 is changed to read:

§ 52.3912 Moisture of low-moisture peaches.

The moisture content of all styles of the finished product shall not be more than 7.5 percent.

Effective date. The amendment to the United States Standards for Grades of Dehydrated (Low-Moisture) Peaches, which have been in effect since November 30, 1959, shall become effective on June 30, 1974.

Dated: May 20, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74–11927 Filed 5–22–74;8:45 am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 466]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 24–30, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.766 Valencia Orange Regulation 466.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be good. Prices f.o.b. averaged $3.61 per carton on a reported sales volume of 896 carlots last week, compared with an average f.o.b. price of $3.51 per carton and sales of 535 carlots a week earlier. Track and rolling supplies at 683 cars were up 252 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 21, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 24, 1974, through May 30, 1974, are hereby fixed as follows:

(i) District 1: 369,000 cartons;

(ii) District 2: 324,000 cartons;

(iii) District 3: 207,000 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 22, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12104 Filed 5–22–74;12:24 pm]

[Plum Regulation 10]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

This regulation requires that all California plums grade U.S. No. 1 grade except that additional tolerances for defects not considered serious, including healed cracks, and gum spots, are permitted for specified varieties. It also establishes minimum size requirements for certain specified varieties in terms of the number of plums contained in an eight pound sample. This action is necessary to assure that the plums shipped will be of suitable quality and size in the interest of consumers and producers.

Findings. (1) Pursuant to the amended marketing agreement and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation is based upon the appraisal of the current and prospective market conditions for California plums. The committee estimates that 8,126,000 packages of plums will be available for shipment in the 1974 season compared with actual shipment of 6,693,000 packages last season. Although peach production in the 9 Southern States is forecast at 21 percent less than last year, industry reports indicate that 1974 shipments of fresh California peaches and nectarines will be considerably larger than last year. Such peaches and nectarines provide strong competition to California fresh plums. The grade and size requirements hereinafter set forth are necessary to prevent the handling of California plums of a lower grade or smaller size than specified herein for such plums so as to provide good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 24, 1974. A reasonable determination as to the supply of, and the demand for, such plums, which are currently regulated pursuant to Plum Regulation 9 (38 FR 12899, 15728) must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 10, 1974, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified was promptly submitted to the Department on May 13, 1974; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.434 Plum Regulation 10.

(a) Order: During the period May 24, 1974 through July 8, 1974, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1.

(b) During the period May 24, 1974 through July 8, 1974, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade at least U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Angelino, Andy's Pride, Bee Gee Casselman, Empress, Fresno Rosa, Grand Rosa, Improved Late Santa Rosa, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, and Swall Rosa plums unless such plums grade at least U.S. No. 1, except that healed cracks emanating from the stem and which do not cause serious damage shall not be considered as a grade defect with respect to such grade; or

(3) Any lot of packages or other containers of Late Tragedy plums unless such plums grade at least U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period May 24, 1974 through July 8, 1974, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

TABLE I

Column A variety	Column B plums-per-sample
Ace	55
Amason	64
Andy's Pride	60
Angelino	67
Beauty	91
Bee Gee	65
Burmosa	60
Casselman	63
Duarte	62
El Dorado	68
Elephant Heart	53
Emily	59
Empress	57
Friar	56
Frontier	61
Grand Rosa	54
July Santa Rosa	60
Kelsey	47
Laroda	58
Late Duarte	60
Late Santa Rosa (including Improved Late Santa Rosa and Swall Rosa)	64
Late Tragedy	93
Linda Rosa	63
Mariposa	61
Nubiana	56
President	57
Queen Ann	50
Red Beaut	91
Red Rosa	64
Red Roy	56
Rosa Grande	63
Roysum	76
Santa Rosa	60
Sim-ka, Arroza, New Yorker	48
Standard	83
Tragedy	114
Wickson	51

(d) Plum Regulation 9 (38 FR 12899, 15728) is hereby terminated as of the effective date hereof.

(e) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–1536); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 20, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–11982 Filed 5–22–74;8:45 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Countries to Which Restricted and Other Marketable Dates for Further Processing May Be Exported; the Netherlands

Notice was published in the April 30, 1974, issue of the FEDERAL REGISTER (39 FR 15041) regarding a proposal to add the Netherlands to the group of designated date processing and consuming countries north of the Mediterranean Sea to which restricted and other marketable dates meeting certain grade requirements for dates for further processing may be exported. The group of designated countries is specified in § 987.403 of Subpart—Market Determinations (7 CFR 987.401–987.403).

The proposal is pursuant to § 987.55 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the California Date Administrative Committee.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. No such submissions were received.

Section 987.55 authorizes, among other things, the Committee, with the approval of the Secretary, to establish by country or groups of countries such special grade requirements for any variety of restricted dates for export as are deemed essential to the promotion of orderly marketing and facilities sales of such dates in export. That section also provides for the exportation of dates other than restricted dates (i.e., other marketable dates) if they meet the applicable requirements for export.

Pursuant to § 987.403, restricted dates and other marketable dates for further processing may be exported to the following designated date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, and Greece. Processors in the Netherlands have expressed an interest in importing such dates.

To promote orderly marketing and to facilitate export sales of dates meeting the applicable grade requirements of § 987.203(b) for restricted dates and other marketable dates for further processing, the Netherlands should be added to the group of date processing and consuming countries to which dates for further processing may be exported. Authority to export such dates to the Netherlands would also provide the industry with flexibility in selling dates overseas, tend to increase sales of California dates, and tend to improve producer returns.

After consideration of all relevant matter presented, including that in the notice, the recommendation of the Committee, and other available information, it is hereby found that amendment of § 987.403 of Subpart—Market Determinations (7 CFR 987.401–987.403), as hereinafter set forth, is deemed essential to the promotion of orderly marketing and facilitate sales of such dates in export, and will tend to effectuate the declared policy of the act. This amendment adds the Netherlands to the group of date processing and consuming countries

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north of the Mediterranean Sea to which restricted and other marketable dates certified as meeting the applicable grade requirements of § 987.203(b) for further processing may be exported.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making this action effective at the time hereinafter provided in that: (1) This action relieves restrictions on handlers by permitting exportation of dates for further processing to an additional country; (2) processors in the Netherlands have expressed an interest in importing such dates and the domestic date industry should be afforded the opportunity to supply any such demand; (3) handlers are aware of this interest and are prepared to export such dates immediately, and require no additional time for preparation; and (4) no useful purpose would be served by postponing the effective time of this action.

It is, therefore, ordered, That § 987.403 of Subpart—Market Determinations (7 CFR 987.401–987.403) be amended by inserting "Netherlands," immediately after "Italy,".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 17, 1974, to become effective June 3, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74–11783 Filed 5–22–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines portion of Aibonito, Coamo and an additional portion of Barranquitas Municipalities in the Commonwealth of Puerto Rico because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(1) relating to the Commonwealth of Puerto Rico, subdivision (i) relating to Barranquitas Municipality is amended and new subdivisions (v) relating to Aibonito and (vi) relating to Coamo Municipalities are added to read:

(i) *Commonwealth of Puerto Rico.*

(i) That portion of *Barranquitas Municipality* comprised of all of Barrancas, Helechal, Quebradillas and Quebrada Grande Barrios.

* * * * *

(v) That portion of *Aibonito Municipality* comprised of all of Llanos, Asomante, Pasto and Algarrobo Barrios.

(vi) That portion of *Coamo Municipality* comprised of all of Coamo Arriba and Pulguillas Barrios and that portion of Cuyon Barrio lying north of River Rio Cuyon and that portion of Pasto Barrio lying north of River Cuyon and east of River Rio Coamo.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective May 17, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purposes in the public interest. It does not appear that public participation in this rule-making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of May 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–11872 Filed 5–22–74;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Quarantined

This amendment quarantines a portion of Hidalgo County in Texas because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, in paragraph (a)(1) relating to the State of Texas, a new subdivision (v) relating to Hidalgo County is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *Texas.* * * *

(v) That portion of Hidalgo County lying south of U.S. Highway 83, west of the Cameron-Hidalgo County line; north of the United States-Mexico International Boundary line; and east of the Starr-Hidalgo County line.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective May 16, 1974.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of May 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–11871 Filed 5–22–74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74–420]

PART 525—ADVANCES

Rates of Interest on Advances

MAY 13, 1974.

The Federal Home Loan Bank Board considers it desirable to amend § 525.35 of the regulations for the Federal Home Loan Bank System (12 CFR 525.35) in order to permit the Federal Home Loan Banks to make advances to non-member mortgagees at the same rates of interest as on advances of like character to members, when authorized by the Board. Accordingly, the Board hereby revises § 525.35 to read as set forth below, effective May 13, 1974.

The present § 525.35 requires Federal Home Loan Banks to charge an interest rate differential, as therein specified, on advances to non-member mortgagees. As a result of the amendment, the Banks will be permitted flexibility where circumstances warrant and enabled to make advances to such non-members, if so authorized by the Federal Home Loan Bank Board, at the same interest rates as similar advances to members.

Since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

§ 525.35 Rates of interest.

In view of the fact that such non-member mortgagees are not required to maintain an investment in the capital stock of a Bank as is required of members, the rates of interest to be charged on advances to non-member mortgagees shall be not less than one-half of 1 per centum nor more than 1 per centum higher than the rates of interest charged to members on advances of like character, unless otherwise authorized by the Board.

(Secs. 10, 17, 47 Stat. 731, 736, as amended 12 U.S.C. 1430, 1437); Reorg. Plan No. 3 of 1947 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–11879 Filed 5–22–74;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1105—SUBMISSION OF EXISTING STANDARDS; OFFERS TO DEVELOP STANDARDS; AND THE DEVELOPMENT OF STANDARDS

Consumer Product Safety Standards; Requirements and Procedures

Correction

In the document published as Part III at page 16206 of the issue for Tuesday, May 7, 1974, make the following changes: on page 16215 in the 14th line of § 1105.5 (b)(1), "end" should read "and"; and the Federal Register Document Number, which appears in the file line at the end of the document and which now reads "74–10731", should read "74–10371".

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R–369: Order No. 388–A]

PART 1—RULES OF PRACTICE AND PROCEDURE

Termination of Reporting Requirement

MAY 16, 1974.

The Commission by this order clarifies its previous Order No. 388, issued September 25, 1969 (34 FR 15344, Oct. 2, 1969). Order No. 388 terminated the reporting requirement of Schedule No. 520A, Curtailments of Field and Mainline Industrial Customers, of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B).

The Schedule No. 520A reports had been filed separately from the Form No. 2 Annual Report as a confidential report not available to the public except by special request to the Commission. Order No. 388 terminated Schedule No. 520A and deleted it from the list of schedules in § 260.1 of 18 CFR. This order clarifies Order No. 388 by deleting the schedule from § 1.36(c)(15)(iii), Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations. § 1.36(c)(15) lists examples of information which is not part of the public records of the Commission. Since Schedule No. 520A has been terminated, reference to it as an example of non-public records is deleted.

The Commission finds:

(1) It is appropriate and in the public interest in administering the Natural Gas Act to amend the Commission's general rules as ordered herein.

(2) The notice and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendments here adopted. The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), orders:

(A) Effective upon issuance of this order, § 1.36(c)(15), in Part 1, Subchapter A of Chapter I of Title 18 of the Code of Federal Regulations is amended to delete Subdivision (iii) and to renumber Subdivisions (iv) and (v) as (iii) and (iv), respectively.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11860 Filed 5–22–74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 130—ADVANCE OF FUNDS

Subpart D—Advance Right-of-Way Revolving Funds

Chapter I of Title 23, Code of Federal Regulations is amended by adding a new Subpart D, Part 130 as set forth below. Subparts A, B, and C of Part 130 are reserved for future issuances. Subpart D codifies policies and procedures contained in Volume 1, Chapter 3, Section 4 of the Federal-Aid Highway Program Manual.

In that this material relates to a grant-in-aid program, provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date are inapplicable.

These regulations are issued under the authority of 23 U.S.C. 315 and the delegation of authority in 49 CFR 1.48(b). These regulations are effective on the date of issuance set forth below.

Issued on May 15, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Sec.
130.401. Purpose.
130.402. Authority.
130.403. Request for advance.
130.404. Reports and audits.
130.405. Repayment.
130.406. Method of repayment.

Authority: 23 U.S.C. 315; delegation of authority as 49 CFR 1.48(b).

§ 130.401. Purpose.

To prescribe procedures and accounting requirements for advances from the right-of-way revolving fund.

§ 130.402. Authority.

23 U.S.C. 108(c) establishes a right-of-way revolving fund in the Treasury and authorizes the Secretary of Transportation to advance to any State, without interest, amounts available in such fund, to pay the entire costs of projects for the advance acquisition of right-of-way including moving and relocation costs.

§ 130.403. Request for Advance.

(a) Subsequent to obligations of funds in accordance with section 7, chapter 2, volume 7 of the Federal-Aid Highway Program Manual, a State desiring an advance of right-of-way revolving funds shall submit a letter of request to the division engineer. This letter shall include the following:

(1) Project numbers.

(2) Amount of advance per project required to:

(i) Meet estimated needs for next 90 days, or

(ii) Pay grantors based on recorded liabilities or actual disbursements.

(3) A statement that includes the following:

(i) Advance will be disbursed in accordance with provisions of 23 U.S.C. 108(c).

(ii) When advance is commingled with other funds, controls that will permit FHWA audit of the advance will be provided.

(iii) Interest earned on the advance will be paid promptly to FHWA.

(b) When the State needs the advance on an emergency basis, the Finance Division will accept a telephone request from the Regional Office and make the

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advance on the assurance that the written request will be promptly transmitted.

§ 130.404. Reports and Audits.

(a) Each month any State utilizing the procedures under § 130.403(a)(2)(i) shall submit to the Division Engineer for transmittal to the Finance Division a statement showing:

(1) The date and amount of advances received, by project.

(2) Total expenditures through the 15th of the month, by project. This statement of advance and expenditures shall be forwarded promptly to insure receipt by the Finance Division by the 26th day of each month.

(b) The Division Engineer shall arrange for such periodic audit of the advance accounts as will determine compliance with the provisions of this directive.

§ 130.405. Repayment.

The State is required to repay the total amount advanced on a project as follows:

(a) Immediately upon termination of the period of time within which actual construction must be commenced (10 years following end of the fiscal year in which advance was made), or

(b) Upon approval by FHWA of the plans, specifications, and estimates for such project for the actual construction on the rights-of-way for which funds were advanced, or

(c) When project funded from the right-of-way revolving fund is withdrawn or is converted to a regular Federal-aid project.

§ 130.406. Method of repayment.

(a) If a project is terminated by expiration of the 10-year period or by withdrawal, the State should repay the amounts advanced for the project by check drawn to the order of the "Federal Highway Administration." Any net rental income or proceeds from the sale of properties shall be repaid by separate check.

(b) When a right-of-way project is converted to a regularly funded Federal-aid right-of-way project, full repayment will be made by check as in paragraph (a) of this section. Any net rental income and proceeds from sale of properties may be shown as a previous payment on the first voucher submission on the regularly funded project or repaid by check as in paragraph (a) of this section.

[FR Doc.74-11761 Filed 5-22-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-74-268]

INTEREST RATE CHANGE

The following amendments are being made to this chapter to change the maximum interest rate which may be charged on a mortgage insured by this Department from 8½ percent to 8¾ percent. The Secretary has determined that such change is necessary to meet the mortgage market, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective May 13, 1974.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages insured on or after May 13, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8¾ percent per annum with respect to loans insured on or after May 13, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Section 205.50 is amended to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 13, 1974.

(Sec. .1011, formerly Sec. 1010, 79 Stat. 464, 12 U.S.C. 1749jj; renumbered P.L. 89-754, Sec. 401(a), 80 Stat. 1271)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 13, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713.)

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

1. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 8¾ percent per annum with respect to mortgages or supplementary loans upon completion) on or after May 13, 1974.

* * * * *

2. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages insured on or after May 13, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e.)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8¾ percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 13, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 13, 1974. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 13, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages insured on or after May 13, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages insured on or after May 13, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 13, 1974.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 236, 52 Stat. 498; 12 U.S.C. 1715z-1)

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8¾ percent per annum with respect to loans insured on or after May 13, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 241, 82 Stat. 508; 12 U.S.C. 1715z-b)

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 13, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z-7)

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

In § 244.45 paragraph (a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8¾ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 13, 1974.

* * * * *

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa-3)

Effective date. These amendments are effective as of May 13, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.74-11921 Filed 5-22-74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-275]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

(24 CFR § 1914.4)

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Georgia	Muscogee	Columbus, city of	June 19, 1970. Emergency. Oct. 30, 1970. Regular. Mar. 1, 1974. Suspension. May 17, 1974. Reinstated.			
Minnesota	Redwood	Unincorporated areas	May 23, 1974. Emergency.	May 3, 1974		
Missouri	Dunklin	Cardwell, city of	do			

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(24 CFR § 1914.4)

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
New York	Erie	Hamburg, town of	do			
Do	Onondaga	Cicero, town of	do			
Pennsylvania	Chester	Valley, township of	do			
Do	Westmoreland	Franklin, township of	do			
Virginia	Franklin	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 28, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 15, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–11744 Filed 5–22–74;8:45 am]

[Docket No. FI–274]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

(24 CFR § 1914.4)

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Du Page	Bensenville, village of	May 22, 1974 Emergency.	Apr. 12, 1974		
Maine	Kennebec	Winslow, town of	do	Mar. 22, 1974		
Maryland	Harford	Aberdeen, town of	do			
Minnesota	Itasca	Grand Rapids, city of	do	Oct. 26, 1973		
Missouri	St. Louis	Overland, city of	do	Jan. 23, 1974		
New York	Schenectady	Rotterdam, town of	do			
Oklahoma	Pontotoc	Ada, city of	do	Feb. 8, 1974		
Pennsylvania	Lancaster	Mount Joy, borough of	do	Jan. 9, 1974		
Tennessee	Rutherford	Murfreesboro, city of	do			
Washington	Kittitas	Ellensburg, city of	do	Dec. 17, 1973		
Do	do	Kittitas, city of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 15, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–11745 Filed 5–22–74;8:45 am]

[Docket No. FI–273]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

(24 CFR § 1914.4)

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Delaware	Kent	Harrington, city of	May 17, 1974. Emergency.	May 17, 1974		
Missouri	New Madrid	Portageville, city of	do	Jan. 9, 1974		
Oregon	Jackson	Rogue River, city of	do			
Texas	Bell	Temple, city of	do	Mar. 1, 1974		
Virginia	Prince George	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 10, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–11746 Filed 5–22–74;8:45 am]

[Docket No. FI–272]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Maine	Kennebec	Augusta, city of	May 16, 1974. Emergency.			
Michigan	Van Buren	South Haven, city of	do			
Do	Wayne	Lincoln Park, city of	do	May 3, 1974		
Minnesota	Mille Lacs	Isle, city of	do			
Do	Sherburne	Unincorporated areas	do			
Do	Steele	Owatonna, city of	do			
Do	Winona	Unincorporated areas	do			
New York	Erie	Lancaster, town of	do			
Do	Orange	Montgomery, village of	do	Mar. 15, 1974		
Pennsylvania	Tioga	Covington, township of	do			
Missouri	Cape Girardeau	Cape Girardeau, city of	Dec. 23, 1971. Emergency. Dec. 31, 1971. Suspension. May 14, 1971. Reinstated.			
Texas	Calhoun	Seadrift, city of	Dec. 4, 1972. Regular. Sept. 15, 1972. Suspension. May 10, 1974. Reinstated.			
Do	Grayson	Denison, city of	May 10, 1974. Emergency.			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 10, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–11747 Filed 5–22–74;8:45 am]

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[Docket No. FI-271]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • • • • •

(24 CFR § 1914.4)

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•		•	•
California	Sonoma	Healdsburg, city of	May 20, 1974. Emergency.	Mar. 1, 1974		
Iowa	Pottawattamie	Avoca, city of	do	Jan. 28, 1974		
Massachusetts	Hampden	Holyoke, city of	do	Apr. 12, 1974		
Michigan	Genessee	Grant Blanc, city of	do			
Minnesota	Dodge	Kasson, city of	do			
Do	Hennepin	Excelsior, city of	do			
Do	Martine	Unincorporated areas	do			
Missouri	St. Louis	Grantwood Village, town of	do	Mar. 8, 1974		
New Jersey	Monmouth	Middletown, township of	do			
North Carolina	Haywood	Clyde, town of	do			
Oklahoma	Seminold	Seminole, city of	do			
Washington	King	Issaquah, city of	do	Feb. 8, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 13, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-11748 Filed 5-22-74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATION IMPROVEMENT AND SCHOLARSHIPS

Nursing Student Loans

Correction

In FR Doc. 74-10741 appearing at page 16473 of the issue for Thursday, May 9, 1974, § 57.316 (b)(1)(iii) should read as set forth below:

(iii) Upon completion by the borrower of the third year of such service, the Secretary shall pay another 25 percent of the principal of, and interest on, each such loan which was unpaid as of the date the borrower began such service.

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on May 23, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel and pole on the Monte Vista National Wildlife Refuge, Monte Vista, Colorado, is permitted from 1 p.m. to 5 p.m. on July 7, and from 8 a.m. to 5 p.m. on July 13, July 14, July 20, July 21, July 27, July 28, August 3 and August 4, 1974, but only on the area designated by signs as open to fishing. This open area, comprising one-half acre, is delineated on maps available at refuge headquarters, 6½ miles south of Monte Vista, Colorado, and from the Regional Director, Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable state regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through August 4, 1974.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colorado.

MAY 16, 1974.

[FR Doc.74-11763 Filed 5-22-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

ELECTION OF FEDERAL EMPLOYEES' COMPENSATION; REVOCABILITY

On page 12898 of the FEDERAL REGISTER of April 9, 1974, there was published a notice of proposed regulatory development to amend § 3.708 to delete the provision that an election between Veterans Administration benefits and benefits under the Federal Employees' Compensation Act based on injury or death in military service in final. In addition minor editorial changes were made in § 3.711. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Section 3.708 is effective May 17, 1974.

Approved: May 17, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

1. Section 3.708 is revised to read as follows:

§ 3.708 Office of Federal Employees' Compensation.

(a) *Military service*—(1) *Initial election.* Where a person is entitled to compensation from the Office of Federal Employees' Compensation based upon disability or death due to service in the Armed Forces and is also entitled based upon service in the Armed Forces to pension, compensation or dependency and indemnity compensation under the laws administered by the Veterans Administration, the claimant will elect which benefit he or she will receive. Pension, compensation, or dependency and indemnity compensation may not be paid in such instances by the Veterans Administration concurrently with compensation from the Office of Federal Employees' Compensation. Benefits are not payable by the Office of Federal Employees' Compensation for disability or death incurred on or after January 1, 1957, based on military service.

(2) *Right of reelection.* Persons receiving compensation from the Office of Federal Employees' Compensation based on death due to military service may elect to receive dependency and indemnity compensation at any time. Once payment of dependency and indemnity compensation has been granted, all further right to Federal Employees' Compensation Act benefits is extinguished and only dependency and indemnity compensation is payable thereafter.

(3) *Rights of children.* Where primary title is vested in the widow or widower, the claimant's election controls the rights of any of the veteran's children, regardless of whether they are in the claimant's custody and regardless of the fact that such children may not be eligible to receive benefits under laws administered by the Office of Federal Employees' Compensation. A child who is eligible for dependency and indemnity compensation or other benefits independent of the widow's or widower's entitlement may receive such benefits concurrently with payment of Office of Federal Employees' Compensation benefits to the widow or widower.

(4) *Entitlement based on 38 U.S.C. 351.* The provisions of this paragraph are applicable also in those cases in which disability or death occurs as a result of having submitted to an examination, medical or surgical treatment, hospitalization or training.

(b) *Civilian employment.* Where a person is entitled to compensation from the Office of Federal Employees' Compensation based upon civilian employment and is also entitled to compensation or dependency and indemnity compensation under laws administered by the Veterans Administration for the same disability or death, the claimant will elect which benefit he or she will receive. On or after September 13, 1960, an award cannot be approved for payment of compensation or dependency and indemnity compensation concurrently with compensation from the Office of Federal Employees' Compensation in such instances and an election to receive benefits from either agency is final. See § 3.958. There is no right of reelection. (Public Law 86–767; 74 Stat. 906) A child who is eligible for dependency and indemnity compensation or other benefits independent of the widow's or widower's entitlement may receive such benefits concurrently with payment of Office of Federal Employees' Compensation benefits to the widow or widower.

2. Section 3.711 is revised to read as follows:

§ 3.711 Public Law 86–211.

(a) *World War I and later services.* Any person receiving or entitled to receive pension based on service in World War I, World War II or the Korean conflict under laws in effect on June 30, 1960, may elect to receive pension under 38 U.S.C. 521. An election of pension under 38 U.S.C. 521 is final when the payee (or his or her fiduciary) has negotiated one check for this benefit. There is no right of reelection.

(b) *Service prior to World War I*—(1) *General.* Veterans of the Indian wars who meet the service requirements of 38 U.S.C. 511(b) and veterans of the Spanish-American War who meet the service requirements of 38 U.S.C. 512(a) may elect to receive pension under 38 U.S.C. 521. Any widow or widower eligible for pension under 38 U.S.C. 536 may elect to receive pension under 38 U.S.C. 541. An election of pension under 38 U.S.C. 521 or 541 is final, except as provided in paragraph (b)(2) of this section, when the payee (or his or her fiduciary) has negotiated one check for this benefit. There is no right of reelection.

(2) *Aid and attendance.* Any veteran who meets the service requirements of paragraph (b)(1) of this section and who is receiving or entitled to receive pension based on need of regular aid and attendance will be paid whichever is greater: The monthly rate authorized by 38 U.S.C. 511(a) or 512(a), or the monthly rate authorized by 38 U.S.C. 521. A widow or widower of a veteran of the Spanish-American War who is receiving or entitled to receive pension based on a need of regular aid and attendance will be paid whichever is the greater: The monthly rate authorized by 38 U.S.C. 536 (a) and (b) and 544, or the monthly rate authorized by 38 U.S.C. 541 and 544. Elections are not required for these purposes. The change in rate will be effective the first day of the month in which the facts warrant such change. (38 U.S.C. 511, 512, 536, 541, 544; Public Law 92–328, 86 Stat. 393)

[FR Doc.74-11881 Filed 5-22-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Chapter IX]

[Docket No. AO–378]

BENTGRASS SEED GROWN IN OREGON

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order (hereinafter referred to collectively as the proposed "order") regulating the handling of bentgrass seed grown in Oregon. Any order that may result from this proceeding will be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, on or before June 12, 1974. They should be filed in quadruplicate. All such written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Preliminary statement. A public hearing, on the record of which the proposed order was formulated, was held in Salem, Oregon, June 12, 13, and 14, 1973, pursuant to a notice thereof which was published in the May 8, 1973, issue of the FEDERAL REGISTER (38 FR 11465). Such notice set forth a proposed marketing agreement and order prepared and presented with a petition for a hearing thereon by the Highland Bentgrass Association.

The presiding officer announced at the hearing that all proposed findings and conclusions, and written arguments or briefs, based upon evidence received at the hearing may be filed with the Hearing Clerk, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, and postmarked not later than August 31, 1973.

Purpose of the proposed order. The proponents of the proposed order have provided information in the proposal and the hearing record that it is their desire to establish and maintain orderly marketing conditions for colonial bentgrass seed grown in Oregon, and to establish and maintain such production research, marketing research, and development projects as will help effectuate orderly marketing of such bentgrass seed. The proponents have set forth that they propose to accomplish such purpose through the proposed order by: (1) allotting, or providing methods for allotting, the amount of colonial bentgrass seed, or quality thereof, which each handler may purchase from or handle on behalf of any and all producers thereof, during any specified period(s); and (2) establishing or providing for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and use or efficient production of such bentgrass seed.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the proposed order;

(4) The identity of the persons, and the marketing transactions to be regulated; and

(5) The specific terms and provisions of the proposd order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the administrative agency for assisting the Secretary in administration of the proposed order;

(c) The incurring of expenses and the levying of assessments on handlers to obtain revenue for paying such expenses;

(d) The method of regulating the handling of colonial bentgrass seed grown in the production area, including the establishment of base quantities and allocations and other terms and provisions relating to volume regulations;

(e) The establishment of requirements for reporting and recordkeeping on marketing transactions;

(f) The requirements of compliance with all provisions of the proposed order and with regulations issued pursuant thereto; and

(g) Additional terms and conditions of miscellaneous provisions published (38 FR 11465) as §§ _____.70 through _____.81 which are common to marketing orders and other terms and conditions published in §§ _____.82 through _____.84 which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

Bentgrass seed (see definition in the proposed order limiting the proposed order to the Agrostis species, commonly known as colonial bentgrass) is an agricultural commodity to which marketing orders may be issued pursuant to the act. The proposed order should regulate the handling of bentgrass seed by restricting the quantity of bentgrass seed which may be freely handled by handlers. It should provide a method for allotting the quantity of bentgrass seed from any crop year among handlers based on amounts sold by growers during a representative period determined by the Secretary, to the end, that the total quantity to be handled from such crop year will be apportioned equitably among the growers. This is for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions and increasing returns to growers for bentgrass seed so as to approach the parity price.

(1) Bentgrass seed is harvested and cleaned by growers and sold to handlers for shipment throughout the United States and the world. Almost 99 percent of the 9.4 million pounds (production in 1971) of the bentgrass seed grown in the United States was produced in Oregon.

The record indicates that normally over 95 percent of the bentgrass seed produced in Oregon is shipped for use in other states and foreign countries. The domestic market for bentgrass seed grown in Oregon is the entire United States. Usually, at least 90 percent of the bentgrass seed produced in Oregon is exported to foreign countries.

Therefore, it is concluded that the handling of bentgrass seed produced in Oregon is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in such commodity to such an extent as to make necessary the regulation of bentgrass seed grown in Oregon and handled for use in intrastate commerce as well as for use in interstate and foreign commerce.

It is determined from substantial evidence in the record of hearing on which these findings and conclusions are based that the right to exercise federal jurisdiction in the handling of bentgrass seed produced in Oregon is proper and appropriate under the act and the proposed marketing order hereinafter set forth.

(2) The need for the proposed regulatory program for bentgrass seed is supported by substantial evidence in the record of hearing. Prices received by growers for all bentgrass averaged $40.00 per hundredweight from sales of 9 million pounds for the 1972 crop. The June 1973 parity price for all the bentgrass seed was $72.22 per hundredweight. Prices received by growers were approximately 56 percent of the June 1973 parity price.

Price fluctuations for bentgrass seed were shown to be significant within crop years as well as between crop years. The price range during the last 14 years was from $22.00 in 1959 to $50.00 in 1969 per hundredweight for all bentgrass seed. Significant price fluctuations have continued through the years. During these years, costs of operations have increased.

The record of evidence showed that the average gross return of bentgrass for 1973 was $120.00 per acre, while the reported cost of production was $148.20 per acre. The record further indicated that this operating loss has been consistent through the years and has caused a decline in the number of growers each year.

Growers frequently finance production and harvesting costs with borrowed capital. Growers' assets are affected by the returns received from the bentgrass seed. Associated industries, such as credit agencies, manufacturers, and dealers in fertilizer, insecticides, machinery, etc., are directly affected by the wide price fluctuations growers receive for bentgrass seed.

Growers' motivations for increasing or decreasing production of bentgrass seed during any given season are influenced by prices received. Growers tend to plant in response to previous year's prices. Growers frequently are unable to accurately estimate their share of an indefinite or unknown annual supply and, therefore, plant in excess of the amount necessary to provide the market with a supply that would help avoid low returns to producers.

The record evidence shows that bentgrass growers, both individually and collectively, have been unable to cope with the industry-wide problem of balancing supply with demand. The favorable effects on price of reductions in production and sales of bentgrass seed by some individual producers have been negated by increases in production and sales by other producers.

According to the record, adduced at the hearing, growers of bentgrass seed in Oregon may expect that in the absence of a program such as proposed, conditions will likely continue to alternate between supplies in excess of demand resulting in depressed prices, and a period of relatively small supplies with sharply higher prices.

The record confirmed that need exists to regulate marketings by making allotments to growers which specify the maximum quantity of bentgrass seed a handler may purchase or handle from a grower, and thereby stabilize supplies, promote orderly marketing, and tend to cause prices to rise toward parity. The interests of consumers would be served by maintaining an adequate supply of bentgrass seed at more stable prices, and excessive price rises would be discouraged by removing all limitations on production and sales of bentgrass seed during any period when prices to growers have reached parity.

The need for a regulatory program, such as the proposed order, to better balance the supply of bentgrass with demand is clearly established in the record. Further, the terms and provisions of the proposed order which are authorized by the act would serve as a means of establishing and maintaining orderly marketing conditions for this commodity.

(3) Certain terms and provisions in the proposed order should be initially defined and explained therein for the purpose of designating specifically their applicability and limitations whenever they are thereafter used.

Accordingly, "Bentgrass" should be defined as the seed of those grasses of the Agrostis species identified as Agrostis tenuis, commonly known as colonial bentgrass, grown within the production area. The inclusion of all varieties under the specie Agrostis tenuis is necessary to effectively control the volume of marketing of bentgrass seed in the production area. Any exclusion of a variety of this specie would offer a means for producers to avoid volume controls and therefore negate the purpose and effect of the proposed order. Any variety of this specie of bentgrass could be produced and marketed under the proposed order.

However, the record shows that some handlers contracted with growers, prior to the time this proposed order was announced, for the production of certain proprietary varieties of the species Agrostis tenuis over a period of one or more future years. A proprietary variety, according to the record, should be considered as any variety of the specie Agrostis tenuis over which a person has exclusive ownership or control. The regulation of the handling of bentgrass seed produced under the terms of prior contracts could work an undue hardship on both the growers and the handlers. Therefore, it is concluded that all grower contracts for the production of proprietary varieties of bentgrass seed outstanding at the time of publication of this recommended decision should be exempt from such order as may be issued during the life of such contracts or for the ensuing four years, whichever period of time is shorter, provided that an application for such exemption is filed with the committee within 60 days from the effective date of any such order and a satisfactory showing of such facts is made to the committee (see § _____.43 of the proposed order). Extensions of contracts or new contracts for the production of proprietary varieties of Agrostis tenuis entered into after the time of publication of this recommended decision should not be exempt from the proposed order.

Consideration was given to include the species Agrostis canina, commonly known as velvet bentgrass, and Agrostis palustris, commonly known as creeping bentgrass. Although these species are grown in Oregon and are in the same marketing channels, the evidence showed that these species should not be included because they do not compete directly with colonial bentgrass, Agrostis tenuis. The uses of these species are different from those of colonial bentgrass, Agrostis tenuis.

"Production Area" means the locale where the bentgrass seed grown is subject to the terms and provisions of the proposed marketing order. Growers in the State of Oregon produce almost 99 percent of the bentgrass seed grown in the United States. Some shifts in production have occurred from some parts of the State of Oregon to others and other shifts may occur in the future, because it is possible to produce bentgrass seed generally throughout the State. Bentgrass seed is now produced commercially in each hereinafter named district of the State. Therefore, it is determined that the State of Oregon constitutes the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act and the production area should be so defined.

The production area should be defined as hereinafter set forth.

(4) The term "grower" should be deemed to be synonymous with producer and should be defined to mean any person engaged in a proprietary capacity in the production of bentgrass seed in the production area for market.

Growers include individuals, partnerships, corporations, or any other business units which in any way own all or a portion of the bentgrass seed produced. The term "grower" would include a husband and wife, who together produce bentgrass seed.

In sharecropping arrangements, each person receiving a share of the crop would be a grower. A cash renter of bentgrass acreage who produces bentgrass seed thereon and has the full right of disposition of the crop, would be the grower. For the purposes of nominating grower members, conducting elections and carrying out the proposed order, the Committee should establish a list of registered growers. Every person engaged in a proprietary capacity in the commercial production of bentgrass seed for market should be included on the list of registered growers.

"Handle" should be defined to mean the act or function, or both, of placing

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bentgrass seed in the current of the commerce within the production area or between the production area and any point outside thereof. It should include the purchase of bentgrass seed from a grower, or the acquisition of bentgrass seed from a grower by any means, if bentgrass seed is viable seed. However, if bentgrass seed is ground into meal, heated, or its viability completely destroyed, the marketing of such product should not be termed handling bentgrass seed.

Handle should also mean to sell, consign, ship or transport bentgrass seed, except by a common or contract carrier of bentgrass owned by another person. The transporting of bentgrass seed within the production area by growers for cleaning and storage should not be construed as handling by such growers. However, if a grower sells, consigns, or otherwise places bentgrass seed into market channels, except through a registered handler, then the grower himself must be considered as a handler. "Handle" should not include the transaction where one grower sells or loans bentgrass seed to another grower in order to enable the latter to fulfill his allotment.

"Handler" should be defined in the proposed order to identify the persons who would be subject to regulation. It should mean any person who handles bentgrass seed. In order to facilitate administration of the proposed order, to obtain nominations and conduct elections of handler members of the Committee, to keep handlers informed of regulatory actions and monitor the quantity of bentgrass seed handled, all handlers should be registered with the Committee.

Any act by any person whereby he purchases cleaned bentgrass seed from a producer, or he sells or transports cleaned bentgrass seed within the production area or between the production area and any point outside thereof is handling.

The definition of "person" should be the same as that term is set forth in the act.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the proposed order. These terms should be defined in the proposed order for the purpose of designating specifically their applicability and establishing appropriate limitations of their respective meanings wherever they are used.

The definition of "Act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations throughout the proposed order.

Section 8c(7)(c) of the act (7 U.S.C. 608c(7)(c)) provides for an administrative agency for effective operation of an order. It is desirable to establish such an agency to administer this proposed order, as an aid to the Secretary in carrying out the purposes of the proposed order and the declared policy of the act. The term "Bentgrass Administrative Committee" is a proper identification of the agency and reflects the character thereof.

"Crop year" should be defined to mean the period July 1 through June 30 inclusive, as this period begins shortly before the beginning of harvest of bentgrass seed and continues for 12 consecutive months. It establishes an operation period for the levying of assessments, other financial operations, regulatory provisions and recordkeeping under the proposed order.

"Districts" should be defined as the geographical divisions of the production area which delineate the producing sections generally in accordance with industry understanding of subdivisions of the production area and to assure equitable representation of such subdivisions on the Committee.

The terms "Foundation Seed, Registered Seed, and Certified Seed" should be defined because they are terms relating to quality of seed and the proposed order makes provisions for using quality limitation as well as quantity limitation to aid in improving and stabilizing the market for bentgrass seed. The terms should be defined as specified in the regulations under the Federal Seed Act (7 U.S.C. 1551 et al.).

"Proprietary interest" is construed to mean the assumption of the risk or sharing the risk of loss in production and marketing of a crop of bentgrass seed. Each party to a joint venture should be considered a grower in proportion to the share of his proprietary interest; for instance, each party to a 50–50 joint venture should be considered the grower of half the bentgrass seed sold.

Since there are so many possible sharing arrangements by growers, rather than to try to cover them all in the proposed order, it is appropriate that the proposed order should provide that the administrative committee, with approval by the Secretary, develop criteria to cover such sharing arrangements as the necessity therefore arises.

"Proprietary variety" should be defined as any variety of bentgrass, as defined in the proposed order, over which a person has exclusive ownership or control. Some growers have contracted to produce proprietary varieties of bentgrass and sell the seed produced to the person owning or controlling the contract.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

"Quantity" of bentgrass seed should be defined to mean the weight of cleaned bentgrass seed in pounds. It is customary for a grower to clean his bentgrass seed, or have it cleaned, before it is sold by him. Therefore the application of the term "quantity" to the bentgrass seed after it is cleaned is the customary way in which this term is used.

(b) Bentgrass Administrative Committee—Record evidence shows that a committee of 12 members, with representation as hereinafter provided in §____.20, with a like number of alternates, should be a workable, equitable, representative committee providing adequate industry representation and assuring recommendations of marketing regulations reflective of the general consensus of the industry and should also be adequate for the discharge of the other various committee duties and responsibilities.

Since a declared policy of the act is to assist producers, it is appropriate that a preponderance of committee members should be producers. Nine of the twelve committee members should be growers of bentgrass seed for market at the time of their selection and during their term of office in the respective districts as hereinafter defined, or who are officers or employees of corporate producers in the respective districts. For purposes of committee membership, a grower is a handler if the quantity of bentgrass seed handled by him exceeds the quantity produced by him. Three handler members and their alternates, selected from the production area at large, who are currently handling bentgrass seed and who handled bentgrass seed during the previous crop year, should complement the producer membership, providing balanced judgments and a broad perspective of the production area bentgrass seed marketing situation.

Grower representation on the committee should be distributed among such districts on the basis of their past record of acreage and production in each district. This basis should provide equitable representation on the Committee and should also provide the separate districts with reasonable representation. This should be accomplished by allowing District No. 1, consisting of Marion County, Oregon, with approximately 68 percent of the production, 5 grower members; District No. 2, consisting of Linn County, Oregon, with approximately 12 percent of the production, 1 grower member; District No. 3, comprising Benton and Lane Counties, Oregon, with approximately 6 percent of the production, 1 grower member; District No. 4, comprising Polk and Yamhill Counties, Oregon, with approximately 6 percent of the production, 1 grower member; and District No. 5 embracing all other counties of Oregon, with under 3 percent of the production, 1 grower member.

The proposed order should provide for reapportionment and redistricting so that the Secretary may, upon recommendation of the Committee, give consideration to adjustments and to make adjustments when warranted in committee representation in the event of significant changing conditions in the future, such as major shifts in production within the production area.

Provisions should be included for growers in each district to nominate persons for each committee member and alternate position to represent them on the Committee. It would be desirable to hold one or more public meetings to nominate the initial committee members and their alternates. However, if this procedure might cause undue delay, the Secretary should have the flexibility of accepting nominations obtained in an appropriate alternative manner.

If nominations cannot be obtained by the use of one or more public meetings, or by other means, without undue delay, the Secretary is authorized to select the committee without regard to nomination. Such selection should, of course, be on the basis of the representation provided in the proposed order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in his position.

Provision should be set forth in the proposed order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The proposed order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district has representation at meetings. Each alternate who is selected should have the same qualifications for membership as the member for whom he is alternate so that during the member's absence or in the event that the member should die, resign, be removed from office, or be disqualified, the district representation on the committee will remain unchanged. In such cases, the alternate should serve until a successor to such member has been selected and qualified.

A 3-year term, with the election of 4 committee members each year seems reasonable, and will allow the bentgrass seed industry to express its approval or disapproval of committee membership each year. The terms of office of the initial members of the committee should be established by the Secretary so the term of office for 3 grower members and 1 handler member should be the initial crop year, the term of office for 3 grower members and 1 handler member should be the initial crop year plus the succeeding crop year, and the term of office for 3 grower members and 1 handler member should be the initial crop year plus the 2 succeeding crop years. The terms of office of each committee member should continue until his successor is selected and has qualified.

With regard to committee meetings and procedure, the evidence of record shows that 9 members, including alternates acting as members, should be necessary to constitute a quorum and any action of the committee will require the concurring vote of at least 7 members.

The committee should have authority to follow procedures which will assure its proper and efficient operation. In order to facilitate the transaction of routine, noncontroversial business where it might be expensive and unreasonable to call an assembled meeting, or in other instances when rapid action may be necessary, the committee should be authorized to conduct meetings by telephone, telegraph or other means of communication. Such possibilities as conference telephone calls or simultaneous meeting of groups of its members in two or more places with direct communications connections should be considered and utilized if advantageous to the operation of the proposed order.

At least nine concurring votes and no dissenting votes should be necessary for approval of any committee action voted on at nonassembled meetings. Any votes cast at nonassembled meetings should be confirmed promptly in writing to provide a record of how each member, or the alternate acting in his stead, voted.

It is appropriate that the members and alternates of the committee be reimbursed for necessary expenses incurred when performing authorized committee business, since it would be unfair for them to bear personally such expense incurred in the interests of all bentgrass seed growers in the production area.

The committee should be given those specific powers which are set forth in section 8c(7)(c) of the act (7 U.S.C. 608c(7)(c)). Such powers are necessary to enable an administrative agency of this character to function properly under the proposed marketing order. The committee's duties as set forth in the proposed order are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this nature.

An annual report should be prepared by the committee as soon as possible after the close of each marketing year to document fully its operations for the season to the industry and the Secretary.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the proposed order. The committee should be required to prepare a budget at the beginning of each crop year and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the proposed order during such period. Each such budget should be submitted to the Secretary with an analysis of its components in the form of a report which should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. While expenses and income cannot be anticipated with exact mathematical certainty, the committee with its knowledge of conditions within the industry will be in good position to ascertain the necessary assessment rate and make recommendations in this regard. The funds to cover committee expenses should be obtained by levying assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the proposed order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each person who first handles bentgrass seed during such crop year should pay assessments to the committee at a rate fixed by the Secretary on all bentgrass seed he so handles. In this way, each handler's total payment of assessments during a crop year would be proportional to the quantity of bentgrass seed handled by such handler and assessments would be levied on the same bentgrass seed only once.

The rate of assessment should be established by the Secretary on the basis of the Committee's recommendation, or the Secretary may use other available information in addition to that provided by the Committee so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a unit basis, such as a pound or hundredweight.

The proponents proposed a modification of §____.56. The record of evidence indicated that the original proposed maximum rate of assessment of 5 cents per hundredweight on current production levels would be very inadequate for the costs of establishing and maintaining the Committee. The proposed modification would set the maximum rate of assessment at 1 cent per pound. Although the Committee may be able to operate on a budget which, except for unusual circumstances would require an assessment below the maximum, this maximum rate seems fair and should be adopted.

Although handling of bentgrass from the production area is a continuous 12-month operation, the period near the beginning of the crop year will be one of extra activity, for the Committee will be closing out one crop year, auditing its account, preparing the annual report, surveying the crop and marketing situation, developing a marketing policy and holding meetings to develop recommendations for regulations. This means that in all probability a large percentage of the committee's expenses will be incurred in advance of receipt of income for the current crop year.

In order to provide funds for the administration of this program during the crop year prior to the time sufficient assessment income becomes available during such period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money to meet such deficiency. Furthermore, the committee should be authorized to establish a reserve fund which could be used to pay operating expenses until assessments are received from the new crop year in sufficient amount to pay current expenses.

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The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing order programs and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are made in an appreciable amount. Revenue accruing to the committee from assessments later in the season would normally provide the means of repaying any loans.

Should it develop that assessment income during a crop year plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by increasing the rate of assessment. Circumstances might necessitate amending the budget for the crop year to increase it and such increase would not have been planned in the original assessment rate. Since the act requires that administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all bentgrass seed handled during the particular crop year, so that the total payments by each handler during each crop year will be proportional to his share of the total volume of bentgrass seed handled by all handlers during that year.

Should the regulatory provisions of the proposed order be suspended during any portion or all of a crop year, it will be necessary to obtain funds to cover expenses during such year unless funds in the reserve are sufficient for such purpose. Thus authorization should be provided to require the payment of assessments to meet any necessary expenses during such year.

The assessment rates under the program would be set at the beginning of the crop year based on an estimate of number of pounds of bentgrass seed to be marketed. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, it might be necessary for handlers to cover the deficit through increased assessments. Since this would impose an extra burden on the industry, it would be equitable and less burdensome for handlers to establish an operating reserve during years of normal production. The reserve fund would be built during years when income exceeds expenses. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately 1 crop year's expenses should be provided.

Except as necessary to establish and maintain an operating reserve as set forth in the proposed order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess funds that remain at the end of a crop year.

Upon termination of the proposed order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable be returned to the handlers from whom such funds were collected. However, should the proposed order be terminated after many years of operation, the precise equities of handlers may be impractical to ascertain. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the Committee from assessments should be used solely for the purpose of the proposed order. The Committee should as a matter of good business practice, maintain up-to-date books and records clearly reflecting the operation of its affairs. It should provide the Secretary with periodic reports at appropriate times such as at the end of each crop year or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over activities and operations.

The proposed marketing order should provide authority for production and marketing research and market development. Such activity could contribute to greater efficiency in production and marketing and stimulate sales and use of bentgrass seed. Since the act contains no authority for paid advertising for bentgrass seed, market development does not include paid advertising.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for bentgrass seed among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of bentgrass seed, as authorized in the proposed order, provides a means for carrying out such policy.

Growers begin to incur production cost shortly after September 1 for the ensuing crop year, and it is desirable to provide them with definite marketing guides as to the quantity of bentgrass seed that may be saleable so they can adjust their cultural and production plans accordingly. Since the marketing policy meeting is of importance to all segments of the bentgrass seed industry, except as otherwise provided by the Secretary, but not earlier than the preceding September 1, or such earlier date as the committee, with the approval of the Secretary, may establish, the committee should meet and adopt its marketing policy for the ensuing crop year.

In developing a comprehensive marketing policy, the committee should consider the prospective carryin of growers and handlers, the desirable carryout, trade demand, market prices for bentgrass seed and other relevant factors affecting marketing conditions. On the basis of its evaluation of these factors, the committee should recommend to the Secretary the total quantity of bentgrass seed (hereinafter referred to as the "Total Desirable Quantity") that should be allotted for handling during the crop year. If considerations indicate a need for limiting the quantity of bentgrass seed marketed, the committee should recommend to the Secretary a total desirable quantity and allotment percentage, hereinafter discussed, for the crop year.

The committee should meet again prior to February 1 of each crop year to review its marketing policy and, if conditions warrant, recommend to the Secretary an appropriate increase in the total desirable quantity and allotment percentage for the current crop year. Any increase should be to assure availability of adequate supplies, in view of changes in market conditions that may have taken place. A decrease would not be practical because it could cause undue hardship to the growers who had previously sold all of their allotment for the crop year.

Notice of marketing policy recommendations for a crop year and any later changes should be submitted promptly to the Secretary and also to all growers and handlers. This is necessary so all interested persons will be made aware of the marketing policy and can plan accordingly.

If the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of bentgrass seed that may be freely marketed from a given crop would tend to effectuate the declared policy of the act, he should determine the total desirable quantity of bentgrass seed that may be acquired by handlers to meet normal market requirements and establish an annual allotment precentage for the purpose of releasing such total desirable quantity. If market requirements warrant release of supplies in excess of the total of all grower allocation bases, an annual allotment percentage of over 100 percent should be established. The Secretary's action, while normally based on the committee's recommendation, may also take into consideration other information which, for example, might include such items as changes in crop or market conditions, the estimated season average price for bentgrass seed and legal limitations, if any, that might be applicable. The desirable quantity should be apportioned among growers on the basis of their individual allocation bases as discussed hereinafter. The proposed order should provide that in years when regulations are in effect handlers would be prohibited from handling bentgrass seed in excess of the growers allotment (except for any bentgrass seed exempted from provisions of the proposed order).

Operation of the proposed order should provide for apportioning among bentgrass seed growers the total desirable quantity of bentgrass seed that may be purchased from them. To equitably apportion this quantity of bentgrass seed, reliance should be based on pounds of sales-history of the growers.

The method of apportioning the desirable quantity of bentgrass seed for market should rely on the sales history of growers during the crop years 1967 through 1973. The evidence of record is that the initial base for existing growers should be the average crop year pounds of bentgrass seed produced and sold by him or on his behalf, during any one of the crop years 1967 through 1972 and that produced and sold by him during 1973 if such production and sales covered such two crop years. For growers who only had sales during one of the crop years 1967 through 1973, the sales

of that year would be his base. The use of the average is to moderate the influence of the unusually bountiful year or years or substantial loss for any grower while providing each with a base reflecting his volume of sales. The formula seems equitable and makes provisions for growers with only one crop year's sales history to be allowed an allocation base.

The proponents proposed a change in § ____41, paragraph C, to provide for a 6-year adjustment instead of a 4-year adjustment. This change should accommodate the farming techniques of the bentgrass seed growers and encourage efforts to maintain and improve quality.

Allocation bases for succeeding crop years should be recomputed by adding the sales of bentgrass seed of the preceding year to the total number of pounds of bentgrass seed used to compute his preceding base and dividing by the number of years of sales of such bentgrass seed until a 6-year average has been computed.

For subsequent crop years, the allocation base should be recomputed by adding the sales of the preceding year, subtracting the poundage for the earliest chronological year of sales and determining a new average.

A grower must produce and sell to maintain his allocation base. Non-use of an allocation base for three consecutive years should be cause for cancellation of the base, because if this were not done, non-operators could tie-up a portion of the allotments and thus impede the proper functioning of the order.

For succeeding crop years, the Committee should recommend to the Secretary any adjustment in allocation bases that is required to reflect increased bentgrass seed usage, entry of new growers, and expansion by existing growers. A limitation of 5 percent of the total allocation bases for the preceding crop year should be used in granting bases for new growers and expansion for existing growers.

To assure equity to new producers, record evidence indicated that new producers should be given priority in granting the first 50 percent of any increase. In the absence of applications from new producers, for any or all of the first 50 percent of any increase, the unallocated portion of the first 50 percent and the second 50 percent of any increases in allocation bases should be distributed to growers with existing allocation bases.

The record indicates that both tenants and landlords should be protected in circumstances when a change of growers, either by lease or ownership, occurs. Cash tenants would be fully protected because allocation bases would be issued to the grower with proprietary interest in the crop. Questions arose over the position of the landlord in a cash-rent situation or both landlord and tenant in a share-rent situation. Any landlord or tenant (operating on a share-rent basis) who has potentially drastically lower allocation bases by reason of a change of either tenant or landlord, may apply to the Committee for new allocation bases. Likewise, any new tenant may apply for a new allocation base, provided he has not previously been assigned a base. The new allocation, in either case, would be provided from the maximum of 5 percent increase in allocations allowable each year and from anticipated increases in allocation bases resulting from grower retirement or surrender of their allocation bases for other reasons. Such procedure would seem to provide equal protection for both lessee tenants and land owners.

Administrative procedures required to establish volume limitations during the allocation period under the proposed marketing order are (1) determination of a base quantity for each grower, known as an "allocation base", and total of all allocation bases; (2) committee recommendations for and establishment by the Secretary of the total desirable quantity of bentgrass seed; (3) computation of a uniform percentage which the total desirable quantity is of the total of all allocation bases and (4) application of such uniform percentage to each producer's allocation base to determine his "allotment" in pounds of cleaned bentgrass seed for the crop year.

Administration of the proposed marketing order will be facilitated by computation of the uniform percentage referred to in (3) and (4) of the above paragraph. This provides a readily available and easily understood expression of the ratio of the total desirable quantity to the total of all allocation bases in the form of a ratio or percentage figure applicable to each grower. The uniform percentage provides each grower with an equitable allotment of the total desirable quantity under a uniform rule. His allotment is readily ascertainable by multiplying his allocation base by the uniform percentage. The resulting number of pounds of cleaned bentgrass seed thereby becomes his "allotment."

Provisions should be made for adjustment of a grower's allocation base when it is shown that during the base period, the growers' sales were substantially not representative due to unusual conditions beyond the control of the grower, such as adverse weather, insects, disease or fire.

The proponents proposed a modification to § _____42 that would provide that not later than March 1 of each crop year, the Committee will, with approval of the Secretary, establish an allotment of bentgrass seed for the ensuing crop year for each grower who has an allocation base. The proposed modification would enable bentgrass seed growers with any anticipated excess production to make such changes in the management of their farm as they believe are appropriate, in view of their bentgrass seed allotment. The proposed modification seems reasonable and should be adopted.

If marketing conditions arise which make it appropriate that total allotments should exceed total allocation base quantities, the resulting uniform percentage should be applied to each grower's base so that his allotment will exceed 100 percent of his allocation base.

Provisions that an allotment be nontransferable except in conjunction with a transfer of an allocation base are in the proposal and, the evidence adduced at the hearing, make it clear that such provisions should be retained. Transfer of allocation bases should be permitted to facilitate changes in ownership of land and changes in enterprise of growers. An allotment is a percentage of an allocation base, therefore, the transfer of an allotment without accompanying transfer of an allocation base is not practical under the proposed order.

Since bentgrass seed production is not a process which can be precisely adjusted during a growing season to meet needs, it is unlikely that growers will always be able to precisely balance their supplies of bentgrass seed and their allotments. Some growers produce more than their allotments and other growers may produce less than their allotments. The record of evidence indicates provision should be made to allow for exchange of bentgrass seed between growers, without affecting their allotments, providing the amount of bentgrass seed which all handlers handle from any grower does not exceed his allotment. This provision is practical and will help to effectuate the purposes of the proposed order and should be approved. Alternatively, a grower who produces more than his allotment may carry over the excess into the following crop year for handling under a subsequent allotment.

Bentgrass seed in the hands of growers upon the effective date of the proposed order should be allowed to be marketed without regard to any allotment. However, growers should make application to the committee requesting that such bentgrass seed be designated as prior production. The committee may limit the amount certified for handling in any one crop year to not less than 25 percent of such prior production. Such limitation should be applied uniformly among all growers.

Occasionally bentgrass seed is obtained from cleaning cereal grain or other seed crop. Provisions should be made to exempt from the order the handling of a minimum quantity of bentgrass seed on behalf of any grower, regardless of whether it was obtained from cleaning or from his own production providing he has not been assigned a bentgrass seed allotment.

The record evidence showed that provisions should be made that contracts relating to proprietary varieties existing prior to the date of publication of this recommended decision be exempted from such order as may be issued, during the life of such contracts or for the ensuing four years, whichever period of time is shorter. Proprietary varieties should be defined in the proposed marketing agreement and order §_____12 as "any variety of the species Agrostis tenuis over which a person has exclusive ownership or control." Evidence of existing contracts by growers should be presented to the committee within 60 days from the effective

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date of the proposed order. This provision should accommodate growers who have previously signed contracts to produce and market proprietary varieties of bentgrass seed to fulfill their outstanding contracts. Contracts relating to proprietary varieties entered into after the date of publication of this recommended decision should be covered under the proposed order.

Provisions should be made to require all bentgrass seed to meet the provisions of Federal and State seed acts and regulations issued thereunder. The committee should have the authority to establish higher standards for bentgrass seed handled under the proposed order. The Federal and State seed acts do not limit the size of a lot of seed. It is possible to have substantial quantities of seed within a large lot which is of lower or higher quality than the lot average. When such a large lot is subdivided into smaller lots the quality of some lots may be significantly different from the average quality of the large lot. Many buyers prefer to have the quality of each smaller unit equal to that of the large lot average. By regulating both quality and maximum size of lot, the marketing of bentgrass seed on a quality basis can be better controlled. The record evidence supports the quality regulation provisions of the proposed order. The establishing of higher standards would be made only if it were in the best interest of growers to insure a higher quality supply of seed. Any such proposed change should allow for a two years notice before the change could be made effective, thus allowing ample opportunity for consideration by all interested parties.

Provisions should be made for the purpose of identifying bentgrass seed under the proposed order. The identifying marks should be established by the committee.

Unfair trade practices by growers or handlers should be prohibited. The Secretary, upon recommendation of the committee, may prohibit such trade practices for any period or periods. The committee should recommend such rules, procedures and recordkeeping requirements as are necessary to administer the prohibitions.

The committee should have all necessary information and data for the performance of its functions under the proposed order including but not limited to that necessary to establish allocation base quantities, allotments, modifications thereof, and verification of compliance with regulations. The industry has routinely maintained adequate information and has it in its possession and the requirement that such information be furnished to the committee in the form of reports would not constitute an undue burden. It is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the proposed order. One report that should be submitted by each handler is the quantity of bentgrass seed purchased from growers or the quantity of bentgrass seed handled on behalf of each and all growers. Therefore, the committee should have the authority to require, with approval of the Secretary, reports and information from handlers, as needed, of the type set forth in the proposed order, and at such times and in such manner as may be necessary.

All reports and records furnished or submitted pursuant to the proposed order to the committee should be treated as confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. The record evidence makes it clear that members of the committee should not have access to confidential information about a handler or a grower. The employees of the committee would have access to such information. The reasons for this provision are sound and should be included in the proposed order. Under certain circumstances, release of information compiled from handlers' reports may be helpful to the committee and the industry generally. However, such reported information should not be released other than on a composite basis, and such releases should not disclose information concerning individual operations. Such prohibition is necessary to prevent the disclosure of information that may affect detrimentally the business operations of the persons who furnish the report. However, since the operation of this allocation program is inextricably involved with individual growers' allocation base quantities and allotments, such allocation bases and allotments should not be treated as confidential.

Since questions could arise with respect to compliance, it would be appropriate to provide in the proposed order that handlers be required to maintain for each marketing year complete records on their purchases, handling, and disposition of bentgrass seed. Such records should be retained for not less than 2 years after the termination of the marketing year in which the transaction occurred, so that, if needed in connection with enforcement, or other necessary purposes under the proposed order, the requisite records will be available for the purpose. Such a 2-year period would afford an adequate and reasonable time for access thereto and would not impose an unreasonable or burdensome obligation on handlers inasmuch as such records are generally retained for similar time for purposes of business operations.

The successful operation of the proposed order depends upon the degree of compliance with its provisions. In this connection, it is necessary that the committee's designees for this purpose be given full authority to examine and verify records and ascertain the quantity of bentgrass seed handled. The verification of records and reports and the inspection needed in connection therewith should be performed during reasonable working hours and in such manner that normal operations of the handlers would not be interrupted.

No handler should be permitted to handle bentgrass seed (as the term is hereinafter defined in the proposed order), the handling of which is prohibited pursuant to the proposed order; and no handler should be permitted to handle bentgrass seed (as the term is hereinafter defined in the proposed order) except in conformity with the proposed order. For example, no handler should be permitted to handle bentgrass seed from any grower in excess of such grower's allotment. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

The provisions of § ____.71 through § ____.81, as hereinafter set forth, are generally similar to those which are included in marketing agreements and orders now operating.

Such provisions are identified by section numbers and headings, as follows: § ____.71 *Right of the Secretary;* § ____.72 *Effective time;* § ____.73 *Termination or Suspension;* § ____.74 *Proceedings after termination;* § ____.75 *Effect of termination or amendment;* § ____.76 *Duration of immunities;* § ____.77 *Agents;* § ____.78 *Derogation;* § ____.79 *Personal liability;* § ____.80 *Separability;* and § ____.81 *Amendments;* and are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the act. The hearing record supports the inclusion of each such provision in the proposed order.

Provisions should be included requiring the Secretary to terminate the provisions of the proposed marketing agreement and order whenever he finds that any or all provisions of it obstruct or do not tend to effectuate the declared policy of the act, or at the end of any crop year whenever he finds that such termination is favored by a majority of the growers who, during such period, held allotments for more than 50 percent of the volume of all the allotments of all bentgrass seed in the area of production. Such determination should be made on the basis of a referendum conducted by the Secretary to determine whether the requisite number of growers favor termination of the program.

Those provisions which are applicable to the proposed marketing agreement only identified by section number and heading, are as follows: § ____.82 *Counterparts;* § ____.83 *Additional parties;* and § ____.84 *Order with marketing agreement.* Such provisions are also included in marketing agreements now in effect for other commodities and the record supports inclusion of such provisions in the proposed marketing agreement.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed August 31, 1973, as the time within which interested parties were to file briefs with respect to the evidence adduced at the hearing and the findings and conclusions to be drawn therefrom.

Five briefs were filed on behalf of certain interested parties. These briefs were considered in conjunction with the evidence in the record in making the findings and conclusions set forth herein.

An objection was made to the inclusion of Seaside and Penncross varieties of bentgrass under the order because of the price differences between these varieties and colonial species of bentgrass. However, as indicated earlier in the recommended decision, the uses of Seaside and Penncross are different from those of colonial bentgrass and do not have a significant competitive relationship, and therefore the varieties Seaside and Penncross have been excluded from the proposed order.

An objection filed stated that the proposed order will not achieve its primary purpose—improving stability of prices because competition between bentgrass, bluegrass and the fine fescues will prevent the proposed order from attaining the desired results. Record evidence showed that the uses for colonial bentgrass seed are significantly different from the uses for the other kinds of seed referred to above. Record evidence adduced at the hearing further showed that each kind of grass seed has certain demand factors, largely independent of the demand factors for the other kinds of grass seed. The grass seeds bluegrass and the fine fescues are not directly competitive with colonial bentgrass seed. Therefore, the objection is denied.

An objection was filed to the definition of person as defined in § ____.10 of the proposed order on the grounds that it does not allow a vote to each individual in a partnership. The same kind of objection could have been made to allowing one vote for a business unit owned by a husband and wife. It is found and concluded that the provision in the proposed order for one vote for each business unit engaged in the commercial production of bentgrass for market is fair and reasonable.

An objection was filed to defining "Grower" in § ____.7 of the proposed order to mean any person engaged in a proprietary capacity in the commercial production of bentgrass for market, and proposed that only landowners should be included in the definition. The objection was intended to disqualify all tenants or other non-landowners engaged in a proprietary capacity in commercial bentgrass production. The objection is denied because it would fail to recognize those segments of the industry who are actually operating in a proprietary capacity in the commercial production of bentgrass seed for market.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions as set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously cited in this decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The tentative marketing agreement and order, as herein set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said tentative marketing agreement and order authorize regulation of the handling of bentgrass seed grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said proposed marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of bentgrass seed grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of bentgrass seed grown in the production area, as defined in said proposed marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ ____.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ ____.2 Bentgrass.

"Bentgrass" means bentgrass seed of those grasses of the Agrostis species identified as Agrostis tenuis (commonly known as colonial bentgrass) grown in the production area.

§ ____.3 Committee.

"Committee" means the Bentgrass Administrative Committee established pursuant to § ____.20.

§ ____.4 Crop year.

"Crop year" means the 12 months beginning July 1 of any year through June 30 of the following year inclusive, or such other period as the Committee, with the approval of the Secretary, may establish; except that the initial crop year shall begin on the effective date of this order and end a year after the following June 30.

§ ____.5 District.

"District" means the applicable one of the following defined subdivisions of the production area or as such subdivisions may be redefined pursuant to § ____.20.

(a) District 1—Marion County, Oregon.

(b) District 2—Linn County, Oregon.

(c) District 3—Benton and Lane Counties, Oregon.

(d) District 4—Polk and Yamhill Counties, Oregon.

(e) District 5—All other counties in Oregon.

§ ____.6 Foundation Seed, Registered Seed or Certified Seed.

"Foundation Seed, Registered Seed or Certified Seed" means the class of bentgrass seed as defined in § 201.2(cc), § 201.2(dd) or § 201.2(ee) of the regulations under the Federal Seed Act (53 Stat. 1275) (7 U.S.C. 1551 et al.).

§ ____.7 Grower.

"Grower" and "Registered Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the commercial production of bentgrass for market. "Registered Grower" means any grower who has been registered as a grower with the Committee pursuant to rules and regulations issued by the Committee.

§ ____.8 Handle.

"Handle" means to purchase bentgrass from the grower thereof, or to sell, consign, ship or transport (except as a common or contract carrier of bentgrass owned by another person) or acquire bentgrass, whether or not of own production except that (a) the shipment or transportation within the production area of bentgrass by the grower thereof for cleaning or storage therein shall not be construed as "handling"; (b) the sale, shipment, or transportation of bentgrass by the grower thereof to a registered handler shall not be construed as handling by the grower; and (c) the transaction where one grower sells or loans bentgrass to another grower in order to enable the latter to fulfill his allotment shall not be construed as "handling."

§ ____.9 Handler.

"Handler" and "registered handler" means any person who handles bentgrass: *Provided, however,* That with respect to the acquisition of a grower's bentgrass by a person other than a registered handler, the grower shall be the handler of such bentgrass. "Registered handler" means any handler who has been registered as a handler with the Committee pursuant to rules and regulations issued by the Committee.

§ ____.10 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

[1] Sections 82, 83, and 84 apply only to the proposed marketing agreement and not to the proposed order.

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§ ____.11 Production area.

"Production area" means the State of Oregon.

§ ____.12 Proprietary variety.

"Proprietary variety" means any variety of bentgrass of the species Agrostis tenuis over which a person has exclusive ownership or control.

§ ____.13 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated to act in his stead.

§ ____.14 Quantity.

"Quantity" means the weight of cleaned bentgrass in pounds.

§§ ____.15–.19.

(Additional definitions as required).

BENTGRASS ADMINISTRATIVE COMMITTEE

§ ____.20 Establishment and Membership.

(a) There is hereby established a Bentgrass Administrative Committee consisting of twelve members, each of whom shall have an alternate. Nine of the members and each of their alternates shall be growers or officers or employees of growers, who are not also handlers. Of the grower members, five of them and each of their alternates shall be producers of bentgrass in District 1, one member and his alternate in District 2, one member and his alternate in District 3, one member and his alternate in District 4, and one member and his alternate in District 5. Three of the members and their alternates shall be handlers or officers or employees of handlers who shall be elected from the production area at large. A producer handler who is classified as a handler may serve as a handler member or alternate handler member only. For purposes of committee membership a grower is a handler if the quantity of bentgrass seed handled by him exceeds the quantity produced by him.

(b) The Committee, with the approval of the Secretary, may redefine the Districts into which the production area is divided, and reapportion the representation of any District on the Committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in bentgrass production within the Districts and the production area.

§ ____.21 Eligibility.

Each grower member of the Committee and his alternate shall be, at the time of his selection and during his term of office, a grower or an officer or employee of a grower in the District for which selected. Each handler member of the Committee and his alternate shall be, at the time of his selection and during his term of office, a handler or an officer or employee of a handler.

§ ____.22 Nominations.

(a) *General.* Separate nominations shall be made for each member position and the respective alternate member for such position listed in § ____.20. Except as otherwise provided for obtaining initial nominations, nominations shall be certified by the Committee and submitted to the Secretary by June 1 of each crop year, together with information deemed by the Committee to be pertinent or requested by the Secretary. If nominations are not submitted in the specified manner by such date, the Secretary may, without regard to nomination, select the members and alternate members of the Committee on the basis of representation provided for in § ____.20.

(b) *Grower members.* The Committee shall conduct nominations for grower members and their respective alternates in each District through meetings or on the basis of ballots to be mailed by the Committee to all growers of record. Only growers eligible to serve on the Committee from the District in which the nominations are to be held shall be eligible to vote and each such grower shall have one vote for each grower position to be filled. If a grower is also a handler, such grower may vote either as a grower or as a handler, but not both. No grower shall participate in the election of nominees in more than one District regardless of the number of Districts in which such person is a grower. A multidistrict grower may elect the district in which he votes.

(c) *Handler nominations.* The Committee shall conduct nominations for handler members and their respective alternates through meetings or on the basis of ballots to be mailed by the Committee to all handlers of record. Each handler shall have one vote for each handler position to be filled.

(d) *Initial nominations.* For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the Committee as soon as practicable after the effective date of this proposed order.

§ ____.23 Selection.

(a) *Selection.* Members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons on the basis of the representation provided for in § ____.20.

(b) *Term of office.* The terms of office of the initial members of the Committee shall be established by the Secretary so that the term of office for three grower members and one handler member shall be the initial crop year, the term of office for three grower members and one handler member shall be the initial crop year plus the succeeding crop year, and the term of office for three grower members and one handler member shall be the initial crop year plus the two succeeding crop years. Successor members of the Committee shall serve for terms of three crop years, except for shorter terms occasioned by the death, removal, resignation, or disqualification of any member, and subject to any such disqualification, each member shall serve until his successor is selected and has qualified.

§ ____.24 Acceptance.

Each person selected by the Secretary as a member or alternate member shall qualify by filing a written acceptance with the Secretary as soon as practicable after being notified of his selection.

§ ____.25 Vacancy.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate member of the Committee, or in the event of the failure of any person selected as a member to qualify, a successor for the unexpired term or the term shall be nominated and selected in the manner provided in § ____.22 and § ____.23, so far as applicable, unless a selection is deemed unnecessary by the Secretary.

§ ____.26 Alternates.

(a) An alternate for a member of the Committee shall act in the place and stead of such member during his absence, and in the event of the member's removal, resignation, disqualification, or death until a successor for such member's unexpired term has been selected and has qualified.

(b) If a member or his alternate is unable to attend a Committee meeting, the Committee may designate any other alternate from the same group (grower or handler) and the same District to serve in the member's place if such alternate is not serving in the place of another member.

§ ____.27 Procedure.

(a) Nine members (including alternates acting as members) of the Committee shall constitute a quorum at an assembled meeting of the Committee and any action of the Committee at such meeting shall require the concurring vote of at least seven members (including alternates acting as members). At any assembled meeting, all votes shall be cast in person.

(b) All meetings of the Committee shall be public as to all matters affecting growers. For the purpose of handling intra-committee operations, or when circumstances do not allow time to call a public meeting, the Committee may provide for voting by mail, telephone, telegraph, or other means of communication upon due notice to all members and any proposition to be so voted upon first shall be explained accurately, fully, and identically. Any such vote other than by mail, telegraph, or other written means of communication shall be promptly confirmed by the member in writing or by telegraph. Nine concurring votes shall be required for approval of a Committee action so voted upon.

(c) Members and alternate members of the Committee shall serve without compensation, but shall be allowed such reasonable expenses as approved by the Committee in attending to authorized Committee business.

§ ____.28 Powers.

The Committee shall have the following powers:

(a) To administer the provisions of this order in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this order;

(c) To receive, investigate, and report to the Secretary complaints of violations of this order; and

(d) To recommend to the Secretary amendments to this order.

§ ____.29 Duties.

The Committee shall have among others the following duties:

(a) To select from among its members such officers and adopt such rules or bylaws for the conduct of its meetings as it deems necessary;

(b) To hire employees, appoint such subcommittees and advisory committees as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination at any time by the Secretary;

(d) To submit to the Secretary as soon as practicable after the beginning of each crop year a budget for such period, including a report in explanation of the items appearing therein, and a recommendation as to the rate of assessment for such period;

(e) To prepare quarterly statements of the financial operations of the Committee and to make copies of each such statements available to growers and handlers for examination at the office of the Committee and to send two copies to the Secretary;

(f) To cause the books of the Committee to be audited by a competent accountant (acceptable to the Secretary) at least once each crop year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the office of the Committee by growers and handlers;

(g) To prepare a marketing policy each crop year which policy shall be submitted to the Secretary for his approval;

(h) To act as intermediary between the Secretary and any grower or handler;

(i) To investigate and assemble data on the growing, handling, and marketing conditions with respect to bentgrass;

(j) To submit to the Secretary such available information as he may request or the Committee may deem desirable and pertinent;

(k) To notify growers and handlers of all meetings of the Committee to consider recommendations for regulation; and of all regulatory actions taken affecting growers and handlers;

(l) To give the Secretary the same notice of meetings of the Committee and of meetings of its subcommittees as is given to the applicable membership; and

(m) To investigate compliance and to use means available to the Committee to prevent violations of the provisions of this order.

RESEARCH AND DEVELOPMENT

§ ____.30 Research and Development.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and utilization or efficient production of bentgrass. The expense of such projects shall be paid from funds collected pursuant to § ____.56.

MARKETING POLICY

§ ____.35 Marketing Policy.

Prior to and as far in advance of each ensuing crop year as it finds feasible, but in any event not prior to the preceding September 1, the Committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for such crop year. Such marketing policy shall set forth the Committee's evaluation of the various factors of supply and demand that will affect the marketing of bentgrass during the crop year, including:

(a) *Carryin.* The estimated quantity of bentgrass in all hands (growers, handlers, brokers, and wholesalers) at the beginning (July 1) of the crop year;

(b) *Production.* The estimated bentgrass production during the crop year;

(c) *Trade Demand.* The prospective domestic and export trade demand, taking into consideration prospective imports;

(d) *Carryout.* The quantity in all grower and handler inventories at the end of the crop year;

(e) *Market prices for bentgrass; and*

(f) *Other relevant factors.* On the basis of its evaluation of these factors, the Committee shall recommend to the Secretary the total quantity of bentgrass (hereinafter referred to as the "Total Desirable Quantity") that should be allotted for handling during the crop year. If, in the event of subsequent changes in the supply and demand factors, the Committee deems it advisable that the total desirable quantity be increased for such crop year, it shall prepare a new or revised marketing policy and submit a report thereon to the Secretary together with its recommendations for an appropriate revision in the total desirable quantity for such crop year. The Committee shall announce each marketing policy (including new and revised policies) and notice and contents thereof shall be provided to growers and handlers by bulletins, newspapers, or other appropriate media.

VOLUME REGULATION

§ ____.36 Total desirable quantity.

Whenever the Secretary finds, on the basis of the Committee's recommendation or other available information, that establishing, limiting, or increasing the quantity of bentgrass available for handling during a crop year, would tend to effectuate the declared policy of the Act, he shall establish the total desirable quantity for such crop year, which all handlers may acquire in the crop year. The Committee shall equitably apportion such quantity among producers by establishing allocation bases and allotments as provided in § ____.41 and § ____.42.

§ ____.41 Grower Allocation Bases.

(a) Upon request of the Committee, each grower desiring an allocation base for bentgrass shall register with the Committee and furnish to it on forms prescribed by the Committee, a report of the number of pounds of such bentgrass produced by him and sold by him, or on his behalf, during each of the crop years 1967 through 1973, and names of handlers to whom sales were made as may be required by the Committee and approved by the Secretary.

(b) For the crop year which begins in 1974 a separate allocation base shall be established by the Committee for each registered grower in accordance with the option of such grower as either (1) the average crop year pounds of bentgrass produced and sold by him, or on his behalf, during any one of the crop years 1967 through 1972 and that produced and sold by him during 1973 if his production and sales covered such two crop years; or (2) the crop year pounds of bentgrass produced and sold by him, or on his behalf, during any one of the crop years 1967 through 1973 if he had production and sales in only one of such crop years.

(c) For each crop year subsequent to the crop year 1974, each allocation base shall be recomputed by the Committee as follows: (1) Allocation bases shall be adjusted by adding the grower's preceding crop year's sales of bentgrass to the total number of pounds used in computing his preceding allocation base and dividing by the number of years of sales of such bentgrass until a six year average has been computed; (2) and thereafter by (i) adding the grower's preceding crop year's sales of bentgrass to his six crop year's total sales of bentgrass used in computing his existing allocation base; (i) subtracting the quantity of sales of such bentgrass during the first of such six crop years; (iii) recalculating a new six crop year simple average which shall be the new allocation base.

(d) A condition for the continuing validity of an allocation base is production and sale of bentgrass thereunder. If no bona fide effort has been made in reference to the original allocation base, to produce and sell bentgrass thereunder during any three consecutive crop years, such allocation base

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shall be declared invalid due to lack of use and cancelled at the end of such third consecutive year of non-production and sale.

(e) The Committee shall, for the crop year 1975 and each subsequent year, recommend to the Secretary an adjustment in allocation bases which will reflect (1) increase in usage of bentgrass; (2) desires of new growers to gain entry, and growers with existing allocation bases to expand, as evidenced by application for allocation bases or increased allocation bases; and (3) any additional factors which bear on industry adjustments to new and changing conditions.

(f) (1) Notwithstanding the foregoing provisions of paragraph (e) of this section any increase in the quantity of bentgrass provided for by this order shall be no more than 5 percent of the total of all allocation bases encompassed by this order during the previous crop year: *Provided*, That new growers, if any, shall be accorded priority in granting the first 50 percent of any such increase. In the absence of applications from new producers for any or all of the first 50 percent of any increase, the unallocated portion of the first 50 percent and the second 50 percent of any increases in allocation bases shall be equitably distributed to growers with existing allocation bases.

(2) Any person may apply, under rules and procedures to be established by the Committee with the approval of the Secretary, either for a new allocation base or for an increase in an existing allocation base. Such applications may be submitted each crop year, but must be filed with the Committee not later than January 1 of a crop year in order to be considered for an award of a new allocation base or the adjustment of an existing allocation base to take effect the following crop year.

(g) The Committee recommendations, with justifications, supporting data, and a listing and summary of all applications for new or adjusted allocation bases, shall be submitted to the Secretary no later than March 1 of each crop year.

(h) (1) Not more than 60 days after receipt of the Committee recommendations, the Secretary shall either approve said recommendations or make whatever alterations therein that he deems necessary in the public interest. In the event no such recommendations or listing of applications are received, the Secretary may issue adjustments in allocation bases each crop year. The decision of the Secretary shall be final; and he shall communicate his decision and the reasons therefor to the Committee in writing.

(2) Within 30 days after receipt of the Secretary's decision, the Committee shall notify each applicant of the Secretary's decision and of their allocation bases for the following crop year.

(i) The Committee shall, with the approval of the Secretary, establish rules, guides, bases, or standards to be used in determining allocation base awards or adjustments that are to be recommended to the Secretary taking into account, among other things, the minimum economic enterprise requirements for bentgrass production.

(j) Growers' allocation bases may be transferred to other growers as authorized by regulations recommended by the Committee and approved by the Secretary.

(k) Hardship determination in establishment of original allocation bases. Where allocation of a base involves a new owner, or a new lessee, if predecessor owner or lessee is abandoning or relinquishing his allocation base and allotment, and such relinquishing occurs during the interim between the period of the year for base determination for other established growers and the effective date of this order the successor grower may apply to the Committee for an allocation base determined by such history. In considering such applications the Committee shall take into account the extent of abandonment of allocation bases by such predecessor(s). Such determinations shall be subject to review and approval by the Secretary.

(l) The Committee shall check and determine the accuracy of the information submitted pursuant to this section and is authorized to make a thorough investigation of any application. Whenever the Committee finds an error, omission, or inaccuracy in any such application, it shall correct the same and shall give the grower who submitted the application a reasonable opportunity to discuss with the Committee the factors considered in making the correction. In the event the error, omission, or inaccuracy requires correction of an allocation base, the applicable allotment computed for the grower pursuant to § ____.42 shall be on the basis of the corrected allocation base. All allocation base applications, allocation bases assigned, and adjustments therein, shall be subject to review by the Secretary.

§ ____.42 Grower allotments.

(a) Prior to the beginning of each crop year but no later than March 1, the Committee shall apportion to each grower who has an allocation base for bentgrass an allotment of bentgrass which handlers may acquire from each grower during the crop year. Each such allotment shall be computed by dividing the total desirable quantity of bentgrass established pursuant to § ____.36 by the sum of the allocation bases of bentgrass for all growers and multiplying the grower's allocation base by the resulting percentage. The result shall be the grower's allotment of bentgrass. Except as otherwise provided, no handler may acquire any quantity of bentgrass (including bentgrass of his own production) which would result in all handlers having acquired a greater quantity of bentgrass with respect to such grower than the grower's applicable allotment. Each allotment shall be expressed in pounds of cleaned bentgrass.

(b) The Committee, with the approval of the Secretary, may establish by regulation such means of certification or identification with respect to allotments to growers as may be required to effectuate the purposes of any regulation issued under this order.

§ ____.43 Bentgrass harvested prior to effective date of this order.

Any person in the possession of bentgrass harvested prior to the effective date of this order or other later date as the Committee may determine, but not more than 90 days following the effective date of this order, shall be entitled, upon application to the Committee to have such bentgrass so designated, and upon so doing, the bentgrass may be certified for handling without regard to any allotment: *Provided*, That the amount certified for handling under this paragraph in any one crop year may be limited by the Committee to not less than 25 percent of the total amount originally so designated.

Grower contracts on proprietary varieties of bentgrass in effect as of the date of publication of the Secretary's recommended decision about this order, are exempt from the order for the life of such contracts, or for the ensuing four years, whichever period of time is shorter: *Provided*, That holders of the contracts present valid evidence thereof to the Committee within 60 days after the Committee begins to function. Contracts on proprietary varieties of bentgrass entered into after the date of publication of the recommended decision, shall not be exempt from this order.

§ ____.44 Foundation and registered bentgrass seed.

The handling of foundation and registered bentgrass seed shall be subject to this order.

§ ____.45 Disposition of excess bentgrass.

Bentgrass produced by a grower in excess of his annual allotment may be disposed of in accordance with such rules and regulations as the Committee, with the approval of the Secretary, may establish. Further, bentgrass in excess of a grower's allotment, may be released for marketing by the Committee, with the approval of the Secretary, for use by the grower, under the supervision of the Committee, (1) to fill a subsequent crop year's allotment pursuant to § ____.42; or (2) to fill an increased allotment established pursuant to § ____.42; or (3) to fill a deficit in the allotment of another grower who has made a bona fide effort to produce, harvest, and market bentgrass, but who produced less than his allotment.

Inspection and Identification

§ ____.46 Quality regulation.

Subject to § ____.41 and § ____.42 all bentgrass seed shall meet regulations of Federal and State seed acts prior to sale. The Committee with the approval of the Secretary, may establish requirements which will prohibit the handling of bentgrass seed containing viable quack grass, wild garlic, wild onion seed, or any other undesirable seed. No quality regulation requiring change in production practices shall become effective prior to at least two crop years following publication. No bentgrass shall be handled unless it meets the quality standards established under this order. The Committee shall have authority to regulate the size of a lot certificated by one certificate in order to control quality.

§ ____.47 Inspection.

No handler shall handle bentgrass unless prior to or upon handling, such seed has been inspected by such agencies as the Committee, with the approval of the Secretary, may designate and found to meet the requirements of the Committee as approved by the Secretary.

§ ____.48 Identification.

All bentgrass purchased from growers, or on their behalf, by handlers must be identified as eligible seed, under rules prescribed by the Committee, by stenciling each container with the designated grower number assigned by the Oregon Bentgrass Commission, or by the Committee. Adequate records shall be maintained by each handler of all transactions involving bentgrass seed.

§ ____.49 Minimum Quantity Exemption.

The Committee, with the approval of the Secretary may establish a minimum quantity of bentgrass which may be handled on behalf of any grower free from regulations issued pursuant to this order.

Unfair Trade Practices

§ ____.50 Authorization for Prohibition.

(a). Whenever the Secretary finds, upon recommendation of the Committee or other information that continuance of certain unfair practices in trade channels would tend to interfere with the achieving of the objectives of this order, he may prohibit such practices for any period or periods.

(b) Prior to any such practices being prohibited in any period, the Committee shall recommend, for the approval of the Secretary, such rules and procedures and such record keeping requirements as are necessary to administer these prohibitions and obtain compliance therewith.

Expenses and Assessments

§ ____.55 Expenses.

The Committee is authorized to incur such expenses, including maintenance of a reserve fund, as the Secretary finds are reasonable and likely to be incurred by the Committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the Committee by handlers in the manner prescribed in § ____.56. For the purposes of this section and § ____.56 and § ____.57, the expenses and assessments shall cover the same periods as provided in § ____.29 (d) dealing with the budgets.

§ ____.56 Assessments.

(a) As his pro rata share of the expenses, including maintenance of a reserve fund, which the Secretary finds are reasonable and likely to be incurred by the Committee during a crop year, each handler shall pay to the Committee at the end of each month assessments on all bentgrass subject to this order which he handles as the first handler thereof during such period. The payment of assessments for the maintenance and functioning of the Committee may be required under this order throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the uniform rate of assessment to be paid by each handler during a crop year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund not to exceed one crop year's expenses: *Provided*, That such rate of assessment, including any increase thereof, shall not exceed 1 cent per pound of cleaned bentgrass handled. At any time during or after the crop year, the Secretary, upon recommendation of the Committee, may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall apply to all bentgrass handled during the particular crop year. In order to provide funds for the administration of the provisions of this order during the first part of a crop year before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance and may also borrow money for such purposes.

§ ____.57 Accounting.

(a) If at the end of a crop year the assessments collected are in excess of expenses incurred, the Committee with the approval of the Secretary may carry over such excess into subsequent crop years as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one crop year's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this order and (2) to cover necessary expenses of liquidation in the event of termination of this order. If any such excess cess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom assessments were collected. Upon termination of this order, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical such funds shall be returned pro rata to the handlers from whom such funds were collected.

(b) All funds received by the Committee pursuant to the provisions of this order shall be used solely for the purposes specified in this order and shall be accounted for in the manner provided in this order. The Secretary may at any time require the Committee and its members to account for all receipts and disbursements.

Reports and Records

§ ____.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report showing such information as the Committee may specify with respect to any bentgrass held by him on such dates as the Committee may designate.

(b) *Receipts.* Each handler shall upon request of the Committee file with the Committee a certified report showing for each lot of bentgrass received or handled, the identifying marks, species, variety, weight, place of production, and the grower's name and address on such date(s) as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, with the approval of the Secretary, each handler shall furnish to the Committee such other information as may be necessary to enable it to exercise its powers and perform the duties under this order.

§ ____.61 Records.

Each handler shall maintain such records pertaining to all bentgrass acquired from, or handled on behalf of all growers as will substantiate the required reports and such others as may be prescribed by the Committee. All such records shall be maintained for not less than two years after the termination of the crop year to which such records relate.

§ ____.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the Committee through its duly authorized employees shall have access to any premises where applicable records are maintained, where bentgrass is received or held, and at any time during reasonable hours shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this order.

§ ____.63 Confidential information.

All reports and records furnished or submitted by growers and handlers to or obtained by the employees of the Committee which contain data or information constituting a trade secret or disclose the trade position, financial condition, or business operation of the particular grower or handler from whom received shall be treated as confidential, and the reports and all information obtained from records shall at all times be kept in the custody and under control of one or more employees of the Committee who shall not disclose such information to any member of the Committee nor to any person other than the Secretary.

Miscellaneous Provisions

§ ____.70 Compliance.

Except as provided in this order;

(a) No handler may handle bentgrass, the handling of which has been pro-

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hibited under the provisions of this order, and no handler shall handle bentgrass except in conformity with the provisions of this order.

(b) No handler may purchase from or otherwise handle on behalf of a grower any amount of bentgrass that, together with all other marketings of such grower during the crop year, would exceed the allotment of such grower.

§ ____.71 Right of the Secretary.

The members of the Committee (including successors and alternates), and any agent or employee appointed or employed by the Committee, shall be subject on just cause to removal or suspension at any time by the Secretary. Each and every order, regulation, decision, determination or other act of said Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ____.72 Effective time.

The provisions of this order shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in § ____.73.

§ ____.73 Termination or suspension.

(a) The Secretary shall, whenever he finds that any or all provisions of this order obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this order or such provision thereof.

(b) The Secretary shall terminate the provisions of this order at the end of the then current crop year whenever he finds that such termination is favored by a majority of growers who, during a representative period determined by the Secretary, have been engaged in the production of bentgrass seed for market in the production area: *Provided*, That such majority have, during such representative period, produced for market more than 50 percent of the volume of such bentgrass seed produced or sold in the production area, but such termination shall be effective only if announced at least 30 days prior to the end of the then crop year.

(c) The provisions of this order shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ ____.74 Proceedings after termination.

(a) Upon the termination of the provisions of this order, the members of the Committee then functioning shall continue as joint trustees for the purpose of settling the affairs of the Committee by liquidating all funds and property then in the possession of or under their control, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the trustees.

(b) The trustees shall continue in such capacity until discharged by the Secretary and shall from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and trustees, to such person as the Secretary may direct, and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the joint trustees pursuant to this order.

§ ____.75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this order or any regulation issued pursuant hereto as the issuance of any amendments to either thereof shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this order or any regulation issued under this order, or (b) release or extinguish any violation of this order or of any regulation issued under this order or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ ____.76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this order shall cease upon termination of this order, except with respect to acts done under and during the existence of this order.

§ ____.77 Agents.

The Secretary may by designation in writing name any person, including any officer or employee of the Government or any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

§ ____.78 Derogation.

Nothing contained in this order is or shall be construed to be in derogation or modification of the rights of the Secretary to exercise any powers granted by the Act or otherwise in accordance with such powers to act in the premises whenever such action is deemed advisable.

§ ____.79 Personal liability.

No member or alternate of the Committee nor any employee or agent thereof may be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ ____.80 Separability.

If any provision of this order is declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ ____.81 Amendments.

Amendments to this order may be proposed, from time to time, by the Committee or by the Secretary.

§ ____.82 Counterparts.

This agreement may be executed in multiple counterparts and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ ____.83 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to show new contracting party.[1]

§ ____.84 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of bentgrass in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act such an order.[1]

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C. 20250; or James W. Coddington, Grain Division, USDA, AMS, 6525 Belcrest Road, Hyattsville, Maryland 20782.

Signed at Washington, D.C. on May 20, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-11928 Filed 5-22-74;8:45 am]

[7 CFR Part 927]

[Docket No. AO-99-A3]

CERTAIN VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

Decision and Referendum Order Regarding Proposed Further Amendment of Marketing Agreement and Order

This decision and referendum order, issued pursuant to the rules of practice and procedure governing the proceedings to formulate marketing agreements and orders (7 CFR Part 900), relates to evidence presented at a public hearing in Portland, Oregon, on February 26, 1974.

[1] Applicable only to the proposed marketing agreement.

after notice thereof published in the FEDERAL REGISTER (39 FR 5320) on proposals to amend the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the above-named varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision on this proceeding was filed with the Hearing Clerk, United States Department of Agriculture, on April 17, 1974. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 74–9151; 39 FR 14213). None were filed.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision set forth in the FEDERAL REGISTER (FR Doc. 74–9151; 39 FR 14213) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and general findings of this decision as published in full herein.

Materials issues. The material issues presented on the record were concerned with amending the order to:

(1) Revise the provisions which authorize marketing research and development projects to include authority for production research related to market quality factors;

(2) Authorize the issuance of container regulations; and

(3) Make conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The order presently contains authority for committee expenditures on marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of pears.

The order should be amended, as hereinafter set forth, to include authority for production research designed to assist, improve, or promote the marketing, distribution, and consumption of pears. The proposal to include production research, as published in the notice of hearing, indicated that the intent of the proposal was to provide for production research projects designed to assure "efficient production" in addition to those designed to assist, improve, or promote the marketing, distribution, and consumption of pears. However, the record evidence shows that the kind of production research for which authority is needed relates to problems affecting the marketing of the fruit. Such research would be concerned mainly, with orchard practices and procedures aimed at maintaining or improving market quality in marketing channels.

For several years, the committee has conducted marketing research projects aimed at maintaining or improving the market quality of pears so as to promote their marketing, distribution, and consumption. During such time, it has become obvious to those concerned that several quality lowering factors, or the susceptibility thereto, may originate in the production phase of operations. Thus far, the order has limited the committee's research to activities which take place beyond the farm gate such as sorting, packing, storage, and distribution of pears. Specific examples of quality problems that are believed to originate during production are cork spot, scald, shrivel, and decay. Other examples of production technology which may affect market quality include harvesting practices and the use of growth regulators, fertilizers, insecticides, and similar materials. In addition, new laws and regulations enacted for the protection of consumers and the environment may require research involving industry-wide cooperation to ascertain how best to conduct operations that will result in pears which comply with such regulations. The recommended authority would permit expansion of committee research activities to include areas of practice and procedure at the orchard level which affect the marketing, distribution, and consumption of pears to the end that more effective marketing may be achieved. Likewise, such authority would enable the committee to participate in the development of practices and procedures to meet the requirement of rules and regulations that are directed toward consumer and environmental protection, and have an impact on the production and distribution of pears.

The act provides that the expense of any research projects are to be paid from funds collected under the order. Therefore, for clarity the order should so specify as hereinafter set forth.

In formulating production research projects the committee should be authorized to secure the advice and service of persons knowledgeable in any segment of the research field. The committee should be authorized to establish subcommittees to assist it in the efficient and expeditious planning of production research projects or programs. Such committees could explore research methods, develop preliminary projects and programs, and make recommendations with respect to any such activities. Subcommittees could also perform evaluations of activities at any stage of completion. Final decisions on any such recommendation would be the prerogative of the committee subject to approval of the Secretary. In the conduct of any production research projects, the committee should be authorized to conduct the projects, or to contract for the conduct of such projects with persons or organizations that specialize in this field of activity.

In submitting projects to the Secretary for his approval, the committee should include recommendations as to the funds to be obtained from assessments under the order and its appraisal of the relative urgency of individual projects whenever several possibilities are involved. The committee should fully consider the cost of any such activities, when developing its budget, both as to additional items of expense and the applicable assessment rate. Committee expenditures for the costs of planning such research should be authorized on the basis of budgetary approval since planning and project development necessarily precede recommendation of a project to the Secretary for his approval. The committee should review its production research program annually to appraise its effectiveness. Copies of the annual report on the program should be provided to the Secretary and made available at the committee office for examination by producers, handlers, and other interested persons.

(2) The notice of hearing contained a proposal that the regulatory provisions of the order be amended to authorize the issuance of regulations that would fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of pears. The proponents of this proposal abandoned it at the hearing, and no evidence either in support or in opposition to it was presented. It is therefore concluded that the order should not be amended, at this time, to include authority for regulating containers of pears.

(3) No conforming changes are necessary.

Ruling on proposed findings and conclusions. March 22, 1974, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and on the findings and conclusions that should be drawn therefrom. No brief was filed.

General findings.

(1) The said order, as amended, and as hereby proposed to be further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby proposed to be further amended, regulates the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby proposed to be further amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby proposed to be further amended, prescribes such different terms, applicable to different production and marketing areas, as are necessary to give

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due recognition to differences in the production and marketing of such pears.

Further amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau Varieties of Pears Grown in Oregon, Washington, and California" and "Order Amending the Order Regulating the Handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau Varieties of Pears Grown in Oregon, Washington, and California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period July 1, 1973, through April 30, 1974 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the States of Oregon, Washington, and California in the production for market of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears to ascertain whether such producers favor the issuance of said annexed order amending the order, as amended, regulating the handling of the aforesaid varieties of pears grown in the aforesaid area. Allan E. Henry and John E. Coop, Jr., Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture, to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in said marketing order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: May 20, 1974.

RICHARD R. FELTNER,
Assistant Secretary.

ORDER[1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

§ 927.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Portland, Oregon, on February 26, 1974, upon proposed amendments to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby proposed to be amended, regulates the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the State of Oregon, Washington, and California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby proposed to be amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby proposed to be amended, prescribes such different terms, applicable to different production and marketing areas, as are necessary to give due recognition to differences in the production and marketing of such pears.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

Section 927.47 is revised to read:

§ 927.47 Research and development.

The Control Committee, with the approval of the Secretary, may establish or provide for the establishment of production research or marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of pears. The expense of such projects shall be paid from funds collected pursuant to § 927.41.

[FR Doc.74–11925 Filed 5–22–74;8:45 am]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 1136]

[Docket No. AO–302–A20]

MILK IN THE GREAT BASIN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Bannock Hotel, 105 South Arthur, Pocatello, Idaho 83201, beginning at 10 a.m., local time, on June 11, 1974, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Great Basin marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY UPPER SNAKE RIVER VALLEY DAIRYMEN'S ASSOCIATION, INC., MOUNTAIN EMPIRE DAIRYMEN'S ASSOCIATION, AND WESTERN GENERAL DAIRIES, INC.

PROPOSAL NO. 1

Amend § 1136.6 to add the Idaho Counties of:

Bannock	Franklin
Bear Lake	Jefferson
Bingham	Madison
Bonneville	

PROPOSAL NO. 2

Amend § 1136.53(a) to read as follows:

§ 1136.53 Location differentials to handlers.

(a) For milk which is received from producers at a pool plant or is diverted therefrom, or is delivered by a cooperative association pursuant to § 1136.9(c) to a pool plant and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1136.50(a) shall be reduced pursuant to paragraph (1) and (2) of this section on the basis of the applicable rate per hundredweight for the location of such plant.

(1) Zone Rates.

Zone I. For plants located within 100 miles of the county courthouse in Provo, Utah and not in Zone II, III, or IV, no location adjustment.

Zone II. For plants located within the following counties: Utah Counties: Sevier, Grand, Piute, Beaver, Wayne, Cache and Uintah. Nevada Counties: Elko and Whitepine. Wyoming Counties: Uinta. $.10 location differential.

Zone III. For plants located within the following counties; Utah Counties: Iron, Garfield, and San Juan. Idaho Counties: Franklin, Oneida and Bear Lake. $.20 location differential.

Zone IV. For plants located within the following counties; Utah Counties: Kane and Washington. Idaho Counties: Bannock, Power, Bingham, Bonneville and Caribou. $.30 location differential.

(2) *Distance rates.* Plants located outside any of the zones specified in paragraph (a)(1) of this section shall have a location differential of $.10 per hundredweight, plus $.015 per hundredweight for each 10 miles or fraction thereof that such plant is situated more than 100 miles from the county courthouse in Provo, Utah.

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PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 3

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Earl C. Born, 4411 E. Kentucky Avenue, Denver, Colorado 80222 or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C. on May 17, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74–11874 Filed 5–22–74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1500]

SELF-PRESSURIZED HOUSEHOLD SUBSTANCES CONTAINING VINYL CHLORIDE

Proposed Classification as a Banned Hazardous Substance

In response to recent information on the toxicity of vinyl chloride monomer and in response to a petition received on February 21, 1974, from the Health Research Group, Washington, D.C., the Consumer Product Safety Commission proposes to ban as a hazardous substance any self-pressurized product (aerosol product) for household use containing vinyl chloride monomer. By notice published May 9, 1974 (39 FR 16511), the Commission determined that consumer products containing vinyl chloride monomer as a propellant or ingredient are products which could create a substantial product hazard and required manufacturers of such products to submit certain information to CPSC.

Section 2(f)(1)(A) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(1)(A)) defines "hazardous substance" as "any substance or mixture of substances which is toxic • • • if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children." Section 2(g) of the act states that "the term toxic shall apply to any substance • • • which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface." Section 2(q)(1)(B) of the act defines a "banned hazardous substance" as "any hazardous substance intended, or packaged in a form suitable, for use in the household, which the Secretary [now the Commission] by regulation classifies as a 'banned hazardous substance' on the basis of a finding that, notwithstanding such cautionary labeling as is or may be required under this Act for the substance, the degree or nature of hazard involved in the presence or use of such substance in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substance, when so intended or packaged, out of the channels of interstate commerce."

The Commission has determined that reasonable grounds exist to propose the banning of self-pressurized products for household use containing vinyl chloride on the basis of toxicity. These grounds include the following:

(1) *Human data.* On January 22, 1974, the Occupational Safety and Health Administration was informed by the National Institute for Occupational Safety and Health (NISH) that the B. F. Goodrich Chemical Company reported that deaths of several of its employees from a rare form of liver cancer may have been occupationally related.

The employees of the B. F. Goodrich Chemical Company who died from angiosarcoma of the liver had an average exposure of approximately 19 years of vinyl chloride, at unknown concentrations, and variable exposures to other volatile chemicals. Some employees of Union Carbide Company and Goodyear Company are also reported to have had exposure to vinyl chloride and to have died from angiosarcoma of the liver. Finally, autopsies of four deceased employees revealed that liver angiosarcoma tumors were histologically indistinguishable from the angiosarcoma tumors observed in Professor Maltoni's experimental animals (see below).

(2) *Animal data.* Professor Cesare Maltoni, of the Instituto di Oncologia, Bologna, Italy, reported on a series of experiments on the effect of exposure of rats, mice, and hamsters to vinyl chloride at concentrations of 10,000; 6,000; 2,500; 500; 250; and 50 ppm for varying period of time. Some of the experiments have been concluded, and others are still ongoing. The experimental results so far reported are that tumors have been observed in groups of animals exposed to vinyl chloride at concentrations as low as 250 ppm.

These data are contained in the transcript of an "Informal Fact Finding Hearing on Possible Hazards of Vinyl Chloride Manufacture and Use," U.S. Department of Labor, Occupational Safety and Health Administration, February 15, 1974. A copy of this document is available for public inspection at the Office of the Secretary, 1750 K Street NW., Washington, D.C. 20207.

The Commission is in receipt of a petition from the Health Research Group, set forth below, "to immediately prohibit the continued use of vinyl chloride as a propellant for aerosolized consumer products and to remove all products containing vinyl chloride as a propellant from the market because there is substantial evidence that vinyl chloride is

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carcinogenic." The petitioner cities a 1964 report that estimates that use of self-pressurized products containing vinyl chloride could result in exposure to a concentration of over 250 ppm.

The Commission is also aware that the Occupational Safety and Health Administration published in the FEDERAL REGISTER on April 5, 1974, an Emergency Temporary Standard for Exposure to Vinyl Chloride (39 FR 12342). This Emergency Standard sets an occupational exposure limit of 50 ppm of vinyl chloride in air. Further, the Occupational Safety and Health Administration on May 10, 1974 (39 FR 16896), proposed a standard for employee exposure at no detectable level. In addition, the Food and Drug Administration on April 22, 1974 (39 FR 14215), published a notice of proposed rule making for vinyl chloride as an ingredient of drug and cosmetic aerosol products. The Commissioner of FDA determined: (1) That vinyl chloride presents an unnecessary hazard to the public health when it is used as an ingredient in cosmetic aerosol products and that such use should be banned and (2) vinyl chloride, when used as an ingredient in drug aerosol products, is not generally recognized as safe and effective, and requires an approved new drug application as a condition of marketing. In the same notice, FDA requested a recall of all drug and cosmetic aerosol products containing vinyl chloride.

Further, on April 26, 1974 (39 FR 14753), the Environmental Protection Agency published an emergency suspension order concerning registration for pesticide spray products containing vinyl chloride and an intent to cancel registrations. In the publication, EPA announced preliminary results of experiments at Industrial Bio-Test Laboratories which indicate that angiosarcoma was observed in mice exposed to vinyl chloride concentrations as low as 50 ppm. EPA also announced an agency calculation showing that under reasonable conditions of use of self-pressurized products, the level of exposure might be as high as 400 ppm.

On the basis of the information referred to above, the Commission has determined that inhalation of vinyl chloride may be hazardous and that any use of a self-pressurized product exposes the consumer to inhalation of some of its contents. Therefore, the Commission has reason to believe that precautionary labeling would be insufficient to protect the public health and safety if self-pressurized household products containing vinyl chloride entered the channels of interstate commerce.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f) (1) (A), (q), (3) (a), 74 Stat. 372, 374, as amended 80 Stat. 1304–05; 15 U.S.C. 1261 (f) (1) (A), (q), 1262(a)) and the Federal Food, Drug, and Cosmetic Act (sec. 701 (e), (f), (g), 52 Stat. 1055–56, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371 (e), (f), (g), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes to amend 16 CFR Part 1500 by adding a new paragraph (a)(10) to sec. 1500.17 as follows:

§ 1500.17 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(10) Self-pressurized products intended or suitable for household use that contain vinyl chloride monomer.

Interested persons are invited to submit, on or before June 24, 1974, written comments regarding this proposal. Comments and any accompanying material should be submitted, preferably in 5 copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, tenth floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: May 20, 1974.

SADYE DUNN,
Secretary, Consumer Product Safety Commission.

The Health Research Group petition reads as follows:

BEFORE THE CONSUMER PRODUCT SAFETY COMMISSION

HEALTH RESEARCH GROUP, PETITIONER

To: Richard Simpson, Chairman, Consumer Product Safety Commission.

Petition To Immediately Prohibit the Continued use of Vinyl Chloride as a Propellant for Aerosolized Consumer Products and To Remove all Products Containing Vinyl Chloride as a Propellant From the Market Because There Is Substantial Evidence That Vinyl Chloride Is Carcinogenic

I. Petitioner. Petitioner Health Research Group is a non-profit organization engaged in public interest research on health issues, including consumer product safety. It is funded by Public Citizen, many of whose members use aerosolized consumer products.

II. Authority for Petition and Regulation. Petitioner's authority to petition for rule-making is the Administrative Procedure Act, 5 U.S.C. 553(e). The authority of the Consumer Product Safety Commission to promulgate this rule is 15 U.S.C. (The Federal Hazardous Substances Act), § 1261(q)(2), 1262, 1263, and 1265.

III. Summary of Reasons for This Petition. Vinyl chloride is a toxic substance known to be commonly used as a propellant in aerosolized products. No regulations currently prohibit such use of vinyl chloride.

Vinyl chloride monomer is a colorless gas which can cause acute toxicity manifested by dizziness, headache, disorientation, and unconsciousness at high concentrations. It has been linked to osteolytic (bone destructive) lesions of the hands, liver disease, and liver cancer in workers engaged in the polymerization of polyvinyl chloride from vinyl chloride monomer. In one study of industrial workers exposed to vinyl chloride 30% were found to have liver enlargement.

At exposure levels as low as 250 ppm, vinyl chloride has produced liver cancer in rats. Of greatest significance, since 1964 five workers engaged in making polyvinyl chloride from vinyl monomer at one plant have died from a rare and invariably fatal form of cancer of the liver. The most recent death was December 19, 1973. This cancer has recently been diagnosed in a sixth worker in the same plant.

IV. The Use or Presence of Vinyl Chloride in Consumer Products. Vinyl chloride is among the most often-used propellants in aerosols. (*Postgraduate Medicine*, p. 66; *Report of the Committee on Aerosol Toxicity*, p. 19; *Aerosol Age*, p. 47.) A 1964 report estimated that an aerosol product sprayed in a tiny room of 262.5 cubic feet for 90 seconds would result in 0.025% vinyl chloride by volume. (*Aerosol Age*, p. 47.) This level would correspond to over 250 ppm vinyl chloride in the air of a room that size,[1] not unlike the size of many bathrooms in small apartments.

V. Prior Regulatory Actions on Vinyl Chloride—1971. In 1971 under Section 6(a) of the Occupational Safety and Health Act of 1970, the Department of Labor adopted as a Federal standard a ceiling level of 500 ppm (1300 mg/m³) for occupational exposure to vinyl chloride, based on the recommendations of the American Conference of Governmental Industrial Hygienists (AOGIH), (FEDERAL REGISTER of May 29, 1971). The AOGIH has since recommended 200 parts per million as a revised voluntary ceiling value for occupational exposure to the chemical. (*Documentation of Threshold Limit Values*, p. 477).

1973. On May 15, 1973, the Food and Drug Administration published a notice of proposed rule-making for the "prior-sanctioned polyvinyl chloride resin." The notice proposed that the resin not be used as a component of food packaging material for use in contact with alcoholic foods, since both industry and FDA laboratory analyses had found that the vinyl chloride monomer migrates to alcohol from PVC bottles used to package distilled spirits and wine. Analytical results from industry confirmed that levels of up to 20 ppm of vinyl chloride were found to have migrated to the alcohol from the container after it had been stored for up to one year. The FDA concluded: "Vinyl chloride monomer as such is a poisonous and deleterious substance. FDA knows of no studies which establish a safe level of consumption when this monomer is leached from containers into alcoholic foods." (FEDERAL REGISTER of May 15, 1973).

1973. A July 18, 1973, FDA notice in the FEDERAL REGISTER extended the time for filing comments on the FDA proposal for restrictions on polyvinyl chloride packaging, at the request of the plastics industry. The notice stated that the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department (which had first authorized experimental use of PVC bottles for liquor in November, 1968) had terminated the use of PVC containers for alcoholic beverages pending final action by the FDA on the proposal. As of this date (2/21/74), the Food and Drug Administration has not finalized its proposal of May 17, 1973.

1974. In direct response to the deaths from a rare form of liver cancer of four workers at one polyvinyl chloride plant, the Department of Labor published on January 30, 1974, a request for information and a notice of a fact-finding hearing on the possible hazards associated with the manufacture and/or use of vinyl chloride (FEDERAL REGISTER January 30, 1974). At the hearing held on February 15, 1974, the Industrial Union Department of the AFL–CIO petitioned for an emergency temporary standard to prevent any worker exposure to vinyl chloride.

VI. The Grave Danger Resulting from Exposure to Vinyl Chloride—A. Acute Effects. Vinyl chloride is a gas which can cause unconsciousness at extremely high concentrations. Inhalation of a 2.5% concentration of vinyl chloride can cause dizziness, disorientation and headache (ILO, p. 1466). At an 8–12% concentration cardiac arrythmias have been observed in experimental dogs (ACGIH, p. 477). The Committee on Aerosol Toxicity has voiced concern over the use of certain gases—including vinyl chloride—as components of propellant/solvent systems in aerosols because they are capable of producing "cardiac sensitization" (Committee Report, p. 19).

B. Evidence of Carcinogenicity. On January 22, 1974, the B. F. Goodrich Company announced that three—and it is now known five—of its Louisville, Kentucky, vinyl-chloride workers had died of angiosarcoma (or hemangioendothelioma) of the liver, an exceedingly rare form of liver cancer. The five deaths occurred between 1964 and 1973, with the time of development of liver cancer after the onset of exposure to vinyl chloride in the four workers for whom this information is known from 14 to 27 years.

The National Institute for Occupational Safety and Health, estimating that only twenty to thirty people die in the United States every year from this particular type of cancer, has announced the discovery of a new occupational cancer associated with the polymerization of polyvinyl chloride from vinyl chloride, with vinyl chloride as the chief causative suspect (Statement of Dr. Marcus Key, February 1, 1974). The disease is invariably fatal, once cancer has been initiated (Statement of Dr. Irving Selikoff, February 15, 1974).

The carcinogenic effects of exposure to vinyl chloride have been demonstrated by Viola and Maltoni, in separate experiments. Viola produced angiosarcomas of the liver in rats when exposed to 30,000 ppm for 4 hours/day, 5 days/week, for 12 months (Viola, p. 20). Maltoni has produced the same type of cancers when exposing rats to much lower doses (Statement of Prof. Cesare Maltoni, February 15, 1974). After 127 weeks of exposure to vinyl chloride (4 hours/day; 5 days a week, by inhalation), Maltoni reported liver tumors in Sprague-Dawley rats at exposures as low as 250 ppm. (See table below).

RESULTS OF MALTONI'S EXPERIMENTAL STUDY

Exposure level—vinyl chloride, by inhalation	Number of animals exposed	Number of animals developing liver angiosarcomas
10,000 ppm	80	6
6,000 ppm	72	11
2,500 ppm	74	9
500 ppm	67	7
250 ppm	67	2
50 ppm	64	0

[1] Using *Aerosol Age's* reference that 16.5% by volume corresponds to 400 g. vinyl chloride/M³, and a conversion factor of 500 ppm=1300 mg/M³ (ACGIH.)

Dr. Maltoni reported that he is currently conducting an experiment using 300 rats exposed to 50 ppm, since the failure of the low dose of vinyl chloride to induce cancer may be a function of the small number of animals tested.

In addition, Maltoni has observed two fibrosing angiosarcomas in the offspring of pregnant rats exposed to vinyl chloride. He stated that such fibrosing angiosarcomas have never been observed as occurring spontaneously in Sprague-Dawley rats.

C. Other Evidence of Liver Disease. As early as 1961 Torkelson et al. reported that abnormal histologic changes were noted in the livers of rabbits after repeated exposures to 200 ppm of vinyl chloride. Slight liver enlargement was noted at doses as low as 100 ppm (Torkelson et al.).

A 1967 French study of 168 workers engaged in the production of PVC found liver enlargement in 30% of the cases studied (Suciu et al.).

A later report of the health experience of Dow Chemical's vinyl chloride workers revealed no overt illness, but did determine that certain blood tests of liver function (e.g. beta liproprotein, the icterus index, and bromosulfalein retention time) were abnormally altered. On the basis of their findings, the authors concluded that some degree of liver dysfunction might result from a TLV for vinyl chloride of 300 ppm (Mutchler et al.).

Marstellar et al. reported within the past few months that 19 out of 20 workers who had been exposed to vinyl chloride for 1½ to 21 years at a PVC producing plant in Germany had some type of liver disease, including gross changes of the liver and spleen. Direct inspection of the liver and spleen (by surgical operation) showed disease to be present in 14 out of the 20 workers (Marstellar et al.).

D. Evidence of Other Chronic Effects. In October 1963 osteolytic lesions were first observed in two Belgian plastics workers who were also suffering from Raynaud's phenomenon due to constriction of the local blood vessels in their hands (ILO, p. 1466). This hand syndrome—termed acroosteolysis—has since been observed in over 30 workers in the United States employed in the manufacture of PVC resins (Wilson et al.).

VII. Relief Requested. We request that the Chairman of the Consumer Product Safety Commission declare aerosolized consumer products containing vinyl chloride to be "banned hazardous substances," under the definition of 15 U.S.C. § 1261(q)(1) and under the authority granted the Chairman in § 1262. Moreover, under the authority of § 1265, the Chairman is requested to remove from sale such consumer products containing vinyl chloride as propellants and to prohibit the introduction of such aerosolized products containing vinyl chloride into interstate commerce.

The chronic toxicity and evidence of carcinogenicity of vinyl chloride monomer for humans has been documented by scientific studies and clinical reports. Further use of vinyle chloride monomer as a propellant for aerosolized consumer products must be prohibited since there is no evidence that human beings can safely be exposed to the chemical.

Dated: Washington, D.C., February 21, 1974.

Respectfully submitted,
ANDREA M. HRICKO.

SIDNEY M. WOLFE, M.D.,
2000 P. Street, N.W. #708
Washington, D.C. 20036.

REFERENCES

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[FR Doc.74-11936 Filed 5-22-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency

DCPA ADVISORY COMMITTEE ON THE DESIGN AND CONSTRUCTION OF SHELTERS

Notice of Meeting

Notice is hereby given, pursuant to Public Law 92-463, that a meeting of the DCPA Advisory Committee on the Design and Construction of Shelters will be held during the hours of 9 a.m. to 5 p.m. on Wednesday, June 12, 1974 at the Defense Civil Preparedness Headquarters, Pentagon, Room 3E333.

The meeting is being held to obtain the Committee's recommendations and advice on the Defense Civil Preparedness Agency's redirected programs.

Further, the meeting will be open to the public and members of the public will be accommodated on a first-come, first-served basis. Any person may file with the Committee a written statement concerning the matters to be discussed.

Anyone desiring further information concerning this meeting or who wishes to file a statement may contact Mr. James E. Roembke, Defense Civil Preparedness Agency, Commonwealth Building, 1300 Wilson Blvd., Arlington, VA 22209, telephone 694-1672.

Dated: May 16, 1974.

JOHN E. DAVIS,
Director.

[FR Doc.74-11887 Filed 5-22-74;8:45 am]

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meeting

MAY 15, 1974.

The USAF Scientific Advisory Board Geophysics Panel Task Group on Meteorological Effects on Microwave Propagation will hold a closed meeting on June 5, 1974, from 9 a.m. until 4:30 p.m., at the Stanford Research Institute, Menlo Park, California.

The Task Group will conduct a classified working session to review and revise the first draft of their report.

For further information, please contact the Scientific Advisory Board Secretariat at 202-697-8404.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-11767 Filed 5-22-74;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on:

Tuesday, 4 June 1974
Friday, 7 June 1974
Friday, 14 June 1974

These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MAY 17, 1974.

[FR Doc.74-11805 Filed 5-22-74;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, June 4, 1974
Tuesday, June 11, 1974
Tuesday, June 18, 1974
Tuesday, June 25, 1974

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 552 (b) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MAY 17, 1974.

[FR Doc.74-11806 Filed 5-22-74;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Notice of Meeting

The National Crime Information Center Advisory Policy Board will meet on June 3, 4, and 5, 1974, at the Royal Sonesta Hotel in New Orleans, Louisiana. On June 3, the meeting will begin at 11 a.m. and conclude at 4:15 p.m. and on June 4 and 5, it will begin at 9:30 a.m. and conclude at 5 p.m.

The purpose of this meeting will be to review the minutes of the previous meeting, to consider suggestions concerning NCIC and discuss matters presented as new business.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members, must file written statements or questions at least twenty-four hours prior to the opening of each meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

The NCIC Advisory Policy Board is constituted according to Public Law 92-463 and its membership is composed of criminal justice representatives from throughout the United States.

Further information may be obtained from Mr. Norman F. Stultz, Section Chief, Computer Systems Division, FBIHQ, Washington, D.C.

Minutes of the meeting will be available upon request from the above-designated FBI Official.

CLARENCE M. KELLEY,
Director.

[FR Doc.74-11886 Filed 5-22-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 615]

CALIFORNIA

Notice of Filing of Plat of Survey

MAY 16, 1974.

1. A plat of survey of the following described land, accepted April 29, 1974, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on July 1, 1974:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 22 S., R. 32 E.,
Sec. 29, Lots 2, 3, 4, 5, 7, 8, 9 and 10.

The area described totals 364.69 acres.

The plat represents a dependent resurvey of a portion of the subdivisional lines and completion survey and subdivision of section 29, T. 22 S., R. 32 E., Mount Diablo Meridian, California.

2. The survey was executed at the request of the Forest Service to accommodate a land exchange, S-2489.

3. The above described lands are within the Sequoia National Forest and are therefore not subject to disposition under the public land laws generally by reason of the official filing of the plat of survey. The lands have been and still are subject to the operation of the mining and mineral leasing laws, except for Lots 7 and 10, which are segregated from the operation of the mining laws by virtue of the aforementioned exchange application.

ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.74-11794 Filed 5-22-74;8:45 am]

[NM Misc. 23]

NEW MEXICO

Order Opening Lands to Entry

MAY 15, 1974.

1. In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 11 E.,
Sec. 11, SE¼;
Sec. 14, NE¼;
Sec. 23, NW¼;
Sec. 26, W½;
Sec. 27, SE¼.
T. 29 N., R. 12 E.,
Sec. 10, NE¼SW¼ and NW¼SE¼.
T. 19 S., R. 3 W.,
Sec. 18, lots 1, 2 (less 6.7 acres) 3 and 4;
Sec. 19, lot 1.
T. 19 S., R. 4 W.,
Sec. 10, NE¼SE¼;
Sec. 11, E½NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 13, E½E½, W½NE¼, E½NW¼ and NW¼NW¼;
Sec. 14, N½NE¼, SE¼NE¼, NE¼NW¼ and NE¼SE¼;
Sec. 15, S½SW¼;
Sec. 21, NE¼, N½SE¼ and SW¼SE¼;
Sec. 22, W½NE¼, NW¼, NW¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 23, N½SW¼ and SE¼;
Sec. 24, NE¼NE¼, SW¼ and NW¼SE¼;
Sec. 25, W½;
Sec. 26, E½, NW¼ and S½SW¼;
Sec. 27, W½NE¼, SE¼NE¼, E½SW¼, SW¼SW¼ and N½SE¼;
Sec. 28, S½NE¼, W½ and SE¼;
Sec. 33, N½NW¼ and SW¼NW¼.

The areas described aggregate approximately 4,677.32 acres of land in Taos and Dona Ana Counties.

2. The topography of the lands located in Taos County are mainly flat with elevations ranging from 7200 to 7499 feet. Vegetation consists of sagebrush, rabbitbrush, snakeweed and sparse blue grama. The soils are moderately deep to shallow sandy and silt loams. The lands in Dona Ana County are rough and broken to moderately rolling to steeply sloping and dissected by many intermittent stream channels. The soils are gravelly loam underlain by caliche or reddish brown clay loams. The vegetation consists of mesquite, yucca, snakeweed, black grama, mesa dropseed, fluff grass and various species of cacti.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described above are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on June 24, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, NM 87501.

MICHAEL T. SOLAN,
Chief, Division of Technical Services.

[FR Doc.74-11793 Filed 5-22-74;8:45 am]

CHIEF, BRANCH OF LANDS AND MINERALS OPERATIONS, CALIFORNIA

Redelegation of Authority

1. Pursuant to the authority contained in section 1.1 of BLM Order No. 701 (29 FR 10528, July 29, 1964) as amended, the following authority is hereby delegated to the Chief, Branch of Lands and Minerals Operations in the Division of Technical Services to take action for the State Director in matters listed under section 1.6(n) geothermal resources leases. Take actions on matters involving geothermal resources leases pursuant to the Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1001-1025) and 43 CFR Part 3200. This authority does not include (1) functions pertaining to geothermal deposits that involve approval or execution of unit or cooperative agreements, communitization agreements, operating, drilling or development contracts and (2) functions relating to the grant, approval or termination of the waiver, suspension or reduction of royalty, or the suspension of operations or production under a lease.

2. The authority delegated in paragraph 1 above may not be redelegated but may be exercised by any person authorized as an "Acting" Branch Chief.

3. This delegation becomes effective immediately upon publication in the FEDERAL REGISTER.

JAMES B. RUCH,
Acting State Director.

Approved: May 16, 1974.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.74-11766 Filed 5-22-74;8:45 am]

[NM 20963]

NEW MEXICO

Notice of Application

MAY 17, 1974.

Notice is hereby given, that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (41 Stat. 449; 30 U.S.C. 185) the K. B. Engineering Company has applied for a 7-inch natural gas pipeline and nitrogen rejection plant site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 S., R. 29 E.,
Sec. 12, SW¼NE¼, E½SW¼ and NW¼SE¼;
Sec. 13, E½W½ and NW¼NW¼;
Sec. 21, SE¼NE¼;
Sec. 22, SW¼NW¼, NW¼SW¼ and S½S½;
Sec. 23, SE¼NE¼, SW¼SW¼ and N½S½;
Sec. 24, N½NE¼, NE¼NW¼ and S½NW¼;
Sec. 27, NW¼NW¼;
Sec. 28, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼ and NW¼SE¼;
Sec. 33, NW¼NW¼.
T. 16 S., R. 29 E.,
Sec. 3, lots 1, 2, 6, 7, 11, 12, 13, 14 and NW¼SW¼;
Sec. 4, N.¼SE¼ and S½SE¼;
Sec. 8, NE¼SE¼ and S½SE¼;
Sec. 9, N½NE¼, NE¼NW¼, S½NW¼ and NW¼SW¼.

The 50-foot-wide pipeline will convey high nitrogen gas across approximately 11.372 miles of national resource lands in Chaves and Eddy counties to a nitrogen rejection plant site containing 0.224 acres of national resource land in Eddy County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views, should promptly send their name and address to the District Manager, Bureau of Land Management, 1717 West Second Street (P.O. Box 1397), Roswell, N.M. 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-11803 Filed 5-22-74;8:45 am]

SALEM DISTRICT ADVISORY BOARD

Notice of Field Tour

Notice is hereby given that the Salem District Advisory Board will conduct a

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field tour starting at 10:15 a.m. on June 18, 1974. The tour group will meet at the Bureau of Land Management Walter Horning Tree Seed Orchard located in Section 13, T. 4 S., R. 3 E., W.M., Oregon, about 14 miles northeasterly from the town of Molalla, Oregon.

The purpose of the tour is to view and discuss operations of the Walter Horning Tree Seed Orchard in producing containerized tree seedlings and genetically superior tree seeds.

The tour will be open to the public. In addition to discussion of the agenda topic by board members, there will be time for brief statements by non-members. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the tour, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the co-chairman: Salem District Manager, P.O. Box 3227, Salem, OR 97302.

B. T. VLADIMIROFF,
Salem District Manager.

MAY 15, 1974.

[FR Doc.74-11800 Filed 5-22-74;8:45 am]

STATE DIRECTOR, ALASKA SUPPLEMENT

Delegation of Authority Regarding Contracts and Leases

MAY 17, 1974.

State Director, Alaska supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-0332, and 38 FB No. 185, dated September 25, 1973, the Chief Branch of Procurement and Property Management, Fairbanks District Office, is authorized:

1. To enter into contracts with established sources for supplies and services, regardless of amount;

2. To enter into contracts on the open market for supplies and services, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources. (Sec. 302(c)(3) of the FPAS Act);

3. To enter into contracts in an unlimited amount for necessary procurements in the case of emergency fire suppression work for the rental of equipment and aircraft and for the purchase of supplies and services required in such operations. (Section 302(c)(2) of the FPAS Act).

RICHARD H. LEDOSQUET,
District Manager.

[FR Doc.74-11888 Filed 5-22-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-112]

BARNES & TUCKER CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Barnes & Tucker Company has filed a petition to modify the application of 30 CFR 75.303 to its Lancashire No. 20 Mine located near Carrolltown, Cambria County, Pennsylvania.

30 CFR 75.303 reads in pertinent part as follows:

Within 3 hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane, and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume and velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. In support of its petition, Petitioner states:

(1) The specific request which Petitioner makes in its petition is for permission to use qualified, competent employees, rather than certified employees as is required under Title 30, Code of Federal Regulations, § 75.303, for haulage examinations. The reason for the Company's requested variance is that employees with certification by the Commonwealth of Pennsylvania are not available at the Company's Lancashire No. 20 Mine.

(2) Petitioner feels that this request for variance of § 75.303 will not compromise the safety of the employees in any way.

(3) Petitioner has one state certified person and two qualified and competent persons performing this belt examination at the present time. The qualified and competent employees have eight years and 31 years of experience respectively. They have performed many duties required of coal miners and have state certified machine operator certificates. They have been qualified under U.S. Bureau of Mines requirements in first-aid methods, principles of mine rescue, oxygen deficiency and methane detecting devices, safe use and care of flame safety lamp, use of self-rescuers, Coal Mine Health and Safety Act of 1969, coal mine ventilation requirements, roof and rib control. They also have been instructed in the locations and use of fire fighting equipment, locations of escapeways, exits, and routes of travel, evacuation procedures and fire drills.

(4) Petitioner has attempted in every way possible to fill this position. It has advertised in the local newspapers. It has offered training. It has attempted to encourage employees from the rank and file by offering better employment, wages and benefits but present employees are reluctant to leave the United Mine Workers of America for what has traditionally been considered a supervisory job.

(5) Petitioner will require a sufficient number of employees to perform the required duties of haulage examiner and the job bidding procedure of the United Mine Workers contract will have to be followed. When this job is posted for bid, Petitioner will require no less than five years of experience as a miner or man of general work. Furthermore, all the necessary required training by the U.S. Bureau of Mines as set forth in Item 3 will be complied with.

(6) If the requested variance which Petitioner seeks is granted, it will be necessary for Petitioner to use competent, qualified employees for haulage examination until such time as these employees are able to become certified by state examination. Petitioner will require such employees to attend Pennsylvania State University extension courses in mining.

(7) Petitioner presently has two employees who have state certification, but these two employees will not accept the position of a haulage examiner.

(8) Each day the pre-shift examination will be made by a state certified mining examiner who also possesses certification as a first grade assistant mine foreman.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 14, 1974.

[FR Doc.74-11776 Filed 5-22-74;8:45 am]

[Docket No. M 74-109]

BERGOO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Bergoo Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 5 Mine located at Bergoo, West Virginia.

30 CFR 77.1605(k) provides as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states that the subject haulage road is approximately five miles in length. Said road is used by mine personnel travelling to and from their work at the mine. Two trucks hauling coal utilize the road once or twice a week.

Petitioner states further that its haulage road, which has natural guards in some areas, varies in width from fourteen to sixty feet.

As an alternative to the application of the mandatory safety standard, Petitioner proposes that it install guards along narrow and dangerous areas. In addition, Petitioner proposes to inform its drivers to use the outer portion of the roadway when operating unloaded vehicles and to use the inner portion when operating loaded vehicles.

The proposed alternate will at all times guarantee no less than the same measure of protection afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 14, 1974.

[FR Doc.74-11779 Filed 5-22-74;8:45 am]

[Docket No. M 74-122]

FLORENCE MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), The Florence Mining Company has filed a petition to modify the application of 30 CFR 75.303(a) to its Florence Nos. 1 and 2 Mines and its Dias Mine located at Armagh, Huff, and Armagh, Pennsylvania, respectively.

30 CFR 75.303(a) provides in pertinent part as follows:

Within 3 hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane, and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume and velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. • • •

Petitioner proposes an alternative method of performing the tests and examinations of coal-carrying belt conveyors which will permit certified personnel to remain in their respective working sections and will guarantee no less than the same measure of protection afforded the miners in Petitioner's mines by the application of that part of section 303(d)(1) of the Act pertaining to belt conveyors on which coal is carried.

The alternative method proposed by Petitioner is as follows:

1. Section or butt belts will be examined by a certified person after each coal producing shift has begun.

2. Mine line and flat belts will be examined by a certified person once during each 24-hour production period.

3. During any 8 hour production period that the main line and flat belts are not examined by a certified person, such belts will be examined by a "competent" person.

4. Petitioner further proposes that the qualifications of this "competent" person will be:

(a) An experienced person who possesses both a State certificate as a "miner" and a State certificate as a "mining machine operator" or "shot-firer";

(b) A person who is qualified to test for methane and for oxygen deficiency, pursuant to the terms of 30 CFR 75.151, 75.152;

(c) A person who had been trained specifically in proper belt examinations by a certified person;

(d) A person who is trained and retrained, in accordance with the provisions of 30 CFR 75.160 pertaining to certified persons.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 13, 1974.

[FR Doc.74-11778 Filed 5-22-74;8:45 am]

[Docket No. M 74-124]

HELEN MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), The Helen Mining Company has filed a petition to modify the application of 30 CFR 75.303(a) to its Homer City Mine located at Homer City, Pennsylvania.

30 CFR 75.303(a) provides in pertinent part as follows:

Within 3 hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane, and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume and velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. • • •

Petitioner proposes an alternative method of performing the tests and examinations of coal-carrying belt conveyors which will permit certified personnel to remain in their respective working sections and will guarantee no less than the same measure of protection afforded the miners in Petitioner's mines by the application of that part of section 303(d)(1) of the Act pertaining to belt conveyors on which coal is carried.

The alternative method proposed by Petitioner is as follows:

1. Section or butt belts will be examined by a certified person after each coal producing shift has begun.

2. Mine line and flat belts will be examined by a certified person once during each 24-hour production period.

3. During any 8 hour production period that the main line and flat belts are not examined by a certified person, such belts will be examined by a "competent" person.

4. Petitioner further proposes that the qualifications of this "competent" person will be:

(a) An experienced person who possesses both a State certificate as a "miner" and a State certificate as a "mining machine operator" or "short-firer";

(b) A person who is qualified to test for methane and for oxygen deficiency, pursuant to the terms of 30 CFR 75.151, 75.152;

(c) A person who had been trained specifically in proper belt examinations by a certified person;

(d) A person who is trained and retrained, in accordance with the provisions of 30 CFR 75.160 pertaining to certified persons.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 14, 1974.

[FR Doc.11773 Filed 5-22-74;8:45 am]

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[Docket No. M 74–123]

NORTH AMERICAN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), North American Coal Corporation has filed a petition to modify the application of 30 CFR 75.303(a) to its Conemaugh No. 1 and Aulds Run No. 2 Mines located in Somerset County and Indiana County, Pennsylvania respectively.

30 CFR 75.303(a) provides in pertinent part as follows:

Within 3 hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane, and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume and velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. • • •

Petitioner proposes an alternative method of performing the tests and examinations of coal-carrying belt conveyors which will permit certified personnel to remain in their respective working sections and will guarantee no less than the same measure of protection afforded the miners in Petitioner's mines by the application of that part of section 303(d)(1) of the Act pertaining to belt conveyors on which coal is carried.

The alternative method proposed by Petitioner is as follows:

1. Section or butt belts will be examined by a certified person after each coal producing shift has begun.

2. Mine line and flat belts will be examined by a certified person once during each 24-hour production period.

3. During any 8-hour production period that the main line and flat belts are not examined by a certified person, such belts will be examined by a "competent" person.

4. Petitioner further proposes that the qualifications of this "competent" person will be:

(a) An experienced person who possesses both a State certificate as a "miner" and a State certificate as a "mining machine operator" or "shot-firer";

(b) A person who is qualified to test for methane and for oxygen deficiency, pursuant to the terms of 30 CFR 75.151, 75.152;

(c) A person who had been trained specifically in proper belt examinations by a certified person;

(d) A person who is trained and retrained, in accordance with the provisions of 30 CFR 75.160 pertaining to certified persons.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson, Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 14, 1974.

[FR Doc.74–11774 Filed 5–22–74;8:45 am]

[Docket No. M 74–125]

ONEIDA MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), The Oneida Mining Company has filed a petition to modify the application of 30 CFR 75.303(a) to its Oneida No. 4 Mine located at Seward, Pennsylvania.

30 CFR 75.303(a) provides in pertinent part as follows:

Within 3 hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane, and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume and velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. • • •

Petitioner proposes an alternative method of performing the tests and examinations of coal-carrying belt conveyors which will permit certified personnel to remain in their respective working sections and will guarantee no less than the same measure of protection afforded the miners in Petitioner's mines by the application of that part of section 303(d)(1) of the Act pertaining to belt conveyors on which coal is carried.

The alternative method proposed by Petitioner is as follows:

1. Section or butt belts will be examined by a certified person after each coal producing shift has begun.

2. Mine line and flat belts will be examined by a certified person once during each 24-hour production period.

3. During any 8-hour production period that the main line and flat belts are not examined by a certified person, such belts will be examined by a "competent" person.

4. Petitioner further proposes that the qualifications of this "competent" person will be:

(a) An experienced person who possesses both a State certificate as a "miner" and a State certificate as a "mining machine operator" or "shot-firer";

(b) A person who is qualified to test for methane and for oxygen deficiency, pursuant to the terms of 30 CFR 75.151, 75.152;

(c) A person who had been trained specifically in proper belt examinations by a certified person;

(d) A person who is trained and retrained, in accordance with the provisions of 30 CFR 75.160 pertaining to certified persons.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 14, 1974.

[FR Doc.74–11772 Filed 5–22–74;8:45 am]

[Docket No. M 74–90]

RAY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Ray Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 3 Mine located at Hazard, Kentucky.

30 CFR 77.1606(k) provides as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

(1) The grading, surfacing and drainage on haulage roads maintained by Petitioner compare favorably with the conditions on nearby state-maintained roads.

(2) Soil berms would not provide reliable protection in an emergency. In lieu of the berms, Petitioner proposes to maintain adequate percentage of grade, width, elevation of curves, surfacing and drainage and crosstiling to make the haulage roads safe and usable.

(3) Installation of berms or guards would necessarily reduce the width of the haulage roads thereby making passing more hazardous.

(4) Installation of berms or guards would require blasting and sloping of the highwall thereby adding expense to, and interrupting production in, Petitioner's operation. These alterations would also increase soil erosion and cause additional silt and spoil to accumulate in the drainage ditches thereby hampering drainage.

(5) Petitioner asserts that its haulage roads in their present condition are as safe as they would be if the mandatory safety standard were applied.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 14, 1974.

[FR Doc.74–11780 Filed 5–22–74;8:45 am]

[Docket No. M 74–120]

VALLEY CAMP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), The Valley Camp Coal Company has filed a petition to modify the application of 30 CFR 75.402 to its Mine No. 3 located near Triadelphia, Ohio County, West Virginia.

30 CFR 75.402 provides:

All underground areas of a coal mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within 40 feet of all working faces, unless such areas are inaccessible or unsafe to enter or unless the Secretary or his authorized representative permits an exception upon his finding that such exception will not pose a hazard to the miners. All crosscuts that are less than 40 feet from a working face shall also be rock dusted.

In support of its petition, Petitioner states the following:

1. In the operation of the subject mine, Petitioner uses the "short-wall" system of mining involving self-advancing hydraulic roof support jacks in lieu of conventional roof support methods.

2. An integral part of Petitioner's operation is the No. 35Y Lee-Norse continuous mining machine. The No. 35Y Lee-Norse is used to make a cut 5 feet high and 9 feet wide in the block of coal being mined. This cut is driven parallel to the line of automatic roof supports. The coal that is cut is loaded directly into the shuttle cars and then onto a conveyor belt in an entry which is parallel to the cut being made by the No. 35Y Lee-Norse. The No. 35Y Lee-Norse takes a cut 100 feet in length and then backs up and repeats the procedure. On the average one (1) to two (2) cuts 100 feet in length are made on each shift.

3. Petitioner classifies the entire area in front of and along the side, opposite the roof support system, of the No. 35Y Lee-Norse as the working face, and, therefore, no rock-dust should be applied in said areas.

4. The authorized representative of the Secretary has classified only the area immediately in front of the No. 35Y Lee-Norse as the working face, and has provided information that he would enforce the requirement of 30 CFR 75.402 in the area along the side of the No. 35Y Lee-Norse. Further, the authorized representative of the Secretary has provided information indicating that he would require rock-dusting of said area along the side of the No. 35Y Lee-Norse to within 40 feet of the working face as described in the quoted safety standard.

5. The authorized representative of the Secretary has provided an interpretation of the "working face" in the short-wall system of mining which is incorrect, and, therefore, any enforcement act under 30 CFR 75.402 would be improper.

6. Under the current conditions in the No. 3 Mine the ventilation system is of excellent quality and more than sufficient to adequately dilute and render harmless and carry away flammable, explosive, noxious and harmful gas and dust.

7. The short-wall mining system is acknowledged to be superior in terms of dust control and ventilation to any other existing mining method. Because of the proper protection afforded a miner working in a section utilizing the short-wall system, the potential hazard of explosion is greatly minimized. The superior clean up procedure, the superior ventilation system, together with the use of trickle-dusters renders the use of rock dust unnecessary. The short-wall mining system guarantees no less than the same measure of protection afforded the miners that would be the case if the authorized representative of the Secretary's interpretation were enforced.

8. In fact, the increased necessity of rock-dust in the described area would increase the risk of hazard to the health and safety of the miners and would, therefore, result in a diminution of general safety conditions at said mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 13, 1974.

[FR Doc.74–11777 Filed 5–22–74;8:45 am]

[Docket No. M74–121]

VALLEY CAMP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) 1970, the Valley Camp Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Alexander Mine located in Moundsville, Marshall County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

1. That there are located in the subject mine approximately 350 haulage cars that would be required to have installed automatic couplers. That the cost of replacing this haulage equipment in order to conform with the appropriate safety standard now in effect would be $1,390,000.00. That upon extensive investigation there can be no modification of the existing haulage equipment to accommodate the application of automatic couplers.

2. That there are currently in active use 275 cars at the subject mine and the occasion of coupling and uncoupling the cars occurs at infrequent and irregular intervals, to the extent that the requirement of equipping these cars with automatic coupling may not apply for the requirement of equipping these cars with automatic coupling applies only to haulage cars which are regularly coupled and uncoupled.

3. That the history of the subject mine does not disclose that any injuries have been sustained at this mine due to the lack of automatic coupling, indicating that these haulage cars are safe as presently equipped.

4. That the expected life of this mine as of the date of this petition is December 1976, and unless additional reserves are acquired, this mine will cease active operation. That due to the potentially limited life expectancy of the mine, the capital expenditure of equipping each haulage car with automatic coupling is prohibitive and could cause an earlier cessation of active operation at this mine if this standard were not modified to accommodate the condition currently existing. That the use of the haulage cars,

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if in fact each were equipped with automatic coupling, would be restricted exclusively to the subject mine and there would be no interchange of equipment available with the other mines operated by Petitioner in that the size of the haulage cars and the track gauge at the subject mine is different from that in the other mines operated by Petitioner. That, therefore, these haulage cars which would be equipped with automatic couplers at a cost of $1,390,000.00, would have no value to Petitioner, other than salvage, if the subject mine ceased active operation.

5. That negotiations are currently being conducted for the acquisition of other reserves which may extend the life of this mine. These negotiations are extremely confidential and the current expected life of this mine cannot be divulged without jeopardizing the bargaining position of Petitioner in these negotiations. In the event that other reserves are acquired, this mine will be completely modernized and the necessity for the continuing the modification of 30 CFR 75.1405 will no longer exist and Petitioner will, as soon as is practicable, acquire haulage equipment to comply with this safety standard.

6. That if Petitioner is permitted to continue using the haulage cars which are now in operation, and these cars are equipped with sufficient safety devices to avoid injury, then the current method will at all times guarantee no less than the same measure of protection afforded the miners of such mine by compliance with 30 CFR 75.1405.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

MAY 14, 1974.

[FR Doc.74-11775 Filed 5-22-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Texas Grain Inspection Point

Statement of considerations. The Plainview Grain Inspection and Weighing Service, Inc., Plainview, Texas, is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)).

Plainview Grain Inspection and Weighing Service, Inc., plans to locate one or more of its licensed grain inspectors at Hereford, Texas, and has requested that its assignment be amended in accordance with section 26.99(b) of the regulations (7 CFR 26.99(b)) to add Hereford, Texas, as a designated inspection point. By definition, a designated inspection point is a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)).

Notice is hereby given that the Agricultural Marketing Service has under consideration the proposed requests from the Plainview Grain Inspection and Weighing Service, Inc., to amend the assignment of the Plainview Grain Inspection and Weighing Service, Inc., to add Hereford, Texas, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than June 22, 1974. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: May 17, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-11876 Filed 5-22-74;8:45 am]

Forest Service

NORTHEASTERN FORESTRY RESEARCH ADVISORY COMMITTEE

Notice of Meeting

The Northeastern Forestry Research Advisory Committee will meet 8:30 a.m.-5 p.m., June 20; 8:30 a.m.-12:00 noon, June 21, at the Kinzua Inn, Warren, Pa.

The purpose of this meeting is to review the forest research program of the Warren Laboratory of the Northeastern Forest Experiment Station, U.S. Forest Service.

The meeting will be open to the public. Persons who wish to attend should notify Dr. W. T. Doolittle, Northeastern Forest Experiment Station, U.S. Forest Service, 6816 Market Street, Upper Darby, Pa. 19082; Telephone No. 215-597-3715. Written statements may be filed with the committee after the meeting.

Dated: May 20, 1974.

W. T. DOOLITTLE,
Director.

[FR Doc.74-11802 Filed 5-22-74;8:45 am]

SAN ISABEL NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The San Isabel National Forest Grazing Advisory Board will meet at 1:30 p.m. on June 21, 1974, at the Forest Supervisor's Office, 910 Highway 50 West, Pueblo, Colorado.

The purpose of this meeting is to discuss the status of range management policies on the Forest.

This meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office, P.O. Box 5808, Pueblo, Colorado 81002, (303 544-5277, ext. 321. Written statements may be filed with the board before or after the meeting.

The board has no established rules for public participation.

RANDALL R. HALL,
Acting Forest Supervisor.

MAY 17, 1974.

[FR Doc.74-11804 Filed 5-22-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BOWDOIN COLLEGE, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 12, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00427-33-46070. Applicant: Bowdoin College, Brunswick, Maine 04011. Article: Scanning Electron Microscope, Model SSM-2A. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for scanning electron microscopic examination of membranes from animals and humans with muscular dystrophy in efforts to discover the primary cause of dystrophy and to find methods for diagnosis and identification of the carrier state. The article will also be used by undergraduate research students and students taking courses in cell biology. Application received by commissioner of customs: April 16, 1974.

Docket Number: 74-00429-33-46040. Applicant: University of Florida, Dept. of Materials Science & Engineering, Gainesville, Florida 32611. Article: Electron Miscroscope, Model EM 301. Manufacturer: Philips Electronic Instrument, The Netherlands. Intended use of article: The article is intended to be used for studies of metals and alloys, glasses, ceramics, semi-conductors, minerals, organic solids, particulate matter, and replicas. Experiments to be conducted include: (A) Determining the crystal structure and composition of precipitate particles less than 0.3 μm in diameter. (B) Using computer simulation methods to precisely match strain fields of dislocations, voids, grain boundaries, small precipitates, and interfaces between phases with and without solute segregation. (C) Studying the crystallization of amorphous films produced by sputtering and evaporation using small angle scattering, microdiffraction and electron energy analysis. (D) Studying the interface between bioceramics implants and animal tissue by direct resolution, composition analysis and micro diffraction. (E) Investigating the degree of solute segregation at crystal defects and boundaries in silicon and other semiconductor materials by micro X-ray analysis and strain contrast. (F) Many other similar studies where a precise description of local structure and composition are required.

The article will also be used for educational purposes to train metallurgists, ceramists, materials scientists, and others (e.g. chemists, biologists, etc.) in the use and interpretation of information from electron microscopes for use in product development, failure analysis, and research on solids. Application received by Commissioner of Customs: April 25, 1974.

Docket Number: 74-00430-33-46700. Applicant: CMDNJ-Rutgers Medical School, Department of Pathology, P.O. Box 101, Piscataway, N.J. 08854. Article: Weibel Projection Unit for Stereology. Manufacturer: Anatomisches Institut, Switzerland. Intended use of article: The article is intended to be used to make measurements of surface and area of structures identified in electron micrographs during quantitative electron microscopic study of kidney tissue. The article will also be used for graduate student study of anatomy and pathology. Application received by Commissioner of Customs: April 22, 1974.

Docket Number: 74-00431-33-46500. Applicant: Veterans Administration Hospital, Neurology Service (180), Tremont Avenue, East Orange, New Jersey 07019. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in an experiment designed to investigate the nature of certain virus-like particles recently reported by several groups of investigators to occur in areas of tissue breakdown in multiple sclerosis, and also to define the earliest ultrastructural changes in this disease. Application received by Commissioner of Customs: April 25, 1974.

Docket Number: 74-00432-33-46500. Applicant: University of South Florida Medical School, 4202 Fowler Avenue, Tampa, Florida 33620. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of tissues from organs of experimental animals, human autopsy or surgical material exhibiting normal and pathologic structure. Experiments will consist of the examination of tissues or organs from different disease states (cancer, inflammation, degeneration, etc.) from experimental animals undergoing nutritional deficiency disturbances, tumorigenesis with chemical carcinogens, and experimentally induced infections such as fungus infections, etc. Application received by Commissioner of Customs: April 25, 1974.

Docket Number: 74-00436-90-57300. Applicant: New England Document Conservation Center, 800 Massachusetts Avenue, North Andover, Massachusetts 01845. Article: Recurator, Paper Restoring Machine; Manufacturer: Yissum Research Development Co. of the Hebrew University of Jerusalem, Israel. Intended use of article: The article is intended to be used in the restoration of deteriorated paper in rare books and manuscripts in research and academic libraries. All characteristics of hand made rag paper will be studied. The article will also be used in the training of conservators in revolutionary new paper restoring techniques. Application received by Commissioner of Customs: March 20, 1974.

Docket Number: 74-00437-90-42600. Applicant: National Aeronautics and Space Administration, Langley Research Center (MS 146), Hampton, Virginia 23665. Article: Alphanumeric Display Device Made from a Two-Color-Monolithic Array of Light-Emitting Diodes. Manufacturer: Bowmar Canada Limited, Canada. Intended use of article: The article is intended to be used for studies of electroluminescence in gallium phosphide. Application received by commissioner of customs: April 29, 1974.

Docket Number: 74-00438-93-74600. Applicant: Colorado State University, Department of Physics, College Avenue, Fort Collins, Colorado 80521. Article: 1 "Malvern" High Speed Digital Correlator, Type K7023 and accessories. Manufacturer: Precision Devices and Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine and analyze the correlation spectrum of the laser light scattered from the turbulent flow (either laboratory flow or the real atmospheric flow) of either clear air or disturbed air which is under investigation. Application received by commissioner of customs: April 26, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-11795 Filed 5-22-74;8:45 am]

HEALTH RESEARCH, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00277-00-41200. Applicant: Health Research, Inc., Roswell Park Division, 666 Elm Street, Buffalo, New York 14203. Article: Two (2) Reflex Klystrons, Model VRE 2120A. Manufacturer: Varian Associates, Canada. Intended use of article: The articles are replacements for klystron tubes used in microwave generators that are part of an Electron Spin Resonance Spectrometer used in the studies of Radiation Damage Mechanisms in connection with cancer research. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible component for an instrument in the possession of the applicant institution. We find that the compatibility of the article is pertinent to the applicant's use in cancer research studies. The Department of Health, Education, and Welfare advised in its memorandum dated April 22, 1974 that it knows of no domestic component of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no similar component being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-11796 Filed 5-22-74;8:45 am]

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UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00425–55–54100. Applicant: University of Washington Oceanography Department, CU Project 14, Seattle, Wash. 98195. Article, Batfish model 3000, guideline CTD system, Model 8103. Manufacturer: Hermes Electronics, Ltd., Canada. Intended use of Article: The article is intended to be used for the study of the spatial and temporal variations of ecological parameters, such as nutrients, in the coastal upwelling systems in the ocean adjacent to various countries in the world.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a system composed of two compatible components, a towed, depth-controllable underwater vehicle and an insrtument package for measuring salinity, temperature and depth. This system provides capabilities for operation at selected depths, including continuously varying depths over the range from zero to 100 meters. The National Bureau of Standards (NBS) advised in its memorandum dated February 25, 1974 that the characteristics of the article described above are pertinent to the applicant's intended purposes. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–11797 Filed 5–22–74;8:45 am]

National Oceanic and Atmospheric Administration

GEODETIC CONTROL SURVEYS

Availability of Classification, Standards of Accuracy, and General Specifications

A modernized and revised (February 1974) "Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys" has been prepared by the Federal Geodetic Control Committee and approved by the Office of Management and Budget. Review and coordination was solicited and received from the American Congress on Surveying and Mapping, the American Geophysical Union, the American Society of Civil Engineers, and selected academic and professional specialists.

"Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys" describes the National Geodetic Control Networks in sufficient detail to meet the needs of state and local governments and engineers and scientists engaged in surveying, mapping, and charting for the development and conservation of the resources of the United States. Surveys to be assimilated into the national networks must comply with the methodology and qualitative standards established in this pamphlet. All geodetic and precise engineering surveys should adhere to the standards and should be referenced to the National Networks.

This basic reference redefines horizontal control and establishes new requirements for vertical control. It contains basic specifications which will enable the surveyor to ascertain the quality of his work. The pamphlet has been printed and distributed by the National Oceanic and Atmospheric Administration, National Geodetic Survey Information Center (C18), 6001 Executive Boulevard, Rockville, Maryland 20852, and is available on request to that Administration.

This basic reference supersedes a similar publication of March 1, 1957.

T. P. GLEITER,
Assistant Administrator for Administration.

MAY 17, 1974.

[FR Doc.74–11770 Filed 5–22–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL EXPOSURE TO FIBROUS GLASS

Notice of Symposium

On January 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 840) of intent to convene a national symposium on fibrous glass for the purpose of providing a forum for scientific discussion of the identified gaps in knowledge regarding the health effects of prolonged exposure to fibrous glass.

Accordingly, notice is hereby given by the National Institute for Occupational Safety and Health (NIOSH) that the Symposium on Occupational Exposure to Fibrous Glass will commence on June 26, 1974, beginning with registration at 8:00 a.m., and end at 5:30 p.m. on June 27, 1974, in the University of Maryland Center of Adult Education Building, College Park, Maryland.

Formal presentations are by invitation only. However, all interested parties are invited to attend. Sufficient time will be allowed following each group of papers for discussion when questions and comments will be invited from the floor.

The seating capacity of the auditorium to be used for the symposium limits attendance to a maximum of 750 persons. Reservations will therefore be accepted on a first-come, first-served basis.

Additional information, including registration details, may be obtained from Mrs. Susan Stob, Conference Coordinator, Conferences and Institutes Division, University College, University of Maryland, College Park, Maryland 20742; Area Code (301) 454–5237.

Dated: May 15, 1974.

MARCUS M. KEY,
Director, National Institute for Occupational Safety and Health.

[FR Doc.74–11792 Filed 5–22–74;8:45 am]

Food and Drug Administration

[GRASP MF–3569]

HOFFMAN-TAFF, INC.

Notice of Filing of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP MF–3569) has been filed by Hoffman-Taff, Inc., and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that choline stearate used as a source of nutritional choline in livestock and poultry feeds for fortification purposes is generally recognized as safe (GRAS).

Interested persons may, on or before July 22, 1974, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11876 Filed 5–22–74;8:45 am]

[DESI 8867; Docket No. FDC–D–256; NDA No. 11–565]

RAUWOLFIA SERPENTINA AND RAUWOLFIA ALKALOIDS: SYROSINGOPINE TABLETS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug product described below, found the drug to be less than effective, and submitted its report to the Commissioner of Food and Drugs. Copies of that report have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's report and the available data and information, the Commissioner concluded that the drug is less than effective and published his conclusion in the FEDERAL REGISTER of April 28, 1971 (36 FR 7984) that the drug is possibly effective for the various labeled indications:

NDA 11–565; Singoserp Tablets containing syrosingopine; Ciba Pharmaceutical Co., Division Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901.

In response to the notice, Ciba submitted a report of six (6) studies designed to investigate the efficacy of Singoserp Tablets as an antihypertensive agent. The submission was reviewed by the Director of the Bureau of Drugs who has concluded that they fail to demonstrate significant antihypertensive effects for Singoserp Tablets as compared to placebo. By letter of March 15, 1973, the Bureau of Drugs informed Ciba of these findings and invited Ciba to combine the results of the studies and reanalyze the pooled data. On July 9, 1973, the Food and Drug Administration received Ciba's rereview and reanalysis of the previously submitted studies. The Director, Bureau of Drugs has evaluated the reanalyzed data and, for the following reasons, has concluded that it also fails to establish significant antihypertensive effects for Singoserp.

Ciba's reanalysis is patently defective because it has arbitrarily excluded the results of one of the studies (Atkins). Not only did this study contain the largest number of patients (⅓ of the total patient population using the test drug and placebo), but it also showed an extremely favorable response to placebo treatment compared to treatment with Singoserp. It is obvious therefore that exclusion of the results of the Atkins study from the pooled analysis distorts any conclusions reached. Ciba submitted no adequate justification for excluding the results of the Atkins study.

Ciba attempted to demonstrate the efficacy of Singoserp by comparing the mean reductions of blood pressures for Singoserp and placebo treatment groups. Using this method of analysis, the pooled results (excluding the Atkins study) show that diastolic blood pressure was reduced, on the average, only 2.15 mm. Hg more with Singoserp than with a placebo. If the results of the Atkins study are included, as they must be, diastolic blood pressure was reduced, on the average, only 1.26 mm. Hg more with Singoserp than with placebo. Whichever figure is used (2.15 or 1.26 mm. Hg), it is obvious that the results are infinitesimal and clinically insignificant.

Moreover, Ciba has admitted that the reanalyzed data, even excluding the Atkins study, fail to show a statistically significant difference in satisfactory response (defined by Ciba as a reduction of blood pressure by 20% or more and/or a fall of diastolic blood pressure to 90 mm. Hg or less) between Singoserp and placebo. Thus even if Ciba could justify excluding the Atkins study results, its data would still fail to support the efficacy of Singoserp as compared to a placebo by its own criteria.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before June 24, 1974, a written notice of appearance and request for hearing, and (2) on or before July 22, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter

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summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 6–86, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal, Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: May 16, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–11877 Filed 5–22–74;8:45 am]

Health Services Administration

NATIONAL MIGRANT HEALTH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, (P.L. 92–463), the Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of June 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Migrant Health Advisory Committee.	June 5–7, 9:00 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Contact Billy Sandlin, Room 7–22, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301–443–1153.

Purpose. The Committee is charged with advising the Administrator on National policies and priorities; program guidelines, standards, and evaluation techniques; and other crucial issues relating to the migrant health program.

Agenda. The Committee will review a national health insurance proposal for migrants. The Committee will also review a proposed Federal Loan Program to Support Construction, Renovation/Maintenance to Promote a Safe and Sanitary Environment for Migrant Farmworkers. Administrative and staff reports will also be presented.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information should contact the person listed above.

Dated: May 15, 1974.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.74–11771 Filed 5–22–74;8:45 am]

Office of Education

GRANT AND PROCUREMENT MANAGEMENT DIVISION

Statement of Organization, Functions and Delegations of Authority

Part 2 (Office of Education) section 2–B, Organization and Functions, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare is amended to change the title of the Contracts and Grants Division to "Grant and Procurement Management Division" so as to more specifically describe the functions being performed and to add responsibilities to other elements of the Office of Management which should have been included in the previously published statement. Therefore the statement published in the FEDERAL REGISTER on March 11, 1974, at 39 FR 9489 is amended as follows:

The statement under the heading Office of Management, Contracts and Grants Division, is amended by changing the title of the Contracts and Grants Division to "Grant and Procurement Management Division."

The statement under the heading Office of Management, Personnel and Training Division, is deleted and a new statement is added as follows:

Personnel and Training Division. Provides personnel management policy and procedures and interpretation of Civil Service Commission and departmental personnel standards for all elements of the Office of Education. Services rendered include: position classification; employment and placement screening and referral; employe relations and services; labor management relations; personnel action processing and records maintenance; and employee development and training.

The statement under the heading Office of Management, Management Systems and Analysis Division is deleted and a new statement is added to read as follows:

Management Systems and Analysis Division. Develops policies, plans, and goals for organizational structure, management systems, and manpower allocation and utilization; conducts management studies and manpower analysis; coordinates development of management information systems and data processing systems; evaluates and reports on the overall effectiveness of Office of Education organization and management, provides ADP systems analysis and programming services, monitors contracts providing computer programming support, and maintains liaison with the Data Management Center on computer operations and services. Responsible for the administrative budget of the Office of Education, delegations of authority, the employee suggestion awards system, issuance management, correspondence and records management, and the management improvement system.

Dated: May 16, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74–11912 Filed 5–22–74;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

The eighth meeting of the National Professional Standards Review Council, which was established to advise the Secretary of the Department of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act), will be held on Monday, June 10, 1974, 3 p.m. to 5 p.m. and Tuesday, June 11, 1974, 9 a.m. to 3 p.m. in Room 5051, HEW North Building, 330 Independence Avenue SW., Washington, D.C. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality of health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. The meeting is open to the public.

Dated: May 15, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74–11913 Filed 5–22–74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL; SUBCOMMITTEES ON EVALUATION AND ON DATA AND NORMS

Notice of Meeting

A joint meeting of the National Professional Standards Review Council Subcommittee on Evaluation and Subcommittee on Data and Norms will be held Monday, June 10, 1974, 9 a.m. to 3 p.m. These Subcommittees were formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to program evaluation of PSROs and PSRO data and norms of care. The meeting will be held in Room 5051, HEW North Building 330 Independence Avenue, SW., Washington, D.C. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality of care. The agenda will consist of issues relating to these efforts. The meeting is open to the public.

Dated: May 15, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74–11914 Filed 5–22–74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL; SUBCOMMITTEE ON POLICY DEVELOPMENT

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet Monday, June 10, 1974, 9 a.m. to 3 p.m. This Subcommittee was found to review policy issues of importance in the implementation of Title XI, Part B, Social Security Act. The meeting will be held in Room 5169, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will include timely policy issues. The meeting is open to the public.

Dated: May 15, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74–11915 Filed 5–22–74;8:45 am]

STATE OF CALIFORNIA

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.103, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Greater Sacramento Professional Standards Review Organization designating it as the Professional Standards Review Organization for PSRO Area IV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.7.

The Secretary has determined that the Greater Sacramento Professional Standards Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of California, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV. As stipulated in Articles of Incorporation, the principal officers of the Greater Sacramento Professional Standards Review Organization are:

Name and office held

1. John M. Babich, M.D., President.
2. James J. Schubert, M.D., Medical Director.
3. James C. Bramham, Jr., M.D., Chairman.

The official address of the corporation is 650 Howe Avenue, Sacramento, California 95825.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV who objects to the Secretary entering into an agreement with the Greater Sacramento Professional Standards Review Organization on the grounds that this organization is not representative of doctors in such area, may, on or before June 24, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,316 doctors of medicine and osteopathy are engaged in active practice in the PSRO Area IV. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Greater Sacramento Professional Standards Review Organization is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74–11920 Filed 5–22–74;8:45 am]

STATE OF COLORADO

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Colorado Foundation for Medical Care designating it as the Professional Standards Review Organization for the State of Colorado, which area is designated a Professional Standards Review Organization in 42 CFR 101.8.

The Secretary has determined that the Colorado Foundation for Medical Care is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Colorado, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in Colorado. As stipulated in its Articles of Incorporation, the principal officers of the Colorado Foundation for Medical Care are:

Name and office held

1. Kenneth A. Khan, M.D., President.
2. Howard T. Robertson, M.D., Chairman.
3. David T. Garland, D.O., Secretary.
4. Dwight C. Dawson, M.D., Treasurer.

The official address of the corporation is 1601 East 19th Avenue, Denver, Colorado 80218.

Any licensed doctor of medicine or osteopathy engaged in active practice in Colorado who objects to the Secretary entering into an agreement with the Colorado Foundation for Medical Care on the grounds that this organization is not representative of doctors in such area may, on or before June 24, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 4,354 doctors of medicine and osteopathy are engaged in active practice in the State of Colorado. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Colorado Foundation for Medical Care is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74–11916 Filed 5–22–74;8:45 am]

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STATE OF MARYLAND

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Prince George's Foundation for Medical Care, Inc. designating it as the Professional Standards Review Organization for PSRO Area IV located in the State of Maryland, which area is designated a Professional Standards Review Organization in 42 CFR 101.24.

The Secretary has determined that the Prince George's Foundation for Medical Care, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Maryland, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV. As stipulated in its Articles of Incorporation, the principal officers of the Prince George's Foundation for Medical Care, Incorporated are:

Name and office held

1. William A. Holbrook, M.D., President.
2. William B. Hagan, M.D., Vice President.
3. William B. Gunther, M.D., Secretary.
4. Forest K. Harris, M.D., Secretary.

The official address of the corporation is 5801 Annapolis Road, Suite 302, Hyattsville, Maryland 20784.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV who objects to the Secretary entering into an agreement with the Prince George's Foundation for Medical Care, Inc. on the grounds that this organization is not representative of doctors in such area may, on or before June 24, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 497 doctors of medicine and osteopathy are engaged in active practice in the PSRO Area IV. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Prince George's Foundation for Medical Care, Inc., is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-11919 Filed 5-22-74;8:45 am]

STATE OF MISSISSIPPI

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Mississippi Foundation for Medical Care, Inc., designating it as the Professional Standards Review Organization for the State of Mississippi, which area is designated a Professional Standards Review Organization area in 42 CFR 101.28.

The Secretary has determined that the Mississippi Foundation for Medical Care, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Mississippi, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Mississippi. As stipulated in its Articles of Incorporation, the principal officers of the Mississippi Foundation for Medical Care, Inc., are:

Name and office held

1. J. T. Davis, M.D., President.
2. Charles L. Matthews, Executive Vice President.
3. James O. Gilmore, M.D., Chairman, Board of Directors.
4. Tom Mitchell, M.D., Chairman, Professional Standards Review Organization Steering Committee.

The official address of the corporation is 735 Riverside Drive, Mississippi 39216.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Mississippi who objects to the Secretary entering into an agreement with the Mississippi Foundation for Medical Care, Inc., on the grounds that this organization is not representative of doctors in such area may, on or before June 24, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,766 doctors of medicine and osteopathy are engaged in active practice in the State of Mississippi. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Mississippi Foundation for Medical Care, Inc., is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-11917 Filed 5-22-74;8:45 am]

STATE OF NEW MEXICO

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the New Mexico Professional Standards Review Organization designating it as the Professional Standards Review Organization for the State of New Mexico, which area is designated a Professional Standards Review Organization area in 42 CFR 101.35.

The Secretary has determined that the New Mexico Professional Standards Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of New Mexico, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of New Mexico. As stipulated in its Articles of Incorporation, the principal officers of the New Mexico Professional Standards Review Organization are:

Name and office held

1. Hugh B. Woodward, M.D., President.
2. Earl B. Flanagan, M.D., Vice President.
3. Edwin B. Herring, M.D., Secretary-Treasurer.
4. Ralph R. Marshall, Executive Director.

The official address of the corporation is 1009 Bradbury Drive, S.E. Albuquerque, New Mexico 87106.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of New Mexico who objects to the Secretary entering into an agreement with the New Mexico Professional Standards Review Organization on the grounds that this organization is not representative of doctors in such area may, on or before June 24, 1974, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,138 doctors of medicine and osteopathy are engaged in active practice in the State of New Mexico. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the New Mexico Professional Standards Review Organization is representative of such doctors in such area.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

MAY 14, 1974.

[FR Doc.74-11918 Filed 5-22-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON REGULATORY GUIDES

Change to Meeting Notice

MAY 20, 1974.

This notice is to advise of an agenda change to the meeting notice for the ACRS Subcommittee on Regulatory Guides, published at 39 FR 17574, May 17, 1974. In addition to the agenda items noticed, the Subcommittee and any of its consultants that may be required may meet in closed session with members of the Regulatory Staff for the purpose of discussing individual opinions concerning the bases and philosophy for handling proposed Regulatory Guides for advance, high-temperature reactors and components. This session will involve the internal policymaking processes of both the Subcommittee and the Regulatory Staff and will necessarily require the exchange and discussion of the individual opinions, advice and recommendations of the persons present.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted closed session will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during this portion of the meeting will be inextricably intertwined with such exempt material and no further separation of exempt and non-exempt material is feasible. It is essential to close this additional portion of the meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation. All other aspects of the notice of meeting published at 39 FR 17574 remain unchanged.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-11994 Filed 5-22-74;8:45 am]

[Dockets Nos. 50-348-OL, 50-364-OL]

ALABAMA POWER CO.

Notice of Hearing on Application for Facility Operating Licenses

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities" and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held concerning the application of the Alabama Power Company (the Applicant) for facility operating licenses to possess, use and operate the Joseph M. Farley Nuclear Plant, Units 1 and 2, in accordance with the provisions of the licenses and the technical specifications appended thereto. These two pressurized water nuclear reactors (the facilities) are located on the Applicant's site in Houston County, Alabama. Each unit would operate at steady-state power levels up to 2652 megawatts thermal.

The evidentiary hearing to consider the issuance of the operating licenses will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (the Board), to begin in the vicinity of the facility. Construction of the facility was authorized by AEC Construction Permits No. CPPR-85 and CPPR-86, issued by the Commission on August 16, 1972. The facility is subject to the provisions of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

The Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of:

John F. Wolf, Esq., Chairman
Dr. Harry Foreman, Member
Dr. Hugh C. Paxton, Member

A "Notice of Receipt of Application for Facility Operating Licenses; Notice of Consideration of Issuance of Facility Operating Licenses; Notice of Availability of Applicant's Environmental Report; and Notice of Opportunity for Hearing" was published in the FEDERAL REGISTER on October 30, 1973 (38 FR 29907). The notice provided that, within thirty (30) days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. A petition for leave to intervene was thereafter filed by Mr. Walter B. Whatley of Columbia, Alabama. As set forth in a Board Memorandum and Order issued contemporaneously with this Notice, Mr. Whatley's request to intervene has been granted and a public hearing will be held, with Mr. Whatley admitted as a party to the proceeding.

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice." The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated August 29, 1973, as amended, and the Applicant's Environmental Report dated August 29, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Alabama 36301. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility licenses.

Copies of items (1), (3), (4), and (5), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such

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limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than June 24, 1974. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's "Rules of Practice," may be filed by the parties to this proceeding not later than June 12, 1974.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice," an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Bethesda, Maryland, this 17th day of May 1974.

For the Atomic Safety and Licensing Board (designated to rule on petitions for leave to intervene).

THOMAS W. REILLY,
Chairman.

[FR Doc.74-11883 Filed 5-22-74;8:45 am]

[Docket Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Changes to Technical Specifications of Facility Operating Licenses

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on March 22, 1974 (39 FR 10928), the Atomic Energy Commission (the Commission) has issued Change No. 16 to the Technical Specifications of Facility Operating Licenses Nos. DPR-29 and DPR-30 to the Commonwealth Edison Company and the Iowa-Illinois Gas and Electric Company (the licensees). This change, effective immediately, authorized only that portion of the proposed action dealing with changes to the limiting conditions for operation associated with fuel densification for the current 7 x 7 fuel authorized for use in Quad-Cities Units 1 and 2. The licensees are presently authorized to possess and operate Quad-Cities Units 1 and 2 located in Rock Island County, Illinois, at power levels up to 2511 MWt using a full core of 7 x 7 fuel (containing uranium 235).

The Commission's Regulatory staff has found that the application for the above action dated February 8, 1974, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission regulations published in 10 CFR Ch. I and has completed its evaluation of the action and issued a Safety Evaluation concluding that there is reasonable assurance that the health and safety of the public will not be endangered by operation in accordance with the changes to the Technical Specifications as authorized by Change No. 16, which is incorporated in the subject licenses by Amendments 7 and 4 thereto.

A copy of Amendments 7 and 4 with Change No. 16 to the Technical Specifications of Facility Operating Licenses Nos. DPR-29 and DPR-30 and the Directorate of Licensing's Safety Evaluation are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Moline Public Library at 504 17th Street in Moline, Illinois 61265. Single copies of these items may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 14th day of May 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-11756 Filed 5-22-74;8:45 am]

[Docket Nos. 50-413, 50-414]

DUKE POWER CO.

Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e)(1) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Duke Power Company to conduct certain site activities in connection with the Catawba Nuclear Station (Units 1 and 2) prior to a decision regarding the issuance of a construction permit.

The activities that are authorized include site preparation, excavation of earth and rock for Reactor, Auxiliary, Service and Turbine Buildings and pump structures, construction of cofferdams, waste water collection basin dam and dikes, installation of yard drains and condenser cooling water pipes, construction of access roads and railroads, fencing, exterior utility and lighting systems, sanitary sewage treatment facilities, wells for potable and construction water and intake for construction service water from Lake Wylie, and erection of 15 temporary construction buildings and areas.

The authorization is subject to the condition that the authorized work shall terminate if the application for the construction permit is denied.

Any activities undertaken pursuant to this authorization are entirely at the risk of the applicant, and the granting of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A partial Initial Decision on environmental issues was issued by the Atomic Safety and Licensing Board in this proceeding on April 9, 1974. An order on site suitability, pursuant to 10 CFR 50.10 (e)(2)(ii), was issued by the Board on May 14, 1974. A copy of: (1) The Partial Initial Decision of April 9, 1974; (2) the Board's order of May 14, 1974; (3) the applicant's Preliminary Safety Analysis Report and amendments thereto; (4) the applicant's Environmental Report and amendments thereto; (5) the staff's Final Environmental Statement dated December 1973; (6) the staff's Safety Evaluation Report dated October 12, 1973 and Supplement No. 1 dated January 21, 1974 and (7) the Commission's letter of authorization dated May 16, 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Dated at Bethesda, Maryland this 16th day of May 1974.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.74-11759 Filed 5-22-74;8:45 am]

[Docket No. 50-261]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

License Termination Order

The Atomic Energy Commission ("the Commission") has found that the Southwest Experimental Fast Oxide Reactor (SEFOR) located in Cove Creek Township, Washington County, Arkansas, has been partially dismantled and disposition made of the component parts and other special nuclear and byproduct materials (pursuant to the Commission's order dated November 1, 1973) in accordance with the Commission's regulations in 10 CFR Ch. I and in a manner not inimical to the common defense and security or to the health and safety of the public. Any radioactive material remaining as contaminants and activated hardware at the Southwest Experimental Fast Oxide Reactor Facility is licensed concurrently with issuance of this order by the State of Arkansas under Radioactive Material License No. ARK-396-BP-9-74 dated August 29, 1972.

Accordingly, pursuant to the application dated April 17, 1973, from General Electric Company, Facility License No. DR-15 is hereby terminated as of the date of this order.

Also, Indemnity Agreement No. B-35 between General Electric Company and the Atomic Energy Commission dated August 11, 1967, as amended, is hereby terminated as of the date of this order and concurrently Amendment No. 10 to Indemnity Agreement No. B-35 is being executed.

Date of issuance: May 14, 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.74-11760 Filed 5-22-74;8:45 am]

[Docket No. 50-267]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-34 issued to Public Service Company of Colorado which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station, located near Platteville in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment permits (1) exceptions to requirements for installation of secondary closures during certain initial low power physics testing; (2) changes to monitoring requirements during certain radioactive effluent releases; (3) adjustments to timing for tendon load cell and reactor vessel concrete crack surveillance; (4) changes to checks, calibrations and testing of the loop shutdown system; and (5) redefining certain administrative responsibilities and authorities of the offsite Nuclear Facility Safety Committee.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated April 17, 1974, (2) Amendment No. 1 to License No. DPR-34, with any attachments, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greeley Public Library, City Complex, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 17th day of May 1974.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.74-11757 Filed 5-22-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24248; Order 74-5-94]

AEROLINEAS ARGENTINAS

Notification and Order Disapproving Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of April 1974.

Aerolineas Argentinas is the holder of a foreign air carrier permit issued pursuant to Order 73-5-47 authorizing it to perform foreign air transportation with respect to persons, property and mail, over three routes between a point or points in Argentina, via specified intermediate points, to New York, Miami and Los Angeles. There exists no formal Air Transport Services Agreement between the Government of the United States and the Government of Argentina. The rights exchanged are based primarily on comity and reciprocity.

The Government of Argentina has issued various licenses to Braniff Airways, Inc. and to Pan American World Airways, Inc. authorizing scheduled air services between specified points in the United States and Buenos Aires, via named intermediate points. These permits specify the maximum number of frequencies which may be operated over each route. Applications for increases of the number of frequencies specified are not freely granted but require participation in lengthy regulatory proceedings. United States carriers have applied for additional frequencies several times during the past few years, most recently in March 1974. These applications have been denied on the grounds that additional service was not warranted.

Order 72-2-88 requires Aerolineas to file with the Civil Aeronautics Board copies of any and all proposed schedules of service between Argentina and the United States at least 30 days prior to the proposed effective date of such schedules. On April 22, 1974 Aerolineas filed new schedules which contemplate the operation of three additional flights between the United States and Argentina, via specified intermediate points, and the addition of New York as a coterminal point with Miami on two existing flights. Aerolineas proposes to implement these schedules effective May 20, 1974. Considering the denial by the Government of Argentina of the applications by United States carriers to provide additional frequencies between the United States and Argentina, the Board finds that the foundation of reciprocity upon which operations between the two countries are based will not provide a sufficient justification for the United States to provide additional service opportunities for the Argentine carrier at this time, and that, accordingly, the inauguration of the proposed additional service by Aerolineas Argentinas would adversely affect the public interest.[1]

The Board will reconsider its action, either in whole or in part, should the Government of Argentina show a willingness to authorize new frequencies for the U.S. carriers serving Argentina.

In order to be fully apprised of the use of the services which Aerolineas now holds out to the traveling public, the Board will require Aerolineas to submit monthly statistical reports.

Accordingly, it is ordered, that:

1. The schedules filed by Aerolineas Argentinas on April 22, 1974 be, and they hereby are, disapproved, and shall not be inaugurated, insofar as they provide for any scheduled flights to the United States in addition to those which the carrier is currently operating, and insofar as they provide for service to New York as a coterminal with Miami on any scheduled flights in addition to the flights on which the carrier currently serves New York as a coterminal with Miami.

2. Aerolineas Argentinas shall file with the Civil Aeronautics Board (Attention: Director, Bureau of International Affairs) within thirty days after the close of each calendar month the original and three copies of a statistical report covering its existing operations. Such report shall include:

a. The total number of third and fourth freedom passengers and the total number of fifth freedom passengers to/from the United States listed by city pair and with indication of percentage distribution.

b. The total number of seats available and load factor achieved to/from the United States listed by flight.

c. Cargo data including weight carried, freedom classification and load factor achieved to/from the United States by flight.

3. This Order shall be submitted to the President[2] and shall become effective on May 17, 1974.

4. This Order shall remain in effect until further order of the Board.

5. This Order shall be served on Aerolineas Argentinas and the Ambassador of Argentina in Washington, D.C.

[1] The Board also finds that the public interest requires that Aerolineas Argentinas submit to the Board monthly statistical reports as to those flights which it continues to operate.

[2] This Order was submitted to the President on May 6, 1974.

FEDERAL REGISTER, VOL. 39, NO. 101—THURSDAY, MAY 23, 1974

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This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-11908 Filed 5-22-74;8:45 am]

[Docket No. 22387]

INVESTIGATION OF AIR EXPRESS RATES

Notice of Conference

Pursuant to Board Order 74-5-23 dated May 6, 1974, an informal conference will be convened on May 28, 1974, at 2 p.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., for the purpose of assembling factual material and attempting to reach agreement on the divisions of revenues pursuant to operations conducted under Agreements C.A.B. 12866 and C.A.B. 17935 as amended.

For information concerning the issues involved and other details to be considered at the conference, interested persons are referred to Order 74-5-23 dated May 6, 1974.

[SEAL] ROBERT J. SHERER,
Director,
Bureau of Economics.

[FR Doc.74-11909 Filed 5-22-74;8:45 am]

[Docket 22859; Order 74-5-88]

UNITED AIR LINES, INC.

Order of Suspension Regarding Domestic Air Freight Rate Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of May 1974.

By tariff revisions bearing a posting date of April 16, 1974, and marked to become effective June 1, 1974, United Air Lines (United) proposes to increase its domestic air freight rates as follows:

1. *Mainland.* All bulk and container general commodity rates:

Mileage	Westbound	Eastbound
	Percent	*Percent*
Less than 1,000 miles	12.0	12.0
1,000 to 1,900 miles	8.0	10.0
1,901 and over miles	5.0	10.0

Exceptions:

a. Time-of-tender container rates will not be increased;

b. Long-haul rates, where below short-haul rates, will be increased to the short-haul level; and

c. Bulk minimum charges by $1.00 per shipment.

2. *Hawaii-Mainland.* Bulk general commodity rates for 1,000, 2,000, and 3,000-pound shipments by amounts equal to 6 percent of the westbound 500-pound rates in effect prior to February 18, 1974;

Exceptions:

a. Container general commodity rates by varying percentages to match competition, with an average increase of approximately 6.0 percent; and

b. Bulk minimum charge to $16.

3. *System* (both Mainland and Hawaii). Specific commodity rates by 10 percent in all markets.

Exceptions:

a. Lower deck container rates and bulk rates for selected commodities, primarily agricultural produce, will not be increased;

b. Cut flowers:

(i) reduce these specific commodity rates in some markets to offset the recent increase in the dimensional cube rule;

(ii) increase or cancel these rates in other markets; and

(iii) place an expiry date of December 31, 1975 on all specific commodity rates on cut flowers, except from Honolulu and Hilo, for which the expiry date is December 31, 1974.[1]

In support of its proposal, United contends, *inter alia*, that (1) the proposal represents another move towards a totally cost-based and fully compensatory freight rate structure with eastbound rates closer to westbound rates and short-haul rates more closely related to costs; (2) the carrier has experienced an operating loss every year since 1969 from its all-cargo operations, ranging from $19.8 million (year ended December 31, 1970) to $2.8 million (year ended December 31, 1973); (3) because United's February 18, 1974 rate increase was partially suspended, revenue from the approved portion of that filing was not large enough to recover additional fuel expense beyond that previously considered by the Board; (4) the proposal is expected to generate $12.5 million of additional annual revenue, of which $6.8 million will be earned in all-cargo aircraft; and (5) since space on combination aircraft is insufficient to accommodate air freight demand, United's ability to provide freight service in all-cargo type aircraft has been impaired by the poor economics of these aircraft with today's rate structure.

With respect to specific commodity rate increases, United alleges that (1) the traffic which it considers least price-elastic at current rate levels will be tested for its ability to pay a higher share of fully allocated costs; (2) proposed rates on cut flowers are set at the level of the average value-of-service of air transportation for this commodity in each market; and (3) the carrier is proposing to maintain or establish specific commodity rates for cut flowers only in those markets where there is available lift and where such shipments can be handled expeditiously.

United also asserts that (1) the Bureau's cost and structure standards, as developed in Docket 22859 and now being used to evaluate the reasonableness of proposed rates, contain serious deficiencies and are predicated upon new theories and methods untried historically and not yet adjudicated; (2) the Board's recognition of a total cost increase of 7.5 percent for fuel should have been reflected entirely as a capacity expense; (3) freight rates should be based solely on all-cargo costs; and (4) as long as no rate is permitted to exceed a structured cost line which includes a return element but rates are permitted to fall below that line, there is no possibility for the carriers to achieve an overall allowable rate of return on investment and no new services could be introduced unless they offered an immediate 12 percent return on investment.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposals or to permit them to become effective pending investigation.

United has made a showing of increased costs. The Board is aware of the unprecedented hikes in fuel prices in the past several months and believes that increases in rates and charges are warranted to help offset these increased costs.

Without prejudging the issues under investigation in Docket 22859, the most reasonable costs available to us at this time for the purpose of evaluating the rates proposed by the carriers appear to be industry average costs plus a full return on investment, based upon both all-cargo and combination aircraft. Today, almost 50 percent of all domestic air freight moves in the bellies of combination aircraft. The majority of U.S. communities have never received all-cargo service. Consequently, we believe, pending our decision in Docket 22859, that basing freight rates on all-cargo costs exclusively would not be representative of current conditions in the industry.

As indicated, United also alleges that, under the Board's orders, rates are not permitted to exceed costs but are permitted "to fall" below costs; thus, carriers cannot earn a full return. It appears to us, however, that the proper freight rate structure is one in which rates approach fully allocated costs as closely as possible,[2] although there is room for some promotional rates under carefully controlled conditions. But the existence of discount rates (published at the discretion of the carriers) should not result in standard rates exceeding fully allocated costs.

We agree, however, with United's contention that the most recent fuel price increases should be considered in any evaluation of current industry costs. We also believe that such increases should be reflected entirely as capacity expense increases. We are, therefore, evaluating United's proposed rates upon the basis of the industry average costs, thus increased, which result in higher increases for longer hauls than for shorter hauls.

In the foregoing circumstances, and upon consideration of all other relevant factors, the Board finds that the proposals, generally to the extent they apply to the following rates, should be suspended: [3]

1. Westbound bulk general commodity rates for markets with lengths of haul of 1,150 miles and over for all weight-breaks;

2. Eastbound bulk general commodity 1,000-pound rates for distances of 1,350 miles and over and at the 2,000-pound weight-break for distances of 2,250 miles and over;

3. Eastbound bulk general commodity rates for other weight-breaks for lengths of haul of 2,300 miles and over;

4. Westbound general commodity rates and charges for Types A, B, B-2, and LD-11 containers for markets over 1,200 miles;

5. Westbound general commodity rates and charges for Type D containers for markets over 900 miles;

6. Westbound Types LD-N, LD-3, and LD-7 container rates and charges in a few markets;

7. Eastbound general commodity rates and charges for Type D containers in markets over 450 miles; and

8. Rates on human remains at all distances.

The remainder of United's proposals appear sufficiently related to costs that the Board will permit them to become effective. These include primarily all rate increases in short-haul markets, increases in the minimum charge per bulk shipments, and increases and/or cancellation of numerous specific commodity rates. The proposed increase and/or cancellation of specific commodity rates, except as indicated in Appendix A, is being permitted, consistent with our previous disposition of similar proposals by other carriers,[4] because, in our opinion, carriers should be accorded considerable flexibility as to offering such rates, which are typically justified primarily on a value-of-service basis.[5]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a) and 1002 thereof.

It is ordered, that:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A attached hereto are suspended and their use deferred to and including August 29, 1974, unless otherwise ordered by the Board and that no change be made therein during the period of suspension except by special permission of the Board; and

2. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-11911 Filed 5-22-74;8:45 am]

[1] United has also filed to continue its cube rule of 366 cubic inches per pound to cut flowers from Hawaii until December 31, 1974, although the rule generally for other traffic is 194 cubic inches per pound.

[2] In the Board's decision in Docket 21866-9, *Domestic Passenger Fare Investigation, Phase 9—Fare Structure*, we stated, in connection with the coach-fare formula, "It is our judgment that the statutory scheme is best served in the long run by a fare structure which conforms as closely as possible to costs—rather than one which merely uses costs as a point of departure for value-of-service adjustments. To be sure, as a practical matter, it is impossible to frame separate fare structures for each of the carriers in this competitive industry, and to tailor fares in each individual market to its unique characteristics. As a result, the Board's long-run goal must therefore be oriented towards a fare structure based on the industry average costs of service at the various lengths of haul served in domestic operations." (Order 74-5-82, March 18, 1974, page 68 of the Opinion.)

[3] See Appendix A (filed as part of original document) for a complete listing of the markets for which the proposed rates are suspended.

[4] See, *e.g.*, Orders 74-4-54, 74-4-107, and 74-4-140.

[5] In its decision in Docket 22157, *United Air Lines, Inc., Specific Commodity Rates on Periodicals, Floral Products, and Seafood*, Order 72-11-78, November 20, 1972, the Board stated, "Because of their inherently prefential nature, the Board does not normally require carriers to publish SCR's, but leaves the offering and justification of SCR's to the carriers' initiative. Once a carrier institutes a particular SCR, it is still afforded a fairly broad area of discretion in revising such rates between the parameters of fully-allocated and incremental costs, subject to the Board's review."

COMMISSION ON CIVIL RIGHTS

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on May 23, 1974, at the University of Notre Dame, Notre Dame, Indiana 46556.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to plan preliminary groundwork for the Indiana Migrant Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 17, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.74-11939 Filed 5-22-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ASTON MARTIN LAGONDA, INC.

Application for Suspension of 1975 Emission Standards

In the June 4, 1973, FEDERAL REGISTER (38 FR 14708), notice was given of application by Checker Motors Corporation for a one-year suspension of the 1975 light duty vehicle exhaust emission standards. After public hearing, the Administrator on July 16, 1973, granted a one year suspension to Checker and twenty-six other manufacturers who had subsequently filed applications. The decision on these applications and the interim standards that will apply to these manufacturers for 1975 model year vehicles were announced at 38 FR 20365 (July 31, 1973).

Subsequently, applications for suspension of 1975 emission standards were received from and granted to Glassic Industries, Inc., and Automobile F. Lamborghini S.p.A. (see 38 FR 32965), and Toyo Kogyo (see 39 FR 3713). The sole issue in evaluating these latter three applicants was whether each manufacturer had made all good faith efforts to comply with the 1975 emission standards.

On April 5, 1974, Aston Martin Lagonda applied for suspension of the 1975 emission standards. The procedures for disposition of this and all other applications for suspension under section 202(b)(5)(A) of the Act, filed with the Administrator prior to May 20, 1974, will be as follows: (i) the applications will be made available for public review and comment; (ii) the Administrator will conduct a public hearing, if, on the basis of public comments received, he determines a useful purpose would be served thereby (such hearing will be announced by FEDERAL REGISTER notice); (iii) each application will be reviewed by EPA to determine whether the applicant made all good faith efforts; (iv) if any application is deemed deficient, the applicant will be notified by EPA to supplement his suspension request and, if the applicant fails to satisfactorily revise the application, the applicant will be required to appear and testify at a public hearing; and (v) the Administrator will issue by FEDERAL REGISTER notice his decision to grant or deny the respective applications on or before the 60th day from the day of receipt of such applications.

Any interested person may participate in this procedure through the filing of written comments or information with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3220, 401 M Street SW., Washington, D.C. 20460 on or before May 25, 1974.

Any person who provides written information for consideration may be required, upon 24 hours notice, to appear at a hearing, if held, to respond to questions by the panel or by such other interested persons as the panel deems appropriate at any time prior to conclusion of the hearing.

Presentations by interested persons shall be addressed whether the applicant has made all good faith efforts to meet the standard.

The applications and such portions of the applicant's supporting documentation as may properly be made public will be available for public inspection in the Freedom of Information Office, Environmental Protection Agency, Room 227, 401 M Street SW., Washington, D.C. 20460. Any person may obtain copies of public

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portions of the applications as provided for by 40 CFR Part 2.

Dated: May 15, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-11752 Filed 5-22-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION COMPANY

Notice of Rate Change

MAY 14, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on May 6, 1974, tendered for filing Ninth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. Algonquin Gas states that the rate change is being filed to reflect an increase in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), scheduled to be effective June 14, 1974, as a result of a general rate increase filed by Texas Eastern on November 30, 1973, in Docket No. RP74-41.

The proposed effective date of the revised tariff sheet is June 14, 1974, the scheduled effective date of Texas Eastern's rate increase.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11809 Filed 5-22-74;8:45 am]

[Docket No. CP72-9]

ARKANSAS LOUISIANA GAS CO.

Petition To Amend

MAY 15, 1974.

Take notice that on April 1, 1974, Arkansas Louisiana Gas Company (Petitioner), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP72-9 a petition to amend the order of the Commission issued November 1, 1971, as amended, in the subject docket pursuant to section 7(c) of the Natural Gas Act for authorization to exchange natural gas with Cities Service Gas Company (Cities) at four additional delivery points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order issued November 1, 1971, Petitioner was authorized to exchange up to 10,000 Mcf of gas per day with Cities at all points of delivery between Petitioner and Cities under the subject authorization. Originally five such delivery points were authorized, which number has been increased through subsequent amendatory orders issued in the instant docket on July 17, 1972, April 20, 1973, and January 21, 1974. Petitioner seeks herein authorization to operate an additional three delivery points from Petitioner to Cities consisting of:

(1) An exchange point at a mutually agreeable point on Cities line in Woods County, Oklahoma;

(2) Shaller Well Exchange Point on Cities line in Hemphill County, Texas;

(3) Shattuck Exchange Point on Cities line Ellis County, Oklahoma; and to operate one additional delivery point from Cities to Petitioner, the McCullough-Wright Well Exchange Point in Hemphill County, Texas.

Petitioner states that no increase in total daily volumes of gas delivered for exchange is proposed and that the facilities by which Petitioner will receive gas and deliver it to Cities at the additional delivery points proposed herein will be constructed under Petitioner's budget-type certificate issued in Docket No. CP74-67 on January 16, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11810 Filed 5-22-74;8:45 am]

[Docket No. RI74-40]

ASHLAND OIL, INC.

Order Fixing Date for Hearing on Petition for Special Relief

MAY 15, 1974.

On October 11, 1973, Ashland Oil, Inc. (Ashland) filed an application pursuant to section 4 of the Natural Gas Act,[1] § 2.76 of the Commission's General Policy and Interpretations (hereinafter "§ 2.76"),[2] and the special relief provisions of the applicable area opinion.[3] Ashland seeks to increase the rate from 26.0 cents per Mcf for natural gas sold to Trunkline Gas Company (Trunkline) under a contract dated November 27, 1968. The petition concerns sales from wells drilled, redrilled, or reworked subsequent to October 1, 1973, on South Timbalier Block 179, offshore Louisiana.

Ashland seeks relief from the applicable rate in Southern Louisiana of 26.0 cents per Mcf as a condition to be met prior to the commencement of a proposed plan for redrilling or reworking of Well No. 2 OCS G-1565[4] and for an exploratory well "to be drilled in Block No. 179". In a letter to Ashland dated October 2, 1973, Trunkline stated that it "will pay a price of forty-five cents (45¢) per Mcf for gas produced from all wells drilled or redrilled after October 1, 1973."

In a motion filed January 16, 1974, the Staff requests rejection of that portion of Ashland's petition which seeks special relief from the area rate for sales from wells which have not been drilled.

In answer to Staff's motion filed January 22, 1974, Ashland alleges error in Staff's reading of the Ashland petition insofar as Staff assumes the petition is solely based on § 2.76.

We find that the provisions for special relief embodied in the various area rate opinions do apply to drilling efforts which have not commenced. Among other purposes, these special relief provisions are available to afford the producer an opportunity to establish, through an evidentiary hearing, that adequate development cannot occur in the absence of rate relief. The burden of proof is on the producer to establish that the rate level proposed is just and reasonable. In the case at hand, Ashland must, to obtain the rate relief requested, establish, by credible evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the particular Block 179 supply project here proposed; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

In a case of this nature, i.e., a case wherein special relief from area rates is sought, evidence of area, or national, costs and productivity is inappropriate.

Upon consideration of the record, when

[1] 15 U.S.C. § 717, et seq.

[2] Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R-458, 49 FPC 992 (issued April 12, 1973), 18 C.F.R. § 2.76.

[3] Area Rate Proceeding, et al. (Southern Louisiana Area), Docket No. AR61-2, et al., and AR69-1, Opinion No. 596, 46 FPC 86, Opinion No. 589-A, 46 FPC 633 (1971).

[4] Sales from this well are currently made at 26.0 cents per Mcf under Ashland's FPC Gas Rate Schedule No. 209.

completed, the Administrative Law Judge should enter findings as to the just and reasonable rate level to be applied to Ashland's sales to Trunkline under the contract in question, if he determines that the existing area rate does not permit development of the Block 179 reserves. We so require because we do not perceive that Ashland's petition should be viewed as proposing a choice between a 45¢/Mcf rate and the area rate; rather, we view the petition as one seeking the determination of that rate, up to and including the contractual maximum, which is just and reasonable under the circumstances here present.

Section 2.76 authorizes relief in the circumstances set forth by Ashland with respect to the existing well and we shall set the matter for hearing to determine the measure of relief which would be appropriate.

We appreciate that expedition in the resolution of this case is important. Ashland faces loss of its lease because production from Well No. 2 has been suspended. Accordingly, we establish an expedited hearing schedule, and we direct that the Initial Decision in this case be entered within seven days after the record is closed. If the Initial Decision does not conclude this proceeding, we will entertain appropriate motions to expedite a Commission decision.

The Commission finds:

(1) For the reasons stated above the Ashland Oil, Inc. petition for special relief under the area rate, as it applies to wells which have not previously been drilled, should be set for hearing, and Staff's Motion should be denied.

(2) It is necessary and in the public interest that the request in the above docket relating to relief under Order No. 481 for reworking Well No. 2 OCS G-1565 be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), Docket No. RI74-40 is set for hearing and disposition, both as to the petition under Order No. 481 and as to special relief under the area rate relative to wells to be drilled.

(B) A public hearing on the issues presented shall be held commencing on June 7, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(D) Ashland shall file direct testimony and evidence on or before May 28, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all other parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 3, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before June 7, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[5]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11811 Filed 5-22-74;8:45 am]

[Docket No. E-8789]

CAROLINA POWER & LIGHT CO.

Notice of Application

MAY 16, 1974.

Take notice that on May 10, 1974, Carolina Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 203 of the Federal Power Act authorizing the Applicant to merge or consolidate its existing facilities with certain new facilities, title to which will be held by First National Bank of South Carolina, as trustee ("Trustee") for the benefit of General Electric Credit Corporation ("GECC"), or, in the alternative, disclaiming jurisdiction over the new facilities and determining that neither the Trustee nor GECC will be a "public utility" within the meaning of Parts II or III of the Act as a result of engaging in the transactions referred to herein, or, in the alternative, disclaiming jurisdiction over the Trustee and GECC as a result of engaging in such transactions.

Applicant is incorporated under the laws of the State of North Carolina, with its principal place of business at Raleigh, North Carolina, is qualified to do business in the State of South Carolina and is engaged in the electric utility business in the States of North Carolina and South Carolina.

The facilities to be consolidated are presently in the final stage of construction on property of the Applicant at Darlington, South Carolina and consist of eleven oil fired, internal combustion turbine generator units each with a rated capacity of approximately 57,000 kilowatts, together with certain related property, including three oil storage tanks, a pipe connecting the oil storage tanks with the turbines, starter equipment, connected controls, fuel heating equipment and other necessary production and support facilities. It is proposed that the Trustee would purchase the new facilities for an aggregate purchase price of approximately $46,035,000, with funds (representing approximately 70 percent of such purchase price) which would be borrowed by the Trustee from institutional lenders, and evidenced by certain notes ("Notes") and funds (representing the remaining 30 percent of such purchase price) which would be advanced to the Trustee by GECC as an investment in the beneficial ownership of the facilities.

The Trustee would simultaneously lease the facilities ("Equipment Lease") to Applicant for an initial term of 25 years. The Equipment Lease would be a "net" lease under which Applicant would operate the facilities and would be responsible for maintaining, repairing and insuring them and for paying substantially all taxes, assessments and other costs arising from the possession and use thereof. The rentals to be paid by Applicant would be calculated to provide funds sufficient to pay the principal and interest on the Notes and to return GECC's equity investment plus a return thereon.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11812 Filed 5-22-74;8:45 am]

[Dockets Nos. E-7685, E-7798]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Filing of Revised Tariff Sheets

MAY 16, 1974.

Take notice that on April 22, 1974, Central Vermont Public Service Corporation filed in the above-docketed proceedings revised sheets to its FPC electric tariff, First Revised Volume No. 1.

Central Vermont states that the subject filing is being made in conformance with the Commission's order dated March 19, 1974, approving a settlement of the above proceedings.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

[5] Commissioner Springer, concurring and dissenting, filed a separate statement which is filed as part of the original document.

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not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Central Vermont's filing is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11613 Filed 5–22–74;8:45 am]

[Docket No. CI74–495]

CNG PRODUCING CO.

Order Granting Intervention and Setting Date for Hearing

MAY 15, 1974.

On March 7, 1974, CNG Producing Company (CNG) filed an application pursuant to Sections 4 and 7 of the Natural Gas Act,[1] and § 2.75[2] of the Commission's General Policy Statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter Section 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Consolidated Gas Supply Corporation (Consolidated) from the Choudrant Field, Lincoln Parish, Louisiana. CNG and Consolidated are affiliated companies.

CNG proposes under the optional procedure to sell natural gas to Consolidated at an initial price of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated July 24, 1973. The contract provides for a 1.0-cent per Mcf price escalation each year, for reimbursement of 100 percent of all existing or future taxes. The contract also contains an area rate clause which CNG has agreed to waive upon receipt of a satisfactory certificate.

A notice of application was issued on March 26, 1974, and was published in the FEDERAL REGISTER April 2, 1974, at 39 F.R. 12064. A petition to intervene was filed by the American Public Gas Association. A notice of intervention and request for hearing was filed by The Public Service Commission of the State of New York. Consequently, we find a hearing is necessary to determine whether the present and future public convenience and necessity will be served by certificating these sales and whether the proposed rate is just and reasonable.

In Order No. 455, Statement of Policy Relating To Optional Procedure for Certificating New Producer Sales of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (Id. 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Of course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed, City of Detroit v. F.P.C., 230 F. 2d 810, 818 (1955) cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

Cost findings from the latest area rate decision may be incorporated by reference in this proceeding and may be considered as relevant evidence in determining a just and reasonable rate. Stingray Pipeline Company, et al., Opinion No. 693, Docket No. CP73–27, et al., issued May 6, 1974.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioner to intervene in this proceeding.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. CI74–495 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on June 13, 1974, 10 a.m. (edt) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) CNG and any intervenor supporting the application shall file their direct testimony and evidence on or before May 30, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 4, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before June 11, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of this Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and *provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The contract between CNG and Consolidated dated July 24, 1973, is accepted for filing as of the date of initial delivery and designated CNG Producing Company FPC Gas Rate Schedule No. 1.

By the Commission.[4]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11615 Filed 5–22–74;8:45 am]

[Docket No. CI74–612]

COLUMBIA GAS DEVELOPMENT CORP.

Notice of Application

MAY 16, 1974.

Take notice that on April 30, 1974, Columbia Gas Development Corporation (Applicant), P.O. Box 1350, Houston, Texas 77001, filed in Docket No. CI74–612 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia Gas) from Blocks 256 and 257, Vermilion Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on November 2, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale from the end of the 130-day emergency period within the contemplation of § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75). Pursuant to a contract dated April 22, 1974, Applicant proposes to sell natural gas to Columbia Gas at an initial price of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. Said contract provides for a term of 20 years with annual price escalations of 2.0 cents per Mcf and with Columbia Gas to reimburse Applicant 100 percent of any additional or increased taxes. Applicant estimates that 16,800 million Mcf of natural gas reserves underlie the subject acreage which will be attributable to Applicant. Applicant further estimates sales volumes from said acreage will average 165,000 Mcf per month.

Applicant asserts that there is a nationwide shortage of natural gas heretofore recognized by the Commission and that domestic gas exploration and development is needed. Applicant states that as a wholly-owned subsidiary of Columbia Gas System, Inc. (Columbia), it is engaged in an exploratory and development program designed to help Columbia meet its customers' needs.[1]

Applicant states further that it must receive an initial price of 45.0 cents per Mcf in view of the increasing cost of exploration and the degree of exploratory effort necessary to meet the existing requirements of Columbia. In this regard, Applicant states that a strong cash flow must be developed to enhance Applicant's capital raising ability and to provide funds required for future gas procurement investments. Applicant alleges that the sale of gas proposed herein would be less costly than supplemental gas sources whose costs Applicant estimates as $1.00 to $1.50 per Mcf of vaporous gas equivalent of liquefied natural gas, $1.25 to $1.50 per Mcf for Alaskan natural gas, and over $2.00 per Mcf for synthetic gas from reforming and gasification.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11816 Filed 5–22–74;8:45 am]

[Docket No. E–8780]

COMMONWEALTH EDISON

Notice of Revised Sheets

MAY 15, 1974.

Take notice that on May 2, 1974 Commonwealth Edison (Edison) tendered for filing the following Revised Sheets as part of its FPC Electric Tariff for wholesale electric service to municipalities:

5th Revised Sheet No. 1
7th Revised Sheet No. 76
2nd Revised Sheet No. 76A
5th Revised Sheet No. 77
7th Revised Sheet No. 78
2nd Revised Sheet No. 78A
1st Revised Sheet No. 78B
9th Revised Sheet No. 199

Edison states the said Revised Sheets have been filed to avoid possible delays that might result from hearings on antitrust issues raised from questions concerning Edison's rate provision.

Edison proposes to modify the availability clause of Rate 78, Sheet No. 1 of the Tariff to read as follows: "This rate applies to service rendered to any municipality for resale." Edison states this filing also includes a revised Electric Service Contract between the City of Naperville, Illinois and Edison.

Edison proposes that the provision of Rate 78, Sheet No. 1, be effective June 2, 1974. Edison requests an effective date of January 25, 1974 for Electric Service Contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are one file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11817 Filed 5–22–74;8:45 am]

[Docket No. E–8781]

CONNECTICUT LIGHT AND POWER CO.

Proposed Rate Schedule

MAY 15, 1974.

Take notice that on May 6, 1974, Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement With Respect to Cos Cob, South Meadow and Silver Lake Gas Turbine Units, dated February 28, 1974, between (1) CL&P, Hartford Electric Light Company and Western Massachusetts Electric Company and (2) Montaup Electric Company (Montaup).

CL&P alleges that the purchase agreement provided for sale to Montaup of a specified percentage of capacity and energy from the eleven gas turbine generating units during the period from March 1, 1974 to April 30, 1974, together with related transmission service.

CL&P states that the filing is in accordance with Part 35 of the Commission's regulations. Omitted, however, is a form of notice suitable for publication in the FEDERAL REGISTER as required by § 35.8(a).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11818 Filed 5–22–74;8:45 am]

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[1] 15 U.S.C. 717 et seq. (1970).

[2] 18 CFR 2.75.

[3] Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, Docket No. R–441, 48 FPC 218 (issued August 3, 1972), appeal pending sub nom. John E. Moss et al. v. F.P.C. No. 72–1687 (D.C. Cir.).

[4] Commissioner Smith, concurring, filed a separate statement filed as part of the original document.

[1] Approximately 90 percent of Columbia's total gas supply comes from the southwest of which 47 percent of such supplies are transported by Columbia Gulf Transmission Company (Columbia Gulf) to the heart of its market areas. In spite of efforts to augment Columbia's supplies from the southwest, Applicant states that the point has been reached where utilization of Columbia Gulf's (an affiliate of Applicant and a wholly owned subsidiary of Columbia) existing capacity will begin to fall off. Applicant estimates that Columbia must acquire an additional 5.9 billion Mcf of gas reserves in 1981 to maintain full utilization of the Columbia Gulf system.

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[Docket Nos. CP74-149, RP73-115, RP72-47]

CONSOLIDATED GAS SUPPLY CORP.

Offer of Settlement

MAY 16, 1974.

Take notice that on May 7, 1974, certain parties[1] to the proceeding and certain other parties[2] [hereinafter collectively referred to as Movants] filed in Docket No. CP74-149, consolidated with Docket Nos. RP73-115 and RP72-47 by Commission order issued on January 22, 1974 (51 FPC ——), a motion for approval of a settlement proposal that fixes maximum annual and daily volumetric limitations on natural gas deliveries to each customer on the pipeline system of Consolidated Gas Supply Corporation (Consolidated), in compliance with Commission order issued November 28, 1973 (50 FPC ——). Said order directed Consolidated to show cause why such limitations should not be established pursuant to Commission order issued on September 18, 1970 (44 FPC 997).

Movants' motion states that prolonged contested litigation in this matter would result in uncertainty regarding the gas service available to Consolidated's customers, and that as a result of informal settlement conferences among Consolidated, its customers, and the Commission Staff, a uniform basis was developed for determining maximum daily and annual limitations for the deliveries of natural gas. Movants' settlement proposal states that no party to the settlement will be deemed to have accepted, agreed, or consented to any theory or principle underlying, or which may be asserted to underlie, the proposal.

Movants agree to accept, or not to oppose, a final non-appealable order of the Commission directing Consolidated to file, as part of original Tariff Sheet No. 70 for inclusion in Volume 1 of its FPC Gas Tariff, the following volumetric limitations:

Purchaser	Maximum daily (Mcf)	Maximum annual (Mcf)
The East Ohio Gas Co.	1,622,000	631,420,000
Fillmore Gas Co.	1,512	223,709
Hope Natural Gas Co.[1]	354,000	60,916,000
Iroquois Gas Corp.	58,400	8,114,617
New York State Electric & Gas Corp.	213,000	28,681,223
Niagara Mohawk Power Corp.	883,000	121,272,516
The Pavilion Natural Gas Co.	25,823	3,766,169
The Peoples Natural Gas Co.[2]	400,000	112,052,000
The River Gas Co.	52,000	6,800,000
Rochester Gas and Electric Corp.[1]	388,000	57,171,000
Southern Tier Gas Corp.	6,656	937,548
Woodhull Municipal Gas Co.	420	55,199

[1] Hope Natural Gas Company, Rochester Gas and Electric Corporation, and Hanley and Bird have not filed for approval of the settlement.

[2] The Peoples Natural Gas Company, Consolidated Gas Supply Corporation, The Pavilion Natural Gas Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Southern Tier Gas Corporation, North Penn Gas Company, New York Public Service Commission, United Natural Gas Company, Corning Natural Gas Company, Iroquois Gas Corporation, Pennsylvania Gas Company.

[3] East Ohio Gas Company, The River Gas Company, Woodhull Municipal Gas Company, Fillmore Gas Company.

The volumetric limitations for Contract Quantity customers Hanley and Bird, North Penn Gas Company, Pennsylvania Gas Company, United Natural Gas Company, Corning Natural Gas Company, Iroquois Gas Corporation (AGR only) are those set forth in the Service Agreements.

Movants' motion further states that the maximum annual volume limitations shown above were derived by each customer's initially calculating its requirements based on normal weather for the number of customers estimated to be attached on December 31, 1974, plus an adjustment for worst weather requirements computed from a formula developed at the settlement conferences. The formula for determining the adjustment is calculated on the basis of all volumes of natural gas used by any given customer for all residential and commercial uses, including non-heat sensitive volumes, with an increment based on worst weather needs derived from the coldest 12-month period in the 30-year period ending in 1973, to wit:

$$(R + C) \times \frac{\text{Days Design}}{\text{Days Normal}} - (R + C) = X$$

R = Total Residential Heat and Non-Heat sensitive volumes (normal weather) attached as of December 31, 1974.

C = Total Commercial volumes (normal weather) both over and under 50 Mcf/d attached as of December 31, 1974.

Days Design = Total degree days during coldest consecutive 12-month period in the 30-year period ending 1973. For purposes of determining temperature, published information redecting temperatures from nearest United States weather reporting stations is employed.

Days Normal = Total degree days under normal weather conditions based on 30-year period ending 1960.

X = The adjustment to be made to annual requirement for normal weather resulting in total annual Design requirement.

This formula was agreed upon in place of one proposed by Consolidated which was based on volumes used by residential and commercial heating customers only, with an increment based on worst weather needs derived during the winter of 1962-1963, to wit:

Total Residential and Commercial Heating Customers × Heating Consumption per customer, per degree day × 1962-1963 Winter Degree days Above normal = adjustment.

Any person desiring to be heard or to make any protest with reference with said motion should on or before June 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene, notices of interventions, or protests need not file again.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11863 Filed 5-22-74;8:45 am]

[Docket No. RI74-138]

CONTINENTAL OIL CO.

Order Fixing Date for Hearing on Petition for Special Relief

MAY 15, 1974.

On January 21, 1974, Continental petitioned for special relief in Docket No. RI74-138 pursuant to Commission Opinion No. 586[1] seeking an initial rate of 40 cents per Mcf for natural gas to be produced from sections 8, 10, 11, 14, 15, and 31 in Block 5, I & GN Survey, Carson County, Texas, Hugoton-Anadarko Area. Cities Service Gas Company (Cities) agreed to the proposed increase in rate in a December 18, 1973, amendment to Continental Oil Company's FPC Gas Rate Schedule No. 301. Continental petitions for special relief from the area rate of the above-cited docket for wells not yet drilled.

Notice of Continental's petition in Docket No. RI74-138 was issued January 29, 1974, and published in the FEDERAL REGISTER on February 5, 1974 (39 FR 4609). Petitions to intervene were due on or before February 12, 1974. Cities petitioned to intervene in Docket No. RI74-138.

Continental seeks relief from the applicable rate in Hugoton-Anadarko as a condition to be met prior to the commencement of a proposed plan for exploration and development in Sections 8, 10, 11, 14, 15, and 31 in Block 5, I & GN Survey, Carson County, Texas.

The provisions for special relief embodied in the various area rate opinions were designed to afford the producer an opportunity to establish, through an evidentiary hearing, that adequate development cannot occur in the absence of rate relief. The burden of proof is on the producer to establish that the rate level proposed is just and reasonable. In the case at hand, Continental must, to obtain the rate relief requested, establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the particular supply project here proposed; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

In a case of this nature, i.e., a case wherein special relief from area rates is sought, evidence of area, or national, costs and productivity is inappropriate.

Upon consideration of the record, when completed, the Administrative Law Judge should enter findings as to the just and reasonable rate level to be applied to Continental's sales to Cities under the contract in question, if he determines that the existing area rate does not permit development of the reserves. We so require because we do not perceive that Continental's petition should be viewed as proposing a choice between 40¢/Mcf rate and the area rate; rather, we view the petition as one seeking the determination of that rate, up to and including the contractual maximum which is just and reasonable under the circumstances here present.

The Commission finds:

For the reasons stated above the Continental Oil Company petition for special relief from the area rate should be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. RI74-138 is set for hearing and disposition.

(B) A public hearing on the issues presented shall be held commencing on July 9, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose [See Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Continental shall file direct testimony and evidence on or before June 6, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all other parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 21, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before July 2, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[2]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11819 Filed 5-22-74;8:45 am]

[1] Hugoton-Anadarko Area Rate Proceeding, Docket No. AR64-1, et al., issued September 18, 1970, 44 FPC 761, aff'd., California v. F.P.C., 466 F. 2d 974 (9th Cir., 1972).

[Docket No. RI74-108]

CONTINENTAL OIL CO.

Order Fixing Date for Hearing on Petition for Special Relief

MAY 15, 1974.

On December 20, 1973, Continental Oil Company (Continental) filed a petition for special relief in Docket No. RI74-108 pursuant to Ordering Paragraph (H) of Commission Opinion 586 issued September 18, 1970.[1] Continental requests a rate of 45¢/Mcf for natural gas to be produced in the Red Fork Formation, Section 17-17N-17W of Dewey County, Oklahoma, and sold to Panhandle Eastern Pipeline Company (Panhandle). In an agreement dated October 24, 1973, Continental and Panhandle amended their sales contract dated May 5, 1960, designated as Continental Oil Company's FPC Gas Rate Schedule No. 202, as amended.

Notice of Continental's petition in Docket No. RI74-108 was issued on January 9, 1974, and published in the Federal Register on January 16, 1974 (39 FR 2039). Petitions to intervene were due on or before January 29, 1974. Panhandle petitioned to intervene in Docket No. RI74-108.

Continental seeks relief from the applicable rate in Hugoton-Anadarko as a condition to be met prior to the commencement of a proposed plan for exploration and development of the Red Fork Formation, Section 17-17N-17W, Dewey County, Oklahoma.

The provisions for special relief embodied in the various area rate opinions were designed to afford the producer an opportunity to establish, through an evidentiary hearing, that adequate development cannot occur in the absence of rate relief. The burden of proof is on the producer to establish that the rate level proposed is just and reasonable. In the case at hand, Continental must, to obtain the rate relief requested, establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the particular supply project here proposed; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

In a case of this nature, i.e., a case wherein special relief from area rates is sought, evidence of area, or national, costs and productivity is inappropriate.

Upon consideration of the record, when completed, the Administrative Law Judge should enter findings as to the just and reasonable rate level to be applied to Continental's sales to Panhandle under the contract in question, if he determines that the existing area rate does not permit development of the Section 17-17N-17W reserves. We so require because we do not perceive that Continental's petition should be viewed as proposing a choice between 45¢/Mcf rate and the area rate; rather, we view the petition as one seeking the determination of that rate, up to and including the contractual maximum which is just and reasonable under the circumstances here present.

The Commission finds:

For the reasons stated above the Continental Oil Company petition for special relief from the area rate should be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. RI-74-108 is set for hearing and disposition.

(B) A public hearing on the issues presented shall be held commencing on July 23, 1974, 10:00 A.M. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose [See Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Continental shall file direct testimony and evidence on or before July 5, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all other parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before July 12, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before July 19, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[2]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11820 Filed 5-22-74;8:45 am]

[Docket No. CP74-277]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 16, 1974.

Take notice that on April 26, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-277 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station to serve Southern Union Gas Company (Southern Union) in Hutchinson County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that, by Commission order issued February 16, 1971, in Docket No. CP71-154 (45 FPC 256),

[1] Commissioner Springer, dissenting, filed a separate statement filed as part of the original document.

[1] *Hugoton-Anadarko Area Rate Proceeding*, Docket No. AR64-1, *et al.*, issued September 18, 1970, 44 FPC 761, affirmed, *California v. F.P.C.*, 466 F. 2d 974 (9th Cir., 1972).

[2] Commissioner Springer, dissenting, filed a separate statement filed as part of the original.

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Applicant was authorized to construct and operate a tap on its 18-inch Panoma pipeline in Hutchinson County, Texas, and to sell and deliver natural gas through September 30, 1971, on an emergency standby basis to Southern Union for resale and distribution to the community of Borger, Texas (Borger). Such deliveries by Applicant were necessary to prevent possible curtailment of gas service to Borger due to Southern Union's continuing decline in supply utilized to serve Borger. Applicant states that Southern Union had not, upon expiration of the authorization issued in Docket No. CP71-154, improved its supply situation and, for this reason, Applicant's facilities remained in place and Applicant continued to provide emergency standby deliveries to Southern Union for resale and distribution to Borger within the contemplation of § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22).

Southern Union, as a result of the continuing decline in availability of gas from its supply sources, filed an application on August 30, 1972, in Docket No. CP73-57, pursuant to section 7(a) of the Natural Gas Act for an order directing Applicant to provide natural gas service to the community of Borger. By order issued February 20, 1974, file Docket No. CP73-57, the Commission directed Applicant to sell and deliver up to 9,000 Mcf per day of natural gas, through existing facilities, to Southern Union for resale and distribution in Borger.

The application further states that in order properly and accurately to control such deliveries to Southern Union, Applicant proposes to construct and operate a meter station at the site of its existing tap located on the 18-inch Panoma pipeline.

Applicant states that the estimated cost of the proposed facilities, including overhead contingency and filing fees, is $17,584, which cost will be financed by use of working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11865 Filed 5-22-74;8:45 am]

[Docket No. CP74-280]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 16, 1974.

Take notice that on May 1, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-280 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas mainline pipeline and compressor facilities, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place the following facilities:

1. Approximately 134.2 miles of 16-inch O.D. pipeline commencing in Eddy County, New Mexico, and terminating at Applicant's Clint Junction Meter Station in El Paso County, Texas.

2. Approximately 41.1 miles of 16-inch O.D. pipeline commencing 5.5 miles from the tailgate of Applicant's Jal No. 1 Plant in Lea County, New Mexico, and terminating at Applicant's Pecos River Compressor Station in Eddy County, New Mexico.

Applicant proposes to abandon and salvage the following facilities:

1. Approximately the first 5.5 miles of the 16-inch O.D. pipeline commencing at the tailgate of Applicant's Jal No. 1 Plant in Lea County, New Mexico.

2. A 1,068 horsepower Solar gas turbine-driven compressor station known as the Cornudas Compressor Station located in Hudspeth County, Texas.

Applicant states that these facilities are no longer needed for the transportation of natural gas in interstate commerce because they represent excess design capacity resulting from the decline in the availability of supplies from the Permian Basin Area and that no reduction or termination of gas service will result from the proposed abandonment. Applicant is contemplating transfer of the pipeline facilities which will be abandoned in place to an existing subsidiary company, Mesquite Pipeline Company, who will prospectively own and operate the facilities to transport refined liquid petroleum products from the Famariss Oil & Refining Company refinery now under construction near Lovington in Lea County, New Mexico.

Applicant estimates the total cost of abandonment to be $109,050.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that, permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11868 Filed 5-22-74;8:45 am]

[Docket No. CI74-628]

JAMES M. FORGOTSON, SR.

Notice of Application

MAY 16, 1974.

Take notice that on May 6, 1974, James M. Forgotson, Sr. (applicant), 409 Beck Building, Shreveport, Louisiana 71101, filed in Docket No. CI74-628 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Compand (United), from the Tatum, SW/ Hosston-Cotton Valley Field, Rusk County, Texas, all as more fully set forth

in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 10,000 Mcf daily of natural gas to United from subject acreage for six months after August 23, 1974, or from the date of issuance of appropriate authorization by the Commission, whichever is sooner, at a rate of 55.0 cents per Mcf at 14.65 psia, plus reimbursement for all taxes, subject to upward adjustment from a base of 1,050 Btu per cubic foot and downward adjustment from a base of 1,000 Btu per cubic foot, pursuant to a contract between the parties dated April 11, 1974, within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

The sale of the gas to United from subject acreage is currently authorized until August 23, 1974, by a certificate of public convenience and necessity issued by the Commission in Docket No. CI73-851 on August 23, 1973, at a price of 43.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11861 Filed 5-22-74;8:45 am]

[Dockets Nos. E-7548, E-8170]

GEORGIA POWER CO.

Proposed Rate Settlement Agreement

MAY 15, 1974.

Georgia Power Company (Georgia Power), on May 9, 1974, tendered for filing a Motion for Approval of Rate Settlement, accompanied by the proposed Settlement Agreement, dated April 24, 1974, and a Joint Motion for Suspension of Proceedings. The proposed agreement would constitute a settlement of all issues in both of the captioned proceedings.

The proceedings in Docket No. E-7548 involve Georgia Power's wholesale rate increase of $12.2 million (based on 1969 sales) which was filed on May 26, 1970, and was suspended by Commission order until January 1, 1971. Hearings were held and an initial decision was issued on August 3, 1972. That decision is now pending on exceptions thereto filed by various parties. The proceedings in Docket No. E-8170 involve Georgia Power's rate increase of $17.5 million (based on 1972 sales) which was filed on April 30, 1973, and was suspended by Commission order until December 12, 1973. No hearings have as yet been held in Docket No. E-8170.

Georgia Power states that the settlemen agreement provides for refunds of $2 million to the Company's 49 municipal customers and refunds of $3.46 million to its 42 electric membership cooperative customers, plus interest at 6¾ percent per annum, with respect to sales during the period January 1, 1971, through December 11, 1973, relating to sales under Docket No. E-7548.

The settlement agreement provides for a reduction of approximately $9.1 million in the rate increase filed in Docket No. E-8170, based upon 1972 sales. The proposed tariff as filed included a demand charge of $566.00 for 200 or less kilowatts of demand and $2.33 for each additional kilowatt of demand. The settlement provides for a demand charge of $487.00 for the first 200 kilowatts of demand and $1.82 for each additional kilowatt of demand, and for refunds to both municipal and cooperative customers, based upon sales for the period December 12, 1973 until the settlement rates become effective, computed at the rate of $79.00 for the first 200 or less kilowatts of demand for each delivery point, plus $0.51 for each additional kilowatt of demand, plus interest at 7 percent per annum.

The settlement agreement also provides for a fuel adjustment clause and for a High Voltage Discount of $0.20 per kilowatt for customers taking service at voltages in excess of 25,000 volts and discount of $0.02 per kilowatt of demand per mile (maximum, $0.16) for customer's transmission construction to take service at 115,000 volts. Certain changes in terms and conditions of service are also provided by the new agreement. Georgia Power's motion states that its 1971 realized rate of return, based upon the settlement agreement, is 5.62 percent, and that its 1972 realized rate of return, based upon settlement rates, is 8.45 percent.

Georgia Power states that copies of the settlement agreement have been provided all parties and has been agreed to by the Company and all but one intervenor.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11821 Filed 5-22-74;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Notice Deferring Procedural Dates

MAY 14, 1974.

On April 26, 1974, the Municipal Interveners filed a motion for an extension of time pending disposition of the Company's motion for a suspension of the procedural dates. On April 29, 1974, Georgia Power Company filed a joint motion on its behalf and at the verbal request and concurrence of counsel for the Georgia Municipal Association, the municipal interveners, Georgia Electric Membership Corporation, Mitchell County Electric Membership Corporation, and Commission Staff Counsel, for suspension of the procedural dates.

On May 9, 1974, a motion for approval of rate settlement was filed in Docket Nos. E-8170 and E-7548.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11822 Filed 5-22-74;8:45 am]

[Docket No. E-8786]

GULF STATES UTILITIES CO.

Notice of Change in Points of Delivery

MAY 15, 1974.

Take notice that on May 8, 1974, Gulf States Utilities Company (Gulf States) tendered for filing certain changes in points of delivery. According to Gulf States, this filing is made in accordance with electric service agreements between itself and Sam Rayburn Dam Electric Cooperative, Inc. (said agreement designated Rate Schedule FPC No. 98) and

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between itself and Sam Houston Electric Cooperative, Inc. (said agreement designated Rate Schedule FPC No. 69).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11823 Filed 5-22-74;8:45 am]

[Docket Nos. E-8756, E-8758]

HARTFORD ELECTRIC LIGHT CO.

Proposed Rate Schedules

MAY 16, 1974.

Take notice that on May 1, 1974, Hartford Electric Light Company (HELCO) tendered for filing two proposed rate schedules. The first proposed rate schedule is a purchase agreement with respect to gas turbine units, dated December 1, 1972, between HELCO, Connecticut Light and Power Company (CL&P), Western Massachusetts Electric Company (WMECO), and the United Illuminating Company (UI) (UI agreement). The second proposed rate schedule is a purchase agreement with respect to Middletown Unit No. 4, dated December 31, 1973, between HELCO and Montaup Electric Company (Montaup Agreement).

HELCO states that the UI agreement provides for sales to UI of specified percentages of capacity and energy from the gas turbine units during the period June 1, 1974 and May 31, 1975. HELCO states further that the Montaup agreement provides for sales to Montaup of specified percentages of capacity and energy from the Middletown Unit No. 4 HELCO requests an effective date of June 1, 1974, for the UI agreement and January 1, 1974, with respect to the Montaup agreement.

HELCO alleges that the filing is in accordance with Part 35 of the Commission's Regulations. However, these filings omitted a form of notice suitable for publication in the FEDERAL REGISTER as required by § 35.8(a) of these regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11824 Filed 5-22-74;8:45 am]

[Docket No. E-8774]

INDIANA AND MICHIGAN ELECTRIC CO.

Proposed Change to Interconnection Agreement

MAY 15, 1974.

Take notice that on May 6, 1971, Indiana and Michigan Electric Company (I&M) tendered for filing Modification No. 4 dated March 1, 1974, to the Interconnection Agreement dated June 1, 1968, between Central Illinois Public Service Company (Central) and I&M, designated Indiana Rate Schedule FPC No. 67.

Section 1 of Modification No. 4 provides for a new Service Schedule E—Short Term Power which supersedes the existing Service Schedule E designated by the Commission as Indiana Supplement No. 1 to Supplement No. 5 to Rate Schedule FPC No. 67. This new Service Schedule E provides for an increase in the Demand Charge for 40 cents to 45 cents per kilowatt per week. Section 1 also provides for a new Service Schedule G—Limited Term Power. Service Schedule E and Service Schedule G also provide for an additional service whereby the parties will supply and take Short Term Power or Limited Term Power, respectively which has been initially supplied especially for the service by a third party.

I&M requests that the Commission waive any requirements not already complied with under §§ 35.12 and 35.13 of the regulations under the Federal Power Act.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11825 Filed 5-22-74;8:45 am]

[Docket No. E-8787]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

MAY 16, 1974.

Take notice that on May 10, 1974, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding $30,000,000 principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 51 counties in the State of Iowa.

The First Mortgage Bonds which are to mature July 1, 2004 will be issued on approximately July 18, 1974 under the Applicant's Indenture of Mortgage and Deed of Trust, dated August 1, 1940, as heretofore amended and supplemented by forty-one supplemental indentures and as to be further supplemented by a forty-second supplemental indenture to be dated July 1, 1974 between the Company and The First National Bank of Chicago, as Trustee. The rate of interest to be paid by the Applicant will be determined by competitive bidding in accordance with the Commission's regulations under the Federal Power Act.

The purpose for which the said securities are to be issued is the refunding of a portion of certain obligations to commercial banks. Such obligations, consisting of borrowings in the form of long-term notes and aggregating $63,500,000 at March 31, 1974, were made under a Bank Credit Agreement dated July 20, 1972, with three Chicago banks providing maximum borrowings of $75,000,000 with final maturity not later than July 20, 1977. Borrowings under this agreement bear interest at varying rates above the prime rate of interest charged by The First National Bank of Chicago from time to time on 90-day commercial loans to its prime commercial borrowers. Said agreement provides that borrowings may be reduced or repaid at any time without penalty. The Bonds are proposed to be issued in order to provide funds at a lower cost than is available through the issuance of the long-term notes referred to above or through other forms of long-term debt under present economic conditions.

Any person desiring to be heard or to make any protest with reference to this Application should on or before June 7, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11834 Filed 5-22-74;8:45 am]

[Docket No. E-8782]

IOWA POWER AND LIGHT CO.

Proposed Rate Change

MAY 15, 1974.

Take notice that Iowa Power and Light Company (Iowa Power) on April 1974, tendered for filing an Electric Interchange Agreement with the City of Indianola (City), which is intended as a change in rate schedule to supersede Rate Schedule FPC No. 36, as amended. It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by $129,000 based on the 12 month period ending December 31, 1973. Approximately $5,000 of this amount is attributable to increased rates for services provided under Rate Schedule FPC No. 36. The remaining amount constitutes anticipated revenues from services not previously furnished by Iowa Power. The additional services under the Agreement provide the City with several opportunities for exchanging capacity through interconnections with Iowa Power. These are:

(1) Purchase of participation type power and energy generated by Iowa Power's base load units;

(2) Delivery of power and energy through Iowa Power's transmission facilities to the City's electric system;

(3) Purchase of replacement energy for energy temporarily unavailable;

(4) Purchase of equalization power and energy for the purchase of equalizing reserve responsibilities;

(5) Sale of excess peaking capacity to Iowa Power.

In addition, the Agreement provides the City with the opportunity to purchase dispatching service, under which Iowa Power would act as agent for the City in performing normal dispatching functions.

Iowa Power states that the Interchange Agreement was entered into for the purpose of interconnecting facilities and co-ordinating operations of the two systems so that the systems themselves, the respective areas served and the public interest generally might benefit from more effective use of generating facilities, economies in the production of electric energy and improved service reliability. In addition, the Agreement will aid Iowa Power in meeting its responsibilities as a party to the Mid-Continent Area Power Pool (MAPP) Agreement.

Iowa Power requests the Commission waive the prior notice requirements and accept the filing with an effective date of December 31, 1973. Iowa Power states that copies of the filing have been served upon the City of Indianola, Iowa and the Iowa State Commerce Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11826 Filed 5-22-74;8:45 am]

[Docket No. E-8754]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Succession

MAY 16, 1974.

Take notice that on April 29, 1974. Jersey Central Power & Light Company filed Notice of Succession in ownership and operation relating to the agreements previously filed as New Jersey Power & Light Company FPC Rate Schedule Nos. 2, 10 to 12, 18 to 20, and 22.

Any person desiring to be heard or to make any protest with reference to this filing should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Any person wishing to become a party to a proceeding or to participate as a party in any hearing related thereto must file a petition to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. The document referred to in this notice is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11827 Filed 5-22-74;8:45 am]

[Docket No. ID-1731]

WENDELL P. JOHNSON

Notice of Application

MAY 16, 1974.

Take notice that on May 9, 1974, Wendell P. Johnson (Applicant) filed an initial application with the Federal Power Commission, pursuant to Section 305(b) of the Federal Power Act, to hold the following positions:

Vice President, Maine Yankee Atomic Power Company, Public Utility.
Vice President, Yankee Atomic Electric Company, Public Utility.

Maine Yankee Atomic Power Company is engaged in the generation and sale of electricity. The Company sells entire electrical output to its utility company stockholders.

Yankee Atomic Electric Company is engaged in the generation and sale of electricity. The Company sells its entire net electrical output to its utility company stockholders.

Any person desiring to be heard or to make any protest with reference to this application should on or before June 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11864 Filed 5-22-74;8:45 am]

[Docket No. E-8776]

KANSAS GAS AND ELECTRIC CO.

Notice of Agreement

MAY 15, 1974.

Take notice that on May 1, 1974 Kansas Gas and Electric Company (Kansas) tendered for filing a letter Agreement between Kansas and Western Power Division of Central Telephone and Utilities Corporation (Western Power) dated April 9, 1974 which supplements the Electric Interconnection Contract between said parties, designated as FPC Rate Schedule 101. Kansas states the said Agreement provides for the sale by Kansas of 20MW of LaCygne Unit No. 1 Participation Power for a twelve-month period commencing July 1, 1974.

Kansas proposes an effective date of July 1, 1974 for said Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be

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taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11826 Filed 5-22-74;8:45 am]

[Docket No. CP74-278]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Notice of Application

MAY 16, 1974.

Take notice that on April 29, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP74-278 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant, in effect, to reclassify a portion of the supply of natural gas sold to the fertilizer plant of Farmland Industries, Inc. (Farmland), at Hastings, Nebraska, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

By order issued on December 10, 1962, in Docket No. CP63-28 (28 FPC 977), the Commission authorized Applicant, inter alia, to deliver to Farmland's Hastings plant 10,000 Mcf of natural gas per day on a firm basis, to be used as raw material in the production of anhydrous ammonia fertilizer, and to deliver 8,000 Mcf of gas per day on an interruptible basis to be used for process heat in the operation of plant equipment.

Applicant proposes to supply to Farmland's plant a maximum daily quantity of 16,000 Mcf of gas on a basis articulated as "special processing firm industrial service" priority,[1] pursuant to an agreement dated March 1, 1974, plus approximately 2,000 Mcf per day on an interruptible basis, pursuant to an agreement of April 1, 1974.

Under the terms of the agreement of March 1, 1974, Applicant will charge Farmland for 10,000 Mcf supplied on a firm basis to the fertilizer plant, until the Commission grants a certificate of public convenience and necessity authorizing the new priority service, a demand charge of 13.0 cents per Mcf of daily demand plus a commodity charge of 34.2 cents per Mcf delivered,[2] and under the terms of the agreement of April 1, 1974 for the remaining 8,000 Mcf, the following rate for interruptible service:

First 50,000 cu. ft. per month 87.1¢ per 1,000 cu. ft.
Next 50,000 cu. ft. per month 70.6¢ per 1,000 cu. ft.
Next 200,000 cu. ft. per month 59.6¢ per 1,000 cu. ft.
Next 9,700,000 cu. ft. per month 50.1¢ per 1,000 cu. ft.
Excess over 10,000,000 cu. ft. per month 48.1¢ per 1,000 cu. ft.

When the Commission approves the special priority service, Applicant will then charge Farmland for 16,000 Mcf of gas per day a demand charge of 11.1 cents per Mcf of daily demand and a commodity charge of 42.2 cents per Mcf of gas delivered.

Applicant states that suppliers of agricultural fertilizer are predicting a shortage of anhydrous ammonia fertilizer and that the special priority service is necessary to ensure process heat for maximum operating efficiency at Farmland's Hastings fertilizer plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11866 Filed 5-22-74;8:45 am]

[1] According to Applicant, said service is firm to the extent that delivery will be interrupted only after all interruptible customers have been interrupted; to the extent that a blend of No. 1 and No. 2 fuel oil can be used as an alternative source of process heat, although not as efficiently as gas; to the extent that no new facilities are to be constructed to transport the gas to be delivered to Farmland's plant; and to the extent that it will not affect the service of higher priority customers.

[2] Applicant states that this price is the current price under the current rate schedule for the sale authorized by the Commission's order of December 10, 1962, in Docket No. CP63-28 (28 FPC 977).

[Docket No. ID-1730]

ROBERT B. KILLEN

Notice of Application

MAY 16, 1974.

Take notice that on May 9, 1974, Robert B. Killen (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Chairman of the Board, and President, the Dayton Power and Light Company, Public Utility.
Director, Ohio Valley Electric Company, Public Utility.

Dayton Power and Light Company engages in the production and sale of electric energy, purchase and sale of natural gas and the production and sale of steam.

Ohio Valley engages in the production and sale of electric energy to the Atomic Energy Commission and the sale of surplus electric energy to public utilities owning Ohio Valley's shares.

Any person desiring to be heard or to make any protest with reference to this application should on or before June 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11862 Filed 5-22-74;8:45 am]

[Docket No. CI74-603]

CHAS. T. McCORD, JR., ET AL.

Notice of Application

MAY 16, 1974.

Take notice that on April 22, 1974, Chas. T. McCord, Jr., and Henry Goodrich, d/b/a McCord-Goodrich Oil Company (Applicant), 1705 Beck Building, Shreveport, Louisiana 71101, filed in Docket No. CI74-603 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United), from the Bourg Field, Terrebonne Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant is commencing the emergency sale of natural gas to United on May 9, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29), and proposes to continue said sale for a period of one year from the end of the emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell an average daily quantity of up to 2,000 Mcf of natural gas per day to United at 45 cents per Mcf of gas at 15.025 psia, under a contract which provides that the heating value shall be not less than 950 Btu per cubic foot. Applicant estimates the monthly sales to United at 45,000 Mcf of gas.

Applicant states that May 9, 1974, is the date on which the gas to be sold to United will become available since the gas was theretofore dedicated to sales made under authorization in Docket Nos. CS71-1040 issued on November 29, 1971 as Docket No. CS71-1014, et al., and Docket No. CI71-612 issued on April 6, 1973 (Opinion No. 656, 49 FPC 848).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11814 Filed 5-22-74;8:45 am]

[Docket No. CI74-617]

MESA OFFSHORE CO.

Notice of Application

MAY 15, 1974.

Take notice that on May 3, 1974, Mesa Offshore Co. (Applicant), P.O. Box 2009, Amarillo, Texas 79105, filed in Docket No. CI74-617 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Sea Robin Pipeline Company (Sea Robin) from Applicant's properties in Block 270, East Cameron Area and Block 330, Eugene Island Area, offshore Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas from said acreage for a period of one year beginning July 13, 1974, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to continue the sale of gas which is currently being sold to Sea Robin under a limited term certificate issued by the Commission in Docket No. CI73-663 on July 13, 1973, which certificate provides for delivery of approximately 7,500 Mcf of gas per day, initially, and an average of approximately 10,000 Mcf per day at 35.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. Under the continued authorization Applicant proposes to sell approximately 7,500 Mcf of gas initially and an average of approximately 10,000 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11829 Filed 5-22-74;8:45 am]

[Docket No. E-8778]

NEW YORK POWER POOL

Notice of Revised Agreement

MAY 15, 1974.

Take notice that on May 6, 1974 New York Power Pool (NYPP) tendered for filing Supplemental Rate Schedule dated February 1, 1974 which constitutes a revised New York Power Pool Agreement among the member organizations.

NYPP states the said Agreement provides certain changes in the structure of the New York Power Pool organizations, but does not affect or in any way change the nature or scope of the transactions in operating capability and energy or the generating reserve requirements provided for in the existing New York Power Pool Agreement, nor the rates, charges, classifications or practices relating thereto. The said Agreement provides for the creation of two new committees, the Environmental Committee and the Public Relations Committee. Minor changes have also been made so that all provisions of the Agreement are consistent with the creation of these additional committees.

NYPP requests an effective date of June 7, 1974 for said Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11830 Filed 5-22-74;8:45 am]

[Docket No. E-8765]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Cancellation

MAY 15, 1974.

Take notice that on April 30, 1974, New York State Electric & Gas Corporation (NYSE&G) tendered for filing notice of

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cancellation of its Rate Schedule FPC No. 57, effective October 28, 1973, between NYSE&G and Central Hudson Gas & Electric Corporation. NYSE&G states the said Schedule terminated by its own provisions on April 27, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11831 Filed 5-22-74;8:45 am]

[Docket No. E-8775]

NIAGARA MOHAWK POWER CORP.

Notice of Transmission Agreement

MAY 15, 1974.

Take notice that on May 2, 1974 Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing transmission agreement dated December 21, 1973 between Niagara Mohawk and Consolidated Edison Company of New York, Inc. (Con-Ed). Niagara Mohawk states the said Agreement provides for the transmission of emergency backup power and energy from Long Sault, Inc. at its St. Lawrence Switchyard to Con-Ed at its Pleasant Valley Substation. According to Niagara Mohawk, the use of the New York Power Pool Agreement, designated as Niagara Mohawk's Rate Schedule FPC No. 71, is not appropriate for the transmission of this power and energy. Niagara Mohawk states the said agreement provides that Con-Ed will pay it a capability charge of $30.00 per megawatt per week and an energy charge of 0.82 mills per kilowatt hour for transmission. In addition, Con-Ed will compensate Niagara Mohawk at a rate of 110 percent of Niagara's costs of supplying the losses associated with these deliveries.

Niagara Mohawk requests an effective date of January 1, 1974 for said Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11832 Filed 5-22-74;8:45 am]

[Docket No. CS67-8]

NORTH CENTRAL OIL CORP.

Petition for Waiver of Regulations

MAY 15, 1974.

Take notice that on April 29, 1974, North Central Oil Corporation (Petitioner), 4545 Post Oak Place Drive, Suite 301, Houston, Texas 77002, filed a petition in Docket No. CS67-8 for the Commission to waive in part subsection (c) of § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under Petitioner's small producer certificate in said docket from reserves acquired in place from Southern Natural Gas Company (Southern), a large producer, all as more fully set forth in the request, which is on file with the Commission and open to public inspection.

Section 157.40(c) provides in part that sales of natural gas may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that it acquired from Southern certain interests in the North Branch Field, Acadia Parish, Louisiana, and desires to continue the sale of gas therefrom to Texas Gas Transmission Corporation (Texas Gas) under its small producer certificate. Petitioner states that monthly average production from the North Branch Field has been approximately 7,900 Mcf of gas, of which 60 percent represents production from the portion of the reserves acquired from Southern. The present sale of gas from Southern to Texas Gas is covered by certificate authorization granted in Docket No. CP68-206 on April 4, 1968. Petitioner states that it is willing to sell all gas which may be produced from the developed reserves acquired from Southern at a rate not in excess of the applicable area rate.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11833 Filed 5-22-74;8:45 am]

[Docket No. E-8773]

PACIFIC POWER & LIGHT CO.

Notice of Application

MAY 15, 1974.

Take notice that on May 6, 1974, Pacific Power & Light Company (Applicant), a corporation organized under the laws of the state of Maine and qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of not exceeding $125,000,000 in an aggregate principal amount at any one time outstanding of unsecured promissory notes (1) pursuant to a Line of Credit ($65,000,000), and (2) in the form of Commercial Paper ($60,000,000).

(1) Unsecured promissory notes in an aggregate principal amount not exceeding $65,000,000 at any one time outstanding would be issued by Applicant to evidence borrowings under a Line of Credit extended by fourteen Banks. Each note so issued would be dated the day of issuance and would have a maturity of not more than ninety days from the date thereof. All notes issued pursuant to the Line of Credit would mature not later than December 31, 1975.

(2) Unsecured promissory notes in an aggregate principal amount not exceeding $60,000,000 at any one time outstanding would be issued and sold by Applicant to one or more Commercial Paper dealers. Each note issued as Commercial Paper would be dated the day of issuance, would have a maturity of not more than 270 days from the date thereof, and would be discounted at the rate prevailing at the time of issuance for Commercial Paper of comparable quality and maturity.

Proceeds from the borrowings to be made under the Line of Credit and in the form of Commercial Paper would be used to temporarily finance current transactions, including Applicant's construction expenditures for 1974-75, presently estimated at $561,987,000. The balance of funds required to meet estimated 1974-75 construction expenditures is expected to come, in part, from borrowings pursuant to a Letter Agreement dated March 19, 1974, not exceeding $35,000,000 at any one time outstanding and from permanent financing of a type and magnitude not yet finally determined.

Any person desiring to be heard or to make any protest with reference to this application should, on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11835 Filed 5-22-74;8:45 am]

[Docket No. E-8783]

PENNSYLVANIA POWER & LIGHT CO.

Proposed Acquisition of Electric Transmission Facilities

MAY 15, 1974.

Take notice that Pennsylvania Power & Light Company (PP&L) on May 7, 1974, tendered for filing an application for an order under section 203(a) of the Federal Power Act, authorizing the acquisition of certain electric transmission facilities from Metropolitan Edison Company (Met Ed). The acquisition is in connection with the transfer of retail electric supply to the Steelton Plant of Bethlehem Steel Corporation from Met Ed to PP&L. The facilities which are proposed to be transferred are located in the Borough of Steelton, and the Townships of Swatara, Lower Swatara and Derry, Dauphin County, Pennsylvania.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11836 Filed 5-22-74;8:45 am]

[Docket No. CI74-362]

W. C. PERRYMAN AND J. A. WALLENDER

Order Setting Date for Hearing and Granting Interventions

MAY 15, 1974.

On December 27, 1973, W. C. Perryman and J. A. Wallender (Applicant) filed an application pursuant to sections 4 and 7 of the Natural Gas Act[1] and § 2.75 of the Commission's General Policy Statements,[2] the optional certification procedure set forth in Order No. 455,[3] for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from acreage in the Joaquin Field, Shelby County, Texas.

The proposed sales are to be made pursuant to a base contract, ratified by Applicant in 1971, between Atlantic Richfield and Southern as amended on June 28, 1973. The amendment calls for an initial rate of 48.198 cents per Mcf with annual escalations of 0.975 cents per Mcf for gas from wells commenced after April 6, 1972.

Notice of the application was issued on January 17, 1974, and was published in the FEDERAL REGISTER on January 23, 1974, 39 FR 2639. The Notice was amended February 5, 1974, which amendment was published in the FEDERAL REGISTER on February 12, 1974, 39 FR 5363. Petitions to intervene were filed by Southern and the American Public Gas Association.

The estimated monthly volumes of gas to be delivered under the subject contract is 60,000 Mcf. Applicant states that it relies exclusively on the evidence presented in the Norris Oil Company et al., Docket No. CI 73-715 et al., proceeding.[4] Applicant avers that the facts of its present application are virtually identical to the facts in the Norris proceeding, including adjoining fields, identical rate provisions adjusted for pressure base, and a common base contract.

We are unable to certificate the proposed sales based on Applicant's averments of identical circumstances with a previously litigated case, e.g. Norris, supra. We will afford Applicants an opportunity to present evidence supporting the above outlined averments, as well as any further evidence it deems necessary to a finding that the present and future public convenience and necessity will be served by certificating the proposed sales and that the rate requested is just and reasonable.

In Order No. 455, Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (id. 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Of course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable," and about which the evidence to be proffered must be constructed, City of Detroit v. F.P.C., 230 F.2d 810, 818 (1955) cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

Cost findings from the latest area rate decision may be incorporated by reference in this proceeding and may be considered as relevant evidence in determining a just and reasonable rate. Stingray Pipeline Company, et al., Opinion No. 693, Docket No. CP73-27, et al., issued May 6, 1974.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. CI74-362, is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on July 9, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicant and any intervenor supporting the application shall file their direct testimony and evidence on or before June 14, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 24, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

[1] 15 U.S.C. sec. 717, *et seq.* (1970).

[2] 18 CFR 2.75.

[3] *Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas*, Docket No. R-441, 48 F.P.C. 218 (issued August 3, 1972), appeal pending *sub nom. John E. Moss, et al. v. F.P.C.*, No. 72-1827 (D.C. Cir.).

[4] Initial Decision issued September 10, 1973.

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(F) All rebuttal testimony and evidence shall be served on or before July 2, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of this Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and provided, further, that the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The September 9, 1971, agreement ratifying Atlantic Richfield Company (Operator), et al., FPC Gas Rate Schedule No. 380 and the amendments thereof are accepted for filing as of the date initial delivery designated as Supplement Nos. 1 and 2 to W. C. Perryman and J. A. Wallender FPC Gas Rate Schedule No. 1.

By the Commission.[1]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11837 Filed 5-22-74;8:45 am]

[Docket No. E-7658]

POTOMAC EDISON CO. ET AL.

Notice of Compliance Filing

MAY 16, 1974.

Potomac Edison Company, Potomac Edison Company of Virginia, Potomac Edison Company of West Virginia, Potomac Edison Company of Pennsylvania.

Take notice that on May 6, 1974 the Potomac Edison System Companies (Potomac) tendered an amendment to their Intercompany Power Agreement. Potomac states that the proposed amendment is filed in accordance with the Commission's order of April 5, 1974, approving a settlement in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11838 Filed 5-22-74;8:45 am]

[1] Commissioner Smith, concurring, filed a separate statement, filed as part of the original.

[Docket No. E-8771]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Notice of Supplemental Agreement

MAY 15, 1974.

Take notice that on April 30, 1974 Public Service Company of New Mexico (New Mexico) tendered for filing Supplemental Agreement between New Mexico and Community Public Service Company (CPSC) which supersedes the Contract for Electric Service dated February 7, 1968 between said parties. The said Agreement provides for New Mexico to furnish electric power and energy to CPSC during the period June 1, 1974 through May 31, 1974. New Mexico requests an effective date of June 1, 1974 for said Agreement.

New Mexico also tendered for filing a contract between New Mexico and CPSC for electric service commencing June 1, 1976 through June 1, 2006 or until terminated.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11839 Filed 5-22-74;8:45 am]

[Dockets Nos. E-8764, E-8772]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Cancellation of Contracts

MAY 14, 1974.

Take notice that on May 3 and May 6, 1974, Public Service Company of Oklahoma (PSCO) tendered for filing Notices of Cancellation of Contracts. The Notice of Cancellation tendered May 3, 1974 is for Supplement No. 22 to Rate Schedule FPC 118 between PSCO and Southwestern Electric Power Company, dated October 2, 1972. The Notice of Cancellation tendered May 6, 1974, is for Supplement No. 1 to Supplement No. 9 and Supplement No. 9 to Rate Schedule FPC 180, between PSCO and Associated Electric Cooperative, Inc., dated January 31, 1973. PSCO states that the contracts expired by their own terms on May 31, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11840 Filed 5-22-74;8:45 am]

[Docket No. CI73-694]

RODMAN CORP.

Order Remanding Proceeding and Setting Date for Hearing

MAY 15, 1974.

This case is before us on exceptions filed by The Rodman Corporation (Rodman), Cities Service Gas Company (Cities), and the Staff to an initial decision issued January 15, 1974, by Administrative Law Judge Eisenberg. Docket No. CI73-694 involves an application by Rodman under the optional procedure established in Order No. 455 to sell natural gas to Cities from previously dedicated acreage in the Sooner Trend Field in Blaine, Garfield, Kingfisher, and Major Counties, Oklahoma (Hugoton-Anadarko Area). For the reasons set forth below, we remand the case to the Judge.

Rodman in Appendix C to its brief on exceptions presented for the first time project cost data, utilizing certain average nationwide costs in addition to the costs incurred by it. In opposing Rodman's exceptions, Staff requested that if the Commission wanted to consider Rodman's project costs, the case should be remanded for the submission of data and evidence pertaining to the costs that Rodman will actually incur with respect to its project. Actual project costs are relevant to the issues involved here. Accordingly, without in any way passing upon the issues now before us, we shall remand the case for further hearings to give all parties an opportunity to present evidence on this matter so that the record will be complete. The Administrative Law Judge should render his initial decision upon the whole record, as originally made and as supplemented as a result of this remand.

In Order No. 455, Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (id. 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Of course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed, City of Detroit v. F.P.C. 230 F. 2d 810, 818 (1955) cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant may introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

The Commission finds: It is necessary and in the public interest that the above-docketed proceeding be remanded and set for further hearings.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. CI73-694 is remanded for the purpose of further hearings and disposition.

(B) A public hearing on the issues herein shall be held commencing on June 20, 1974, 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) Rodman and any intervenor supporting the application shall file their direct testimony and evidence on or before May 31, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(D) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 11, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(E) All rebuttal testimony and evidence shall be served on or before June 17, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[1]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11841 Filed 5-22-74;8:45 am]

[1] Commissioner Moody, dissenting, submitted a separate statement, filed as part of the original document.

[Docket No. CI74-590]

SIGNAL OIL AND GAS CO.

Notice of Application

MAY 16, 1974.

Take notice that on April 19, 1974, Signal Oil and Gas Company (Applicant), Golden Center 1, 2800 North Loop West, Houston, Texas 77018, filed in Docket No. CI74-590 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) from Block 321, East Cameron Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Texas Eastern from Block 321 at an initial rate of 60.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, pursuant to the terms of a 20-year contract between Applicant and Texas Eastern, dated January 28, 1974. Said contract calls for fixed periodic increases in price of two cents per Mcf for each year and for reimbursement of ⅞ of any new or additional taxes.

Applicant asserts that the contract price of 60.0 cents per Mcf, with adjustments, is substantially lower than prices for base load sales of liquefied natural or synthetic gas for which applications for authorization are pending or have been approved by the Commission. Applicant further asserts that its contract price is lower than prices for peak shaving sales of LNG and as such is a just price.

Applicant states that the gas made available to Texas Eastern is important in assisting Texas Eastern to meet firm demands for gas on its system. Estimated sales are 60,000 Mcf of gas per month.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11842 Filed 5-22-74;8:45 am]

[Docket No. CI74-611]

SIGNAL OIL AND GAS CO.

Notice of Application

MAY 16, 1974.

Take notice that on April 30, 1974, Signal Oil and Gas Company (Applicant), Golden Center 1, 2800 North Loop West, Houston, Texas 77018, filed in Docket No. CI74-611 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company (Panhandle) from acreage in Alfalfa, Major and Woods Counties, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell an estimated 30,000 Mcf of gas per month to Panhandle at a rate of 75 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot but with no upward adjustment beyond 1,200 Btu per cubic foot, pursuant to the terms of a contract between Applicant and Panhandle dated April 15, 1974. Said contract calls for periodic escalations in price, with Panhandle to reimburse Applicant for 87.5 percent of any new, additional or increased taxes paid by Applicant.

The application states that Applicant will purchase raw gas, which will be processed and sold to Panhandle, from producers in the field under percentage type contracts.[1] Applicant states that it understands that Panhandle will utilize this gas to maintain adequate service to customers on its pipeline system. Applicant states further that its price of 75 cents is below prices proposed in applications for synthetic gas or liquefied natural gas (LNG) which have been approved or are pending before the Commission including an application filed in

[1] The percentage which producers will receive under their contracts is stated to vary from 80 to 90 percent of Applicant's residue price depending on the size of the producer's gas supply and its distance from Applicant's Aline Plant.

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Docket No. CP74-138, *et al.* by Panhandle's affiliate, Trunkline LNG Company, currently before the Commission in which LNG is estimated to have a delivered base cost of $1.38 per Mcf in Louisiana. Applicant further asserts that there is an intrastate market in the area which stands ready to purchase the subject gas directly from these producers at prices of 60 to 65 cents per million Btu in the event this application is not approved.

Applicant states that gas will be sold through existing facilities and an extension of the present gathering system behind its Aline Plant will be required to attach the subject gas supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11843 Filed 5-22-74;8:45 am]

[Docket No. CI74-622]

SKLAR & PHILLIPS OIL CO. (OPERATOR), ET AL.

Notice of Application

MAY 16, 1974.

Take notice that on May 1, 1974, Sklar & Phillips Oil Co. (Operator), *et al.* (Applicant), P.O. Box 3735, Shreveport, Louisiana 71103, filed in Docket No. CI74-622 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company (Arkla) from the West Wilberton Field, Pittsburg County, Oklahoma, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it commenced a 180-day emergency sale of natural gas to Arkla from the West Wilberton Field on March 1, 1974, within the contemplation of Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29), and proposes to continue said sale after the end of the emergency period for one year at 45 cents per Mcf at 14.65 psia within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant estimates monthly deliveries at 49,400 Mcf of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11844 Filed 5-22-74;8:45 am]

[Docket No. CI74-630]

WAYNE J. SPEARS

Notice of Application

MAY 16, 1974.

Take notice that on May 6, 1974, Wayne J. Spears (Applicant), 804 Ouachita National Bank Building, Monroe, Louisiana 71201, filed in Docket No. CI74-630 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas), from the Beekman Field, Morehouse Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it commenced the 180-day sale of natural gas from the O. E. Montgomery Well No. 1 in the Beekman Field, Morehouse Parish, Louisiana, on January 2, 1974, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period of one year from the end of the emergency period within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell gas produced from subject gas well or from wells located on leases and lands unitized or pooled therewith to Texas Gas at 50 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11856 Filed 5-22-74;8:45 am]

[Docket No. E-8766]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Cancellation

MAY 15, 1974.

Take notice that on April 30, 1974 Southwestern Electric Power Company (SEPC) tendered for filing notice of cancellation of its Supplement No. 11 to FPC Rate Schedule No. 47, dated October 9, 1972 between SEPC and Arkansas Power and Light Company. SEPC states the said Supplement will expire of its own terms on May 31, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11845 Filed 5-22-74;8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Extension of Time and Postponement of Hearing

MAY 16, 1974.

On May 8, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 1, 1974, in the above-designated matter. The motion states that there was no opposition to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, June 25, 1974.
Service of Intervenor's Testimony, July 18, 1974.
Service of Company's Rebuttal, August 6, 1974.
Hearing, September 10, 1974 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11846 Filed 5-22-74;8:45 am]

[Docket No. CI74-222]

TENNECO OIL CO.

Order Granting Intervention and Fixing Date for Hearing

MAY 15, 1974.

On October 11, 1973, Tenneco Oil Company (Tenneco) filed an application pursuant to Section 7(c) of the Natural Gas Act,[1] and pursuant to Section 2.75[2] of the Commission's General Policy and Interpretations, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455[3] for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company (Arkla).

In its application, Tenneco proposes to sell natural gas from wells drilled after August 23, 1973, in the Deep Centrahoma Field, Coal County, Oklahoma, Other Southwest Area. The contract covering the sale, dated August 23, 1973, extends for a term of twenty years from the date of initial delivery and provides for an initial price of 45 cents per Mcf with 1 cent per Mcf escalations each year and reimbursement of 75% of any additional taxes.

Arkla, on November 20, 1973, filed a petition to intervene in this proceeding in support of Tenneco's application.

We find a hearing is necessary to determine whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.

This hearing is not the proper forum for the relitigation of the propriety of the Section 2.75 procedures; that matter is now before the Court of Appeals, see n. 3, *supra*. This hearing wil be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

In the case at hand, we note that the applicant has not completed any wells on the acreage to be dedicated under the contract with Arkla. For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the Deep Centrahoma drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated. In a case of this nature, *i.e.*, where costs have not yet been incurred and productivity has not yet been determined, evidence of area, or national, costs and productivity is inappropriate.

The Commission finds:

(1) It is necessary and in the public interest that a hearing be held in this proceeding.

(2) It is desirable and in the public interest to allow the above-named petitioner to intervene in this proceeding.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), Docket No. CI74-222 is consolidated for purposes of hearing and disposition.

(B) A public hearing on the issues presented by the proposals of the applicants herein shall be held commencing July 11, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NW., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(D) Tenneco and all intervenors supporting the application shall file their direct testimony and evidence on or before June 18, 1974. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before June 28, 1974. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before July 9, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to this proceeding.

(G) The above-named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The contract between Tenneco and Arkla dated August 23, 1973, is accepted for filing effective as of the date of initial delivery, and designated as Tenneco Oil Company FPC Gas Rate Schedule No. 287.

By the Commission.[1]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11848 Filed 5-22-74;8:45 am]

[1] 15 U.S.C. sec. 717 *et seq.* (1970).
[2] 18 CFR 2.75.
[3] *Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas*, Docket No. R-441, *sub. nom. John E. Moss, et al.* v. *F.P.C.*, No. 72-1837 (D.C. Cir.).

[1] Commissioner Springer, dissenting, filed a separate statement, filed as part of the original.

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[Docket No. CP74-281]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 15, 1974.

Take notice that on May 2, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-281 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities in the Grand Isle Area offshore Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 2.56 miles of 4-inch pipeline beginning at Cities Service Oil Company's (Cities') platform in Block 45, Grand Isle Area, and extending to Cities' 42-C platform in Block 42, Grand Isle Area, where it will be connected to Applicant's existing 526C-1500 pipeline. Applicant states that this line is needed to transport gas which it proposes to buy from the following producers which have filed for authorization to sell gas to Applicant:

Seller	Docket No.	Date filed
Continental Oil Co.	CI74-526	Mar. 25, 1974
Atlantic Richfield Co.	CI74-551	Apr. 8, 1974
Getty Oil Co.	CI74-542	Apr. 1, 1974
Cities Service Oil Co.	CI74-549	Apr. 5, 1974

Applicant estimates that approximately 11,108,000 Mcf of gas will be available as a result of the construction of the proposed facilities, with a daily deliverability of 3,000 Mcf of gas at 14.73 psia.

The proposed facilities are estimated to cost $378,700, which will be financed initially with general funds and/or borrowing under revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11851 Filed 5-22-74;8:45 am]

[Docket No. CI74-530]

TEXAS EASTERN EXPLORATION CO.

Order Granting Interventions and Setting Date for Hearing

MAY 15, 1974.

On March 21, 1974, Texas Eastern Exploration Company (Exploration) filed an application pursuant to Sections 4 and 7 of the Natural Gas Act,[1] and Section 2.75[2] of the Commission's General Policy Statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter Section 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to its parent, Texas Eastern Transmission Corporation (Transmission) from Vermilion Blocks 147 and 201, East Cameron Block 222, and West Cameron Block 513, all offshore Louisiana.

The sales from these blocks will be made pursuant to four identical contracts each dated August 24, 1973. These contracts are for a term of 20 years from the date of initial delivery thereunder, include a proposed initial rate of 50 cents per Mcf with 1 cent per Mcf annual escalation, and upward and downward Btu adjustment from 1000. The area rate clause contained in the contracts will be waived if certification is granted.

A notice of application was issued on April 9, 1974, and was published in the FEDERAL REGISTER April 18, 1974, at 38 FR 13915. Petitions to intervene were filed by Central Illinois Public Service Company and Algonquin Gas Transmission Company. A notice of intervention and request for hearing was filed by the Public Service Commission of the State of New York. Consequently, we find a hearing is necessary to determine whether the present and future public convenience and necessity will be served by certificating these sales and whether the proposed rate is just and reasonable.

In Order No. 455, Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (*id.* 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Of course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed, *City of Detroit* v. *F.P.C.*, 230 F. 2d 810, 818 (1955) *cert. denied*, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

Cost findings from the latest area rate decision may be incorporated by reference in this proceeding and may be considered as relevant evidence in determining a just and reasonable rate. *Stingray Pipeline Company, et al.*, Opinion No. 693, Docket No. CP73-27, *et al.*, issued May 6, 1974.

This hearing is not the proper forum for the relitigation of the propriety of is now before the Court of Appeals, see the Section 2.75 procedures; that matter n. 3, *supra*. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

No intervenor has questioned Transmission's need for the additional natural gas supplies that will be available to it as a result of these purchases.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. CI74-530 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on June 18, 1974, 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(D) Exploration and any intervenor supporting the application shall file their direct testimony and evidence on or before May 31, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 7, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before June 14, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of this Commission; *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; *And provided, further*, That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The contracts between Exploration and Transmission dated August 24, 1973, are accepted for filing as of the date of initial delivery and for Vermilion Block 147, Vermilion Block 201, East Cameron Block 222, and West Cameron Block 513 are designated, respectively, as Texas Eastern Exploration Company FPC Gas Rate Schedules Nos. 1, 2, 3, and 4.

By the Commission.[4]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11849 Filed 5-22-74;8:45 am]

[1] 15 U.S.C. sec. 717, *et seq.* (1970).

[2] 18 CFR 2.75.

[3] *Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas*, Docket No. R-441, 48 F.P.C. 218 (issued August 3, 1972), appeal pending sub nom. *John E. Mose, et al.* v. *F.P.C.*, No. 72-1837 (D.C. Cir.).

[4] Commissioner Smith, concurring, filed a separate statement, filed as part of the original document.

[Docket Nos. CP73-297, CP74-72]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

MAY 16, 1974.

Take notice that on April 29, 1974, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket Nos. CP73-297 and CP74-72 a petition to amend the Commission's orders issued in said dockets on December 10, 1973, and February 27, 1974, respectively, pursuant to section 7(c) of the Natural Gas Act, which orders authorized exchanges of natural gas between Petitioner and Natural Gas Pipeline Company of America (Natural). Petitioner requests authorization to construct and operate an alternate redelivery point for said exchanges of gas in lieu of redelivery facilities authorized to be constructed and operated in the orders, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

In order to exchange up to 40,000 Mcf per day of natural gas, Petitioner was authorized by the orders of December 10, 1973, and February 27, 1974, to construct tap and side valve facilities at the intersection of Natural's 6-inch Bailey's Prairie Lateral pipeline and Petitioner's 30-inch McAllen line in Brazoria County, Texas, at a total estimated cost of $20,700. Due to experience derived from emergency deliveries through the existing facilities at said intersection, Petitioner states that it became apparent that the capacity restrictions on Natural's 6-inch Bailey's Prairie Lateral would require another delivery point.

Petitioner now proposes to operate, in lieu of the previously authorized facilities, which have not yet been constructed, facilities to permit the exchange of natural gas at the intersection of Natural's 12-inch Chocolate Bayou Lateral and Petitioner's 30-in McAllen line in Brazoria County. Petitioner states that it commenced emergency operations at the Chocolate Bayou interconnection, within the contemplation of Section 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22), on April 7, 1974. Estimated cost of the required facilities was $9,100 to be reimbursed by Natural.

Any person desiring to be heard or to make any protest with reference with said petition to amend should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11870 Filed 5-22-74;8:45 am]

[Docket No. CP74-279]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MAY 16, 1974.

Take notice that on April 29, 1974, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP74-279, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 4.2 miles of its Lawrenceville 4-inch pipeline which was constructed in 1940 and 16.3 miles of its Robinson 4-inch pipeline which was constructed in 1941, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place a 16.3-mile portion of its Robinson 4-inch pipeline located in the states of Illinois and Indiana and a 4.2-mile portion of its Lawrenceville 4-inch pipeline located in the State of Illinois. The application states that the facilities to be abandoned have deteriorated to the point where they cannot be operated and meet the requirements of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671, *et seq.*) and the regulations promulgated thereunder. Applicant further states that the service presently being rendered through these facilities can continue to be rendered through pipelines adjacent to the facilities proposed to be abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed

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abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11867 Filed 5-22-74;8:45 am]

[Docket No. CP74-284]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MAY 16, 1974.

Take notice that on May 7, 1974, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP74-284 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to render natural gas storage service to certain of its customers, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to render natural gas storage service to its customers at a rate of 13 cents per Mcf of gas for the period May 15, 1974, through April 1, 1975, as follows:

Customer:	*Storage service (thousand cubic feet at 15.025 lb./in.² a)*
Columbia Gas Transmission Corp	1,397,197
Consolidated Gas Supply Corp.	641,182
Louisville Gas & Electric Co.	1,399,096
Memphis Light, Gas & Water Division	1,399,200
Southern Indiana Gas & Electric Co.	457,448
Western Kentucky Gas Co.—zone 2	321,400
Western Kentucky Gas Co.—zone 3	500,000
Total	6,115,523

The several agreements establishing the terms of the storage arrangements provide that the various customers will deliver to Applicant the necessary volumes of natural gas during the period from May 15, 1974, through October 31, 1974, for redelivery to the various customers during the period from November 1, 1974, through April 1, 1975, at the sole discretion of Applicant; provided, however that such volumes shall be reduced by $\frac{1}{150}$th for each day after May 15, 1974, that Seller has not received appropriate authorization from the Commission.

Said storage agreements further stipulate that the daily rate of redelivery shall not exceed the contract demand of the various customers as set forth in the various service agreements previously entered into by Applicant and said customers.

Applicant states that no new facilities are to be constructed for the proposed service and that no new sales of natural gas are to be made.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11869 Filed 5-22-74;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Changes in Rates and Charges

MAY 15, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 3, 1974, tendered for filing to its FPC Gas Tariff, First Revised Volume No. 1, Seventh Revised Sheet No. 5, to become effective February 1, 1974. Transco states that by this filing it proposes to reduce its charges under its Rate Schedule S-2 (Oakford Storage Service) to track the rate decrease to Transco from Texas Eastern Transmission Corporation (Texas Eastern) under the latter's Rate Schedule X-28.

The Commission by its order issued November 26, 1973 in Docket No. RP72-98 approved Texas Eastern's Second Revised Stipulation and Agreement and on January 16, 1974 accepted Texas Eastern's revised tariff sheets for filing reflecting the approved settlement rates. Transco states that this rate change is in accordance with the tracking procedures prescribed in Article VII of the amended settlement agreement approved by Commission Order issued April 5, 1974 in Docket No. RP73-69.

Transco requests that the proposed rate changes become effective, without suspension, on February 1, 1974. Transco states that it commenced February 1, 1974 to bill its customers under Rate Schedule S-2 at rates reflecting Texas Eastern's settlement rates and has refunded to its customers purchasing storage service under its Rate Schedule S-2 (1) the refund received from Texas Eastern, including interest, of $838,204.50 for the period July 14, 1972 through October 31, 1973 and (2) the difference between the amounts billed by Texas Eastern and the amount collected by Transco for the period November 1, 1973 through January 31, 1974 of $152,190.37.

Transco also states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11852 Filed 5-22-74;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in Rates and Charges

MAY 15, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 3, 1974, tendered for filing with the Federal Power Commission tariff sheets which incorporate the settlement rates pursuant to the amended settlement agreement which was approved by the Commission's Order issued April 5, 1974. Transco states that those sheets are being issued in accordance with such Order.

As stated in its filing, Transco states that it will make refunds to its customers on or about May 15, 1974 for amounts collected in excess of the settlement rates plus interest at 7 percent per annum from date of collection to date of refund.

Transco also states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11853 Filed 5-22-74;8:45 am]

[Docket No. RP73-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in Rates and Charges

MAY 15, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 3, 1974, tendered for filing to its FPC Gas Tariff, First Revised Volume No. 1, Eighth Revised Sheet No. 5 and Fifth Revised Sheet No. 6. Transco states that the tariff sheets are being filed to reflect the settlement rates approved in Transco's PGA rate increase filing in Docket No. RP73-69 and approved by Commission letter order in Dockets Nos. RP73-3 and RP73-69. The approved settlement rates would permit a net increase of 0.8 cents per Mcf in the commodity or delivery charge.

Transco requests waiver of Section 154.51 of the Regulations under the Natural Gas Act to permit an effective date of April 1, 1974. Transco also states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11850 Filed 5-22-74;8:45 am]

[Dockets Nos. RP74-83, RP74-20 and RP70-13]

UNITED GAS PIPE LINE CO.

Order Severing Issue and Consolidating Proceedings

MAY 16, 1974.

On March 13, 1974, the Commission staff moved to sever from Docket No. RP74-20 the issue of the cost of gas produced by Pennzoil Producing Company (Pennzoil), being delivered to United Gas Pipe Line Company (United), during the applicable test year in that docket. Staff further moved to consolidate Docket No. RP74-20 with Docket No. RP70-13 for the limited purpose of determining the proper cost of Pennzoil's gas delivered to United during the applicable test year in Docket No. RP74-20. The staff cited United Gas Pipe Line Company, Opinion No. 682, Docket No. RP70-13, issued January 11, 1974, in advocating that the proposed procedural amendment would reduce the unnecessary duplication that would otherwise occur in the proceedings.

In the aforementioned Opinion, the Commission determined that the price of gas produced by Pennzoil from leases acquired prior to October 7, 1969, which Pennzoil sells to its affiliate, United, should be priced on a cost basis for the purpose of calculating United's cost of service. The Commission remanded the proceeding for the purpose of determining the cost of the gas Pennzoil delivered to United during the periods covered in Dockets Nos. RP70-13, RP71-41, and RP72-75.

The Commission, by order issued November 6, 1973, in Docket No. RP74-20, accepted for filing proposed tariff sheets that would effect a rate increase of approximately $34.9 million for jurisdictional sales and services rendered by United Gas Pipe Line Company. It suspended the proposed increase in rates for a period of five months and set the matter for hearing.

On April 15, 1974, subsequent to the staff motion, United tendered for filing tariff sheets containing rates designed to achieve an increase in jurisdictional revenues of $82.9 million annually. The proposed increased rates are above those rates proposed in Docket No. RP74-20. On May 9, 1974, the Commission suspended the proposed increase in rates for the full statutory period setting the matter for hearing.

We are of the opinion that because of the issues involved it is appropriate and in the public interest to consolidate these proceedings for hearing as hereinafter ordered.

The Commission finds: It is in the public interest to sever from Docket Nos. RP74-20 and RP74-83 the issue of the cost of Pennzoil gas delivered to United during the applicable test year and to consolidate these proceedings with Docket No. RP70-13 for the limited purpose of determining the aforementioned cost.

The Commission orders: (A) The motion is granted and the issues of cost in both Docket Nos. RP 74-20 and RP74-83 are hereby severed from those proceedings and are consolidated with Docket No. RP70-13 for hearing and disposition.

(B) The schedule for service of evidence in these consolidated proceedings shall be fixed by the presiding Administrative Law Judge in accordance with Opinion No. 682, Docket No. RP70-13, issued January 11, 1974.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11854 Filed 5-22-74;8:45 am]

[Dockets Nos. RP74-83 and RP74-20]

UNITED GAS PIPE LINE CO.

Order Accepting Proposed Tariff Sheets

MAY 16, 1974.

On April 15, 1974, United Gas Pipe Line Company (United) filed with the Commission proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The proposed change would increase jurisdictional revenues by approximately $82.9 million, based upon the 12 month period ending January 31, 1974. United states approximately $27.7 million of the proposed increase reflects increased non-gas costs, while approximately $55.2 million reflect gas costs which, absent the filing, would be recovered through United's purchased gas adjustment provision. United proposes an effective date of June 1, 1974, for the changes.

United indicates that the proposed rate changes are necessitated by: (1) costs transporting gas purchased from POGO, West Cameron Block 587, to United's pipeline at Erath, Louisiana, (2) interest on producer loans, (3) increases in advance payments to producers, (4) an increase in overall rate of return to maintain the company's financial stability, and (5) increases in cost of purchased gas.

Other changes proposed by United in the tariff include (1 establishing a three-part rate for sales with purchased gas cost set out as a separate charge, (2) replacing pipeline Rate Schedules PL-C and PL-J with Rate Schedule PL-N, and (3) eliminating the 1¼¢ zone differential between the Central and Jackson Rate Zones. Also, the PLE-C and PLE-J Rate Schedules were combined into a single Rate Schedule PLE-N.

United indicates that the demand and commodity components of the rates have been designed to directly recover the allocated costs with fixed transmission cost classified 75 percent as commodity cost and 25 percent as demand cost, ordered in Opinion Nos. 671 and 671-A. All variable costs, according to United, were classified as commodity cost and allocated on annual volume.

The filing was noticed on April 18, 1974, with protests and petitions to intervene due on or before May 10, 1974. Timely petitions to intervene were received from: Alabama Gas Corporation, Aluminum Company of America, Arkansas Louisiana Gas Company, Boston Gas Company, et al., Consolidated Natural Gas Service Company, Inc., Entex, Inc., Florida Gas Transmission, Illinois Power

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Company, Laclede Gas Company, Memphis Light, Gas and Water Division, City of Memphis, Tennessee, Mid Louisiana Gas Company, Mississippi River Transmission Corporation, Mississippi Valley Gas Company, Mobil Gas Service Corporation, Natural Gas Pipeline Company of America, New Orleans Public Service, Inc., Peoples Natural Gas Company, Philadelphia Electric Company, The Polaris Corporation, Public Service Electric and Gas Company, Southern Natural Gas Company, Texas Gas Transmission, United Municipal Distributors Group, Willmut Gas and Oil Company. Notices of intervention were filed by the Louisiana Department of Conservation and the Public Service Commission of the State of New York. We shall permit all of the foregoing petitioners to intervene.

Our review of United's filing indicates that it raises certain issues which may require development in an evidentiary hearing. We shall therefore suspend the proposed rate increase for the full statutory period and direct that a hearing be held on the justness and reasonableness of the rates proposed therein.

We further note that, prior to this filing, United, on September 21, 1973, filed a proposed rate increase in Docket No. RP74–20. That proposal was suspended until April 6, 1974, and set for hearing by order of November 6, 1973, and further permitted to be amended by order of May 7, 1974. That rate proposal raises certain issues of law and fact which are substantially the same as are raised in the instant docket, and we shall, accordingly, consolidate Docket Nos. RP74–83 and RP74–20 for purposes of hearing and decision. The procedural dates presently set in Docket No. RP74–20 shall be revised as set forth below.

The Commission finds: (1) The rates proposed by United have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in United's FPC Gas Tariff as proposed to be amended in Docket No. RP74–83, and that the revised tariff sheets filed therein be suspended, and the use thereof deferred as hereinafter ordered.

(3) Good cause exists to consolidate Docket Nos. RP74–83 and RP74–20 for purposes of hearing and decision.

(4) Good cause exists to permit the above mentioned petitioners to intervene in this proceeding.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations, a public hearing shall be held on October 31, 1974, in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC Gas Tariff, as proposed to be amended in Docket No. RP74–83.

(B) Pending such hearing and decision thereon, the proposed tariff sheets in United's First Revised Volume No. 1 of its FPC Gas Tariff are suspended and the use thereof deferred until November 1, 1974, and until such time as they are made effective in the manner provided in the Natural Gas Act.

(C) The proceedings in Docket Nos. RP74–83 and RP74–20 are hereby consolidated for purposes of hearing and decision and the procedural dates presently established in Docket No. RP74–20 are hereby superseded by the procedural dates herein established for the consolidated proceeding.

(D) On or before September 13, 1974, the Commission staff shall serve its prepared testimony and exhibits. Any prepared testimony and exhibits of the intervenors shall be served on or before October 4, 1974. Any rebuttal evidence by United shall be served on or before October 18, 1974.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Natural Gas Act, the Commission's rules and regulations, and the terms of this order.

(F) The aforementioned petitioners for intervention shall be permitted to intervene in this proceeding, subject to the Commission's rules and regulations; Provided, however, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding and, Provided, further, that the participation of such intervenor shall be limited to matters affecting rights and interest specifically set forth in its petition to intervene.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11855 Filed 5–22–74;8:45 am]

[Docket No. E–8746]

STATE OF VERMONT PUBLIC SERVICE BOARD AND POWER AUTHORITY OF THE STATE OF NEW YORK

Filing Complaint

MAY 16, 1974.

On April 22, 1974, the State of Vermont Public Service Board (PSB) filed a complaint against the Power Authority of the State of New York (PASNY), wherein it is requested that the Commission resolve certain disputes that have arisen between PSB and PASNY with regard to PASNY's license under project No. 2216, Niagara Power Project. The substance of PSB's complaint relates to its desire to purchase additional power from PASNY's Niagara Project. PSB specifically requests that the Commission investigate the matters addressed in its complaint, and determine the power allocation that should be made available to PSB by PASNY.

Any person desiring to be heard or to make any protest with reference to the PSB's complaint should on or before June 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Any person or persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. The complaint referred to above is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11847 Filed 5–22–74;8:45 am]

[Project No. 2197]

YADKIN, INC.

Application for Change in Land Rights

MAY 15, 1974.

Public notice is hereby given that application for change in land rights was filed January 18, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Yadkin, Inc. (Correspondence to: LeBoeuf, Lamb, Leiby & MacRae, Attorneys for Yadkin, Inc., One Chase Manhattan Plaza, New York, New York 10005) for Yadkin Project No. 2197, located on the lower section of Yadkin–Pee Dee River in Stanly, Montgomery, Davidson and Roan Counties, North Carolina. The location of the change in land rights would be located in Salisbury Township, Rowan County, North Carolina near Salisbury, North Carolina.

Yadkin, Inc. requests Commission approval to grant two 68 foot wide rights-of-way to Duke Power Company for construction of the 100 kV Buck Steam Plant–Statesville Road transmission line. This line would proceed westerly across the Grants Creek arm of the High Rock Development Reservoir (Project No. 2197) and then turn southwesterly generally paralleling and crossing portions of the irregular shoreline along Grants Creek. The westerly crossing would average 588 feet long and would parallel an existing Piedmont Natural Gas Line. The southwesterly crossing adjacent to the shoreline would average 420 feet. No transmission line towers would be constructed on project lands. The minimum vertical clearance above the reservoir would be 45 feet.

Any person desiring to be heard or to make protest with reference to said application should on or before June 20,

1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–11857 Filed 5–22–74;8:45 am]

FEDERAL RESERVE SYSTEM

CHARTER BANKSHARES, INC.

Formation of Bank Holding Co.

Charter Bankshares, Inc., Northfield, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Winfield, Winfield, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 10, 1974.

Board of Governors of the Federal Reserve System, May 16, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–11791 Filed 5–22–74;8:45 am]

CONIFER GROUP INC.

Proposed Acquisition of Conifer Personnel Resources Inc.

The Conifer Group Inc., Worcester, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Conifer Personnel Resources Inc., Worcester, Massachusetts. Notice of the application was published on April 5, 1974, in the Valley News Dispatch, The Providence Journal and Evening Post and the Manchester Union Leader, newspaper circulated in Tarentum, Pennsylvania, Providence, Rhode Island and Manchester, New Hampshire, respectively; April 6, 1974, in The Burlington Free Press, the Portland Press Herald and The Daily Press, newspapers circulated in Burlington, Vermont, Portland, Maine and McKeesport, Pennsylvania, respectively; April 9, 1974, in the Boston Herald American and the Albany Times Union, newspapers circulated in Boston, Massachusetts, and Colonie, New York, respectively.

Applicant states that the proposed subsidiary would engage in the activities of furnishing management consulting advice on a fee basis to non-affiliated banks with respect to personnel operations, including recruiting, training and development, man-power planning, organization development and skills, evaluation and compensation and the conduct of related seminars and workshops. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 12, 1974.

Board of Governors of the Federal Reserve System, May 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–11787 Filed 5–22–74;8:45 am]

FBT BANCORP, INC.

Order Approving Acquisition of Cromwell Capital Corp.

FBT Bancorp, Inc., South Bend, Indiana, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Cromwell Capital Corporation ("Cromwell"), Plymouth, Indiana, a company that engages in the activities of making, acquiring and servicing of loans or other extensions of credit for personal, family, household, or commercial purposes; and selling credit life and credit accident and health insurance directly related to such extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1), (3), and (9)). Cromwell is also engaged in acting as agent with regard to property and casualty insurance, and is engaged in selling Investment Notes and Subordinated Bonds to the public. Applicant has committed to terminate these activities immediately upon consummation of the acquisition, should this application be approved.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 3864). The time for filing comments and views has expired, and none has been timely received. The Board has considered this application in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant's only banking subsidiary, First Bank & Trust Company of South Bend ("Bank"), South Bend, Indiana, controls deposits of $204.5 million,[1] representing 1.5 per cent of the total deposits in commercial banks in the State, and is the seventh largest banking organization in Indiana. In addition to Bank, Applicant controls a nonbanking subsidiary engaged in leasing personal property on a full-payout basis, and FBT Capital Corporation ("Capital"), a recently formed nonbanking subsidiary engaged in consumer finance activities and the sale of credit life and credit accident and health insurance. Bank also engages in consumer lending and acts as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit.

Cromwell, through two wholly owned subsidiaries, makes direct cash loans to individuals, purchases installment sales contracts from retailers, and acts as agent in the sale of credit life and credit accident and health insurance directly related to such extensions of credit. Cromwell operates six offices, with total receivables of $3.8 million (as of September 30, 1973).

Both Bank and Capital operate in the South Bend area while all of Cromwell's six finance company offices are located outside of the South Bend area, in adjacent counties, and there appears to be no significant existing competition between Applicant's present subsidiaries and any of Cromwell's offices.

Applicant and Cromwell are presently controlled by the same individual, and Applicant's proposal essentially represents a conversion of an affiliation exercised through an individual to a formal corporate relationship. This same individual also controls three other firms that provide consumer credit in the area. There is no evidence in the record to indicate that any of these affiliations would be terminated in the future. In view of these relationships, no effective competition exists between any of these institutions, nor can significant competition

[1] All banking data are as of June 30, 1973.

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be expected to develop between any of them in the future. Accordingly, the Board is of the view that approval of the application, insofar as it relates to Cromwell's consumer finance and sales finance activities, would not have any significant adverse effects on existing or potential competition in any relevant area.

Due to the limited nature of Cromwell's insurance activities, it does not appear that Applicant's acquisition of these insurance activities would have any significant effect on existing or future competition.

It is anticipated that following consummation of the proposed acquisition, Cromwell will provide improved services to its customers such as automated customer billing and single payment cash loans payable at lower interest rates. Further, Applicant can be expected to provide Cromwell with increased working capital and additional expertise in the area of consumer lending. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago.

By order of the Board of Governors,[2] effective May 13, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-11784 Filed 5-22-74;8:45 am]

FIRST UNION INC.

Order Approving Acquisition of Preferred Life Insurance Co.

First Union, Incorporated, St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Preferred Life Insurance Company ("Company"), St. Louis, Missouri, a company which is presently a trusteed affiliate of Applicant's lead bank, First National Bank in St. Louis, St. Louis, Missouri. Company engages in the underwriting, as reinsurer, of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's lead bank. Applicant proposes that Company would also underwrite, as reinsurer, credit life and credit accident and health insurance in connection with extensions of credit by Applicant's other banking subsidiaries if this application is approved and would also offer joint credit life insurance in connection with extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 11225). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the public interest factors set forth in § 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls 16 banks with aggregate deposits of $1.1 billion, representing about 8 per cent of total deposits in commercial banks in Missouri.[1] Company, which had total assets of $393,000 as of September 30, 1973, is qualified to directly underwrite insurance only in Arizona, and its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's banking subsidiaries in Missouri. Such insurance will be directly underwritten by an insurer qualified to underwrite in Missouri and will thereafter be assigned or ceded to Company under a reinsurance agreement. Since the proposed transaction represents merely a change in Applicant's ownership of Company from indirect to direct ownership, the proposal would have no adverse effects on competition.

Credit life and credit accident and health insurance is generally made available by banks and other consumer lenders and is designed to insure repayment of a loan in the event of death or disability of a borrower. Applicant also proposes to underwrite joint credit life insurance. The Board has permitted such insurance to be underwritten by subsidiaries of bank holding companies when both of the insured parties are comakers or cosigners of a note issued in connection with an extension of credit. Applicant will limit its underwriting of joint credit life insurance to such instances.

In connection with its addition of credit life and credit accident and health underwriting to the list of permissible activities for bank holding companies, the Board has stated that

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide single and joint credit life insurance at a rate 15 percent below the maximum rate authorized by Missouri law and will offer credit accident and health insurance at a 5 percent reduction below the maximum rates embodied in State law. The Board believes that the reduction of price of credit life and credit accident and health insurance policies offered by Applicant is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefits, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provide support for approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. The determination is subject to conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be executed not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 15, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-11786 Filed 5-22-74;8:45 am]

GENERAL BANCSHARES CORP.

Acquisition of Bank

General Bancshares Corporation, St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Central Bank of Clayton, Clayton, Missouri, a proposed new bank.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher, and Wallich. Absent and not voting: Chairman Burns and Governors Sheehan and Holland.

[1] All banking data are as of June 30, 1973, and represent bank holding company acquisitions approved by the Board through April 30, 1974.

[2] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governors Brimmer and Sheehan.

The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 13, 1974.

Board of Governors of the Federal Reserve System, May 16, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11789 Filed 5-22-74;8:45 am]

MANUFACTURERS HANOVER CORP.

Proposed Acquisition of Ritter Financial Corp.

Manufacturers Hanover Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Ritter Financial Corporation, Wyncote, Pennsylvania. Notice of the application was published on various dates during the first week in April, 1974, in newspapers of general circulation in approximately seventeen cities in Pennsylvania, five cities in New Jersey, four cities in West Virginia, four cities in Virginia, four cities in Connecticut and three cities in North Carolina.

Applicant states that the proposed subsidiary would engage in the activities of: (a) All facets of a consumer finance business including without limitation making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company; (b) acting as agent or broker for the sale of credit related life and credit accident and health insurance and consumer credit related property (including nonfiling insurance designed to protect personal property in which Applicant has a security interest against security interests which might be perfected by third parties) to extensions of credit made or acquired by Applicant and/or its direct and indirect subsidiaries; (c) reinsurance of credit life and credit accident and health insurance which is related to extensions of credit made or acquired by Ritter Financial Corporation and/or its direct or indirect subsidiaries; (d) servicing loans and other extensions of credit for any person. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 13, 1974.

Board of Governors of the Federal Reserve System, May 16, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11788 Filed 5-22-74;8:45 am]

SOUTHERN BANCORPORATION

Acquisition of Bank

Southern Bancorporation, Birmingham, Alabama (formerly The Alabama Financial Group, Inc.) has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of the successor by merger to Farmers Bank, Anderson, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 17, 1974.

Board of Governors of the Federal Reserve System, May 16, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11790 Filed 5-22-74;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Southeast Bank, Houston, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Texas, controls 14 banks with deposits of $1.8 billion, representing 5.2 per cent of the total commercial bank deposits in the State.[1] Acquisition of Bank ($9 million deposits) would not result in a significant increase in the concentration of banking resources in Texas.

Bank, which is located about eight miles southeast of downtown Houston, operates in the Houston banking market.[2] Of the 162 banks operating in the market, Bank is the 115th largest bank with about .1 of one percent of the market deposits. Applicant is the second largest banking organization in the Houston market with nine subsidiary banks controlling 16.2 percent of the market deposits. Five of Applicant's subsidiaries in the Houston market were formed de novo and had no reported deposits as of June 30, 1973. Although Applicant and Bank operate in the same market, consummation of the proposal would not result in the elimination of significant existing competition. Applicant's subsidiary bank closest to Bank is located eight miles northwest of Bank, and neither bank derives any significant amount of business from the service area of the other. The same conclusion applies with respect to the relationship between Bank and Applicant's other subsidiaries in the market. Moreover, it appears unlikely that such competition would develop in the future. Since its formation in 1971, Bank has been closely associated with Applicant, and there is no evidence to indicate that such relationship would be terminated if the present proposal were denied. The prospect of competition developing between Applicant and Bank is further diminished by the distances separating Applicant's subsidiaries and Bank, the large number of competitors in the market, and the restriction placed on branching by State law. On the basis of the record, therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank appear satisfactory and are consistent with approval of the application. Applicant proposes to expand the range of banking services offered through Bank and to provide ad-

[1] All banking data are as of June 30, 1973, and reflect all holding company formations and acquisitions approved by the Board through March 31, 1974.

[2] The Houston banking market is approximated by the Houston SMSA (Standard Metropolitan Statistical Area), which encompasses Harris County and five neighboring counties.

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ditional expertise in business and consumer financing within Bank's service area. These considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 15, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-11785 Filed 5-22-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH, AD HOC TASK GROUP NO. 3

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of Ad Hoc Task Group No. 3 of the Advisory Committee for Research to be convened at 9 a.m. on June 13 and 14, 1974, in Room 321 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of the ad hoc task groups is to provide the Committee a mechanism to consider numerous specific topics of interest to the full Committee.

The agenda for the meeting of Ad Hoc Task Group No. 3 will be devoted to discussion of the process of evaluation and the support of multidisciplinary proposals.

The meeting shall be open to the public. Individuals wishing to attend should inform Mr. Leonard F. Gardner, Special Assistant, Directorate for Research, by mail (Room 320, 1800 G Street, NW, Washington, D.C. 20550) or by telephone (202-632-4278) prior to the meeting.

Summary minutes of the meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street, NW, Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

MAY 10, 1974.

[FR Doc.74-11906 Filed 5-22-74;8:45 am]

ADVISORY PANEL FOR SYSTEMATIC BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Systematic Biology to be held at 9 a.m. on June 6 and 7, 1974, in Room 338 at 1800 G Street, NW, Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of P.L. 92-463.

Individuals requiring further information about this panel may contact Mr. William E. Sievers, Acting Program Director, Systematic Biology Program, Room 331, 1800 G Street, NW, Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

MAY 9, 1974.

[FR Doc.74-11905 Filed 5-22-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. on June 11, 1974, at 9:30 a.m.

The purpose of the meeting is to conduct Council business such as the Treasurer's Report, Council budget, and reports of various Committees; to hear remarks from the Deputy Associate Director for Statistical Policy; and to receive reports of recent actions by the Office of Management and Budget which affect the burden on business firms of reporting to Federal agencies. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-3730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-11885 Filed 5-22-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 20, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

FEDERAL ENERGY OFFICE

Family Driving Log and Questionnaire; Form ____, Single time, Weiner, Randomly selected families in 7 cities.

Retail Store Energy/Hours Questionnaire; Form ____, Single time, Weiner, Extended hour busses in 7 major cities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Talc Workers Medical Questionnaire; Form ____, Single time, Eliett, Individuals working occupationally with talc.

DEPARTMENT OF LABOR

Manpower Administration; CETA—Operating Plans, Quarterly Progress Reports and Client Characteristics, Forms MA 2-202, 203, MA 5-13-134-136, Occasional, HRD/Caywood, State and local agencies.

TENNESSEE VALLEY AUTHORITY

Timber Harvesting Management Training Program Questionnaire; Form ____, Annual, Raynsford, Participants of program, 1972-76.

REVISIONS

DEPARTMENT OF COMMERCE

Economic Development Administration; Outlay Report and Request for Reimbursement for Construction Programs, Form ED 113, Monthly, Sheftel, Recipient of EDA financial assistance.

National Bureau of Standards; Survey of Radioactivity Standards Needs, Forms NBS 951, Occasional, Caywood, Purchasers of the standards.

EXTENSIONS

DEPARTMENT OF COMMERCE

Economic Development Administration:
EDA Loan Request, Form ED 101 Supp. A, Occasional, Evinger, Applicants.
Relocation and Land Acquisition Certificate, Form ED 168, Occasional, Sheftel (x).
Statement of Compliance, Form ED 169, Weekly, Sheftel (x).
Bid for Unit Price Contracts, Form ED 113, Occasional, Sheftel (x).
Schedule of Amounts for Contract Payments, Form ED 111, Occasional, Sheftel (x).
Construction Progress Chart, Form ED 144, Monthly, Sheftel (x).
Periodic Estimates for Partial Payment, Form ED 112, Occasional, Sheftel (x).
Contract Change Order, Form ED 114, Occasional, Sheftel (x).
Certification of Bidder Regarding Equal Employment Opportunity, Form ED 119, Occasional, Sheftel (x).
Certification by Proposed Subcontractor Regarding Equal Employment Opportunity, Form ED 120, Occasional, Sheftel (x).
Supplemental General Conditions, Form ED 127, Monthly, Sheftel.
Economic Development Administration, Certificate as to Project Sight, Rights-of-Way, and Easements, Form ED 152, Occasional, Sheftel (x).
Request for Reimbursement of Relocation Costs incurred Pursuant to P.L. 91-646, Form ED 169, Occasional, Sheftel (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-12090 Filed 5-22-74;11:40 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher and Wallich. Absent and not voting: Chairman Burns and Governors Sheehan and Holland.

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

Determination of Quarterly Rate of Excise Tax

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)) as amended by Section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1974, shall be at the rate of seven and one-half cents.

Dated: May 17, 1974.

By Authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.74-11768 Filed 5-22-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ANITA LYNN COSMETICS, INC.

Notice of Suspension of Trading

MAY 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Anita Lynn Cosmetics, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:00 noon (e.d.t.) on May 14, 1974 through May 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11889 Filed 5-22-74;8:45 am]

[Release No. 33-5491; File No. S7-522]

BANK-SPONSORED INVESTMENT SERVICES

Solicitation of Comments for Inquiry

Introduction. The Commission today announced that it is requesting the submission of written comments from all interested members of the public, the securities and banking industries, the securities industry's self-regulatory bodies and federal and state bank regulatory authorities and other interested governmental authorities on certain policy and legal questions associated with the variety of securities investment services currently being offered to the public by banks. The Commission believes it desirable to obtain these views at this time, in the light, among other things, of current Congressional interest in the public policy implications of increasing activity by banks in this area.

A number of these services, some of which are described below,[1] are comparable to services offered by brokers and dealers and investment advisers or investment companies. These entities generally are registered with, and subject to regulation by, the Commission under the federal securities laws. Banks, in contrast, generally have not been subjected to regulation under the federal securities laws, although, of course, it is well established that certain provisions of the federal securities laws are applicable to securities transactions involving banks.[2]

The Commission is seeking comments from all interested persons in order to determine whether the interests of investors should be afforded additional protections in connection with the bank-sponsored equity security investment services described below and, if so, what, if any, formal role the Commission should take if it appears appropriate to regulate bank securities investment services in a manner comparable to that presently prevailing for non-bank securities services.

BACKGROUND

Although banks generally have been precluded from participating in traditional underwriting activities and have been restricted in the manner and extent of brokerage services they are permitted to perform by the Banking Act of 1933 ("Glass-Steagall Act"),[3] banks traditionally have engaged in certain brokerage activities for their customers permitted by that Act.[4] Banks also have offered a variety of other securities services such as investment advice for trust accounts and municipal bond underwriting.

Recently, however, there appears to have been an increased interest on the part of banks in offering new types of brokerage and investment services to securities investors generally and, in many cases, to small investors in particular. As these bank programs and services are promoted and expanded, questions have arisen concerning whether the performance of such functions by banks should be regulated under the federal securities laws, and, if regulation is necessary or appropriate, by whom. Members of the banking community have suggested that their current activities in this area are permissible under the Glass-Steagall Act and are not subject to regulation by the Commission; with respect to the so-called automatic investment services, the Comptroller of the Currency initially has agreed.[5] Members of the securities industry, on the other hand, have suggested the converse of both propositions.[6]

LEGISLATIVE FRAMEWORK

The Commission is not charged with interpreting or administering the Glass-Steagall Act, and its inquiry into the subject matter of securities investment services offered by banks should not be viewed as an attempt to thrust the Commission into that role. Nevertheless, the framing of appropriate issues for public comment and informative responses to those issues requires some recitation of the operative statutory provisions under both the Glass-Steagall Act and the federal securities laws.

As noted, the banking legislation enacted in 1933 usually is viewed as effecting the separation of the securities business from commercial banking. Thus, Section 21 of the Glass-Steagall Act[7] specifically prohibits firms engaged in underwriting and dealing in corporate securities from engaging, at the same time, in such traditional banking functions as receiving deposits. But other provisions of the Glass-Steagall Act specifically modify this prohibition. Section 16 of the Glass-Steagall Act provides:

> The business of dealing in securities and stock by the [bank] shall be limited to purchasing and selling such securities and stock, without recourse, solely upon the order, and for the account of customers • • • .

[1] *See* pp. 4-6, *infra*.

[2] For example, banks are subject to the anti-fraud provisions of the federal securities laws. *See, Affiliated Ute Citizens of Utah* v. *United States*, 406 U.S. 128, 154 (1972); *Carroll* v. *First National Bank of Lincolnwood*, 413 F. 2d 353, 358 (C.A. 7, 1969), *certiorari denied*, 396 U.S. 1003 (1970).

[3] The provisions of the Glass-Steagall Act are codified in various sections scattered throughout Title 12 of the United States Code.

[4] For example, Section 16 of the Act permits national banks to exercise a brokerage function solely on the order and for the account of a customer. 12 U.S.C. 24.

[5] *See*, letter dated February 27, 1973, from William B. Camp, Comptroller of the Currency, to Counsel for Security Pacific National Bank. The New York Stock Exchange, among others, has requested the present Comptroller to reconsider this prior ruling. *See* letter dated September 7, 1973, from James J. Needham, Chairman, New York Stock Exchange, to James E. Smith, Comptroller of the Currency.

[6] *See, e.g.*, Allan, "The Bankers Intrude on Wall Street," *New York Times*, Nov. 18, 1973, at Sec. 3, p. 1; Koehetz, "New Episode of 'Love-Hate Story' Unfolds; Bankers and Stockbrokers in Street Theatre," *The Money Manager*, Sept. 24, 1973, at p. 56; *Wall Street Journal*, Feb. 27, 1974, at p. 36.

[7] 12 U.S.C. 378.

[8] 12 U.S.C. 24.

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Based on Section 16, there is little doubt that banks can engage in securities transactions as agents for their customers. It is argued, however, that banks which engage in and actively solicit customers for a variety of investment services may be exceeding the scope of securities activities permitted under the Glass-Steagall Act.

Bank sponsorship of certain investment services also raises questions under the federal securities laws. For example, banks which offer automatic investment or individual portfolio management services, such as those described below, generally are engaged in activities which are comparable to those performed by investment advisers, as well as brokers and dealers in securities. Were it not for the specific language of certain exemptions embodied in the federal securities laws, banks offering such services clearly would be subject to regulation by the Commission, just as other investment advisers, brokers and dealers are. Thus, section 202(a)(11)(A) of the Investment Advisers Act[9] specifically excludes banks from the definition of the term "investment adviser," and sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act[10] specifically exclude banks from the definitions of the terms "broker" and "dealer," respectively. The term "bank," in turn, is defined, in substantially the same terms, in section 202(a)(12) of the Investment Advisers Act[11] and section 3(a)(6) of the Securities Exchange Act,[12] to include any banking institution organized under the laws of the United States, any member bank of the Federal Reserve System or any other banking institution if: (a) a substantial portion of its business consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks; (b) such bank is supervised and examined by state or federal banking authorities; and (c) the bank is not operated for purposes of evading the provisions of either Act. The foregoing definitions of the terms investment adviser, broker, dealer and bank are not, however, to be construed in an inflexible or rigid manner. As is made clear in the definitional sections of the federal securities laws, the foregoing definitions may be modified, altered, or even inapplicable if "the context otherwise requires."

Role of the Securities and Exchange Commission

In section 2 of the Securities Exchange Act,[13] Congress stated its conclusion that "transactions in securities as commonly conducted upon securities exchanges and over-the-counter markets are affected with a national public interest which makes it necessary to provide for regulation and control of such transactions and of practices and matters related thereto * * *." Congress created the Commission to provide this regulation and foster effective protection of investors and improvements in our capital market system. The Commission must be concerned with issues related to the protection of investors and the impact upon the capital markets.

The Commission also has the responsibility to take action itself, or to recommend action to Congress or other governmental agencies, on the basis of a carefully detailed presentation of the facts surrounding bank participation in traditional securities activities if it concludes that the regulation of banks or of any other persons participating in the securities business is not adequate for the protection of investors or is not in the public interest. This solicitation of comments is intended to provide the factual basis on which to determine whether present regulations governing bank equity security investment services are adequate.

Description of Bank-Sponsored Investment Services

1. *Dividend reinvestment plans.* Pursuant to dividend reinvestment plans, which are being offered by an increasing number of banks, shareholders of a participating corporation may request that their dividends be paid by the corporation directly to a bank which aggregate all the dividends received and purchases additional shares of the issuer corporation's common stock for the accounts of participating shareholders. Recently, this service has been expanded to permit participating shareholders to contribute additional cash to the bank for investment, along with the cash dividends, in the corporation's common stock. Another recent development allows a participating shareholder to deposit with the bank the securities of a different class issued by the same corporation. The dividends or interest received with respect to these securities also are reinvested in the corporation's common stock.

2. *Automatic investment services.* A number of banks currently are actively soliciting investors to participate in automatic investment services. Through such a service, a bank offers existing, and perhaps potential, checking account customers the opportunity to have a specified amount of money deducted monthly from their checking accounts and invested by the bank in the common stock of one or more issuers which are included on a list supplied by the bank. The issuers comprising the list may be, as in several plans, the twenty-five largest corporations in the Standard & Poor's 425 Industrial Index, based on the market value of their outstanding common stock. The monthly deductions from each participating customer's account are pooled by the bank so that the securities designated by customers may be purchased at a lower commission rate and, when possible, at a commission rate negotiated by the bank. The bank may acquire shares in transactions on a national securities exchange or in the over-the-counter market. Customers are charged a per transaction service fee by the bank which generally is equal to five percent of the amount the customer invests, or $2.00, for each stock designated, whichever is less. Each participating customer is provided a monthly statement by the bank that indicates the amount of a particular stock designated for purchase, the number of full and fractional shares purchased, the price per share, the date of acquisition and the total number of shares of that particular stock owned by the particular customer. If the bank makes more than one purchase of a particular stock in a monthly cycle, the price per share deemed paid by each customer will be the average price (including his *pro rata* share of brokerage commissions) paid by the bank for all purchases made during that cycle, not the price paid by the bank in any particular transaction.[14]

The securities purchased for the account of a customer generally are held by the bank in the name of the bank's nominee, but whole shares will be delivered to any customer requesting such delivery. Each participating customer has the right to vote attributable to whole shares purchased by him through the service, and the bank will provide participants all proxy material with respect to those shares.

A customer may terminate participation in the service at any time upon notice to the bank. Upon termination, a customer receives the whole shares in his account. Alternatively, a customer may elect to have the bank sell his entire interest and receive cash for all the securities in his account. The bank will make such sales in the open market through a broker-dealer.

3. *Voluntary investment plans.* Pursuant to voluntary investment plans, a participating broker-dealer compiles a list of approximately thirty securities, selected on whatever basis the broker-dealer normally recommends particular securities to his customers.[15] Small investor customers of the broker-dealer expressing an interest in the plan are referred to a bank which offers these customers a monthly purchase program for the securities selected by the customer from among the thirty recommended by the broker-dealer. In the event a customer wishes to invest an amount in excess of, say, $1,000 on a monthly basis, the bank refers the customer back to the broker-dealer.

In a typical voluntary investment plan, the bank establishes a custodial account for each customer, handles all funds and securities and provides confirmation of purchases to each customer. Each participating customer is charged four and one-half percent of the total amount invested to cover all commission charges and other expenses incurred by the bank. One-fourth of this fee (that is, approximately one percent of the amount invested) is paid by the bank to the broker-dealer who referred the customer to the bank.

4. *Individual portfolio management services.* A number of banks also have recently begun to offer nondiscretionary and discretionary individual portfolio management services to investors with accounts as small as $10,000. Such services raise several questions under the federal securities laws including whether such services, when actively merchandised to small investors, would be issuing securities required to be registered under the Securities Act of 1933 and whether such services would involve the creation of an investment company required to be registered under the Investment Company Act of 1940. The Commission expects shortly to publish for comment certain proposed positions with respect to the issues raised generally by the offering of such services and the recommendations of its Advisory Committee on Investment Management Services for Individual Investors.[16]

5. *Advisers to investment companies.* A number of banks also have recently begun to act as investment advisers to investment companies. Generally those investment companies have been closed-end companies although there are several that are open-ended. Banks have used two different means for acting as investment advisers to investment companies. In some cases the bank itself has acted as the investment adviser and, accordingly, relying upon the exclusion in the Investment Advisers Act of 1940, these banks have not registered with the Commission. In other cases, bank holding company complexes have formed separate non-bank investment advisory subsidiaries, which they have registered with the Commission under the Investment Advisers Act.

The Commission's inquiry. Although the staff of the Commission has been studying the various investment services offered by banks, neither it nor the Commission has reached any definitive conclusions concerning the extent to which these services are subject to the federal securities laws, and what, if any, regulatory or legislative action may be required to insure that the nation's securities markets are not adversely affected by the operation of these services and that investors are protected when they participate in such services.

To aid the Commission in its efforts to develop appropriate regulatory policy in this area, the comments of interested persons are hereby requested. The Commission would appreciate receiving comments on the following specific issues as they relate to each of the five services described above, but, of course, commentators should feel free to comment upon other aspects of these issues.

1. Do bank-sponsored investment services, such as those described above, attract investors who would not otherwise enter the marketplace to invest in equity securities? What type of investor has been, and likely will be, drawn to such services? Are the numbers of investors who may be expected to utilize such services likely to be significant?

2. How will the proliferation of bank-sponsored investment services affect the nation's capital market system? Will the proliferation of such services result in the increased institutionalization of the nation's capital markets and, if so, with what results? What ramifications would such an increase in bank-sponsored services have on the development of a central market system?

3. Do banks which offer investment services have a competitive advantage over other participants in the security industry because, among other things, banks engaging in these activities may be exempt from certain provisions of the Federal securities laws or because of other relationships banks may have with their customers? What is the proper scope of such exemptions in light of the present differences, if any, in bank operations from conditions existing when the Federal securities laws were adopted?

4. Do advertisements for bank-sponsored investment services appropriately describe such services? Do advertisements fairly explain, for example, that the prices paid by the investor are based upon the cost (or the average cost, if the bank makes more than one purchase in a monthly cycle) to the bank and an average cost over a period, not upon a cost incurred at the time of his particular investment? If not, what steps, if any, can, or should, the Commission take to correct any existing abuses?

5. To what extent do the various provisions of the Glass-Steagall Act relate to the various investment services described above? Do any provisions prohibit any specific services or portions thereof? Do those services create conflicts of interest for the banks which offer them? To what extent does existing regulation of banks provide investors who participate in bank-sponsored investment services with protections comparable to those provided investors under the Federal securities laws? Should the Glass-Steagall Act be amended specifically to prohibit or to authorize such services, if it does not do so already?

6. Should banks that offer investment services of the type described above be regulated in those activities by the Commission or by banking authorities? If regulation by the Commission is deemed appropriate, what statutory authority does the Commission already possess that could be utilized toward such an end? If it is more appropriate to proceed by legislation, what type of legislative proposal should Congress be urged to accept to accomplish this goal?[17]

Written statements of views and comments with respect to the foregoing should be addressed to: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before June 29, 1974. Reference should be made to file number S7-522. All communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 30, 1974.

[FR Doc.74-11903 Filed 5-22-74;8:45 am]

[File No. 7-4441]

TELEPROMPTER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 16, 1974.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Teleprompter Corp., File No. 7-4441.

Upon receipt of a request, on or before June 1, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-11894 Filed 5-22-74;8:45 am]

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[9] 15 U.S.C. 80b-2(a)(11)(A).
[10] 15 U.S.C. 78c(a)(4) and 15 U.S.C. 78c(a)(5).
[11] 15 U.S.C. 80b-2(a)(12).
[12] 15 U.S.C. 78c(a)(6).
[13] 15 U.S.C. 78b.

[14] Because customers' orders are pooled, there generally is a delay in the execution of a particular customer's order. Banks which offer the service state only that an acquisition will be completed within thirty days following an authorized charge to the customer's account.

[15] Since April 1, 1974, some of the larger brokers have started offering plans similar in effect to the voluntary investment plan but without the intervention of a bank.

[16] *Advisory Committee on Investment Management Services for Individual Investors Report, Small Account Investment Management Services* (Jan. 18, 1973). Under the Advisory Committee's recommendations banks would be expected to comply voluntarily with certain rules as a "safe harbor" from Securities Act and Investment Company Act registration.

[17] On November 15, 1973, Senator Brooke introduced S. 2707, a bill which would amend Section 3(a)(4) of the Securities Exchange Act to include within the definition of the term "broker," for certain purposes, banks which solicit transactions in securities to be effected by the bank as agent for the account of others.

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[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

MAY 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 15, 1974 through May 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11895 Filed 5–22–74;8:45 am]

[File No. 500–1]

ENVIRONONICS, INC.

Notice of Suspension of Trading

MAY 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Environonics, Inc. being traded other than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:00 noon (e.d.t.) on May 14, 1974 through May 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11896 Filed 5–22–74;8:45 am]

[File No. 500–1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

MAY 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:30 p.m. (e.d.t.), on May 13, 1974 through 10 a.m., e.d.t., on May 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11890 Filed 5–22–74;8:45 am]

[File No. 500–1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

MAY 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (e.d.t.) on May 15, 1974 through May 24, 1974.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11891 Filed 5–22–74;8:45 am]

[File No. 500–1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

MAY 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:30 a.m. (e.d.t.) on May 13, 1974 through 10:00 a.m. (e.d.t.) on May 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11892 Filed 5–22–74;8:45 am]

[File No. 500–1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

MAY 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (e.d.t.) on May 15, 1974 through May 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11893 Filed 5–22–75;8:45 am]

[File No. 500–1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

MAY 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 15, 1974 through May 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11897 Filed 5–22–74;8:45 am]

[70–5504, Rel. No. 18418]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Transactions Related To Financing of Pollution Control Facilities

MAY 15, 1974.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), P.O. Box 1640, Jackson, Mississippi 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Mississippi is in the process of constructing a steam electric generating plant at Greenville, Washington County, Mississippi, known as the Gerald Andrus Steam Electric Station ("Andrus"). The company is also converting a steam electric generating facility known as the Baxter Wilson Steam Electric Station ("Wilson"), located in Warren County, Mississippi, so that the facility will be able to burn a mixture of various grades of fuel oil. In order to comply with prescribed environmental control standards of the State of Mississippi with respect to air and water quality, it has been and will be necessary for Mississippi to construct as part of these stations, certain pollution control facilities.

It is intended that Washington County, Mississippi, will issue its pollution control revenue bonds for the purpose of paying the costs of the construction and equipping of certain pollution control facilities at the Gerald Andrus Steam Electric Station ("First Andrus Project"). The company proposes to enter into an installment sale agreement ("First Andrus Agreement") with Washington County which will provide for the construction and equipping of the First Andrus Project by or on behalf of Washington County and the issuance by Washington County of its Pollution Control Revenue Bonds, Series A–1, in principal amount, presently estimated not to exceed $8,400,000, sufficient to cover the cost of construction, as defined (which includes an allowance for funds used during construction). The Series A–1 Bonds will mature in 30 years and will be entitled to the benefit of a sinking fund which, in the aggregate, will retire at least 25 percent of the original issue by its final maturity date. The proceeds of the sale of the Series A–1 Bonds will be deposited by Washington County with the trustee ("Washington County Trustee") under an indenture to be entered into between Washington County and such Trustee, pursuant to which the Series A–1 Bonds are to be issued and secured. The proceeds resulting from the issuance of the Series A–1 Bonds will be applied to payment of the cost of construction of the First Andrus Project.

The First Andrus Agreement also will provide for the sale of the First Andrus Project to the company, the payment by the company of the purchase price of the First Andrus Project in semi-annual installments over a term of years, and the assignment and pledge to the Washington County Trustee of Washington County's interest in, and of the moneys receivable by Washington County under, the First Andrus Agreement. The purchase price of the First Andrus Project payable by the company will be such amount, including interest thereon, as shall be sufficient (together with other moneys held by the Washington County Trustee under the Series A–1 Indenture for that purpose) to pay the principal of and interest on the Series A–1 Bonds as the same become due and payable. The company will also pay the fees and charges of the Washington County Trustee under the Series A–1 Indenture. The First Andrus Agreement will provide that the company, may at its option or under certain circumstances, prepay the purchase price either in whole at any time or in part from time to time. In order to comply with Mississippi law, it will be necessary for the company to convey to Washington County such portions of the First Andrus Project as are now owned by the company, which facilities will thereupon become a part of the First Andrus Project which is to be provided by Washington County and which the company proposes to purchase as provided in the First Andrus Agreement.

It is further intended that Washington County will issue its additional pollution control revenue bonds for the purpose of paying the costs of the construction and equipping of certain additional pollution control facilities at the Gerald Andrus Steam Electric Station ("Second Andrus Project"). The company proposes to enter into an installment sale agreement ("Second Andrus Agreement") with Washington County which will provide for the construction and equipping of the Second Andrus Project by or on behalf of Washington County and the issuance by Washington County of its Pollution Control Revenue Bonds, Series A–II, in principal amount not to exceed $1,000,000, which agreement will have terms and conditions similar to those in the First Andrus Agreement. The proceeds of the sale of the Series A–II Bonds will be deposited by Washington County with the Washington County Trustee under a second indenture to be entered into between Washington County and such Trustee, pursuant to which the Series A–II Bonds are to be issued and secured. The terms and conditions of the Series A–II Indenture will be similar to the terms and conditions of the Series A–I Indenture except that there will be no sinking fund in respect of the Series A–II Bonds. In order to comply with Mississippi law, it will be necessary for the company to convey to Washington County such portions of the Second Andrus Project as are now owned by the company, which facilities will thereupon become a part of the Second Andrus Project which is to be provided by Washington County and which the company proposes to purchase as provided in the Second Andrus Agreement.

It is additionally intended that Warren County, Mississippi ("Warren County") will issue its pollution control revenue bonds for the purpose of paying the cost of the construction and equipping of the pollution control facilities at the Baxter Wilson Steam Electric Station ("Wilson Project"). The company proposes to enter into an installment sale agreement ("Wilson Agreement") with Warren County which provides for the construction and equipping of the Wilson Project by or on behalf of Warren County and the issuance by Warren County of its Pollution Control Revenue Bonds ("Wilson Bonds") in principal amount presently estimated not to exceed $8,575,000, which agreement will have terms and conditions similar to those in the First Andrus Agreement.

The proceeds of the sale of the Wilson Bonds will be deposited by Warren County with the trustee under an indenture to be entered into between Warren County and such Trustee pursuant to which the Wilson Bonds are to be issued and secured. The terms and conditions of the Warren County Indenture will be similar to the terms and conditions of the Series A–I Indenture, including a similar sinking fund. In order to comply with Mississippi law, it will be necessary for the company to convey to Warren County such portions of the Wilson Project as are now owned by the company, which facilities will thereupon become a part of the Wilson Project which is to be provided by Wilson County and which the company proposes to purchase as provided in the Wilson Agreement.

The existing Andrus Facilities will be conveyed to Washington County and the existing Wilson Facilities will be conveyed to Warren County subject to the lien of the company's Mortgage and Deed of Trust, dated as of September 1, 1944, to Irving Trust Company, Trustee, as supplemented. Upon reconveyance to the company, these facilities, as well as the new pollution control facilities generally when constructed, will be subject to such lien. For financial and accounting reporting purposes, the indebtedness of Mississippi under the installment sale agreements will be capitalized.

It is contemplated that the Series A–I and Series A–II Bonds will be sold by Washington County and the Wilson Bonds will be sold by Warren County pursuant to arrangements with Kidder, Peabody & Co. Incorporated as the sole underwriter. In accordance with the laws of the State of Mississippi, the interest rate to be borne by each issue will be fixed by the county involved. The company will not be party to the underwriting agreements for any of the bonds, but such agreements will provide that the terms of such bonds and of their sale by the counties shall be satisfactory to Mississippi. The company understands that interest payable on the bonds of the three issues will be exempt from Federal income taxes under the provisions of section 103 of the Internal Revenue Code of 1954, as amended. The company has been advised that the annual interest rates on obligations, interest on which is so tax exempt, historically have been and can be expected at the time of issuance of the above-described issues of bonds to be 1½ percent to 2½ percent lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income tax.

The application states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 7, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11901 Filed 5–22–74;8:45 am]

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[File No. 500–1]

STANDARD DREDGING CORP.

Notice of Suspension of Trading

MAY 14, 1974.

The preferred and common stock of Standard Dredging Corp. being traded on the American & Midwest Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Standard Dredging Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12 noon (e.d.t.) on May 14, 1974 through May 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11898 Filed 5–22–74;8:45 am]

[File No. 500–1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

MAY 14, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 15, 1974 through May 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11899 Filed 5–22–74;8:45 am]

[File No. 500–1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

MAY 16, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 17, 1974 through May 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11900 Filed 5–22–74;8:45 am]

[70–5366]

MIDDLE SOUTH UTILITIES, INC.

Post-Effective Amendment Regarding Increase in Amount of Authorized Bank Borrowings

MAY 13, 1974.

Notice is hereby given that Middle South Utilities, Inc., Two Eighty Park Avenue, New York, New York 10017 ("Middle South"), a registered holding company, has filed a fifth post-effective amendment to its declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, as now amended, for a complete statement of the proposed transaction.

By order dated August 24, 1973 (HCAR 18065), the Commission authorized Middle South to issue and sell its unsecured promissory notes in an aggregate amount not to exceed $30,000,000 outstanding at any one time under a $135,000,000 revolving credit agreement ("Credit Agreement") with a group of 7 commercial banks headed by Manufacturers Hanover Trust Company of New York ("Banks"). The aggregate maximum amount of authorized borrowings was established at $103,700,000, by post-effective amendments numbers 1, 2, 3, and 4 to the declaration (HCAR 18178, 18214, 18345, and 18411). Middle South now proposes to increase the amount of authorized borrowings from the Banks from $103,700,000 to $143,700,000. The proportions in which the borrowing will be made, the interest rate, the maturity date, the form of note, and all other terms and conditions of the borrowing will be the same as those terms and conditions set forth in the Credit Agreement and the original filing herein, heretofore described and authorized in the Commission order dated August 24, 1973.

The proceeds of the additional notes to banks will be used to purchase 40,000 shares of common stock of Middle South Energy, Inc., for an aggregate of $40,000,000 in cash. Such acquisition is subject to Commission approval under a pending filing (HCAR 18394 (April 25, 1974)).

Middle South reaffirms its intention to reduce the principal amount of notes payable outstanding through the issuance of additional shares of its common stock. The issuance of such additional common stock will be the subject of a future filing before the Commission.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. No special fees or expenses are anticipated in connection with the transaction proposed herein.

Notice is further given that any interested person may, not later than June 3, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the previously amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended by this post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–11638 Filed 5–22–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10–0152]

BRITTANY CAPITAL CORP.

Notice of Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Brittany Capital Corporation (Brittany), 4325 Republic Bank Tower, Dallas, Texas 75201, a Federal Licensee, under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1974)), for approval of a conflict of interest transaction.

It is proposed that Brittany provide $50,000 in financing to American Housing Resources, Inc. (American). Mr. Alan D. Feld is a director of American and owns approximately a 13 percent equity interest in this concern. In addition, he is a director of Brittany and owns approximately 4 percent of its outstanding stock.

Pursuant to the provisions of § 107.3 (a) of the Regulations, Mr. Feld is considered to be an Associate of Brittany. As such, the transaction falls within the purview of § 107.1004(b) (1) of the Regulations and will require the prior written approval of the Small Business Administration (SBA).

Notice is further given that any interested person may, not later than fifteen days from the date of the publication of this notice submit to SBA, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by Brittany in a newspaper of general circulation in Dallas, Texas.

Dated: May 14, 1974.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.74–11801 Filed 5–22–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Notice of Cancellation of Meeting

The meeting of the National Advisory Committee on Occupational Safety and Health scheduled for May 31, 1974, in St. Louis, Missouri, notice of which was published on May 10, 1974 (39 FR 16940), is hereby cancelled because a quorum cannot attend.

Signed at Washington, D.C., this 16th day of May 1974.

J. GOODELL, *Acting Executive Secretary.*

[FR Doc.74–11769 Filed 5–22–74;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 98]

FOREIGN-TRADE SUBZONE 9A, EWA, OAHU, HAWAII

Approval for Construction and Operation of Synthetic Natural Gas Plant

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) has adopted the following order:

Whereas, Section 13 of the Act (Sec. 400.815 of the Board's Regulations) provides in part that a zone grantee may, with approval of the Board, permit zone users to erect such buildings and other structures within the zone as will meet their particular requirements;

Whereas, the State of Hawaii, as grantee of Foreign-Trade Zone No. 9 and Subzone 9A, has requested in an application filed April 17, 1973, that the Board approve a proposal to construct and operate a synthetic natural gas (SNG) plant within Foreign-Trade Subzone No. 9A, Ewa, Oahu, Hawaii, said plant to be operated by ENERCO, Inc., a Hawaiian public utility and wholly owned subsidiary of Pacific Resources, Inc.;

Whereas, the necessary documentation and evidence have been submitted by the State of Hawaii, including an environmental impact report;

Whereas, public notice of the application has been given and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the provisions of the Act and Regulations on such matters are satisfied and the proposal is found to be in the public interest,

Now, therefore, the Board hereby orders:

That the grantee is authorized to permit the construction and operation by ENERCO, Inc., of an SNG plant and related facilities within Foreign-Trade Subzone No. 9A in accordance with the terms of the Act, including Section 13, and Section 400.815 of the Board's Regulations. Considering national policy regarding utilization of domestic petroleum capacity, this approval is contingent upon the fact that any naphtha or other petroleum derivative used at the SNG plant, while operating under foreign-trade zone procedures, shall be produced at Subzone 9A or at a domestic refinery or shall have had duties, import charges or license fees paid thereon. The facilities herein authorized shall, prior to becoming operational, be inspected by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 17th day of May 1974.

FREDERICK B. DENT, *Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.*

Attest:

JOHN J. DAPONTE, *Executive Secretary, Foreign-Trade Zones Board.*

[FR Doc.74–11880 Filed 5–22–74;8:45 am]

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

NOTICE OF PUBLIC MEETING

Notice is hereby given, pursuant to Public Law 92–463, that the next meeting of the National Advisory Council on Supplementary Centers and Services will be held on June 13 and 14, 1974 from 9:00 a.m. to 5:00 p.m. in the conference room of the Council's office at 425 13th Street, N.W., Suite 529, Washington, D.C.

The National Advisory Council on Supplementary Centers and Services is established under section 309 of Public Law 92–230. The Council is directed to advise the President and the Congress concerning the operation of Title III of the Elementary and Secondary Education Act.

Agenda items for the meeting will include: (1) pending legislation on ESEA Title III; (2) the role of the National Advisory Council in the Identification, Validation, and Dissemination of innovative education programs; (3) Quarterly Reports (the following topics will be considered: Fall—Basic Skills, Winter—Special Education, and Spring—Teacher, Staff Training); and (4) establishing goals and objectives for FY 1975.

The meeting of the Committee shall be open to the public. Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 529, 425 13th Street, NW., Washington, D.C.

Signed at Washington, D.C. on May 17, 1974.

GERALD J. KLUEMPKE, *Executive Director.*

[FR Doc.74–11798 Filed 5–22–74;8:45 am]

POSTAL RATE COMMISSION

[Dockets Nos. MC73–1, R74–1]

MAIL CLASSIFICATION SCHEDULE, POSTAL RATES AND FEES, 1973

Notice of Proceeding

MAY 20, 1974.

Notice is hereby given that the Chief Administrative Law Judge has rescheduled the date for reconvening the above entitled Mail Classification proceeding, Docket No. MC73–1, from June 4, 1974 to May 24, 1974, at 2 p.m., 2000 L Street, NW., Suite 500, Washington, D.C. 20268. The proceeding in Postal Rates and Fees, Docket No. R74–1, will reconvene at 10 a.m., on May 24, 1974, at the same place.

JOSEPH A. FISHER, *Secretary.*

[FR Doc.74–11924 Filed 5–22–74;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice 514]

ASSIGNMENT OF HEARINGS

MAY 20, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–107515 Sub 874, Refrigerated Transport Co., Inc., now assigned June 10, 1974, will be held in the Ramada Inn, 1705 Dauphin Island Parkway, Mobile, Alabama.

MC 109397 Sub 293, Tri-State Motor Transit Co., now being assigned hearing July 25, 1974 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC–C–8266, Stanley S. Barstow, dba Barstow Transportation—Investigation and Revocation of Certificates—now assigned July 10, 1974, will be held in Room 134, Federal Bldg. & Courthouse, 450 Main St., Hartford, Conn.

MC–138429 Sub 6, Ais, Inc., application is dismissed.

[SEAL] ROBERT L. OSWALD,
Seretary.

[FR Doc.74–11933 Filed 5–22–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 20, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 7, 1974.

FSA No. 42835—*Processed Clay to Borger, Texas.* Filed by M. B. Hart, Jr., Agent (No. A6336), for interested rail carriers. Rates on clay, processed, in carloads, as described in the application, from specified points in Florida and Georgia, to Borger, Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 15 to Southern Freight Association, Agent, tariff S/SW–921–D, I.C.C. No. S–1095. Rates are published to become effective on June 20, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11934 Filed 5–22–74;8:45 am]

[Notice 69]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 14, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 257 TA), filed May 6, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Traverse City, Mich., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Louisiana, Kentucky, Tennessee, Texas, Virginia, West Virginia, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Chef Pierre, Inc., P.O. Box 1009, Traverse City, Mich. 49684. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 28956 (Sub-No. 17 TA) (CORRECTION), filed April 5, 1974, published in the FEDERAL REGISTER issue of April 24, 1974, and republished as corrected this issue. Applicant: RYALS TRUCK LINE, INC., 908 N. Pacific Highway, Albany, Oreg. 97321. Applicant's representative: Larry Smart, 419 NW., 23rd Avenue, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Paper and paper articles*, between the plantsite of the Western Kraft Corporation, near Albany, Oreg., on the one hand, and, on the other, points in Thurston, Pierce, and King Counties, Wash., for 180 days. SUPPORTING SHIPPER: Western Kraft Corporation, P.O. Box 339, Albany, Oreg. 97321. SEND PROTESTS TO: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 46267 (Sub-No. 8 TA), filed May 7, 1974. Applicant: SCOTT FREIGHT SERVICE CORP., 4740 Industrial Road, Ft. Wayne, Ind. 46825. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and Saint Joe, Ind., Route1: From Fort Wayne over Indiana State Highway 327 to junction Indiana Highway 4, thence to junction of County Highway 800, thence south to junction Indiana Highway 1 and thence over Indiana Highway 1 to St. Joe, Ind., serving all intermediate points and the off-route points of Helmer and South Milford, Ind., for 180 days.

NOTE.—Applicant will tack in Docket No. MC 46257 (Sub 5) authorizes interstate service between Ft. Wayne and Saint Joe, Ind.

SUPPORTING SHIPPERS: There are approximateiy 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 51146 (Sub-No. 376 TA), filed May 7, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, P.O. Box 2298 (Box zip 54306), Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, insulating products, and materials* including *products necessary in the installation thereof* (except commodities in bulk), from Kansas City and Pauline, Kans., to points in Iowa, for 180 days. SUPPORTING SHIPPER: Certain-Teed Products Corp., CSG Group, P.O. Box 860, Valley Forge, Pa. 19482. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 103993 (Sub-No. 807 TA), filed May 7, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Claiborne Pariah, La., to points in Arkansas, Texas, Oklahoma, Mississippi, Tennessee, and Missouri, for 180 days. SUPPORTING SHIPPER: Guerdon Industries, Inc., Intra-American Homes Division, P.O. Box 60, Homer, La. 71040. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne, Room 204, Ft. Wayne, Ind. 46802.

No. MC 110420 (Sub-No. 717 TA), filed May 6, 1974. Applicant: QUALITY CARRIERS, INC., Mail: P.O. Box 186, Pleasant Prairie, Wis. 53158, and Off: I–94 County Highway C., Bristol, Kenosha County, Wis. 53104. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid bulk chocolate coating*, in tank vehicles, from the plant site of ITT Continental Baking Company, Inc., in St. Louis, Mo., to the plant site of ITT Continental Baking Company, Inc., in Omaha, Nebr., for 180 days. SUPPORTING SHIPPER: ITT Continental Baking Company, Inc., P.O. Box 731, Rye, N.Y. 10580 (Richard B. Cortland, Director of Traffic). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 110420 (Sub-No. 718 TA), filed May 6, 1974. Applicant: QUALITY CARRIERS, INC., Mail: P.O. Box 186, Pleasant Prairie, Wis. 53158, and Off: I–94 County Highway C, Bristol, Kenosha County, Wis. 53104. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat flour*, in bulk, in tank, or hopper-type vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Acme Evans Milling, 902 W. Washington, Indianapolis, Minn. 46204 (Herman Pekarek, Vice President—Transportation). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 114457 (Sub-No. 193 TA), filed May 6, 1974. Applicant: DART TRANSIT CO., a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Cleveland, Ohio, to points in Illinois, Iowa, Missouri, and Kansas, restricted to traffic originating at the plantsite and storage facilities of Cleveland Steel Container at Cleveland, Ohio and destined to the named destination states, for 180 days. SUPPORTING SHIPPER: Cleveland Steel Container, 12818 Coit Road, Cleveland, Ohio 44108. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 115181 (Sub-No. 32 TA), filed May 7, 1974. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Montgomery County, Pa., to Sparrows Point, Md., for 180 days. SUPPORTING SHIPPER: Mahantongo Coal Sales, 201 Deerfield Drive, Pottsville, Pa. 17901. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 119670 (Sub-No. 23 TA), filed April 29, 1974. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, P.O. Box 32115, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and closures therefore, and corrugated boxes* knocked down flat, and *rejected shipments* on return, from the plantsite of Universal Glass Products, Star City Glass Division of National Bottle Corp., at Vienna, W. Va., to Cincinnati and St. Bernard, Ohio, for 180 days. SUPPORTING SHIPPER: National Bottle Corp., One Decker Square, Bala Cynwyd, Pa. 19004. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 123075 (Sub-No. 25 TA) (CORRECTION), filed April 12, 1974, published in the FEDERAL REGISTER issue of May 1, 1974, and republished as corrected this issue. Applicant: SHUPE & YOST, INC., North U.S. 85 Bypass, P.O. Box 1123, Greeley, Colo. 80631. Applicant's representative: Stuart L. Poelman, 7th Floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsite of Great Salt Lake Mineral & Chemical Corporation located near Little Mountain, Utah, to points in Nebraska and South Dakota on and east of U.S. Highway 83, under continuing contract with Carey Salt Company of Hutchinson, Kans., for 180 days. SUPPORTING SHIPPER: Carey Salt Division of Interpace Corporation, P.O. Box 1728, Hutchinson, Kans. 87501. SEND PROTESTS TO: District Supervisor, Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 127337 (Sub-No. 10 TA), filed May 7, 1974. Applicant: CHET'S TRANSPORT, INC., West Pembroke, Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindemann, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery equipment, cartons, wrappers, materials, and supplies* used or useful in the catching, processing, and packaging of fish and fish products (except in bulk), from points in Maine, New Hampshire, and Massachusetts, to ports of entry on the United States-Canada boundary line at Gloucester, Mass., and Portland, Houlton, and Calais, Maine, restricted to the transportation of shipments destined to the Province of Newfoundland and Nova Scotia, Canada, for 90 days. SUPPORTING SHIPPERS: George T. Dixon Limited, P.O. Box 9067, Bldg. No. 12, Torbay Airport, St. Johns, Newfoundland, Canada; Booth Fisheries, Inc., 1 Booth Avenue, Portsmouth, N.H.; Humber Cold Storage Ltd., P.O. Box 479, West End Postal Sta., Corner Brook, Newfoundland, Canada A2H 6K3; Fishery Products, Ltd., P.O. Box 550, 70 O'Leary Avenue, St. Johns, Newfoundland, Canada; Ocean Maid Foods Inc., 191 Main St., Gloucester, Mass. 01930; and H. B. Nickerson & Sons, North Sydney, Nova Scotia, Canada. SEND PROTESTS TO: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 133666 (Sub-No. 11 TA), filed May 6, 1974. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue South, Wheaton, Minn. 56296. Applicant's representatives: Keith C. Davison (same address as above) and Samuel Rubenstein, 301 N. Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and ingredients*, in bulk, in tank vehicles, from Red Oak, Iowa, to points in Minnesota, South Dakota, and North Dakota, for 180 days. SUPPORTING SHIPPER: Na-Churs Plant Food Company, Ltd., Route 1, Fergus Falls, Minn. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11982 Filed 5–22–74;8:45 am]

[Notice 70]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 16, 1974.

The following are notices of filing of application, except as otherwise specifi-

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cally noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examied at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25562 (Sub-No. 287 TA), filed May 6, 1974. Applicant: A. R. GUNDRY, INC., 85 Stanton Street, Rochester, N.Y. 14611. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, tar, and asphalt*, from Troy, N.Y., to Portland, Conn., the carrier does not anticipate return loads as the types of products to be transported are not conducive to using vehicles for other products unless tank is extensively cleaned and haul is less than 120 miles, for 180 days. SUPPORTING SHIPPER: Chevron Asphalt Company, 409 Washington Avenue, Room 300, Towson, Md. 21204. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 56170 (Sub-No. 2 TA) (CORRECTION), filed April 11, 1974, published in the FEDERAL REGISTER issue of April 26, 1974, and republished as corrected this issue. Applicant: HENDERSON TRUCKING, INC., 173 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Edward F. Bowes, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet goods and cosmetics, and raw materials, supplies, and equipment* used in the manufacture and sale thereof, *machinery, office furniture, printed material, and premiums* incidental to the sale of toilet goods and cosmetics, from South Kearny and North Bergen, N.J., to West Nyack and Rye, N.Y., for 180 days. SUPPORTING SHIPPER: Avon Products, Inc., Midland & Peck Aves., Rye, N.Y. 10580. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureua of Opertions, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

NOTE.—The purpose of this republication is to change the territory description.

No. MC 91811 (Sub-No. 12 TA), filed May 9, 1974. Applicant: MILTON K. MORRIS, INC., P.O. Box 56, 2307 Bristol Pike, Croydon, Pa. 19020. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs* (except commodities in bulk), between the plantsites of Clorox Company and its affiliates at Parsons and Ridgeley, W. Va., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, for 180 days. SUPPORTING SHIPPER: Mr. R. W. Ernst, General Traffic Manager, The Clorox Company, P.O. Box 24305, Oakland, Calif. 94623. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 103993 (Sub-No. 808 TA), filed May 9, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Huron County, Ohio, to points in Pennsylvania, Illinois, Indiana, Michigan, and Kentucky, for 180 days. SUPPORTING SHIPPER: Festival Homes of Ohio, Box 98, 40 Seminary St., Greenwich, Ohio 44837. SEND PROTEST TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 106674 (Sub-No. 135 TA), filed May 9, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry J. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drawer and cabinet wall facings, particle board, particle board with vinyl, plywood, phanolic backer sheets, and vinyl banding*, from the plantsite and warehouse facilities of Jessco, Inc., located in Dowagiac, Mich., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, North Carolina, Ohio, Pennsylvania, Tennessee, and Wisconsin and (2) *Particle board, plywood, and vinyl*, from points in the above states, to the plantsite and warehouse facilities of Jessco, Inc., located at Dowagiac, Mich., for 180 days. SUPPORTING SHIPPER: Jessco, Inc., P.O. Box 468, Dowagiac, Mich. 49047. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 897 TA), filed May 9, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, in tank vehicles, from New Orleans, La., Commercial Zone, to points in Alabama, Arkansas, Mississippi, and Florida west of the Apalachicola River, for 180 days. SUPPORTING SHIPPER: Mr. M. B. Carbo, Jr., Southwest Regional Traffic Manager, Witco Chemical Corporation, P.O. Box 308, Gretna, La. 70053. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 953 TA), filed May 9, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third St. and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Denatured alcohol*, in bulk, from Pekin, Ill., to Vicksburg, Miss., Owensboro, Ky., Durham, N.C., Murfreesboro, Tenn., Wyandotte, Mich., Bettendorf, Iowa, Terre Haute, Ind., and Newark, N.J., for 180 days. SUPPORTING SHIPPER: The American Distilling Co., Inc., South Front Street, Pekin, Ill. 61554. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 111170 (Sub-No. 214 TA), filed May 7, 1974. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 N. West Avenue, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid, in bulk, in tank vehicles, between El Dorado, Ark., including the plant site of Michigan Chemical Corporation and St. Louis, Mich., for 180 days. SUPPORTING SHIPPER: Michigan Chemical Corporation, 351 E. Ohio Street, Chicago, Ill. 60611. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114457 (Sub-No. 194 TA), filed May 8, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pails and drums*, from Niles, Ohio, to points in Kansas, Iowa, Missouri, Wisconsin, Michigan, Illinois, Indiana, Kentucky, New York, Pennsylvania, West Virginia, Maryland, Delaware, Virginia, New Jersey, Massachusetts, Connecticut, and District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Cleveland Steel Container at Niles, Ohio and destined to the named destinations, for 180 days. SUPPORTING SHIPPER: Cleveland Steel Container, 12818 Colt Road, Cleveland, Ohio 44108. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 117940 (Sub-No. 127 TA), filed May 7, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment, and ingredients* used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), between the plant and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., on the one hand, and, on the other hand, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Vermont, Wisconsin, and Washington, D.C., restricted to traffic originating at or destined to the plant and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., for 180 days. SUPPORTING SHIPPER: The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill. 60654. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119880 (Sub-No. 60 TA), filed May 8, 1974. Applicant: DRUM TRANSPORT, INC., Off: 617 Chicago Street, P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavored syrups*, in bulk, in tank vehicles, from ports of entry between the United States and Mexico, located at or near Laredo, Tex., to Louisville, Ky.; Cincinnati, Ohio; Ponchatoula, La.; Sylacauga, Ala.; Cairo, Ga.; St. Louis, Mo.; and points in Illinois, for 180 days. SUPPORTING SHIPPER: Francisco Garcia Palacio, Delicias Tropicales, S.A., Apartado Postal No. 653, Nuevo Laredo, Tamaulipas, Mexico. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126305 (Sub-No. 59 TA), filed May 9, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm equipment, materials, and supplies* used, between Dothan, Ala., on the one hand, and, on the other, points in California, Washington, and Montana, for 180 days. SUPPORTING SHIPPER: Jones Farm Equipment Company, 2200 Montgomery Highway, Dothan, Ala. 36301. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 128356 (Sub-No. 7 TA), filed May 8, 1974. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 West Boot Road, West Chester, Pa. 19380. Applicant's representative: Arnold Machles, Suite 1315, Two Penn Center Plaza, 15th and J. F. Kennedy Blvd., Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trailers* (except for house trailers and trailers designed to be drawn by passenger autos) and *parts thereof* in truckaway service in initial movement and *used trailers* (except house trailers and trailers designed to be drawn by passenger autos) and *parts thereof* in secondary movement, from plants of Gindy Mfg. Corp. in Downingtown, Eagle, Honeybrook, and Lebanon, Pa. and Florence, N.J., to points in the United States in initial movement and from points in the United States to the said plants of Gindy Mfg. Corp., in secondary movement except authority already held from Downingtown, Lebanon, Honeybrook and Eagle, Pa., to points in New York, Ohio, West Virginia, Virginia, North Carolina, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Masssachusetts, Vermont, New Hampshire, Maine, and Illinois in initial movement and from points in those states to the said plant sites of Gindy Mfg. Corp. in secondary movement, for 180 days. SUPPORTING SHIPPER: Gindy Manufacturing Corporation, Downingtown, Pa. 19335. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa.

No. MC 133542 (Sub-No. 4 TA), filed May 8, 1974. Applicant: FLOYD WILD, INC., P.O. Box 91, Route 2, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Marshall, Minn., and return of *empty containers*, for 180 days. SUPPORTING SHIPPER: Grong Sales Co., Industrial Park, Marshall, Minn. 56258. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South 4th St., Minneapolis, Minn. 55401.

No. MC 135152 (Sub-No. 13 TA), filed May 7, 1974. Applicant: CASKET DISTRIBUTORS, INC., Rural Route 2, West Harrison, Ind. 45030, and Mlg: P.O. Box 327, Harrison, Ohio 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Bldg., 524 Walnut Street, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets* in mixed loads with uncrated caskets, (1) from Boyertown, Pa., to El Paso and Ft. Worth, Tex.; Chicago and Quincy, Ill.; Green Bay, Wis.; Kansas City, Mo.; Atlanta, Ga.; Tampa, Fla.; Wooster, Mass.; and Sioux Falls, S. Dak., and (2) from points in Wythe County, Va., to New Haven, Conn.; Wycoff, N.J.; New York, N.Y.; Boston, Mass.; Philadelphia, Pa.; Baltimore, Md.; Atlanta, Ga.; Irwin, Tenn.; and Lancaster, Ky., for 180 days. SUPPORTING SHIPPERS: National Casket Co., Inc., P.O. Box 42, Lancaster, Ky. 40444, and Boyertown Burial Casket Co., 23 North Walnut Street, Boyertown, Pa. 19512. SEND PROTESTS TO: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 South Penn. St., Indianapolis, Ind. 46204.

No. MC 135773 (Sub-No. 2 TA), filed May 8, 1974. Applicant: DONALD E. SEARS, Route 1, Box 477, Woodland, Wash. 98674. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Longview, Wash., to points in Alameda, Los Angeles, Orange, San Francisco, and Santa Clara Counties, Calif., for 180 days. SUPPORTING SHIPPER: Stahl Lumber Company, Inc., 3855 E. Washington Blvd., Los Angeles, Calif. 90023. SEND PROTESTS TO: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136949 (Sub-No. 3 TA), filed May 8, 1974. Applicant: BUESING BROS. TRUCKING, INC., N. 520 Tamarack Avenue, Long Lake, Minn. 55356. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed rock*, from points in Emmet County,

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Iowa, to points in Jackson, Martin, and Faribault Counties, Minn., for 180 days. SUPPORTING SHIPPER: Hallet Construction Co., Inc., P.O. Box 90, St. Peter, Minn. 56082. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138557 (Sub-No. 4 TA) (CORRECTION), filed April 1, 1974, published in the FEDERAL REGISTER issue of May 1, 1974, and republished as corrected this issue. Applicant: WALT KEITH TRUCKING, INC., Route #1, P.O. Box 30, Rushville, Mo. 64484. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501.

NOTE.—The purpose of this republication is to add Rhode Island, Virginia, Massachusetts, Georgia, and Texas, as additional destination states, which was omitted in previous publication. The rest of the application will remain the same.

No. MC 138643 (Sub-No. 4 TA), filed May 9, 1974. Applicant: MAKOVSKY BROTHERS, INC., Spring Mill Road, Whitehall, Pa. 18052. Applicant's representative: S. Maxwell Flitter, 151 South Seventh Street, Easton, Pa. 18042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, in dump trucks, from the plantsite of Warren Limestone Company, Oxford, Warren County, N.J., to Bath, Northampton County, Pa., for 180 days. SUPPORTING SHIPPER: Mr. Donald C. Miller, Traffic Manager, Keystone Portland Cement Company, Bath, Pa. 18014. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 139711 (Sub-No. 1 TA), filed May 7, 1974. Applicant: ROBERT C. DAVIS, P.O. Box 1290, Dexter, N. Mex. 88230. Applicant's representative: R. E. Richards, P.O. Box 1290, Hobbs, N. Mex. 88240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feeds and ingredients* (except liquids in bulk, in tank vehicles), between points in Lea, Chaves, Eddy, De Baca, Curry, Roosevelt, and Quay Counties, N. Mex., on the one hand, and, on the other, points within 25 miles of Amarillo, Dimmitt, Olton, Lubbock, De Leon, Waco, Seguin, Weslaco, Alpine, Ft. Stockton, and Pecos, Tex., Wiley, Colo., Casa Grande and Phoenix, Ariz., for 180 days. SUPPORTING SHIPPERS: Dimmitt Feedyard, Inc., G. R. Bagley, Manager, P.O. Box 638, Dimmitt, Tex. 79027; Olton Feedyards, Inc., Van E. Brimhall, Assistant Manager, P.O. Box 390, Olton, Tex. 79064; Wilbut Ellis Company, Inc., Sidney Arthur Lanier, Assistant Manager, P.O. Box 427, Clovis, N. Mex. 88101; Farm & Livestock Supply, Inc., Dwight Sharp, Secretary, Dexter, N. Mex. 88230; and Bowlby Feed and Pre-mix, Inc., Harold L. Bowley, Route 2, Box 164B, Roswell, N. Mex. 88201. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, SW., Albuquerque, N. Mex. 87101.

No. MC 139741 (Sub-No. 1 TA), filed May 6, 1974. Applicant: D & D DISPOSAL SERVICES LIMITED, Box, 402, Beamsville, Ontario, Canada. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and viscous waste commodities and sludge* in bulk, in tank vehicles, from the International Boundary line, between the United States and Canada at or near Lewiston, N.Y., to points in Erie, Niagara, and Monroe Counties, N.Y.; and (2) *Reclaimed liquid materials*, from Model City, N.Y., to the International Boundary line between the United States and Canada at or near Lewiston, N.Y., for the account of Chem-trol Pollution Services, Inc., for 90 days. SUPPORTING SHIPPER: Chem-trol Pollution Services, Inc., 1550 Balmer Road, P.O. Box 200, Model City, N.Y. 14107. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 139743 (Sub-No. 1 TA), filed May 3, 1974. Applicant: GEORGIA CARPET EXPRESS, INC., Tibbs Road, P.O. Box 1680, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, and yarn*, from points in Walker, Whitfield, Bartow, Gordon, Murray, Pickens, Chattooga, Hall, Gilmer, and Colquitt Counties, Ga., to points in Washington, Oregon, Nevada, Idaho, California, Wyoming, Utah, Arizona, Montana, and points in Colorado, New Mexico, North Dakota, and South Dakota on and west of U.S. Highway 85, for 180 days. SUPPORTING SHIPPERS: Talston Corporation, 3960 Peachtree Road NE., Atlanta, Ga. 30315; Galaxy Carpet Mills, Inc., Industrial Blvd., Chatsworth, Ga. 30871; Coronet Industries, Inc., P.O. Box 1248, Dalton, Ga. 30720; and E. T. Barwick Industries, Inc., 5025 New Peachtree Road, Chamblee, Ga. 30341. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

MOTOR CARRIERS OF PASSENGERS

No. MC 139775 TA, filed May 6, 1974. Applicant: CITIES TRANSIT, INC., 415 South Ingraham Avenue, P.O. Box 1553, Lakeland, Fla. 33807. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage* in charter movement only, between points in Sarasota, Manatee, Polk, Pinellas, Hillsborough, Pasco, Osceola, and Orange Counties, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPERS: There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 139776 TA, filed May 8, 1974. Applicant: ACUPUNCTURE SERVICES, INC., 109 Emery Street, Portland, Maine 04102. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, between points in York, Cumberland, Androscoggin, Sagadahoc, and Kennebec Counties, Maine, and Boston, Mass., for 180 days. SUPPORTING SHIPPERS: There are approximately 38 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11931 Filed 5-22-74;8:45 am]

[Notice 86]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 12, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35457. By order entered May 16, 1974, the Motor Carrier Board approved the lease to Northland Marine Lines, Inc., Seattle, Wash., for a period of one year of that portion of the operating rights set forth in Certificate No. MC-124138 (Sub-No. 1), issued March 22, 1968, to Service Transfer, Inc., Sitka, Alaska, authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, between points in Juneau, Alaska. Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-75011. By order of May 15, 1974, the Motor Carrier Board approved the transfer to Melella Co., a corporation, Woonsocket, R.I., of Certificate No. MC-60402 issued September 21, 1964, to Bourcier Bros., Inc., Woonsocket, R.I., authorizing the transportation of: Household goods, as defined by the Commission, and various other specified commodities, between specified points and areas in Massachusetts, and Rhode Island, and points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and the District of Columbia. Robert H. Larder, attorney, 58 Hamlet Ave., Woonsocket R.I. 02895.

No. MC-FC-75048. By order entered May 15, 1974, the Motor Carrier Board approved the transfer to New Paltz Movers & Storage, Inc., New Paltz, N.Y., of the operating rights set forth in Certificates Nos. MC-38367 and MC-38367 (Sub-No. 4), issued by the Commission September 5, 1967, and January 29, 1970, respectively, to Smith Avenue Storage Warehouse Moving Co., Inc. (William M. Gruner, Trustee in Bankruptcy), Kingston, N.Y., authorizing the transportation of household goods as defined by the Commission, between Kingston, N.Y., and points in New York within 35 miles of Kingston, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Delaware, Maryland, Vermont, Virginia, and the District of Columbia; and between Saugerties, N.Y., and points within 20 miles of Saugerties, excluding those in Dutchess County, N.Y., on the one hand, and, on the other, points in New Hampshire and Ohio; and between Rhinebeck, N.Y., and points in New York east of the Hudson River within 15 miles of Rhinebeck, except Poughkeepsie, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, Pennsylvania, Rhode Island, and the District of Columbia. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, and William M. Gruner, 85 South Chestnut St., New Paltz, N.Y. 12561, attorneys for transferee and transferor, respectfully.

No. MC-FC-75113. By order entered May 15, 1974, the Motor Carrier Board approved the transfer to James B. Gray, Inc., Danforth, Maine, of the operating rights set forth in Certificates Nos. MC-135878 (Sub-No. 2) and MC-135878 (Sub-No. 4), issued by the Commission September 21, 1972, and February 19, 1974, respectively, to Averil W. Hunter, Florenceville, New Brunswick, Canada, authorizing the transportation of wood chips, from the port of entry on the United States-Canada Boundary line located near Houlton, Maine, to points in Maine; and from points in Maine to the ports of entry on the United States-Canada Boundary line at or near Houlton, Calais, Vanceboro, and Bridgwater, Maine. Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036, attorney for applicants.

No. MC-FC-74320. By order of May 15, 1974, the Motor Carrier Board approved the transfer to John Kole, doing business as Johnson's Towing, Bellingham, Wash., of the operating rights in Certificate No. MC-134512 issued June 7, 1971, to Allen A. Johnson, doing business as Johnson's Towing, Bellingham, Wash., authorizing the transportation of wrecked and disabled automobiles, trucks, and buses between points in Whatcom, Skagit, and Island Counties, Wash., on the one hand, and, on the other, ports of entry on the United States-Canada Boundary line located in Washington. Gary M. Rusing, 207 BNB Bldg., Bellingham, Wash., 98225, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11930 Filed 5-22-74;8:45 am]

[Notice No. 40]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 17, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 340 (Sub-No. 31), filed April 12, 1974. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in California, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Kentucky,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Michigan, Ohio, New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 730 (Sub-No. 364), filed April 12, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Spanish Fork, Utah, and Houston, Tex.: From Spanish Fork over U.S. Highway 50 to junction U.S. Highway 163, thence over U.S. Highway 163 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highway 290, thence over U.S. Highway 290 to Houston, and return over the same route, serving no intermediate points, with services at the junction of U.S. Highway 666 and Interstate Highway 40, and the junction of Interstate Highway 10 and 25 for the purposes of joinder only; (2) Between Pueblo, Colo., and Houston, Tex.: From Pueblo over Interstate Highway 25 to junction U.S. Highway 87, thence over U.S. Highway 87 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction Interstate Highway 40, thence over U.S. Highway 287 to junction Interstate Highway 20, thence over Interstate Highway 20 to its junction with Interstate Highway 45, and thence over Interstate Highway 45 to Houston, and return over the same route (serving the intermediate points of Fort Worth and Dallas, Tex., with service at the junction of U.S. Highway 287 and Interstate Highway 40 for the purpose of joinder only).

(3) Between Riverside, Calif., and Memphis, Tenn. From Riverside over U.S. Highway 60 (Interstate Highway 10) to Quartzsite, Ariz., thence over U.S. Highway 60 to Arizona Highway 71, thence over Arizona Highway 71 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Interstate Highway 40 (U.S. Highway 66), thence over Interstate Highway 40 (U.S. Highway 66) to Oklahoma City, Okla., thence over Interstate Highway 40 to junction U.S. Highway 266, thence over U.S. Highway 266 (Interstate Highway 40) to junction U.S. Highway 64, thence over U.S. Highway 64 (Interstate Highway 40) to Memphis, and return over the same route, serving no intermediate points, with service at the junction of U.S. Highway 60 and California Highway 86, the junction of U.S. Highway 66 and Interstate Highway 40, and the junction of U.S. Highway 287 and Interstate Highway 40 for the purpose of joinder only; and (4) Between the junction of U.S. Highway 60 with California Highway 86 and Shreveport, La.: From the junction of U.S. Highway 60 and California Highway 86 over California Highway 86 to junction U.S. Highway 80 (Interstate Highway 8), thence over U.S. Highway 80 (Interstate Highway 8) to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highways 80 and 82, thence over U.S. Highway 82 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction U.S. Highway 180, thence over U.S. Highway 180 to junction of U.S. Highway 80 (Interstate Highway 20), thence over U.S. Highway 80 (Interstate Highway 20) to Shreveport and return over the same route, serving the intermediate points of Fort Worth and Dallas, Tex., with service at the junction of U.S. Highway 60 and California Highway 86 and the junction of Interstate Highways 10 and 25 for the purpose of joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., San Francisco, Calif., or Atlanta, Ga.

No. MC 1263 (Sub-No. 18), filed April 16, 1974. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between St. Joseph, Mo., and Dawson, Nebr.: (1) From St. Joseph, Mo., over U.S. Highway 36 to junction U.S. Highway 73; thence over U.S. Highway 73 to Dawson, Nebr., and return over the same route, serving the intermediate point of Falls City, and the off-route points of Rulo, Barada, Shubert, Stella, Brownville, Peru, Humboldt, and Pawnee City, Nebr.; and (2) From St. Joseph, Mo., over U.S. Highway 36 to junction U.S. Highway 75; thence over U.S. Highway 75 to Dawson, Nebr., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Joseph, Mo., or Omaha, Nebr.

No. MC 8959 (Sub-No. 27), filed April 15, 1974. Applicant: THE YOUNGSTOWN CARTAGE, a Corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron and steel and iron and steel articles*, from the plantsite of Carpenter Technology Corporation at Reading, Pa., to points in Michigan, Indiana, and Illinois; and (B) *damaged and returned shipments of the above described commodities*, from Michigan, Indiana, and Illinois, to the plantsite and facilities of Carpenter Technology Corporation at Reading, Pa., restricted to traffic originating at and destined to the named origins and destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 11207 (Sub-No. 348), filed April 10, 1974. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building boards*, from the facilities of Johns-Manville Corporation at or near Woodstock, Va., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 11722 (Sub-No. 39), filed April 15, 1974. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from points in Toppenish, Sunnyside, and Moses Lake, Wash., to points in Oregon.

NOTE.—Applicant holds contract carrier authority in MC-124658 Subs 2 and 4, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 18738 (Sub-No. 44), filed April 12, 1974. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago (Riverdale), Ill. 60627. Applicant's representative: Eugene L. Cohn, One North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsite of Roll Coater, Inc., at or near Kingsbury, Ind., on the one hand, and, on the other, points in Indiana, Michigan, Illinois, Ohio, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 22182 (Sub-No. 25), filed April 12, 1974. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, P.O. Box 172, Bryn Mawr, Pa. 19010. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, *and bodies, cabs, and parts of and accessories* for such vehicles, from points in Middlesex County, Mass., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 26396 (Sub-No. 120), filed April 5, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, a Corporation, Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, (1) from Memphis, Tenn., and Arlington, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington; and (2) from the plantsite and warehouse facility of Monsanto Company near Muscatine, Iowa, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 136777 Sub-No. 3, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Missoula, Mont.

No. MC 28551 (Sub-No. 4), filed April 15, 1974. Applicant: GENERAL CARTAGE CO., a Corporation, 1511 Pearl Street, Waukesha, Wis. 53186. Applicant's representative: Homer A. Walls (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods as defined by the Commission;* (2) *business equipment and materials, equipment, and supplies* used or useful in the installation or maintenance of such equipment; and (3) *commodities* which because of size or weight require the use special equipment or special handling and *materials, parts, and supplies* incidental to the transportation, installation, or maintenance of such commodities, restricted against transportation on underslung trailers, between Milwaukee, Waukesha, Wis., on the one hand, and, on the other, points in Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 29886 (Sub-No. 309), filed April 8, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushing, breaking, and grinding machinery and equipment;* (2) *materials handling equipment, vibrators, feeders, and screens; and* (3) *parts and accessories for the commodities named in (1) and* (2), from the plantsite of Jeffrey Mfg. Co., at or near Woodruff, S.C., to points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—Common control was approved in No. MC-F-11804. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 310), filed April 12, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles weighing 15,000 pounds or more*, from points in Harry County, S.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Marylaud, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 33641 (Sub-No. 115), filed April 16, 1974. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Salt Lake City, Utah 84110. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Denver, Colo. and Flagstaff Ariz.: From Denver, Colo., over U.S. Highway 285, to Monte Vista, Colo., thence over U.S. Highway 160 to junction U.S. Highway 550 near Durango, Colo., thence over U.S. Highway 550 to Shiprock, N. Mex., thence over New Mexico and Arizona, Highway 504 to junction U.S. Highway 164, thence over U.S. Highway 164 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff, Ariz., and return over the same route; (2) between Kansas City, Mo., and Flagstaff, Ariz.: From Kansas City, Mo., over U.S. Highway 50 (I–35) to junction Kansas Turnpike near Emporia Kansas, thence over Kansas Turnpike (I–35) to junction U.S. Highway 85 near Wichita, Kansas, thence over U.S. Highway 54 to Tucumcari, N. Mex., thence over U.S. Highway 66 (I–40) to Flagstaff, Ariz., and return over the same route, (1) and (2) as alternate routes for operating conveniences only with the carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 35045 (Sub-No. 18), filed April 17, 1974. Applicant: HORNE HEAVY HAULING, INC., P.O. Box 5358, Atlanta, Ga. 30307. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bucket elevators, screw conveyors, pulleys, idlers, material handling equipment and parts and accessories thereof*, from Tupelo, Miss., to points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Memphis, Tenn., or New Orleans, La.

No. MC 35628 (Sub-No. 357), filed April 18, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Vrdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and warehouse facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, and New York, restricted to traffic originating at or near destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 36556 (Sub-No. 29), filed April 12, 1974. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, Wis. 53171. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canning factory materials, supplies, and equipment* (except in bulk, in tank vehicles), between Chilton, Jefferson, Menomonee Falls, Oconomowoc, and Waupun, Wis., on the one hand, and, on the other, points in Illinois (except points in Boone, Cook, Du Page, Kane, Lake, McHenry, Will, and Winnebago Counties), and St. Louis, Mo.; and (2) *tin plate*, from Gary, Hammond, and points in Porter County, Ind., to Menomonee Falls, Oconomowoc, and Waupun, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 42318 (Sub-No. 38), filed March 25, 1974. Applicant: HOWARD HALL COMPANY, INC., 3433 North 35th Street, Birmingham, Ala. 35207. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, ale, and malt liquors* (except in bulk), from points in Dade and Duval

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Counties, Fla., to points in Marengo County, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 42487 (Sub-No. 820), filed April 11, 1974. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), between the junction of U.S. Highway 199 and Oregon Highway 99 (Interstate Highway 5) at Grants Pass, Oreg. and Santa Rosa, Calif.: From the junction of U.S. Highway 199 and Oregon Highway 99 over U.S. Highway 199 to its junction with U.S. Highway 101, thence over U.S. Highway 101 to Santa Rosa, Calif., and return over the same route as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, serving no intermediate points, but serving the junction of U.S. Highway 199 and 101 for the purpose of joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 51146 (Sub-No. 371), filed April 8, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles W. Singer, Suite 1000, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from points in Portage County, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 372), filed April 8, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles W. Singer, Suite 1000, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, from Seymour, Wis., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Seymour, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 373), filed April 8, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novelty ice cream products and water ices* (other than in bulk) in mechanically refrigerated trucks, from Green Bay, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Illinois, Indiana, Mississippi, Alabama, Georgia, and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52921 (Sub-No. 24), filed April 15, 1974. Applicant: RED BALL, INC., P.O. Box 520, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant-site of and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Oklahoma, Mississippi, and Texas, restricted to traffic originating at the above-named origin and destined to points in the above-named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 53965 (Sub-No. 93), filed April 11, 1974. Applicant: GRAVES TRUCK LINES, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric located at or near Goddard, Kans., as an off-route point in connection with applicant's regular route operations via Wichita, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 57239 (Sub-No. 24), filed April 8, 1974. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Glasgow, Ky., and Gallatin, Tenn.: From Glasgow over U.S. Highway 31-E to Gallatin; and (2) Between Gallatin, Tenn., and Nashville, Tenn.: From Gallatin over U.S. Highway 31-E to Nashville.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky.

No. MC 63417 (Sub-No. 63), filed April 18, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE., P.O. Box 2888. Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 4200 Executive Building, 1030-15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets and funeral supplies*, (1) from Lancaster, Ky., and Erwin, Tenn., to points in Delaware, Georgia, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia; and (2) *damaged, defective, and returned shipments of caskets and funeral supplies*, from points in the above named destination states to Lancaster, Ky., and Erwin, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 74695 (Sub-No. 14), filed April 17, 1974. Applicant: SOUTHERN TRUCKING COMPANY, a Corporation, P.O. Box 5008, Greenville Station, Jersey City, N.J. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed industrial gases*, in gas cylinders and tube trailers, from Linden, N.J., to Middletown, Cornwall, and points in Westchester County, N.Y.; and Philadelphia, and Conshohocken, Pa., and (2) *empty cylinders and trailers*, on return, under a continuing contract with Industrial Gases Division of Chemetron Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 75281 (Sub-No. 7), filed April 4, 1974. Applicant: RIGHTER TRUCKING COMPANY, INCORPORATED, 1238 Meadowbrook Lane, Cape Girardeau, Mo. 63701. Applicant's representative: Billy J. Oxford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, and dangerous explosives, used household goods, commodities in bulk, and commodities requiring special equipment), (A) Between Paducah, Ky., and Mound City, Ill.: From Paducah over U.S. Highway 45 to junction Illinois Highway 169, and thence over Illinois Highway 169 to junction Illinois Highway 37, thence over Illinois Highway 37 to Mound City, Ill., and return over the same route. (B) Between Caruthersville, Mo., and Sikeston, Mo.: From Caruthersville over Missouri Highway 84 to junction of U.S. Highway 61, thence over U.S. Highway 61 to Sikeston, Mo., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 82841 (Sub-No. 145), filed April 15, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr., 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and millwork*, from Spearfish, S. Dak., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Michigan, Nebraska, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Rapid City, S. Dak.

No. MC 87720 (Sub-No. 161), filed April 15, 1974. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, covers, cartons, and carton parts and materials* used in the manufacture, sale, and distribution of glass containers, between the plantsite and facilities of Dart Industries, Inc., Thatcher Glass Manufacturing Co. Division, located at Lawrenceburg, Ind., on the one hand, and, on the other, points in Maryland and Pennsylvania, under contract or contracts with Dart Industries, Inc., Thatcher Glass Manufacturing Co. Division.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 121), filed April 16, 1974. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, synthetic fiber yarns, tire cord yarn, and empty beams*, between the plantsite, warehouses, and storage facilities of Goodyear Tire & Rubber Company, located at or near Apple Grove, W. Va., on the one hand, and, on the other, Cedartown, Rockmart, and Cartersville, Ga., and Decatur and Scottsboro, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Akron, Ohio or Washington, D.C.

No. MC 94350 (Sub-No. 348), filed March 21, 1974. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments, from points in Box Elder County, Utah, to points in Montana, Wyoming, Nevada, Colorado, New Mexico, Arizona, and Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Detroit, Mich.

No. MC 95540 (Sub-No. 899), filed April 14, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* from Presque Isle, Portland, and Caribou, Maine, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control was approved in MC-F-7942 and MC-F-8308. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 99780 (Sub-No. 37), filed April 5, 1974. Applicant: CLIPPER CARTAGE COMPANY, INC., a Corporation, 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods, frozen prepared foods, frozen juices, frozen fruits and vegetables, frozen meats, fish, and poultry*, from the plant site and facilities of Continental Freezers of Illinois, a Division of F. H. Prince and Company, Inc., at Chicago, Ill., to points in Indiana, Illinois, Michigan, and Ohio, and to that portion of Iowa bounded by U.S. Route 63 on the west, and the State Boundary lines on the north, east, and south including all of Waterloo, Cedar Falls, and Ottumwa, Iowa, and Louisville, Ky., restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 102616 (Sub-No. 900) (CORRECTION), filed March 11, 1974, published in the FEDERAL REGISTER issue of April 25, 1974, and republished as corrected this issue. Applicant: COASTAL TANK LINES, INC., P.O. Box 1555, Akron, Ohio 44309. Applicant's representative: Carl L. Steiner, 39 South La Salle Street. Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, from the plantsite of Foster Grant Company, Inc., at Chesapeake, Va., to points in the United States on and east of U.S. Highway 85.

NOTE.—The purpose of this correction is to indicate that the territorial description should be on and east of U.S. Highway 85, instead of in and east of U.S. Highway 85. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103051 (Sub-No. 302), filed February 20, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Pierce, Fla., to points in Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103051 (Sub-No. 305), filed April 16, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Gainesville and Augusta, Ga., to Chattanooga, Tenn.

NOTE.—Common control may be involved. Dual operations may be involved also. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 103051 (Sub-No. 307), filed April 19, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Macon, Ga., to points in Wisconsin.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 107295 (Sub-No. 711), filed April 15, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation, located at Lackawanna, N.Y., to points in Illinois, Indiana, the Lower Peninsula of Michigan, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 107496 (Sub-No. 950), filed April 12, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O.

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Box 855, Third at Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer solutions*, in bulk, (a) from Athens, Ill., and Louisiana, Mo., to points in Iowa, and (b), from Washington, Ind., to points in Illinois, and Kentucky; (2) *Dry fertilizer*, in bulk, *and dry fertilizer materials*, in bulk, from Burlington, Iowa to points in Illinois, Missouri, and Wisconsin; (3) *Cleaning, scouring and washing compounds*, in bulk, in tank vehicles, from Iowa City, Iowa to points in Texas; and (4), *Lime*, in bulk, from Davenport, Iowa, to Romeoville and Thornton, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 109397 (Sub-No. 295), filed April 16, 1974. Applicant: TRI STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Therapy pools, and parts, materials, equipment, and supplies* used in the installation thereof, from Sun Valley, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 109478 (Sub-No. 134), filed April 11, 1974. Applicant: WORSTER MOTOR LINES, INC., Rural Delivery #1, Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. Mackrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hart, Holland, Lake Odessa and points in Montcalm County, Mich., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Maryland, District of Columbia, West Virginia, Pennsylvania, Michigan, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110325 (Sub-No. 60), filed April 15, 1974. Applicant: TRANSCON LINES, a Corporation, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Goddard, Kans., as an off-route point in connection with carrier's authorized regular-route operations at Wichita, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 111045 (Sub-No. 114), filed April 15, 1974. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon disulphide/sludge oil* (waste oil), from Lemoyne, Ala., to Baton Rouge, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or New York, N.Y.

No. MC 111231 (Sub-No. 185), filed April 11, 1974. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric located at or near Goddard, Kans., as an off-route point in connection with applicant's regular route operations via Wichita, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 111302 (Sub-No. 76), filed April 19, 1974, Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: Jerome F. Marks, 1940 Monroe Drive NE., P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum products, and petroleum derivatives including crude oil and crude oil products* in bulk, from points in Tennessee on and east of State Highway Route 56 to point in Kentucky; and (2) *petroleum, petroleum products, and petroleum derivatives including crude oil and crude oil products*, in bulk from points in Pulaski County, Ky., to points in Tennessee, North Carolina, Virginia, South Carolina, Alabama, Georgia, Mississippi, Florida, Ohio, West Virginia, Indiana, and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 429), filed April 8, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Critical replacement parts* for word processing equipment, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds, from one consignor to one consignee on any one day, between Fort Wayne, Ind., on the one hand, and, on the other, Bowling Green, Defiance, Findlay, Fremont, Hicksville, Oak Harbor, Rawson, Sandusky, Tiffin, Toledo and Weston, Ohio; and Benton Harbor and Niles, Mich.; and (2) *business papers, records and audit and accounting media* of all kinds, between Fort Wayne, Ind., on the one hand, and, on the other, Bowling Green, Defiance, Findlay, Fremont, Hicksville, Oak Harbor, Rawson, Toledo, and Weston, Ohio; and Benton Harbor and Niles, Mich.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 112750 and Subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112822 (Sub-No. 326), filed April 15, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant-site and warehouse facilities of Western Potato Service, Inc. located at Grand Forks, N. Dak., to points in Alabama, Colorado, Florida, Georgia, Louisiana, Mississippi, Oklahoma, and Texas, restricted to traffic originating at the above named origin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 112822 (Sub-No. 327), filed April 15, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plant-site of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Colorado, South Dakota, Nebraska, Michigan, Kansas, Missouri, Iowa, Minnesota, Indiana, Wisconsin, Illinois, Oklahoma, and Ohio, restricted to traffic originating at the named origin and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Albuquerque, N. Mex.

No. MC 113267 (Sub-No. 314), filed April 19, 1974. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 3385 Airways Blvd., Suite 115, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved food products*, in containers, and *canned food products*, (1) from Uniontown, Ala., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, restricted to traffic originating at the above named origins, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 113362 (Sub-No. 272), filed April 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, Ark. 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the facilities of Allen Canning Company, located at or near Alma, Gentry, Van Buren, and Siloam Springs, Ark., and Kansas and Proctor, Okla., to points in Indiana and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 113627 (Sub-No. 11), filed April 11, 1974. Applicant: COLUMBIA MOTOR FREIGHT, INC., 85 Kendall Street, New Haven, Conn. 06512. Applicant's representative: John E. Fay, West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete slabs*, from Meriden, Conn., to job sites, construction sites and temporary storage areas at points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Delaware, under a continuing contract or contracts with CRW Systems, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., or Boston, Mass.

No. MC 113855 (Sub-No. 291), filed April 19, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractor attachments, and parts for tractors and tractor attachments*, from points in Spokane County, Wash., to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, or Seattle, Wash.

No. MC 113908 (Sub-No. 318), filed April 11, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude soybean oil*, in bulk, from Fredonia and Wichita, Kans., to Dallas, Tex. (2) *vinegar, vinegar stock, and vinegar stock concentrate* in bulk, from Nixa and Springfield, Mo., to points in Washington. (3) *animal and poultry feed, feed additives, feed ingredients, and feed supplements*, in bulk (except liquid animal and poultry feed supplements, in bulk, in tank vehicles, to points in Delaware and Maryland), from Springfield and Verona, Mo., to points in Delaware and Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114004 (Sub-No. 142), filed April 16, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, from Idabel, Okla., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 114273 (Sub-No. 181), filed April 12, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commcrce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Philadelphia, Pa., to points in Iowa, Minnesota, Missouri, Nebraska, Kansas, and Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 182), filed April 19, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar Exchange, Suite 315 Commerce Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Iron and steel articles*, from the plantsite of C F and I Steel Corporation, located at Minnequa, Colo., to points in Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 190), filed April 15, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trasporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Oklahoma City, Okla.

No. MC 114457 (Sub-No. 191), filed April 15, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, from Miami, Okla., to points in Illinois, Wisconsin, Minnesota, Iowa, and Indiana..

NOTE.—Common control was approved in MC-F-11921. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 115162 (Sub-No. 288), filed April 12, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, agricultural implements, farm machinery, and industrial and construction machinery and equipment, and parts and attachments for tractors, agricultural implements, farm machinery, and industrial and construction machinery and equipment, lawn and garden equipment, with parts and attachments*, from Coldwater, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Missouri, restricted to traffic originating at the plantsites and warehouses of AVCO New Idea Farm Equipment Division, AVCO Distributing Corp., and destined to points in the states specified or to points in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 115300 (Sub-No. 2) (AMENDMENT), filed February 8, 1974, published in the FEDERAL REGISTER issue of March 28, 1974, and republished as amended this issue. Applicant: CHARLES SIMMONS, SR., doing busi-

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ness as HILTON HEAD TRUCK LINES, P.O. Box 1026, Hilton Head Island, S.C. 29928. Applicant's representative: J. Thomas Mikell, P.O. Box 1107, Beaufort, S.C. 29902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers, baggage, and express freight*, in packages, not to exceed 150 pounds each in weight; and (2) *Passengers and their baggage*, in charter operations, between Savannah, Ga., Levy, Hardeeville, Bluffton, Pritchardville, S.C., and points in Hilton Head Island, S.C.

NOTE.—The purpose of this republication is to amend the commodity description as stated herein. If a hearing is deemed necessary, applicant requests it be held at either Columbia, or Charleston, S.C.

No. MC 115669 (Sub-No. 140), filed April 5, 1974. Applicant: DAHLSTON TRUCK LINES, INC., P.O. Box 95, Clay Center, Nebr. 68993. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Catalyst*, between Scottsbluff, Nebr., and Coffeyville, McPherson, and Phillipsburg, Kans., and (2) *Chelates, fertilizer, fertilizer materials, and ingredients thereof*, from Hastings, Nebr. (except from plantsite of Farmland Industries, located near Hastings, Nebr.), to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming, and (3) *chelates, fertilizer, fertilizer materials, and ingredients thereof*, from Great Bend, Kans., to points in Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Wisconsin, and Wyoming, and (4) *foundry molding sand treating compounds*, in bags, *and water impedance boards*, from Belle Fourche, S. Dak., to points in Iowa, Kansas, Nebraska, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115826 (Sub-No. 257), filed April 8, 1974. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, between Wagner, S. Dak., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, California, Florida, Georgia, Idaho, Nevada, North Dakota, North Carolina, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin, West Virginia, Wyoming, and South Dakota, restricted to shipments originating at the plantsite, of Yankton Sioux Industries, Wagner, S. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held as determined.

No. MC 115841 (Sub-No. 473), filed April 15, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 107 Vulcan Road, Second Floor, Homewood, Ala. 35209. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Omaha, Nebr., to points in Alabama, Arkansas, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Iowa, Illinois, Indiana, Michigan, Ohio, Virginia, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Texas, Tennessee, and District of Columbia, restricted to traffic originating at and destined to the named points.

NOTE.—Common control was approved in MC-F-7304. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 115924 (Sub-No. 24), filed April 5, 1974. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus molasses distillers solubles*, in bulk, in tank vehicles, from Auburndale, Fla., to Port Wentworth, Ga., under continuing contract or contracts with Savannah Foods & Industries, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116045 (Sub-No. 43), filed April 12, 1974. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 38, Rawlins, Wyo. 82301. Applicant's representative: Lealie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium slurry* concentrate, in bulk in tank vehicles, from points in Live Oak County, Tex., to points in Fremont County, Wyo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117644 (Sub-No. 37), filed March 29, 1974. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Philadelphia, Pa., to points in Nebraska, Iowa, North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Indiana, Missouri, Michigan, and Ohio, under continuing contract with Mrs. Paul's Kitchens, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 117815 (Sub-No. 229), filed April 16, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fridley, Minn., to points in Iowa, Nebraska, Missouri, Kansas, Illinois (except Chicago), Michigan, and Indiana, restricted to shipments originating at the named origin and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 117815 (Sub-No. 230), filed April 11, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Bridgeport and Imlay City, Mich., to points in Iowa, Nebraska, Missouri, Kansas, and points in Illinois in the Davenport, Iowa-Rock Island and Moline, Illinois Commercial Zone, restricted to shipments originating at the facilities of Vlasic Foods, Inc., and destined to the above-named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 118213 (Sub-No. 3), filed April 15, 1974. Applicant: ANTHONY TAMMARO, INC., U.S. Highway 130, Robbinsville, N.J. 08691. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas* and (2) *agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mined loads with bananas, (a) from Baltimore, Md., to points in Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., points in Essex, Hudson, Bergen, Mercer, Middlesex, and Monmouth Counties, N.J., points in Philadelphia, Northampton, and Lackawanna Counties, Pa., and Fairfield County, Conn.; and (b), from New York, N.Y., Newark, N.J., and Wilmington, Del., to points in Nassau and Suffolk Counties, N.Y., Hudson, Middlesex, and Monmouth Counties, N.J., Lackawanna County, Pa., and Fairfield County, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 118468 (Sub-No. 40), filed April 11, 1974. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and cement pipe containing asbestos fiber*, from the plantsite and warehouse facilities of Johns-Manville Corporation, its divisions and subsidiaries at or near Waukegan and Joliet, Ill., to points in Iowa, Minnesota, Nebraska, and South Dakota, restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, and restricted to traffic originating at the named plantsites and destined to points in the named destinations states, and further restricted to a transportation service to be performed under a continuing contract with Johns-Manville Corporation, its divisions and subsidiaries.

NOTE.—Applicant holds common carrier authority in MC-124813 Sub-No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119340 (Sub-No. 5), filed April 11, 1974. Applicant: CENTRAL COAST TRUCK SERVICE, INC., P.O. Box AD, Watsonville, Calif. 95076. Applicant's representative: Michael Groom, 500 The Swenson Building, 777 North First Street, San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, condiments and other commodities*, manufactured and/or distributed by Amstar Corporation (except (a) those requiring transportation in vehicles equipped with mechanical refrigeration, and (b) commodities in bulk), from Manteca, Spreckels, and Woodland, Calif., to points in Oregon and Washington; (2) *commodities as described above*, which are rejected, outdated, obsolete and/or damaged, from points in Oregon and Washington, to Manteca, Spreckels, and Woodland, Calif., under continuing contract or contracts with Amstar Corporation, San Francisco, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 119741 (Sub-No. 49), filed April 15, 1974. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., R.F.D. 2, P.O. Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal fats, animal oils, and vegetable oils including products and blends thereof*, with or without emulsifiers, preservatives, coloring, or additives, in packages, and *oleomargarine*, in packages, from St. Louis, Mo., to points in Kansas, Nebraska, Iowa, Minnesota, North Dakota, South Dakota, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 119777 (Sub-No. 295), filed April 15, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Elevator, conveyor, and transmission belting and accessories thereof*, from Middletown, Conn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC-126970 (Sub-Nos. 1 and 3), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119864 (Sub-No. 56), filed April 15, 1974. Applicant CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are distributed or dealt in by food distributors or wholesale and retail grocers* (except commodities in bulk), from the plant site and facilities of Fostoria Distribution Services Company, at or near Fostoria, Ohio, to points in Indiana, and points in Kentucky on and west of Interstate Highway 75, and on and north of Kentucky Highway 62, including Lexington, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 121586 (Sub-No. 1), filed April 18, 1974. Applicant: KRUSE TRANSPORTATION COMPANY, INC., P.O. Box 11035, Ames Avenue Station, Omaha, Nebr. 68111. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, advertising materials, and supplies and materials* used in the manufacture and distribution of candy, between Lincoln, Nebr., on the one hand, and, on the other, Olathe, Kans., Aurora, Colo., and Kansas City, Mo.; (2) *Castings, pumps, valves, and related advertising and company materials*, between Omaha, Nebr., on the one hand, and, on the other, Joplin, Mo., Coffeyville, Lyons and Hutchinson, Kans., Detroit, Mich., Bensonville, Peoria, and Chicago, Ill.; and (3) *General commodities* (except those requiring special equipment), (a) between points within 25 miles of Waterloo, Nebr., on the one hand, and, on the other, Omaha, Nebr.; (b) between points in Nebraska within 150 miles of Waterloo, Nebr., including Waterloo; and (c), between points within 50 miles of Yutan, Nebr., including Yutan, on the one hand, and, on the other, Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123115 (Sub-No. 11), filed April 18, 1974. Applicant: BEN PACKER, doing business as PACKER TRANSPORTATION CO., 465 South Rock Boulevard, Sparks, Nev. 89431. Applicant's representative: Ben Packer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings or houses*, knocked down or in sections, *parts and attachments thereof, and materials, equipment, and supplies* for the sale, distribution, and installation of buildings or houses, from Chehalis, Wash., to points in Nevada, and points in Alpine, Amador, El Dorado, Lassen, Placer, Plumas, Nevada, and Sierra Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Carson City, or Reno, Nev.

No. MC 123407 (Sub-No. 171), filed April 15, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U. S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trusses, hardboard, insulating building, and roofing materials*, from Denver, Colo., to points in Wyoming, Nebraska, and South Dakota; and (2) *lumber, materials, and supplies* used in the manufacturing or distribution of the above described commodities, from points in Idaho, Washington, and Oregon, to Denver, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 123407 (Sub-No. 172), filed April 15, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, metal building components, and supplies and equipment* used in the construction thereof, from the plantsites and warehouse facilities of Kirby Building Systems, Inc., Houston, Tex., and Lear Siegler, Inc., Cuckler Division, Monticello, Iowa, to points in Nebraska, Wyoming, and South Dakota, restricted to the transportation of traffic originating at or destined to the named origins and destinations.

NOTE.—Common control was approved in MC-FC-71514. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 123407 (Sub-No. 173), filed April 18, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

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regular routes, transporting: *Building materials, and materials, equipment, and supplies* used in the manufacture, distribution, installation, and application of such commodities (except commodities in bulk), between the plantsite and storage facilities of the National Gypsum Company at or near Mobile, Ala., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to traffic originating at said origins and destined to said destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Washington, D.C.

No. MC 123639 (Sub-No. 157), filed April 11, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (except commodities in bulk, in tank vehicles), from Carol Stream, Ill., to points in Colorado, Iowa, Nebraska, and Kansas, including points in Missouri in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone as defined by the Commission, restricted to traffic originating at the warehouse facilities of E. J. Brach & Sons, Division of American Home Products Corporation, at Carol Stream, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123778 (Sub-No. 23), filed April 12, 1974. Applicant: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and advertising matter* shipped with magazines, (a) from Old Saybrook, Conn., to points in New Jersey, that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State line, that part of Pennsylvania on and east of U.S. Highway 15, Wilmington, Del., Baltimore, Md., and the District of Columbia, under contract with Independent News Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 123872 (Sub-No. 29), filed April 11, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture;* and (2) *furniture parts*, from the plantsite and shipping facilities of Drexel Enterprises, Division of Champion International, located in Burke and McDowell Counties, N.C., to points in California, Oklahoma, New Mexico, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte or Hickory, N.C.

No. MC 124078 (Sub-No. 588), filed April 8, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prewett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Jet fuel, in bulk*, from Hammond, Ind., to Iron Mountain, Mich.; (2) *aviation gas*, from Milwaukee, Wis., to Negaunee, Mich.; (3) *diesel fuel, in bulk*, in tank vehicles, from Huron, Ohio, to points in Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, Tennessee, Texas, Virginia, and West Virginia; (4) *diesel fuel*, in bulk, in tank vehicles, from Atlanta, Ga., Charleston, W. Va., Dallas, Tex., Detroit, Mich., Fort Wayne, Ind., Grand Rapids, Mich., Houston, Tex., Indianapolis, Ind., Little Rock, Ark., Louisville, Ky., Memphis, Tenn., Nashville, Tenn., Peoria, Ill., Roanoke, Va., and St. Louis, Mo., to Huron, Ohio.

NOTE.—Applicant holds contract carrier authority in MC-113832 (Sub-No. 68), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio or Houston, Tex.

No. MC 124796 (Sub-No. 113), filed April 5, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing, polishing, cleaning, scouring, washing, and bleaching compounds, animal litter, and cooking oil* (except commodities in bulk), (a) from the plantsite and facilities utilized by The Clorox Company at or near Frederick, Md., to points in Pennsylvania, Virginia, West Virginia, Delaware, and the District of Columbia; and (b) from the plantsite and facilities utilized by The Clorox Company at or near Jersey City, N.J., to the plantsite and facilities utilized by The Clorox Company at or near Frederick, Md., Boston, Mass., and Charlotte, N.C.; (2) *cleaning compounds* (except commodities in bulk), from Lakewood, N.J., to the plant site and facilities utilized by The Clorox Company at or near Boston, Mass., and Frederick, Md.; (3) *aerosol products*, (a) from Piscataway, N.J., and Milford, Conn., to the plant site and facilities utilized by The Clorox Company at or near Boston, Mass., Frederick, Md., and Charlotte, N.C.; and (b) from Milford, Conn., to the plant site and facilities utilized by The Clorox Company at or near Jersey City, N.J.; (4) *materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of buffing, polishing, cleaning, scouring, washing, and bleaching compounds (except commodities in bulk and those which by reason of size or weight require the use of special equipment), (a) from points in New Jersey, and Delaware, to the plant site and facilities utilized by the Clorox Company at or near Frederick, Md.; (b) from points in Delaware and Baltimore, Md., to the plant site and facilities utilized by the Clorox Company at or near Jersey City, N.J.; and (c) from Baltimore, Md., to the plantsite and facilities utilized by The Clorox Company at or near Boston, Mass., and Charlotte, N.C.

(5) *Charcoal, wood chips, vermiculite, lighter fluid and fireplace logs* (sawdust and wax impregnated) (except commodities in bulk), from the plant site and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va.; to points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia; (6) *materials, equipment*, and *supplies* utilized in the manufacture, sale and distribution of charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs (sawdust and wax impregnated), from Norfolk, Va., to the plant site and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va.; (7) *lighter fluid* (except in bulk), from Paulsboro, N.J., to the plant site and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va.; and (8) *foodstuffs*, not frozen, other than bulk, from West Chester and Kennett Square, Pa., to East Hartford, Conn., and New York, N.Y., under a continuing contract or contracts with the Clorox Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125474 (Sub-No. 44), filed April 12, 1974. Applicant: BULK HAULERS, INC., P.O. Box 3601, Wilmington, N.C. 28401. Applicant's representative: Elliot Bunce, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank trucks, from Wilmington, N.C., and Columbus County, N.C., to points in South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington N.C., Raleigh, N.C., or Washington, D.C.

No. MC 125616 (Sub-No. 9), filed April 12, 1974. Applicant: W. PAUL HENRY, 300 Robinwood Drive, Hagerstown, Md. 21740. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Taneytown, Md., on the one hand, and, on the other, Dulles International Airport, located in Loudoun County, Va., restricted to traffic having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the application requests it be held at Washington, D.C.

No. MC 126489 (Sub-No. 25), filed April 15, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from the plantsite and/or storage facilities of FAR-MAR-CO., INC., located at or near Hutchinson, Kans., to points in Wyoming, Montana, North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, Colorado, Missouri, Nebraska, Oklahoma, Texas, Arkansas, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 127185 (Sub-No. 5), filed April 11, 1974. Applicant: GATEWAY TRANSFER CO., INC., 1319 Santa Rita Avenue, Laredo, Texas 78040. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except liquid commodities, in bulk, and commodities requiring special equipment other than those because of size or weight), between Eagle Pass, Tex., on the one hand, and, on the other, points of entry on the International Boundary line between the United States and the Republic of Mexico at Eagle Pass, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Eagle Pass, San Antonio, or Dallas, Tex.

No. MC 127468 (Sub-No. 8) (AMENDMENT), filed March 22, 1974, published in the FEDERAL REGISTER issue, May 2, 1974 and republished as amended, this issue. Applicant: LTD, INC., 3250 South Western Avenue, Chicago, Ill. 60608. Applicant's representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, and equipment, and materials and supplies* used in the manufacture, sale, and distribution of electrical appliances and equipment, (1) between Chicago, Ill., Dumas, Ark., Coushatta, La., Forest and Waynesboro, Miss., Elkin, N.C., Denmark and Manning, S.C., Dayton, Knoxville, and McMinnville, Tenn., and Milwaukee, Wis., on the one hand, and, on the other, points in Orangeburg County, S.C., and Morrow, Ga., and (2) between points in Orangeburg County, S.C., on the one hand, and, on the other, Morrow, Ga., under contract with Sunbeam Corporation and John Oster Manufacturing Co.

NOTE.—The purpose of this republication is to include Morrow, Ga., as a terminal point in lieu of Atlanta, Ga. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129350 (Sub-No. 44), filed April 15, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodities in bulk in tank vehicles), from points in Lewistown, Mont., to points in Minnesota, Wisconsin, and Michigan (except points in upper Michigan).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129990 (Sub-No. 4), filed April 12, 1974. Applicant: AL GAZZOLLE AND SONS, INC., Pier 26 North River, New York, N.Y. 10009. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive equipment and parts, fuel injection equipment and parts, industrial power tools and parts, diagnostic equipment for automobiles and parts, calibration benches and other test equipment* for fuel injection systems, *car radios and accessories, tires and rubber products*, in containers, from points in that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *commercial zones and terminal areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (the "exempt" zone), to shipper's facilities in Nassau and Suffolk Counties, N.Y., and shipper's facilities, located at or near Northvale, N.J., restricted to the transportation of traffic having an immediately prior or subsequent movement by water, under a continuing contract, or contracts, with Robert Bosch Corporation and Semperit of America, Inc.

NOTE.—Upon the granting of this authority, applicant will consent to revocation of MC-129990 Sub-No. 1, which duplicates in part the authority sought herein. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 135018 (Sub-No. 4), filed April 8, 1974. Applicant: SEAHORSE TRANSPORT, INC., No. 11 Southside Road, Port Brownsville, Tex. 78520. Applicant's representative: J. Max Harding, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, supplies and equipment* used in the manufacture, sale, and distribution of electrical motors and equipment, (a) from Cleveland, Ohio, Fort Wayne, Ind., and Chicago, Ill., to Brownsville, Tex., restricted to export traffic and (b) from Cleveland, Ohio, to Gainsville, Ga. (2) *electrical machinery* and *equipment*, (a) from Brownsville, Tex., to points in Illinois, Michigan, Kentucky, Wisconsin, Indiana, and Texas, restricted to import traffic and; (b) from Gainsville, Ga., to Cleveland, Ohio, all restricted against commodities in bulk or those which by reason of size or weight require the use of special equipment, under a continuing contract or contracts with VLN Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 135902 (Sub-No. 3), filed April 15, 1974. Applicant: KENNETH M. MOODY, doing business as K. M. Moody, 3100 Dogwood St., NW., Washington, D.C. 20015. Applicant's representative: David C. Venable, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes, and accessories for tires and tubes*, (1) between Cincinnati, Ohio, on the one hand, and, on the other, the District of Columbia, (2) between Akron, Cincinnati, Columbus, and Dayton, Ohio, on the one hand, and, on the other, facilities of, or used by Friend's Fleet & Tire Service, Inc., at or near Dickerson, Md., under contract with Friend's Fleet & Tire Service, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134370 (Sub-No. 12) (CORRECTION), filed February 19, 1974, published in the FEDERAL REGISTER, issue April 11, 1974 and republished as corrected, this issue. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Afton, Wyo., to points in Colorado, South Dakota and those points in that part of Nebraska on and west of U.S. Highway 83; (2) *lumber*, from Riverton, Wyo., to points in Colorado; (4) *lumber and lumber products*, from points in Montana, to points in Colorado; (5) *lumber*, from the facilities of U.S. Plywood Champion Papers, Inc., at or near Silver City and

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Browning, Mont., to points in Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, and Wisconsin; (6) *lumber and lumber products*, from Evanston, Wyo., to points in that part of Nebraska located on and west of U.S. Highway 83, and points in Colorado; and (7) *lumber and lumber products*, from points in Montana, Wyoming, those in that part of Idaho in and north of Idaho County, those in Oregon on and west of U.S. Highway 97, and points in Washington in and west of the Cascade Mt. Range, to points in Arkansas, Colorado, Kansas, Idaho, Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, Utah, and Wisconsin.

NOTE.—The purpose of this republication is to show that the applicant no longer seeks authority in Item 3 which has been deleted in this notice of the authority actually sought. By the instant application, applicant seeks: (A) to convert its contract carrier permits in No. MC–133741 and Sub-Nos. 3, 5, 9, 11, and 15 described in (1) through (6) above respectively, to a Certificate of Public Convenience and Necessity; and (B) to extend its existing common carrier authority as described in (7) above. Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo., Billings, Mont., or Casper, Wyo.

No. MC 135916 (Sub-No. 1), filed April 17, 1974. Applicant: ROBERT J. LITTLE, doing business as LITTLE'S DELIVERY SERVICE, P.O. Box 332, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and equipment, materials and supplies* used in printing houses, between the plant site of R. R. Donnelley & Sons Company located at Crawfordsville, Ind., on the one hand, and, on the other, Weir Cook Airport located at Indianapolis, Ind., restricted to traffic having an immediately prior or subsequent movement by air, under contract or contracts with R. R. Donnelley & Sons Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 135982 (Sub-No. 7), filed April 12, 1974. Applicant: S. L. HARRIS, doing business as P.B.I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (other than those designed to be drawn by passenger automobiles), in secondary movements, between points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at, or destined to, sites or storage facilities of Trailmobile Division of Pullman Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, or Fort Worth, Tex.

No. MC 135898 (Sub-No. 2), filed April 16, 1974. Applicant: WILLIAM MIRRER, doing business as MIRRER's TRUCKING CO., 38 Alan Ave., Glen Rock, N.J. 07452. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules* (except in bulk), between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Rexene Polymers Co., Division of Dart Industries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 136334 (Sub-No. 3), filed April 17, 1974. Applicant: KENDRICK MOVING AND STORAGE, INC., P.O. Box 209, Lebanon, Ohio 45036. Applicant's representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from the plantsite of Hamilton Plastic Company, located at or near Mason, Ohio, to points in Michigan, Pennsylvania, West Virginia, Illinois, Kentucky, Indiana, New York, and New Jersey; and (2) *materials* (except in bulk), used in the manufacture of plastic articles, on return under contract with Hamilton Plastic Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136531 (Sub-No. 2) (CORRECTION), filed January 28, 1974, published in the FEDERAL REGISTER issue of March 7, 1974, and republished as corrected, this issue. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway No. 11, Milton-Freewater, Oreg. 97862. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods, frozen food, wine and malt beverages, and agricultural commodities* otherwise exempt when moving with said commodities, from points in Los Angeles, Orange, Riverside, Kern, Fresno, Madera, Merced, Stanislaus, San Joaquin, Santa Clara, Sacramento, San Benito, San Francisco, and Napa Counties, Calif., to points in Nyssa, Pendleton, and La Grande, Oreg., and Walla Walla, Wash., under continuing contract with La Grande Fruit Co.; and (2) *canned goods*, from Milton-Freewater, Oreg., and Walla Walla, Wash., to points in Bakersfield, Fresno, Modesto, Los Angeles, San Diego, San Jose, Stockton, Sacramento, San Francisco, Oakland, Alameda, Calif.; Las Vegas and Reno, Nev.; and Phoenix, Ariz., under continuing contract with Rogers Walla Walla, Inc.

NOTE.—The purpose of this republication is to correct the territorial description which was previously published incorrectly. Applicant holds common carrier authority in MC–136228 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136757 (Sub-No. 1), filed April 8, 1974. Applicant: INTERSTATE ROAD RUNNER, INCORPORATED, 74–16 Grand Avenue, Maspeth, N.Y. 11378. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet tubing, electrical fittings, electrical conduit, microphone stands, pipe and fittings, lamp and lighting fixture parts, furniture accessories, and materials equipment and supplies used or useful in the manufacture, production, distribution, and sale of the above named commodities* (except commodities in bulk), between Zelienople, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at or destined to the plant sites of or facilities used by Berger Industries, Inc., at or near Zelienople, Pa., and points within its commercial zone, and further restricted to the transportation of traffic moving under a continuing contract or contracts with Berger Industries, Inc., of Maspeth, N.Y.

NOTE.—Applicant states it already holds the identical authority between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, Maspeth, N.Y., Metuchen, N.J., and Chicago, Ill., and merely seeks to add to its existing authority the new facility at or near Zelienople, Pa. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138452 (Sub-No. 3), filed March 28, 1974. Applicant: JOSEF T. KRAUS, doing business as JOSEF KRAUS TRUCKING CO., Route 2, Box 262–H, Sherwood, Oregon 97140. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum molding, aluminum windows, aluminum doors, aluminum siding, aluminum coils, paste, paint, and sealer*, (a) between Gardena, Calif., and Meridian, Idaho; (b) between Gardena, Calif., and Aurora, Oreg.; (c) between Gardena, Calif., and Vancouver, Wash.; (d) between Meridian, Idaho, and Aurora, Oreg.; and (e) from Meridian, Idaho, to Hollister, Calif.; (2) *aluminum vents*, from Gardena and Compton, Calif., to Meridian, Idaho, and Aurora, Oreg.; and (3) *aluminum extrusions*, from Ontario, Calif., to Meridian, Idaho, and Aurora, Oreg.; (1), (2), and (3) above, under contract with Elixir Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 138540 (Sub-No. 1), filed April 19, 1974. Applicant: BUTLER REFRIGERATED DELIVERY, INC., 609 Perry Highway, Pittsburgh, Pa. 15229. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from points in Butler County, Pa., to supermarkets operated by Giant Eagle Markets, Inc., located in Ohio and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 138875 (Sub-No. 17), filed March 14, 1974. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigiph, 1134 North Orchard Street, Suite 15, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (1) from points in Utah, to points in Idaho, Nevada, Oregon, and Washington, and (2) from points in San Mateo, Santa Clara, and Alameda Counties, Calif., to points in Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 139136 (Sub-No. 1), filed April 11, 1974. Applicant: DANVILLE TRANSFER & STORAGE CO., INC., 12–16 College Street, Danville, Ill., 61832. Applicant's representative: Dana B. Throckmorton, 200 National Road, East Peoria, Ill. 61611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General merchandise as is usually dealt in and handled by wholesale and retail establishments, including household appliances; new household furniture and household furnishings; musical instruments; plumbing and heating equipment, fixtures, accessories and supplies; office equipment, fixtures, accessories and supplies; building and remodeling equipment, accessories and supplies* (except in bulk), between Danville, Ill., on the one hand, and, on the other, points in Warren, Fountain, Montgomery, Vermillion, and Parke Counties, Ind., under contract with Sears, Roebuck and Company. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139192 (Sub-No. 2) (CORRECTION), filed March 4, 1974, published in the FEDERAL REGISTER issue of April 18, 1974, and republished as corrected this issue. Applicant: JOHN PERRY, doing business as JOHN PERRY TRUCKING, 1535 Industrial Avenue, San Jose, Calif. 95112. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass parabolic antennas and mounts, parts, accessories, equipment, tools, and supplies*, necessary or incidental to the construction and maintenance and repair thereof, when included in the same vehicle with the antennas, from the plantsite of Prodelin, Inc., at Santa Clara, Calif., to points in Arizona, New Mexico, Texas, Oklahoma, Kansas, Missouri, Illinois, Tennessee, Oregon, Washington, Louisiana, and Arkansas, under continuing contract with Prodelin, Inc.

NOTE.—The purpose of republication is to indicate applicant's name as JOHN PERRY doing business as JOHN PERRY TRUCKING. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or San Jose, Calif.

No. MC 139193 (Sub-No. 9), filed April 16, 1974. Applicant: ROBERTS & OAKE, INC., 208 South La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, as defined by the Commission in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from Sioux Falls, S. Dak., and Humboldt, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *such commodities* as are used by meatpackers in the conduct of their business, from points in the destination states described in (1) above to Humboldt, Iowa, and Sioux Falls, S. Dak., restricted to traffic transported under contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139336 (Sub-No. 3), filed April 15, 1974. Applicant: TRANSTATES, INC., a Corporation, 2449 Marseilles Way, Costa Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberglass bathtubs and shower bathstalls* in carrier furnished trailers, from points in Orange County, Calif., to points in the United States (except Alaska and Hawaii), and *return of damaged fiberglass bathtubs and shower bathstalls*, from the destination states named above, to points in Orange County, Calif.; and (B) *materials, supplies, and equipment* used in the manufacture of fiberglass bathtubs and shower bathstalls, from points in the United States (except Alaska and Hawaii), to points in Orange County, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139360 (AMENDMENT), filed March 11, 1974, published in the FEDERAL REGISTER issue of April 25, 1974, and republished in this issue as amended. Applicant: RAEMARC, INC., 1531 Taylor Avenue, Racine, Wis. 53403. Applicant's representative: Patrick H. Smith, Suite 1000, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts and materials* used in the manufacture of agricultural, industrial, and construction machinery and equipment; (1) between points in Illinois, Indiana, and Wisconsin on the one hand, and, on the other, the manufacturing and storage facilities of J. I. Case, located at or near Bettendorf and Burlington, Iowa; (2) between points in Illinois and Indiana, on the one hand, and, on the other, the manufacturing and storage facilities of J. I. Case, located at or near Racine, Wis.; (3) between points in Indiana and Wisconsin, on the one hand, and, on the other, the manufacturing and storage facilities of J. I. Case, located at or near Rock Island, Ill.; and (4) between points in Wisconsin and Illinois, on the one hand, and, on the other, the manufacturing and storage facilities of J. I. Case, located at or near Terre Haute, Ind.; (1) through (4) above, inclusive, under contract with J. I. Case.

NOTE.—The purpose of this republication is to amend the territorial description as states herein. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 139410 (Sub-No. 2), filed April 8, 1974. Applicant: MIKE PHILLIPS ENTERPRISES, INC., 301 S. Third St., Phoenix, Ariz. 85004. Applicant's representative: A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, Ariz. 85011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, (a) from the plant site of Shasta Beverages at La Mirada, Calif., to points in Arizona, New Mexico and El Paso County, Tex., (b) from the plant site of Shasta Beverages at Phoenix, Ariz., to points in New Mexico and El Paso County, Tex.; and (2) *pallets*, from the destination areas described in (1) (a) and (b) above, to the plant sites of Shasta Beverages at Phoenix, Ariz., and La Mirada, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 139545 (Sub-No. 2), filed April 16, 1974. Applicant: HENRY C. KOCOT AND ANTHONY J. KOCOT, doing business as H. C. KOCOT & SONS, Whately Road, South Deerfield, Mass. 01373. Applicant's representative: David

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M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, farm chemicals, seeds, and lawn and garden products*, between points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, New York, Pennsylvania, New Jersey, Delaware, and Maryland, under contract with Kerr-McGee Chemical Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., Albany, N.Y., or Boston, Mass.

No. MC 139622 (AMENDMENT), filed March 18, 1974, published in the FEDERAL REGISTER issue of May 2, 1974, and republished as amended this issue. Applicant: INTERSTATE MOVING AND STORAGE, INC., 6965 Commerce Ave., El Paso, Tex. 79915. Applicant's representative: Hugh H. Trotter, Jr. (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail department stores, from the facilities of Montgomery Ward & Co., Inc., at El Paso, Tex., to points in Luna, Dona Ana, and Otero Counties, N. Mex., and El Paso and Hudspeth Counties, Tex., restricted to the transportation of traffic having a subsequent installation and/or set-up service; and (2) *return shipments* of the commodities described above, from the above named points, to the facilities of Montgomery Ward & Co., Inc., at El Paso, Tex., under a continuing contract in (1) and (2) above with Montgomery Ward & Co., Inc., El Paso, Tex.

NOTE.—The purpose of this republication is to more clearly indicate applicant's request for authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso or Amarillo, Tex., Albuquerque, N. Mex., or Dallas, Tex.

No. MC 139637 (Sub-No. 2), filed April 15, 1974. Applicant: HERDIS E. GAMMON, doing business as HERDIS E. GAMMON TRUCKING, 140 West Lincoln, Chandler, Ind. 47610. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Spencer, Warrick, Pike, and Vanderburgh Counties, Ind., to points in Webster and Henderson Counties, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Frankfort, Ky.

No. MC 139654, filed March 22, 1974. Applicant: JOHN VITRUK, doing business as, VITRUK'S MOTOR EXPRESS, 1103 Landmark Avenue, Cherry Hill, N.J. 08034. Applicant's representative: Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18966. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chewing gum and products* related to the manufacture and marketing of same, from points in Philadelphia, Delaware, Montgomery, Bucks, Berks, and Chester Counties, Pa., and Pennsauken, N.J., to points in New York City, N.Y., Boston and Avon, Mass., the District of Columbia, New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina, under contract with Philadelphia Chewing Gum Corp., and Philadelphia Chewing Gum Corp., Clark Division; (2) *canned food products*, from points in Philadelphia, Delaware, Montgomery, Bucks, Berks, and Chester Counties, Pa., to points in New York City, N.Y., the District of Columbia, New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina, under contract with New England Fish Co., and Rema Foods Co.; (3) *candy and confectionery*, from points in Philadelphia, Delaware, Montgomery, Bucks, Berks, and Chester Counties, Pa., and Pennsauken, N.J., to points in New York City, N.Y., Boston and Avon, Mass., the District of Columbia, New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina, under contract with Reed Candy Co.; (4) *aerosol household products, plastic caps, spouts, dispensers, plastic tape dispensers and products* related to the manufacture and marketing of same, from points in Philadelphia, Delaware, Montgomery, Bucks, Berks, and Chester Counties, Pa., Baltimore, Md., and Newark, N.J., to points in New York City, N.Y., the District of Columbia, New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina, under contract with Reborn Products Co., and (5) *warehoused property*, from points in Philadelphia, Delaware, Montgomery, Bucks, Berks, and Chester Counties, Pa., to points in New York City, N.Y., Boston and Avon, Mass., the District of Columbia, New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina, under contract with Pennsylvania Warehousing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Camden, N.J.

No. MC 139683, filed April 10, 1974. Applicant: ROSS BROS. TRANSPORTATION, INC., Box 103, Circle, Mont. 59215. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof, and pumps*, from points in Valley, Nebr., and Clackamas and Portland, Oreg., and Spokane, Wash., to points in Montana and Wyoming, restricted to farm and ranch site deliveries, under contract with Polar Pump & Irrigation Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 139690, filed April 10, 1974. Applicant: KELLERT'S INCORPORATED, Covey Road, Burlington, Conn. 06085. Applicant's representative: Walter C. Nicksa, Jr., 1783 Farmington Avenue, Unionville, Conn. 06085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood chips, and horses*, between points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the Western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., Springfield or Boston, Mass.

No. MC 139691, filed April 15, 1974. Applicant: G & B MOVERS, INC., 838 39th Street, Brooklyn, N.Y. 11232. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, between the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Essex, Union, Middlesex, Somerset, Morris, and Monmouth Counties, N.J., and Fairfield County, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 139697, filed April 11, 1974. Applicant: EDWARD BRUCE WAGONER, doing business as DELIGHT TRANSPORTATION COMPANY, Route 1, Box 12301, Kingsville, Md. 21087. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of garden tractors, and *materials, supplies, and equipment* used in the conduct of such business, between South Bend, Ind., on the one hand, and, on the other, points in Massachusetts; Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, West Virginia, Ohio, Kentucky, Tennessee, Illinois, Wisconsin, Missouri, Iowa, Michigan, Minnesota, Texas, New Mexico, Arizona, California, Alabama, Arkansas, Colorado, Florida, Kansas, Louisiana, Mississippi, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139699, filed April 11, 1974. Applicant: CROSBY HEAVY DUTY WRECKER, INC., 131 South Broadway, Green Bay, Wis. 54301. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled*, and *inoperative motor vehicles*, and *replacement vehicles, and parts and equipment for the above-described vehicles*, between points in Brown, Calumet, Door, Florence, Forest, Kewaunee, Langlade, Manitowoc, Oconto, Outagamie, Waupaca, and Winnebago Counties, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Alabama, Ohio, Iowa, Michigan, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Kentucky, Tennessee, West Virginia, Virginia, North Carolina, South Carolina, Pennsylvania, New York, Georgia, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Green Bay or Madison, Wis.

No. MC 139704, filed April 12, 1974. Applicant: JAMES E. WILLIAMS, doing business as WILLIAMS WRECKER SERVICE, 121 Center Avenue, Janesville, Wis. 54245. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, inoperative, stolen, repossessed, used, abandoned vehicles, and replacement vehicles, and parts and equipment* for commodities named above, between points in Dane, Green, Iowa, Jefferson, Kenosha, Rock, Walworth, and Lafayette Counties, Wis., on the one hand, and, on the other, points in Indiana, Iowa, Illinois, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis., or Milwaukee, Wis.

No. MC 139716 (Sub-No. 1), filed April 15, 1974. Applicant: TEXAS NEBRASKA EXPRESS, INC., 3903 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Robert V. Dwyer, Jr., 1601 Woodmen Tower, Omaha, Nebraska 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plant-site of, and storage facilities utilized by, American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in California, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Virginia, Maryland, District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, and Maine, restricted to traffic originating at the named origin and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 139720, filed April 11, 1974. Applicant: WILLIAM R. TOMLINSON, doing business as TOMLINSON AUTO SERVICE, 1022 East Second Street, Ashland, Wis. 54806. Applicant's representative: Micheal J. Wyngaard, 329 West Wilson Street, P.O. Box 232, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled*, and *inoperative motor vehicles*, and *parts* and *equipment for the above-described vehicles*, (1) between points in the Upper Peninsula of Michigan, and those points in Wisconsin, on and north of U.S. Highway 8; and (2) between points in the Upper Peninsula of Michigan, and those points in Wisconsin, on and north of U.S. Highway 8, on the one hand, and, on the other, points in North Dakota, South Dakota, Minnesota, Iowa, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Ashland or Superior, Wis.

No. MC 139722, filed April 15, 1974. Applicant: P. KERN CLAIR, R.D. #1, Osterburg, Pa. 16667. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, from points in New York, Maine, Massachusetts, Vermont, Pennsylvania, Ohio, Virginia, West Virginia, North Carolina, and South Carolina, to the plantsite of Appleton Paper Division of NCR, at Roaring Spring (Blair County), Pa.; (2) *wood chips*, from the plantsite of Appleton Paper Division of NCR, at (Roaring Spring), Blair County, Pa., to points in Ohio; (3) *furniture squares and parts*, from points in Jefferson County and Clearfield County, Pa., to points in North Carolina, South Carolina, Tennessee, and Virginia, under a continuing contract or contracts with Appleton Paper Division of NCR; Kitko Wood Products, and Brookville Wood Products.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 139725 (Sub-No. 1), filed April 22, 1974. Applicant: DYOLL DELIVERY SERVICE, INC., P.O. Box 66, Netcong, N.J. 07857. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Components parts of special ordnance equipment, component parts of radar and underwater sound devices, component parts of missile and missile handling equipment* for aircraft carriers, and *component parts of special machinery* manufactured to customer's specification, *pile hammers and parts, air and steam core drills and parts*, and *rough steel and iron castings* for such hammers and drills, between points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, under continuing contract with MKT Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or Washington, D.C.

No. MC 139737, filed April 15, 1974. Applicant: B. P. K. LINES, INC., 2344 Gardner Drive, St. Louis, Mo. 63136. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs*, from Kansas City, Macon, Moberly, Carrollton, Marshall, Milan, and Sedalia, Mo., to points in Missouri, Illinois, Indiana, Ohio, Kentucky, Arkansas, Louisiana, Oklahoma, and Kansas; and (2) *foodstuffs and materials* not requiring protective service, from points in Missouri, Illinois, Indiana, Ohio, Kentucky, Arkansas, Louisiana, Oklahoma, and Kansas, to Macon, Moberly, Carrollton, Marshall, Milan, and Sedalia, Mo., under contract with Banquet Foods Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo., or Chicago, Ill.

No. MC 139747, filed April 19, 1974. Applicant: RIVARD QUALITY SEED, INC., Argyle, Minn. 56713. Applicant's representative: Arthur A. Drenckhahn, Box 159, Warren, Minn. 56762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, (1) from Des Moines, Iowa, and Lincoln, Nebr., to the port or entry on the International Boundary between the United States and Canada, located at or near Noyes, Minn., and (2) from Savage, Mankoto, and Dawson, Minn., to the ports of entry on the International Boundary between the United States and Canada, located at or near Noyes, Minn.; (1) and (2) above, restricted to subsequent movement in foreign commerce, and also, under contract with Paramount Bio-Chemical Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak.

No. MC 139751, filed April 15, 1974. Applicant: RAY WILSON, INC., P.O. Box 895, Hattiesburg, Miss. 39401. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal container ends*, from the plant site and/or storage facilities of Rockford Can Company located at Rockford, Ill., to Pascagoula, Miss., under a continuing contract or contracts with Rockford Can Company, Rockford, Ill.

NOTE.—Applicant holds common carrier authority in MC-117998, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

PASSENGER APPLICATIONS

No. MC 59238 (Sub-No. 68), filed April 12, 1974. Applicant: VIRGINIA STAGE LINES, INC., 114 4th Street SE., Charlottesville, Va. 22901. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate

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as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Front Royal, Va., and Staunton, Va.: From Front Royal over U.S. Highway 340 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 250, thence over U.S. Highway 250 to Staunton, and return over the same route, serving no intermediate points.

NOTE.—This application is filed pursuant to 49 C.F.R. 1042.1 *Superhighway Rules—Motor Common Carrier of Passengers*. If a hearing is deemed necessary, the applicant does not specify a location and requests it be handled under modified procedure.

No. MC 108531 (Sub-No. 17), filed April 5, 1974. Applicant: BLUE BIRD COACH LINES, INC., 502–504 North Barry Street, Olean, N.Y. 14760. Applicant's representative: Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at points in Erie and Niagara Counties, N.Y., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 108570 (Sub-No. 6), filed April 15, 1974. Applicant: LITTEN & LITTEN MOTOR LINES, INC., 423 W. Antietam Street, Hagerstown, Md. 21740. Applicant's representative: Francis J. Ortman, 1100 17th Street, NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Charles Town, W. Va., and Penn National Race Course, Pa.: From Charles Town, W. Va., over West Virginia Highway 9 to Martinsburg, W. Va., thence over Interstate Highway 81 to its junction with Pennsylvania Highway 743, thence over Pennsylvania Highway 743 to Penn National Race Course, Pa., and return over the same route, serving the intermediate points of Martinsburg, W. Va., and Hagerstown, Md., restricted against the transportation of passengers between Martinsburg, W. Va., on the one hand, and, on the other, Hagerstown, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hagerstown, Md., or Washington, D.C.

BROKERAGE APPLICATION

No. MC 130239, filed April 11, 1974. Applicant: WILLIAM DANIEL DIPERT—ARTEX TOURS, 201 E. Abrams, P.O. Box 310, Arlington, Tex. 76010. Applicant's representative: William Daniel Dipert (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Arlington, Tex., to sell or offer to sell the transportation of, *groups of passengers and their baggage*, on tours, from Arlington, Dallas, and Fort Worth, Tex., and Little Rock, Conway, Fort Smith, and Pine Bluff, Ark., to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., Little Rock, Ark., or Oklahoma City, Okla.

WATER CARRIER APPLICATION

No. W 417 (Sub-No. 23), filed April 5, 1974. Applicant: WEYERHAEUSER COMPANY, a Corporation, Tacoma, Wash. 98401. Applicant's representative: John Cunningham, 1776 F Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *lumber and lumber products*, by non self-propelled vessels with the use of separate towing vessels, from ports and points on Humboldt Bay, Calif., and those Pacific coast ports named in Appendix A to applicant's ninth amended certificate, which are: Aberdeen, Wash., Anacortes, Wash., Bellingham, Wash., Blaine, Wash., Everett, Wash., Hoquiam, Wash., Kaloma, Wash., Knappton, Wash., Longview, Wash., Mt. Vernon, Wash., Mukilteo, Wash., Olympia, Wash., Port Angeles, Wash., Port Gamble, Wash., Port Ludlow, Wash., Port Townsend, Wash., Raymond, Wash., Stanwood, Wash., Seattle, Wash., South Bend, Wash., Tacoma, Wash., Vancouver, Wash., Astoria, Oreg., Bradwood, Oreg., Coos Bay, Oreg., Empire, Oreg., Linnton, Oreg., Newport, Oreg., North Bend, Oreg., Portland, Oreg., Prescott, Oreg., Rainier, Oreg., St. Helens, Oreg., Warrenton, Oreg., Wauna, Oreg., Westport, Oreg., Youngs Bay, Oreg., Alameda, Calif., California City, Calif., Long Beach, Calif., Los Angeles Harbor, Calif., Martinez, Calif., Oakland, Calif., Richmond, Calif., San Francisco, Calif., Stockton, Calif., San Pedro, Calif., and Wilmington, Calif., to Port Everglades, Fla., and the Atlantic coast ports named in said Appendix A, which are: Boston, Mass., New Bedford, Mass., Portsmouth, R.I., Bridgeport, Conn., New London, Conn., Brooklyn, N.Y., New York Harbor, N.Y., Bayway, N.J., Bayonne, N.J., Camden, N.J., Carneys Point, N.J., Claremont, N.J., Edgewater, N.J., Hoboken, N.J., Jersey City, N.J., Kearney, N.J., Newark, N.J., Port Newark, N.J., Trenton, N.J., Weehawken, N.J., Chester, Pa., Philadelphia, Pa., Marcus Hook, Pa., Wilmington, Del., Baltimore, Md., Sparrows Point, Md., Newport News, Va., Norfolk, Va., and Portsmouth, Va.

NOTE.—Common control may be involved. Applicant requests to revise certificate only by seeking authority to utilize tug and barge equipment in eastbound operations for which it now holds self-propelled vessel authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Seattle, Wash.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11858 Filed 5-22-74;8:45 am]

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PART II

DEPARTMENT OF DEFENSE

Office of the Secretary

■

INFORMATION SECURITY PROGRAM REGULATION

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Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER D—SECURITY

PART 159—INFORMATION SECURITY PROGRAM REGULATION

This Part 159 governing the classification, downgrading, declassification and safeguarding of classified information is issued under the authority of and pursuant to Secretary of Defense DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972 (§ 159.100(a)). This Part 159, revised as set forth below, supersedes and cancels Part 159 dated July 15, 1972 (37 FR 15655). This revision has been approved by the Interagency Classification Review Committee as required by Executive Order 11652 and the National Security Council Directive issued pursuant thereto. The majority of the changes are editorial in nature. There are, however, several progressive and substantive changes which have been developed. The more significant changes are: Section 159.105 imposes more restrictive guidelines for the designation of original classification authorities; § 159.203.5 requires that when a security classification guide or revision thereof is published which exempts certain information from the General Declassification Schedule, the Top Secret classification authority who approved, authorized or sanctioned such exemption will be identified on the guide; § 159.301–1 is designed to automatically downgrade certain old material at 12 year intervals which would otherwise be frozen at the original classification level under the provision of the Executive Order; § 159.304–2 is revised to accelerate the declassification of information placed in exemption category 3 pursuant to E.O. 11652. As modified, this paragraph provides for the automatic declassification of information on scientific and technical matters, installations, programs, etc., at the end of 15 calendar years vs. the 30 years prescribed under the previous provisions; § 159.306–3 provides guidelines for the declassification of certain categories of encrypted messages in order to expedite the declassification process; Subpart—Transmission establishes DoD policy and procedures for the hand-carrying of classified material through airline and anti-hijacking inspection points; and § 159.1500, Appendix A, has been revised to reflect the current designations of original Top Secret classification authorities.

[SEAL] TERENCE E. MCCLARY,
Asistant Secretary of Defense.

MAY 8, 1974.

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159.1500–3 Appendix D—Instructions governing use of code words, nicknames and exercise terms (See § 159.701–10).
159.1500–4 Appendix E—Component implementations of DoD issuances.[1]

AUTHORITY: EO 11652 of March 8, 1972, 37 FR 5209, March 10, 1972; National Security Council Directive of May 17, 1972 Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information, 37 FR 10053, May 19, 1972; sec. 301, 80 Stat. 379; (5 U.S.C. 301).

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REFERENCES

§ 159.100 References.

(a) DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972.[1]

(b) Executive Order 11652, "Classification and Declassification of National Security Information and Material," dated March 8, 1972 (37 FR 5209, Mar. 10, 1972).

(c) National Security Council "Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information," dated May 17, 1972 (37 FR 10053, May 19, 1972).

(d) DoD Directive 5230.9, "Clearance of Department of Defense Public Information," dated December 24, 1966.[1]

(e) DoD Directive C–5200.5, "Communications Security (U)," dated April 13, 1971.[2]

(f) DoD Instruction 5200.22, "Reporting of Security and Criminal Violations," dated November 8, 1973.[1]

(g) DoD Directive 5210.50, "Investigation of and Disciplinary Action Connected with Unauthorized Disclosure of Classified Defense Information," dated April 29, 1966.[1]

(h) DoD Directive 5210.8, "Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information," dated February 15, 1962 (Reprint March 1, 1966).[1]

(i) DoD Directive 5400.4, "Provision of Information to Congress," dated February 20, 1971.[1]

(j) DoD Directive 7650.1, "General Accounting Office Comprehensive Audits," dated July 9, 1958.[1]

(k) DoD Directive 5220.22, "DoD Industrial Security Program," dated July 30, 1965.[1]

(l) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," dated June 19, 1973.[1]

(m) DoD Directive 5200.15, "Controlling the Dissemination and Use of Intelligence and Intelligence Information Produced by Members of the Intelligence Community," dated July 26, 1962.[2]

(n) DoD Directive 5210.2, "Access to and Dissemination of Restricted Data," dated October 18, 1968.[1]

(o) DoD Instruction C–5210.21, "Implementation of NATO Security Procedure (U)," dated December 17, 1973.[2]

(p) DoD Instruction C–5210.35, "Implementation of CENTO Security Regulation (U)," dated June 5, 1968.[2]

(q) DoD Instruction 5210.54, "Implementation of SEATO Security Manual (U)," dated September 27, 1967.[2]

(r) DoD Directive 5400.7, "Availability to the Public of DoD Information," dated June 23, 1967.[1]

(s) DoD Instruction 7230.7, "User Charges", dated July 18, 1973.[1]

(t) DoD Directive 5220.6, "Industrial Personnel Security Clearance Program," dated December 7, 1966.[1]

(u) Joint Army-Navy-Air Force Publication (JANAP) #119 December 1970 and #299 September 1971.

(v) Allied Communication Publications (ACP) #119A August 1970.

(w) National Security Agency KAG I–D December 1967.

(x) DoD Directive S–5200.17, "The Security, Use and Dissemination of Communications Intelligence (COMINT) (U)," dated January 26, 1965.[2]

(y) DoD Directive 5535.2, "Secrecy of Certain Inventories and Withholding of Patent; Delegation of Authority to Secretaries of Army, Navy, and Air Force," dated September 30, 1966.[1]

(z) DoD Directive 5200.12, "Security Measures, Approval and Sponsorship for Scientific and Technical Meetings Involving Disclosure of Classified Information," March 7, 1967.[1]

(aa) DoD Directive 5000.7, "Official Temporary Duty Travel Abroad," dated January 14, 1972.[1]

(bb) DoD 5220.22–R, "DoD Industrial Security Regulation".[1]

PURPOSE AND APPLICABILITY

§ 159.101 Purpose.

To insure that official information of the Department of Defense relating to National Security (as used hereafter, a collective term encompassing both national defense and foreign relations of the United States) is protected, but only to the extent and for such period as is necessary, this regulation establishes the bases for identification for information to be protected; prescribes a progressive system for classification, downgrading and declassification; prescribes safeguarding policies and procedures to be followed; and establishes a monitoring system to insure the effectiveness of the Information Security Program throughout the Department of Defense.

§ 159.101–1 Applicability.

This regulation governs the Department of Defense Information Security Program and takes precedent over all departmental publications affecting that program. In accordance with the provisions of § 159.100 (b) and (c), it establishes for uniform application throughout the Department of Defense, the policies, standards, criteria and procedures for the security classification, downgrading, declassification and safeguarding of official information or material originated, produced or handled by, or under the sponsorship of, the Department of Defense or components thereof.

§ 159.101–2 Non-government operations.

Except as otherwise provided herein, the provisions of this regulation shall be made applicable by contract, or other legally binding instrument, to operations of non-government personnel entrusted with classified information.

§ 159.101–3 Combat operations.

The provisions of this regulation with regard to accountability, dissemination, transmission, or safekeeping of classified information or material may be modified as necessary to meet local conditions by military commanders in connection with combat or combat-related operations. Classified information or material should be introduced into forward combat areas or zones only to the extent essential to accomplishment of the military mission. When so introduced, the appropriate military commander shall provide the degree of protection prescribed by this regulation for the classification involved as nearly as the circumstances permit.

§ 159.101–4 Atomic Energy Act.

Nothing in this regulation shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. "Restricted Data," and material designated as "Formerly Restricted Data," shall be handled, protected, classified, downgraded and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

§ 159.101–5 Exceptions.

(a) For material under his special cognizance, the Director, National Security Agency, shall prescribe for the internal handling of such material such special procedures as may be necessary to conform to policies and standards prescribed for NSA by higher authority outside the DoD. Other (collateral) materials brought into areas under his special cognizance may be handled in the same manner as special materials, in lieu of the requirements of this regulation. When returned to normal channels such materials shall be subject to the controls of this regulation, including maintaining Records of Destruction as required by § 159.900–2.

(b) Provisions for security, use and dissemination of Communications Intelligence (COMINT) are governed by DoD Directive S–5200.17, § 159.100(x).

DEFINITIONS

§ 159.102 Definitions.

As used herein, the following terms and meanings shall be applicable:

§ 159.102–1 Classification.

The determination that official information requires, in the interests of national security, a specific degree of protection against unauthorized disclosure, coupled with a designation signifying that such a determination has been made.

§ 159.102–2 Classified information.

Official information which has been determined to require, in the interests of national security, protection against unauthorized disclosure and which has been so designated.

§ 159.102–3 Classifier.

An individual who either:

(a) Determines that official information, not known by him to be already classified, currently requires, in the interests of national security, a specific degree of protection against unauthorized disclosure and having the authority to do so, designates that official information as Top Secret, Secret or Confidential; or

(b) Determines that official information is in substance the same as information known by him to be already classified by the government as Top Secret, Secret or Confidential and designates it accordingly.

§ 159.102–4 Component.

The Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the unified and specified commands, and the Defense Agencies.

§ 159.102–5 Compromise.

The known or suspected exposure of classified information or material to an unauthorized person.

§ 159.102–6 Custodian.

An individual who has possession of or is otherwise charged with the responsibility for safeguarding and accounting for classified information.

§ 159.102–7 Declassification.

The determination that classified information no longer requires, in the interests of national security, any degree of protection against unauthorized disclosure, coupled with a removal or cancellation of the classification designation.

§ 159.102–8 Document.

Any recorded information regardless of its physical form or characteristics, including, without limitation, written or printed material; data processing cards and tapes; maps, charts; paintings; drawings; engravings; sketches; working notes and papers; reproductions of such things by any means or process; and sound, voice or electronic recordings in any form.

§ 159.102–9 Downgrade.

To determine that classified information requires, in the interests of national security, a lower degree of protection against unauthorized disclosure than currently provided, coupled with a changing of the classification designation to reflect such lower degree.

§ 159.102–10 Formerly Restricted Data.

Information removed from the Restricted Data category upon determination jointly by the Atomic Energy Commission and Department of Defense that such information relates primarily to the military utilization of atomic weapons and that such information can be adequately safeguarded as classified defense information. Such information is, however, treated the same as Restricted Data for purposes of foreign dissemination.

§ 159.102–11 Information.

Knowledge which can be communicated by any means.

§ 159.102–12 Material.

Any document, product or substance on or in which information may be recorded or embodied.

§ 159.102–13 Official information.

Information which is owned by, produced for or by, or is subject to the control of the United States Government.

§ 159.102–14 Original classification authority.

Original classification authority is the authority to make original classifications vested specifically and in writing in an official of the Government as the incumbent of an office and in the official specifically and in writing designated to act in the absence of the incumbent.

§ 159.102–15 Restricted Data.

All data (information) covering (a) design, manufacturing or utilization of atomic weapons; (b) the production of special nuclear material; or (c) the use of special nuclear material in the production of energy, but not to include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act. (See section 11y, Atomic Energy Act of 1954, as amended, and "Formerly Restricted Data.")

§ 159.102–16 Upgrade.

To determine that certain classified information requires, in the interests of national security, a higher degree of protection against unauthorized disclosure than currently provided, coupled with a changing of the classification designation to reflect such higher degree.

§ 159.102–17 United States and its territories.

The fifty States, the District of Columbia; the Commonwealth of Puerto Rico; the Territories of Guam, American Samoa, and the Virgin Islands; the Trust Territory of the Pacific Islands; the Canal Zone; and the Possessions, Midway and Wake Islands.

POLICIES

§ 159.103 Classification.

(a) *Basic policy.* The introduction to Executive Order 11652 states in part:

> The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.
>
> Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both overt and covert nature, it is essential that such official information and material be given only limited dissemination.

Consistent with the foregoing, the use and application of security classification shall be limited to only that information which is truly essential to national security because it provides the United States with: (1) A military or defense advantage over any foreign nation or group of nations, or (2) a favorable foreign relations posture or (3) a defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert; which could be damaged, minimized or lost by the unauthorized disclosure or use of the information.

(b) *Resolution of doubts.* Unnecessary classification and higher than necessary classification shall be scrupulously avoided. Any substantial doubts as to which of two levels of security classification is appropriate, or as to whether certain information or material should be classified at all, should be resolved in favor of the less restrictive treatment.

(c) *Improper classification.* Classification shall apply only to official information requiring protection in the interests of national security. It may not be used for the purpose of concealing administrative error or inefficiency, to prevent personal or departmental embarrassment, to restrain competition or independent initiative, or to prevent for any other reason the release of official information which does not require protection in the interests of national security.

§ 159.103–1 Regrading and declassification.

In order to preserve the effectiveness and integrity of the Information Security Program, assigned classifications shall be responsive at all times to the current needs of national security. Classification, when determined to be required, shall be retained for the minimum length of time considering the degree of sensitivity, cost and probability of compromise. When classified information is determined in the interests

[1] Filed as part of the original Copies available from U.S. Naval Publication and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120.

[2] Classified document. Not available to the public.

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of national security to require a different level of protection than that presently assigned, or no longer to require any such protection, it shall be regarded or declassified.

§ 159.103–2 Safeguarding.

Official information or material classified under the provisions of this regulation shall be afforded the level of protection against unauthorized disclosure commensurate with the level of classification assigned under the varying conditions which may arise in connection with its use, dissemination, storage, movement or transmission, and destruction.

SECURITY CLASSIFICATION CATEGORIES

§ 159.104 General.

Official information or material which requires protection against unauthorized disclosure in the interests of national security shall be classified in one of three categories, namely, "Top Secret", "Secret", or "Confidential", depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interests of national security, except as otherwise expressly provided by statute.

§ 159.104–1 "Top Secret".

"Top Secret" refers to that national security information or material which requires the highest degree of protection. The test for assigning "Top Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

§ 159.104–2 "Secret".

"Secret" refers to that national security information or material which requires a substantial degree of protection. The test for assigning "Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification "Secret" shall be sparingly used.

§ 159.104–3 "Confidential".

"Confidential" refers to that national security information or material which requires protection. The test for assigning "Confidential" classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

AUTHORITY TO CLASSIFY, DOWNGRADE AND DECLASSIFY

§ 159.105 Original classification authority.

(a) Original classification authority is authority to make determinations that official information currently requires, in the interests of national security, a specific degree of protection against unauthorized disclosure. This authority shall be restricted solely to those officials specifically designated in writing pursuant to this regulation. It is vested in the incumbent of the designated position and in the individual designated in writing by the incumbent to act in his absence. The exercise of this authority is personal to these officials and may not be delegated by them or used by anyone acting for them or in their names. It is limited to classification only at the level authorized or below. Designations of this authority shall be limited to the minimum number absolutely required for efficient administration, and to those officials whose duties and responsibilities involve the origination and evaluation of information warranting classification at the level stated in the designation. Administrative convenience alone is not a valid base for requesting or granting this authority. A stated need to grant exemptions from the General Declassification Scheduled (§ 159.302) is not by itself a valid basis for designating Top Secret original classification authority.

(b) A determination that a designation is absolutely required shall not be recommended or made until after the officials responsible for the recommendation and for the designation have considered all of the following factors and resolved all of them in favor of the designation.

(1) The normal course of operations or mission of the organization is such as to result in the origination of official information warranting classification.

(2) There is a substantial degree of local autonomy in operations or mission as distinguished from a relatively detailed dependence upon higher level command or supervisory guidance.

(3) There is adequate knowledge by the originating level to make sound classification determinations as distinguished from having to seek such knowledge from a higher level of command or supervision.

(4) There is a valid reason why already designated classification authorities in the originator's channel of command or supervision have not issued or cannot issue classification guidance sufficient to meet the originator's normal needs.

(c) Each request and recommendation for designation of one or more original classification authorities shall meet the following minimum requirements:

(1) Each position involved shall be identified by title and organization.

(2) Each position involved shall be measured against the factors stated in paragraph (b) of this section and shall be the subject of a favorable resolution of those factors.

(3) The request and recommendation shall be addressed, through established channels, to the Secretary of Defense, the Secretary of the appropriate Military Department, the appropriate Top Secret classification authority shown by an asterisk in the listing of Top Secret classification authorities in Appendix A of this regulation (§ 159.1500), or to the appropriate Secret classification authority in the channel of command or supervision of the requester/recommender.

(4) The request and recommendation shall be in writing and personally signed by the commander or supervisor, or his deputy, of the office or organization involved or state explicitly that the request and recommendation is approved by him.

(d) Each designation of an original classification authority shall be in writing and personally signed by the designating official.

(e) Under the provisions of § 159.1301, the Assistant Secretary of Defense (Comptroller), acting in behalf of the Secretary of Defense, is authorized to cancel, or direct the cancellation of, any designation within the Department of Defense which he determines was not made in compliance with this regulation.

(f) Pursuant to section 2 of reference in § 159.100(b), original classification authority may be exercised by the following:

(1) *For Top Secret.* The officials designated in or pursuant to part 1 of Appendix A (§ 159.100).

(2) *For Secret.* The officials designated in or pursuant to parts 1 and 2 of Appendix A (§ 159.100).

(3) *For Confidential.* The officials designated in or pursuant to parts 1, 2 and 3 of Appendix A (§ 159.100).

§ 159.105–1 Record and report requirements.

Records and reports of designations of original classification authority shall be maintained and submitted as follows:

(a) *Top Secret listings.* A current listing by title and organization of officials designated to exercise original Top Secret classification authority shall be kept as follows:

(1) The Office of the Assistant Secretary of Defense (Comptroller) for (i) the Office of the Secretary of Defense; (ii) the Organization of the Joint Chiefs of Staff; (iii) the Headquarters of each Unified and Specified Command and the Headquarters of Subordinate Joint Commands; and (iv) the Defense Agencies.

(2) The Offices of the Secretaries of the Military Departments for the officials of their respective departments, excluding officials from their respective departments who are serving in Headquarters elements of Unified and Specified Commands and Headquarters of Joint Commands subordinate thereto.

(b) *Secret and Confidential listings.* A current listing by title and organization of officials designated to exercise original Secret and Confidential classification authority shall be kept as follows:

(1) The Office of the Assistant Secretary of Defense (Comptroller), for the Office of the Secretary of Defense.

(2) The offices of the Secretaries of the Military Departments for the officials of their respective departments, excluding officials from their respective departments who are serving in Headquarters elements of Unified and Specified Commands and Headquarters elements of Joint Commands subordinate thereto.

(3) The Director, Joint Staff, for the Organization of the Joint Chiefs of Staff.

(4) The Commanders-in-Chief of the Unified and Specified Commands, for their respective Headquarters and the Headquarters of Subordinate Joint Commands.

(5) The Directors of the Defense Agencies, for their respective Agencies.

(c) The offices which maintain listings of designated original classification authorities as above prescribed shall submit to the Deputy Assistant Secretary of Defense (Security Policy) quarterly consolidated reports of all changes in such listings which have occurred during the reporting quarter. Such reports shall be submitted so as to reach the Office of the Deputy Assistant Secretary of Defense (Security Policy) no later than the 10th working day of the month following the close of the quarter. Reports Control Symbol DD–A (Q) 1183 has been assigned to these reports. Also see § 159.1303.

§ 159.105–2 Currency of designations.

Designations of original classification authorities shall be kept current by written action of the officials authorized to make such designations.

§ 159.105–3 Downgrading and declassification authority.

Original classification authorities or higher officials in the same chain of command or supervisory responsibility are authorized to downgrade or declassify information classified by the original classifier. In addition, to the maximum extent practicable, heads of Department of Defense components shall establish procedures by which officials are designated at headquarters level who are authorized to downgrade and declassify information under the classification jurisdiction of any subordinate offices or echelons and to resolve conflicts or doubts as to the classifications that are appropriate as of a current date.

Subpart—Classification

CLASSIFICATION RESPONSIBILITIES

§ 159.200 Accountability of classifiers.

Each classifier shall be held accountable for the propriety of the classifications assigned by him, whether in the exercise of original classification authority or in the determination and application of classifications assigned in source documents or as prescribed by applicable classification guidance, and shall maintain adequate records to support his actions. Such records could take the form of an approved security classification guide or a notation on the record copy of the classified document indicating the source of the classification or, if an original classification, a brief justification for the classification determination. In any case, the classifier is required to maintain a record to show the basis for classification or by which the chain of classification authority can be traced to an original classification authority who can justify the initial classification determination, should an occasion demand such action. (See also § 159.302.) An official with the requisite classification authority who classifies a document or other material and who identifies himself thereon as the classifier, is and continues to be, the accountable classifier even though the document or material is finally approved or signed at a higher level in the same organization.

§ 159.200–1 Classification review.

(a) When an official signs or finally approves a document or other material already marked to reflect a particular level of classification, he shall review the information contained therein to determine if the classification marking(s) is (are) appropriate. If, in his judgment, the classification marking(s) is (are) not supportable, he shall cause such marking(s) to be removed or changed as appropriate to reflect accurately the classification of the information involved prior to issuance.

(b) A higher level official through or to whom a document or other material passes for signature or final approval becomes jointly responsible with the accountable classifier for the classification(s) assigned. In any particular organization a determination as to whether the higher level official wishes to have his subordinates who have requisite classification authority to be shown as the accountable classifier is a matter for internal management to decide.

§ 159.200–2 Classification planning.

(a) Advance classification planning is an essential part of the development of any plan, operation, program, research and development project, or procurement action in which security is a major factor, or which involves classified information. The classification aspects must be considered from the beginning to assure adequate protection for the information and for the activity itself, and to eliminate impediments to the execution or implementation of the plan, operations order, program, project, or procurement action.

(b) The commander or official charged with the development of any plan, program or project, in which classification is a factor, shall include therein, under a clearly identifiable title or heading, a classification guide covering the information involved in that effort or a classification plan, prepared by qualified personnel who have at hand the necessary knowledge and technical intelligence to make reasonable determinations covering the following:

(1) Isolation and identification of items of information involved in the effort which require classification.

(2) Classification guidance specifying the levels of classification to be applied to identified items of information and material developed in connection with the plan, program or project.

(3) A schedule for phased downgrading and declassification covering each item of classified information and material. If the information is of a nature which is exempted from the General Declassification Schedule (see § 159.302–1), a statement shall be included indicating which of the four exemption categories is applicable and, unless impossible, a date or event on which declassification will occur.

(4) Provision for periodic review to determine the currency and accuracy of the classification, downgrading, and declassification guidance provided.

§ 159.200–3 Recipient of classified information or material.

If the recipient of classified information or material has reason to believe that it should not be classified or that current security considerations justify a change in the assigned classification, he shall make such changes if he is authorized to do so. If not so authorized, he shall promptly submit the matter to the appropriate classifier with his recommendations and reasons therefor. Pending final determination, the material shall be safeguarded as required for its assigned or proposed classification, whichever is higher, until the classification is changed or otherwise verified. The responsible classifying authority shall act on such recommendations within thirty (30) days of receipt.

IDENTIFICATION OF CLASSIFIER

§ 159.201 Identification of classifier.

(a) Information or material classified under this regulation shall indicate on its face, in the case of documents, or by notice or other means, in the case of material, the identity of the classifier. Such identification shall be shown on the "Classified by" line of the notations authorized under § 159.403–1. Clear and complete identification is construed to mean that the description standing alone shall be sufficient to identify a particular official, source document or classification guide, as the case may be. Identification of a source document or guide will include the date thereof and the title and organization of the original classifier when known.

(1) If all of the information in the document or other material is classified as an act of original classification, the official with requisite classification authority who made the classification determination shall be identified on the face of the document in the "Classified

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by" space by his title and position in his organization.

(2) If all of the classified information contained in a document is classified because of classification imposed by a single outside source, for example, a source document or classification guide, and no original classification is involved, the "Classified by" line will identify the source document or guide including its date, and also the official title and organization of the original classifier when known.

(3) If the classified information contained in a document or other material is classified because of classifications imposed by more than one outside source document, classification guide or combination thereof, the official title and position of the signer or final approver of the new document or other material shall be shown in the "Classified by" space.

(4) If a particular official with requisite classification authority has been designated by the head of an organization to be the approver of the security classification assigned to all classified material leaving the organization, the official title and position of that designated official shall be shown in the "Classified by" space.

(b) In all of the situations in paragraph (a) (1) through (4) of this section, the official responsible for completing the "Classified by" line in the stamp shall establish and retain adequate records to support his action.

(c) Guidance concerning the identification of classifier on electrically transmitted messages is contained in § 159.401–7.

Classification Principles, Criteria and Considerations

§ 159.202 Balanced judgment requirement.

Classification is a balanced judgment. There must be a positive basis for classification, but both advantages and disadvantages to classifying must be considered. Determination to classify shall not be made and a classification marking shall not be applied until after full consideration of both aspects. All sections of this subpart (§§ 159.202–159.202–15) must be considered before a classification determination is made or a classification marking is applied.

§ 159.202–1 Identification of specific information.

Classification determinations must be preceded by an exact identification of each item of information which may require security protection in the interests of national security. This process involves identification of that specific information which comprises the basis for the particular national advantage or advantages which, if the information were compromised, would or could be damaged, minimized, or lost, thereby adversely affecting the national security.

§ 159.202–2 Reasons for classification.

An evaluation of information forms the base for classification. A document or other material is classified either: (a) Because of the information it contains which may be ascertained by study, analysis, observation or use of it; or (b) because of the information it may reveal when associated with other information, including that which the classifier knows already has been officially released into the public domain.

§ 159.202–3 Specific classifying criteria.

A determination to classify shall be made only when one or more of the following considerations are present and the unauthorized disclosure of the information could reasonably be expected to cause a degree of harm to the national security:

(a) The information provides the United States, in comparison with other nations, with a scientific, engineering, technical, operational, intelligence, strategic or tactical advantage directly related to the national security.

(b) Disclosure of the information would weaken the position of the United States in the discussion, avoidance or peaceful resolution of potential or existing international differences which could otherwise generate a military threat to the United States or its mutual security arrangements, create or increase international tensions contrary to the national security of the United States, result in a disruption in foreign relations, or lead to hostile political or military action against the United States or its allies, thereby adversely affecting the national security.

(c) Disclosure of the information would weaken the ability of the United States to wage war or defend itself successfully, limit the effectiveness of the armed forces, or make the United States vulnerable to attack.

(d) There is sound reason to believe that other nations do not know that the United States has, or is capable of obtaining, certain information or material which is important to the national security of the United States vis-a-vis those nations.

(e) There is sound reason to believe that knowledge of the information would: (1) Provide a foreign nation with an insight into the war potential or the war or defense plans or posture of the United States; (2) allow a foreign nation to develop, improve or refine a similar item of war potential; (3) provide a foreign nation with a base upon which to develop effective countermeasures; (4) weaken or nullify the effectiveness of a defense or military plan, operation, project or activity which is vital to the national security.

§ 159.202–4 Dissemination considerations.

The degree of intended or anticipated dissemination and use of material, and whether the end purpose to be served renders effective security control impractical, are factors which must be considered. These factors do not necessarily preclude classification, but they do force consideration of the extent to which classification under such circumstances may degrade the classification system by attempting to impose security control in impractical situations. Determinations significantly dependent upon these factors shall not be made below the level of the official having original classification authority over the particular plan, program, project or item.

§ 159.202–5 Net national advantage.

In exceptional circumstances involving scientific and technical information or material, it may be necessary to weigh the benefits which would accrue to the United States generally from the unclassified use by other United States government agencies or commercial interests of information which is classified or otherwise classifiable under this regulation, against the advantage which would be gained or retained by classificaton or continued classification of the information. When a net advantage to the United States resulting from unclassified use distinctly can be ascertained beyond a reasonable doubt, that factor should be considered in reaching the classification determination which is to be made by a designated classification authority having classification jurisdiction over the information involved.

§ 159.202–6 Lead time advantage.

Unlike § 159.202–5, this paragraph concerns situations in which obtaining or maintaining a national defense lead time advantage is essential.

(a) Lead time is the interval between the acquisition of knowledge by or on behalf of the Government of the United States and the time when the Government of the United States believes that the same knowledge is known to, or reasonably could be known to, the private community in the United States or to other nations through the application of their own resources.

(b) The United States as a nation may have a sufficient edge on a sufficiently broad basis of technical competence over other nations that an essential national defense lead time advantage might be obtained or maintained through an open race with other nations.

(c) If it is reasonably believed that an essential national defense lead time advantage can be obtained or maintained as well or better through reliance upon the total available U.S. technological base, open circulation, after public release approval, will be preferred to security classification.

(d) If it is reasonably believed that an essential national defense lead time advantage which could be obtained or maintained through security classification more than likely would be lost through open circulation after public release approval, the determination will be to use security classification.

§ 159.202–7 Cost factor.

Cost alone is not a positive basis for classification. Cost may be a reason for not classifying under certain conditions as shown below.

(a) If cost resulting from classification in terms of time, money or personnel becomes a critical factor and actually might impede or prevent attainment of the desired mission or objective of the program, project or operation, it will be necessary to consider:

(1) Value to national defense of accomplishing the desired mission or objective.

(2) Risk attendant upon non-classification of certain information in order to attain the desired goal.

(3) Maximum extent to which classification can be employed without actually impeding attainment of the goal.

(b) Whenever officials responsible for carrying out a program, project or operation consider that the cost factor resulting from classification may impede or prevent attainment of the desired mission or objective, the matter shall be referred, with appropriate explanations and recommendations, to the original classifying authority for the program, project or operation.

(c) Final determination of the effect of the cost factor on classification under circumstances set forth in paragraph (b) of this section, shall be made only at or above the level of the original classifying authority for the program, project or operation.

§ 159.202–8 Classifying research data.

Ordinarily, except for information which meets the definition of Restricted Data, basic scientific research or results thereof shall not be classified. However, classification would be appropriate if the information concerns an unusually significant scientific "breakthrough" and there is sound reason to believe it is not known or within the state-of-the-art of other nations, and it supplies the United States with the advantage directly related to national security.

§ 159.202–9 Classifying documents.

Each document shall be classified on the basis of the information it contains or reveals. The fact that a document makes reference to a classified document is not a basis for classification unless the reference, standing alone, reveals classified information. The overall classification of a document, file, or group of physically connected documents shall be at least as high as that of the most highly classified component. Each component, however, shall be classified individually on its own merits. The subject or title of a classified document should normally be unclassified for ready reference. When the information revealed by a subject or title warrants classification protection, an unclassified short title should be added for reference purposes.

§ 159.202–10 Classifying material other than documents.

(a) Items of equipment or other physical objects may be classified only when classified information may be derived from them by visual observation of internal or external appearance, structure, operation, test, application or use. The overall classification assigned to equipment or physical objects shall be at least as high as the highest classification of any of the items of information revealed by the equipment or objects.

(b) In every instance when classification of an item of equipment or other physical object is determined to be warranted, such determination must be based on a finding that there is at least one aspect of the item or object which affords the United States a national defense advantage. If mere knowledge of the existence of the item of equipment or physical object would compromise or nullify its national defense advantage, its existence would warrant classification.

§ 159.202–11 State-of-the-art and intelligence.

Classification requires consideration of the information available from intelligence sources concerning the extent to which the same or similar information is known or is available to others. It is also important to consider whether it is known, publicly or internationally, that the United States has the information or even is interested in the subject matter. The state-of-the-art in other nations is a vital factor requiring consideration.

§ 159.202–12 Effect of open publication.

Appearance in public domain of information currently classified or being considered for classification does not preclude initial or continued classification; however, such disclosures require immediate re-evaluation of the information to determine whether the publication has so compromised the information that downgrading or declassification is warranted. Similar consideration must be given to related items of information in all programs, projects or items incorporating or pertaining to the compromised items of information. In these cases, if the release is shown to have been made or authorized by an official Government source, classification of clearly identified items shall no longer be continued. However, holders should continue classification until advised to the contrary by a competent Government authority. Under no circumstances may a compilation of official public releases be classified.

§ 159.202–13 Re-evaluation of classification because of compromise.

Specific classified information subjected to compromise or possible compromise and information related thereto shall be re-evaluated and acted upon as follows:

(a) The original classifying authority, upon learning that a compromise or possible compromise of specific classified information has occurred, shall:

(1) Re-evaluate the information involved and determined whether: (i) The classification should be continued without changing the specific information involved; (ii) the specific information, or parts thereof, should be modified to minimize or nullify the effects of the reported compromise and the classification retained; (iii) immediate downgrading is appropriate; (iv) the original schedule specified for downgrading the information involved should be changed to reflect an earlier downgrading time; or (v) declassification is warranted.

(2) When such determination is within paragraph (a) (1) (ii), (iii), (iv), or (v) of this section give prompt notice thereof to all holders of such information.

(b) Upon learning that a compromise or possible compromise of specific classified information has occurred, any official having original classification jurisdiction over related information shall reevaluate the related information and determine whether one of the courses of action enumerated in paragraph (a) (1) of this section should be taken or, in lieu thereof, upgrading of the related information is warranted. When such a determination is within paragraph (a) (1) (ii), (iii), (iv), or (v) of this section or that upgrading of the related items is warranted, prompt notice of the determination shall be given to all holders of the related information. (See Subpart—Compromise of Classified Information.)

§ 159.202–14 Compilation of information.

The general rule is that a compilation of unclassified items shall not be classified. In rare and unusual circumstances, however, classification may be required if the combination of unclassified items together provides an added factor which warrants classification. Classification on this basis shall be used sparingly. (See also §§ 159.202–12 and 159.401–3.)

§ 159.202–15 Extracts of information.

Information or material extracted from a classified source will be classified, or not classified, as the case may be, in accordance with the classification markings shown in the source. The overall marking and internal marking of the source should supply adequate classification guidance to the person making the extraction. However, if internal markings, as an exception to the general rule, are lacking, and if no classification guidance is included in the source and no reference is made to an applicable classification guide which is available for use by the person making the extraction, the extracted information or material will be classified to correspond to the overall marking of the source, or in accordance with guidance specifically sought and received from the classifier of the source material.

Classification Guides

§ 159.203 General.

A classification guide, based upon classification determinations made by appropriate classification authorities, shall be issued for each system, program or project. Successive operating echelons shall prescribe any further detailed supplemental guides deemed essential to assure accurate, uniform and consistent classification.

§ 159.203–1 Multiservice interest.

For each system, program, project or item involving or being used by more

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than one component of the Department of Defense, (a) the component in the Office of the Secretary of Defense which assumes or is expressly designated to exercise overall cognizance or (b) the Department of Defense component which is expressly designated to serve as the executive or administrative agent for development and administration of the particular effort shall be responsible for assuring the issuance of an appropriate classification guide for the particular system, program, project or item.

§ 159.203–2 Other multiservice interest cases.

The Assistant Secretary of Defense (Comptroller) shall develop, in coordination with the designated senior official (§ 159.1302–1, § 159.1302–2) of each interested Department of Defense component, and issue appropriate classification guides covering:

(a) General subject matters which will be involved in individual systems or equipments and for which it is deemed essential to establish proper bases for uniform, consistent classification assignments.

(b) Any system, program, project or item of multiservice interest not covered in § 159.203–1.

§ 159.203–3 Research, development, test and evaluation programs.

Each system and equipment development program which involves Research, Development, Test and Evaluation (RDT &E) of technical information shall be supported by a program security classification guide which is both meaningful and timely. For all active programs of this kind, the following rules apply:

(a) For each such program covered by an approved Development Concept Paper (DCP) or Program Memorandum (PM), initial basic security classification guidance shall be developed and submitted with the proposed DCP or PM to the Director, Defense Research and Engineering, for approval of the proposed security classifications applicable to technical characteristics of the system or equipment. A detailed security classification guide shall be developed and issued in accordance with the policies and procedures established by this regulation as nearly contemporaneously as practicable with the granting of approval of the DCP or PM.

(b) A recommended master security classification guide for each such program falling below the DCP or PM threshold shall be approved at the level of the Assistant Secretary (R&D) of the Military Departments, the Assistant to the Chairman, Joint Chiefs of Staff, or the Deputy Directors of the Defense Agencies, or their respective designees.

§ 159.203–4 Project phases.

Whenever feasible, classification guides shall cover, phase by phase, the transition from research through development, test and evaluation, procurement, production, service use and obsolescence, with changes made in assigned classifications which are appropriate to changing sensitivity of the information involved. Classifications shall be specific as to the system or item concerned.

§ 159.203–5 Review of classification guides.

Classification guides, including Contract Security Classification Specifications (DD Form 254), shall be reviewed by the originator for currency and accuracy not less than once each year. Changes shall be in strict conformance with the provisions of this regulation and shall be issued promptly to all holders. In this connection, information and material previously identified in a pre-June 1972 classification guide as Group 1, 2 or 3 under Executive Order 10501 shall be reevaluated and shall be included in any new or revised post-June 1972 classification guide as ADS, GDS or exempt from GDS under the provisions of Subpart—downgrading and declassification of this regulation. In no case shall information or material be designated as "Excluded" from the GDS in a new or revised classification guide which is developed pursuant to the provisions of this paragraph. All classification guides which prescribe exemptions from the General Declassification Schedule shall identify the title or position of the Top Secret classification authority who approved, authorized or sanctioned such exemptions pursuant to the provisions of § 159.302. If no changes are made, the originator shall place on the record copy of the guide a notation, signed by an appropriate official, attesting to the fact of the review and the date thereof.

§ 159.203–6 Sufficiency of classification guides.

Classification guides must be sufficiently detailed to identify the critical items of information which require classification and yet sufficiently flexible to assure accurate classification of documentation and other material developed at various levels and during different stages of the program or project. It is particularly important that such guides not result in stagnation and overclassification through automatic application of their content.

§ 159.203–7 Distribution of guides to Office, Secretary of Defense.

Except as determined by the Secretary of Defense for certain categories of information, a copy of each classification guide and changes thereto shall be sent to the Directorate for Security Review, Office, Assistant Secretary of Defense (Public Affairs) and to the Director of Information Security, Office, Deputy Assistant Secretary of Defense (Security Policy), Office, Assistant Secretary of Defense (Comptroller).

Resolution of Conflicts

§ 159.204 General.

When two or more offices, headquarters or activities disagree concerning a classification, declassification, or regrading action, the disagreement must be resolved promptly. Normally, mutual consideration by the offices, headquarters or activities concerned of the arguments for and against classification will provide adequate basis for reaching agreement.

§ 159.204–1 Procedures.

If agreement cannot be reached at the operating level, the matter shall be referred for decision to the lowest superior common to the disagreeing parties. If agreement cannot be reached at the major command (or equivalent) level, the matter shall be referred for decision to the headquarters office having overall classification management responsibilities for the component. To avoid undue delay, that office shall also be advised, on an information basis, of any disagreement at any echelon if it appears that prompt resolution is not likely. This will permit the headquarters to consider direct action to hasten resolution.

§ 159.204–2 Final decision.

Disagreements between Department of Defense component headquarters, if not resolved promptly, shall be referred to the Deputy Assistant Secretary of Defense (Security Policy) (DASD(SP)) for resolution. If appropriate, DASD(SP) may refer the question to the DoD Information Security Advisory Board (§ 159.1301–2) for action.

§ 159.204–3 Timing.

Action at each level of consideration on any disagreement on a classification, declassification or regrading problem shall be completed as soon as possible but within thirty (30) days. Failure to reach decision within thirty (30) days shall be cause for referral to the next higher echelon.

Obtaining Classification Evaluations

§ 159.205 Tentative classification.

If a person not authorized to classify originates or develops information which he believes should be safeguarded he shall:

(a) Safeguard the information in the manner prescribed for the intended classification.

(b) Mark the information (or cover sheet) with a tentative classification (e.g., "TENTATIVE CONFIDENTIAL").

(c) Forward the material to an appropriate classifying authority for evaluation and decision. If such authority is not readily identifiable, the material should be forwarded to a headquarters activity of a Department of Defense component, to the headquarters office having overall classification management responsibilities for a Department of Defense component or to the Deputy Assistant Secretary of Defense (Security Policy) (DASD(SP)).

(d) In an emergency requiring immediate communication of the information, after taking the action prescribed by paragraphs (a) and (b) of this section, transmit the information and then proceed in accordance with paragraph (c) of this section.

Upon decision by the classifying authority, the tentative marking shall be removed. If a classification has been assigned, appropriate markings shall be applied as prescribed by this regulation.

Private Information

§ 159.206 General.

Although only official information may be classified, there are some circumstances in which information not meeting the definition in § 159.102–13 may warrant protection in the interest of national security.

§ 159.206–1 Patent Secrecy Act.

The Patent Secrecy Act of 1952 (35 U.S.C. 181–188) provides that the Secretary of Defense, among others, may determine that disclosure of an invention by granting of a patent would be detrimental to national security. DoD Directive 5535.2, (§ 159.100(y)), delegates to the Secretaries of the Army, Navy, and Air Force the authority to make such determinations on behalf of the Secretary of Defense. When such determination is made, the Commissioner of Patents on request of the DoD representative takes specified actions concerning grant of a patent and protection of the information. A patent application on which a secrecy order has been imposed shall be handled as follows within the Department of Defense:

(a) If the patent application contains official information which warrants classification, it shall be assigned a classification and be marked and safeguarded accordingly. In addition, a cover sheet with wording as in § 159.206–1(b), shall be attached.

(b) If the patent application does not contain official information which warrants classification, the following procedures shall be followed:

(1) A cover sheet (or cover letter for transmittal) shall be placed on the application with substantially the following language:

> The attached material contains information on which secrecy orders have been issued by the United States Patent Office after determination that disclosure would be detrimental to national security (Patent Secrecy Act of 1952, 35 U.S.C. 181–188). Its transmission or revelation in any manner to an unauthorized person is prohibited by law. Handle as though classified: *Confidential* (or such other classification as would have been assigned had the patent application been official information).

(2) The information shall be withheld from pubic release; its dissemination within the Department of Defense shall be controlled; the applicant shall be instructed not to disclose it to any unauthorized person; and the patent application (or other document incorporating the protected information) shall be safeguarded in the manner prescribed for equivalent classified material.

(c) If filing of a patent application with a foreign government is approved under provisions of the Act of 1952 and agreements on interchange of patent information for defense purposes, the copies of the patent application prepared for foreign registration (but only those copies) shall be marked at the bottom of each page as follows:

> Withheld under the Patent Secrecy Act of 1952 (35 U.S.C. 181–188). Handle as: *Confidential* (or such other level as has been determined).

§ 159.206–2 Independent research and development.

(a) The product of independent research and development shall not be classified unless the product incorporates classified information to which the person or the company was given prior access.

(b) Independent research and development may be government sponsored, or may be a purely private, unsponsored effort. Government sponsored independent research and development may be done by a person who or company which previously was given access to classified information. If no prior access was given, classification is not permissible unless the government first acquires a proprietary interest.

(c) In cases in which no prior access was given but the person or company conducting the independent research or development believes that protection may be warranted in the interest of national security, he should safeguard the information in accordance with § 159.205 and submit it to an appropriate Department of Defense element for evaluation. The Department of Defense element receiving such a request for evaluation shall make or obtain a determination whether a classification would be assigned if the information were official. If the determination is negative, the originator shall be advised that the information is unclassified. If the determination is affirmative, the Department of Defense element shall make or obtain a determination whether an official proprietary interest in the research and development will be acquired. If such an interest is acquired, the information shall be assigned proper classification. If no such interest is acquired, the originator shall be informed that there is no basis for classification and the tentative classification shall be cancelled.

§ 159.206–3 Other private information.

In any other instance, for example, an unsolicited bid, in which a firm, organization, or individual submits to the government private information for determination of classification, the steps specified in § 159.205 shall be taken.

Upgrading

§ 159.207 Raising to a higher level of classification.

Upgrading classified information to a higher level than previously determined is permitted only when it is determined by the upgrading authority that:

(a) All holders of the information are authorized access to the higher classification category;

(b) All holders of the information can be promptly notified of the upgrading; and

(c) Any dissemination to holders not authorized access to the higher classification category can be neutralized through retrieval.

§ 159.207–1 Classification of information previously determined to be unclassified.

Unclassified information, once communicated as such, is permitted to be classified only when the classifying authority makes the same determination described for upgrading in § 159.207 and in addition, determines that control of the information has not been lost by such communication and can still be prevented from being lost.

§ 159.207–2 Information released to secondary distribution centers.

No attempt shall be made to classify information previously determined to be unclassified which is contained in documents released to secondary distribution centers, such as the Defense Documentation Center, unless it is determined that no secondary distribution has been made and can still be prevented. The provisions of § 159.207–1 apply to this kind of material.

§ 159.207–3 Notification.

Notification of upgrading or the classification of information previously determined to be unclassified shall not be given to holders from whom retrieval is accomplished.

Industrial Operations

§ 159.208 Classification in industrial operations.

Classification in industrial operations shall be based strictly on security classification guidance furnished by the Government. Industrial management does not make original classification determinations but applies the classification decisions of the contracting authority with respect to information and material developed, produced or handled by the contracting facility itself. Industrial management shall designate persons who shall have the responsibility for assuring that Government security classification guidance is applied accurately and uniformly. Numbers of persons authorized to determine the proper classifications to be applied in accordance with the government guidance shall be limited to the minimum consistent with operational requirements.

Subpart—Downgrading and Declassification

General Provisions

§ 159.300 Downgrading and declassification determinations.

When a classification determination is made, it is necessary to determine how long the classification shall last in accordance with the policy expressed in § 159.103–1. Classified information and material shall be downgraded and declassified as soon as there are no longer any grounds for continued classification within the classification category definitions set forth in §§ 159.104—159.104–3

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and the classification principles, criteria and considerations set forth in Subpart-Classification (§§ 159.200—159.200–3).

§ 159.300–1 Priority consideration of earliest possible date or event.

The individual exercising original classifying authority shall, to the maximum extent practicable, predetermine at the time of origination dates or events on which downgrading and declassification shall occur. These dates or events shall be as early as the national security will permit. The dates of the General Declassification Schedule as set forth in § 159.301 shall not be used unless an Advanced Declassification Schedule for date or event earlier than the General Declassification Schedule cannot be predetermined.

§ 159.300–2 Dates or events carried forward.

Downgrading and declassification dates or events predetermined at time of origination under § 159.300–1, § 159.301 or § 159.302 shall be carried forward and applied when the classified information to which they are assigned is incorporated in later documents, security classification guides or material. In order to ensure uniformity in the application of this policy guidance, the following examples are cited:

(a) A 1973 security classification guide identifies items of information which are classified at the Confidential level and assigned to the General Declassification Schedule with a declassification date of December 31, 1979. When the guide is re-issued in 1974 and the same items of information are incorporated without change of classification status, the declassification date of December 31, 1979 is shown for these items in the reissuance.

(b) A document created in January 1974 is classified solely on the basis that the information used therein is the same as that contained in a January 1973 source document classified at the Confidential level. The source document is marked as prescribed for the Advanced Declassification Schedule (ADS) with the declassification date shown as December 31, 1975. The document created in January 1974 would carry the same declassification date as the source document—December 31, 1975.

GENERAL DECLASSIFICATION SCHEDULE

§ 159.301 Automatic downgrading and declassification.

Classified information and material, unless downgraded or declassified earlier under the provisions of § 159.300–1 or exempted from the General Declassification Schedule under §§ 159.302 and 159.302–1, shall be assigned a date or event on which downgrading and declassification shall occur in accordance with the prescribed limits of the General Declassification Schedule outlined below:

(a) *Top Secret.* Information or material originally classified Top Secret shall be automatically downgraded to Secret at the end of the second full calendar year following the year in which it was originated, downgraded to Confidential at the end of the fourth full calendar year following the year in which it was originated and declassified at the end of the tenth full calendar year following the year in which it was originated. For example, a document classified Top Secret on 1 June 1972 will automatically be downgraded to Secret on 31 December 1974, downgraded to Confidential on 31 December 1976 and declassified on 31 December 1982.

(b) *Secret.* Information and material originally classified Secret shall be automatically downgraded to Confidential at the end of the second full calendar year following the year in which it was originated and declassified at the end of the eighth full calendar year following the year in which it was originated.

(c) *Confidential.* Information and material originally classified Confidential shall be automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

§ 159.301–1 Retroactive application.

Information or material classified before June 1, 1972 shall be treated as follows:

(a) When marked as Group 4 under Executive Order 10501, as amended, it shall be subject to the General Declassification Schedule (§ 159.301) effective December 31, 1972. The starting date for the General Declassification Schedule will be the date of origin of the information or material. The fact that Group 4 information or material is being declassified earlier than originally scheduled dates shall not prevent it being redesignated as falling within an exemption category as provided for in §§ 159.302 and 159.302–1. Exemption of Group 4 material may be made only if action is taken in time for notification thereof to be received by all holders of the document prior to the date established under the General Declassification Schedule for automatic declassification.

(b) Information or material marked as Group 1, 2 or 3 under Executive Order 10501, as amended, or other information or material not group-marked under Executive Order 10501, shall, except as provided in § 159.401–1(c) be excluded from (not "exempted" from) the General Declassification Schedule. With respect solely to information or material marked Group 3 and which is under the exclusive or final classification jurisdiction of the Department of Defense, it shall continue to be downgraded automatically at twelve year intervals from date of origin until the classification level of Confidential is reached but not automatically declassified.

(c) Information or material described in paragraph (b) of this section shall be subject to the same conditions and criteria that apply to classified information and material created on or after June 1, 1972 as set forth in §§ 159.303 through 159.304–3.

§ 159.301–2 Redesignating material as exempted.

If an original classifier at any time determines that information or material falls within one of the four exempt categories described in §§ 159.302 and 159.302–1, the fact that such information or material was previously placed under the General Declassification Schedule § 159.301, or marked for earlier declassification (§§ 159.300–1 and 159.301–1), shall not prevent it being redesignated as falling within an exempt category. This determination shall be based on a finding either that the original downgrading and declassification determination was in error, or that the material or information, due to a change in circumstances, falls within one of the four exempt categories. Upon such redesignation, notice shall be promptly given to all holders of such information. Such redesignation may be made only when all recipients of the information can be notified prior to the scheduled date for declassification. Redesignation shall preserve the level of classification in effect at the time of redesignation, subject, however to §§ 159.300 and 159.303 through 159.304–3.

EXEMPTIONS FROM GENERAL DECLASSIFICATION SCHEDULE

§ 159.302 General provisions.

Certain classified information or material may warrant some degree of protection against unauthorized disclosure for a period exceeding that provided in the General Declassification Schedule in §§ 159.301 through 159.301–2. An official authorized to exercise original Top Secret classification authority may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case, the original Top Secret classification authority shall specify in writing on the material or by means of written policy direction issued in advance, the exemption category being claimed and, unless impossible, shall specify a date or event for automatic declassification of the information involved. The head of each component shall establish procedures to assure that original Top Secret classification authorities limit the use of this exemption authority to the absolute minimum consistent with national security requirements. When a document or other material is being prepared and an exemption determination is based upon a classification guide or on a source document, the classifier's (see § 159.201) retained records shall be maintained in such manner as to enable the identification of the source(s) of the exemption(s) used. (See also §§ 159.200 and 159.304—2)

§ 159.302–1 Exemption categories.

Exemptions from the General Declassification Schedule are strictly limited to information or material in the following categories (numbered according to section 5(B), Executive Order 11652):

(a) Furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(b) Specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(c) Disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security. (See § 159.304–3)

(d) Disclosure would place a person in immediate jeopardy.

MANDATORY REVIEW OF MATERIAL OVER 10 YEARS OLD

§ 159.303 Material covered.

All classified information and material originated on or after June 1, 1972 which is exempted under §§ 159.302 and 159.302–1 from the General Declassification Schedule, and all classified information and material which is "excluded" from the General Declassification Schedule under § 159.301–1(b), shall upon request, be subject to mandatory classification review by the originating DoD components at any time after the expiration of ten years from date of origin.

§ 159.303–1 Processing requirements.

Requests for review of the classification of information or material exempted from the General Declassification Schedule §§ 159.302 and 159.302–1 shall be processed promptly, subject to the following:

(a) A U.S. Government Department or Agency or a member of the public has requested revew.

(b) The request is in writing and describes the record with sufficient particularity to enable the component to identify it. Whenever a request is deficient in the description of the record sought, the requester should be asked to provide additional identifying information.

(c) The record can be obtained with only a reasonable amount of effort. What is "reasonable" depends on the amount of records sought, their location, and accessibility, and the time, effort and related costs required to identify and compile them. Before denying a request on the grounds that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable.

(d) If, after taking the alternative action prescribed by paragraph (b) or (c) of this section, the request does not describe the records sought with sufficient particularity, or the record cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why his request cannot be granted.

§ 159.303–2 Submission of requests for review.

Requests described in § 159.303 shall be submitted in accordance with the following:

(a) Requests originating within DoD shall in all cases be submitted directly to the DoD element which originated the material. Such cases are not referred to the Departmental Classification Review Committee (§§ 159.1301–1 and 159.1302–1).

(b) For most expeditious action, requests from other agencies of the Executive Branch or from outside the Executive Branch should be submitted directly to the DoD element which originated the material. If the originating element is not known or cannot be located, the requester may submit the request to any of the following:

(1) The facilities established in the Office, Secretary of Defense, the Military Departments and the Defense Agencies under DoD Directive 5400.7 (§ 159.100(r)), to receive requests for records under the Freedom of Information Act. These facilities are identified in appropriate sections of 32 CFR for each DoD component.

(2) The head of the DoD component which is most concerned with the subject matter of the material requested.

(3) Chief, Records Management Branch, Office, Deputy Assistant Secretary of Defense (Administration) (Comptroller), Department of Defense, Washington, D.C. 20301.

§ 159.303–3 Action on requests for review.

The office which first acts upon a request for review for declassification shall immediately acknowledge to the requester receipt of such request in writing and must simultaneously advise the requester that, if at the end of 30 days from receipt of the request no determination has been made, he may apply to the departmental committee for a determination. If, during the 30 day processing time, a determination can be made that additional time will be required to process the request, the requester shall be advised of the reasons.

(a) If at the end of 60 days from receipt of the request for review no determination has been made, the requester shall be advised of his right of appeal to the DoD Classification Review Committee (§ 159.1301–1).

(b) Information or material which no longer qualifies for exemption under §§ 159.302 and 159.302–1 shall be declassified and processed for release to the requester in accordance with DoD Directive 5230.9 (§ 159.100(d)).

(c) Information or material continuing to qualify for an exemption under § 159.302–1 shall be marked in accordance with Subpart—Marking and unless impossible, a date for automatic declassification shall be set. The requester shall be so notified and, whenever possible, he shall be provided with a brief statement as to why the requested information or material cannot be declassified. This notice shall also advise him of his right to appeal to the DoD Classification Review Committee (§ 159.1301–1).

(d) Fair and equitable fees for copies of available records shall be established pursuant to DoD Instruction 7230.7, (§ 159.100(s)).

§ 159.303–4 Burden of proof.

In considering appeals from denials of declassification requests, the DoD and Military Department Classification Review Committees shall place the burden of proof, for administrative purposes, on the originating DoD component to show that continued classification is warranted.

FIFTEEN AND THIRTY YEAR DECLASSIFICATION REQUIREMENTS

§ 159.304 Material covered.

All classified information or material which is excluded or exempted from the General Declassification Schedule under §§ 159.301 through 159.302–1 and over which the Department of Defense exercises final classification authority is subject to declassification under the conditions stated below.

§ 159.304–1 Systematic review.

All information and material in the custody of the National Archives and Records Service which was classified before the effective date of this regulation and more than thirty years old is to be systematically reviewed for declassification by the Archivist of the United States. The Archivist shall refer to the Department of Defense such material as has been indicated by the Department of Defense to require further review. In the case of thirty year old information in the custody of the components of the Department of Defense, such review will be accomplished by the custodians of the respective components. The Department of Defense component having primary jurisdiction over the material received from the Archivist or in its custody, shall proceed as follows:

(a) Classified information or material over which the Department of Defense exercises exclusive or final original classification authority and which is to be kept protected in accordance with § 159.304–2 shall be listed by the responsible custodian and referred through established channels to the Secretary of Defense or the Secretary of the appropriate Military Department depending upon which of these officials has current security classification jurisdiction over it. This listing shall:

(1) Identify the information or material involved, including its date of origin and field of interest;

(2) Recommend continued classification beyond thirty years to a specific future event which is certain to happen, or for a fixed period of time to terminate on December 31 of a given future year; and

(3) State that the reason for the recommended continued classification is that earlier disclosure would place an identified or identifiable person in immediate jeopardy, or that, because of reasons which are stated, continued classification is essential to the national security.

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(b) The Secretary of Defense or the Secretary of the Military Department concerned shall personally consider and determine which category of material shall be kept classified and the period of continued classification. The Archivist shall be so notified.

(c) All documents or other materials determined, under the provisions of this §§ 159.304 through 159.304–2, to be declassified shall be remarked according to the provisions of Subpart—Marking of this regulation.

§ 159.304–2 Exceptions to automatic declassification.

All information and material classified after the effective date of this regulation over which the Department of Defense exercises exclusive or final original classification authority, if exempt from the General Declassification Schedule under §§ 159.302 and 159.302–1 of this subpart becomes automatically declassified in accordance with the following:

(a) Except as prescribed in § 159.304–2 (b), information used in U.S. documents and material, which documents and material are exempt from the General Declassification Schedule and categorized as paragraph (a), (b), (c) or (d) under the provisions of § 159.302–1 shall, unless declassified earlier, become automatically declassified at the end of 30 full calendar years after the date of original classification except for such specifically identified categories of information and material which the head of the originating military department or the Secretary of Defense for other components personally determines in writing at the end of the 30 year time period to require continued protection against unauthorized disclosure because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the aforementioned officials shall also specify the period of continued classification.

(b) Information and material which is scientific or technical in nature which concerns systems, installations or projects specifically designated as exempt from the General Declassification Schedule under § 159.302–1(c) shall, unless declassified earlier, become automatically declassified at the end of 15 full calendar years after the date of original classification except for such specifically identified categories of information or material which the exempting official personally determines in writing at that time to require continued protection against unauthorized disclosure. In such case, the exempting official shall also specify the period of continued classification which in no case shall exceed 30 full calendar years after the date of its original classification. Any determination to continue the classification of this body of material beyond 30 years requires the personal consideration of the Secretary of Defense or the Secretary of the Military Department concerned as prescribed in § 159.304–1.

§ 159.304–3 Requests for review.

A request by a member of the public or by a United States Government Department or Agency to review classified information more than 30 years old shall be referred directly to the Archivist of the United States for action in accordance with § 159.304–1. Such requests shall be processed within the Department of Defense in the manner prescribed in § 159.303–3. The provisions of § 159.303–4 are also applicable to these cases.

Transfer of Classified Documents or Material

§ 159.305 Material officially transferred.

In the case of classified information or material transferred by or pursuant to statute or Executive Order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purpose of storage, the receiving department or agency shall be deemed to be the classifying authority over such material for purposes of downgrading and declassification.

§ 159.305–1 Material not officially transferred.

When any department or agency of the Department of Defense has in its possession any classified information or material originated in an agency outside the Department of Defense which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of § 159.305, or when it is impossible for the possessing department or agency to identify the originating agency, and a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have the power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this paragraph, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to downgrade or declassify the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to downgrading or declassifying the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

§ 159.305–2 Transfer for storage or retirement.

Insofar as practicable, classified documents shall be reviewed to determine whether or not they can be downgraded or declassified prior to being forwarded to records centers or to the National Archives for storage. When this is done, certification of classification review shall be entered on or affixed to the transmittal form, Records Transmittal and Receipt Form, SF 135, or similar document, and appropriate changes reflecting downgrading or declassification shall be indicated as necessary on each document.

Miscellaneous Actions

§ 159.306 Notification of changes in classification or of declassification.

When classified material, which has been properly marked with specific dates or events under § 159.403–1 a or b of this regulation, is remarked in accordance therewith, it is not necessary to issue notices of those remarkings to any holders. However, when downgrading or declassification action is determined by appropriate authority to occur earlier than originally scheduled, or upgrading is involved, or the exemption status is changed, the action official or the custodian of the records shall promptly notify all addressees to whom the information or material was originally transmitted. Notification shall include the specific action to be taken, the authority therefor and the effective date. Upon receipt of notification of change in classification or exemption status or of declassification, recipients shall effect the proper changes and shall notify addressees to whom in turn they have transmitted the classified information or material.

§ 159.306–1 Presidential papers.

The Archivist of the United States has the authority to review and declassify information and material which has been classified by a President, his White House Staff or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential Library. Such declassification shall only be undertaken in accord with:

(a) The terms of the donor's deed of gift.

(b) Consultations with the Departments having a primary subject matter interest.

(c) The provisions of this Subpart.

§ 159.306–2 General review requirements.

All information and material classified after June 1, 1972, which is determined under applicable records administration standards to be of sufficient historical or other value to warrant preservation as permanent records, shall be systematically reviewed on a timely basis by the appropriate custodian for the purpose of making such information and material publicly available if, after consideration under §§ 159.300 through 159.302–1, Subpart—Downgrading and Declassification, it is declassified. Whenever possible, without destroying the integrity of the files, such information and material should be set aside for public release on request.

§ 159.306–3 Declassification of encrypted messages.

(a) *Messages encrypted prior to February 1, 1946.* Declassification of messages in this category has been and will continue to be based solely on the informational content of the messages.

(b) *Messages encrypted during the period February 1, 1946 through May 31, 1960.* The requirement that messages in this category (so-called category "B" messages) to be paraphrased and the date-time group physically removed prior to declassification is cancelled. Effective immediately, declassification of each message will be based solely on the informational content of the message.

(c) *Messages encrypted subsequent to May 31, 1960.* Communications Centers have received instructions via KAG–1 and Department and Agency implementing documents to perform necessary cryptographic editing on these messages prior to release from the Communications Centers. Declassification of messages in this category by holders outside Communications Centers is based solely on the informational content of the messages. Further cryptographic editing is not required.

Subpart—Marking

General Provisions

§ 159.400 Designations.

Subject to the special situation set forth in § 159.400–2, information determined to require classification protection against unauthorized disclosure under the provisions of this regulation shall be so designated, generally in the form of physical marking. Designation by means other than physical marking may be used but should be followed by physical marking as soon as practicable.

§ 159.400–1 Purpose of designation.

Designation by physical marking, notation or other means, serves to inform and to warn the holder of the classification of the information involved, the degree of protection against unauthorized disclosure which is required for that particular level of classification, and to facilitate downgrading and declassification actions.

§ 159.400–2 Exception.

No article which, in whole or in part, has appeared in newspapers, magazines or elsewhere in the public domain, nor any copy thereof, which is being reviewed and evaluated by any component of the Department of Defense to compare its content with official information which is being safeguarded in the Department of Defense by security classification, may be marked on its face with any security classification, control or other kind of restrictive marking. The results of the review and evaluation shall be separate from the article in question.

§ 159.400–3 Documents or other material in general.

Each classified document shall, in addition to other markings required by this subpart, show on its face its overall classification and whether it is subject to or exempt from scheduled downgrading and declassification (See Subpart—Downgrading and Declassification). It shall also show the office of origin, the identity of the classifier (see § 159.201), the date of preparation and classification, and, except as provided herein, be so marked as to indicate which portions are classified, at what level, and which portions are not classified in order to facilitate excerpting and other use. Other material shall, whenever practicable, show the foregoing information on the material itself or in related or accompanying documentation.

§ 159.400–4 Wholly unclassified material.

Normally, unclassified material shall not be marked or stamped "Unclassified" unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a security classification and has been determined not to require classification.

Classification Markings on Documents

§ 159.401 Overall and page marking.

Except as otherwise specified for working papers (see § 159.702–4), the overall classification of a document, whether or not permanently bound, or any copy or reproduction thereof, shall be conspicuously marked or stamped at the top and bottom on the outside of the front cover (if any), on the title page (if any), on the first page, on the back page and on the outside of the back cover (if any). Each interior page of a document shall be conspicuously marked or stamped at the top and bottom with the highest classification of information appearing thereon, including the designation "Unclassified" when appropriate. In special situations, such as the printing by the Government Printing Office or similar facility of classified documents comprised of many pages (studies, manuscripts, reports, manuals, etc.), the overall classification assigned to the document may be shown on each page *provided*, That the classified and unclassified parts of that page are clearly identified to the recipient by paragraph marking or by other means set forth in the document. In such cases, paragraph marking or other means shall take precedence over page marking.

§ 159.401–1 Marking components.

In some complex documents, its major components are likely to be used separately. In such instances, each major component shall be marked as a separate document. Examples include: (a) Each annex, appendix, or similar component of a plan, program, or operations order; (b) attachments and appendices to a memorandum or letter; (c) each major part of a report.

§ 159.401–2 Paragraph marking.

Each section, part, paragraph or subparagraph, when there are differences in their classifications, shall be marked to show the level of classification, if any, or that such section, part, paragraph or subparagraph is unclassified. For example, when the text of the lead in (basic) portion of a paragraph is unclassified but subsequent subparagraphs are classified, the lead in paragraph shall be marked as Unclassified and each subparagraph shall be marked with its respective classification status as appropriate. In this instance, the symbol denoting the overall classification of the paragraph would be shown immediately following the paragraph number or letter as the case may be. At the end of the text of the unclassified lead in paragraph the symbol "(U)" shall be shown. Classification levels of subparagraphs will be shown by the appropriate classification symbol immediately following the subparagraph letter or number as the case may be. If in an exceptional situation, such marking is determined to be impractical, the document shall contain a description sufficient to identify the exact information which is classified and the categories to which it is assigned. When different items of information in one paragraph require different classifications, but segregation into separate paragraphs would destroy continuity or context, the highest classification required for any item shall be applied to that paragraph. In marking paragraphs, sections or parts, the appropriate marking shall be placed immediately preceding and to the left of the parts involved. If desired, the symbols (TS) for Top Secret, (S) for Secret, (C) for Confidential, and (U) for Unclassified, may be used. When appropriate, the symbols (RD) for Restricted Data and (FRD) for Formerly Restricted Data shall be added. Whenever a useful purpose will be served, paragraphs of U.S. documents containing foreign originated information should be marked to reflect the country or International Pact Organization of origin and the appropriate classification, e.g., "NATO(S)" or "U.K.(C)."

§ 159.401–3 Compilations.

In cases where the use of a classification is required to protect a compilation of information under § 159.202–14, the overall classification assigned to such documents shall be placed conspicuously at the top and bottom of each page and on the outside of the front and back covers, if any, and an explanation of the basis for the assigned classification shall be included on the document or in its text.

§ 159.401–4 Subjects, titles, abstracts and index terms.

Subjects, titles, abstracts and index terms shall be selected, if possible, so as not to require classification. However, a classified subject, title, abstract or index term may be used when necessary to convey meaning. To show its classified or unclassified status, each such item shall be marked with the appropriate symbol, (TS), (S), (C), or (U) placed immediately following and to the right of the item. When appropriate, the symbols (RD) and (FRD) shall be added.

§ 159.401–5 Files, folders or groups of documents.

Files, folders or groups of documents shall be conspicuously marked to assure

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their protection to a degree as high as that of the most highly classified document included therein. Classified document cover sheets may be used for this purpose. Documents separated from the file, folder or group shall be marked as prescribed herein for individual documents.

§ 159.401–6 Transmittal documents.

A transmittal document, including indorsements and comments when such indorsements and comments are added to the basic communication, shall carry on its face a prominent notation as to the highest classification of the information transmitted by it, and a legend showing the classification, if any, of the transmittal document, indorsement or comment standing alone. For example, in the case of an unclassified document which transmits as an attachment a classified document, it shall bear a notation substantially as follows: Regraded Unclassified When Separated From Classified Enclosure.

§ 159.401–7 Electrically transmitted messages.

Classified messages shall be marked at the top and bottom with the assigned classification and paragraph marked in the manner prescribed above for documents. In the case of a message printed by an automated system, these classification markings may be applied by that system, provided that the markings so applied are made clearly distinguishable on the face of the document from the printed text. In addition, the first item of information in the text of a classified message will be the overall classification of the message. The originator of classified messages will in all cases, be considered the accountable classifier in accordance with § 159.200 and no "classified by" line is necessary on the message. The originator is responsible for maintaining adequate records (as required by § 159.200) to show the origin of the classifications assigned. Any document which is subsequently created whose classification is based solely upon the classification of the content of a classified message shall cite the message in the "classified by" line on the newly created document. The last line or paragraph of a classified message shall show either:

(a) "ADS(*)". For messages assigned to Advanced Declassification Schedule.

(b) "GDS(**)". For messages assigned to General Declassification Schedule.

(c) "XGDS(***) (****)". For messages exempted from the General Declassification Schedule.

(d) "XCL(*****)". For messages classified on basis of former Group 1, 2, 3 and not group marked, i.e. excluded material.

§ 159.401–8 Translations.

Translations of United States classified information into a language other than English shall be marked to show the United States as the country of origin and shall be marked with the appropriate classification markings under §§ 159.401 through 159.401–8 and the foreign language equivalent thereof. (See § 159.1500–1, Appendix B)

CLASSIFICATION MARKINGS ON SPECIAL CATEGORIES OF MATERIAL

§ 159.402 General provisions.

The assigned security classification and downgrading/declassification instructions shall be conspicuously stamped, printed, written, painted, or affixed by means of a tag, sticker, decal, or similar device, on classified material other than documents, and on their containers, if possible. If the material or container cannot be marked, written notification of the security classification shall be furnished to recipients. Following are the procedures for marking the security classification on various kinds of material other than ordinary documents. These are not all inclusive and may vary somewhat with organizational and operational requirements and with the physical characteristics of the material.

§ 159.402–1 Charts, maps and drawings.

Charts, maps and drawings shall bear the appropriate classification marking under the legend, title block or scale, in such manner as to differentiate between the classification assigned to the document as a whole and the classification assigned to the legend or title. The markings also shall be inscribed at the top and bottom of each such document. When the customary method of folding or rolling charts, maps or drawings would cover the classification markings, additional classification markings shall be placed so as to be clearly visible when the document is folded or rolled.

§ 159.402–2 Photographs, films and recordings.

Photographs, films, including negatives, recordings, and their containers shall be marked in such a manner as to assure that any recipient or viewer will know that classified information of a specified level of classification is involved.

(a) *Photographs.* Negatives and positives shall be marked with the appropriate classification markings and kept in containers bearing conspicuous classification markings. Roll negatives shall be marked at the beginning and end of each strip and single negatives marked with the appropriate classification at the top and bottom of the face side and where practicable the center of the reverse side. Caution must be exercised when using self-processing film or paper to photograph or reproduce classified material, since the negative of the last exposure may remain in the camera. All component parts of the last exposure shall be removed and destroyed as classified waste or the camera shall be protected as classified material.

(b) *Transparencies and slides.* The applicable classification markings shall be shown on each transparency or slide. Other applicable markings, when practical, shall be shown on the border, holder, or frame.

(c) *Motion picture films.* Classified motion picture films shall be marked at the beginning and end of each reel by titles bearing the appropriate classification. Such markings shall be visible when projected on the screen. Reels shall be kept in containers bearing conspicuous classification markings.

(d) *Recordings.* Recordings, sound or electronic, shall contain at the beginning and end a statement of the assigned classification which will provide adequate assurance that any listener or receiver will know that classified information of a specified level of classification is involved. Recordings shall be kept in containers or on reels that bear conspicuous classification markings.

§ 159.402–3 Decks of accounting machine cards.

A deck of classified accounting machine cards may be considered as a single document. Only the first and last card require classification markings. A deck so marked shall be stored, transmitted, destroyed and otherwise handled in the manner prescribed for other classified documents of the same classification. An additional card shall be added, however, to identify the contents of the deck and the highest classification involved. Cards removed for separate processing or use, and not immediately returned to the deck after processing, shall be protected to prevent compromise of any classified information contained therein, and for this purpose shall be marked individually as prescribed herein for an individual ordinary document.

§ 159.402–4 Electrical machine and automatic data processing tapes.

Electrical machine and Automatic Data Processing (ADP) tapes shall bear external markings and internal notations sufficient to assure that any recipient of the tapes, or of the classified information contained therein when reproduced by any medium, will know that classified information of a specific classification category is involved.

§ 159.402–5 Pages of ADP listings.

Classification markings on pages of listings produced by ADP equipment may be applied by the equipment provided

*(Indicate declassification date or event); e.g. ADS (2 Jan 74)

**(Indicate last two digits of declassification year); e.g. GDS (79)

***(Indicate number of Exemption category)

****(Indicate last two digits of declassification year if known); e.g. XGDS (3) (02)

*****(When appropriate under §§ 159.301–1 and 159.404–1 indicate last two digits of downgrading year for former Group 3 material under DoD classification cognizance); e.g. XCL (82)

that the markings so applied are made clearly distinguishable on the face of the document from the printed text. As a minimum, such listings shall be marked with the security classification on the first and last pages of the listing and on the front and back covers, if any, as prescribed in § 159.401 for ordinary documents.

§ 159.402–6 Material for training purposes.

Classified material used for training purposes shall be transmitted, stored, and otherwise safeguarded as prescribed in this regulation. In utilizing unclassified documents (material) for training purposes, the unclassified documents (material) shall be marked "(insert classification) for training, otherwise unclassified".

§ 159.402–7 Miscellaneous material.

Material, such as rejects, typewriter ribbons, carbons, and similar items, developed in connection with the handling, processing, production, and utilization of classified information shall be handled in a manner which assures adequate protection of the classified information involved and that destruction is effected at the earliest practicable moment. Unless a requirement exists to retain this type material for a specific purpose, there is no need to mark, stamp, or otherwise indicate that the recorded information is classified.

DOWNGRADING AND DECLASSIFICATION MARKINGS

§ 159.403 Regrading and declassification markings.

Whenever classified material is downgraded, declassified or upgraded, the material shall be promptly and conspicuously marked to indicate the change, the authority for the action, the date of the action and the identity of the person or activity taking the action. In addition, except for upgrading (see § 159.403–2), all the old classification markings shall be cancelled, if practicable, but in any event on the first page, and the new classification markings, if any, shall be substituted. In cases where classified material is downgraded or declassified under the provisions of this regulation and is marked as prescribed in § 159.403–1, such markings shall suffice to meet the aforementioned requirements.

§ 159.403–1 Downgrading and declassification.

At the time of origination, each classified document or other material, shall, in addition to the security classification markings prescribed by §§ 159.401 through 159.402–7 and the foregoing provision of § 159.403, be marked to reflect downgrading and declassification instructions in accordance with the following:

(a) *Action by specific date or event.* When specific dates or events for downgrading and declassification, with emphasis on declassification without intervening downgrading, are predetermined under the provisions of § 159.300–1 (earlier than those declassification limits of the General Declassification Schedule), documents and other material shall be conspicuously marked to show clearly to the recipient of such material when downgrading and declassication action is intended by the originator to occur. For this purpose the following marking shall be stamped or otherwise printed at the bottom of the first page or title page or shall be placed conspicuously in a similarly prominent place immediately below, or adjacent to and in conjunction with the classification marking:

Downgrade to:
Secret on (effective date)
Confidential on (effective date)
Declassify on (effective date)
Classified by----------

The effective date in this case may fall on any specific day or month of a calendar year or, in its place, could be inserted a specific event such as, for example, "Declassify on Date of Rollout".

(b) *General Declassification Schedule.* When specific dates for downgrading and declassification are assigned in accordance with the provisions of §§ 159.301 through 159.301–2, Subpart—Downgrading and Declassification (General Declassification Schedule), documents and other material shall be marked in the following manner:

Classified by----------
Subject to General Declassification Schedule of Executive Order 11652 automatically downgraded at two year intervals declassified on December 31, (Year)

(c) *Exemptions from General Declassification Schedule.* Unless marked RD or FRD (see §§ 159.405–1 and 159.405–2), documents or material containing information which is exempt from the General Declassification Schedule under the provisions of §§ 159.302 and 159.302–1, Subpart—Exemptions from General Declassification Schedule, hereof shall be marked for downgrading and declassification purposes in the following manner:

Classified by----------
Exempt from General Declassification Schedule of Executive Order 11652 exemption category----------
declassify on----------(effective date) ----------

All information and material over which the Department of Defense exercises exclusive or final original classification authority, and which is automatically declassified under the provisions of § 159.304–2 of this regulation shall, on the "Declassify on" line show December 31 of a particular calendar year for such automatic declassification. In those cases where information and material is exempt from the General Declassification Schedule under the provisions of §§ 159.302 and 159.302–1, Subpart—Exemptions from General Declassification Schedule, of this regulation and such information is not under the exclusive or final classification authority of the DoD, the words "Upon notification by the originator" shall be included in the "Declassify on" line.

(d) Information or material prepared and classified on or after June 1, 1972, the classification of which is based exclusively on a pre-June 1972 source document marked as Group 1, 2, 3, or 4 under Executive Order 10501, as amended, or not group marked, or on a pre-June 1972 security classification guide which should have been but has not yet been updated and which still prescribes such group markings, shall be marked as follows:

(1) If the pre-June 1972 source document is marked Group 1 or 2, or the pre-June 1972 security classification guide prescribes Group 1 or 2, or the pre-June 1972 source document is not group marked, the information or material prepared and classified on or after June 1, 1972 shall be marked "Classified by ----------, Excluded from General Declassification Schedule" (see § 159.404–1 (a) and (c)).

(2) If the pre-June 1972 source document is marked Group 3 (see § 159.404–1 (b)) or the pre-June 1972 security classification guide prescribes Group 3, the information or material prepared and classified on or after June 1, 1972 shall be marked:

(i) (If the source document or guide is under the exclusive or final classification jurisdiction of DoD)

Downgrade to:

Secret on (effective date—12 years from date of origin of source material or from date of pre-June 1972 security classification guide)

Confidential on (effective date—12 years from date of origin as Secret or from date of automatic downgrading to Secret under provisions of § 159.301–1(b))

Declassify on (enter-"Not Automatically Declassified")

Classified by (see § 159.201)

The stamp prescribed under paragraph (a) of this section shall be used for the above purpose.

(ii) (If the source document or guide is not under DoD Classification jurisdiction):

Classified by (see § 159.201) excluded from general declassification Schedule

(3) If the pre-June 1972 source document is marked Group 4, or the pre-June 1972 security classification guide prescribes Group 4, the information or material prepared and classified on or after June 1, 1972 shall be marked in accordance with § 159.403–1(b) with the starting date of the General Declassification Schedule corresponding to the date of origin of the source material or the date of the guide involved.

(e) If the classifier inadvertently fails to mark a document with one of the foregoing markings, the recipient shall mark it in accordance with paragraph (b) of this section unless he has reason to believe that the material warrants an exemption. In this case, the recipient will refer the matter to the originator for decision. In the event the originator determines that an exemption is appropriate, he (the originator) shall notify

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all holders of his action and the authority therefor.

(f) The Restricted Data (§ 159.405–1) and Formerly Restricted Data (§ 159.405–2) markings are, in themselves, evidence of Category 2 exemption and the exemption stamp (paragraph (C) of this section) is not to be used when such markings appear on the material. However, except for electrically transmitted messages, a "classified by" line shall be added to the RD or FRD notation.

(g) When a document or material includes classified information, either newly developed or extracted from one or more sources, which is designated under more than one of the provisions of paragraph (a), (b) or (c) of this section, the single downgrading and declassification marking assigned the document or material shall be the most restrictive of those which are applicable to the information contained therein. When more than one category of exempted material is involved, the single downgrading and declassification marking shall reflect the identification of such categories.

§ 159.403–2 Upgrading.

When material is upgraded under the provisions of this regulation, it shall be promptly and conspicuously marked as prescribed in § 159.403, except that in all such cases the old classification markings shall be canceled and new substituted therefor.

§ 159.403–3 Limited use of posted notice for large quantities of material.

When the volume of material is such that prompt re-marking of each classified item could not be accomplished without unduly interfering with operations, the custodian may attach downgrading and declassification notices to the storage unit in lieu of the re-marking otherwise required by § 159.403. Each notice shall specify the authority for the downgrading or declassification action, the date of the action and the storage unit to which it applies. When individual documents or other materials are withdrawn from storage units, they shall be promptly remarked with the proper security classification category, or the classification marking canceled, if declassified, on at least the first page. However, when documents or other material subject to a downgrading or declassification notice are withdrawn from one storage unit solely for transfer to another, or a storage unit containing such documents or other material is transferred from one place to another, the transfer may be made without re-marking if the notice is attached to or remains with each shipment.

Re-Marking Old Material

§ 159.404 Re-marking material already marked Group 4.

When a document or other material classified before June 1, 1972 and marked with a Group 4 marking under E.O. 10501, as amended, is removed from file or storage for any purpose, it shall be remarked in accordance with § 159.403–1 (b) or § 159.403–1(c), as appropriate to the determination made under § 159.301–1. In either case the "classified by" line need not be filled in. In the case of documents re-marked in accordance with § 159.403–1(c), adequate records shall be maintained to support the action.

§ 159.404–1 Re-marking material already marked Group 1, 2, or 3, or not group marked.

Material already marked Group 1, 2, or 3, or not group marked shall be treated as follows:

(a) When a document or other material classified before June 1, 1972 and marked with a Group 1 or 2 marking or not group marked at all under Executive Order 10501, as amended, is removed from file or storage for any purpose, it shall, except as provided in paragraph (c) of this section, be re-marked "Excluded from General Declassification Schedule."

(b) A document or other material classified before June 1, 1972, containing information under the final or exclusive classification jurisdiction of the Department of Defense and marked with a Group 3 marking under Executive Order 10501, as amended, shall not be remarked "Excluded from General Declassification Schedule" as prescribed by this regulation prior to this amendment. Any such re-marking already applied need not be cancelled or obliterated. The old Group 3 marking "Downgraded at 12 Year Intervals—Not Automatically Declassified" shall continue, without interruption, to constitute downgrading instructions to the holder. Information and material classified and marked Group 3 under Executive Order 10501, as amended, by other Agencies of the Executive Branch shall, when removed from file or storage for any purpose, be re-marked in the manner prescribed for Group 1 or 2 material in paragraph (a) of this section.

(c) The re-marking of a document or other material as stated in paragraph (a) of this section or the continued effectiveness since May 31, 1972 of the old Group 3 marking as stated in (b), above, does not relieve the original classification authority of the information involved from immediately downgrading or declassifying the information in accordance with § 159.300, or from setting specific future dates or events for automatic downgrading or declassification in accordance with § 159.300–1; or from placing the information under the General Declassification Schedule in accordance with § 159.301, or from referring the information to an appropriate Top Secret classification authority for consideration for exemption in accordance with § 159.302. If any of these actions is taken by the original classification authority, the document or other material shall be appropriately marked in accordance with § 159.403–1, except that the "classified by" line need not be filled in. In these cases appropriate notice shall be given in accordance with § 159.306.

Additional Warning Notices

§ 159.405 General provisions.

When applicable, in addition to the foregoing marking requirements, one or more of the following warning notices shall be prominently displayed on classified documents or materials. In the case of documents, these warning notices shall be conspicuously marked on the outside of the front cover (if any) or the first page. When display of warning notices on other materials is not feasible, the warnings shall be included in the written notifications of the assigned classification.

§ 159.405–1 Restricted Data.

For classified information or material containing Restricted Data as defined in the Atomic Energy Act of 1954, as amended:

RESTRICTED DATA

This material contains Restricted Data as defined in the Atomic Energy Act of 1954. Its dissemination or disclosure to any unauthorized person is prohibited.

§ 159.405–2 Formerly Restricted Data.

Except when the Restricted Data notice is used, for classified information or material containing Formerly Restricted Data, as defined in section 142.d., Atomic Energy Act of 1954, as amended:

FORMERLY RESTRICTED DATA

Unauthorized disclosure subject to administrative and criminal sanctions. Handle as Restricted Data in foreign dissemination. Section 144b, Atomic Energy Act, 1954.

§ 159.405–3 Information other than Restricted Data or Formerly Restricted Data.

For classified information or material other than described in § 159.405–1 or § 159.405–2 furnished to persons outside the Executive Branch:

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure Subject to Criminal Sanctions

§ 159.405–4 Sensitive intelligence information.

For classified information or material containing sensitive intelligence information, the following warning notice shall be used, in addition to and in conjunction with those prescribed in §§ 159.405–1, 159.405–2 or § 159.405–3, as appropriate:

WARNING NOTICE-SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED

Additional dissemination marking requirements applicable to this type material are prescribed in § 159.100(m).

§ 159.405–5 Use of "No foreign dissem" ("Nofern") marking.

The marking "No foreign dissem" may be used on documents containing (a) intelligence, and (b) crypto security, transmission security, and emission security systems used to transmit intelligence, when it has been predetermined that the data may not be released to foreign nationals or governments. Additionally, the marking "Nofern" is authorized for the above described information as a designator for "No foreign dissem" in electrically transmitted messages and automatic data processing. (See § 159.100 (m) and USCSB Policy Dir 2–28 for dissemination controls.) The marking "Special handling required—not releasable to foreign nationals" is no longer authorized.

Subpart—Safekeeping and Storage

Storage and Storage Equipment

§ 159.500 General policy.

Classified information or material may be used, held, or stored only where there are facilities or under conditions adequate to prevent unauthorized persons from gaining access to it. The exact nature of security requirements will depend on a thorough security evaluation of local conditions and circumstances. They must permit the accomplishment of essential functions while affording selected items of information various reasonable degrees of security with a minimum of calculated risk. The requirements specified in this regulation represent the minimum acceptable standards.

§ 159.500–1 Standards for storage equipment.

The General Services Administration establishes and publishes uniform standards, specifications and supply schedules for containers, vaults, alarm systems and associated security devices suitable for the storage and protection of classified information and material throughout the Government. The head of a DoD Compnent may establish for the use of such component equal or more stringent standards. Security filing cabinets conforming to Federal Specifications bear a Test Certification Label on the locking drawer attesting to the security capabilities of the container and lock (on some early cabinets, the label was located on the wall inside the locked drawer compartment). Such cabinets manufactured after February 1962 will also be marked "General Services Administration Approved Security Container" on the outside of the top drawer.

§ 159.500–2 Storage of classified material.

Whenever classified material is not under the personal control and observation of an authorized person, it will be guarded or stored in a locked security container as prescribed below:

(a) *Top Secret.* Top Secret material shall be stored in:

(1) A safe or safe-type steel file container having a three-position dial-type combination lock as approved by the General Services Administration, or a Class A vault which meets the standards established by the head of the DoD component concerned.

(2) An alarmed area, provided such facilities are adjudged by the local responsible official to afford protection equal to or better than that prescribed in paragraph (a)(1) of this section. When an alarmed area is utilized for the storage of Top Secret material, the physical barrier must be adequate to prevent surreptitious removal of the material, and observation when observation would result in the compromise of the material. The physical barrier must be such that forcible attack will give evidence of attempted entry into the area or room. The alarm system must as a minimum provide immediate notice to a security force of attempted surreptitious forced entry.

(b) *Secret and Confidential.* Secret and Confidential material may be stored in the manner authorized for Top Secret; or, in a Class B vault, or a vault type room, strong room, or secure storage room, which has been approved in accordance with the standards prescribed by the head of the DoD component; or, until phased out, in containers described in paragraph (d) of this section.

(c) *Specialized security equipment—*

(1) *One-drawer container.* One-drawer, GSA approved security containers are used primarily for storage of classified information in mobile communication assemblages or transportable tactical assemblages. Such containers must be securely fastened or guarded to prevent the theft of the container. Mobile facilities which contain one-drawer security containers housing classified material will be afforded the protection necessary to prevent the theft of the entire mobile unit.

(2) *Field safe.* A field safe has been approved by GSA and listed on the Federal Supply Schedule. Precautions similar to those prescribed for the one-drawer container should be taken to prevent theft.

(3) *Map and plan file.* A GSA approved Map and Plan file has been developed for storage of odd-sized items such as computer cards, maps, and charts.

(d) *Non-GSA approved containers.* In addition to the security containers meeting GSA standards, Secret and Confidential material may be stored in a steel filing cabinet having a built-in, three-position, dial-type combination lock; or, as a last resort, an existent steel filing cabinet equipped with a steel lock bar, provided it is secured by a GSA approved changeable combination padlock.

§ 159.500–3 Procurement and phase-in of new storage equipment.

(a) *Preliminary survey.* New security storage equipment shall not be procured until:

(1) A current physical survey has been made of on-hand security equipment and classified records, and

(2) It has been determined, based upon the survey, that it is not feasible to use available equipment or to retire, return, declassify or destroy a sufficient volume of records currently on hand to make the needed security storage space available.

(b) *Purchase.* Whenever new security storage equipment is procured, it will be from the security containers listed on the Federal Supply Schedule, GSA. Further acquisition for security containers not on the Federal Supply Schedule, or modification of cabinets to bar-padlock type as storage equipment for classified information and material is prohibited. Exceptions may be made by heads of components, with notification to the Assistant Secretary of Defense (Comptroller).

(c) Nothing in this subpart shall be construed to modify existing Federal Supply Class Management Assignments made under DoD Directive 5030.47, "National Supply System," May 27, 1971.

§ 159.500–4 Designations and combinations.

(a) *Numbering and designating storage facilities.* Each vault or container used for the storage of classified material shall be designated but not externally marked as to the level of classified material authorized to be stored therein. Each vault or container shall be assigned a number or symbol for identification purposes. The number or symbol shall be affixed in a conspicuous location on the outside of the vault or container.

(b) *Combinations to containers—*(1) *Changing.* Combinations to security containers will be changed only by individuals having an appropriate security clearance. Combinations will be changed under any of the following circumstances:

(i) When placed in use after procurement.

(ii) Whenever an individual knowing the combination is transferred, discharged, or reassigned from the element to which the security container is assigned, or the security clearance of an individual knowing the combination is reduced, suspended, or revoked by proper authority.

(iii) When the combination or record of combination has been compromised or the security container has been discovered unlocked and unattended.

(iv) At least annually unless more frequent change is dictated by the type material stored therein.

(2) *Classifying combinations.* The combination of a vault or container used for the storage of classified material shall be assigned a security classification equal to the highest category of the classified material authorized to be stored therein.

(3) *Recording storage facility data.* A record shall be maintained for each vault, secure room, or container used for storing classified material, showing location, the names, home addresses, and home telephone numbers of persons having knowledge of the combinations to such storage facilities. To meet the above minimum standards, GSA Optional Form 63 may be used within DoD for these purposes.

(4) *Dissemination.* Knowledge of or access to the combination of a vault or container used for the storage of classified material shall be given only to those appropriately cleared persons who are authorized access to the classified information stored therein and who must have it for efficient operation.

(5) *Repair.* Uncleared personnel will not be permitted to change combinations or to neutralize lock-outs on security containers utilized for the storage of classified material. This service will be

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provided by personnel specifically trained in approved methods of combination changing, maintenance, neutralization of lock-outs, and repair of any perforations effected during neutralization of lock-outs.

CUSTODIAL PRECAUTIONS

§ 159.501 Responsibilities of custodians.

(a) Custodians of classified material shall be responsible for providing protection and accountability for such material at all times and particularly for locking classified material in appropriate security equipment whenever it is not in use or under direct supervision of authorized persons. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified information or material by sight or sound or other means and classified information shall not be discussed with or in the presence of unauthorized persons.

(b) Classified information or material shall not be removed from officially designated office or working areas for the purpose of working on such material during off duty hours or for other purposes involving personal convenience. The head of a component or his designee may authorize removal from such working areas in cases of compelling necessity, provided that appropriate component regulations applicable to such situations ensure maximum protection possible under the circumstances.

§ 159.501–1 Care during working hours

Each individual shall take precaution to prevent access to classified information by unauthorized persons. Among the precautions to be followed are:

(a) Classified documents, when removed from storage for working purposes, shall be kept under constant surveillance and face down or covered when not in use. As existing stocks are exhausted and U.S. standard form document cover sheets become available such shall be the only forms authorized for use by DoD components for these purposes.

(b) Preliminary drafts, carbon sheets, plates, stencils, stenographic notes, worksheets, and all similar items containing classified information shall be either (1) destroyed by the person responsible for their preparation immediately after they have served their purposes, or (2) shall be given the same classification and safeguarded in the same manner as the classified material produced from them.

(c) Typewriter ribbons used in typing classified material shall be protected in all respects in the same manner as the highest level of classification for which they have been so used. When destruction is necessary, it shall be accomplished in the manner prescribed for classified working papers, of the same classification. After the upper and lower sections have been cycled through the machine five times in the course of regular typing all fabric ribbons may be treated as unclassified. Carbon and plastic typewriter ribbons and carbon paper which have been used in the production of classified information shall be destroyed in the manner prescribed for working papers of the same classification after initial usage. As an exception to the foregoing, any typewriter ribbon which remains substantially stationary in the typewriter until it has received at least five consecutive impressions may be treated as unclassified.

§ 159.501–2 Care after working hours.

All heads of activities shall require a sytem of security checks at the close of each working day to ensure that the classified material held by the activity is properly protected. They shall require the custodian of the classified material to make an inspection which shall ensure, as a minimum, that:

(a) All classified material is stored in the manner prescribed.

(b) Burn bags are properly stored or destroyed.

(c) The contents of wastebaskets which contain classified material have been properly stored or destroyed.

(d) Classified shorthand notes, carbon paper, carbon and plastic typewriter ribbons, rough drafts, and similar papers have been properly stored or destroyed. As a matter of routine during the day, such items shall be placed in burn bags immediately after they have served their purpose.

(e) As existing stocks are exhausted, Optional Form No. 62 shall be used by DoD components for security container check purposes.

§ 159.501–3 Care of working spaces.

The following precaution shall be taken to provide protection of classified information.

(a) Necessary safeguards shall be afforded to buildings and areas in which classified material is kept.

(b) Precautions shall be taken to minimize any danger of inadvertent disclosure of classified information in conversations. Classified information shall not be discussed in public places.

§ 159.501–4 Emergency planning.

(a) Plans shall be developed for the protection, removal, or destruction of classified material in case of natural disaster, civil disturbance, or enemy action. Such plans shall establish detailed procedures and responsibilities for the protection of classified material so that it does not fall into unauthorized hands in event of an emergency; and shall indicate what material is to be guarded, removed, or destroyed. An adequate emergency plan should provide for: Guarding the material; removing the classified material from the area; complete destruction of the classified material on a phased, priority basis; or appropriate combinations of those actions.

(b) Emergency plans shall provide for the protection of classified information in a manner which will minimize the risk of loss of life or injury to personnel. The immediate placement of a perimeter guard force around the affected area, preinstructed and trained to prevent the removal of classified material by unauthorized personnel, is an acceptable means of protecting classified material and reducing casualty risk.

§ 159.501–5 Telecommunications conversations.

Classified information shall not be discussed in telephone conversations except as may be authorized over approved secure communication circuits.

§ 159.501–6 Security of meetings and conferences.

The official responsible for arranging or convening a conference or other meeting is also responsible for instituting procedures and selecting facilities which provide adequate security if classified information is to be discussed or disclosed. The responsible official will:

(a) Notify each person who is to present or disclose classified information of the security limitations that must be imposed because of:

(1) The level of access authorization.

(2) Requirement for access to the information by the attendees.

(3) Physical security conditions.

(b) Insure that each person attending the classified portions of meetings has been authorized access to information of equal or higher classification than the information to be disclosed.

(c) Insure that the area in which classified information is to be discussed affords adequate security against unauthorized access.

(d) Insure that adequate storage facilities are available.

(e) Control and safeguard any classified material furnished to those in attendance and retrieve the material or obtain receipts, as required.

(f) Monitor the meetings to insure that discussions are limited to the level authorized.

Subpart—Compromise of Classified Information

§ 159.600 Policy.

The compromise of classified information presents a threat to the national security. The seriousness of that threat must be determined and appropriate measures taken to negate or minimize the adverse effect of such a compromise. Simultaneously, action must be taken to regain custody of the material and to identify and correct the cause of the compromise.

§ 159.600–1 Cryptographic information.

The procedures for handling compromises of cryptographic information are set forth in National Security Agency KAG I D (§ 159.100(w)).

§ 159.600–2 Responsibility of discoverer.

Any person who has knowledge of the actual or possible compromise of classified information (as defined in § 159.102–5) shall immediately report the circumstances to a responsible official.

§ 159.600–3 Preliminary inquiry.

The designated responsible official will initiate a preliminary inquiry to determine the circumstances surrounding the actual or possible compromise. The preliminary inquiry should establish either:

(a) That a loss of classified information or material did not occur or that the circumstances indicate the possibility that classified information was compromised as being remote. Expenditure of time and effort on unproductive investigation should be avoided. If the responsible official determines that the probability of compromise is remote, and that no significant activity security weakness is found and disciplinary action is not appropriate, the report of initial inquiry will suffice; or

(b) That an actual compromise did occur or that the possibility of compromise cannot be discounted. Upon this determination, the responsible official will:

(1) Report the circumstances to appropriate authority as specified in component instructions.

(2) If the responsible official is the originator, he shall take the action prescribed in § 159.600–6.

(3) If other than the originator, notify the originator of the known details of the compromise to include identification of the classified information or material involved. In the event the originator is unknown, notification will be sent to the office specified in component instructions.

§ 159.600–4 Investigation.

If it is determined that further investigation is warranted, such investigation will include the following:

(a) Complete identification of each item of classified information involved.

(b) A thorough search for the classified material.

(c) Fixing responsibility for the compromise.

(d) A statement that compromise occurred or that compromise is probable, or

(e) Statement that compromise did not occur or that possibility of compromise is considered remote.

§ 159.600–5 Responsibility of authority ordering investigation.

(a) The report of investigation shall be reviewed to insure compliance with this regulation and instructions issued by component.

(b) The adequacy of recommendations contained in the report of investigation shall be reviewed for remedial, administrative or disciplinary action and the report of investigation forwarded with recommendations through supervisory channels.

§ 159.600–6 Responsibility of originator.

The originator or an official higher in the originator's supervisory chain will, upon receipt of notification of loss or possible compromise of classified information take action as prescribed in § 159.202–13.

§ 159.600–7 Espionage and deliberate compromise.

Cases of espionage and deliberate compromise shall be reported in accordance with DoD Instruction 5200.22 (§ 159.100(f)), DoD Directive 5210.50 (§ 159.100(g)), and implementing issuances.

§ 159.600–8 Unauthorized absentees.

When an individual who had had access to classified material is on unauthorized absence, appropriate inquiry, depending upon the length of absence and the degree of sensitivity of the classified information involved, shall be conducted to determine if there are any indications that his activities, behavior or associations may be inimical to the interests of national security. In those cases where there are such indications a report shall be made to the component counterintelligence organization.

Subpart—Access, Dissemination and Accountability

ACCESS

§ 159.700 Policy.

The dissemination of classified information orally, in writing, or by any other means, shall be limited to those persons whose official duties require knowledge or possession thereof. No one has a right to have access to classified information solely by virtue of rank or position. The final responsibility for determining whether a person's official duties require that he possess or have access to any element or item of classified information, and whether he has been granted the appropriate security clearance by proper authority, rests upon each individual who has authorized possession, knowledge, or control of the information involved and not upon the prospective recipient. These principles are equally applicable if the prospective recipient is an organizational entity, including commands, other Federal Agencies, defense contractors, foreign governments, and others.

§ 159.700–1 Determination of trustworthiness.

Except as provided in § 159.700–6, no person shall be given access to classified information or material unless a determination has been made as to his trustworthiness. The determination of eligibility, referred to as a security clearance, will be based on a background or full field investigation for Top Secret and on a National Agency Check or Entrance NAC for Secret and Confidential, in accordance with the standards and criteria of DoD Directives 5210.8 (§ 159.100(h)) and 5220.6 (§ 159.100(t)), as appropriate. Interim clearances may be granted in accordance with the provisions of DoD Directive 5210.8. United States citizen employees of contractors with classified Government contracts may be granted Confidential clearances by the contractor under policies established by the Assistant Secretary of Defense (Comptroller) and published by the Defense Supply Agency (DSA) under the Industrial Security Program, except that such clearances are not valid for Restricted Data, Cryptographic information, communications intelligence, or NATO, SEATO, and CENTO information classified Confidential.

§ 159.700–2 Continuous evaluation of eligibility.

All DoD elements shall initiate a program for a periodic evaluation of clearance for classified information with special emphasis directed to the clearance criteria cited in DoD Directives 5210.8 (§ 159.100(h) and 5220.6 (§ 159.100(t)). This program should include close coordination with security, personnel, medical, legal and supervisory officials to assure that all pertinent information available within a command is evaluated when an individual is cleared or is being considered for clearance.

§ 159.700–3 Determination of need-to-know.

In addition to a security clearance, a person must have a need for access to the particular classified information or material sought in connection with the performance of his official duties or contractual obligations. The determination of that need shall be made as provided in § 159.700.

§ 159.700–4 Administrative withdrawal of security clearance.

Each component and the DSA for the Industrial Security Program, shall make provision for administratively withdrawing the security clearance of any persons for whom there is no foreseeable need for access to classified information or material in connection with the performance of their official duties or contractual obligations of contractors. Likewise, when a person no longer needs access to a particular security classification category, the security clearance shall be adjusted to the classification category still required for the performance of his duties and obligations. In both instances, such action will be without prejudice to the persons' eligibility for a future security clearance.

§ 159.700–5 Revocation of security clearance for cause.

A security clearance may be revoked for cause when it is determined in consonance with due process of law that a person holding such clearance is no longer reliable or trustworthy.

§ 159.700–6 Access by persons outside the Executive Branch.

Classified information may be made available to persons or agencies outside the Executive Branch provided that such classified information is necessary for their performance of a function from which the Government will derive a benefit or advantage, and that such release is not prohibited by the originating department or agency. Heads of DoD components shall designate appropriate officials who shall determine, prior to the release of classified information under this provision, the propriety of

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such action in the interest of national security and assurance of the recipient's trustworthiness and need-to-know.

(a) *Congress.* Access to classified information or material by Congress, its committees, members, and staff representatives shall be in accordance with DoD Directive 5400.4 (§ 159.100(i)). Additionally, any DoD individual testifying before a Congressional committee in executive session in relation to a classified matter, shall obtain the assurance of committee representatives that everyone present has a security clearance commensurate with the highest classification of the information that may possibly come up for discussion. Members of Congress, by virtue of their elected positions, are not investigated or cleared by the Department of Defense.

(b) *Government Printing Office (GPO).* In order to utilize efficiently the most appropriate Government facilities for large scale reproduction of DoD printed materials, material of all classifications may be processed by the GPO, which protects the information in accordance with Department of Defense-Government Printing Office Agreement, dated June 26, 1956.

(c) *Representatives of the General Accounting Office (GAO).* Representatives of the GAO may be granted access to classified information originated by and in possession of the DoD when such information is relevant to the performance of the statutory responsibilities of that office, as set forth in DoD Directive 7650.1 (§ 159.100(j)). Officials of the GAO, as designated in Appendix C, (§ 159.1500–2) are authorized to certify security clearances, and the bases therefor. (The GAO has adopted DoD standar's for granting personnel security clearances.) Certifications will be made by these officials pursuant to arrangements with the DoD component concerned. Personal recognition or presentation of the official credential cards issued by the GAO to its personnel are acceptable for identification purposes.

(d) *Industrial, educational and commercial entities.* Bidders, contractors, grantees, educational, scientific or industrial organizations, may be determined to be eligible for access to classified information only when it is essential to the accomplishment of a function which is necessary in the interest of promoting the national security, provided the individuals are appropriately cleared in accordance with the DoD Industrial Security Regulation; DoD 5220.22–R (§ 159.100(bb)).

(e) *Historical researchers.* Persons outside the Executive Branch who are engaged in historical research projects, may be authorized access to classified information or material, provided that:

(1) It is determined that such access is clearly consistent with the interests of national security.

(2) The material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(3) The person agrees to safeguard the information and to authorize a review of his notes and manuscript for determination that no classified information is contained therein by signing a statement entitled "Conditions Governing Access to Official Records for Historical Research Purposes."

(4) An authorization for access shall be valid for a period of two years from the date of issuance and may be renewed under regulations of the issuing component.

(f) *Former Presidential appointees.* Persons who previously occupied policy-making positions to which they were appointed by the President, may be authorized access to classified information or material which they originated, reviewed, signed, or received, or which was addressed to them while in public office. DoD components may authorize access to such material if it is determined to be consistent with the interests of national security and the person agrees to safeguard the information and to authorize a review of his notes for determination that no classified information is contained therein, and that no classified information will be further disseminated or published. The former Government officials referred to herein do not include the White House Staff, or Presidential special committees or commissions.

(g) *Foreign nationals, foreign governments, international organizations, and immigrant aliens.* Classified information may be released:

(1) To foreign nationals, foreign governments and international organizations, only when specifically authorized under the provisions of the National Disclosure Policy and § 159.100(l), and

(2) To immigrant aliens who reside and intend to reside permanently in the United States, only at the Confidential and Secret level, in the performance of official duties, provided that they have been granted a security clearance of the required level based upon a favorable Background Investigation.

With regard to Top Secret information, immigrant aliens may be granted a Limited Access Authorization for a specific contract or program based upon the personal and written determination by the Head of the DoD component concerned that such access is essential to meet Government requirements and that the individual is reliable and trustworthy in accordance with § 159.100(t). A report of each such determination shall be furnished currently to the Assistant Secretary of Defense (Comptroller). As an exception to the foregoing, those immigrant aliens who hold Top Secret clearances as of June 1, 1973, remain eligible to hold such clearances until July 1, 1974.

(h) Classified information released outside of the Executive Branch shall be marked in accordance with the provisions of § 159.405–3, above.

§ 159.700–7 Emergency situations.

When time is of the essence and it is in the interest of national security to do so, Heads of DoD components or their designees may authorize persons outside the Federal Government other than those enumerated in § 159.700–6 above, to have access to classified information or material on a finding that the person to receive the information is trustworthy for the purpose of accomplishing the national security objective and that the intended recipient can and will safeguard the information from unauthorized disclosure sufficiently to accomplish the purposes for which it was given him.

§ 159.700–8 Access required by other Executive Branch investigative and law enforcement agents.

(a) Under normal procedures investigative agents of other departments or agencies obtain access to DoD information, whether classified or not, through established liaison or investigative channels.

(b) In special cases when the urgent or delicate nature of a Federal Bureau of Investigation or Secret Service investigation precludes advance coordination with and obtaining prior approval, of the Head of the DoD installation or activity, such photographs or other records as are required for the instant investigative case may be made by the FBI or Secret Service agents involved. However, these photographs or other records must be protected as required for the classification of the material concerned, and copies provided to the Head of the installation or activity or higher authority for review pursuant to 18 U.S.C. 795, to determine security classification or the need to sanitize for open publication.

DISSEMINATION

§ 159.701 Policy.

Components shall establish procedures for the dissemination of classified material originated or received by them, subject to specific rules established by higher authority and by this regulation. As a further limit on dissemination, the originating official or activity may prescribe specific restrictions on a classified document or in its text when security considerations make them necessary.

§ 159.701–1 Restraints on special access requirements.

Special requirements with respect to access, distribution and protection of classified information shall require prior specific approval in accordance with Subpart—Special Access Programs.

§ 159.701–2 Material originating in a non-DoD department or agency.

Except under rules established by the Secretary of Defense, classified material originating in a non-DoD Department or Agency shall not be disseminated outside the DoD without the consent of the originating Department or Agency, except as otherwise provided by section 102 of the National Security Act, 61 Stat., 495, 50 U.S.C. 403, which authorizes the Director of Central Intelligence to correlate and disseminate intelligence within the Government.

§ 159.701–3 Intelligence material.

Dissemination of intelligence material shall be in accordance with the provisions of § 159.100(m).

§ 159.701–4 Restricted Data and Formerly Restricted Data.

Material bearing the warning notices prescribed in Subpart—Marking shall not be disseminated outside authorized channels without the permission of the originator. The policy and procedures governing access to and dissemination of Restricted Data by DoD personnel are specified in DoD Directive 5210.2 (§ 159.100(n)).

§ 159.701–5 NATO, CENTO, SEATO information.

Classified information originated by NATO, CENTO, or SEATO shall be safeguarded in accordance with DoD Instructions C–5210.21, C–5210.35, and 5210.54 (§ 159.100 (o), (p), and (q), respectively).

§ 159.701–6 Cryptographic information.

Cryptographic information shall be disseminated in accordance with NSA KAG 1 D (§ 159.100(w)).

§ 159.701–7 Dissemination of Top Secret material.

(a) Top Secret material, originated within DoD, may not be disseminated outside the DoD, without the consent of the originating Department or Agency, or higher authority.

(b) Top Secret material, whenever severable from lower classified portions, shall be accorded separate distribution on a more selective basis than the balance of the information.

§ 159.701–8 Dissemination of Secret and Confidential material.

Classified material other than Top Secret, originating within DoD may be disseminated within the Executive Branch, unless specifically prohibited by the originator.

§ 159.701–9 Restraint on reproduction.

Those portions of documents and materials which contain Top Secret information shall not be reproduced without the consent of the originating activity or higher authority. All other classified material shall be reproduced sparingly, in the minimum number of copies, and any stated prohibition against reproduction shall be strictly observed. The following restrictive measures apply to reproduction equipment and to the reproduction of classified material:

(a) The number of copies of documents containing classified information shall be kept to a minimum to decrease the risk of compromise and reduce storage costs.

(b) Officials, by position title, authorized to approve the reproduction of Top Secret and Secret material shall be designated. These designated officials will carefully review the need for reproductions with a view toward minimizing classified reproductions consistent with operational requirements and reproduction prohibitions imposed by the material originator or higher authority.

(c) Specific reproduction equipment shall be designated for the reproduction of classified material. Reproduction of classified material shall be restricted to equipment so designated. Rules to minimize human error, inherent in the reproduction of classified material, will be posted on or near the designated equipment.

(d) Appropriate warning notices prohibiting reproduction of classified material shall be posted on equipment used only for the reproduction of unclassified material.

(e) If the designated equipment involves reproduction processes using extremely sensitive reproduction paper, such paper, shall be used and stored in a manner to preclude image transfer of classified information.

(f) All copies of classified documents reproduced for any purpose including those incorporated in a working paper are subject to the same controls prescribed for the document from which the reproduction is made.

§ 159.701–10 Code words, nicknames and exercise terms.

The DoD policy and procedures governing the use of code words, nicknames and exercise terms are set forth in Appendix D (§ 159.1500–3).

§ 159.701–11 Scientific and technical meetings.

Security measures for use of classified information in scientific and technical meetings are prescribed in DoD Directive 5200.12, § 159.100(z).

ACCOUNTABILITY AND CONTROL

§ 159.702 Top Secret.

All elements of the DoD shall establish the following procedures:

(a) Control officers: Top Secret Control Officers, and alternates, shall be designated within offices to be responsible for receiving, maintaining accountability registers of, and dispatching Top Secret documents. Such individuals shall be selected on the basis of experience and reliability, and shall have appropriate security clearances.

(b) Accountability: Top Secret accountability registers shall be maintained within offices. In addition, the originating and any subsequent offices shall keep disclosure records on each document copy which contains the document title, name and date, of all individuals, including stenographic and clerical personnel, who, during such originator's or holder's period of custody, are afforded access to information contained in the documents. This does not include individuals within an activity who may have had access to containers in which Top Secret information is stored, or who regularly administratively handled a large volume of such information. Such personnel are considered identifiable by roster as having had access to such type information on any given date. Disclosure records shall be retained for two years after the documents are transferred, downgraded, or destroyed.

(c) Inventories: Top Secret documents shall be physically sighted, or accounted for by examination of written evidence of proper disposition, such as, certificate of destruction, transfer receipt, etc., at least once annually, and more frequently when circumstances warrant. At the same time, each Top Secret document shall be audited to determine completeness and accuracy. As an exception, repositories, libraries or activities which store large volumes of classified material may limit their annual inventory to all documents and material to which access has been given in the past 12 months, and 10 percent of the remaining inventory.

(d) Reproduction and retention: Top Secret documents shall be kept to the minimum consistent with current requirements. In this connection, provision shall be made for responsible custodians to destroy non-record Top Secret documents, as soon as their intended purpose has been served. Top Secret record documents which cannot be destroyed shall be re-evaluated and, when appropriate, downgraded, declassified, or retired to designated records centers.

(e) Receipts: Top Secret material will be accounted for by a continuous chain of receipts.

(f) Each copy of a Top Secret document will be numbered serially for accounting purposes.

§ 159.702–1 Secret.

Administrative procedures shall be established controlling Secret material (a) originated or received by an element; (b) distributed or routed to components of, or activities within, the element; and (c) disposed of by the element by transfer of custody or destruction. The control system for Secret must be determined by the practical balance of security and operating efficiency.

§ 159.702–2 Confidential.

Administrative provisions shall be established which will provide protection for Confidential information received, originated, transmitted or stored by an element.

§ 159.702–3 Receipt of classified material.

Procedures shall be developed within DoD activities to ensure that all incoming mail, bulk shipments and material delivered by messenger are adequately protected until a determination is made as to whether classified material is contained therein. Screening points, determined by the activity mail handling procedures, shall be established to ensure that incoming classified material is properly controlled and that access to classified material is limited to cleared personnel.

§ 159.702–4 Working papers.

Working papers are documents, including drafts, photographs, etc., accumulated or created to assist in the formulation and preparation of a finished

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document. Working papers containing classified information will be:

(a) Dated when created.

(b) Marked with the highest classification of any information contained in the document.

(c) Protected in accordance with the classification assigned.

(d) Destroyed when they have served their purpose.

(e) Accounted for or controlled in the same manner prescribed for a finished document of comparable classification when:

(1) Released by the originator to an agency or activity outside a headquarters or when transmitted through message center channels within a headquarters.

(2) Placed permanently in a file system.

(3) Retained more than 180 days from date of origin.

(f) All working papers shall be marked with downgrading or exemption instruction when placed in permanent files.

§ 159.702–5 Data index system.

The NSC Directive, § 159.100(c), requires each Department to undertake to establish a data index system covering classified information and material in selected categories as having sufficient historical or other value appropriate for preservation. The DoD is considering the identification of such categories of information and material and the feasibility of various systems for the reporting and indexing of such information.

Subpart—Transmission

Methods of Transmission or Transportation

§ 159.800 Policy.

When classified material must be physically moved, any means of transportation may be used, with the following exceptions:

(a) Classified material shall not be hand-carried aboard commercial passenger aircraft by DoD civilian employees, military members, and contractor employees of cleared facilities under the Defense Industrial Security Program unless the official authorized to approve travel orders and designate courier individuals to handcarry such, shall have made written prior determination that an emergency situation exists, and that:

(1) There is neither time nor other transmission means available to move the material in the times required to accomplish operational objectives and contract requirements, to include Request for Quotation (RFQ) and Request for Bid (RFB),

(2) The procedural and documentary requirements set forth in §§ 159.800–1 and 159.801 through 159.802–3 will be followed.

(b) The carrying of classified material across national borders shall not be permitted unless the responsible official concerned has made provisions to preclude customs, postal, or other inspections (see §§ 159.800–1, 159.800–2 and 159.800–3).

(c) Foreign carriers may not be utilized unless the U.S. escort has physical control of the classified material.

(d) If it is determined that the conditions described in § 159.800(a)(1) exist, classified material may be carried or shipped on commercial passenger aircraft moving within or between the area encompassed by the United States, and its territories, and Canada. Classified material may not be carried on commercial passenger aircraft moving to or from the described areas, or from place to place outside such area.

§ 159.800–1 Top Secret.

Transmission of Top Secret shall be effected only by:

(a) The Armed Forces Courier Service (ARFCOS),

(b) Authorized Component Courier Services,

(c) If appropriate, the Department of State Courier System,

(d) Cleared and designated personnel traveling on a conveyance owned, controlled or chartered by the government or DoD contractors,

(e) Cleared and designated U.S. Military personnel or Government civilian employees by surface transportation,

(f) Cleared and designated U.S. Military personnel or Government civilian employees on scheduled commercial passenger aircraft within and between the United States and its territories, and Canada, when the applicable provisions of this subpart are adhered to,

(g) Cleared and designated DoD contractor employees by surface means within U.S. boundaries only or on scheduled commercial passenger aircraft within and between the United States and its territories when the applicable provisions of this subpart are adhered to.

(h) Approved electrical means or electrical means in unencrypted form over Protected Wireline Distribution Systems which have been approved by the Director, Defense Communications Agency or his designee, or other authorities designated by the United States Communications Security Board.

§ 159.800–2 Secret.

Transmission of Secret material may be effected by:

(a) Any of the means approved for the transmission of Top Secret, except that Secret material may be introduced into the ARFCOS only when the control of such material cannot otherwise be maintained in U.S. custody. (The foregoing restriction on introduction into ARFCOS does not pertain to cryptological and cryptographic material.)

(b) Appropriately cleared contractor employees for transmission within and between the area encompassed by the United States and its Territories. In other areas, contractor employees may transmit Secret material by surface means within national borders, only when it is necessary for the contractor employee in the performance of the contract, project or mission to remove the classified information from a United States Government activity.

(c) United States Postal Service registered mail within and between the United States and its Territories.

(d) United States Postal Service registered mail through Army, Navy, or Air Force Postal Service facilities, outside the area described in c. above, provided that the material does not at any time pass out of United States citizen control and does not pass through a foreign postal system.

(e) United States Postal Service registered mail with registered mail receipt between United States Government and/or Canadian Government installations in the United States and Canada.

(f) Qualified carriers authorized to transport Secret material via a Protective Security Service (PSS) under the Department of Defense Industrial Security Program. This method is authorized only within United States boundaries and only when the size, bulk, weight, nature of the shipment, or escort considerations make the use of other methods impractical.

(g) Other carriers under escort of appropriately cleared personnel. Carriers included are Government and Government contract vehicles, aircraft, ships of the United States Navy, civil service manned United States Naval ships, and ships of U.S. Registry. Appropriately cleared operators of vehicles, officers of ships or pilots of aircraft who are United States citizens may be designated as escorts provided the control and surveillance of the carrier is maintained on a 24-hour basis. The escort shall protect the shipment at all times, through personal observation or authorized storage to prevent inspection, tampering, pilferage or unauthorized access until delivery to the consignee. However, observation of the shipment is not required during the period it is stored in an aircraft or ship in connection with flight or sea transit, provided the shipment is loaded into a compartment which is not accessible to any unauthorized persons aboard, or loaded in specialized containers, including closed cargo containers.

(h) Electrical means over approved communication circuits.

§ 159.800–3 Confidential.

Transmission of Confidential material may be effected by:

(a) Any means approved for the transmission of Secret material. However, United States Postal Service registered mail shall be used for Confidential only where indicated in paragraph (c) of this section.

(b) United States Postal Service certified or First Class Mail between Department of Defense Component locations within and between the United States and its Territories. However, the outer envelopes/wrappers of such Confidential material shall be endorsed "Postmaster: Do Not Forward Outside Areas Served by U.S. Civil Post Offices."

Certified, or if appropriate, registered mail, shall be used for material directed to DoD contractors.

(c) United States Postal Service registered mail for (1) Confidential material of NATO, SEATO and CENTO; (2) to and from FPO or APO addressees located outside the area set forth in § 159.800–3(b), above; and (3) other addressees when the originator is uncertain that their location is within the United States boundaries. Use of return postal receipts on a case-by-case basis is authorized.

(d) Within United States boundaries, commercial carriers which provide a Security Signature Service (SSS). This method is authorized only when the size, bulk, weight, nature of the shipment or escort considerations make the use of other methods impractical.

(e) In the custody of commanders or masters of ships of United States registry who are United States citizens. Confidential material shipped on ships of United States registry may not pass out of United States Government control. The commanders or masters must receipt for the cargo and agree to: (1) Deny access to the Confidential material by unauthorized persons, including customs inspectors, with the understanding that Confidential cargo which would be subject to customs inspection will not be unloaded; and (2) maintain control of the cargo until a receipt is obtained from an authorized representative of the consignee.

(f) *Alternative transmission of confidential.* The head of any component having authority to originally classify information or material as "Confidential" may, by rule or regulation provide alternate or additional methods affording at least an equal degree of security for the transmission of such material outside the department.

§ 159.800–4 Transmission of classified material to foreign governments.

(a) Subsequent to a determination by competent authority that classified material may be released to a foreign government, it shall be transmitted only:

(1) To an embassy or other official agency of the recipient government which has extra territorial status, or

(2) For on-loading aboard a ship, aircraft or other carrier designated by the recipient government at the point of departure from the United States, or its territories, provided that at the time of delivery a duly authorized representative of the recipient government is present at the point of departure to accept delivery, to insure immediate loading, and to assume security responsibility for the classified material.

(3) To a cleared storage facility located at or near the loading point.

(b) Classified material shall be transferred on a government-to-government basis by duly authorized representatives of each government, and shall not pass to a foreign government until a delivery receipt, to include a United States postal receipt where applicable, has been executed by a duly authorized representative of the recipient foreign government.

(c) Each contract, agreement or arrangement which contemplates transfer of classified material to a foreign government within the United States, its territories and possessions, shall designate a point of delivery in accordance with paragraph (a)(1), (a)(2), or (a)(3) of this section. If delivery is to be made at a point described in paragraph (a)(2) of this section, the contract, agreement, or arrangement shall provide for United States Government storage, or storage by a cleared commercial carrier or other cleared storage point at or near the delivery point, so that the classified material may be temporarily stored in the event the carrier designated by the recipient foreign government is not available for loading. Any storage facility used or designated for this purpose must afford the classified material the protection required by this regulation.

(d) If classified material is to be delivered to a foreign government within the recipient country, it shall be transmitted in accordance with this subpart. Unless the material is accompanied by a designated or approved courier or escort, it shall, on arrival in the recipient country, be delivered to a United States Government representative who shall arrange for transfer to a duly authorized representative of the recipient foreign government.

(e) If classified material is to be delivered to the representatives of a foreign government within a third country it shall be delivered by a U.S. courier or escort to such representative at an agency or installation of the United States or of the recipient country which has extraterritorial status or is otherwise exempt from the jurisdiction of the third country.

§ 159.800–5 Consignor-consignee responsibility for shipment of bulky material.

The consignor of a bulk shipment shall:

(a) Normally, select a carrier which will provide a single line service from the point of origin to destination, when such a service is available.

(b) Ship packages weighing less than 200 pounds gross only in closed vehicles.

(c) Notify the consignee, and military transshipping activities, of the nature of the shipment (including level of classification), the means of shipment, the numbers of seals if used, and the anticipated time and date of arrival by separate communication at least 24 hours in advance of arrival of the shipment. Advise the first military transshipping activity that, in the event the material does not move on the conveyance originally anticipated, the transshipping activity should so advise the consignee with information of firm transshipping date and estimated time of arrival. Upon receipt of the advance notice of a shipment of classified material, consignees and transshipping activities shall take appropriate steps to receive the classified shipment and to protect it upon arrival.

(d) Annotate the bills of lading to require the carrier to notify the consignor immediately, by the fastest means, if the shipment is unduly delayed enroute. Such annotations shall not, under any circumstances, disclose the classified nature of the commodity.

(e) Require the consignee to advise the consignor of any shipment not received more than 48 hours after the estimated time of arrival furnished by the consignor or transshipping activity. Upon receipt of such notice, the consignor shall immediately trace the shipment. If there is evidence that the classified material was subjected to compromise, the procedures set forth in Subpart—Compromise of Classified Information of this regulation for reporting compromises shall apply.

§ 159.800–6 Transmission of Communications Security (COMSEC) material.

Communications Security (COMSEC) material shall be transmitted in accordance with National Security Agency KAG–1D.

§ 159.800–7 Transmission of Restricted Data.

Restricted Data documents shall be transmitted in the same manner as other material of the same security classification. The transporting and handling of nuclear weapons or nuclear components shall be in accordance with applicable component directives.

Restrictions on Classified Material

§ 159.801 Personnel in a travel status.

When the responsible official has determined in accordance with the provisions of § 159.800, that it is necessary for personnel in travel status to carry classified material in the performance of official duties, the following shall apply:

(a) A determination shall be made to ascertain whether the necessary classified material is available at the destination of the traveler. If the material is available, no additional transmission shall be authorized.

(b) If the needed classified material is not available at the destination of the traveler, responsible officials shall, whenever possible, have the classified material transmitted to the activity being visited by other authorized means.

(c) If it is impossible to comply with either paragraph (a) or (b), of this section, responsible officials may authorize appropriately cleared personnel to carry or transmit classified material on their persons between their duty station and the activity to be visited subject to the following conditions:

(1) The classified material shall be in the physical possession of the individual at all times if proper storage at a United States Government activity or appropriately cleared contractor facility (continental United States only) is not available. Classified material shall not be left

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in such places as locked automobiles, hotel rooms, hotel safes, train compartments, private residences, public lockers, etc.

(2) Classified material shall not be read, studied, displayed, or used in any manner in public conveyances or places.

(3) When classified material is carried in a private, public or Government conveyance, it shall not be stored in any detachable storage compartment such as automobile trailers, luggage racks, aircraft travel pods or drop tanks.

(4) Written statements authorizing the transmission or carrying of classified material shall be provided by responsible officials to all individuals traveling outside of or direct flight between the areas encompassed by the United States and its Territories, and Canada or utilizing commercial aircraft. This authorization statement, which may be included in official travel orders, also should ordinarily permit the individual to pass through any customs without the need for subjecting the classified material to inspection. If difficulty with customs is encountered the individual shall refuse to disclose the classified material to customs inspection, and take action under the appropriate provisions of § 159.802.

(5) A list of all classified material carried or transmitted by individuals traveling will be maintained by the command to which the individual is attached. Upon return of the traveler, all classified material shall be accounted for.

(6) All individuals authorized to carry or transmit classified material while in a travel status shall be fully informed of the provisions of this subpart prior to departure from their duty station.

§ 159.801–1 Travel on commercial passenger aircraft susceptible to hijacking.

(a) As a result of hijackings, close attention must be given to the necessity for travel by commercial passenger aircraft of personnel hand-carrying classified material and of personnel having knowledge of sensitive information.

(b) In the event that an individual is a passenger aboard a commercial passenger aircraft which is hijacked and landed in a foreign country, he shall conduct himself as follows:

(1) If identification is required and an individual is in uniform, he shall show his Armed Forces Identification Card. If in civilian clothes, he should show civilian identification initially; however, if asked directly if he is in the armed forces, he should not attempt to deny military affiliation.

(2) If questioned or interrogated in a foreign country, commonsense judgment shall be used in making any response but personnel shall not under any circumstances reveal classified information.

(3) Upon return to United States control, official United States investigators may want to debrief detainees. Personnel should, therefore, observe and mentally note the methods and procedures used by the detainer during their stay in the foreign countries.

(c) If, as the result of hijacking of an aircraft to a foreign country, classified material is compromised or subjected to compromise, or there are indications of attempts at foreign intelligence exploitation of personnel or material, appropriate security officials shall be notified immediately.

PROCEDURE FOR HAND-CARRYING CLASSIFIED INFORMATION ON COMMERCIAL PASSENGER AIRCRAFT

§ 159.802 Prerequisites.

The provisions of §§ 159.800 through 159.801–1 contain prerequisites which must be met prior to the authorization under this section to hand-carry classified material aboard commercial passenger aircraft.

§ 159.802–1 Basic requirements.

(a) Advanced and continued coordination by DoD Component and contractor officials shall be made with departure airline/terminal officials and, where possible, with intermediate transfer terminals to develop mutually satisfactory arrangements within the terms of this issuance and FAA guidance.

(b) The individual designated as courier shall be in possession of either DD Form 2 (any color) or other DoD or contractor picture identification card and written authorization to carry classified material (see § 159.802–2 and § 159.802–3 below).

(c) The courier shall have been briefed as to the provisions of §§ 159.801 and 159.801–1 and of §§ 159.802 through 159.802–4.

§ 159.802–2 Procedures for carrying classified documents.

Persons carrying classified documents should process through the airline ticketing and boarding procedure in the same manner as all other passengers, except for the following:

(a) The passenger shall present himself at the screening station for routine processing. The classified documents being carried shall contain no metal bindings and shall be contained in sealed envelopes. Should such envelope be contained in a briefcase or other carry-on luggage, the briefcase or luggage shall be routinely offered for opening for inspection for weapons. The screening official should be able to inspect the envelopes by fixing, feel, weight, etc., without any requirement for opening the envelopes themselves.

(b) In the event that the screening official is not satisfied, the passenger at that time shall inform the official that the envelopes contain classified material, and shall exhibit an official U.S. Government or company (picture) identification card, plus separate travel authorization.

(c) At that point, the screening official will process the envelopes with a detection device.

(1) If no alarm results, the envelopes require no further examination.

(2) If an alarm results, the passenger shall not be permitted to board, and, therefore, is not subject to further screening for boarding purposes.

(3) The passenger, himself, and all other items he may be carrying will be subject to routine screening.

(d) Opening or reading the classified documents by the screening official is not permitted.

§ 159.802–3 Procedures for classified material in packages.

Classified material in sealed or packaged containers, normally, because of size, weight, or other physical characteristics, are not suitable for processing under § 159.802–2(a). Such material shall be processed as follows:

(a) The Government or contractor official who has authorized the transport of the classified material shall notify the appropriate air carrier in advance of this situation.

(b) Upon arriving at the terminal, the passenger carrying the material shall report to the affected airline ticket counter prior to boarding, present his documentation, and the package or cartons to be exempt from screening. The airline representative will review the documentation and description of the containers to be exempt. The official may make a telephone call to a representative of the authorizing official, as shown on the letter of authorization, for additional verification.

(c) If satisfied, with the identification of the passenger and his documentation, the official will provide the passenger with an escort to the screening station and authorize the screening personnel to exempt the container from physical or other type inspection. The passenger and other items he may be carrying shall continue to be subject to routine screening.

(d) If the airline official is not satisfied with the authenticity of the passenger and his documentation, the passenger will not be permitted to board, and, therefore, is not subject to further screening for boarding purposes.

§ 159.802–4 Documentation.

(a) Persons carrying envelopes as provided in § 159.802–2, shall have a picture identification card and travel authorization which specifically describes the envelopes carried which contain classified information.

(b) When authorized to carry packages (§ 159.802–3) both government and contractor personnel shall present an identification card or credential carrying a photograph, descriptive data, and signature of the individual. (If the identification card does not carry descriptive data, i.e., as a minimum, date of birth, height, weight, and signature, these items must be included in the letter of authorization).

(1) DoD personnel shall present an official identification issued by an agency of the U.S. Government.

(2) Contractor personnel shall present identification issued by the contracting firm or company employing the individual, or, in some instances, an identification issued by the U.S. Government. Contractors' identification cards shall carry the name of the employing contractor, or otherwise be marked to denote "contractor".

(3) The courier shall have the original of a letter authorizing the individual to carry classified material. A reproduced copy is not acceptable; however, the traveler shall have sufficient authenticated copies to provide a copy to each airline involved. The letter shall be prepared on letterhead stationery of the agency or contractor authorizing the carrying of classified material for the trip in question. In addition, the letter shall:

(i) Give the full name of the individual and his employing agency or company;

(ii) Describe the type of identification the individual will present (e.g., Naval Research Laboratory Identification Card. No. 1234; ABC Corporation Identification Card No. 1234);

(iii) Describe the material being carried (e.g., three sealed packages, 9" x 8" x 24", addressee and addressor);

(iv) Identify the point of departure, destination and known transfer points;

(v) Carry a date of issue and expiration date which may not exceed seven days from the date of issue;

(vi) Carry the name, title, and signature of the official issuing the letter. Each package or carton to be exempt shall be signed on its face by the official who signed the letter;

(vii) Carry the name of the government agency designated to confirm the letter of authorization, and its telephone number. The telephone number of the agency designated shall be an official U.S. Government number, for both Government and contractors, that is subject to verification;

(viii) The letter may contain a printed (typed) indorsement for signature of the host official at destination if a round trip requirement is foreseen.

(c) Information relating to the issuance of DoD identification cards is contained in DoD Instruction 1000.13, dated May 22, 1972. The Green, Gray, and Red forms of DD Form 2 and other DoD and contractor picture-ID card are acceptable to FAA. Components shall provide for the issuance of DD Form 1173, appropriately limited, to civilian employees selected for courier duties, if individuals have not been issued other acceptable ID cards.

(d) The Director, DSA, shall provide for the issuance of a DSA/ID card or DD Form 1173 when required by contractor employees selected for courier or handcarrying duties, when the employer involved does not have such available.

(e) Heads of Components or their designees for this purpose shall designate officials who will be authorized to appoint couriers. Such officials should be at a level of an office or headquarters authorized by the Component to issue travel and TDY orders. These officials shall provide for the telephone confirmation listed above.

(f) The Director, DSA, shall provide through the DCASR for authorization for contractor personnel to handcarry packages and for the telephone verification.

PREPARATION OF MATERIAL FOR TRANSMISSION OR SHIPMENT

§ 159.803 Envelopes or containers.

(a) Whenever classified information is transmitted, it shall be enclosed in two opaque sealed envelopes or similar wrappings where size permits, except as provided below.

(b) Whenever classified material is transmitted of a size not making it suitable for transmission as in a. above, it shall be enclosed in two opaque sealed containers, such as boxes or heavy wrappings. So long as this requirement is observed, the materials may be wrapped, boxed, or crated or a combination thereof.

(1) If the classified material is an internal component of a packageable item of equipment, the outside shell or body may be considered as the inner enclosure.

(2) If the classified material is an inaccessible internal component of a bulky item of equipment that is not reasonably packageable, such as a missile, the outside or body of the item may be considered as the outer enclosure provided the shell or body is not classified.

(3) If the classified material is an item of equipment that is not reasonably packageable and the shell or body is classified it shall be draped with an opaque covering that will conceal all classified features. Such coverings must be capable of being secured so as to prevent inadvertent exposure of the item.

(4) Specialized shipping containers including closed cargo transporters, may be used in lieu of the above packaging requirements. In such cases, the container may be considered the outer wrapping or cover.

(c) Material used for packaging shall be of such strength and durability as to provide security protection while in transit, to prevent items from breaking out of the container, and to facilitate the detection of any tampering with the container. The wrappings shall conceal all classified characteristics.

(d) Closed and locked compartments, vehicles, or cars shall be used for shipments of classified material except when another method is authorized by the consignor. In any event, individual packages weighing less than 200 pounds gross shall be shipped only in a closed vehicle.

(e) To minimize the possibility of compromise classified material caused by improper or inadequate packaging thereof, responsible officials shall ensure that proper wrappings are used for mailable bulky packages. Activities should provide for the stocking of several sizes of cardboard containers, and corrugated paper. Bulky packages shall be sealed with tape which is capable of retaining the impression of any postal marking stamp. Responsible officials shall require the inspection of bulky packages to determine whether the material is suitable for mailing or whether it should be transmitted by other approved means.

§ 159.803–1 Addressing.

(a) Classified material shall be addressed to an official government activity or DoD contractor with a facility clearance and not to an individual. This is not intended, however, to prevent use of office code numbers or such phrases in the address as "Attention: Research Department," or similar aids in expediting internal routing, in addition to the organization address.

(b) Classified written material shall be folded or packed in such a manner that the text will not be in direct contact with the inner envelope or container. A receipt form shall be attached to or enclosed in the inner envelope or container for all Secret and Top Secret material; Confidential material will require a receipt only if the originator deems it necessary. The mailing of written materials of different classifications in a single package should be avoided, particularly the inclusion of Confidential and Unclassified with Secret material. However, when written materials of different classifications are transmitted in one package, they shall be wrapped in a single inner envelope or container. A receipt listing all classified material for which a receipt is requested shall be attached or enclosed. The inner envelope or container shall be marked with the highest classification of the contents.

(c) The inner envelope or container shall show the address of the receiving activity, classification, including where appropriate the "Restricted Data" marking, and any applicable special instructions. It shall be carefully sealed to minimize the possibility of access without leaving evidence of tampering.

(d) An outer or single envelope or container shall show the complete and correct address and the return address of the sender. However, the address may be omitted from the outer enclosures for shipment in full truckload or carload lots.

(e) An outer cover or single envelope or container shall not bear a classification marking a listing of the contents divulging classified information, or any other unusual data or marks which might invite special attention to the fact that the contents are classified.

(f) Care must be taken to ensure that classified material intended only for the United States elements of international staffs or other organizations is addressed specifically to those elements.

§ 159.803–2 Receipt systems.

(a) Top Secret material shall be transmitted under a continuous chain of receipts.

(b) Secret material shall be covered by a receipt between commands and other authorized addresses.

(c) Receipts for Confidential material are not required.

(d) Receipts shall be provided by the transmittor of the material and the forms shall be attached to the inner cover.

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(1) Postcard receipt forms may be used.

(2) Receipt forms shall be unclassified and contain only such information as is necessary to identify the material being transmitted.

(3) Receipts shall be retained for at least 2 years.

(e) In those instances where a fly-leaf (page check) form is used with classified publications the postcard receipt will not be required.

§ 159.803–3 Exceptions.

Exceptions may be authorized to the requirements contained in this subpart by the head of the component concerned or his designee, provided the exception affords equal protection and accountability to that provided above. Proposed exceptions which do not meet these minimum standards shall be submitted to the ASD(C) for approval.

Subpart—Disposal and Destruction

§ 159.900 Policy.

Documentary record material made or received by a DoD component in connection with the transaction of public business, and preserved as evidence of the organization, functions, policies, operations, decisions, procedures, or other activities of any Department or Agency of the Government, or because of the informational value of the data contained therein, may be disposed of or destroyed only in accordance with DoD component record management regulations which conform to the Act of July 7, 1943, controlling the disposition of such material: Ch. 192, 57. Stat. 380, as amended (44 U.S.C. 366–380). Nonrecord classified material and other material of similar temporary nature, shall be destroyed as soon as their intended purpose has been served under procedures established by the head of the DoD component consistent with the following requirements.

§ 159.900–1 Methods of destruction.

Classified material shall be destroyed in the presence of an appropriate official by burning, melting, chemical decomposition, pulping, pulverizing, shredding, or multilation sufficient to preclude recognition or reconstruction of the classified information, provided the head of the DoD component concerned, or his designee, has approved the method of destruction, except burning, as one which will preclude reconstruction of the material. The GSA Federal Supply schedule lists some of the approved destruction devices.

§ 159.900–2 Records of destruction.

Records of destruction are required for Top Secret and Secret material and shall be dated and signed by two officials witnessing actual destruction unless the classified material has been placed in burn bags for central disposal. In that case, the destruction record shall be signed by the witnessing officials at the time the material is placed in the burn bags. Records of destruction shall be maintained for a minimum of two years after which they may be destroyed.

§ 159.900–3 Classified waste.

Waste material, such as handwritten notes, carbon paper, typewriter ribbons, et cetera, which contains classified information must be protected in a manner to prevent unauthorized disclosure of the information. Classified waste material shall be destroyed as soon as it has served its intended purpose by one of the methods described in § 159.900–1, but a record of destruction and a witnessing official are not required.

Subpart—Security Education

§ 159.1000 Responsibility and purpose.

Heads of DoD Components are responsible for establishing security education programs for their personnel, designed to carry out the purposes of Executive Order 11652 and its implementing National Security Council Directive. Such programs shall, among other things, stress the objective of classifying less information, declassifying more information, and protecting better that which requires protection, and shall stress appropriate balance between the need to release the maximum information appropriate under the Freedom of Information Act with the interest of the Government in protecting the national security.

§ 159.1000–1 Scope and principles.

The security education program shall include all personnel entrusted with classified information regardless of their position, rank or grade. Each activity shall design its program to fit the particular requirements of the different groups of personnel who have access to classified information. Care must be exercised to assure that the program does not evolve into a perfunctory compliance with formal requirements without achieving the real goals of the program. The program shall be designed to:

(a) Advise personnel of the need for protecting classified information and the adverse effects to the national security resulting from compromise.

(b) Indoctrinate personnel fully in the principles, criteria and procedures for the classification, downgrading and declassification, including marking, of information as prescribed in §§ 159.100–159.405–5 of this regulation and alert them to the strict prohibitions on improper use and abuses of the classification and declassification exemption systems.

(c) Familiarize personnel with the specific security requirements of their particular assignment.

(d) Inform personnel of the techniques employed by foreign intelligence activities in attempting to obtain classified information and their responsibility for reporting such attempts.

(e) Advise personnel of the hazards involved and the strict prohibition against discussing classified information over the telephone or in such manner as to be intercepted by unauthorized persons.

(f) Advise personnel of the disciplinary actions that may result from violations of this regulation.

§ 159.1000–2 Indoctrination briefing.

Persons being assigned to duties requiring access to classified information shall be indoctrinated. This indoctrination shall as a minimum cover the elements outlined in § 159.1000–1.

§ 159.1000–3 Refresher briefings.

Positive programs shall be established to provide periodic security training for personnel having continued access to classified information. The elements outlined in § 159.1000–1, shall be updated and designed to fit the needs of experienced personnel.

§ 159.1000–4 Foreign travel briefings.

Personnel who have had access to classified material shall be given a Foreign Travel Briefing as a defensive measure prior to travel to alert them of their possible exploitation under the following conditions:

(a) Travel to or through communist controlled countries for any purpose.

(b) Attendance at international, scientific, technical, engineering or other professional meetings in the United States or in any country outside the United States where it can be anticipated that representatives of communist controlled countries will participate or be in attendance. (See § 159.100(aa).)

§ 159.1000–5 Debriefings.

(a) Upon termination of employment or contemplated temporary separation for a sixty-day period or more, military members and employees shall be debriefed, return all classified material and be required to execute a Security Termination Statement. This statement shall include the following:

(1) An acknowledgement that the individual executing the statement has read the appropriate provisions of the Espionage Act, other criminal statutes and DoD regulations applicable to the level of classified information to which he has had access and understands the implications thereof.

(2) A recital that the individual no longer has any material containing classified information in his possession.

(3) A recital that the individual shall not communicate or transmit classified information orally or in writing to any unauthorized person or agency.

(4) A recital that the individual will report to the FBI or the DoD component concerned, as appropriate, without delay any incident wherein an attempt is made by any unauthorized person to solicit classified information.

(b) Should an individual refuse to execute a debriefing statement, that information will be reported immediately to the security office of the organization concerned.

Subpart—Foreign Origin Material

Classification

§ 159.1100 Classifying foreign material.

Classified information or material furnished by a foreign government or international organization shall either retain its original assigned classification or be assigned a United States classification that assures equivalent protection. The origin of all material bearing foreign classifications, including material extracted and placed in Department of Defense documents or material, shall be clearly indicated on or in the body of the material to assure, among other things, that the information is not released to nationals of a third country without consent of the originator.

§ 159.1100–1 Equivalent United States classifications.

Foreign security classifications generally parallel United States classifications. A Table of Equivalents is contained in Appendix B (§ 159.1500–1).

§ 159.1100–2 Foreign restricted.

As shown in Appendix B (§ 159.1500–1), a fourth foreign designation, "Restricted," is frequently used. Foreign Restricted information usually does not warrant United States security classification under Executive Order 11652, but it shall be marked as prescribed in § 159.1101–1.

Marking

§ 159.1101 NATO, CENTO, and SEATO.

Classified information or material originated by NATO, CENTO, or SEATO, if not already marked with the appropriate classification in English, shall be so marked. The exemption marking under § 159.403–1(c) and the warning notice under § 159.405–3 shall not be entered. With respect to material marked Restricted the following additional notation shall be entered: "To be safeguarded in accordance with _____." In the blank space insert:

For NATO: "USSAN Instruction 1–69" (Promulgated by DoD Instruction C–5210.21)
For CENTO: "USSAC Instruction 1–68" (Promulgated by DoD Instruction C–5210.35)
For SEATO: "USSAS Instruction 1–67" (Promulgated by DoD Instruction 5210.54)

§ 159.1101–1 Other foreign material.

Foreign security classifications generally parallel United States classifications (see § 159.1500–1, Appendix B). If the foreign classification is shown in English, no additional classification marking is required. If the foreign classification is not in English, the equivalent English classification, including Restricted when appropriate, shall be entered as prescribed for US documents. The exemption marking under § 159.403–1(c) and the warning notice under § 159.405–3 shall not be entered. With respect to foreign originated material marked Restricted, the following additional notation shall be entered for all cases except those prescribed in § 159.–1101: "This material is to be safeguarded in accordance with DoD 5200.1–R."

Protective Measures

§ 159.1102 NATO, CENTO, and SEATO classified information.

NATO, CENTO, and SEATO classified information shall be safeguarded in accordance with the respective provisions of DoD Instruction C5210.21, DoD Instruction C5210.35 and DoD Instruction 5210.54, § 159.100, (o), (p) and (q) respectively.

§ 159.1102–1 Classified material of foreign origin.

Classified material of foreign origin shall be protected in accordance with the requirements prescribed for United States classified information of a comparable category. Foreign Restricted material shall be protected in all respects in the same manner as United States Confidential, except that Restricted material may be stored in locked filing cabinets, desks or other similar closed spaces which will prevent access to unauthorized persons.

§ 159.1102–2 Downgrading or regrading.

Action will be taken by all U.S. authorities holding foreign classified information to downgrade or regrade such information on receipt of notice of such action by the originating foreign government or international organization.

Subpart—Special Access Programs

§ 159.1200 Policy.

It is the policy of the Department of Defense to utilize the standard classification categories and the applicable sections of Executive Order 11652 and its implementing National Security Council Directive, to limit access to classified information on a "need-to-know" basis to personnel who have been determined to be trustworthy pursuant to such Order and Directive. It is the further policy to apply the "need-to-know" principle in the regular system so that there will be no need to resort to formal Special Access Programs requiring extraordinary procedures, and controls, such as formal access determinations, special briefings, reporting procedures, and recorded formal access lists.

§ 159.1200–1 Definition.

(a) A Special Access Program is any program imposing "need-to-know" or access controls beyond those normally provided for access to Confidential, Secret, or Top Secret information. Such a program includes, but is not limited to, special clearance, adjudication, or investigative requirements, special designation of officials authorized to determine "need-to-know", or special lists of persons determined to have a "need-to-know."

(b) In determining whether a given activity or operation qualifies as a special access program, the following comments govern: A program should be regarded as a special access program if access to the information in the program may be given only after compliance with one or more requirements not generally applicable to the same level of classified information within the DoD. The characteristics of such a program include, but are not necessarily limited to, those listed in paragraph (a) of this section.

§ 159.1200–2 Scope.

The following programs are excluded from the provisions of this chapter:

(a) *Access procedures for NATO, CENTO, and SEATO classified information.* These procedures are based on international treaty requirements and are not originated by the DoD.

(b) *Programs for the collection of foreign intelligence or under the jurisdiction of the U.S. Intelligence Board or the U.S. Communications Security Board.* The security arrangements for such programs are formulated under policies originating outside the DoD.

§ 159.1200–3 Establishment of programs.

(a) All Special Access Programs, within the scope of this chapter, which are desired to be established in the Departments of the Army, Navy, and Air Force after the promulgation date of this Regulation, shall be submitted to the Secretary of the respective Department, with the information referred to in § 159.1200–4, for prior approval. If the Secretary of the Military Department approves the establishment of such program, he shall advise the Assistant Secretary of Defense (Comptroller) and furnish a copy of the information and rationale submitted to him on which he based his approval.

(b) All Special Access Programs, within the scope of this chapter, which are desired to be established in any Department of Defense Component or Agency other than the three Military Departments shall be submitted to the Assistant Secretary of Defense (Comptroller), with the information referred to in § 159.1200–4, for prior approval.

(c) The principal purpose of this paragraph is to obtain an overview of the nature, impact, and scope of special access programs. It is essential to avoid grouping two or more separate programs into a generic classification, such as "space programs" or "missile programs." It is also important to identify subprograms where access criteria are not coextensive with those of the principal program. Further, no two programs should be considered as a single program merely because certain aspects may coincide. In doubtful cases, the question should be resolved by separately identifying each program and explaining its relationship to other programs.

§ 159.1200–4 Reporting of special access programs.

Reports required by § 159.1200–3, shall include as a minimum the following:

(a) Department or Agency.

(b) Unclassified name or short title of program.

(c) Relationship, if any, to other programs in the DoD or other Government Agency.

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(d) Rationale and authority for establishment of program. In particular, furnish explanation as to why the required degree of security protection is not obtainable under regular safeguarding requirements for classified information.

(e) Estimated number of persons to be granted Special Access.

Number of such persons in Reporting Department or Agency	------
Number of such persons in other DoD Components	------
Number of such persons in industrial facilities	------
DoD Departments or Agencies	------
Number of such persons in non-DoD Departments or Agencies	------
Total	------

(f) Attach a copy of all instructions pertaining to the program security requirements including, but not limited to, those governing access to program information.

§ 159.1200–5 Notification.

(a) The Secretaries of the Military Departments, and the ASD(C) for other DoD Components shall in those programs affecting contractors, make the programs applicable by incorporation in the contract or other legally binding instrument and provide copies to the cognizant DSA security office.

(b) To the extent required by DDCAS/DSA to execute his security responsibilities with respect to special access programs under his security cognizance, each official specified above shall provide for the granting of authorization for access to those programs by DDCAS/DSA personnel.

Subpart—Program Management

EXECUTIVE OFFICE OF THE PRESIDENT

§ 159.1300 National Security Council (NSC).

The National Security Council is charged under Executive Order 11652 (§ 159.100(b)) with monitoring implementation of the Order. The NSC is also charged with issuing and maintaining Presidential directives to implement the Order (§ 159.100(c)).

§ 159.1300–1 Interagency Classification Review Committee (ICRC).

To assist the National Security Council, an Interagency Classification Review Committee has been established.

(a) *Composition.* The Chairman of the ICRC is designated by the President. Its membership is comprised of representatives of the Departments of Defense, State, and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council Staff. The General Counsel is the Department of Defense representative. Representatives of other Departments in the Executive Branch may be invited to meet with the Committee on matters of particular interest to those Departments.

(b) *Meetings and staff.* The ICRC meets regularly, but no less frequently than monthly. The Chairman appoints an Executive Director and permanent staff.

(c) *Functions.* The ICRC is charged with the following functions:

(1) Oversee Department actions to ensure compliance with the provisions of the Order and the implementing NSC directives with particular emphasis on Departmental programs established to implement the Order and such directives.

(2) Receive, consider and take action on suggestions and complaints from persons within or without the Government with respect to the general administration of the Order including appeals from denials by Departmental Committees or the Archivist of declassification requests. In consultation with the affected Department or Departments, the Committee will assure that appropriate action is taken on such suggestions and complaints.

(3) Seek to develop means to (i) prevent overclassification, (ii) ensure prompt declassification in accord with the provisions of the Order, (iii) facilitate access to declassified material and (iv) eliminate unauthorized disclosure of classified information.

(d) *Information requests.* The Committee Chairman is authorized to request information or material concerning the Department of Defense, including its components, and needed by the Committee in carrying out its functions.

DEPARTMENT OF DEFENSE

§ 159.1301 Management responsibility.

The Assistant Secretary of Defense (Comptroller) is the senior DoD official having authority and responsibility to ensure effective and uniform compliance with and implementation of Executive Order 11652 and NSC implementing directives (§§ 159.100(b) and (c)). Under the Assistant Secretary of Defense (Comptroller), the Deputy Assistant Secretary of Defense (Security Policy) is responsible for the development of policies, standards, criteria and procedures governing the Department of Defense Information Security Program and for its effective and uniform implementation.

§ 159.1301–1 DoD Classification Review Committee (DCRC).

The Department of Defense Classification Review Committee (DCRC) is comprised of the Assistant Secretary of Defense (Comptroller), Chairman, the Assistant Secretary of Defense (Public Affairs), and the General Counsel of the Department of Defense, as permanent members. Representatives from DoD components may be invited by the Chairman to meet with the Committee on matters of particular interest to those components. Its functions are:

(a) Receive, consider and take action upon all suggestions and complaints with respect to the administration of the Department of Defense Information Security Program, including, without limitation, those regarding overclassification, unnecessary classification, failure to declassify, or delay in declassifying, not otherwise resolved at the component level.

(b) Review appeals from denials of requests for records under the mandatory review provisions of E.O. 11652 and section 552 of Title 5, U.S.C. (Freedom of Information Act) when the denial is based on continued classification, the requested record is more than ten years old, and (1) the OSD, the OJCS, or a Defense Agency was responsible for the initial decision to deny the request; or (2) two or more DoD components have an interest in the matter and are in disagreement.

(c) Receive, consider and take action upon appeals from the Classification Review Committees of the Military Departments specified in § 159.1302–1.

(d) Recommend to the Secretary of Defense appropriate administrative action to correct abuse or violation of any provision of § 159.100 (b) or (c) of this regulation, including notification, warning letters, formal reprimand, and to the extent permitted by law, suspension without pay, forfeiture of pay, and removal.

§ 159.1301–2 DoD Information Security Advisory Board (DISAB).

To advise and assist the Assistant Secretary of Defense (Comptroller), there is established a DoD Information Security Advisory Board. The Board shall be comprised of the Deputy Assistant Secretary of Defense (Security Policy) Chairman, and senior representatives designated by the Secretaries of the Military Departments, the Chairman, Joint Chiefs of Staff, the Director, Defense Research and Engineering, the Assistant Secretary of Defense (Intelligence), the Assistant Secretary of Defense (Public Affairs), the General Counsel of the Department of Defense, and the Director, Defense Supply Agency, as permanent members. Representatives of other components may be invited by the Chairman to participate in matters of specific interest. The Board shall review and evaluate the effectiveness of the administration of the Program by DoD components, developing and recommending new or revised uniform policies, standards, criteria or procedures necessary to meet changing conditions or to correct deficiencies in the Program.

DOD COMPONENTS

§ 159.1302 Overall program responsibility.

The head of each DoD component is responsible for the establishment and maintenance of an Information Security Program, with adequate funding and sufficient experienced staff at all levels, designed to ensure effective compliance with the provisions of this regulation throughout his component.

§ 159.1302–1 Military departments.

The Secretary of each Military Department shall designate a senior official who shall be responsible for the effective compliance with and implementation of this regulation within his Department. Each such official shall also serve as chairman of a Classification Review Committee of his Department which shall have authority and responsibility to perform functions for his Department similar to those described in § 159.1301–1.

§ 159.1302–2 Other components.

The head of each other DoD component shall designate a senior official who shall be responsible for the effective compliance with and implementation of this regulation within his component.

§ 159.1302–3 Program monitorship.

The senior officials designated under § 159.1302–1 and § 159.1302–2, are responsible within their respective jurisdictions for monitoring, inspecting and reporting on the status of administration of the DoD Information Security Program at all levels of activity under their cognizance.

§ 159.1302–4 Field program management.

Each activity throughout the DoD shall assign (as a sole, principal or additional duty, depending upon operational responsibilities as dictated by the level and quantity of classified information involved in operations) an official to serve as security manager for the activity. He shall be responsible for administration of an effective Information Security Program in that activity with particular emphasis on (a) the assignment of proper classifications; (b) effective prevention of unauthorized disclosures of classified information; (c) progressive downgrading and declassification; and (d) systematic reviews to eliminate by destruction, transfer or retirement all unneeded classified material on the fastest basis consistent with operational requirements. Security managers should have sufficient staff assistance and authority to carry out an effective program.

REPORTS REQUIREMENTS

§ 159.1303 Reports requirements.

In addition to the reports required by § 159.105–1 (classification authorities), the DoD and Military Department Classification Review Committees (§ 159.1301–1 and § 159.1302–1) shall submit through appropriate channels to the Senior DoD official named in § 159.1301 quarterly reports covering classification review requests, classification abuses and unauthorized disclosures. Such reports are covered by Reports Control Symbol DD–A(Q) 1183. In addition, the DoD and Military Department Classification Review Committees shall provide such other reports as the senior DoD official may require. No Reports Control Symbol is required for these latter reports pursuant to section III.E, DoD Directive 5000.19.

Subpart—Administrative and Judicial Action

§ 159.1400 Individual responsibility.

All personnel, civilian or military, of the Department of Defense are responsible individually for complying with the provisions of this regulation in all respects.

§ 159.1400–1 Administrative actions.

With the view of emphasizing the importance and necessity of carrying out both the letter and the spirit of Executive Order 11652, the implementing National Security Council directives, and this regulation, violations of these instruments shall be the subject of administrative action as follows:

(a) Repeated abuse by any person of the classification process, or repeated failure, neglect or disregard of established requirements with respect to safeguarding classified information or material, shall be grounds for adverse administrative action. Such action may include a warning notice, formal reprimand, suspension without pay or forfeiture of pay, or discharge as appropriate in the particular case, in accordance with applicable policies and procedures.

(b) Any person, regardless of office or level of employment, who is responsible for any unauthorized release or disclosure of classified information or material shall be notified that his action is in violation of the Executive Order, the implementing National Security Council directives, and this regulation, and, in addition, shall be subject to prompt and stringent action including, as appropriate in the particular case, a warning notice, formal reprimand, suspension without pay, forfeiture of pay, or discharge, in accordance with applicable policies and procedures.

§ 159.1400–2 Judicial action.

Any action resulting in unauthorized disclosure of classified information which constitutes a violation of the criminal statutes shall be the subject of a report processed in accordance with DoD Directive 5210.50, § 159.100(g) and DoD instruction 5200.22, § 159.100(f).

Subpart—List of Appendices for DoD Information Security Program Regulation

§ 159.1500 Appendix A—Original classification authorities (see § 159.105).

Part 1—*Top secret original classification authorities.* Under the provisions of Executive Order 11652, § 159.100(b), only the Secretary of Defense and the Secretaries of the Military Departments may designate officials to exercise Top Secret original classification authority. Designations may be made from the following groups of officials:

1. Senior principal deputies and assistants to the Secretaries.

2. Heads of major elements of the Department of Defense and their senior principal deputies and assistants.

Attached is a listing of officials designated by the Secretary of Defense to exercise Top Secret original classification authority.

Part 2—*Secret original classification authorities.* Secret original classification authority may be exercised by designated Top Secret original classification authorities and by such subordinate officials as are designated in writing by the Secretary of Defense, Secretaries of the Military Departments, or those other Top Secret classification authorities listed in this Appendix whose listing carries an asterisk. The authority to make designations of Secret classification authorities is vested in the incumbent of the position and in the individual designated in writing by the incumbent to act as designating official in the incumbent's absence. The exercise of this authority is personal to the official in whom it is vested, and shall not be delegated by him or used by anyone acting for him in his name. Each designation shall be in writing and personally signed by the designating official.

Part 3—*Confidential original classification authorities.* Confidential original classification authority may be exercised by officials designated to exercise Top Secret or Secret original classification authority and by such subordinate officials as they may designate in writing. Such designations shall be made in accordance with § 159.105 of the regulation.

TOP SECRET CLASSIFICATION AUTHORITIES

OFFICE, SECRETARY OF DEFENSE (23)

Secretary of Defense	(1)
*Deputy Secretary of Defense	(1)
*Director of Defense Research and Engineering	(1)
Principal Deputy Director	(1)
Assistant Director (Net Technical Assessment)	(1)
*Assistant Secretaries of Defense	(9)
*General Counsel of the Department of Defense	(1)
*Director of Defense Program Analysis & Evaluation	(1)
*Special Assistant and Assistant to the Secretary and Deputy Secretary of Defense	(2)
*Assistant to the Secretray of Defense (Atomic Energy)	(1)
Chairman, Military Liaison Committee (AEC)	(1)
Defense Advisor, U.S. Mission to NATO	(1)
Director, Weapons Systems Evaluation Group	(1)
Director, Joint Tactical Communications (TRI-TAC)	(1)

ORGANIZATION, JOINT CHIEFS OF STAFF (36)

*Chairman, Joint Chiefs of Staff	(1)
Assistant to the Chairman, Joint Chiefs of Staff	(1)
Director, Joint Staff	(1)
Secretary, Joint Staff	(1)
Director for Personnel, J–1	(1)
Director for Operations, J–3	(1)
Vice Director for Operations, J–3	(1)
Deputy Directors for Operations, J–3	(7)
Director for Logistics, J–4	(1)
Director for Plans and Policy, J–5	(1)
Vice Director	(1)
Deputy Director (Strategic)	(1)
Director for Communications-Electronics, J–6	(1)
JCS Representative for Strategic Arms Limitations Talks	(1)
JCS Representative for Mutual and Balanced Force Reduction	(1)
JCS Representative, Law of the Sea	(1)
Chief, Studies, Analysis, and Gaming Agency	(1)
U.S. Representative to Military Committee, NATO	(1)
U.S. Representative to Permanent Military Deputies Group, CENTO (Chief, U.S. Element CENTO)	(1)
Chairman, U.S. Delegation, United Nations Military Staff Committee	(1)
Chairman, U.S. Delegation, Inter-American Defense Board	(1)
Chairman, U.S. Delegation, Joint Brazil-United States Defense Commission	(1)
Chairman, U.S. Delegation, Joint Brazil-United States Military Commission	(1)

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Chairman, U.S. Section, Joint Mexico-United States Defense Commission	(1)
Chairman, U.S. Section, Canada-United States Military Cooperation Committee	(1)
Steering and Coordinating Member, Canada-U.S. Permanent Joint Board on Defense	(1)
Chairman, U.S. Section, Canada-U.S. Regional Planning Commission (NATO)	(1)
Commander-in-Chief, United Nations Command	(1)

UNIFIED AND SPECIFIED COMMANDS (42)

United States European Command (EUCOM)	(3)
*Commander-in-Chief	(1)
Chief of Staff	(1)
Deputy Commander	(1)
United States Pacific Command (PACOM)	(15)
*Commander-in-Chief	(1)
Chief of Staff	(1)
Deputy Chief of Staff (CINCPAC)	(1)
Commander, U.S. Military Assistance Command, Thailand	(1)
Commander, U.S. Support Activities Group, Thailand	(1)
Commander, U.S. Forces, Japan	(1)
Chief, MAAG, China	(1)
Chief, JUSMAG, Philippines	(1)
Dep Chief, JUSMAG, Thailand	(1)
Chief, Military Equipment Delivery Team, Cambodia	(1)
Commander, U.S. Forces, Korea	(1)
Chief, JUSMAG, Korea	(1)
CINCPAC Representative, GUAM/TTPI	(1)
CINCPAC Representative, Philippines	(1)
Commander, US-Taiwan Defense Command	(1)
Continental Air Defense (CONAD)	(10)
*Commander-in-Chief	(1)
Chief of Staff	(1)
Commander-in-Chief, North American Defense Command (NORAD)	(1)
Commanders, CONAD/NORAD Regions (Exc 22d)	(6)
Deputy Commander, 22d NORAD Region	(1)
Alaskan Command (ALCOM)	(2)
*Commander-in-Chief	(1)
Chief of Staff	(1)
Southern Command (USSOUTHCOM)	(2)
*Commander-in-Chief	(1)
Chief of Staff	(1)
Atlantic (LANTCOM)	(2)
*Commander-in-Chief	(1)
Chief of Staff	(1)
Readiness Command (CINCRED)	(2)
*Commander-in-Chief	(1)
Deputy Commander	(1)
Strategic Air Command (SAC)	(6)
*Commander-in-Chief	(1)
Vice Commander-in-Chief	(1)
Chief of Staff	(1)
Senior SAC X-Ray Representative	(1)
Director, Strategic Target Planning	(1)
Deputy Director	(1)

DEFENSE AGENCIES (221)

Defense Advanced Research Projects Agency (DARPA)	(2)
*Director	(1)
Deputy Director	(1)
Defense Civil Preparedness Agency (DCPA)	(1)
*Director	(1)
Defense Communications Agency (DCA)	(7)
*Director	(1)
Vice Director	(1)
Chief of Staff	(1)
Deputy Director, Plans and Programs	(1)
Deputy Director, Systems Engineering	(1)
Deputy Director, Operations	(1)
Deputy Director, National Military Command Systems Technical Support (NMCSTS)	(1)
Deputy Director, Military Satellite Communications System	
Chief Scientist/Associate, Technology	
Defense Contract Audit Agency (DCAA)	(1)
*Director	(1)
Defense Intelligence Agency (DIA)	(99)
*Director	(1)
Deputy Director	(1)
Chief of Staff	(1)
Deputy Directors	(7)
Assistant Deputy Director for CI and Security	(1)
Chief, Operations/Coordination Division	(1)
Chief, Operational Intelligence Division	(1)
Defense Attaches	(86)
Defense Investigative Service (DIS)	(2)
*Director	(1)
Deputy Director	(1)
Defense Mapping Agency (DMA)	(9)
*Director	(1)
Deputy Director	(1)
Deputy Director, Management & Technology	(1)
Deputy Director for Plans, Requirements and Technology	(1)
Deputy Director for Programs, Production and Operations	(1)
Director, DMA Topographic Center	(1)
Director DMA Hydrographic Center	(1)
Director, DMA Aerospace Center	(1)
Director, Inter-American Geodetic Survey	(1)
Defense Nuclear Agency (DNA)	(6)
*Director	(1)
Deputy Director, Operations and Administration	(1)
Deputy Director, Science and Technology	(1)
Commander, Field Command	(1)
Defense Security Assistance Agency (DSAA)	(2)
*Director	(1)
Deputy Director	(1)
Defense Supply Agency (DSA)	(1)
*Director	(1)
National Security Agency (NSA)	(93)
*Director, NSA/Chief, CSS	(1)
Deputy Director, NSA	(1)
Executive for Staff Services	(1)
Assistant Directors	(4)
Deputy Assistant Directors	(5)
Deputy Directors	(2)
Assistant Deputy Directors	(4)
Inspector General	(1)
Chief, Policy Coordination	(1)
Chiefs, Policy Coordination Divisions	(2)
Deputy Chief, Intelligence Community Affairs	(1)
Commandant, National Cryptologic School/Training Director, CSS	(1)
Chiefs of SIGINT Operations Groups	(6)
Executive, SIGINT Operations	(1)
Chiefs of Offices, National Cryptologic School	(4)
Chiefs of Offices, Field Management and Evaluation Organization	(2)
Chiefs of Offices, Installations & Logistics Organization	(5)
Chiefs of Offices, Plans and Resources Organization	(4)
Chiefs of Offices, Research and Engineering Organization	(3)
Chiefs of Offices, Communications Security Organization	(5)
Chiefs of Offices, Telecommunications Organization	(3)
Chief of Military Personnel	(1)
Chief of Civilian Personnel	(1)
Chief of Security	(1)
Chiefs of NSA/CSS Field Elements	(14)
Chiefs of Liaison Offices	(4)
NSA/CSS Representatives	(4)
NSA Classification Advisory Officers	(7)

DEPARTMENT OF THE ARMY (56)

Secretary of the Army	(1)
Under Secretary and Assistant Secretaries of the Army	(5)
General Counsel, Office of the Secretary of the Army	(1)
*Chief of Staff	(1)
Assistant Vice Chief of Staff	(1)
Secretary of the General Staff	(1)
Deputy Chiefs of Staff	(3)
Assistant Vice Chief of Staff	(1)
Chief of Research and Development	(1)
Chief, Office of Reserve Components	(1)
Chief, National Guard Bureau	(1)
Chief, Army Reserve	(1)
Chief of Engineers	(1)
Comptroller of the Army	(1)
The Inspector General	(1)
Training and Doctrine Command	(1)
First United States Army	(1)
U.S. Army Forces Command	(1)
Fifth United States Army	(1)
Sixth United States Army	(1)
U.S. Army Military District of Washington	(1)

Army Components of Unified Commands	(7)
Eighth Army	(1)
U.S. Army, Japan	(1)
U.S. Army Base Command, Okinawa	(1)
U.S. Army Theater Support Command, Europe	(1)
U.S. Army Southern European Task Force	(1)
U.S. Army Materiel Command	(1)
U.S. Army Aviation Systems Command	(1)
U.S. Army Electronics Command	(1)
U.S. Army Missile Command	(1)
U.S. Army Troop Support	(1)
U.S. Armament Command	(1)
U.S. Army Tank-Automotive Command	(1)
U.S. Army Test and Evaluation Command	(1)
U.S. Army Strategic Communications Command	(1)
U.S. Army Security Agency	(1)
U.S. Army Intelligence Command	(1)
SAFEGUARD System Manager	(1)
Commanding General, SAFEGUARD System Command	(1)
Commander, SAFEGUARD System Evaluation Agency	(1)

DEPARTMENT OF THE NAVY (99)

Secretary of the Navy	(1)
Under Secretary of the Navy	(1)
Assistant Secretary of the Navy (Installations & Logistics)	(1)
Assistant Secretary of the Navy (Research and Development)	(1)
Assistant Secretary of the Navy (Manpower and Reserve Affairs)	(1)
Assistant Secretary of the Navy (Financial Management)	(1)
General Counsel of the Navy	(1)
Chief of Naval Research	(1)
Director, Naval Research Laboratory	(1)
Chief and Vice Chief of Naval Operations	(2)
Assistant Vice Chief of Naval Operations/Director of Naval Administration (Op-09B)	(1)
Director of Naval History (Op-09BH)	(1)
Naval Inspector General (Op-008)	(1)
Director, Navy Program Planning (Op-090)	(1)
Director, General Planning and Programming Division (Op-90)	(1)
Director, Systems Analysis Division (Op-96)	(1)
Director, ASW and Tactical Electromagnetic Programs (Op-095)	(1)
Director, Command Support Programs (Op-094)	(1)
Director, Naval Telecommunications Division (Op-941)/Commander Naval Telecommunications Command	(1)
*Director of Naval Intelligence (Op-009)/Commander, Naval Intelligence Command	(1)
Director, Security of Military Information Division (Op-009D)	(1)
Director, Fleet Operations, Readiness, Navy Command Support Division (Op-943)	(1)
Director, Signals Exploitation and Security Division (Op-944)/Commander, Naval Security Group Command	(1)
Director, Meteorology Division (Op-945)/Commander Naval Weather Service Command	(1)
Director, Reconnaissance, Ocean Surveillance, Command & Control Support Division (Op-947)	(1)
Director, Research, Development, Test & Evaluation (Op-098)	(1)
Director, Atomic Energy Division (Op-985)	(1)
Deputy Chief of Naval Operations (Manpower) (Op-01)/Chief of Naval Personnel	(1)
Deputy Chief of Naval Operations (Submarine Warfare) (Op-02)	(1)
Director, Deep Submergence Systems Division and Deep Submergence Program Coordinator (Op-23)	(1)
Deputy Chief of Naval Operations (Surface Warfare) (Op-03)	(1)
Director, Ship Acquisition and Improvement Division (Op-097)	(1)
Deputy Chief of Naval Operations (Logistics) (Op-04)	(1)
Director, Logistics Plans Division (Op-40)	(1)
Deputy Chief of Naval Operations (Air Warfare) (Op-05)	(1)
Deputy Chief of Naval Operations (Plans & Policy) (Op-06)	(1)
Director, Strategic Plans, Policy and Nuclear Systems Division (Op-60)	(1)
Director, Politico-Military Policy Division (Op-61)	(1)
Director, Security Assistance Division (Op-63)	(1)
Commander Military Sealift Command	(1)
Chief and Vice Chief of Naval Material	(1)
Director of Navy Laboratories	(1)
Commander, Naval Air Systems Command	(1)
Commander, Naval Electronics Systems Command	(1)
Commander, Naval Facilities Engineering Command	(1)
Commander, Naval Ordnance Systems Command	(1)
Commander, Naval Ship Systems Command	(1)
Commander, Naval Supply Systems Command	(1)
Commander, Naval Weapons Center, China Lake, California	(1)
Commanders in Chief: U.S. Pacific Fleet, U.S. Atlantic Fleet, U.S. Naval Forces Europe	(3)
Fleet Commanders: Second, Third, Sixth and Seventh	(4)
Commanders, U.S. Naval Forces: Azores, Iceland, Japan, Korea, Marianas, Philippines	(6)
Senior U.S. Naval Officer Mediterranean	(1)
Commander, Middle East Force	(1)
Commander, U.S. Naval Forces, Southern Command	(1)
Commander, South Atlantic Force, U.S. Atlantic Fleet	(1)
Commander, Key West Force	(1)
U.S. Commander, Eastern Atlantic	(1)
Oceanographer of the Navy	(1)
Commander, U.S. Taiwan Defense Command	(1)
Commander, U.S. Antisubmarine Warfare Force, U.S. Sixth Fleet	(1)
Commander, Naval Air Force: U.S. Atlantic Fleet, U.S. Pacific Fleet	(2)
Commander, Amphibious Force: U.S. Atlantic Fleet, U.S. Pacific Fleet	(2)
Commander, Cruiser-Destroyer Force: U.S. Atlantic Fleet, U.S. Pacific Fleet	(2)
Commander, Submarine Force: U.S. Atlantic Fleet, U.S. Pacific Fleet	(2)
Commander, Service Force: U.S. Atlantic Fleet, U.S. Pacific Fleet	(2)
Commander, Mine Warfare Force, U.S. Navy	(1)
Commander, Operational Test and Evaluation Force	(1)
Commandant and Assistant Commandant of the Marine Corp	(2)
Chief of Staff Marine Corps	(1)
Deputy Chiefs of Staff Marine Corps: Manpower; Plans and Operations; Research Development and Studies; Aviation; Requirements and Programs; Installations and Logistics	(6)
Director of Plans, Programs and Management for Installations and Logistics	(1)
Director of Intelligence	(1)
Commanding Generals: Fleet Marine Force, Atlantic; Fleet Marine Force, Pacific	(2)

DEPARTMENT OF THE AIR FORCE (114)

Secretary	(1)
*Under Secretary	(1)
*Assistant Secretaries	(4)
General Counsel	(1)
Director of Space Systems	(1)
*Chief of Staff	(1)
Vice Chief of Staff	(1)
Assistant Vice Chief of Staff	(1)
Deputy Chiefs of Staff:	
Personnel	(1)
Programs and Resources	(1)
Plans and Operations	(1)
Assistant, Plans & Operations	(1)
Research and Development	(1)
Assistant, Research & Development	(1)
Systems and Logistics	(1)
Assistant, Systems & Logistics	(1)
*The Inspector General	(1)
Assistant Chiefs of Staff:	
Intelligence	(1)
Studies and Analysis	(1)
Aerospace Defense Command:	
Commander and Vice Commander	(2)
Chief of Staff	(1)
Commanders, Air Divisions	(6)
Commander, 14 Aerospace Force	(1)
Commander, Air Defense Weapons Center	(1)
U.S. Air Forces in Europe:	
Commander-in-Chief, Vice Commander-in-Chief	(2)
Chief of Staff	(1)
Commanders, Air Forces (3, 16, 17)	(3)
U.S. Air Force Southern Command:	
Commander and Vice Commander	(2)
Chief of Staff	(1)
Commander, 24th Special Operations Group	(1)
Pacific Air Force:	
Commander-in-Chief	(1)
Vice Commander-in-Chief	(1)
Chief of Staff	(1)
Commanders, Air Forces (5, 7, 13)	(3)
Commander, 326 Air Division	(1)
Commander, 15th Air Base Wing	(1)
Alaskan Air Command:	
Commander and Vice Commander	(2)
Chief of Staff	(1)
Military Airlift Command:	
Commander and Vice Commander	(2)
Tactical Air Command:	
Commander and Vice Commander	(2)
Chief of Staff	(1)
Commanders, Air Forces (9, 12)	(2)
Commander, USAF Special Operations Force	(1)
Commander, Tactical Air Warfare Center	(1)
Commander, Tactical Fighter Weapons Center	(1)

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Air Force Systems Command:
- Commander and Vice Commander ---------- (2)
- Chief of Staff ---------- (1)
- Commanders:
  - Air Force Special Weapons Center ---------- (1)
    - Vice Commander ---------- (1)
  - Foreign Technology Division ---------- (1)
    - Vice Commander ---------- (1)
  - Rome Air Development Center ---------- (1)
  - Armament Test Center ---------- (1)
  - Space and Missile Systems Organization ---------- (1)
    - Vice Commander ---------- (1)
    - Deputy for Satellite Programs ---------- (1)
  - Electronic Systems Division ---------- (1)
    - Vice Commander ---------- (1)
  - Aeronautical Systems Division ---------- (1)
    - Vice Commander ---------- (1)

Air Forces Systems Command—Con.
- Commanders
  - Air Force Avionics Laboratory (1)
  - Aero Propulsion Laboratory ---------- (1)
  - Flight Dynamics Laboratory ---------- (1)
  - Materiel Laboratory ---------- (1)
  - Aerospace Research Laboratory ---------- (1)
  - Weapons Laboratory ---------- (1)
  - Arnold Engineering Development Center ---------- (1)
  - Cambridge Research Laboratory ---------- (1)

Commander, Air Force Reserve ---------- (1)

Air Force Communications Service:
- Commander and Vice Commander ---------- (2)
- Commanders, Communications Areas:
  - European ---------- (1)
  - Pacific ---------- (1)
  - Tactical ---------- (1)
  - Southern ---------- (1)
  - Northern ---------- (1)

Air Force Communications Service—Con.
- Commander, 1931 Communications Group ---------- (1)
- Commander, 1978 Communications Group ---------- (1)
- Commander, 3 Mobile Communications Group ---------- (1)

Air Force Logistics Command:
- Commander and Vice Commander ---------- (2)
- Chief of Staff ---------- (1)
- Commanders, Air Materiel Areas (Oklahoma, Ogden, San Antonio, Sacramento, Warner Robins) ---------- (5)

U.S. Air Force Security Service:
- Commander and Vice Commander ---------- (2)

Strategic Air Command (SAC):
- Commanders, Air Forces (2, 8, 15) ---------- (3)
- Commander, 1st Strategic Aerospace Division ---------- (1)
- Commander, 544 Aerospace Reconnaissance Technical Wing ---------- (1)

§ 159.1500–1 APPENDIX B—Equivalent foreign security classifications. (See §§ 159.401–8 and 159.1100–1)

Country	TOP SECRET	SECRET	CONFIDENTIAL	
Argentina	ESTRICTAMENTE SECRETO	SECRETO	CONFIDENCIAL	
Australia	TOP SECRET	SECRET	CONFIDENTIAL	
Austria	STRENG GEHEIM	GEHEIM	VERSCHLUSS	NUR FÜR DEN DIENSTGEBRAUCH
Belgium (French)	TRES SECRET	SECRET	CONFIDENTIEL	DIFFUSION RESTREINTE
(Flemish)	ZEER GEHEIM	GEHEIM	VERTROUWELIJK	BEPERKTE VERSPREIDING
Bolivia	SUPERSECRETO or MUY SECRETO	SECRETO	CONFIDENCIAL	
Brazil	ULTRA SECRETO	SECRETO	CONFIDENCIAL	RESERVADO
Cambodia	TRES SECRET	SECRET	SECRET/CONFIDENTIEL	
Canada	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
Chile	SECRETO	SECRETO	RESERVADO	RESERVADO
Columbia (two systems)	MUY SECRETO	SECRETO	CONFIDENCIAL	CONFIDENCIAL
	ESTRICTAMENTE RESERVADO	SECRETO	RESERVADO	RESERVADO
Costa Rica	ALTO SECRETO	SECRETO	CONFIDENCIAL	
Denmark	YDERST HEMMELIGT	HEMMELIGT	FORTROLIGT	TIL TJENESTE BRUG
Ecuador	SECRETISIMO	SECRETO	CONFIDENCIAL	RESERVADO

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Country	TOP SECRET	SECRET	CONFIDENTIAL	
El Salvador	SECRETISIMO	SECRETO	CONFIDENCIAL	RESERVADO
Ethiopia	YEMIAZ BIRTOU MISTIR	MISTIR	KILKIL	
Finland	ERITTAIN SALAINEN	SALAINEN	HENKILÖKOHTAINEN	VAINVIRKAPAL-VELUKSISSAKÄYTETTÄVÄKSI
France	TRES SECRET*	SECRET DEFENSE	CONFIDENTIEL DEFENSE	DIFFUSION RESTREINTE
Germany	STRENG GEHEIM	GEHEIM	VERTRAULICH	VS-NUR FÜR DEN DIENSTGEBRAUCH
Greece	ΕΠΙΑ ΑΚΡΩΣ ΑΠΟΡΡΗΤΟΝ	ΑΚΡΩΣ ΑΠΟΡΡΗΤΟΝ	ΑΠΟΡΡΗΤΟΝ ΕΜΠΙΣΤΕΥΤΙΚΟΝ	ΠΕΡΙΟΡΙΣΜΕΝΗΣ ΧΡΗΣΕΩΣ
Guatemala	ALTO SECRETO	SECRETO	CONFIDENCIAL	RESERVADO
Haiti		SECRET	CONFIDENTIAL	
Honduras	SUPER SCRETO	SECRETO	CONFIDENCIAL	RESERVADO
Hong Kong	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
Hungary	SZIGORÚAN TITKOS	TITKOS	BIZALMAS	
India	TOP SECRET	SECRET CONFIDENTIAL	CONFIDENTIAL	RESTRICTED
Indonesia	SANGAT RAHASIA	RAHASIA	SEPERT JAJAAN	TERBATAS
Iran	BEKOLI SERRI بکلی سری	SERRI سری	KHEILI MAHRAMANEH خیلی محرمانه	MAHRAMANEH محرمانه
Iraq	سري بالغاية (Absolutely secret)	سري (Secret)	مكتوم	محدود (Limited)

Country	TOP SECRET	SECRET	CONFIDENTIAL	
Ireland Gaelic	TOP SECRET AN-SICREIDEACH	SECRET SICREIDEACH	CONFIDENTIAL RUNDA	RESTRICTED SRIANTA
Israel	SODI BEYOTER סודי ביותר	SODI סודי	SHAMUR שמור	MUGBAL מוגבל
Italy	SEGRETISSIMO	SEGRETO	RISERVATISSIMO	RISERVATO
Japan	KIMITSU 機密	GOKUHI 極密	HI 秘	TORIATSUKAICHUI 取扱注意 BUGAIHI部外秘
Jordan	سري جداً	سري	مكتوم	محدود
Korea	1급 비밀 ILKUP PIMIL	2급 비밀 IKUP PIMIL	3급 비밀 SAM KUP PIMIL	
Laos	TRES SECRET	SECRET	SECRET/CONFIDENTIEL	DIFFUSION RESTREINTE
Lebanon	TRES SECRET	SECRET	CONFIDENTIEL	
Mexico	SECRETO	SECRETO	CONFIDENCIAL	
Netherlands	ZEER GEHEIM	GEHEIM	CONFIDENTIEEL or VERTROUWELLIJK	DIENSTGEHEIM
New Zealand	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
Nicaragua	ALTO SECRETO	SECRETO	CONFIDENCIAL	RESERVADO
Norway	STRENGT HEMMELIG	HEMMELIG	~~FORTROLIG~~ KONFIDENSIELT	
Pakistan	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
Paraguay	ALTO SECRETO	SECRETO	CONFIDENCIAL	RESERVADO

Country	TOP SECRET	SECRET	CONFIDENTIAL	
Peru	ESTRICTAMENTE SECRETO	SECRETO	RESERVADO	CONFIDENCIAL
Philippines	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
Portugal	MUITO SECRETO	SECRETO	CONFIDENCIAL	RESERVADO
Spain	MAXIMO SECRETO	SECRETO	CONFIDENCIAL	DIFFUSION LIMITADA
Sweden (Red Borders)	HEMLIG	HEMLIG	HEMLIG	
Switzerland	(Three languages. TOP SECRET has a registration number to distinguish from SECRET and CONFIDENTIAL.)			
French	SECRET	SECRET	SECRET	RESERVE A L'USAGE EXCLUSIVE DU SERVICE
German	STRENG GEHEIM	GEHEIM	VERTRAULICH	NUR FÜR DIENSTLICHEN GEBRAUCH
Italian	SEGRETO	SEGRETO	SEGRETO	AD ESCLUSIVO USO DI SERVIZIO
Taiwan	絕對機密	極機密	機密	密
Thailand	LUB TI SOOD ลับที่สุด	LUB MAAK ลับมาก	LUB ลับ	POK PID ปกปิด
Turkey	ÇOK GİZLİ	GİZLİ	ÖZEL	HIZMETE ÖZEL
Union of South Africa English	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
Afrikaans	UITERS GEHEIM	GEHEIM	VERTROULIK	BEPERK
United Arab Republic (Egypt)	سري بالغاية TOP SECRET	سري جداً VERY SECRET	سري SECRET	محصور OFFICIAL

Country	TOP SECRET	SECRET	CONFIDENTIAL	
United Kingdom	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
Uruguay	SECRETO	SECRETO	CONFIDENCIAL	RESERVADO
USSR	СОВЕРШЕННО СЕКРЕТНО	СЕКРЕТНО	НЕ ПОДЛЕЖАЩИЙ ОГЛАШЕНИЮ	ДЛЯ СЛУЖЕБНОГО ПОЛЬЗОВАНИЯ
Viet Nam French	TRES SECRET	SECRET	CONFIDENTIEL	CONFIDENTIEL
Vietnamese	TỐI-MẬT	MẬT	KIN	TU MẬT

NOTE: In all instances foreign security classification systems are not exactly parallel to the United States system and exact equivalent classifications cannot be stated. The classifications given above represent the nearest comparable designations which are used to signify degrees of protection and control similar to those prescribed for the equivalent United States classifications.

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§ 159.1500–2 Appendix C—General Accounting Office officials authorized to certify security clearances (see § 159.700–6(e)).

The Comptroller General, his Deputy, and Assistants
The General Counsel and Deputy General Counsel
The Director and Deputy Director, Office of Personnel Management
The Director and Deputy Director, Office of Policy
The Directors, Deputy Directors, Associate Directors, and Assistant Directors of the following Divisions:
- General Government Resources and Economic Development
- Resources and Economic Development
- Manpower and Welfare
- International
- International Division Overseas Offices
  - Director European Branch
    Frankfurt, Germany
  - Director Far East Branch
    Honolulu, Hawaii
  - Manager, Sub Office
    Bangkok, Thailand
  - Transportation and Claims
  - Procurement and Systems Acquisition
  - Federal Personnel and Compensation
  - Logistics and Communications
  - Financial and General Management Studies

Regional Managers:
- Atlanta, Georgia
- Boston, Massachusetts
- Chicago, Illinois
- Cincinnati, Ohio
- Dallas, Texas
- Denver, Colorado
- Detroit, Michigan
- Kansas City, Missouri
- Los Angeles, California
- New York, New York
- Norfolk, Virginia
- Philadelphia, Pennsylvania
- San Francisco, California
- Seattle, Washington
- Washington, D.C.
  (Falls Church, Virginia)

§ 159.1500–3 Appendix D—Instructions governing use of code words, nicknames and exercise terms (see § 159.701–10.

1. *Definitions—a. Using Component.*—The DoD component to which a code word is allocated for use, and which assigns to the word a classified meaning, or which originates nicknames and exercise terms using the procedure established by the Joint Chiefs of Staff.

b. Code word.—Word selected from those listed in Joint Army, Navy, Air Force Publication (JANAP) 299 and subsequent volumes, and assigned a classified meaning by appropriate authority to insure proper security concerning intentions, and to safeguard information pertaining to actual, real world military plans or operations classified as Confidential or higher. A code word shall not be assigned to test, drill or exercise activities. A code word is placed in one of three categories:

(1) *Available.* Allocated to the using component. Available code words *individually* will be unclassified until placed in the active category.

(2) *Active.* Assigned a classified meaning and current.

(3) *Cancelled.* Formerly active, but discontinued due to compromise, suspected compromise, cessation or completion of the operation to which the code word pertained. Cancelled code words *individually* will be unclassified and remain so until returned to the active category.

c. Nickname. A combination of two separate unclassified words which is assigned an unclassified meaning and is employed only for unclassified administrative, morale, or public information purposes.

d. Exercise term. A combination of two words normally unclassified used exclusively to designate a test, drill or exercise. An exercise term is employed to preclude the possibility of confusing exercise directions with actual operations directives.

2. *Policy and procedure—a. Code words.* The Joint Chiefs of Staff are responsible for allocating words or blocks of code words from JANAP 299 to DoD components. DoD components may request allocation of such code words as required and may reallocate available code words within their organizations, in accordance with individual policies and procedure, subject to applicable rules set forth herein.

(1) A permanent record of all code words shall be maintained by the Joint Chiefs Staff.

(2) The using component shall account for available code words and maintain a record of each active code word. Upon being cancelled, the using component shall maintain the record for two years; thence the record of each code word may be disposed of in accordance with current practices, and the code word returned to the available inventory.

b. Nicknames. (1) Nicknames may be assigned to actual, real world events, projects, movement of forces, or other nonexercise activities involving elements of information of any classification category, but the nickname, the description or meaning it represents, and the relationship of the nickname and its meaning must be unclassified. A nickname is not designed to achieve a security objective.

(2) Nicknames, improperly selected, can be counterproductive. A nickname must be chosen with sufficient care to insure that it does not:

(*a*) Express a degree of bellicosity inconsistent with traditional American ideals or current foreign policy;

(*b*) Convey connotations offensive to good taste or derogatory to a particular group, sect, or creed; or,

(*c*) Convey connotations offensive to our allies or other Free World Nations.

(3) The following shall not be used as nicknames:

(*a*) Any two-word combination voice call sign found in JANAP 119 or Allied Communications Publication (ACP) 119. (However, single words in JANAP 119 or ACP 119 may be used as part of a nickname if the first word of the nickname does not appear in JANAP 299 and subsequent volumes.)

(*b*) Combination of words including word "project," "exercise," or "operation."

(*c*) Words which may be used correctly either as a single word or as two words, such as "moonlight."

(*d*) Exotic words, trite expressions, or well known commercial trademarks.

(4) The Joint Chiefs of Staff shall:

(*a*) Establish a procedure by which nicknames may be authorized for use by DoD components.

(*b*) Prescribe a method for the using components to report nicknames used.

(5) The Heads of DoD components shall:

(*a*) Establish controls within their organizations for the assignment of nicknames authorized under subparagraph (4) (a) above.

(*b*) Under the procedures established, advise the Joint Chiefs of nicknames as they are assigned.

c. Exercise term. (1) Exercise terms may be assigned only to tests, drills or exercises for the purpose of emphasizing that the event is a test, drill or exercise and not an actual real world operation. The exercise term, the description or meaning it represents, and the relationship of the exercise term and its meaning can be classified or unclassified: A classified exercise term is designed to simulate actual use of DoD code words and must be employed using identical security procedures throughout the planning, preparation and execution of the test, drill or exercise to insure realism.

(2) Selection of exercise terms will follow the same guidance as contained in paragraphs 2.b.(2) and (3) above.

(3) The Joint Chiefs of Staffs shall:

(*a*) Establish a procedure by which exercise terms may be authorized for use by DoD components.

(*b*) Prescribe a method for using components to report exercise terms used.

(4) The heads of DoD components shall:

(*a*) Establish controls within their organizations for the assignment of exercise terms authorized under subparagraph (3) above.

(*b*) Under the procedures established, advise the Joint Chiefs of Staff of exercise terms as they are assigned.

3. *Assignment of classified meanings to code words. a.* The DoD component responsible for the development of a plan or the execution of an operation shall be responsible for determining whether to assign a code word.

b. Code words shall be activated for the following purposes only:

(1) To designate a classified military plan or operation;

(2) To designate classified geographic locations in conjunction with plans or operations referred to in (1) above; or,

(3) To conceal intentions in discussions and messages or other documents pertaining to plans, operations, or geographic locations referred to in (1) and (2) above.

c. The using component shall assign to a code word a specific meaning classified Top Secret, Secret, or Confidential, commensurate with military security requirements. Code words shall not be used to cover unclassified meanings. The assigned meaning need not in all cases be classified as high as the classification assigned to the plan or operation as a whole.

d. Code words shall be selected by each using component in such manner that the word used does not suggest the nature of its meaning.

e. A code word shall not be used repeatedly for similar purposes; i.e., if the initial phase of an operation is designated "Meaning," succeeding phases should not be designated "Meaning II" and "Meaning III," but should have different code words.

f. Each DoD component shall establish policies and procedures for the control and assignment of classified meanings to code words, subject to applicable rules set forth herein.

4. *Notice of assignment, dissemination, and cancellation of code words and meanings. a.* The using component shall promptly notify the Joint Chiefs of Staff when a code word is made active, indicating the word, and its classification. Similar notice shall be made when any changes occur, such as the substitution of a new word for one previously placed in use.

b. The using component is responsible for further dissemination of active code words and meanings to all concerned activities, to include classification of each.

c. The using component is responsible for notifying the Joint Chiefs of Staff of cancelled code words. This cancellation report is considered final action, and no further reporting or accounting of the status of the cancelled code word will be required.

5. *Classification and downgrading instructions. a.* During the development of a plan, or the planning of an operation by the headquarters of the using component, the code word and its meaning shall have the same classification. When dissemination of the plan to other DoD components or to subordinate echelons of the using component is required, the using component may downgrade the code words assigned below the classification assigned to their meanings in order to facilitate additional planning implementation, and execution by such other components or echelons. To facilitate this planning code words shall not be downgraded below Confidential.

b. A code word which is replaced by another code word due to a compromise or suspected compromise, or for any other reason, shall be cancelled, and classified Confidential for a period of two years, after which the code word will become Unclassified.

c. When a plan or operation is discontinued or completed, and is not replaced by a similar plan or operation but the meaning cannot be declassified, the code word assigned thereto shall be cancelled and classified Confidential for a period of two years, or until the meaning is declassified, whichever is sooner, after which the code word will become Unclassified.

d. In every case, whenever a code word is referred to in documents, the security classification of the code word shall be placed in parentheses immediately following the code word, i.e., "Label (C)."

e. When the meaning of a code word no longer requires a classification, the using component shall declassify the meaning and the code word and return the code word to the available inventory.

6. *Security practices. a.* The meaning of a code word may be used in a message or other document, together with the code word, only when it is essential to do so. Active code words may be used in correspondence or other documents forwarded to addressees who may or may not have knowledge of the meaning. If the context of a document contains detailed instructions or similar information which indicates the purpose or nature of the related meaning, the active code word shall not be used.

b. In handling correspondence pertaining to active code words, care shall be used to avoid bringing the code words and their meaninga together. They should be handled in separate card files, catalogs, indexes, or lists, enveloped separately and dispatched at different times so they do not travel through mail or courier channels together.

c. Code words shall not be used for addresses, return addresses, shipping designators, file indicators, call signs, identification signals, or for other similar purposes.

7. All code words formerly categorized as "inactive" or "obsolete" shall be placed in the current cancelled category and classified Confidential. Unless otherwise restricted, all code words formerly categorized as "cancelled" or "available" shall be individually declassified. All records associated with such code words may be disposed of in accordance with current practices, provided such records have been retained at least two years after the code words were placed in the former categories of "inactive", "obsolete", or "cancelled".

§ 159.1500–4 Appendix E—Component implementations of DoD issuances.

NOTE: This section was filed as part of the original document.

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PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

COVERAGE UNDER THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Proposed Guidelines

No. 101—Pt. III——1

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DEPARTMENT OF LABOR

Employment Standards Administration

[20 CFR Part 710]

COVERAGE UNDER THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Proposed Guidelines

The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901 et seq.) provides disability and death benefits for employees injured while working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States. Pub. L. 92-576 (86 Stat. 1251), approved October 27, 1972, amended the Longshoremen's Act, in part, by substantially expanding the Act's coverage. Since the enactment of Pub. L. 92-576, the Employment Standards Administration has received numerous requests for information concerning the scope and coverage of the Act as amended.

Pursuant to section 39 of the Act (33 U.S.C. 939) it is proposed to amend Chapter VI of Title 20, Code of Federal Regulations, by adding thereto a new Part 710 which will provide general guidelines concerning coverage under the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) as amended by Pub. L. 92-576 (86 Stat. 1251).

Interested persons are invited to submit written comments, views, or arguments concerning the proposed Part 710 to the Office of Workmen's Compensation Programs, Employment Standards Administration, United States Department of Labor, Washington, D.C. 20211, on or before June 24, 1974. Thereafter the comments will be considered, including the feasibility of a public hearing, and Part 710 will be revised as appropriate and issued.

In addition, comments concerning the need for guidelines and the need, desirability, and feasibility of discussing other areas potentially subject to the Act will be welcome. If these comments are outside the scope of this proposal and are found to warrant further consideration, they will be published as a separate proposal in order that comments on them may be received and evaluated before issuance of the final document concerning them. This, of course, will not preclude the issuance of that portion of Part 710 herein published for comment and not affected by the second proposal.

The proposed Part 710 reads as follows:

PART 710—COVERAGE UNDER THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Sec.

710.1 Introductory statement.
710.2 Purpose of amendments.
710.3 Shoreside coverage; criteria for determining.
710.4 Shoreside coverage; longshoremen.
710.5 Shoreside coverage; shipbuilding, shiprepairing, and shipbreaking.

Authority: 5 U.S.C. 301; 33 U.S.C. 939; Pub. L. 92-576, 86 Stat. 1251; Secretary of Labor's Order 13-71, 36 FR 8755.

§ 710.1 Introductory statement.

(a) This part discusses the question of the coverage of the Longshoremen's and Harbor Workers' Compensation Act as amended. Prior to the 1972 amendments coverage was predicated on an injury to a person while he was upon the navigable waters of the United States and while he was working for an employer who had any employees engaged in maritime employment upon the navigable waters. The Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972 (Pub. L. 92-576, 86 Stat. 1251) substantially expanded the Act's coverage by specifying a number of shoreside areas that are to be included as part of the navigable waters of the United States for purposes of this statute.

(b) There has been established in the Employment Standards Administration the Office of Workmen's Compensation Programs (OWCP) which is responsible for the administration of the Longshoremen's Act.

§ 710.2 Purpose of amendments.

(a) In amending the statute Congress determined that the receipt of compensation "should not depend on the fortuitous circumstance of whether the injury occurred on land or over water."[1] To assure a uniform compensation system in the covered industry Congress broadened the Act's coverage provisions by specifying a number of shoreside areas that are to be included as part of the navigable waters of the United States. Thus, section 3(a) was amended to define navigable waters to include "any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel." The purpose of the new, broader language is to guarantee protection to injured employees whether the injury occurs on the water or on land.

(b) Similar and conforming amendments were made in the definition of "employee" (section 2(3)) and "employer" (section 2(4)). As amended these definitions read as follows (changes are italicized):

Section 2(3). The term "employee" *means any persons engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harbor-worker including a ship repairman, shipbuilder, and ship-breaker, but such term* does not include a master or member of a crew of any vessel, or any person engaged by the master to load or unload or repair any small vessel under eighteen tons net.

Section 2(4). The term "employer" means an employer any of whose employees are employed in maritime employment, in whole *or in part,* upon the navigable waters of the United States (*including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel*).

(c) In amending the Longshoremen's Act Congress did not exclude any employees or areas previously covered nor did it delineate any new or different kinds of work for which compensation might be paid. The amended provisions specifically refer to those traditional types of work done by longshoremen, harbor workers, and other employees engaged in maritime employment. The statute does not contain any exemptions based on the number of employees employed by a particular employer or the size of the employer's business.

(d) This construction of the statute is supported by the legislative history of the amendments. In its report on the 1972 amendments the Senate Committee on Labor and Public Welfare set forth the difficulties encountered under the old Act and the rationale for the new expanded provisions when it wrote:

> • • • [C]overage of the present Act [the Longshoremen's Act prior to amendment] stops at the water's edge; injuries occurring on land are covered by State Workmen's Compensation laws. The result is a disparity in benefits payable for death or disability for the same type of injury depending on which side of the water's edge and in which State the accident occurs.
>
> • • • • •
>
> The Committee believes that the compensation payable to a longshoreman or a ship repairman or builder should not depend on the fortuitous circumstance of whether the injury occurred on land or over water.[2]

(e) The Committee then states its intent by citing a typical cargo situation:

> The intent of the Committee is to permit a uniform compensation system to apply to employees who would otherwise be covered for part of their activity. To take a typical example, cargo, whether in break bulk or containerized form, is typically unloaded from the ship and immediately transported to a storage or holding area on the pier, wharf, or terminal adjoining the navigable waters. The employees who perform this work would be covered under the bill for injuries sustained by them over navigable waters or on the adjoining land area. The Committee does not intend to cover employees who are not engaged in loading, unloading, repairing, or building a vessel, just because they are injured in an area adjoining navigable waters used for such activity. Thus, employees whose responsibility is only to pick up stored cargo for further trans-shipment would not be covered, nor would purely clerical employees whose jobs do not require them to participate in the loading or unloading of cargo. However, checkers, for example, who are directly involved in the loading or unloading functions are covered by the new amendment.[3]

[1] *Legislative History of the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972* (GPO, 1972) pp. 75, 216.

[2] *S. Rep. No. 92-1125*, 92d Cong., 2d Sess. (1972), pp. 12, 13 (*Legislative History, supra*, pp. 74, 75).

[3] *S. Rep. No. 92-1125*, p. 13 (*Legislative History, supra*, p. 75); see also *Legislative History, supra*, p. 373.

(f) Similar language indicating the intent of Congress is contained in the report of the Committee on Education and Labor and in statements made during the House debates.[4] Thus, the legislative history establishes that any injury to a longshoreman or harbor worker related to his maritime employment is covered whether the injury occurs on the ship or other vessel, or on the shore.

§ 710.3 Shoreside coverage; criteria for determining.

(a) For an injury to be covered under the shoreside coverage provisions of the amended Longshoremen's Act, the employee must have been:

(1) Engaged in maritime employment, at the time of injury, by a maritime employer;

(2) Performing work in adjoining areas customarily used by an employer in loading, unloading, repairing, building, or breaking of a vessel.

(b) The implementation of the criteria, and in particular number (2), is not intended to limit the scope of coverage but rather to provide reasonable guidelines which will preclude the anomalies that arose under the statute prior to amendment.

(c) Both criteria—(1) status and (2) location and work function—must be met before coverage is obtained under the shoreside provisions of the amended Act.

§ 710.4 Shoreside coverage; longshoremen.

(a) The amended provisions of sections 2(3), 2(4), and 3(a) of the Act specifically refer to the traditional types of longshoring work that have always been covered by the Act—loading and unloading. The purpose of the new, broader language is to make clear that coverage under the amended Longshoremen's Act is available, not only for those persons performing work who were injured upon navigable waters of the United States, but also for those employees on an adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading or unloading a vessel.

(b) Based on procedures normally utilized in the maritime industry, the loading process may include certain terminal activities which are incidental to the placement of the cargo on the vessel. Conversely, the unloading process may also include certain terminal activities. Terminal activities to be included in coverage under the amended Act are employees engaged in loading or unloading break-bulk, containerized or Lash ships and lighters, or passenger ships. Activities which may be covered include employees engaged in stuffing and stripping of containers, employees working in and about marine railways, and other employees engaged in processing waterborne cargo.

(c) A covered employee is protected in the adjoining area while partaking of nourishment or refreshments, or while using the restroom facilities. Additionally, coverage may extend to supervisors, a major portion of whose duties requires them to be in the locale of covered activities. This may be true even though such persons are not directly involved in the covered activity.

§ 710.5 Shoreside coverage; shipbuilding, shiprepairing, and shipbreaking.

(a) Prior to the 1972 amendments coverage was determined primarily by the criterion of situs, e.g., the injury must have occurred upon the navigable waters of the United States (including any dry dock). The provisions of the Longshoremen's Act now extend to all shipyard work performed in adjoining areas customarily used by an employee in the physical construction, repair, or breaking (i.e., scrapping) of a vessel. The following types of work performed in areas adjoining the navigable waters are illustrative of kinds of activity which may be covered. The listing is not intended to be inclusive or exclusive but merely illustrative.

Outfitting piers
Graving docks or wet basins
Fabricating shops
Assembly tables
Pipe shops
Sheet metal shops
Electrical shops
Machine shops
Boiler shops
Panel shops
Blast and paint shops
Bracket shops
Pumping stations
Heat treatment buildings
Power substations
Tool repair facilities
Blacksmith shops
Roto blast shape shops
Pattern making (including lofting and layout by various methods such as optics and computers)
Warehouses (since most stock is ordered for specific vessels)

(b) The variable nature of construction, repair, and breaking work occasionally results in a facility or part thereof being used temporarily for special projects other than the usual maritime purposes of that facility. The sporadic, occasional use of such facilities and work force may not result in the loss of the maritime character of the work, and the Act's protection.

(c) Where the work or facility has no direct relationship to the actual construction, repair, or breaking of vessels, the coverage in this respect does not extend thereto. Examples of the types of work that may not be covered by the Act include:

Bookkeeping and accounting
Secretarial
Canteen and dispensary personnel
Industrial and public relations staff

(d) However, as earlier noted, the above listings are only illustrative and should not be considered as all encompassing or constituting immutable categorizations. The fact finder in each case must look to the facts and circumstances of that specific case in order to resolve the coverage question therein.

Signed at Washington, D.C., this 17th day of May 1974.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.74-11743 Filed 5-22-74;8:45 am]

[4] *H. Rep. No. 92-1441*, 92d Cong., 2d Sess. (1972), pp. 10-11 (*Legislative History, supra*, pp. 216-217); *Legislative History, supra*, p. 298.

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federal register

FRIDAY, MAY 24, 1974
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Volume 39 ■ Number 102
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federal register

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Title 3—The President

[Presidential Determination No. 74–18]

MEMORANDUM OF MAY 3, 1974

Determination Concerning Certain Use of Assistance in Africa

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, May 3, 1974.

Pursuant to the authority vested in me by Section 38 of the Foreign Assistance Act of 1973, I hereby determine with respect to each non-African country having territories in Africa, that no such countries have used:

(1) assistance furnished under the Foreign Assistance Act of 1961 after December 17, 1973;

(2) defense articles or services furnished under the Foreign Military Sales Act after December 17, 1973; or

(3) agricultural commodities furnished under the Agricultural Trade Development and Assistance Act of 1954 after December 17, 1973, in support of their military activities in their African territories prior to the date of this determination.

You are requested on my behalf to report this determination to the Congress, as required by law.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.74–12126 Filed 5–22–74;2:58 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Assistant Secretary for Community Planning and Management, Office of Assistant Secretary for Community Planning and Management is no longer excepted under Schedule C and that one position of Deputy Assistant Secretary for Community Planning and Development is excepted under Schedule C.

Effective May 24, 1974, § 213.3384 (d) (8) is revoked and § 213.3384(d) (11) is added as set forth below.

§ 213.3384 Department of Housing and Urban Development.

* * * * * * *

(d) *Office of the Assistant Secretary for Community Planning and Development.* * * *

(8) [Revoked]

* * * * * * *

(11) Deputy Assistant Secretary for Community Planning and Development.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11945 Filed 5–23–74;8:45 am]

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Comprehensive Employment and Training

The Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203, 87 Stat. 839) repealed the Economic Opportunity Act of 1964, but continued the Job Corps within the Department of Labor.

Section 733.301 is revised as follows.

§ 733.301 Coverage.

This subpart applies to each officer, employee and enrollee of the Job Corps established by the Comprehensive Employment and Training Act of 1973, who is alleged to have engaged in political activity in violation of that act.

(5 U.S.C. 1308, 3301, 3302, 7301, 7324, 7325, 7327 (42 U.S.C. 2729); E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–11946 Filed 5–23–74;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 11]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

In FR Document No. 74–10319 published at 39 FR 15756 in the issue of Monday, May 6, 1974, the amendment number was omitted and should read as set forth above.

Dated: May 21, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74–12039 Filed 5–23–74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–190 R]

PART 110—ANCHORAGE REGULATIONS

PART 128—REGULATED NAVIGATION AREAS

Delaware Bay and River; Anchorage Ground and Regulated Navigation Area

This amendment to the anchorage regulations and the regulated navigation area regulations is based on a notice of proposed rulemaking published in the December 28, 1973, issue of the FEDERAL REGISTER (38 FR 35486), as corrected by the January 14, 1974, issue (39 FR 1780). This amendment enlarges Anchorage A (tanker lightering) off the entrance to Mispillion River and establishes a Regulated Navigation Area for Delaware Bay and River between the Delaware Memorial Bridge and the boundary line of inland waters at the entrance of the Bay.

Interested persons were given until February 15, 1974, to submit comments concerning the proposed regulations. No comments were received by Commandant (G–CMC), nor by the Commander, Third Coast Guard District.

The proposed amendment to 33 CFR 110.157 for suspending oil transfer operations in Anchorage A when the Captain of the Port determines that a condition exists endangering a vessel in the surrounding area or posing a threat of oil pollution has been deleted from the final rules. This proposed amendment is already contained in 33 CFR 155.130 which will become effective before the rules in this document become effective.

Accordingly, with this change, the proposed amendments are adopted as set forth below.

Effective date. These amendments are effective on July 1, 1974.

Dated: May 17, 1974.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 110.157 is revised to read as follows:

§ 110.157 Delaware Bay and River.

(a) *The anchorage grounds*—(1) *Anchorage A (tanker lightering) off the entrance to Mispillion River.* In Delaware Bay southwest of Brandywine Channel beginning at latitude 38°57'18" N., longitude 75°10'49" W.; thence northwesterly to latitude 39°00'17" N., longitude 75°13'02" W.; thence southwesterly to latitude 38°59'45" N., longitude 75°-14'06" W.; thence southeasterly to latitude 38°58'44" N., longitude 75°11'53" W.; thence northeasterly to the point of beginning. This anchorage is for the specific purpose of allowing deep draft tankers to anchor and lighter their cargo before proceeding up the Delaware River. Supervision over the anchoring of vessels and over cargo transfer operations in Anchorage A is exercised by the Captain of the Port. The regulations in paragraph (b) and (b) (2) of this section do not apply to this anchorage.

(Sec. 7, 38 Stat. 1053 as amended (33 U.S.C. 471); sec. 6(g)(1), Pub. L. 89–670 80 Stat. 940 (49 U.S.C. 1655(g)(1); 35 FR 4959, 49 CFR 1.46(c)(1)).)

2. A new § 128.301 is added to read as follows:

§ 128.301 Delaware Bay and River.

(a) The following is a Regulated Navigation Area—The waters of Delaware Bay and River south and southeasterly of the southern span of the Delaware Memorial Bridge and inside the boundary line of inland waters described in § 82.25 of this chapter.

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(b) *Regulations*—(1) *Draft limitation.* Unless otherwise authorized by the Captain of the Port, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

(2) *Oil transfer operations.* Unless otherwise authorized by the Captain of the Port, no vessel may conduct oil transfer operations in this regulated navigation area except in the anchorage ground designated in § 110.157(a)(1) of this chapter.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 37 FR 21943, 49 CFR 1.46(o)(4)).

[FR Doc.74-11942 Filed 5-23-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl) Benzamide

In response to a petition (PP 4E1435) sumbitted by Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of March 21, 1974 (39 FR 10604), proposing establishment of a tolerance for combined negligible residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as 3,5-dicloro-*N*-(1,1-dimethyl - 2 - propynyl) benzamide) in or on the raw agricultural commodity blueberries at 0.05 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.317 is amended by revising the paragraph "0.05 part per million * * *" to read as follows:

§ 180.317 3,5-Dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on blackberries, blueberries, boysenberries, and raspberries.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before June 24, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective May 24, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: May 20, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-12021 Filed 5-23-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-493]

PART 1—PRACTICE AND PROCEDURE

Restricted Rulemaking Proceedings

In the matter of amendment of § 1.1207, rules of practice and procedure.

1. In accordance with our memorandum opinion and order in Docket No. 19919 (FCC 74-81, January 23, 1974), we are herein amending § 1.1207 of the Rules and Regulations. As indicated in the Memorandum Opinion and Order, at note 2, the purpose of the amendment is to delete from the present provision verbiage implying that trial-type evidentiary hearings are "required by statute" in rule making proceedings conducted under provisions of law listed in that section. The revised rule states that ex parte rules apply to the listed rule making proceedings unless the Commission provides otherwise in a particular proceeding.

2. Authority for this amendment is contained in sections 4(i) and (j) and 201(b) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 201(b). Because the amendment is procedural in nature, and because its purpose is to clarify a misleading provision, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. In view of the foregoing, it is ordered, effective May 29, 1974, That § 1.1207 of the rules and regulations is amended as set forth below.

(Secs. 4, 201, 48 Stat., as amended, 1066, 1070 (47 U.S.C. 154, 201).)

Adopted: May 15, 1974.

Released: May 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

In § 1.1207 of 47 CFR Part 1 the introductory text is revised to read as follows:

§ 1.1207 Restricted rule making proceedings.

Except as otherwise ordered by the Commission, the following rule making proceedings are "restricted" from the day they are instituted until they have been decided by the Commission and are no longer subject to reconsideration by the Commission or review by any court:

* * * * *

[FR Doc.74-12000 Filed 5-23-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1163; Amdt. 1]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of May 1974.

Upon further consideration of Service Order No. 1163 (38 FR 32259), and good cause appearing therefor:

It is ordered, That: §1033.1163 *Service Order 1163* (Missouri Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12030 Filed 5-23-74;8:45 am]

[1] Commissioner Hooks concurring in the result; Commissioner Quello not participating.

[S.O. 1125; Amdt. 3]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of May 1974.

Upon further consideration of Service Order No. 1125 (38 FR 6883, 19126, and 33482), and good cause appearing therefor:

It is ordered, That:

§ 1033.1125 Serivce Order 1125. (St. Louis-San Francisco Railway Company authorized to operate over tracks of the Kansas City Southern Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12029 Filed 5-23-74;8:45 am]

[S.O. 1144; Amdt. 2]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of May 1974.

Upon further consideration of Service Order No. 1144 (38 FR 20622, 39 FR 4087), and good cause appearing therefor:

It is ordered, That:

§ 1033.1144 Service Order 1144 (St. Louis-San Francisco Railway Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12028 Filed 5-23-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water; Confirmation of Effective Date of Order Providing for Optional Use of Vegetable Oils

An order was published in the FEDERAL REGISTER of August 11, 1972 (37 FR 16174), amending the definition and standard of identity for soda water (21 CFR 31.1) to permit the optional use of edible vegetable oils in clouding agents and as carriers for flavor ingredients used in soda water. The order did not provide for the label declaration of the vegetable oils.

Two responses were received to the order. One expressed concern that the order did not provide for the label declaration of the vegetable oils.

The Commissioner announced in an order published in the FEDERAL REGISTER of March 10, 1972 (37 FR 5120), that the Food and Drug Administration intends to amend the definitions and standards of identity of foods to require label declaration of all optional ingredients except spices, flavorings, and colorings which may continue to be designated as such. Such a proposal for soda water, to require label declaration of all optional ingredients including vegetable oils, is published elsewhere in this issue of the FEDERAL REGISTER.

The second response suggested that, as the subject amendment will provide manufacturers with a safe substitute for brominated vegetable oil, it would be appropriate to amend the standard of identity for soda water by deleting the provision for the use of brominated vegetable oil.

The Food and Drug Administration published an interim food additive regulation in the FEDERAL REGISTER of July 28, 1970 (35 FR 12062), which provides for a substantial reduction in the use of brominated vegetable oil as a stabilizer for flavoring oils used in fruit-flavored beverages, in an amount not to exceed 15 parts per million in the finished beverages (21 CFR 121.1234). This interim regulation was issued pending the outcome of additional toxicological studies on which periodic reports at 6-month intervals were to be furnished and the final results submitted to the Food and Drug Administration not later than December 1, 1973. These studies have not yet been completed. In establishing the interim regulation, the Commissioner concluded that the tolerance provided thereby would protect the public health. After reviewing the evidence available to date, the Commissioner has concluded that the studies thus far do not indicate a reasonable likelihood that a health hazard exists in the continued interim use of brominated vegetable oil in accordance with the limitations set forth in 21 CFR 121.4004. In the FEDERAL REGISTER of April 25, 1974 (39 FR 14611), the Commissioner published a proposed amendment to § 121.4004 to permit the continuation of the studies in progress beyond December 1, 1973 to their completion. On the basis of the scientific data resulting from these studies the Commissioner will determine whether a permanent food additive regulation is justified or whether use of the ingredient should be discontinued. In the meantime the Commissioner has no basis for revoking the interim regulation unless the Food and Drug Administration's monitoring of the required 6-month reports on these studies reveals definitive adverse findings in which case the interim food additive regulation will be revoked.

It is concluded that neither of the two responses meet the requirements of 701(e)(2) of the act and, therefore, it is not necessary to stay the order and schedule a hearing.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919 and 72 Stat. 948, 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120); notice is given that the

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order of August 11, 1972 (37 FR 16174) became effective October 10, 1972.

Dated: May 17, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Comissioner for Compliance.

[FR Doc.74–11964 Filed 5–23–74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin Sodium, Bacitracin Methylene Disalicylate

The Commissioner of Food and Drugs has evaluated a new animal drug application (49–463V) filed by Elanco Products Co., Indianapolis, IN 46206, proposing safe and effective use of monensin sodium, 110 grams per ton, and bacitracin methylene disalicylate, 5 to 10 grams per ton, in broiler chicken feeds. This application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347, 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), 135e.50(f) is amended in the table by adding a new item 7 as follows:

§ 135e.50 Monensin, monensin sodium.

* * * * *

(f) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
7. Monensin sodium.	110 (as monensic acid activity).	Bacitracin methylene disalicylate.	5–10	For broiler chickens; do not feed to laying chickens; feed continuously as sole ration; withdraw 72 hours before slaughter. Bacitracin methylene disalicylate as provided by code No. 028, § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima;* for increased rate of weight gain and improved feed efficiency.

Effective date. This order shall be effective May 24, 1974.

(Sec. 512(i), 82 Stat. 347, (21 U.S.C. 360b(i).))

Dated: May 16, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74–11967 Filed 5–23–74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF LANDS

Public Hearing Procedures

The Department of the Interior is considering amending the regulations issued pursuant to the Outer Continental Shelf Lands Act (OCS Act) (43 U.S.C. § 1331–1343) with the objective of improving competition for oil and gas leases under that statute by increasing the number of bidders on individual tracts. To that purpose the Department has under consideration the amendment of 43 CFR 3300.1, a draft of which was published in the FEDERAL REGISTER on April 24, 1974.

A public hearing will be held in the Auditorium, Department of the Interior, Washington, D.C., beginning at 9:30 a.m., Tuesday, June 25, 1974, and continuing, if necessary, through June 26, 1974. The hearing will be conducted by a Departmental Administrative Law Judge from the Office of Hearings and Appeals, and there will be a Panel composed of appropriate policy officers of the Department of the Interior who will question the witnesses.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Director, Bureau of Land Management (attention: 700), Washington, D.C. 20240 by June 18, 1974. After receiving requests from those wishing to testify at the hearing, the Department will prepare a schedule showing the order of appearance and the probable time at which a witness will testify. This schedule will be available on Monday, June 24, 1974, at the office of the Chief, Division of Marine Minerals, Bureau of Land Management, 1129 20th St., NW., Washington, D.C. It should be understood that the schedule will be necessarily tentative.

Written comments from those unable to attend the hearing should be addressed to the Director, Bureau of Land Management (attention: 700), Washington, D.C. 20240. Written testimony and comments, including both suggested modifications of, or amendments to, the draft regulation and alternative proposals, should be submitted to the Director, Bureau of Land Management (attention: 700) by the close of business, June 18, 1974. The purpose of requesting such comments prior to the hearing is to assist the Department in the conduct of the hearing. Written comments may be submitted to the same officer after the hearing and will be received until the close of business on Wednesday, July 31, 1974. During this second comment period the Department wishes to receive not only comments from those unable to testify at the hearing and supplemental material from those presenting oral testimony, but also comments upon the testimony of other witnesses.

Time limitations make it necessary to limit the length of oral presentations to fifteen minutes ordinarily, but any witness wishing longer may so request. If there is sufficient justification given, a longer time may be granted. In order to afford the interested public maximum opportunity for participation in the offering of oral testimony, organizations are encouraged to have only one spokesman present oral testimony at the hearing. However, multiple member organizations may obtain advance permission to offer more than one spokesman or witness at the hearing upon making a clear showing that the panel will benefit by this type of presentation and that it will avoid repetitive statements by the separate members of the organization. Witnesses are encouraged to avoid repetitive testimony. Endorsement of previous testimony is preferred to repetition of the same reasons for such views. An oral statement may be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement or at any time until July 31. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the Administrative Law Judge will give others present an opportunity to be heard.

At the hearing questions will be asked only by the members of the Panel, but, if any person wishes to have particular questions asked, he should submit the questions to the Panel by June 18. If any person present at the hearing should wish a question to be asked, it may be submitted in writing at any time to the Panel. However, the Panel will have complete discretion as to which question to ask. Questions asked by members of the Panel should not be interpreted as indicating any departmental position.

At the hearing and in the written comments, both before and after the hearing, the Department particularly wishes to receive both comments on the draft regulation and recommendations as to alternative methods of achieving the goal of increased competition for oil and gas leases under the OCS Act.

The Department has identified the following questions which it would like to see fully explored at the hearing and in comments:

(1) Does the present system which allows unlimited joint bidding restrict competition and limit the size of high bids? (2) Should all joint bidding be prohibited? (3) Are there independent oil companies which would like to join major oil companies in bidding, but which believe that they are prevented from doing so by the present system? (4) Would the Department's draft regulation actually put major companies at a great disadvantage? (5) If the Department should adopt a regulation similar to the draft regulation, is a standard of 5 billion barrels of oil reasonable? (6) Would limiting joint bidding among major oil companies increase competition for individual tracts? (7) Would limiting joint bidding among major companies lead to more rapid development of the OCS? (8) Would limiting joint bidding among major oil companies encourage the leasing of more acreage? (9) Are there any other actions which the Department should take to stimulate competition, either in addition to or in place of restricting joint bidding?

After all comments and recommendations have been received and studied the Department will publish a proposed regulation for comment.

It is recommended that applications to testify be submitted on the following form or on a reasonable facsimile thereof.

JACK O. HORTON,
Assistant Secretary of the Interior.

MAY 21, 1974.

HEARING REGISTRATION CARD

Date: ----------
Name and title of person speaking: ----------
Address: ----------
Company, group, association represented: ----------
Time and date preference: ---------- A.M. ---------- P.M. ----------
Card submitted by: ----------

NOTE: Witnesses are encouraged to keep their oral testimony concise and addressed to their specific points of interest in the proceedings.

Witnesses are allowed until July 31, 1974 following the hearing to submit written statements which amplify their position. Such written statements may include rebuttals of testimony offered by others at the hearing.

[FR Doc.74–12013 Filed 5–23–74;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 3]

FOOD LABELING INFORMATION PANEL

Soft Drink Packages; Proposed Exemptions

The following petitions have been filed by the National Soft Drink Association (NSDA), 1101 16th St. NW., Washington, DC 20036, and are available for inspection in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852:

1. Petition dated August 10, 1973, proposing that the regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act be amended to provide (a) that soft drinks in bottles shall be exempt from the requirement of § 1.8d (21 CFR 1.8d) as long as information pursuant to that regulation appears somewhere on the bottle and/or closure in a 1/32-inch type size or appears on the multiunit cartons, if sold in such, in a type size of 1/16 inch and (b) that open, basket-style multiunit carriers designed for soft drinks shall be excluded from the definition of the term "package."

2. Petition dated December 5, 1973, proposing an extension of time from the December 31, 1973 and December 31, 1974 effective dates of §§ 1.8d, 1.12, and 1.17.

The first NSDA petition proposes exemption from the requirements of § 1.8d as follows:

> Soft drinks packaged in bottles shall be exempt from the requirements for an information panel prescribed by § 1.8d of these regulations so long as all required label information appears on the bottle and/or its closure or, if sold in multiunit cartons (such as wraps), the manufacturer may elect to place the required label information on that carton. Such statements shall be prominently and conspicuously set forth in not less than 1/32-inch type size except that cartons and wraps may utilize not less than 1/16-inch type size.

NSDA contends that information required by § 1.8d to appear on a principal display panel or information panel in a type size at least 1/16 inch in height appears, for the most part, on the bottle closure in a type size of less than 1/16 inch. NSDA further contends that there is insufficient space on the bottle closure to allow such information to appear in a type size of 1/16 inch, and that the bottle closure location fails to meet the requirements of § 1.8d because it is neither a principal display panel nor an information panel.

NSDA asserts that the only alternatives to using the closure for all or part of the information required by § 1.8d are applied color label (ACL) labeled bottles or paper or foil labels on soft drink bottles. NSDA further asserts that these alternatives would make obsolete returnable bottles in inventory or distribution, representing approximately three hundred million dollars. Conversion to paper or foil labeling would also make obsolete current production systems and otherwise increase both cost of production and cost to the consumer.

NSDA submits that adequate labeling can be set forth on the closure in 1/32 inch type size, and "there does not appear to be any need for a uniform information panel on soft drink bottles since the required declaration will be found either on the bottle itself and/or on the closure."

The Commissioner has considered the petition and other relevant information and recognizes that returnable glass bottles, which remain in circulation for several years, pose unique problems because permanent labeling (i.e., embossed, lithographed, blown or molded) cannot be readily changed. In addition there is a problem of limited space on the bottle closure. The Commissioner proposes, however, an alternative to the petitioner's proposal, in the form of an amendment to § 1.8d to specify the conditions under which soft drink bottles are to be exempted and the type of packages to which the exemptions are applicable.

The Commissioner's proposal provides that soft drinks packaged in bottles manufactured before the effective date of the regulation shall be exempt from the requirements prescribed by § 1.8d to the extent that information which is blown, lithographed, or formed onto the surface of the bottle is exempt from the size and placement requirements of this section. This proposed exemption will allow existing bottles to remain in circulation as long as they are usable but will not provide necessary exemptions—for the closure. The proposal will also exempt soft drinks packaged in bottles from the requirements of § 1.8d if the bottles do not bear paper or foil labels and the required information appears on the bottle closure.

The Commissioner further proposes that, where nutrition labeling is necessary, it be required to appear on the soft drink bottles only if the bottles bear a paper or foil label. Soft drinks packaged in bottles bearing no paper or foil label would be exempt from nutrition labeling, except that if the bottles are packaged in a multiunit retail package, the multiunit package must bear nutrition labeling. Nutrition labeling will therefore be available to consumers who wish to utilize it. The Commissioner realizes, however, that even the abbreviated form of nutrition labeling proposed in the FEDERAL REGISTER of March 6, 1974 (39 FR 8621) cannot fit on a bottle closure with all of the other mandatory labeling.

The Commissioner proposes that the labeling information appearing on the bottle closure shall be no less than 1/32 inch in height. In the event there is not room on the closure for all the required information, the proposal provides for the submission of petitions proposing an alternative method of disseminating such information and specifies the order of priority for information appearing on the closure.

In the absence of convincing evidence to the contrary, the Commissioner concludes that there is no adequate reason or necessity for the proposed exemption to be applicable to those soft drinks packaged in bottles bearing a paper or foil label. The Commissioner's proposal therefore includes the provision that bottles bearing a paper or foil label shall not be exempt from any requirement of § 1.8d. The Commissioner recognizes that this provision would conflict with that part of existing § 1.1c(a)(5)(ii) (21 CFR 1.1c(a)(5)(ii)) which at present permits the name and address of the manufacturer, packer, or distributor to appear on the closure of all soft drinks packaged in bottles. The Commissioner therefore proposes to amend § 1.1c(a)(5)(ii) by deleting the last sentence.

The petitioner states that "it has been recognized that basket-style cartons or open convenience carriers are not 'packages' within the definitions and terms of the Fair Packaging and Labeling Act and the regulations thereunder."

The Commissioner, however, advises that the statement of policy bearing on this matter (21 CFR 3.82) recognizes that open basket-type carriers used in the soft drink industry may be considered to be "packages" within the meaning of section 10(b) of the Fair Packaging and Labeling Act if they include printed labeling on them. Therefore, if such carriers or cartons bear pertinent labeling, the convenience carriers and cartons become packages and are subject to all applicable labeling provisions of the act and regulations for which there are no existing exemptions in § 1.1c. This means that, if nutritional labeling (or any other labeling) is placed on a carton, all mandatory labeling must also be included. Since § 3.82 was promulgated for the effect of modifying the effective date of § 1.8b(s) until December 31, 1972, the Commissioner finds that this statement of policy no longer serves any useful purpose and should therefore be revoked. The stated policy regarding when a multiunit carton is considered a package will remain in effect.

The second NSDA petition proposes an extension of time of the effective dates of December 31, 1973 and December 31, 1974.

The Commissioner advises that a delay in the effective date has been granted for labels required to be changed in order to meet the new food flavoring declaration requirements contained in modified § 1.12 published in the FEDERAL REGISTER of December 3, 1973 (38 FR 33284). In addition a delay of the first half of the effective date of § 1.8d (until March 15, 1974) was published in the FEDERAL REGISTER of December 5, 1973 (38 FR 33465). However, the Commissioner recognizes that extensive labeling changes are contemplated by this proposal. Accordingly, the Commissioner proposes that all effective dates of §§ 1.8d, 1.12, and 1.17, as applicable to soft drinks packaged in bottles, be delayed until December 31, 1974.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Parts 1 and 3 be amended as follows:

1. In § 1.1c by revising paragraph (a)(5)(ii) to read as follows:

§ 1.1c Exemptions from required label statements.

• • • • • •

(a) • • •

(5) • • •

(ii) A multiunit retail package for soft drinks shall be exempt from the declaration regarding name and place of business required by § 1.8a if the package does not obscure the declaration on unit containers and the declaration on the unit containers complies with § 1.8a.

• • • • • •

2. In § 1.8d by adding a new paragraph (c)(4) as follows:

§ 1.8d Food labeling; information panel.

• • • • • •

(c) • • •

(4) (i) Soft drinks packaged in bottles manufactured before December 31, 1974, shall be exempt from the requirements prescribed by this section to the extent that information which is blown, lithographed, or formed onto the surface of the bottle is exempt from the size and placement requirements of this section.

(ii) Soft drinks packaged in bottles shall be exempt from the size and placement requirements prescribed by this section if all of the following conditions are met:

(a) If the soft drink is packaged in a bottle bearing a paper or foil label, the product shall not be exempt from any requirement of this section and the label shall bear all required information in the specified minimum type size. If in a multiunit retail package, the multiunit retail package shall also bear information pursuant to this section to the extent such information appearing on the unit container is obscured by the multiunit package.

(b) If the soft drink is packaged in a bottle which does not bear a paper or foil label:

(1) Neither the bottle nor the closure is required to bear nutrition labeling in compliance with § 1.17, except that any multiunit retail package in which it is contained shall bear nutrition labeling if required by § 1.17.

(2) All other information pursuant to this section shall appear on the bottle closure prominently and conspicuously in letters and/or numbers no less than 1/32 inch in height.

(3) Upon the petition of any interested person demonstrating that the bottle closure is too small to accommodate this information, the Commissioner may by regulation establish an alternative method of disseminating such information. Information appearing on the closure shall appear in the following priority:

(i) The warning required by § 3.72 of this chapter.

(ii) The statement of ingredients.

(iii) The name and address of the manufacturer, packer, or distributor.

(iv) The statement of identity.

§ 3.82 [Revoked]

3. By revoking § 3.82 *Quantity of contents declarations on open basket-type carriers for soft drinks.*

Interested persons may, on or before July 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Comments received will be available for public inspection at the Hearing Clerk's office during regular business hours, Monday through Friday.

Dated: May 17, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-11965 Filed 5-23-74;8:45 am]

[21 CFR Part 31]

SODA WATER

Proposal To Amend Standard of Identity

Notice is given that the Commissioner of Food and Drugs, on his own initiative, proposes to amend the identity standard for soda water (21 CFR 31.1).

Notice is also given that petitions to amend the soda water standard have been received from the following firms and are on file in the office of the Hearing Clerk:

1. Dr. Pepper Co., P.O. Box 5086, Dallas, TX 75222, proposing to amend § 31.1(b)(11) to provide for the use of polyethylene glycol, complying with the provisions of § 121.1165, as an antifoaming agent.

2. Carr, Bonner, O'Connell, Kaplan and Thompson, 900 17th St. NW., Washington, DC 20006, on behalf of H. Kohnstamm & Co. proposing to amend § 31.1(b)(6)(i) to provide for the use of food starch-modified, complying with the provisions of §121.1031, as an emulsifier.

3. Stein-Hall & Co., Inc., 12-10 Jackson Ave., Long Island City, NY 11101, proposing to amend § 31.1(b)(6)(i) to provide for food starch-modified and, in addition, dextrin. As an alternative, Stein-Hall & Co., Inc. suggested that § 31.1(b)(6)(i) be amended to permit "Any safe or suitable emulsifying, stabilizing, or viscosity-producing agent in an amount necessary to produce the intended technical effect."

If the Commissioner's proposal as set forth below is adopted, the purposes of the three petitioners will have been served and further action in regard to these petitions will be unnecessary. As proposed by the Commissioner, amendment of the existing standard would delete the listing of specific optional ingredients permitted and instead provide for the optional use of any safe and suitable ingredient. The provision for use of safe and suitable ingredients is considered by the Commissioner to be in the interest of consumers because it permits manufacturers readily to adopt new advances in food technology to meet consumer demands without reducing the protection of the consumer.

The provision for label declaration requires all optional ingredients to be declared on the label in accordance with specified rules for prominence and conspicuousness as required by applicable provisions of 21 CFR Part 1. Section 1.8d (21 CFR 1.8d) published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2124), specifies a lower limit of 1/16 inch in height for size of each letter of the ingredient declaration.

A petition has been filed by the National Soft Drink Association, pursuant to § 1.8d(f), proposing an alternative method of disseminating such information to the consumer. This proposal also appears elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner is of the opinion that the addition to soda water of such substances as vitamins, minerals, and proteins for nutritional purposes or artificial sweeteners for reduction of caloric content results in a product not encompassed within the standard. Accordingly, these two classes of ingredients are not included as "suitable" under the proposed standard.

In the near future the Commissioner will publish in the FEDERAL REGISTER a proposal to amend 21 CFR Part 160, governing nutritional quality guidelines for foods, to incorporate general principles for the addition of nutrients to foods. The proposed regulation will set forth in detail the circumstances under which nutrients may be added to any food, including soft drinks. Any addition of vitamins and minerals to a food product failing outside a standard of identity promulgated under section 401 of the act would be required to comply with these proposed regulations.

The Commissioner proposes that a reasonable effective date for the amended standard, if adopted, would be January 1, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 31 by revising § 31.1 to read as follows:

§ 31.1 Soda water; identity.

(a) *Description.* Soda water is the class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60° F. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. Soda water designated by any name which includes the word "cola" or "pepper" shall contain caffeine from kola nut extract and/or other natural caffeine-containing extracts. Caffeine may also be

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added to any soda water. The total caffeine content in the finished food shall not exceed 0.02 percent by weight. Soda water may contain any safe and suitable optional ingredient, except that artificial sweeteners and vitamins, minerals, and proteins added for nutritional purposes are not suitable for food encompassed by this standard.

(b) *Nomenclature.* (1) The name of the beverage for which a definition and standard of identity is established by this section, which is neither flavored nor sweetened, is soda water, club soda, or plain soda.

(2) The name of each beverage containing flavoring and sweetening ingredients shall appear as "_____ soda" or "_____ water" or "_____ carbonated beverage", the blank to contain the word or words that designate the characterizing flavor of the soda water as prescribed in § 1.12 of this chapter.

(3) If the soda water is one generally designated by a particular common name; for example, ginger ale, root beer, or sparkling water, that name may be used in lieu of the name prescribed in paragraph (b)(1) and (2) of this section. For the purposes of this section, a proprietary name that is commonly used by the public as the designation of a particular kind of soda water may be used in lieu of the name prescribed in paragraph (b)(1) and (2) of this section.

(c) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of 21 CFR Part 1.

Interested persons may, on or before July 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 17, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-11963 Filed 5-23-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-142P]

SAN JOAQUIN RIVER AND ITS TRIBUTARIES, GEORGIANA SLOUGH, AND SACRAMENTO RIVER AND ITS TRIBUTARIES, CALIFORNIA

Proposed Drawbridge Regulations

In the FEDERAL REGISTER of July 20, 1973 at 38 FR 19412, the Coast Guard published a notice of proposed rule making that would amend the operation regulations for a number of bridges across the Old River, a tributary of the San Joaquin River, Georgiana Slough and the Sacramento River. The Commander, Twelfth Coast Guard District, also published this proposal on July 26, 1973.

In response to the above, 680 replies were received. Only 4 were favorable to the proposal or had no comment. General opposition to reduced services were received in 463 replies. Opposition to restrictions on recreational boating activities were expressed in 58 replies. Fear of delays to emergency vessels were contained in 77 replies. Opposition to the proposed change of the operation regulations for the Georgiana Slough drawbridges were received in 45 replies and for the Old River drawbridges in 18 replies. Ten responses requested a central point for requesting openings for a number of these bridges.

After lengthy discussions and coordination with those involved, a new proposal is now being made. This proposal incorporates many of the recommendations and, it is felt, will more nearly provide for the reasonable needs of navigation.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Twelfth Coast Guard District, 630 Sansome Street, San Francisco, California 94126. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before July 2, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that 33 CFR Part 117 be amended by revising §§ 117.714, 117.715 and 117.716 to read as follows:

§ 117.714 San Joaquin River and its tributaries, California.

(a) *San Joaquin River.* (1) Drawbridges from Stockton to Old River junction. The draws shall open on signal if at least twelve hours notice is given to the owners' agents at Stockton as follows:

(i) Port District railway bridge at Stockton—Port Director.

(ii) U.S. Navy Highway bridge at Stockton—U.S. Naval Communications Station, Stockton.

(iii) Atchison, Topeka and Santa Fe Railway Company bridge at Stockton—Atchison, Topeka and Santa Fe Railway Company Yardmaster, Stockton.

(iv) State of California Highway bridge (Garwood Bridge) near Stockton—State Highways District Office, Stockton.

(v) San Joaquin County highway bridge (Brandt Bridge) near French Camp—San Joaquin County Department of Public Works, Stockton.

(2) Drawbridges above the Old River junction need not open for the passage of vessels.

(b) *Burns Cutoff, Drawbridges.* The draw shall open on signal if at least 48 hours notice is given to the U.S. Naval Communications Station, Stockton.

(c) *Middle River.* (1) Mouth to Woodward Canal, drawbridges.

(i) San Joaquin County highway bridge between Bacon Island and Lower Jones tract. From May 15 through September 15, the draw shall open on signal from 9 a.m. to 5 p.m.; from September 16 through May 14, the draw shall open on signal from 9 a.m. to 5 p.m. from Thursday through Monday. At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(ii) The Atchison, Topeka and Santa Fe Railway Company bridge near Middle River Station. The draw shall open on signal if at least 12 hours notice is given the Atchison, Topeka and Santa Fe Railway Company Yardmaster, Stockton.

(2) Drawbridges above Woodward Canal need not open for the passage of vessels.

(d) *Old River.* State of California highway bridge between Victoria Island and Byron Tract.

(1) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(2) From November 1 through April 30, the draw shall open on signal from 9 a.m. to 5 p.m.

(3) At all other times, the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(e) *Grant Line Canal.* San Joaquin County highway bridge. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(f) *Mokelumne River.* (1) State of California highway bridge at East Isleton.

(i) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draw shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated, or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(2) Sacramento and San Joaquin Counties highway bridge (Millers Ferry Bridge) over the North Fork of the Mokelumne River near Walnut Grove.

(i) From May 15 through September 15 from 9 a.m. to 5 p.m. the draw shall open on signal.

(ii) At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(3) San Joaquin County highway bridge over the South Fork of the Mokelumne River at New Hope Landing. Upon notice from the District Commander that an emergency exists which requires the removal of the span, the bridge owner shall take out the removable span expeditiously.

(4) Drawbridges above New Hope Landing. The draws of these bridges need not open for the passage of vessels. The owners of or agencies controlling these bridges shall restore the draws to fill operation within 6 months of notification to take such action by the Commandant, U.S. Coast Guard.

(g) *Little Potato Slough.* State of California highway bridge at Terminous.

(1) The draw shall open on signal from July 1 through September 30 from 8 a.m. to 5 p.m.

(2) At all other times the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge.

(h) *Snodgrass Slough, drawbridges.* The draws shall open on signal if at least 24 hours notice is given to the owners' agent as follows:

(1) Southern Pacific Transportation Company bridge—Southern Pacific Transportation Company Yardmaster, Roseville.

(2) Sacramento County highway bridge—Sacramento County Highway Department office, Sacramento.

(i) *King Island Cut.* San Joaquin County highway bridge between King Island and Biship Tract. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(j) *Honker Cut.* San Joaquin County bridge, between Empire Tract and King Island. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

§ 117.715 Georgiana Slough, California, drawbridges.

(a) *Opening Signal.* One long blast followed by one short blast.

(b) *Sacramento County highway bridges near Isleton and Walnut Grove.* (1) From May 1 through October 31, the draws shall open on signal from 6 a.m. to 10 p.m.

(2) From November 1 through April 30, the draws shall open on signal from 9 a.m. to 5 p.m.

(3) At all other times, the draws of these bridges shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draws shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(c) *Southern Pacific railroad bridge near Isleton.* The draw shall be maintained in the fully open position; except that the draw may close for the passage of trains. When the draw is closed and visibility from the drawtender's station is less than 1 mile up or down the channel, the drawtender shall sound 2 long blasts every minute. When the draw is reopened, the drawtender shall sound one long blast followed by one short blast.

§ 117.716 Sacramento River and its tributaries, California.

(a) *Sacramento River.* (1) Isleton to American River junction, drawbridges.

(i) From May 1 through October 31, the draws shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draws shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draws shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draws shall open on signal if at least 1 hour notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(iv) The opening signal for the Southern Pacific railway and highway bridge at Sacramento is one long blast followed by one short blast.

(2) American River junction to Chico Landing, drawbridges. The draws shall open on signal if at least 12 hours notice is given to the owners' agents as follows:

(i) Southern Pacific railroad bridge at Knights Landing—Southern Pacific Yardmaster, Roseville.

(ii) State of California highway bridge at Knights Landing—State Division of Highway Office, Woodland.

(iii) State of California highway bridge at Meridian—State Division of Highways Office, Marysville.

(iv) Colusa County highway bridge at Colusa—Colusa County Sheriff's office, Colusa.

(v) State of California highway bridge at Butte City—State Division of Highways Office, Gridley.

(3) Drawbridges above Chico Landing. The draws of these bridges need not open for the passage of vessels. The owners of or agencies controlling these bridges shall restore the draws to full operation within 6 months of notification to take such action from the Commandant, U.S. Coast Guard.

(b) *Steamboat Slough, State of California highway bridge at the head of Grand Island.* (1) Opening signal. Two long blasts followed by one short blast.

(2) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(3) At all other times, the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(c) *Miner Slough.* State of California highway between the northerly end of Ryer Island and Holland Tract. The draw shall open on signal if at least 12 hours notice is given to the Rio Vista Bridge.

(d) *Sutter Slough.* Sacramento County highway bridge near Courtland. The draw need not open for the passage of vessels. The owner of or agency controlling the bridge shall restore the draw to full operation within 6 months of notification to take such action from the Commander, Twelfth Coast Guard District.

(e) *American River.* State of California highway bridge at Sacramento. The draw need not open for the passage of vessels.

(f) *Lindsey Slough.* The center span of the Hastings Farms highway bridge between Egbert and Lower Hastings Tracts shall be removed if at least 72 hours notice is given to the Hastings Farms Office, San Francisco.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

Dated: May 20, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-11943 Filed 5-23-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 573]

[Docket No. 74-9; Notice 2]

CHILD RESTRAINTS

Infant Dummy Specifications; Extension of Comment Period

This notice extends the comment period of the notice of proposed rulemaking for a revised child restraint standard published March 1, 1974 (39 FR 7959), to June 27, 1974, and provides notice of the availability of specifications for the 6-month-old dummy specified for testing in the proposal.

The Juvenile Products Manufacturers' Association has requested an extension of the comment period to at least August 31, 1974, in order to enable association members to obtain facilities for testing and research, to determine the basis of certain proposed requirements and to provide an opportunity for comment on

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specifications for the 6-month-old dummy, which the notice indicated would be forthcoming.

The NHTSA has decided to extend the comment period for 30 days to permit comments to address the complete specifications for the 6-month-old dummy. The complete specifications have been placed in the public docket (No. 74–9), Room 5108, 400 Seventh Street SW., Washington, D.C., and are available for public inspection during the agency's normal working hours (7:45 a.m. to 4:15 p.m.). The nature of the material prohibits its ready publication in the FEDERAL REGISTER. However, copies of the material will be forwarded for a nominal charge to any person requesting the information. Requests should be forwarded to Mr. Stanley Backaitis, NHTSA, Room 5320, 400 Seventh Street, SW., Washington, D.C. 20590; phone (202) 426–2264.

The request for an extension beyond the 30-day period is denied. Limitations with respect to test facilities by which industry members wish to perform the suggested tests are not viewed by the agency as a satisfactory basis for comment period extension. The materials supporting the proposed requirements have been available in the docket, in generally available reference literature, and by examination of current and past production motor vehicles.

In light of the above, the comment closing date in the above-captioned docket is extended for 30 days, to June 27, 1974.

(Secs. 103, 112, 114, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1932, 1401, 1403, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on May 22, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74–12103 Filed 5–22–74;12:39 pm]

Federal Aviation Administration

[14 CFR Parts 25 and 121]

[Docket No. 12274; Notice 74–16A]

TRANSPORT CATEGORY TURBINE POWERED AIRPLANES

Fuel System Explosion Prevention; Extension of Comment Period

The Federal Aviation Administration proposed in notice 74–16, published in the FEDERAL REGISTER on April 4, 1974 (39 FR 12260), to amend Parts 25 and 121 of the Federal Aviation regulations to require an explosion prevention system for each fuel tank and fuel vapor and vent space for the type certification of turbine engine powered transport category airplanes. In addition, notice 74–16 proposed to require existing turbojet engine powered airplanes used in operations conducted under Parts 121 and in those operations conducted under Parts 123 and 135 that are subject to Part 121, Subpart J, to be equipped with such explosion prevention means by certain dates. The notice also responded to a petition of the Aviation Consumer Action Project (ACAP) requesting rule making to require nitrogen fuel tank inerting systems on all transport category airplanes. Forty-five days were provided in the notice for the submission of comments by interested persons.

The Aerospace Industries Association of America, Inc. (AIA) and the Air Transport Association of America (ATA) have requested a 30 day extension of time for submission of comments. ATA states that the 45 days allotted for response to this extremely important notice has proven to be inadequate to develop the necessary data. AIA states that a 30 day extension is necessary to permit the exchange of views by ATA members and to develop an association approved position statement. Without the requested extension, ATA states that it will not be possible for the ATA to respond within the time specified in the notice.

The International Air Transport Association (IATA) has requested that the period provided for the submission of comments on the notice be extended until July 4, 1974. IATA states that the U.S. domestic regulation of civil aviation is influential and is often followed by similar regulation in other countries. In addition, IATA states that the proposed rule would affect aircraft that would be produced for foreign registry. For those reasons, IATA states it is necessary that sufficient time, as requested, be permitted in order that internationally coordinated comments could be submitted by IATA.

I find that the petitioners have shown a substantive interest in the proposed amendments, that good acuse exists for an extension of the comment period until July 4, 1974, and that that extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on notice 74–16 will be received is extended to July 4, 1974.

Issued in Washington, D.C., on May 20, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74–12180 Filed 5–23–74;10:02 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 201, 211, 221, 261, 302, 312, 399]

[Docket No. 26718]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Policies and Procedures

MAY 15, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration the enactment of a new Part 312 of the Procedural Regulations setting forth its policies and governing procedures for the preparation and processing of environmental impact statements and related documents pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with the Board's regulatory activities. The new part would replace § 399.110 (Implementation of the National Environmental Policy Act of 1969) of the Board's Statements of General Policy, and implementing amendments are proposed for Parts 201, 211, 221, and 261 of the Economic Regulations and Part 302 of the Procedural Regulations.

The background and principal features of the proposed rules are described in the attached Explanatory Statement, and the proposals are set forth in the Proposed Rules. The new part and the amendments are proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481 and the National Environmental Policy Act of 1969, 83 Stat. 852, including section 102(2)(C).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 5, 1974, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Ave. NW., Washington, D.C. upon receipt thereof.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by June 5, 1974, a request to be placed on the Service List in Docket No. 26718. The Service List will be prepared by the Docket Section and sent to the persons named thereon. The persons on the Service List are to serve each other with their comments or responsive comments at the time of filing, and are to include appropriate proof of service (Rule 8(e), 14 CFR 302.8(e)) with each filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Responsive comments may be filed by any person by August 5, 1974, and comments so filed will be considered by the Board. In addition to those on the Service List who filed comments, persons filing responsive comments should also serve any person whose comment is dealt with in their responsive comment.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

On August 1, 1973, the Council on Environmental Quality published its revised guidelines on the preparation of environmental impact statements (38 FR

20550, et seq.). Section 1500.3 of the guidelines calls on Federal agencies having procedures implementing the National Environmental Policy Act of 1969 (NEPA) to review and revise them, as may be necessary, in order to respond to requirements imposed by revised guidelines as well as by previous directives.

The present Board regulation implementing NEPA is contained in § 399.110 of its Policy Statements (14 CFR 399.110). Conformance with the guidelines requires that the regulation implementing NEPA be in the form of a procedural rule rather than a policy statement. Accordingly, we propose to repeal § 399.110 and enact in its place a new Part 312 as set forth in the proposed rules.[1]

The Board's earlier Policy Statement made clear that the Board's relationship to the environment is peripheral in that agencies other than the Board have authority in many air transport related areas which permit direct regulation of activities affecting the quality of the human environment and, moreover, expertise in these areas which the Board lacks. Thus, the maintenance of clean air, the limitation of emissions from aircraft and cars, the limitation of aircraft noise both from engines, flight procedures and from the location of airports may all be controlled only by other authorities.

Furthermore, NEPA is not involved in much of what the Board does. The preponderance of the Board's actions are not "major" and do not "significantly" affect the quality of the human environment, within the meaning of NEPA. As a result, up to this time, the Board has had occasion to issue only a single environmental assessment pursuant to section 102(2)(C) of NEPA. Moreover, many Board actions must be acted upon expeditiously or the benefit is lost irrevocably. For these reasons, needless formalities, which create delay and expense, are to be avoided, and the Board must avoid placing itself in a procedural straitjacket which would defeat major objectives of the Federal Aviation Act.

Nevertheless, the Board is highly sensitive to NEPA and its requirements and objectives and it intends to adhere scrupulously to NEPA's mandate and policies. We believe that the greatest public good will flow from our actions if they accommodate the objectives of both NEPA and the Federal Aviation Act. To this end, the proposed regulations seek not only to be faithful to NEPA and the protection and enhancement of the environment, but also to the practical realities of air transportation operations to the extent that they are essential to the achievement of the promotional and other objectives of the Federal Aviation Act.

[1] In light of our action herein, we shall dismiss the petition for rule making filed by Life of the Land in Docket 24949 for amendment of § 399.110 because amendments along the lines suggested by Life of the Land have been incorporated in the proposed Part 312.

In §§ 312.9 and 312.10 of our proposal, we have set forth, illustratively, actions within the scope of our regulatory sphere which may have a potential effect on the environment, and, again illustratively, the kinds of effects which appear to us to significantly affect the environment. By combining the type of action, licensing for example, and the type of environmental effect, "significant increase in air pollution" for example, the principal areas which may require detailed examination in the interests of environmental protection are exposed. It is to be noted, however, that pursuant to § 312.9(b) a number of Board actions will not normally be the subject of the preparation of an environmental impact statement. These actions are primarily temporary suspensions of service, emergency or temporary exemptions, rate proceedings involving suspensions, interim approvals of agreements, other like proceedings where time is of the essence, or actions taken under delegated authority.

Subpart E of the regulations sets forth the environmental procedures. First of all, provision is made to require applicants to accompany their application with an "environmental evaluation." This is a detailed report describing the service impact of the application, the environment affected, and the probable impact on the environment of the factors listed in section 102(2)(C) of NEPA, as restated in the regulation, and the specific factors affecting the environment as set forth in § 312.10. These environmental evaluations are normally required in all situations covered by § 312.9, including the temporary or emergency situations or delegated actions referred to in the preceding paragraph.[2] To facilitate their preparation and usefulness, as well as the preparation of environmental assessments which are discussed below, the Board has listed in Appendix I major air transport aircraft, various other types of aircraft, and the engines commonly used with such aircraft, setting forth for each relevant data with respect to aircraft engine pollutant emissions, aircraft engine noise, and fuel consumption. All persons are required to use these standards in their environmental evaluations or explain in detail why some other named standard should be used in their case.

Once the application (including the environmental evaluation) is filed, along with responsive pleadings where appropriate, the responsible official (as set forth in § 312.8) is in a position to make the initial determination with respect to environmental impact. In making the determination the official has access to data and expertise possessed by the Board as well as Board precedent. The regulation provides him with one of three choices. (1) An "Environmental rejection" is accomplished by a summary letter where the official finds that the federal action contemplated is not "major" within the meaning of NEPA, or that the resulting environmental consequences are inconsequential, frivolous or not cognizable under law. (2) An "Environmental negative declaration" is a document used where the official finds that, although an environmental rejection is not called for, an environmental impact statement is not warranted. The declaration is not in summary form but shall contain the reasons for its use, a description of the proposed action and a summary description of its probable environmental impacts. It must also discuss and explain the circumstances why no environmental impact statement is being prepared if it falls within one of a series of described cases where that result might have been predicted or expected. In some unusual or complex cases the responsible official is authorized to call for further information and to follow draft and comment procedures normally reserved for environmental impact statements. (3) An "Environmental impact statement" is employed where the responsible official believes on the evidence available to him that the proposed action may reasonably be expected to result in a major Federal action significantly affecting the quality of the environment. The official notifies the parties, the public, and the Council on Environmental Quality that an environmental impact statement will be prepared. The notice does not, however, preclude the subsequent issuance of a negative declaration.

If an environmental impact statement is to be prepared the work normally will encompass both a draft and a final statement. Before the draft statement is prepared the applicant may be required to submit an environmental assessment containing the information called for by the responsible official in order to permit him to initiate the preparation of the draft statement. This information may be similar to that which the Board has directed carriers to provide in specific cases, such as "Remanded Reno-Portland/Seattle Nonstop Service Investigation", Order 73–11–75, but affords the responsible official an opportunity to tailor his request to the specific case subject only to the limitation that the information requested be relevant and material.

Even though ultimate responsibility for preparation of environmental impact statements rests with the Board, it will be necessary for applicants and others to furnish substantial additional data as specified in requests of responsible officials to permit them to prepare detailed

[2] The Board recognizes that, on occasion, regulated companies must request special relief on short notice and through a medium not conducive to submitting an environmental evaluation. An example is a telegraphic request for exemption to fly a special flight in circumstances where the need for exemption is not discovered until shortly before flight time. Such relief would not ordinarily constitute a "major" federal action, within the meaning of NEPA. Consequently, the regulation (§ 312.6) grants the Board and staff authority to waive the requirement for an environmental evaluation in such appropriate circumstances.

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environmental statements as contemplated by NEPA. The Board has provided some standards in Appendix I which will be of assistance. Rather than require the voluminous data specified in earlier ad hoc orders of the Board it would be preferable if the Board, carriers, and others had access to a data bank from which information could readily be obtained on significant facts used repetitively in the preparation of environmental impact statements. In addition to data on engine emissions, noise and fuel consumption by aircraft type, it would be well to have data relating to individual airports or classes of airports relating to annual take-offs and landings by aircraft type, cumulative pollution, both gaseous and particulate, cumulative noise exposure, etc. The availability of such data would enable the Board to develop and establish generic standards with respect to some of the principal components entering into the preparation of environmental statements. Establishment of such generic standards would permit their use in all cases. This would save time and money for the Board and all interested parties, would speed up environmental determination, and would insure greater uniformity and accuracy in such determinations. Under these circumstances, suggestions as to how such a data bank could be established and maintained, and its content, would be of great usefulness to all concerned and should receive the fullest and closest attention of such persons in filing their comments in this rule making.

Until we can finalize this rule, either in its present or a modified form, and establish such generic standards, the responsible official will use environmental evaluations and assessments and all other data available to him in preparation of a draft environmental impact statement, proceeding on an ad hoc basis as in the cited case (73–11–75). When an impact statement is prepared, dealing with the factors set forth in NEPA, the CEQ guidelines and this Part, the statement will be circulated for written comments to all parties to a proceeding, the public, CEQ, EPA, all agencies with expertise in the environmental areas involved, State and local authorities, etc., all as provided in § 312.14. Upon receipt and consideration of comments on the draft, a final environmental impact statement will be prepared with the comments on the draft statement (or summaries thereof) attached. Ordinarily hearings will not be held on the formulation of the staff position on an environmental determination whether of a preliminary or final nature. However, where the action under consideration requires a hearing by statute or such a hearing has been ordered by the Board, the final environmental impact statement will be incorporated in the record and be the subject of the hearing process. Such a statement may be altered by the Administrative Law Judge in his initial or recommended decision or, later, by the Board in its final decision. Of course, in these decisions the deciding authority will balance in the scales any environmental impacts found along with transportation needs and other public interest factors in determining the ultimate disposition of the applications presented for decision.

PROPOSED RULE

It is proposed to adopt a new Part 312 of the Procedural Regulations and to amend Parts 201, 211, 221 and 261 of the Economic Regulations, Part 302 of the Procedural Regulations, and Part 399, Statements of General Policy, as follows:

PART 201—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

2. Add a new paragraph (d) to § 201.4 to read as follows:

§ 201.4 General provisions concerning contents.

* * * * *

(d) Where required by §§ 312.12 and 312.14 of this chapter, each application shall have appended to it an Environmental Evaluation and Environmental Assessment, as provided in those sections.

PART 211—APPLICATIONS FOR PERMITS TO FOREIGN AIR CARRIERS

3. Add a new paragraph (e) to § 211.5 to read as follows:

§ 211.5 General provisions regarding contents.

* * * * *

(e) Where required by §§ 312.12 and 312.14 of this chapter, each application shall have appended to it an Environmental Evaluation and Environmental Assessment, as provided in those sections.

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

4. Amend § 221.165(b) (2) to read as follows:

§ 221.165 Explanation and data supporting tariff changes and new or changed matter, including, in cases where pertinent.

* * * * *

(b) Economic data and/or information in support of the new or changed matter, including, in cases where pertinent.

* * * * *

(2) Estimates of the aggregate effect of the new or changed matter upon such carrier's traffic, schedules, and revenues, and an explanation of the basis for the estimates (including, where available, data as to past traffic, schedules and revenues).

* * * * *

PART 261—FILING OF AGREEMENTS

5. Amend the Table of Contents by adding a title to new § 261.9 as follows:

Sec.
261.9 Environmental documents.

6. Add a new § 261.9 to read as follows:

§ 261.9 Environmental documents.

Where required by §§ 312.12 and 312.14 of this chapter, each contract or agreement filed under this part and Subpart P of Part 302 of this chapter shall have appended to it an Environmental Evaluation and Environmental Assessment, as provided in those sections.

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

7. Amend § 302.4(a) to read as follows:

§ 302.4 General requirements as to documents.

(a) *Contents.* In case there is no rule, regulation, or order of the Board which prescribes the contents of a formal application, petition, complaint, motion of other authorized or required document, such document shall contain a proper identification of the parties concerned, a concise but complete statement of the facts relied upon and the relief sought, and, where required by §§ 312.12 and 312.14 of this chapter, such document shall have appended to it an Environmental Evaluation and Environmental Assessment, as provided in those sections.

* * * * *

1. Adopt a new Part 312 of the Procedural Regulations to read as follows:

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, INCLUDING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Subpart A—General Provisions

Sec.
312.1 Purpose.
312.2 Scope.
312.3 Authority.
312.4 Policy.
312.5 Interpretations.
312.6 Waivers or exemptions.

Subpart B—Definitions

312.7 Definitions.

Subpart C—Designation of Responsible Officials

312.8 Designation of responsible officials.

Subpart D—Identification of Major Federal Actions Significantly Affecting the Environment

312.9 Actions with a potential effect on the environment.
312.10 Actions significantly affecting the human environment.

Subpart E—Environmental Procedures

312.11 General.
312.12 Filing of environmental evaluations by applicants.
312.13 Initial determination with respect to environmental impact.
312.14 Preparation of environmental impact statements.
312.15 Public hearings in preparation of environmental impact statements, negative declarations or rejections.
312.16 Time limitations on use of environmental impact statements.

Subpart F—Final Determinations

312.17 Hearing procedures.
312.16 Initial, recommended, and final decisions.

Subpart G—Miscellaneous Provisions

Sec.
312.19 Required lists.
312.20 Costs of materials distributed to the public.

Appendix I

Appendix II

Subpart A—General Provisions

§ 312.1 Purpose.

The National Environmental Policy Act of 1969 (83 Stat. 852, hereinafter called NEPA) authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies for the protection and enhancement of the environment set forth in NEPA, thus establishing national policy, goals and procedures for protecting and enhancing the enviroment.

(a) This statute governs all Federal departments and agencies and requires positive orientation of all existing administrative policies to support the new mandate. It requires that an explicit analysis of the environmental consequences of proposed "major Federal actions" which significantly affect the quality of the human environment shall be made and publicly commented upon prior to agency decision and that this detailed environmental statement shall accompany the proposals for actions through the existing agency review and decision processes. This environmental statement is to include an analysis of the physical, social, and aesthetic dimensions of the environmental efforts to avoid or lessen adverse environmental consequences by means of modified approaches or alternatives.

(b) It is the purpose of this regulation to establish orderly environmental clearance processes within the Civil Aeronautics Board (CAB or Board) and to provide guidance in the preparation and utilization of environmental statements and comments.

§ 312.2 Scope.

(a) This regulation applies to all "Federal actions" as defined in § 312.7. However, this regulation shall not apply to permits of Canadian air carriers authorizing casual, occasional, and infrequent flights with small aircraft across the Canada-United States border or the Canada-Alaska border.

(b) Officials designated by the Board as set forth in § 312.8 are responsible for assuring that decisions on all actions falling within the scope of these regulations are made in compliance with NEPA and for establishing procedures consistent with the requirements of this regulation.

§ 312.3 Authority.

(a) NEPA establishes a broad national policy to promote efforts to improve the relationship between man and his environment and provides for the creation of a Council on Environmental Quality (CEQ) to oversee implementation of the policy. NEPA sets out certain policies and goals concerning the environment and requires that, to the fullest extent possible, the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

(b) (1) Section 102(2)(C) of NEPA requires that all agencies of the Federal government include in every major Federal action significantly affecting the quality of the human environment a detailed statement on the environmental impact of such action. (2) Prior to making detailed environmental impact statements, the Board is adjured to consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved, a course which the Board will follow.

(c) Guidelines from CEQ, dated August 1, 1973, 38 FR 20550, set forth procedures which must be followed by Federal agencies in implementing NEPA, including consultation with the agencies listed in Appendices II and III of such guidelines.

(d) Office of Management and Budget Circular A–95 details the requirements for State and local review of environmental statements required by section 102(2)(C) of NEPA.

(e) Executive Order 11514, 35 FR 4247, orders all Federal agencies to initiate procedures needed to direct their policies, plans and programs so as to meet national environmental goals.

(f) Section 204(a) of the Act authorizes the Board to establish such rules, regulations and procedures as are necessary to the exercise of its functions and are consistent with the purposes of the Act.

§ 312.4 Policy.

(a) *General.* It is the policy of the Board to implement NEPA and related executive branch guidance documents on the environment as fully as statutory authority permits and to orient the Board's administrative policies under the Act toward the broad national goal of preserving and enhancing the environment. In this goal, environmental quality factors are to be considered in the decision-making process at the earliest possible time. Adverse environmental effects should be avoided or minimized, and environmental quality previously lost should be restored to the fullest extent possible.

(b) *Implementation.* The implementation of this policy shall consist of an environmental review of all major actions determined by this agency to potentially affect the environment. Environmental statements shall be prepared on all major Federal actions significantly affecting the environment in accordance with the provisions of NEPA. The policies and goals set forth in NEPA are supplementary to those set forth in the existing authorization of the Civil Aeronautics Board. The Board shall interpret the provisions of NEPA as supplemental to its existing authority and as a mandate. It will view traditional policies and missions in the light of national environmental objectives.

(c) *Other statutes.* To the extent possible statements of findings concerning environmental impacts required by other statutes such as the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.), will be incorporated into the preparation of environmental impact statements to yield a single document.

(d) *Public notice and availability.* The Board will insure timely public information and understanding of its actions which may have a significant environmental impact in order to obtain the views of interested parties. A list of administrative actions for which environmental statements are being prepared and negative declarations filed will be maintained by the Board in its Public Reference Room. This list will be made available for public inspection and submitted to CEQ for publication.

(e) *Proceedings in progress.* (1) Proceedings in progress at the effective date of this part (those in which an application has been docketed) shall be governed to the fullest extent feasible by the procedures set forth in this part. To the extent that compliance with this part is not in the interests of fair and efficient administration, proceedings in progress shall be governed by the procedures set forth in former § 399.110 of the Board's Policy Statements. (2) Nothing in paragraph (1), above, shall be deemed to relieve any person or party from complying with any Board order directing the submission of environmental impact data in any proceeding in progress.

§ 312.5 Interpretations.

Written interpretations with respect to the meaning of the regulations in this Part will be rendered only by the Board's Environmental Coordinator. However, unless specifically authorized by the Board in writing, no such interpretation and no oral interpretation will be recognized as binding upon the Board.

§ 312.6 Waivers or exemptions.

The Board may, upon application of any interested person or upon its own initiative, grant such waivers or exemptions from the regulations of this Part as it determines are authorized by law and are otherwise in the public interest.[1] Among other cases, the Board, or staff members to whom authority to act on the particular request has been delegated by Part 385 of this chapter, may waive the requirement that an environmental evaluation accompany a request if it is found in writing, first, that the proposed Federal action is not "major," within the

[1] Unless otherwise directed, a § 402 proceeding for the same route right or rights described in a duly executed air transport agreement with the United States need not duplicate the earlier compliance by the Department of State with the National Environmental Policy Act incident to the execution of such agreement.

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meaning of NEPA, and, second, that requiring the submission of a written environmental evaluation is impractical because of time limitations and would lead to delay having the effect of denying the relief requested. Such staff decisions are subject to review in accordance with the provisions of Subpart C of Part 385 of this chapter.

Subpart B—Definitions

§ 312.7 Definitions.

As used in this part:

(a) "Act" means the Federal Aviation Act of 1958 as amended.

(b) "Application" includes an application, petition, motion, contract or agreement filed under Subpart P of Part 302 of this subchapter, or other formal request for relief, but does not include the filing of a tariff under section 403 of the Act and Part 221 of this chapter or a registration statement under Part 298.

(c) "Environmental evaluation" is a report to accompanying each application as provided in § 312.12 consisting of matter relating to the potential environmental impact of the proposed action. The purpose of this report and any responses thereto, together with the Board's own information, is to determine whether an environmental impact statement should be prepared.

(d) "Environmental assessment" is information to be provided to the Board as set forth in § 312.14(b) in those instances where an environmental impact statement is to be prepared.

(e) "Environmental impact" is any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration.

(f) "Environmental impact statement" is a complete and fully comprehensive environmental assessment including formal review by other Federal, State and local agencies as prescribed by section 102(2)(C) of NEPA. The environmental impact statement is comprised of two stages, draft and final.

(g) "Environmental negative declaration" is a written determination by the responsible official, after review of the applicant's environmental evaluation, any response thereto, and other available information, that an environmental impact statement is not necessary. The declaration will set forth the reasons for the conclusion reached.

(h) "Environmental rejection" is a summary letter rejecting the presence of environmental issues in any matter in which such contentions are of an inconsequential or frivolous nature or the Federal action is not "major."

(i) "Federal actions" includes the entire range of activity undertaken by the Board. Actions include:

1. Licensing proceedings;
2. Mergers, acquisitions, and control proceedings;
3. Rate-making proceedings other than suspension cases;
4. Contract or agreement approvals;
5. Rule making;
6. Legislative proposals.

(j) "Major Federal action" is any Federal action which requires the substantial commitment of resources or triggers such a substantial commitment by another.

(k) "NEPA" means the National Environmental Policy Act of 1969.

(l) "Point" means any airport or place within the United States or a Territory or possession of the United States where aircraft may be landed or taken off, including the area within a 10-mile radius of such airport or place.

(m) "Significantly affecting the environment" means a determination taking into consideration:

(1) The extent to which the action will cause adverse environmental effects in excess of those created by existing uses in the area affected by it; and

(2) The absolute quantitative adverse environmental effects of the action itself, including the cumulative harm that results from its contribution to existing adverse conditions or uses in the affected area.

(n) "Staff" means the responsible officials of the Board referred to in § 312.8.

(o) "Substantially greater or less service" means an increase or decrease in the number of flights at a point which is substantial judged by the number and kind of other flights at the point and the environmental impact of the change judged by the standards of § 312.10.

Subpart C—Designation of Responsible Officials

§ 312.8 Designation of responsible officials.

(a) The Director of the Bureau of Economics and the Director of the Bureau of Operating Rights, or their designees, are assigned the responsibility of preparing environmental impact statements and related documents and taking other actions in connection therewith, as set forth in this part. Other staff of the Board may be assigned these responsibilities, as appropriate.

(b) Any other official of the Board who has been delegated authority to take action for the Board pursuant to Part 385 of the Board's Organization Regulations is assigned the responsibility of preparing environmental impact statements and related documents and taking environmental actions in connection therewith with respect to such delegated matters.

(c) The Board's Environmental Coordinator shall be the liaison official for the Board with the Council on Environmental Quality, the Environmental Protection Agency and the other departments and agencies concerning environmental matters. Duties of the Environmental Coordinator include:

(1) Responsibility to insure that the actions with respect to the fulfillment of NEPA are coordinated.

(2) Provision for procedural and substantive training on environmental issues, policy, procedures, and requirements.

(3) Provision of guidance in the preparation and processing of environmental impact statements.

(4) Participation in policy formulation, as necessary, in the application of the requirements of NEPA.

(5) Provision of written interpretations of the meaning of the regulations in this Part.

(6) Preparation of an annual report for submission to CEQ consisting of a review of the year's activities in carrying out the Board's responsibilities under NEPA.

(7) Preparation of a quarterly list of all negative declarations and environmental impact statements for submission to CEQ.

Subpart D—Identification of Major Federal Actions Significantly Affecting the Environment

§ 312.9 Actions with a potential effect on the environment.

(a) The following are the types of Federal actions which require the preparation of an environmental evaluation:

(1) Licensing proceedings under section 401 or 402 of the Act.

(2) Proceedings involving agreements filed under section 412, merger or other proceedings under section 408, exemption proceedings under section 101(3) or 416(b), and rate proceedings instituted by the Board under section 1002 of the Act, but only where they may demonstrably result

(i) in the authorization of service to a point not previously served by air transportation;

(ii) in substantially greater or less service or traffic in a market or to a point;

(iii) in first or additional service to a point by helicopter, V/STOL aircraft or supersonic aircraft or in the elimination or reduction of such service;

(iv) in first or additional service to a point within which is located, in whole or part, a national park, national historic park, national military park or national monument (excluding the Statue of Liberty or any national monument located within a city limits) or in the limitation or reduction of such service; or

(v) in any change in service, the environmental impact of which is likely to be highly controversial.

(3) Rule making and legislative proposals which, if adopted, might result in changes in service as described in paragraphs (a)(2)(i), (ii) (iii), (iv) or (v) of this section.

(4) Other actions which require the substantial commitment of resources or trigger such a substantial commitment by another as determined by the Board to possibly have a significant effect on the quality of the environment.

(b) Environmental evaluations are required even though environmental impact statements will not normally be prepared in connection with other types of Board actions. In particular, impact statements will not normally be prepared even though evaluations have been filed in connection with temporary suspensions under section 401(j) of the Act, emergency or temporary exemptions under sections 101(3) or 416(b) of the Act, rate proceedings involving suspensions under sections 1002 (g) or (j) of the Act, interim approval of agreements under section 412, other like proceedings where time is of the essence, or actions taken under delegated authority.

§ 312.10 Actions significantly affecting the human environment.

(a) Actions significantly affecting the human environment are not limited to, but include actions which would:

(1) Lead to a significant increase in air pollution;

(2) Lead to a significant increase in the ambient noise level for a substantial number of people;

(3) Destroy or significantaly derogate from an important recreation area;

(4) Have a significant effect upon areas of historical significance, cultural significance, education, or scientific significance;

(5) Have significantly adverse aesthetic or visual effect; or

(6) Have a detrimental effect on the safety of the community.

(b) In determining if an action is a major Federal action significantly affecting the environment the Board will consider the following:

(1) Actions which have become environmentally controversial;

(2) Actions or a complex of actions which are individually limited but cumulatively have an environmental impact;

(3) Actions which have both beneficial environmental effects and detrimental effects even if it is believed that on balance the effect will be beneficial;

(4) Secondary or indirect effects generated through the implementation of a Board action through private associated investments and changed patterns of social and economic activity;

(5) Actions that would have little impact in an urban area but may have a significant impact in a rural setting or vice versa.

Subpart E—Environmental Procedures

§ 312.11 General.

The purpose of environmental review procedures established by these regulations is to determine whether a proposed Board action is a major Federal action significantly affecting the quality of the human environment.

§ 312.12 Filing of environmental evaluations by applicants.

(a) Except where a waiver or exemption has been granted under § 312.6, every person filing an application falling within the scope of § 312.9 shall attach to such application an environmental evaluation, as provided in paragraph (b) of this section.

(b) An environmental evaluation shall contain:

(1) A description of the service and traffic impact of the application should it be granted, including the number of flights which would be increased or decreased in each specified market, their time of departure and arrival, the type of aircraft used or to be used for such flights, the airports used or to be used, and the change in traffic which is forecast.

(2) A description of the environment at the points affected and a discussion of the following considerations:

(i) The probable impact of the proposed action on the environment,[4] including, to the fullest extent possible, the foreign environment where applicable;

(ii) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(3) The evaluation shall also address itself to each of the considerations set forth in § 312.10.

(4) The evaluation should to the fullest extent possible utilize the data set forth in Appendix I, hereto. If it is not so used, a detailed explanation of the reasons for any variations shall be included in the evaluation.

§ 312.13 Initial determination with respect to environmental impact.

After an application is filed and appropriate responses have been made the responsible official, after consideration of such filings and other available data,[5] shall make an initial determination with respect to environmental impact as follows:

(a) *Environmental rejection.* If he finds that the Federal action contemplated is not "major" in character, within the meaning of NEPA, or that the resulting environmental consequences are inconsequential, frivolous or not cognizable under law, he shall send a summary letter to the party raising the objection or, if there is none, issue a summary notice stating his finding. The letter or notice shall be termed an environmental rejection.

(b) *Environmental negative declaration.* If the responsible official finds that although an environmental rejection is not called for, nevertheless an environmental impact statement is not necessary, he shall prepare an environmental negative declaration stating those facts and the reasons for reaching such conclusions. The declaration shall also set forth a description of the proposed action and a summary description of its probable environmental impacts. In addition, if it has been identified in § 312.9 as an action normally having a potential effect on the environment, or it is similar to actions for which a significant number of environmental impact statements have been prepared, or if the action has previously been included in the list of proceedings for which environmental impact statements are being prepared, or if the proposed action has been the subject of a request by CEQ for the preparation of an environmental impact statement, the negative declaration shall discuss and explain the applicable circumstances.

(c) *Environmental impact statements.* If the responsible official believes that the proposed action may reasonably be expected to result in a major Federal action significantly affecting the quality of the human environment based on the standards of §§ 312.9 and 312.10 he shall notify the parties, the public (through appropriate news releases and inclusion on a list in the Public Reference Room), and the EPA and CEQ (through the periodic submission of lists), that an environmental impact statement will be prepared in the particular matter.

§ 312.14 Preparation of environmental impact statements.

(a) *General.* Upon a determination that a proposed action may have a significant effect upon the environment, the staff will undertake to prepare an environmental impact statement. The impact statement is normally comprised of two stages: draft and final. The draft statement must satisfy to the fullest extent possible, at the time the draft is prepared, the requirements established for final statements by section 102(2)(C) of NEPA. Each draft and final environmental statement will be accompanied by a summary sheet in the form set forth in Appendix II. An environmental impact statement shall be prepared early enough to be part of the decision-making process on the proposed action to which it relates.

(b) *Environmental assessments.* Prior to the preparation of a draft environmental impact statement, negative declaration or rejection, an applicant or other person may be required to supply additional information in the form of an environmental assessment. The environmental assessment will contain such relevant and material information as the responsible official shall deem necessary, will utilize the data set forth in Appendix I (unless otherwise fully explained), and will contain sufficient information to enable the responsible official to begin preparation of a draft environmental impact statement. After receipt of an environmental assessment, the responsible official may revise his judgment that an impact statement is required and, in lieu thereof, may prepare an environmental negative declaration. In such circumstances, the responsible official may conclude nevertheless

[4] Include a description of any beneficial impact which may result from increased air service or any adverse environmental impact which may result from decreased air service, e.g., a reduction or increase, respectively, in intercity highway traffic with attendant decrease or increase in exhaust emissions, congestion, or noise.

[5] The responsible official may request such additional relevant and material data from the applicants or others as he deems necessary for his initial determination, and all such persons shall comply therewith.

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that the unusual complexity or controversial nature of the case requires that the negative declaration should be circulated for comment as would an environmental impact statement. Where such a determination is made, the procedures governing the preparation of environmental impact statements shall, to the extent practicable, govern the preparation of the environmental negative declaration.

(c) *Draft environmental impact statements.* In preparing draft environmental impact statements the staff shall take into account the guidelines set forth in 40 CFR 1500.7–1500.8 (39 FR 20552–3). Draft statements shall set forth in detail: (1) The environmental impact of the proposed or contemplated action; (2) any adverse environmental effects which cannot be avoided should the proposed or contemplated action be implemented; (3) alternatives to the proposed or contemplated action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources which would be involved in the proposed or contemplated action should it be implemented.

In some cases draft environmental impact statements may be prepared by private consultants. In all cases the Board will make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final environmental impact statements.

(d) *Filing and distribution of draft environmental impact statements.* As soon as they have been prepared, draft environmental impact statements shall be filed in the Docket Section of the Board and distributed to CEQ, to the Administrative Law Judge and any party to or Rule 14 participant in a proceeding, those Federal agencies that have special expertise or jurisdiction by law with respect to any environmental impacts involved and which are authorized to develop and enforce relevant environmental standards (see Appendices II and III to 40 CFR 1500 (38 FR 20557–62)), the Environmental Protection Agency, the appropriate State and local agencies authorized to develop and enforce relevant environmental standards and the appropriate State, regional, and metropolitan clearing houses, and the Department of State, where the proposed or contemplated action will have significant international environmental effects.

(e) *Requests for comments on draft statements.* Draft statements shall be accompanied by or include a request for comments on the proposed action and on the draft statement, normally within forty-five (45) days from the date of publication in the FEDERAL REGISTER of the notice of availability described herein, through submission of an original and nineteen (19) copies of such comments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. A summary notice of the availability of the statement and an opportunity to comment thereon and the manner of doing so will be published in the Federal Register, together with a statement to the effect that comments so received will be available to the public. News releases will also be provided to local newspapers in affected areas and other appropriate media which will include the information contained in the summary notice.

(f) *Final environmental impact statements.* After receipt of comments on the draft statement, the staff will prepare a final environmental impact statement in accordance with the requirements for draft statements. To the extent that opposing professional views and responsible opinion on the environmental effects of the proposed or contemplated action have not been discussed in the draft statement and are brought to attention through the commenting process, the environmental effect of the action will be reviewed in the light of those comments. In such case, meaningful reference will be made in the final statement to the existence of any responsible opposing view not discussed in the draft statement, indicating the response to the issues raised. All substantive comments received on the draft statement (or summaries thereof where response has been exceptionally voluminous) will be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement. The final statement will be filed and distributed in the same manner as specified for draft statements to those who submitted substantive comments on the draft statement, except that in any case the final statement will be distributed to CEQ, the Environmental Protection Agency, the Administrative Law Judge and any parties to a proceeding, and any person requesting a copy, subject to § 312.20. The final impact statements and any substantive comments received on the draft statement will be considered in the Board's review and decision-making processes.

§ 312.15 Public hearings in preparation of environmental impact statements, negative declarations or rejections.

Public hearings will not normally be held for the formulation of documents reflecting the staff position on an environmental determination whether of a preliminary or final nature. This is particularly true in connection with proposed actions which do not require notice and hearing as a prerequisite to decision under the Act. In such cases hearings would only be ordered in exceptional circumstances where the proposal was of great magnitude (in terms of cost, geography, and/or commitment), or widespread public interest, and presenting complex issues peculiarly subject to resolution through evidentiary hearings and the process of cross examination. On the other hand, hearings on proposed actions which are required under the Act in any event, while not available for the formulation of an environmental impact statement, will be available to receive such a final document in the record and for the exploration of its validity and weight.

§ 312.16 Time limitations on use of environmental impact statements.

(a) Subject to paragraph (d) of this section and to the maximum extent practicable, draft environmental impact statements must be on file at least ninety (90) days prior to the taking of any final admininistrative action with regard to the proposal. The period begins to run upon the date when CEQ publishes the announcement in the FEDERAL REGISTER.

(b) Subject to paragraph (d) of this section and to the maximum extent practicable, the final environmental impact statement shall be served upon the CEQ and other appropriate agencies and made available to the public at least thirty (30) days prior to any final administrative action with regard to the proposal, and in a hearing case, at least fifteen (15) days before that portion of the hearing related to the impact statement. The thirty-day period, and the ninety-day period referred to in paragraph (a) of this section may run concurrently to the extent that they overlap. Exceptions to the thirty- or ninety-day limits are permitted only under unusual circumstances.

(c) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Board will consult with CEQ about alternative arrangements.

(d) Nothing in this section shall be deemed to preclude the Board in any case, or the Administrative Law Judge after assignment to a hearing case, from regulating the course and conduct of the proceedings by setting procedural dates different from those provided in this section or as otherwise required in the interest of the orderly and expeditious conduct of the proceeding. If a hearing is scheduled to begin before the final environmental impact statement has been on file fifteen (15) days, that portion of the hearings on the impact statement, if required, must be scheduled after that date.

Subpart F—Final Determinations

§ 312.17 Hearing procedures.

(a) Subject to any procedural requirements imposed by the Administrative Law Judge consistent with this part, in appropriate hearing cases the staff shall submit the final environmental impact statement for the record, attaching to the statement all substantive comments thereon (or summaries thereof where the response has been exceptionally voluminous).

(b) Any party to the proceeding may take a position, offer probative evidence, and cross-examine witnesses of both the responsible official (with respect to the preparation of the statement) and the applicants or others (with respect to

the matters supplied by them in the environmental assessments), in light of the final environmental impact statement and on environmental issues within the scope of the proceeding. Nothing in this part shall be deemed to limit environmental issues to those described in section 102(2)(C) of NEPA.

§ 312.18 Initial, recommended, and final decisions.

(a) Where environmental matters are in issue in a proceeding, the initial or recommended decision shall make all necessary findings and conclusions on such issues. The initial or recommended decision may include findings and conclusions which affirm or modify the content of a final environmental impact statement. To the extent that findings and conclusions different from those in the final environmental impact statement are reached, the statement will be deemed modified to that extent, and the initial or recommended decision will be distributed, in addition to its other distributions, as provided in § 312.14.

(b) If the Board in a final decision reaches conclusions different from those contained in an initial or recommended decision with respect to environmental issues, the final environmental impact statement will be deemed modified to that extent and will be distributed, in addition to its other distributions, as provided in § 312.14.

Subpart G—Miscellaneous Provisions

§ 312.19 Required lists.

(a) *Environmental impact statements in preparation.* The Public Reference Room will maintain a list of proceedings in which environmental impact statements are being prepared and make the list available for public inspection. The list will be revised and brought up to date every three (3) months. The list will be forwarded immediately after each revision to CEQ for publication in the FEDERAL REGISTER.

(b) *Rejections, negative declarations, and draft or final environmental impact statements.* The Public Reference Room will maintain separate lists of proceedings in which environmental rejections, negative declarations, and draft or final environmental impact statements have been made and make the lists available for public inspection. The lists will be revised and brought up to date every three (3) months. The lists will be forwarded immediately after each revision to CEQ for publication in the FEDERAL REGISTER.

§ 312.20 Costs of materials distributed to the public.

(1) Copies of draft and final environmental impact statements, negative declarations, and rejections will be made available to the public upon request without charge to the extent practicable or at a fee not exceeding actual reproduction costs.

APPENDIX I

A. AIRPLANE NOISE LEVELS

NOTE.—In all environmental evaluations, assessments, other documents, or hearings involving environmental impact statements in any Board proceeding, all persons shall utilize the existing noise level figures set forth herein in making any contentions with respect to environmental impact. (See 14 CFR 36).

TABLE I

Aircraft	Engine	No.	Thrust	Takeoff			Sideline		Approach		
				Gross weight	EPNdB[1] Existing	EPNdB,[1] FAA[2] Part 36	EPNdB[1] Existing	EPNdB,[1] FAA[2] Part 36	Gross weight	EPNdB[1] Existing	EPNdB,[1] FAA[2] Part 36
DC-10-10	CF6-6D	3	29,300	430,000	99.0	105.5	96.0	107.0	363,500	108.0	107.0
	CF-6D1	3	40,300	440,000	99.0	106.0	96.0	107.0	363,500	108.0	107.0
DC-10-30	CF6-50	3	48,400	555,000	104.0	107.5	97.0	108.0	365,500	107.0	108.0
	CF6-50A	3	48,400	555,000	104.0	107.5	96.0	108.0	403,000	108.0	108.0
DC-10-40	JT9D-20 Dry	3	44,500	530,000	101.0	107.0	94.0	107.5	390,000	105.0	107.5
DC-9-10	JT8D-1[3]	2	14,000	90,700	90.0	94.5	102.0	102.5	81,700	109.0	102.5
DC-9-20	JT8D-9[3]	2	14,500	98,000	90.0	96.0	103.0	103.0	85,300	109.0	103.0
DC-9-30	JT8D-11[3]	2	15,000	114,000	95.0	98.0	103.0	103.5	102,000	109.0	103.5
DC-8-30	JT4A-9[3]	4	16,800	315,000	113.0	108.5	109.0	108.0	207,000	111.0	105.0
DC-8-50	JT3D-3B[3]	4	18,000	315,000	114.0	103.5	106.0	106.0	240,000	118.0	106.0
DC-8-61	JT3D-3B[3]	4	18,000	325,000	117.0	103.5	108.0	106.5	245,000	117.0	106.5
B-747-100	JT9D-3 Dry	4	43,500	710,000	115.0	108.0	101.9	108.0	564,000	113.6	108.0
	JT9D-3A Wet	4	45,000	735,000	112.0	108.0	103.0	108.0	564,000	114.0	108.0
-100 "A"	JT9D-7 Wet	4	47,000	735,000	111.0	108.0	102.0	108.0	564,000	114.0	108.0
-100 "C"	JT9D-7 Wet	4	47,000	735,000	110.0	108.0	102.0	108.0	564,000	112.0	108.0
	JT9D-3A Wet (Fixed Lip)	4	45,000	735,000	108.0	108.0	100.0	108.0	564,000	107.0	108.0
	JT9D-7 Wet (Fixed Lip)	4	47,000	735,000	107.0	108.0	100.0	108.0	564,000	107.0	108.0
B-747-200B	JT9D-7 Wet	4	47,000	775,000	111.0	108.0	101.0	108.0	564,000	112.0	108.0
B-747-200B	JT9D-7 Wet	4	47,000	775,000	107.0	108.0	98.0	108.0	564,000	106.0	108.0
B-747-200F	JT9D-7 Wet (Fixed Lip)	4	47,000	775,000	107.0	108.0	98.0	108.0	630,000	107.0	108.0
	JT9D-3A Wet (Fixed Lip)	4	45,000	773,000	108.0	108.0	98.0	108.0	630,000	107.0	108.0
B-707-100B	JT3D-3B[3]	4	18,000	258,000	108.0	102.0	108.0	105.5	190,000	118.0	105.5
B-707-300BC	JT3D-3B[3]	4	18,000	332,000	114.0	103.5	108.0	108.5	247,000	120.0	108.5
B-720B	JT3D-1[3]	4	17,000	235,000	104.0	101.5	108.0	105.5	175,000	117.0	105.5
B-727-100	JT8D-17[3]	3	14,000	160,000	99.0	98.5	100.5	104.0	137,000	110.5	104.0
B-727-200	JT8D-9[3]	3	14,500	172,500	101.0	99.0	100.5	104.5	148,000	109.5	104.5
B-727-200	JT8D-9[3]	3	14,500	190,500	102.0	100.0	102.0	105.0	154,500	109.5	105.0
B-727-200	JT8D-15	3	15,500	190,500	100.0	100.0	102.0	105.0	154,500	101.0	105.0
	Quiet Nacelle			175,500	97.0	99.0	102.0	104.5	142,500	103.0	104.5
B-737-100	JT8D-9[3]	2	14,500	111,000	98.0	98.0	100.0	103.0	101,000	111.0	103.0
B-737-200	JT8D-9[3]	2	14,500	111,000	98.0	98.0	101.0	103.0	103,000	112.0	103.0
B-737-200(ADV)	JT8D-15[3]	2	15,500	116,500	98.0	98.0	104.0	103.5	100,800	108.0	103.5
L-1011	RB 211-22	3	41,030	430,000	98.0	105.5	95.0	107.0	368,000	103.0	107.0
	RB 211-22C	3	41,030	430,000	97.0	104.5	95.0	107.0	358,000	103.0	107.0
CV-880	CJ805-3B[3]	4	11,650	184,000	115.0	98.5	109.0	104.5	155,000	108.0	104.5
-990	CJ805-23[3]	4	16,100	253,000	110.0	102.0	111.0	105.5	202,000	112.0	105.5
BAC1-11 (500)	SPEY M-512-14[3]	2	12,550	100,000	103.0	95.0	108.5	108.0	87,000	102.5	103.0
CARAVELLE 10B	JT8D-9[3]	2	14,500	128,500	99.0	98.5	102.0	108.5	109,200	107.0	103.5
F-28 (1000)	SPEY M555-15	2	9,850	65,000	90.0	98.0	99.5	102.0	59,000	101.2	102.0
F-28 (2000)	SPEY M555-15	2	9,850	65,000	90.0	98.0	99.5	103.0	59,000	101.5	102.0

[1] EPNdB = Effective perceived noise level.
[2] F.A.A. Part 36=14 C.F.R. 36, "Noise Standards: Aircraft type and aircraft certification."
[3] Uncertificated noise levels=determined from combined data source of the airplane manufacturers, ICAO data preparation, and FAA research.

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B. AIRCRAFT EMISSIONS

NOTE.—In all environmental evaluations, assessments, other documents, or hearings involving environmental impact statements in any Board proceedings, all persons shall utilize the figures relating to exhaust emissions set forth herein in making any contentions with respect to environmental impact. (See EPA Circular AP-42).

TABLE II.—*Aircraft classification*

Aircraft class	Representative aircraft	Engines per aircraft	Engine commonly used
Jumbo jet	Boeing 747	4	Pratt & Whitney JT-9D.
	Lockheed L-1011	3	
	McDonald Douglas DC-10	3	
Long-range jet	Boeing 707	4	Pratt & Whitney JT-3D.
	McDonald Douglas DC-8	4	
Medium-range jet	Boeing 727	3	Pratt & Whitney JT-8D.
	Boeing 737	2	
	McDonald Douglas DC-9	2	
Air carrier turboprop	Convair 580	2	Allison 501-D13.
	Electra L-188	4	
	Fairchild Hiller FH-227	2	
Business jet	Gates Learjet	2	General Electric CJ610.
	Lockheed Jetstar	4	Pratt & Whitney JT-12A.
General aviation turboprop			Pratt & Whitney PT-6A.
General aviation piston	Cessna 210	1	Teledyne-Continental 0-200.
	Piper 32-300	1	Lycoming 0-320.
Piston transport	Douglas DC-6	4	Pratt & Whitney R-2800.
Helicopter	Sikorsky S-61	2	General Electric CT-58.
	Vertol 107	2	
Military transport			Allison T56A7.
Military jet			General Electric J-79.
			Continental J-69.
Military piston			Curtiss-Wright R-1820.

TABLE III.—*Modal emission factors*

Engine and mode	Fuel rate		Carbon monoxide		Hydrocarbons		Nitrogen oxides (NO_x as NO_2)		Solid particulates	
	Pounds per hour	Kilograms per hour	Pounds per hour	Kilograms per hour	Pounds per hour	Kilograms per hour	Pounds per hour	Kilograms per hour	Pounds per hour	Kilograms per hour
Pratt & Whitney JT-9D (Jumbo jet):										
Taxi-idle	1,736	788	102.0	46.3	27.3	12.4	6.06	2.75	2.2	1.0
Takeoff	17,052	7,735	8.29	3.76	2.95	1.34	720.0	327.0	3.75	1.7
Climbout	14,317	6,494	11.7	5.31	2.65	1.20	459.0	208.0	4.0	1.8
Approach	5,204	2,361	32.6	14.8	3.00	1.36	54.1	24.5	2.3	1.0
General Electric CF6 (Jumbo jet):										
Taxi-idle	1,080	467	51.7	23.5	15.4	7.0	3.6	1.63	0.04	0.02
Takeoff	12,449	6,100	6.7	3.04	1.3	0.59	540.0	245.0	0.54	0.24
Climbout	11,400	5,171	6.6	2.99	1.3	0.59	333.0	151.0	0.54	0.24
Approach	6,204	2,814	18.6	8.44	1.9	0.86	173.0	78.5	0.44	0.20
Pratt & Whitney JT-3D (Long range jet):										
Taxi-idle	872	396	109.0	49.4	98.6	44.7	1.43	0.649	0.45	0.20
Takeoff	10,835	4,915	12.3	5.60	4.65	7.11	148.0	67.1	8.25	3.7
Climbout	8,956	4,062	15.3	6.94	4.92	2.23	96.2	43.6	8.5	3.9
Approach	4,138	1,877	39.7	18.0	7.84	3.56	21.8	9.89	8.0	3.6
Pratt & Whitney JT-3C (Long range jet):										
Taxi-idle	1,198	543	92.6	42.0	92.2	41.8	2.49	1.13	0.40	0.18
Takeoff	10,183	4,619	9.04	4.10	0.855	0.388	119.0	54.0	6.50	2.9
Climbout	8,509	3,860	16.0	7.26	0.893	0.405	84.7	38.4	8.25	2.6
Approach	4,115	1,867	49.0	22.2	8.26	3.75	23.2	10.5	3.25	1.5
Pratt Whitney JT-4A (Long range jet):										
Taxi-idle	1,389	630	62.8	28.5	64.8	29.4	2.71	1.23	1.2	0.54
Takeoff	15,511	7,036	18.9	8.53	0.674	0.306	236.0	107.0	21.0	9.5
Climbout	13,096	5,927	18.3	8.30	1.27	0.576	155.0	70.3	20.0	9.1
Approach	5,994	2,719	26.3	11.9	3.83	1.74	35.0	16.3	6.0	2.7
General Electric CJ805 (Long range jet):										
Taxi-idle	1,001	454	63.8	28.9	27.3	12.4	1.67	0.712	1.3	0.59
Takeoff	9,980	4,518	29.1	13.2	0.556	0.252	111.0	50.3	15.0	6.8
Climbout	8,290	3,760	28.9	13.1	0.583	0.264	74.0	33.6	15.0	6.8
Approach	3,777	1,713	42.8	19.4	2.43	1.10	17.8	8.07	5.0	2.3
Pratt & Whitney JT-8D (medium range jet):										
Taxi-idle	959	435	33.4	15.2	6.99	3.71	2.91	1.32	0.36	0.16
Takeoff	8,755	3,971	7.49	3.40	0.778	0.353	196.0	789.8	3.7	1.7
Climbout	7,337	3,328	8.89	4.03	0.921	0.418	131.0	59.4	2.6	1.2
Approach	3,409	1,546	18.2	8.26	1.75	0.794	20.9	14.0	1.5	0.68
Rolls Royce Sprey MK511 (medium range jet):										
Taxi-idle	662	300	60.2	27.3	66.1	30.0	0.849	0.385	0.17	0.077
Takeoff	7,625	3,459	14.2	6.44	Neg	Neg	153.0	69.4	16.0	7.3
Climbout	6,355	2,883	15.3	6.94	0.242	0.110	115.0	52.2	10.0	4.6
Approach	3,052	1,384	39.1	17.7	4.22	1.91	30.4	13.8	1.5	0.68
Allison T56-A15 (Air carrier turboprop; military transport):										
Taxi-idle	493	224	8.74	3.96	7.39	3.35	1.23	0.560	1.6	0.73
Takeoff	2,398	1,085	3.77	1.71	0.440	0.200	27.9	12.7	3.7	1.7
Climbout	2,188	992	3.40	1.54	0.399	0.181	22.2	10.1	3.0	1.4
Approach	1,146	520	3.49	1.58	0.326	0.148	7.32	3.32	3.0	1.4
Allison T56-A7 (Air carrier turboprop; military transport):										
Taxi-idle	548	249	16.3	6.94	6.47	2.93	2.16	0.980	1.6	0.73
Takeoff	2,079	943	2.15	0.975	0.430	0.195	22.9	10.4	3.7	1.7
Climbout	1,908	865	3.01	1.37	0.476	0.216	21.2	9.62	3.0	1.4
Approach	1,053	478	3.67	1.66	0.517	0.235	7.78	3.53	3.0	1.4

TABLE III.—*Modal emission factors*—Continued

Engine and mode	Fuel rate		Carbon monoxide		Hydrocarbons		Nitrogen oxides (NO_x as NO_2)		Solid particulates	
	Pounds per hour	Kilograms per hour	Pounds per hour	Kilograms per hour	Pounds per hour	Kilograms per hour	Pounds per hour	Kilograms per hour	Pounds per hour	Kilograms per hour
Airesearch TPE-331 (General aviation turboprop):										
Taxi-idle	146	66.2	3.53	1.60	0.879	0.399	0.955	0.433	0.3	0.14
Takeoff	365	166.0	0.393	0.178	0.055	0.025	3.64	1.65	0.8	0.36
Climbout	339	154.0	0.566	0.258	0.053	0.024	3.31	1.50	0.6	0.27
Approach	206	93.4	2.58	1.17	0.240	0.109	1.69	0.767	0.6	0.27
Teledyne/Continental 0-200 (General aviation piston):										
Taxi-idle	7.68	3.48	7.52	3.41	0.214	0.097	0.009	0.004	NA	NA
Takeoff	48.4	22.0	54.6	24.8	0.720	0.327	0.259	0.117	NA	NA
Climbout	48.4	22.0	54.6	24.8	0.720	0.327	0.259	0.117	NA	NA
Approach	21.3	9.66	23.8	10.8	0.380	0.172	0.062	0.094	NA	NA
Lycoming 0-320 (General aviation piston):										
Taxi-idle	13.0	5.90	11.1	5.03	0.355	0.161	0.013	0.006	NA	NA
Takeoff	65.7	29.8	70.9	32.2	1.49	0.676	0.214	0.097	NA	NA
Climbout	62.5	28.3	66.5	29.5	1.31	0.594	0.375	0.170	NA	NA
Approach	23.1	10.5	24.3	11.0	0.496	0.225	0.051	0.023	NA	NA

TABLE IV.—*Typical time in mode for landing takeoff cycle at a metropolitan airport*

Aircraft	Time in mode, minutes				
	Taxi-idle	Takeoff	Climbout	Approach	Taxi-idle
Jumbo jet	19.00	0.70	2.20	4.00	7.00
Long-range jet	19.00	.70	2.20	4.00	7.00
Medium-range jet	19.00	.70	2.20	4.00	7.00
Air Carrier turboprop	19.00	.50	2.50	4.50	7.00
Business jet	6.50	.40	0.50	1.60	6.50
General aviation turboprop	19.00	.50	2.50	4.50	7.00
General aviation piston	12.00	.30	4.98	6.00	4.00
Piston transport	6.50	.60	5.00	4.60	6.50
Helicopter	3.50	0	0.50	0.50	2.50
Military transport	19.00	.50	2.50	4.50	7.00
Military jet	6.50	.40	0.50	1.60	6.50
Military piston	6.50	.60	5.00	4.60	6.50

TABLE V.—*Emission factors per aircraft landing-takeoff cycle*

(lb/engine and kg/engine)

Aircraft	Solid particulates		Sulfur oxides		Carbon monoxide		Hydrocarbons		Nitrogen oxides (NO_x as NO_2)	
	Pounds	Kilograms	Pounds	Kilograms	Pounds	Kilograms	Pounds	Kilograms	Pounds	Kilograms
Jumbo jet	1.30	0.59	1.62	0.83	46.8	21.2	12.2	5.5	31.4	14.2
Long range jet	1.21	0.55	1.56	0.71	47.4	21.5	41.2	18.7	7.9	3.6
Medium range jet	0.41	0.19	1.01	0.46	17.0	7.71	4.9	2.2	10.2	4.6
Air carrier turboprop	1.1	0.49	0.40	0.18	6.6	3.0	2.9	1.3	2.5	1.1
Business jet	0.11	0.05	0.37	0.17	15.8	7.17	3.6	1.6	1.6	0.73
General aviation turboprop	0.20	0.09	0.18	0.08	3.1	1.4	1.1	0.5	1.2	0.54
General aviation piston	0.02	0.01	0.014	0.006	12.2	5.5	0.40	0.18	0.047	0.021
Piston transport	0.56	0.25	0.28	0.13	304.0	138.0	40.7	18.5	0.40	0.18
Helicopter	0.25	0.11	0.18	0.08	5.7	2.6	0.52	0.24	0.57	0.26
Military transport	1.1	0.49	0.41	0.19	5.7	2.6	2.7	1.2	2.2	1.0
Military jet	0.31	0.14	0.75	0.35	15.1	6.85	9.98	4.5	3.29	1.49
Military piston	0.28	0.13	0.14	0.06	152.0	69.0	20.4	9.3	0.20	0.09

APPENDIX II

SUMMARY TO ACCOMPANY DRAFT AND FINAL STATEMENTS

Name of responsible Federal agency (with name of operating division where appropriate). Name, address, and telephone number of individual at the agency who can be contacted for additional information about the proposed action of the statement.

1. Name of action (Check one) ☐ Administrative Action. ☐ Legislative Action.

2. Brief description of action and its purpose. Indicate what States (and counties) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.

3. Summary of environmental impacts and adverse environmental effects.

4. Summary of major alternatives considered.

5. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.

6. Date draft statement (and final environmental statement, if one has been issued) made available to the Council and the public.

PART 399—STATEMENTS OF GENERAL POLICY

§ 399.110 [Removed]

8. Delete § 399.110

[FR Doc.74-11647 Filed 5-23-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

COLORADO

Proposed Sulfur Oxides Implementation Plan

On May 31, 1972 (37 FR 10846), the Administrator approved the "Air Quality Implementation Plan for State of Colorado" with minor exceptions. The Colorado plan contained a sulfur oxide emission control regulation for which the Administrator promulgated compliance schedules on August 23, 1973 (38 FR 22736).

This notice is issued to advise the public that the State of Colorado has submitted (on November 21, 1973) a request to revise the Colorado plan by deleting the sulfur oxide emission control regulation. The State of Colorado is requesting this action because they have found that the national secondary standard for sulfur oxide is not approached in any areas of the state, therefore the regulation is not needed.

The public is invited to submit written comments on whether the proposed revisions should be approved or disapproved by the Administrator. His action will be based on whether the proposed revisions meet the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and 40 CFR Part 51. Only comments received on or before June 24, 1974 will be considered.

Copies of the proposed revisions are available for inspection at the Environmental Protection Agency, Office of Public Affairs, Region VIII, Lincoln Tower Building, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203; at the Environmental Protection Agency, Room 329, 401 M Street, SW, Washington, D.C. 20460; and at the Colorado State Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220.

Comments should be addressed to the Regional Administrator, Environmental Protection Agency, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: May 17, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-12026 Filed 5-23-74;8:45 am]

[40 CFR Part 52]

CONNECTICUT

Proposed Revision to Implementation Plan

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved the Connecticut Implementation Plan for the attainment of national ambient air quality standards. Included

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in the approval was an eighteen month extension, as provided by 40 CFR 51.31, for the submission of a plan to achieve secondary particulate standards in Connecticut's portion of the New Jersey-New York-Connecticut and Hartford-New Haven-Springfield Interstate Air Quality Control Regions.

By letter of January 10, 1974, the State of Connecticut submitted to EPA a revision to the Implementation Plan concluding that no additional control measures are necessary to achieve the secondary particulate standard by May 31, 1975. The amendment to the plan was the result of a joint study by The Research Corporation of New England and the Connecticut Department of Environmental Protection. A public hearing was held on the Amendment on December 27, 1973, in Hartford, Connecticut.

This notice is issued to advise the public that comments may be submitted on whether the proposed revision to the Connecticut implementation plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received on or before June 24, 1974 will be considered. The Administrator's decision to approve or disapprove the proposed plan revision is based on whether it meets the requirements of section 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

Copies of the Connecticut submittal are available for public inspection during normal business hours at the EPA Regional Office, 2113 John F. Kennedy Federal Building, Boston, Massachusetts 02203; Connecticut Department of Environmental Protection, State Office Building, Hartford, Connecticut 06115; and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA Region I, John F. Kennedy Federal Building, Boston, Massachusets 02203. Relevant comments received on or before June 24, 1974 will be considered. Receipt of comments will be acknowledged but substantial responses to individual comments will not be provided. Comments received will be available during normal working hours at the Region I address listed above.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: May 17, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-12023 Filed 5-23-74;8:45 am]

[40 CFR Part 52]

MICHIGAN

Proposed Revisions to Implementation Plan

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR Part 51, require each State to submit a procedure for reviewing plans to construct or modify sources of pollution which may prevent attainment or maintenance of a national standard. On February 3, 1972, the State of Michigan submitted an implementation plan to achieve national standards which included, inter alia, a procedure for reviewing new sources. This procedure was disapproved by EPA as inadequate on May 31, 1972 (37 FR 10842). Subsequently, the Administrator proposed a regulation for review of new sources in Michigan which was promulgated on October 28, 1972 (37 FR 23085).

On January 25, 1974, the Governor of Michigan submitted an amended Rule 336 Part 2—Air Use Approval, Rules 21, 24, 26, 28, 29, 33 & 36 as a revision to the State Implementation Plan to correct the deficiency noted by the Administrator. Rule 336 Part 2 was the subject of a public hearing held after due notice in Lansing, Michigan and was adopted by the Air Pollution Control Commission on October 30, 1973.

The Administrator is hereby setting forth Michigan Rule 336, Part 2 as proposed rulemaking and is providing opportunity for public comment on whether the revisions to the plan should be approved pursuant to § 110 of the Clean Air Act, as amended, and the implementing regulations contained in 40 CFR Part 51. A more detailed description of the regulation follows:

Rule 336, Part 2—Air Use Approval, generally set forth requirements for permits to install, application information requirements, application processing, denial of permit provisions, permit to operate requirements, and permit exemption provisions. More specifically, Rule 336.-28, Denial of permits to install, requires the Michigan Air Pollution Control Commission to deny an application for a permit to install if the equipment for which the permit is sought would interfere with the attainment or maintenance of the air quality standard for any air contaminant.

Copies of the Michigan plan revision are available for public inspection during normal business hours at the Region V Office of the Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois 60606, at the Office of the Michigan Division of Air Pollution Control, 905 Southland, Lansing, Michigan 48926, and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Interested parties may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Illinois 60606. Comments received will be acknowledged and will be available for review during normal working hours at the Region V Office. All relevant matter presented by June 24, 1974 shall be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: May 17, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-12024 Filed 5-23-74;8:45 am]

[40 CFR Part 52]

RHODE ISLAND

Proposed Revisions to Implementation Plan

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved with exceptions the Rhode Island Implementation Plan for attainment of national ambient air quality standards. Included in this approval were portions of the plan describing the Rhode Island ambient air quality monitoring network and a regulation concerning air pollution episodes. On December 14, 1973 Mr. Austin C. Daley, Chief, Rhode Island Division of Air Pollution Control, submitted for EPA approval proposed revisions to section 6 of the Rhode Island implementation plan, the Air Quality Surveillance Network. On January 25, 1974 Mr. Daley submitted a proposed revision to Rhode Island Department of Health Air Pollution Control Regulation 10, Air Pollution Episodes. The Administrator hereby issues this notice setting forth Rhode Island submittals as proposed rulemaking and advises the public that comments may be submitted as to whether they meet the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act, and EPA regulations in 40 CFR Part 51.

Proposed changes in the Rhode Island ambient air quality monitoring network are directed toward locating monitoring sites in areas of maximum pollutant concentration. During plan development, sites were chosen based on predicted results from diffusion modeling and limited air quality data. Continuous air quality data collected during 1972 and 1973 have shown that these predictions were not valid in all cases. The State expects the proposed revisions in its monitoring network to provide a more accurate representation of its air quality and further provide data to update and calibrate its air quality display model.

As proposed, Regulation 10 allows concentration of SO^2 to reach 500 $\mu g/m^3$ before the alert level is declared and 600 $\mu g/m^3$ before the warning level is declared. These limits, while higher than approved originally by the Administrator, are below EPA recommended values set forth in 40 CFR Part 51, Appendix L, Example Regulations for Prevention of Air Pollution Emergency Episodes. There were no other modifications made in Regulation 10.

Copies of the Rhode Island submissions are available for public inspection during normal business hours at the EPA Regional Office, Region I, Room 2113, J.F. Kennedy Federal Building, Boston, Massachusetts 02203; the Division of Air Pollution Control, Rhode Island Department of Health, Health Building, Davis Street, Providence, Rhode Island 02908; and the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region I, J. F. Kennedy Federal Building, Boston, Massachusetts 02203. All comments received on or before June 24, 1974 will be considered. Receipt of comments will be acknowledged. Comments received will be available during normal working hours at the Region I Office. All relevant matter presented shall be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

AUTHORITY: Section 110 of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: May 17, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-12025 Filed 5-23-74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 542]

[Docket No. 74-19; General Orders 27, 31]

FINANCIAL RESPONSIBILITY FOR REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

Reporting Requirements; Proposed Rulemaking

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 FR 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97).

These regulations (Commission General Order 27) set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualifications required by the Commission for issuance of Certificates evidencing financial responsibility, and the basis for denial, revocation, modification, or suspension of such Certificates.

On October 17, 1973, the Federal Maritime Commission published in the FEDERAL REGISTER (38 FR 28827) regulations to implement section 311(p)(1) of the Federal Water Pollution Control Act Amendments of 1972, which amends the previous oil pollution financial responsibility requirements of section 311(p) of the Federal Water Pollution Control Act to include, in addition to the liability for the cost of removal of oil, the liability for the cost of removing hazardous substances. These regulations (General Order 31) in most instances follow the wording of General Order 27, and are intended to replace the regulations contained in General Order 27 on the date a list of hazardous substances is designated by the Administrator of the Environmental Protection Agency. Since General Order 27 and General Order 31 both are designated as Part 542 of Title 46, Code of Federal Regulations, and since General Order 31 is intended, upon its effective date, to replace General Order 27, we believe that the proposed amendments to both General Orders can be accomplished in one rulemaking proceeding.

Experience has indicated that the filing of semiannual balance sheets, semiannual statements of income and surplus, and annual credit rating reports by self-insurers and guarantors serve no useful purpose in determining the financial responsibility of such persons. The requirement for the filing of annual current balance sheets and statements of income and surplus, certified by appropriate certified public accountants is sufficient for this purpose. Accordingly, we propose, to delete from General Orders 27 and 31 the requirements for the filing of semiannual balance sheets, semiannual statements of income and surplus, and annual credit rating reports. However, we have added a provision to require self-insurers and guarantors to notify the Commission in the event the working capital or net worth of such persons falls below the amounts required by the regulations.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97) and the Federal Water Pollution Control Act Amendments of 1972, subparagraph (a)(3) of § 542.5 of Title 46 CFR is proposed to be amended by revoking subdivisions (i) and (ii), revising subdivision (iv), and redesignating the remaining subdivisions. As proposed to be amended subparagraph (a)(3) would read as follows:

§ 542.5 Methods of establishing financial responsibility; forms and requirements.

(a) • • •

(3) • • •

(i) An annual current balance sheet and an annual current statement of income and surplus to be certified by appropriate certified public accountants;

(ii) All financial statements required to be submitted under paragraph (a)(3) of this section shall be due within 120 days after the close of the aforementioned pertinent accounting period; provided that if such financial statements have been furnished to other United States Government agencies, a copy thereof may be submitted;

(iii) Such additional financial information or more frequent submissions of information as the Commission may deem necessary in appropriate cases;

(iv) All self-insurers and guarantors complying with the provisions of paragraph (a)(3) of this section must within thirty (30) days notify the Commission in the event the amounts of working capital and/or net worth of such self-insurers or guarantors falls below the amounts required by paragraph (a) of this section.

(v) Upon request the Commission may grant reasonable extensions of the time limits provided by this subparagraph for filing the statements required by this part: Provided, That the request is received 15 days before the statements are due and provided further that such request sets forth good and sufficient reasons to justify the extension requested. In no event, however, will the Commission entertain requests for extensions of more than 60 days.

• • • • •

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 10, 1974, an original and 15 copies of their views or arguments pertaining to the proposed changes in General Orders 27 and 31. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc. 74-12009 Filed 5-23-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service

[41 CFR Part 101-32]

GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Proposed Amendment to Federal Property Management Regulations

Notice is hereby given in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), that the General Services Administration is considering an amendment to 41 CFR 101-32, Government-Wide Automated Data Management Services. This proposed amendment establishes policy and procedures for validating COBOL compilers and requires that Federal agencies ensure that these compilers are tested and confirmed to meet the specifications of a designated level of the Federal Information Processing Standards Publication (FIPS PUB) 21, Federal Standard COBOL prior to purchase or lease. Additional information regarding the implementation of Federal Information Processing Standards can be found in § 101-32.1302.

Written data, views, or objections pertaining to the proposed amendment may be submitted in duplicate to the General

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Services Administration, (CP) Washington, DC 20405 on or before July 23, 1974.

Dated: May 15, 1974.

M. S. MEEKER,
Commissioner, Automated Data and Telecommunications Service.

As proposed, the amendment to the regulations would read as follows:

1. The table of contents for Part 101–32 is amended by adding a new section to Subpart 101–32.13 as follows:

101–32.1305–1a Validation of COBOL compilers.

Subpart 101–32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

2. Section 101–32.1305–1a is added to Subpart 101–32.13 as follows:

§ 101–32.1305–1a Validation of COBOL compilers.

This section sets forth the policy and establishes the procedures for validating COBOL compilers that are asserted to be in conformance with one or more levels specified in Federal Information Processing Standards Publication (FIPS PUB) 21, Federal Standard COBOL, and offered to the Federal Government for purchase or lease.

(a) FIPS PUB 21 specifies the use of the American National Standard COBOL as the Federal Standard COBOL. This standard defines the elements of the COBOL programing language and the rules for their use. COBOL compilers offered by vendors as a result of requirements set forth by Federal agencies in solicitations must implement the language elements of a designated level of the Federal Standard COBOL. To confirm that an implementation meets the specifications of a designated level of the Federal Standard COBOL, validation routines have been developed and approved for use in testing COBOL compilers. These routines are known as the COBOL Compiler Validation System (CCVS). A Federal COBOL Compiler Testing Service (FCCTS) also has been established to provide a validating service for the Federal agencies. The FCCTS is jointly sponsored by the National Bureau of Standards (NBS) and the Department of Defense (DOD).

(b) All COBOL compilers brought into the Federal inventory shall be validated prior to the acceptance and use of the compiler. The validation results for a COBOL compiler shall be used by a Federal agency to confirm that, insofar as the CCVS tests the language elements included in a designated level of Federal Standard COBOL, the compiler meets the specifications of that level of the Standard. When in a solicitation, an agency has granted a waiver of the specifications in Federal Standard COBOL (FIPS PUB 21), only the portions of the specifications that have been waived are excluded from the validation requirements.

(c) Validation shall be performed using the compiler, operating system, and pertinent components of the equipment configuration being proposed.

(d) Validations shall be performed, on a cost-reimburseable basis, by the FCCTS upon request from either a vendor or a Federal agency. The FCCTS will use the official CCVS for all validations. Advance notice of changes to the approved CCVS and the effective date of such changes will be published by NBS in the FEDERAL REGISTER.

(e) Questions shall be referred to the FCCTS. Unresolved questions shall be referred to NBS for resolution.

(f) Upon request and subject to reimbursement of the expenses for reproduction and distribution, the approved CCVS and its supporting documentation shall be made available to anyone by the FCCTS.

(g) Requests for validation services are submitted to:

Director, Federal COBOL Compiler
Testing Service
Department of the Navy
ADPE Selection Office
Washington, DC 20376

(h) The FCCTS shall send a copy of each request received to:

Associate Director for ADP Standards
Institute for Computer Sciences and Technology
National Bureau of Standards
Department of Commerce
Washington, DC 20234

(i) When a request for validation services requires that a validation be performed, the requestor is responsible for providing the necessary test facilities. Either Government, vendor, or contractor test facilities may be used as long as the requirements stated in paragraph (c) above are met.

(j) In response to a request for validation services, the FCCTS will provide a Validation Summary Report (VSR) reflecting a summarization of the validation results. In addition, a copy of the VSR will be forwarded to:

Associate Director for ADP Standards
Institute for Computer Sciences and Technology
National Bureau of Standards
Department of Commerce, Washington, DC 20234

The requestor may advise the FCCTS to provide a copy of the VSR to other persons.

(k) All costs associated with a validation shall be borne by the requestor. The FCCTS will send the requestor an estimate of the validation costs, reimburseable to the FCCTS, which is to be approved prior to commencing the validation process.

(l) Any ambiguity that is identified, either by the FCCTS or by the requestor, shall be referred to the NBS. The COBOL Interpretations Committee, chaired by NBS, will provide the FCCTS and/or the requestor with an interpretation of the Federal Standard COBOL to resolve the ambiguity. Requests for interpretation shall be sent to:

COBOL Interpretation Committee
c/o Associate Director for ADP Standards
Institute for Computer Sciences and Technology
National Bureau of Standards
Department of Commerce
Washington, D.C. 20234

(m) The standard terminology for use in solicitation documents is:

VALIDATION OF COBOL COMPILERS

All COBOL compilers brought into the Federal inventory as a result of this solicitation must be validated using the official COBOL Compiler Validation System (CCVS) in accordance with Federal Property Management Regulation 101–32.1305–1a. The validation will be used to confirm that the compiler meets the specified requirements of the designated level of FIPS PUB 21 Federal Standard COBOL. All deviations from the standard reflected in the Validation Summary Report (VSR) not previously covered by a waiver or the flagging requirements set forth in FPMR 101–32.1305–1 must be corrected. In addition, each ambiguity resulting from such deviations must be resolved in order for the offer to be considered responsive to the Government's requirements. The offeror is responsible for obtaining the required validation, and a copy of the VSR shall be submitted with his offer.

[FR Doc.74–12014 Filed 5–23–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR 210]

[Release Nos. 33–5492, 34–10775]

FINANCIAL STATEMENTS

Disclosure Provisions for Defense and Long-Term Contract Activities

The Commission today issued for public comment proposed amendments to Rules 5–02.3 and 5–02.6 of Regulation S–X [17 CFR 210.5–02–3 and 5–02–6] which would require more detailed disclosure of the components of accounts receivable and inventories and the accounting policies and assumptions upon which the amounts are based.

These proposals are made as part of a continuing effort to obtain improvements in the quality of financial statement disclosures made by registrants. The principal thrust of the current proposals is directed toward meaningful disclosure of long-term contract activities. Such activities are traditionally characterized by greater degrees of risk and uncertainty than are manufacturing and service operations, and accordingly the disclosures required related to such activities must be more comprehensive in order to enable investors to appraise such risks.

In Securities Act Release No. 5263 [37 FR 21464] dated June 22, 1972, the Commission urged corporate managers to review their policies with respect to corporate disclosure on defense and other long-term contracting activities to assure that adequate disclosure policies were followed and emphasized the responsibility of registrants and their professional advisors for prompt and adequate disclosure. Based upon experience gained since that release, it appears necessary and appropriate to expand the rules set forth in Regulation S–X [17 CFR Part 210] to call for disclosure of greater detail in certain critical areas, particularly with respect to the nature of costs accumulated in inventories, the effect of cost accumulation policies on cost of sales, and the effect of revenue recognition practices on receivables and inventories.

Summary of Proposed Amendments. Rule 5–02.3, Accounts and notes receivable, is proposed to be expanded by the addition of three subparagraphs which deal with retainage under contracts, unbilled (and often currently unbillable) receivables and contract claims. These three subparagraphs call for separate disclosure of the amounts involved, the prerequisites for billing unbilled receivables (paragraph (f)) and the components of claims included in receivables (paragraph (g)). Each of these types of receivables has different risk and liquidity characteristics from other receivables and the proposed disclosures appear appropriate for disclosing those characteristics. Paragraph (b) of Rule 5–02.3 is modified to make clear the requirement for disclosure of receivables expected to be collected after one year as well as those maturing after one year.

Rule 5–02.6 is proposed to be amended to call for details regarding work-in-process inventories relating to long-term contracts or projects. Such contracts or projects are defined to include all those for which gross profits are recognized on a percentage-of-completion, total program or other similar basis and any other contracts which have been or are expected to be in process for more than twelve months. Although not required, there is no objection to including information regarding contracts of shorter duration.

It is recognized that inventories relating to long-term contracts or programs may include amounts which have substantially different risk and liquidity characteristics than other work-in-process inventories. Proposed Rule 5–02.6(d) (i) calls for disclosure of amounts included in inventory which are expected to be matched against future orders and the assumptions underlying the deferral of such costs. Rule 5–02.6(d) (ii) is concerned with "claims" and the components of such amounts. Rule 5–02.6(d) (iii) requires disclosure of amounts of manufacturing cost carried forward on a "learning curve" concept.

Proposed Rule 5–02.6(d) (iv) calls for disclosure of the amount of progress payments netted against inventory. Such disclosure is considered necessary for readers to obtain an understanding of the magnitude and financing method of uncompleted projects.

Proposed Rule 5–02.6(d) (v) calls for disclosure of the amount of inventory title to which is vested in customers because the related assets are not available to the creditors.

The accompanying proposal also includes as proposed Rule 5–02.6(b) a revision of certain changes previously proposed as part of Securities Act Release No. 5427 [38 FR 28948] dated October 4, 1973. Essentially, the earlier proposal is modified to require additional disclosure of the amounts of costs generally classified as general and administrative expense or research and development incurred during the year and charged to the inventory account. This modification is designed to provide data which would allow meaningful comparisons to be made between companies which treat such items as inventoried costs and those which treat such items as period costs. Since comments received in response to Securities Act Release No. 5427 are presently being evaluated, it is the modification of proposed Rule 5–02.6(b) about which the Commission presently desires comment.

As noted in the accompanying rule proposals, Rule 5–02.6(c), as proposed in Securities Act Release No. 5427, is not changed by the current proposals. Comments on this paragraph are still being considered, and no conclusions have been reached regarding the earlier proposal.

The rules proposed herein would apply to disclosure in financial statements filed with the Commission. Registrants and their independent public accountants must make the determination as to what information regarding such matters is required to constitute satisfactory financial statement disclosure under generally accepted accounting principles.

In order to assist in understanding the nature of the disclosures contemplated in the accompanying rule proposals, an illustrative presentation is attached as an exhibit to this release. The inclusion of this exhibit does not imply that other styles of presentation are not equally acceptable and is not intended to stifle innovation in presenting relevant data in a meaningful way. Rather, it is included in the belief that it may facilitate evaluation of rule proposals.

These amendments are proposed to be made pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) [15 U.S.C. 77f, 77g, 77h, 77j and 77s] thereof and the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23(a) [15 U.S.C. 78l, 78m, 78o (d) and 78w] thereof.

Commission action. The Commission hereby proposes to amend §§ 210.5–02–3 and 210.5–02–6 of 17 CFR Chapter II, and as amended they would read as shown in the attached text of the proposed amendments.

All interested persons are invited to submit their views and comments on the foregoing proposal to amend Rules 5–02.3 and 5–02.6 of Regulation S–X in writing to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before July 15, 1974. Such communications should refer to File No. S7–523. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 6, 1974.

I. In § 210.5–02, paragraph 3(b) would be revised and new paragraphs 3(e), (f) and (g) would be added; paragraphs 6 (a) and (b) would be revised and new paragraphs 6 (d) and (d) (i), (ii), (iii), (iv) and (v) would be added, to read as follows:

§ 210.5–02 Balance sheets.

• • • • • •

3. • • •

(b) If receivables maturing or expected to be collected after one year are included here under a longer current operating cycle (see Rule 3–11), state in a note to the financial statements the amount thereof and, if practicable, the amounts maturing or expected to be collected in each year. Interest rates on major receivable items maturing after one year, or classes of receivables so maturing, shall be set forth, or an indication of the average interest rate, or the range of rates, on all receivables shall be given.

• • • • • •

(e) If receivables include amounts representing retainage under contracts, state the amount thereof either in the balance sheet or in a note to the financial statements.

(f) If receivables include amounts which had not been billed to customers at the date of the balance sheet for reasons other than the normal operation of a periodic billing system, state separately the amount thereof and, in a note to the financial statements, describe the prerequisites for billing.

(g) If receivables include claims for amounts in excess of current contract amounts included in expectation of recovery pursuant to escalation, repricing, change orders, or similar contract provisions, or in expectation of the outcome of other negotiations not yet completed, the amount and the components thereof shall be disclosed in a note.

• • • • • •

6. *Inventories.* (a) State separately here, or in a footnote referred to herein, if practicable, the major classes of inventory such as (1) finished goods; (2) work in process relating to long-term contracts or projects (see (d) below and Rule 3–11); (3) other work in process (see Rule 3–11); (4) raw materials; and (5) supplies.

(b) The basis of determining the amounts shall be stated. If the basis is "cost," describe the methods of determining cost. This description shall include the cost elements included in inventory if such elements are other than materials, labor and factory overhead directly attributable to goods currently in inventory (e.g., contract claims, retained costs, administrative cost, etc.), and the method by which costs are removed from inventory (e.g., "average cost," "first-in, first-out," "last-in, first-out," "projected average cost per unit"). If the basis is market," describe the method of determining "market" if other than current replacement cost. If any (1) general and administrative costs or (2) research and development costs (exclusive of customer sponsored research and development) are charged to inventory, the amounts of each incurred in each period shall be stated in a note, and the amounts of each remaining in inventory at the end of each period shall be stated. (In this proposed paragraph 6(b), material in the 2d and 3d sentences was originally proposed in Securities Act Release No. 5427 [38 FR 28948] and material in the last sentence represents new proposed material.)

• • • • • •

(d) For purposes of this rule, long-term contracts or projects include all contracts or projects for which gross profits are recognized on a percentage-of-completion, total program or other similar basis and any other

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contracts or projects which have been or are expected to be in process for more than twelve months. Contracts or projects of shorter duration may also be included, if deemed appropriate. For all long-term contracts or projects, the following information, if applicable, shall be stated in a note to the financial statements:

(i) The amount of costs included in inventory which is not expected to be absorbed in cost of sales based on existing firm orders, the basis on which such costs are to be absorbed, and the principal assumptions underlying the deferral of such costs;

(ii) The amount of costs included in inventory associated with claims for amounts in excess of current contract amounts included in the expectation of recovery pursuant to escalation, repricing, change orders or similar contract provisions or in expectation of the outcome of other negotiations not yet completed and the components thereof;

(iii) The amount by which accumulated manufacturing costs incurred in connection with units recognized as sold by the balance sheet date exceeds amounts charged to cost of sales for these units;

(iv) The amount of progress payments netted against inventory at the date of the balance sheet; and

(v) The aggregate carrying amount of items included in inventory, title to which is vested in customers pursuant to progress payment or similar arrangements.

• • • • •

EXHIBIT

The following hypothetical example is furnished to illustrate the character and detail of the disclosures which might be furnished in response to Rules 5-02.3 and 5-02.6 of Regulation S-X as amended by the proposal contained in the accompanying Release. The illustration is provided to assist in understanding and evaluating the proposals.

• • • • •

XYZ Company and subsidiaries consolidated balance sheets at December 31

[In thousands]

Assets	1974	1973
Current assets:		
Cash	$438	$627
Accounts receivable:		
Trade and other receivables, net of allowance for uncollectible accounts of $38,000 in 1974 and $36,000 in 1973	2,846	2,306
Long term and other contracts (notes 1 and 2)	18,985	19,036
Total accounts receivable	21,831	21,432
Contracts in process and inventories, net of progress payments (notes 1 and 3)	6,278	6,257
Prepaid expenses	46	27
Total current assets	28,593	28,343

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Revenue Recognition. Sales of commercial products and sales to the United States Government under fixed-price and fixed-price incentive contracts are recognized in the accounts as deliveries are made. Sales under cost-reimbursement contracts are recorded as costs are incurred and include estimated earned fees in the proportion that costs incurred to date bear to total estimated costs. The fees under certain Government contracts may be increased or decreased in accordance with cost or performance incentive provisions which measure actual performance against established targets or other criteria. Such incentive fee awards or penalties are included in sales at the time the amounts can be determined reasonably.

Inventories. Inventories, other than work in process relating to long-term contracts, are stated at the lower of cost (principally first-in, first-out) or market. Work-in-process representing accumulated costs on uncompleted contracts is stated at the actual production cost incurred including factory overhead, tooling, development, pre-production and general and administrative costs to date reduced by amounts identified with revenue recognized on units delivered or progress completed. Work-in-process is further reduced by charging any amounts in excess of estimated realizable value to cost of sales. The costs attributed to units delivered or progress completed are based on the estimated average cost of all units to be produced and are determined under the learning curve concept which anticipates a predictable decrease in unit costs as tasks and production techniques become more efficient through repetition.

In accordance with industry practice, inventories include amounts relating to programs having production cycles longer than one year and a portion thereof will not be realized within one year.

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NOTE 2—ACCOUNTS RECEIVABLE

The following tabulation shows the component elements of accounts receivable from long-term and other contracts:

[In thousands]

	1974	1973
U.S. Government:		
Billed	$7,136	$6,532
Recoverable costs and accrued profit on units delivered or progress completed, not billed	4,173	3,791
Unrecovered costs and accrued profit in excess of contract amounts, not billed	1,468	1,735
Subtotal	12,777	12,058
Other contracts:		
Billed	1,987	3,442
Recoverable costs and accrued profit on units delivered or progress completed, not billed	1,298	364
Retainage, due upon completion of contracts	2,441	2,279
Unrecovered costs and accrued profit in excess of contract amounts, not billed	537	893
Total	18,985	19,036

The balances billed but not paid by customers pursuant to retainage provisions under construction contracts will be due upon completion of the contracts and acceptance by the owner. The retention balances at December 31, 1974 are expected to become due and payable as follows: $270,000 in 1975, $845,000 in 1976 and the balance in 1977.

Recoverable costs and accrued profit not billed comprise principally amounts of revenue recognized on contracts for which billings had not been presented to the contract owners at balance sheet date. It is anticipated such unbilled amounts receivable from the U.S. Government at December 31, 1974 will be billed and collected within approximately sixty days. The unbilled accounts receivable applicable to Other Contracts are billable upon completion of performance tests which are expected to be completed in September 1975.

Unrecovered costs and accrued profit in excess of balance sheet date contract amounts, the principal amount of which is expected to be billed and collected within one year, consist of the following elements:

[In thousands]

	1974	1973
U.S. Government contracts:		
Amounts due under price revision provisions of incentive contracts	$76	$38
Excess of estimated or proposed over provisional price	14	19
Estimated amounts due under unpriced change orders	1,378	1,678
Subtotal	1,468	1,735
Other contracts:		
Estimated amounts due under unpriced change orders	537	893
Total	2,005	2,628

NOTE 3—INVENTORIES

Contracts in process and inventories are classified as follows:

[In thousands]

	December 31	
	1974	1973
Finished goods	$3,822	$3,705
Work in process, representing accumulated costs on long-term contracts, net of amounts attributed to revenues recognized to date	2,292	2,368
Other work in process	726	947
Raw materials	453	363
Supplies	113	71
	7,417	7,474
Deduct progress payments and advances	1,139	1,217
Total	6,278	6,257

The accumulated costs on long-term contracts include unrecovered costs in excess of contract amounts of $63,000 and $41,000 on uncompleted contracts and $28,000 and $37,000 applicable to contracts under which all goods or services have been completed at December 31, 1974 and 1973, respectively. The principal amount of such unrecovered costs represents claims asserted against customers for amounts incurred as a result of faulty materials furnished by the customer which in turn caused delays in performance under the contract. In the opinion of management these costs will be recovered by contract modification or litigation.

The following cost elements are included in work-in-process related to long-term contracts:

[In thousands]

	December 31,	
	1974	1973
Manufacturing and production costs of goods currently in process	$1,223	$844
Excess of manufacturing or production cost of delivered units over the estimated average cost of all units to be produced	947	1,293
General and administrative costs	41	26
Initial tooling and other nonrecurring costs	48	56
Development and preproduction costs	133	149
Total	2,292	2,368

Prior to 1974, the Company's NX-4C commercial aircraft program was in the early high-cost period. During the initial years of the program, the cost of units produced exceeded the sales price of the delivered units and the estimated average unit cost of all units to be produced under the program. The estimated average unit cost is predicated on the assumption that production costs (principally labor and materials) will decrease as the project matures and efficiencies associated with increased volume, improved production techniques and the performance of repetitive tasks (the learning curve concept) are realized.

Recovery of deferred production and other start-up costs is dependent on the number of aircraft ultimately sold and actual selling prices and production costs related to future transactions. Sales significantly under estimates or costs significantly over estimates could result in the realization of substantial losses on the program in future years. Realization of approximately $721,000 of the gross commercial aircraft inventories at December 31, 1974 is dependent on receipt of future firm orders.

Based on studies made by and on behalf of the Company, management believes there exists for this aircraft a market for over 250 units, including deliveries to date, with production and deliveries continuing at a normal rate to at least 1980. At December 31, 1974, 117 aircraft had been delivered under the program, and the backlog included 64 firm unfilled orders and options for 43 units.

During 1974, $251,000 of general and administrative expense and $38,000 of research and development expense were incurred and charged to inventories. Comparable amounts in 1973 were $238,000 and $42,000, respectively.

Title to certain inventories and contracts in progress is vested in the United States Government pursuant to contract provisions related to progress payments. Such amounts were $1,743,000 and $1,347,000 at December 31, 1974 and 1973, respectively.

[FR Doc.74-11904 Filed 5-23-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket OSH-36]

VINYL CHLORIDE; OCCUPATIONAL EXPOSURE STANDARD

Hearing

On May 10, 1974, notice of proposed rulemaking with regard to a permanent standard for occupational exposure to vinyl chloride was published in the FEDERAL REGISTER (39 FR 16896). The notice provides an opportunity for public participation in the proceeding, by means of written submissions to be mailed to the given address, postmarked no later than June 10, 1974. The notice also permits interested persons to file objections to the proposed standard set out in the notice and request a hearing thereon. The objections must specify the provisions of the proposed standard to which objections are made, state the grounds for the objections, be accompanied by a summary of the evidence to be adduced at the requested hearing, and must be postmarked no later than June 10, 1974.

Informal contacts with Occupational Safety and Health Administration staff have disclosed widespread interest in the proceeding, a probability of requests for a hearing, and an alleged need for more time for the submission of written comments and the formulation of objections in accordance with the requirements of the notice.

Accordingly, it has been decided to waive the requirements for objections and request for a hearing thereon and instead to set for hearing the entire proposed standard, set forth in the May 10 notice. It is hoped that this decision will: (1) Eliminate the possible difficulty of formulating appropriate objections within the short period of time fixed in the notice; (2) permit full participation at the hearing, without limitation as to issues; and (3) expedite the proceeding, in view of the six-month provision in section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970, and the expectation that a hearing would be requested and scheduled anyway.

Therefore, pursuant to sections 6(b), 6(c), and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754) and 29 CFR Part 1911, the notice of the proposed rulemaking on vinyl chloride published on May 10, 1974 at 39 FR 16896, is hereby amended in the following respects: (1) The part of the notice concerning the filing of objections and requests for hearing, in the third full paragraph of the middle column of page 16897 of the May 10 issue of the FEDERAL REGISTER, is withdrawn; and (2) in lieu thereof the following paragraphs are added:

Data, views, and arguments concerning the proposed standard will be received by an administrative law judge, to be appointed by the Chief Administrative Law Judge of the Department of Labor at an informal hearing to begin at 9:30 a.m. June 25, 1974 in the Departmental Auditorium on Constitution Avenue, between 12th & 14th Streets, NW., Washington, D.C.

The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911. Any interested person desiring to participate at the hearing must file a notice of intention to appear with Ms. Joanne Goodell, Attn: Docket OSH-36, Occupational Safety and Health Administration, 1726 M Street, NW., Room 200, U.S. Department of Labor, Washington, D.C. 20210 no later than June 17, 1974. A notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. In addition, to the extent practicable, the notice should contain a general statement of the position to be taken with respect to any provision of the proposed standard, and of the evidence to be adduced in support of the position.

In all other respects, the May 10, 1974 notice of proposed rulemaking remains unchanged.

Signed this 22d day of May 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc. 74-12188 Filed 5-23-74;11:15 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-142]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The Executive Committee of the National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center) will meet in open session in the Pacific Room of the East-West Center, 1777 East-West Road, Honolulu, Hawaii on June 20 and 21, 1974 from 9:30 a.m. to 4:30 p.m.

The Committee will discuss the possible incorporation of the East-West Center.

Dated: May 16, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74-11977 Filed 5-23-74;8:45 am]

[Public Notice CM-140]

U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on June 27, 1974, at 9:30 a.m. in Room 1107, Department of State, 22nd and C Streets, NW., Washington, D.C.

The U.S. National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCIR activities; provides advice on matters of policy and positions in preparation for CCIR Plenary Assemblies and meetings of the international CCIR Study Groups; and recommends the disposition of all proposed U.S. contributions to the international CCIR which are submitted to the Committee for its consideration.

The purposes of the meeting on June 27 will be:

a. Review the conclusions of the final meetings of the Study Groups; and
b. Establish positions for the XIIIth Plenary Assembly in regard to:
(1) Documents of the Study Groups
(2) CCIR organization and procedures
(3) Officers of the Study Groups.

Members of the general public who desire to attend the meeting on June 27 will be admitted up to the limits of the capacity of the meeting room. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to June 27, 1974, members of the general public who plan to attend the meeting inform their name and address to Mr. Gordon L. Huffcutt, Office of Telecommunications, Department of State; the telephone number is area code 202, 632-2631. All non-Government attendees at the meeting should use the C Street entrance to the building.

Dated: May 15, 1974.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

[FR Doc.74-11948 Filed 5-23-74;8:45 am]

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the Advisory Committee on Voluntary Foreign Aid which will be held on June 11, 1974, from 9:00 a.m. to 5:30 p.m., in Room 5951, New State Building, 21st and Virginia Avenue NW., Washington, D.C.

The purpose is to provide a forum for sharing information, opportunities, problems and suggestions related to overseas food resources and distribution by U.S. private and voluntary agencies in support of humanitarian and development objectives.

This meeting is open to the public. Any interested person may attend in accordance with procedures established by the Committee, and participate to the extent time available permits. Written statements may be filed before or after the meeting.

Dr. Jarold A. Kieffer will be the A.I.D. Representative. Information concerning the meeting may be obtained from Mr. Robert R. Johnson, Telephone: AC 202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance. Arrangements for admission will be made with the Security Guard at the entrance.

Dated: May 21, 1974.

JAROLD A. KIEFFER,
Assistant Administrator, for Population and Humanitarian Assistance.

[FR Doc.74-12122 Filed 5-23-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ARMY AND AIR FORCE EXCHANGE AND MOTION PICTURE SERVICES CIVILIAN ADVISORY COMMITTEE

Annual Report

MAY 24, 1974.

The Civilian Advisory Committee to the Board of Directors, Army and Air Force Exchange and Motion Picture Services, on May 17, 1974 filed its Annual Report for 1973 with the Library of Congress, pursuant to the requirements of section 13 of Public Law 92-463.

Any persons desiring to review the Report may visit the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, DC 20540. Copies of the Report and additional information may be obtained by telephoning (202-697-3336) or writing the Executive Secretary, Board of Directors, Army and Air Force Exchange and Motion Picture Services, Room 5E479, The Pentagon, Washington, DC 20310.

HARLAN W. TUCKER,
Colonel, US Army,
Executive Secretary, AAFEMPS.

[FR Doc.74-11976 Filed 5-23-74;8:45 am]

Department of the Army

HARRY DIAMOND LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of Public Law 92-463 notice is hereby made of a meeting of the Harry Diamond Laboratories Scientific Advisory Committee to be held on May 30, 1974 from 9 a.m. until 4:30 p.m. and on May 31, 1974 from 9 a.m. until 12 noon at the Harry Diamond Laboratories, Connecticut Avenue at Van Ness Street, Washington, D.C.

It has been determined by the Commander of the Harry Diamond Laboratories that the meeting will concern matters exempted from public disclosure under 5 USC 552(b)(1). Pursuant to this determination both sessions of the above noted meeting will be closed to the public in accordance with Section 10d of Public Law 92-463.

By authority of the Secretary of the Army.

R. B. BELNAP,
Special Advisor to TAG.

MAY 20, 1974.

[FR Doc.74-11975 Filed 5-23-74;8:45 am]

Corps of Engineers, Department of the Army

ADVISORY COMMITTEE FOR NATIONAL DREDGING STUDY

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of the tenth meeting of the Advisory Committee for National Dredging Study to be held 5-6 June 1974. The meeting will begin at 9:30 a.m. in the Ben Franklin Hotel, 9th and Chestnut Sts., Philadelphia, Pennsylvania.

The purposes of the meeting are to have the Contractor, Arthur D. Little, Inc., present a briefing on the progress of the study to date and to permit port authorities, dredging contractors, waterway users and other interested parties to present their views with respect to how the future dredging requirements of the area may be best accomplished, including the division of work between Government and contractor dredge equipment.

Within the facilities available (about 100 persons) the meeting will be open to the public. Upon conclusion of the report of the Contractor, local interested parties may present their views. Such presentations should be in writing, preferably in ten copies each and oral presentations limited to a brief summary of the material presented. In any event, the Chairman will restrict oral discussion to the prescribed purposes with duration to be controlled by the number requesting speaking time.

Inquiries may be addressed to the Designated Federal Representative, Mr. Eugene B. Conner, DAEN-CWO-M, Office Chief of Engineers, U.S. Army, Washington, D.C. 20314.

For the Chief of Engineers.

Dated: May 21, 1974.

JOHN V. PARISH, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[FR Doc.74-12071 Filed 5-23-74;8:45 am]

Office of the Secretary

DOD HEMOGLOBINOPATHY POLICY REVIEW ADVISORY COMMITTEE

Notice of Meeting

The DoD Hemoglobinopathy Policy Review Advisory Committee will meet in Room 1E801, Pentagon, Washington, D.C. 20301, on 18 June 1974. Meetings are scheduled from 0930 to 1200 and 1330 to 1600 hours.

The purpose of the meetings is to provide the Assistant Secretary of Defense for Health and Environment with scientific and professional advice and recommendations on hemoglobinopathy policy.

The meetings will be open to the public to the extent that space limitations of the meeting place permit. Because of these limitations interested parties are requested to reserve space by calling 202-697-9658. Reservations will be on a first-come basis.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MAY 20, 1974.

[FR Doc.74-11960 Filed 5-23-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife

DISMAL SWAMP STUDY

Notice of Public Hearing

Notice is hereby given in accordance with provision of the Dismal Swamp Study Act of October 9, 1972 (Pub. L. 92-478) that public hearings will be held beginning at 7 p.m. June 25 at the Suffolk High School Auditorium on North Saratoga Street, located in downtown Suffolk, Virginia, to be continued at 7 p.m. June 26 at the Sheep School Auditorium, located on the corner of Road and Elizabeth Streets, Elizabeth City, North Carolina. The proposal to be discussed will lead to recommendations to be made by the Secretary of the Interior to the U.S. Congress regarding the desirability and feasibility of protecting and preserving the Great Dismal Swamp and Dismal Swamp Canal in Virginia and North Carolina.

A summary containing a map and information on the Dismal Swamp Study may be obtained from the Dismal Swamp Study Coordinator, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Individuals or organizations may express their oral or written views by appearing at the hearing, or they may submit written comments for inclusion in the official record of the hearing to the Dismal Swamp Study Coordinator, U.S. Fish and Wildlife Service at the above address by July 11, 1974.

M. A. MARSTON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MAY 22, 1974.

[FR Doc.74-12112 Filed 5-23-74;8:45 am]

Bureau of Land Management

EASTERN POWDER RIVER BASIN, WYOMING

Notice of Public Hearings for Draft Environmental Statement on Development of Coal Resources

Notice is hereby given that public hearings will be held at: 1) Little America, Cheyenne, Wyoming, June 24, 1974 at 7:00 p.m., and June 25, 1974 at 9:00 a.m., M.d.t.; 2) Ramada Inn, Casper, Wyoming, June 26, 1974 at 1:30 p.m. and again at 7:00 p.m., M.d.t.; 3) Campbell County High School, Gillette, Wyoming, June 27, 1974 at 7:00 p.m., and on June 28, 1910 at 9:00 a.m., M.d.t.

The draft environmental statement for the development of coal resources in the Eastern Powder River Basin of Wyoming is expected to be available to the public the first week of June 1974. A separate FEDERAL REGISTER Notice of Availability will be forthcoming describing the locations where the draft statement may be obtained or reviewed.

The public hearings will be conducted by an Administrative Law Judge, U.S. Department of the Interior, of Salt Lake City, Utah. Individuals wishing to testify may do so by appearing at a hearing place as previously specified. Persons wishing to give testimony will be limited to ten minutes, with written submissions invited. Prior to giving testimony at the public hearings, individuals or spokesmen are requested to complete a hearing registration form. Registration forms may be obtained by contacting Environmental Impact Statement Team, Hitching Post Inn, 1700 West Lincolnway, Cheyenne, Wyoming 82001. Written comments may also be submitted to the State Director, Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

Dated: May 20, 1974.

ED HASTEY,
Acting Director.

[FR Doc.74-11998 Filed 5-23-74;8:45 am]

National Park Service

HOT SPRINGS NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before June 24, 1974, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contracts with the following concessioners, authorizing them to continue to operate bathhouses in Hot Springs National Park, and to obtain hot mineral waters therefrom for drinking, bathing, and such other purposes as may be authorized for a period of three years from January 1, 1975 through December 31, 1977.

Buckstaff Bath House Company
Health Services, Inc.
Lamar Bath House Company
Maurice Bath Company
Ozark Bath House Company

Assessments of the environmental impact of these proposed actions have been made and it has been determined that they will not significantly affect the quality of the human environment, and that they are not major Federal actions under the Environmental Quality Act and the guidelines of the Council on Environmental Quality. The environmental assessments may be reviewed in the Southwest Regional Office, Post Office Box 728, Santa Fe, New Mexico 87501.

The foregoing concessioners have performed their obligations under the expiring contracts to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of their contracts and in the negotiation of new contracts. However, un-

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der the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contracts.

Dated: May 9, 1974.

JOHN E. COOK,
Associate Director,
National Park Service.

[FR Doc.74-11944 Filed 5-23-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M74-119]

BIG BEN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Big Ben Coal Co. has filed a petition to modify the application of 30 CFR 75.1405 to its Big Ben Mine No. 1 located at Chariton, Iowa.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner requests a waiver of the foregoing safety standard for the following reasons:

(1) Installation of automatic couplers on Petitioner's end-dump mine cars would require a total renovation of the shaft bottom. Petitioner has recently redesigned the shaft bottom to insure maximum safety and practicability.

(2) Petitioner's past accident record reveals that no haulage accidents which automatic couplers could have prevented have occurred in the subject mine.

(3) Petitioner is unaware of any automatic couplers which are designed to fit its end-dump cars.

(4) Petitioner's present method of coupling and uncoupling cars by hand while the cars rest on a slight decline at all times guarantees no less than the same measure of protection afforded by the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

MAY 16, 1974.

[FR Doc.74-11990 Filed 5-23-74;8:45 am]

[Docket No. M 74-118]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Consolidation Coal Company has filed a petition to modify the application of 30 CFR 75.326 to its Ireland Mine located in Marshall County, West Virginia.

30 CFR 75.326 provides in pertinent part as follows:

In any coal mine opened after March 30, 1970, the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air courses through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. • • •

Petitioner asserts that its alternate method will provide the same measure of protection as afforded by the mandatory safety standard for the following reasons:

(1) All belts in the mine are: equipped with a fire-sensing device, provided with water lines and hoses, constructed of fire-resistant material, and patrolled at least once each shift.

(2) All belt drives in the mines are equipped with deluge sprays which activate automatically in case of fire.

(3) Because of the high ignition temperatures of the coal dust of the Pittsburgh Coal seam in this area, there is no history of serious belt fires in this area.

(4) In case of fire, there will still be a return escapeway and an intake escapeway.

(5) Compliance with dust standards will be effected by the use of water sprays at points of the belt line where the dust may go into suspension.

(6) The elimination of the stoppings, overcasts, and seals necessary for isolation will enable the air being delivered to the faces to be more positively regulated.

(7) The elimination of the resistance created by the stoppings, overcasts and seals used in isolation will enable more air to be delivered to the working faces.

(8) The supervision and inspection of the belt lines is more effective without such isolation.

Petitioner's alternate method provides for the establishment of the checkpoint stations as follows:

(1) Methane and air quantity readings would be made by a certified, competent person.

(2) Methane would not be permitted to accumulate in the return air courses beyond the legal limits, as determined at the underground or surface stations.

(3) The access to and from the checkpoint stations would be kept in a travelable and safe condition.

(4) A date board would be located at each station for the initials, date and time of the certified person making the examination.

(5) Examinations would be made weekly at each station as required by section 75.305 except that a measurement would be made at the surface station at the #1 fan daily.

(6) The record of all readings taken would be kept in a book for that purpose at the mine office.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

MAY 16, 1974.

[FR Doc.74-11992 Filed 5-23-74;8:45 am]

[Docket No. M 74-89]

EAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Eas Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine located at Hazard, Kentucky.

30 CFR 77.1605(k) provides as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

(1) The grading, surfacing and drainage on haulage roads maintained by Petitioner compare favorably with the conditions on nearby state-maintained roads.

(2) Soil berms would not provide reliable protection in an emergency. In lieu of the berms, Petitioner proposes to maintain adequate percentage of grade, width, elevation of curves, surfacing and drains and crosstiling to make the haulage roads safe and usable.

(3) Installation of berms or guards would necessarily reduce the width of the haulage roads thereby making passing more hazardous.

(4) Installation of berms or guards would require blasting and sloping of the highwall thereby adding expense to, and interrupting production in, Petitioner's operation. These alterations would also increase soil erosion and cause additional silt and spoil to accumulate in the drainage ditches hampering drainage.

(5) Petitioner asserts that its haulage roads in their present condition are as safe as they would be if the mandatory safety standard were applied.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

MAY 16, 1974.

[FR Doc.74-11993 Filed 5-23-74; 8:45 am]

[Docket No. M 74-126]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Bird No. 2 Mine located in Conemaugh Township, Somerset County, Pennsylvania.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) Petitioner requests approval of a coupling system whereby mine cars are permanently coupled into unit trips. These cars, comprising trips of fifteen (15) cars each, will not be coupled and uncoupled. A locomotive will be located on each end of the trip while coal is hauled out of a mine.

(2) All trips will originate at two loading points in the underground workings, and will be taken to the outside and dumped by the drop bottoms on the cars opening to deposit the coal. At all times, including when dumping occurs, all cars will remain on the trip as one unit.

(3) Cars will be locked together by a locking and coupling pin which has a rod passing through top of it. The rod will be retained in place of a special key unit.

(4) The car on the locomotive end of the trip will have a lever permanently attached to the coupling pin. The lever will be operated from the side of the car.

(5) A hand-link aligner will be used to lift the coupling link without the necessity of personnel physically positioning themselves between the cars. These aligning rods will be kept on the bumper of each locomotive.

(6) The cars which are the subject of this petition have been in operation since 1962 with a minimum of operating difficulties.

(7) The above plan was initiated and instituted by a pilot plan, applied to one car in order to determine its efficacy. Results determined by testing and the pilot project demonstrated that outstanding protection is afforded employees. That such protection is furnished is indicated conclusively by the fact that no employee is required to place any part of his body between any cars when coupling or uncoupling.

(8) Locking and coupling of cars into a unit trip will eliminate the necessity of repeated coupling and uncoupling of the cars. The rod attached to the coupling pin will permit cars to be coupled to the locomotive without personnel going between cars. Aligning the rod for the centering link will provide greater protection than the alignment procedure for automatic couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearing Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

MAY 16, 1974.

[FR Doc.74-11991 Filed 5-23-74;8:45 am]

[Docket No. M 74-129]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Guyan No. 5 Mine located at Amherstdale, West Virginia.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition. Petitioner states the following:

(1) The subject mine is a two unit operation with two production shifts and one maintenance shift daily. Twelve of the ninety-one men employed at the mine are involved in haulage operations.

(2) The subject mine is in the final stage of recovery, and the estimated production life of the mine is approximately three years.

(3) Due to the limited lengths of the haulage tracks, and the locations of the operating units, mine cars at the subject mine are moved to and from sectional loading points by locomotives which are positioned at the front and rear of the trips.

(4) All coupling and uncoupling is accomplished at the sectional loading points. There is no coupling or uncoupling unless the cars are stationary. Haulage personnel are required to make a minimum number of such couplings and uncouplings.

(5) During haulage operations, continuous communications are maintained between the locomotive operators, the mine dispatcher and the loading point operators.

(6) Petitioner believes that its present haulage practices afford an equivalent degree of safety to haulage employees when compared to the degree of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of
Hearings and Appeals.

MAY 16, 1974.

[FR Doc.74-11987 Filed 5-23-74;8:45 am]

[Docket No. M 74-128]

POWELLTON CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), the Powellton Company has filed a petition to modify the application of 30 CFR 75.1405 to its Jane Ann No. 11 Mine located at Garnett, Logan County, West Virginia.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states the following:

(1) Petitioner utilizes three track haulage cars, moved by a mine locomotive, for mantrips and haulage of supplies in the subject mine. These cars are not equipped with automatic couplers nor are they regularly coupled and uncoupled.

(2) The alternate method which Petitioner proposes to establish in lieu of the mandatory standard involves welding a "keeper" over the coupling pins of the haulage cars so that the cars will not uncouple.

(3) Petitioner's alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the subject mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boule-

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vard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

MAY 16, 1974.

[FR Doc.74-11988 Filed 5-23-74;8:45 am]

[Docket No. M 74-127]

POCAHONTAS FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pocahontas Fuel Company has filed a petition to modify the application of 30 CFR 75.1405 to its Maitland Mine located in McDowell County, West Virginia.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states the following:

(1) At the subject mine, the only haulage equipment which is coupled and uncoupled are locomotives and supply cars.

(2) The supply cars are lowered by a hoist and automatic brake car down a seventeen degree decline. From the bottom of the slope the cars are taken in two-car trips to the sections.

(3) As an alternative to the mandatory safety standard Petitioner proposes to continue to use the single link-and-pin coupling method.

(4) Petitioner has been advised by the manufacturers of automatic couplers that such couplers are not well suited for the rapid changes of grade that exist in the subject mine. Hauling cars from a normal grade to a grade of seventeen degrees could strain the automatic couplers to a point where the couplers would break or cause the cars to derail.

(5) Since only two cars comprise a trip, coupling is never done out of the sight of the motorman.

(6) Utilization of the single link-and-pin coupler obviates the need to align the link before contact. Consequently, all coupling and uncoupling can be accomplished with all equipment motionless. Automatic couplers, on the other hand, must be aligned by hand before contact, and then must be bumped together to effect coupling.

(7) Petitioner believes that its alternate method will provide a greater degree of protection than the application of the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Director, Office of Hearings and Appeals.

MAY 16, 1974.

[FR Doc.74-11989 Filed 5-23-74;8:45 am]

Office of the Secretary

[INT FES 74-26]

CENTRAL VALLEY PROJECT, CALIFORNIA; EL DORADO MAIN NO. 2—PLEASANT OAK MAIN AND LATERALS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a proposed water conveyance and distribution system known as the El Dorado Main No. 2—Pleasant Oak Main and Laterals of the Central Valley Project, California. The facilities would be constructed to furnish irrigation, municipal, and industrial water to two separate service areas located in the southwestern portion of El Dorado County, California, about 30 miles east of Sacramento, California. The proposed El Dorado Main No. 2 would augment an existing water service for domestic and irrigation purposes. The Pleasant Oak Main would supply water to an area presently not served by a water district. The water to be provided by this pipeline would be used mainly for domestic purposes.

Copies of the final environmental statement are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.

Division of Engineering Support, Technical Services and Publications Branch, Bureau of Reclamation, E&R Center, Denver Federal Center, Denver, Colo. 80225. Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, Calif. 95825. Telephone (916) 484-4792.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: May 22, 1974.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.74-12176 Filed 5-23-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A043]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Iowa:

CARROLL

The Secretary has found that this need exists as a result of a natural disaster consisting of heavy rains and windstorms on July 1 and 9, 1973.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than July 12, 1974, for physical losses and February 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 17th day of May, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-11984 Filed 5-23-74;8:45 am]

Rural Electrification Administration

RURAL TELEPHONE BANK; REVISED BYLAWS

The Telephone Bank Board adopted amendments on May 2, 1974, to the bylaws of the Rural Telephone Bank primarily to conform such bylaws with the amendments to the Rural Electrification Act of 1936 approved on May 11, 1973, as Pub. L. 93-32. Changes were made in sections 2.2(c), 2.5, 2.7, 2.8, 3.4, 3.6, 3.7 (a), 4.3(b), 4.4(a), 4.4(b), and 4.4(c). The bylaws as revised follow:

BYLAWS OF RURAL TELEPHONE BANK

ARTICLE I—NAME, ORGANIZATION, PURPOSES AND LOCATION

SEC. 1.1. *Name, organization, and purposes.* The name of the body corporate by and for which these bylaws are adopted is "Rural Telephone Bank" (hereinafter called the "Bank"). It is an agency and instrumentality of the United States, established by the Act of May 7, 1971, 85 Stat. 29, 7 U.S.C. 931-950(b), (hereinafter called the "Act"), for the general purposes of obtaining an adequate supply of supplemental funds to the extent feasible from non-Federal sources, to utilize said funds in the making of loans pursuant to the Act, and to conduct its operations to the extent practicable on a self-sustaining basis.

SEC. 1.2. *Location of offices.* The Bank shall have an office in the District of Columbia, and additional offices at such other places as the Governor, with the concurrence of the board of directors of the Bank (hereinafter called the "Board") may from time to time designate.

ARTICLE II—CAPITAL STOCK AND SPECIAL FUND EQUIVALENTS

SEC. 2.1. *Classes of stock.* The capital stock of the Bank shall consist of three classes, to wit, Class A, Class B, and Class C.

SEC. 2.2. *Rights, powers, privileges and preferences of each class of stock.* (a) Class A stock shall have a par value of one dollar ($1.00) per share and shall be issued only at par and only to the Administrator of the Rural Electrification Administration (hereinafter called the "Administrator") on behalf of the United States for capital furnished to the Bank by the United States as provided in section 406(a) of the Act, and shall be non-voting stock. Such stock shall be entitled to a cumulative return, payable from the Bank's income, at the rate of two per centum (2%) per annum. Such stock shall be redeemed and retired in such amounts and at such times as provided in section 406(c) of the Act. Upon dissolution or liquidation of the Bank, Class A stock shall be retired at par before any payment is made to holders of Class B or Class C stock, and the holder of Class A stock shall be entitled to share pro rata with the holders of Class B stock then outstanding in the surpluses and contingency reserves remaining after the payment of all of the Bank's liabilities and after retirement of all classes of stock at par as provided in section 411 of the Act. Class A stock shall not be transferable.

(b) Class B stock shall have a par value of one dollar ($1.00) per share, shall be issued only at par, shall be held only by the recipients of loans made under section 408 of the Act, and shall be voting stock. No dividends shall be payable on Class B stock, but the holders thereof shall be entitled to patronage refunds in Class B stock as hereinafter provided. Prior to dissolution or liquidation of the Bank, Class B stock may be redeemed and retired only after all shares of Class A stock shall have been redeemed and retired: *Provided, however,* That the Board may, under rules of general application adopted by it and upon agreement with the stockholder, provide for the conversion of Class B stock into Class C stock upon payment of all amounts owed by a holder of Class B stock to the Bank. Upon dissolution or liquidation of the Bank, holders of Class B stock shall be entitled to share pro rata with the holder of Class A stock then outstanding in the surpluses and contingency reserves remaining after the payment of all of the Bank's liabilities and after retirement of all classes of stock at par as provided in section 411 of the Act. Class B stock shall not be transferable, either absolutely or by way of collateral, except in connection with the assumption by the transferee, with the approval of the Governor, of all or part of the transferor's loan from the Bank.

(c) Class C stock shall have a par value of one thousand dollars ($1,000) per share, shall be issued only at par, shall be held only by borrowers or by corporations and public bodies eligible to borrow under section 408 of the Act, or by organizations controlled by such borrowers, corporations and public bodies, and shall be voting stock. At such times and in such amounts as the Board may designate, dividends may be declared and paid to holders of Class C stock, but only from income of the Bank. Until all Class A stock is retired, the annual rate of any such dividend shall not exceed the current average rate payable on the bonds, debentures, notes and other evidences of indebtedness issued by the Bank (hereinafter collectively called "telephone debentures"). No dividend on Class C stock shall be paid at any time when any portion of the cumulative 2 percent return on Class A stock required by section 406(c) of the Act remains unpaid. Prior to dissolution or liquidation of the Bank, Class C stock may be redeemed and retired only after all shares of Class A stock shall have been redeemed and retired. Upon dissolution or liquidation of the Bank, holders of Class C stock shall be entitled to retirement of their stock at par after payment of all liabilities of the Bank and after retirement of all Class A and Class B stock at par, but shall not be entitled to share in any remaining surpluses or contingency reserves, as provided in section 411 of the Act. Class C stock shall not be transferable, absolutely or by way of collateral, except to a borrower, or a corporation or public body eligible to borrow under section 408 of the Act, or an organization controlled by such borrowers, corporations, or public bodies.

(d) No holder of Class B or Class C stock shall be entitled to more than one vote, regardless of the number and class or classes of shares held, nor shall Class B and Class C stockholders, regardless of their number, which are owned or controlled by the same person, group of persons, firm, association or corporation be entitled to more than one vote.

SEC. 2.3. *Share certificates.* (a) The Bank shall issue certificates evidencing the purchase of shares of stock of the Bank but only upon payment in full of the par value thereof. The Bank shall also issue certificates evidencing distribution of patronage refunds as hereinafter provided. The certificates for Class A stock shall be in such form, satisfactory to the Administrator, as may be prescribed by the Board from time to time. Certificates for Class B and Class C stock shall be in such form as the Board may from time to time prescribe. The certificates shall be signed by the Governor and attested by the Secretary of the Bank. No certificate shall be valid unless it is signed as herein provided. The Bank shall act as its own transfer agent or registrar.

(b) All certificates of each class shall be consecutively numbered. The name of the entity owning the shares represented thereby, with the number of such shares and the date of issue, shall be entered on the Bank's books. All certificates surrendered to the Bank for transfer or conversion shall be cancelled, and no new certificate shall be issued until the former certificate for a like number of shares shall have been surrendered and cancelled, except that in the case of a lost, destroyed or mutilated certificate, a new one may be issued therefor upon such terms and indemnity to the Bank as the Board may prescribe.

SEC. 2.4. *Transfer of shares.* Shares in the capital stock of the Bank shall be transferred only on the books of the Bank by authorization from the holder thereof or by his legal representative upon proof of his authority filed with the Secretary of the Bank, and on surrender for cancellation of such shares. The entity in whose name shares stand on the books of the Bank shall be deemed to be the owner thereof for all purposes.

SEC. 2.5 *Date for determination of shareholder's rights.* The Board may fix a date, not exceeding ninety (90) days preceding the date of any meeting of shareholders, any dividend payment date or any date for the determination or allotment of rights, as a record date for the determination of shareholders entitled to notice of and to vote at such meeting, or entitled to receive such dividend or rights as the case may be. In lieu of fixing such date the Board may fix a time not exceeding ninety (90) days preceding the date of any meeting of shareholders, any dividend payment date or any date for the determination or allotment of rights, during which the books of the Bank shall be closed against transfer of shares.

SEC. 2.6. *Special fund equivalents.* The amount to be paid by any entity into the special fund provided for in section 406(f) of the Act and the rights, powers, privileges and preferences in respect of dividends, patronage refunds, voting rights, transfer of interest, retirement of special fund equivalent and liquidation or dissolution of the Bank accruing to an entity making such a payment, shall, to the extent permitted under the laws of the jurisdiction in which such entity is organized, be determined as if such entity had purchased stock in the Bank for such payment. The Bank shall issue to such entity written evidence, in such form as the Board may from time to time prescribe, of the payment made by such entity into the Bank's special fund established pursuant to said section 406(f) of the Act. Such writing shall comply, in respect of its execution, numbering and the surrender of such writing and the issuance of share certificates or other evidence of payment into the special fund in lieu of the surrendered evidence, with the provisions of section 2.3 above. Evidences of payment into said special fund shall be transferred in the manner provided in section 2.4 above for the transfer of shares of stock. The provisions of section 2.5 above shall also be applicable in respect of such evidences of payment. Each reference in these bylaws to capital stock or to Class B, or Class C stock and to shareholders shall, subject to the first sentence of this section 2.6, be deemed to include evidences, or holders of evidences, of payment into the special fund in lieu of purchase of the class of stock to which reference is made.

SEC. 2.7. *Commonly owned or controlled shareholders.* Each reference in these bylaws to the voting rights of shareholders, shall, in respect of shareholders which are owned or controlled by the same person, group of persons, firm, association, or corporation be deemed to mean that the right is vested and is to be exercised as if all such shareholders owned or controlled by the same person, group of persons, firm, association or corporation were one shareholder.

SEC. 2.8. *Classification of shareholders.* At least sixty (60) days before any meeting of the shareholders, the Governor shall furnish the Board, for its approval, a list of all shareholders, classified as either cooperative-type or commercial-type entities and organizations, which are entitled to vote, indicating thereon those which are required to share their vote with other commonly owned or controlled shareholders in a designated affiliated group. A copy of the list as approved shall be available for inspection at the offices of the Rural Telephone Bank in Washington, D.C.

ARTICLE III—MEETINGS OF SHAREHOLDERS

SEC. 3.1. *Regular meeting.* A regular meeting of the shareholders shall be held in each even-numbered year, beginning with the year 1974, on such day and at such place and time as may be selected by the Board, for the purpose of electing directors, as provided in section 405(e) of the Act, hearing reports and transacting such other business as may come before the meeting.

SEC. 3.2. *Special meetings.* Special meetings of the shareholders may be called by the Governor of the Bank, by resolution of the Board, upon a written request signed by seven (7) members of the Board, or by not less than ten per centum (10%) of the aggregate number of shareholders. It shall be the duty of the Secretary to promptly cause notice of such meeting to be given as hereinafter provided. Special meetings may be held at any place designated by the person or persons calling the meeting.

SEC. 3.3. *Notice.* Written or printed notice stating the place, day and hour of the meeting, and the purpose or purposes for which the meeting is called, shall be delivered not less than ten days nor more than forty days before the date of the meeting, either personally or by mail, by or at the direction of the Secretary, or upon default by the Sec-

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retary, by the entities calling the meeting, to each shareholder. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the shareholder's address as it appears on the records of the Bank, with postage thereon prepaid. The failure of any shareholder to receive notice of a regular or special meeting of shareholders shall not invalidate any action which may be taken by the shareholders at any such meeting.

SEC. 3.4. *Quorum.* As long as the total number of Class B and Class C shareholders does not exceed one hundred (100), twenty per centum (20%) of the total number of such shareholders present in person shall constitute a quorum. In case the total number of such shareholders shall exceed one hundred (100), twenty (20) such shareholders or five per centum (5%) of such shareholders, present in person, whichever shall be the larger, shall constitute a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from the time to time without further notice. Shareholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum. A shareholder shall be considered as being present in person if the individual certified as its Rural Telephone Bank Voting Representative, pursuant to section 3.7(a), is present.

SEC. 3.5. *Voting.* Each shareholder entitled to vote shall be entitled to only one vote upon each matter submitted to a vote at a meeting of shareholders, including one vote with respect to each position for which a director is to be elected. All questions submitted to a vote of shareholders shall be decided by a vote of a majority of the shareholders voting thereon present in person or by proxy.

SEC. 3.6. *Proxies.* At all meetings of shareholders, a shareholder or an affiliated group of shareholders may vote by proxy executed in writing by the shareholder or the affiliated group. Such proxy shall be filed with the Secretary before or at the time of the meeting. No proxy shall be voted at any meeting of shareholders unless it shall designate the particular meeting at which it is to be voted, and no proxy shall be voted at any meeting other than the one so designated or any adjournment of such meeting. Any shareholder or affiliated group which has granted a proxy may vote in person through the individual certified as its Rural Telephone Bank Voting Representative pursuant to section 3.7(a) and such vote shall revoke the proxy theretofore given and shall have the same effect as if the proxy shall not have been executed. A proxy may only be voted by a Rural Telephone Bank Voting Representative of another shareholder or affiliated group of shareholders in the same segment of the industry as the grantor of the proxy. Public bodies, for the purpose of these bylaws, shall be considered part of the cooperative segment. No person may vote more than 10 proxies.

SEC. 3.7. *Voting of shares by certain holders.* (a) Shares standing in the name of a corporation, public body, or other organization may be voted by the director, manager, or other employee of the shareholder certified to by the secretary of such organization as its duly authorized Rural Telephone Bank Voting Representative. Shares standing in the name of a shareholder determined to be one of commonly owned or controlled shareholders in a designated affiliated group as set forth in section 2.7, may, however, be voted by the director, manager, or other employee of one of such shareholders certified to by the members of the group as such group's duly authorized Rural Telephone Bank Voting Representative, entitled to vote as if all members of the group were one shareholder.

(b) Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by him without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

(c) A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

ARTICLE IV—DIRECTORS

SEC. 4.1. *Powers.* Except to the extent otherwise required by law or by these bylaws, the management of the Bank shall be vested in the Board.

SEC. 4.2 *Number; initial board.* Until ownership, control and operation of the Bank, has been converted pursuant to section 410(a) of the Act, the Board shall consist of thirteen members. Initially, the Board shall be composed of the Administrator, the Governor of the Farm Credit Administration, five members designated by the President of the United States (three of whom shall be officers or employees of the United States Department of Agriculture but not of REA, and two of whom shall be from the general public and not officers or employees of the United States) and six additional members appointed by the President of the United States from the directors, managers and employees of entities which have received a loan or loan commitment from REA and of organizations controlled by such entities.

SEC. 4.3. *Meetings to elect directors.* (a) The meeting to elect six directors to replace those appointed by the President provided for in section 405(d) of the Act shall be called and held in conformity with such section.

(b) Thereafter at each meeting held for the purpose of electing directors, six members of the Board shall be elected by holders of Class B and Class C stock, voting noncumulatively as follows: three by a majority vote of stockholders voting in the cooperative segment of the industry, from among the directors, managers, and other employees of cooperative-type entities and organizations controlled by them holding Class B or Class C stock, and three by a majority vote of stockholders voting in the commercial segment of the industry from among the directors, managers, and other employees of commercial-type entities and organizations controlled by them holding Class B or Class C stock.

SEC. 4.4. *Nominations and tenure.* (a) At least sixty (60) days before a meeting at which directors are to be elected, the Board shall send a form to each holder of Class B or Class C stock which may be used to nominate not more than three directors, managers, and other employees of Class B or Class C shareholders in the same segment of the industry as the nominating shareholder. Any form nominating directors received by the Assistant Secretary of the Rural Telephone Bank within the time limit established by the Board of Directors shall be opened and tabulated by tellers nominated by the Governor and approved by the Board.

(b) All managers, directors, and other employees of cooperative-type shareholders receiving at least ten nominations shall be entered on the official ballot as candidates for the three positions on the Board allocated to the cooperative segment of the industry. All managers, directors, and other employees of commercial-type shareholders receiving at least ten nominations shall be entered on the official ballot as candidates for the three positions on the Board allocated to the commercial segment of the industry. The Secretary shall be responsible for mailing with the notice of the meeting or separately, but at least ten (10) days before the date of the meeting, a statement of the number of Board members to be elected by the shareholders in each segment of the industry and the names and addresses of the candidates whose names will appear on the ballots.

(c) The official ballot will contain blank spaces for writing in the names of three additional candidates.

(d) The chairman shall call for additional nominations from the floor at the meeting of persons eligible to be directors, and nominations shall not be closed until at least three minutes have passed during which no additional nomination has been made. No cooperative-type shareholder shall nominate a candidate from among the directors, managers or employees of commercial-type entities, and no commercial-type shareholder shall nominate a candidate from among the directors, managers or employees of cooperative-type entities, nor shall such cooperative-type or commercial-type shareholder nominate more than one candidate.

(e) Directors shall be elected for two years but they shall hold office until their successors have been duly elected and qualified. Upon the establishment of the fact that a director, at the time of his election, did not, or has since ceased to, have the qualifications required by these bylaws or the Act, the Board shall remove such director from office.

SEC. 4.5. *Vacancies.* Any vacancy occurring on the Board shall be filled by the affirmative vote of the remaining board members for the unexpired portion of the term: *Provided, however,* That the person selected by the Board to fill a vacancy shall be chosen from among the same group (cooperative-type or commercial-type) of directors, managers or employees from which his predecessor on the Board was chosen; and *Provided, further,* That the Board shall have no power to choose a successor to a director designated as such by the Act or appointed by the President of the United States.

SEC. 4.6. *Compensation.* Board members designated from the general public, pursuant to section 405(b) of the Act, or appointed or elected pursuant to section 405 (c), (d) or (e) of the Act, shall receive one hundred dollars ($100) for each day or part thereof, spent in the performance of official duties for the Bank, but not to exceed ten thousand dollars ($10,000) per year for the first three years after enactment of the Act, and not to exceed five thousand dollars ($5,000) in each year thereafter, and shall be reimbursed by the Bank for travel and other expenses as prescribed by the Board. Directors who are officers or employees of the Department of Agriculture and the Governor of the Farm Credit Administration shall serve as directors without additional compensation. No close relative of a Board member shall receive compensation for serving the Bank, unless the relationship shall have been fully disclosed to the Board prior to his employment and the Board shall have determined that his employment will be beneficial to the Bank.

SEC. 4.7. *Board Committees.* The Board may, from time to time, provide for such committees as it deems desirable. The resolution establishing the committee shall prescribe the name and functions of the committee, and shall name the director or directors who shall constitute it and the chairman thereof. A majority of the members of any such committee shall constitute a quorum. Vacancies on any such committee shall be filled by appointment by the Board. The committee shall keep a record of its proceedings and shall report to the Board as and when required by it.

ARTICLE V—MEETINGS OF BOARD

SEC. 51.1. *Regular meetings.* (a) A regular meeting of the Board shall be held without notice, immediately after, and at the same place as, the meeting to elect directors provided for in section 4.3(a) and section 4.3(b) of these bylaws.

(b) A regular meeting of the Board shall, in addition, be held quarterly at such times and places as designated by the resolution of the Board. Regular meetings of the Board may be held without notice other than the resolution fixing the time and place thereof.

SEC. 5.2. *Special meetings.* Special meetings of the Board may be called by the Governor or by any three board members, and it shall thereupon be the duty of the Secretary to cause notice of such meeting to be given as hereinafter provided. The person or persons calling the meeting shall fix the time and place for the holding of the meeting.

SEC. 5.3. *Notice.* Notice of any special meeting shall be given at least seven (7) days, except in an emergency as so determined by the Governor, no less than three (3) days, before the date set for the meeting in writing and delivered in person, by mail or by telegram, to each director. If mailed, such notices shall be deemed to be delivered when deposited in the United States mail, addressed to the director at his address as it appears on the records of the Bank, with postage thereon prepaid; and if notice is by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company prepaid.

SEC. 5.4. *Quorum.* A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board; *Provided, however,* That if less than a majority of the Board members is present at said meeting, a majority of Board members present may adjourn the meeting from time to time; *And provided, further,* That the Secretary shall notify any absent Board members of the time and place of such adjourned meeting. The act of a majority of the Board members present at a meeting at which a quorum is present shall be the act of the Board except as otherwise provided in these bylaws.

ARTICLE VI.—OFFICERS

SEC. 6.1. *Number.* The officers of the Bank shall be the Governor, Secretary, Treasurer, and such other officers as may be determined by the Board from time to time. The offices of Secretary and Treasurer may be held by the same person.

SEC. 6.2. *Election and term of office.* Except for the Governor, the officers shall be elected by the Board at the meeting of the Board held pursuant to section 5.1(a) of these bylaws. If the election of officers shall not be held at such meeting, such election shall be held as conveniently thereafter as may be. Each officer shall hold office until the first meeting of the Board following the next succeeding regular meeting of shareholders or until his successor shall have been elected and shall have qualified. A vacancy in any office shall be filled by the Board for the unexpired portion of the term.

SEC. 6.3. *Removal of officers and agents.* Any officer or agent elected or appointed by the Board may be removed by the Board whenever in its judgment the best interests of the Bank will be served thereby.

SEC. 6.4. *Governor.* The Governor shall be the chief executive officer of the Bank, and, without limiting the generality of the authority vested in him by law, shall:

(a) Preside at all meetings except as otherwise provided in these bylaws; and

(b) Sign share certificates and telephone debentures, the issue of which shall have been authorized by the Board, and any other instrument or document of the Bank; and

(c) Establish the positions of Deputy Governor, Assistant Governor, Assistant Secretary, and Assistant Treasurer and recommend to the Board for approval those persons to serve in such positions; and establish such other positions as he shall deem necessary, and appoint persons to fill such positions.

SEC. 6.5. *Secretary and Assistant Secretary.* The Secretary, or in his absence or inability to act, the Assistant Secretary, shall be responsible for:

(a) Keeping the minutes of all meetings except as otherwise provided in these bylaws;

(b) Seeing that all notices are duly given in accordance with these bylaws or as required by law;

(c) Safekeeping of the corporate records and affixing the seal of the Bank to all documents, the execution of which on behalf of the Bank under its seal is duly authorized in accordance with the provisions of these bylaws;

(d) Keeping stock records containing names and addresses of all shareholders of the Bank, showing, among other things, the number of shares held by each, and the dates when they became the owners thereof;

(e) Attesting share certificates, and telephone debentures, the issue of which shall have been authorized by the Board;

(f) Keeping on file at all times a complete copy of the bylaws of the Bank containing all amendments thereto and, at the expense of the Bank, furnishing a copy of the bylaws and of all amendments thereto to every shareholder; and

(g) In general performing all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the Board.

SEC. 6.6. *Treasurer and Assistant Treasurer.* The Treasurer, or in his absence or inability to act, the Assistant Treasurer, shall be responsible for:

(a) Custody of all funds and securities of the Bank;

(b) The receipt of, and the issuance of receipts for, all monies due and payable to the Bank and for the deposit of all such monies in the name of the Bank in accordance with the provisions of these bylaws;

(c) Signing all checks, drafts, or other orders for the payment of money; and

(d) In general performance of all the duties incident to the office of the Treasurer and such other duties as from time to time may be assigned to him by the Board.

SEC. 6.7 *Bonds.* Officers, employees or agents of the Bank shall be bonded, at the expense of the Bank, if and to the extent the Governor and the Board shall determine.

SEC. 6.8 *Reports.* The officers of the Bank shall annually submit to the shareholders and to persons with a loan or loan commitment from REA reports covering the business of the Bank. The Board shall also make an annual report to the Secretary of Agriculture, for transmittal to the Congress, on the administration of Title IV of the Rural Electrification Act of 1936, as amended, and upon any other matters relating to the effectuation of the policies of said Title IV, including recommendations for legislation.

ARTICLE VII—FINANCIAL TRANSACTIONS

SEC. 7.1. *Countersignature of checks, drafts, etc.* Unless otherwise determined by the Governor, all checks, drafts or other orders for the payment of money shall be countersigned by such person or persons as shall be designated by him.

SEC. 7.2. *Deposits.* All funds except petty cash of the Bank shall be deposited from time to time to the credit of the Bank in accordance with the provisions of 31 United States Code 867. If, in accordance with the provisions of such law, the Bank is permitted to choose a depository other than the Treasurer of the United States, the Governor, with the approval of the Board, shall select such other depository or depositories.

SEC. 7.3. *Fiscal year.* The fiscal year of the Bank shall begin on the first day of July of each year and shall end on the thirtieth day of June of the following year.

ARTICLE VIII—PATRONAGE CAPITAL

SEC. 8.1. *Patronage Capital Assignable.* "Patronage capital assignable" shall consist of all revenues of the Bank for any fiscal year in excess of the amount thereof necessary to:

(a) Pay expenses of the Bank, including, without limitation payments in lieu of property taxes as provided in section 401(c) of the Act;

(b) Pay interest on telephone debentures accruing in such fiscal year;

(c) Provide reasonable allowances for depreciation, obsolescence and losses on loans and interest receivable;

(d) Pay to the holder or holders of Class A stock an amount equal to two per centum (2%) per annum of the capital furnished to the Bank for such stock; and

(e) Pay to the holders of Class S stock dividends at the rate determined by the Board: *Provided, however,* That no dividends shall be declared on Class C stock until arrearages, if any, on payments to holders of the cumulative Class A stock have been paid; *And provided, further,* That until all Class A stock shall have been retired, the Board shall not declare any dividends on Class C stock at an annual rate in excess of the then current average rate payable on the Bank's telephone debentures.

SEC. 8.2. *Calculaton of Patronage Refunds.* After the close of each fiscal year, not less than 10 percent (10%) of the Patronage Capital Assignable, the amount to be determined by the Board of Directors, shall be placed in a Contingency Reserve until such time as this Reserve shall equal at least 50 percent (50%) of the outstanding capital stock. This reserve shall be used to offset and liquidate operating and other losses and deficits in a systematic manner as determined by the Board. The balance of the patronage capital assignable (net patronage capital assignable) shall be distributed to each holder of Class B stock as patronage refunds in the form of Class B stock as soon as practicable after the close of each fiscal year. The amount to be distributed to each holder of Class B stock shall be calculated by applying to the amount of interest revenue to the Bank from each holder of Class B stock in the fiscal year the ratio which net patronage capital assignable bears to the Bank's total interest revenue from all holders of Class B stock. If, at any time after all Class A stock has been retired, the Board should determine that the Bank's financial condition will not be impaired thereby, it may establish procedures for the retirement of Class B stock in full or in part or its conversion to Class C stock in addition to the conversion authorized in section 2.2(b) hereof.

ARTICLE IX—MISCELLANEOUS

SEC. 9.1. *Waiver of notice.* Any shareholder or member of the Board may waive in writing any notice of a meeting required to be given by these bylaws, either before or after the time of such meeting. The attendance of a shareholder or member of the board at any meeting shall constitute a waiver of notice of such meeting by such shareholder or board member, unless such attendance shall be for the express purpose of objecting to the transaction of any business on the ground that the meeting has not been lawfully called or convened.

SEC. 9.2. *Policies, rules, and regulations.* The Board shall have power to make and adopt such policies, rules and regulations, not inconsistent with law or these bylaws, as

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it may deem advisable for the management of the Bank.

SEC. 9.3. *Accounting system and audit reports.* The Board shall cause to be established and maintained a complete accounting system which, among other things, shall conform to accounting system principles, standards and procedures applicable to corporate business enterprises. A summary of the report of each audit of the Bank's financial transactions made by the General Accounting Office of the United States shall be mailed to each shareholder promptly after the report shall have been received.

SEC. 9.4. *Seal.* The Board shall adopt a suitable corporate seal, containing the name of the Bank.

SEC. 9.5. *Conduct of meetings.* Meetings of shareholders and directors of the Bank shall be conducted in accordance with the current edition of "Roberts' Rules of Order."

ARTICLE X—AMENDMENTS

These bylaws may be altered or amended by a vote of two-thirds of the entire Board at any regular or special meeting of the Board provided the notice of such meeting shall contain a copy of the proposed amendment or alteration.

Dated: May 20, 1974.

DAVID A. HAMIL,
Governor,
Rural Telephone Bank.

[FR Doc.74-12041 Filed 5-23-74;8:45 am]

Rural Electrification Administration

UNDERGROUND ELECTRIC DISTRIBUTION PLANT

Specification for 15 kV and 25 kV Underground Primary Cable

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Specification U-2, 600 Volt Underground Power Cable, to provide for the issuance of revised specification for power cable for underground electric distribution plant.

Persons interested in the revised specification may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, on or before June 24, 1974.

A copy of the proposed revision of REA Specification U-2 is as follows:

REA SPECIFICATION FOR 600 VOLT UNDERGROUND CABLE

SPEC. NO. U-2

Date Accepted: Draft March 1974

1. *Scope.* 1.1 This specification covers the requirements for single and multiconductor 600 volt cables suitable for direct burial in the earth or for installation in ducts. The cable shall also be suitable for exposure to sunlight and other atmospheric environments.

1.2 Conductor sizes of No. 4 AWG and larger copper and No. 2 AWG and larger aluminum are included.

2. *General.* 2.1 The cable shall meet all applicable provisions of the Insulated Power Cable Engineers Association (IPCEA) Publication S-66-524 "Cross-linked-thermosetting-polyethylene-insulated Wire and Cable for the Transmission and Distribution of Electrical Energy," except where they conflict with the requirements of this specification.

2.2 The cable shall be suitable for use on 480 volt, grounded corner, delta circuits.

3. *Conductors.* 3.1 Conductors shall be copper or aluminum as specified by the purchaser.

3.2 Copper conductors shall be Class B stranded annealed copper meeting all applicable requirements of Part 2 of IPCEA Publication S-66-524.

3.3 Aluminum conductors shall be one of the following: Solid EC grade aluminum either soft (O), half-hard or three-quarter hard in accordance with the applicable ASTM (American Society for Testing and Materials) specifications.

Class B stranded EC grade aluminum either three-quarter hard or hard drawn in accordance with the applicable provisions of ASTM B-231 (latest revision).

Compact-rounded stranded in accordance with ASTM B-400.

4. *Strand separator.* 4.1 Strand separator, when used, shall be opaque.

5. *Insulation.* 5.1 Conductor covering shall be cross-linked polyethylene meeting the requirements of IPCEA Publication No. S-66-524. The average thickness of insulation shall not be less than shown below:

Single conductor size—AWG:	*Thickness of insulation—Mils*
4-2	60
1-4/0	80
225-500 MCM	95

The minimum thickness shall not be less than 90 percent of these values.

5.2 If requested by the purchaser, the cable shall meet the requirements of Underwriter's Laboratories, Incorporated, for Type USE 600 volt single conductor cable.

6. *Multiconductor cables.* 6.1 Multiconductor cables (such as triplexed construction) are acceptable provided:

6.11 All conductors including the neutral are insulated in accordance with the above requirements with respect to material and thickness of insulation, except that, when acceptable to the purchaser, color may be used as a means of identifying the neutral.

6.12 The neutral conductor is not more than two sizes (AWG) smaller than the phase conductors, and not smaller than No. 2 AWG aluminum or No. 4 AWG copper.

6.13 The construction of the cable is of a type acceptable to REA's Technical Standards Committee.

7. *Identification.* 7.1 The manufacturer's name, conductor size, and type of insulation shall be printed clearly on the surface at intervals not greater than 2 feet.

8. *Tests.* 8.1 As a part of a request for REA acceptance and listing of cable, the manufacturer shall include certified test data demonstrating compliance with this specification.

8.2 The manufacturer shall, on all orders of cable furnished under this specification, perform the routine tests required by applicable IPCEA publications.

8.3 For Type USE cable, the manufacturer shall perform routine tests required by Underwriters' Laboratories.

9. *Miscellaneous.* 9.1 On all orders of 10,000 feet or greater supplied under this specification the purchaser shall be furnished a copy of the results of tests performed under 8.2 above.

9.2 Watertight seals shall be applied to all cable ends to prevent the entrance of moisture during transit or out-of-door storage.

Dated: May 15, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74-11983 Filed 5-23-74;8:45 am]

BIG RIVERS ELECTRIC CORP.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420. This loan application includes financing for the addition of a 66 MW combustion turbine to be installed at the existing Sebree generating station located in Henderson and Webster Counties, and the construction of related, on site, transmission facilities.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Final REA action with respect to this matter (including any release of funds) may be taken after sixty (60) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 17th day of May 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-12040 Filed 5-23-74;8:45 am]

Soil Conservation Service

ASSUNPINK CREEK WATERSHED PROJECT, NEW JERSEY

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Assunpink Creek Watershed Project, Mercer and Monmouth Counties, New Jersey, USDA-SCS-ES-WS-(ADM)-74-21(F).

The environmental impact statement concerns a plan for watershed protection, flood prevention, recreation, and fish and wildlife habitat improvement. The planned works of improvement include conservation land treatment, four single-purpose and one multiple-purpose structure, 2.4 miles of channel work, and basic recreational facilities.

The final environmental statement was transmitted to CEQ on May 10, 1974.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 1370 Hamilton Street, Somerset, New Jersey 08873.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services).

Dated: May 15, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-11978 Filed 5-23-74;8:45 am]

KAHALUU WATERSHED PROJECT, HAWAII

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Kahaluu Watershed Project, City and County of Honolulu, Island of Oahu, Hawaii, USDA-SCS-ES-WS-(ADM)-74-33(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and recreational facilities. Project measures consist of applying conservation land treatment; enlarging the lower reaches of Waihee, Kahaluu, and Ahuimanu Streams and lining them with concrete; constructing a 28-acre multipurpose lagoon where the streams come together before discharging into Kaneohe Bay. In addition, the City and County of Honolulu will construct a recreational park surrounding the multipurpose lagoon.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Ave., SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 440 Alexander Young Building, Honolulu, Hawaii 96813.

Copies of the draft environmental statement have been sent to various federal, state, and local agencies for comment as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Francis C. H. Lum, State Conservationist, Soil Conservation Service, 440 Alexander Young Building, Honolulu, Hawaii 96813.

Comments must be received on or before July 31, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 15, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-11979 Filed 5-23-74;8:45 am]

CHICOD CREEK WATERSHED PROJECT, NORTH CAROLINA

Notice of Availability of Revised Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement (revised) for the Chicod Creek Watershed Project, Pitt and Beaufort Counties, North Carolina, USDA-SCS-ES-WS-(ADM)-72-27(D) (revised).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage for 10,000 acres of crop and pasture land. The planned works of improvement include conservation land treatment and 66 miles of channel modification which consist of: (1) 30 miles of new channels with continuous flow through some seasons of the year, but little or no flow through other seasons; (2) 5 miles of new channels with flow only during periods of surface runoff; (3) 11 miles of enlargement of previously modified channels which have continuous flow through some seasons but little or no flow through other seasons; (4) 10 miles of previously modified channels with flows only during periods of surface runoff; (5) 10 miles of existing streams with perennial flow except during extreme drought.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 27307, Raleigh, North Carolina 27611.

Copies of the draft environmental statement have been sent to various federal, state, and local agencies for comment as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge or or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Jesse L. Hicks, State Conservationist, Soil Conservation Service, P.O. Box 27307, Raleigh, North Carolina 27611.

Comments must be received on or before July 11, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 15, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-11981 Filed 5-23-74;8:45 am]

WEST SIDE GREEN RIVER WATERSHED PROJECT

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973, the Soil Conservation Service, United States Department of Agriculture, gives notice that the Project Sponsors and the Soil Conservation Service expect to proceed with the construction of the P-17 Pumping Plant and Channel, West Side Green River Watershed Project prior to completion of the environmental impact statement.

The environmental assessment (including a formal public hearing) of this federal action indicates that construction of P-17 Pumping Plant and Channel will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the installation. As a result of these findings, Mr. Galen S. Bridge, State Conservationist, Soil Conservation Service, USDA, Room 360, U.S. Courthouse, Spokane, Washington 99201 has determined that construction of P-17 Pumping Plant and Channel may proceed prior to completion and review of an environmental statement on the Project.

The installation concerns a plan for flood prevention and drainage. The planned construction includes a channel and discharge works.

The environmental assessment file is available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA
Watershed Project Office
232 Main Street
Renton, Washington 98055

Soil Conservation Service, USDA
Room 360 U.S. Courthouse
Spokane, Washington 99201

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 15, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service, USDA.

[FR Doc.74-11980 Filed 5-23-74;8:45 am]

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DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13, WORKLOAD DEFINITION AND BENCHMARKING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG–13), "Workload Definition and Benchmarking," will hold a meeting from 10 a.m. to 4 p.m. on Wednesday, June 19, 1974, in Room 508, Building 3, Crystal Mall, of the U.S. Department of the Navy at 1931 Jefferson Davis Highway, Arlington, Virginia.

The purpose of this meeting is to review the progress of three work-groups and to further develop tasks which should be addressed by the Committee.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301–921–2830 or 921–3485).

Dated: May 21, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–11996 Filed 5–23–74;8:45 am]

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 12:00 noon on Wednesday, June 19, 1974, in Room B–255, Building 225, of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Institue for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301–921–3551).

Dated: May 20, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–11941 Filed 5–23–74;8:45 am]

NATIONAL BUREAU OF STANDARDS VISITING COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that the NBS Visiting Committee will meet in Lecture Room A of the Administration Building at the National Bureau of Standards in Gaithersburg, Maryland, beginning at 9:00 a.m. Thursday, June 13; and in Room 5855 of the Department of Commerce, Washington, D.C., beginning at 9:00 a.m. Friday, June 14.

The purpose of the meeting is for the NBS Visiting Committee to review the activities of the National Bureau of Standards in order to report to the Secretary of Commerce concerning the efficiency of the Bureau's scientific work and the condition of its equipment, as required by law.

The NBS Visiting Committee is composed of five members, prominent in the fields of science and technology, appointed by the Secretary of Commerce.

The agenda for the meeting on June 13 and 14 will consist of general briefings on NBS activities including a presentation on studies of the National Measurement System by the Bureau's Institute of Basic Standards.

A limited number of seats will be available to observers. Persons desiring to attend the meeting are requested to contact Mr. George E. Auman, Assistant to the Director, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921–2441.

Dated: May 20, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–11959 Filed 5–23–74;8:45 am]

Social and Economic Statistics Administration

ANNUAL SURVEY OF OIL AND GAS

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to initiate an annual survey on oil and gas field operations for the year 1973 and for each year thereafter, under the authority of 13 U.S.C. 181, 224, and 225. This survey will canvass the industry which provides most of the fuel consumed in the United States, as well as a substantial portion of the raw material requirements of many industries. On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public and industry and are not available from non-governmental or other governmental sources in the level of detail proposed.

The amount of oil and gas available to satisfy the steadily increasing energy needs has a very important impact on the U.S. economy. The far-reaching ramifications of an inadequate energy supply require that special consideration be given to energy availability in forecasts and as general background in the formulation of economic policies.

This survey, if conducted, shall begin not earlier than June 24, 1974.

Copies of the proposed form are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census Bureau on or before June 24, 1974 in order to receive consideration.

Dated: May 20, 1974.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.74–11961 Filed 5–23–74;8:45 am]

United States Travel Service

TRAVEL ADVISORY BOARD

Notice of Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet June 11, 1974, at 9:30 A.M., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

1. Meeting called to order by Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn.
2. Opening remarks by The Honorable Howard Baker (with tentative introduction by Secretary of Commerce Frederick B. Dent).
3. 1973 U.S. arrivals and departures, and tourism earnings and expenditures.
4. Discussion of highlights of USTS activities March, 1974 to June, 1974.
5. Adjournment.

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. (telephone 202/967–4987) will respond to public requests for information about the meeting.

C. LANGHORNE WASHBURN,
Assistant Secretary for Tourism, U.S. Department of Commerce.

[FR Doc.74–12053 Filed 5–23–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM AND MENTAL HEALTH SMALL GRANT COMMITTEE

Notice of Meetings

The Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory Bodies scheduled to assemble the month of June 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Alcohol Abuse and Alcoholism.	June 10–11, 9:30 a.m. The Board Room, Shoreham Hotel, Washington, D.C.	Open—June 10, Closed—June 11, Contact Mrs. Delores del Metoyer Finister, Parklawn Bldg., Room 16C–17, 5600 Fishers Lane, Rockville, Md. 20852. Area Code 301–443–2954.

Purpose. Advises the Secretary, Department of Health, Education and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda. June 10 will be devoted to a discussion of (1) policy issues, (2) a progress report on activities of the National Center for Alcohol Education, (3) legislative actions affecting the ADAMHA/NIAAA, (4) program developments, (5) budget, (6) update of OPS #7 (Insurance coverage for the alcoholic).

On June 11, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and pursuant to the provisions of Public Law 92–463, Section 10(d).

Agenda items are subject to change as priorities dictate.

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Small Grant Committee.	June 27–28, 1 p.m., Congressional Board Room, Sheraton Park Hotel, Washington, D.C.	Open—June 27, 4:00–5:00 p.m., Closed—Otherwise, contact Stephanie B. Stolz, Parklawn Bldg., Room 10C–14, 5600 Fishers Lane, Rockville, Md. 20852. Area Code 301–443–4337.

Purpose. The committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health.

Agenda. From 4 p.m. to 5 p.m., June 27, the meeting will be open for discussion of administrative announcements and legislative developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Substantive information may be obtained from the contact persons listed above.

The Information Officers who will furnish summaries of the meetings and rosters of the committee members are located in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. The NIAAA Information Officer is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C–15, telephone no. 443–3306. The NIMH Information Officer is Mr. Edwin M. Long, Deputy Director, Office of Communications, National Institute of Mental Health, Room 15–105, telephone no. 443–3600.

Dated: May 9, 1974.

KURST J. BESTEMAN,
Acting Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74–11962 Filed 5–23–74;8:45 am]

Food and Drug Administration

[Docket No. FDC–D–457; DESI 12339; NDA 12–339]

BREON LABORATORIES

Certain Combination Drugs for Inhalation; Proposed Withdrawal of Approval of Parts of Application

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below, found the drugs to be less than effective, and submitted its reports to the Commissioner of Food and Drugs. Copies of those reports have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's reports and the available data and information, the Commissioner concluded that the drugs are less than effective and published his conclusions in the FEDERAL REGISTER of November 3, 1970 (35 FR 16951) that the drugs lack substantial evidence of effectiveness as fixed combinations for their labeled claims relating to bronchopulmonary disorders.

1. That part of NDA 12–339 pertaining to Bronkometer Aerosol containing isoetharine methansulfonate, phenylephrine hydrochloride, and thenyldiamine hydrochloride; and

2. That part of NDA 12–339 pertaining to Bronkospray Solution containing isoetharine hydrochloride, phenylephrine hydrochloride, and thenyldiamine hydrochloride, Breon Laboratories, Inc., Subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016.

Subsequent to the notice of November 3, 1970 Breon Laboratories supplemented its new drug application to revise the formulation and labeling of these products. The revised formulation eliminated the ingredient thenyldiamine hydrochloride. To reflect this change these products were called Bronkometer-2 and Bronkosol-2. A notice was published in the FEDERAL REGISTER of December 9, 1972 (37 FR 26356) stating that, as reformulated, Bronkometer-2 and Bronkosol-2 are less-than-effective (probably effective) for the acute relief of bronchial asthma and other conditions in which bronchospasm is a complicating factor, such as chronic bronchitis or emphysema. The reformulated products are being evaluated. No data were received concerning the original Bronkometer Aerosol and Bronkospray Solution products.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and 21 CFR 3.86, demonstrating the effectiveness of the drugs Bronkometer Aerosol and Bronkospray Solution containing isoetharine methanesulfonate or hydrochloride with phenylephrine hydrochloride and thenyldiamine hydrochloride.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated

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above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before June 24, 1974 a written notice of appearance and request for hearing, and (2) on or before July 23, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and requests for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 6–86, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: May 14, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–11968 Filed 5–23–74;8:45 am]

Health Resources Administration

NATIONAL ADVISORY COUNCILS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following Committees scheduled to assemble during the month of June 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Nurse Training.	June 3–5, 10:30 a.m., Conference Room 6, Building 31, National Institutes of Health, Bethesda, Md.	Open—June 3, 10:30 a.m.–noon. Closed—remainder of meeting. Contact Dr. Mary S. Hill, Federal Bldg., Room 6C–26, 9000 Rockville Pike, Bethesda, Md., Code 301–496–6085.

Purpose. Performs final review of applications for construction projects, financial distress grants, special projects for the improvement of nurse training and research grants. Recommends approval, disapproval, or deferral action to the Administrator, Health Resources Administration.

Agenda. Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meetings; discuss future dates for 1974 and 1975; and administrative and staff reports. During the remainder of the meeting, the Council will conduct a final review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, HRA, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Health Professions Education.	June 10–12, 8:30 a.m., Conference Room no 6, Bldg. 31–C, National Institutes of Health, Bethesda, Md.	Open—June 10, 8:30 a.m.–10:30 a.m. Closed—remainder of meeting. Contact Ms. Lynn Stevens, Bldg. 31–C, National Institutes of Health, Room 4C–05, Bethesda, Md. Code 301–496–5535

Purpose. Advises the Secretary with respect to the administration of programs of financial assistance for the health professions, including construction of facilities, student loans and scholarships, capitation for the support of educational programs, special projects and other purposes to improve the quality of education and conducts the final review of grant aplications in these areas.

Agenda. The Council will discuss administrative and staff reports, conduct an orientation as to program operations and procedures, and consider minutes of past meeting as well as schedule future meeting dates. This portion will be open to the public. The Council will also review grant applications, and this portion will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463, Section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Regional Medical Programs.	June 13–15, 9:00 a.m., Parklawn Bldg.; Conference Room C–H, 5600 Fishers Lane, Rockville, Md.	Open—9:00 a.m.–12:00 noon. Closed—remainder of meeting. Contact Mr. Kenneth Bean, Parklawn Bldg., Room 11–05, 5600 Fishers Lane, Rockville, Md. Code 301–443–1620.

Purpose. The Council advises and assists the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this Program. Reviews applications for grants under Title IX, and recommends to the Secretary with respect to approval of applications for, and the amounts of, grants under this Title.

Agenda. The Council will discuss policy matters and conduct other business, and this portion of the meeting shall be open to the public. The Council will review grant applications, including pilot arthritis center grant applications, and this portion of the meeting shall be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Agenda items are subject to change as priorities dictate.

These portions of the meetings so indicated, are open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact the persons listed above.

Dated: May 21, 1974.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.74–11999 Filed 5–23–74;8:45 am]

Office of Education

TALENT SEARCH—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Criteria for Funding Applications for Fiscal Year 1974

On pages 9840 and 9841 of the FEDERAL REGISTER of March 14, 1974, there was published a notice with regard to criteria for the selection of applications for funding for fiscal year 1974 under the Talent Search and Special Services for Disadvantaged Students Programs. Interested persons were given fifteen days in which to submit comments, suggestions, or objections regarding the proposed criteria.

No comments, suggestions, or objections have been received; therefore, the criteria are hereby adopted without change and are set forth below.

Effective date: These funding criteria shall become effective on May 24, 1974.

Dated: May 7, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program Nos. 13.468 Talent Search, 13.482 Special Services for Disadvantaged Students)

CRITERIA FOR TALENT SEARCH

The Commissioner will select applicants to be funded under the Talent Search Program on the basis of the criteria set forth in 45 CFR 100a.26(b) as well as the following criteria:

(a) *Continuation grants.* A request for funds for the continuation of a project begun in a prior fiscal year will be given priority over an application for the initiation of a new project. Requests for continuation grants will be approved only if satisfactory progress has been made in the implementation of the earlier phases of the project and if the project is successful or continues to offer promise of success in placing students suffering from financial need or cultural isolation in postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) *Initial year grants.* (1) The extent to which the target area of the proposed project is characterized by (i) high concentrations of secondary school dropouts; (ii) low level of postsecondary school attendance; (iii) persons having family income at or below the Federal poverty level; (iv) students from low-income families having low aspiration levels and special needs resulting from cultural isolation, language disabilities, and educational deficiencies.

(2) The scope and variety of methods to be used in the recruitment of Talent Search youth;

(3) Evidence of prior involvement with the community to be served;

(4) The ability of the applicant to work with members of the academic community in the area to be served, especially in the area of admissions and financial aid, as reflected by previous and projected activities of the applicant;

(5) The projected impact upon the target community in terms of:

(i) expanding opportunities for postsecondary opportunities;

(ii) securing admissions and financial assistance for target students;

(iii) developing non-traditional methods of assessing students' abilities for success in postsecondary education;

(6) The comprehensiveness of counseling services to be offered;

(7) The extent to which other educational and community resources will be utilized in providing services which the Talent Search project cannot itself provide;

(8) The extent to which project staff are representative of the ethnic/racial background of project participants and are sensitive to their needs.

(20 U.S.C. 1070d–1)

CRITERIA FOR SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

The Commissioner will select applicants to be funded under the Special Services for Disadvantaged Students programs on the basis of the criteria set forth in 45 CFR 100a.26(b) as well as the following criteria:

(a) *Continuation grants.* A request for funds for the continuation of a project begun in a prior fiscal year will be given priority over an application for the initiation of a new project. Requests for continuation will be approved only if satisfactory progress has been made in the implementation of the earlier phases of the project, and if the project is successful in enabling students to resume or to continue their postsecondary education with adequate financial aid.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) *Initial grants.* 1. Evidence of the enrollment of physically disabled and/or low-income students at the institution whose educational background, cultural isolation, or physical disability is such that they would not likely be successful in a program of postsecondary education without special supportive services.

2. Evidence of the availability and distribution of financial assistance to meet adequately the needs of low-income students enrolled in the applicant institution.

3. Delineation of a clear and precise plan for the selection of students, including a comprehensive needs assessment of supportive services needed.

4. A work program including: (i) A comprehensive counseling program, including student personnel, career, and academic counseling; special classes, remedial and other; tutoring; and other services necessary to meet the needs of those enrolled in the program; (ii) evidence of institutional policies in such areas as retention, grading, course options, and other administrative or academic policies which have as their purpose the maximization of a student's chances for successful completion of postsecondary education.

5. Method and extent of orientation to program objectives and institutional commitment to the Special Services Project and its goals.

6. A method of assessing and documenting the effects of the program services, progress made and follow-up of students enrolled or formerly enrolled in the program.

7. Plans for implementing and assessing the impact of the project upon the academic community.

8. Extent to which grantee and other resources may be utilized to supplement or extend the work program of the project.

(20 U.S.C. 1070d–1)

[FR Doc.74–12016 Filed 5–23–74;8:45 am]

Office of the Secretary

TENNESSEE

Proposed Designation of Professional Standards Review Organization for Area II

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Tennessee Foundation for Medical Care, Inc., designating it as the Professional Standards Review Organization for PSRO Area II located in the State of Tennessee, which area is designated a Professional Standards Review Organization area in 42 CFR 101.47.

The Secretary has determined that the Tennessee Foundation for Medical Care, Incorporated is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Tennessee, as a non-profit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Tennessee. As stipulated in its Articles of Incorporation, the principal officers of the Tennessee Foundation for Medical Care, Incorporated are:

	Name and office held
1.	George A. Zirkle, Jr., M.D., Chairman.
2.	William D. Tribble, Ph.D., Executive Director.

The official address of the corporation is 112 Louise Avenue, Nashville, Tennessee 37203.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II who objects to the Secretary entering into an agreement with the Tennessee Foundation for Medical Care, Inc., on the grounds that this organization is not representative of doctors in such area may, on or before June 24, 1974, mail such objection in writing to the Director, Office of Professional Standards Review Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland, 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active prac-

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tice of medicine or osteopathy (i.e. direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,836 doctors of medicine and osteopathy are engaged in active practice in PSRO Area II. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Tennessee Foundation for Medical Care, Inc., is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-12018 Filed 5-23-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-463 and 50-464]

PHILADELPHIA ELECTRIC CO., (FULTON GENERATING STATION, UNITS 1 AND 2)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Richard S. Salzman, Chairman
Michael C. Farrar, Member
Dr. W. Reed Johnson, Member

Dated: May 20, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-11995 Filed 5-23-74;8:45 am]

HIGH ENERGY PHYSICS ADVISORY PANEL; SUBPANEL ON NEW FACILITIES

Notice of Meeting

MAY 21, 1974.

On June 6-12, 1974, there will be a meeting of the Subpanel on New Facilities of the Atomic Energy Commission's High Energy Physics Advisory Panel at the Summer Studies Center of the National Academy of Sciences, Houston House, Woods Hole, Massachusetts. Below is that portion of the Subpanel's tentative agenda which will be open to the public. Practical considerations may require alterations in the agenda or schedule.

(1) *Thursday, June 6, 1974.*
10:30 a.m.—Fermi National Accelerator Laboratory Plans—R. R. Wilson
12:00 p.m.—Lunch
1:00 p.m.—Positron - Electron Physics — Panel Members and Consultants
5:00 p.m.—Adjourn

(2) *Friday, June 7, 1974.*
9:00 a.m.—Proton-Proton Physics—Panel Members and Consultants
12:00 p.m.—Lunch
1:00 p.m.—Comparative Physics — Panel Members and Consultants
3:00 p.m.—Positron-Electron Technology—Panel Members and Consultants
5:00 p.m.—Adjourn

(3) *Saturday, June 8, 1974.*
9:00 a.m.—Proton-Proton Technology—Panel Members and Consultants
12:00 p.m.—Lunch
1:00 p.m.—Comparative Technology—Panel Members and Consultants
5:00 p.m.—Adjourn

4) *June 9-12, 1974.*

Working/writing groups with scheduled joint meetings as needed—Panel Members.

In addition to the above agenda, the Subpanel will hold an Executive Session on Thursday morning prior to the beginning of the open session. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the Executive Session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this portion of the meeting to protect the free interchange of internal views and to avoid interference with the Agency or Subpanel operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than June 1, 1974, to the Executive Secretary of the Subpanel, Dr. Bernard Hilderbrand, Division of Physical Research, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Subpanel. To the extent that the time available for the meeting permits, the Subpanel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subpanel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Executive Secretary of the Panel. His telephone number is Area Code 301-973-3624.

(e) Questions at the meeting may be asked only by members of the Subpanel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Subpanel at its next meeting, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-12057 Filed 5-22-74;10:22 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25137]

ALLEGHENY AIRLINES, INC.

Service to Glens Falls, New York

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 19, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., May 20, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-12051 Filed 5-23-74;8:45 am]

[Docket 25280; Agreement C.A.B. 24380; Order 74-5-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority, May 16, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 6, 1974.

Specific commodity item No.	*Description and rate*
6502	Veterinary Pharmaceuticals, 78 cents per kilogram, minimum weight 1,000 kgs. From Nice to New York/Montreal.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is *ordered*, That:

1. Agreement C.A.B. 24380, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, Order 73-9-109 of September 28, 1973, and Order 74-4-7 of April 2, 1974 and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12050 Filed 5-23-74;8:45 am]

[Docket 25675 Order 74-5-100]

RATES FOR CHARTER SERVICES BETWEEN THE UNITED STATES AND EUROPE

Proposed Policy Statement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of May, 1974.

By PSDR-37, issued September 7, 1973, the Board gave notice that it had under consideration proposed amendments to its Statements of General Policy (14 CFR Part 399) establishing minimum charter rate guidelines for charter services between the United States and Europe to be used in conjunction with the Board's recently acquired authority to suspend and investigate tariffs of air carriers and foreign air carriers in foreign air transportation.[1]

As set forth in the Explanatory Statement to PSDR-37, the Board's purpose in proposing minimum charter rate guidelines is not the establishment of a rigid inflexible rate floor upon which most North Atlantic charter rates would come to rest, but rather is to inject an element of stability into North Atlantic charter rates as a counterbalance to the intense competitive pressures that exist in that market both between charter and scheduled services and among charter operators—pressures that appear to be driving both charter and scheduled rates and fares to uneconomic levels.

The Board's proposed guidelines were 2.2 cents per seat mile for weekday charters and 2.4 cents per seat mile for weekend charters,[2] and were to be applied to charter services operated on and after January 1, 1974, except that contracts entered into prior to the date the notice was issued were not affected. The proposed minimum rates were based solely on available cost data for U.S. supplemental air carriers on the basis that the results of these charter specialists were more representative of the costs of charter operations than were the results of U.S. certificated air carriers, and therefore, were more appropriate for determining the minimum rate levels to be used as guidelines by the Board in exercising its newly acquired suspension power. The Board tentatively concluded that the proposed minimum rates should be based upon average year-round operating costs without a seasonal differential, and irrespective of aircraft type or variations in seating density above that specified by the International Air Transport Association (IATA) for economy-class service. Recognizing that these tentative decisions were highly controversial, the Board specifically requested interested persons to address their comments to these issues.

Twenty-one comments[3] and twelve reply comments[4] were filed in response to the notice of rule making.

In general, none of the comments is an unqualified endorsement of the proposed rule, with the respondents variously questioning either the structure or level of the proposed minimum rates and/or the Board's legal authority to adopt such policy guidelines. As anticipated, a number of respondents disagree with the Board's tentative findings on the need for a seasonal differential and on the desirability of not adopting aircraft or seating density differentials, and have addressed extensive comments to these matters. For the most part, the decision not to adopt differentiated rates on the basis of aircraft type or seating density is supported by the scheduled carriers and opposed by the supplemental carriers. The carriers are, however, generally in agreement that in view of the highly seasonal demand for charter services, seasonal variations in the minimums would be essential to adequately assure a profitable average year-round operating yield. In addition, the route carriers contend that by relying only upon the operating costs of the supplemental carriers, and in particular their costs of operating stretched DC-8's, and in not giving consideration to the costs of other segments of the industry engaged in North Atlantic charter operations, the Board has understated the minimum rate levels necessary for achieving an adequate operating yield. The supplemental carriers, on the other hand, assert that the cost data and methodology used were deficient and produce levels that are too high, particularly with respect to the off-season, and will adversely affect the marketing of charter services. A further matter raised by the comments is the need for a directional differential, and the alleged adverse impact the proposed nondifferentiated rates would have on European originations.

Aside from the comments concerned either with the structure or level of the proposed minimums, several respondents question the legal basis for adopting the proposed guidelines. In general, these respondents contend that the legal and practical effect of the proposal is to prescribe minimum charter rates, and citing Moss v. C.A.B., 430 F.2d 891 (D.C. Cir., 1970), argue that before the Board can exercise its ratemaking authority, it is legally required to hold a hearing. In addition, several respondents dispute our legal authority, even with a hearing, to adopt the proposal on the basis that section 1002(j) of the Act, which provides for the suspension and investigation of rates in foreign air transportation, does not authorize the Board to prescribe rates should an existing or proposed rate be found unlawful.

After considering the various matters raised by the comments, we have determined that before proceeding further, it would be desirable to obtain more detailed cost and operating statistics from all carriers operating charter services between the U.S. and Europe. Accordingly, we are herewith ordering all air carriers certificated to provide service between the U.S. and Europe via the North Atlantic to submit by June 14, 1974, the data set forth in the Appendices. In addition, especially in view of the comments in support of a directional

[1] Public Law 92-259, 86 Stat. 95, March 22, 1972, amended section 1002 of the Federal Aviation Act of 1958 by adding thereto a new subsection (j) pertaining to rates in foreign air transportation.

[2] Weekdays were defined as Sunday through Thursday for eastbound originations and Monday through Friday for westbound flights; and weekends were defined as Friday and Saturday for eastbound originations and Saturday and Sunday for westbound originations.

[3] Those filing comments were Aerlinte Eireann Teoranta (Aerlinte), Alitalia Airlines (Alitalia), British Caledonian Airways Limited (BCAL), British Overseas Airways Corporation (BOAC), Capital International Airways, Inc. (Capital), Dan Air Services Limited (Dan-Air), Overseas National Airways, Inc. (ONA), Pan American World Airways, Inc. (Pan American), Saturn Airways, Inc. (Saturn), Spantax, S.A. (Spantax), Swiss Air Transport Company Limited (Swissair), Trans International Airlines, Inc. (TIA), Trans World Airlines, Inc. (TWA), World Airways, Inc. (World), The Airline Charter Tour Operators Association (ACTOA), B'nai B'rith, Davis Agency, Inc. (Davis), John MacDonald Smith (a member of the British-American Club of Northern California), the Department of Justice (DOJ), the Department of Transportation (DOT), and the Hon. John E. Moss, et al., Members of Congress (MOC).

[4] Reply comments were filed by BCAL, BOAC, Capital, Dan-Air, ONA, Pan American, Saturn, TIA, TWA, World, ACTOA, and DOJ.

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differential, we would request that foreign carriers, both scheduled and charter-only, providing charter services over the North Atlantic, submit at the same time comparable data. After receipt and review of the data, the Board will determine whether or not further proceedings are necessary, including the holding of a formal hearing, in order to develop a more complete record on which to base any final action herein.

In determining to continue procedures looking toward the eventual establishment of minimum charter rate guidelines, we are not unmindful of the fact that rapidly escalating fuel costs have substantially rendered moot the analysis of supplemental air carriers' operating costs upon which our proposed minimums were based, and that significantly increased operating costs have resulted in numerous charter rate increases for the upcoming peak charter season. However, with the lifting of the Arab oil embargo, we anticipate a stabilization of both the fuel supply and cost situation, and expect that thereafter, the same competitive pressures which originally prompted our proposal will reassert themselves with similar detrimental consequences. For this reason, we continue to believe that regulatory action to forestall implementation of apparently noncompensatory charter rates is necessary if the public interest in an economically sound and competitively balanced international air transportation system is to be maintained.

With respect to the comments directed toward our legal authority to adopt the proposed policy statement, we have given those comments careful consideration, but our tentative view is that we have such power. In any event, we find no legal basis for objection to requiring the submission of economic and traffic statistics that would be useful for the knowledgeable exercise of our suspension powers whether or not we eventually adopt a formal charter rate policy.

Although we had originally intended for the proposed policy statement to apply to charters performed after January 1, 1974, it is obvious that we will be unable to finalize any rules prior to the end of this year's peak charter season, and that the impact of any minimum rates subsequently adopted would, therefore, be severely limited. Accordingly, we now anticipate that, after reviewing the evidence submitted, any action we take would not apply to charters operated before January 1975. However, during the intervening period, we intend to monitor closely charter tariff filings and accompanying justifications, and are prepared, upon complaint or upon our own initiative, to suspend tariffs where such action appears necessary to forestall effectiveness of non-compensatory rates.

Finally, we have considered the other objections to the proposed minimum charter rates contained in the various comments, but tentatively are of the opinion that none of the objections warrants a termination of the proceeding. We will of course give full consideration to all matters raised by the comments before taking any final action.

Accordingly, *it is ordered*, That:

1. Each air carrier certificated to engage in the air transportation of persons between the United States and Europe submit no later than June 14, 1974, the data set forth in the Appendices [1] hereto.

2. This order be served upon National Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., World Airways, Inc. and upon all foreign air carriers holding permits authorizing the direct air transportation of persons.

3. A copy of this order be published in the FEDERAL REGISTER.

(Secs. 204a, 407 and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (as amended by 83 Stat. 103), and 788 (as amended by 86 Stat. 96); (49 U.S.C. 1324, 1377 and 1482))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12052 Filed 5-23-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

Notice of Subcommittee Meeting

The Subcommittee on Energy of the Citizens' Advisory Committee on Environmental Quality will meet on June 10, 1974, at 9:15 a.m. in Room 500, 1700 Pennsylvania Avenue, NW., Washington, D.C. This replaces the meeting originally scheduled for May 7, 1974.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The Subcommittee on Energy concentrates on matters relating to the production and use of energy. The principal purpose of the meeting is to consider various means of conserving energy and new sources of energy.

A limited number of seats—approximately, 10—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Thursday, June 6, 1974, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006, telephone (202) 223-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

[1] Appendices filed as part of original document.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.74-12015 Filed 5-23-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

WATER SUPPLY CHARGES

Pursuant to section 2-4.5 of the rules of practice and procedure of the Delaware River Basin Commission, a notice of intent having been duly published on March 8, 1974, the Executive Director hereby finds and determines that adoption of the proposed regulations for water supply charges would not have a significant environmental impact and would not constitute a major action significantly affecting the quality of the human environmental. This determination is based upon an environmental assessment dated February 1974 and the record of a public hearing held March 26, 1974.

This negative declaration is issued pursuant to Article 4 of the Commission's rules of practice and procedure this 17th day of May, 1974.

W. BRINTON WHITALL,
Secretary.

[FR Doc.74-11799 Filed 5-23-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-210002]

MIREX

Request for Extension of Order and for Public Comments

On May 1, 1974, the Environmental Protection Agency (EPA) received a request from the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for an extension of EPA's Order of March 28, 1973 (38 FR 8615), concerning the aerial application of Mirex to control the imported fire ant in seven Southern states.

The Environmental Protection Agency extended the provisions of the amended Order for Spring 1974 spraying season on March 8, 1974 (39 FR 9231), since it was anticipated that a decision in the Mirex hearing would be available before Fall 1974. However, the hearing has not been concluded, and such a decision is not expected to be available before permission to institute treatment this Fall can be granted. Consequently, USDA has requested an extension of the amended Order of March 28, 1973, for only the Fall 1974 spraying period.

USDA has stated that a minimum of 60 days prior to treatment is needed to plan and implement the Fall portion of the program. Bid invitations for aerial applications and electronic guidance must be issued and accepted in advance of the first treatment date. In addition, the manufacturer of the bait requires at least 60 days to obtain the raw materials and formulate the Mirex bait. As in previous years, the main emphasis on the imported fire ant program occurs in the Fall. The Fall treating period is about 30 days longer than the Spring treating period. In order to implement the Fall treatments in an orderly fashion, USDA has requested a decision by EPA by July 1, 1974.

Interested persons are invited to submit written comments with reference to USDA's request to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the documents. The comments must be received by June 10, 1974, and should bear the identifying number OPP-210002. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section, from 8:30 a.m. to 4:00 p.m. Monday through Friday.

This notice is issued pursuant to the provisions of section 21 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 996), and does not indicate a decision by this Agency on the request.

Dated: May 20, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-12019 Filed 5-23-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20003]

CUSTOMER INTERCONNECTION, JURISDICTIONAL SEPARATIONS, AND RATE STRUCTURE

Extension of Filing Time

In the matter of economic implications and interrelationships arising from policies and practices relating to customer interconnection, jurisdictional separations and rate-structure.

1. We have before us for consideration motions for extension of time within which to file recommendations as to issues in the above-captioned Notice of Inquiry, filed by The American Bankers Association (ABA) and the North American Telephone Association (NATA) on May 15, 1974. Basically, it is contended that insufficient time has been allotted to prepare a proper recommendation concerning these critical matters of extreme complexity since extensive preparation, coordination, discussion and internal review are demanded in such an instance.

2. The Commission's Notice of Inquiry, released April 10, 1974, FCC 74-344, in Docket No. 20003, stated "Our purpose in instituting this inquiry is to obtain information, views and comments from all interested persons that will be useful not only to this Commission in discharging its statutory obligations under the Communications Act but will also be beneficial to other agencies, including the State Utility Commissions, in carrying out their responsibilities." We believe that since the recommendations of ABA and NATA may be helpful in formulating the issues in this proceeding and since the time requested is not unreasonable, that the instant motions should be granted.

3. Accordingly, pursuant to § 0.303(c) of the Commission's rules, *it is ordered*, That the motions of ABA and NATA for extension of time are granted and that the time for filing recommendations in Docket No. 20003 is extended until and including June 17, 1974.

Adopted: May 16, 1974.

Released: May 17, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-12003 Filed 5-23-74;8:45 am]

[Docket Nos. 20043, 20044; File Nos. BPH 8374, 8475]

BRETT F. EISELE AND SANTA CRUZ VALLEY COMMUNICATIONS SYSTEMS, INC.

Applications for Construction Permits; Hearing

In re applications of Brett F. Eisele, Casa Grande, Arizona requests: 105.5 MHz; #288; 3 kW, 70 feet; Santa Cruz Valley Communications Systems, Inc., Casa Grande, Arizona requests: 105.5 MHz; #288; 3 kW, 175 feet for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting under delegated authority, has under consideration the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Analysis of the financial portion of the application of Santa Cruz Valley Communications, Inc., indicates that it will require $39,436 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Equipment	$17,136
Miscellaneous	2,000
First-year operating costs	20,300
Total	39,436

To meet this requirement, the applicant relies upon existing capital of $21,000 and a bank loan for $20,000. However, the applicant's balance sheet of June 14, 1973, shows only $14,125 of liquid assets in excess of current liabilities. In its amendment, the applicant indicates a change in its balance sheet. However, no new balance sheet has been received to date. Further, the applicant's bank loan is unacceptable. Although no loan repayments are due during the first 18 months, the terms of repayment must still be stated. Further, the loan requires the personal guarantee of James B. Hughes, which has not been received. Even if the loan were considered valid, however, the applicant would still have only $34,125 available to meet the $39,436 requirement. Accordingly, a financial issue has been included.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Santa Cruz Valley Communications, Inc., is financially qualified to construct and operate its proposed station.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

5. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

6. *It is further ordered*, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 14, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12004 Filed 5-23-74;8:45 am]

[Docket Nos. 19940, 19941; File Nos. BPCT 4612, 4673; FCC 74R-178]

COMMERCIAL RADIO INSTITUTE, INC., AND WESTERN PENNSYLVANIA CHRISTIAN BROADCASTING CO.

Applications for Construction Permit

In re applications of Commercial Radio Institute, Inc., Pittsburgh, Pennsylvania; Western Pennsylvania Christian Broadcasting Company, Pittsburgh, Pennsylvania, for construction permit for new television broadcast station. [39 FR 7198].

1. This proceeding involves the mutually exclusive applications of Commercial Radio Institute, Inc. (Commercial); and Western Pennsylvania Christian Broadcasting Company (Christian), for

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authorization to construct a new UHF television broadcast station on Channel 22 at Pittsburgh, Pennsylvania.[1] Now before the Review Board is a petition to enlarge issues, filed March 12, 1974, by Christian, requesting the addition of a site availability issue against Commercial.[2]

2. In support of its request for a site availability issue, Christian relies on the hearsay affidavit of George R. Kemp, Jr., its treasurer and a licensed civil engineer. In pertinent part, affiant states that he was told by Mr. George C. Blissman, Sr., owner of the land specified by Commercial as its transmitter site, "that he never made any firm commitment verbal or written" regarding sale or lease of any of his property to Commercial or any of its agents.[3] In addition, Mr. Kemp claims that his own on-site survey of the land specified in Commercial's application reveals that the land "may not fall within Mr. Blissman's ownership." Based on the above information, Christian concludes that Commercial presently has no reasonable assurance of the availability of its proposed site, and had no such reasonable assurance as of the date of filing its application. In opposition, Commercial claims that it did have reasonable assurance of the availability of its site at the time it filed its application. However, Commercial concedes that it has subsequently been informed by Mr. Blissman that the site specified in its application is unavailable, but alleges that Mr. Blissman has offered to lease or sell other property he owns. Nevertheless, Commercial concludes that it ". . . is in the process of locating a new site" and that "[a]s soon as one is located, an appropriate amendment will be filed."

3. The Review Board is in agreement with the Broadcast Bureau that the subject request fails to comport with the support requirement of § 1.229(c) of the Commission's rules. Christian's petition to enlarge is based almost entirely on hearsay information, and therefore, standing alone, is clearly insufficient to support addition of the requested issue. See Augusta Telecasters, Inc., 10 FCC 2d 594, 11 RR 2d 625 (1967). However, notwithstanding this defect, Commercial concedes that the site specified in its application is no longer available and that it is presently seeking a new site. Since no amendment has been filed and acted upon by the Presiding Judge, the Review Board will add a site availability issue. See B.B.C. Inc., 41 FCC 2d 241, 27 RR 2d 1110 (1973).

4. *Accordingly, it is ordered,* That the petition to enlarge issues, filed on March 12, 1974, by Western Pennsylvania Christian Broadcasting Company, is granted; and

5. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue:

To determine whether a transmitter site is available to Commercial Radio Institute, Inc.

6. *It is further ordered,* That the burden of proceeding with the introduction of evidence and burden of proof under the issue specified above shall be upon Commercial Radio Institute, Inc.

Adopted: May 15, 1974.

Released: May 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12002 Filed 5-23-74;8:45 am]

[Docket Nos. 19892, 19894; File Nos. BPH 8240, 8327; FCC 74R-182]

GREAT SOUTHWEST MEDIA CORP. AND ARKADELPHIA BROADCASTING CO.

Applications for Construction Permits

In re applications of Great Southwest Media Corporation, Arkadelphia, Arkansas; Arkadelphia Broadcasting Company, Arkadelphia, Arkansas, for construction permits, [38 FR 34906].

1. This proceeding involves the mutually exclusive applications of Great Southwest Media Corporation (Southwest) and Arkadelphia Broadcasting Company (Arkadelphia) for construction permits for a new FM broadcast station in Arkadelphia, Arkansas. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated these applications for comparative hearing by Order, Mimeo No. 12512, 38 FR 34906, published December 20, 1973.[1] Before the Review Board is a motion to enlarge issues, filed January 4, 1974, by Arkadelphia, seeking addition of ascertainment, staff adequacy, equipment, financial, and § 1.65 issues against Southwest, along with "other issues which may be necessary as determined by the Review Board."[2]

ASCERTAINMENT ISSUES

2. In support of its request for ascertainment issues,[3] Arkadelphia submits affidavits from four of the 22 individuals listed in Southwest's survey of community leaders. Two of these affiants, the Rev. A. William Terry and Curtis Echols, claim that they never were contacted by Southwest; the others, Eugene Phillips and Randall Mathis, assert that they were contacted by mail but never in person. In another affidavit, Arkadelphia's vice-president, John M. Riggle, indicates that he spoke with several of the individuals listed by Southwest "in the course of normal day to day activity", and swears that the four statements he obtained were given voluntarily and without promise of compensation. Petitioner declares that, in light of the Commission's Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971), these affidavits call into question both the "adequacy and accuracy" of Southwest's ascertainment showing.

3. In opposition, Southwest contends that its surveys were properly conducted and that the affidavits submitted by Arkadelphia "appear to have been fraudulently obtained". In support of these claims, Southwest submits further affidavits from Mathis, who now recalls a brief meeting with a Southwest principal, Wayne Duncan, on July 25, 1972;[4] Terry, who now recollects a telephone conversation with Duncan on July 26 of that year; and Echols, who says that he still does not remember a contact, but cannot be sure. In another affidavit, Duncan himself swears that he consulted Mathis and Echols in person and Terry by telephone. Duncan also insists that he contacted Phillips by mail only after receiving the Commission's assurance that this was permissible, in light of the difficulties encountered in obtaining a personal interview with Phillips. The Broadcast Bureau notes that the Primer provides that an applicant may not use questionnaires in lieu of personal consultations with community leaders, but opposes the addition of an issue since, in its view, there was no attempt to misrepresent the nature of the Phillips contact. The Bureau also points out that only one of the 22 community leaders listed by Southwest is still unable to recall a contact, and opines that this single discrepancy is insufficient to warrant action by the Board.

4. In reply, Arkadelphia asserts that Southwest's own affidavits indicate that one of its alleged interviewees does not remember being contacted and that two others (including Terry, the only black leader consulted) have had to have their recollections refreshed on the matter. This, in Arkadelphia's view, is proof that the "cursory methods" employed by Southwest fail to meet the standards of the Primer.[5] Moreover, Arkadelphia contends, the real test of an applicant's ascertainment effort is its proposed programming, and Southwest has proposed only "scant" programming to meet the needs of the black community, even though this group makes up a substantial part of the population to be served.[6]

5. The Review Board is of the view that Southwest's responsive pleading and supporting affidavits adequately controvert petitioner's contention that four community leader consultations listed by Southwest were not actually conducted. Although one of the disputed contacts is still unable to remember being interviewed, this single doubt about the complete accuracy of Southwest's showing is clearly not a sufficient basis upon which to predicate either a Suburban or misrepresentation issue.[7] See Lake Radio, Inc., 42 FCC 2d 737, 28 RR 2d 587 (1973), and cases cited therein. We will, however, add an issue as to the adequacy of Southwest's ascertainment efforts in Arkadelphia's black community, since, in our opinion, a single contact with the leadership of a substantial racial minority cannot be characterized as an adequate sampling of that segment of the population. See Azalea Corp., 38 FCC 2d 95, 25 RR 2d 975 (1972).

STAFF ADEQUACY ISSUE

6. In support of its request for a staffing issue, Arkadelphia claims that Southwest proposes to broadcast at least 12½ hours of news each week (about half locally originated), along with 3¼ hours of public affairs programming. In addition, petitioner declares, Southwest plans to: (a) write and broadcast 1200 spot announcements each month; (b) use portable recorders for news gathering; (c) conduct man on the street interviews; (d) employ mobile pickup units for remote coverage of important events; and (e) hold weekly meetings with all staff members present. However, according to petitioner, Southwest's application lists only three full time and two part time employees, and one of these, Duncan, is already employed full time with another station.[8] Therefore, Arkadelphia declares, an issue should be added to determine whether Southwest can effectuate its proposed programming with such a staff.[9]

7. In opposition, Southwest claims that the use of program automation equipment will free its staff for other duties such as news and sales. It also declares that most of its announcements will be repeated several times and that the number 1200 in its application refers only to the spots during which these will be aired. Southwest further contends that Exhibit 12 of its application clearly indicates that the purchase of remote units is contingent upon the future success of the station and, finally, states that Duncan's association with KZRK will cease immediately upon approval of Southwest's instant application. The Broadcast Bureau is of the view that Southwest's further explanation of the nature of its proposed operation obviates the need for a staffing issue. In reply, Arkadelphia contends that Southwest's application is silent as to automation equipment, but does provide for "portable recorders, making regular calls on the telephone, filing systems for reference, as well as local weather preparation materials." Accordingly, petitioner reiterates, Southwest has failed to show that its staff can carry out its proposal as represented to the Commission, and an appropriate issue is warranted.

8. The Review Board will not add a staff adequacy issue. The Board has frequency held that, unless an applicant's plans are, on their face, incapable of effectuation, a staffing issue will not be specified in the absence of specific allegations tending to demonstrate that those plans cannot be effectuated. See Radio Geneva, Inc., 42 FCC 2d 254, 27 RR 2d 1680 (1973), and cases cited therein. In our view, Arkadelphia's petition, consisting as it does almost entirely of excerpts and paraphrases of Southwest's application, totally fails to meet this standard of specificity. Hence, a staffing issue could be added here only if we found Southwest's plans incapable of effectuation on their face. But this is not the case, since only a small percentage of Southwest's proposed programming is locally originated and none of it, as described, would entail extraordinary demands on the staff.[10] In this connection (and in connection, also, with petitioner's requests for equipment and financial issues) we are of the view that the portions of Southwest's Exhibit 12 referred to by petitioner, albeit somewhat ambiguous, deal with the applicant's plans for the future and not with its immediate proposal and should, therefore, be regarded as harmless "puffing".[11]

EQUIPMENT ISSUE

9. Arkadelphia next requests an issue relating to Southwest's proposed equipment. Petitioner contends that its rival plans to construct its station by relying on an equipment package from Sparta Electronics Corporation, an "on hand" four bay FM antenna valued at $850.00, and a tower and lights to be purchased for $213.00. In addition, Arkadelphia claims, Southwest proposes: (a) remote man on the street interviews; (b) remote pickup units for all staff members; (c) a radar weather unit; (d) portable recorders for gathering local news; and (e) a telephone loop or loops for church broadcasts. Petitioner asserts that there has been no showing by Southwest advising the Commission of the availability of the foregoing items.

10. In opposition, Southwest agrees that it will use the Sparta package, an antenna purchased in 1972 "for future use or possible resale" and a tower and lights available for $213.00 in constructing its station. However, Southwest continues, it will not use telephone loops for religious broadcasts; rather, it will pretape these programs, either at its studio or at the various church offices. Southwest also reiterates that it has no immediate plans for the use of remote units or radar weather apparatus.

11. The Broadcast Bureau supports the addition of an equipment issue "absent a satisfactory explanation" from Southwest. "Undeniably", the Bureau contends, Southwest's application proposes extensive use of remote units and a weather unit, yet makes no provision for obtaining this equipment. The Bureau also questions whether Southwest can reasonably expect to buy a tower and lights for $213.00. In reply, Arkadelphia challenges Southwest's statement that it purchased an antenna for use or "possible resale".

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[1] This proceeding was designated for hearing by the Commission by Order, 39 FR 7198, published February 25, 1974.

[2] The Board also has before it for consideration the following related pleadings: (a) supplement to petition to enlarge issues, filed March 14, 1974, by Christian; (b) comments, filed March 27, 1974, by the Broadcast Bureau; (c) opposition, filed April 8, 1974, by Commercial; and (d) reply to opposition and comments, filed April 16, 1974, by Christian.

[3] In its reply, Christian suggests that Mr. Blissman would not submit his own affidavit for fear of being subjected to "the embarrassment and harrassment of cross-examination."

[1] The application of Kent Stephen Hatfield was also designated for hearing by this Order, but was subsequently withdrawn and, accordingly, dismissed with prejudice. See the Administrative Law Judge's Order, FCC 74M-112, released January 30, 1974.

[2] Also before the Board are the following related pleadings: (a) motion to dismiss motion to enlarge issues, filed January 16, 1974, by Southwest; (b) Broadcast Bureau's opposition to Southwest's "motion to dismiss", filed January 30, 1974; (c) Broadcast Bureau's comments on Arkadelphia's "motion to enlarge issues", filed February 1, 1974; (d) reply to opposition [sic] to motion to enlarge issues, filed February 12, 1974, by Arkadelphia. We agree with the Bureau that Southwest's "motion to dismiss" is both unauthorized and unsubstantiated, and will therefore deny that motion. However, since neither the Bureau nor petitioner objects, we shall treat the matter contained therein as a de facto opposition.

[3] Petitioner apparently seeks the addition of both Suburban and misrepresentation issues.

[4] Mathis adds that, at his direction, an administrative assistant spoke with Duncan at greater length on the same date. The assistant, Bob Graham, confirms this account in a separate statement.

[5] In this connection, Arkadelphia quotes the following passage from the Report and Order in which the Commission adopted the Primer, supra:

"• • • The person-to-person interview with the management of the station is more likely to establish a contact with the station in the interviewee's mind. Thus, a community leader knows someone to call if he believes there are matters that warrant further discussion."

[6] Southwest's application states that Clark County (of which Arkadelphia is the county seat) has a population of 21,537, including 4,803 blacks. According to Southwest, "this means that the black population is approximately 28% of the county total". Arkadelphia adopts the 28% figure without comment; the actual percentage, however, is 22.3%.

[7] Similarly, the fact that two of the contacts were not interviewed in person does not serve to disturb the overall validity of Southwest's community leader survey.

[8] Duncan is listed as full time general manager and chief engineer of Southwest's proposed station. According to petitioner, a renewal application filed in March, 1973, by Ozark Broadcasting Co., licensee of KZRK, Ozark, Arkansas, lists Duncan as its full time manager-engineer. Duncan's presence or absence at either facility, petitioner charges, will materially affect the ability of Southwest and/or Ozark to carry out their representations to the Commission.

[9] Petitioner cites WHCN, Inc., 25 FCC 2d 673, 19 RR 2d 1017 (1970) as precedent for such an inquiry.

[10] In Regal Broadcasting Corp., FCC 68R-386, 14 RR 2d 287, the Board added a staffing issue where an applicant proposed to operate 126 hours per week with a staff of five. The Board refused to accept the applicant's claim, inter alia, that automatic broadcasting equipment would reduce the need for staff. There, however, the applicant proposed to devote 35% of its weekly schedule to "complex and unusual" local programming. In addition, petitioner's showing in Regal did contain specific allegations of the type not found here.

[11] The exhibit states, in pertinent part:

"This applicant has many ideas on various ways to continually provide more services to the public. Most naturally, are dependent or financial ability. It is planned to provide mobile remote pickup units for all staff members to more effectively provide coverage of important events. This applicant also plans the installation of a radar weather unit to provide incomparable weather coverage. The proposed station's manager-engineer is at this time preparing for the radar endorsement for his first phone license and working with the Environmental Science Services Administration for weather training pertaining to the use of weather radar."

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Arkadelphia also claims that Southwest has contradicted itself with respect to the remote units, weather unit and telephone loops, and argues that its "ambitious plans" must therefore be tested under an appropriate issue.

12. The Board will not add an equipment issue. We find no inherent defects in Southwest's technical proposal,[12] and petitioner has submitted nothing to show that the items listed therein are unavailable. Rather, it has again chosen to rely almost exclusively on material culled from Southwest's application—and in at least two respects here, it has actually misstated its rival's intentions; e.g., contrary to petitioner's claims, Southwest's application does not propose remote man on the street interviews, nor does it mention telephone loops. Accordingly, we find this portion of Arkadelphia's petition to be entirely without merit.

FINANCIAL ISSUE

13. Arkadelphia also requests an inquiry into its opponent's finances. According to petitioner, Southwest claims to have $37,440.80 in cash, loans, and deferred credit available to meet first year costs estimated at $36,722.36, thereby leaving a surplus of $718.44. However, petitioner declares, one of the loans relied upon by Southwest, a $10,000 loan to Duncan and another Southwest principal from the Citizens National Bank of Arkadelphia, has already matured, and no amendment has been filed explaining the terms and conditions of this transaction. Hence, Arkdelphia concludes, there is a question as to the availability of these funds.[13] Arkadelphia also challenges Southwest's cost estimates for legal and engineering fees ($320.00 and $840.00 respectively) and for UPI Audio News Service ($50.00 per month). Petitioner submits an affidavit from its president, William F. Deaton, listing its out of pocket expenses for professional and related fees at $1,700.40 to date; in addition, it attaches a second Deaton affidavit and a letter from UPI quoting a figure of $55.00 per week for news service. Finally, petitioner again notes Southwest's mention, in its Exhibit 12, of remote pickup units and radar weather apparatus. This time, petitioner complains that Southwest's budget makes no provision for the purchase of such equipment.

14. In opposition, Southwest asserts that, according to a letter from Citizens Bank submitted with its original application, the $10,000 loan in question "has been granted with the understanding that the note will be renewed on maturity for an additional period of time being five years." Southwest also declares that "all equipment to be purchased and used initially * * * is accounted for in its application", and defends its estimates for legal and engineering services on the ground that it was never informed prior to designation that its application was inadequate in this respect, even though both Arkadelphia and Hatfield (see note 1, supra) were so notified. Southwest concedes, though, that its estimate for news service was "totally incorrect", and states that it will "ask to amend its application to show the correct figures and its ability to meet those needs."

15. The Broadcast Bureau supports the addition of issues. In its view, "there is no denying" that the $10,000 loan commitment from Citizens Bank has expired, and that Southwest is financially unqualified if this loan is not available. The Bureau also urges that, in view of the minimal cushion available to Southwest, some explanation of its cost estimates for equipment, news service, and legal and engineering expenses is appropriate. In reply Arkadelphia submits a letter from a Clarksville, Arkansas, attorney which, it states, reflects a record search as of January 4, 1974, in the Ozark District of Franklin County, Arkansas.[14] According to Arkadelphia, this search revealed numerous liabilities which were not disclosed in Southwest's application. This discovery, in petitioner's view, lends further support to its request for financial and Rule 1.65 issues. (See paras. 17–19, infra.)

16. The Board will add a limited issue to determine the financial qualifications of Southwest. In our view, there is a substantial question as to the availability of the $10,000 loan from the Citizens National Bank. Although the bank letter cited by Southwest does state that "the note will be renewed on maturity", we have no assurance that this has in fact occurred; nor have we been made aware of the interest on the current note, if one exists. Moreover, there is nothing in Southwest's application to indicate the terms of repayment or the security required for this loan. See Jackson Missouri Broadcasting Company, FCC 68–1015, 14 RR 2d 445. Southwest's ability to construct and operate its station for one year is also suspect since its application has not yet been amended in order to correct the $2,260.00 deficiency in its estimate for news service—a deficiency which, by itself, would more than wipe out Southwest's $718.44 cushion.[15] Finally, we agree with the Bureau that in view of the minimal cushion apparently available to Southwest, inquiry into the reasonableness of its very modest estimates for legal and engineering costs is warranted.

SECTION 1.65 ISSUES

17. In support of its first request for a § 1.65 issue Arkandelphia declares that, in section II, page 5, paragraph 19(b) of its original FCC Form 301, filed in January, 1973, Southwest stated that no party to its application had any connection with any other application pending before the Commission. Subsequently, on March 5, 1973, Arkadelphia states, an application was filed for renewal of the license of Station KZRK in Ozark, Arkansas,[16] but Southwest never amended its application to indicate the pendency of this matter. Arkadelphia also requests an issue based on Southwest's alleged failure to fully advise the Commission of its business and financial interests. Petitioner submits another affidavit from its president, Deaton, who claims to have read in a local newspaper that Wayne Duncan and another Southwest principal appeared before the city council of Gurdon, Arkansas, as representatives of Gurdon Video Cable Corp., a subsidiary of Southwest, with a proposal to bring a CATV system to that community.[17] Petitioner contends that section II, table II of Southwest's application makes no mention of any such subsidiary corporations or CATV interests.

18. In opposition, Southwest contends that petitioner has confused it with Ozark Broadcasting Company, the licensee of KZRK, and states that the only connection between the two companies is that Leo Wiederkehr, a Southwest principal, also owns stock in Ozark. Southwest also claims that it has no subsidiary corporations or CATV interests at this time, but concedes that it has a tentative CATV proposal before the Gurdon city council. In this connection, Southwest points out that its articles of incorporation permit it to engage in CATV activities, and promises to keep the Commission informed of all its business interests as they materialize.

19. The Review Board will not add a § 1.65 issue. It is clear that Southwest's failure to notify the Commission of the pendency of KZRK's renewal application was not motivated by a desire to conceal the facts, since Southwest had already fully disclosed Wiederkehr's interest in Ozark. Moreover, it does not appear, and Arkadelphia has not shown, that the status of KZRK's renewal application is a matter of decisional significance in this proceeding. We also agree with the Bureau that Arkadelphia's hearsay showing on the CATV matter would not warrant the addition of an issue. And, in any event, Southwest's admission that it has a CATV proposal before the Gurdon city council does not constitute evidence of a business interest subject to the Commission's reporting requirements, since no franchise has been awarded and no financial commitment has been made.

[12] Petitioner's reliance on Kittyhawk Broadcasting Corp., 8 FCC 2d 839, 10 RR 2d 628 (1967) is misplaced; issues were added there because an applicant's technical proposal did not include several items deemed essential to the operation of a station.

[13] Arkadelphia also requests the Board to "see also" the financial commitments and corporate balance sheet submitted with the renewal application of KZRK. But since that application is not before us, and since petitioner has in no way demonstrated the relevance of this data to the instant proceeding, this request will be disregarded.

[14] Petitioner alleges that all three of Southwest's principals reside in this district.

[15] We will disregard the additional data as to financial matters contained in Arkadelphia's reply. A petitioner is not permitted to cure an otherwise defective petition where information contained in its reply was readily available and could have been included in the original petition to enlarge issues.

[16] See also notes 8 and 13, supra.

[17] Copies of the pertinent newspaper clippings are also attached.

20. *Accordingly, it is ordered,* That the motion to dismiss motion to enlarge issues, filed January 16, 1974, by Great Southwest Media Corporation, is denied, and

21. *It is further ordered,* That the motion to enlarge issues, filed January 4, 1974, by Arkadelphia Broadcasting Company, is granted to the extent indicated herein, and is denied in all other respects; and

22. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

To determine, with respect to the application of Great Southwest Media Corporation:

(a) the efforts made by the applicant to ascertain the problems of the black community in the area to be served, and the manner in which the applicant proposes to meet these problems; and

(b) the availability of the alleged $10,000 loan to its principals, the reasonableness of its cost estimates for news service and for legal and engineering expenses; the sufficiency of its funds in light thereof; and whether, in view of the evidence adduced, the applicant is financially qualified; and

To determine, in view of the foregoing, whether Great Southwest Media Corporation has the requisite qualifications to be a Commission licensee.

23. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issues specified herein shall be on Great Southwest Media Corporation.

Adopted: May 16, 1974.

Released: May 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–12007 Filed 5–23–74;8:45 am]

[Docket Nos. 19882–19886; File Nos. BP 19402, etc.; FCC 74R–175]

JIMMIE H. HOWELL, ET AL.

Applications for Construction Permits

In re applications of Jimmie H. Howell, Milton, Florida, Docket No. 19882, File No. BP–19402; H. Byrd Mapoles, tr/as Mapoles Broadcasting Company, Milton, Florida, Docket No. 19883, File No. BP–19403; Aaron J. Wells, Milton, Florida, Docket No. 19884, File No. BP–19430; Radio Santa Rosa, Inc., Milton, Florida, Docket No. 19885, File No. BP–19431, for construction permits [39 FR 12379].

1. This proceeding involves the mutually exclusive applications of Jimmie H. Howell (Howell), H. Byrd Mapoles, tr/as Mapoles Broadcasting Company (Mapoles), Aaron J. Wells (Wells) and Radio Santa Rosa, Inc. (Santa Rosa) for authority to construct a new standard broadcast facility at Milton, Florida. By Order, 44 FCC 2d 43, released December 4, 1973, the Commission designated these applications for consolidated hearing on various issues. By Memorandum Opinion and Order, 46 FCC 2d 50, 29 RR 2d 1317, released March 28, 1974, the Review Board specified a Suburban issue against Santa Rosa. Now before the Review Board is a petition to enlarge issues, filed December 26, 1973, by Mapoles,[1] seeking abuse of process and public file issues against Howell, specialized programming and public file issues against Wells, and Suburban and character issues against Santa Rosa.[2]

ISSUES REQUESTED AGAINST HOWELL

2. *Abuse of process issue.* Predicated upon an affidavit of communications counsel for Howell in a prior Commission proceeding, Mapoles alleges, in essence, that Howell abused the Commission's processes by obtaining reimbursement from a competing applicant for sums which he never expended or intended to expend. Specifically, affiant states: (a) that between May 8 and June 12, 1967, he performed legal services for Howell in connection with an application then before the Commission; (b) that on Howell's behalf, he negotiated a settlement agreement with counsel for West Florida Broadcasting Co., Inc. (West Florida), the competing applicant, which was filed with the Commission for its approval, and which was, in fact, approved by the Commission on August 9, 1967; (c) that under the terms of the agreement, Howell was paid $1,769.13 by West Florida as reimbursement for Howell's expenditures in prosecuting its application and that fees for legal services in Howell's behalf constituted $575 of Howell's expenditures; (d) that affiant's statement of legal fees, in the amount of $575, was attached to the joint request for approval of the settlement agreement as proof of expenses incurred by Howell; and (e) that although Howell received full reimbursement under the terms of the agreement, he never paid any portion of the fees owing to affiant, did not respond to requests for payment, and successfully defended against suit for payment of fees on the grounds that the Florida statute of limitations had expired. Mapoles argues that Howell's assertion of the statute of limitations demonstrates the deliberateness of his deceit and abuse.

3. In opposition, Howell submits an affidavit which states that counsel "was never paid because he didn't do what he was employed to do." Howell argues that this is a private matter between an attorney and his client and cannot be the basis of an abuse of process issue. The Bureau opposes addition of the issue on the grounds that Mapoles has not supported its contention that Howell requested reimbursement from the Commission for sums which it never intended to expend.

4. Initially, the Review Board notes that abuse of process "involves questions of serious misuse of Commission procedures."[3] In the instant case, the procedure of a joint filing by Howell and West Florida for approval of the settlement agreement appears to have been proper in itself and approval of the agreement was appropriate. Accordingly, we are of the view that an abuse of process issue is not warranted. However, the Review Board does believe that petitioner's allegations raise serious questions as to Howell's character as a potential Commission licensee. Section 311(c)(3) of the Communications Act of 1934, as amended, bars applicants from obtaining payment, for reimbursement, in excess of the amount determined by the Commission to have been legitimately and prudently expended (or to be expended) in connection with preparing, filing, and advocating the granting of its application. See also § 1.525 of the rules. Cf. Robert J. Martin, FCC 65R–77, 4 RR 2d 647 (1965). In view of counsel's affidavit and Howell's sworn admission that counsel was not paid,[4] serious questions exist concerning the legitimacy of the claim for reimbursement of legal fees by Howell at the time of approval of the agreement, and concerning his subsequent conduct which apparently resulted in payment to him of more than his "out of pocket" expenditures. Accordingly, an appropriate issue to explore the facts and circumstances surrounding this matter will be added.

5. *Public inspection file issue.* In support of its request for a Rule 1.526/

[1] Also before the Board are the following related pleadings: (a) opposition, filed January 25, 1974, by Santa Rosa; (b) the Broadcast Bureau's comments, filed on January 25, 1974; (c) opposition, filed January 25, 1974, by Howell; (d) opposition, filed January 25, 1974, by Wells; and (e) reply, filed February 15, 1974, by Mapoles.

[2] With respect to the requested Suburban issue, we note that petitioner alleges: (a) that Santa Rosa used interviews of members of the general public as community leader survey interviews; (b) that these contacts were not conducted on behalf of or under the supervision of Santa Rosa principals; and (c) that the person conducting the survey was directed by Santa Rosa principals not to disclose her identity. These matters may be explored under the existing Suburban issue. See our March 28, 1974, Memorandum Opinion and Order, supra. The allegations underlying the requested character issue against Santa Rosa have been adequately disposed of in the aforementioned Memorandum Opinion and Order. The only new matter now raised by Mapoles is based entirely on hearsay; as such, it cannot support enlargement of the issues. See § 1.229(c) of the Commission's rules.

[3] Tung Broadcasting Co., FCC 72R–62, 23 RR 2d 1185, 1189. See, e.g., Wayne County Broadcasting Corp., 26 FCC 2d 52 (1970); Southern Broadcasting Co. (WGHP–TV), 31 FCC 2d 790, 21 RR 2d 868 (1971); SENCI and Broadcasting Systems, Inc., 28 FCC 2d 74, 21 RR 2d 546 (1971).

[4] Howell's contention that we should not assert jurisdiction because this matter is a private one lacks merit. It is well established that merely because an applicant's actions may also be pertinent to private litigation, the Commission is not precluded from exploring the allegations in a Commission proceeding. Cf Syracuse Television, Inc., 5 FCC 2d 401, 8 RR 2d 939 (1966), review denied, FCC 66–1170, December 21, 1966. In this regard, we note that the issue being added herein does not encompass the question of counsel's right to his fee.

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1.580[5] issue against Howell, petitioner submits two affidavits. The first is that of Byrd Mapoles, who avers that on or about September 15, 1973, he went to Howell's specified public file location during normal business hours and asked to see Howell's application. Affiant states that he was told by Evelyn Tyre "that there were no such papers or anything belonging to Howell at that place of business." Petitioner's second affidavit is that of Jerry Frizzell. Frizzell similarly avers that he visited to same location and was told by Tyre, after requesting to see Howell's application, that there were no such papers at that place of business. The Bureau supports addition of the issue.

6. In opposition, Howell submits three affidavits. The first is that of Frizzell, who avers that he never asked Evelyn Tyre to let him see Howell's application. Respondent's second affidavit, that of Evelyn Tyre, indicates that the application has remained at the designated location and that no one, including Frizzell or Mapoles, has ever requested to inspect Howell's application. Howell's last affidavit is that of Evelyn Tyre's daughter. She states that Frizzell asked her to show him the WEBY papers[6] and that she replied that Howell was out of the store and would return in ten minutes if he cared to wait or that her mother (Evelyn Tyre) could help him. In response, affiant continues, Frizzell turned abruptly and left the establishment. Howell charges that the above demonstrates a clear misrepresentation to the Commission on Mapoles' part and suggests that a misrepresentation issue be specified against Mapoles.[7] In reply, Mapoles attaches the affidavit of Frizzell who reaffirms that he asked to see the Howell application, but that he mistakenly assumed that the woman to whom he had spoken regarding this matter was Evelyn Tyre, when in fact it was her daughter.

7. The Review Board will add an issue against Howell. However, in view of the fact that petitioner's allegations principally involve the maintenance of a public file, it would appear that the issue should be framed solely in terms of Howell's compliance with Rule 1.526 rather than Rule 1.580. See note 5, supra. Although Frizzell's statements are clarified by the affidavit submitted with the reply pleading, Byrd Mapoles' sworn statement that he was told by Evelyn Tyre that Howell's application was not at the designated depository directly conflicts with the information contained in Tyre's affidavit. The disputed facts cannot be resolved on the basis of the pleadings. Accordingly, we are of the view that an appropriate issue is required. Cf. Home Service Broadcasting Corporation, 23 FCC 2d 914, 924, 19 RR 2d 315, 327 (1970).

ISSUES REQUESTED AGAINST WELLS

8. *Specialized programming issue.* Mapoles requests addition of an issue to determine the significant differences between the programming proposed by Wells and that proposed by the other applicants in this proceeding. In support thereof, petitioner points out that Wells indicates in his application both that he intends to broadcast 95 percent gospel music and 5 percent other types of programming, and that "[t]here is a need for a gospel and similar religious music format which is not being provided in this area by other stations."[8] In contrast to this allegedly specialized format, petitioner discloses that Howell, Santa Rosa and Mapoles propose the following respective formats: (a) 50 percent middle of the road and 50 percent country and western music; (b) 40 percent middle of the road and 5 percent to 10 percent country and western music; and (c) 20 percent middle of the road, 40 percent country and western, 20 percent gospel and 20 percent rock music. Petitioner declares that the formats of the aforementioned competing applicants appeal to a wider spectrum of the population of the proposed service area than does the Wells format. Petitioner also requests that the issue be directed to a determination of whether Wells' proposed specialized programming is responsive to the needs of the community, rather than to a full programming comparison. The Broadcast Bureau supports addition of the issue, citing Harvit Broadcasting Corp., 18 FCC 2d 508, 16 RR 2d 749 (1969), but argues that a full programming comparison is warranted.

9. In opposition, Wells contends that a comparative programming issue requires a two-part showing[9] and that Mapoles has failed to address the second half of the test, i.e., that its claimed superiority of programming is related to community needs. In addition, Wells argues that Mapoles has confused Wells' musical format with his programming proposal and that the musical format is not relevant to a comparative programming issue. Wells contends that the fact that none of the persons interviewed stated that there is a need for gospel music is irrelevant. Also, Wells asserts that his programming is not so distinguishable from that of the other applicants so as to necessitate addition of the requested issue.[10] In any event, Wells concludes, if an issued is added, it should be framed to permit a full programming comparison.

10. In reply, Mapoles argues that it is not confusing Wells' musical format with his programming proposal. Mapoles contends that both specific programs and musical format are to be considered in determining whether an applicant's programming proposal is specialized. In this connection, Mapoles asserts that Wells proposes non-musical religious programs amounting to 11.3 percent of this total broadcast time. Considering the religious programs with the 95 percent allocation of music format for gospel music, petitioner alleges that Wells proposes to devote over 75 percent of his total broadcast week to religious programming.

11. The Review Board will add a specialized programming issue. We agree with petitioner that Wells' programming proposal appears to constitute a specialized religious programming format. Specifically, Wells proposes to devote approximately 84 percent of his total broadcast week to programming of a religious nature,[11] and although each of the other applicants proposes some religious programming, none approaches the significant level proposed by Wells. Furthermore, Wells himself has characterized the proposal in his application as a "gospel or similar religious music format", and the Board has indicated in the past that it will take the applicant's characterization of its programming into account when it decides whether to add a specialized programming issue. See Harvit Broadcasting Corp., supra. Finally, it is well established that where one applicant proposes specialized programming and the others propose general market programming, an appropriate comparative issue is warranted.[12] See Salter Broadcasting Company (WBEL), 8 FCC 2d 1036, 10 RR 2d 606 (1967); and Ward L. Jones, 32 FR 1062, published January 28, 1967.

12. Public inspection file issue. Petitioner next requests an issue to inquire into Wells' compliance with Commission rule 1.526 (see note 5, supra). In support thereof, petitioner submits a copy of a transmittal letter and notice, filed by Wells with the Commission on June 27, 1973, which indicates that a copy of Wells' application is on file for public inspection at Navarre Real Estate Agency, U.S. Highway 98, Navarre, Florida. Petitioner points out that Rule 1.526 requires an applicant to maintain a copy of its application in its proposed city of license and contends that Wells violated this provision since it proposes Milton, Florida as its city of license. The Broadcast Bureau supports the requested issue unless Wells can offer countervailing circumstances.

13. In opposition, Wells avows that he published a notice that his application was on file at Navarre, Florida, but explains that he did not initially realise that the file had to be located within the proposed community of license. Upon discovery of the error, Wells continues, his counsel advised that the file be moved to Milton, Florida, which advice was promptly followed. Wells adds that notice of the new location was published beginning July 2, 1973, and that the Commission was notified of this fact by letter, filed July 16, 1973. A copy of this letter is attached to Wells' pleading. Wells argues that the issue should not be added since there was no attempt to withhold the file from public inspection. In reply, Mapoles argues that although notice was apparently published,[13] the fact remains that the Commission's rules were violated and the Commission should consider the applicant's qualifications where lack of knowledge of its rules, as admitted here, is demonstrated.

14. The Review Board will deny the requested issue. It is not disputed that Wells' application was available for public inspection in the wrong city for a short period of time thereby constituting a technical violation of Rule 1.526. It appears, however, that as a result of Wells' immediate corrective action following discovery of the error, no injury or prejudice occurred to the parties or the public. Moreover, Wells' claim of inadvertence is neither challenged nor unreasonable. In light of the surrounding circumstances and the fact that the violation was an isolated one, we do not believe the matter is serious enough to be decisionally significant or to warrant an evidentiary inquiry. Cf. California Stereo, Inc., 38 FCC 2d 1003, 26 RR 2d 556 (1973).

15. *Accordingly, it is ordered*, That the petition to enlarge issues, filed December 26, 1973, by H. Byrd Mapoles, tr/as Mapoles Broadcasting Company, is granted to the extent indicated herein, and is denied in all other respects; and

16. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine the facts and circumstances surrounding the submission of legal fees by Jimmie H. Howell in connection with a request for approval of a joint settlement agreement between Howell and West Florida Broadcasting Co., Inc., and Howell's subsequent conduct regarding said fees; and

(b) To determine, in light of the evidence adduced under the above issue, whether Jimmie H. Howell possesses the requisite and/or comparative qualifications to be a Commission licensee.

(c) To determine whether Jimmie H. Howell has complied with § 1.526 of the Commission's rules, and if not, the effect thereof upon the applicant's basic or comparative qualifications to be a Commission licensee.

(d) To determine, on a comparative basis, whether a greater need exists in Milton, Florida, for a specialised program service proposed by Aaron J. Wells or for a general-service broadcast station.

17. *It is further ordered*, That the burden of proceeding with the introduction of evidence under issues (a), (b) and (c) shall be upon H. Byrd Mapoles, tr/as Mapoles Broadcasting Company, and the burden of proof shall be upon Jimmie H. Howell.

Adopted: May 14, 1974.

Released: May 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-12005 Filed 5-23-74;8:45 am]

[Docket Nos. 18295, etc.; File Nos. BPCT 4018, etc.; FCC 74R-176]

ORANGE COUNTY BROADCASTING CO., ET AL.

Applications for Construction Permits

In re applications of Orange County Broadcasting, Inc., Monte E. Livingston, Edward D. Tisch, Frank L. Bret, Thomas Walker and Richard S. Steven, d/b as Orange County Broadcasting Company, Anaheim, California, Docket No. 18295, File No. BPCT-4018; The Voice of the Orange Empire, Inc., L.t.d., Anaheim, California, Docket No. 18297, File No. BPCT-4046; Orange Empire Telecasters, Inc., Frederick Berkowitz, Bennett R. Berhausen, Ronald H. Rodman, James A. O'Neil, Gordon C. Atkinson, Ilse M. Byrnes, Max H. Fulton, Alfred L. Caruso, Francis F. Welsh, Jr., J. Kenneth Cameron, Daniel H. Nisburg, Henry J. Gail, Peter A. Brittain, Thomas E. Williams, Lucien Brack, Murray W. Sporn, John J. Hall, National Golf Courses, Inc., Richard G. Braley, Thomas A. Key and Richard P. B. Tyson, d/b as Orange Empire Broadcasting Company, Anaheim, California, Docket No. 18298, File No. BPCT-4089; Golden Orange Broadcasting Company, Inc., Anaheim, California, Docket No. 18300, File No. BPCT-4113; for construction permit for new television broadcast station. [37 FR 23010].

1. The addition of three hearing issues is requested by the Broadcast Bureau.[1] They read as follows:

(a) To determine with respect to Orange County Broadcasting Company, whether the grant of its application would occasion a violation of § 76.501 of the Commission's rules;

(b) To determine with respect to Orange County Broadcasting Company, whether that applicant has failed to report substantial and significant changes in its application, in violation of § 1.65 of the Commission's rules;

(c) Whether in view of the evidence adduced under (a) and (b), supra, Orange County Broadcasting Company is qualified to be a licensee of the Commission.

2. Orange County Broadcasting Company is a partnership consisting of a general partner, Orange County Broadcasting, Inc., and five limited partners. The general partner is wholly owned by J. D. Wrather, Jr., and it will contribute 82 percent of the capital of the applicant and lend the applicant $1,400,000. The general partner also has "exclusive authority to manage and direct the affairs of the Partnership."[2] According to an amendment filed November 3, 1969, Wrather is a director and 5 percent stockholder of Teleprompter Corporation of New York, an owner and operator of cable television systems. In March, 1971, Teleprompter acquired a cable system serving Newport Beach and Seal Beach, California, both of which are near Anaheim, the principal community to be served by the applicants contesting in this proceeding, and this cable system was transferred to Theta Cable of California, owned by Hughes Aircraft Company (50 percent) and Teleprompter (50 percent). Although the application states only that Wrather owns 5 percent of Teleprompter, as of December 10, 1971, his ownership was given in terms of 33,000 shares of stock.

3. Although these are the facts as they appear in the application and related documents, it appears that as of July 31, 1973, Wrather was a director of and owned 85,000 shares of Teleprompter (0.51 percent); the Wrather Corporation, of which Wrather owned in excess of 20 percent in 1969, owned 1,373,000 (8.27 percent) shares of Teleprompter; and Wrather was the beneficial owner of

[5] Rule 1.526 requires that all applicants for new broadcast facilities must maintain a local file containing the application and all related material for public inspection. Rule 1.580 requires that an applicant publish a local notice indicating that an application is on file with the Commission. The latter rule also requires that the notice state a local address where the application and related material will be available for public inspection.

[6] The applicants in this proceeding are seeking to replace the deleted facilities of former Station WEBY, Milton, Florida. See Milton Broadcasting Company, 34 FCC 2d 1036, 24 RR 2d 369 (1972), affirmed, sub. nom. Mapoles v. FCC, Case No. 72-1583, D.C. Cir., January 31, 1973.

[7] Howell's request for a misrepresentation issue against Mapoles will be denied. It is well established that requests for enlargement of issues must be made in original pleadings. See Saul M. Miller, FCC 62R-122, 24 RR 550 (1962).

[8] Paragraph 18, Section IV-A of Wells' application. Petitioner asserts that none of the community leaders or members of the general public interviewed by Wells stated that there was a need for gospel music in the area.

[9] Wells' contention is based on *Chapman Radio and Television Co.*, 7 FCC 2d 213, 9 RR 2d 635 (1967).

[10] Wells avers that Santa Rose proposes to broadcast ten religious programs and that the other applicants propose religious programming as well.

[11] Wells' application indicates that he will broadcast 84 hours per week. Out of this amount, he proposes to allocate approximately 9½ hours (11%) to specific religious programs and 62 hours (73%) to gospel music. Hence, although Wells contends that his musical format is not relevant to a comparative programming inquiry, it is apparent that the predominant part of his broadcast proposal is of a religious character. Cf. WVOC, Inc., 36 FR 12642, published July 2, 1971; Harvit Broadcasting Corp., supra.

[12] In this regard, we point out that the Commission's concern with specialized formats is limited to "the need for a specialized service as against the need for a general-service station" proposed by the other applicants. See Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 397 n. 9, 5 RR 2d 1901, 1911 n. 9 (1965). Therefore, there is no need for a full programming comparison in this case.

[13] Mapoles points out that no proof of publication is provided in Wells' opposition. However, review of the Commission's records reflects that the republished notice was, in fact, filed.

[1] Board member Nelson absent.

[1] Petition to enlarge filed March 18, 1974. Orange County Broadcasting Company filed an opposition on April 1, 1974, and the Bureau submitted its reply on April 9, 1974.

[2] See agreement of limited partnership exhibit no. 3, attachment no. 1, amendment to application filed March 19, 1968.

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36.9 percent of the Wrather Corporation. According to the Bureau, these facts were revealed in application WA187 filed with the Cable Bureau on July 31, 1973. The Bureau also avers that application CA253 on file in the Cable Bureau reveals that Theta Cable of California is the television franchise holder for the city of Los Angeles. The Bureau also asserts that on July 3, 1973, Theta Cable was awarded the basic franchise to operate a new cable television system in Anaheim and filed with the FCC, on December 4, 1973, an application for certificate of compliance to commence operation of the Anaheim system. On January 15, 1974, according to the Bureau, Theta filed a request for special temporary authority to commence operation of the cable system in the Anaheim Hills section of Anaheim. Although Orange County assumes the accuracy of the facts in this paragraph, it states in a footnote that, according to a statement filed by Walt Disney Productions with the SEC on March 18, 1974, Wrather Corporations owns 773,000 shares (4.9 percent) of Teleprompter and also states that on March 25, 1974, Wrather owned 50,000 shares (.32 percent) of Teleprompter. None of the facts related in this paragraph appear in the Orange application, the most recent amendment to which was filed July 29, 1971.

4. Good cause for the late filing has been established since the Bureau submitted its petition four days after it learned of Theta's interests in the Anaheim cable system. This development had not been reported in the instant docket proceeding, and the Bureau correctly argues that issuance of trade press releases do not constitute notice to the other parties to the proceeding. It is clear that Orange has not kept its application current as required by § 1.65 of the rules, for it is well established that cable franchises must be reported since their existence has a bearing on the diversification question, at least.[3] It also appears, from the Bureau's allegations as well as from data submitted by Orange in its opposition, that Orange may have failed in other respects to comply with § 1.65. However, the Board believes that the issue should be added only on a comparative basis since most of these matters were reported to the Commission in connection with other actions and no intent to withhold or conceal is apparent.

5. The § 76.501 issue requested by the Bureau will not be added. As the Board has ruled before, the proscription of § 76.501 applies only to carriage of signals[4] and therefore to operating cable systems. The Anaheim system is not in operation.

6. *Accordingly, it is ordered,* That the petition to enlarge issues filed by the Broadcast Bureau on March 18, 1974, is granted to the extent hereinafter indicated and otherwise is denied;

7. And, *it is ordered,* That the issues are enlarged to add the following: To determine, with respect to Orange County Broadcasting Company, whether that applicant has failed to report substantial and significant changes in its application, in violation of § 1.65 of the Commission's rules; and, if so, the effect thereof on that applicant's comparative qualifications.

Adopted: May 14, 1974.

Released: May 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-12001 Filed 5-23-74;8:45 am]

[Docket Nos. 19887-19888; File Nos. BP 19424, 19489; FCC 74R-174]

ROSEMOR BROADCASTING CO., INC. AND SOUTHEAST RADIO, INC.

Applications for Construction Permits

In re applications of Rosemor Broadcasting Company, Inc., Statesboro, Georgia, Docket No. 19887, File No. BP-19424; Southeast Radio, Inc., Statesboro, Georgia, Docket No. 19888, File No. BP-19489 for construction permits, [38 FR 34535].

1. This proceeding involves the mutually exclusive application of Rosemor Broadcasting Company, Inc. (Rosemor) and Southeast Radio, Inc. (Southeast) for a permit to construct and operate a new standard broadcast station in Statesboro, Georgia. By Order, 38 FR 34535, published December 14, 1973, the Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated the application for consolidated hearing. Presently before the Review Board is a motion to enlarge issues, filed March 5, 1974, by Southeast, requesting the addition of two issues, one to determine whether Bernard Morris and/or Helen Rosengart (principals of Rosemor) and/or Rosemor Broadcasting Company, Inc. made misrepresentations, abused Commission processes or was lacking in candor in connection with documents presented to the Commission, and the other to determine, in light thereof, whether Rosemor is qualified to be a broadcast licensee.[1]

2. Petitioner argues that good cause exists to warrant consideration of its late-filed motion because the documents upon which the motion is based were submitted as part of Rosemor's January 23, 1974 opposition to an earlier motion to enlarge issues, filed January 2, 1974, by Southeast.[2] As attachments to its January 23 opposition, Rosemor included, inter alia, the affidavits of Aulbert J. Nesmith and Robert J. Donaldson, purportedly sworn to and subscribed before Joyce G. Knight, a Notary Public, on January 14, 1974. Southeast asserts that it commenced to prepare the instant motion upon discovering that the purported affidavits were improper. In particular, Southeast contends: (1) that Rosemor and its principals knew that neither Mr. Nesmith nor Mr. Donaldson had appeared before Joyce G. Knight or any other notary to sign and swear to the purported affidavits; (2) that the principals of Rosemor had improperly obtained a notarization of each of their signatures without their presence; and (3) that at least as to Mr. Nesmith, such notarization was obtained without his authorization or knowledge. As an attachment to its motion, Southeast submits an affidavit of Aulbert J. Nesmith, dated February 14, 1974, in which Mr. Nesmith states that he did not subscribe and swear to a document before Joyce G. Knight and that he was not advised at any time that the document was to be notarized out of his presence, nor did he authorize such notarization. Southeast also attaches the affidavit of Robert J. Donaldson, dated January 31, 1974, in which Mr. Donaldson avers that he did not sign the document in the presence of Joyce G. Knight. On the basis of these affidavits, Southeast alleges that Rosemor's principals have knowingly and willfully submitted to the Commission documents represented to be affidavits which they knew were not affidavits. Disposition of the instant motion, asserts Southeast, should be governed by the

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[3] Lake Erie Broadcasting Company, 34 FCC 2d 356 (1972); RKO General, Inc., 40 FCC 2d 1014 (1973).

[4] See RKO General, Inc., supra.

[5] Board member Nelson absent.

[1] Also before the Review Board are the following related pleadings: (a) Broadcast Bureau's comments, filed March 11, 1974; (b) opposition, filed March 18, 1974, by Rosemor; (c) reply to opposition, filed April 1, 1974, by Southeast; (d) supplement to reply, filed April 2, 1974, by Southeast; (e) letter, filed April 9, 1974, by Rosemor; (f) letter, filed April 10, 1974, by Southeast; (g) petition for leave to respond to reply and response, filed April 15, 1974, by Rosemor; (h) letter, filed April 17, 1974, by Rosemor; (i) opposition to petition for leave to respond to reply, filed April 22, 1974, by Southeast; (j) petition for leave to supplement response, filed April 26, 1974, by Rosemor; and (k) motion to strike, filed May 8, 1974, by Southeast. Supplemental pleading (e), requesting deferral of action on Southeast's motion to enlarge issues to allow Rosemor time to file an additional affidavit, and pleading (f), opposing Rosemor's request, have been rendered moot. Supplemental pleadings (g) through (j) are not authorized by the Commission's rules, and the showings made in the pleadings do not warrant a departure from the rules. The petition for leave to respond to reply and response and the petition for leave to supplement response, filed by Rosemor, and the motion to strike, filed by Southeast, will, therefore, be denied and the supplemental pleadings dismissed. See Filing of Supplemental Pleadings Before the Review Board, 40 FCC 2d 1026 (1972). This is the second time in the course of this proceeding that the parties have unnecessarily burdened the administrative process by filing a series of unauthorized supplemental pleadings. See our Memorandum Opinion and Order, 45 FCC 2d 920, released March 14, 1974. We repeat our policy of strict construction of the Commission's rules in these instances.

[2] Southeast's motion was acted on by Review Board Memorandum Opinion and Order, FCC 74R-103, released March 21, 1974, 45 FCC 2d 1122 (1974). See specifically paragraph 3 thereof.

Review Board's action in WIOO, Inc., 27 FCC 2d 740, 25 RR 2d 567 (1972) in which the Board added a comparable issue in similar circumstances.

3. The Broadcast Bureau, in its comments, states that although petitioner has not made a very persuasive showing of good cause for its late filing, the pleading nevertheless raises public interest questions which should be considered on the basis of the Board's holding in The Edgefield-Saluda Radio Company, 5 FCC 2d 148, 8 RR 2d 611 (1966). In the Bureau's view, Southeast's allegations are properly supported by affidavits and, in the absence of a satisfactory explanation, they warrant addition of the requested issues.

In its opposition, Rosemor maintains that Southeast's motion to enlarge is untimely and, therefore, procedurally defective. According to Rosemor, there has been no adequate explanation for Southeast's delay of two weeks between obtaining the January 31, 1974 affidavit of Mr. Donaldson and the February 14, 1974 affidavit of Mr. Nesmith nor for the additional delay of almost twenty days before Southeast's motion was filed. Furthermore, argues Rosemor, there is no showing by Southeast that its motion should be considered despite its lateness pursuant to The Edgefield-Saluda Radio Company, *supra.* On the merits, Rosemor submits that Mrs. Knight acted pursuant to the express authority of affiants Nesmith and Donaldson and the assurances of Bernard Morris with respect thereto. In support, Rosemor relies on a series of affidavits attached to its opposition. Preliminarily, Rosemor submits the affidavit of Ruth C. Collins who states that she was present in the taxicab operated by Mr. Nesmith during the conversation between Mr. Nesmith and Mr. Morris on January 14, 1974. Affiant Collins states that Mr. Nesmith told Mr. Morris "that he would sign the paper but that he did not have time to go to the bank to get it notarized but that Mr. Morris could do that." The affidavit of Rosemor's principal, Bernard Morris, dated March 18, 1974, states that Mr. Nesmith told affiant that "because of the press of his business, he did not have time to go before a Notary in order for the document to be notarized [and that] Mr. Nesmith then authorized affiant to take the document to First Bulloch Bank & Trust Co. for the purpose of getting it notarized." Likewise, Mr. Morris avers that "Mr. Donaldson informed affiant that he did not have time to leave his work but told affiant that affiant should take the document to First Bulloch Bank & Trust Company for the purpose of getting it notarized." Affidavits of other persons involved in the preparation of Mr. Nesmith's and Mr. Donaldson's affidavits are also attached.[6] Rosemor states that it has no knowledge as to why Mr. Nesmith failed to mention the January 14, 1974 meeting in his affidavit of February 14, 1974, but contends that there is no inconsistency between Mr. Nesmith's February 14 affidavit and the affidavits submitted by Rosemor. Similarly, Rosemor states that nothing in Donaldson's affidavit of January 31, 1974, contradicts Morris' sworn statement.[4] Rosemor concludes that Mr. Morris acted properly and in good faith, and that if any technical irregularity is involved, it is merely a question of local law which the Board should not entertain.

5. In reply, Southeast submits a further affidavit from Aulbert J. Nesmith, dated March 28, 1974, in which Mr. Nesmith maintains that on or about January 14, 1974, "Mr. Morris stated he had to go to the bank but did not mention that the paper I had signed would be notarized and he did not ask my permission to have the paper notarized out of my presence and I, at no time, authorized Mr. Bernard Morris or any other person to have the document notarized out of my presence." Southeast asserts that this affidavit of Mr. Nesmith clearly conflicts with affidavits submitted by Rosemor. In any event, Southeast argues, the Donaldson and Nesmith affidavits were improperly executed whether or not the affiants authorized notarization out of their presence, and Rosemor's claim that Mr. Morris acted properly and in good faith is unsupported.

6. The Review Board will add the requested issues. The Board agrees with the Bureau and Rosemor that Southeast's motion was not timely filed and that Southeast's showing of good cause for the untimely motion is less than adequate. However, the Board is convinced that Southeast's motion raises serious public interest questions which should be explored in the context of a hearing. See The Edgefield-Saluda Radio Company, *supra.* With regard to the merits of Southeast's petition, there is a serious conflict in the various affidavits submitted by the parties. Specifically, there is a direct conflict between Aulbert Nesmith's assertion that he was not told his statement would be notarized and that he did not authorize such notarization and the statements of Ruth Collins and Bernard Morris to the effect that Mr. Nesmith authorized the subsequent notarization. In the Board's view, the conflict in the affidavits is sufficient in itself to justify adding the requested issues. See Christian Voice of Central Ohio, 26 FCC 2d 76, 20 RR 2d 389 (1970). In addition, Rosemor admits that an irregularity occurred since the statements of both Aulbert Nesmith and Robert Donaldson were not, in fact, sworn to in the presence of a notary. We disagree with Rosemor's argument that this is only a technicality or a matter of local law which the Commission may not explore. On the contrary, the allegation that a false jurat has been submitted to the Commission is a serious one[7] and has been the subject of severe sanction by the Board in the past. See 3 J's Broadcasting Company, 41 FCC 2d 664, 27 RR 2d 1396 (1973), review denied, FCC 74-86, released January 30, 1974. In light of the above circumstances, the Board believes that an evidentiary inquiry into all the facts surrounding the procurement and submission of the affidavits in question is appropriate. See WIOO, Inc., *supra.*[8]

7. *Accordingly, it is ordered,* That the letters, filed April 9, 1974, by Rosemor Broadcasting Company, Inc. and April 10, 1974, by Southeast Radio, Inc., are dismissed as moot; that the petition for leave to respond to reply and response, filed April 15, 1974, by Rosemor Broadcasting Company, Inc., the petition for leave to supplement response, filed April 17, 1974, by Rosemor Broadcasting Company, Inc., and the motion to strike, filed May 6, 1974, by Southeast Radio, Inc., are denied; and that the letter, filed April 17, 1974, by Rosemor Broadcasting Company, Inc. and the opposition to petition for leave to respond to reply, filed April 22, 1974, by Southeast Radio, Inc., are dismissed; and

8. *It is further ordered,* That the record in this proceeding is reopened; that the motion to enlarge issues, filed March 5, 1974, by Southeast Radio, Inc. is granted; and that the issues in this proceeding are enlarged as follows:

(a) To determine whether Bernard Morris and/or Helen Rosengart and/or Rosemor Broadcasting Company, Inc., has made misrepresentations or abused Commission processes or been lacking in candor with respect to documents submitted to the Commission purporting to be affidavits.

(b) To determine, in light of the evidence adduced pursuant to the above issue, whether Bernard Morris and/or Helen Rosengart and/or Rosemor Broadcasting Company, Inc., possesses the basic or comparative qualifications to be a Commission licensee; and

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein shall be on Southeast Radio, Inc. and the burden of proof under these issues shall

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[6] Rosemor attaches the affidavit of Joyce G. Knight, dated March 11, 1974, which states that on January 14, 1974, at the request of Mr. Morris whom she knew, she notarized the documents of Mr. Nesmith and Mr. Donaldson. Mrs. Knight adds that although she was not personally familiar with Mr. Nesmith's signature, Mr. Morris informed her that it was the signature of Mr. Nesmith and that Mr. Nesmith had authorized Mr. Morris to have the document notarized. Affiant Knight states that Mr. Donaldson's signature is familiar to her. An affidavit of Helen M. Rosengart, dated March 18, 1974, is also attached.

[4] According to Rosemor, WIOO, Inc., supra, is distinguishable on the ground that in that case there was sworn evidence that a principal of WIOO had taken letters previously obtained from certain persons and "without their knowledge or authority," obtained notarization thereof. (Emphasis is Rosemor's.)

[7] "The fundamental importance of truthfulness and complete candor on the part of applicants, as well as licensees, in their dealings with the Commission is well established." Lebanon Valley Radio, Inc., 35 FCC 2d 243, 258, 24 RR 2d 586, 604 (1972), review denied FCC 73-226, released March 2, 1973; see also FCC v. WOKO, Inc., 329 U.S. 223 (1946).

[8] Rosemor's attempt to distinguish WIOO, Inc., above from the instant facts is unpersuasive since the question of authorization is in contention here. See n. 4, supra.

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be on Rosemor Broadcasting Company, Inc.

Adopted: May 14, 1974.

Released: May 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12006 Filed 5-23-74;8:45 am]

FEDERAL ENERGY OFFICE

RETAIL DEALERS GROUP

Notice of Renewal of Charter

This notice is published in accordance with the provisions of sections 14(b) and 9(c) of the Federal Advisory Committee Act (Pub. L. 92-463). Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties delegated to the Federal Energy Office by Executive Order No. 11748, to renew the charter of the Retail Dealers Group. The Group was originally chartered in January 1974 for a four month period.

A description of the nature and purpose of this Group is contained in its charter, which is published below.

Dated: May 20, 1974.

JOHN C. SAWHILL,
Administrator,
Federal Energy Office.

CHARTER

RETAIL DEALERS GROUP

A. *Renewal of Charter.*

The Administrator, Federal Energy Office, having determined, after consultation with the Director, Office of Management and Budget that it is in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, Federal Energy Office certain authority vested in the President, including authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159) and the Defense Production Act of 1950 (50 U.S.C. app. 2061 et seq.) as amended, hereby renews the Charter of the Retail Dealers Group, originally established by a charter published on January 10, 1974 (39 FR 1540), pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, function and administrative provisions.*

1. *Objectives and scope of activities.* To provide the Federal Energy Office with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the retail sale of gasoline/diesel fuel.

2. *Duration of Group.* Approximately 7 months.

3. *Official to whom Group reports.* The Administrator of the Federal Energy Office (FEO).

4. *The Agency Responsible for Providing Necessary Support.* Federal Energy Office.

5. *Duties of the Group.* These are set forth in paragraph 1 above.

6. *Estimated annual Operating Cost of the Group.* $30,000. *Estimated man-years of support service for the Group.* Three months.

7. *The Estimated number and Frequency of Meetings.* The Group will meet approximately 6 to 9 times.

8. *Termination Date.* The Group will terminate on December 31, 1974 unless renewed pursuant to the provisions of the Federal Advisory Committee Act.

9. *Committee Membership.* The Group's membership will be balanced to be representative of the retail gasoline industry, and will include persons representing a variety of types of operations, various geographical regions, and businesses with a range of gallonages sold.

[FR Doc.74-11947 Filed 5-23-74;8:45 am]

[1] Board Member Nelson absent.

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND CRESCENT TERMINALS, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leslie E. Still, Jr., Deputy City Attorney
City of Long Beach
Suite 600, City Hall
Long Beach, California 90802

Agreement No. T-2800-1, between the City of Long Beach (City) and Crescent Terminals, Inc. (Crescent), modifies the parties' basic agreement providing for a seven-year nonexclusive preferential assignment to Crescent of certain areas at Pier F, Long Beach, California to be operated as a public marine terminal. The purpose of the modification is to: (1) Provide for the agreement's commencement on August 1, 1973 and termination on June 30, 1980; (2) provide for Crescent's $280,800 minimum obligation for each of the first two 12 month periods; (3) provide for a credit against Crescent's minimum for the first period for all tariff charges accruing during the month of July, 1973, pursuant to operations conducted by Crescent under FMC Agreement No. T-2394; and (4) provide for renegotiation of both Crescent's minimum obligation and the percentage of apportionment of revenues for each of the last 5 years of this agreement.

By Order of The Federal Maritime Commission.

Dated: May 21, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-12011 Filed 5-23-74;8:45 am]

DAVIS VAN & STORAGE, INC.

Revocation of Freight Forwarder License

By letter dated April 10, 1974, Davis Van & Storage, Inc., P.O. Box 112, Davis, California 95616 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1151-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 8, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Davis Van & Storage, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/15/73);

It is ordered, that Independent Ocean Freight Forwarder License No. 1151-R be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1151-R of Davis Van & Storage, Inc. be and is hereby revoked effective May 8, 1974.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Davis Van & Storage, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.74-12012 Filed 5-23-74;8:45 am]

PORT OF PORTLAND AND HANDCOR, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Milton A. Mowat, Manager
Regulatory Affairs
Port of Portland
Box 3529
Portland, Oregon 97208

Agreement No. T-2765-1, between the Port of Portland (Port) and Handcor, Inc. (a corporation comprised of Jones Oregon Stevedoring Co., Brady-Hamilton Stevedore Co., Portland Stevedoring Co., and Western Stevedoring & Terminal Corp.) (Handcor) modifies the basic agreement between the parties whereby Handcor is to perform the services of stuffing and unstuffing all containers and the boarding and deboarding of all general cargo at the Port's Terminal No. 2. The purpose of the modification is to permit Handcor to extend its services to the Port's Terminal No. 1, excepting, at the Port's option, certain facilities as more specifically described in this modification. Provision is also made for Handcor to perform all rail car loading and unloading at the Port's Terminals No. 1 and No. 2, again excepting, at the Port's option, certain facilities. Handcor shall bill Port for the applicable rail car loading and unloading rates as published in Port's Marine Terminal Tariff. By Order of the Federal Maritime Commission.

Dated: May 21, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-12010 Filed 5-23-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74-223, etc.]

RATE CHANGES; CERTAIN COMPANIES Hearings, etc.[1]

MAY 16, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission order: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI74-223	Amoco Production Co	[1] 594	[2] 4	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	$4,752	4-15-74		6-16-74	[3] 24.0	[3] 28.5	
RI74-4	do	[1] 506	4	Western Transmission Corp. (Deep Creek Field, Carbon County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area).	2,563	4-15-74		4-16-74	25.63	[4] [5] 26.6552	RI74-4.
RI74-224	do	[1] 508	[6] 7	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	11,286	4-15-74		6-16-74	[3] 24.0	[3] 28.5	
RI74-225	Phillips Petroleum Co	[1] 517	1	Western Transmission Corp. (Deep Creek Field, Carbon County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area).	6,277	4-15-74		6-16-74	23.75	[3] [7] 26.0	
RI74-226	The Superior Oil Co	75	[8] 7	West Texas Gathering Co. (South Kermit Field, Winkler County, Texas) (Permian Basin).	22,712	4-15-74		10-16-74	[3] [9] 22.5	[3] [9] 29.10675	
RI74-227	Skelly Oil Co	257	6	Natural Gas Pipeline Co. of America (Haley Unit, Evetts Field, Loving & Winkler Counties, Texas) (Permian Basin).	720	4-17-74		11-21-74	[3] [10] 26.5	[3] [10] 26.6	

*Unless otherwise stated, the pressure base is 15.025 psia.
[1] Basic contract dated after October 1, 1968.
[2] Applies to gas covered by Supplement No. 3 only.
[3] Subject to upward or downward Btu adjustment from a base of 1,000 Btu.
[4] Includes a double amount of the contractually due tax reimbursement.
[5] Inclusive of Btu adjustment.
[6] Applies to gas covered by Supplement No. 5 only.
[7] Does not include applicable upward quality adjustments of approximately 2.33¢/Mcf.
[8] The pressure base is 14.65 psia.
[9] Subject to quality adjustments pursuant to Opinion No. 662.

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The proposed increases of Amoco Production Company under its FPC Gas Rate Schedule No. 506 and Phillips Petroleum Company include a double amount of the contractually due tax reimbursement for the 2.0 percent increase in the Wyoming severance tax in order to recoup taxes on past production. After tax reimbursement on past production has been recovered, a rate decrease must be filed by the producers so that they collect only the contractually due tax reimbursement. Amoco's increase reflects only tax reimbursement, and since its underlying rate is effective subject to refund in Docket No. RI74-4, the tax increase is suspended for one day from the date of filing in that proceeding. Phillips' increase reflects an increase in its base rate, in addition to an increase in tax reimbursement, and, as a result, it is suspended for one day from the expiration of the sixty day notice period.

The other proposed rate increases exceed the applicable area ceiling rate under Order No. 435, and are suspended for one day.

[FR Doc.74-11859 Filed 5-23-74;8:45 am]

[Docket No. E-7530]

LONG ISLAND LIGHTING CO.

Notice of Application

MAY 17, 1974.

Take notice that on April 2, 1974, Long Island Lighting Company (applicant), filed an Application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to increase to $100 million the amount of short-term unsecured promissory notes, including commercial paper which it may have outstanding at any one time. Applicant also requests that the final issue dates on the notes be extended to on or before December 31, 1975, and the final maturity date be extended to September 30, 1976. Applicant further requests that the issuance of these securities continue to be exempt from the requirements of competitive bidding.

The Commission authorized the issuance of short-term unsecured promissory notes by the applicant in its Orders dated May 7, 1970, and June 25, 1973, Docket No. E-7530. In that docket the Commission authorized the issuance of $85 million in promissory notes ($60 million promissory notes and $25 million commercial paper) with a final issue date of December 31, 1974 and a final maturity date of September 30, 1975. The Commission, by its Supplemental Order in Docket No. E-7530 issued June 25, 1973, found that the proposed issuance of similar securities aggregating $85 million to be exempt from the competitive bidding requirements of § 34.1a of the Federal Power Commission's Regulations under the Federal Power Act.

Applicant is incorporated under the laws of the State of New York with its principal business office at 250 Old Country Road, Mineola, New York 11501.

The interest rate applicable to the promissory notes will be an annual rate equal to the prime rate of each lending bank to substantial and responsible commercial borrowers. The interest rate applicable to the commercial paper will be the rate in effect at the time of issuance, to be determined in the manner customary for commercial paper. The promissory notes will each mature not more than nine months from the date of issuance. The maturity of the commercial paper will vary but in no event will any of the commercial paper mature more than nine months after issuance.

The proceeds will be used to reimburse the treasury of the applicant to finance expenditures against which other securities have not as yet been issued and for construction purposes.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11952 Filed 5-23-74;8:45 am]

[Docket No. RP73-108]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Extension of Time and Postponement of Hearing

MAY 17, 1974.

On May 16, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued April 1, 1974, in the above-designated matter. The motion states that the proposed dates were agreed upon by all participants of the conferences and also the Administrative Law Judge.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Prehearing Conference Reconvene, June 10, 1974 (10:00 a.m. e.d.t.).
Service of rebuttal by all parties except Panhandle, June 17, 1974.
Service of rebuttal by Panhandle, June 21, 1974.
Cross-examination, June 24, 1974 (10:00 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11953 Filed 5-23-74;8:45 am]

[Project No. 696-Utah]

UTAH POWER & LIGHT CO.

Notice of Availability of Staff Draft Environmental Impact Statement

Notice is hereby given in the captioned Project, that on May 22, 1974, as required by § 2.81(b) of Commission Order No. 415-C, a draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with an application for minor license filed pursuant to the Federal Power Act by Utah Power & Light Company for its constructed American Fork Creek Project No. 696.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its San Francisco Regional Office located at 555 Battery Street, San Francisco, California 94111. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

The project is located on American Fork Creek, Utah County, Utah and affecting lands of the United States within Uinta National Forest.

The project consists of a concrete overflow type diversion dam, a steel pipe conduit and a brick powerhouse with one 950 kw generating unit.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before July 6, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81(c) of Order No. 415-C.

All petitions to intervene must be filed on or before July 6, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-11949 Filed 5-23-74;8:45 am]

[Docket No. E-7855]

NEW ENGLAND POWER CO.

Notice Postponing Hearing

MAY 17, 1974.

On May 7, 1974, a notice was issued fixing a hearing for May 21, 1974, in the above-designated matter. Due to the unavailability of an Administrative Law Judge on that date, it is necessary to change the date of the hearing.

Notice is hereby given that the hearing in the above matter is postponed to May 31, 1974, at 10:00 a.m. (e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11956 Filed 5-23-74;8:45 am]

[Docket No. CI74-290]

TERRA RESOURCES, INC., ET AL.

Notice Postponing Hearing

MAY 17, 1974.

On May 7, 1974, a notice was issued fixing a hearing for May 22, 1974, in the above-designated matter. Due to the unavailability of an Administrative Law Judge on that date, it is necessary to change the date of the hearing.

Notice is hereby given that the hearing in the above matter is postponed to May 30, 1974, at 9:00 a.m. (e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11955 Filed 5-23-74;8:45 am]

[Docket Nos. CI74-530, etc.]

TEXAS EASTERN EXPLORATION CO., ET AL.

Order Granting Interventions, Consolidating Proceedings, and Setting Date for Hearing

MAY 17, 1974.

Texas Eastern Exploration Company, CI74-530; Louisiana Land Offshore Exploration Company, Inc., CI74-550; Texas Eastern Exploration Co., CI74-552; Louisiana Land and Exploration Company, CI74-568; Signal Oil and Gas Company, CI74-590.

On April 5, 1974, Louisiana Land Offshore Exploration Company, Inc., (Offshore) and on April 8, 1974, Texas Eastern Exploration Co. (Exploration) filed applications pursuant to sections 4 and 7 of the Natural Gas Act,[1] and § 2.75 [2] of the Commission's general policy statements, the optional procedure for certificating new producer sales of natural gas set forth in Order No. 455,[3] (hereinafter § 2.75) for certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce from their respective interests in Eugene Island Block 349, offshore Louisiana, to Texas Eastern Transmission Corporation (Transmission). Exploration and Transmission are affiliated.

Also pursuant to § 2.75, on April 12, 1974, Louisiana Land and Exploration Company (LL&E) and on April 19, 1974, Signal Oil and Gas Company (Signal) filed applications for authorization of sales from their respective interests in East Cameron Block 321 to Transmission.

The proposed sales by Offshore and Exploration will be made under contracts dated February 28, 1974, and March 19, 1974, respectively, each providing for an initial rate of 60 cents per Mcf plus 2 cents per Mcf annual escalation, Btu adjustment, 100 percent reimbursement of any new or additional taxes, and an area rate clause that will be waived upon acceptance of a certificate. The Offshore contract also requests pregranted abandonment authorization.

LL&E and Signal filed identical contracts dated January 28, 1974, providing for an initial rate of 60 cents per Mcf with 2 cents per year per Mcf escalation, reimbursement of 7/8 of all new or additional taxes, an area rate clause which will be waived upon acceptance of a satisfactory certificate, and a request for pregranted abandonment.

Interventions were filed by the American Public Gas Association in Docket Nos. CI74-552 and CI74-550, and by Transmission in Docket No. CI74-550. The Public Service Commission of the State of New York (NYPSC) filed, in each docket, a notice of intervention and a request for a hearing. Consequently, we find a hearing is necessary to determine whether the present and future public convenience and necessity will be served by certificating these sales and whether the proposed rate is just and reasonable.

In Order No. 455, Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (id. 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Of course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed, City of Detroit v. F.P.C., 230 F. 2d 810, 818 (1955), cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

Cost findings from the latest area rate decision may be incorporated by reference in this proceeding and may be considered as relevant evidence in determining a just and reasonable rate. Stingray Pipeline Company, et al., Opinion No. 693, Docket No. CP73-27, et al., issued May 6, 1974.

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals, see n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned Transmission's need for the additional natural gas supplies that will be available to it as a result of these purchases.

Since these applications all involve offshore Southern Louisiana sales at the same price to the same pipeline, the Commission concludes that the ultimate disposition of the above-entitled proceedings would be best accomplished in a consolidated proceeding. By order issued May 15, 1974, we set for hearing a § 2.75 application in Docket No. CI74-530 involving another offshore sale by Exploration to its affiliate, Transmission, with an initial rate of 50 cents per Mcf. Since this sale is also offshore, involves the same seller and buyer, the NYPSC also requested a hearing therein, we deem it proper to consolidate Docket No. CI74-530 with the applications presented herein for the purposes of hearing and disposition. The procedural dates set forth in our May 15, 1974, order relating to Docket No. CI74-530 will be changed as hereinafter provided.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceedings be consolidated and set for hearing.

(2) It is desirable and in the public interest that the above-named petitioners be permitted to intervene.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter I), Docket Nos. CI74-550, CI74-552, CI74-568, and CI74-590 are set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on July 1, 1974, 10:00 A.M. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicants and any intervenor supporting the applications shall file their direct testimony and evidence on or before May 31, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the applications, shall file their direct testimony and evidence on or before June 14, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before June 21, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

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[1] 15 U.S.C. 717, et seq. (1970).

[2] 18 C.F.R. 2.75.

[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales Sales Of Natural Gas, Docket No. R-441, 48 F.P.C. 218 (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C, No. 72-1837 (D.C. Cir.).

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(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of this Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The contract between Offshore and Transmission dated February 28, 1974, is accepted for filing as of the date of initial delivery and designated as Louisiana Land Offshore Exploration Company, Inc. FPC Gas Rate Schedule No. 1.

(I) The contract between Exploration and Transmission dated March 19, 1974, is accepted for filing as of the date of initial delivery and designated as Texas Eastern Exploration Co. F.P.C. Gas Rate Schedule No. 5.

(J) The contract between LL&E and Transmission dated January 28, 1974, is accepted for filing as of the date of initial delivery and designated as Louisiana Land & Exploration Company F.P.C. Gas Rate Schedule No. 15.

(K) The contract between Signal and Transmission dated January 28, 1974, is accepted for filing as of the date of initial delivery and designated as Signal Oil and Gas Company F.P.C. Gas Rate Schedule No. 38.

By the Commission.[1]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11951 Filed 5-23-74;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.

Further Extension of Time and Postponement of Hearing

MAY 17, 1974.

On May 15, 1974, Iroquois Gas Company filed a request for a further extension of the procedural dates as fixed by notice issued May 3, 1974, in the above-designated matter. The motion states that there is no objection by any of the parties.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of prepared testimony and exhibits by interveners, May 31, 1974.
Service of rebuttal evidence by Valley, June 14, 1974.
Prehearing Conference, June 25, 1974 (10:00 a.m., e.d.t.).
Hearing, to commence at the conclusion of the Prehearing Conference.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-11954 Filed 5-23-74;8:45 am]

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[1] Commissioner Smith, dissenting, filed a separate statement as part of the original document.

FEDERAL RESERVE SYSTEM

DETROITBANK CORP.

Acquisition of Bank

DETROITBANK Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Detroit Bank-Livonia, Livonia, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 12, 1974.

Board of Governors of the Federal Reserve System, May 16, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11985 Filed 5-23-74;8:45 am]

MORAMERICA FINANCIAL CORP.

Acquisition of Bank

MorAmerica Financial Corporation, Cedar Rapids, Iowa ("MorAmerica"), has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Bezanson Investments, Inc., Cedar Rapids, Iowa ("Bezanson"), under the charter and name of MorAmerica. Both MorAmerica and Bezanson are bank holding companies within the meaning of the Bank Holding Company Act. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

MorAmerica is also engaged in the following nonbank activities: Morris Plan financing, small business investment, mortgage lending, personal property leasing, the travel agency business, and real estate development. In addition, Bezanson is engaged in the activities of a general insurance agency. In addition to the factors considered under section 3 of the Act (banking factors) the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 11, 1974.

Board of Governors of the Federal Reserve System, May 14, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-11986 Filed 5-23-74;8:45 am]

CHEMICAL NEW YORK CORP.

Order Approving Acquisition of The Galbreath Mortgage Company

Chemical New York Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of The Galbreath Mortgage Company ("Galbreath"), Columbus, Ohio, a company that engages in the activities of originating, placing, and servicing of loans on commercial, residential and income producing property; acting as agent with regard to credit accident and health insurance directly related to its extensions of credit; making equity investments in corporations designed to promote community welfare; and providing data processing services. Such activities have been determined by the Board to be closely related to banking. (12 CFR 225.4(a)(1), (3), (7), (8), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 10942). The time for filing comments and views has expired, and none has been timely received. The Board has considered this application in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the fourth largest bank holding company in New York State, controls seven subsidiary banks with aggregate deposits of $9.6 billion,[1] representing approximately 8.7 percent of total deposits in commercial banks in the State. Applicant also controls two nonbank subsidiaries, ChemLease which engages in leasing equipment on a full-payout basis, and Chemical Realty which engages in certain mortgage banking activities. Applicant, through its lead bank, Chemical Bank ("Bank"), New York, New York, and its six other subsidiary banks, engages in mortgage banking operations. In 1972, Bank had mortgage originations of approximately $209 million, which were secured by properties in seventeen States. Chemical Realty, which was established de novo by Applicant in August 1972, has one office located in New York City, and engages primarily in construction lending and the permanent financing of income producing properties. In its first year of operation, Chemical Realty extended commitments for construction loans and mortgages of approximately $208 million, in eighteen States and Puerto Rico.

Galbreath, with total assets of $32.8 million as of September 30, 1973, is the nation's 54th largest mortgage banking company based on its mortgage servicing portfolio of approximately $463 million (as of June 30, 1973). Galbreath operates a general mortgage banking business through offices located in nine cities in the States of Ohio, Indiana, Michigan and Pennsylvania. Galbreath also acts

[1] All banking data are as of June 30, 1973.

as agent with regard to credit accident and health insurance directly related to its extensions of credit; makes excess computer time available to others; and holds equity interests in low-income housing projects designed primarily to promote community welfare.

Both Applicant, through its subsidiaries, and Galbreath engage in the origination of 1–4 family residential mortgages, construction loans, and loans on income-producing property. Applicant indirectly originates mortgages on 1–4 family residences in the New York City Metropolitan market, and the Rochester, Buffalo, Glens Falls and Syracuse residential mortgage markets; while Galbreath competes for mortgages on 1–4 family residences in the nine cities[2] in which its offices are located. Thus, although both Applicant and Galbreath originate 1–4 family residential mortgages, they do so in separate markets, and there is no significant existing competition between them with respect to this activity.

Applicant indirectly engages in the origination of, or participation in construction loans in 26 States and Puerto Rico, including six States where Galbreath engages in this form of lending.[3] It is estimated that upon consummation of this proposal, Applicant would have less than 1.3 percent of the total construction loans in five of these six States, and would have about 3.5 percent of such loans in Ohio. It appears that the amount of existing competition which would be eliminated by this acquisition is not significant in view of the regional nature of the market for this lending activity and the large number of alternative sources of construction loans.

Both Applicant and Galbreath originate loans on income-producing property in the States of Florida, Michigan, Ohio, Pennsylvania, and Tennessee. Galbreath had total originations on income-producing property of approximately $125 million in 1972, while Applicant's subsidiaries together originated approximately $109 million of such loans. Applicant and Galbreath each originate only about 0.2 percent of the total mortgages secured by income-producing properties in the nation. The elimination of this existing competition is not regarded as significant in view of the numerous competitors in the relevant market, which is at least regional in scope.

Consummation of this proposal would eliminate some future competition in mortgage banking inasmuch as Applicant already operates in every State in which Galbreath operates and could expand its activities in these States. The Board is of the view, however, that approval of the application would not have any significant adverse effects on future competition with regard to the relevant residential mortgage markets due to the large number of alternative sources for such mortgages. Nor is approval of the application viewed as having any significant adverse effects on future competition with regard to construction loans and loans on income-producing property in view of the large number of alternative sources for such loans, the broad character of the markets for these types of lending, and the large number of other potential entrants into the relevant market areas.

Following consummation of the proposed acquisition, Applicant will provide Galbreath with an additional $6 million in capital over the next five years, which will enable Galbreath to expand its available bank lines of credit, increase the volume of its mortgage originations, and expand its residential and construction financing activities. It is also expected that Galbreath will expand its operations by opening offices in additional cities. It is the Board's judgment that consummation of the proposal would bring positive benefits to the public and that such benefits outweigh any possible adverse effects. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

In connection with its consideration of this application, the Board notes that Galbreath holds impermissible equity interests in several real estate properties and engages in real estate appraisal activities for the public. The Board's action in this matter is subject to the condition that Applicant divest such real estate properties at the earliest possible date, but in no event later than one year from the date of consummation of the proposal, and terminate all appraisal activities for the public prior to consummation of the acquisition.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York.

[2] The offices are located in: Cincinnati, Columbus, Cleveland, Dayton, Warren and Akron, Ohio; Indianapolis, Indiana; Grand Rapids, Michigan; and Pittsburgh, Pennsylvania.

[3] Florida, Indiana, Michigan, North Carolina, Ohio, and Pennsylvania.

By order of the Board of Governors,[4] effective May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11973 Filed 5-23-74;8:45 am]

FEDERATED CAPITAL CORP.

Order Approving Acquisition of Bank

Federated Capital Corporation, Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Guaranty State Bank of New Braunfels, New Braunfels, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls four banks with aggregate deposits of $798 million, representing 2.3 percent of total deposits in commercial banks in Texas, and is the fifth largest banking organization in the State.[1] Acquisition of Bank ($16.4 million in deposits) would not significantly increase the concentration of banking resources in Texas.

Bank, the smaller of two banks in New Braunfels, is the 28th largest of 39 banking organizations in the San Antonio banking market with less than one percent of market deposits.[2] Applicant has one banking subsidiary competing in the relevant market, the Alamo National Bank of San Antonio ("Alamo Bank"). Although this subsidiary is the third largest banking organization in the market with deposits of about $207 million representing 9.9 percent of market deposits, it is much smaller than the two largest banking organizations in the market, which hold, respectively, about 25 percent and 17 percent of the deposits in the market. Thus, the present proposal would not significantly

[4] Voting for this Action: Vice chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through April 30, 1974.

[2] The San Antonio SMSA approximates the relevant banking market, and includes Bexar, Comal and Guadalupe Counties.

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alter the banking structure in the relevant market. Furthermore, Alamo Bank is located approximately 32 miles southwest of Bank, and there does not appear to be significant existing competition between the institutions; nor does it appear likely that such competition would develop in the future due to the distance separating the banks, the number of intervening banks, and Texas's branching law.

While Applicant may possess the resources to expand its operations in the relevant market through de novo entry, Bank is not regarded as a substantial competitor in the market and, as a result, Applicant's competitive position in the market would not be substantially affected by the subject acquisition. Moreover, numerous alternative points of entry into the relevant market would remain available for other organizations not presently in the market. On the basis of the record, therefore, the Board concludes that consummation of the proposed acquisition would not have a significant adverse effect on existing or potential competition.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval of the application. Although there is no evidence in the record to indicate that the banking needs of the community to be served are not presently being met, affiliation with Applicant would enable Bank to expand its lending services to meet the increased demand for larger commercial loans and interim construction financing needed to facilitate the growth in recreational development in portions of the market. Considerations relating to the convenience and needs of the communities to be served, therefore, lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11972 Filed 5-23-74;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell, and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

FIRST TENNESSEE NATIONAL CORP.

Acquisition of Bank and and Insurance Activities

First Tennessee National Corporation, Memphis, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Pioneer Bank, Chattanooga, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Tennessee National Corporation, Memphis, Tennessee, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Valley Company and its wholly-owned subsidiary Oneida Life Insurance Company, both of Chattanooga, Tennessee. Notice of the application was published on April 19, 1974 in Hamilton County Herald, a newspaper circulated in Chattanooga, Tennessee.

Applicant states that the proposed subsidiary would engage in the activity of acting as underwriter with respect to credit life and accident and health insurance that directly related to an extension of credit by Pioneer Bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 14, 1974.

Board of Governors of the Federal Reserve System, May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11971 Filed 5-23-74;8:45 am]

TOKAI BANK, LTD.

Order Approving Formation of Bank Holding Company

The Tokai Bank, Ltd., Nagoya, Japan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 99.87 percent or more of the voting shares of The Tokai Bank of California, Los Angeles, California ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a Japanese commercial bank with total assets of approximately $14.3 billion and total deposits of approximately $11.5 billion,[1] is the seventh largest commercial bank in Japan. Applicant, the only major Japanese commercial bank headquartered in Nagoya, has 205 banking offices located throughout Japan. It also has six overseas offices, including an agency in Los Angeles and an agency in New York City.

Bank proposes to be a wholesale bank specializing in the financing of trade between Japan and the United States. Applicant has one office in Los Angeles, but that office is an agency and is not authorized to accept deposits. Bank is expected to compete primarily with other banks in California that are controlled by Japanese banks and, to some extent, with the larger California banks having international banking capabilities. Of the four banks in California presently controlled by Japanese banks, only one, The Mitsubishi Bank of California, is headquartered in Los Angeles. The Bank of Toyko of California, The Sumitomo Bank of California and The Sanwa Bank of California are all headquartered in San Francisco.[2] Based on the record before it, the Board concludes that Bank's entry into the Los Angeles area will have no adverse effects on existing or potential competition, nor would it have a significant effect on the concentration of banking resources in any relevant area. Rather, the addition of Bank will provide increased banking facilities and competition.

The financial and managerial resources and prospects of Applicant and Bank are regarded as satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, due to the addition to the area of a new bank and another international banking link to Japan.

In the light of the purposes of the Bank Holding Company Act to maintain the separation of banking from commerce in the United States, the Board has given special attention in previous bank holding company applications by Japanese commercial banks[3] to whether the applicant Japanese bank is linked in a group with its major Japanese customers through interlocking stock ownership, and whether these commercial customers do a significant business in the United States.

Based on the record of this application, the Board has concluded at this time that Applicant is not linked through interlocking stock ownership in a group with its major Japanese customers. Accordingly, the Board has not found it necessary in this application to reach the issues of "control" present when a group of commercial companies are closely associated with a Japanese bank through interlocking stock ownership.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) The Tokai Bank of California, Los Angeles, California, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[4] effective May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11970 Filed 5-23-74;8:45 am]

[1] All banking and financial data for Applicant are as of March 31, 1973.

[2] Each of these banks, however, does have branches in Los Angeles.

[3] Board Order of December 1, 1971 approving an application by The Dai-Ichi Kangyo Bank, Ltd., Tokyo, Japan to become a bank holding company through the acquisition of The First Pacific Bank of Chicago, Chicago, Illinois (58 Federal Reserve Bulletin 49); Board Order of December 1, 1971, approving an application by The Mitsubishi Bank Ltd., Tokyo, Japan to become a bank holding company through the acquisition of The Mitsubishi Bank of California, Los Angeles, California (58 Federal Reserve Bulletin 50); and Board Order of December 1, 1971 approving an application by The Sanwa Bank, Ltd., Osaka, Japan to become a bank holding company through acquisition of The Sanwa Bank of California, San Francisco, California (58 Federal Reserve Bulletin 51).

[4] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

WYOMING BANCORPORATION

Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Kemmerer, Kemmerer, Wyoming. The factors that are considered in acting on the application are set forth in section 3 of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1974.

Board of Governors of the Federal Reserve System, May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-11969 Filed 5-23-74;8:45 am]

[Domestic Policy Directive of February 20, 1974]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on February 20, 1974.[1]

The information reviewed at this meeting suggests that real output of goods and services is declining in the current quarter, mainly because of the oil situation, and that prices are continuing to rise rapidly. In January industrial production declined again, nonfarm payroll employment dropped, and the unemployment rate rose above 5 per cent. Prices of both farm products and industrial commodities increased very sharply. Wage rates have continued to rise substantially in recent months, although not so sharply as prices.

After having appreciated for several months, the dollar has declined somewhat on the average against foreign currencies in recent weeks. U.S. controls on capital outflows were removed at the end of January, and several foreign countries have relaxed controls on capital inflows. The U.S. trade surplus rose sharply in December and in the fourth quarter as a whole.

The narrowly defined money stock, after increasing substantially in the last 2 months of 1973, declined in January; most recently, however, it has appeared to strengthen. Broader measures of the money stock continued to rise in January, as net inflows of consumer-type time deposits remained relatively strong. Expansion in business loans and in total bank credit accelerated, and banks stepped up issuance of large-denomination CD's. Since mid-January, short-term market interest rates have fallen appreciably, and long-term rates have declined somewhat.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, cushioning declines in production and employment that are being induced in large part by the oil situation, and maintaining equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, May 20, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-11974 Filed 5-23-74;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of February 20, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations—Temporary Regulations D-47]

FEDERAL EMPLOYEE PARKING

Revised Policies and Reporting Procedure

1. *Purpose.* This regulation prescribes revised policies and reporting procedures for assignment of Federal employee parking spaces. FPMR Temporary Regulation D-43, dated February 6, 1974, and FPMR Temporary Regulation D-43, Supplement 1, dated March 12, 1974, are superseded by this regulation.

2. *Effective date.* This regulation is effective May 24, 1974.

3. *Expiration date.* This regulation expires July 31, 1974, unless sooner revised or superseded. Prior to the expiration date, a permanent regulation will be issued. (See paragraph 13, Comments.)

4. *Applicability.* The provisions of this regulation apply to all Federal agencies as defined in subparagraph 6d.

5. *Background.* The original regulation (D-43) was issued pursuant to Federal Energy Office (FEO) memorandum dated January 17, 1974, and Federal Management Circular 74-1 dated January 21, 1974. These changes have been made as a result of recent GSA decisions and pursuant to the Federal Energy Office memorandum dated April 5, 1974, subject: Federal Energy Reduction Program Modifications.

6. *Definitions.*

a. *Agency parking.* Vehicle parking spaces under the jurisdiction and/or control of a Federal agency which are used for parking Government vehicles, other official vehicles, visitor vehicles, and employee vehicles.

b. *Carpool.* A group of two or more people using a motor vehicle for transportation to and from work.

c. *Employee parking.* The parking spaces assigned for the use of employee-owned vehicles other than those classified as "official parking."

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d. *Federal agency.* Any executive department, independent commission, board, bureau, office, agency, Government-owned or -controlled corporation, or other establishment of the Government, including any regulatory commission or board and the municipal government of the District of Columbia but not the legislative or judicial branches of the Government. For the purposes of this regulation the terms "Federal agency" and "agency" are synonymous.

e. *Handicapped employees.* Government employees so severely physically handicapped as to prohibit or make unreasonably difficult the use of public transportation. Justification for this priority may require certification by the Public Health Service or an agency medical unit.

f. *Official parking.* Parking spaces reserved for Government-owned, Government-leased, or privately owned vehicles regularly used for Government business. The phrase "privately owned vehicles regularly used for Government business" means vehicles used 12 or more workdays per month for Government business for which the employee receives reimbursement for mileage and parking fees under Government travel regulations. Monthly certification by agency heads may be required to establish this priority.

g. *Parking space.* The area allocated in a parking facility for the temporary storage of one passenger-carrying motor vehicle.

h. *Regular member.* A person who travels daily (leave excepted) in a carpool for a minimum distance of 1 mile each way. In addition, an agency may define a regular member as one whose worksite is located within a specific but reasonable distance from the parking facility.

i. *Visitor parking.* Parking spaces reserved for the exclusive use of visitors to Federal facilities.

7. *Policies.* Agencies shall encourage the conservation of energy by taking positive action to increase carpooling. The following policies shall be reflected in agency plans:

a. *Parking.* In assigning all parking spaces assigned to or controlled by each agency, the following policies shall be observed:

(1) Agencies shall give first priority to official and visitor parking requirements.

(2) Severely handicapped Government employees for whom assigned parking spaces are necessary shall be accommodated.

(3) A goal of not more than 10 percent of the total space available for employee parking on an agency-wide basis (excluding spaces assigned to severely handicapped) shall be assigned to executive personnel and persons who are assigned unusual hours.

(4) All other spaces available for employee parking shall be made available to carpools to the extent practical.

(5) Those parking spaces reserved for carpools shall be assigned primarily on the basis of the number of members in a carpool.

(6) For the purpose of allocation of parking spaces for carpools, full credit shall be given to any regular member regardless of where he is employed except that at least one member of the carpool must be a full-time employee of the agency.

b. *Two-wheeled vehicles.* Agencies shall reserve areas within parking facilities for the use of bicycles and other two-wheeled vehicles. Bicycles shall be given special consideration, and the number of parking spaces reserved for bicycles and other two-wheeled vehicles shall be reevaluated every 6 months.

c. *Regular hours.* Agency managers and supervisors shall make every effort to maintain regular arrival and departure times for all employees. Supervisors are reminded of their prerogative, within overall agency policy, to adjust the scheduled duty hours of individual employees to facilitate carpooling and the use of mass transit.

8. *Leased or contractor-operated parking spaces.* When parking spaces are controlled by specific lease or other contractual agreements, appropriate agency contracting officers shall endeavor to amend the contracts to the extent necessary to accomplish the policies prescribed by this regulation, provided the amendments are not otherwise adverse to the best interests of the Government. Where it is not economically prudent to amend existing contracts, the contracts shall be modified before renewal to comply with the agencies' prescribed parking policies.

9. *Guidelines for implementation.* Agencies shall develop and implement employee carpooling programs through extensive promotional campaigns using available internal communications. Agencies shall be responsible for assigning employee parking spaces assigned to or under the control of that agency. Each agency shall prepare written plans and procedures for the assignment of parking spaces including as a minimum the following items:

a. Specific methods and procedures to be followed by the agency in the assignment of employee parking spaces;

b. Assistance available to employees in establishing or joining carpools and the procedures to be followed in filing applications for parking spaces;

c. Provision for at least an annual review and reassignment of all parking spaces;

d. Procedures for interim reassignment and replacement caused by membership turnover;

e. A definition of employee responsibility in the use of the parking spaces and in promptly reporting any changes in the number in or membership of carpools;

f. A statement of penalties for misrepresentation of carpool application (A mandatory penalty of at least 6 months' suspension of the privilege of parking on a Federal facility shall be imposed for misrepresentation of carpooling membership, application qualifications, or for violation of other agency carpooling practices and requirements. The agency may also impose other penalties where appropriate.);

g. Provision for enforcing the parking rules and regulations; and

h. A system for maintaining carpool records and files.

10. *Reporting system.*

a. Each agency shall submit an agency consolidated progress report by June 15, 1974, to the Administrator of General Services. Interagency Reports Control No. 0024–GSA–OT–W has been assigned to this report. This progress report shall include:

(1) The following information summarized for all facilities assigned to or under the control or jurisdiction of the agency, based on the parking assignments as of May 15, 1974 (Facilities allocated to the agency in multi-agency-occupied buildings shall be included.):

(a) Total number of parking spaces; itemized to show the number used for:

i. Government-owned or -leased vehicle parking,

ii. Other official parking,

iii. Visitor vehicle parking, and

iv. Employee vehicle parking;

(b) Number of employee parking spaces assigned to employees on the basis of severe physical handicap;

(c) Number and percentage of employee parking spaces assigned to executive personnel, and persons who are assigned unusual hours;

(d) Number of employee parking spaces used by carpools; and

(e) Total number of persons using carpool spaces.

(2) A copy of the agency's revised overall plan for meeting the policy of energy reduction through increased employee use of carpooling as detailed in paragraph 9, "Guidelines for implementation."

11. *Exceptions.* The consolidated progress report must provide a complete justification if assignments to executives and persons working unusual hours exceeds 10 percent as specified in subparagraph 7a(3).

12. *Inquiries.* Further information concerning this regulation may be obtained from:

General Services Administration (PR)
Washington, DC 20405
Telephone: IDS 183–4276
FTS 202–343–4276

13. *Comments.* Comments concerning this regulation from agencies, employee groups, and others concerned should be submitted to the General Services Administration (PR), Washington, DC 20405, no later than June 15, 1974, for consideration in preparing the permanent regulation.

14. *Effect on other issuances.* The provisions of FPMR 101–19.111, Vehicle Parking Facilities (41 CFR 101–19.111), to the extent inconsistent with this temporary regulation, are superseded. FPMR Temporary Regulation D–43 and Supplement 1 thereto are superseded by this regulation.

ARTHUR F. SAMPSON,
Administrator of General Services.

MAY 22, 1974.

[FR Doc.74–12187 Filed 5–23–74;10:00 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MATHEMATICAL SCIENCES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Mathematical Sciences to be convened at 9:00 a.m. on June 7, 1974, and at 9:15 a.m. on June 8, 1974, in Room 544 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations concerning support for research in mathematical sciences.

The agenda for the meeting shall include:

JUNE 7

MORNING (OPEN TO THE PUBLIC)

9:00 Introductions and Opening Remarks, Head, Mathematical Sciences Section.
9:15 Presentation of fiscal year 1974 Section Activities, Head, Mathematical Sciences Section.
10:30 Remarks on the Status of the fiscal year 1975 Budget, Division Director, Division of Mathematical and Physical Sciences.
11:00 Presentation of Programs and Problems of the Education Directorate, Assistant Director for Education.
11:45 Discussion of the Energy-Related General Research Program, Head, Office of Energy-Related General Research Program.
12:15 Recess for lunch.

AFTERNOON

1:30 Review of individual research proposals.
2:30 Discussion of Plans and Problems of Support (open to the public), Mathematical Sciences Section Staff.
4:30 Recommendations for New Panel Members and Date of Next Meeting (open to the public).

JUNE 8

9:15 Discussion of Recent Developments in Selected Areas of the Mathematical Sciences (open to the public), Panel Members.
11:30 Adjourn.

Part of the afternoon portion of the June 7 session (from 1:30 p.m. to 2:30 p.m.) is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of P.L. 92–463.

The remainder of this meeting shall be open to the public. Individuals who wish to attend should inform Dr. William H. Pell, Head, Mathematical Sciences Section by mail, (Room 302, 1800 G Street NW., Washington, D.C. 20550) or by telephone (202–632–7377) prior to the meeting. Persons requiring further information concerning this panel should contact Dr. William H. Pell at the above address. Summary minutes relative to the open portion of this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

May 15, 1974.

[FR Doc.74–12116 Filed 5–23–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

LIST OF REQUESTS

Clearance of Reports

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 21, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529).

NEW FORMS

DEPARTMENT OF COMMERCE

National Bureau of Standards, Synthetic Polymer Fire Accident Case Study, Form NBS 782, Occasional, Ellett, Individuals involved in fire incidents.

FEDERAL ENERGY OFFICE

Crude Petroleum Production Monthly Report, Form FEO 90, Monthly, Weiner, Domestic Crude Petroleum producers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Teacher Questionnaire/School Organization Program, Form ----, Annual, Planchon, All teachers in Howard Cty.'s 39 schools.
Office of Education, Student Validation Roster, Form OE 255–4, Annual, Lowry, Institutions participating in BEOG program.
Survey of Foreign Language Entrance and Degree Requirements for the B.A. degree, Fall, 1974, Form OE 1290, Single time, Planchon, Universities and colleges.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration. An Evaluation of Training Programs for Staff of Long-Term Care Institutions, Form HRA(HSER 0430, Occasional, HRD/Caywood, Trainers and trainees in training programs as well as Staff of long-term care inst.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Milk Price Inquiry, Form ----, Monthly, Lowry, Milk buyers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Alum Rock Spring 1974 Teacher Survey, Form ----, Single time, Planchon, Teachers in Alum Rock School District, San Jose, Calif.
Office of Education, Student Loan Application Supplement, Form OE 1260, Occasional, Lowry, Lenders eligible in GSLP.
Progress Report, Basic Educational Opportunity Grant Program, Form OE 255–3, Occasional, Lowry, Institutions participating in BEOG program.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental DHEW Publications Readership Survey, Form OS 22–74, Occasional, Lowry, Sample of subscriber from 5–7 different HEW publications.

U.S. ATOMIC ENERGY COMMISSION

U.S. AEC Participant Information, Form AEC 599, Occasional, Evinger (x).
U.S. AEC Program Report, Form AEC 602, Occasional, Evinger (x).
U.S. AEC Supplemental Program Report, Form AEC 602A, Annual, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–12123 Filed 5–23–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5501]

CONSOLIDATED NATURAL GAS CO. ET AL.

Proposed Acquisition of Notes and Capital Stock; Open Account Advances to Subsidiary Companies; Issue and Sale of Commercial Paper and Short-Term Notes to Banks, etc.

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020; CNG Development Company, Ltd.; CNG Producing Company; Consolidated Natural Gas Service Company, Inc.; Consolidated System LNG Company; Consolidated Gas Supply Corporation; The East Ohio Gas Company; The Peoples Natural Gas Company; The River Gas Company; West Ohio Gas Company; (70–5501).

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiary companies, CNG Development Company, Ltd. (CNG, Ltd.), CNG Producing Company (CNG Company), Consolidated Natural Gas Service Company, Inc. ("Service Company"), Consolidated System LNG Company ("LNG Company"), Consolidated Gas Supply Corporation ("Gas Supply"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), The River Gas Company ("River"), and West Ohio Gas Company ("West Ohio"), have filed an application-declaration, and amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of

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1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, 50(a)(2) and 70(a)(4)-(D) promulgated thereunder as variously applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes, from time to time during 1974, to make loans aggregating up to $43,500,000, to the subsidiary companies in the amounts set forth in the table below, for the purpose of partially financing 1974 capital expenditures estimated at $194,900,000. The proposed loans will be evidenced by non-negotiable long-term notes to be issued by the respective subsidiary companies and acquired by Consolidated. The notes will be dated as of the date of issuance, will bear an interest rate substantially equal to the effective cost of money to Consolidated in respect of its issuance and sale of $50,000,000 principal amount of 8⅝ percent Debentures due March 1, 1999, and will be payable from 1979 through 1999 in amounts paralleling the sinking fund and maturity terms of said Debentures (see Holding Company Act Release No. 18322, March 14, 1974).

Consolidated also proposes to issue and sell up to $60,000,000 of short-term notes to a group of banks during 1974. Such notes will bear interest at the prime commercial rate in effect from time to time at The Chase Manhattan Bank (N.A.) with changes in the interest rate becoming effective on the business day following any change at said bank. Prepayments may be made in whole or in part, from time to time, upon five days' notice, without penalty or premium. There will be no closing or related charges or commitment fee with respect to the obtaining of such bank loans. The notes will mature not more than twelve months from the date of the first borrowing.

No compensating balance requirements are imposed because of the level of bank deposits regularly maintained by the Consolidated companies, the average of such deposits amounting to approximately $24,000,000 for 1973. It is stated that based on a requirement of 10 percent of the proposed credit line and 10 percent of average borrowings thereunder, the average compensating balances would have amounted to approximately $15,000,000 for the year 1973.

Consolidated proposes to use the proceeds from said bank borrowings to make open account advances to its subsidiary companies aggregating up to $60,000,000 for gas storage inventories, payable as gas is withdrawn and sold during the 1974–75 heating season. The advances to subsidiary companies will bear interest at the same rate as the related bank borrowings by Consolidated and will be made in amounts as set forth in the table below. Also shown on the following table are open-account advances which Consolidated proposes to make to the subsidiary companies for working capital requirements from part of the proceeds of Consolidated's proposed sale (hereinafter more fully described) of up to $50,000,000 of commercial paper and/or borrowings from a bank. These advances will be repaid not more than one year from the date of the first advance to each subsidiary with interest at substantially the same effective rate as incurred by Consolidated on the said commercial paper sale and/or bank borrowing.

Subsidiary company	Long-term notes	Advances for seasonal increase in gas storage inventories	Advances for working capital requirements
CNG Co.			$13,000,000
East Ohio		$18,000,000	4,000,000
Gas Supply	$19,300,000	32,500,000	28,000,000
Peoples	8,800,000	9,500,000	5,000,000
River	300,000		
LNG Co.	15,100,000		
Total	43,500,000	60,000,000	50,000,000

Consolidated further proposes to acquire, and the subsidiary companies set forth below propose to issue and sell to Consolidated from time to time during 1974, capital stock up to the following amounts at the par value thereof:

Subsidiary	Number of shares ($100 par)	Aggregate par value
CNG Co.	53,000	$5,300,000
Gas Supply	95,000	9,500,000
LNG Co.	165,000	16,500,000
Peoples	15,000	1,500,000
Total		32,800,000

To accommodate the issuance of additional shares set forth in the foregoing table, CNG Company and Peoples propose to amend their respective certificates of incorporation so as to increase the number of authorized shares from 100,000 to 150,000 in the case of CNG Company and from 626,350 to 715,000 in the case of Peoples.

The proceeds derived from the proposed sale of stock will be used to finance, in part, the subsidiaries' 1974 capital expenditures. Consolidated will use internal cash sources and the proceeds of the contemplated sale of its equity securities for the funds required to purchase such stock.

As indicated above, Consolidated proposes to issue and sell commercial paper, in the form of short-term promissory notes payable to bearer, in the aggregate face amount not to exceed $50,000,000 outstanding at any one time to Salomon Brothers, a dealer in commercial paper, from time to time up to May 31, 1975. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $1,000,000 directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sale.

No commission or fee will be payable by Consolidated in connection with the issue and sale of such commercial paper notes. The dealer, as principal, will reoffer such notes at a discount not to exceed one-eighth of one percent per annum less than the prevailing discount rate to Consolidated. Such notes will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer and furnished to the Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by the dealer pursuant to repurchase agreement, such paper will be reoffered only to others in the group of 200 customers. The issue and sale of commercial paper is to provide up to $50 million for the making of working capital advances to subsidiary companies.

Consolidated proposes, to the extent that it becomes impracticable to issue commercial paper, to borrow, repay, and reborrow from The Chase Manhattan Bank, from time to time up to May 31, 1975, an aggregate principal amount not to exceed $30,000,000 outstanding at any one time, at the prime commercial rate of interest in effect on the date of each borrowing, upon the promissory note or notes of Consolidated having a maturity date not more than 90 days from the date of each borrowing, and with the right of prepayment in whole or in part at any time or from time to time without prior notice and without premium. The amount of commercial paper notes and said notes, if any, payable to Chase Manhattan Bank, will not collectively exceed $50,000,000 outstanding at any one time. There will be no closing or related charges with respect to the obtaining of such bank loans.

Consolidated requests that, for the period commencing upon the date of the granting of this application-declaration and ending May 31, 1975, an exemption be allowed from the provisions of Section 6(a) of the Act, pursuant to the first sentence of section 6(b), relating to the issue and sale of short-term notes, by increasing the 5 percent limitation on certain short-term borrowings to a maximum of 8 percent, in order to permit Consolidated to have outstanding at any one time up to $50,000,000 principal amount of short-term notes during such period.

Consolidated requests exception from the competitive bidding requirements of Rule 50 with respect to the sale of commercial paper, on the grounds that such commercial paper will have maturities of nine months or less, that current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications, and that it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the Rule 24 certificates of notification regarding the issue and sale of the commercial paper and all subsidiary company financings be filed on a quarterly basis.

Although included as parties to the present application-declaration, it is stated that CNG Ltd., West Ohio, and Service Company have no financing requirements for 1974 at the time of the filing; but that if such requirements should arise, an amendment to that effect will be filed as part of this proceeding.

The application-declaration states that the Public Service Commission of West Virginia has jurisdiction over the proposed long-term and short-term borrowings of Gas Supply; that the Public Utilities Commission of Ohio has jurisdiction over the long-term borrowings proposed by East Ohio and River; and that the Pennsylvania Public Utility Commission has jurisdiction over the long-term borrowings proposed by Peoples. It is further stated that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $8,500, including $5,750 for Service Company charges, at cost. All of such fees and expenses are to be paid by Consolidated.

Notice is further given that any interested person may, not later than June 10, 1974, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-11902 Filed 5-23-74;8:45 am]

BBI, INC.

[File No. 500-1]

Notice of Suspension of Trading

MAY 17, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 19, 1974 through May 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-12047 Filed 5-23-74;8:45 am]

CANADIAN JAVELIN, LTD.

[File No. 500-1]

Notice of Suspension of Trading

MAY 17, 1974.

The common stock of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 18, 1974 through May 27, 1974.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-12044 Filed 5-23-74;8:45 am]

[811-2272]

ENGLEWOOD MERGER FUND, INC.

Notice of Filing of Application for Order Pursuant to Section 8(f) of the Act Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Englewood Merger Fund, Inc. ("Applicant"), 177 North Dean Street, Englewood, New Jersey 07631, registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Delaware corporation on January 12, 1972, and filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 with the Commission on February 24, 1972. On that same date, Applicant filed a Form S-5 Registration Statement under the Securities Act of 1933 ("1933 Act"), which 1933 Act Registration Statement was withdrawn with the consent of the Commission on April 22, 1974.

Applicant represents that: (1) it has never sold any of its securities; (2) it does not now have and has never had any shareholders or assets; and (3) it does not propose to engage in the business of investing, reinvesting, owning, holding or trading in securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 11, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following June 11, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12042 Filed 5-23-74;8:45 am]

[70-5499]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street NW., Atlanta, Georgia 30303, an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, up to $130,000,000 principal amount of its First Mortgage Bonds, -- percent Series due ------. The proposed series of bonds will bear a single maturity date within the range of 5 to 30 days, such maturity date to be determined prior to the filing of the registration statement relating to the bonds. The interest rate and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1974, which includes a prohibition until July 1, 1979, against refunding the bonds with or in anticipation of the proceeds from borrowings at a lower effective interest cost.

Georgia's Indenture as heretofore amended provides that in the computation of the "two times interest" coverage test for the issuance of additional bonds, the amount of the company's non-operating income included shall not exceed 15 percent of twice the annual interest requirement on the company's bonds including the additional bonds to be issued. This provision differs from the analogous provision of the Commission's Statement of Policy in respect of first mortgage bonds ("Policy Statement") adopted February 16, 1956 (HCAR Release No. 13105), which restricts the inclusion of non-operating income to an amount not exceeding 10 percent of operating income. In recent years the Indenture provision has resulted in higher computed interest coverages than would have resulted from the provision prescribed by the Policy Statement.

As a first step towards conforming the Indenture provision with that of the Policy Statement, the Supplemental Indenture to be dated as of July 1, 1974, will amend the Indenture covenant so as to provide that, effective with and applicable to the first series of bonds to be issued after December 31, 1974, the amount of includable non-operating income shall not exceed the sum of (a) 10 percent of operating income and (b) 80 percent of the amount by which non-operating income includable under the present Indenture provision exceeds the amount computed under (a). It is contemplated that the percentage stated in (b) will be gradually reduced in Georgia's future supplemental indentures until the Indenture provision conforms in substance with the analogous provision of the Policy Statement.

Georgia further proposes to issue and sell, at competitive bidding, 600,000 shares of its preferred stock ("Preferred Stock"), without par value. The dividend rate, and the price to be paid to Georgia, which shall be not less than $100 nor more than $102.75 per share, will be determined by competitive bidding. The terms of the Preferred Stock include the provision that Preferred Stock shall not be redeemed prior to July 1, 1979, from the proceeds of borrowings or from the proceeds of any sale of stock ranking prior to or on a parity with the Preferred Stock as to dividends or assets, if such borrowed funds or such shares have an effective interest or dividend cost to Georgia of less than the effective dividend cost to Georgia of the Preferred Stock.

Georgia will apply the proceeds from the sale of the bonds and Preferred Stock, together with cash contributions to capital of $120,000,000 by Southern during 1974 (File Nos. 70-5261 and 70-5471), proceeds from the sale in January, 1974 of $150,000,000 principal amount of first mortgage bonds, funds to be provided by the Development Authority of Bartow County for construction of pollution control facilities, and any excess cash on hand (1) to finance in part its 1974 construction program (estimated at $547,226,000), (2) to pay notes payable in the form of bank notes and commercial paper notes incurred for construction purposes and (3) for other lawful purposes.

Georgia states that later in 1974, it expects to issue $130,000,000 principal amount of first mortgage bonds and that any such issue will be the subject of a future filing with this Commission. Beyond that, Georgia estimates that it will not be necessary to sell any additional securities in 1974 for construction purposes except for commercial paper and short-term notes. Georgia estimates that upon successful consummation of its program for sale of long-term securities during 1974, no notes payable will be outstanding at the end of the year.

Georgia has heretofore filed an application (File 70-5463) for authority to issue and sell, through March 31, 1975, short-term notes to banks and to a dealer in commercial paper, up to $250,000,000 at any one time outstanding, as interim financing of its construction requirements. By order of the Commission dated March 26, 1974 (HCAR No. 18352), a public hearing was held on said application and the matter is still pending. Georgia has been granted interim relief authorizing it to make short-term borrowings pending the conclusion of that proceeding.

It is stated that the Georgia Public Service Commission has authorized the proposed issuance and sale of the bonds and Preferred Stock by Georgia. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than June 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12043 Filed 5-23-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

MAY 17, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 18, 1974 through May 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12045 Filed 5-23-74;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Notice of Suspension of Trading

MAY 17, 1974.

The common stock of U.S. Financial Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 19, 1974 through May 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12048 Filed 5-23-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

MAY 17, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 20, 1974 through May 29, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12049 Filed 5-23-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

MAY 17, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 18, 1974 through May 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12046 Filed 5-23-74;8:45 am]

TARIFF COMMISSION

[337-L-58]

VARIABLE DISPLACEMENT FLOWER HOLDERS

Notice of Dismissal of Preliminary Inquiry

On the basis of the submissions made to the Commission by interested parties and for other reasons, the Tariff Commission on May 16, 1974, dismissed preliminary inquiry 337-L-58, without prejudice. Notice of the receipt of the complaint was published in the FEDERAL REGISTER of March 5, 1973 (38 FR 5955).

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12038 Filed 5-23-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting

Notice is hereby given of a meeting of the National Advisory Committee on Occupational Safety and Health established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The meeting will begin at 9:00 a.m. on June 6, 1974, in the District Building, Room 410-410A, 14th and Pennsylvania Avenue, NW., Washington, D.C.

The agenda will include presentations and discussions related to:

1. Recommendations on Training and Education.
2. Report on NIOSH Activities.
3. Voluntary Abatement Agreements.

Members of the public are invited to attend the proceedings. Any written data or views concerning the subjects to be considered which are received by the Committee's Executive Secretary by June 3, 1974, together with 25 duplicate copies, will be provided to the members and will be included in the record of the meeting. Communications to the Executive Secretary should be addressed as follows:

Ms. J. Goodell, Acting Executive Secretary
National Advisory Committee on Occupational Safety and Health
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, NW., Room 200
Washington, D.C. 20210

Signed at Washington, D.C., this 20th day of May 1974.

J. GOODELL,
Acting Executive Secretary.

[FR Doc.74-11966 Filed 5-23-74;8:45 am]

Office of the Secretary

CLIPPARD INSTRUMENT, INC., PARIS, TENNESSEE

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of April 22, 1974, the U.S. Tariff Commission made a report of its investigation (TEA-W-227) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the former workers employed at Clippard Instrument, Inc., Paris, Tennessee. In this report the Commission found that articles like or directly competitive with coils manufactured by Clippard Instrument, Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's unanimous finding, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 39 FR 14999; 29 CFR Part 90). In the recommendation she noted that concession-generated imports like or directly competitive with coils produced by Clippard Instrument, Inc. increased substantially.

In an effort to lower production costs and compete more effectively with imported

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coils, Clippard Instrument began producing coils in Matamoros, Mexico in 1972. Shipments from the Paris, Tennessee plant declined rapidly as coil production was shifted to the Mexico plant. Employment declines directly attributable to increased import competition began in the third quarter of 1972. In late 1973, the company decided that it could no longer operate the Tennessee plant profitably and in November the Tennessee plant was closed.

All workers at Clippard Instrument were employed in work related to the production of coils. After due consideration, I make the following certification:

"All hourly and salaried employees of Clippard Instrument, Inc., Paris Tennessee who became unemployed or underemployed after September 2, 1972 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 21st day of May 1974.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.74-12027 Filed 5-23-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

MAY 20, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 3. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-1824 (Sub-No. E1), filed May 2, 1974. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Blvd., Preston, Maryland 21655. Applicant's representative: Frank V. Klein (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Washington, D.C., and Annapolis, Md., serving all intermediate points and those off-route points on and within ten (10) miles of U.S. Highway 50, on the one hand, and on the other, points in that part of Maryland bounded on the north by a line beginning at the Maryland-District of Columbia boundary line and extending along alternate U.S. Highway 1 to junction Maryland Highway 450, thence along Maryland Highway 450 to the Chesapeake Bay, on the east by the Chesapeake Bay and on the west and south by the Potomac River, including points on the highway boundary specified. The purpose of this filing is to eliminate the gateway of points in the Washington, D.C. Commercial Zone.

No. MC-11207 (Sub-No. E6), filed May 6, 1974. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building boards*, from the plant site and warehouses of Southern Johns-Manville Products Corporation, located at Jarratt, Va., to points in Oklahoma, Texas, and Arkansas (except points in Fulton, Sharp, Lawrence, Craighead, Poinsett, Crittenden, Randolph, Greene, Clay, and Mississippi Counties, Ark.). The purpose of this filing is to eliminate the gateway of Greenville, Miss.

No. MC-16831 (Sub-No. E1), filed May 1, 1974. Applicant: MID SEVEN TRANSPORTATION COMPANY, 3323 Delaware Avenue, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel forgings, steel sheets, strips, and plates, steel lathing and grounds, wrought pipe, iron and steel bolts and nuts, steel washers, steel forms* used and unused for concrete construction, *steel tubings, steel rings, rough, reinforced bars, steel stampings, steel bars, round and flat, steel wire, steel rivets, steel welding rods, and steel screws*, from the plantsites and warehouses of the Kankakee Electric Steel Company, Swanson Manufacturing Company, and Jones & McKnight, Inc., in Kankakee County, Ill., to points in Nebraska. RESTRICTION: The authority sought is limited to traffic originating at the plantsites and warehouses specified. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC-52953 (Sub-No. E1), filed May 2, 1974. Applicant: ET & W.N.C. TRANSPORTATION COMPANY, General Offices, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading) between points in the New York, N.Y., commercial zone on the one hand and on the other, points in that part of North Carolina within an area beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 25 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the intersection of North Carolina Highway 75, thence along North Carolina Highway 75 to the intersection of U.S. Highway 601, thence along U.S. Highway 601 to the intersection of the Northern Union County line, thence along the Northern Union County line to the western Cabarrus County line, thence along the western Cabarrus County line to the southern Iredell County line, thence along the southern Iredell County line to the Catawba River, thence north along the Catawba River to North Carolina Highway 16, thence north along North Carolina Highway 16 to U.S. Highway 421, thence along U.S. Highway 421 to the North Carolina-Tennessee State Line, thence along the North Carolina-Tennessee State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Asheville, N.C., and points within 20 miles thereof.

No. MC-65941 (Sub-No. E10), filed April 28, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Paper*, from Carton, Sylva, and Asheville, N.C., and the plantsite of the Champion Paper and Fibre Company at or near Waynesville, N.C., Charlestown and Georgetown, S.C., and Macon, Port Wentworth, Savannah, St. Mary's and Atlanta, Ga., to points in Pennsylvania west of U.S. Highway 219, including points on the indicated portions of the highway specified; points in Monongalia, Marion, Tyler, Ohio, Hancock, Harrison, Wetzel, Marshall, and Brook Counties, W. Va.; Ashtabula, Lake, Geauga, Trumbull, Mahoning, Belmont, Wayne, Medina, Lorain, Ottawa, Lucas, Portage, Carroll, Jefferson, Harrison, Summit, Cuyahoga, Erie, Huron, Sandusky, and Wood Counties, Ohio. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va.

No. MC-76177 (Sub-No. E7), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, and *blasting supplies*, between points in Florida and Alabama, on the one hand, and, on the other, points in

Wisconsin, Minnesota, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC-76177 (Sub-No. E21), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, and *blasting supplies*, between points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, on the one hand, and, on the other, points in Arizona, New Mexico, and Utah. The purpose of this filing is to eliminate the gateways of points within 15 miles of both Allentown and Reynolds, Pa.; and Wolf Lake, Ill.

No. MC-76177 (Sub-No. E23), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, and *blasting supplies*, between points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont, on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC-83539 (Sub-No. E2), filed May 3, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, 2010 W. Commerce St., Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and (B) *machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Alaska, on the one hand, and, on the other, (1) points in Alabama, Florida, Mississippi, North Carolina, and Tennessee (points in Kansas). The purpose of this filing is to eliminate the gateways indicated in parentheses above; (2) points in California, restricted in (2) against the transportation of those commodities in (B) above not used for the transmission of natural gas and petroleum and their products and byproducts, further restricted against the stringing or picking up of pipe in connection with main or trunk pipelines, and further restricted against the transportation of traffic having a prior or subsequent movement by water (points in Oregon), the purpose of this filing is to eliminate the gateways indicated in parentheses above.

(C) *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, not including the stringing or picking up of pipe in connection with pipe lines; and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, restricted to pipelines used for the transmission of natural gas and petroleum and their products and byproducts, and further restricted against the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Alaska, on the one hand, and, on the other, points in Indiana and Kentucky (points in Illinois), the purpose of this filing is to eliminate the gateways indicated in parenthesis above; (D) *machinery, materials, equipment, and supplies*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Alaska, on the one hand, and, on the other, points in Nebraska (points in Wyoming), the purpose of this filing is to eliminate the gateways indicated in parentheses above; (E) *machinery, equipment, materials, and supplies*, used in, or in connection with the operation, repair, servicing, and maintenance of pipelines used in the transmission of natural gas, petroleum, and petroleum products, but not including the stringing or picking up of pipe in connection with pipelines, between points in Alaska, on the one hand, and, on the other (1) points in New York (points in Pennsylvania), the purpose of this filing is to eliminate the gateways indicated in parentheses above, and (2) point in South Carolina and Virginia (points in Kansas and Tennessee). The purpose of this filing is to eliminate the gateways indicated in parentheses above.

No. MC-95540 (Sub-No. E150), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, other than frozen, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida on and east of a line beginning at the Georgia-Florida State line and thence south along U.S. Highway 319 to the intersection with Florida Highway 363, thence along Florida Highway 363 to the St. Marks River, thence along the St. Marks River to the Gulf of Mexico, to points in Arkansas on and north of a line beginning at the Oklahoma-Arkansas State line, and thence along U.S. Highway 70 to the intersection with Arkansas Highway 329, thence along Arkansas Highway 329 to the intersection with Arkansas Highway 24, thence along Arkansas Highway 24 to Nashville, thence along Arkansas Highway 27 to the intersection with Arkansas Highway 26, thence along Arkansas Highway 26 to the intersection with Arkansas Highway 8, thence along Arkansas Highway 8 to the intersection with Arkansas Highway 46, thence along Arkansas Highway 46 to Sheridan, thence along U.S. Highway 270 to Pine Bluff, thence along U.S. Highway 79 to the intersection with U.S. Highway 79B, thence along U.S. Highway 79B to Altheimer, thence along Arkansas Highway 88 to the intersection with Arkansas Highway 11, thence along Arkansas Highway 11 to the intersection with Arkansas Highway 276, thence along Arkansas Highway 276 to the intersection with Arkansas Highway 1, thence along Arkansas Highway 1 to the intersection with U.S. Highway 49, thence along U.S. Highway 49 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Danville, Ga.

No. MC-95540 (Sub-No. E160), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Jacksonville, Fla., to points in Iowa. The purpose of this filing is to eliminate the gateways of Tifton, Ga., and Florence, Ala.

No. MC-95540 (Sub-No. E161), filed April 22, 1974. Applicant: WATKINS MOTOR LINES INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Dade City, Fla., to points in Minnesota. The purpose of this filing is to eliminate the gateways of Tifton, Ga., and Florence, Ala.

No. MC-95540 (Sub-No. E163), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Jacksonville, Fla., to points in Nebraska. The purpose

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of this filing is to eliminate the gateways of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E169), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *dairy products*, in vehicles equipped with mechanical refrigeration, from Orangeburg, S.C., to points in Colorado. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E171), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus fruits*, in mixed loads with citrus fruits, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Iowa. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E172), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Orangeburg, S.C., to those points in Tennessee on and southwest of U.S. Highway 45. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E177), filed April 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Nebraska. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E188), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bridgeton, N.J., to points in Kansas on and south of a line beginning at the Colorado-Kansas State line, and thence extending east along Kansas Highway 96 to Great Bend, thence along U.S. Highway 56 to Lyons, thence along Kansas Highway 14 to its intersection with Kansas Highway 96, thence along Kansas Highway 96 to its intersection U.S. Highway 50, thence along U.S. Highway 50 to its intersection with Interstate Highway 35W, thence along Interstate Highway 35W to its intersection with Kansas Highway 196, thence along Kansas Highway 196 to El Dorado, thence along U.S. Highway 54 to Yates Center, thence along U.S. Highway 75 to its intersection with Kansas Highway 39, thence along Kansas Highway 39 to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to Kansas Highway 57 thence along Kansas Highway 57 to Girard, thence along Kansas Highway 7 to its intersection with Kansas Highway 126, thence along Kansas Highway 126 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Baltimore, Md., and Pike or Spaulding Counties, Ga.

No. MC–110525 (Sub-No. E100), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Delaware to those points in that part of Ohio on, south, and west of a line beginning at Martin's Ferry, Ohio, thence along Ohio Highway 250 to Norwalk, thence along Ohio Highway 20 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateways of Follansbee and Moundsville, W. Va.

No. MC–110525 (Sub-No. E114), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Arizona. The purpose of this filing is to eliminate the gateways of S. Charleston, W.Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E115), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Arkansas. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E116), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Kentucky. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E117), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–111729 (Sub-No. E1), filed May 2, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, business records, and audit and accounting media* used in the preparation of used punch cards, and *other business papers and records* involving information obtained from the punch cards or pertaining to the use thereof (except cash letters), between Boston, Mass., and Syracuse, N.Y. The purpose of this filing is to eliminate the gateway of Providence, R.I.

No. MC–114045 (Sub-No. E9), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in California to points in New York, New Jersey, Pennsylvania, Rhode Island, Georgia, Delaware, Virginia, West Virginia, Connecticut, Massachusetts, Kentucky, Maryland, North Carolina, South Carolina, Florida, Mississippi, Illinois, Ohio, Indiana, Alabama, Maine, New Hampshire, the lower Peninsula of Michigan, that part of Wisconsin on and south of a line beginning at La Crosse thence along U.S. Highway 16 to Tomah, thence along U.S. Highway 12 to its junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, thence along Wisconsin Highway 54 to Algoma, Wis., and to the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Texas, Oklahoma, Arkansas, Louisiana, and Tennessee.

No. MC–114045 (Sub-No. E22), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs* (except commodities in bulk, frozen foods, meats, meat products and meat byproducts, dairy products, uncooked bakery goods, yeast, and salad dressing), from Boston, Mass., to points in Missouri (except St. Louis), Oklahoma, and Texas, restricted to the transporting of traffic originating at Boston, Mass. The purpose of this filing is to eliminate the gateway of Austin, Ind.

No. MC–114045 (Sub-No. E32), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products* from points in Texas to points in Maine and Ohio. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC–114045 (Sub-No. E33), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to New Orleans and Shreveport, La. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114045 (Sub-No. E34), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from points in Virginia (except Winchester, Va.), to points in Idaho, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E44), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from Cambridge and Crisfield, Md., to points in Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E54), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen dairy products*, from Boston, Mass., to points in Arizona, California, Colorado, Kansas, Louisiana, New Mexico, and Oklahoma, restricted to the transportation of traffic originating at Boston, Mass. The purpose of this filing is to eliminate the gateway of Wapakoneta, Ohio.

No. MC–114045 (Sub-No. E55), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery products and bakery products ingredients* (other than frozen and other than those in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Boston, Mass., to points in Kansas, Missouri, Illinois (except St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission), New Mexico, Oklahoma, and Texas, restricted to the transportation of traffic originating at Boston, Mass. The purpose of this filing is to eliminate the gateway of Seelyville, Ind.

No. MC–114045 (Sub-No. E72), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen dairy products*, from Clifton and Elizabeth, N.J., to points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E77), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products*, from Cambridge and Crisfield, Md., to points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E75), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods, meat and meat products), in vehicles equipped with mechanical refrigeration, from Boston, Mass., to points in Texas and Oklahoma, restricted to the transportation of traffic originating at Boston, Mass. The purpose of this filing is to eliminate the gateway of Martinsville, Ind.

No. MC–114045 (Sub-No. E76), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from Keene, N.H., to points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Washington, and Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E78), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen dairy products*, as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Landover and Salisbury, Md., to points in Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Oklahoma, City, Okla.

No. MC–114045 (Sub-No. E79), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *food products* (except commodities in bulk, in tank vehicles, and frozen foods), in vehicles equipped with mechanical refrigeration, from Vineland, N.J., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Martinsville, Ind.

No. MC–114045 (Sub-No. E80), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen meats*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Boston, Mass., to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E81), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *confectionery products*, (except frozen foods and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Boston, Mass., to points in Arizona, California, Nevada, Oregon, Utah, and Washington, restricted to the transportation of traffic originating at Boston, Mass. The purpose of this filing is to eliminate the gateway of points in Cook County, Ill.

No. MC–114045 (Sub-No. E82), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority

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sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats*, (except commodities in bulk, in tank vehicles), from Vineland, N.J., to points in California. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–121060 (Sub-No. E1), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, urethane construction products, and related materials, supplies and accessories* (except commodities in bulk), from points in Lauderdale, Limestone, Colbert, Franklin, Lawrence, Morgan, Marion, Winston, Cullman, Blount, Lamar, Fayette, Walker, Jefferson, Pickens, Tuscaloosa, Shelby, Greene, Hale, Bibb, Chilton, Sumter, Perry, Autauga, Marengo, Dallas, Lowndes, Montgomery, Choctaw, Wilcox, Butler, Crenshaw, Clarke, Monroe, and Conecuh Counties, Ala., to points in North Carolina. The purpose of this filing is to eliminate the gateway of the plant and warehouse site of the Celotex Corp. in Birmingham, Ala.

No. MC–121060 (Sub-No. E2), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Birmingham, Ala. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, urethane construction products, and related materials, supplies and accessories* (except commodities in bulk), from points in Etowah and Calhoun Counties, Ala., to points in North Carolina on and east of U.S. Highway 501. The purpose of this filing is to eliminate the gateway of the plant and warehouse site of the Celotex Corp. in Birmingham, Ala.

No. MC–121060 (Sub-No. E3), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, and urethane construction products* (except commodities in bulk), from points in Talladega County, Ala., to points in North Carolina east of U.S. Highway 221. The purpose of this filing is to eliminate the gateway of the plant and warehouse site of the Celotex Corporation in Birmingham, Ala.

No. MC–121060 (Sub-No. E4), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, urethane construction products, and related materials, supplies and accessories* (except commodities in bulk), from points in Pike County, Ala., to points in North Carolina (except points in Cherokee, Clay, Macon, Jackson, Transylvania, Henderson, Polk, Rutherford, Cleveland, Gaston, Mecklenburg, Union, Anson, Richmond, Scotland, Robeson, Columbus, and Brunswick Counties, N.C.). The purpose of this filing is to eliminate the gateway of the plant and warehouse site of the Celotex Corporation in Birmingham, Ala.

No. MC–121060 (Sub-No. E6), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, urethane construction products, and related materials, supplies and accessories* (except commodities in bulk), from points in Lauderdale, Limeston, Colbert, Franklin, Lawrence, Morgan, Marion, Winston, Cullman, Lamar, Fayette, Walker, Jefferson, Pickens, Tuscaloosa, Shelby, Greene, Hale, Bibb, Chilton, Perry, Autauga, Sumter, Marengo, Dallas, Lowndes, Wilcox, Choctaw, Clarke, Monroe, and Conecuh Counties, Ala., to points in South Carolina. The purpose of this filing is to eliminate the gateway of the plant and warehouse site of the Celotex Corporation in Birmingham, Ala.

No. MC–121060 (Sub-No. E12), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William J. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, and urethane construction products* (except commodities in bulk), from points in Pickens, Tuscaloosa, Jefferson, Shelby, Greene, Hale, Bibb, Chilton, Perry, Sumter, Autauga, Marengo, Dallas, Lowndes, Montgomery, Choctaw, Wilcox, Butler, Crenshaw, Clarke, Monroe, and Conecuh Counties, Ala., to points in Maryland east of U.S. Highway 522, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of the Celotex Corporation in Birmingham, Ala., and points in Wayne County, N.C.

No. MC–121060 (Sub-No. E14), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, and urethane construction products* (except commodities in bulk), from points in Lamar, Fayette, Walker, Jefferson, Pickens, Tuscaloosa, Shelby, Greene, Hale, Bibb, Chilton, Sumter, Perry, Autauga, Elmore, Marengo, Dallas, Lowndes, Montgomery, Choctaw, Wilcox, Clarke, Monroe, Conecuh, Butler, Crenshaw, and Pike Counties, Ala., to points in Pennsylvania on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of the Celotex Corporation in Birmingham, Ala., and Wayne County, N.C.

No. MC–124211 (Sub-No. E4), filed April 8, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Macaroni, noodles, pancake* and *cake flour* (except in bulk), *spaghetti, vermicelli*, and *food products* (except frozen foods, dairy products, potato products, coffee and confectionery, and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Idaho and Montana to points in Ohio and Kentucky. (b) *Macaroni, noodles, pancake and cake flour* (except in bulk), *spaghetti, vermicelli*, and *food products* (except commodities in bulk, dairy products, frozen foods, potato products, and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Idaho and Montana to points in Illinois, Indiana, Iowa, Ohio, Pennsylvania, and points in that part of the lower Peninsula of Michigan on and south of Michigan Highway 46.

(c) *Macaroni, noodles, pancake and cake flour* (except in bulk), *spaghetti, vermicelli, grain products*, and *food products* (except commodities in bulk, frozen foods, potato products, meats, meat byproducts, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Idaho and Montana to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, and to Bells, Humboldt, Jackson, Milan, and Memphis, Tenn. (d) *Macaroni, noodles, pancake and cake flour* (except in bulk), *spaghetti, vermicelli, feed grain*, and *food products* (except commodities in bulk, frozen foods, potato products, and meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC–124211 (Sub-No. E10), filed April 8, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Macaroni, noodles, pancake* and *cake flour* (except in bulk), *spaghetti, vermicelli*, and *food products* (except frozen foods, dairy products, potato products, coffee and confectionery, and meats, meat products and meat byproducts, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in North Dakota to points in Kentucky (except points north of Interstate Highway 64).

(b) *Macaroni, noodles, pancake* and *cake flour* (except in bulk), spaghetti, vermicelli, and food products (except commodities in bulk, dairy products, frozen foods, potato products, and meats, meat products and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in North Dakota to points in Pennsylvania (except points west of the Susquehanna River).

(c) *Macaroni, noodles, pancake* and *cake flour* (except in bulk) *spaghetti, vermicelli, grain products*, and *food products* (except frozen foods, potato products, and meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and except commodities in bulk), from points in North Dakota to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, and Bells, Humboldt, Jackson, Milan, and Memphis, Tenn. (d) *Macaroni, noodles, pancake and cake flour* (except in bulk), *spaghetti, vermicelli, feed grain*, and *food products* (except commodities in bulk, frozen foods, potato products, and meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in North Dakota to points in Virginia, Maryland (except points west of Interstate Highway 81), Delaware, Pennsylvania (except points west of the Susquehanna River), New York (except points west of New York Highway 12), New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC–124211 (Sub-No. E18), filed April 8, 1974. Applicant: HILT TRUCK LINES, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas J. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint materials*, (a) from points in that part of Nebraska east of U.S. Highway 81 to points in California; (b) from points in that part of Nebraska east and north of a line beginning at the Nebraska-South Dakota State line, thence south over U.S. Highway 77 to the intersection of the southern boundary of Saunders County, Nebr., thence along the southern boundary of Saunders County to the southern boundary of Surpy County, Nebr., thence along the southern boundary of Surpy County to the Nebraska-Iowa State line, to points in Colorado; (c) from points in that part of Nebraska east and north of a line beginning at the Nebraska-South Dakota State line, thence south over U.S. Highway 77 to the intersection of Nebraska Highway 92, thence east over Nebraska Highway 92 to the Nebraska-Iowa State line to points in Kansas; (d) from points in that part of Nebraska east and north of a line beginning at the Nebraska-South Dakota State line, thence south over U.S. Highway 81 to the intersection of U.S. Highway 34, thence east over U.S. Highway 34 to the Nebraska-Iowa State line to points in Oklahoma and Texas; (e) from points in that part of Nebraska east and south of a line beginning at the Nebraska-Kansas State line, thence north over U.S. Highway 77 to the intersection of U.S. Highway 30, thence east over U.S. Highway 30 to the Nebraska-Iowa State line, to points in South Dakota; (f) from points in that part of Nebraska east and south of a line beginning at the Nebraska-Kansas State line, thence north along U.S. Highway 81 to the intersection of U.S. Highway 30, thence east over U.S. Highway 30 to the Nebraska-Iowa State line, to points in North Dakota. The purpose of this filing is to eliminate the gateway of the facilities of William H. Harvey Company at Omaha, Nebr.

No. MC–124211 (Sub-No. E19), filed April 8, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Empty glass containers*, from Alton, Ill., to points in California. The purpose of this filing is to eliminate the gateway of points in the Omaha, Nebr., commercial zone, which are within the Council Bluffs, Iowa commercial zone. (b) *Glass containers*, from Alton, Ill., to points in that part of Colorado on and north of a line beginning at the Colorado–Kansas State line, thence west along U.S. Highway 24 to the junction of U.S. Highway 50 near Grand Junction, Colo., thence along U.S. Highway 50 to the Colorado–Utah State line, and Pueblo, Colo., and to points in Iowa on and west of a line beginning at the Iowa–Missouri State line, thence over U.S. Highway 59 to the junction of Iowa Highway 10, thence east along Iowa Highway 10 to the junction of U.S. Highway 71, thence over U.S. Highway 71 to the Iowa–Minnesota State line, to points in Minnesota on and west of U.S. Highway 71, to points in Nebraska on and west and north of a line beginning at the Nebraska–South Dakota State line, thence south over U.S. Highway 77 to the junction of Nebraska Highway 2, thence west over Nebraska Highway 2 to the Nebraska–South Dakota State line, and to points in Montana, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Nebraska which are within the Council Bluffs, Iowa commercial zone.

No. MC–124211 (Sub-No. E21), filed April 22, 1974. Applicant: HILT TRUCK LINES, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Foodstuffs* (except frozen foods, commodities in bulk, and meats, meat products, meat by products, dairy products, and articles, distributed by meat packinghouses, as described in Sections A, B, C, of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in that part of Nevada north of Interstate Highway 15 and from points in that part of California on and north of a line beginning at the California-Nevada State line and extending west along Interstate Highway 15 to the junction of California Highway 58, thence over California Highway 58 to junction of California Highway 223, thence over California Highway 223 to junction of California Highway 166, thence over California Highway 166 to the Pacific Ocean, to points in Alabama, Georgia, and Florida. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

(b) *Canned or packaged foodstuffs* (except frozen foodstuffs, and except meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in that part of California

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on and north of a line beginning at the California-Nevada State line and extending west along Interstate Highway 15 to the junction of California Highway 58, thence along California Highway 58 to junction of California Highway 223, thence along California Highway 223 to junction of California Highway 166, thence over California Highway 166 to the Pacific Ocean, to points in Alabama, Georgia, and Florida. The purpose of this filing is to eliminate the gateway of Lancaster County, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-11935 Filed 5-23-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

MAY 21, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 3, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-95540 (Sub-No. E144), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Austin, Minn., to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E190), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to points in Maine. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E195), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Virginia. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E201), filed April 28, 1974. Applicant: WATKINS MOTOR LINE, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E202), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Jacksonville, Fla., to points in Colorado. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC-95540 (Sub-No. E204), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bridgeton, N.J., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Baltimore, Md., and points in Pike and Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E205), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *canned goods* from Frederick, Md., to points in Colorado on, west, and south of a line beginning at the Colorado-Kansas State line, thence extending along U.S. Highway 50 to its intersection with Colorado Highway 9, thence along Colorado Highway 9 to its intersection with U.S. Highway 6, thence along U.S. Highway 6 to its intersection with Colorado Highway 131, thence along Colorado Highway 131 to its intersection with U.S. Highway 40, thence along U.S. Highway 40 to its intersection with Colorado Highway 355, thence along Colorado Highway 355 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Pike and Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E191), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to points in New Hampshire. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E192), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Canned citrus products*, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida to points in Maine. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC-95540 (Sub-No. E197), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Canned vegetables and canned pimentos*, from Saticoy, Calif., to points in Vermont. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E199), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in California

to points in Vermont. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E200), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and canned pimentos*, in vehicles equipped with mechanical refrigeration, from Saticoy, Calif., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E208), filed April 28, 1974, Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and canned pimentos*, from Oxnard, Calif., to points in Maine. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse sites of the Commercial Cold Storage Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E211), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Delaware (except those south of the Chesapeake and Delaware Canal), to points in Colorado on, west, and south of a line beginning at the Utah-Colorado State line, and thence extending along U.S. Highway 50 its intersection with Colorado Highway 149 thence along Colorado Highway 149 to its intersection with U.S. Highway 160, thence along U.S. Highway 160 to Alamosa, thence along U.S. Highway 285 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of points in Pike and Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E213), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Delaware (except those south of the Chesapeake and Delaware Canal), to points in Oklahoma on, east, and south of a line beginning at the Arkansas-Oklahoma State line, thence extending along U.S. Highway 64 to its intersection with Oklahoma Highway 16, thence along Oklahoma Highway 16 to its intersection with Oklahoma Highway 33, thence along Oklahoma Highway 33 to its intersection with U.S. Highway 270, thence along U.S. Highway 270 to its intersection with Oklahoma Highway 3, thence along Oklahoma Highway 3 to its intersection with Oklahoma Highway 95, thence along Oklahoma Highway 95 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Pike and Spaulding Counties, Ga.

No. MC-105457 (Sub-No. E3), filed May 1, 1974. Applicant: THURSTON MOTOR LINES, P.O. Box 10638, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Abbeville, S.C., on the one hand, and, on the other, Albemarle, Asheboro, Burlington, Cherry Point, Clinton, Durham, Edenton, Elizabeth City, Elizabethtown, Fayetteville, Goldsboro, Greensboro, Henderson, Jacksonville, Kinston, Lumberton, New Bern, Plymouth, Raleigh, Rocky Mount, Salisbury, Tarboro, Washington, Williamston, and Wilmington, N.C.; (2) between Aiken, S.C., on the one hand, and, on the other, Albemarle, Asheboro, Burlington, Cherry Point, Durham, Edenton, Elizabeth City, Greensboro, Henderson Kinston, New Bern, Plymouth, Raleigh, Rocky Mount, Salisbury, Tarboro, Washington, and Williamston, N.C.; (3) between Anderson, S.C., on the one hand, and on the other, those points in North Carolina listed in (1) above; (4) between Barnwell, S.C., on the one hand, and on the other, Albermarle, Asheboro, Burlington, Cherry Point, Durham, Edenton, Elizabeth City, Goldsboro, Greensboro, Henderson, New Bern, Plymouth, Raleigh, Rocky Mount, Salisbury Tarboro, and Williamston, N.C.

(5) Between Edgefield, S.C., on the one hand, and, on the other, Albemarle, Asheboro, Burlington, Cherry Point, Clinton, Durham, Edenton, Elizabeth City, Goldsboro, Greensboro, Henderson, Jacksonville, Kinston, New Bern, Plymouth, Raleigh, Rocky Mount, Salisbury, Tarboro, Washington, and Williamston, N.C.; (6) between Gaffney, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above; (7) between Greenville, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above; (8) between Greenwood, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above; (9) between Laurens, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above; (10) between Lexington, S.C., on the one hand, and, on the other, Albemarle, Asheboro, Burlington, Cherry Point, Durham, Edenton, Elizabeth City, Greensboro, Henderson, Jacksonville, New Bern, Plymouth, Raleigh, Rocky Mount, Salisbury, Tarboro, Washington, and Williamston, N.C.; (11) between McCormick, S.C., on the one hand, and, on the other, Albemarle, Asheboro, Burlington, Cherry Point, Clinton, Durham, Edenton, Elizabeth City, Fayetteville, Goldsboro, Greensboro, Henderson, Jacksonville, Kinston, New Bern, Plymouth, Raleigh, Rocky Mount, Salisbury, Tarboro, Washington, and Williamston, N.C.; (12) between Newberry, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above; (13) between Pickens, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above; (14) between Saluda, S.C., on the one hand, and, on the other, Albemarle, Asheboro, Burlington, Cherry Point, Clinton, Durham, Edenton, Elizabeth City, Fayetteville, Goldsboro, Henderson, Jacksonville, Kinston, New Bern, Plymouth, Raleigh, Rocky Mount, Salisbury, Tarboro, Washington, and Williamston, N.C.; (15) between Seneca, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above; (16) between Spartanburg, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above;. (17) between Union, S.C., on the one hand, and, on the other, those points in North Carolina listed in (1) above. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC-105813 (Sub-No. E1), filed April 15, 1974. Applicant: BELFORD TRUCKING CO., INC., 3500 NW. 79th Ave., Miami, Fla. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products* as defined by the Commission, in mechanically refrigerated vehicles, and containers or other incidental facilities used in transporting such commodities, and further restricted against shipments having an immediately prior or subsequent movement by water, from Chicago, East St. Louis, and Peoria, Ill., Indianapolis, Ind., Cedar Rapids, Iowa, Kansas City, Kans., Kansas City, St. Louis, and St. Joseph, Mo., and Madison and Milwaukee, Wis., to Cottondale and Panama City, Fla. (2) Dairy products as defined by the Commission, in mechanically refrigerated vehicles, and containers or other incidental facilities used in transporting such commodities and further restricted against shipments having an immediately prior or subsequent movement by water, from Chicago and East St. Louis, Ill., Indianapolis, Ind., Kansas City, Kans., and Kansas City and St. Louis, Mo., to Cottondale and Panama City, Fla. The purpose of this filing is to eliminate the gateway of Campbellton, Fla.

No. MC-110525 (Sub-No. E122), filed May 8, 1974. Applicant: CHEMICAL

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LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Indiana. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E123), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Iowa. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addystown, Ohio.

No. MC–110525 (Sub-No. E124), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from the District of Columbia to points in Kansas. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E126), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from the District of Columbia to points in Louisiana. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E128), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk in tank vehicles, from the District of Columbia to points in Michigan. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va.

No. MC–113362 (Sub-No. E7), filed May 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, from Chicago, Ill., to Albert Lea, Minn., and points in Kossuth County, Iowa, and Martin and Faribault Counties, Minn. The purpose of this filing is to eliminate the gateways of Elmore, Minn., and points in Kossuth County, Iowa.

No. MC–114045 (Sub-No. E35), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bologna*, from Lebanon, Pa., to points in Colorado, Idaho, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E36), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from Cleveland, Ohio, to points in Oregon and Utah. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E37), filed May 6, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from Louisville, Ky., to points in Colorado, New Mexico, California, Oregon, Washington, Nevada, Arizona, and Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E38), filed May 6, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, from American Falls, Boise, Nampa, Pocatello, Caldwell, Heyburn, and Burley, Idaho, to points in Kentucky and Tennessee (except Memphis). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E39), filed May 6, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, frozen berries, and frozen vegetables, from Louisville, Ky., to points in California and Colorado. The purpose of this filing is to eliminate the gateway of Oklahoma City, or Tulsa, Okla.

No. MC–114045 (Sub-No. E40), filed May 6, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery products and prepared bakery products ingredients* (other than frozen and other than those in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities utilized by the Pillsbury Company at New Albany, Indiana, to points in New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Seelyville, Ind.

No. MC–114045 (Sub-No. E52), filed May 7, 1974. Applicant:TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and meat products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Armour and Company near Sterling, Ill., to those points in Texas on, east, and south of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 180 to Fort Worth, thence along Interstate Highway 35N to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Jackson, Tenn.

No. MC–114045 (Sub-No. E56), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery products* and *bakery products ingredients* (other than frozen and other than those in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the Pillsbury Company at New Albany, Indiana, to points in Kansas, Missouri (except St. Louis, Mo., and points in St. Louis, Mo.-East St. Louis, Ill. commercial zone, as defined by the Commission), New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Seelyville, Ind.

No. MC–114045 (Sub-No. E57), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk, in tank vehicles, and frozen foods), from Vineland, N.J., to points in California, Colorado, Kansas, New Mexico, and Oklahoma. The purpose of this filing is to eliminate the gateway of Wapakoneta, Ohio.

No. MC–114045 (Sub-No. E58), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen dairy products* (except commodities in bulk), from Boston, Mass., to points in Texas, restricted to the transportation of traffic originating at Boston Mass. The purpose of this filing is to eliminate the gateway of Wapakoneta, Ohio.

No. MC–114045 (Sub-No. E59), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from points in Montcalm County, Mich., to points in Oregon and Utah, restricted to the transportation of traffic originating at the plantsite or warehouse facilities of Ore-Ida Foods, Inc. The purpose of this filing is to eliminate the gateway of Hillsboro, Wichita, or Hutchinson, Kans.

No. MC–114045 (Sub-No. E60), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Montcalm County, Mich., to points in California, restricted to the transportation of traffic originating at the plantsite or warehouse facilities of Ore-Ida Foods, Inc. The purpose of this filing is to eliminate the gateway of points in Arkansas or Oklahoma.

No. MC–114045 (Sub-No. E63), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Carrollton, Mo., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC–114045 (Sub-No. E 63), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in New Jersey (except Seabrook), to points in California. The purpose of this filing is to eliminate the gateway of points in Arkansas, Oklahoma, or Texas.

No. MC–114045 (Sub-No. E64), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from points in New Jersey (except Seabrook), to points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E65), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Keene, N.H., to points in California. The purpose of this filing is to eliminate the gateway of points in Arkansas, Oklahoma, or Texas.

No. MC–114045 (Sub-No. E66), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from Landover and Salisbury, Md., to points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E67), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen dairy products*, from Boston and Woburn, Mass., to points in Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E68), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats* (except in bulk, in tank vehicles), from Boston, Mass., to points in California. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E69), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), and commodities partially exempt from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with dairy products as described above, in mechanically refrigerated vehicles, from Louisville, Ky., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC–114045 (Sub-No. E70), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Montcalm County, Mich., to points in Florida and South Carolina, restricted to the transportation of traffic originating at the plant site or warehouse facilities of Ore-Ida Foods, Inc. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC–114045 (Sub-No. E71), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Allen Township, Hillsdale County, Mich., to points in Utah and Nevada, restricted to the transportation of traffic originating at the plant site and warehouse facilities of Great Markwestern Packing Company at Allen Township, Hillsdale County, Mich. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E74), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fall River, Mass., to points in Arkansas, Louisiana, and Oklahoma, restricted to the transportation of traffic originating at Fall River, Mass. The purpose of this filing is to eliminate the gateway of Norfolk, Va.

No. MC–114045 (Sub-No. E83), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and*

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meat by-products, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) from Oklahoma City, Okla., to points in Ohio, restricted to the transportation of traffic destined to points in Ohio. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114045 (Sub-No. E84), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen bakery products*, from Chambersburg, Pa., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E85), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *non-frozen dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Columbus, Ohio, to points in Idaho, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Hutchinson or Hillsboro, Kans.

No. MC–114045 (Sub-No. E86), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Carthage, Mo., to points in Colorado, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–119789 (Sub-No. E1), filed April 28, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative: James K. Newbold, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Canned foodstuffs* (except frozen food products, and meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209, and 766), from Columbus, Ohio, to points in Yuma, Maricopa, Pima, Santa Cruz, and Graham Counties, Ariz., and Imperial, Los Angeles, Orange, Riverside, San Bernadino, San Diego, and Ventura, Calif. The purpose of this filing is to eliminate the gateway of New Belledeau, La. (b) *Confectionery*, from Columbus, Ohio, to points in Los Angeles, Orange, Imperial, and San Diego Counties, Calif. The purpose of this filing is to eliminate the gateway of Thibodaux, La.

No. MC–121060 (Sub-No. E15), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, and urethane construction products* (except commodities in bulk), from points in Lauderdale, Limestone, Colbert, Franklin, Lawrence, Morgan, Marion, Winston, and Cullman Counties, Ala., to points in Pike, Monroe, Northampton, Lehigh, Bucks, Berks, Montgomery, Chester, and Delaware Counties, Pa. The purpose of this filing is to eliminate the gateway of the plant site and warehouse site of the Celotex Corporation in Birmingham, Ala., and Wayne County, N.C.

No. MC–121060 (Sub-No. E16), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, and urethane construction products* (except commodities in bulk), from points in Pickens, Tuscaloosa, Jefferson, Greene, Hale, Bibb, Sumter, Perry, Marengo, Dallas, Choctaw, Wilcox, Clarke, Monroe, and Conecuh Counties, Ala., to points in Virginia on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of the Celotex Corporation in Birmingham, Ala., and Wayne County, N.C.

No. MC–121060 (Sub-No. E19), filed May 7, 1974. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, construction urethane, and urethane construction products* (except commodities in bulk), from points in Blount, Etowah, St. Clair, Calhoun, and Talladega Counties, Ala., to Nansemond and Isle of Wight Counties, Va., and points in Newport News, Hampton, Norfolk, Portsmouth, Virginia Beach, and Chesapeake, Va. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of the Celotex Corporation in Birmingham, Ala., and Wayne County, N.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12037 Filed 5–23–74;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice 71]

MAY 20, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before June 10, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 121 TA), filed May 9, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jeanne Charlesworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, from Arlington, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindbergh, St. Louis, Mo. 63166. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC–30844 (Sub-No. 506 TA), filed May 9, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, P.O. Box 5000 (Box zip 50702), Waterloo, Iowa 50704. Applicant's representative: Larry L. Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 West Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC–35358 (Sub-No. 34 TA), filed May 9, 1974. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: James S. Holmes, 4601 IDS Tower, 80 So. 8th Street, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radios, phonographs, televisions, tape players, and recorders and parts, accessories and components* for the above described commodities, from the plant site and warehouse facilities of Team Central, Inc., at Minneapolis, Minn., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan, for 180 days. SUPPORTING SHIPPER: Team Central, Incorporated, 720 29th Avenue SE., Minneapolis, Minn. 55414. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC–35358 (Sub-No. 35 TA), filed May 9, 1974. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: James S. Holmes, 4601 IDS Tower, 80 So. 8th Street, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radios, phonographs, televisions, tape players, and recorders and parts, accessories and components* for the above described commodities, from Los Angeles, Calif.; Chicago, Ill.; Huntington, Ind.; and points in New York, to the plant site and warehouse facilities of Team Central, Inc., at Minneapolis, Minn., for 180 days. SUPPORTING SHIPPER: Team Central, Incorporated, 720 29th Avenue SE., Minneapolis, Minn. 55414. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 111729 (Sub-No. 437 TA), filed May 10, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, (NHP–PO), N.Y. 11040. Applicant's representative: John M. Delaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer parts, cash register parts, machine parts, and critical replacement parts*, restricted to packages or articles weighing in the aggregate no more than 100 pounds, from one consignor to one consignee on any one day, between Peachtree City, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, for 90 days. SUPPORTING SHIPPER: The National Cash Register Company, 200 Highway 74, South Peachtree City, Ga. 30269. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 438 TA), filed May 10, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, (NHP–PO), N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers records, audit and accounting media of all kinds*, between Harrisburgh, Pa., on the one hand, and, on the other, points in Kent, New Castle, and Sussex Counties, Del.; Carroll, Cecil, Garrett, and Queen Anne Counties, Md.; Burlington, Camden, Cumberland, Hunterdon, Monmouth, Morris, Ocean, Passiac, Salem, Somerset, Sussex, and Warren Counties, N.J., for 90 days. SUPPORTING SHIPPER: Agway, Inc., 3609 Derry Street, Harrisburgh, Pa. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114604 (Sub-No. 24 TA), filed May 10, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market #33, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in Mecklenburg County, N.C., to points in Alabama, Georgia, Tennessee, Mississippi, and Louisiana, for 180 days. SUPPORTING SHIPPERS: Charlotte Control Storage, Inc., 5100 Exchange St., P.O. Box 8644, Charlotte, N.C. 28208; Schrafft Candy Company, 529 Main Street, Boston, Mass. 02129; Nabisco Confections, Inc., 810 Main Street, Cambridge, Mass. 02119; Kraft Foods Division, Kraftco, Inc., 315 W. Ponce de Leon, Suite 963, Decatur, Ga. 30333. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 115322 (Sub-No. 101 TA), filed May 10, 1974. Applicant: REDWING REFRIGERATED, INC., Mlg: P.O. Box 10177, Off: Highway 527, Taft, Fla. 32809. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Presque Isle and Caribou, Maine, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Potato Service, Inc., P.O. Box 809, Presque Isle, Maine. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 115353 (Sub-No. 17 TA), filed April 30, 1974. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearney, N.J. 07032. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal products, iron and steel sheets and coils*, for the account of United States Gypsum Co., from Warren, Ohio, to New York, N.Y.; Yonkers, N.Y.; Philadelphia, Corry, and Eddystone, Pa.; Alson, Springfield, and Woburn, Mass.; Perth Amboy, Lyndhurst, and Fairfield, N.J.; Baltimore, Md.; Springfield and Charlottesville, Va.; Lancaster, Pa.; Hamden, Conn.; Thomaston, Conn.; Warminister, Conn.; Salem, Va.; Cambridge, Mass.; Fairport, Sidney, Jamestown, Oakfield, and Stony Point, N.Y.; Boston, Mass.; Kearney, N.J.; and Norfolk, Va., for 180 days. SUPPORTING SHIPPER: United States Gypsum Company, 101 South Wacker Drive, Chicago, Ill. 60606. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 115496 (Sub-No. 23 TA), filed May 3, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lumber*, from the plantsite of Holder & Northern Lumber Sales, Inc., at or near Nashville and Tullahoma, Tenn., to points in North Carolina, South Carolina, Indiana, Kentucky, Virginia, Tennessee, Mississippi, Alabama, and Georgia, for 180 days. SUPPORTING SHIPPER: Holder & Northern Lumber Sales, Inc.,

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5705 New York Avenue, Nashville, Tenn. 37209. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, NW., Room 309, Atlanta, Ga. 30309.

No. MC 115496 (Sub-No. 24 TA), filed May 3, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite and warehouse of Conwall, Inc., at Richmond and Wilkes Counties, Ga., to points in Alabama, Kentucky, Louisiana, Maryland, Ohio, South Carolina, North Carolina, and Virginia, for 180 days. SEND PROTESTS TO: Conwall, Inc., P.O. Box 2325, Augusta, Ga. 30903. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 124774 (Sub-No. 90 TA), filed May 8, 1974. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Clifford J. Foltz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Nebraska, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, Maryland, District of Columbia, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, and Rhode Island, restricted to traffic originating at, and destined to, the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., Ralph L. McGee, General Traffic Manager, 7000 W. Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, Omaha, Nebr. 68102.

No. MC 125162 (Sub-No. 8 TA), filed May 1, 1974. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, Ga. 31206. Applicant's representative: Paul M. Daniell, 40 Marietta Street, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, in vehicles equipped with mechanical unloaders, from the plantsite of Jenkins Brick Co., at Montgomery, and Coosada, Ala., to points in Georgia on and north of U.S. Highway 80, Georgia Highway 49, 22, 16, and U.S. Highway 278, for 180 days. SUPPORTING SHIPPER: Atlanta Brick and Tile Co., P.O. Box 39188, Atlanta, Ga. 30318. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 126276 (Sub-No. 95 TA), filed May 3, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60153. Applicant's representative: Albert A. Andrin, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and materials and supplies* used in the manufacture, sale, and distribution of metal containers and metal container ends (except commodities in bulk), from the plantsite of Crown Cork & Seal Company, Inc., at Perrysburg, Ohio, to Detroit, Midland, Frankenmuth, and Holland, Mich.; South Bend, Ft. Wayne, Evansville, and Terre Haute, Ind.; Chicago and Bradley, Ill.; and St. Louis, Mo., for 180 days. SUPPORTING SHIPPER: Mr. Edward Fehskens, Director of Traffic, Crown Cork & Seal Company, Inc., P.O. Box 208, Philadelphia, Pa. 19136. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 127058 (Sub-No. 2 TA), filed May 9, 1974. Applicant: INTRA-CITY TRUCKING CORP., 301 Roselle Street, Mineola, N.Y. 11501. Applicant's representative: Moe Zucker, 26 Court Street, Brooklyn, N.Y. 11242. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Printed matter* on flat sheets, *blank paper* on skids, *printed labels* in cartons, between Brooklyn, Queens Expressway, N.Y., to Verrazano Bridge, Staten Island Expressway, to Goethals Bridge; New Jersey Turnpike, to Exit 4; Route 73 to Route 38, to Route 30, to the Benjamin Franklin Bridge into Philadelphia, Pa., for 180 days. SUPPORTING SHIPPER: Mastercraft Lithographers, Inc., 39-01 Queens Blvd., Long Island City, N.Y. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—Applicant states that it will tack in MC 127058.

No. MC 127495 (Sub-No. 4 TA), filed May 7, 1974. Applicant: AIRLINE FREIGHT, INC., 731 Chester Pike, Prospect Park, Pa. 19076. Applicant's representative: W. R. Rawding (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities*, with the usual exceptions, having subsequent or prior movement by air, between Edison, N.J., and Philadelphia International Airport, Philadelphia, Pa., for 180 days. SUPPORTING SHIPPERS: Revlon, Inc., Rt. 27 & Talmadge Rd., Edison, N.J. 08817; ABC Air Freight, Hook & Calcon Hook Rds., Sharon Hill, Pa. 19079. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 128024 (Sub-No. 8 TA), filed May 9, 1974. Applicant: MORGAN PORTABLE BUILDING TRANSPORT CORP., P.O. Box 22261, 75222, 10540 N. Central Expressway, Dallas, Tex. 75202. Applicant's representative: Dean Madden (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, between points in Texas, Arkansas, Oklahoma, Louisiana, and Mississippi, on the one hand, and points in Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Missouri, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, on the other, for 180 days. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Morgan Portable Building Corp., of Dallas, Tex., and its affiliate Morgan Dallas Corporation. (NOTE.—affiliate has common ownership of stock). Carrier does not intend to tack authority. SUPPORTING SHIPPER: Morgan Portable Building Corp., 10540 N. Central Express, Dallas, Tex. 75231. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 129480 (Sub-No. 11 TA), filed May 3, 1974. Applicant: TRI-LINE EXPRESSWAYS LTD., 550 71st Avenue SE., P.O. Box 5245, Station A, Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Hugh Sweeney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron ore pellets*, in bulk, from the plantsite of Susquehanna-Western, Inc., at Edgemont, S. Dak., to the International Boundary line between the United States and Canada located in North Dakota and Montana, for 180 days. SUPPORTING SHIPPER: Interprovincial Steel Pipe Corporation Ltd., P.O. Box 1670, Regina, Saskatchewan, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133718 (Sub-No. 3 TA), filed May 10, 1974. Applicant: W. H. RAMSEY, doing business as W. H. RAMSEY & SONS, 1245 East 9th Street, Pomona, Calif. 91756. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Clay or earthenware tile*, between Pomona, Calif., and points in Maricopa County, Ariz.; and (b) *tile facing or flooring quarries*, between Pomona and Roseville, Calif., and points in Carson City, Churchill, Washoe, and Douglas Counties, Nev., for 180 days. SUPPORTING SHIPPER: Pomona Tile Company, a Division of American Clean Tile Company, Inc., 216 South Reservoir, Pomona, Calif. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 134501 (Sub-No. 11 TA), filed May 10, 1974. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air ducts and fittings and sound attenuators*, uncrated (except those which because of size or weight require the use of special equipment) from the plantsites of Semco Manufacturing, Inc., at or near Salisbury, Mo., and Roanoke, Va., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Semco Manufacturing, Inc., P.O. Box 276, Columbia, Mo. 65201. SEND PROTESTS TO: District Supervisor, Interstate Commerce Commission, Bureau of Operation, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 136409 (Sub-No. 2 TA), filed May 3, 1974. Applicant: M. A. ELLEFSON & SON, doing business as ACME MOVING & STORAGE, 1615 Nixon Road, P.O. Box 5444, Augusta, Ga. 30906. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, in containers, restricted to traffic having a prior or subsequent movement beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Burke, Emanuel, Jefferson, Lincoln, Richmond, Taliaferro, Wilkes, Columbia, Glascock, Jenkins, McDuffie, Screven, and Warren Counties, Ga.; and points in Aiken, Barnwell, Hampton, Allendale, Edgefield, and McCormick Counties, S.C., for 180 days. SUPPORTING SHIPPERS: Northwest Consolidators, Inc., P.O. Box 55010, No. City Station, Seattle, Wash. 98155; International Forwarding Co., P.O. Box 3020, Bellevue, Wash. 98009. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 136955 (Sub-No. 2 TA), filed May 9, 1974. Applicant: EVANS FREIGHT LINE, INC., 2501 South Alameda St., Los Angeles, Calif. 90058. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, dangerous articles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Los Angeles, Calif., on the one hand, and Las Vegas, Nev., on the other, restricted to traffic moving on bills of lading or Ameri-Con Freight Systems, a freight forwarder, for 180 days. SUPPORTING SHIPPER: Ameri-Con Freight System, 4650 Eastern Avenue, Los Angeles, Calif. 90040. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138861 (Sub-No. 2 TA), filed May 9, 1974. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ira G. Megdal, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Cranston, R.I., to points in Connecticut, Maine, New Hampshire, Massachusetts, New York, and Vermont, for 180 days. SUPPORTING SHIPPER: NAVCO Plastic Pipe Corporation, 1150 Elmwood Avenue, Cranston, R.I. 02907. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 139563 (Sub-No. 1 TA), filed May 10, 1974. Applicant: WEATHER BROTHERS TRANSFER CO., OF N.C., INC., Co. of N.C., Inc., 921 East Forsyth Street, Jacksonville, Fla. 32202. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, and *unaccompanied baggage*, having a prior or subsequent movement beyond the points applied for. Restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between Fayetteville, N.C., on the one hand, and points in North Carolina, on the other, for 180 days. SUPPORTING SHIPPER: Department of Defense, Departmnet of the Army, Washington, D.C. 20310. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 139777 (Sub-No. 1 TA), filed May 10, 1974. Applicant: SIX STAR TRANSPORTATION, INC., 969A Conklin Street, Farmingdale, N.Y. 11735. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients, and herbicides, insecticides, and pesticides* when moving in mixed shipments with fertilizer and fertilizer ingredients; and *animal and poultry feed and feed ingredients*, from the plantsite and shipping facilities of The Andersons at or near Maumee, Ohio, to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia and (2) *fertilizer, fertilizer materials, and fertilizer ingredients* from the plantsite and shipping facilities of Plant Products, Inc., at or near Bluepoint, N.Y., and the plantsite and shipping facilities of Lawn-A-Matt Chemical Corporation at or near Plainview, N.Y., to points in Pennsylvania, Ohio, Indiana, Michigan, and Illinois, for 180 days. SUPPORTING SHIPPER: Plant Products Inc., Kennedy Avenue, Bluepoint, N.Y. 11715, and Lawn-A-Matt Chemical Corp., 131 Sunnyside Boulevard, Plainview, N.Y. 11803. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 139780 TA, filed May 7, 1974. Applicant: AMERICAN SECURITY STORAGE OF ANNAPOLIS, INC., 1812 Virginia Street, Annapolis, Md. 21401. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, and Queen Annes Counties, and Baltimore City, Md., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. SUPPORTING SHIPPER: Mr. Vernon Schirmacher, Vice President, International Export Packers, Inc., 5360 Eisenhower Avenue, Alexandria, Va. 22304. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 139781 TA, filed May 9, 1974. Applicant: LOCH RAVEN ENTERPRISES, INC., doing business as LOCH RAVEN TOWING, Joppa and Satyr Hill Roads, Baltimore, Md. 21234. Applicant's

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representative: Joel H. Pachino, 210 Dunkirk Building, Baltimore, Md. 21222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Wrecked, disabled, inoperative, and abandoned motor vehicles and trailers*, and (B) *empty trailers* and specially equipped trailers, excluding mobile homes, between points in Virginia, West Virginia, New Jersey, Pennsylvania, Delaware, New York, and Maryland, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPERS: Mr. Stephen Karpchuk, Branch Manager, Mobile Field Office Co., 3101 Annapolis Road, Baltimore, Md. 21230; Mr. Dale Yeager, President, Cycles Limited, P.O. Box 261, Cockeysville, Md. 21030; Mr. John P. Ahern, President, TIV Color Television Production, Inc., 2160 Rock Rose Avenue, Baltimore, Md. 21211; and Mr. James N. Curran, Service Manager, Leaseway Systems of Baltimore, Inc., 2930 James Street, Baltimore, Md. 21230. SEND PROTESTS TO: District Supervisor William L. Hughes, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 139782 TA, filed May 9, 1974. Applicant: REYNOLDS DISTRIBUTING CO., INC., 845 South Montana Street, Butte, Mont. 59701. Applicant's representative: Ray J. Reynolds (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages;* (2) *fruit juices;* and (3) *beverage mixes*, (1) from Los Angeles and San Francisco, Calif.; Portland, Oreg.; and Minneapolis and St. Paul, Minn., to Bozeman, Dillon, Helena, Great Falls, and Kalispell, Mont.; (2) from Minneapolis, Minn., to Dillon, Helena, Great Falls, Missoula, and Kalispell, Mont.; and (3) from Los Angeles, Calif., and Minneapolis, Minn., to Butte, Mont., for 180 days. SUPPORTING SHIPPERS: Rosin Distributing, B–N Industrial Site, Helena, Mont. 59601, and Beaverhead Bar Supply, Inc., P.O. Box 269, Dillon, Mont. 59725. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 139783 TA, filed May 10, 1974. Applicant: GEORGE McFARLAND, 218 North, P.O. Box 21, Austin, Minn. 55912. Applicant's representative: James Malecki, 1 South State Street, New Ulm, Minn. 56073. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Austin, Minn., for 180 days. SUPPORTING SHIPPER: W. H. Austin Distributing Co., Inc., 513 East Oakland Avenue, Austin, Minn. 55912. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139784 TA, filed May 10, 1974. Applicant: CATTLE AND GRAIN TRANSPORTS, INC., Box 726, Professional Building, Scott City, Kans. 67871. Applicant's representative: Mike Urban, 310 Court, Scott City, Kans. 67871. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agriculture implements and parts*, from Pueblo, Colo., and *building materials*, from New Hampton, Iowa, to points within Scott, Wichita, Gove, Logan, Lane, and Finney Counties, Kans., for 180 days. SUPPORTING SHIPPERS: Disney Construction, Inc., 310 Court, Scott City, Kans. 67871, and Scott Co-op Association, East First Street, Scott City, Kans. 67871. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 139785 TA, filed May 9, 1974. Applicant: CARL E. LIETZ, doing business as LIETZ FARMS, Route 1, Coloma, Wis. 54930. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dog and cat foods* (not fit for human consumption), in refrigerated vehicles, from the plantsite and warehouse facilities of Wisconsin Brand, Inc., at Iola, Viroqua, Alma Center, and Montfort, Wis., to points in Alabama, Arkansas, Florida, Kansas, Michigan, Massachusetts, New Hampshire, and South Dakota, under continuing contract with Wisconsin Brand, Inc., for 180 days. SUPPORTING SHIPPER: Wisconsin Brand, Inc., Route 2, Iola, Wis. 54945. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 139787 TA, filed May 9, 1974. Applicant: M & M TRUCKING COMPANY, INC., P.O. Box 1743, Auburn, Ala. 36830. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, from points in Lee County, Ala., to points in Georgia, for 90 days. SUPPORTING SHIPPER: Georgia Marble Company, 3460 Cumberland Parkway NW., Atlanta, Ga. 30339. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 139788 TA, filed May 10, 1974. Applicant: CHARLES J. METTLER AND ROSEMARY J. METTLER, doing business as METTLER TRUCKING, 4110 Milton Avenue East, Tacoma, Wash. 98424. Applicant's representative: William H. Grady, 603 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors*, for the account of Nu-Door, Inc., from Lacey, Wash., to Portland, Beaverton, Harrisburg, Oregon, and Sacramento, Calif., and (2) *particle board*, from Medford, Oreg., to Lacey, Wash., for the account of Nu-Door, Inc., for 180 days. SUPPORTING SHIPPER: Nu-Door, Inc., P.O. Box 3532, Lacey, Wash. 98503. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Bldg., Seattle, Wash. 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12036 Filed 5–23–74;8:45 am]

[Notice No. 515]

ASSIGNMENT OF HEARINGS

MAY 21, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after May 24, 1974.

MC–F–11957, Gateway Transportation Co., Inc.—Purchase (portion)—Courtesy Express, Inc., MC 80430 Sub 149, Gateway Transportation Co., Inc., now assigned June 10, 1974, at Chicago, Ill., will be held at the LaSalle Hotel, 10 North LaSalle Street.

MC–28573 Sub 84, Burlington Northern, Inc., now assigned June 3, 1974, at Helena, Mont., is postponed to September 23, 1974 (2 weeks) in Room 324, U.S. Post Office & Federal Bldg., Pork & 6th Street, Helena, Mont.

MC 116073 Subs 31, 35, and 85, Barrett Mobil Home Transport, Inc., now assigned June 24, 1974, at Pierre, S. Dak., is cancelled and reassigned to June 24, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–8948 Sub 104, Western Gillette, Inc., is continued to July 8, 1974 (2 weeks), at the Fairmont Hotel, 123 Baronne Street, University Place, New Orleans, La., and July 22, 1974 (1 week) at Marriott Hotel, 2101 Stemmons Freeway, Dallas, Texas.

MC 120981 Sub 16, Bestway Express, Inc., continued to June 25, 1974 (4 days), in the GSA Conference Room 105, U.S. Court of Appeals, 600 Camp St., New Orleans, La.

MC 35890 Sub-41, Blodgett Furniture Service, Inc., now assigned June 17, 1974, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

No. 35641, The Chesapeake and Ohio Railway Co., V. Atlantic and East Carolina Railway Company, et al., now assigned July 9, 1974, is postponed to July 16, 1974, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 66860 Sub 17, Russell Transfer, Inc., now being assigned hearing July 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 74–12035 Filed 5–23–74;8:45 am]

[Notice No. 87]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 13, 1974. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75087. By order of May 17, 1974, the Motor Carrier Board approved the transfer to Peck's Moving & Storage Co., Inc., 1719 North 8th Street, Paducah, Ky. 42001, of Certificate No. MC–92275 issued September 1, 1972, to J. J. Carter & Son Moving & Storage of Indiana, Inc., Jeffersonville, Ind., authorizing the transportation of household goods between Jeffersonville, Ind., on the one hand, and, on the other, points in Ohio, Missouri, Georgia, Pennsylvania, Kentucky, Michigan, Illinois, and Tennessee.

No. MC–FC–75098. By order entered May 20, 1974, the Motor Carrier Board approved the transfer to David R. Bumgardner, doing business as Bumgardner's Delivery Service, Dawson, Ill., of the operating rights set forth in Certificate No. MC–127435, issued December 8, 1965, to Harry S. Green, doing business as Harry Green Delivery Service, Springfield, Ill., authorizing the transportation of films and associated articles, newspapers, magazines, and cigars, over specified routes, between St. Louis, Mo., and points in Illinois; and films and associated articles, newspapers, and magazines, between St. Louis, Mo., and Manito, Ill. Dwight H. O'Keefe III, 425 East Monroe St., Suite 201, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12034 Filed 5–23–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 21, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 10, 1974.

FSA No. 42836—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 80), for itself and interested rail carriers. Rates on military household goods and personal effects, from Japan and Korea, to rail carriers' terminals on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff 216, I.C.C. No. 82, FMC No. 87. Rates are published to become effective on June 15, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12033 Filed 5–23–74;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 23, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by the new special rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC–F–11680. (Supplemental) (American Courier Corporation-Merger-Independent Delivery Inc., Oklahoma Arnold Car, Inc., Securities Transport Company, Inc., and—Purchase—Colorado Cortage Company, Inc.), published in the October 18, 1972, issue of the FEDERAL REGISTER on page 22026. This proceeding is related to No. MC–F–11658, Purolator Security Inc.—Control and Merger. This supplemental notice reflects the authority granted in the order of the Commission, Division 3, acting as an Appellate Division, served May 15, 1974. The Commission, in the order, authorized those interstate operating rights of Protective Motor Service Company, Inc., to be merged into Purolator Courier Corp. (formerly American Courier Corporation) which are described in certificates No. MC–133698 (Sub-No. 2) and permits No. MC–111103 (Sub-Nos. 20 and 22) and read as follows:

MC 133698, Sub 2.—Over Irregular Routes: Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith (except motion picture film used primarily for commercial theatre and television exhibition). Between Philadelphia, Pa., on the one hand, and, on the other, points in Bedford, Berks, Blair, Bucks, Cambria, Carbon, Centre, Clearfield Clinton, Dauphin, Huntingdon, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Northampton, Synder, and Union Counties, Pa.

RESTRICTION: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future, as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act.

MC 111103, Sub 20.—Checks, coupons, and all types of bank papers and bank records, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, (except points in Bergen, Essex, Hudson, Morris, Passaic and Union Counties) and Delaware, within 75 miles of City Hall, Philadelphia, Pa., limited to service to be performed under a continuing contract, or contracts with banks or banking institutions.

MC 111103, Sub 22.—Commercial papers, documents, written instruments and business records of banks and banking institutions (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Harrisburg, Pa., on the one hand, and, on the other, Baltimore, Md.

RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with persons as defined in section 203(a) of the Interstate Commerce Act who are engaged in the business as banks or banking institutions.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12032 Filed 5–23–74;8:45 am]

[Ex Parte No. 241; Rule 19; *Exemption No. 71*]

PENN CENTRAL TRANSPORTATION CO. Exemption Under Mandatory Car Service Rules

It appearing, that because of abnormal operating conditions, the Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, Trustees, is unable to perform regular switching at the plant of the Dayton Tire and Rubber Company,

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Dayton, Ohio; that there are numerous freight cars available in that plant for reloading; and there is urgent need to utilize these cars for certain shipments from that plant.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, the Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, trustees, be, and it is hereby, authorized to accept from Dayton Tire and Rubber Company, Dayton, Ohio, shipping instructions for the movement of cars appropriated from inbound loads, without regard to the requirements of Car Service Rule 1 and 2. (See Exception)

Exception. This exemption shall not apply to cars subject to Service Orders 1043 (Fifth Revised), 1145 (Revised), 1171, 1173 (Revised), or 1174 (Second Revised).

Effective: May 3, 1974.

Expires: May 31, 1974.

Issued at Washington, D.C., May 3, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-12031 Filed 5-23-74;8:45 am]

[Notice No. 37]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

Correction

In FR Doc. 74-10623, appearing at page 16383 in the issue for Wednesday, May 8, 1974, the number in the first line of the application that begins in the second column of page 16388 now reading "No. MC 123005" should read: "No. MC 123004".

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federal register

FRIDAY, MAY 24, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 102

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

ADULT EDUCATION

Special Projects and Teacher Training

V 39 | 102 MAY 24 74 XUM

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 167—SPECIAL PROJECTS AND TEACHER TRAINING IN ADULT EDUCATION

Notice of proposed rule making was published in the FEDERAL REGISTER on July 11, 1973 (38 FR 18518), setting forth regulations and guidelines for special projects and teacher training in adult education under section 309 of the Adult Education Act, as amended. Pursuant to section 503 of the Education Amendments of 1972 (P.L. 92-318), a public hearing was held on September 20 in Washington, D.C., on the proposed regulations and guidelines. In addition, written comments were received.

The following comments were submitted, either in writing or at the public hearing. After the summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no change is deemed necessary or appropriate. The comments are grouped based upon the section of the regulations proposed to be affected, with sections affected arranged in ascending order.

1. § 167.2 *Definitions. Comment.* A commenter suggested that the definition of an institution of higher education be expanded to include not only those institutions which are accredited by a nationally recognized accrediting agency, as provided in the notice of proposed rule making, but also those which are "approved by the State educational agency."

Response. Section 303(i) of the Act requires that the definition of this term be the same as that contained in "section 801(e) of the Elementary and Secondary Education Act of 1965." (20 U.S.C. 1202 (i)). Section 801(e) does not provide for this recommended alternative. Thus no change is appropriate.

2. § 167.6 *Preapplications and applications for grants.* A. *Comment.* A commenter suggested that all preapplications and applications "have the approval of the State educational agency."

Response. Section 309 of the Act does not require the approval of projects by the State educational agency, and it is not desired to accord the State educational agency a veto privilege with regard to project preapplications or applications. However, the input of the State educational agency may prove valuable to the Commissioner in his review of project applications and has already been provided for in § 167.6(c)(3) of the proposed rules. In the regulations, subparagraph (3) of § 167.6(c) has been redesignated as subparagraph (2) and reads as follows:

> A local educational agency submitting an application shall attach a letter to such application providing evidence of cooperation with the State educational agency. Any applicant which is not a local educational agency shall attach a letter to such application describing the extent to which the proposed project has been discussed with appropriate local and State adult education officials.

Thus no change is necessary.

B. *Comment.* Several commenters expressed concern with the prohibition contained in § 167.6(c)(2) of the proposed rules against assessing certain fees or charges from participants in projects assisted under the Act. Others desired that such fees be considered allowable costs under the grant.

Response. It is desired to minimize economic barriers to participation in programs assisted under section 309(c) of the Act. Furthermore, if grantees were allowed to charge such fees, it would be extremely difficult, in many instances, to ascertain whether they represented reimbursement for costs already covered under the grant. Such dual payment would, of course, be inappropriate. Thus the prohibition against the charging of certain fees from participants has been retained.

As noted in § 167.15, grantees must determine allowability of costs in accordance with the "General Provisions for Office of Education Programs" (45 CFR 100a, Subpart G). These general provisions were published as final regulations on November 6, 1973 (38 FR 30654-30716). Part 100a contains general provisions for direct project assistance, which would apply to programs under section 309 of the Adult Education Act. Under these provisions, such tuition, fees and charges are not considered allowable costs. These cost principles are

> • • • designed to provide that federally assisted programs bear their fair share of costs recognized • • • (Appendix B)
>
> • • • designed to provide recognition of the full allocation of costs. (Appendices C and (D)

Under these cost principles, certain of the costs which such tuition, fees and charges would normally defer (including, for example, certain compensation for personal services) would be allowable.

In light of the above comments and in order to clarify this provision, subparagraph (2) of § 167.6(c) of the proposed rules has been redesignated as § 167.7 and amended to read as follows:

> § 167.7 *Fees, charges and tuition.*
>
> No fees, charges or tuition shall be collected from students, trainees or participants in projects under the Act as a condition of enrollment in, participation in, or completion of any training or instruction offered in the project.

The table of contents has also been amended to reflect the change, and the remainder of § 167.6(c) redesignated appropriately.

C. *Comment.* A commenter suggested that multi-year projects be reviewed for continuation not only in light of the availability of funds, as provided in the notice of proposed rule making at § 167.6(c)(4)(ii), but also,

> • • • (1) in light of the project's effectiveness,
>
> (2) the extent to which the project is meeting the established 309 program priorities, and
>
> (3) an examination of other projects of a similar nature in order to avoid duplication.

Response. Suggestion (1), above, is a useful addition to the proposed provision.

Suggestion (2), however, could be interpreted to impose upon continuation applicants those priorities of the year for which continuation funds are sought. Instead, the pertinent priorities for continuation applicants are those program priorities of the first year in which the project was initially funded. The substitution of the word "applicable" for the word "established" in the second suggestion would clarify this situation.

With regard to suggestion (3), duplication among projects will be minimized through the review process which is conducted in the initial year of funding and is thus unnecessary thereafter.

In response to the above suggestions, subparagraph (5) of § 167.6(c) of the proposed rules has been redesignated as § 167.6(c)(4) and has been changed to read as follows:

> An application requesting support for the continuation of an ongoing multi-year project will be reviewed (i) in the light of the availability of funds; (ii) to determine if the grantee has complied with the grant terms and conditions, the Act, and regulations in order to decide whether continuation of the grant would be in the best interests of the government; (iii) to determine the project's effectiveness; and (iv) to determine the extent to which the project is meeting the applicable priorities.

3. § 167.8 *Special project criteria. Comment.* A commenter suggested that:

> • • • the Commissioner give consideration to whether and to what extent the project provides for the publishing and dissemination of project results.

Response. Such publication and dissemination have already been provided for in the "General Provisions for Office of Education Programs," as follows:

> • • • Review [of applications] by the Commissioner • • • will take into account • • • the extent to which • • • provision is made for disseminating the results of the project • • • (45 CFR 100a.26 (b)(8)(iv)).

Thus no change is necessary.

4. § 167.9 *Teacher training project criteria. Comment.* A commenter suggested adding the following underscored words to § 167.9(a), such that the application evaluation criteria for teacher training projects include "training in the utilization and development of innovative methods, systems, materials, or programs." Along the same lines, another commenter desired "more emphasis on research, innovative or not."

Response. The above suggestions have been incorporated into the application evaluation criterion which is provided in § 167.9(a), as follows:

> (a) Whether and to what extent the project will include training in the utilization and development of innovative methods, systems, materials, or programs.

5. § 167.10 *Grantee contribution to special experimental demonstration projects.* A. *Comment.* A commenter suggested that "recipients of grants should not be required to match funds at any level."

Response. Section 309(b) of the Act provides that:

> The Commissioner shall require a non-Federal contribution of at least 10 per centum of the costs of such projects wherever feasible and not inconsistent with the purposes of this subsection. (20 U.S.C. 1208(b))

Thus the suggested change is not appropriate.

B. *Comment.* A commenter expressed uncertainty as to the permissibility of "in kind" contributions for the purpose of meeting the above-quoted "non-Federal contribution" requirement.

Response. § 100a.92 of the regulations entitled "General Provisions for Office of Education Programs" permits the grantee's matching share to include "in kind" contributions under certain specified circumstances. Thus no change is necessary.

6. § 167.12 *Selection of participants for teacher training projects.* A. *Comment.* A commenter suggested that each grantee

> • • • should be required to work with the State Department of Education in establishing criteria for student admission to teacher training and in the selection of participants.

Response. Appropriate participation of the State educational agency has been provided for in § 167.6(c)(2) of the regulations, as discussed in response to comment 2.A, above. Thus no change is necessary.

B. *Comment.* A commenter suggested that the following problem be addressed:

> • • • many teachers trained in their institutions are not, in fact, ever employed to work in the adult program.

Response. Section 309(c) of the Act provides training to the following:

> • • • persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this title. (20 U.S.C. 1208(c))

Since it would be most appropriate for this useful comment to be addressed in the criteria and procedures for admission of participants, the following has been added after the first sentence in § 167.12(a):

> Such criteria shall be designed to assure that, among other things, participants are engaged, or are preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act, including but not limited to those assisted under the Act.

C. *Comment.* A commenter suggested that it should be made clear that training could be provided to "support and administrative personnel in adult education, as well as teachers."

Response. Training pursuant to section 309(c) of the Act, as indicated by the quotation from the Act which is contained in the preceding response, is not limited to that which may be provided to teachers. Appropriate support personnel and administrators may also be assisted under this section. To clarify this fact, the following sentence has been added as the last sentence of § 167.12(a):

> Such personnel may include those who are engaged, or preparing to engage, as teachers, guidance counselors, administrators, or other support personnel in adult education programs designed to carry out the purposes of the Act.

D. *Comment.* A commenter suggested that

> Provision should be made for training teachers to develop curricula which will include provisions for individualizing instruction.

Response. Projects of the type described above would not necessarily be inconsistent with the Act or the regulations contained in the notice of proposed rule making. Thus no change is necessary.

7. § 167.13 *Duration of teacher training projects. Comment.* Several commenters expressed uncertainty as to whether § 167.13 of the proposed rules requires that each component of an application for teacher training be over 40 hours in duration or whether it merely requires that the sum of all such activities during the course of the year exceed such limit.

Response. In light of the above uncertainty, the following applicable provision in the "General Provisions for Office of Education Programs" is thought to be adequate to discourage projects of insufficient duration:

> Review will take into account such factors as: Sufficiency of size, scope and duration of the project so as to secure productive results.

Thus the proposed § 167.13 has been deleted.

8. § 167.16 *Stipends and travel allowances for teacher training participants. Comment.* Several commenters suggested that the stipends and travel allowances be increased.

Response. Stipend amounts have been amended in the final regulations to provide $25 to participants for each training day or any part thereof (but in no case to exceed $125 in any 7-day period) and $5 for each day or any part thereof for each dependent (but in no case to exceed $25 in any 7-day period). These figures represent modest increases over the provisions contained in the notice of proposed rule making. Payment is made on the basis of daily rather than weekly participation as a result of uncertainties which some commenters have expressed with regard to how funds should be prorated when participation is for less than a full week.

The mileage allowance contained in § 167.16(c) has also been increased from 11¢ to 12¢ per mile.

9. § 167.17 *Reports.* A. *Comment.* A commenter suggested that copies of all reports discussed in § 167.17 be required to be submitted to the State educational agency.

Response. It is not desired to require that all such reports be submitted to the State educational agency since this would impose, in many cases, excessive burdens upon both the local and State educational agencies. Instead, section 3.4(a) of the guidelines has had the following sentence added at the end thereof:

> The grantee may also submit copies of appropriate materials and reports to the State educational agency.

B. *Comment.* A commenter inquired as follows:

> Are • • • [grantees] still required to advertise for potential participants when participation determination is actually the responsibility of the recipients of subcontracts under the project?

Response. In order to clarify the above situation, the first sentence of § 167.17(b)(4)(iii) has been changed to read as follows:

> For teacher training projects, it is the responsibility of the grantee to develop or provide for the development of a brochure and appropriate application forms in order to provide potential participants with sufficient information to submit applications for participation in a project.

10. *Other changes.* The following additional changes were made in the notice of proposed rule making:

A. It was decided to point out that "ongoing multi-year projects" would be designated as such in the grant award document by adding after the end of the first sentence of § 167.6(b), the following sentence:

> Ongoing multi-year projects will be designated as such in the grant award document.

B. In order to clarify that the reviews and evaluations referred to in § 167.9(d) are in addition to the final project report required by § 167.17(b)(3), § 167.9(d) has been changed to read as follows:

> Whether and to what extent the applicant proposes to make periodic, systematic and objective reviews and evaluations of the adult education personnel training project in addition to those referred to in § 167.17(b)(3).

C. Citations to the regulations entitled "General Provisions for Office of Education Programs" have been amended or added, as appropriate.

D. Other minor technical changes were also made in the regulations and guidelines.

E. In the notice of proposed rule making concerning these regulations and guidelines, it was asserted that the final guidelines would be published apart from the regulations in the general notice portion of the FEDERAL REGISTER. (See 38 FR 10578) However, in order that they may appear together in the FEDERAL REGISTER and in the Code of Federal Regulations, the guidelines are instead being published as an Appendix to the regulations.

After consideration of all comments, 45 CFR Part 167 is revised to read as set forth below.

Effective date. Pursuant to section 503(d) of the Education Amendments of 1972 (Pub. L. 92-318), these regulations become effective June 24, 1974.

(Catalog of Federal Domestic Assistance No. 13.401, Adult Education, Special Projects and

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No. 13.402, Adult Education, Teacher Education.)

Dated: April 12, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

PART 167—SPECIAL PROJECTS AND TEACHER TRAINING IN ADULT EDUCATION

Sec.
167.1 Applicability.
167.2 Definitions.
167.4 Eligible projects.
167.5 Eligible applicants.
167.6 Preapplications and applications for grants.
167.7 Fees, charges and tuition.
167.8 Special project criteria.
167.9 Teacher training project criteria.
167.10 Grantee contribution to special experimental demonstration projects.
167.12 Selection of participants for teacher training projects.
167.14 Program evaluation procedures.
167.15 Allowable costs.
167.16 Stipends and travel allowances for teacher training participants.
167.17 Reports.

AUTHORITY: Section 309 of the Adult Education Act, as amended, unless otherwise noted (84 Stat. 163; 20 U.S.C. 1201–1211).

§ 167.1 Applicability.

(a) The regulations in this part apply to grants by the Commission for special experimental demonstration projects in adult education under subsection (b), and adult education personnel training under subsection (c), of section 309 of the Adult Education Act. The Commissioner is also authorized to provide adult education personnel training (directly or by contract) under section 309(c).

(20 U.S.C. 1208)

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this Chapter (relating to fiscal, administrative, property management and other matters).

(20 U.S.C. 1208)

CROSS-REFERENCE: The regulations in Part 166 apply to grants to States for adult basic education and adult education programs pursuant to section 304(b) of the Act.

§ 167.2 Definitions.

(a) The terms "adult," "adult education," "adult basic education," "Commissioner," "local educational agency," "State," "State educational agency" and "academic education" are defined in section 303 of the Act.

(b) As used in this part:

(1) "Act" means the Adult Education Act, as amended.

(2) "Institution of higher education" means an educational institution in any State which—

(i) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(ii) is legally authorized within such State to provide a program of education beyond high school;

(iii) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(iv) is a public or other nonprofit institution; and

(v) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: Provided, however, that in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(20 U.S.C. 881; 20 U.S.C. 1202(1))

§ 167.4 Eligible projects.

Funds available under section 309 of the Act may be used by the Commissioner for the following purposes:

(a) Grants for special experimental demonstration projects to be carried out in furtherance of the purposes of the Act, and which—

(1) involve the use of innovative methods, systems, materials or programs which the Commissioner determines may have national significance or may be of special value in promoting effective programs under the Act, or

(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

(b) Grants and contracts to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act.

(20 U.S.C. 1208)

§ 167.5 Eligible applicants.

(a) *Special projects.* The following categories of agencies and institutions are eligible for grants under this part for special experimental demonstration projects:

(1) Local educational agencies; and

(2) Other public or private nonprofit agencies, including educational television stations.

(20 U.S.C. 1208(b))

(b) *Teacher training.* The following categories of agencies and institutions are eligible for grants and contracts under this part for teacher training:

(1) Institutions of higher education;

(2) State educational agencies;

(3) Local educational agencies; and

(4) Other appropriate public or private nonprofit agencies and organizations.

(20 U.S.C. 1208(c))

(c) *Ineligible applicants.* The following are not eligible for any grants under this part:

(1) Individuals;

(2) Any school or department of divinity; and

(3) Institutions organized for profit.

(20 U.S.C. 1206, 1210)

§ 167.6 Preapplications and applications for grants.

(a) *General.* (1) Assistance under this part will be made available only upon submission of preapplications and applications in accordance with this section. A separate preapplication and application must be submitted for each proposed project, except as provided in § 167.6(b)(1). Preapplication and application forms may be obtained from the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(2) Preapplications and applications for grants shall be submitted in accordance with the procedures provided in 45 CFR 100a, Subparts B and C.

(3) If an applicant wishes to have an application which was not approved reconsidered for approval during a subsequent fiscal year, a preapplication and application must be resubmitted.

(b) *Preapplications.* (1) Each applicant seeking initial support for a special experimental demonstration project or a teacher training project must submit a preapplication for Federal assistance. Ongoing multi-year projects will be designated as such in the grant award document. An applicant applying for support to continue an ongoing multi-year project need not resubmit a preapplication; however, such applicants must complete and submit the appropriate application for Federal assistance form in each year for which assistance is requested.

(2) Preapplications will be reviewed and rated in accordance with current priorities (which will be published periodically in the FEDERAL REGISTER) and the criteria described in §§ 167.8 and 167.9. The applicant will be notified of the results of such review in accordance with the procedures provided in 45 CFR 100a.42.

(c) *Applications.* (1) Each applicant who submits a preapplication will be advised as to whether the submission of an application is recommended. Applications will be evaluated and, if approved, will be funded on the basis of current priorities (which will be published periodically in the FEDERAL REGISTER) and the criteria described in §§ 167.8 and 167.9. The number of grant awards will be determined by the availability of funds.

(2) A local educational agency submitting an application shall attach a letter to such application providing evidence of cooperation with the State educational agency. Any applicant which is not a local educational agency shall attach a letter to such application describing the extent to which the proposed project has been discussed with appropriate local and State adult education officials.

(3) The fact that a particular application resulted in a grant in an earlier year provides no assurance that a later submission will result in a new grant.

(4) An application requesting support for the continuation of an ongoing multi-year project will be reviewed (i) in the light of the availability of funds; (ii) to determine if the grantee has complied with the grant terms and conditions, the Act, and regulations in order to decide whether continuation of the grant would be in the best interests of the government; (iii) to determine the project's effectiveness; and (iv) to determine the extent to which the project is meeting the applicable priorities.

(20 U.S.C. 1208; 45 CFR 100a, Subparts B and C.)

§ 167.7 Fees, charges and tuition.

No fees, charges or tuition shall be collected from students, trainees or participants in projects under the Act as a condition of enrollment in, participation in, or completion of any training or instruction offered in the project.

(20 U.S.C. 1208.)

§ 167.8 Special project criteria.

In evaluating applications for special project grants, in addition to considering the factors stated in § 100a.26(b) of this Chapter, the Commissioner will give consideration to such factors as:

(a) Whether and to what extent the project involves the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under the Act;

(b) Whether and to what extent the project is to be carried out in cooperation with other federally assisted, State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies;

(c) Whether and to what extent the project has unusual promise in establishing or improving adult education;

(d) Whether and to what extent the project is related to and is carried out in conjunction with appropriate teacher training, whether or not assisted under the Act;

(e) Whether and to what extent the project will result in the development of new materials and methods which may be of value in increasing the effectiveness of adult education programs.

(f) Whether and to what extent the project provides for cooperation and coordination with business and industry, labor and other agencies, institutions, and community resources in order to strengthen the project and prevent duplication of effort;

(g) Whether and to what extent the project provides for cooperation and continuation by the State and local educational agencies; and

(h) Whether and to what extent the project will meet the needs of persons with particular educational deficiencies

(20 U.S.C. 1208(c); 1221c(b)(1))

§ 167.9 Teacher training project criteria.

In evaluating applications for teacher training grants, in addition to considering the factors stated in § 100a.26(b) of this chapter, the Commissioner will consider such factors as:

(a) Whether and to what extent the project will include training in the utilization and development of innovative methods, systems, materials, or programs;

(b) Whether and to what extent the project will meet local needs for adult education personnel;

(c) Whether and to what extent the project can be expected to meet needs for adult education personnel beyond the geographic region in which the applicant is located;

(d) Whether and to what extent the applicant proposes to make periodic, systematic, and objective reviews and evaluations of the adult education personnel training project in addition to those referred to in § 167.17(b)(3);

(e) Whether and to what extent the project is coordinated with any special experimental demonstration projects which may be operating in the geographic area served by the applicant;

(f) Whether and to what extent the project is coordinated with adult education programs being sponsored in the State in which the applicant is located or with any other State from which trainees are drawn or to which trainees may be expected to return;

(g) Whether and to what extent the project is to be carried out in cooperation with other federally-assisted State or local programs;

(h) Whether and to what extent the project provides for cooperation and coordination with business and industry, labor and other agencies, institutions, and community resources to strengthen the project and prevent duplication;

(i) Whether and to what extent the project provides for cooperation and continuation by the State local educational agencies; and

(j) Whether and to what extent the criteria for eligibility for participation in the project include, in addition to educational background, previous preparation and experience in adult education programs.

(20 U.S.C. 1208(c); 1221c(b)(1))

§ 167.10 Grantee contribution to special experimental demonstration projects.

Recipients of grants for special experimental demonstration projects will be required, whenever feasible, to contribute an amount equal to at least 10 percent of the cost of the project. The total amount of such required non-Federal contribution will be stated in the grant award document and will be determined on the basis of the resources of the grantee, the size and scope of the project and such factors bearing on either the cost of the project or the ability of the grant recipient to contribute to such projects as the Commissioner may determine to be relevant.

(20 U.S.C. 1208(b))

§ 167.12 Selection of participants for teacher training projects.

(a) The grantee shall establish its own criteria for admission to teacher training projects based on the terms and conditions of the grant award and the goals of the adult education program. Such criteria shall be designed to assure that, among other things, participants are engaged, or are preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act, including but not limited to those assisted under the Act. Selection of participants will be the responsibility of the grantee. However, no person shall be declared ineligible to participate in the program solely for the reason that he or she does not possess an academic degree. Such personnel may include those who are engaged, or preparing to engage, as teachers, guidance counselors, administrators, or other support personnel in adult education programs designed to carry out the purposes of the Act.

(b) The criteria to be used in the final selection of participants from among the applicants shall be clearly stated in the application. If academic credit will be given for participation in the project, this shall also be clearly stated in the application.

(20 U.S.C. 1208(c))

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§ 167.14 Program evaluation procedures.

Each program or project proposal shall, where appropriate, as determined by the Commissioner, include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. If such plan is included, it should describe the steps by which the grantee will

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into adult education programs supported with funds other than those provided under the grant.

(20 U.S.C. 1208; 1221c(b)(1))

§ 167.15 Allowable costs.

(a) Allowable costs shall be in accordance with § 100a, Subpart G, of this Chapter, and with the terms and conditions contained in the grant or contract award document.

(20 U.S.C. 1208)

(b) With respect to teacher training programs pursuant to section 309(c) of the Act, there may be included in direct costs for payments to training program participants only those allowances provided for in § 167.16.

(20 U.S.C. 1208(c))

§ 167.16 Stipends and travel allowances for teacher training participants.

(a) Subject to the conditions set forth therein, the grant award document may provide that teacher training participants will, upon application therefor, receive subsistence allowances from the grantee, which shall not exceed:

(1) The sum of $25 for each training day or any part thereof (but in no case to exceed $125 in any 7-day period) in the case of a training program lasting no longer than 8 weeks, and an amount to be fixed by the Commissioner in the case of a training project lasting longer than 8 weeks; plus

(2) The sum of $5 for each training day or any part thereof (but in no case to exceed $25 in any 7-day period) for each dependent of a trainee attending a training program lasting no longer than 8 weeks. If the training period exceeds 8 weeks, the amount of the dependency allowance must be in accordance with the grant terms and conditions and requirements established by the Commissioner. For purposes of this part, a dependent shall be deemed to be an individual who receives, or is treated for Federal income tax purposes as having received, one-half or more of his support from the trainee and is either (i) his spouse or (ii) a person who qualifies as a dependent for Federal income tax purposes.

(b) Any amounts received under any other Federal grant program (except veterans, widows, and war orphans' educational assistance under title 38, United States Code) shall be set off against the amount which a trainee would be otherwise eligible to receive under this program. A trainee shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program; and neither the amount of such loan nor any Federal interest payment made during the period covered by his traineeship award shall be deducted from the amount a trainee is entitled to receive under this part.

(c) Allowances may also be paid for participant travel cost for one round trip between each participant's home and the place at which the training program is conducted. Such allowance shall not exceed 12 cents per mile by private transportation or the tourist air or coach rail rate by common carrier, but the total cost of travel by private conveyance may not exceed the common carrier cost of such travel.

(d) Participants will be paid such stipend and travel allowances by the grantee from funds provided for the support of the project.

(20 U.S.C. 1208(c); 26 U.S.C. 151; 38 U.S.C. 1781)

§ 167.17 Reports.

(a) *General.* The grantee shall submit reports in accordance with the regulations contained in this part and at 45 CFR 100a.400 through .405 and shall submit such other reports as may be provided for in the grant or contract award document or as may be required by the Commissioner from time to time in order to carry out his responsibilities under the Act. All such reports and materials relating thereto shall be submitted to the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202. Appropriate forms, as described in this section, may be obtained from the same address.

(b) *Required reports.* The following reports must be submitted:

(1) *Performance reports.* Three copies of performance reports are required, in accordance with the schedule for submission of such reports contained in the grant or contract award document and in accordance with 45 CFR 100a, Subpart Q. Such report shall include a brief description of the actual accomplishments during the reporting period and any unanticipated problems.

(2) *Financial status reports.* Financial status reports shall be submitted in accordance with 45 CFR 100a, Subpart P, and in accordance with the schedule for submission of such reports contained in the grant or contract award document.

(3) *Final project report.* (i) The final project report shall be submitted 90 days after the expiration or termination of the grant or contract. The grantee shall submit the required number of copies of such report, as specified in the grant or contract award document. (ii) Such report shall include (*a*) a final financial status report in accordance with 45 CFR 100a.403 and (*b*) a final performance report in accordance with 45 CFR 100a.432 and in sufficient detail to enable a reader to replicate the program. Such final performance report must include (*1*) a summary of findings, recommendations and conclusions; (2) a brief abstract, describing the methodology and operation of the program; (c) a final report of any instructional materials developed for use in the project; and (*d*) a description of any salable items developed as a result of the project.

(4) *Special reports.* (i) Special reports shall be submitted upon request from the Office of Education; (ii) The grantee shall issue appropriate press releases and announcements concerning the availability of Federal assistance under the Act; (iii) For teacher training projects, it is the responsibility of the grantee to develop or provide for the development of a brochure and appropriate application forms in order to provide potential participants with sufficient information to submit applications for participation in the project. Three copies of each such announcement shall be sent to the Division of Adult Education.

(5) *Independent evaluation.* The Division of Adult Education shall be provided with a copy of any independent evaluations of the project (including its operation, objectives and conclusions) or any studies of a similar nature, in accordance with the requirements contained in the grant or contract award document.

(20 U.S.C. 1208; 45 CFR 100a, Subparts P and Q)

GUIDELINES

ADULT EDUCATION PROGRAMS

Title III, P.L. 91-230 Section 309

SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS

TEACHER TRAINING PROJECTS

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PART 1—INTRODUCTION

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under section 309 of the Adult Education Act of 1966, as amended. The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1208; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 309(b) of the Act (20 U.S.C. 1208(b)), and the guideline affects § 167.7 of the regulations (45 CFR 167.7(b)), the following citation will be placed on the line immediately following the guideline (20 U.S.C. 1208(b); 45 CFR 167.7). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

SEC. 1.2 *Applicable statutes and regulations.* Special experimental demonstration and teacher training projects are to be proposed and conducted in accordance with applicable Federal statutes and regulations. Pertinent provisions include the Adult Education Act (20 U.S.C. 1201-1211), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Adult Education Regulations (45 CFR Part 167), and the General Provisions for Office of Education Programs (45 CFR Subtitle B, Chapter I, Subchapter A). Persons interested in initiating a project should familiarize themselves with the provisions of these documents before undertaking the preparation of a proposal.

(20 U.S.C. 1201-1211; 20 U.S.C. 1221 et seq.; 45 CFR Part 167, and 45 CFR Subtitle B, Chapter I, Subchapter A)

PART 2—TEACHER TRAINING PROJECTS

SEC. 2.1 *Operation of teacher training projects.* (a) Support of participants. Teacher training participants may, upon application therefor, receive stipend and travel allowances from the grantee in accordance with the provisions set forth in the regulations at 45 CFR 167.16.

(20 U.S.C. 1208(c); 45 CFR 167.16)

(b) *Payment of participants.* The estimated amount of grant funds available for stipends, dependency allowances, and travel will be stated in the budget contained in the grant or contract award document.

(20 U.S.C. 1208(c))

(c) *Academic credit.* Academic credit is often important to participants and to the development of the profession. However, the Office of Education does not require that credit be granted. In the case of college or university sponsorship, the Director of the project and the appropriate official of the institution may determine the amount of and the basis upon which academic credit shall be given. Some institutions may wish to allow full credit for participation in the program. In such cases, the project staff, working as a committee, may evaluate the progress of an individual and allow for credit accordingly.

(20 U.S.C. 1208(c); 45 CFR 167.12(b))

(d) *Applications for project participation.* Each grantee is responsible for providing potential applicants of the teacher training program with participant application forms. In order to clarify this fact, the grantee may wish to include in all brochures, participant applications and other appropriate materials, a statement along the following lines: Requests for application forms and other inquiries should be sent to the address listed below. [List address of grantee] Selection of participants will be the responsibility of the grantee. The Office of Education does not select the participants and does not provide information relating to deadlines or to the criteria for selection of participants by specific organizations.

(20 U.S.C. 1208(c); 45 CFR 167.12)

PART 3—ADMINISTRATIVE REQUIREMENTS

SEC. 3.1 *Compliance with Civil Rights Act of 1964.* No application for Department of Health, Education, and Welfare assistance will be approved unless the applicant has on file with the Department an accepted assurance of compliance with the Civil Rights Act of 1964, in accordance with Section 100a.262 of the General Education Provision Regulations.

(42 U.S.C. 2000d; 45 CFR 100a.160, 100a.262)

SEC. 3.2 *Grant award.* An applicant submitting an application which is approved for funding will be advised by receipt of a grant or contract award document upon completion of negotiations. The grant or contract award document will include an approved budget and terms and conditions which will be binding upon the grantee.

(20 U.S.C. 1208; 45 CFR 100a.50)

SEC. 3.3 *Duration of projects.* The length of the project period should be determined on the basis of the length of time required to complete the project. An applicant may wish to phase the development of a proposed project by beginning with a planning or pilot period which will be followed by an operational period.

(a) Projects short term in nature are generally less than eighteen months in duration;

(b) Projects may be approved for multi-year support. Approval of such projects constitutes a commitment to fund the project in succeeding budget periods, subject to the availability of funds, only if the Commissioner determines that continued funding is in the best interest of the Government pursuant to § 167.6(c)(4) of the regulations. Projects approved for multi-year support are funded in annual increments which may be referred to as budget periods.

(20 U.S.C. 1208; 45 CFR 167.6, 100a.54)

SEC. 3.4 *Report requirements of grantee.* (a) All materials and reports relating thereto may be submitted to the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202. The grantee may also submit copies of appropriate materials and reports to the State educational agency.

(b) The reports required of the grantee are set forth in the regulations at section 167.17 and in 45 CFR 100a. Subparts P and Q. Compliance with such requirements will be taken into consideration in any evaluation of the project.

(c) Final project report:

(1) *Content.* Because of the diversity of projects supported, it is not possible to prescribe the length nor the most desirable arrangement of content for a final report. Such reports must, however, comply with requirements contained in § 167.17(b)(3) of the regulations.

(2) *Abstract.* In most instances the abstract of the report should not exceed six hundred (600) words in length.

(3) *Format.* The final report should be duplicated on standard white paper (8½" x 11"), bound with an inexpensive, but durable, paper cover. Unless special binding is required, side stitching is recommended.

(20 U.S.C. 1208; 45 CFR 167.17, 100a, Subparts P and Q.)

SEC. 3.5 *Publications and presentations.* In order to assist individuals in obtaining further information relating to the project, the following information may also be included: the title of the publication or presentation; the title by which the project is known; the name of the Project Director; the name and the complete address of the grantee; the U.S. Office of Education Grant Number; and acknowledgment of support under the Adult Education Act of 1966, as amended.

(20 U.S.C. 1208)

PART 4—PREPARATION OF PREAPPLICATIONS AND APPLICATIONS

SEC. 4.1 *Procedures.* (a) *Forms.* Preapplication and application forms and other materials relating thereto may be obtained from the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(b) *Submission of preapplications and applications.* One copy of the preapplication or application cover sheet should bear the signature(s) of the official(s) authorized to submit the proposal. On the remaining copies, the name(s) need only be typed.

(c) *When to submit preapplications and applications.* Preapplications requesting Federal assistance for adult education projects may be submitted to the Office of Education at any time. However, the Commissioner may announce, through publication in the FEDERAL REGISTER, closing dates for receipt of preapplications and applications for consideration for support during a particular period.

(20 U.S.C. 1208; 45 CFR 167.6, 100a, Subparts B and C.)

SEC. 4.2 *Preapplications for Federal assistance.* (a) *Requirements.* As described in § 167.6 of the regulations, each applicant seeking initial support for a special experimental demonstration project or a teacher training project must submit a preapplication for Federal assistance. The preapplication form consists of the following four parts:

(1) *Part I—preapplication for Federal assistance.* The first part of the preapplication will be Part I of the preapplication for Federal assistance form, as described in 45 CFR 100a, Subpart C. This part will serve as the preapplication cover sheet and no other cover need be superimposed.

(2) *Part II—preapplication for Federal assistance.* The second part of the preliminary proposal will be Part II of the preapplication for Federal assistance form, as specified in 45 CFR 100a, Subparts B and C. This part of the preapplication provides selected data regarding State and local coordination of the project, environmental impact, and target groups and individuals to be served by the proposed project.

(3) *Part III—preapplication for Federal assistance—project budget.* The third part of the preapplication will be Part III of the preapplication for Federal assistance form, as specified in 45 CFR 100a, Subparts B and C. This part of the preapplication provides estimates of the total amount of Federal funds requested for the project and proposed cost sharing, if any. If the application requests approval for a multi-year project, separate annual budget estimates should be provided for each year of the project.

(4) *Part IV—program narrative statement.* The fourth part of the preapplication will be Part IV of the preapplication for Federal assistance for, as specified in 45 CFR 100a, Subparts B and C. This part of the preapplication provides a statement describing the

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project in sufficient detail to enable the reviewers to know what is planned at every stage and to make a tentative judgment as to the feasibility of the concept, the scope of the project and its methodology. The narrative description should also explain how each of the evaluation criteria which are set forth in the regulations (45 CFR 167.8 and 167.9) will be fulfilled by the project. The program narrative statement should be typewritten, double spaced on one side of standard size (8½'' x 11'' or 8'' x 10½'') unruled white paper.

(b) *Notice of preapplication review action.* Each applicant submitting a preapplication will be notified of the results of the review as set forth in § 167.6(b)(2) of the regulations. Those applicants who (based on the results of the preapplication review) are invited to submit a formal application will receive the required application for Federal assistance form along with the notice of the results of the preapplication review.

(20 U.S.C. 1208; 45 CFR 167.6, 45 CFR 100a, Subparts B and C.)

SEC. 4.3 *Applications for Federal assistance.* To be eligible for consideration for funding, each applicant must complete and submit the application for Federal assistance form as described in § 167.6 of the regulations.

The application for grant consists of the following five parts:

(a) *Part I—application for Federal assistance.* The first part of the application will be Part I of the application for Federal assistance form. This part will serve as the application cover sheet and no other cover need be superimposed.

(b) *Part II—project approval information.* The second part of the application will be Part II of the application for Federal assistance form, as specified in 45 CFR 100a, Subparts B and C. This part of the application provides selected data on State and local coordination efforts, environmental impact, and target groups and individuals to be served by the project.

(c) *Part III—budget information.* The third part of the application will provide budget information regarding the project.

(d) *Part IV—program narrative statement.* The fourth part of the application will be Part IV of the application for Federal assistance form, as specified in 45 CFR 100a, Subparts B and C.

For purposes of review, uniformity in presentation is important. Therefore, it is helpful if applicants organize their narrative statement as indicated in the instructions to Part IV.

(1) The merit of the application will be judged in large measure on the basis of the narrative description of the project. It is, therefore, important that the narrative statement contain all information required for an effective review. It should describe the project in sufficient detail to enable the reviewers to know what is planned at every stage and to make a tentative judgment as to the probable success of the proposed effort.

(2) The program narrative statement should be typewritten, double-spaced on one side of standard (8½'' x 11'' or 8'' x 10½'') unruled white paper.

(e) *Part V—assurances.* The fifth part of the application will be Part B of the application for Federal assistance form, as specified in 45 CFR 100a, Subparts B and C. This part should appear as the last page of the application.

(20 U.S.C. 1208; 45 CFR 167.6; 100a, Subparts B and C.)

APPENDIX A

APPLICANT CHECKLIST

SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING PROJECTS IN ADULT EDUCATION

Before submitting a proposal under the provisions of Section 309 of the Adult Education Act, a review for inclusion of the following items is suggested:

1. If the proposal is for a special experimental demonstration project, it involves (1) the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this Act, or (2) programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

2. If the proposal is for a teacher training project, it focuses on the provision of training for persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this Act.

3. The program or procedures to be utilized appear to be practical and feasible for wide application in adult education.

4. Evidence of cooperation and coordination with the State educational agency has been provided.

PLAN OF OPERATION

1. The objectives and sub-objectives of the project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and include a design for measurement.

2. The procedures for achieving the objectives are appropriate, technically sound, and explained in detail.

3. The proposal includes provisions for an adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished.

4. The proposal is internally consistent; it presents a direct, straight-line relationship between the objectives, the procedures, and the evaluation.

PERSONNEL AND FACILITIES

1. The person proposed as Project Director has a strong background of educational qualifications and relevant experience.

2. The proposed staff consists of individuals who are skilled and knowledgeable concerning the type of program represented in the proposal.

3. The proposal provides, where appropriate, for the use of outside consultants and for the involvement of specialists from disciplines other than education.

4. The facilities and equipment available for carrying out the program are adequate.

5. Any necessary cooperative use of the facilities of other schools, agencies, or organizations has been worked out in advance and such cooperation has been assured.

ECONOMIC EFFICIENCY

1. The budget is realistic and the budget items are related specifically to the procedures that are to be followed.

2. The estimated cost of the program is reasonable in relation to the anticipated results.

3. The proposal should provide for cost sharing, if applicable, to insure its continuation beyond the developmental phase.

[FR Doc.74-12017 Filed 5-23-74;8:45 am]

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federal register

FRIDAY, MAY 24, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 102

PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decision; Modifications and Supersedeas Decisions

No. 102—Pt. III——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

North Carolina	AQ–4117
Pennsylvania	AQ–2121

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AQ–95	May 3, 1974.
California:	
AQ–1067	Feb. 22, 1974.
AQ–1068	Mar. 1, 1974.
Colorado:	
AQ–1104; AQ–1105; AQ–1106; AQ–1107	May 10, 1974.
Illinois:	
AQ–3158	Apr. 12, 1974.
Indiana:	
AQ–3133	Apr. 4, 1974.
AQ–3139	Mar. 22, 1974.
Iowa:	
AP–215	Aug. 11, 1972.
Nebraska:	
AQ–63	Dec. 7, 1973.
New Mexico:	
AQ–82	Mar. 8, 1974.
Pennsylvania:	
AQ–2015	Aug. 17, 1973.
AQ–2043	Feb. 22, 1974.
AQ–2046	Mar. 8, 1974.
AQ–2055; AQ–2066; AQ–2068.	Feb. 15, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Arkansas:	
AQ–2(AQ–110)	July 13, 1973.
Delaware:	
AQ–2029(AQ–2122)	Nov. 16, 1973.
Washington:	
AQ–1108(AQ–1109)	May 10, 1974.

Signed at Washington, D.C., this 17th day of May 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: North Carolina
DECISION NUMBER: AQ-4117
DESCRIPTION OF WORK: Residential house and garden type apartments up to and including 4 stories.

*Counties: Burke, Catawba, Cleveland, Lincoln, Polk and Rutherford

COUNTIES: See below*
DATE: Date of Publication

residential construction consisting of single family apartments up to and including 4 stories.

15-B-NC-1-B

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Conditioning Mechanic	$4.75					
Bricklayers	4.78					
Carpenters	3.64					
Ceramic Masons	4.00					
Electricians	4.14					
Ironworkers, Reinforcing	2.82					
Laborers:						
Laborers	2.50					
Mason Tenders	2.73					
Mortar Mixers	2.50					
Pipelayers	2.25					
Painters, brush	3.53					
Plumbers & Pipefitters	3.79					
Roofers	3.26					
Sheet Metal Workers	3.45					
Soft Floor Layers	3.03					
Tile Setters	3.83					
Truck Drivers	2.53					
Welders-rate for craft.						
POWER EQUIPMENT OPERATORS:						
Backhoe	3.25					
Bulldozer	3.13					
Dragline	3.05					
Front End Loader	3.00					
Motor Grader	3.09					
Scraper	3.00					

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NEW DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2121
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Forest & McKean
DATE: Date of Publication

27-FOR-42-MCK-PA-1

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers:						
Forest County	$9.11	.20	.25			
McKean County	8.74	.59	.40		.01	
Boilermakers	9.07	7%	7%		.01	
Bricklayers and Stonemasons:						
Forest County	8.60	.35				
McKean County						
Bricklayers, Stonemasons, Cement, Marble Setters, Terrazzo Workers and Tile Setters	8.30	.30	.40			
Carpenters:						
Forest County	8.04	5%	5%	5%	1%	
McKean County:						
Kane & Bradford	8.15	.25			.02	
Remainder of County	8.04	5%	5%	5%	1%	
Electricians:						
Forest County	9.72	.18	.18+1%		½ of 1%	
McKean County	8.55	.45	1%+.25		1%	
Ironworkers:						
Forest County	8.7375	.78	.69		.10	
McKean County	8.425	.625	.64		.02	
Lead Burners	8.75	.30		a	.01	
Line Construction:						
Lineman, heavy equipment operator, dynamite man	9.04	.20	1%			
Groundman-truck driver	6.41	.20	1%			
Groundman	6.15	.20	1%			
Millwrights:						
Forest County	7.66	5%	2½%	2½%	1%	
McKean County	8.65	.25				
Painters:						
Forest County:						
Brush	7.10	.35	.35		.01	
Roller	7.40	.35	.35		.01	
Spray	8.10	.35	.35		.01	
McKean County:						
Brush	6.75		b			
Roller	6.75		b			
Spray	7.25		b			
Piledrivermen	9.27	5%	7%		.50of 1%	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Plumbers & Steamfitters:						
Forest County:						
Contracts Under $10,000	7.58	.44	.45		.04	
Contracts Over $10,000	8.09	.44	.45		.04	
McKean County:						
Plumbers And Steamfitters Contracts Under $500.00	7.30		.50			
Plumbers and Steamfitters Contracts Under $500.00	8.52	—	.50			
Roofers:						
Forest County	$8.59	4%	.95		.035	
McKean County	7.05	.25	.20			
Sheet Metal Workers	8.425	.65	.85		.02	
Sprinklet Fitters	9.45	.50	.70		.08	
Soft Floor Layers						
Forest County	8.04	5%	5%	5%	1%	
McKean County	6.65	.25			.02	
Welders - receive rate prescribed for craft performing operation to which welding is incidental						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Eight(8) paid holidays, A through F, and Washington's Birthday and Good Friday, providing the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Holiday: Labor Day provided the employee has worked six calendar months and appears on the payroll during the pay period in which the holiday occurs.

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PA-42-Lab-1-j

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (Loading and Unloading), concrete pitman, puddler, mason tender.	6.57	.40	.40		1%	
Mechanical tampers (power) powered wheelbarrows and buggies & work-lifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (Includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryayable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman blacksmith, tool dresser (cable tools	6.82	.40	.40		1%	
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tesper, welder, driller (cable tools)	7.37	.40	.40		1%	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance frenki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hoy-to or similar type with 180 swing, hoy-to or similar type with 360 swing, hocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Mine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhole attached), tug boat, Whirley	$9.175	.35	.50		.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.425	.35	.50		.04
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.675	.35	.50		.04
Cranes (boom or mast over 200 ft.)	9.925	.35	.50		.04

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drillcore (truck or skid mounted), drill-Davey or similar type, drill-well &core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-bull or similar, generators-2, grader, grader-elevating, greaser-equipment (hoad), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-bod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)	$9.025	.35	.50		.04
Conveyors 4 units or more	8.55	.35	.50		.04
Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horsontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete, soil					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	8.05	.35	.50		.04
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer-concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge, regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve	7.80	.35	.50		.04
Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment pie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over brake man, deck hand, helicopter, signalman, oiler, mechanic helper	7.05	.35	.50		.04
Crane truck oiler and fireman	7.15	.35	.50		.04
Oiler - truck crane 50 ton or over	7.30	.35	.50		.04

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Trucks up to 30,000 lbs. (includes pickups, fuel and water trucks), warehousemen	$7.20	.20	.20			
Trucks over 30,000 lbs. (includes fuel and water trucks)	7.30	.20	.20			
Tri-Axle Trucks over 30,000 lbs. (includes fuel and water trucks	7.40	.20	.20			
Low Boy	7.50	.20	.20			
Concrete Mixer Trucks	7.35	.20	.20			
Concrete Mixer Trucks (Tri-Axle)	7.45	.20	.20			
Semi-Trailer	7.40	.20	.20			
Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.70	.20	.20			
Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.80	.20	.20			
A-Frame and Winch Trucks (when used for hauling material on bed of truck)	7.45	.20	.20			
Distributor Truck (Oil, Tar, Asphalt, etc.)	7.70	.20	.20			

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MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-95 - MOD. #1 (39 FR 15613 - May 3, 1974) Pulaski County, Arkansas					
CHANGE: Sprinkler fitters	$8.35	.50	.70		.08
OMIT: Marble, Terrazzo and Tile workers helper	2.20				
DECISION #AQ-1087 - Mod. #3 (39 FR 7021-February 22, 1974) Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California					
Change: Bricklayers Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties	$8.32	.33	.30	1.00	
Plaster Tenders Alameda and Contra Costa Cos.	7.90	.55	1.00		.10
Tile Setters Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties	7.37	.33		1.00	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1088 - Mod. #3 (39 FR 8103 - March 1, 1974) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California					
Change: Bricklayers Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	8.32	.33	.30	1.00	
Line Construction Del Norte, Modoc and Siskiyou Counties					
Hole Digger	5.91	.35	1%	.10	1/2%
Tree Trimmer helper; Groundman	6.18	.35	1%	.10	1/2%
Head Groundman; Head Groundman (Chipper); Powderman; Jackhammermen	6.56	.35	1%	.10	1/2%
Line Equipment men	7.52	.35	1%	.10	1/2%
Linemen, Pole Sprayer; Heavy Line Equipment men; Certified Linemen; Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Cable Splicer; Leadman Pole Sprayer	9.68	.35	1%	.10	1/2%

MODIFICATIONS P. 3

DECISION #AQ-1088 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Parking Lot Striping Work and/or Highway Markers: Fresno, Kings and Tulare Counties					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster; Striper; Traffic Surface Protective Coating Applicator	$ 6.82	.40	.20	b	
Helper (Traffic Surface Sandblaster; Wheel Stop Installer, Traffic Surface Protective Coating Applicator, Striper)	6.43	.40	.20	b	
Remaining Counties: Traffic Delineating Device Applicator; Traffic Surface Protective Coating Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	5.43	.40	.20	b	
Helper (Traffic Surface Sandblaster, Wheel Stop Installer, Protective Coating Applicator)	6.82	.40	.20	b	
Striper	6.32	.40	.20	b	
Striper, Helper	7.92	.40	.20	b	
Plaster Tenders Alameda & Contra Costa Cos.	6.82	.40	.20	b	
Tile Setters Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties	7.90	.55	1.00		.10
	7.37	.33		1.00	

FOOTNOTE:

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund in 1st year of employment; $.30 per hour after 1 year, but less than 5 years' service; $.40 per hour after 5 years, but less than 10 years' service and $.50 per hour after 10 years service.

MODIFICATIONS P. 4

DECISION #AQ-1088 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (DREDGING)					
BARGEMEN; Deckhand; Fireman; Leverhand; Oiler					
Area 1	$6.91	.85*	1.05	.60	.14
Area 2	7.44	.85*	1.05	.60	.14
Area 3	7.69	.85*	1.05	.60	.14
Area 4	7.94	.85*	1.05	.60	.14
WINCH MAN (stern winch on dredge)					
Area 1	7.50	.85*	1.05	.60	.14
Area 2	8.03	.85*	1.05	.60	.14
Area 3	8.28	.85*	1.05	.60	.14
Area 4	8.53	.85*	1.05	.60	.14
DECKMATE					
Area 1	7.60	.85*	1.05	.60	.14
Area 2	8.13	.85*	1.05	.60	.14
Area 3	8.38	.85*	1.05	.60	.14
Area 4	8.63	.85*	1.05	.60	.14
WATCH ENGINEER; Welder					
Area 1	8.15	.85*	1.05	.60	.14
Area 2	8.68	.85*	1.05	.60	.14
Area 3	8.93	.85*	1.05	.60	.14
Area 4	9.18	.85*	1.05	.60	.14
LEVERMAN					
Area 1	8.84	.80**	1.05	.60	.14
Area 2	9.37	.80**	1.05	.60	.14
Area 3	9.62	.80**	1.05	.60	.14
Area 4	9.87	.80**	1.05	.60	.14
CLAMSHELL AND DIPPER DREDGING (New Construction)					
DECKHAND; Fireman; Oiler					
Area 1	6.91	.85*	1.05	.60	.14
Area 2	7.44	.85*	1.05	.60	.14
Area 3	7.69	.85*	1.05	.60	.14
Area 4	7.94	.85*	1.05	.60	.14
DECK ENGINEERS					
Area 1	8.24	.85*	1.05	.60	.14
Area 2	8.77	.85*	1.05	.60	.14
Area 3	9.02	.85*	1.05	.60	.14
Area 4	9.27	.85*	1.05	.60	.14
WELDER; Mechanic Welder					
Area 1	8.56	.85*	1.05	.60	.14
Area 2	9.09	.85*	1.05	.60	.14
Area 3	9.34	.85*	1.05	.60	.14
Area 4	9.59	.85*	1.05	.60	.14

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DECISION #AQ-1088 (Cont'd)

POWER EQUIPMENT OPERATORS (cont'd) (DREDGING)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLAMSHELL OPERATOR (up to and incl. 7 cu. yds. m.r.c.)(Long Boom Pay)					
Area 1	$9.14	.80**	1.05	.60	.14
Area 2	9.67	.80**	1.05	.60	.14
Area 3	9.92	.80**	1.05	.60	.14
Area 4	10.17	.80**	1.05	.60	.14
CLAMSHELL OPERATOR (over 7 cu. yds. m.r.c.)(Long Boom Pay)					
Area 1	10.02	.80**	1.05	.60	.14
Area 2	10.55	.80**	1.05	.60	.14
Area 3	10.80	.80**	1.05	.60	.14
Area 4	11.05	.80**	1.05	.60	.14
CLAMSHELL AND DIPPER DREDGING (All other Clamshell and Dipper Dredging)					
BARGEMAN; Deckhand; Leveehand; Fireman; Oiler					
Area 1	6.91	.85*	1.05	.60	.14
Area 2	7.44	.85*	1.05	.60	.14
Area 3	7.69	.85*	1.05	.60	.14
Area 4	7.94	.85*	1.05	.60	.14
WINCHMAN (stern winch on dredge)					
Area 1	7.50	.85*	1.05	.60	.14
Area 2	8.03	.85*	1.05	.60	.14
Area 3	8.28	.85*	1.05	.60	.14
Area 4	8.53	.85*	1.05	.60	.14
DECKMATE					
Area 1	7.60	.85*	1.05	.60	.14
Area 2	8.13	.85*	1.05	.60	.14
Area 3	8.38	.85*	1.05	.60	.14
Area 4	8.63	.85*	1.05	.60	.14
WATCH ENGINEER; Welder					
Area 1	8.15	.85*	1.05	.60	.14
Area 2	8.68	.85*	1.05	.60	.14
Area 3	8.93	.85*	1.05	.60	.14
Area 4	9.18	.85*	1.05	.60	.14
LEVERMAN					
Area 1	8.84	.80**	1.05	.60	.14
Area 2	9.37	.80**	1.05	.60	.14
Area 3	9.62	.80**	1.05	.60	.14
Area 4	9.87	.80**	1.05	.60	.14

DECISION #AQ-1088 (Cont'd)

FOOTNOTES:
Four Centers designated: - City Halls of Oakland, San Francisco, Sacramento, and Stockton California
Area 1 - Up to 20 road miles from said centers
Area 2 - More than 20 road miles to and including 30 road miles from said centers
Area 3 - Outside of 30 road miles from said centers
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe

*Includes 13¢ to Pensioned Health and Welfare Fund.
**Includes 8¢ to Pensioned Health and Welfare Fund.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1104 - Mod. #1 (39 FR 16991 - May 10, 1974) El Paso County, Colorado					
Change: Laborers					
Group 3	$ 4.68	.37	.40		.05
(Pipelines) Group 2	4.60	.37	.40		.05
DECISION #AQ-1105 - Mod. #1 (39 FR 16997 - May 10, 1974) Statewide, Colorado					
Change: Laborers					
Group 3	4.68	.37	.40		.05
(Pipelines) Group 2	4.60	.37	.40		.05
DECISION #AQ-1106 - Mod. #1 (39 FR 17003 - May 10, 1974) Las Animas and Pueblo Counties, Colorado					
Change: Laborers					
Group 3	4.68	.37	.40		.05
(Pipelines) Group 2	4.60	.37	.40		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1107 - Mod. #1 (39 FR 17009 - May 10, 1974) Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
Change: Laborers					
Group 3	$ 4.68	.37	.40		.05
(Pipelines) Group 2	4.60	.37	.40		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3138 - Mod. #1 (39 FR 13450 - April 12, 1974) Sangamon County, Illinois						
CHANGE: Line Construction: Remainder of Co.						
Lineman	$8.78	.35	1%		4%	
Groundman Truck Driver W/Winch	6.09	.35	1%		4%	
Groundman Truck Driver WO/Winch	5.80	.35	1%		4%	
Groundman Equip. Opr.-Class 1	6.20	.35	1%		4%	
Groundman - Class "A"	5.33	.35	1%		4%	
DECISION #AQ-3133 - Mod. #1 (39 FR 12622 - April 4, 1974 Marion County, Indiana						
CHANGE: Laborers (Wrecking)						
Wrecking Laborers & Mason Tenders	5.90	.35	.30		.07	
Jackhammer, drill & compactor opr.	6.10	.35	.30		.07	
Cutting Torch or Burner	6.35	.35	.30		.07	
DECISION #AQ-3139 - Mod. #1 (39 FR 11026 - March 22, 1974 Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, Wells, LaGrange, Marshall, Noble, Starke, Steuben & Whitley, Indiana						
ADD: Laborers Schedule (Sewer & Tunnel)						

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MODIFICATIONS P. 9 — INDIANA-5-LABORERS-T6S

DECISION #AQ-3139 CONT'D.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: SEWER & TUNNEL:						
TOP LABORERS	$5.39	.18	.25		.07	
WELL POINT LEAD MAN	5.42	.18	.25		.07	
JACKHAMMER & AIR TOOL OPRS.	5.47	.18	.25		.07	
BOTTOM MAN	5.52	.18	.25		.07	
PIPELAYER	5.67	.18	.25		.07	
FREE AIR TUNNEL & CAISSON WORK:						
MINERS OR HEADER MEN	6.15	.18	.25		.07	
MUCKERS & TUNNEL LABORERS	5.65	.18	.25		.07	
BOTTOM MEN & CONCRETE MEN	6.15	.18	.25		.07	
TOPMEN	5.45	.18	.25		.07	

DECISION #AP-215 - Mod. #1
(37 FR 16266 - August 11, 1972)
Polk County (except City of Des Moines & abutting municipalities), Iowa

CHANGE:
Heavy & Highway Construction:
Carpenters & Piledrivermen — $6.55 — .31

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-63 - MOD. #2 (38 FR 33895 - DECEMBER 7, 1973) Douglas & Sarpy Counties, Nebraska					
ADD: CHANNEL STABILIZATION WORK IN THE CONSTRUCTION OF DIKES AND REVETMENT:					
POWER EQUIPMENT OPERATORS:					
Derrick; draglines, clam bucket; orange peel, or cranes; side-boom; towboat operator	$6.20	.125	.10		
Dredge operator or leverman; Engineer on dredge (18" and over)	5.70	.125	.10		
Pile driver, (or engine man)	5.65	.125	.10		
Mechanic or welder; engineer on dredge (12" up to 18")	5.40	.125	.10		
Dozer; front end loader or high lift; scoop or similar equipment	5.35	.125	.10		
Winch or boom truck; winch (power operated)	5.10	.125	.10		
Boiler (or fireman); oiler	5.00	.125	.10		
LABORERS:					
Piledriver deckhands and pile-driver leadsman	4.75	.125	.10		
Laborers and deckhands unloading barge; piledriver; towboat deckhand	4.55	.125	.10		

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-82 - MOD. #2 (39 FR 9398 - March 8, 1974) Statewide, New Mexico					
Change:					
Bricklayers (Union; Harding, Santa Fe, Valencia, Torrance, Taos, Socorro, Sierra, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba Bernalillo and Los Alamos Counties:					
From basing point of Albuquerque Main Post Office:					
Zone (1) - 0 to 25 road miles	$7.93	.43	.40		
Zone (2) - 25 to 50 road miles	8.43	.43	.40		
Zone (3) - Over 50 road miles	8.93	.43	.40		
Bricklayers - Stonemasons:					
Chaves County	8.24	.43			
Lincoln County	8.74	.43			
Bricklayers - Stonemasons:					
Curry and Roosevelt Counties	8.24	.43			
DeBaca, Guadalupe & Quay Counties	8.24	.43			
Bricklayers - Stonemasons:					
Lea and Eddy Counties	8.24	.43			
Otero County	8.24	.43			
Dona Ana, Luna, Grant, Hidalgo, and Sierra Counties	6.79	.43			
CEMENT MASONS:					
General Building and Heavy Engineering & Residential Construction (Dwelling houses and apartments over two stories in height)					
Cement masons	6.27	.43	.20		
Composition or mastic	6.52	.43	.20		
Dwelling houses and apartments not to exceed two stories in height:					
Cement masons	6.07	.43	.20		

MODIFICATIONS P. 12

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DECISION NO. AQ-82

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Electricians (Chaves, Curry, Lincoln, Roosevelt Counties):					
The following zones shall be designated from the main post office of Roswell, Ruidoso, Portales, Carrizozo and Clovis:					
Zone (a) 0 to 12 miles from Main Post Office:					
Electricians	$7.10		1%		1/10%
Cable splicers	7.45		1%		1/10%
Zone (b) 12 to 22 miles from main Post Office:					
Electricians	7.35		1%		1/10%
Cable splicers	7.70		1%		1/10%
Zone (c) Anything beyond 22 miles from main post office:					
Electricians	7.50		1%		1/10%
Cable splicers	8.05		1%		1/10%
PAINTERS:					
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Cos.					
Painters & roller	5.30	.30			.01
Paperhangers	5.53	.30			.01
Spray; sandblast; pressure roller, and gunnite operator	5.95	.30			.01
Steel painters; bridges, structural steel, machinery tank, towers, pipes boiler rooms and power plant-brush and spray	5.80	.30			.01
Dry well finisher:					
Hand finisher	5.80	.30			.01
Amea tool operator and machine finishing	6.05	.30			.01
High pay:					
30 to 75 feet	5.80	.30			.01
75 to 100 feet	6.30	.30			.01
100 feet and over	7.30	.30			.01
Plasterers	6.85	.43	.20		.06
SOUND INSTALLERS:					
Bernalillo County	7.55	.25	1%		1/7%
Valencia, Sandoval, Santa Fe, Torrance & Socorro Counties	7.89	.25	1%		1/7%
Guadalupe, DeBaca, Quay, Mora, San Miguel, Harding, Union, Taos, Colfax, Rio Arriba, Catron, Sierra, Grant, Los Alamos &					

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MODIFICATIONS P. 13

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DECISION NO. AQ-82

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
SOUND INSTALLERS (CONT'D)					
San Juan Counties excluding the Navajo Indian Reservation in the State of New Mexico	$9.78	.25	1%		1/7%
SPRINKLER FITTERS	8.90	.50	.70		.08
DECISION #AQ-2015 - Mod. #3 (38 FR 22353 - August 17, 1973) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania					
ADD: Drywall Finishers	$8.04	.73	.12	.76	

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2043 - Mod. #1 (39 FR 7011 - February 22, 1974) Venango County, Pennsylvania						
Change: Carpenters and Soft Floor Layers	$8.00	.25	.15			
DECISION #AQ-2046 - Mod. #1 (39 FR 9338 - March 8, 1974) Elk County, Pennsylvania						
Change: Asbestos Workers	9.37	.45	.70			
Electricians	8.55	.45	1%+.25		1%	
Add:						
Trucks Drivers:						
Trucks up to 30,000 lbs. (includes pickups, fuel and water trucks), warehousemen	$7.20	.20	.20			
Trucks over 30,000 lbs. (includes fuel and water trucks)	7.30	.20	.20			
Tri-Axle Trucks over 30,000 lbs. (includes fuel and water trucks	7.40	.20	.20			
Low Boy	7.50	.20	.20			
Concrete Mixer Trucks	7.35	.20	.20			
Concrete Mixer Trucks (Tri-Axle)	7.45	.20	.20			
Semi-Trailer	7.40	.20	.20			
Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.70	.20	.20			
Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.80	.20	.20			
A-Frame and Winch Trucks (when used for hauling material on bed of truck)	7.45	.20	.20			
Distributor Truck (Oil, Tar, Asphalt, etc.)	7.70	.20	.20			

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2055 - Mod. #4 (39 FR 5940 - February 15, 1974) Lancaster County, Pennsylvania						
Change: Electricians: Remainder of County	$8.90	.20	1%		1/80f1%	
DECISION #AQ-2066 - Mod. #2 (39 FR 6026 - February 15, 1974) Mercer County, Pennsylvania						
Change: Painters, Commercial:						
Brush	7.10	.35	.35		.01	
Roller	7.40	.35	.35		.01	
Spray	8.10	.35	.35		.01	
Painters, Industrial:						
Brush	7.80	.35	.35		.01	
Roller	8.10	.35	.35		.01	
Spray	8.60	.35	.35		.01	
DECISION #AQ-2068 - Mod. #1 (39 FR 6034 - February 15, 1974) Lawrence County, Pennsylvania						
Change: Painters, Commercial:						
Brush	7.10	.35	.35		.01	
Roller	7.40	.35	.35		.01	
Spray	8.10	.35	.35		.01	
Painters, Industrial:						
Brush	7.80	.35	.35		.01	
Roller	8.10	.35	.35		.01	
Spray	8.60	.35	.35		.01	

XUM

SUPERSECEAS DECISION

STATE: Arkansas
DECISION NO.: AQ-110
COUNTY: Union
DATE: Date of Publication
Supersedes Decision No. AQ-2, dated July 13, 1973, in 38 FR 18830.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.35	.25			.02	
Boilermakers	7.00	.30	.76		.02	
Bricklayers	6.70					
CARPENTERS:						
Carpenters	6.15	.25			.02	
Millwrights & piledrivermen	6.65	.25			.02	
Cement masons	6.91	.15			.03	
ELECTRICIANS:						
Electrical contracts $20,000 or less:						
Electricians	7.40		1%		1/4%	
Cable splicers	7.70		1%		1/4%	
Electrical contracts over $20,000.:						
Electricians	8.12		1%		1/4%	
Cable splicers	8.42		1%		1/4%	
Ironworkers	7.15	.30	.35		.04	
LABORERS:						
Construction laborer, carpenter helper, concrete laborer	4.55	.15	.20			
Pipelayers, concrete and clay, and mechanical tool, cement mixers, wet or dry, finishers, plasterers and mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers and chuck tenders	4.80	.15	.20			
Powdermen and blasterers	5.45	.15	.20			
PLASTERERS	7.00				.02	
Plumbers - Pipefitters	7.82		.30		.05	
Roofers	5.90		.05			
Sheet metal workers	7.07	.40	.25		.05	
Sprinkler fitters	8.35	.50	.70		.08	
Truck drivers	3.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-110 - P. 2
ARK - 1 - PEO - 1 (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground	$7.64	.25	.25			
GROUP II						
Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirlay, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (enginesr), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith	6.89	.25	.25			
GROUP III - HEAVY EQUIPMENT OPERATORS						
All bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator	6.56	.25	.25			

AQ-110 - P. 3
ARK - 1 - PEO - 1 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV - SEMI-HEAVY EQUIPMENT OPERATORS						
Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant engineer (dredge)	$5.52	.25	.25			
GROUP V - LIGHT EQUIPMENT OPERATORS						
All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge	5.16	.25	.25			

AQ-110 - P. 4
Arkansas Line Construction - 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION						
Electrical Contracts $20,000 or less:						
Lineman	$7.40		1%		1%	
Operator	7.15		1%		1%	
Truck Driver (Pickup & Jeep)	6.30		1%		1%	
Groundman	6.30		1%		1%	
Electrical Contracts over $20,000:						
Lineman	8.12		1%		1%	
Operator	7.87		1%		1%	
Truck Driver (Pickup & Jeep)	6.87		1%		1%	
Groundman	6.87		1%		1%	

XUM

SUPERSEDEAS DECISION

STATE: Delaware
DECISION NO.: AQ-2122
Supersedes Decision No. AQ-2029, dated November 16, 1973, in 38 FR 31774.
DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4-stories), heavy and highway construction.

COUNTY: Statewide
DATE: Date of publication

1-DEL-1-2-3 F 1 of 5

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Asbestos workers	$9.09	.40	1.00		.03	
Boilermakers (New Castle Co.)	9.12	.50	1.00	.25	.01	
Boilermakers (Kent & Sussex Cos.)	8.20	.30	.70	.35	.01	
Bricklayers	8.60	.60	.85			
Carpenters, Building & Heavy:						
New Castle & Kent Cos.:	9.00	.48	.40		.02	
Sussex Co.	7.84		.25			
Carpenters, Highway:						
New Castle & Kent Cos.	9.00	.48	.40		.02	
	8.70	.58	.42			
Cement masons	9.46	5%	5%			
Electricians	9.52	.395	.25	2%+4%	.02	
Elevator constructors	6.66	.395	.25	2%+4%	.02	
Elevator constructors' helpers	4.76					
Elevator constructors' helpers (prob.)	8.38	.35	.30		.01	
Glaziers						
Ironworkers:						
Structural, ornamental, reinforcing, riggers & machinery movers	8.95	.64	1.06		.05	
Laborers: New Castle Co., Building						
General construction, dumpmen & truck spotters	6.60	.40	.30			
Caulkers, opers. of pneumatic & electric tools, vibrating machines, concrete saws, pumps, pot tenders, sewer pipe layers, demolition (use of hand tools), driller (except core, diamond or multiple wagon), mason & plasterers tenders, cement workers, mobile buggy operators, operators of power saws (portable), scaffold builders, hookup men, signal men, stripping of flat arch & form work also cleaning & oiling thereof, tool room attendant & welder	6.85	.40	.30			
Burners, drillers (core, diamond or multiple wagon) sandblaster (nozzleman)	7.10	.40	.30			
	7.85	.40	.30			
Blasters						
Gunite workers:						
Industrial fume stack men, nozzlemen & rodmen	7.10	.40	.30			
Laborers: Kent & Sussex Cos., Building						
General construction dumpmen & truck spotters	6.40	.40	.30			
Caulkers, opers., of pneumatic & electric tools, vibrating machines, concrete saws, pumps, pot tenders, sewer pipe layers,						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
demolition (use of hand tools), driller (except core, diamond or multiple wagon), mason & plasterers' tenders, cement workers, mobile buggy opers., power saw opers.,(portable), scaffold-builders, hookup men, signal men, stripping of flat arch & form work also cleaning & oiling thereof, tool room attendant & welder	$6.65	.40	.30			
Burners, driller (core, diamond or multiple wagon), sandblaster nozzleman)	6.90	.40	.30			
Blasters	7.65	.40	.30			
Gunite Workers:						
Industrial fume stack men, nozzlemen & rodmen	6.90	.40	.30			
Laborers: New Castle Co.: Heavy and Highway Construction:						
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers & rakers, concrete pitmen, puddlers, rubber magazine tenders, railroad trackmen, signal men	3.35	.40	.30			
Pipelayers	3.50	.40	.30			
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caissons & cofferdams (open-air, below 8')	3.65	.40	.30			
Laborers: Kent & Sussex Cos.: Heavy Highway Construction:						
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers & rakers, concrete pitmen, puddlers, rubber magazine tenders, railroad trackmen, signal men	3.20	.40	.30			
Pipelayers	3.35	.40	.30			
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caisson & cofferdam (open-air, below 8')	3.50	.40	.30			
Lathers	7.00	.00	.00		.01	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
Line Construction:						
Linemen, cable splicers	9.92	.30	1%		3/8%	
Winch truck operator	6.54	.30	1%		3/8%	
Groundmen	5.95	.30	1%		3/8%	
Marble setter	8.60	.60	.85			
Millwrights: New Castle & Kent Cos.	9.72	.47	.52			
Millwrights: Sussex Co.	7.84		.25			
Painters:						
Brush	7.31	.50	.20		.01	
Tanks, sandblasting & spray	7.81	.50	.20		.01	
Piledrivermen, wharf & dock builders	9.42	1.23	.55	k	.07	
Plasterers	8.57	.45			.01	
Plumbers (New Castle Co., & Kent Co., North of the southern boundary of Dover City)	8.30	.65	.60	.75+j	.05	
Plumbers (Sussex & Kent Cos., South of the southern boundary of Dover City)	7.91	.45	.35	1.25+d	.02	
Roofers:						
Composition, damp & waterproofing	8.815	1.00	.55	e		
Helper	4.70	1.00	.55	e		
Sheet metal workers	8.60	.55	.60		.02	
Soft floor layers (Sussex Co.)	7.84		.25			
Soft floor layers (New Castle & Kent Cos.)	9.00	.48	.40		.02	
Sprinkler fitters	9.05	.40	.60		.07	
Steamfitters & pipe fitters (New Castle & Kent Cos., north of the southern boundary of Dover City)	8.67	.585	.715	.08136+c	.05	
Steamfitters (Sussex Co & Kent Co. south of the southern boundary of Dover City)	7.91	.45	.35	1.25+d	.02	
Stone masons	8.60	.70	.75			
Terrazzo workers	7.73	.60	.90			
Tile setters	7.73	.60	.90			
Truck Drivers: Building Construction						
Dumps (single axle), dumpsters, escort & pilot vehicles, flatbody material trucks (straight jobs), fork lifts, form trucks, greasers, material checkers & receivers, panel trucks, pickups, rubber-tired (towing & pushing vehicles), tiremen & truck mechanic helpers, truck helpers	5.78	.4425	.425	d		
A-frame, agitator or mixers, asphalt distributor, dispatcher, low boys, semi-trailers, tandems & batch trucks, truck mechanics second class	5.93	.4425	.425	d		
Euclid type or similar off-highway equipment (where not self-loaded), off-highway tandem back-dump, specialized earth moving equipment, truck mechanic first class, twin engine equipment & double-hitched equipment (where not self-loaded)	6.03	.4425	.425	d		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers: Heavy & Highway Construction:						
Dump trucks (single axle), dumpsters, escort & pilot vehicles, flatbody material trucks (straight jobs), greasers, material checkers and receivers, panel trucks, pickups, rubber-tired (towing or pushing flatbody vechiles), tiremen & truck mechanic helpers, truck helpers	$4.93	.4425	.425	d		
A-frame, agitator or mixers, asphalt distributors, dispatcher, low-boys, semi-trailers, tandems & batch trucks truck mechanics second class	5.08	.4425	.425	d		
Euclid type or similar off-highway equipment (where not self-loaded), specialized earth moving equipment, truck mechanics first class, twin engine equipment & double-hitched equipment (where not self-loaded)	5.18	.4425	.425	d		

NOTICES

MAY 24 1974

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F.

c. One paid holiday: Labor Day, providing employee is currently on payroll and would be scheduled to work the holiday, also employee must work the day prior to and after the holiday.

d. A through F, provided that the employee worked the scheduled work day preceding and following the holiday.

e. One paid holiday: Election Day.

j. Paid Holidays: A through F for employee currently employed by the employer at the time the holiday occurs, and who would otherwise be scheduled to work and would work on such days if it were not observed as a holiday, and who has worked under working conditions, the last regularly scheduled workday after the holiday.

k.k. 7 paid holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veteran's Day and Thanksgiving Day.

1-DEL-PEO-1-2-E 1 of 2

POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
WAGE GROUP I						
Machines with booms doing hook work, any machine handling machinery, cable spinning machines, helicopter, machines similar to the above	$10.19	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists, with 2 towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, motor patrols (fine grade), mucking machines in tunnel, all front end loaders 3-1/2 c.y., and over, tandem scrapers, pipin type backhoes, boat captains, batch plant operators (concrete), drills, self contained rotary drills, fork lifts (20' lift & over), machines similar to the above	9.90	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (except building), building hoists (single drum), scrapers, tournapulls, spreaders (asphalt), high or low pressure boilers, concrete pumps, well drillers, bulldozers & tractors, asphalt plant engineers, rollers (high grade finishing), ditch witch type trenchers; all loaders under 3-1/2 c.y., mechanic-welders, motorpatrols, core drill operator, forklift trucks under 20' lift, machines similar to the above	9.02	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Conveyors (building), concrete spreader welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tirsman (for power equipment), machines similar to the above	8.25	4.6%	9.5%	a	1.2%	

1-DEL-PEO-1-2-E 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP V						
Firemen, grease truck	$7.77	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.85	4.6%	9.5%	a	1.2%	
WAGE GROUP VII						
All machines with booms (including jibs, masts and leads)						
100' & over						
.25 per hour additional to the rate						
150' & over						
.50 per hour additional to the rate						
200' & over						
.75 per hour additional to the rate						

FOOTNOTE:

a. 7 paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, and Thanksgiving Day, provided the employee works the scheduled workday before and after the holiday.

1-DEL-PEO-3-D

POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Other
WAGE GROUP I						
Pipping type backhoe, euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, paver 21E and over, trenching machines, cableways, all loaders 2 cu. yds. and over, machines similar to the above.	$ 9.90	4.6%	9.5%		1.2%	
WAGE GROUP II						
Carryalls, tournapulls, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 2 cu. yds., machines similar to the above	9.02	4.6%	9.5%		1.2%	
WAGE GROUP III						
Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compressors, pumps -- four inches or over, pumps -- two or more any size, well point pumps, concrete breaking machines, roller (grade fill and stone base), firemen, machines similar to the above.	8.25	4.6%	9.5%		1.2%	
WAGE GROUP IV						
Oilers	6.85	4.6%	9.5%		1.2%	

SUPERSEDEAS DECISION

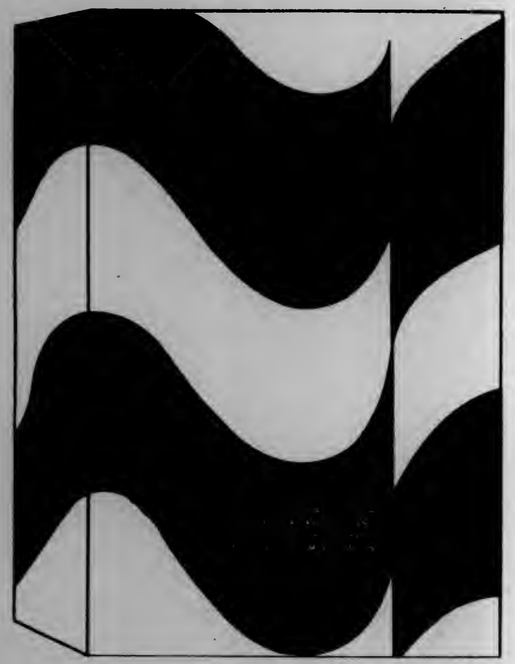
STATE: Washington COUNTY: Yakima
DECISION NUMBER: AQ-1109 DATE: Date of Publication
Supersedes Decision No. AQ-1108 dated May 10, 1974, in 39 FR 16984
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.45	.50	.60		.01
CEMENT MASONS	7.00	.50	.50		.01
ELECTRICIANS	6.44	.35	1¼+.40		.02
LABORERS:					
General Laborer	4.98	.45	.50		.03
Mortar Man and Hod Carrier	5.28	.45	.50		.03
PAINTERS, Brush	6.44	.21	.35		.01
PLUMBERS	7.96	.33	.85	.49	.08
ROOFERS	6.95	.20	.20		
SHEET METAL WORKERS	7.65	.32	.50		

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federal register

May 28, 1974—Pages 18417–18618

TUESDAY, MAY 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 103

Pages 18417–18618

PART I

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Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

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Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

[Ruling 1974–12]

UNRECOUPED INCREASED PRODUCT COSTS WHERE PRICES CHARGED UNDER FIXED-PRICE CONTRACTS ARE LESS THAN THE LAWFUL BASE PRICE

Facts. Firm A, a refiner, sells jet fuel to Firm X and Firm Y, which are air carriers. Firm A's weighted average selling price at which jet fuel was lawfully priced in transactions with the class of purchaser to which Firm X and Firm Y belong was, on May 15, 1973, 20¢ per gallon. Firm A has measured its increased product costs pursuant to § 211.83 for the month of March, 1974 (the month of measurement), and has allocated $340,000 of those costs to jet fuel. Based on an estimated volume of 2,000,000 gallons of jet fuel to be sold in April, 1974 (the current month), Firm A determines increased product costs of 17¢ per gallon to be used in computing the base price of jet fuel for the month of April, 1974. In April, Firm A sells jet fuel to Firm X at a price specified under a fixed-price contract of 25¢ per gallon, and to Firm Y, which does not have a fixed price contract, at the lawful base price of 37¢ per gallon.

Issue. May the increased costs that Firm A allocated to the base price of jet fuel but which it did not recover through sales to Firm X in April, 1974, be carried forward by Firm A and used in computing its increased product cost which may be allocated to the prices of covered products other than special products for the month of May, 1974?

Ruling. Yes. § 212.83(d)(2) provides that "if in any month beginning with October 1973, a firm charges prices for covered products other than special products which result in the recoupment of more or less total revenues than the entire amount of increased product costs calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, * * * the amount of increased product costs not recouped may be added to May 15, 1973 selling prices to compute base prices for covered products other than special products in the subsequent month provided that the amount of the increased product cost not recouped and included in computing the base prices of a particular covered product other than a special product is equally applied to each class of purchaser."

In this instance, the price charged to Firm X, 25¢ per gallon, results in the recoupment of 5¢ of increased product cost per gallon, and the price charged to Firm Y, 37¢ per gallon, results in the recoupment of 17¢ of increased product cost per gallon. If Firm A actually sold 2,000,000 gallons of jet fuel during the month, with 1,500,000 gallons sold at 37¢ per gallon to Firm Y, and 500,000 gallons sold at 25¢ per gallon to Firm X, it would have recouped $280,000 of its increased product cost—$225,000 in sales to Firm Y (1,500,000 gallons x $.17) and $25,000 in sales to Firm X (500,000 gallons x $.05).

Thus, of the $340,000 in increased product costs assigned to jet fuel for the month of April, 1974, Firm A would have recouped $280,000 and would have $60,000 in unrecouped increased product costs available to carry forward into its calculation of increased product cost when computing the base prices of covered products other than special products for the month of May, 1974. It should be noted that Firm A could have allocated a lesser amount of its total increased product cost to the price of jet fuel for the month of April, 1974. For example, Firm A could have allocated $100,000 of its increased product cost to jet fuel, which would have resulted in 5¢ per gallon of increased product costs and a base price of 25¢ per gallon of jet fuel. The balance of the $340,000 in increased product cost that was available for use in computing jet fuel base prices could then have been assigned to other covered products other than special products, or could have been voluntarily "banked" for recovery in a subsequent month. Similarly, the $60,000 of increased product cost unrecouped in April, 1974, because of sales to Firm X at less than the lawful base price need not be assigned to jet fuel in computing base prices for a subsequent month, but may be assigned to the prices of some other covered product other than a special product, or may be "banked" until a subsequent month.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

MAY 21, 1974.

[FR Doc.74-12055 Filed 5-24-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–24–AD; Amdt. 39–1853]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TFE731–2–2B and –1C Engines

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted May 3, 1974, and made effective immediately by telegram dated May 3, 1974, to all known United States operators or owners of aircraft incorporating the AiResearch Model TFE731–2–2B and –1C engines (installed in, but not limited to the AMD Falcon 10 Aircraft). This action results because voltage transients can occur in the aircraft electrical system which can cause improper operation of the engine fuel control computer resulting in flameout and complete power loss. This airworthiness directive requires, before further engine operation, modification of the fuel control computer by removing an internal resistor to disable the latching function of the overspeed protective circuit. The telegraphic AD constituted an interim action. Modifications are under development by the manufacturer. Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of aircraft incorporating AiResearch Model TFE731–2–2B and –1C engines. (Installed on, but not limited to, the AMD Falcon 10 Aircraft). These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model TFE731–2–2B and –1C Engines Installed in, but not Limited to, AMD Falcon 10 Aircraft, Certificated in all categories

(A) Before further engine operation, unless previously accomplished, modify the fuel control computer in accordance with AiResearch Service Bulletin TFE731–76–3002, dated April 25, 1974, or later FAA-approved revisions.

NOTE. The Secretariat General A L Aviation Civile (SGAC), in agreement with AiResearch, has advised that no airplane flight manual modification is required. Immediate implementation by operators of the procedures set forth in AiResearch operating information letter, OI731–2 dated April 20, 1974, is urgently recommended by the agency.

(B) This is interim AD action. Modifications are under development by the manufacturer.

(C) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective May 28, 1974, for all persons except those to whom it was made effective immediately by telegram dated May 3, 1974.

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(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on May 15, 1974.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.74-12063 Filed 5-24-74;8:45 am]

[Airworthiness Docket No. 72-WE-20-AD; Amdt. 39-1854]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

Amendment 39-1619 (38 FR 8643), AD 73-7-9, as amended by amendment 39-1696 (38 FR 20443), requires inspection of DC-8 control columns for cracks, removal and replacement, or rework per the limits in the AD. Since the issuance of the last amendment to the AD, McDonnell Douglas has designed a strengthened control column as a replacement for the original column. Fatigue tests and analysis have shown that this column should exhibit a fatigue life at least forty times that of the original design. Based on these data, AD 73-7-9 is being further amended to incorporate the redesigned control column as a terminating action whereby the inspection and rework requirements may be discontinued upon installation of the new column.

Since this amendment provides relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1619 (38 FR 8643), AD 73-7-9, as amended by amendment 39-1696 (38 FR 20443), is amended as follows:

Add a new paragraph (4) to read:

(4) Replacement of the pilot's and co-pilot's control columns P/N 5614272-1 and 5614272-2 with new control columns P/N 5614272-501 and 5614272-502, respectively, is considered terminating action for this AD and the inspection and rework requirements of the AD may be deleted.

This amendment becomes effective May 30, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California, on May 17, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-12064 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-WE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 5, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 12362) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Victorville, California control zone.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 18, 1974. (Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California, on May 13, 1974.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (39 FR 354) the description of the Victorville, Calif. control zone is amended to read as follows:

VICTORVILLE, CALIF.

Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.74-12067 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-RM-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 15, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 13556) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area for Wendover, Utah.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received, and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 18, 1974.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Aurora, Colorado, on May 16, 1974.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

In § 71.181 (39 FR 440) amend the transition area at Wendover, Ut., to read:

WENDOVER, UT.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Wendover AF Auxiliary Field (latitude 40°43'41" N., longitude 114°02'12" W.); that airspace extending upward from 1200 feet above the surface within 12.5 miles north and 8.5 miles south of the Bonneville VORTAC 084° and 272° radials, extending from the VORTAC to 29 miles east and west of the VORTAC; and that airspace extending upward from 8500 feet MSL bounded on the north by V6, on the west by V358, on the south by V32, and on the east by a line extending from latitude 40°51'30" N., longitude 112°56'30" W.; north to latitude 41°-00'00" N., longitude 112°56'30" W.; thence east to latitude 41°00'00" N., longitude 112°45'00" W., thence north to latitude 41°-10'40" N., longitude 112°45'00" W., thence northwest to latitude 41°12'00" N., longitude 112°52'00" W.; thence north via longitude 112°52'00" W., to V6, excluding that portion which falls within the 1200-foot transition area.

[FR Doc.74-12065 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-SW-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Granbury, Tex., transition area.

On April 9, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 12871) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Granbury, Tex.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

GRANBURY, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Granbury Municipal Airport (latitude 32°26'38" N., longitude 97°49'00" W.); and within 1.5 miles each side of the Acton VORTAC 274° radial extending from the 5-mile radius of the Acton VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on May 14, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-12061 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-WE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On April 26, 1974 FR Doc. 74-9541 was published in the FEDERAL REGISTER (39 FR 14697) which amended Part 71 of the Federal Aviation Regulations by designating a new transition area for Nogales, Arizona. A review of the document revealed that the eastern boundary for the area was incomplete. Action is taken herein to correct this error.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, FR Doc. 74-9541 (39 FR 14697) is amended by correcting the description of the Nogales, Arizona transition area in part as follows.

Beginning in line 13 of the transition area description delete "° ° ° on the E. by the W. boundary of R-2303B, ° ° °" and substitute therefore, "° ° ° on the E. by longitude 110° 45' 00" W., ° ° °"

Effective date. The effective date as originally established may be retained. (0901 G.m.t., June 20, 1974)

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California, on May 13, 1974.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

[FR Doc.74-12066 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-SO-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Myrtle Beach AFB, S.C., control zone.

The Myrtle Beach AFB control zone is described in § 71.171 (39 FR 354). In the description, an extension is predicated on Conway TACAN 165° radial, which was designated to provide controlled airspace protection for IFR aircraft executing the High TACAN 2 RWY 35 Standard Instrument Approach Procedure. Since the procedure will be cancelled, effective May 23, 1974, it is necessary to alter the control zone description to revoke this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Myrtle Beach AFB, S.C., control zone is amended as follows:

"° ° ° Conway TACAN 165° and 335° radials, extending from the 5-mile radius zone to 6.5 miles south and ° ° °" is deleted and "° ° ° Conway TACAN 335° radial, extending from the 5-mile radius zone to 6.5 miles ° ° °" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on May 15, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-12139 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-SO-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 27, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 11302) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter V-159 from Palm Beach, Fla., to Vero Beach, Fla., and V-267 east alternate from Palm Beach, Fla., to Orlando, Fla.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

a. In V-159 "INT Palm Beach 321° and Vero Beach, Fla., 178° radials;" is deleted and "INT Palm Beach 326° and Vero Beach, Fla., 176° radials;" is substituted therefor.

b. In V-267 "INT Palm Beach 321° and Orlando 162° radials;" is deleted and "INT Palm Beach 326° and Orlando 162° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 17, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12142 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway; Correction

On February 1, 1974, FR Doc. 74-2675 was published in the FEDERAL REGISTER (39 FR 4075) amending Part 71 of the Federal Aviation Regulations, by redescribing V-69 and V-69W between Shreveport, La., and El Dorado, Ark., effective May 23, 1974. These airways were based in part on relocation of the Monroe, La., VORTAC. Technical problems associated with commissioning of Monroe at the new location caused a change in the effective date of FR Doc. 74-2675 from May 23, 1974, until July 18, 1974. That change in effective date was published in FR Doc. 74-8320 on March 20, 1974 (39 FR 10428). Additional technical problems with the Monroe VORTAC have made it necessary to further delay the effective date of FR Doc. 74-2675 until August 15, 1974.

Since the delay of the commissioning date of the relocated VORTAC due to technical problems is an administrative matter within the normal expertise of the FAA, and is one upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary and this amendment to the FR Doc. may become effective immediately.

In consideration of the foregoing, effective on May 28, 1974, FR Doc. 74-2675 is amended, as hereinafter set forth.

"effective 0901 G.m.t., July 18, 1974," is deleted and "effective 0901 G.m.t., August 15, 1974," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 16, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12132 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-EA-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11098 of the FEDERAL REGISTER for March 25, 1974, the Federal Aviation Administration published a proposed rule which would designate a Norwich, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on May 10, 1974.

JAMES BIEPO,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Norwich, N.Y. transition as follows:

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NORWICH, N.Y.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°34'00" N., 75°31'30" W., of Warren Eaton Airport, Norwich, N.Y.; within a 12.5-mile radius of the center of the airport, extending clockwise from a 071° bearing to a 103° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 351° bearing from the airport.

[FR Doc.74-12140 Filed 5-24-74;8:45 a.m.]

[Airspace Docket No. 73-SW-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Effective Date

On July 10, 1973, FR Doc. 73-13875 was published in the FEDERAL REGISTER (38 FR 18363) realigning V-18, V-71, and V-94 in the vicinity of Monroe, La., effective November 8, 1973. These realignments were dependent upon the relocation of Monroe, La., VORTAC. Problems associated with commissioning Monroe VORTAC at its new locations have caused delays to the original and subsequently planned effective date. These problems have now been solved and the effective date for these alterations is changed herein from July 18, 1974, to August 15, 1974.

Since the delay of the commissioning date of the relocated VORTAC due to technical problems is an administrative matter within the normal expertise of the FAA, and is one upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary and this amendment to the FR Doc. may become effective immediately.

In consideration of the foregoing, effective on May 28, 1974, FR Doc. 73-13875 is amended, as hereinafter set forth.

"effective 0901 G.m.t., July 18, 1974" is deleted, and "effective August 15, 1974" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 16, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12133 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-WA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Additional Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Control 1180.

Control 1180 (39 FR 15383) was designated on a part time basis to provide for the movement of oceanic air traffic into and from the New York terminal area in the event that a threatened strike by Canadian air traffic controllers should occur and thereby preclude the safe use of air routes through Canadian controlled airspace.

The Federal Aviation Administration (FAA) has been advised that the threat of a Canadian controllers strike has now been terminated and that normal movement of air traffic within Canadian controlled airspace may be expected to continue. Accordingly, action is taken herein to revoke Control 1180.

Since the original requirement for Control 1180 did not develop, there is no longer a need for this designated airspace. Its revocation is therefore a minor matter upon which the public has no desire to comment and notice and public procedure thereon are unnecessary. However, as revocation of Control 1180 will allow a return to normal joint use of the airspace within offshore Warning Areas W-105, W-106, and W-506, good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on May 28, 1974, as hereinafter set forth.

In § 71.163 (39 FR 346, 15383), Control 1180 is revoked.

(Sec. 307(a), 1110 Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c))

Issued in Washington, D.C., on May 16, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12134 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-WA-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Balboa and Sea Lion Reporting Points. These reporting points are no longer required because their associated routes have been cancelled.

Because this action merely revokes reporting points in accordance with the requirements of current air traffic control procedures without altering any route structures or designated airspace, this action is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be made on appropriate aeronautical charts, this amendment is made effective more than 30 days after its publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

Section 71.209 (39 FR 630) is amended by deleting: Balboa INT: and Sea Lion INT: heading and text.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 16, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12135 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-SW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On March 6, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 8631) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas adjacent to Fort Polk, La. The restricted areas would be used to contain a joint military exercise "BRAVE SHIELD IX" which is scheduled from 0600 CDT, August 2, 1974, to 1400 CDT, August 5, 1974. Those areas with airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No objections were received.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

In § 71.151 (39 FR 343) the following temporary restricted areas are included for the duration of their time of designation from 0600 C.D.T. August 2, 1974, to 1400 C.D.T., August 5, 1974:

1. R-3805A Brave Shield IX, La.
2. R-3805B Brave Shield IX, La.
3. R-3805C Brave Shield IX, La.
4. R-3805D Brave Shield IX, La.

In § 73.38 (39 FR 668) the following temporary restricted areas are added:

1. R-3805A BRAVE SHIELD IX, LA.

BOUNDARIES

Beginning at Lat. 31°11'45" N., Long. 92°30'15" W.; to Lat. 31°05'15" N., Long. 92°34'50" W.; to Lat. 30°52'00" N., Long. 92°49'00" W.; to Lat. 30°50'00" N., Long. 93°00'00" W.; to Lat. 30°50'00" N., Long. 93°15'00" W.; to Lat. 31°40'00" N., Long. 93°27'00" W.; to Lat. 31°27'30" N., Long. 93°03'00" W.; to Lat. 31°15'15" N., Long. 92°41'45" W.; to Lat. 31°17'10" N., Long. 92°40'10" W.; to point of beginning, excluding that airspace from 100 feet AGL to and including 600 feet AGL within a 3-mile radius of the Leesville Airport (Lat. 31°10'02" N., Long. 93°20'32" W.).

Designated altitudes. 100 feet AGL to and including FL 180.

Time of designation. Continuous, 0600 C.D.T., August 2, 1974, to 1400 C.D.T., August 5, 1974.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. United States Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va.

2. R-3805B BRAVE SHIELD IX, LA.

BOUNDARIES

Beginning at Lat. 31°05'15" N., Long. 92°34'50" W.; to Lat. 30°40'00" N., Long. 92°48'50" W.; to Lat. 30°40'00" N., Long. 93°30'00" W.; to Lat. 31°45'25" N., Long. 93°27'15" W.; to Lat. 31°40'30" N., Long. 93°27'00" W.; to Lat. 30°50'00" N., Long. 93°15'00" W.; to Lat. 30°50'00" N., Long. 93°00'00" W.; to Lat. 30°52'00" N., Long. 92°49'00" W.; to point of beginning, excluding that airspace from 100 feet AGL to and including 800 feet AGL within a 3-mile radius of the following airports:

Beauregard Parish Airport (Lat. 30°50'00" N., Long. 93°30'30" W.); Leesville Airport (Lat. 31°10'02" N., Long. 93°20'32" W.); Hart Airport (Lat. 31°32'45" N., Long. 93°29'-30" W.).

Designated altitudes. 100 feet AGL to and including FL 180.

Time of designation. Continuous, 0600 C.D.T., August 2, 1974, to 1400 C.D.T., August 5, 1974.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. United States Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va.

3. R-3805C BRAVE SHIELD IX, LA.

BOUNDARIES

Beginning at Lat. 30°40'00" N., Long. 92°48'50" W.; to Lat. 30°24'00" N., Long. 92°58'00" W.; to Lat. 30°20'00" N., Long. 94°00'00" W.; to Lat. 31°10'00" N., Long. 94°30'00" W.; to Lat. 31°18'30" N., Long. 94°27'00" W.; to Lat. 31°51'30" N., Long. 93°55'00" W.; to Lat. 31°45'25" N., Long. 93°37'15" W.; to Lat. 30°40'00" N., Long. 93°30'00" W.; to point of beginning, excluding that airspace 2,500 feet MSL and below within a radius of 20-nautical miles from the Lake Charles VORTAC (Lat. 30°06'39" N., Long. 93°06'20" W.), and excluding that airspace from 400 feet AGL to and including 800 feet AGL within a 3-mile radius of the following airports:

DeQuincy Industrial Airport (Lat. 30°26'-17" N., Long. 93°28'21" W.); Hemphill Airport (Lat. 31°21'00" N., Long. 93°58'53" W.); Jasper County Airport (Lat. 30°53'30" N., Long. 94°02'00" W.); Kirbyville Airport (Lat. 30°-38'45" N., Long. 93°55'00" W.); Newton Airport (Lat. 30°53'03" N., Long. 93°44'30" W.); Pineland Airport (Lat. 31°14'00" N., Long. 93°58'54" W.); San Augustine County Airport (Lat. 31°32'22" N., Long. 94°10'13" W.).

Designated altitudes. 400 feet AGL to and including FL 180.

Time of designation. Continuous, 0600 C.D.T., August 2, 1974, to 1400 C.D.T., August 5, 1974.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. United States Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va.

4. R-3805D BRAVE SHIELD IX, LA.

BOUNDARIES

Beginning at Lat. 31°10'00" N., Long. 92°30'00" W.; to Lat. 30°24'00" N., Long. 92°58'00" W.; to Lat. 30°20'00" N., Long. 94°00'00" W.; to Lat. 31°10'00" N., Long. 94°30'00" W.; to Lat. 31°18'30" N., Long. 94°27'00" W.; to Lat. 31°41'30" N., Long. 94°03'30" W.; to Lat. 31°33'45" N., Long. 93°36'00" W.; to point of beginning.

Designated altitudes. From FL 180 to and including FL 350.

Time of designation. Continuous, 0600 C.D.T., August 2, 1974, to 1400 C.D.T., August 5, 1974.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. United States Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).]

Issued in Washington, D.C., on May 16, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12136 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-EA-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 11929 of the FEDERAL REGISTER for April 1, 1974, the Federal Aviation Administration published a proposed rule which would alter the Williamsport, Pa., control zone (39 FR 437) and Transition Area (39 FR 614).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (72 Stat. 749; 49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on May 10, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Williamsport, Pa. control zone and by substituting the following in lieu thereof:

Within a 6-mile radius of the center, 41°14'32" N., 76°55'12" W. of Williamsport-Lycoming County Airport, extending clockwise from a 099° bearing to a 145° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 172° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 203° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 241° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 241° bearing to a 270° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 312° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 312° bearing to a 350° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 358° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 358° bearing to a 004° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 004° bearing to a 099° bearing from the airport; and within 4 miles each side of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the MM to 9.5 miles east of the MM.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Williamsport, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 30.5-mile radius of the center, 41°14'32" N., 76°55'12" W. of Williamsport-Lycoming County Airport, extending clockwise from a 025° bearing to a 067° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 067° bearing to a 145° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 203° bearing from the airport; within a 29.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 316° bearing from the airport; within a 22.5-mile radius of the center of the airport, extending clockwise from a 316° bearing to a 025° bearing from the airport; within 4.5 miles north and 9.5 miles south of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the Picture Rocks, Pa. RBN to 18.5 miles east of the RBN; within 5 miles each side of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the Picture Rocks, Pa. RBN to 13 miles east of the RBN.

[FR Doc.74-12137 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-NE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11433 of the FEDERAL REGISTER dated March 28, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would designate the Highgate, Vermont, 700-foot transition area.

Interested parties were given 30 days after publication in which to submit writ-

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ten data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Burlington, Mass., on May 14, 1974.

FERRIS J. HOWLAND,
Director,
New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Highgate, Vermont, 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an arc of a 5-mile radius circle centered on Franklin County State Airport, Highgate, Vermont (Lat. 44°56'26" N., 73°05'54" W.) extending clockwise between the 305° and 050° bearings from the Franklin County State Airport; within an arc of a 7-mile radius circle centered on Franklin County State Airport, extending clockwise between the 050° and 305° bearings of Franklin County State Airport; within 6.5 miles northwest and 4 miles southeast of Plattsburgh, New York VORTAC 060° radial extending from the radius area to the VORTAC, excluding that portion of the Plattsburgh, New York, 700-foot Transition Area.

[FR Doc.74-12143 Filed 5-24-74;8:45 am]

[Airspace Docket No. 74-SO-22]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation and Redesignation of Jet Routes

On March 28, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 11433) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate J-165 from Charleston, S.C., to Richmond, Va., and extend J-121 from Norfolk, Va., to Charleston, S.C.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0902 g.m.t., July 18, 1974, as hereinafter set forth.

Section 75.100 (39 FR 699, 14939) is amended as follows:

a. In Jet Route No. 121 "From Jacksonville, Fla.; to Charleston, S.C. From Norfolk, Va., via" is deleted and "From Jacksonville, Fla., via Charleston, S.C.; Norfolk, Va.;" is substituted therefor.

b. J-165 is added to read as follows:

J165 From Charleston, S.C., to Richmond, Va.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C. on May 15, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12136 Filed 5-24-74;8:45 am]

[Docket No. 13709; Amdt. No. 917]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 4, 1974:

Corpus Christi, Tex.—Corpus Christi Int'l Arpt., VOR Rwy 17 (TAC), Amdt. 18.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., VORTAC Rwy 35, Amdt. 3.
Los Angeles, Calif.—Los Angeles Int'l. Arpt., VOR Rwy 25L, Amdt. 6.
Los Angeles, Calif.—Los Angeles Int'l. Arpt., VOR Rwy 25R, Amdt. 6.
The Dalles, Oreg.—The Dalles Municipal Arpt., VOR/DME A, Amdt. 2.

• • • effective June 20, 1974:

Thedford, Nebr.—Thedford Municipal Arpt., VOR Rwy 8, Orig.

• • • effective May 13, 1974:

Memphis, Tenn.—Memphis Int'l. Arpt., VOR Rwy 35R, Amdt. 27, canceled.

• • • effective May 9, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., VOR Rwy 27R, Amdt. 6, canceled.

• • • effective April 26, 1974:

Montgomery, N.Y.—Orange County Arpt., VOR Rwy 8, Amdt. 5.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs effective July 4, 1974:

Corpus Christi, Tex.—Corpus Christi Int'l Arpt., LOC (BC) Rwy 31, Amdt. 4.

• • • effective June 6, 1974:

Cleveland, Ohio—Cuyahoga County Arpt., LOC (BC) Rwy 5, Orig.

• • • effective May 13, 1974:

Memphis, Tenn.—Memphis Int'l Arpt., LOC (BC) Rwy 17L, Amdt. 6, canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 4, 1974:

Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., NDB Rwy 13, Amdt. 16.
Macon, Ga.—Lewis B. Wilson Arpt., NDB Rwy 5, Amdt. 17.
Titusville, Fla.—TI-CO Arpt., NDB Rwy 18, Amdt. 3.

• • • effective May 13, 1974:

Memphis, Tenn.—Memphis Int'l Arpt., NDB Rwy 35R, Amdt. 13, canceled.

• • • effective May 9, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 9L, Amdt. 1, canceled.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 27R, Amdt. 8, canceled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 4, 1974:

Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., ILS Rwy 13, Amdt. 15.
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 24L/R, Amdt. 5.
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 25L/R, Amdt. 7.
Macon, Ga.—Lewis B. Wilson Arpt., ILS Rwy 5, Amdt. 19.

• • • effective June 20, 1974:

San Francisco, Calif.—San Francisco Int'l. Arpt., ILS Rwy 28L, Amdt. 10.

• • • effective May 13, 1974:

Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 17L, Amdt. 1, canceled.
Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 35R, Amdt. 15, canceled.

• • • effective May 10, 1974:

Bluefield, W. Va.—Mercer Co. Arpt., ILS Rwy 23, Amdt. 1.

Dublin, Va.—New River Valley Arpt., ILS Rwy 6, Amdt. 1.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 4, 1974:

Los Angeles, Calif.—Los Angeles Int'l. Arpt., RNAV Rwy 24R, Amdt. 2.
Los Angeles, Calif.—Los Angeles Int'l. Arpt., RNAV Rwy 25L, Amdt. 3.

Correction. In Docket No. 13669, Amendment 914, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated May 2, 1974, on page 15260, under § 97.29 effective June 13, 1974—Change effective date of Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 27L, Amdt. 1, to May 30, 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510), sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)) and (5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on May 16, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-12068 Filed 5-24-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-855; Amdt. 4]

PART 205—INAUGURATION AND TEMPORARY SUSPENSION OF SCHEDULED ROUTE SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Director, Bureau of Operating Rights

Several sections of Part 205 continue to include outdated references to the "Chief, Routes and Agreements Division, Bureau of Economic Regulations." The purpose of this amendment is to correct those references to read, "Director, Bureau of Operating Rights."

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on June 17, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends Part 205 of the Economic Regulations (14 CFR Part 205) effective June 17, 1974, and adopted May 22, 1974, as follows:

1. Amend paragraphs (b) and (c) of § 205.8 to read as follows:

§ 205.8 Automatic suspension authority for involuntary postponement of inauguration or involuntary interruption of service.

• • • • • •

(b) In the case of delayed inauguration or an interruption of service caused by a strike, the holder shall give immediate notice of such interruption to the Board (marked for the attention of the Director, Bureau of Operating Rights).

(c) If service at a point is interrupted or inauguration delayed for more than three (3) consecutive days for reasons beyond the certificate holder's control other than a strike, the holder shall give notice to the Board marked for the attention of Director, Bureau of Operating Rights) within three (3) days following the date of required inauguration of service or suspension, setting forth the date of suspension and a full and complete statement of the reasons therefor.

2. Amend § 205.11 to read as follows:

§ 205.11 Institution of service after suspension or postponement of inauguration: notice to the Board.

When service is inaugurated following postponement of inauguration, of resumed following suspension under either express or automatic authority, immediate notice thereof shall be given to the Board (marked for attention of the Director, Bureau of Operating Rights), stating the time when service was inaugurated or resumed.

3. Amend § 205.12 to read as follows:

§ 205.12 Strikes; report to be filed.

Within fifteen (15) days following resumption of service after a strike an air carrier shall file a report with the Board (marked for the attention of the Director, Bureau of Operating Rights) containing a list of all flights that were canceled, the date they were canceled, and the date service was restored.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.74-12156 Filed 5-24-74;8:45 am]

[Reg. ER-856, Amdt. 14]

PART 223—TARIFFS OF AIR CARRIERS: FREE AND REDUCED-RATE TRANSPORTATION

Carriers' Reports; Bureau of Economics

Paragraph (c)(3) of § 223.2 calls for reports thereunder to be filed with the "Bureau of Air Operations." Through reorganization some time ago, that bureau no longer exists, and the function of receiving carriers' reports under § 223.2 has been performed by the Bureau of Economics. The purpose of this amendment is to reflect the organizational change.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on June 17, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends Part 223 of the Economic Regulations (14 CFR Part 223) effective June 17, 1974, and adopted May 22, 1974, as follows:

Amend subparagraph (3) of § 223.2(c) to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

• • • • • •

(c) • • •

(3) Such transportation is reported in a statement addressed to the attention of the Bureau of Economics, Civil Aeronautics Board, Washington, D.C. 20428, and forwarded so as to be received by the Board within ten (10) days after the end of the calendar month in which such transportation took place. Such statement shall list the name of each person provided such free transportation, his company affiliation, the specific nature of the observations made, the particular equipment or component of the aircraft observed, the reasons in-flight observation was deemed necessary, and the dates, flights and points between which such free transportation was provided.

• • • • • •

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.74-12153 Filed 5-24-74;8:45 am]

[Reg. ER-857, Amdt. 3]

PART 231—TRANSPORTATION OF MAIL; MAIL SCHEDULES

Director, Office of Facilities and Operation

Section 231.6 requires filings thereunder to be addressed to the "Office of the Secretary." Through reorganization, the function of receiving such filings is now performed by the Director, Office of Facilities and Operation, and the purpose of this amendment is to reflect the organizational change.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on June 17, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends Part 231 of the Economic Regulations (14 CFR Part 231) effective June 17, 1974, and adopted May 22, 1974, as follows:

Amend § 231.6 to read as follows:

§ 231.6 Number of copies; filing address.

Each air carrier shall transmit to the Board three copies of each general schedule or revised page thereof, and three copies of the summary of additions and changes required by § 231.5, accom-

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panied by a letter of transmittal (in duplicate if a receipt is desired) listing the general schedule or revised pages and summary that are transmitted for filing. The letter of transmittal and listed enclosures shall be included in one package addressed to: Civil Aeronautics Board, Director, Office of Facilities and Operations, Washington, D.C. 20428.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.74-12094 Filed 5-24-74;8:45 am]

[Reg. ER-854; Amdt. No. 14]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Charges by Foreign Authorities for Airport and En Route Facilities and Services

By circulation of proposed rulemaking EDR-254, dated September 17, 1973 (Docket 25903) and published at 38 FR 26461 dated September 21, 1973, the Board gave notice that it had under consideration an amendment to Part 241 of its Economic Regulations which would require certificated route and supplemental air carriers to report charges by foreign governments for airport and en route facilities and services on a new quarterly Schedule P-11 of CAB Form 41.[1]

The Board pointed out in EDR-254 that the need for this information arises from the fact that there has been a steady increase in the number of foreign governments levying such charges and the fact that the amounts of these charges have also been increasing. The reported data, the Board said, would insure that it is completely aware of developments in the area of cost recovery policies of foreign governments, and the trends associated therewith.

Comments in response to the notice were submitted by four route air carriers,[2] two supplemental air carriers[3] and the Department of Transportation.

Upon consideration of the comments, the Board has decided to adopt the amendments with modifications hereinafter discussed. Except to the extent modified herein, the tentative findings set forth in the Explanatory Statement of EDR-254 are incorporated herein and made final.

The Flying Tiger Line strongly supports the rule in its entirety and two other respondents—Pan American and The Department of Transportation (DOT)—also strongly support the rule, but, in addition offer various suggestions which they believe will improve the reported data. While TWA does not specifically oppose the rule, it is uncertain whether the data reported will provide the Board with the information it is seeking, and like Pan American and DOT, recommends certain modifications which it feels will rectify asserted deficiencies.

Northwest, Trans International and World object to the rule, stating generally that it would be extremely burdensome and that the proposed report would have little or no practical value since it would provide only total costs incurred for certain services without any reference point or comparative value whatsoever; further, these respondents contend that the proposed recurrent reporting is unnecessary and a one-time study would suffice.

At the outset, the Board has not found the arguments in opposition to the proposed rule to be persuasive. As indicated in EDR-254, the instant rulemaking has been necessitated by the inadequacy of data submitted by air carriers concerning the user charges imposed upon them by foreign governments. Since none of the comments seriously questions our regulatory need for this information, we believe that the reporting burden which this rule would entail is too slight to outweigh the considerations favoring its adoption. However, insofar as some of the comments point out that the proposed report could be improved upon if it were revised to require the reporting of a unit charge for each item of expense, rather than total costs only, we accept the suggestion. The reporting requirement has been modified accordingly.

We are also adopting the suggestion by DOT and Pan American that the proposed single report be separated into two reports—one covering en route charges and the other covering airport charges. Filing these charges separately, in Schedule P-11(a) and P-11(b), respectively, will facilitate the identification of en route charges by route segment. Moreover, since the comments correctly point out that some of the charges are paid to foreign entities other than governments, (e.g., EUROCONTROL in Europe, ASECNA (Agency for Air Navigation Safety) in part of Africa, and COCESNA (Central American Air Navigation Services Corporation) in Central America), we are revising the proposed report so as to extend to such charges as well as those paid to foreign governments.

Northwest, Pan American and TWA all point out that many times billings are received for a combination of services such as communication facilities, air traffic services and meteorological services which are not segregated on the billings. In these instances, the carriers state it is extremely difficult, if not impossible, to separate the costs associated with each. However, the fact that until now billings have not been particularized may signify nothing more than the fact that until now such particularization has not been thought to serve any useful purpose. We will not assume that foreign governments or other entities will henceforth refuse to provide billing particularization in the manner which will be required to enable carriers to comply with the within reporting requirements. Should such a situation develop, we would expect the matter to be brought to our attention, and, where justified by particular circumstances, we would entertain requests for appropriate relief.

TWA states that because of the lack of a basic activity factor it will be most difficult for the Board to compare and/or analyze the differences in charges between airports and countries; TWA further states that, assuming that activity factors can be found to measure the change in rates, a potential distortion could nonetheless occur, period-to-period, as a result of currency fluctuations since Schedule P-11 shows amounts expressed only in U.S. dollars with no provisions for local currency equivalents. Accordingly, TWA suggests that, for meaningful comparisons, the report be modified to indicate charges expressed in U.S. dollars with an average rate of exchange for the period being reported on the form.

While the absence of a basic activity factor might have impaired the value of information reported under the proposed requirement, which called for total costs only, the revised reporting herein, by furnishing a unit charge for each item of expense should achieve the purpose described by TWA. However, we are not adopting TWA's recommendation insofar as it seeks to include the average foreign exchange rate in order to remove potential distortion. The Board believes that this potential distortion does not warrant the additional reporting burden of obtaining average rates of exchange.

In response to a question raised by Northwest, the expenses shown on Schedule P-11 will be reported on the accrual basis, pursuant to section 2-4 of the Uniform System of Accounts and Reports (USAR), but we see no reason to cross-reference or reconcile the P-11 figures to specific objective accounts in the USAR. Also, in response to comments by Northwest and Pan American, we are providing an explanation for the term "Ancillary Aviation Services."

In order to allow ample time for the carriers to establish proper coding and to issue proper instructions to their stations, so that the various expense items can be coded and segregated when the bills are paid, we are making the rule effective July 1, 1974. Expenses incurred thereafter will be covered by the within rule, so that the initial reports hereunder will be filed with respect to the quarter ending September 30, 1974.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective July 1, 1974 and adopted April 9, 1974, as follows:

Section 22 [Amended]

1. Amend paragraph (a) of Section 22—General Reporting Instructions as follows:

(a) Add Schedule P-11(a)—Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services and Schedule P-11(b)—Charges by Foreign Governments for Airport Facilities and Services in the List of Schedules in CAB Form 41 report to read:

Schedule No.	Schedule title	Filing frequency
•	• • • • • •	
P-10	Payroll	Do.
P-11(a)	Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services.	Do.
P-11(b)	Charges by Foreign Governments for Airport Facilities and Services	Do.
P-41	Taxes	Annually.
•	• • • • • •	

(b) Include Schedules P-11(a) and P-11(b) in the list of Due Dates of Schedules in CAB Form 41 for the following due dates: Feb. 10, May 10, Aug. 10 and Nov. 10.

2. Amend Section 24—Profit and Loss Elements to include, following the description of Schedule P-10, the following description of Schedules P-11(a) and P-11(b):

Section 24 [Amended]

Schedule P-11(a)—Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services

(a) Schedule P-11(a) shall be filed by all route air carriers that are performing international operations.

(b) This schedule shall reflect the charges for en route facilities and services by foreign governments and foreign entities, such as communication facilities and navigation aids, air traffic services, meteorological services, and other ancillary aviation services.

(c) Column (1) "Foreign Government or Foreign Entity" shall reflect the names of each foreign government or foreign entity to which charges for services were paid or accrued during the reporting quarter. Examples of foreign entities are: EUROCONTROL in Europe; ASECNA (Agency for Air Navigation Safety) in part of Africa; COCESNA (Central American Air Navigation Services Corporation) in Central America.

(d) Column (2) "Route Segment" shall reflect the direction of each flight on which charges for services were paid or accrued during the reporting quarter; e.g., PAR-GVA for flight from Paris to Geneva.

(e) For each separate entry in columns (1) and (2) show the unit charge and total charges paid or accrued for services during the reporting quarter for each of the various types of services provided in columns (3) through (11). Column (11) "Miscellaneous" shall reflect charges not classified elsewhere.

(f) Columns (9) and (10) "Ancillary Aviation Services" shall include charges for search and rescue services, etc. (en route).

(g) Column (12) "Grand Total Charges" shall reflect the sum of columns (4), (6), (8), (10) and (11).

Schedule P-11(b)—Charges by Foreign Governments for Airport Facilities and Services

(a) Schedule P-11(b) shall be filed by all route air carriers that are performing international operations.

(b) This schedule shall reflect the charges for airport facilities and services by foreign governments such as throughput charges for aircraft fuel, landing fees, passenger head tax and other ancillary aviation services.

(c) Column (2) "Name of Airport" shall reflect the name(s) of the airport(s) under the jurisdiction of the foreign government to which charges for airport services apply.

(d) Columns (3) and (4) "Thru-Put Charges for Aircraft Fuel" is defined as a gallonage levy by a government or airport commission, assessed against the fuel vendor or concessionaire and passed on to the carrier—in a segregated and identifiable form.

(e) For each separate entry in columns (1) and (2) show the unit charge and total charges paid or accrued for services during the reporting quarter for each of the various types of services provided in columns (3) through (11). Column (11) "Miscellaneous" shall reflect charges not classified elsewhere.

(f) Columns (9) and (10) "Ancillary Aviation Services" shall include ancillary ground/landing aviation services (ramp and parking fees and field lighting, etc., where identified separately from landing fees).

(g) Column (12) "Grand Total Charges" shall reflect the sum of columns (4), (6), (8), (10) and (11).

Section 32 [Amended]

3. Amend paragraph (a) of Section 32—General Reporting Instructions as follows:

(a) Add Schedule P-11(a)—Charges by Foreign Government and Foreign Entities for En Route Facilities and Services, and Schedule P-11(b)—Charges by Foreign Governments for Airport Facilities and Services in the List of Schedules in CAB Form 41 report to read:

Schedule No.	Schedule title	Filing frequency
•	• • • • • • •	
P-7	Aircraft and Traffic Servicing, Promotion and Sales, and General and Administrative Expense Functions—Group II and Group III Air Carriers.	Do.
P-11(a)	Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services.	Do.
P-11(b)	Charges by Foreign Governments for Airport Facilities and Services	Do.
T-3.1	Statement of Traffic and Capacity Statistics	Monthly.
•	• • • • • • •	

(b) Include Schedules P-11(a) and P-11(b) in the list of Due Dates of Schedules in CAB Form 41 for the following due dates: Feb. 10, May 10, Aug. 10 and Nov. 10.

Section 34 [Amended]

4. Amend Section 34—Profit and Loss Elements to include, following the description of Schedule P-7, the following description of Schedules P-11(a) and P-11(b):

Schedule P-11(a)—Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services

(a) Schedule P-11(a) shall be filed by all supplemental air carriers that are performing international operations.

(b) This schedule shall reflect the charges for en route facilities and services by foreign governments, such as communication facilities and navigation aids, air traffic services, meteorological services and other ancillary aviation services.

(c) Column (1) "Foreign Government or Foreign Entity" shall reflect the names of each foreign government or foreign entity to which charges for services were paid or accrued during the reporting quarter. Examples of foreign entities are: EUROCONTROL in Europe; ASECNA (Agency for Air Navigation Safety) in part of Africa; COCESNA (Central American Air Navigation Services Corporation) in Central America.

(d) Column (2) "Route Segment" shall reflect the direction of each flight on which charges for services were paid or accrued during the reporting quarter; *e.g.*, PAR-GVA for flight from Paris to Geneva.

(e) For each separate entry in columns (1) and (2) show the unit charge and total charges paid or accrued for services during the reporting quarter for each of the various types of services provided in columns (3) through (11). Column (11) "Miscellaneous" shall reflect charges not classified elsewhere.

(f) Columns (9) and (10) "Ancillary Aviation Services" shall include charges for search and rescue services, etc. (en route).

(g) Column (12) "Grand Total Charges" shall reflect the sum of columns (4), (6), (8), (10) and (11).

Schedule P-11(b)—*Charges by Foreign Governments for Airport Facilities and Services*

(a) Schedule P-11(b) shall be filed by all supplemental air carriers that are performing international operations.

(b) This schedule shall reflect the charges for airport facilities and services by foreign governments such as throughput charges for aircraft fuel, landing fees, passenger head tax and other ancillary aviation services.

(c) Column (2) "Name of Airport" shall reflect the name(s) of the airport(s) under the jurisdiction of the foreign government to which charges for airport services apply.

(d) Columns (3) and (4) "Thru-Put Charges for Aircraft Fuel" is defined as a gallonage levy by a government or air-

[1] Filed as part of the original document.

[2] The Flying Tiger Line Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; and Trans World Airlines, Inc.

[3] Trans International Airlines, Inc.; and World Airways, Inc.

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port commission, assessed against the fuel vendor or concessionaire and passed on to the carrier—in a segregated and identifiable form.

(e) For each separate entry in columns (1) and (2) show the unit charge and total charges paid or accrued for services during the reporting quarter for each of the various types of services provided in columns (3) through (11). Column (11) "Miscellaneous" shall reflect charges not classified elsewhere.

(f) Columns (9) and (10) "Ancillary Aviation Services" shall include ancillary ground/landing aviation services (ramp and parking fees and field lighting, etc., where identified separately from landing fees).

(g) Column (12) "Grand Total Charges" shall reflect the sum of columns (4), (6), (8), (10) and (11).

5. Amend CAB Form 41[1] by adding new Schedules P–11(a) and P–11(b) in the form attached hereto[1] as appendixes and made a part hereof.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

NOTE: The reporting requirements herein have been approved by the General Accounting Office in accordance with the Federal Reports Act of 1942, as amended.

[FR Doc.74–12152 Filed 5–24–74;8:45 am]

[Reg. ER–858, Amdt. 3]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Annual Report; Bureau of Accounts and Statistics

Paragraph (b) of § 244.20 calls for reports thereunder to be addressed to the "Office of Carrier Accounts and Statistics." The name of that office has been changed, for some time, to the "Bureau of Accounts and Statistics," and the purpose of this amendment is to reflect the organizational change.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on June 17, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends Part 244 of the Economic Regulations (14 CFR Part 244) effective June 17, 1974 and adopted May 22, 1974, as follows:

Amend paragraph (b) of § 244.20 to read as follows:

§ 244.20 Annual report.

* * * * *

(b) The aforesaid report shall be filed annually and in sufficient time so as to be received by the Board within forty-five (45) days after the termination of the prescribed period. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The report shall be addressed to the Board, attention of the Bureau of Accounts and Statistics.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5089 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.74–12154 Filed 5–24–74;8:45 am]

[Reg. ER–859, Amdt. 23]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Period of Preservation of Records by Supplemental Air Carriers

Category No. 14 of the categories of records listed in § 249.8 describes certain documents pertaining to "Part 295 of the Economic Regulations." Since Part 295 was repealed some time ago, by ER–664, the purpose of this amendment is to delete the present Category No. 14 and to redesignate the present Category No. "15" as "14."

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on June 17, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends Part 249 of the Economic regulations (14 CFR Part 249 effective June 17, 1974, and adopted May 22, 1974 as follows:

Amend § 249.8 by deleting Category No. 14 of the categories of records listed thereunder and redesignate Category No. "15" as "14," the section as amended to read in part as follows:

§ 249.8 Period of preservation of records by supplemental air carriers.

* * * * *

Category of records	Period to be retained
* * * * *	
13. * * *	
14. The following documents pertaining to Part 208 of the Economic Regulations:	
(a) Every Statement of Supporting Information.	2 years
(b) Proof of the commission paid to any travel agent by the carrier.	Do.
(c) Written confirmation and accompanying passenger list, and copy of request therefor and copy of accompanying passenger list, all pursuant to § 208.202b of this chapter.	Do.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5089 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.74–12155 Filed 5–24–74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

FOREIGN-BASED WAREHOUSE PROCEDURE AND COMMODITIES SUBJECT TO MONITORING AND SHORT SUPPLY LICENSING

The provisions of the Foreign-Based Warehouse Procedure have been revised to eliminate the assigning of a customer's "C" number on Form FC–243 and replace it with the distributor's assigned "D" number as handwritten on his approved Form FC–143. This will facilitate processing of these forms.

In the past, on an approved Form FC–143, the distributor was assigned (and will continue to be assigned) a distributor's number; for example, D–123. Customers of the distributor were assigned, on their approved Forms FC–243, "C" numbers sequentially keyed to the distributor's number. The first customer of that distributor approved on an FC–243 was assigned number C–123–1; the second, C–123–2; the third C–123–3; etc. Under the revised procedure all customers of a distributor will receive as their reference numbers on approved FC–243's in place of "C" numbers, the same number (a "D" number) as the distributor, handwritten in the "Validation" box, immediately below the stamped validation number. In the example above, the distributor's assigned number is D–123. Therefore, all of the distributor's customers will have the number D–123 indicated on their approved FC–243's and will not be assigned a "C" number. Discontinuing issuance of the sequential "C" numbers will improve service to the exporter by reducing processing time.

The Warehouse Procedure is also clarified by (1) specifying that the reference number to be included on applications for export licenses covering any of the three types of shipments set forth in § 373.4(e)(2), is the distributor's handwritten assigned "D" number, and (2) establishing the letter "H" as the prefix of the stamped validation number in the future.

PART 373—SPECIAL LICENSING PROCEDURES

Accordingly, §§ 373.4(c)(4), 373.4(d)(1) and (2), and 373.4(e)(2) are revised as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(c) * * *

(4) *Other documents.* In addition to the Forms FC–243 required above, if the customer is located in Switzerland or Yugoslavia, the exporter or his distributor must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the commodities to be distributed. The Swiss Blue Import Certificate need not be submitted to the Office of Export Administration but shall be retained in accordance with the record-keeping provisions described in paragraph (h) of this section. The original of each Yugoslav End-Use Certificate issued, or a reproduced copy if the original is required by the government of the country in which the distributor is located, shall be immediately forwarded by the distributor to the U.S. exporter. The originals or reproduced copies received from the distributor shall be submitted by the U.S. exporter, on a monthly basis to the Office of Export Administration (Room 1617M), U.S. Department of Commerce, Washington, D.C. 20230.

* * * * *

(d) *Action on application to participate in the foreign-based warehouse procedure*—(1) *U.S. exporter.* When a Form FC–143 is approved the exporter will receive two copies of the form with a validation number stamped in the "Validation" box at the lower left corner of the reverse side. The exporter shall keep one copy of the validated form and send the other to his distributor. The validation number includes a facsimile of the U.S. Department of Commerce seal and the letter "H" followed by a series of numbers to indicate the year, month, and day of approval. In addition to the stamped validation number, a distributor's assigned "D" number is handwritten immediately below the validation stamp in the "Validation" box. The distributor's handwritten assigned number consists of the written letter "D" followed by a one, two, or three digit written number. The expiration date is entered in the "Expiration Date" box. Generally, the expiration date is June 30 of the second year following the date on which the Form FC–143 is signed by the U.S. exporter, unless an earlier termination date is requested. The distributor is permitted, until the expiration or revocation of his validated Form FC–143, to distribute or reexport the commodities stocked abroad, without obtaining prior Office of Export Administration approval for each separate individual transaction, to any customer who has been approved by the Office of Export Administration; whether such customer is in the country where the foreign-based stock is located or in any other country. If the Form FC–143 is not approved, the form will be returned to the U.S. exporter with a notice informing him of the reason for this action. The letter of transmittal to any approval customer other than an end user shall notify each customer that he will be receiving from the exporter reprints of the U.S. Department of Commerce "Table of Denial and Probation Orders Currently in Effect" and addenda thereto, listing individuals and firms to whom the consignee may not sell or otherwise dispose of the U.S. commodities received.

(2) *Customer of distributor.* When a Form FC–243, or a letter request covering a foreign government agency, is approved, two validated copies will be sent to the U.S. exporter. An approved form or letter will receive a validation stamp number of the type described in § 373.4(d)(1). The approved Form FC–243 will have entered, in addition, below the validation stamp, the distributor's handwritten assigned number beginning with the written letter "D", as described in the abovementioned paragraph.[1] The exporter, upon receipt of two copies of Form FC–243, shall keep one copy and shall send the other copy to the foreign office from which the distribution is controlled. These forms and letters shall be used in assuring that distribution under the Foreign-Based Warehouse Procedure will be made only to customers approved by the Office of Export Administration. If the customer is not approved, the Form FC–243, or letter request covering a foreign government agency, will be returned with a notice informing the exporter of the reason. A Form FC–243 is generally valid until June 30 of the second year following the date on which the form is signed by the customer unless an earlier expiration date is requested. An approved letter covering a foreign government agency remains valid until the related Form FC–143 and extensions thereto expire; no renewal need be requested prior to that time.

* * * * *

(e) * * *

(2) *Types of shipments.* A qualified U.S. exporter may apply for export licenses covering any of three different types of shipments under the provisions set forth below. All such license applications must be received in the Office of Export Administration within the validity period of the supporting Forms FC–143 and/or 243.

(i) If a shipment is to be made to a distributor for subsequent distribution under this procedure, the application shall contain the following statement in the space entitled "Additional Information" on the application form, or on an attachment thereto:

The ultimate consignee named in this application is an approved distributor of U.S. commodities stocked abroad and has been assigned distributor's number (*insert Form FC–143 handwritten distributor's "D" number*).

(ii) If an urgent direct shipment to a distributor's customer is to be made, an application may be submitted: *Provided,* That the distributor has notified the U.S. exporter that he has an order from an approved customer for an approved commodity which is not in the distributor's foreign-based stock and for which the customer has an urgent need or specialized requirement. Upon receipt of this license, the U. S. exporter may ship the commodity directly from the United States to his distributor's customer. The license application shall include the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor (*insert Form FC–143 handwritten distributor's assigned "D" number*). Before making any shipment under this license, if granted, I (we) shall: (1) obtain an export order from the ultimate consignee, (2) wherever possible, obtain a written certification from the ultimate consignee on the export order with regard to the restrictions set forth in § 373.4(e)(2)(iii) of the Export Administration Regulations, and (3) for each shipment notify the ultimate consignee, in writing, of these restrictions.

The ultimate consignee named in this application is an approved customer of our foreign distributor. Our distributor (*insert Form FC–143 handwritten distributor's "D" number*) requests that shipment be made directly from the United States to fill an urgent need or specialized requirement.

(iii) If a shipment of parts and components is to be made directly to a distributor's customer, an application may be submitted if all of the conditions set forth in paragraph (e)(2)(iii)(*a*) through (*c*) of this section are met. Each order received from the distributor's customer should, whenever possible, include a certification from the customer that he will comply with all the provisions of paragraph (e)(2)(iii)(*a*) and (*b*) of this section. Regardless of whether the certification appears on the order, the U.S. exporter will, at the time of filling the order, transmit a written notification to the customer setting forth these restrictions.

(*a*) The commodities are included on the customer's validated Form FC–243 and represent parts and components that are either for use by the distributor's customer to repair equipment originally manufactured by the U.S. exporter or are used by another party exclusively for this purpose. The parts and components may be authorized for reexport only to the countries listed on the customer's validated Form FC–243. Reexports will not be authorized to Country Group Q, S, W, Y, or Z.

(*b*) The commodities will not be used to repair equipment owned or controlled by, or leased or chartered to, a country in Group Q, S, W, Y, or Z or a national thereof.

(*c*) The commodities are in a quantity which the exporter expects to ship to the customer during the next six calendar months for use in repairing equipment originally manufactured by the exporter's firm. If the licensed quantity proves insufficient, a request for an amendment to increase the quantity may be submitted in accordance with the provisions of Part 372 of this Chapter. However, no amendment will be granted to extend the validity period of such a license. Instead, the exporter should submit a new application for license 30 days prior to the expiration date of the outstanding license, accompanied by a statement showing the total quantity and value of each commodity shipped under the previous license as of the date of the new application.

(*d*) The license application includes the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor (*insert Form FC–143 handwritten distributor's assigned "D" number*). Before making any shipment under this license, if granted, I (we) shall: (1) obtain an export order from the ultimate consignee, (2) wherever possible, obtain a written certification from the ultimate consignee on the export order with regard to the restrictions set forth in § 373.4(e)(2)(iii) of the Export Administration Regulations, and (3) for each shipment notify the ultimate consignee, in writing, of these restrictions.

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PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

PART 377—SHORT SUPPLY CONTROLS

To provide better continuity in the regulations, the monitoring provisions, which have been divided between Parts 376 and 377, are consolidated in Part 376; the ferrous scrap and petroleum commodities affected by short supply controls are separated into two supplements to Part 377; and the 1974 ferrous scrap licensing system, formerly § 377.4A, is redesignated as § 377.4.

The portions of the Regulations relating to monitoring and short supply are now arranged as follows:

A. § 376.3; Monitoring of Ferrous Scrap. (These provisions were formerly in § 377.1(c).)

B. § 376.5; Monitoring of Fertilizers. (No change.)

C. Supplement No. 1 to Part 376; Ferrous Scrap Subject to Monitoring. (These provisions were formerly in Supplement No. 2 to Part 377.)

D. Supplement No. 2 to Part 376; Reserved for future use. (No change.)

E. Supplement No. 3 to Part 376; Fertilizer Materials Subject to Monitoring. (No change.)

F. § 377; Ferrous Scrap Export Licensing System for 1974. (These provisions were formerly in § 377.4A.)

G. Supplement No. 1 to Part 377; Ferrous Scrap Commodities Subject to Short Supply Licensing Controls. (Title changed as shown.)

H. Supplement No. 2 to Part 377; Petroleum and Products Subject to Short Supply Licensing Controls. (These provisions were formerly in Supplement No. 1 to Part 377.)

Accordingly, the Export Administration Regulations (15 CFR Parts 376 and 377) are amended by redesignating § 377.1(c) as § 376.4, redesignating Supplement No. 2 to Part 377 as Supplement No. 1 to Part 376, redesignating § 377.4A as § 377.4, and establishing a new Supplement No. 2 to Part 377 consisting of the material pertaining to Petroleum and Petroleum Products that heretofore had been located in Supplement No. 1 to Part 377.

Effective date: June 1, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74-12072 Filed 5-24-74;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER C—PERSONNEL

PART 719—REGULATIONS SUPPLEMENTING THE MANUAL FOR COURTS-MARTIAL

Nonjudicial Punishment and Courts-Martial Procedures

On November 6, 1973, Change 4 of the "Manual of the Judge Advocate General," Department of the Navy was promulgated throughout the Navy. This Change 4 revised, in part, Chapter I of the "Manual of the Judge Advocate General." The revisions concern nonjudicial punishment and courts-martial procedures, the authority to grant immunity, and procedures associated with the administration of military justice in the Navy. Those portions of Change 4 thereof having general applicability and legal effect necessitate a revision of Part 719 of Chapter VI of Title 32 of the Code of Federal Regulations. Accordingly, effective May 24, 1974, Part 719 of Chapter VI of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Nonjudicial Punishment

Sec.
719.101 General provisions.
719.102 Letters of censure.

Subpart B—Convening Courts-Martial

719.103 Designation of additional convening authorities.
719.104 Preparation of convening orders.
719.105 Changes in membership after court has been assembled.
719.106 Convening special courts-martial.
719.107 Restrictions on exercise of court-martial jurisdiction.
719.108 Superior competent authority defined.

Subpart C—Trial Matters

719.109 Trial guides.
719.110 Reporters and interpreters.
719.111 Oaths.
719.112 Authority to grant immunity from prosecution.
719.113 Article 39(a), UCMJ, sessions.
719.114 Pretrial agreements in general and special courts-martial.
719.115 Release of information pertaining to accused persons; spectators at judicial sessions.
719.116 Preparation and forwarding of charges.
719.117 Optional matter presented when court-martial constituted with military judge.
719.118 Court-martial punishment of reduction in grade.
719.119 Forfeitures, detentions, fines.
719.120 Preparation of records of trial.

Subpart D—Post-Trial Matters

719.121 Request for appellate defense counsel.
719.122 Review by staff judge advocate.
719.123 Action on courts-martial by convening authority.
719.124 Promulgating orders.
719.125 Review of summary and special courts-martial.
719.126 Action on special courts-martial by general court-martial convening authorities.
719.127 Supervision over court-martial records and their disposition after review in the field.
719.128 Criminal activity, disciplinary infractions, and court-martial report.
719.129 Remission and suspension.
719.130 Effective date of confinement and forfeitures when previous sentence not completed.
719.131 Vacation of suspension.
719.132 Approval of sentences extending to dismissal of an officer.
719.133 Service of decision of Navy court of military review on accused.
719.134 Execution of sentence.
719.135 Request for immediate execution of discharge.
719.136 Filing of court-martial records.

Subpart E—Miscellaneous Matters

719.137 Financial responsibility for costs incurred in support of courts-martial.
719.138 Fees of civilian witnesses.
719.139 Warrants of attachment.
719.140 Security of classified matter in judicial proceedings.
719.141 Court-martial forms.
719.142 Suspension of counsel.
719.143 Petition for new trial under Article 73, UCMJ.
719.144 Application for relief under Article 69, UCMJ, in cases which have been finally reviewed.
719.145 Set-off of indebtedness of a person against his pay.
719.146 Authority to prescribe regulations relating to the designation and changing of places of confinement.
719.147 Apprehension by civilian agents of the Naval Investigative Service.
719.148 Search and seizure forms.
719.149 Interrogation of criminal suspects form.
719.150 Court-martial case report.
719.151 Furnishing of advice and counsel to accused placed in pretrial confinement.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 801–940, 5031; and 18 U.S.C. 3481.

NOTE: This Part 719 is derived from Chapter I of the "Manual of the Judge Advocate General."

Subpart A—Nonjudicial Punishment

1. Section 719.101 is amended by revising paragraphs (b)(3), (c), (d), (e)(2) and by adding a new paragraph (f)(8) to read as follows:

§ 719.101 General provisions.

* * * * *

(b) * * *

(3) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, as a matter of policy while the unit is embarked therein, refrain from exercising his powers to impose nonjudicial punishment, referring all such matters to the commanding officer of the ship for disposition. This policy shall not be applicable to Military Sealift Command vessels operating under a master, nor is it applicable where an organized unit is embarked for transportation only. When an organized unit is embarked for transportation only in a ship of the Navy, the officer in command of such organized unit shall retain the authority possessed over such unit prior to embarkation, including disciplinary authority. Under ordinary circumstances, the internal control and discipline of a unit embarked for transportation only shall be left to the officer of that unit. Nothing in the foregoing shall be construed as impairing the paramount authority of the commanding officer of the ship, including disciplinary authority, over all personnel of the naval service embarked. In the case of units embarked for transportation only, however, the commanding officer of the ship should take disciplinary action under the Uniform Code of Military Justice over members of such embarked units only in unusual cases concerning incidents occurring on board his ship.

* * * * *

(c) *Nonpunitive measures.* (1) Commanding officers and officers in charge are authorized and expected to use nonpunitive measures, including administrative withholding of privileges not extending to deprivation of normal liberty, in furthering the efficiency of their commands. Such measures may include the temporary withholding of club, base exchange, commissary, theatre, etc., privileges depending upon the nature of the disciplinary infraction involved.

(2) These measures are not punishment and may be administered either orally or in writing. (See paragraph 128c, MCM.) Nonpunitive letters of censure, other than those issued by the Secretary of the Navy, shall not be forwarded to the Bureau of Naval Personnel or the Commandant of the Marine Corps, quoted or appended to fitness reports, or otherwise included in the official departmental records of the recipient. A sample nonpunitive letter of caution is set forth for guidance in Appendix section 1-a.[1]

(d) *Procedures.* The procedures prescribed in paragraph 133b, MCM and in this subsection shall be followed in imposing nonjudicial punishment. The requirements of § 719.102 (d) and (e) are also applicable if a letter of admonition or reprimand is to be imposed as punishment.

(1) *Advice prior to imposition.* Prior to holding mast or office hours, the officer contemplating imposition of nonjudicial punishment shall ensure that the individual concerned is fully advised of his legal rights associated with the possible imposition of nonjudicial punishment. This advice shall contain the following as a minimum:

(i) The offense(s) that the accused is suspected of having committed.

(ii) That the commanding officer is contemplating mast or office hours for the alleged offense(s).

(iii) That, if the accused is not attached to or embarked in a vessel, he has the right to demand trial by court-martial in lieu of mast or office hours.

(iv) That if the accused accepts mast or office hours, he will receive a hearing at which time he will be accorded the following rights:

(A) To be present before the officer conducting the hearing.

(B) To be advised of the offense(s) of which he is suspected.

(C) To have his rights under Article 31 (b) of the Uniform Code of Military Justice explained to him.

(D) To be present during the presentation of all information against him, either by testimony of a witness in person or by the receipt of his written statement(s), copies of the latter being furnished to the accused.

(E) To have available for his inspection all items of information in the nature of physical or documentary evidence to be considered by the officer conducting the hearing.

(F) To have full opportunity to present any matter in mitigation, extenuation, or defense of the offense(s) of which he is suspected.

(G) To be accompanied at the hearing by a personal representative to speak on his behalf, provided by the accused, who, may, but need not, be a lawyer.

(v) That, if he accepts mast or office hours, and if nonjudicial punishment is awarded to him, he will have the right to appeal to higher authority.

(v) That, if he accepts mast or office by court-martial in lieu of mast or office hours, the alleged charges against him may be referred to a court-martial.

(2) *Hearing requirements.* (i) An alleged offender in the Navy or the Marine Corps has the right to be accompanied at his Article 15 hearing by a personal representative to advise him and make a statement on his behalf. An accused's right to be accompanied by a personal representative does not create an obligation on the officer contemplating the imposition of nonjudicial punishment to provide such a personal representative to advise and speak on behalf of the accused. It is the responsibility of the accused to obtain and arrange for the presence of such a personal representative if he wishes one. Such a personal representative may, but need not be, a lawyer. The right to be accompanied by a personal representative does not constitute a right to representation in the sense of paragraph 48, *MCM, 1969 (Rev.)*. The granting of this right does not imply that an Article 15 hearing is to become a formal adversary proceeding.

(ii) The elemental hearing requirements of paragraph 133b, MCM, are expanded to provide that, when there are controverted questions of fact concerning the suspected, offense, witnesses, if present on the same ship, camp, station, or otherwise available, shall be called to testify if this can be done at no cost to the Government.

(iii) In addtion to the specific hearing requirements prescribed in paragraph 133b, MCM, all Article 15 hearings shall, when requested by the alleged offender, be open to the public to the extent permitted by available space unless, in the opinion of the officer contemplating the imposition of nonjudicial punishment, security interests dictate otherwise. The presence of representative members of the command as observers during all Article 15 hearings is authorized and encouraged as a method of dispelling erroneous perceptions which may exist concerning the integrity and fairness of the imposition of nonjudicial punishment. Nothing in this requirement shall preclude the alleged offender from exercising his right to confer privately with the officer contemplating the imposition of nonjudicial punishment to relate matters which, in the opinion of the alleged offender, are of a personal nature.

(3) *Nonjudicial punishment based on report of fact-finding.* (i) If nonjudicial punishment is contemplated on the basis of the record of a court of inquiry or other fact-finding body, a preliminary examination shall be made of such record to determine whether the individual concerned was accorded the rights of a party before such fact-finding body and, if so, whether such rights were accorded with respect to the act or omission for which nonjudicial punishment is contemplated. If the individual concerned was accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated, such punishment may be imposed without further proceedings. If the individual concerned was not accorded the rights of a party with respect to the offense for which punishment is contemplated, the impartial hearing prescribed in paragraph 133b, MCM, must be conducted. In the alternative, the record of the fact-finding body may be returned for additional proceedings during which the individual concerned shall be accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated.

(4) *Advice Subsequent to Imposition.* (i) The officer who imposes punishment under Article 15, UCMJ, shall again ensure that the offender is fully informed of his right to appeal.

(e) * * *

(2) *Punishments involving restraint and extra duties.* The punishments of arrest in quarters, correctional custody, confinement on bread and water or diminished rations, extra duties, and restriction, if unsuspended, take effect when imposed upon an accused attached to or embarked in a vessel. When any such punishments are authorized for, and are imposed upon, an accused not attached to or embarked in a vessel, such punishments, if unsuspended, will take effect when imposed; *Provided however*, That if an accused indicates an intent to appeal his punishment at the time of imposition of nonjudicial punishment, such punishment will be stayed pending completion of such appeal, unless the accused requests otherwise. If an accused does not indicate an intent to appeal at the time of imposition of nonjudicial punishment but later indicates an intent to appeal in a timely manner, as prescribed by paragraph (f) of this section further serving of punishment will be stayed pending completion of such appeal, unless the accused requests otherwise. As with forfeiture and detention, any prior punishment involving restraint will be completed before the second begins to run. In addition, commanding officers and officers in charge at sea may, when the exigencies of the service require, defer execution of correctional custody and confinement on bread and water or diminished rations for a reasonable period of time, not to exceed fifteen days, after imposition. When correctional custody is to be served in a regular confinement facility, the conditions of service and the provisions for release therefrom shall be as prescribed in the Corrections Manual. Otherwise, correctional custody shall be imposed and

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administered in accordance with SEC NAVINST 1640.7 series.

(8) *Contents.* In accordance with the requirements of paragraph 135, *MCM, 1969 (Rev.)*, appeals will be submitted in writing and may include the appellant's reasons for regarding the punishment as unjust or disproportionate. The contents of the forwarding endorsement of the officer who imposed the punishment should normally include:

(i) Comment on any assertions of fact contained in the letter of appeal which the officer who imposed the punishment considers to be inaccurate or erroneous.

(ii) Recitation of any facts concerning the offenses which are not otherwise included in the appeal papers. If such factual information was brought out at the mast or office hours hearing of the case, the endorsement should so state and include any comment in regard thereto made by the appellant at the mast or office hours. Any other adverse factual information set forth in the endorsement, unless it recites matter already set forth in official service record entries, should be referred to appellant for comment, if practicable, and he should be given an opportunity to submit a statement in regard thereto or state that he does not wish to make any statement.

(iii) As an enclosure, a copy of the completed mast report form (NAVPERS 1626/7 (Rev. 5-72)) or office hours report form (NAVMC 10132PD (Rev. 7-66)).

(iv) As enclosures, copies of all documents and signed statements which were considered as evidence at the mast or office hours hearing, or if the nonjudicial punishment was imposed on the basis of the record of a court of inquiry or other factfinding body in accordance with paragraph (d)(3) of this section, a copy of that record, including the findings of fact, opinions and recommendations, together with copies of any endorsements thereon.

(v) As an enclosure, a copy of the appellant's record of performance as set forth on service record page 9 (Navy) or NAVMC 118(3) (Marine).

* * * * *

2. Revise § 719.103(d)(2) as follows:

§ 719.103 Designation of additional convening authorities.

(d) * * *

(2) If authority to convene special or summary courts-martial is desired for commanding officers other than those listed in subparagraphs (3) and (4) of this paragraph, and such commanding officers are not empowered by statute or regulation to convene such courts, a letter shall be forwarded to the Judge Advocate General, via the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, with the request that authorization be obtained from the Secretary of the Navy pursuant to Article 23(a)(7), UCMJ, or Article 24(a)(4), UCMJ, as appropriate.

* * * * *

3. Revise § 719.107(c) as follows:

§ 719.107 Restrictions on exercise of court-martial jurisdiction.

* * * * *

(c) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, as a matter of policy while the unit is embarked therein, refrain from exercising any power he might possess to convene and order trial by special or summary court-martial, referring all such matters to the commanding officer of the ship for disposition. The foregoing policy does not apply to Military Sealift Command vessels operating under a master, nor is it applicable where an organized unit is embarked for transportation only. When an organized unit is embarked for transportation only in a ship of the Navy, the officer in command of such organized unit shall retain the authority possessed over such unit prior to embarkation, including disciplinary authority. Under ordinary circumstances, the internal control and discipline of a unit embarked for transportation only shall be left to the commanding officer of that unit. Nothing in the foregoing shall be construed as impairing the paramount authority of the commanding officer of the ship, including disciplinary authority, over all personnel of the naval service embarked. In the case of units embarked for transportation only, however, the commanding officer of the ship should take disciplinary action under the Uniform Code of Military Justice over members of such embarked units only in unusual cases concerning incidents occurring on board his ship.

* * * * *

4. Revise § 719.112 (a), (b), (d)(7) and (f) to read as follows:

§ 719.112 Authority to grant immunity from prosecution.

(a) *General.* In certain cases involving more than one participant, the interests of justice may make it advisable to grant immunity, either transactional or testimonial, to one or more of the participants in the offense in consideration for their testifying for the Government in the investigation and/or the trial of the principal offender. Transactional immunity, as that term is used in this section, shall mean immunity from prosecution for any offense or offenses to which the compelled testimony relates. Testimonial immunity, as that term is used in this section, shall mean immunity from the use, in aid of future prosecution, of testimony or other information compelled under an order to testify (or any information directly or indirectly derived from such testimony or other information). The authority to grant either transactional or testimonial immunity to a witness is reserved to officers exercising general court-martial jurisdiction. This authority may be exercised in any case whether or not formal charges have been preferred and whether or not the matter has been referred for trial. The approval of the Attorney General of the United States on certain orders to testify may be required, as outlined below.

(b) *Procedure.* The written recommendation that a certain witness be granted either transactional or testimonial immunity in consideration for testimony deemed essential to the Government shall be forwarded to the cognizant officer exercising general court-martial jurisdiction by the trial counsel in cases referred for trial, the pretrial investigating officer conducting an investigation upon preferred charges, the counsel or recorder of any other factfinding body, or the investigator when no charges have been preferred. The recommendation shall state in detail why the testimony of the witness is deemed so essential or material that the interests of justice cannot be served without the grant of immunity. The officer exercising general court-martial jurisdiction shall act upon such request after referring it to his staff judge advocate for consideration and advice.

* * * * *

(d) * * *

(7) If the witness refused to comply with the order, whether contempt proceedings were instituted, or are contemplated, and the result of the contempt proceeding, if concluded. A copy of this correspondence together with a verbatim transcript of the witness' testimony, authenticated by the military judge, should be provided to the Judge Advocate General at the conclusion of the trial. No testimony or other information given by a civilian witness pursuant to such an order to testify (or any information directly or indirectly derived from such testimony or other information) may be used against him in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

* * * * *

(f) *Form of grant.* In any case in which a military witness is granted transactional immunity, the general court-martial convening authority should execute a written grant substantially in the form set forth in appendix section A-1-d(1). In any case in which a military witness is granted testimonial immunity, the general court-martial convening authority should execute a written grant substantially in the form set forth in appendix section A-1-d(2).[1]

* * * * *

5. Revise § 719.120(e)(5) as follows:

§ 719.120 Preparation of records of trial.

* * * * *

(e) * * *

(5) *Court-Martial Data Form.* [Reserved]—Pending printing and availability in the Navy Supply System of NAVJAG 5813/1 (Rev. 6-72), refer to JAGNOTE 5813 of 14 July 1972 for instructions.

[1] Filed as part of the original document.

* * * * *

6. Revise § 719.122(b) as follows:

§ 719.122 Review by staff judge advocate.

* * * * *

(b) *Distribution of staff judge advocate's review.* In addition to the requirements of paragraph 85d, MCM, and § 719.120(e)(2), a copy of the review of the staff judge advocate shall be forwarded to the military defense counsel and a copy shall be forwarded to the command at which the accused is to be confined in order that it may be available to those charged with developing an institutional program for the individual. In addition to the foregoing, one copy of the review of the staff judge advocate shall be forwarded to the President, Naval Clemency and Parole Board, Washington, D.C. 20370, in those cases wherein the sentence includes confinement for eight months or more, or an unsuspended punitive discharge. The original and all copies must be legible.

* * * * *

7. Revise § 719.125(b) (1) and (2) as follows:

§ 719.125 Review of summary and special courts-martial.

* * * * *

(b) *Special courts-martial involving a bad conduct discharge—(1) Action by convening authority who is an officer exercising general court-martial jurisdiction.* When an officer exercising general court-martial jurisdiction is the convening authority of a special court-martial which involves a bad conduct discharge, and if such discharge is approved by him, the record shall be forwarded directly to the Navy Appellate Review Activity for review by the Navy Court of Military Review. In taking his action on the record, such a convening authority shall follow the procedures set forth in paragraph 85, MCM. In addition to forwarding the record of trial in accordance with paragraph 94a(3), MCM, such a convening authority will forward a copy of his action on the record to the military defense counsel of record.

(2) *Action by reviewing authority (officer exercising general court-martial jurisdiction).* In special court-martial cases where the sentence as approved by the convening authority who is not an officer exercising general court-martial jurisdiction includes a bad conduct discharge, review will be accomplished in accordance with paragraph 94a(3), MCM, and thereafter the reviewing authority, in addition to forwarding the record of trial in accordance with paragraph 94a(3), MCM, will forward a copy of his action on the record, or, where review under Article 65(b), UCMJ, cannot be accomplished in the field, as described hereinafter, a copy of the letter explaining why review under Article 65(b), UCMJ, was not accomplished, to the military defense counsel of record.

* * * * *

8. Revise § 719.128 as follows:

§ 719.128 Criminal activity, disciplinary infractions, and court-martial report.

(a) [Reserved] Pending printing and availability in the Navy Supply System of NAVJAG 5800/9 (Rev. 7-72) and NAVJAG 5800/9A (Rev. 7-72) refer to JAGNOTE 5800 of 10 August 1972 for instructions.

* * * * *

9. Revise § 719.141(a) as follows:

§ 719.141 Court-martial forms.

(a) *List.* The forms listed below are used in courts-martial by the naval service:

STD 1156	Public Voucher for Fees and Mileage of Witnesses
STD 1157	Claim for Fees and Mileage of Witness
DD 453	Subpoena for Civilian Witness
DD 454	Warrant of Attachment
DD 455	Report of Proceedings to Vacate Suspension
DD 456	Interrogatories and Depositions
DD 457	Investigating Officer's Report
DD 458	Charge Sheet
DD 490	Verbatim Record of Trial
DD 491	Summarized Record of Trial
DD 493	Extract of Military Records of Previous Convictions
DD 494	Court-Martial Data Sheet (Optional)
DD 1722	Request for Trial Before Military Judge Alone
NAVJAG	5800/9 Criminal Activity, Disciplinary Infractions and Court-Martial Report (Rev. 7-72) and 5800/9A Supplemental Report (Rev. 772)
NAVJAG	5813/1 Court Martial Data (Rev. 6-72)
NAVJAG	5813/2 Court Martial Case Report (Rev. 6-69)

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10. Revise § 719.144 (c) and (d) as follows:

§ 719.144 Application for relief under Article 69, UCMJ, in cases which have been finally reviewed.

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(c) *Contents of applications.* All applications for relief shall contain:

(1) Full name of the applicant;

(2) Social Security number and branch of service, if any;

(3) Present grade if on active duty or retired, or "civilian" or "deceased" as applicable;

(4) Address at time the application is forwarded;

(5) Date of trial;

(6) Place of trial;

(7) Command title of the organization at which the court-martial was convened (convening authority);

(8) Command title of the officer exercising general court-martial jurisdiction over the applicant at the time of trial (supervisory authority);

(9) Type of court-martial which convicted the applicant;

(10) General grounds for relief which must be one or more of the following:

(i) Newly discovered evidence;

(ii) Fraud on the court;

(iii) Lack of jurisdiction over the accused or the offense;

(iv) Error prejudicial to the substantial rights of the accused;

(10) An elaboration of the specific prejudice resulting from any error cited. (Legal authorities to support the applicant's contentions may be included, and the format used may take the form of a legal brief if the applicant so desires);

(11) Any other matter which the applicant desires to submit; and

(12) Relief requested.

The applicant's copy of the record of trial will not be forwarded with the application for relief, unless specifically requested by the Judge Advocate General.

(d) *Signatures on applications.* Unless incapable of making application himself, the applicant shall personally sign his application under oath before an official authorized to administer oaths. If the applicant is incapable of making application, the application may be signed under oath and submitted by applicant's spouse, next of kin, executor, guardian, or other person with a proper interest in the matter.

11. Revise § 719.145(a) as follows:

§ 719.145 Set off of indebtedness of a person against his pay.

(a) *Court-martial decisions.* When the United States has suffered loss of money or property through the offenses of selling or otherwise disposing of, or willfully damaging, or losing military property, willfully and wrongfully hazarding a vessel, larceny, wrongful appropriation, robbery, forgery, arson, or fraud for which persons, other than accountable officers as defined in NAVSUPMAN paragraph 1136(a)(b), have been convicted by court-martial, the amount of such loss constitutes an indebtedness to the United States which will be set off against the final pay and allowances due such persons at the time of dismissal, discharge, or release from active duty.

12. Add new § 719.151:

§ 719.151 Furnishing of advice and counsel to accused placed in pretrial confinement.

The Department of the Navy Corrections Manual, SECNAVINST 1640.9, reiterates the requirement of Article 10, UCMJ, that, when a person is placed in pretrial confinement, immediate steps should be taken to inform the confinee of the specific wrong of which he is accused and try him or to dismiss the charges and release him. The Corrections Manual requires that this information normally will be provided within 48 hours along with advice as to the confinee's right to consult with lawyer counsel and his right to prepare for trial. Lawyer counsel may be either a civilian lawyer provided by the confinee at his own expense or a military lawyer provided by the Government. If a confinee requests to confer with a military lawyer, such lawyer should normally be made available for consultation within 48 hours after the request is made.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

MAY 20, 1974.

[FR Doc.74-12100 Filed 5-24-74;8:45 am]

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PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Miscellaneous Amendments

The Disability Evaluation Manual, Department of the Navy, was revised on November 9, 1971, and changes were made in the regulations contained therein pertaining to medical boards and physical evaluation boards. In order to have these changes accurately set forth in the Code of Federal Regulations, Subparts C and E of Part 725, Chapter VI, of Title 32, Code of Federal Regulations, are revised to read as follows:

Subpart C—Medical Boards

Sec.
725.300 Full instructions concerning Medical Boards.
725.301 Convening authority.
725.302 Composition.
725.303 Purpose.
725.304 Necessity for accurate medical evaluation.
725.305 Board procedure.
725.306 Board preparation.
725.307 Patients who refuse medical, dental, or surgical treatment.
725.308 Disposition of report.
725.309 Action by convening authority.
725.310 Line of duty/misconduct reports.
725.311 Cases involving discipline.
725.312 Request for medical records.
725.313 Requests for statements of service.
725.314 Terminal/death imminent cases.
725.315 Expedited disability separation.

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Subpart E—Physical Evaluation Boards

725.519 Recommended findings, members on active duty for 30 days or less, or training duty under 10 U.S.C. 270(b).

. . . . .

Subpart C—Medical Boards

§ 725.301 Convening authority.

(a) A Medical Board may be convened by the commander of a fleet, force, squadron, or flotilla, by commanding generals of Fleet Marine Force units, or by the commandant, commander or commanding officer of a shore (field) activity of the Department of the Navy, upon any member of the Armed Forces under his command, on the recommendation of the medical officer of the command to which such person is attached. A Medical Board may also be convened by the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Naval Personnel, or the Chief, Bureau of Medicine and Surgery.

(b) Individual cases shall be referred to the Board, in such manner as the convening authority directs.

§ 725.302 Composition.

(a) Medical Boards will be composed of two Medical Corps officers of the Armed Forces or Public Health Service. A third member may be assigned at the discretion of the convening authority.

(b) One of the Medical Board members shall be a senior officer with detailed knowledge of the directives pertaining to standards of medical fitness and unfitness, disposition of patients, and disability separation procedures. Whenever possible, the Medical Board shall be composed of the Chief of Service (or his designated representative) and the medical or dental officer responsible for the patient's care. Other medical or dental officers may be assigned as the convening authority directs.

(c) When a member of the medical board does not have training in the specialty of the patient's primary impairment, appropriate specialty consultations shall be obtained prior to consideration of the case by the medical board.

(d) When the party before the board is a reservist, the membership of the board shall include Reserve representation. In any instance where Reserve members are not available, the convening authority shall so indicate in his forwarding endorsement.

(e) In cases involving questions of mental competency, the membership of the board shall include a psychiatrist.

§ 725.303 Purpose.

The medical board serves to report upon the present state of health of any member of the Armed Forces and as an administrative board by which the convening authority or higher authority obtains a considered clinical opinion regarding physical fitness of service personnel.

§ 725.304 Necessity for accurate medical evaluation.

(a) Although medical and dental officers do not determine physical unfitness for service, they should be familiar with the basic policies and concepts to be able to carry out the responsibility for identifying members whose physical fitness for full duty may be in doubt. There is no provision or authority for waiving a defect that would interfere with a member's ability to reasonably perform his duties. It is not possible to list and define all the medical factors that may compromise a member's ability to reasonably perform his duties; however, SECNAVINST 1830.3B provides certain guidelines on conditions which normally render an individual unfit because of physical disability and should be referred to in questionable cases. On the other hand, there is no substitute for competent and mature military medical judgment in appraising all the relevant factors in a given case.

(b) The mere presence of a physical defect does not in itself automatically require or justify referring a case to a PEB. The test must always be whether the defect interferes with the member's reasonable performance of his assigned duties. Initial enlistment and commissioning physical standards must not be confused with physical capability to perform duty. Once he is enlisted or commissioned, the fact that a member may later fall below initial entry standards does not require that his case be referred to a PEB. Similarly, there are prescribed minimum physical standards for special duties such as flying. Disqualification for special duties does not necessarily imply physical unfitness unless the disqualifying defect would also interfere with performance of other duties. Medical board evaluation is appropriate only in instances where the member's ability to reasonably perform military service is in doubt.

(c) Information contained in medical boards may play an important role in determining the rights of an individual to certain benefits (such as pensions, compensation, promotion, retirement, income tax exemptions, etc.). It is, therefore, essential to include in the report all available information with adequate documentation concerning the origin, nature, aggravation by service, and other significant facts concerning all the member's conditions which unfit the member and those which do not.

§ 725.305 Board procedure.

(a) The board shall consider and report upon the case of a member who is referred to it by competent authority. It shall require and examine such records in the case as are necessary to formulate a considered conclusion regarding the member's present state of health and the recommendations required. The board's report and recommendations shall be discussed with the member provided it is considered by competent medical authority that such discussion will not adversely affect his health.

(b) Unless it is considered that the information contained in the board's report might have an adverse affect on the member's physical or mental health.

(1) The member shall be allowed to read the board's report or be furnished a copy thereof;

(2) Significant findings and opinions and recommended disposition shall be brought to the member's attention;

(3) He shall be afforded an opportunity to submit a statement in rebuttal to any portion of the board's report. If a member submits a statement in rebuttal, the board shall review same and make any change which is considered appropriate or prepare a statement in surrebuttal.

(c) The NAVMED Form 6100/2 statement concerning the findings and recommendations of the board shall be completed, referred to the member for signature, and witnessed. This form and statement in rebuttal, if applicable, shall accompany the board's report but shall not be incorporated into it.

§ 725.306 Board preparation.

(a) The medical board report shall be submitted to the convening authority on NavMed Form 6100/1 (Medical Board Report Cover Sheet). The SF 502 (Narrative Summary) may be used for the body of the board's report provided the SF 502 includes all pertinent data concerning the case; otherwise, the body of the report shall be prepared on plain white bond paper.

(1) The cover sheet shall be completed in accordance with the guidelines set forth in article 18-24, ManMed.

(2) The body of the report shall present, in narrative form, all pertinent data concerning each complaint, symptom, disease, injury or disability presented by the member which causes or is alleged to cause impairment of health. The facts should be presented briefly and concisely. Emphasis must be placed on the detailed recording of each physical disability in such a manner that subsequent evaluation by adjudicative bodies can be made on the basis of the records.

(3) The narrative section of the board's report should be no more and certainly no less than a well written narrative summary and should answer the following questions:

(i) Why did the patient enter the hospital?

(ii) What physical findings (negative and positive) were found?

(iii) What were the results of pertinent laboratory and X-ray tests?

(iv) What medical or surgical treatment was rendered?

(v) What is the current physical condition of the patient at the time the medical board is written?

(vi) What is the prognosis and recommendation of the board concerning the disposition to be effected in the case?

(vii) What instructions were given to the patient, such as medication to be taken, physical restrictions, etc.?

(viii) Have all conditions and abnormalities been recorded?

(b) Since the medical board is considered the heart of the naval disability evaluation system, incomplete, inaccurate, misleading, or delayed reports may result in an injustice to the member or the Government. The history of his illness; objective findings on examinations; results of X-ray and laboratory tests; reports of consultations; and subjective conclusions with the reasons therefor, are pertinent evidence to support findings and recommendations. The mere presence of a physical disability does not necessarily render the member unfit for duty. The board's report shall clearly reflect the member's functional impairment, if any.

(1) Apparent contradictions in the records, such as disagreement with a report or consultation, should be thoroughly explained. The condition of a patient following therapy, his response thereto, the degree of severity of his disease or injury, and, when appropriate, their effect on his functional ability must be described in detail.

(c) If a previous medical board has been prepared, it is not necessary to repeat the detailed information contained therein pertaining to past history. In such cases, attention may be invited to the previous report and the description of the present illness restricted to the interval history and currently pertinent data.

(d) Any facts which are not a matter of record or of personal knowledge to a member of the board, but which are based on the member's own statement, should be recorded as "according to the member's own statement." Medical-social reports must be held in the strictest confidence, should not be shown to the member, and information derived therefrom shall not be entered in the board's report. Such data are obtained primarily for the benefit of the patient in diagnosis and treatment, and may be utilized for the purpose of further interrogation of the patient if pertinent. Any additional history so obtained from the patient or from other sources contacted as a result of "lead information" may be incorporated as a part of the history of the case.

(e) In the following instances, the board's report shall contain a statement concerning the member's capability to manage his own affairs:

(1) All psychoses.

(2) Organic brain disorders when the board's report indicates impairment of judgment.

(3) Psychoneuroses, severe, where possible impairment of judgment is indicated.

(4) Any case in which a member has previously been declared incapable of managing his own affairs.

(5) All psychiatric cases of sufficient severity to require further hospitalization.

(f) Except where considered necessary, the information reported on the cover sheet need not be repeated in the body of the board's report.

§ 725.307 Patients who refuse medical, dental, or surgical treatment.

(a) When a member refuses to submit to recommended therapeutic measures for a remedial defect or condition which has interfered with his performance of duty and following prescribed therapy the member is expected to be fit for full duty, the following procedures shall apply:

(1) After being counseled concerning the matter, any member of the naval service who refuses to submit to recommended medical, surgical, dental or diagnostic measures, other than routine treatment for minor or temporary disabilities, shall be transferred to a naval hospital for further evaluation and appearance before a medical board. (See article 3-14, ManMed, concerning compulsory medical or surgical treatment.)

(2) The board shall study the case, inquire into the merits of the individual's refusal to submit to treatment, and report the facts with appropriate recommendations.

(b) In surgical cases, the board's report shall contain answers to the following questions:

(1) Is surgical treatment required to relieve the incapacity and restore the individual to a duty status, and may it be expected to do so?

(2) Is the proposed surgery an established procedure that qualified and experienced surgeons ordinarily would recommend and undertake?

(3) Considering the risks ordinarily associated with surgical treatment, the patient's age and general physical condition, and his reasons for refusing treatment, is the refusal reasonable or unreasonable? (Fear of surgery or religious scruples may be considered, along with all the other evidence, for whatever weight may appear appropriate.)

(c) As a general rule, refusal of minor surgery should be considered unreasonable in the absence of substantial contraindications. Cases of major surgical operations may be reasonable or unreasonable, according to the circumstances. The age of the patient, previous unsuccessful operations, existing physical or mental contraindications, and any special risks, should all be taken into consideration.

(d) As a matter of policy, surgery shall not be performed on a person over his protest if he is mentally competent.

(e) In medical, dental or diagnostic cases, the board should show the need and risk of the recommended procedure.

(f) If a medical board decides that a diagnostic, medical, dental or surgical procedure is indicated, these findings must be made known to the patient. The board's report shall show that the patient was afforded an opportunity to submit a written statement explaining the grounds for his refusal, and any statement submitted shall be forwarded with the board's report. The patient should be advised that even if his disability originally arose in line of duty, its continuance would be attributable to his unreasonable refusal to cooperate in its correction; and that the continuance of the disability might, therefore, result in the member's separation without benefits.

(g) The patient should be advised that section 1207 of Title 10, U.S. Code, precludes disposition of his case under Chapter 61 of Title 10, U.S. Code, if his disability is due to intentional misconduct or willful neglect, or if it was incurred during a period of unauthorized absence. He should be further advised that benefits from the Veterans' Administration will be dependent upon a finding that his disability is in line of duty and is not due to his own willful misconduct. He should be further advised that the Social Security Act contains special provisions relating to benefits for "disabled" persons, and certain provisions relating to persons disabled "in line of duty" during service in the Armed Forces. In many instances persons deemed to have "remediable" disorders have been held not "disabled" within the meaning of that term as used in the statute, and Federal courts have upheld that interpretation. One who is deemed unreasonably to have refused to undergo available surgical procedures may be deemed both "not disabled" and "not in the line of duty."

(h) The board's report will be forwarded direct to the Central PEB except in those cases where the convening authority desires that the case be referred for Departmental review.

§ 725.308 Disposition of report.

The report of the medical board shall be signed by all the members of the board and transmitted to the convening authority.

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§ 725.309 Action by convening authority.

(a) When the indicated disposition is appearance before a physical evaluation board and the convening authority of the medical board concurs and is the Commanding Officer of a naval hospital or U.S. Naval Hospital, the Commanding Officer of the Naval Submarine Medical Center, or the Commandant of the Fourteenth Naval District, he shall endorse and forward an original and two copies of the medical board report and other required documents to the Central PEB located in the Office of Naval Disability Evaluation, Washington, D.C. 20390. In this connection, a copy of the member's current Health Record, injury report or investigative report (when appropriate), and the following clinical record documents shall accompany the medical board report—a copy (photostatic, quickcopy, typed, etc.) of the history, physical examination, doctor's progress notes, all laboratory, X-ray, and operative reports, copies of previous medical board reports relating to the condition for which the member is presently being reported on, and all consultations. Colored photographs (2 x 2 color slides are acceptable) should be provided in those cases involving scarring with disfigurement, pigmentation, or in cases of unusual deformities such as ankylosis of individual fingers. In addition, a copy of the request for a statement of service shall be attached (see § 725.313). Orders shall not be issued for personal appearance before a PEB until, and unless, the ONDE (Central PEB) advises the appropriate authority that the member has requested personal appearance before the PEB. Also, orders for personal appearance shall not be issued in the case of mentally incompetent members.

(b) When the convening authority of the medical board is other than the above and referral to a PEB is the recommended disposition, the medical board report shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, for appropriate action.

(c) When the recommended disposition is appearance before a PEB and the convening authority of the medical board does not concur, the convening authority shall advise the member concerned of his nonconcurrence and afford the member an opportunity to submit a statement in rebuttal. The convening authority shall then forward the medical board report, the member's signed statement, and a full statement setting forth his reasons for nonconcurrence to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, via the Chief, Bureau of Medicine and Surgery, for determination as to disposition to be effected.

(d) Orders for a personal appearance before a PEB empowered to conduct a formal hearing shall be issued by the authority which referred a case to the Disability Evaluation System upon notification from the Director, ONDE, that such appearance has been requested by the party or that a formal hearing is in the best interest of the party and the Government. Personnel who are in a patient status shall be transferred from hospital to hospital for personal appearance before a PEB in accordance with U.S. Navy Travel Instructions. Transportation through facilities of the Medical Air Evacuation System shall be utilized to the fullest extent possible.

(e) If further hospitalization is indicated, the member shall be retained on the sicklist until recommended findings have been made by the Central PEB. If further hospitalization is not indicated, the member may be discharged from the sicklist and transferred to a nearby appropriate administrative command to await counseling. The member shall not be sent home awaiting orders, granted other than emergency leave, or transferred to another activity until the recommended findings of the Central PEB have been received and accepted by the member. In those cases where the member has been discharged from the sicklist and does not accept the recommended findings of the Central PEB, the member shall be transferred through medical channels to the appropriate hospital for a formal hearing.

(f) The convening authority of a medical board for good and sufficient reason, and with the consent of the member concerned, may withdraw any case he has referred to the Central PEB so long as the case is still before the Central PEB and recommended findings have not yet been made. If recommended findings have been made by the Central PEB and the convening authority considers that good and sufficient reasons exist for withdrawal of the case from the Disability Evaluation System, the convening authority may, with the consent of the member concerned, request the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, or the Chief, Bureau of Medicine and Surgery, to withdraw the case under the provisions of Subpart H of this part.

§ 725.310 Line of duty/misconduct reports.

In each case in which a member of the naval service incurs an injury which might result in a permanent disability or which results in his physical inability to perform duty for a period exceeding 24 hours (as distinguished from a period of hospitalization for evaluation or observation), findings concerning line of duty and misconduct must be made. Responsibility to order investigation in such cases is contained in the JAG Manual, section 0806. Whenever a copy of the report of investigation or injury report is not forwarded with the medical board report, a copy of all communications initiated by the hospital, with copies of all replies received, to obtain a copy of the investigative or injury report shall be attached to the medical board report with a statement explaining the circumstances of the injury. The statement shall include the name and address of the command having responsibility for the investigation, or a finding of not misconduct and in line of duty.

§ 725.311 Cases involving discipline.

(a) When a medical board report is considered necessary and an administrative involuntary separation or court-martial proceedings or investigative proceedings are pending, indicated, or have been completed, and in cases of uncompleted sentences of courts-martial involving confinement where the disciplinary features of the case warrant resolution prior to or in connection with further disposition, the medical board report together with all pertinent facts relative to the disciplinary aspects of the case shall be submitted to the Navy Department for such administrative action as is deemed warranted and no orders directing disposition or authorizing the appearance of the member before a PEB shall be issued by the convening authority.

(b) The Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, may either direct disciplinary processing, direct disability processing, or direct concurrent disciplinary and disability processing of the member's case.

§ 725.312 Request for medical records.

When the indicated disposition of the medical board is referral to a PEB and the convening authority concurs and is the Commanding Officer of a naval hospital or U.S. Naval Hospital, the Commanding Officer of the Naval Submarine Medical Center, or the Commandant of the Fourteenth Naval District, he shall advise BUMED (Code 3342), and request that the member's medical records be forwarded to the ONDE (Central PEB). In all other cases, where the indicated disposition is referral to a PEB, the Central PEB shall take such action as may be necessary to obtain the medical records. (See: art. 18-25 ManMed.)

§ 725.313 Requests for statements of service.

The command responsible for making the determination that a member's case be referred to a PEB (generally the convening authority of the medical board, the Chief of Naval Personnel, or the Commandant of the Marine Corps) shall initiate a request to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, that a statement of service for the member concerned be provided to the Central PEB. Requests addressed to the Chief of Naval Personnel shall be sent to Pers-E. Requests addressed to the Commandant of the Marine Corps shall be sent to Code DM. All requests should be by message, when appropriate, and should include the member's social security number, full name, grade or rate and Navy Enlisted Classification code (NEC) or Military Occupation Speciality (MOS), when appropriate. (See: art. 18-26, ManMed.)

§ 725.314 Terminal/death imminent cases.

(a) The provisions of this section apply to members of the Navy and the Marine Corps who are patients in a hospital.

(b) It is not within the mission of the Department of the Navy to provide definitive medical care to members on active duty requiring prolonged hospitalization, who are unlikely to return to duty. The time at which a member should be processed for disability separation must be determined on an individual basis, taking into consideration the interests of both the Government and the member. However, before initiating disability evaluation procedures on a patient who has been identified as a terminal case, the hospital commanding officer shall insure that "optimum hospital improvement" has been attained. When "optimum hospital improvement" has been attained, disposition of the patient shall be governed by humanitarian consideration, with due regard for the economic conditions of the patient and his beneficiaries. However, terminal cases shall neither be retained nor separated solely for the purpose of increasing their retirement or separation benefits.

(c) Normally, a terminal medical case will be processed in accordance with the instructions of the other chapters of this Manual. However, if death is so imminent as to preclude completion of routine procedures, and application of the criteria set forth in paragraph (b) of this section warrants early separation of a member, whose case has not been presented to a PEB, a message report from the hospital commanding officer, or telephone communication, if necessary, shall be made directly to the Office of Naval Disability Evaluation, Washington, D.C., providing information necessary for disposition to be made. Outside of normal working hours these communications shall be made to the Duty Officer, Bureau of Medicine and Surgery. Such communications shall include the following information, insofar as possible:

(1) Member's full name, rank/rate, SSN, USN/USNR, USMC/USMCR;

(2) Member's duty station (i.e., activity holding records);

(3) Dependency status (i.e., single, married, children, other relatives listed in available Emergency Data personnel records);

(4) Whether member has Government insurance and amount;

(5) Status of member as regards Retired Serviceman's Family Protection Plan;

(6) Approximate length of ACTIVE service;

(7) Life expectancy (i.e., hours or days);

(8) Diagnosis and diagnostic nomenclature number (IDCA);

(9) If death is imminent, as a result of an injury, as opposed to a disease:

(i) Duty status of member at time of accident (i.e., leave or liberty, authorized or unauthorized);

(ii) Opinion of investigating officer, regarding line of duty/conduct;

(iii) Brief of circumstances of accident, including time and date of injury.

(d) In a case in which the PEB proceedings have already been forwarded to the Office of Naval Disability Evaluation and then death becomes imminent, such fact shall be made known to the Office of Naval Disability Evaluation immediately, so that action may be expedited, if warranted. Outside of normal working hours, the procedure described in paragraph (c) of this section shall be followed.

(e) Commanding officers of naval hospitals or other authorized persons shall insure that the spouse, or (if there is no spouse) the legal guardian or custodian of the child or children of mentally incompetent members, is promptly advised of her/his right to request the Secretary of the Navy to make an election in their behalf regarding the Retired Serviceman's Family Protection Plan.

(f) Upon effecting a member's disability retirement, the member, or his next of kin if the member is mentally incompetent (including unconsciousness resulting from disease or injury), shall be immediately advised of the right to file for "Disabled Veterans' Insurance" under the National Service Life Insurance Act, as amended 38 U.S.C. 722. In cases of mental incompetence, as defined in this subsection, if the next of kin or some other close family member to whom this information can be furnished is not available, so apprise the Chief of Naval Personnel or the Commandant of the Marine Corps (DN), as appropriate, immediately of that fact, and as to the date on which, and the person to whom, such information was furnished.

§ 725.315 Expedited disability separation.

(a) The provisions of this section apply only to members of the Navy and Marine Corps who are patients in a service hospital.

(b) When it appears obvious at the time of admission to the hospital that a member's condition is of such a nature that he is never likely to return to duty, and immediate transfer to a Veterans Administration Hospital is medically indicated, the member may be processed for physical disability retirement prior to attaining optimum hospital improvement in the service hospital. The medical officer treating the case will, within the first 10 days of the member's hospitalization, inform the hospital commanding officer, who shall immediately forward the following information to the ONDE (PRC) by speedletter (air mail where appropriate, telephone in extreme cases), with information copies to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, the Judge Advocate General, and the Chief, Bureau of Medicine and Surgery. Simultaneously, if indicated, a request to the Armed Services Medical Regulating Office (ASMRO) for bed designation in a VA hospital should be submitted, if the member requires further hospitalization and the member can be transported. The speedletter shall refer to this paragraph and shall state:

(1) Member's full name, rank/rate, SSN, USN/USNR, USMC/USMCR;

(2) Member's duty station (i.e., activity holding records);

(3) A VA Claim has been prepared and reviewed by a VA representative and is ready for submission upon execution of TDRL orders;

(4) Approximate length of ACTIVE service.

(5) Diagnosis and diagnostic nomenclature number (appending an interim Narrative Summary, to include a description of functional impairment);

(6) If the condition which renders the member unfit is the result of an injury, as opposed to a disease:

(i) Duty status of member at time of accident (i.e., leave or liberty, authorized or unauthorized);

(ii) Opinion of investigating officer regarding line of duty/conduct;

(iii) Brief of circumstances of accident. In addition to the interim Narrative Summary, there shall be appended to the speedletter report a statement signed by the member concerned agreeing to the special processing of his case and waiving his right to a full and fair hearing before a physical evaluation board (NAVMED Form 1900/1).

(c) Subject to the availability of space and facilities and capabilities of the professional staff, hospital commanding officers may approve requests from members processed under this paragraph for retention in a service hospital until optimum service hospital improvement has been achieved.

(d) In those instances where the member, after counseling, declines special processing of his case, he shall sign a statement to that effect, to be made a permanent part of his record, and his case shall be processed routinely in accordance with applicable provisions of this part.

(e) Hospital commanding officers shall, upon transfer of a member to a Veterans Administration Hospital, request that the VA hospital forward to the ONDE (PRC) a copy of the Narrative Summary prepared upon the member's discharge from treatment, or interim summaries at six-month intervals, whichever is appropriate.

Subpart E—Physical Evaluation Boards

§ 725.519 Recommended findings, members on active duty for 30 days or less, or training duty under 10 U.S.C. 270(b).

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H. B. Robertson, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

May 17, 1974.

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SUBCHAPTER D—PROCUREMENT, PROPERTY PATENTS, AND CONTRACTS

PART 736—DISPOSITION OF PROPERTY

Excess and Surplus Property

Part 736 of Chapter VI of Title 32 of the Code of Federal Regulations pertains to the disposal of excess and surplus property under the jurisdiction of the Department of the Navy. Pertinent reg-

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ulations within the Department of the Navy have been revised, and those having general applicability and legal effect warrant a corresponding revision of the Code of Federal Regulations. Accordingly, effective May 24, 1974, Part 736 of Chapter VI of Title 32 of the Code of Federal Regulations is revised to read as follows:

1. Section 736.1 is amended by revising the introductory paragraph and paragraph (c) to read as follows:

§ 736.1 General.

Real and personal property under the jurisdiction of the Department of the Navy, exclusive of battleships, aircraft carriers, cruisers, destroyers, and submarines (referred to as warships in this part) and certain public domain lands and mineral interests, may be disposed of under the authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471), in this part referred to as the Federal Property Act. The Federal Property Act places the responsibility for the disposition of excess and surplus property located in the United States, Puerto Rico, and the Virgin Islands with the Administrator of General Services, and for disposition of such property located in foreign areas, with the head of each executive agency. The Act of August 10, 1956 (70A Stat. 451; 10 U.S.C. 7304, 7305, 7307) and Executive Order 11765 of January 21, 1974, (39 FR 2577) provide authority for the disposal of warships as well as other vessels stricken from the Naval Vessel Register. The United States Maritime Commission, however, is authorized to dispose of surplus vessels, other than warships, or 1,500 gross tons or more which the Commission determines to be merchant vessels or capable of conversion to merchant use (40 U.S.C. 484(1)). Accordingly, in disposing of its property, the Department of the Navy is subject to applicable regulations of the Administrator of General Services and the Secretary of Defense, and, in regard to potential merchant vessels other than warships, to determinations of the United States Maritime Commission. In general, property of the Department of the Navy, which becomes excess to its needs, may not be disposed of to the general public until it has been determined to be surplus after screening such property with the other military departments of the Department of Defense and all other agencies of the Government, and after it has been offered for donation to the educational institutions.

* * * * *

(c) The Department of Defense Disposal Manual and directives issued by the Department of the Navy cover the disposition of all property of the Department including disposition under the Federal Property Act. The Navy Personnel Property Disposal Manual and the Marine Corps Supply Manual contain information and operating instructions for the guidance of field personnel in disposing of personal property at Navy and Marine Corps installations, respectively. Section XXIV of Navy Procurement Directives contains similar information applicable to the disposition of contractor inventory. These publications are available for inspection at the Naval Material Command Headquarters, Washington, D.C.; at the offices of the Commandants of the several Naval Districts; and at various Navy and Marine Corps installations.

2. Section 736.3 is revised to read as follows:

§ 736.3 Sale of personal property.

(a) The sale of personal property determined to be surplus or foreign excess or for exchange purposes is authorized by the Federal Property Act and regulations of the Administrator of General Services (see § 736.1(a)). Certain vessels stricken from the Naval Vessel Register may be sold under the act of August 19, 1956, (70A Stat. 451, 10 U.S.C. 7305).

(b) Sales are by sealed bid, auction, spot bid or, under limited conditions prescribed by law, negotiated method. A deposit, generally 20 percent of the amount bid, is normally required of each bidder. Awards are usually made to the highest acceptable bidder. Normally property may not be removed from Government control until full payment is made. Arrangements must be made by the successful bidder to remove the property within the time limit prescribed in the invitation to bid or sales contract. The Government reserves the right to withdraw any property from sale when in the best interest of the Government.

(1) The Department of Defense has a contact point for any person interested in purchasing surplus Department of Defense personal property within the United States. The contact point is the Defense Surplus Bidders Control Office, Defense Logistics Service Center, Federal Center Building, Battle Creek, Michigan. This office maintains a single bidders list for all military departments. The list is arranged to show each person's buying interests, both geographically and with respect to categories of property. The categories of property (together with an application blank) are listed in a pamplet "How to Buy Surplus Personal Property From The Department of Defense," prepared by the Defense Logistics Services Center, Defense Supply Agency, Battle Creek, Michigan.

(2) Retail sales at fixed prices based on the current market value are conducted by certain Defense property disposal offices.

Sections 736.5 (d), (e), and (h) is revised to read as follows:

§ 736.5 Disposition of real and personal property under special statutory authority.

* * * * *

(d) *Disposition of vessels.* Vessels stricken from the Naval Vessel Register may be sold by the Department of the Navy under the authority and subject to the limitations of the Federal Property Act (sections 203(1), 63 Stat. 386, 40 U.S.C. 484(1)) and the act of August 10, 1956, (70A Stat. 451; 10 U.S.C. §§ 7304, 7305, 7307) and Executive Order 11765 (39 FR 2577). However, pursuant to section 203(1) of the Federal Property Act (40 U.S.C. 484(1)), the United States Maritime Commission disposes of vessels, other than warships, if over 1,500 gross tons and determined by the Maritime Commission to be merchant vessels or capable of conversion to merchant use. Vessels may be sold for scrapping or for use under such authority or, if such sale is not feasible, the Naval Ship Systems Command may arrange for the demolition of a vessel and sale of the resulting materials by an authorized selling activity as set forth in § 736.3.

(e) *Exchange of sale of property for replacement purposes.* Under the authority of section 201(c) of the Federal Property Act (40 U.S.C. 481(c)) and of the Armed Services Procurement Regulations, the Department of the Navy is authorized in the procurement of new equipment, to exchange or sell similar items which are not excess to its needs, and apply the exchange allowance or proceeds of sale in whole or part payment for the items procured.

* * * * *

(h) *Assistance in major disaster relief.* Under the act of December 31, 1970, (42 U.S.C. 4401–4485) and subject to directions of the Director of the Office of Emergency Preparedness, certain excess personal property may be utilized for or donated to States and local governments for relief of suffering and damage resulting from major disasters. Surplus property may also be disposed of to States for sale to small business concerns affected by specific disasters such as hurricanes.

* * * * *

H. B. ROBERTSON, JR.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.
MAY 17, 1974.

[FR Doc.74-12102 Filed 5-24-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS

Penalty Procedures

On pages 21921–21923 of the FEDERAL REGISTER of August 14, 1973, and page 24210 of the FEDERAL REGISTER of September 6, 1973, there was published a document which established a new Subpart C to Part 401, Seaway Regulations of the Saint Lawrence Seaway Development Corporation. Subpart C deals with the Assessment, Mitigation or Remission of Penalties for violations of the regulations.

On March 22, 1974 a revision of Subpart A—Regulations and Subpart B—Rules by consolidating the two subparts into Subpart A—Seaway Regulations was published. Therefore, the purpose of this document is to revise Subpart C to change references to "Seaway regulations and rules" to "Seaway regulations".

Since public procedures have already been accomplished on this Subpart C, and only editorial changes are being made here, this document is effective immediately.

Subpart C—Assessment, Mitigation or Remission of Penalties, is revised to read as follows:

Subpart C—Assessment, Mitigation or Remission of Penalties

Sec.
401.201 Delegation of authority.
401.202 Statute providing for assessment, mitigation or remission of civil penalties.
401.203 Reports of violations of Seaway regulations and instituting and conducting civil penalty proceedings.
401.204 Criminal penalties.
401.205 Civil and criminal penalties.
401.206 Procedure for payment of civil penalty for violation of Seaway regulation.

AUTHORITY: Sec. 106 of Pub. L. 92-340, 86 Stat. 424.

Subpart C—Assessment, Mitigation or Remission of Penalties

§ 401.201 Delegation of Authority.

(a) The Secretary of Transportation, by 49 CFR 1.50a, has delegated to the Administrator of the Saint Lawrence Seaway Development Corporation the authority vested in him under the Ports and Waterways Safety Act of 1972, Pub. L. 92-340, as it pertains to the operation of the Saint Lawrence Seaway.

(b) The Administrator hereby authorizes the Corporation's Resident Manager to administer this statute in accordance with the procedures set forth in this subpart.

§ 401.202 Statute providing for assessment, mitigation or remission of civil penalties.

Title I of the Ports and Waterways Safety Act of 1972 authorizes the assessment and collection of a civil penalty of not more than $10,000 from anyone who violates a regulation issued under that Title.

§ 401.203 Reports of violations of Seaway regulations and instituting and conducting civil penalty proceedings.

(a) Violations of Seaway regulations, Subpart A of this Part, will be brought to the attention of the alleged violator at the time of detection whenever possible. When appropriate, there will be a written notification of the fact of the violation. This notification will set forth the time and nature of the violation and advise the alleged violator relative to the administrative procedure employed in processing civil penalty cases. The alleged violator will be advised that he has 15 days in which to appear before the Resident Manager or submit a written statement for consideration. The Resident Manager shall, upon expiration of the 15-day period, determine whether there has been a violation of the Seaway regulations.

(b) If the Resident Manager decides that a violation of Seaway regulations has occurred, a determination will be made as to whether to invoke no penalty at all and close the case or whether to invoke a part or full statutory penalty. In either event, a written notice of the decision shall be given to advise the violator. If a penalty is assessed, such notice will advise the violator of his right to petition for relief within 15 days or such longer period as the Resident Manager, in his discretion, may allow. The Resident Manager may mitigate the penalty or remit it in full, except as the latter action is limited to paragraph (f) of this section. The violator may, if he desires, appear in person before the Resident Manager. If the violator does not apply for relief but instead maintains that he has not committed the violation(s) charged, and the Resident Manager, upon review, concludes that invocation of the penalty was proper, no remission or mitigation action will be taken. On the other hand, should the violator petition the Resident Manager for relief without contesting the determination that a violation did, in fact, occur, relief may be granted as the circumstances may warrant.

(c) When the penalty is mitigated, such mitigation will be made conditional upon payment of the balance within 15 days of the notice or within such other longer period of time as the Resident Manager in his discretion may allow.

(d) The violator may appeal to the Administrator from the action of the Resident Manager. Any such appeal shall be submitted to the Administrator through the Resident Manager within 15 days of the date of notification by the Resident Manager, or such longer period of time as the Resident Manager, in his discretion, may allow.

(e) Should the alleged violator require additional time to present matters favorable to his case at any stage of these penalty proceedings, a request for additional time shall be addressed to the Resident Manager who will grant a reasonable extension of time where sufficient justification is shown.

(f) Under the following circumstances, the Corporation's General Counsel shall forward cases involving violations of the Seaway regulations to the United States Attorney with the recommendation that action be taken to collect the assessed statutory penalty:

(1) When, within the prescribed time, the violator does not explain the violation, appeal for mitigation or remission, or otherwise respond to written notices from the Resident Manager; or

(2) When, having responded to such inquiries, the violator fails or refuses to pay the assessed or mitigated penalty, or to appeal to the Administrator, within the time prescribed; or

(3) When the violator denies that the violation(s) was committed by him, the Resident Manager, upon review, disagrees and the violator thereafter fails to respond to the demand, appeal to the Administrator, or to remit payment of the assessed penalty within the time prescribed (see § 401.203(b)); or

(4) When the violator fails to pay within the prescribed time the penalty as determined by the Administrator after consideration of the violator's appeal from the action of the Resident Manager.

(g) If a report of boarding or on investigation report submitted by a Corporation employee or investigative body discloses evidence of violation of a Federal criminal statute, the Corporation's General Counsel, in accordance with § 401.204, shall refer the findings to the United States Attorney for appropriate action.

§ 401.204 Criminal penalties.

(a) Prosecution in the Federal courts for violations of Seaway regulations enforced by the Corporation which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) The Corporation's General Counsel is hereby authorized to determine whether or not a violation of a Seaway regulation carrying a criminal penalty is one which would justify referral of the case to the United States Attorney.

(c) The Corporation's General Counsel will identify the regulations which were violated and make specific recommendations concerning the proceedings to be instituted by the United States Attorney in every case.

(d) Referral of a case to the United States Attorney for prosecution terminates the Corporation's authority with respect to the criminal aspects of a violation.

§ 401.205 Civil and criminal penalties.

(a) If a violation of a Seaway regulation carries a criminal penalty, the Corporation's General Counsel is hereby authorized to determine whether to refer the case to the United States Attorney for prosecution in accordance with § 401.304, which outlines the appropriate procedure for handling criminal cases.

(b) The decision of the United States Attorney as to whether to institute criminal proceedings shall not bar the initiation of civil penalty proceedings by the Resident Manager.

§ 401.206 Procedure for payment of civil penalty for violation of Seaway regulation.

(a) The payment must be by money order or certified check payable to the order of the Saint Lawrence Seaway Development Corporation when mailed to the Resident Manager. If the payment is made in person at the offices of the Saint Lawrence Seaway Development Corporation, the payment may be in cash or by postal money order or check payable to the order of the Saint Lawrence Seaway Development Corporation.

(b) The payment of any penalty is acknowledged by written receipt.

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(c) If the penalty paid is determined by the Resident Manager to have been improperly or excessively imposed, the payor will be notified and requested to submit an application for a refund which should be mailed to the Saint Lawrence Seaway Development Corporation, attention of the Resident Manager. Such application must be made by the payor within one year of the date of the notification provided for in this section.

(d) In the event the alleged violator is about to leave the jurisdiction of the United States, he will be required, before being allowed to depart, to post a bond in the amount and manner suitable to the Resident Manager, from which bond any subsequent assessed or mitigated penalty may be satisfied.

Effective date: May 28, 1974.

(68 Stat. 92–97 (33 U.S.C. 981–990, as amended), and sec. 104, Pub. L. 92–340, 86 Stat. 424; 49 CFR 1.50a (37 FR 21943))

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.74–12087 Filed 5–24–74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R–74–269]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Standards and Financing

The Department of Housing and Urban Development is amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart B, "Mobile Home Loans." The amendments would require that:

1. Where mobile homes are to be placed on lots serviced by wells and septic tanks, and there is no applicable sanitary code, the borrower or dealer shall obtain a certification from a sanitary engineer that the site is in conformation with HUD sanitary standards.

2. Maximum loan amount be limited to 113 percent of the manufacturer's invoice. The present regulation permits a loan amount up to 115 percent of the manufacturer's invoice. A reduction in the amount financed is indicated in order to improve loan quality.

3. Costs of transportation or freight of the mobile home would not be permitted to be included in the amount financed. The present regulation permits such costs to be included as a separate item in a loan.

4. Setup charges are increased from $200 to $400 for a mobile home and from $400 to $600 for mobile homes consisting of two or more modules. The increase allows for costs of "tie-downs". Costs of transporting the home from the dealer's lot to the borrower's site may also be included.

5. Dealers approved by insured lenders must agree to sell repossessed mobile homes upon request of the insured lender.

6. Minimum downpayments would be revised to require a minimum cash downpayment of 5 percent of the first $3,000 total cost of the home and 10 percent of any amount in excess of $3,000. The previous requirement was that the downpayment be 5 percent of the first $6,000 and 10 percent of the amount in excess of $6,000.

7. The insurance premium payable by the insured lender will be increased from thirty-three one hundredths of 1 percent per annum to fifty-four hundredths of 1 percent per annum. This charge reflects prospective actuarial analysis.

8. The sales commission allowable to a dealer for the resale of a repossessed mobile home would be increased from 3 percent to 7 percent. This increase in sales commission is necessary to facilitate sales of repossessed homes.

9. The claims procedure is amended to provide that the retail value of a repossessed home will be deducted from the unpaid amount of the obligation. Present procedures provide for deduction of the wholesale value.

The Secretary has determined that advance notice and public procedure are unnecessary and would delay the amendments from becoming effective and it is in the public interest that the amendments become effective in less than the 30 day period referred to in 5 U.S.C. 553(d) and that good cause exists for making these amendments effective on May 28, 1974. Interested persons may submit written comments or suggestions, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. A copy of each communication will be available for public inspection during regular business hours at the above address.

Accordingly, Subchapter B of Chapter II is amended as follows:

(1) In § 201.525(c)(2) is amended to read as follows:

§ 201.525 Mobile home location standards.

* * * * *

(c) * * *

(2) The insured shall obtain from the borrower or the dealer a certification made by an authorized local official establishing that the site has adequate sanitary facilities and is in conformance with applicable sanitary code in the jurisdiction in which the mobile home is located. If there is no local sanitary code the borrower or the dealer shall obtain a certification from a sanitary engineer that the site is in conformance with sanitary standards proscribed by HUD Minimum Property Standards.

* * * * *

(2) Section 201.530 is amended to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The mobile home loan proceeds shall not exceed the lesser of $10,000 ($15,000 where the mobile home is composed of two or more modules) or 113 percent of the total price for such home, as stated in the manufacturer's invoice (113 percent of the wholesale blue book price, if a previously financed used mobile home is involved). The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $10,000 ($15,000 where the mobile home is composed of two or more modules).

(b) *Permissible charges and fees.* The following charges and fees are authorized:

(1) Filing or recording fees and charges.

(2) Documentary stamp taxes.

(3) State and local sales taxes.

(4) Costs of comprehensive and extended coverage insurance and a vendor's single interest coverage. The term of the initial policy shall not exceed 5 years.

(5) Itemized setup charges, including costs of "tie-downs", by the dealer for installing the mobile home on site and transportation costs from the dealer's lot to the site, not to exceed $400 or where the mobile home consists of two or more modules, $600.

(3) Section 201.535 is amended to read as follows:

§ 201.535 Borrower's minimum investment.

The borrower shall make a minimum cash downpayment of at least 5 percent of the first $3,000 of the total cost of the mobile home as shown in the purchase contract (excluding permissible charges and fees provided for in § 201.530 (b)) plus 10 percent of any amount in excess of $3,000.

(4) In § 201.595 a new paragraph (e) is added to read as follows:

§ 201.595 Dealer investigation, approval and control.

* * * * *

(e) The insured shall require a written agreement from the dealer that the dealer shall agree to sell, at the request of the insured, any home which is repossessed by the insured.

(5) Section 201.625 is amended to read as follows:

§ 201.625 Rate of insurance charge.

The insured shall pay to the Commissioner an insurance charge equal to fifty-four one hundredths (0.54) of 1 percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance. In computing the insurance charge, no charge shall be made for a period of 14 days or less, and a charge for a month shall be made for a period of more than 14 days.

(6) Paragraph (a) and paragraph (c) (4) of § 201.680 are amended to read as follows:

§ 201.680 Amount of claim.

(a) Deduct from the unpaid amount of the obligation (net unpaid principal and the earned portion of the financing charge, at the time of default) the actual sales price obtained for the mobile home following its repossession, or the appraised value of the mobile home, whichever amount is greater. The determination of appraised value (for the purposes of this paragraph) shall be made by the Commissioner, at his option, on the basis of either retail value listed in a current accepted value rating publication (establishing wholesale and retail value for comparable mobile homes in the geographic rating area) or on the basis of an actual appraisal of the mobile home. The Commissioner's determination of appraised value shall be binding on the insured for the purposes of establishing its loss.

* * * * *

(c) * * *

(4) A sales commission to the dealer for the resale of the repossessed mobile home, not to exceed 7 percent of the sales price.

(Sec. 7(d), 79 Stat. 670, 42 U.S.C. 3535(d); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703)

Effective date. These amendments are effective May 28, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit-Commissioner.

[FR Doc.74–12178 Filed 5–24–74;8:45 am]

[Docket No. R–74–270]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Mobile Home Interest Rate Increase

The Department of Housing and Urban Development is amending § 201.540 to revise the maximum allowable interest rate on mobile home loans insured under this part to a maximum annual percentage rate of 11.25 percent.

The Secretary has determined that such change is necessary to meet the mobile home loan market in accordance with his authority contained in 12 U.S.C. 1709–1, as amended by Pub. L. 93–234.

The Secretary has also determined that advance notice and public procedure are unnecessary and that good cause exists for making this amendment effective in less than the 30 day period referred to in 5 U.S.C. 3535(d), and for making this amendment effective on May 28, 1974.

Accordingly, § 201.540 is amended as follows:

(1) Paragraph (a) is revised, paragraph (b) is revoked and paragraph (c) is redesignated as paragraph (b).

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 11.25 annual percentage rate per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

(b) *Prepayment rebate.* If an obligation is paid in full prior to maturity, the insured shall rebate the full unearned charge, where such rebate is $1 or more. Where the law of the jurisdiction permits an acquisition or minimum retained charge, such charge may be deducted from the rebate.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d); sec. 2, 48 Stat. 1246 12 U.S.C. 1703; 12 U.S.C. 1709–1 as amended by Pub. L. 93–234.)

Effective date. This amendment is effective May 28, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.74–12175 Filed 5–24–74;8:45 am]

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–74–255]

PART 390—GUARANTY OF MORTGAGE-BACKED SECURITIES

Subpart A—Pass-Through Type Securities

ELIGIBLE ISSUERS OF SECURITIES; MINIMUM ISSUANCE OF MORTGAGE-BACKED SECURITIES

On March 6, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 8629) by the Department of Housing and Urban Development proposing revisions in the guidelines for eligible issuers of GNMA mortgage-backed securities and to change the minimum issuance amount of GNMA mortgage-backed securities.

Interested persons were given 30 days in which to submit written comments or suggestions. Comments and suggestions were received from trade associations, a regional HUD office, a mortgage banker, and other interested parties.

Comments germane to the reduction of the minimum issuance amount were all favorable. In addition, four letters were received which contained the following specific suggestions: (a) A reduction of the application fee, (b) the creation of a hearing procedure when GNMA declines to contract to guarantee an issue of mortgage-backed securities, (c) the elimination of the categories of sex and age from the proposed § 390.3(b), in view of the fact they go beyond statutory laws, and (d) the additional revision of the first sentence of proposed § 390.3(c) by adding "except where such practices, ethics, and standards are in conflict with the purposes of Title VI of the Civil Rights Act of 1968, an Executive Order 11063."

(a) There can be no reduction in the application fee because program costs, including the cost of printing and preparing the securities, reviewing the submission, and processing the application are not reduced because the minimum issue amount is reduced.

(b) A hearing procedure is neither needed nor required by law to be available for use when GNMA declines to enter a contract to guarantee an issuance of mortgage-backed securities. An issuer does not gain a continuing right to engage in future guaranty transactions merely because GNMA enters into a contract to guarantee an initial issue of securities, since each such transaction is a separate contractual undertaking into which GNMA must enter specially. Any applicant would always have the right to immediate recourse to any remedies it might have in court, in case of a denial. More importantly, GNMA will honor requests for meetings or conferences to review reasons for its declinations and to receive new information.

(c) GNMA's programs prohibit discrimination on the basis of race, color, religion, and national origin in accordance with existing statutory laws and Departmental regulations. Including the additional categories of "sex and age" is a recognition that such discrimination violates the spirit if not the letter of the law. It is noteworthy that the Federal Home Loan Bank has recently included proscriptions against discrimination on the additional grounds of sex and age.

(d) The recommendation to amend the first sentence of proposed § 390.3(c) would create an ambiguity in the proposed section. The main objective of the paragraph is to constitute notice of an unpublished program requirement. Paragraph (b) of § 390.3 sets out the policy against discrimination to which GNMA expects issuers to adhere. GNMA would not approve issuers that adhere to a practice that breaches the policy against discrimination; to infer otherwise would work a disservice on the program.

Additionally, § 390.3(a) is also being amended to require that issuers of modified pass-through securities based on and backed by mortgages on mobile homes have a minimum net worth of at least $500,000. This program change was not included in the notice published on March 6, 1974 (39 FR 8629) inasmuch as the decision to change the program was made after publication of the notice. The change in the net worth requirement is necessitated by the co-insurance provision in the modified mobile home program being implemented by GNMA for mortgage-backed securities. Although this amendment will be effective upon publication, interested persons are invited to submit written data, views, or statements, in triplicate, to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410. All relevant material received will be considered for any future modification of the section.

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In order to expedite preparation and issuance of mortgage-backed securities based on mobile home loans in response to anticipated applications for the modified program, good cause exists for waiving postponement of the effective date for this amendment of Part 390.

Accordingly, Part 390 is amended as follows:

1. Section 390.3 is revised to read:

§ 390.3 Eligible issuers of securities.

(a) Any mortgagee, including a State or local governmental instrumentality, which has been approved by the Federal Housing Administration and which has adequate experience and facilities to issue mortgage-backed securities may be approved for a guaranty by the Association, except that no guaranty shall be made of any security which is tax exempt under the Internal Revenue Code of 1954. No issue of securities will be approved for guaranty unless the Issuer has net worth, in assets acceptable to the Association, in the following amounts:

(1) For straight pass-through securities, $100,000.

(2) For modified pass-through securities based on and backed by mortgages upon one- to four-family residences, (i) not less than 2 percent of the first $5 million of modified pass-through securities outstanding after such issue, and (ii) not less than 1 percent on all such securities outstanding over $5 million, but in no case need such net worth exceed $250,000.

(3) For modified pass-through securities based on and backed by mortgages on mobile homes, $500,000.

(4) For modified pass-through securities other than those described in subparagraphs (2) and (3) of this paragraph, (i) not less than 3 percent of the first $5 million of modified pass-through securities outstanding after such issue, and (ii) not less than 2 percent on the succeeding $5 million of such securities, and (iii) not less than 1 percent on all over $10 million, provided that the minimum net worth shall be at least $100,000, but in no case need net worth exceed $500,000.

(b) No Issuer will be approved if, at the time of application for commitment, its lending policies permit any discrimination based on race, religion, color, sex, national origin, or age, or the Issuer is not in compliance with any rules, regulations, or orders issued under Title VI of the Civil Rights Act of 1964, with Executive Order 11063, Equal Opportunity in Housing, issued by the President of the United States on November 20, 1962, and with the Fair Housing Law of 1968, in accordance with FHA and VA rules and regulations; any failure to be in compliance therewith will be considered a basis for rejecting an application. Subsequent thereto, an eligible Issuer shall continue to comply with the above rules, regulations, or orders; failure so to comply for a period of 60 days after the date on which written notice of such failure has been delivered via registered mail by GNMA to the Issuer, may be considered the basis for default.

(c) All Issuers must conduct their business operations in accordance with accepted mortgage banking practices, ethics, and standards. In the event that an Issuer does not comply with such practices, ethics, and standards, the Association may reject further applications received from an Issuer until such time as the Association is satisfied that the Issuer has resumed business operations in accordance with accepted mortgage banking practices, ethics, and standards.

2. Section 390.5(b) is amended to read as follows:

§ 390.5 Securities.

• • • • •

(b) *Issue amount.* Each issue of guaranteed securities must be in a minimum face amount of $1 million, *Provided* That in the case of modified pass-through securities based on and backed by mortgages on mobile homes or projects said minimum face amount is $500,000. The total face amount of any issue of securities cannot exceed the aggregate unpaid principal balances of the mortgages in the pool.

• • • • •

(Sec. 306(g), 82 Stat. 540 (12 U.S.C. 1721); Bylaws of the Association, 35 FR 2606, Feb. 5, 1970, 36 FR 11229, June 9, 1971)

Effective date. This regulation is effective May 28, 1974.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.74-12177 Filed 5-24-74;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 640]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 26–June 1, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.940 Lemon Regulation 640.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues active as trade is stocking for the Memorial Day Holiday. Average f.o.b. price was $6.15 per carton the week ended May 18, 1974, compared to $6.02 per carton the previous week. Track and rolling supplies at 175 cars were up 20 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 21, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 26, 1974 through June 1, 1974, is hereby fixed at 275,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 22, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12222 Filed 5-24-74;8:45 am]

[Lime Reg. 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period May 26, 1974–June 1, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.401 Lime Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is currently below normal levels due to cool weather and the Holiday next week. The supply of fresh limes available is greater than markets require. Fresh shipments for the weeks ended May 18, 1974 and May 11, 1974, were 19,055 bushels and 13,815 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 21, 1974.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period May 26, 1974, through June 1, 1974, is hereby fixed at 18,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 22, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12220 Filed 5-24-74;8:45 am]

[Peach Reg. 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

This regulation requires that peaches grown in Georgia shipped to points outside of Georgia, other than those shipped in bulk to adjacent markets, be mature, not exceed 1 percent decay, and be at least 1¾ inches in diameter, during the period May 27, through August 31, 1974.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this regulation will tend to effectuate the declared policy of the act.

(2) This regulation is based upon an appraisal of the crop and current and prospective market conditions. Production is estimated to be less than half that of last season. Hence, the regulation is minimal and is designed primarily to prevent the handling of peaches which would be less than satisfactory to consumers at designations other than destinations in adjacent markets. Such action is deemed to be reasonable and necessary in the circumstances and in the interest of producers and consumers. The exception with respect to peaches in bulk shipped to destinations in adjacent markets follows the custom and pattern of prior years and is designed to permit the movement to those markets of peaches of such qualities and sizes as are acceptable in the adjacent markets but are not suitable for distribution in competition with peaches from other areas in more distant markets.

(3) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 27, 1974. The committee held an open meeting on May 3, 1974, after giving due notice thereof, to consider supply and market conditions for fresh peaches grown in Georgia, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the

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Department after such meeting was held; necessary supplemental data for consideration in connection with the specification of the provisions of this regulation were not available until May 15, 1974; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such peaches. Shipments of the early varieties of the current crop of peaches are expected to begin on or about May 27, 1974, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 918.316 Peach Regulation 1.

Order. (a) No handler shall ship during the period May 27, through August 31, 1974, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) Are not mature or exceed 1 percent decay.

(2) Are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(b) The maturity regulations contained in § 918.400 of this part shall be applicable to any shipment of peaches to destinations in the adjacent markets but the inspection requirement contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent market, except for peaches in new containers, during the period specified in paragraph (a) of this section.

(c) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1," "mature," and "diameter" shall have the same meaning as when used in the revised United States Standard for Peaches (7 CFR 51.1210–51.1223).

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674)).

Dated: May 22, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12221 Filed 5-24-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Docket No. AO-364-A8; Milk Order 111]

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Texas marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after theh effective date hereof, the handling of milk in the South Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Subpart—Order Regulating Handling

General Provisions

Sec.
1121.1 General provisions.

Definitions

1121.2 South Texas marketing area.
1121.3 Route disposition.
1121.4 Plant.
1121.5 Distributing plant.
1121.6 Supply plant.
1121.7 Pool plant.
1121.8 Nonpool plant.
1121.9 Handler.
1121.10 Producer-handler.
1121.11 [Reserved.]
1121.12 Producer.
1121.13 Producer milk.
1121.14 Other source milk.
1121.15 Fluid milk product.
1121.16 Fluid cream product.
1121.17 Filled milk.
1121.18 Cooperative association.

Handler Reports

1121.30 Reports of receipts and utilization.
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Classification of Milk

1121.40 Classes of utilization.
1121.41 Shrinkage.
1121.42 Classification of transfers and diversions.
1121.43 General classification rules.
1121.44 Classification of producer milk.
1121.45 Market administrator's reports and announcements concerning classification.

Class Prices

1121.50 Class prices.
1121.51 Basic formula price.
1121.52 Plant location adjustments for handlers.
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1121.54 Equivalent price.

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Payments For Milk

1121.70 Producer-settlement fund.
1121.61 Computation of uniform price.
1121.62 Announcement of uniform price and butterfat differential.
1121.71 Payments to the producer-settlement fund.
1121.72 Payments from the producer-settlement fund.
1121.73 Payments to producers and to cooperative associations.
1121.74 Butterfat differential.
1121.75 Plant location adjustments for producers and on nonpool milk.
1121.76 Payments by handler operating a partially regulated distributing plant.
1121.77 Adjustment of accounts.
1121.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1121.85 Assessment for order administration.
1121.86 Deduction for marketing services.

Advertising and Promotion Program

1121.110 Agency.
1121.111 Composition of Agency.
1121.112 Term of office.
1121.113 Selection of Agency members.
1121.114 Agency operating procedure.
1121.115 Powers of the Agency.
1121.116 Duties of the Agency.
1121.117 Advertising, research, education and promotion program.
1121.118 Limitation of expenditures by the Agency.
1121.119 Personal liability.
1121.120 Procedure for requesting refunds.
1121.121 Duties of the market administrator.
1121.122 Liquidation.

AUTHORITY: Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

General Provisions

§ 1121.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1121.2 South Texas marketing area.

"South Texas marketing area", hereinafter called the "marketing area", means all territory, including all piers, docks, and wharves connected therewith, and all craft moored thereat, and territory occupied by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments, within the boundaries of the following counties, all in the State of Texas:

Angelina.	Liberty.
Austin.	Madison.
Brazoria.	Matagorda.
Brazos.	Montgomery.
Chambers.	Nacogdoches.
Colorado.	Newton.
Fort Bend.	Orange.
Galveston.	Polk.
Grimes.	San Jacinto.
Hardin.	Trinity.
Harris.	Tyler.
Houston.	Walker.
Jackson.	Waller.
Jasper.	Washington.
Jefferson.	Wharton.

§ 1121.3 Route disposition.

"Route disposition" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products classified as Class I milk, other than a delivery to a plant.

§ 1121.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1121.5 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted State or municipal health authority, or acceptable to any agency of the State or Federal Government for the disposition of Grade A fluid milk products in the marketing area, at which milk products are received, processed and/or packaged, and from which there is route disposition of fluid milk products in the marketing area.

§ 1121.6 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which fluid milk products are moved to a distributing plant.

§ 1121.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any distributing plant from which during the month there is:

(1) Route disposition, except filled milk, in the marketing area equal to 10 percent or more of the receipts of Grade A milk at such plant; and

(2) Total route disposition, except filled milk, equal to 50 percent or more of the receipts of Grade A milk at such plant.

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.9(c) at such plant is moved as fluid milk products, except filled milk, in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to paragraph (b)(1) of this section during each of the immediately preceding months of September through December, unless the operator of such plant had filed with the market administrator before the first day of any month a written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant.

(c) Any plant operated by a cooperative association which has been approved by any duly constituted State or municipal health authority and at which milk is received from dairy farmers holding permits or authorization from such health authority, and at least 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant meeting the requirements of paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which, the Secretary determines, there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area unless, notwithstanding the provisions of this subparagraph, it is regulated under such other order;

(4) A plant meeting the requirements of paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which, the Secretary determines, there is a greater quantity of route disposition, except filled milk, during the month in this marketing area than in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(5) A plant meeting the requirements of paragraph (b) of this section which also meets the pooling requirements of another Federal order, and either qualifies as a fully regulated distributing plant under such other Federal order subject to paragraph (d)(3) and (4) of this section, or from such plant greater qualifying shipments are made as a supply plant during the month to plants regulated under such other order than are made to plants regulated under this part, except that this subparagraph shall not apply during the months of January through August if such plant retains automatic pooling status under this part pursuant to paragraph (b)(2) of this section.

§ 1121.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

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(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant, a governmental agency plant, nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant, a governmental agency plant, nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units (other than to pool plants) in the marketing area during the month.

(e) "Governmental agency plant" means a plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk that is distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1121.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk which it causes to be diverted pursuant to § 1121.13 for the account of such cooperative association;

(c) Any cooperative association with respect to milk of its producer members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to, such cooperative association;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person in his capacity as the operator of an other order plant from which there is route disposition in the marketing area.

§ 1121.10 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of fluid milk products during the month or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1121.11 [Reserved]

§ 1121.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account pursuant to the provisions of § 1121.13.

(b) "Producer" shall not include:

(1) A governmental agency which operates a plant exempt pursuant to § 1121.8(e);

(2) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(3) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1121.44(a)(8) (iii) and the corresponding step of § 1121.44(b); and

(4) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1121.13 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a handler described in § 1121.9(c); and

(3) Diverted by the operator of such pool plant to a nonpool plant that is not a producer-handler plant nor a governmental agency plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant that is not a producer-handler plant nor a governmental agency plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler described in § 1121.9(c) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to paragraph (c)(1) of this section, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler and;

(3) For the purposes of location adjustments pursuant to §§ 1121.52 and 1121.75, diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1121.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1121.40(b)(1) from any source other than producers, handlers described in § 1121.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1121.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1121.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1121.40(b)(1)) for which the handler fails to establish a disposition.

§ 1121.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package) or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1121.40 (b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1121.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1121.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1121.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

Handler Reports

§ 1121.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1121.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1121.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1121.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1121.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1121.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1121.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1121.32 Other reports.

(a) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

(b) In addition to the reports required pursuant to paragraph (a) of this section and in §§ 1121.30 and 1121.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1121.40 Classes of utilization.

Except as provided in § 1121.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1121.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraph (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

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(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b) (1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1121.15; and

(6) In shrinkage assigned pursuant to § 1121.41(a) to the receipts specified in § 1121.41(a)(2) and in shrinkage specified in § 1121.41 (b) and (c).

§ 1121.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1121.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1121.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1121.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1121.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1121.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1121.44(a)(12) and the corresponding step of § 1121.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1121.44(a)(7) or the corresponding step of § 1121.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1121.44(a)(11) or (12) or the corresponding steps of § 1121.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1121.40.

(c) *Transfers to producer-handlers and governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a governmental agency plant, or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1121.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1121.43 General classification rules.

In determining the classification of producer milk pursuant to § 1121.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1121.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1121.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1121.40, 1121.41, and 1121.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1121.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1121.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1121.9(a) for each of his pool plants separately and of each handler described in § 1121.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1121.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handler fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1121.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1121.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1121.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series begin-

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ning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1121.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1121.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be substracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1121.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1121.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1121.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1121.44(a)(12) and the corresponding step of § 1121.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1121.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

Class Prices

§ 1121.50 Class prices.

Subject to the provisions of § 1121.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.68.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1121.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1121.52 Plant location adjustments for handlers.

(a) For that milk which is received from producers at a pool plant located (1) in Fayette County, Tex., or (2) north of U.S. Highway 90 and 60 miles or more from the nearer of the city halls in Beaumont and Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk subject to the limitations of paragraph (c) of this section, the price specified in § 1121.50(a) shall be reduced 1.5 cents per 10 miles of distance or fraction thereof that such plant is located from the Houston city hall by shortest hard-surfaced highway distance as determined by the market administrator: *Provided*, That the location adjustment at a plant located in Gregg, Harrison, or Smith Counties, Tex., shall be minus 30 cents and that the location adjustment pursuant to this paragraph for any plant located in Zone I as defined in the North Texas order, Part 1126, shall not result in a price less than the applicable Class I price at such plant location pursuant to the North Texas order.

(b) For that milk which is received from producers at a pool plant which is beyond 60 miles from the nearer of the city halls in Beaumont and Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator, and south of the northern boundaries of the Texas counties of Matagorda, Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit and which is classified as Class I milk subject to the limitations of paragraph (c) of this section, the price specified in § 1121.50(a) shall be increased by any amount by which such price is less than the applicable Class I price at the same location pursuant to Part 1130 regulating the handling of milk in the Corpus Christi marketing area.

(c) For purposes of calculating such location adjustments, transfers between pool plants shall be assigned Class I disposition at the transferee-plant, in excess of the sum of 95 percent of receipts at such plant from producers and handlers described in § 1121.9(c), plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants having the same Class I price, next to transferor-plants having a higher Class I price, and then in sequence to plants having a lower Class I price beginning with the plant at which the highest Class I price would apply.

(d) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraphs (a) and (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

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§ 1121.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1121.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1121.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1121.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1121.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1121.44(a)(14) and the corresponding step of § 1121.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1121.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1121.44 (a)(9) and the corresponding step of § 1121.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.44(a)(7) (i) through (iv) and the corresponding step of § 1121.44 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.44(a)(7) (v) and (vi) and the corresponding step of § 1121.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1121.44(a)(11) and the corresponding step of § 1121.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class II price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1121.40 (b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

§ 1121.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1121.60 for all handlers who have made the reports prescribed in § 1121.30 for the month and who have made the payments required pursuant to § 1121.71 for the preceding month;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Add the aggregate of the values of the minus location adjustments pursuant to § 1121.75, and subtract the aggregate of the values of the plus location adjustments pursuant to § 1121.75;

(d) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1121.60(f); and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 1121.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1121.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1121.71, 1121.76, and 1121.77, subject to the provisions of § 1121.78, and from which he shall make all payments to handlers pursuant to §§ 1121.72 and 1121.77.

§ 1121.71 Payments to the producer-settlement fund.

(a) On or before the 13th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1121.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1121.75, of such handler's receipts of producer milk; and

(ii) The value at the uniform price applicable at the location of the plant from which received plus 5 cents of other source milk for which a value is computed pursuant to § 1121.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1121.72 Payments from the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1121.71(a)(2) exceeds the amount computed pursuant to § 1121.71(a)(1). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due to a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 1121.71, 1121.77, 1121.78, 1121.85, and 1121.86.

§ 1121.73 Payments to producers and to cooperative associations.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 1121.61, as adjusted pursuant to §§ 1121.74 and 1121.75, and less the amount of payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment for such month pursuant to § 1121.72, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section, and (2) who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month computed at not less than the Class III price for 3.5 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1121.31.

(d) As follows, to each cooperative association for milk for which it is the handler pursuant to § 1121.9(c):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, as adjusted pursuant to §§ 1121.74 and 1121.75, less the amount of payment made pursuant to paragraph (d)(1) of this section.

(e) On or before the 13th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk as classified pursuant to § 1121.42(a) at the respective class prices, as adjusted by the butterfat differential specified in § 1121.74, that are applicable at the location of the transferee-handler's pool plant.

§ 1121.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1121.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments pursuant to § 1121.73, the uniform price computed pursuant to § 1121.61 to be paid for such milk received at a pool plant at which a location adjustment pursuant to § 1121.52 (a) or (b) applies will be subject to a location adjustment (plus or minus) equal to that specified in such section.

(b) The uniform price applicable to other source milk shall be subject to the same adjustments applicable to the uniform price under paragraph (a) of this section, except that the adjusted uniform price plus 5 cents shall not be less than the Class III price.

§ 1121.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1121.30(b) and 1121.31 (b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant;

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price plus 5 cents, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the uniform price plus 5 cents shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1121.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1121.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1121.60 for such handler shall include, in lieu of the value of other source milk specified in § 1121.60(f) less the value of such other source milk specified in § 1121.71(a)(2)(ii), a value of milk determined pursuant to § 1121.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the par-

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tially regulated distributing plant during the month equivalent to the requirements of § 1121.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1121.30(b) and 1121.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1121.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1121.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1121.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1121.77 Adjustment of accounts.

Whenever verification by the market administrator of any handler's reports, books, records, accounts, or payments discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1121.78 Changes on overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1121.71, 1121.76, 1121.77, 1121.85, or 1121.86 shall be increased three-fourths of 1 percent per month beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due: Provided, that—

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously computed pursuant to this section; and

(b) For the purpose of this section any unpaid obligation that was determined at a date later than that previously prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Administrative Assessment and Marketing Service Deduction

§ 1121.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that described in § 1121.13(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1121.44(a)(7) and (11) and the corresponding steps of § 1121.44(b), except such other source milk that is excluded from the computations pursuant to § 1121.60 (d) and (f); and

(c) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat subtracted pursuant to § 1121.76(a)(2).

§ 1121.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1121.73, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such monies shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which deduction was computed for each such producer.

Advertising and Promotion Program

§ 1121.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1121.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1121.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers which have elected not to combine pursuant to § 1121.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent, it shall nevertheless be authorized to select from such group in total one Agency representative. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the Agency representatives.

§ 1121.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1121.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative, who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1121.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order and annually thereafter the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives as the case may be and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. The election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1121.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1121.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1121.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1121.110 and 1121.117.

§ 1121.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1121.110 and 1121.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(f) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings and pay the expenses of administering the Agency; and

(g) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1121.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1121.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1121.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1121.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of wilful misconduct, gross negligence, or those which are criminal in nature.

§ 1121.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1121.121 Duties of the market administrator.

Except as specified in § 1121.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1121.113(c).

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(b) Set aside the amounts subtracted under § 1121.61(d) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b) (2) and (3) of this section, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1121.61(d).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1121.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1121.61(d) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b) (2) of this section.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1121.110 through 1121.122).

(d) Make necessary audits to establish that all Agency funds are used only for authorized purposes.

§ 1121.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1121.70.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: August 1, 1974.

Signed at Washington, D.C., on May 22, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-12106 Filed 5-24-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A–1—GENERAL

Contingent Fees; Debarred, Suspended, and Ineligible Bidders; Reporting Possible Antitrust Violations

This change to the General Services Administration Procurement Regulations (GSPR) updates the procedures on contingent fees; debarred, suspended and ineligible bidders; and reporting possible antitrust violations in GSPR 5A.

The table of contents of Part 5A–1 is amended to delete §§ 5A–1.507–70, 5A–1.508, 5A–1.508–1, 5A–1.508–2, 5A–1.508–3, 5A–1.606, 5A–1.606–51, 5A–1.606–52, and add the following:

Subpart 5A–1.6—Debarred, Suspended, and Ineligible Bidders

Sec.

5A–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

5A–1.604–1 Procedural requirements relating to the imposition of debarment.

5A–1.605 Suspension of bidders.

Subpart 5A–1.9—Reporting Possible Antitrust Violations

5A–1.902 Documents to be transmitted.

Subpart 5A–1.5—Contingent Fees

Section 5A–1.507 is revised to read as follows:

§ 5A–1.507 Use of Standard Form 119.

Upon receipt of Standard Form 119, the contracting officer shall obtain advice of Counsel as to the legality and general propriety of the relationship disclosed thereon. Also, the contracting officer may request the Office of Investigations to develop further information if the facts available are deemed insufficient for a proper decision. After careful review and evaluation of all the information obtained, the contracting officer shall render a decision in writing which shall be made a part of the contract file.

Subpart 5A–1.6—Debarred, Suspended, and Ineligible Bidders

1. Section 5A–1.602 is added as follows:

§ 5A–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

(a) The Office of Investigations has established and maintains a consolidated list of debarred, suspended, or ineligible concerns and individuals, pursuant to § 1–1.602, designated as the GSA Debarred Bidders List. Its use is mandatory on all GSA procuring activities. That office also is responsible for reproduction and distribution of the GSA Debarred Bidders List.

(b) Entry on the GSA Debarred Bidders List shall be made:

(1) In the case of a GSA administrative debarment or suspension, upon notification of the imposition of debarment or suspension by the Administrator, by a Commissioner, or by a hearing authority; and

(2) In the case of statutory debarments, EEO noncompliance or ineligibility, upon appropriate notification from the Comptroller General, the Secretary of Labor, or the head of the debarring agency.

(c) The GSA Debarred Bidders List is marked "For Official Use Only."

(d) The cause for each entry on the GSA Debarred Bidders List shall be identified in accordance with § 1–1.602.

2. Section 5A–1.604–1 is added as follows:

§ 5A–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) *Initiating a debarment action.* Administrative debarment will be initiated by the appropriate Commissioner primarily concerned in accordance with § 1–1.604–1. The notice of proposed debarment shall apprise the concern or individual that if a hearing is desired a request therefor must be made within 20 days following receipt of the notice. The notice shall be sent by registered or certified mail, return receipt requested, to the last known address of the concern or individual. A copy of the notice shall be furnished to the Office of Investigations.

(b) *Debarment by other agencies.* The basis for each debarment made by another executive agency is reviewed by the Office of Investigations to determine whether similar debarment action should be recommended within GSA. The Office of Investigations shall notify the Commissioner primarily concerned of debarments by another agency and the reasons therefor, who may take similar action to debar. The end of the period of such debarment shall coincide with the original debarment action. GSA debarment action shall not be initiated solely on the basis of a debarment by another agency if the debarment by GSA would not become effective at least 90 days prior to the termination date of the debarment by the other agency. However, in such cases, the Office of Investigations may be requested to include the name of the firm or individual on the Review List of Bidders (see § 5A–1.1205).

(c) *Investigations.* (1) When a contracting activity suspects the commission of offenses or irregularities which might support debarment or suspension, it shall forward a request for investigation and a statement of pertinent circumstances, to the appropriate Assistant Commissioner, Regional Commissioner, or other equivalent authority, for review and, if appropriate, referral to the Office of Investigations.

(2) The Office of Investigations will investigate the circumstances as expeditiously as possible, and report the results to the service primarily concerned with a recommendation as to whether debarment or suspension should be invoked. All data compiled in support of such reports of investigation shall, upon request, be made available for review by the service primarily concerned.

(d) *Hearings.* (1) Hearings requested in connection with debarment proceedings shall be conducted before the Administrator or his representative (herein called the hearing authority). An opportunity shall be afforded to the concern or individual to appear with witnesses and counsel to show cause why the concern or individual should not be debarred. Where a concern or individual requests a hearing and fails to appear, the hearing authority shall consider the case on the basis of the records and information made available to it. Accordingly, in any instance where a party has requested a hearing, he may elect to forego the submission of oral testimony and may submit a written statement with any information relating thereto in opposition to the proposed action. Whenever a proposed debarment is referred to a hearing authority for a hearing, it shall determine or recommend whether or not debarment is warranted under the particular circumstances and, where debarment is warranted, shall also determine the period thereof pursuant to § 1–1.604(c).

(2) The procedure to be used in the conduct of a hearing relating to debarement shall insofar as practicable be similar to that used by the Board of Contract Appeals in the conduct of a hearing relating to a contract dispute. Hearings shall be held, if feasible, within 30 days after the receipt of the request for a hearing.

(e) *Notice of disposition of debarment hearings.* When a proposed debarment is upheld, the concern or individual shall be notified by the Commissioner primarily concerned of the decision and of the period of debarment. If a proposed debarment is not upheld, the concern or individual shall be so notified. A copy of each notification shall be furnished to the Office of Investigations.

3. Section 5A–1.605 is added as follows:

§ 5A–1.605 Suspension of bidders.

Suspension may be invoked by the appropriate Commissioner primarily concerned in accordance with § 1–1.605. The notice of suspension shall be sent by registered or certified mail, return receipt requested, to the last known address of the concern or individual in question. A copy of the notice shall be furnished to the Office of Investigations.

Subpart 5A–1.9—Reporting Possible Antitrust Violations

1. Section 5A–1.901 is revised as follows:

§ 5A–1.901 General.

If any bid or offer received evidence violation of antitrust laws, a notification shall be forwarded to the appropriate Assistant Commissioner, Regional Commissioner, or other equivalent authority for review and processing as warranted by the facts reported. Any means of communication available, including personal contact, may be used in reporting irregularities.

2. Section 5A–1.902 is added as follows:

§ 5A–1.902 Documents to be transmitted.

Written notifications shall be submitted in duplicate and prepared in narrative form. Each notification shall be accompanied by the documents and information required by §§ 1–1.902 and 1–1.903. If legal Counsel determines that the material evidences violation of the antitrust laws, the material shall be transmitted by the Commissioner primarily concerned, to the Assistant Attorney General, Antitrust Division, Department of Justice. If further evidence is needed, it is the joint responsibility of the contracting officer and the Office of Investigations to obtain and assemble such additional evidence.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: May 13, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74-12128 Filed 5-24-74;8:45 am]

PART 5A–16—PROCUREMENT FORMS

PART 5A–53—CONTRACT ADMINISTRATION

PRELIMINARY NOTICE OF DEFAULT

The change to the General Services Administration Procurement Regulations (GSPR) consolidates three Preliminary Notice of Default form letters into one for the sake of economy and efficiency.

The table contents for Part 5A–16 is amended to delete §§ 5A–16.950–2718 and 5A–16.950–2719, and to revise the following entry: 5A–16.950–2720 GSA Form 2720, Preliminary Notice of Default.

Subpart 5A–53.4—Contract Performance

Section 5A–53.472 is amended as follows:

§ 5A–53.472 Use and issuance of preliminary notice of default.

(a) Quality Assurance Specialists (QAS) are only authorized to issue a preliminary notice of default pursuant to paragraph (a)(1), Article 11, General Provisions (Supply Contract). (See § 5A–53.103.) This authorization applies to stock and nonstock contracts requiring source inspection, excluding Federal Supply Schedule contracts, and AID contracts awarded by Central Office. With approval from the Director of the appropriate procuring activity, the contracting officer may direct the QAS to obtain clearance from the contracting officer prior to issuing a preliminary notice of default. When preliminary notices of default are issued by the QAS, he shall immediately notify the contracting officer of such action by mailing a copy of all notices to the contracting officer the same day they are furnished to the contractor.

• • • • •

(d) GSA Form 2720, Preliminary Notice of Default (see § 5A–16.950–2720) is designed for use by the QAS in connection with the contract administration authorization stated in § 5A–53.472 (a). GSA Form 2721, Attachment A, (Preliminary Notice of Default), (see § 5A–16.950–2721) may be used in conjunction with GSA Form 2720, where appropriate. Detailed procedures involving the QAS issuing preliminary notice of default letters are set forth in FSS P 2900.5, chap. 9.

NOTE: Copies of the form illustrated in § 5A–16.950–2720 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: May 9, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74-12129 Filed 5-24-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18262; FCC 74-470]

PART 89—PUBLIC SAFETY RADIO SERVICES

FUTURE USE OF CERTAIN FREQUENCY BAND

Second Report and Order

Correction

In FR Doc. 74-10896 appearing at page 16847 in the issue of Friday, May 10, 1974, make the following changes to § 89.751 (g) table:

1. Change the "W. longitude" entry for "Akron, Ohio" to read 81°30'44".
2. Change the "N. latitude" entry for "Chicago, Ill." to read 41°52'28".
3. Change the "W. longitude" entry for "Fort Worth, Tex." to read 97°19'44".

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–57, Amdt. Nos. 172–22, 173–77]

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

PART 173—SHIPPERS

Acetic Anhydride

On December 28, 1973, the Hazardous Materials Regulations Board ("the Board") published Amendments 172–22, 173–77, and 178–30 in Docket No. HM–57 (38 FR 35467) which identified specifically by name a number of corrosive materials that would have been shipped as "Corrosive liquids, n.o.s." or "Corrosive solids, n.o.s." pursuant to the amendments dated March 23, 1972 (37 FR 5946). In the amendments published on December 28, 1973, the Board required that acetic anhydride be packaged according to the requirements set forth in § 173.247.

Four petitions for reconsideration of this amendment have been received: Tennessee Eastman Company, Fisher Scientific Company, Celanese Chemical Company, and Union Carbide Corporation. These companies advised the Board that the type of packaging in use at this time for this material was the packaging authorized in § 173.245. Further, each petitioner reported very satisfactory expe-

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rience when using packaging authorized in § 173.245.

One commenter elaborated on the hazards of acetic anhydride, setting forth valid reasoning why this material is significantly different than the other materials covered in § 173.247. This section of regulation is more stringent in its packing requirements and all petitioners argued that such restrictions were inordinate for the less hazardous material, acetic anhydride.

Each petitioner admitted that the proposed change in packaging, when published in notice form, was overlooked and for that reason no comments were submitted. In the amendment, a change in format in presenting the new regulations resulted in bringing the matter to petitioners attention.

The Board has reviewed these petitions, and on the basis of the facts presented and the arguments for reconsideration, agrees that the regulations for acetic anhydride appear to be overly restrictive in that packaging heretofore in transportation usage for over several billions of pounds would no longer be authorized. More appropriately, packagings as authorized for acetic acid in § 173.245 (including glacial acetic acid) should be authorized.

In consideration of the foregoing, 49 CFR Parts 172 and 173 are amended as follows:

I. In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(change)				
Acetic anhydride	Cor	173.244, 173.245	Corrosive	1 gallon.

• • • • • • • •

II. (A) In Part 173 Table of Contents, § 173.247 (see Amdt. 173–77–38 FR 35467) is amended by deleting the first commodity "Acetic anhydride;".

(B) In § 173.247 (see Amdt. 173–77–38 FR 35467), the Heading and the introductory text of paragraph (a) are amended by deleting the first commodity "Acetic anhydride" in both listings.

This amendment is effective September 30, 1974. However, compliance with the regulations, as amended herein, is authorized immediately.

(Transportation of Explosives Act, (18 U.S.C. 831–835), sec. 6, Department of Transportation Act, (49 U.S.C. 1655); Title VI, sec. 902(h), Federal Aviation Act of 1958, (49 U.S.C. 1421–1430, 1472(h), 1655(c)).)

JAMES F. RUDOLPH,
Board Member for the Federal Aviation Administration.

ROBERT A. KAYE,
Board Member for the Federal Highway Administration.

MAC. E. ROGERS,
Board Member for the Federal Railroad Administration.

[FR Doc.74–12150 Filed 5–24–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective May 28, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebraska 69340, and from the Regional Director, U.S. Fish and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting of sharp-tailed grouse and ring-necked pheasants is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on designated, well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.

(3) No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

RONALD L. PERRY,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebraska 69340.

MAY 17, 1974.

[FR Doc.74–12125 Filed 5–24–74;8:45 am]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective May 28, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebraska is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 40,900 acres, is delineated on maps available at Refuge headquarters, Ellsworth, Nebraska, and from the Regional Director, U.S. Fish and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following conditions:

(1) Vehicle entrance and travel will be permitted only on designated well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.

(3) No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR Part 32, and are effective through December 31, 1974.

RONALD L. PERRY,
Refuge Manager, Crescent Lake Nat'l Wildlife Refuge, Ellsworth, Nebraska 69340.

MAY 17, 1974.

[FR Doc.74–12127 Filed 5–24–74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1201]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO

Proposed Handling

Notice is hereby given that pursuant to the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), expenses in the amount of $1,500 will be incurred by the Control Committee during the fiscal period ending January 31, 1975, for its maintenance and functioning of the order.

As a result, it will be necessary to make assessments in the amount of 60 cents per 1,000 pounds of tobacco for each eligible handler to provide the necessary funds to meet these expenses.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than May 31, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 21, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74–12108 Filed 5–24–74;8:45 am]

[7 CFR Part 1201]

TYPE 62, CIGAR-LEAF TOBACCO

Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia is being considered for the fiscal period ending January 31, 1975.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than May 31, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended is as follows:

§ 1201.53 Initial regulation fixing number of leaves that may be handled.

Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1201.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

[27 FR 4763, May 19, 1962]

The Control Committee has requested this suspension because substantially reduced plantings will not meet the expected demand. The suspension of the provisions in § 1201.53 would eliminate the need to count leaves and provide needed flexibility among growers.

Signed at Washington, D.C., on May 21, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74–12109 Filed 5–24–74;8:45 am]

[7 CFR Part 1207]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the National Potato Promotion Board, established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207; 37 FR 5008).

This research and promotion program is effective pursuant to the Potato Research and Promotion Act (title III of Pub. L. 91–670, 91st Congress, approved January 11, 1971, 84 Stat. 2041).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 12, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 1207.403 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1974, and ending June 30, 1975, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $1,968,937.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the plan shall be 1 cent ($0.01) per hundredweight of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

Dated: May 21, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74–12167 Filed 5–24–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[42 CFR Part 72]

TURTLES, TORTOISES, TERRAPINS

Sale and Shipment Curbs

An order published in the FEDERAL REGISTER of November 16, 1972, (37 FR 24670) amended Parts 71 and 72 of Title 42, Code of Federal Regulations, by establishing § 71.171 through § 71.176 (42 CFR 71.171–71.176) which provide for a general prohibition on the importation of certain small pet turtles and viable tur-

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tle eggs, and § 72.26 (42 CFR 72.26) which requires that pet turtles shipped in interstate commerce be tested for, and certified free of, *Salmonella* and *Arizona* organisms by the appropriate public health officials in the State of origin. The order was based upon epidemiological investigations that have shown that small pet turtles are a particularly significant source and reservoir of bacteria of the genera *Salmonella* and *Arizona*, both of which can cause, among other things, acute gastrointestinal illness in humans.

There is evidence, however, that the certification requirement has had limited effectiveness in preventing contaminated turtles from reaching pet owners. Although the certification program appears to have curtailed the number of turtles being shipped in interstate commerce, a recent survey of turtles certified between December 1972 and December 1973 completed by the Public Health Service, Center for Disease Control shows that 54 percent of the turtles were contaminated by *Salmonella* and *Arizona* when retested some time subsequent to certification. The State of New Jersey has sampled six lots of turtles shipped to that State and detected *Salmonella* in five of the lots. Furthermore, the Food and Drug Administration has taken five selective samples of turtles certified by State health authorities and found *Salmonella* and *Arizona* organisms in three of the five samples. Four out of five selective water samples in which turtles have been held were positive for *Salmonella*. Moreover, the Center for Disease Control has reported cases of salmonellosis in California, Oregon, and Tennessee associated with turtles from certified lots.

Studies of salmonellosis have resulted in estimates that 14 percent of all cases of salmonellosis are turtle-associated. (See the article by Steven H. Lamm et al., "Turtle-Associated Salmonellosis," in the *American Journal of Epidemiology*, 95: 511 (1972), available for review in the office of the Hearing Clerk.)

Since the present certification program is not preventing contaminated turtles from reaching the market, the Commissioner believes additional steps are required and is therefore publishing two proposals for consideration.

The first proposal is a complete ban on the sale and distribution of small turtles, and is similar to a proposal made in a petition to the Commissioner by Consumers Union of United States, Inc., Washington, DC Office, 1714 Massachusetts Ave., NW., Washington, DC 20036. Subsequent to the filing of the Consumers Union petition, the Humane Society of the United States with principal offices at 1604 K Street, NW., Washington, DC 20006, and the Animal Welfare Institute, P.O. Box 3650, Washington, DC 20007, have submitted petitions in support of the Consumers Union petition on humane grounds, as well as for health reasons. The Animal Welfare Institute emphasized that small turtles sold in pet shops are not miniature, but baby turtles, i.e., mostly red-eared sliders, which under proper care can attain a shell length ranging from 6 to 11 inches and can live more than 40 years in captivity; yet 90 percent of the pets survive only 4 to 6 months. Copies of these petitions and their attachments may be reviewed at the office of the Hearing Clerk.

The second proposal would seek to control turtle-associated disease without imposing a general ban on the sale of turtles by improving the certification scheme and by imposing additional requirements on the sale and shipment of turtles. This proposal was developed as the only alternative to a general prohibition, but the Commissioner believes it is cumbersome and unlikely to be completely effective.

The Commissioner has, however, reached no final conclusion as to which course of action should be taken; comments are therefore invited in regard to both proposals.

I.

The Commissioner's first proposal would prohibit the sale and other distribution of viable turtle eggs and live turtles with a carapace length of less than 4 inches. The proposal contains an exemption for bona fide scientific, educational, or exhibitional purposes, however.

Under the Public Health Service Act, the Commissioner has the authority to extend a prohibition on distribution to all turtles and turtle eggs, whether or not they have passed through interstate commerce, if in his judgment such a complete ban would be necessary for effective control over the interstate spread of turtle-associated diseases. Although the proposed ban has been drafted to apply to all distribution, the Commissioner specifically invites comments on whether it would be more appropriate for the prohibition to apply only to the interstate shipment of small turtles and turtle eggs.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 361, 58 Stat. 703; (42 U.S.C. 264)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 72 of Title 42 of the Code of Federal Regulations be amended by revising § 72.26 to read as follows:

§ 72.26 Turtles.

(a) *Definition.* As used in this section the term "turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia* (except marine species (families *Dermachelidae* and *Chelonidae*).

(b) *Sales; general prohibition.* Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace length of less than 4 inches shall not be sold, held for sale, or offered for any other type of commercial or public distribution.

(c) *Destruction of turtles or turtle eggs; criminal penalties.* (1) Any viable turtle eggs or live turtles with a carapace length of less than 4 inches which are held for sale or offered for any other type of commercial or public distribution shall be subject to destruction, by or under the supervision of an officer or employee of the Food and Drug Administration in accordance with the following procedures:

(i) Any District Office of the Food and Drug Administration, upon detecting viable turtle eggs or live turtles with a carapace length of less than 4 inches which are held for sale or offered for any other type of commercial or public distribution shall serve upon the person in whose possession such turtles or turtle eggs are found a written demand that such turtles or turtle eggs be destroyed, under the supervision of said District Office, within 10 working days from the date of promulgation of the demand. The demand shall recite with particularity the facts which justify the demand. After service of the demand, the person in possession of the turtles or turtle eggs shall not sell, distribute, or otherwie dispose of any of the turtles or turtle eggs except to destroy them under the supervision of the District Office, unless and until the Director of the Bureau of Foods withdraws the demand for destruction after an appeal pursuant to paragraph (c) (1) (ii) of this section.

(ii) The person on whom the demand for destruction is served may either comply with the demand or, within 10 working days from the date of its promulgation, appeal the demand for destruction to the Director of the Bureau of Foods, Food and Drug Administration. The demand for destruction may also be appealed, within the same period of 10 working days, by any other person having a pecuniary interest in such turtles or turtle eggs. In the event of such an appeal, the Bureau Director shall provide an opportunity for hearing, by written notice to the appellant(s) specifying a time and place for the hearing, to be held within 14 days from the date of the notice but not within less than 7 days unless by agreement with the appellant(s).

(iii) Appearance by any appellant at the hearing may be by mail or in person, with or without counsel. The hearing shall be conducted by the Bureau Director or his designee, and a written summary of the proceedings shall be prepared by the person presiding. Any appellant shall have the right to hear and to question the evidence on which the demand for destruction is based, including the right to cross-examine witnesses, and he may present oral or written evidence in response to the demand.

(iv) If, based on the evidence presented at the hearing, the Bureau Director finds that the turtles or turtle eggs were held for sale or offered for any other type of commercial or public distribution in violation of this section, he shall affirm the demand that they be destroyed under the supervision of an officer or employee of the Food and Drug Administration; otherwise, the Bureau Director shall issue a written notice that the prior demand by the District Office is withdrawn. If the Bureau Director affirms the demand for destruction he shall order that the destruction be accomplished within 10 working days from the date of the promulgation of his decision. The Bureau Director's decision shall be accompanied by a statement of the reasons for the decision. The decision of the Bureau Director shall constitute final agency action, appealable in the courts.

(v) If there is no appeal to the Director of the Bureau of Foods from the demand by the FDA District Office and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, or if the demand is affirmed by the Director of the Bureau of Foods after an appeal and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, the District Office shall designate an officer or employee to destroy the turtles or turtle eggs. It shall be unlawful to prevent or to attempt to prevent such destruction of turtles or turtle eggs by the officer or employee designated by the District Office. Such destruction will be stayed if so ordered by a court pursuant to an appeal in the courts as provided in paragraph (c) (1) (iv) of this section.

(2) Any person who violates any provision of this section, including but not limited to any person who sells, offers for sale, or offers for any other form of commercial or public distribution viable turtle eggs or live turtles with a carapace length of less than 4 inches, or who refuses to comply with a valid final demand for destruction of turtles or turtle eggs (either an unappealed demand by an FDA District Office or a demand which has been affirmed by the Director of the Bureau of Foods pursuant to appeal), shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, for each violation, in accordance with section 368 of the Public Health Service Act (42 U.S.C. 271).

(d) *Exceptions.* The provisions of this section are not applicable to:

(1) Live turtles and viable turtle eggs used for bona fide scientific, educational, or exhibitional purposes, other than use as pets.

(2) Marine turtles excluded from this regulation under the provisions of paragraph (a) of this section and eggs of such turtles.

II.

The Commissioner's second proposal would improve the certification scheme and impose additional requirements on the sale and shipment of turtles.

There are at least two possible reasons why the certification process has had only limited effectiveness in preventing contaminated turtles from entering interstate commerce: (a) Various chemical agents, having a bactericidal effect upon treated turtles, appear to decrease the sensitivity of the present testing procedures. Such agents only temporarily reduce the number of the pathogenic bacteria so that turtles may appear to be free of contamination at the time of a certification examination; however, after the turtles are introduced into marketing channels, the treatment's effect is dissipated and the turtles resume the shedding of pathogenic bacteria, and (b) turtles can become infected after shipment from exposure to a contaminated environment.

Therefore, this second proposal would improve and supplement the existing certification scheme. Firstly, additional scientific work has been directed to improving the sensitivity of the laboratory testing procedures in order that *Salmonella* and *Arizona* organisms can be detected in turtles with greater certainty and these improved procedures are included in the proposed amendment to the regulation. The Commissioner has determined that in order to detect the very low numbers of *Salmonella* and *Arizona* organisms shed by chemically treated turtles, the additional use of enrichment media is required in the methodology to increase the number of organisms to levels where they can be successfully detected in differential media. Additional kinds of differential media are also being included in the methodology for still greater sensitivity of detection. Available data demonstrate that these changes in the methodology will increase the sensitivity of detection about five times.

Secondly, the Food and Drug Administration is considering the negotiation of contracts with several States to assist them in identifying and removing contaminated turtles from retail outlets.

Finally, the second proposal contains additional requirements to be imposed on the shipment and sale of turtles, i.e., that all retail displays of turtles be accompanied by a prominent warning sign, that all retail transactions involving turtles be accompanied by a warning leaflet containing a list of precautions, and that all interstate shipments of turtles be accompanied by a sufficient number of signs and leaflets for the retailer to comply with these requirements.

The proposal would require that a shipper provide at least twice as many warning leaflets as the number of turtles in a shipment. Since some leaflets will be lost to prospective buyers who take one and decide not to buy a turtle, or who buy a turtle and take extra leaflets, this excess of leaflets beyond the number of turtles in a shipment is necessary so that the retailer will receive enough leaflets for all turtle sales. (The retailer would have an independent duty to procure such signs and leaflets if he should not receive a sufficient supply accompanying a turtle shipment.)

The proposed warning leaflet would be "affixed to each package of turtles sold at retail." Affixing the warning leaflet, especially on opaque packages, is preferable to inserting the leaflet into each package, because a large number of turtle purchasers are children who may disregard a loose leaflet, and the chances are greater than an affixed leaflet will not be lost and will be seen and read by parents.

These proposed warnings should give a prospective buyer the relevant health information upon which to base his decision regarding the purchase of pet turtles. Should he decide to accept the risks of turtle ownership, the precautionary information would enable the purchaser and his family to minimize the chances of contracting salmonellosis.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 361, 58 Stat. 703; (42 U.S.C. 264)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 72 of Title 42 of the Code of Federal Regulations be amended by revising § 72.26 to read as follows:

§ 72.26 Turtles.

(a) *Definitions.* As used in this section:

(1) The term "turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia* except marine species (families *Dermachelidae* and *Chelonidae*).

(2) The term "State of origin" as used in paragraph (b) (1) of this section means the State or possession in which the turtles or turtle eggs were originally hatched or produced.

(b) *Interstate shipment; general prohibition.* Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace length of less than 4 inches shall not be transported or offered for sale after shipment in interstate commerce unless all of the following requirements are met:

(1) *Certification.* The shipment shall be accompanied by a certificate issued by the health authority of the State of origin certifying that the turtles or turtle eggs are free of bacteria of the *Salmonella* and *Arizona* genera. After shipment in interstate commerce the same intact shipment of live turtles or viable turtle eggs shall not require further such certification under provisions of this section; however, if at any subsequent point in its distribution such shipment becomes commingled or intermingled with a lot that has not been so certified, then such turtles or turtle eggs shall not be offered for sale or further transported in interstate commerce unless the entire lot has been tested and certified free of bacteria of the *Salmonella* and *Arizona* genera by the health authority of the State or possession in which such commingling or intermingling occurred.

(2) *Warning signs and leaflets.* (i) The shipment shall be accompanied, in sufficient numbers for retail display purposes, by a prominent warning sign or placard. There shall be at least one such sign or placard for every 200 turtles or fraction thereof. Such warning sign shall consist of the following statements:

WARNING—HANDLING TURTLES MAY RESULT IN SALMONELLA INFECTIONS

Turtles are Known Carriers of *Salmonella* and Related Infectious Organisms

Before Purchasing Turtles Read Precautions Supplied by the Seller

The statement shall be printed in bold face type in letter sizes not less than ½ inch in height.

(ii) In addition, each shipment shall be accompanied by a sufficient number

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of warning leaflets so that each retail purchaser of a turtle will receive a leaflet. There shall be at least twice as many leaflets as turtles in a shipment. Such leaflet shall consist of the following statements:

WARNING

HARMFUL BACTERIA MAY BE PRESENT IN TURTLES

Turtles are known to be carriers of *Salmonella* and other bacteria which can be harmful to man. Many of these bacteria occur naturally in the intestinal tract of turtles and can contaminate your food and kitchen if turtles are handled or kept in the kitchen. In man, these bacteria cause abdominal pain, nausea, fever, and diarrhea as a result, usually, of the ingestion of foods or beverages that are contaminated. *Salmonella* infection also can be caused by placing contaminated hands or other objects into the mouth.

Recent studies indicate that an estimated 14 percent of human cases of *Salmonella* infections are caused by pet turtles which harbor *Salmonella* bacteria in their intestinal tract. Other bacteria associated with turtles may cause other illnesses. Most of these illnesses occur in children.

These findings show the need for the careful handling and segregation of pet turtles in the home.

TO PROTECT YOURSELF AND YOUR FAMILY, PLEASE TAKE THE FOLLOWING PRECAUTIONS

1. Wash hands thoroughly after handling turtles, or any water or object that has been in contact with the turtle.

2. Keep turtles, the turtle bowl, and turtle water away from food, from food preparation utensils, and from places where foods are prepared. Do not clean the turtle bowl in the kitchen sink or in other areas where food preparation utensils may become contaminated.

3. Clean the turtle bowl with a strong cleaning solution and sanitize with a household disinfectant after cleaning.

4. Warn children about the dangers of touching their faces, foods, or other objects after handling turtles, the turtle bowl, or the turtle water.

Such warning leaflet statements shall be printed in letters not less than 1/16 inch in height, except that the initial word "Warning" shall be printed in bold face capitals on one line in a type size not less than ¼ inch in height and separated from the text which follows by a space at least equal to twice the height of the largest letter in the word; the caption "Harmful Bacteria May Be Present in Turtles" shall be printed in bold face capitals on one line following the word "Warning" and separated from the text which follows by a space at least equal to twice the height of the largest letter appearing in the caption; and the caption "To Protect Yourself and Your Family, Please Take the Following Precautions" shall be printed in bold face capitals on one or two lines and separated from other text by a space at least equal to twice the height of the largest letter appearing in the caption.

(iii) The requirements of paragraph (b)(2) concerning warning signs and leaflets, shall apply only to shipments of turtles and not to shipments of turtle eggs.

(c) *Retail sale of turtles; warning signs and leaflets.* The following requirements shall apply to all retail sales of turtles, whether or not the turtles have been shipped in interstate commerce prior to retail sale:

(1) The retailer shall prominently exhibit a warning sign or placard meeting the requirements of paragraph (b)(2)(i) of this section in such proximity to the retail display of turtles that it is likely to be seen and read by prospective purchasers.

(2) The retailer shall affix to each package of turtles sold a warning leaflet which meets the requirements of paragraph (b)(2)(ii) of this section.

(3) If, for any reason, a retailer does not have the required signs and leaflets, he shall not make any sales of turtles until he procures the required signs and leaflets and employs them in the manner required by this paragraph. If any criminal action charging a retailer with violation of any part of this paragraph, it shall be no defense that a turtle shipper may have violated paragraph (b) of this section by failing to provide the signs or leaflets. Retailers of turtles have an independent duty to acquire the signs and leaflets, and to employ them in the manner required by the paragraph, before making any sales.

(d) *Certification; test procedures.* Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued by the health authority of the appropriate State or possession on the basis of the examination of 60 turtles or 60 turtle eggs from each shipment, regardless of the size of the shipment. The examination shall be conducted in a laboratory licensed in microbiology pursuant to section 353 of the Public Health Service Act and shall utilize the following procedure adapted from "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition[1] sections 41.024–41.040, pages 845–851:

(1) Place five turtles in each of 12 sterile glass containers with a capacity of 1,000 milliliters (larger capacity containers should be used if necessary to avoid overcrowding).

(2) Add 50 milliliters of sterile distilled water to each of the containers of turtles.

(3) Cover each container with sterile aluminum foil and hold the turtles in the containers at room temperature (about 25° C.) for at least 72 hours.

(4) Do not remove the foil cover or add food, water, or other materials to the containers during the holding period.

(5) After a minimum of 72 hours remove the turtles from the containers using a sterile forceps.

(6) From each of the 12 containers transfer 20-milliliter portions of the residual water into separate containers containing 180 milliliters each of selenite cystine broth and tetrathionate broth (enrichment cultures). See "Official Methods of Analysis of the Association of Offical Analytical Chemists" 11th Edition,[1] Section 41.024(b)(1) and (c). Incubate enrichment cultures 24 hours ±2 hours at 35° C. and then complete the isolation and identification of *Salmonella* and *Arizona* according to methods specified in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition,[1] Section 41.027(a) paragraph 2 through Section 41.040, pages 848–852.

(7) In the examination of turtle eggs rinse 60 eggs with sterile distilled water to remove visible extraneous matter from the shells. Place the 60 rinsed eggs into a sterile blender container. Replace blender lid and homogenize eggs for 2 minutes at low speed. Transfer 20-milliliter portions of blended egg material into separate containers containing 180 milliliters each of selenite cystine broth and tetrathionate broth. See "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition, Section 41.024(b)(1) and (c). Incubate enrichment cultures 24 hours ±2 hours at 35° C. and then complete the isolation and identification of *Salmonella* and *Arizona* according to methods specified in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition,[1] section 41.027(a) paragraph 2 through section 41.040, pages 848–852.

(8) Upon completion of the laboratory examination, the examining laboratory shall submit a report to the health officer of the appropriate state or possession, or his delegated representative. The laboratory report shall specify the name and address of the producer or shipper (consignor) and of the consignee, the number and species of turtles or turtle eggs intended for interstate shipment, and the results of the examination, and it shall be signed by the examining microbiologist or director of the examining laboratory. Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued if, to the satisfaction of the health authority of the appropriate State or possession, the laboratory examination has been performed according to the procedure specified in this section, and all specimens examined were free of bacteria of the *Salmonella* and *Arizona* genera.

(e) *Destruction of turtles or turtle eggs; criminal penalties*—(1) *Destruction.* Any live turtles or viable turtle eggs which have been transported in interstate commerce without a certificate required by paragraph (b)(1) of this section, and any live turtles of viable turtle eggs which are held for sale or offered for any other type of commercial or public distribution and are found to contain bacteria of the *Salmonella* or *Arizona* genera when sampled and tested by a method appropriate for determination of the presence of such bacteria in the turtles or turtle eggs, and any live turtles or viable turtle eggs which are held for sale or offered for any other type of commercial or public distribution and are found to be held in water which contains bacteria of the *Salmonella* or *Arizona* genera when tested by an appropriate method, shall be subject to destruction, by or under the supervision of an officer or employee of the Food and Drug Administration in accordance with the following procedures:

(i) Any District Office of the Food and Drug Administration, upon detecting live turtles or viable turtle eggs which have been transported in interstate commerce without a certificate required by paragraph (b)(1) of this section, or which are held for sale or offered for any other type of commercial or public distribution and which contain, or are held in water containing, bacteria of the *Salmonella* and *Arizona* genera, shall serve upon the person in whose possession such turtles or turtle eggs are found a written demand that such turtles or turtle eggs be destroyed, under the supervision of said District Office within 10 working days from the date of promulgation of the demand. The demand shall recite with particularity the facts which justify the demand. After service of the demand, the person in possession of the turtles or turtle eggs shall not sell, distribute, or otherwise dispose of any of the turtles or turtle eggs except to destroy them under the supervision of the District Office, unless and until the Director of the Bureau of Foods withdraws the demand for destruction after an appeal pursuant to paragraph (e)(1)(ii) of this section.

(ii) The person on whom the demand for destruction is served may either comply with the demand or, within 10 working days from the date of its promulgation, appeal the demand for destruction to the Director of the Bureau of Foods, Food and Drug Administration. The demand for destruction may also be appealed, within the same period of 10 working days, by any other person having a pecuniary interest in such turtles or turtle eggs. In the event of such an appeal, the Bureau Director shall provide an opportunity for a hearing, by written notice to the appellant(s) specifying a time and place for the hearing, to be held within 14 days from the date of the notice but not within less than 7 days unless by agreement with the appellant(s).

(iii) Appearance by any appellant at the hearing may be by mail or in person, with or without counsel. The hearing shall be conducted by the Bureau Director or his designee, and a written summary of the proceedings shall be prepared by the person presiding. Any appellant shall have the right to hear and to question the evidence on which the demand for destruction is based, including the right to cross-examine witnesses, and he may present oral or written evidence in response to the demand.

(iv) If, based on the evidence presented at the hearing, the Bureau Director finds that the turtles or turtle eggs were transported in interstate commerce without a certificate in violation of this section, or that the turtles or turtle eggs were held for sale or offered for any other type of commercial or public distribution and that they contain, or are held in water which contains bacteria of the *Salmonella* or *Arizona* genera, the Bureau Director shall affirm the demand that they be destroyed under the supervision of an officer or employee of the Food and Drug Administration; otherwise, the Bureau Director shall issue a written notice that the prior demand by the District Office is withdrawn. If the Bureau Director affirms the demand for destruction he shall order that the destruction be accomplished within 10 working days from the date of the promulgation of his decision. The Bureau Director's decision shall be accompanied by a statement of the reasons for the decision. The decision of the Bureau Director shall constitute final Agency action, appealable in the courts.

(v) If there is no appeal to the Director of the Bureau of Foods from the demand by the FDA District Office and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, or if the demand is affirmed by the Director of the Bureau of Foods after an appeal and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, the District Office shall designate an officer or employee to destroy the turtles or turtle eggs. It shall be unlawful to prevent or to attempt to prevent such destruction of turtles or turtle eggs by the officer or employee designated by the District Office. Such destruction will be stayed if so ordered by a court pursuant to an appeal in the courts as provided in paragraph (e)(1)(iv) of this section.

(2) *Criminal penalties.* Any person who violates any provision of this section, including but not limited to any person who transports live turtles or viable turtle eggs in interstate commerce without a certificate required by paragraph (b)(1) of this section, or who offers for sale live turtles or viable turtle eggs which have been transported in interstate commerce without such a certificate, or who ships turtles in interstate commerce without accompanying warning signs and leaflets required by paragraph (b)(2) of this section, or who offers turtles for retail sale without complying with the requirements of paragraph (c) of this section, or who refuses to comply with a valid final demand for destruction of turtles or turtle eggs (either an unappealed demand by an FDA District Office or a demand which has been affirmed by the Director of the Bureau of Foods pursuant to appeal), shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, for each violation in accordance with section 368 of the Public Health Service Act (42 U.S.C. 271).

(f) *Exceptions.* The provisions of this section are not applicable to:

(1) Live turtles and viable turtle eggs used for bona fide scientific, educational, or exhibitional purposes, other than use as pets.

(2) Lots of less than seven live turtles or less than seven viable turtle eggs or any combination of such turtles and turtle eggs totaling less than seven.

(3) Marine turtles excluded from this regulation under the provisions of paragraph (a)(1) of this section and eggs of such turtles.

Interested persons may on or before July 29, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding these alternative proposals. Received comments may be seen in the above office during working hours, Monday through Friday.

NOTE: Incorporation by reference provisions approved by the Director of the FEDERAL REGISTER September 25, 1972.

Dated: May 20, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–12114 Filed 5–24–74;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

In the matter of determining the reasonable costs for therapy services furnished under arrangements with providers of services, clinics, rehabilitation agencies, and public health agencies.

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. Pursuant to section 251(c) of the Social Security Amendments of 1972 (Pub. L. 92–603), the proposed amendment to Subpart D of Regulations No. 5 of the Social Security Administration (20 CFR Part 405) would provide for the establishment of criteria for determining the reasonable cost of the services of physical, occupational, speech, and other therapists furnished under arrangements with a provider of services, a clinic, a rehabilitation agency, or a public health agency, effective with cost reporting periods beginning after the month final regulations to implement this provision become effective.

The proposed amendments to the regulations are applicable to all therapy services, but will be applied to individual therapy services or disciplines by means of separate guidelines. The initial guidelines issued to providers will concern physical therapy, which is the most common therapy service provided under arrangements by geographical area. These physical therapy guidelines will be issued at the time the regulations are

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

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promulgated. Guidelines for the other therapy services, however, will be developed at a later date, after consultation with the appropriate professional organizations. Therefore, in no event will the limitation under this provision be applied to an individual therapy service until the guideline for that particular therapy has been issued. Until that time, the cost of the other therapy services will continue to be evaluated so that such costs do not exceed what a prudent and cost-conscious buyer would pay for the given services. Salary data compiled by the Bureau of Labor Statistics for August 1972 will be used initially in determining the 75th percentile level of salaries in an area. These data will be updated through use of a wage index. Guidelines derived from other statistically valid data may be used in place of the Social Security Administration guidelines based on BLS data provided such alternative guidelines are submitted to and approved in advance by the Social Security Administration. In addition to the salary equivalents, an allowance will also be made for fringe benefits, special nonemployee expenses, travel time, administrative or supervisory duties, and for overtime when services are performed by a therapist in excess of the standard workweek. Where a provider contracts with a therapist for provision of supplies and equipment, as well as services, the costs of such supplies and equipment will be recognized as allowable provider costs to the same extent such cost would have been recognized if incurred directly by the provided.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before June 27, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 1102, 1814(b), 1833(a), 1871, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 302, as amended, 79 Stat. 331; (42 U.S.C. 1302, 1395f(b), 1395l(a), and 1395hh).)

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: March 29, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is further amended by adding § 405.432 to read as set forth below:

§ 405.432 Reasonable cost of physical and other therapy services furnished under arrangements.

(a) *Principle.* The reasonable cost of the services of physical, occupational, speech, and other therapists, and services of other health specialists (other than physicians), furnished under arrangements with a provider of services, a clinic, a rehabilitation agency or a public health agency, shall not exceed an amount equivalent to the prevailing salary and additional costs that would reasonably have been payable by the provider or other organization had such services been performed by such person in an employment relationship, plus the cost of other expenses incurred by such person in furnishing services under such an arrangement. However, if the services of a therapist are required on a limited part-time basis, or to perform intermittent services, payment may be made on the basis of a reasonable rate per unit of service, even though this rate may be greater per unit of time than salary-related amounts, where the greater payment is, in the aggregate, less than the amount that would have been paid had a therapist been employed on a full-time or regular part-time salaried basis. The provisions of this section shall be effective for cost reporting periods beginning after the month final regulations become effective.

(b) *Definitions*—(1) *Prevailing salary.* The prevailing salary is the prevailing hourly salary rate based on the 75th percentile of salary ranges paid by providers in the geographic area, by type of therapy, to therapists working full time in an employment relationship.

(2) *Fringe benefit and expense factor.* The standard fringe benefit and expense factor takes account of fringe benefits, such as vacation pay, insurance premiums, pension payments, allowances for job-related training, meals, etc., generally received by an employee therapist, and expenses, such as maintaining an office, appropriate insurance, etc., an individual not working as an employee might incur.

(3) *Adjusted hourly salary equivalency amount.* The adjusted hourly salary equivalency amount is the prevailing hourly salary rate plus the standard fringe benefit and expense factor. This amount is determined on a periodic basis for appropriate geographic areas.

(4) *Travel allowance.* A standard travel allowance is an amount that will be recognized, in addition to the adjusted hourly salary equivalency amount.

(5) *Limited part-time or intermittent services.* Therapy services will be held to be on a limited part-time or intermittent basis if the provider or other organization requires the services of a therapist or therapists on an average of less than 15 hours per week. This determination shall be made by dividing the total hours of service furnished during the reporting period by the number of weeks of service in the reporting period regardless of the number of days in each week in which services were performed.

(6) *Guidelines.* Guidelines are the amounts published by the Social Security Administration reflecting the application of paragraph (b)(1), (2), (3) and (4) of this section to an individual therapy service and a geographical area.

(7) *Administrative responsibility.* Administrative responsibility is the performance of those duties which normally fall within the purview of a department head or other supervisor. This term does not apply to directing aides or other assistants in rendering direct patient care.

(c) *Application.* (1) Under this provision, the Social Security Administration will establish criteria for use in determining the reasonable cost of physical, occupational, speech, and other therapy services and the services of other health specialists (other than physicians) furnished by individuals under arrangements with a provider of services, a clinic, a rehabilitation agency, or a public health agency. It is recognized that providers have a wide variety of arrangements with such individuals. These individuals may be independent practitioners or employees of organizations furnishing various health care specialists. This provision does not require change in the substance of these arrangements.

(2) Where therapy services are performed under arrangements at a provider site on a full-time or regular part-time basis, the reasonable cost of such services may not exceed the amount determined by taking into account the total number of hours of service rendered by the therapist, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographic area in which the services are rendered, and a standard travel allowance factor.

(3) Where therapy services are performed under arrangements on a limited part-time or intermittent basis at the provider site, the reasonable cost of such services will be evaluated on a reasonable rate per unit of service basis, except that payment for these services, in the aggregate, during the cost reporting period, may not exceed the amount which would be determined to be reasonable under paragraph (c)(2) of this section, had a therapist furnished the provider or other organization 15 hours of service per week on a regular part-time basis for the weeks in which services were rendered by the non-employee therapist.

(4) Where a home health agency arranges for services to be performed at the beneficiary's residence or in other situations where therapy services are not performed at a provider site, the reasonable cost of such services will be evaluated on a unit of time basis, by taking into account the total number of hours of service rendered by the therapist, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographic area in which the services are rendered, and a standard travel allowance factor for each visit. However, where records of time are unavailable, or found to be inaccurate because of failure to follow accepted recordkeeping practices, each home health agency visit is considered the equivalent of one hour of service. In such cases, the reasonable cost of such

services will be determined by taking into account the number of visits made by the therapist under arrangements with such agency, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered, and a standard travel allowance factor.

(5) These provisions are applicable to individual therapy services or disciplines by means of separate guidelines by geographical area and will apply to costs incurred after issuance of the guidelines but no earlier than the beginning of the provider's cost reporting period described in paragraph (a) of this section. Such guidelines will be published by the Social Security Administration and distributed to each provider of services. Until a guideline is issued for a specific therapy or discipline, costs will be evaluated so that such costs do not exceed what a prudent and cost-conscious buyer would pay for the given service.

(d) *Additional allowances.* (1) Where a therapist supervises other therapists or has administrative responsibility for operating a provider's therapy department, a reasonable allowance may be added to the adjusted hourly salary equivalency amount by the intermediary based on its knowledge of the differential between therapy supervisors' and therapists' salaries in similar provider settings in the area.

(2) Where a therapist performing services under arrangements furnishes equipment and supplies used in rendering therapy services, the cost of the equipment and supplies may be included in the allowable costs of the therapy department, provided the cost does not exceed the amount the provider, as a prudent and cost-conscious buyer, would have been able to include as allowable cost.

[FR Doc.74-12130 Filed 5-24-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-WE-22-AD]

LOCKHEED MODEL L-1011-385-1 AIRPLANES

Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the Lockheed L-1011-385-1 series airplane. The L-1011 cargo door is designed to unlock, unlatch, and open electrically. The basic airplane design includes two control switches per door, either of which can open the door while the airplane is on the ground. (Airplanes with an airstair have four switches at the C-2 cargo door.)

A single electrical failure could cause a cargo door to open while the airplane is on the ground including the take-off roll.

This condition exists on L-1011-385-1 airplanes, with Lockheed serial numbers 1002 thru 1066 not modified per LAC Service Bulletin 093-52-045, dated October 18, 1973. The proposed airworthiness directive will require the modification of each cargo door control system as defined in LAC Service Bulletin 093-52-045, dated October 18, 1973, or later FAA-approved revisions.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, PO Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before June 25, 1974 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date of comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend §39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LOCKHEED. Applies to Model L-1011-385-1 Series Aircraft With Lockheed Serial Numbers 1002 Through 1066, Certificated in all Categories.

Compliance required within 1,000 hours additional time in service after the effective date of this AD, unless already accomplished.

To prevent a single failure from causing a cargo door to open during takeoff roll, accomplish one of the following:

(a) Modification as described in Lockheed Service Bulletin 093-52-045 dated October 18, 1973, or later FAA-approved revisions.

(b) Equivalent modifications, approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Aircraft may be flown to a base where maintenance may be performed per FAR's 21.197 and 21.199.

Issued in Los Angeles, Calif., on May 15, 1974.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.74-12062 Filed 5-24-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-14]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone at Jefferson, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before June 27, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

All requirements have been met for the designation of a control zone at the Ashtabula County Airport, Jefferson, Ohio. Weather reporting services and surface communications will be provided by the Ashtabula County Control Tower. Accordingly, the Jefferson, Ohio, control zone must be established for the protection of IFR air traffic utilizing the Ashtabula County Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354), the following control zone is added:

JEFFERSON, OHIO

Within a 5-mile radius of the Ashtabula County Airport (latitude 41°46'40" N., longitude 80°41'45" W.); within 8 miles each side of the Jefferson, Ohio VORTAC 242° radial, extending from the 5-mile radius zone to 8.5 miles SW of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Ill., on May 9, 1974.

R. O. ZIEGLER,
Director, Great Lakes Region.

[FR Doc.74-12069 Filed 5-24-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-55]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

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of the Federal Aviation Regulations that would alter the Oneida, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before June 27, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Oneida transition area described in § 71.181 (39 FR 440) would be amended as follows: "• • • long. 84°-35'10" W.) • • •" would be deleted and "• • • long. 84°35'10" W.); within 3 miles each side of the 055° bearing from Scott RBN (lat. 36°27'26" N., long. 84°-35'11" W.), extending from the 5.5-mile radius area to 8.5 miles northeast of the RBN • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the NDB RWY 23 Standard Instrument Approach Procedure to Scott Municipal Airport, utilizing the Scott (private) Nondirectional Radio Beacon.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., May 15, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-12141 Filed 5-24-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

ETHYL 3-METHYL-4-(METHYLTHIO) PHENYL (1-METHYLETHYL)PHOSPHORAMIDATE

Tolerances and Exemptions for Pesticide Chemicals

Chemagro Division of Baychem Corp., P.O. Box 4913, Kansas City, MO 64120, submitted a petition (PP 4E1458) proposing establishment of a tolerance for combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on bananas at 0.1 part per million.

Based on consideration given data submitted in the petition and other relevant material it is concluded that:

1. The nematocide is useful for the purpose for which the tolerance is being proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies.

3. The nematocide should be listed with the cholinesterase-inhibiting pesticides in § 180.3(e)(5).

4. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 512 (21 U.S.C. 346a (e))), it is proposed that Part 180 be amended as follows:

1. In § 180.3(e)(5), by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

• • • • • •

(e) • • •
(5) • • •

Ethyl 3-methyl-4-(methylthio) phenyl (1 - methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites.

• • • • • •

2. In Subpart C, by adding a new § 180.349 as follows:

§ 180.349 Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate; tolerance for residues.

A tolerance of 0.1 part per million is established for combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity bananas.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before June 27, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, on or before June 27, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: May 20, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-12098 Filed 5-24-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 81]

[Docket No. 20060; RM No. 2306; FCC 74-513]

NOME, ALASKA

Petition for Waiver of Rules

1. RCA Alaska Communications, Inc. (RCA Alascom) has filed an application for modification, petition for rulemaking and request for rule waiver. By these pleadings RCA Alascom seeks temporary and permanent authority to use the frequency 5370 kHz at its Alaska Fixed Public/Public Coast II-A and II-B station, call signs WGG-55/WKR located at Nome, Alaska.

2. Alascom has filed an application for modification of its station at Nome, Alaska. No opposition to the application has been filed. However, coordination with the Interdepartment Radio Advisory Committee has shown that this frequency is presently shared with other Federal Government stations and therefore this frequency will be authorized on a noninterference basis to the existing Federal Government facilities. Further, extensive analysis of the use of 5370 kHz at Nome by Alascom and by the Commission's staff, indicates that no interference to any other station is likely to result by the grant of these requests. Accordingly, a waiver of the rules to permit such use during the pendency of this rule making proceeding appears warranted. If, in fact, interference should result, such operation should bring it to light. In such a case, the temporary authority will cease until termination of this rule making proceeding. The waiver to permit this operation, on a noninterference basis, will be granted in the ordering paragraphs below.

3. Amendment of the rules to permit permanent use of 5370 kHz at Nome also appears warranted.

4. In view of the above, *it is ordered*, That § 81.713 of the rules is waived to permit use of the frequency 5370 kHz at Nome, Alaska pending the termination of this proceeding provided that no interference results to any other station.

5. The proposed amendment as set forth in the attached Appendix is issued pursuant to the authority contained in section 303 of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 28, 1974, and reply comments on or before July 8, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this notice of proposed rulemaking and order will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

Adopted: May 14, 1974.

Released: May 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

In § 81.713 the table is amended by adding the paired frequencies 5370 kHz and 5134.5 kHz to read as follows:

§ 81.713 Pairing of common carrier and Alaska-public fixed frequencies.

The pairing of frequencies available for communication between common carrier fixed stations (CCFS), as set forth in § 81.712, and Alaska-public fixed stations (APFS), as set forth in § 81.711, is given in the following table.

For communication with common carrier stations located at	Frequencies available until Jan. 1, 1974		Frequencies available after Jan. 1, 1974	
	CCFS transmit (kHz)	APFS transmit (kHz)	CCFS transmit (kHz)	APFS transmit (kHz)
Anchorage	3183	3256	3183	3365
	5370	3357		5137.5
		5737.5		2253
Bethel	2804	2682	2804	2628
				5204.5
Cold Bay	2212	2094	2841	2691
	2241	5137.5		
	4085			
Cordova	2312	2682	2312	2632
Fairbanks	3167.5	2682	3167.5	3354
		2697		5207.5
		5207.5		
Juneau	2784	2094	2784	2694
	3241	3057	3241	3357
Ketchikan	2604	2256	2694	2256
	3303	2778	3189	2778
King Salmon	3203	3044	3164.5	3466
Kodiak	2784			
	2804	3474	2781	2474
Kotzebue	2604	3466	2601	2482
Nome	2784		5370	5134.5
	2408	3474	2784	2471
Sitka	2408	2240		
Unalaska	2312	2632	3238	3362
	4035	3205	5570	5134.5

[FR Doc.74-12098 Filed 5-24-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 210]

"SUMMER FILL" AND OTHER "DATING" PROGRAMS

Proposed Rulemaking

The Federal Energy Office hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Part 210, to clarify whether suppliers will be required to maintain the terms of "summer fill" programs, or other "dating" programs, in connection with the supply of covered products to purchasers. Under the terms of such programs, purchasers supplied with covered products over specified periods of time have not been required to pay for the products until the end of the specified period.

Section 210.62(a) now states:

Suppliers will deal with purchasers according to normal business practices. Nothing in this program shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for products. However, no supplier may require or impose more stringent credit terms or payment schedules on purchasers than the normal business practices of the supplier for that class of purchaser (e.g., COD purchasers) during the base period, nor may any supplier modify any other normal business practice so as to result in circumvention of any provision of this chapter.

FEO proposes to amend § 210.62(a) to read as follows:

§ 210.62 Normal business practices.

(a) Suppliers will deal with purchasers of an allocated product according to normal business practices in effect during the appropriate base period for that allocated product as set forth in Part 211. Nothing in this program shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for products. However, no supplier may require or impose more stringent credit terms or payment schedules on purchasers than those in effect for that class of purchaser (e.g., COD purchasers) on May 15, 1973. Nor may any supplier modify any normal business practice so as to result in circumvention of any provision of this chapter. "Summer fill" programs or other "dating" programs are among the normal business practices to which this paragraph applies.

• • • • • •

This proposed amendment to the regulations is to make clear that credit terms are to be treated generally under the regulations as a function of price. This means that, since prices are determined under Part 212 by reference to the May 15, 1973 price, credit terms will also be determined generally by reference to the May 15, 1973 price. (See, e.g., FEO Ruling 1974-10, 39 FR 15140, May 1, 1974) FEO believes this approach is reasonable for credit terms which are, as a practical matter, intended to be applicable for an indefinite period.

However, the FEO is aware that "summer fill" programs and other "dating" programs that provide for special credit terms cannot readily be treated under the regulations as a function of a May 15, 1973 price. Although such programs necessarily entail certain credit terms, the programs are intended to apply only for a specific time period and should properly be regarded as a business practice which, in effect, supersedes for a specified portion of time, the prices and credit terms which would otherwise be in effect. Since "dating" programs necessarily extend only for a specified period of time, they cannot adequately be dealt with as a function of a May 15, 1973 price.

Thus, the issue to be considered in this rulemaking proceeding is whether § 210.62(a) should be revised clearly to require suppliers to maintain the terms of dating programs which were in effect during the appropriate base period. It should be emphasized that no question exists concerning the obligations of suppliers to supply their 1972 base period customers who were supplied under summer-fill or dating programs, but only as to whether the terms and conditions of such programs will need to be maintained.

To make this determination, FEO needs to be fully advised as to the extent of such programs and their purposes and effects. To the extent that such programs are important to attaining the objectives of the Emergency Petroleum Allocation Act of 1973, the FEO believes they ought to be continued.

FEO has been advised of certain specific programs that were in effect during the summer of 1972 and for many years prior to that. Under one program, certain refiners sold No. 2 fuel oil to wholesale customers under a "summer fill" program. Under that program, all No. 2 fuel oil delivered to a wholesale purchaser between May 1 and September 30 did not have to be paid for until October 10, and a 1 percent discount was provided for payment prior to that date. Also, any price reduction between May 1 and September 30 would be applicable to all fuel oil delivered during that period.

As a result of this program, FEO is advised that the wholesale purchasers concerned were encouraged to and did construct additional fuel oil storage capacity. This capacity was, in effect, financed by the savings to the wholesale purchasers under the summer fill program, and the capacity, in turn, relieved the refiner-suppliers of the need to construct their own storage capacity.

The FEO believes such a summer fill program serves a substantial function in the overall allocation program by insuring that existing storage capacity for heating oil is fully utilized, and that it therefore appears that such programs should be continued. Moreover, monthly allocations are currently being made to purchasers based on their 1972 volumes which were, in turn, at least in part influenced by the availability of the summer fill terms. It would not seem to be appropriate to require purchasers now to make current payments for those volumes that were received under dating programs in 1972. Accordingly, FEO proposes to resolve this rulemaking as expeditiously as possible, and to the extent that summer fill programs are required to be maintained, they will be effective for the same time periods in 1974 as they were in the base period.

If any wholesale purchaser with an entitlement to purchase in May, 1974, which is based on supplies received under the terms of a summer fill program in 1972, does not take the full amount of its entitlement because of the current unavailability of summer fill terms, and if this proceeding is resolved to require such summer fill programs to be maintained, the unused portion of the entitlement will be carried forward to a subsequent month.

The purpose of this rulemaking proceeding is to elicit information on all such types of summer fill or dating programs which were business practices during the base period for the particular allocated product, with a view toward determining which of these practices should be continued as reasonably necessary means of

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helping to fulfill the objectives of the Emergency Petroleum Allocation Act of 1973. Interested parties should describe each such program or plan in detail, the rationale for the plan and for its discontinuance (if it has been discontinued), how long the plan has been in effect, the reliance placed by interested parties on the continuation of the plan, the effects of the withdrawal of the plan on the allocation program and on the interested parties, the kinds and quantities of product involved in the plan, the estimated cost of credit to the supplier and to the purchaser for the costs of product over the time periods involved, and any other information that is relevant to a determination in this matter.

Interested parties are invited to participate in this rulemaking by submitting written data, views or arguments with respect to the supplier and to the purchaser for the costs of product over the time periods involved, and any other information that is relevant to a determination in this matter.

Interested persons are invited to participate in this rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Office, Box AK, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Proposed Regulations on Summer Fill and Other Dating Programs." Fifteen copies should be submitted. All comments received by June 7, 1974, and all other relevant information will be considered by the Federal Energy Office before final action is taken on the proposed regulations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748; 38 FR 33575)

In consideration of the foregoing it is proposed to amend § 210.62(a) of Part 210, Chapter II, Title 10 of the Code of Federal Regulations as set forth above.

Issued in Washington, D.C., May 21, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

[FR Doc.74-12056 Filed 5-24-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

FEDERAL POWER COMMISSION

[Docket No. RI74-229, etc.]

AMOCO PRODUCTION CO. ET AL.

Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund [1]

MAY 17, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets No.
RI74-229	Amoco Production Co	529	6	El Paso Natural Gas Co. (San Juan Basin Area, La Plata, County, Colo.) (Rocky Mountain Area).	$200	4-19-74		6-20-74	24.0	24.5	
	do	530	6	do	500	4-19-74		6-20-74	24.0	24.5	
RI74-63		614	2	Mountain Fuel Supply Co. (Middle Baxter Basin Field, Sweetwater County, Wyo.) (Rocky Mountain Area).	5,530	4-19-74		4-20-74	38.4	[3] 39.936	RI74-63.
RI74-230	American Petrofina Co. of Texas.	[2] 24	12	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin) (Rocky Mountain Area).	1,630	4-19-74		6-20-74	[2] 28.0	[2] 28.5	
RI74-231	Chevron Oil Co., Western Division.	1	[4] 10	El Paso Natural Gas Co. (Rutherford Field, San Juan County, Utah-Aneth Field Sub Area) (Rocky Mountain Area).		4-22-74	5-23-74	[7] [14] Accepted			
			11	do	632	4-22-74		10-23-74	[4] [7] 21.57	[4] [7] 28.32	
RI74-232	Gulf Oil Corp	450	1	El Paso Natural Gas Co. (Blanco Pictured Cliffs Field, San Juan County, N. Mex., San Juan Basin Area) (Rocky Mountain Area).	1,839	4-29-74		6-30-74	[2] 24.0	[2] 28.5	
RI73-171	Belco Petroleum Corp	5	11	El Paso Natural Gas Co. (Big Piney Field, Lincoln and Sublette Counties Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area).	$810	4-22-74		4-23-74	[2] 27.2025	[2] 27.6075	RI73-171.
RI73-171	do	6	21	do	27,540	4-23-74		4-23-74	[2] 27.2025	[2] 27.6075	RI73-171.
RI73-196	do	7	12	Mountain Fuel Supply Co. (Piney (Birch Creek) Field, Sublette County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area).	320	4-23-74		4-23-74	32.16	32.48	RI73-196.
RI-74-233	Champlin Petroleum Co.	125	[4] 1	Mountain Fuel Supply Co. (Brady Area, Sweetwater County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area).		4-15-74	5-19-74	[14] Accepted			
	do		2	do	112,380	4-15-74		10-19-74	23.75	[4] [11] 42.48	R-74-66.
	do		3	do	3,275	4-25-74		(16)	23.75	[13] [14] 24.462	
	do			do	10,209	4-25-74		10-19-74	42.48	[13] 44.16	
RI74-66	Amoco Production Co	562	8	Colorado Interstate Gas Co. (Antelope Field, Sweetwater County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area).	12,745	4-26-74		4-27-74	45.53	[13] [14] 47.3512	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Includes a double amount of contractually due tax reimbursement.
[2] Considered "New gas" pursuant to Opinion No. 639.
[3] Subject to upward and downward Btu adjustment from a base of 1,000 Btu.
[4] Letter agreement dated Mar. 21, 1974.
[5] Converted from 22 cent at 15.025 lb/in²a.
[6] 24 cent base rate plus upward Btu adjustment from 1,000 Btu of 4.32 (1,180 Btu gas).
[7] The pressure base is 14.73 lb/in²a.
[8] Contract amendment dated Oct. 26, 1973.
[9] Applicable to wells drilled subsequent to July 1, 1972, covered under contract dated Oct. 26, 1973.
[10] Applicable to wells drilled before July 1, 1972, covered under contract dated Sept 27, 1971.
[11] 40 cent base rate plus 2.48 cent upward Btu adjustment for 1,063 Btu gas.
[12] Includes a double amount of the contractually due tax reimbursement.
[13] 41.02 cent base rate plus 4.51 cent upward Btu adjustment for 1,110 Btu gas plus 1.8212 cent tax.
[14] Accepted 30 days after filing as shown in the "Effective Date" Column.
[15] Accepted as of date of filing.

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The proposed rates of Amoco Production Company under FPC Gas Rate Schedule Nos. 529 and 530, American Petrofina Company and Gulf Oil Corporation exceed the applicable area ceiling rate in Order No. 435 and are suspended for one day.

The proposed rate increases of Belco Petroleum Corporation reflect contractually due reimbursement of the recent increase in the Wyoming severance tax. Since the underlying rates are being collected subject to refund, the proposed tax reimbursement increases are suspended for one day in the same proceedings.

Amoco Production Company under FPC Gas Rate Schedule Nos. 614 and 582 and Champlin Petroleum Company in Supplement No. 3 to its FPC Gas Rate Schedule No. 125 also reflect the recent increase in the Wyoming severance tax. Since the underlying rates are being collected subject to refund, Amoco's increases are suspended in the existing rate proceedings for one day after the date of filing. Champlin's increase to 24.462 cents is accepted and its increase to 44.18 cents is suspended for the same period that its base rate increase to 42.48 cents in Supplement No. 2 is suspended. Amoco and Champlin in these filings propose a double amount of the contractually due tax reimbursement so as to collect tax reimbursement on past production as well as on future production. They shall file rate decreases reflecting only contractually due tax reimbursement for future production after tax reimbursement on past production has been recovered.

Champlin's proposed 42.48 cents per Mcf rate exceeds the area ceiling rate in Order No. 435 and is suspended for five months because of rate level sought. The related amendatory contract is accepted for filing after expiration of the statutory notice period. Such acceptance does not constitute certificate authorization for sales from the acreage added by that amendment.

[FR Doc.74-11950 Filed 5-24-74;8:45 am]

[Docket No. G-18919, etc.]

ATLANTIC RICHFIELD CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 20, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 6, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-18919 (G-5303) CF 5-1-74	Atlantic Richfield Co. (successor to Skelly Oil Co.,) P.O. Box 2819, Dallas, Tex. 75221.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	[1] 12.0	14.65
C162-1004 E 4-24-74	Dinero Oil Co. (successor to Petroleum Evaluation and Management Co., Inc.), 600 Southwest Tower, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Willacy County, Tex.	17.24347	14.65
C164-672 E 4-26-74	Petroleum Corp., of Texas (successor to Cities Service Oil Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Northern Natural Gas Co., Acreage in Meade County, Kans.	16.0	14.65
C174-544 A 4-4-74	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Kansas-Nebraska Natural Gas Co., Inc., Alkali Butte Field, Fremont County, Wyo.	[2] [3] 50.0	14.65
C174-577 (CS72-430) F 4-15-74	Phillips Petroleum Co. (successor to Cardinal Petroleum Co. and National Bulk Carriers, Inc.), Bartlesville, Okla. 74004.	Montana-Dakota Utilities Co., Garland Field, Park County, Wyo.	[2] [3] 24.0	14.73
C174-597 (CS72-430) F 4-15-74	do	Montana-Dakota Utilities Co., Big Polecat Field, Park County, Wyo.	[3] 20.	15.025
C174-598 (CS72-430) (CS72-434) 4-15-74	do	Montana-Dakota Utilities Co., Whistle Creek Field, Park County, Wyo.	[3] [4] 42.0	15.025
C174-599 (CS72-430) (CS72-434) F 4-15-74	do	Montana-Dakota Utilities Co., Big Polecat Field, Park County, Wyo.	[2] [3] 42.0	15.025
C174-600 (CS72-430) (CS72-434) F 4-15-74	do	do	[2] [3] 42.0	15.025
C174-601 (CS72-430) F 4-15-74	Phillips Petroleum Co. (successor to Cardinal Petroleum Co.).	Montana-Dakota Utilities Co., South East Byron Field, Big Horn County, Wyo.	[2] [3] 42.0	15.025
C174-602 (CS72-430) F 4-15-74	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Allen Field, Morgan County, Colo.	[3] 18.0	14.65
C174-605 A 4-25-74	Koch Industries, Inc., P.O. Box 2256, Wichita, Kans. 67201.	Southern Natural Gas Co., Unknown Pass Field, Orleans Parish, La.	[2] [3] 30.0	15.025
C174-606 (G-12150) F 4-26-74	Petroleum Corp. of Texas (successor to Cities Service Oil Co.) P.O. Box 911, Breckenridge, Tex. 76024.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Southwest Camp Creek Field, Beaver County, Okla.	18.265	14.65
C174-607 (G-12149) F 4-25-74	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	18.265	14.65
C174-609 (C172-156) B 4-26-74	Texas Oil & Gas Corp., Fidelity Union Tower, Dallas, Tex. 75201.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem Field, San Patricio County, Tex.	(7)	
C174-610 A 4-26-74	TransOcean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	Michigan-Wisconsin Pipe Line Co., Block 206, West Cameron Area, offshore Louisiana.	[5] 32.0	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C174-614 (C166-1068) E 5-2-74	River Corp., 9900 Clayton Rd., St. Louis, Mo. 63124.	Texas Gas Transmission Corp., Block 4 Field, offshore Cameron Parish, La.	Nonproductive	
C174-615 A 5-2-74	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Woodward No. 1 Unit, Texas County, Okla.	[5] 26.0	14.65

[1] Subject to downward Btu adjustment.
[2] Subject to upward and downward Btu adjustment.
[3] Applicant is willing to accept a certificate at the area ceiling rate.
[4] Subject to upward Btu adjustment; estimated adjustment is 20 cents per Mcf.
[5] Subject to upward Btu adjustment; estimated adjustment is 8.124 cents per Mcf.
[6] Subject to upward Btu adjustment; estimated adjustment is 5.04 cents per Mcf.
[7] Buyer's resale of Applicant's gas to United Gas Pipe Line Co. has been abandoned.
[8] Applicant is willing to accept a certificate at the area ceiling rate of 20 cents per Mcf.
[9] Applicant is willing to accept a certificate at an initial rate of 21.315 cents per Mcf, subject to upward and downward Btu adjustment; however, the contract price is 35 cents per Mcf, subject to upward and downward Btu adjustment.

[FR Doc.74-11957 Filed 5-24-74;8:45 am]

[Docket No. C174-555, etc.]

CURTIS S. GREEN, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 20, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C174-555 (C166-176) F 3-28-74	Curtis S. Green (successor to Skelly Oil Co.), P.O. Box 1368, Tulsa, Okla. 74101.	Arkansas Louisiana Gas Co., Cauthorville, Cecil, and Mansfield Fields, Logan, Franklin, and Scott Counties, Ark.	16.24	14.7
C174-613 A 5-1-74	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co.; acreage in Major County, Okla.	[1] [2] 41.1695	14.65
C174-616 (C160-859) B 5-9-74	McMoRan Properties, Inc., 1012 Pere Marquette Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Diamond Field, Plaquemines Parish, La.	Depleted	
C174-618 (CI72-270) B 4-29-74	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Natural Gas Pipeline Co. of America, acreage in Texas County, Okla.	Depleted	
C174-619 (G-4879) F 4-29-74	Petroleum Corp. of Texas (successor to Cities Service Oil Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Northern Natural Gas Co., Hugoton Field, Texas County, Okla.	12.491	14.65
C174-620 4-29-74 [3]	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co.; Walgenott Field, Woods County, Okla.	[4] [5] 18.538	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

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Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C174-621 (C171-87) B 4-23-74	Petroleum, Inc.	Cities Service Gas Co., acreage in Texas County, Okla.	Depleted	
C174-623 (C872-430) F 4-26-74	Phillips Petroleum Co. (successor to Cardinal Petroleum Co.), Bartlesville, Okla. 74004.	Kansas-Nebraska Natural Gas Co., Inc., Lobo Field, Washington County, Colo.	[1] 15.0	14.73
C174-626 A 5-3-74	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	[1] [4] 37.48	14.65
C174-627 (C167-1572) B 5-6-74	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Natural Gas Pipeline Co. of America, Cemetary Field, Eddy County, N. Mex.	Depleted	
C174-631 (G-19248) F 5-6-74	Petroleum Corp. of Texas (successor to Anadarko Production Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	[2] 10.543	14.65
C174-632 (C161-1664) F 5-3-74	Petroleum Corp. of Texas (successor to Cities Service Oil Co.).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	13.195	14.65
C174-633 (C170-225) F 4-8-74 [3]	American Petrofina Co. of Texas (Operator) et al. (successor to River Corp.) P.O. Box 2159, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., Aledo Field, Custer and Dewey Counties, Okla.	[1] 18.606	14.65
C174-634 (C170-249) F 4-8-74 [3]	do	Panhandle Eastern Pipe Line Co., Aledo Field, Shallow formation, Custer and Dewey Counties, Okla.	[1] 22.7614	14.65
C174-635 (C168-1204) F 5-3-74	Petroleum Corp. of Texas (successor to Cities Service Oil Co.).	Panhandle Eastern Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	18.2852	14.65
C174-636 (C160-523) F 5-3-74	Petroleum Corp. of Texas (successor to Anadarko Production Co.).	Panhandle Eastern Pipe Line, Co., Taloga Field, Merton County, Kans.	[2] 19.089	14.65
C174-639 (C166-176) F 5-3-74	Monsanto Co. (successor to Skelly Oil Co.), 5051 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77027.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	[5] 16.24	14.65
C174-640 (C161-1663) F 5-3-74	Petroleum Corp. of Texas (successor to Anadarko Production Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Panhandle Eastern Pipe Line Co., Hugoton Field, Texas County, Okla.	13.0	14.65
C174-641 (C872-430) F 4-26-74	Phillips Petroleum Co., (successor to Cardinal Petroleum Co.), Bartlesville, Okla. 74004.	Kansas-Nebraska Natural Gas Co., Inc., Pawnee Creek, Logan County, Colo.	[1] 15.0	14.73

[1] Subject to upward and downward Btu adjustment.
[2] Applicant is willing to accept a certificate conditioned in accordance with Opinion No. 586.
[3] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Yucca Petroleum Co., now holder of a small producer certificate.
[4] Applicant is willing to accept a certificate conditioned to the applicable area rate.
[5] Includes 2.97 cents per Mcf downward Btu adjustment.
[6] Previously noticed erroneously as a total succession on Apr. 25, 1974, in Docket No. CI60-175 et al.
[7] Includes 1.08 cents per Mcf upward Btu adjustment.
[8] Subject to downward Btu adjustment and subject to a deduction for compression by buyer.

[FR Doc.74-11958 Filed 5-24-74;8:45 am]

[Docket No. RI74-196]

AMOCO PRODUCTION CO.

Petition for Special Relief

MAY 20, 1974.

Take notice that on March 29, 1974, Amoco Production Company, (Petitioner), Post Office Box 5910-A, Chicago, Illinois 60680, filed a petition for special relief in Docket No. RI74-196. Petitioner seeks a rate increase in excess of the applicable ceiling prescribed in Opinion No. 586 for sale of natural gas to Cities Service Gas Company (Cities) from the Hugoton-Anadarko Area under its FPC Gas Rate Schedule No. 84. The proposed rates are 38.5¢ per Mcf for gas produced from the Panama-Council Grove Field and 33.5¢ per Mcf for gas produced from all other formations under the subject rate schedule. The increase in annual revenues at the proposed rates is estimated at almost $23 million. In consideration therefor Petitioner proposes to undertake an extensive exploration and development program pursuant to an Exploration and Development Agreement dated March 1, 1974, between Petitioner and Cities covering more than one million acres subject to Petitioner's lease rights in the State of Wyoming to find and develop gas reserves from which up to 2 trillion cubic feet of gas will be sold to Cities.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12075 Filed 5-24-74;8:45 am]

[Docket No. E-7769]

DELMARVA POWER AND LIGHT CO.

Compliance Filing

MAY 20, 1974.

Take notice that on May 2, 1974, Delmarva Power and Light Company, Delmarva Power and Light Company of Maryland, and Delmarva Power and Light Company of Virginia (collectively, Delmarva) filed their joint Report of Compliance with the Commission's Order issued herein on April 1, 1974.

Delmarva reports as follows:

1. Pursuant to Ordering Paragraph (B) of the Order of April 1, 1974, Delmarva has previously filed with this Commission, with a covering letter dated April 30, 1974, revised Fuel Adjustment Clauses in all of its FPC Electric Tariffs and Wholesale Rate Schedules which contain such clauses.

2. Pursuant to Ordering Paragraph (C) of such Order, and the Commission's letter of March 13, 1974, Delmarva has provided to the Commission calculations which show the computation of the Delaware Five Percent Utilities Tax, under a covering letter dated April 19, 1974.

3. Pursuant to Ordering Paragraph (D) of such Order, Delmarva and its Subsidiaries have calculated the difference, with respect to each of the customers entitled to refund, between the amounts collected under the suspended tariffs for service since March 1, 1973 and the amounts resulting from application of the settlement rates provided in the Stipulation and Agreement. The interest on such difference, by months, has also been calculated at the rate of 7 percent per year, from the date of each successive payment by each customer, to April 25, 1974, on which date refund was made or credited as the case may be.

4. Pursuant to Ordering Paragraph (E) of such Order, Delmarva has previously filed with this Commission, with a covering letter dated April 11, 1974, the revised tariff sheets and rate schedule supplement in conformity with the terms of the Stipulation and Agreement herein approved.

Delmarva submits that it has complied fully with the Commission's order of April 1, 1974 and that this proceeding in Docket No. E-7769 should be terminated.

Copies of the Report of Compliance are on file with the Commission and are available for public inspection. Any person desiring to comment upon the Report of Compliance should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before May 31, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12077 Filed 5-24-74;8:45 am]

[Docket No. CI74-638]

WALTER W. HEARD, JR. (OPERATOR), ET AL.

Notice of Application

MAY 20, 1974.

Take notice that on May 9, 1974, Walter W. Heard, Jr. (Operator), et al. (Applicant), P.O. Box 1306, Natchez, Mississippi 39120, filed in Docket No. CI74-638 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Company (Trunkline) from the Little Creek Field Area, LaSalle Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas on March 7, 1974, from the subject acreage to Trunkline within the contemplation of § 157.29 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 15,000 Mcf of gas per month at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12078 Filed 5-24-74;8:45 am]

[Docket No. RI74-188]

INDEPENDENT OIL & GAS ASSOC. ET AL.

Extension of Time and Postponement of Hearing

MAY 20, 1974.

Independent Oil & Gas Association of West Virginia
v.
Consolidated Gas Supply Company
Columbia Gas Transmission Corporation
Carnegie Natural Gas Company
Equitable Gas Company

On May 15, 1974, Independent Oil and Gas Association of West Virginia filed a motion for an extension of the procedural dates fixed by the Order issued May 10, 1974 in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of direct testimony and evidence by IOGA, May 31, 1974.
Service of direct testimony and evidence by Respondents, June 21, 1974.
Service of direct testimony and evidence by staff & intervenors, July 1, 1974.
Service of Rebuttal testimony and evidence, July 9, 1974.
Hearing, July 17, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12076 Filed 5-24-74;8:45 am]

[Docket No. E-8424]

JERSEY CENTRAL POWER AND LIGHT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 20, 1974.

On March 14, 1974, The Boroughs of Madison, New Jersey, et al., filed a motion for an extension of the procedural dates fixed by notice issued March 14, 1974, in the above-designated matter. On March 21, 1974, a notice was issued deferring the procedural dates. On May 16, 1974, The Boroughs of Madison, New Jersey, et al., filed an amended motion for an extension of time.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of testimony and exhibits by Intervenors, June 14, 1974.
Service of rebuttal evidence by the Company, July 10, 1974.
Prehearing Conference and Hearing, July 16, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12080 Filed 5-24-74;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Certification of Settlement Agreement and Hearing Record

MAY 20, 1974.

Take notice that on April 15, 1974, the Presiding Administrative Law Judge certified to the Federal Power Commission (1) a Settlement Agreement between Kentucky Utilities Company (KU) and the Commission Staff and (2) the hearing record in this docket.

The Settlement Agreement between KU and the Commission Staff, dated April 5, 1974, relates to KU's proposed rates to Old Dominion Power Company. These proposed rates would increase KU's annual revenues some $261,000, and the Commission Staff has agreed that these rates are just and reasonable and should be permitted to become effective as of September 1, 1973.

The record from the Prehearing Conference held in this docket on April 1, 1974, additionally relates to: (1) a proposed Settlement Agreement between KU and the City of Paris, Kentucky, for which the Commission Staff has filed comments in support of the agreement with the exception of two clauses which both parties to the agreement have agreed to delete; and (2) the joinder of both the Commission Staff and KU to a motion of the Intervenor Cities[1] to dismiss the section 206 investigation in regard to KU's rates to Cities.

Copies of this certification are on file with the Commission and are available for public inspection. Any person desiring to comment upon matters contained in this certification should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before May 30, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12079 Filed 5-24-74;8:45 am]

[Docket No. E-8784]

MINNESOTA POWER AND LIGHT CO.

Firm Power Service Agreement

MAY 20, 1974.

Take notice that on May 6, 1974 Minnesota Power and Light (MPL) tendered for filing pursuant to section 35 of the Commission's regulations, a Firm Power Service Agreement dated January 22, 1974 between the Village of Aitkin, Minnesota and MPL. MPL states that this agreement replaces Federal Power Commission Rate Schedule No. 94 and will have no anticipated effect upon revenue.

MPL requests that the Commission accept for filing this agreement to become effective as soon as possible under the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

[1] The Electric and Water Plant Board of the City of Frankfort, the City Utilities Commission of Barbourville, the City of Bardstown, Bardwell City Utilities, the Electric Plant Board of Benham, Berea College, the City Utilities Commission of Corbin, the City of Falmouth, the City of Madisonville, the City of Nicholasville, and the Municipal Light and Water Plant of Providence, Kentucky.

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filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12081 Filed 5-24-74;8:45 am]

[Docket No. RP74-80]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing, Establishing Procedures, Accepting and Suspending Proposed Revised Tariff Sheets, Permitting Interventions, and Consolidating Proceedings

MAY 20, 1974.

On April 11, 1974, Northern Natural Gas Company (Northern) tendered for filing revised tariff sheets[1] proposing changes in its FPC Gas Tariff, Third Revised Volume No. 1, Original Volume No. 2, to become effective on May 27, 1974. The proposed changes would increase revenues from jurisdictional sales by $42,949,000 based on the twelve months ended December 31, 1973, as adjusted. The filing also includes proposed tariff revisions applying generally to curtailment of sales to electrical generating plants which Northern states is for the purposes of protecting deliveries of gas to residential and other small volume consumers and for conserving available sources of gas supply.

Northern states that the reasons for the proposed increase in rate levels are: (1) increased revenues needed to provide a return of 9¾ percent on the test period rate base, (2) increased annual depreciation provision, (3) reduction in sales volumes, (4) increased cost of obtaining new gas supplies, (5) additional construction and increases in wages and supplies and expenses, and (6) increased income, property and payroll taxes.

Northern indicates that all of the proposed increase will be reflected in the commodity portion of its jurisdictional rates and that Northern will recover approximately 32 percent of its allocated fixed costs from its demand revenues and 68 percent from its commodity revenues. In accordance with the Order Approving Rate Settlement, issued by the Commission on January 4, 1974, in Docket Nos. RP71-107 (Phase II) and RP72-127, the burden shall be on Northern to justify any jurisdictional commodity rate levels which reflect less than 75 percent of allocated fixed costs.

Northern requests whatever waiver of the Commission's regulations is necessary to allow inclusion of purchased gas cost as determined in accord with Paragraph 20 of Northern's Purchased Gas Adjustment (PGA) Clause, in lieu of that specified in Schedule H(1)-3 of § 154.63(f) of the Commission's regulations. Rates reflecting these purchased gas costs were effectuated on December 27, 1973, pursuant to the PGA rate increase filing of October 25, 1973, as approved by Commission Order issued December 26, 1973. Therefore, waiver of Commission regulations is not required to allow inclusion of the purchased gas cost as determined in accord with Paragraph 20 of Northern's PGA clause.

Opinion No. 618, issued May 11, 1972, in Docket Nos. CP70-69, et al., (47 FPC 1203) which authorized Northern to connect to its system a new supply of gas in the State of Montana, subjected Northern to a condition that in any rate filing made by Northern pursuant to § 4(e) of the Natural Gas Act to become effective within eight years from the date of initial delivery of Montana gas, Northern shall not include a cost for Montana gas which exceeds the unit cost derived by use of an annual delivered volume of 41 Bcf. The present rate filing includes a cost for Montana gas that does exceed the unit cost derived by use of the 41 Bcf. On May 1, 1974, Northern filed a Petition to Amend the Commission Order accompanying Opinion No. 618 wherein Northern requested that it no longer be subject to this condition:

We shall permit this cost for Montana gas to be included in the filing and to become effective, subject to refund, after suspension; *provided, however,* That should the Commission not grant Northern's Petition to Amend The Commission Order Accompanying Opinion No. 618 before the date the proposed rates take effect, subject to refund, Northern shall file substitute tariff sheets which reflect a cost for Montana gas which does not exceed the unit cost derived by use of an annual delivered volume of 41 Bcf.

Northern proposes to utilize the unit-of-production method for computing depreciation which will result in an increased annual depreciation rate becoming effective, subject to refund on October 27, 1974. However, in section VII(f) of the Docket Nos. RP71-107, et al. Rate Settlement, approved by Commission Order dated January 4, 1974, Northern agreed that any portion of its next general rate increase represented by proposed increases in the section VII depreciation rate will not be collected and retained by Northern prior to December 27, 1974. Northern proposes to credit the customers' bills for the billing months of November and December, 1974 by the amount of increase in depreciation expense above that allowed in the settlement agreement in Docket Nos. RP71-107, et al. However, since the settlement agreement explicitly disallowed this depreciation rate increase, we shall require Northern to file substitute tariff sheets which reflect the depreciation rates prescribed in section VII(f) of the Docket Nos. RP71-107, et al., Rate Settlement.

We note that Northern has included in the tariff sheets proposed herein costs associated with uncertificated facilities.[2] We shall permit the costs associated with these facilities to be included in the filing and to become effective, subject to refund, after suspension; *provided, however,* That should such facilities not be certificated and placed into service on the date the proposed rates take effect, subject to refund, Northern shall file substitute tariff sheets including rates which reflect only those facilities which have been certificated.

Northern requests that the Commission grant an extension of the advance payment tracking provision set forth in Section V of the Settlement Agreement in Docket Nos. RP71-107, et al., as approved by Commission Order dated January 4, 1974, in Docket Nos. RP71-107, et al. Northern cites Ordering Paragraph I of the January 4, 1974, order which provided that the advance payment tracking provision contained in the settlement agreement would terminate at the time Northern's next section 4(e) rate case takes effect, subject to refund, without prejudice to Northern's right to request an extension of the tracking provision in its next section 4 rate increase filing.

Sections 154.38(d) (3), (4) and (5) of the regulations provide that no permanent automatic rate adjustment provisions shall be permitted for natural gas companies except for purchased gas and research and development expenditures. We have only permitted advance payment tracking provisions when they are a part of an approved rate settlement agreement[3] wherein the Commission has reviewed all of the pipeline's costs, including advance payments, and revenues and has determined that an advance payment tracking provision is proper for the period the settlement remain in effect; i.e. until the next section 4 rate increase becomes effective, subject to refund. Accordingly, we shall deny Northern's request for an extension of its advance payment tracking authority.

The filing was noticed on April 18, 1974, with protests and petitions to intervene due on or before May 6, 1974. (See Appendix B for List of Petitioners to Intervene). We shall permit all of the foregoing petitioners to intervene.

We note that in the January 4, 1974, order approving the Rate Settlement in Docket No. RP71-107 (Phase II) and RP72-127, we remanded the issues of conjunctive (group) billing and cost-of-service treatment for post-1969 leases in the Hugoton-Anadarko area (Hugoton-Anadarko issue) for hearing and established procedural dates. On April 18, 1974, the Commission Staff filed a motion to change the procedural dates for the reserved issues and to sever the trial of the Hugoton-Anadarko issue from the trial of the group billing issue and to consolidate the Hugoton-Anadarko issue with the advance payments proceeding in Docket No. RP74-75. Staff's motion indicated that this would expedite the resolution of the Hugoton-Anadarko issue since Staff neeeded only a seven week extension in its service date on that issue while a four and one half month extension was required as to the issue of group billing. In response to Staff's motion, Iowa Public Service Company (IPS) filed a motion to dismiss the group billing issue or, in the alternative, to consolidate the trial of that issue with the proceedings in this docket. IPS alleges that the question is now moot since the problems which gave rise to the issue have been resolved because of Northern Natural Gas Company's curtailment plan. The Northern States Power Companies and Central Telephone and Utilities Corporation filed statements in support of IPS' motion.

Our review of IPS' request to dismiss the group billing issue indicates that it is not persuasive. We have required the issue of conjunctive (group) billing to be raised in several proceedings, as well as in this proceeding[4] and thus believe that it would be improper to dismiss this issue. However, since a trial of the group billing issue in this docket involves issues of law and fact substantially the same as those in Docket No. RP71-107, et al., we shall sever the trial of the group billing issue from the trial of the Hugoton-Anadarko issue in that docket, and grant IPS' motion to consolidate the trial of the group billing issue in Docket No. RP71-107, et al. with the instant proceeding and make it subject to the procedural dates established herein. Moreover, we shall consolidate the trial of the Hugoton-Anadarko issue with the proceeding in Docket No. RP74-75 for purposes of hearing and decision and make it subject to the procedural dates established therein.

Review of the non-curtailment and curtailment sections of the instant filing indicates that the issues raised therein may require development in an evidentiary proceeding. The proposed curtailment amendments and the proposed non-curtailment changes tendered by Northern on April 11, 1974, have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We believe that the issues pertaining to Northern's proposed revised curtailment provisions should be heard separately from the hearing on the non-curtailment issues. Accordingly, we shall establish procedures to expedite both hearings.

The Commission finds: (1) The rates proposed by Northern have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Northern's FPC Gas Tariff as proposed to be amended in Docket No. RP74-80, and that the revised tariff sheets filed therein be suspended, and the use thereof deferred as hereinafter ordered.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Good cause exists to permit the above mentioned petitioners to intervene in this proceeding.

(5) Northern's request to extend the advance payment tracking provision set forth in section V of the Settlement Agreement approved by Commission Order issued January 4, 1974, in Docket Nos. RP71-107, et al., should be denied.

(6) Good cause exists to grant Staff's motion to sever the trial of the group billing and Hugoton-Anadarko issues, and to consolidate the trial of the Hugoton-Anadarko issue with the proceedings in Docket No. RP74-75.

(7) Good cause exists to deny IPS' motion to dismiss the group billing issue and grant its motion to consolidate the trial of the group billing issue in Docket No. RP71-107, et al. with the instant proceeding.

(8) Good cause exists to require Northern to file substitute tariff sheets reflecting the depreciation rates prescribed in section VII(f) of the Docket Nos. RP71-107, et al., Rate Settlement.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations, a public hearing shall be held on October 22, 1974, in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concernnig the lawfulness of the rates, charges, classification, and services (exclusive of the curtailment issues discussed below) contained in Northern's FPC Gas Tariff, as proposed to be amended in Docket No. RP74-80.

(B) On or before September 10, 1974, the Commission staff shall serve its prepared testimony and exhibits on the non-curtailment issues. The prepared testimony and exhibits of any and all intervenors on non-curtailment issues shall be served on or before September 24, 1974. Any rebuttal evidence by Northern on non-curtailment issues shall be served on or before October 8, 1974.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Natural Gas Act, the Commission's rules and regulations, and the terms of this order.

(D) The procedural dates for service of prepared testimony and exhibits and for hearings for the curtailment issues herein shall be set by future order of the Commission.

(E) On or before June 10, 1974, Northern shall file with the Commission, with service on all parties to this proceeding, a statement setting forth the specific proposed tariff sheets (including any that give notice of cancellation of existing sheets) that pertain to the issues involved in its curtailment procedures, both present and proposed, as well as the specific parts of its testimony and exhibits pertaining to those issues.

(F) Pending hearing and decision thereon, Northern's proposed revised sheets tendered on April 11, 1974, are hereby suspended and the use thereof deferred until October 27, 1974, and until such time as they are made effective in the manner provided in the Natural Gas Act subject to Ordering Paragraph H; *Provided, however,* That if the Commission does not grant Northern's Petition to Amend the Commission Order accompanying Opinion No. 618 before October 27, 1974, Northern shall file substitute tariff sheets which reflect a cost for Montana gas which does not exceed the unit cost derived by use of an annual delivered volume of 41 Bcf and; *Provided, further,* That if certificate approval has not been granted in Docket No. CP72-251 by October 27, 1974, Northern shall file substitute tariff sheets reflecting exclusion of costs associated with the facilities which are the subject of the aforementioned dockets.

(G) Northern's request to extend the advance payment tracking provision set forth in Section V of the Settlement Agreement approved by Commission Order issued January 4, 1974, in Docket Nos. RP71-107, et al., is hereby denied.

(H) Within 30 days of the date of this order, Northern shall file substitute tariff sheets reflecting the depreciation rates prescribed in section VII(f) of the Docket Nos. RP71-107, et al., Rate Settlement.

(I) Staff's motion to sever the trial of the group billing and Hugoton-Anadarko issues and to consolidate the trial of the Hugoton-Anadarko issue with the proceedings in Docket No. RP74-75 is granted. The trial of the Hugoton-Anadarko issue shall be governed by the procedural dates established in Docket No. RP74-75.

(J) IPS' motion to dismiss the group billing issue is denied but its motion to consolidate the trial of the group billing issue in Docket No. RP71-107, et al. with the instant proceeding is granted. The trial of this issue shall be governed by the procedural dates established in this proceeding.

(K) The aforementioned petitioners for intervention shall be permitted to intervene in this proceeding, subject to the Commission's rules and regulations; *Provided, however,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding and *Provided, further,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene.

(L) Nothing contained herein should be construed as limiting rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(M) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[5]

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] The revised tariff sheets are listed in Appendix A.

[2] Dallas Center Underground Storage Project; Docket No. CP72-251.

[3] Order No. 499, issued December 26, 1973, in Docket No. RP74-4; Southern Natural Gas Company, Docket No. RP72-91, et al., issued April 12, 1973.

[4] See Northern Natural Gas Company, ---- FPC ----, issued January 4, 1974, in Docket No. RP71-107, et al. (mimeo, p. 13).

[5] Commissioner Brooke, dissenting, filed as part of the original document.

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APPENDIX A—NORTHERN NATURAL GAS COMPANY REVISED TARIFF SHEETS FILED

Third Revised Volume No. 1.
Fifth Revised Sheet No. 4a.
Third Revised Sheet No. 19.
Fourth Revised Sheet No. 23.
Third Revised Sheet No. 59.
Third Revised Sheet No. 59a.
Third Revised Sheet No. 59b.
First Revised Sheet No. 59d.
Original Sheet Nos. 124, 125, 126, 127, and 128.
Original Volume No. 2.
Second Revised Sheet No. 1c.
Third Revised Sheet No. 509.
Third Revised Sheet No. 514.
Third Revised Sheet No. 522.
Third Revised Sheet No. 525.

APPENDIX B

Timely petitions to intervene and notices of intervention:

Kansas-Nebraska Natural Gas Company, Inc.
Central Telephone & Utilities Corporation.
Northern Central Public Service Company, Division of Donovan Companies, Inc.
Iowa Southern Utilities Company.
Iowa Power and Light Company.
Lake Superior District Power Company.
Wisconsin Power and Light Company.
Minnesota Natural Gas Company.
Michigan Power Company.
Wisconsin Gas Company.
Farmland Industries, Inc.
Terra Chemicals International, Inc.
Great Plains Natural Gas Company.
Minnesota Municipal Utilities Association.
Northern Municipal Defense Group.
North Central Public Service Corporation.
Iowa-Illinois Gas and Electric Company.
Michigan Wisconsin Pipe Line Company.
City of Crete, Nebraska.
Utilities Section of League of Nebraska Municipalities.
Nowiowa Public Service Company.
Iowa Electric Light and Power Company.
Metropolitan Utilities District of Omaha.
Northwestern Public Service Company.
Southern Rate Authority.
Michigan Public Service Commission.
Iowa State Commerce Commission.

Protests:

City of Fairbury, Nebraska.

[FR Doc.74-12082 Filed 5-24-74;8:45 am]

[Docket No. ID-1732]

JERRY G. REMMEL

Notice of Application

MAY 20, 1974.

Take notice that on May 15, 1974, Jerry G. Remmel (Applicant), filed an initial application with the Federal Power Commission, pursuant to Section 305(b) of the Federal Power Act, seeking authority to hold the following positions:

Treasurer, Wisconsin Electric Power Company, Public Utility.
Treasurer, Wisconsin-Michigan Power Company, Public Utility.

Wisconsin Electric is engaged principally in the generation, transmission, distribution and sale of electric energy to 222 communities in a territory having an area of approximately 4,000 square miles in southeastern Wisconsin, including the metropolitan Milwaukee area, and having an estimated population of 1,885,000. Company also sells power at wholesale and supplies steam for heating in a portion of the downtown business section of Milwaukee.

Wisconsin-Michigan is engaged principally in the generation, transmission, distribution and sale of electric energy in a territory having an area of approximately 6,600 square miles in the Fox River Valley and northern Wisconsin and in the upper peninsula of Michigan, and having an estimated population of 247,000. Electric service is furnished in 173 communities, of which 107 are in Wisconsin and 66 are in Michigan. Company also sells power at wholesale. In addition, Company is engaged in the distribution of natural gas to 15 Wisconsin communities with an estimated population of 130,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12083 Filed 5-24-74;8:45 am]

[Docket No. RP74-39-10]

TEXAS EASTERN TRANSMISSION CORP. (TOWN OF SMYRNA, TENNESSEE)

Postponement of Hearing

MAY 20, 1974.

On May 8, 1974, the Town of Smyrna filed a motion for postponement of the hearing scheduled for May 28, 1974, by Order issued April 26, 1974. The motion states that neither Texas Eastern Transmission Corporation nor Staff have any objection to the motion.

Upon consideration, notice is hereby given that the hearing is postponed to June 4, 1974, at 10 a.m., (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12084 Filed 5-24-74;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

LOAN TO GOVERNMENT OF BRAZIL GUARANTEED BY UNITED STATES

Public Notice of Invitation To Bid by Financial Institutions

I. *Invitation to bid—Classes of bidders.* The Department of the Treasury, acting for the Department of Defense, by this notice and under the terms and conditions hereof invites bids on the interest rate on a $5,000,000 loan to the Government of Brazil, hereinafter referred to as the borrower. The loan is described in Section V hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR Part 340) insofar as applicable.

The purpose of the loan is to provide private financing for the purchase by the borrower of defense articles and services from United States sources in furtherance of the Foreign Military Sales Act, as amended, Pub. L. 90-626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571-2793 and Executive Order 11501, December 22, 1969, 34 FR 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve Bank of New York in accordance with the provisions of the last section hereof.

II. *United States Government guaranty of loan.* The loan agreement provides that the obligation of the lender is to be conditioned upon the issuance by the United States of a guaranty of timely payment of 100 percent of the principal and 100 percent of the interest thereon by the borrower. The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

In addition, the borrower covenants at section 5(b) of the loan agreement that

Any claim which it may now or hereafter have against any person, corporation, firm or association or other entity (including without limitation, the United States, DOD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The Act provides that "any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

III. *Tax exemptions.* There will be no—

(a) Federal income tax resulting from section 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense; (The lender will be acting merely as a conduit.)

(b) Federal stamp tax; or

(c) Tax imposed by the borrower.

IV. *The loan, promissory notes, participations—eligibility for purchase by national banks as collateral for treasury tax and loan accounts, etc.* (a) Because of the guaranty, the loan, the promissory notes and the participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit. Accordingly, they will not be subject to the lending limits of national banks or to the limitations and restrictions concerning dealing in, underwriting and purchase of investment securities.

(b) Section 1.4 of the loan agreement authorizes the sale of participations to legal entities doing business in the United States. Such participations will be acceptable from special depositaries of public money at their face amount to secure deposits under Department of the Treasury Circular No. 92, current revision (31 CFR Part 203): *Provided*, That they adequately identify the loan and meet the following conditions:

(1) The participation certificate contains the following provision: "Participant may assign or endorse over this participation certificate to the (*Name of the Federal Reserve Bank or Branch of the territory in which the participant is located*) in connection with a pledge of collateral security to protect a Treasury tax and loan account under Treasury regulations published at Title 31, Code of Federal Regulations, Part 203. In the event that this participation certificate is assigned to (*Same bank or branch as above*), it shall not be further assigned or sub-divided without prior written notice to that bank and the prior written consent of this bank."

(2) The participation certificate is supported by the original or certified copies of the guaranty agreement relating to the basic loan and the necessary power of attorney and resolution in favor of the Reserve Bank as prescribed in 31 CFR 203.8(d).

(3) The guaranty agreement provides that the guaranty referred to therein is transferable to any participant or beneficiary.

V. *Description of loan agreement.* The principal features of the loan are as follows:

(a) There will be a commitment fee payable semiannually of one-quarter of one percent (¼ of 1%) per annum on the daily average unused amount of the commitment. The commitment fee will be calculated on a 365-day basis and actual days elapsed.

(b) There will be a commitment period from the "date of execution" of the loan agreement to and including December 31, 1974 or such earlier date as the entire commitment of the lender shall have been utilized. For this purpose, the "date of execution" will be the date on which the loan agreement is signed on behalf of the borrower or the date on which the Department of Defense executes the guaranty agreement, whichever is later.

(c) The minimum drawdown under the loan agreement will be $500,000.

(d) The principal is to be repayable in four consecutive annual installments as follows: May 31, 1975—$500,000; May 31, 1976—$500,000; May 31, 1977—$2,000,000 and May 31, 1978—$2,000,000.

(e) Interest is payable on a fixed semiannual basis beginning November 30, 1974 and thereafter on May 31 and November 30 of each year until the entire principal has been repaid.

VI. *Submission of bids—acceptance and opening of bids.* Each bid shall be submitted in triplicate on the letterhead of the bidder and shall specify a single annual rate of interest which shall apply on a 365-day basis only to the portion of the loan in use. The rate shall be expressed as a percent per annum not to exceed three decimals, for example, 5.125 percent. Each bidder may submit a bid for the entire amount of the loan or portions thereof in multiples of $2,500,000.

Bidders should fill in the blanks in the loan agreement (except for the date of the loan agreement itself) and should furnish three signed copies when submitting the bids. Most of the blanks are self-explanatory. At section 7.1., the guaranty fee will be 1/400th of the amount of the principal liability under the guaranty.

The bids should be enclosed in sealed envelopes and must be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045, not later than 11:00 a.m., e.d.t., on May 31, 1974.

Bids will be opened at the Federal Reserve Bank at 11:00 a.m., e.d.t., on May 31, 1974. In determining the successful bids, those specifying the lowest rate of interest will be accepted. Upon award of the bids, the Government of the United States will promptly secure the signature of the borrower to the loan agreement, as well as to necessary copies thereof, and will return one copy.

Copies of the loan agreement, of the exhibits and of the guaranty agreement may be obtained upon request from the Department of the Treasury, Bureau of the Public Debt, Room 200, Washington Building, Washington, D.C. 20226, or by telephoning (202) 964-2992 or (202) 964-8241.

Dated: May 20, 1974.

[SEAL] PAUL A. VOLCKER,
Under Secretary of the Treasury for Monetary Affairs.

[FR Doc.74-12070 Filed 5-24-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

ENVIRONMENTAL QUALITY AWARD ADVISORY COMMITTEE

Notice of Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Department of Defense Environmental Quality Award Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the Department of Defense Environmental Quality Award Advisory Committee is as follows:

Designation. The Department of Defense Environmental Quality Award Committee, hereinafter referred to as "the Committee" is hereby established as being in the public interest in connection with the performance of duties imposed on the Department of Defense by statute.

Purpose. The purpose of this Committee is to provide an unbiased objective review and appraisal of selected Defense installations' environmental quality programs with respect to fulfilling the requirements under applicable environmental statutes. The Committee will operate under the Federal Advisory Committee Act (Pub. L. 92-463), Executive Order 11686, and implementing OMB and DoD regulations.

Duties. This award was established to stimulate command interest in environmental quality and to recognize innovative leadership and improve the visibility of this important program. The award is to be presented annually to the military installation which has conducted the most outstanding environmental quality program during the preceding calendar year. Selection is to be based on recommendations made by the judging committee with respect to fulfilling environmental responsibilities as stipulated in applicable environmental statutes.

Membership. The Committee shall be composed of not more than seven members. The Assistant Secretary of Defense (Health and Environment) or his designee shall serve as Chairman and the Assistant Secretary of Defense (Installations and Logistics) or his designee shall assist the Chairman. The remaining members shall be recognized professional or laymen environmentalists from other Federal or State agencies, environmental or conservation organizations, professional societies, schools or universities.

Non-DoD members of the Committee shall be selected and appointed by the Assistant Secretary of Defense (Health and Environment) with the approval of the Secretary of Defense or his designated representative. Tenure for the members outside of DoD is one year; however, they may be reappointed.

Meetings. The Committee shall meet once each year. The Chairman of the Committee, who will be in attendance at all meetings, is authorized to approve all meetings and agenda in advance and to adjourn any meeting when he determines adjournment to be in the public interest.

Responsible Official. The report of the Committee shall be made to the Secretary of Defense through the Assistant Secretary of Defense (Health and Environment).

Support. The Office of the Assistant Secretary of Defense (Health and Environment) is responsible for providing necessary administrative staff services, support and facilities to the Committee.

Resources. The estimated operating cost of the Committee is $1,500 for one year. Less than one-twelfth man-year of full-time staff is required.

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Duration and Termination Date. The Committee will terminate in two years, or when its services are no longer required, whichever is sooner. Should the requirement for the Committee continue beyond the termination date, the Assistant Secretary of Defense (Health and Environment) may request continuation of the Committee.

Date Filed: May 21, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.74-12086 Filed 5-24-74;8:45 am]

NATURAL RESOURCES CONSERVATION ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of Pub. L. 92-463 and Executive Order 11686, notice is hereby given the Secretary of Defense Natural Resources Conservation Advisory Committee will meet in open meeting at 10 a.m. in Room 1E801, #4, the Pentagon, Washington, D.C. on Tuesday, June 25, 1974.

The purpose of this annual meeting is to review the natural resources conservation programs of each of the following installations, which will be visited by the committee prior to the meeting:

Fort Knox, Kentucky
Fort Campbell, Kentucky
Naval Ammunition Depot, Crane, Indiana
Marine Corps Air Station, Kaneohe Bay, Hawaii
Eglin AFB, Florida
Vandenburg AFB, California

The committee will formulate recommendations to the Secretary of Defense for improvements in the conservation area at these and other Defense installations and recommend to the Secretary the installation which has made the most improvement in natural resources conservation and enhancement during the past three calendar years.

Specific information may be obtained after June 15, 1974 by inquiry to Mr. Francis B. Roche, Director, Real Property and Natural Resources, OASD (I&L), the Pentagon, Washington, D.C. 20301, telephone: OX7-7227, autovon 227-7227.

Dated: May 21, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.74-12085 Filed 5-24-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Dr. Daniel K. Odell
Assistant Professor
Division of Biology
School of Marine and Atmospheric Science
University of Miami
Miami, Florida 33149

1. Application to the Director, Bureau of Sport Fisheries and Wildlife, for a permit to take an endangered species.

2. Endangered species to be taken: manatee, *Trichechus manatus latirostris.*

3. Desired effective date: 1 January 1974 or as soon as possible.

4. Applicant:
Daniel K. Odell, Ph.D.
Assistant Professor
Division of Biology
School of Marine and Atmospheric Science
University of Miami
10 Rickenbacker Causeway
Miami, Florida 33149
Phone: 305-350-7310 (or 7311, 7312).

5. Description of applicant (also see attached curriculum vitae):
a. date of birth: 16 November 1945.
b. height: 5 feet 9 inches.
c. weight: 155 pounds.
d. color of hair: brown.
e. color of eyes: hazel.
f. sex: male.
g. Institutional affiliations:
School of Marine and Atmospheric Science
University of Miami
10 Rickenbacker Causeway
Miami, Florida 33149
Dr. Warren Wooster, Dean.
h. Cooperating organizations:
U.S. National Park Service
Everglades National Park
P.O. Box 279
Homestead, Florida 33030
Mr. Jack Stark, Superintendent.

6. Location of permitted activity: State of Florida.

7. Additional information—Marine Mammal Permit: Scientific Research.

a. The purpose of taking dead manatees will be to obtain information on the ecology and population biology of the species. The animals will be taken within the State of Florida whenever they become available. Only dead animals will be taken and no attempt will be made to take live animals. A separate permit to take manatees under the provisions of the Marine Mammal Protection Act of 1972 has been applied for.

b. Description of marine mammal to be taken:
1. manatee, *Trichechus manatus latirostris.*
2. size of stock: unknown.
3. number to be taken: as many dead animals as become available.
4. age, sex, and size of animals: unknown.
5. condition of animals: dead animals only.

c. Transportation and maintenance: Since this is a request for a permit to take dead animals, no special transportation and maintenance facilities are required.

d. Scientific Research Project: Title: Ecology and Population Biology of the Manatee.

Although no formal research proposal has been submitted as of this date, the following paragraphs include the essential components of the proposal.

The ecology of the manatee, *Trichechus manatus latirostris*, in the State of Florida is not well understood and was not studied in any detail until recently. Hartman (1972) reviewed the pertinent literature and reported on a study of the manatee primarily in the area of Crystal River, Florida. The purpose of my proposed research is to study the manatee primarily from the viewpoint of population ecology. Initial work will be conducted within the Everglades National Park and will consist of two phases: (1) Population estimation and (2) examination of dead animals. The research program will be expanded along the appropriate lines upon completion of the initial phases of research. The population will be localized and estimated through the use of aerial and boat surveys. The examination of dead manatees will provide much needed data on the general biology of the species and is the reason for this permit application.

As many dead manatees as possible will be examined and the following types of data recorded. Each animal will be weighed, if possible, and a standard set of measurements taken. An autopsy will be performed. Organ weights will be taken and a thorough search for parasites made. Tissue samples will be taken for pesticide residue analyses. The reproductive organs will be examined grossly and histologically. Age will be determined by sectioning the teeth. The skull, and in some cases the entire skeleton, will be prepared and placed in the University of Miami collections. An attempt will be made to ensure that the maximum use is obtained from each carcass.

The data obtained from these animals will allow me to estimate several important population parameters including longevity, age at sexual maturity, number of young born per female per year, and mortality rates, as well as growth rates. One of the main sources of mortality appears to be collisions with power boats. Determination of pesticide residue content could be of great importance in that residues may effect manatee reproduction.

The goals of the project are to assess the manatee population size in the areas under study, estimate the optimum populations for the areas, and estimate the maximum sustainable yield. These goals are in line with the Marine Mammal Protection Act of 1972. All of the resultant data will be used by the National Park Service and the State of Florida in the formulation of sound management practices for the manatee.

Reference: Hartman, D.S. 1972. Behavior and ecology of the Florida Manatee. Ph.D. thesis. Cornell University, Ithaca, New York. 284 pp.

e. Endangered Species: Justification of need.

The manatee is an endangered species. In order to increase our knowledge of the species so that it can be properly protected and managed specimens must be available for study. There are no alternatives. This research project will not further deplete the stock since only dead animals will be used and no live animals will be taken.

8. *Certification.* I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated: April 16, 1974.

DANIEL K. ODELL,
Assistant Professor, Biology.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 1, 1974 will be considered.

Dated: May 22, 1974.

KEITH M. SCHREINER,
Acting Associate Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-12161 Filed 5-24-74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a pe mritha ing application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Jacksonville Zoological Society & Park
8605 Zoo Road
Jacksonville, Florida 32218

DIRECTOR,
Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C.

APRIL 15, 1974.

DEAR SIR: In accordance with rules and regulations, Title 50—Wildlife and Fisheries, Part 17, pertaining to Importation of Endangered Species, Exemptions, paragraph (b), Zoological, Educational, Scientific, or Preservation permit, the Jacksonville Zoological Park submits the following information in applying for an import permit:

(i) Jacksonville Zoological Park, 8605 Zoo Road, Jacksonville, Florida 32218, Telephone: 904 765-4431.

(ii) One Female Cheetah, *Acinouyx jubatus.*

(iii) Being already in possession of one male cheetah, and one female cheetah, and having had detailed information from Lynn A. Griner, D.V.M., Ph.D., of San Diego Zoological Garden who is developing a successful cheetah breeding program and knowledge of other successful cheetah breeding programs, we have determined that in order for cheetahs to breed in our Zoo, we must develop a proper sex ratio.

Having advertised, without success, in the AAZPA bulletin, Vol. XIV, No. 12, December, 1973, for one female cheetah already in captivity in this country, we are seeking to obtain a wild caught cheetah from F. J. Zeehandelaar, Inc. This animal was captured on a farm where she did harm to domesticated animals.

When those animals can be bred successfully in captivity whose continued existence in the wild is threatened, we are protecting that species from possible extinction. The Jacksonville Zoological Park is dedicated to the propagation of rare and endangered wildlife. To that end we are anxious to cooperate with zoos which are attempting, either with or without success, to breed cheetah, thereby increasing our knowledge and experience of these animals to ensure greater success. An important new innovation which will maximize the success of cooperative breeding programs around the world is the creation of "studbooks", and we will certainly participate in that effort.

(iv) The animals will be transported from S.W. Africa to West Germany during the lifetime of the enclosed export permit in the usual manner by air or sea and will be held indefinitely in West Germany at the facilities of L. Ruhe, pending granting of the U.S.D.I. import permit. Upon granting of such permit, the animals will be flown non-stop from Frankfurt, West Germany, to New York's J. F. Kennedy Airport in crates measuring 50" long by 27" high. Upon arrival at J.F.K. Airport, the animal will be carried from the A.S.P.C.A. animal port at J.F.K. pending clearance through U.S.A. government agency and arrangements for immediate air transportation to Jacksonville.

(v) The cheetah will be kept at the facilities of Jacksonville Zoological Park. A blueprint of the cage in which the animal will be housed is included with this application. The cage is under construction and will be completed prior to the animal's arrival.

We are including with this application a copy of the letter from Dr. Lynn A. Griner, who is conducting the cheetah breeding program at the San Diego Zoological Garden. We will be following the basic guidelines described by Dr. Griner for introduction of the cats.

Our cheetah enclosure will be viewed by the public, however, there will be ample and suitable retreat areas for the animals to insure the cheetahs feeling of security.

(vi) The Jacksonville Zoo is a U.S.D.A. approved Zoo. The Zoo has had successful breeding programs of rare and endangered species, including Siberian tigers, Black jaguar, Brown hyena, Spectacled bear and Grizzly bear. Current members of our staff have participated in these programs and have maintained excellent health and longevity records for these animals.

(vii) Contract Enclosed.

(viii) I further hereby certify that I have read and am familiar with the regulations contained in Title 50 part 13, of the Code of Federal Regulations and the other applicable parts and sub-chapter B of Chapter I of title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated: April 15, 1974.

TIMOTHY J. KRAUSE,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 1, 1974 will be considered.

Dated: May 22, 1974.

KEITH M. SCHREINER,
Acting Associate Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-12166 Filed 5-24-74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Mr. John F. Cuneo, Jr.,
Hawthorne Circus Company
Libertyville, Illinois 60048

HAWTHORN CIRCUS CO.
Libertyville, Ill., April 4, 1974.

MR. LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C.

DEAR MR. GREENWALT: This letter is an application for a permit under section 10 (a) of the Endangered Species Act of 1973 (the "Act"), 87 Stat. 884, authorizing the applicant to deliver, receive, carry, transport, and ship in interstate commerce, and in foreign commerce among the United States, Canada and Mexico (regardless of whether the permitted activities in such foreign commerce shall constitute for purposes of the Act importation into or exportation from the United States) the twenty tigers subsequently described in this application and their progeny, all for the purpose of exhibiting and/or putting on performances with any or all of such tigers in geographically disparate localities. The applicant requests that the tenure of this permit run from the date it is issued until December 31, 1975.

This application is made pursuant to 50 CFR 13.12 and 17.23, as readopted under the Act, 39 FR 1444 (1/9/74). The applicant seeks only to travel freely with the tigers he already possesses and their progeny. This application has nothing to do with purchasing tigers from others, with taking tigers out of the wild, or with bringing into this country tigers now located abroad.

The applicant submits that the acts to be covered by the permit will enhance the propagation and survival of the affected species, i.e., tigers (*panthera tigris*), through the breeding program established by the applicant to support his performing troupe.

The applicant. The applicant's name is John F. Cuneo, Jr., doing business as Hawthorn Circus Company. His address is Hawthorn Circus Company, Libertyville, Illinois 60048. His phone number is 312-EM-2025.

The applicant is male, was born on April 12, 1931, stands 6'1" tall, weighs 180 pounds and has blonde hair and blue eyes. He has been engaged in the business of raising and training animals for approximately 25 years. The only business that will have to do with the animals to be covered by the permit is Hawthorn Circus Company, the name under which the applicant does business.

Other personnel. Applicant's wife, Herta Klauser Cuneo, assists him in training, performing with and caring for the animals. She is the daughter of the former Superintendant of Menagerie of the Circus Krone in Munich, Germany. She, too, has had long experience in raising exotic animals in captivity, starting before she reached her 10th birthday. The tigers are under the personal care of applicant or his wife virtually all of the time.

Applicant is also assisted by M. William Golden, who participates in the training of applicant's tigers and performs with them. Mr. Golden began training animals at the age of 15 and has worked with big cats for 13 years. In addition, applicant employs one full-time caretaker, and uses one-third of the time of another caretaker, for the tigers to be covered by the permit.

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Location of permitted activities. Performances by applicant's tigers, which consist for the most part of running, jumping, leaping, sitting up, rolling over, rolling barrels, lying down in a row and forming pyramids, are put on throughout the year in places across the United States and in Canada and Mexico. The troupe is continuously on tour. In 1973 applicant's tigers played in 24 communities in the United States and Canada and a similar schedule is envisioned for 1974, plus a trip to Mexico. In 1973, applicant's tigers performed in localities as geographically diverse as Patterson, New Jersey, Greensboro, North Carolina, San Antonio, Texas, Flint, Michigan, and Niagara Falls, Ontario, Canada. Thus, the permitted activities, the movement of the tigers across state and specified international boundaries, will be conducted at various places in much of the North American continent.

The animals. The twenty tigers currently owned by the applicant consist of ten adults, all purchased by the applicant from U.S. zoos or animal parks, and ten non-mature animals or cubs, all of whom are offspring of the applicant's adult tigers born in the course of his breeding program. Seven of the applicant's ten adult tigers are males. Three of these are twelve years old. The other four are 8, 5, 4 and 3 years old, respectively. The 8- and 4-year old animals are pure Bengal tigers. The 3-year old is pure Sumatran. The remaining male tigers are of mixed subspecies. The applicant's three female tigers consist of two 7-year old animals and one 10-year old. The 10-year old and one of the 7-year olds are pure Bengal tigers. The other 7-year old is of mixed subspecies.

All but one of the applicant's ten tiger cubs were born in 1973. They consist of three 9-month old females, (two of mixed subspecies and one pure Bengal tiger), two 9-month old males (one of mixed subspecies and one pure Bengal tiger), one 5-month old pure Bengal tiger, three 5-month old females (two of mixed subspecies and one pure Bengal), and finally, one 18-month old female white tiger, who is pure Bengal.

All of the applicant's tigers of mixed subspecies are part Bengal and part Siberian.

Housing and transportation. Each of the applicant's adult tigers has his own traveling cage measuring 7½ feet long by 4 feet wide. For purposes of transportation and feeding the tigers area kept separately in their own cages. At other times, however, two groups of cages are put together and the inner sides of them are lifted to make one large cage for each of two groups of adult animals. In addition, the four 5-month old cubs are kept together, as are the five 9-month old cubs plus, on frequent occasions, the 18-month old white tiger cub.

The cages for the adult tigers have steel bars while those for the cubs have stamped metal panels. All of the cages have steel floors for safety. A large piece of plywood is placed on top of the cage floor to keep the animals from contact with the cold metal. The plywood is replaced twice a year. Plywood hanging covers are affixed to the cages where necessary to avoid drafts and to protect against cold. All of the cages for the Adult tigers have fluorescent lighting.

The troupe travels with a "squeeze" cage for veterinary work. The sides of the cage come together, making it easier to administer to the tigers' needs.

All arenas in which applicant's tigers perform provide applicant with heated space (unless the weather is warm enough for the tigers without artificial heat). The arenas also provide water and electricity. When traveling, the troupe stops every three to four hours to water the animals.

The applicant feeds his tigers only horsemeat (with bones) or beef. Each adult eats 10–15 lbs. of meat a day. The applicant coats or dusts the meat with a mixture of 50 percent calcium lactate and 50 percent pervinal powder as a vitamin and mineral supplement. The applicant carries with him a 5,000 lb. freezer for food for his animals.

At every stop on the tour, where there is sufficient space and the weather is appropriate, the applicant sets up a circular cage 40 feet in diameter for exercising the tigers and, on occasion, for practicing with them.

The applicant's tigers are watched by a caretaker from about 8 or 9 each morning until about midnight every night. The caretaker cleans every cage with a long-handled sweeper and receptable as soon as any dirt is made, and white pine sawdust is sprinkled in the cage to absorb liquids. Every day before feeding, each cage is emptied of its occupant and thoroughly cleaned.

The tigers are transported in specially designed trucks well insulated with styrofoam for warmth. The trucks may be opened on the bottoms and sides to provide ventilation.

The breeding program. In 1972 the applicant embarked upon a breeding program for his tigers that, he submits, has been eminently successful. During that year two cubs were born to one of his adult females. One died of a congential heart defect. The other, applicant's white tiger, survived. During 1973, applicant's breeding program produced 11 cubs, all of whom have survived. Applicant traded two of those cubs in August, 1973, to the Japanese Village and Deer Park in Buena Park, California, for the adult Sumatran tiger that is now part of applicant's troupe. Applicant hopes to breed 9 to 11 cubs this year and 12 to 15 in 1975.

As soon as the applicant considers that one of his female tigers is pregnant, he puts her into a separate cage by herself. As soon as the litter is born, he separates the cubs from their mother. The cubs are raised personally by applicant's wife. Until they are three or four months old, they live in a bassinet in the house trailer occupied by the applicant and his wife while on tour. The cubs are bottle fed as long as necessary. They are brought up on KMR, a product of the Borden Company made especially for cats, which is supplemented by Zoopreme as the animals get older. By the time the cubs are two years old, their diet is 100 percent meat. The cubs exercise in a playpen approximately 8 x 16 feet in area until they are about 6 months old, when they grow too big for that facility.

Applicant submits that the fact that his adult tigers are engaged in regular performances at different places throughout the course of the year keeps them in excellent physical health, mentally alert and energetic. He believes that the rigors of traveling and performing are conducive to a superior physical and mental condition that leads to healthy pregnancies and strong offspring. In addition, because he carries substantially more male tigers than female, every time a female tiger comes in season, she is courted a number of times by each of the applicant's male animals. The very number of couplings, which the applicant believes is important to the successful breeding of tigers, helps to assure that the female becomes pregnant at each opportunity.

The applicant's breeding program is part and parcel of his business of operating a traveling tiger act. Tigers that he breeds will be worked into the act as they are trained, and older animals will be phased out. These older animals and any younger tigers bred by the applicant but not used by him will be sold to zoos and others who would hopefully be interested in further breeding. The applicant's success in breeding tigers to date and the continued success in that endeavor that he expects in the immediate future demonstrate that the activities for which he now seeks a permit, which are the activities for which he breeds tigers, serve to enhance the propagation or survival of that species.

The applicant is, of course, most willing to participate in a cooperative breeding program and to maintain or contribute data to a studbook. He is currently communicating with zoos in India and England and with Dr. Hoff of the North Carolina State Zoo, now being built between Raleigh and Greensboro, concerning a breeding program for white tigers.

Certification. The applicant certifies that he has read and is familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and he further certifies that the information submitted in this application for a permit is complete and accurate to the best of his knowledge and belief. He understands that any false statement herein may subject him to the criminal penalties of 18 U.S.C. 1001.

Respectfully submitted,

JOHN F. CUNZO, JR.,
Applicant.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 1, 1974 will be considered.

Dated: May 22, 1974.

KEITH M. SCHREINER,
Director, Acting Associate Bureau of Sport Fisheries and Wildlife.

[FR Doc.74–12167 Filed 5–24–74;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following applicant has applied for a permit to import marine mammals for scientific research as authorized by section 101(a)(1)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), governing the taking and importing of marine mammals. The Director of the Bureau of Sport Fisheries and Wildlife, United States Department of the Interior, finds the following application sufficient for consideration.

The applicant, Branch of Paleontology and Stratigraphy, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025 (C. A. Repenning), proposes to import skeletal parts of one polar bear already obtained and being held by the Canadian Wildlife Service.

The applicant states, "A portion of the research performed at this office is based in the study of the evolutionary history, taxonomy and functional morphology of mammals. For this purpose a collection of modern mammals is maintained for comparison fossil forms and for functional analysis.

"The Organic Charter of the U.S. Geological Survey specified that all collections shall be transferred to the (U.S.) National Museum of Natural History when no longer needed for the research of the Geological Survey. From time to time specimens are transferred to the National Museum."

The applicant further states that the specimen for which the permit is requested was collected during the research activities of the Canadian Wildlife Service on polar bears.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Director is sending copies of the application to the Marine Mammal Commission.

Documents submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C., and the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, 1500 NE Irving Street, Portland, Oregon 97208.

Interested persons may comment on this application by submitting written data or views, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 1, 1974, will be considered.

Dated: May 22, 1974.

KEITH M. SCHREINER,
Acting Associate Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74–12163 Filed 5–24–74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:

The Lincoln Park Zoological Gardens
100 West Webster Street
Chicago, Illinois 60614

DECEMBER 13, 1973.

DIRECTOR,
Bureau of Sport Fisheries & Wildlife, U.S. Department of the Interior, Washington, DC 20240.

DEAR SIR: The Lincoln Park Zoological Gardens, 100 West Webster Street, Chicago, Illinois, 60614, AC312 294–4660, hereby applies for a permit to import a trio, one male, two female, Afghanistan Leopards (*Panthera pardus saxicolor*) under the Endangered Species Act.

We primarily wish to import these animals to establish another breeding group in captivity.

Two female Afghanistan, more commonly known as Persian Leopards, are at the Kabul Zoo in Afghanistan. Please find enclosed the export license issued by Dr. Jalial, the Director of the Committee of Zoological Projects in Afghanistan, Kabul. This license states that one female was born in the spring of 1972 and hand reared on the bottle and living in the Kabul Zoo since then. It is possible this animal was brought to the Zoo as a young kitten after its mother was shot by fur traders. This is apparently not uncommon according to Kullmann (1968). The Kabul Zoo received others in this manner in 1964 and 1965 (Kullmann 1968) and I do not think it is unreasonable to assume it still occasionally happens.

The second female was born in the Kabul Zoo in the spring of 1973 according to the permit. That the two females are apparently unrelated is a stroke of good fortune. When we are able to locate a male we will be able to begin our breeding program with three apparently unrelated animals.

These two animals are presently owned by the German firm of Clauss Gollembek, International Zoo Agency, 6202 Wiesbaden-Biebrich, P.O. Box 9511, West Germany. Please find enclosed a copy of a letter of September 20, 1973 from Gollembek stating terms which we agreed to. Only one Leopard is mentioned in this letter. Gollembek likes to do business via the telephone and we have had a number of trans-Atlantic conversations regarding this matter.

In our first conversation he said there were two Leopards although he only put one on his price list, which I am also enclosing. Please find my letter of September 25, 1973 to Gollembek, agreeing to a price of DM5.500, also enclosed. The total price then, for the two Leopards will be DM11.000 ($4,200 U.S.).

We have already begun a search for a zoo-born male. The International Zoo Yearbook, 13, indicates five zoos have *Panthera pardus saxicolor* in their collections. West Berlin 1/1; Cincinnati 2/3; Cologne 1/3; Kabul 0/3; and Leipzig 2/2. A total of 6/12, 3/5 of which were zoo-born. Please find enclosed letters I have written to these zoos regarding the possibility of obtaining a male. I have also written to the Hamburg Zoo which was listed as having bred Persian Leopards in Volumes 3–5 of the International Zoo Yearbook. However, they are not listed as having any now. Other zoos are listed in various volumes of the International Zoo Yearbooks as having had Persian Leopards in their collections, but if they ever actually had the *saxicolor* race they apparently have them no longer.

There is apparently little difference between the husbandry of the Persian and the more common races of *Panthera pardus*. Zoos keeping them seem to breed them. 8 of the present 18 in captivity were born in a zoo; 44%. Of the zoos breeding them, Cincinnati has been the most successful with 11 born, 6 of these surviving. Hamburg has had 3, Cologne 2, and Leipzig 1. Of course this data is through 1971. We know at least Kabul has bred them since, as well. Since little is truly known of this particular subspecies of *Panthera pardus*, I have asked each of these zoos if there is any difference in their husbandry as compared to the more common races.

While Lincoln Park Zoo has never kept this particular race of Leopard we have had a great deal of experience and success with the big cats. At this time we keep three groups of Black Leopards (*Panthera pardus* var. niger), 3/4/2, the two most recent births occurring on September 28, 1973. These two are the third litter of third generation Black Leopards born at Lincoln Park Zoo. That this is recognized as most important is witnessed by the fact that the American Association of Zoological Parks and Aquariums presented its Edward H. Bean Award for the year's most significant birth, 1972, to Lincoln Park Zoo for the breeding of Black Leopards into the third generation. (A young male Black Leopard was imported from the Amsterdam Zoo under USDI Endangered Species permit ES–341.)

Since November 1960 we have had a total of 42 Black Leopards born in Lincoln Park Zoo from two pairs of animals. Although we no longer keep the spotted form at the present time in a three-year period between 1966 and 1969 we had 19 born from a single pair. Therefore in a 13 year period there has been a total of 61 individuals of the species *Panthera pardus* born at Lincoln Park. Unfortunately records are sketchy prior to 1967 so it is difficult to say exactly how many survived. However, we do know that since then 27 of 40 lived to be sent to other institutions or are still at Lincoln Park. Eight of the 13 that did not survive were stillborn from the spotted pair.

The Snow Leopard (*Panthera uncia*) can be found in the same areas in Afghanistan as the Persian Leopard; the Hindu-Kush and the Afghan Pamir Mts. (Naumann & Nogge, 1973). Kullmann, has in fact, expressed the belief that *Panthera pardus saxicolor* should really be considered a sub-species of Snow Leopard. However, no evidence exists to verify this hypothesis. Regardless, the species are closely allied. Since 1960 36 Snow Leopards have been born at Lincoln Park Zoo; 26 of them since 1967. 7 were born in 1973 alone and, although one was stillborn, 4 of the 6 cubs were hand-reared successfully. These 4, more significantly, were half second-generation animals. Their mothers were born at Lincoln Park in 1969. An article is being prepared at the present time for International Zoo Yearbook, 15, on the techniques used in hand-rearing these cubs since no written material is available on this subject at present. (A male Snow Leopard was imported, as a mate for one of our females, from the Helsinki Zoo, under USDI Endangered Species Permit ES–324.)

Lincoln Park Zoo has been equally successful in breeding other big cats as follows: 57 African Lions (*Panthera leo*) since October 1960; 31 Jaguars (*Panthera onca*) between January 1961 and April 1971; 52 Bengal Tigers (*Panthera tigris bengalensis*) since June 1956; and 12 registered Siberian Tigers (*Panthera tigris altaica*) since March 1972.

Although the smaller cats are not as closely related to *Panthera pardus* Lincoln Park has done well with them also, as follows: 42 Mt. Lions (*Felis concolor*) since April 1963; 28 Servals (*Felis serval*) since 1967; 5 Marbled Cats (*Felis marmorata*) since December 1972; 9 Caracal (*Felis caracal*) between November 1967 and April 1969; 6 Asiatic Golden Cats (*Felis temminckii*) between February 1967 and February 1969; and 5 Leopard Cats (*Felis bengalensis*) between March 1963 and February 1968.

Lincoln Park Zoo also has a young pair of Asiatic Lions (*Panthera leo persica*) just reaching maturity imported under USDI Endangered Species Permit ES–76. They are beginning to show signs of sexual maturity and we hope to have young sometime in 1974.

The one individual who will have complete jurisdiction of the breeding program with the Persian Leopards is Dr. Lester E. Fisher, Director, Lincoln Park Zoo, although the entire professional staff will be involved in the program. Dr. Fisher has been director of Lincoln Park Zoo for the past 11 years and has been associated with the zoo for over 26 years. Dr. Fisher is immediate Past President of the American Association of Zoological Parks and Aquariums, a member of the International Union of Directors of Zoological Gardens and a veterinarian with an international reputation.

If we are allowed to import this trio of Persian Leopards they will be housed in the large cat building with the rest of the large *Felidae*. In Afghanistan they are found in

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"inaccessible mountain forests with cliffs, ravines and mountain streams, impassable thickets at a height of 1,000 to 1,500 meters (3,250 to 4,875 ft.) and up to 3,500 meters (11,375 ft.)," and have "long fur, very pale in colour" (Hassinger, 1973). From this it can be deduced that these Leopards live in cold weather and can acclimate to one of our outdoor cages where we have successfully kept and bred Snow Leopards, Mt. Lions and Siberian Tigers. The cage size is 12 ft. deep, 16 ft. long and 20 ft. high. The cages have wooden platforms as shelves as well as large wooden boxes for shelter. The Leopards will also have access to an indoor cage via a transfer door. This cage is the size of the outdoor one, but also has a tree trunk embedded in the concrete floor for a scratching post. Water is available at all times free choice.

It is interesting to note that a number of authorities expressed at least the passing thought that *Panthera pardus saxicolor* is intermediate between Snow Leopards and Spotted Leopards (Lydekker, 1893 and 1896 and Kullmann, 1968).

The exact range of *Panthera pardus saxicolor* is in some doubt. Lydekker (1893) gives it as Baluchistan and Sind, Haltenorth and Trense (1956) say Persia and Baluchistan as does Ellerman and Morrison-Scott (1966). It appears that this race ranges from Iran through southern Afghanistan (Baluchistan) to West Pakistan (Sind). Prater (1965) says it may occur in India. It also appears certain that it occurs in the Hindu-Kush or Northeastern Afghanistan since some specimens were collected in Nuristan and the Pamirs both in this northern area (Naumann & Nogge, 1973).

It is difficult to assess the status of *Panthera pardus saxicolor* in the wild. As far as I can determine no one has done so as yet. The IUCN has not included them specifically in either Red Book, 1966 or 1972. However, in the 1972 edition of the Red Book it is stated *Panthera pardus* "generally persists throughout its range wherever there is habitat which provides it with food and cover". Much of the Afghan territory is inaccessible and undoubtedly the Leopard continues to exist there (Hassinger, 1973).

That the Persian Leopard is continually harassed by man is also undoubtedly true. Though their main food in Afghanistan is wild goats and sheep Leopards "cause a lot of damage among domestic animals" (Hassinger, 1973). In July, 1965 Kullmann (as reported by Hassinger, 1973) made a trek to the Pesch Valley and found fresh Leopard tracks at a height of 2,000 meters (6,500 ft.). During the night 5 sheep were missing and later on that day the skull of a cow that had been recently killed by a Leopard was found. It is practically axiomatic that wherever wildlife comes into conflict with man, wildlife loses. There is no evidence to show this situation is any different.

Kullmann (1968) reports two young leopard cubs were brought to him by a hunter in January of 1964 who had shot their mother. He also reports getting another in December of that year as well as seeing skins of many races of leopards on sale at the Bazaar in Kabul. This includes Snow Leopards as well, incidentally. Naumann & Nogge (1973) continue to report being able to obtain skins of leopards up to the present time.

The importation of the two female Persian Leopards will have no impact on the wild population since they are both in the Kabul Zoo. While it is true that one may have originated in the wild it was raised in the zoo from a kitten. The exportation of both these animals is also approved by the appropriate department of the Afghanistan government. Shooting for hides and protection of domestic animals still occurs in Afghanistan.

We feel we are justified in bringing in these animals as we think we will be able to breed them and add to the captive population.

All animals in Lincoln Park Zoo are assigned inventory numbers and each has a separate inventory card on which all pertinent data are entered. Record-keeping is the responsibility of the professional staff. Dennis A. Meritt, Jr., Curator of Mammals is directly responsible for record-keeping in the large cats. Mark A. Rosenthal, Associate Curator and Saul L. Kitchener, Assistant Director, also help in various ways in the areas of record-keeping, management and husbandry. Please find enclosed *curriculum vitae* for these individuals.

Since 1967 records have been kept on all animals in the zoo. We cooperate with all the international stud-books and keep pedigree records on some of our own animals not covered as yet by a stud-book. Black Leopards and Grant's Gazelles, for example. We will naturally continue to cooperate with all stud books. We also plan on continuing our commitment to cooperative breeding programs with other zoos. In the recent past we traded zoo-born male Snow Leopards with the Helsinki Zoo; a female for male Siberian Tiger with the Bronx Zoo; and purchased a male Black Leopard from the Amsterdam Zoo all in order to establish different blood lines.

Lincoln Park Zoo is involved in a great many cooperative breeding programs with other zoos at present. Please find a list of these appended.

Lincoln Park Zoo and the Lincoln Park Zoological Society Docent organization have formed a committee, the Docent Behavioral Group, to aid us in observation of all aspects of animal behavior. This group consists of a hard-core of about ten extremely dedicated individuals who have been trained by zoo staff. They have proved themselves keen observers and of great help to us. From May 18 to December 1, 1973 this group spent 745½ hours observing various projects around the zoo. If needed they can be used in a project involving the Persian Leopards.

Our director, Dr. Lester E. Fisher, is a veterinarian and we have a consulting veterinarian, Dr. Erich Maschgan, as well. Dr. Maschgan makes usual rounds twice a week and is also on call 24 hours a day.

Lincoln Park Zoo is deeply concerned about conservation and towards this end cooperates with international stud-books and conservation organizations. Once a project is begun it is carried out indefinitely or until a time the project is proven unfeasible. If we are allowed to import a trio of Persian Leopards we would consider it our moral obligation to attempt to propagate the species and dispose of offspring only in such a way as to further the future of the species in captivity.

The shipping arrangements will be handled by Kuhne and Nagel, Inc., 7111 Barry Avenue, Chicago, Illinois AC312 297-5950. This firm also has offices in Kabul, Afghanistan. We have already been in contact with this firm and since they are old well established freight forwarders there should be a minimum of difficulty with the shipment. I have been assured the animals will be shipped in approved crates. At present it appears the animals will go from Kabul to Frankfurt then non-stop to Chicago where we plan on clearing the animals through customs as rapidly as possible.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Very truly yours,

SAUL L. KITCHENER,
Assistant Director,
Lincoln Park Zoological Gardens.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 1, 1974 will be considered.

Dated: May 22, 1974.

KEITH M. SCHREINER,
Acting Associate Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-12162 Filed 5-24-74;8:45 am]

Office of the Secretary

[INT DES 74-58]

NATIONAL RESOURCE LANDS MANAGEMENT ACT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a draft environmental statement for the "National Resource Lands Management Act."

The proposed legislation provides for the management, protection, development and sale of lands administered by the Bureau of Land Management. The statement describes the impact that the legislation would have on the environment.

Copies are available from the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, with limited supply available from Bureau of Land Management State Offices in Anchorage, Alaska; Phoenix, Arizona; Sacramento, California; Denver, Colorado; Boise, Idaho; Billings, Montana; Reno, Nevada; Santa Fe, New Mexico; Portland, Oregon; Salt Lake City, Utah; and Cheyenne, Wyoming.

Comments concerning the environmental statements and impacts should be addressed to Director, Bureau of Land Management, 18th and C Streets, NW, Washington, D.C. 20240. These comments must be submitted on or before July 12, 1974 to be considered in the preparation of the final environmental statement.

Dated: May 21 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-12124 Filed 5-24-74;8:45 am]

Office of the Secretary

HOWARD A. BECK

Statements of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 29, 1974.

Dated: March 29, 1974.

HOWARD A. BECK.

[FR Doc.74-12117 Filed 5-24-74;8:45 am]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 29, 1974.

Dated: March 29, 1974.

JAMES S. BROADDUS.

[FR Doc.74-12116 Filed 5-24-74;8:45 am]

EDWARD R. COWLES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 23, 1974.

Dated: April 23, 1974.

EDWARD R. COWLES.

[FR Doc.74-12119 Filed 5-24-74;8:45 am]

FREDERICK W. HOEY

Statements of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Sale of $5,000 in AT&T stock.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 29, 1974.

Dated: April 29, 1974.

FREDERICK W. HOEY.

[FR Doc.74-12151 Filed 5-24-74;8:45 am]

JOHN A. McMAHON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) I own stock in the following: Northeast Utilities, Canadian International Power Co., Freeport Minerals, Federal Mogul Corp.
(3) No change.
(4) No change.

This statement is made as of April 4, 1974.

Dated: April 4, 1974.

JOHN A. McMAHON.

[FR Doc.74-12120 Filed 5-24-74;8:45 am]

LEROY J. SCHULTZ

Statements of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 9, 1974.

Dated: April 9, 1974.

LEROY J. SCHULTZ.

[FR Doc.74-12121 Filed 5-24-74;8:45 am]

[INT FES 74-25]

PROPOSED MASTER PLAN, PADRE ISLAND NATIONAL SEASHORE, TEXAS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed master plan for Padre Island National Seashore, Texas.

The environmental statement considers an updated master plan to be used as a guide for future management and use of the National Seashore. Proposed master plan concepts include an expansion of the existing Malaquite Beach development, provisions for access to the Laguna Madre and to the seashore across the Mansfield Channel, a beach transportation system, an extension of the road system, a boundary adjustment, and land classification.

Copies are available for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
Post Office Box 728
Santa Fe, New Mexico 87501

Assistant to the Regional Director,
Texas
National Park Service
819 Taylor Street
Ft. Worth, Texas 76102

Office of the Superintendent
Padre Island National Seashore
Post Office Box 8560
Corpus Christi, Texas 78412

Dated: May 22, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-12179 Filed 5-24-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10(a)(2) of Pub. L. 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time, on June 11, 1974.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits.

The names of Committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: May 20, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-12110 Filed 5-24-74;8:45 am]

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Farmers Home Administration

[Notice of Designation Number A049]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following parish in Louisiana:

Rapides

The Secretary has found that this need exists as a result of a natural disaster consisting of heavy rainfall in September and October 1973.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin W. Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than July 12, 1974, for physical losses and February 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 21st day of May 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–12105 Filed 5–24–74;8:45 am]

Forest Service

CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Cibola National Forest Grazing Advisory Board will meet Wednesday, June 19, 1974 at 11 a.m. in the Conference Room of the Grants State Bank, 824 W. Santa Fe Avenue, Grants, New Mexico 87020.

The purpose of this meeting will be:

1. Review decisions made by the Forest Supervisor. This review is to decide whether the Forest Supervisor acted correctly in revoking temporary grazing permits that the permittees refused to use.
2. To decide whether the Forest Supervisor acted correctly in reissuing a temporary permit to graze to an eligible recipient.

The meeting will be open to the public. Persons who wish to attend should notify Supervisor Lloyd through telephone number 766–2185 or at 10308 Candelaria NE, Albuquerque, New Mexico 87112. Written statements may be filed with the committee before or after the meeting.

Dated: May 13, 1974.

W. L. LLOYD,
Forest Supervisor.

[FR Doc.74–12089 Filed 5–24–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Organization and Function Order 45–1]

BUREAU OF DOMESTIC COMMERCE

Organization and Functions

This order supersedes the material appearing at 38 FR 9326 of April 13, 1973, effective April 26, 1974.

SEC. 1. *Purpose.* This order delegates authority to the Deputy Assistant Secretary for Domestic Commerce and prescribes the organization and functions of the Bureau.

SEC. 2. *Delegations of authority.* .01 Pursuant to section 5.03 of Department Organization Order 10–3 of November 11, 1973, the following authorities delegated to the Assistant Secretary, DIB by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary for Domestic Commerce:

a. Such provisions of the Act of February 14, 1903 (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.), as amended, to foster, promote, and develop the domestic commerce of the United States, as are necessary to the performance of the Bureau's functions; and

b. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under section 501(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031).

.02 For purposes of the following authority the Deputy Assistant Secretary for Domestic Commerce shall serve as Deputy to the Deputy Assistant Secretary for Domestic and International Business and shall act in the latter's absence:

a. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, except the authority with respect to transportation facilities and the creation of new agencies within the Department of Commerce;

b. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions;

c. The National Security Act of 1947 (50 U.S.C. 401 et seq.) as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

d. The Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98–98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

e. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve; and

f. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense.

.03 The Deputy Assistant Secretary for Domestic Commerce may redelegate authorities listed in § 2.01 to any employee of the Bureau of Domestic Commerce or to any other appropriate officer or agency of the Government subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 3. *Organization and line of authority.* .01 The Bureau of Domestic Commerce shall be headed by the Deputy Assistant Secretary for Domestic Commerce who shall be the Director and who shall report and be responsible to the Assistant Secretary for Domestic and International Business, except that for purposes of the administration of the Defense Production Act of 1950, he shall report and be responsible to the Deputy Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary during the latter's absence.

.02 The Bureau of Domestic Commerce shall consist of the following principal organizational elements:

Office of Domestic Business Policy
Office of Business Research and Analysis
Office of Industrial Mobilization
Office of the Ombudsman for Business

SEC. 4. *Functions.* The Bureau of Domestic Commerce shall;

.01 Perform the following functions:

a. Provide a working forum of business and the Federal Government on domestic business policy issues, particularly economic and financial issues, consumer protection, labor-management relations, industrial development of marine resources, industrial pollution, and short-supply export controls;

b. Collect, analyze, and maintain factual data on U.S. industries, exclusive of data related to the fiber, textile, and apparel sector of the industrial economy, which shall be the responsibility of the Bureau of Resources and Trade Assistance. This information will be used in support of policy decisions and program actions by the Bureau of Domestic Commerce, as well as other parts of the Department and the Government. Both domestic and international data shall be included in categories such as production, pricing, inventories, marketing, labor, financing, taxation, and location and size of companies;

c. Provide business assistance and advice to the Nation's business community.

.02 Perform the following action specifically required by law:

a. Certify U.S. firms as "bona fide motor-vehicle manufacturers" qualified to trade under the provisions of the U.S.-Canadian Automotive Agreement; and prepare the President's Annual Report to Congress concerning implementation of the Automotive Products Trade Act of 1965;

.03 Perform the following national defense and industrial mobilization functions:

a. Assist in achieving, through administration of priorities and allocations and other means, an adequate supply of strategic, critical, and other products and materials for defense and defense-supporting activities and essential civilian needs, including the timely completion of current military, atomic energy, and space programs for production, construction, and research and development; and

b. Participate in the development of national plans to assure maximum readiness of the industrial resources of the United States including the means for administering them, to meet any future demands of any national emergency.

SEC. 5. *Effect on other orders.* This order supersedes DIBA Organization and Function Order 45–1 of March 2, 1973.

Effective date: April 26, 1974.

TILFORD H. DOBBIN,
Assistant Secretary for Domestic and International Business.

[FR Doc.74–12148 Filed 5–24–74;8:45 am]

[Organization and Function Order 45–2]

BUREAU OF DOMESTIC COMMERCE

Organization and Function

This order effective April 26, 1974 supersedes the material appearing at 38 FR 9327 of April 13, 1973.

SEC. 1. *Purpose.* This order prescribes the organization and assignment of functions within the Bureau of Domestic Commerce.

SEC. 2. *Organization and Structure.* The organization structure and line of authority of the Bureau of Domestic Commerce (the "Bureau") shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

SEC. 3. *Delegation of authority.* The following authority delegated to the Deputy Assistant Secretary for Domestic Commerce, is hereby redelegated to the Director, Office of Business Research and Analysis in accordance with section 2.03 of DIBA Organization and Function Order 45–1:

Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under Section 501 (2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031).

SEC. 4. *Office of the Deputy Assistant Secretary.* .01 The Deputy Assistant Secretary for Domestic Commerce, shall be responsible to the Assistant Secretary for Domestic and International Business and shall determine the objectives of the Bureau, formulate the policies and programs for achieving those objectives and direct execution of the programs. For the purpose of administration of the Defense Production Act of 1950, as amended, the Deputy Assistant Secretary shall report to the Deputy Assistant Secretary for Domestic and International Business and shall act as his Deputy.

.02 The "Deputy Director" shall assist in the direction of the Bureau and perform the functions of the Director in the latter's absence.

.03 The "Deputy Assistant Secretary" shall supervise and direct the following organizational components:

a. Office of the Deputy Assistant Secretary
b. Office of Domestic Business Policy
c. Office of Business Research and Analysis
d. Office of Industrial Mobilization
e. Office of the Ombudsman for Business

SEC. 5. *Office of Domestic Business Policy.* .01 The "Office of the Director" includes: The "Director" who shall plan and direct the execution of policies and programs of the Office, and the "Deputy Director" who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The "Business Policy Development Division" shall conduct research and development policy options to improve domestic business practices. In addition to analysis of economic issues, general studies and analyses shall be performed on issues such as productivity, research and development, transfer of technology, tax, investment incentives, and management techniques.

.03 The "Industrial Relations Division" shall analyze Federal policies and industry practices that affect industrial efficiency and develop such policy options as will promote optimum utilization of human resources. The Division's area of responsibility shall include policy matters relating to labor-management relations, conditions of work, employee benefits, labor law and practices, and international labor organizations and activities.

.04 The "Legislation Division" shall review proposed legislation on business-related issues and develop policy positions on such matters. Based on current major economic issues, the Division shall research and develop Department legislative initiatives. It shall prepare and coordinate within the Bureau the preparation of responses to legislative inquiries, and coordinate its activities with the Office of the General Counsel.

.05 The "Environmental Affairs Division" shall conduct studies and develop policy options to insure a balanced environmental approach to industrial pollution problems and the development of land and marine resources. It shall provide economic and technological assessments of legislative and regulatory proposals and evaluate specific industry impacts as appropriate.

.06 The "Financial Analysis Division" shall analyze production, price, and market trends; and analyze and formulate domestic financial policy options having significance for the U.S. economy.

SEC. 6. *Office of Business Research and Analysis.* .01 The "Office of the Director" includes: the Director who shall plan and direct the execution of policies and programs of the Office, and the "Deputy Director" who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 "Special Reports and Forecasting Staff" shall compile special purpose tabulations and reports involving more than one industry or business segment; shall develop techniques and methods for improving forecasting of measures of activity for specific industries and business segments; and shall be responsible for publication of industrial outlook reports covering economic and industry analysis and trends for major industries.

.03 The "Industry Sector Divisions," as listed below, shall be generally responsible for the development and maintenance of data necessary to make a current assessment of the key factors affecting their sectors' competitive position in domestic and international markets. The Divisions shall also monitor problem commodities for short-supply export controls.

Consumer Goods and Services Division
Materials Division
Construction and Forest Products Division
Transportation and Capital Equipment Division
Science and Electronics Division

.04 The "Research Division" shall obtain and maintain data to support the activities of the industry sector divisions; provide an analytical and forecasting capability in support of the Bureau's programs; and maintain the publications/editorial activities required to support the Bureau's outputs.

SEC. 7. *Office of Industrial Mobilization.* .01 The "Office of the Director" includes: the Director who shall plan and direct the execution of policies and programs of the Office, and the "Deputy Director" who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The "Mobilization Readiness Division" shall develop and test the organizational plans and procedures for the Bureau to assume the responsibility for industrial production, construction, and distribution in the event of national emergencies; assist and guide industry in preparing for the conduct of emergency operations to assure the continuity of required production; and recruit and train Executive Reservists to assume major responsibilities in the event of a national emergency.

.03 The "Industrial Resources Division" shall provide guidance and recommendations to the Office of Emergency Preparedness on matters relating to the National Stockpile Program, including the establishment of objectives, development of procurement programs and purchase specifications, special instructions, disposal programs, storage manuals and special studies; provide staff support for the Chairman, NATO Industrial Planning Committee, and the Co-Chairman, U.S./Canada Emergency Industrial Production and Materials Committee; and investigate and report on alleged impact of imports on national security.

.04 The "Industrial Evaluation Division" shall identify industrial facilities

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of exceptional importance to the national security, mobilization readiness, post-attack survival, and recovery; specify standards for assessing and evaluating their production capabilities; supervise the preparation of industrial analyses of critically important products and industrial services, including essential survival items; conduct industrial feasibility studies to determine capabilities to meet national emergencies; and provide liaison between the Bureau and the Resource Analysis office of the Office of Preparedness/GSA.

.05 The "Mobilization Operations and Plans Division" shall support current national defense requirements by administering the Defense Materials System and the Defense Priorities System under Title I of the Defense Production Act of 1950, as amended and extended; plan for and maintain emergency measures for regulating industrial production and distribution during emergency situations; and develop plans for natural disasters and implement them as necessary.

SEC. 8. *Office of the Ombudsman for Business.* .01 The "Office of the Director" includes: The "Director" who shall plan and direct the execution of policies and programs of the Office, and shall also serve as the Department's Ombudsman for Business.

.02 The "Office of the Ombudsman for Business" shall receive and answer questions of Federal programs of interest to business; assist business by providing a focal point for receiving and handling communications involving information, complaints, criticisms and suggestions about Government activities relating to business; arrange conferences with appropriate officials within the Department and in other agencies, and follow up on referrals to determine whether further assistance is necessary and appropriate; and develop suggested changes to remedy the causes of business complaints about the Federal Government, as appropriate. In carrying out its functions, the Office shall not represent, intervene on behalf of or otherwise seek to assist business and individuals on specific matters, cases, or issues before Federal regulatory agencies or before Federal departments exercising a regulatory function with respect thereto; nor shall it participate in, intervene in, or in any way seek to influence, the negotiation or renegotiation of the terms of contracts between business and the Government. The Office shall also operate a centralized word processing unit serving the Bureau's needs.

SEC. 9. *Administrative, Public Affairs and Field Services.* .01 The "Office of Public Affairs for Domestic and International Business Administration" shall furnish public affairs and information services to Bureau organization units.

.02 The "Directorate of Administrative Management", Domestic and International Business Administration shall furnish management, budget, personnel, travel and administrative services to Bureau organization units. The Directorate will also serve as liaison with Departmental elements providing other administrative services to Bureau organization units.

.03 Field support necessary to Bureau of Domestic Commerce activities will be provided by the district offices of the "Office of Field Operations."

SEC. 10. *Effect on other orders.* This Order supersedes DIBA Organization and Function Order 45-2 of December 4, 1972.

Effective date: April 26, 1974.

PAUL T. O'DAY,
Acting Deputy Assistant Secretary for Domestic Commerce.

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

Approved:

JUDITH S. CHADWICK,
Deputy Assistant Secretary for Administrative Management.

[FR Doc.74-12149 Filed 5-24-74;8:45 am]

[Organization and Function Order 41-1; Amdt. 1]

THE OFFICE OF THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization and Functions

This order effective April 23, 1974 amends the material appearing at 39 FR 2780 of January 24, 1974.

DIBA Organization and Function Order 41-1, dated December 19, 1973, is hereby amended as follows:

1. In section 3. The Deputy Assistant Secretary for Domestic and International Business is revised to read:

Sec. 3. The Deputy Assistant Secretary for Domestic and International Business shall perform such duties as the Assistant Secretary shall assign and shall assume the duties of the Assistant Secretary in the latter's absence.

.01 In addition the following authorities delegated to the Assistant Secretary for Domestic and International Business by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary for Domestic and International Business:

a. The Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061, et seq.) conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, except authority with respect to transportation facilities and the creation of new agencies within the Department of Commerce;

b. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions;

c. The National Security Act of 1947 (50 U.S.C. 401 et seq.) as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

d. The Strategic and Critical Materials Stockpiling Act, (50 U.S.C. 98-98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

e. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve; and

f. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense.

.02 For the purpose of the authorities delegated in Section .01 a.—f. above, the Deputy Assistant Secretary for Domestic Commerce shall report to the Deputy Assistant Secretary for Domestic and International Business, and shall serve as his deputy and act in his absence.

.03 The Deputy Assistant Secretary for Domestic and International Business may exercise other authorities of the Assistant Secretary as applicable to performing the functions assigned to him in this order.

.04 The Deputy Assistant Secretary for Domestic and International Business may redelegate his authority subject to such conditions in the exercise of such authority as he may prescribe.

Effective date: April 23, 1974.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

[FR Doc.74-12099 Filed 5-24-74;8:45 am]

National Bureau of Standards

GRAPHIC REPRESENTATION OF THE CONTROL CHARACTERS OF ASCII

Proposed Federal Information Processing Standard

Under the provisions of Pub. L. 89-306, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. A proposed standard on graphic representation of the control characters of ASCII that is based upon the Federal adoption of voluntary industry standards which were developed by the American National Standards Institute is being recommended for Federal use. This proposed standard specifies methods of graphical representation for the 34 characters of ASCII (American Standard Code for Information Interchange) (FIPS 1) for which a graphical representation is not indicated in FIPS 1.

Prior to the submission of a final endorsement of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. Both sections are provided in their entirety in this notice.

The specification section of the proposed standard is a copyrighted document and is reproduced in the FEDERAL REGISTER by permission of the American National Standards Institute. Additional copies of the specification section may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018 at a cost of $3.50.

Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before August 26, 1974.

Dated: May 17, 1974.

RICHARD W. ROBERTS,
Director.

SECTION I

FIPS PUB ------

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION ------, DATE ------------

Announcing the Standard for Graphic Representation of the Control Characters of ASCII (FIPS 1)

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949 as amended, Public Law 89-306 (79 Stat. 1127), and as implemented by Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 CFR (Code of Federal Regulations).

Name of Standard. Graphic Representation of the Control Characters of ASCII.

Category of Standard. Hardware Standard, Interchange Codes and Media.

Explanation. This standard specifies graphical representation for the 34 characters of ASCII (American Standard Code for Information Interchange) (FIPS 1) for which a graphical representation is not indicated in FIPS 1. Graphical representations are given for the 32 control functions of columns 0 and 1 as well as the characters "Space" and "Delete". Two forms of graphical representations for each of the 34 characters are provided: a pictorial symbol, and a 2-letter alphanumeric code.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Institute for Computer Sciences and Technology, National Bureau of Standards.

Cross Index.

a. FIPS PUB 1, Federal Standard Code for Information Interchange.

b. FIPS PUB 15, Subsets of the Standard Code for Information Interchange.

Specifications. This standard adopts in whole American National Standard X3.32-1973, Graphic Representation of the Control Characters of ASCII, which was developed and approved by the American National Standards Institute.

Qualifications. This standard specifies two types of graphic representations of the control characters of ASCII. One type is a single-symbol pictorial representation and the other type is a two-letter alphanumeric representation. It is not intended that one representation be implemented to the exclusion of the other. The selection of the particular type to be used or specified is a decision to be made based upon the operational requirements of a given system. In certain instances, it may be desirable to implement a subset of the graphic control characters provided in the standard. In these cases, the National Bureau of Standards should be consulted for advice prior to the finalization of the technical specifications involved.

Special Information. An appendix to the standard shows two dot matrix examples for 7 x 9 and 5 x 7 dot patterns for the two-symbol alphanumeric representations of the 34 specified characters of ASCII as given in FIPS 1 (ANSI X3.4-1968). These are for information purposes only and should not be cited in technical specifications without prior arrangements and consultation with the National Bureau of Standards. Matrix representation of graphic characters as a standard is under study and consideration by the standards organizations concerned.

Applicability. This standard is applicable to equipment that prints or displays graphic representations of any or all of the control characters of ASCII (FIPS 1) or of the characters "Space" or "Delete". It is also applicable to the printing of graphic representations of such characters on media, such as perforated tape, punched cards or listings.

Implementation Schedule. This standard becomes effective one year after the publication date of this FIPS PUB. All applicable equipment ordered after this date must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. Exceptions to this standard are made in the following cases:

a. For equipment installed or on order prior to the effective date of this FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Request for Proposals or Invitation for Bids have been issued) on the effective date of this FIPS PUB.

Waiver Procedure. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers relating to the procurement of non-conforming equipments will be coordinated in advance with the National Bureau of Standards. Letters should be addressed to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. They should describe the nature of the waiver and set forth the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. The waiver is not to be made until a reply from the National Bureau of Standards is received; however, the final decision for granting the waiver is a responsibility of the agency head.

SECTION II

ANSI

X3.32-1973

AMERICAN NATIONAL STANDARD GRAPHIC REPRESENTATION OF THE CONTROL CHARACTERS OF AMERICAN NATIONAL STANDARD CODE FOR INFORMATION INTERCHANGE

1. Scope.

1.1 This standard provides a graphic representation of the control characters given in columns 0 and 1 of the Standard Code table contained in American National Standard Code for Information Interchange, X3.4-1968 (ASCII). It also provides for the normally nonprinting character SPACE (position 2/0 of the ASCII table) and for the character DELETE (position 7/15 of the ASCII table).

1.2 The standard contains two alternatives sets of representations: a pictorial representation and an alphanumeric representation.

2. Application.

These representations are intended for use in the display of control characters on devices, where the graphic representation of these normally nonprinting characters is required. Among the devices included are paper tape punches, diagnostic printers, and cathode-ray tube devices.

3. Qualifications.

3.1 There may be no need to implement all symbols.

3.2 Each pictorial or alphanumeric representation is to be considered as a single symbol. It may occupy either one or more than one position on a printed or displayed line, depending on the implementation. Pictorial and alphanumeric representation may be intermixed in a single display.

3.3 The precise font design for the symbols is not a part of the standard.

3.4 This standard does not abrogate the use of the three character abbreviations defined in ASCII for applications where they are desired.

3.5 While optical recognition of the graphic representations given in this standard may be feasible, machine readability was not an objective of the standard.

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4. Standard Graphic Representations

Code Position	Character	Pictorial Representation	Alphanumeric Representation
0/0	NUL		NU
0/1	SOH		SH
0/2	STX		SX
0/3	ETX		EX
0/4	EOT		ET
0/5	ENQ		EQ
0/6	ACK		AK
0/7	BEL		BL
0/8	BS		BS
0/9	HT		HT
0/10	LF		LF

NOTE: The pictorial representation of 0/5 is a schematic representation of ✠ which may also be used when equipment allows.

AMERICAN NATIONAL STANDARD X3.32-1973

Code Position	Character	Pictorial Representation	Alphanumeric Representation
0/11	VT		VT
0/12	FF		FF
0/13	CR		CR
0/14	SO		SO
0/15	SI		SI
1/0	DLE		DL
1/1	DC1		D1
1/2	DC2		D2
1/3	DC3		D3
1/4	DC4		D4
1/5	NAK		NK
1/6	SYN		SY

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AMERICAN NATIONAL STANDARD X3.32-1973

Code Position	Character	Pictorial Representation	Alphanumeric Representation
1/7	ETB		EB
1/8	CAN		CN
1/9	EM		EM
1/10	SUB		SB
1/11	ESC		EC
1/12	FS		FS
1/13	GS		GS
1/14	RS		RS
1/15	US		US
2/0	SP		SP
7/15	DEL		DT

5. Legend.
5.1 Control Characters
NUL—Null
SOH—Start of Heading (CC)
STX—Start of Text (CC)
ETX—End of Text (CC)
EOT—End of Transmission (CC)
ENQ—Enquiry (CC)
ACK—Acknowledge (CC)
BEL—Bell (audible or attention signal)
BS—Backspace (FE)
HT—Horizontal Tabulation (punched card skip) (FE)
LF—Line Feed (FE)
VT—Vertical Tabulation (FE)
FF—Form Feed (FE)
CR—Carriage Return (FE)
SO—Shift Out
SI—Shift In
DLE—Data Link Escape (CC)
DC1—Device Control 1
DC2—Device Control 2
DC3—Device Control 3
DC4—Device Control 4 (Stop)
NAK—Negative Acknowledge (CC)
SYN—Synchronous Idle (CC)
ETB—End of Transmission Block (CC)
CAN—Cancel
EM—End of Medium
SUB—Substitute
ESC—Escape
FS—File Separator (IS)
GS—Group Separator (IS)
RS—Record Separator (IS)
US—Unit Separator (IS)
DEL—Delete[1]
5.2 Graphic Character.
SP—Space (normally nonprinting)
NOTE: CC—Communication Control
FE—Format Effector
IS—Information Separator

APPENDIX

(This Appendix is not a part of American National Standard Graphic Representation of the Control Characters of American National Standard Code for Information Interchange, X3.32-1973, but is included for information purposes only.)

FONT DESIGN CONSIDERATIONS FOR THE ALPHANUMERIC REPRESENTATIONS

A1. 7 x 9 Dot Pattern.

The 7 x 9 dot pattern representation given in Table A1 illustrates the feasibility of implementing the standard. It can also be used as a guide for designing vector-generated or hard-type character representations.

A2. 5 x 7 Dot Pattern.

The 5 x 7 dot pattern representation given in Table A1 illustrates the feasibility of reducing the entropy required to form the characters and still retain legibility.

A3. Meaning of Symbols.

Symbols selected in pictorial representations are similar to some currently in use in five-level applications. They should cause no ambiguity, since their meaning can be easily derived from the context in which they are used.

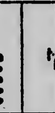
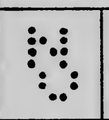
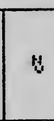
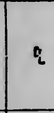
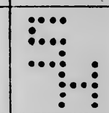
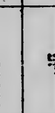
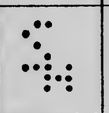
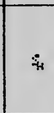
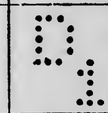
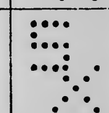
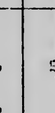
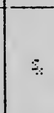
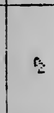
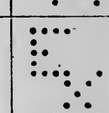
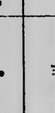
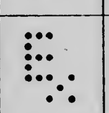
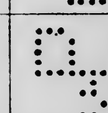
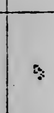
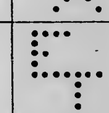
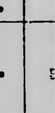
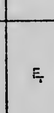
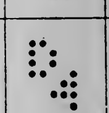
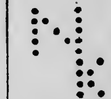
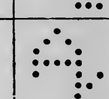
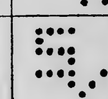
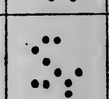
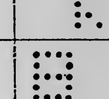
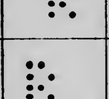
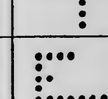
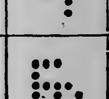
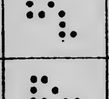
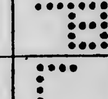
A4. Criteria for Symbols.

Symbols were chosen to be: (1) clearly printable by impact printers, (2) clearly displayable by matrix devices, (3) interpretable with no ambiguity, and (4) suggestive of the control function to be performed. Not all of these criteria were met for all symbols; however, the best possible compromise was adopted.

[1] In the strict sense, DEL is not a control character.

APPENDIX

Table A1
Dot Pattern Representation

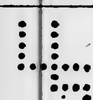
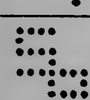
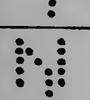
Character	7 X 9 Matrix		5 X 7 Matrix		Character	7 X 9 Matrix		5 X 7 Matrix	
NUL					DLE				
SOH					DC1				
STX					DC2				
ETX					DC3				
EOT					DC4				
ENQ					NAK				
ACK					SYN				
BEL					ETB				
BS					CAN				

(Continued on next page)

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APPENDIX

Table A1 – *Continued*

Character	7 X 9 Matrix		5 X 7 Matrix		Character	7 X 9 Matrix		5 X 7 Matrix	
HT					EM				
LF					SUB				
VT					ESC				
FF					FS				
CR					GS				
SO					RS				
SI					US				
SP					DEL				
NL									

NOTE: NL is the abbreviation for New Line, which is defined in ASCII as an alternate definition to the code for Line Feed (LF). Its graphic representation in this table is for information only.

[FR Doc.74-11878 Filed 5-24-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

DIAGNOSTIC RESEARCH ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, June 12, 1974, Cascades Meeting Center, Williamsburg, Virginia. This meeting will be open to the public on June 12, 1974 from 12:30 p.m. to 1 p.m. to discuss the current state of art in cancer diagnosis, as well as future research plans. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 12, 1974 from 1 p.m. to 2:30 p.m. to evaluate approximately five contract proposals in accordance with the provisions set forth in section 552(b) 4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and a roster of committee members.

Irvin C. Plough, Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health).

Dated: May 22, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-12247 Filed 5-24-74;8:45 am]

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities have been accepted for filing as of the respective dates indicated below under the provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-399), and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, on or before June 27, 1974, file comments regarding these applications with the Chief, Educational Broadcasting Facilities Branch, Division of Technology and Environmental Education, Office of Education, Washington, D.C. 20202.

EDUCATIONAL RADIO

New Wave Corporation, 915 East Broadway, Columbia, Missouri, 65201, File No. 203-R/T0099SC, for the expansion of noncommercial educational FM radio station KOPN, broadcasting on 89.5 MH/z, Columbia, MO. Proposal determined acceptable: December 14, 1973. Estimated project cost: $66,960. Grant request: $50,210. Application signed by: Gerald Patrick Kelecher, Station Manager.

State College of Arkansas, Conway, Arkansas 72032, File No. 204-R/T0121SC, for the expansion of noncommercial educational FM radio station KASC broadcasting on 91.5 MH/z, Conway, Arkansas. Proposal determined acceptable: December 18, 1973. Estimated project cost: $40,000. Grant requested: $30,000. Application signed by: Silas D. Snow, President.

Couture School Board District #27, Public Broadcasting, Belcourt, North Dakota 58316, File No. 205-R/T0202SC, for the establishment of a noncommercial educational FM radio station broadcasting on 90.9 MH/z, Belcourt, ND. Proposal determined acceptable: March 28, 1974. Estimated project cost: $68,698. Grant requested: $51,524. Application signed by: Daniel Jerome, Superintendent.

(Catalog of Federal Domestic Assistance Program No. 13.413, Educational Broadcasting Facilities Program)

This notice issued in Washington, D.C.

Dated: May 23, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-12286 Filed 5-24-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting Change of Location

Notice is hereby given that the meeting of the National Advisory Council on Extension and Continuing Education which was scheduled to be held on June 6-7, 1974, in San Clemente, California will be held on the same dates but at a different location. The meeting will now be held in San Antonio Room of the Sheraton Inn, 1380 Harbor Island Drive, San Diego, California. The meetings on both days will begin at 9 a.m. local time.

Dated: May 20, 1974.

EDWARD A. KIELOCH.

[FR Doc.74-12091 Filed 5-24-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRCRAFT TYPE CERTIFICATION AND SERVICE DIFFICULTIES

Consultative Conference

The Department of Transportation, Federal Aviation Administration, will hold a consultative conference June 6 and 7, 1974, at the Washington Hilton Hotel, 1919 Connecticut Avenue, NW., Washington, D.C. 20009, to discuss the following subjects related to aircraft type certification and the correction of service difficulties on type certificated products:

1. Aircraft pressure containment and the protection of airplane occupants from sudden decompression hazards.
2. Equivalent level of safety findings.
3. Application of probability terminology in type certification.
4. Airworthiness directives (ADs).

The objectives of the conference will be to provide for an exchange of information and opinions between all interested persons, and, to encourage further studies on the subjects discussed. The discussions will be open to the public.

Persons planning to attend the conference are requested to direct their inquiries to:

Department of Transportation
Federal Aviation Administration
Flight Standards Service, AFS-1
800 Independence Avenue, SW.
Washington, D.C. 20591

Issued in Washington, D.C., on May 17, 1974.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.74-12161 Filed 5-24-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-320]

METROPOLITAN EDISON CO. ET AL.

Application for Facility Operating License

In an application dated April 22, 1968, Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, filed an application for authorization to construct and operate a pressurized water nuclear reactor, designated as the Oyster Creek Nuclear Station, Unit 2, on the applicant's site in Lacey Township, Ocean County, New Jersey. A notice of receipt of application was published in the FEDERAL REGISTER on June 19, 1968 (33 FR 9038).

In license application Amendment No. 6 dated March 10, 1969, filed jointly by Jersey Central Power & Light Company and Metropolitan Edison Company, P.O. Box 542, Reading, Pennsylvania 19603, the applicants requested authorization to construct and operate the previously designated Oyster Creek Nuclear Station, Unit 2, at the Three Mile Island Nuclear Station in Londonderry Township, Dauphin County, Pennsylvania. The proposed reactor was redesignated as the Three Mile Island Nuclear Station, Unit 2, and is presently under construction adjacent to and just south of the Three Mile Island Nuclear Station, Unit 1.

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operating license for Three Mile Island Nuclear Station, Unit 2 (the facility). In license application Amendment No. 13 dated April 4, 1974, filed jointly by Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company (the applicants), the applicants have requested authorization, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, to possess, use, and operate the facility, a pressurized water nuclear reactor, at a steady-state power level of 2772 megawatts thermal.

The applicants will share ownership of the Three Mile Island Nuclear Station,

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Unit 2, and Metropolitan Edison Company will have complete responsibility for the engineering, design, construction, operation and maintenance of the facility.

Copies of Amendments 6 and 13 covering the relocation and joint ownership of the facility are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Local Public Document Room established at the Government Publications Section, State Library of Pennsylvania, Harrisburg 17126.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated December 10, 1971, as supplemented, which is incorporated in the Final Safety Analysis Report by reference. The environmental report, which discusses environmental considerations related to the proposed operation of the facility, is available for inspection at the above mentioned locations, and also at the State Clearinghouse, Office of State Planning and Development, P.O. Box 1323, Harrisburg, Pennsylvania 17120, and at the Tri-County Regional Planning Commission, 341 South Cameron Street, Harrisburg, Pennsylvania 17101. The Office of the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, issued a Final Environmental Statement relating to both construction and operation of the facility in December 1972 (37 FR 26144). An updated Final Environmental Statement related to operation of the facility will be prepared, notice of availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of a facility operating license to Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company, which would authorize the applicants to possess, use, and operate the Three Mile Island Nuclear Station, Unit 2, in accordance with the provisions of the license and the Technical Specifications appended thereto, upon: (1) the completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D; (3) the receipt of a report on the applicants' application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facility was authorized by Provisional Construction Permit No. CPPR-66, issued by the Commission on November 4, 1969. Construction of the facility is anticipated to be completed by May 1, 1977.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the construction permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicants will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of Section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970. Notice is hereby given, pursuant to 10 CFR Part 2, "Rules of Practice", and Appendix D to 10 CFR 50, "Licensing of Production and Utilization Facilities", that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit in the captioned proceeding should be continued, modified, terminated or appropriately conditioned to protect environment values.

By June 27, 1974, the applicant may file a request for a hearing, and any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene (1) as respects, considering those matters covered by Appendix D to 10 CFR Part 50 of the Commission's regulations, (a) whether the provisional construction permit should be continued, modified, terminated or appropriately conditioned to protect environmental values and/or (b) the issuance or denial of an operating license or its appropriate conditioning to protect environmental values, and alternatively, or jointly (2) as respects issuance of the operating license in consideration of those matters covered by 10 CFR Part 50 of the Commission's regulations. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room 1717 H Street NW., Washington, D.C., by June 27, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to George F. Trowbridge, Esq., Shaw Pittman, Potts & Trowbridge, 910 17th Street NW., Washington, D.C. 20006, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)–(4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating license dated April 4, 1974; the applicants' revised Environmental Report dated December 10, 1971; Amendment No. 1 thereto dated March 3, 1972, and Amendment No. 2 dated April 30, 1973; the Draft Detailed Statement dated June 1972; and the Final Environmental Statement dated December 1972, which are available for public inspection at the above mentioned locations in Washington, D.C., and Harrisburg, Pennsylvania.

As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Directorate of Licensing; (2) the Commission's updated Final Environmental Statement; (3) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (4) the proposed facility operating license; and (5) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the above items, when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland, this 20th day of May 1974.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-12357 Filed 5-24-74;8:45 am]

[Docket No. 50-423]

MILLSTONE POINT CO., ET AL.

Evidentiary Hearing

In the matter of The Millstone Point Co., et al. (The Millstone Nuclear Power Station, Unit No. 3).

The evidentiary hearing in the captioned proceeding will resume on Monday, June 17, 1974, 9:30 a.m., at the Licensing Board Panel Hearing Room, No. 1202, 7910 Woodmont Avenue, Bethesda, Maryland.

It is so ordered.

Dated at Bethesda, Maryland, this 20th day of May, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.74-12059 Filed 5-24-74;8:45 am]

[Docket Nos. 50-354; 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Evidentiary Hearing

In the matter of Public Service Electric and Gas Co. (Hope Creek Generating Station, Units 1 and 2).

The evidentiary hearing in the captioned proceeding will resume on Friday, May 31, 1974, 9:30 a.m., at the Licensing Board Panel Hearing Room, No. 1202, 7910 Woodmont Avenue, Bethesda, Maryland.

It is so ordered.

Dated at Bethesda, Maryland, this 20th day of May, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.74-12058 Filed 5-24-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Notice of Meeting

MAY 24, 1974.

The Management-Labor Textile Advisory Committee will meet at 2:00 p.m. on June 12, 1974, in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 40 members having special expertise in the textile and apparel industry, advises Department officials on conditions in the textile industry and on trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the committee before or after the meeting. To the extent time is available at the end of the meeting the presentation of oral statements will be allowed.

Portions of future meetings which concern subjects not listed above will be open to public participation unless it is determined, in accord with section 10(d) of the Federal Advisory Committee Act and the OMB Circular A-63 (revised) of March 27, 1974 on Advisory Committee Management, that specifically identified portions will be closed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-12301 Filed 5-24-74;10:01 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from May 13 through May 17, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is on or before July 8, 1974.

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

ATOMIC ENERGY COMMISSION

Contract: For nonregulatory matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

Legislation to amend the Price-Anderson Act, May 14: The statement refers to proposed legislation which would amend the Price-Anderson Act (sec. 170 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2210). The requirement of the Act that certain licensees provide financial protection and be indemnified for public liability claims arising out of a nuclear incident would be extended for 10 years, from August 1, 1977 to August 1, 1987. Other aspects of the legislation would provide a mechanism which would result in the phasing out of government indemnity now provided through appropriated funds; and change the maximum amount of liability insurance required by law. (ELR Order No. 40793.)

Douglas Point Station, Units 1 and 2, Charles County, Md., May 14: Proposed is the issuance of construction permits to the Potomac Electric Power Company for Units 1 and 2 of the Douglas Point Nuclear Generating Station. The identical boiling water reactors will produce 3579 MWT each, which will be converted to 1178 MWE (net); safety design ratings of 3758 MWT and 1237 MWE are considered in the statement. Cooling will be accomplished through natural draft wet towers, with water drawn from the Potomac River at a maximum of 106,000 gpm. Construction will convert 200 acres forest land to industrial use; new transmission line will require 464 acres for right-of-way. (ELR Order No. 40794.)

Final

St. Lucie Plant, Unit 2, Florida, May 17: Proposed is the issuance of a construction permit to the Florida Power and Light Company for a second unit at the St. Lucie Plant, which is located on Hutchinson Island, midway between Fort Pierce and Stuart. The 2560 MWt reactor will allow a production of 850 MWe (gross); a future power level of 2700 MWt is anticipated. Exhaust steam for both units of the Plant will be cooled by water pumped from and discharged to the Atlantic Ocean. There may be some adverse impacts to local turtle populations. Comments made by: AHP, USDA, DOC, HEW, DOI, DOT, EPA, FPC, and state and local agencies. (ELR Order No. 40808.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Transmission Line, Apalachicola National Forest, Fla., May 17: Proposed is the granting of an application for a right-of-way for a 230 KV transmission line across the Apalachicola National Forest. The line would connect the Hopkins Power Plant with a Florida Power Corp. transmission line between St. Marks and Crawfordsville. There will be adverse impact to aesthetics, forest enjoyment, commercial forestry, and potential airport (Tallahassee) expansion (72 pages). (ELR Order No. 40809.)

Eureka-Grave Creek Unit, Kootenai National Forest, Mont., May 15: Proposed is the implementation of a multiple use plan for the 93,585 acre Eureka-Grave Creek Planning Unit of the Kootenai National Forest. Management values will include wilderness; big game forage; grizzly bear habitat; watershed protection; timber production; recreation; and visual resources. There will be adverse impact from timber harvest and road construction (131 pages). (ELR Order No. 40803.)

Cascade Head Area, Siuslaw National Forest, Tillamook and Lincoln Counties, Oreg., May 14: The statement evaluates legislation that would extend the boundary of the Siuslaw National Forest to include lands in the Cascade Head-Salmon River Area, in

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order to protect the area's unique values. The action would result in controls upon commericial and residential development; opportunities for mass public recreation will be given up in favor of dispersed forms of use (64 pages). (ELR Order No. 40787.)

Final

Spruce Budworm Suppression, Lake County, Minn., May 15: Proposed is the treatment of 3,500 acres of forest land within the Finland State Forest, in order to prevent or minimize further spruce-budworm caused tree mortality and reduce high budworm populations until logging operations are able to remove the mature timber. The insecticide mexacarbate (Zectran R) will be applied aerially, in conjunction with continuing salvage operations. Some nontarget areas will be adversely affected (69 pages). Comments made by: Concerned citizens. (ELR Order No. 40800.)

South Fork Yaak Planning Unit, Kootenai, National Forest, Lincoln County, Mont., May 14: The statement refers to the proposed implementation of a revised multiple use plan for the South Fork Yaak Planning Unit, Yaak Ranger District, Kootenai National Forest. Approximately 47,000 acres have been stratified into six management situations, for such values as big game winter forage production, timber harvesting, recreation, and livestock grazing. Adverse impact will include the construction of roads in presently roadless areas, soil and vegetative disturbance, and air and noise pollution (116 pages). Comments made by: DOI, EPA, USDA, and state agencies. (ELR Order No. 40788.)

Porcupine/Buffalo Horn Unit, Gallatin National Forest, Gallatin County, Mont., May 15: The statement refers to the proposed implementation of a revised multiple use plan for the Porcupine/Buffalo Horn Planning Unit of the Gallatin National Forest. The 46,167 acre Unit is broken into four subunits; the majority of the Unit will be maintained in a roadless state, with some road construction on two drainages. There will be aerial logging, one highly developed campground, and three minimum-developd end-of-road facilities. Two trails will be constructed, and one will be reconstructed. Impact will be to elk and other wildlife, and to watersheds (approximately 200 pages). Comments made by: EPA, DOI, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40803.)

SOIL CONSERVATION SERVICE

Draft

Chicod Creek Watershed (2), Pitt and Beaufort Counties, N.C., May 17: The revised statement refers to a watershed protection project on the Chicod Creek Watershed. Project measures will include land treatment; 66 miles of stream channel work; two wildlife wetland preservation areas; one warm-water impoundment; eleven rock structures; 30 water-control structures; and 10 sediment traps. Adverse impact will include the commitment of 76 acres of cropland, 140 acres of upland forest; and 360 acres of hardwood wildlife habitat to project measures; and the reduction of carrying capacity on 657 acres of wetland habitat and 14 miles of stream fishery (three volumes). (ELR Order No. 40819.)

Final

Assunpink Creek Watershed Project, Mercer and Monmouth Counties, N.J., May 13: The statement refers to a watershed protection, recreation, flood prevention, and water storage project on the Assunpink Creek Watershed. Project measures include land treatment, multiple-purpose structures, and channel works. Adverse impact will include the permanent inundation of 197 acres of wetlands and the temporary inundation of 415 acres of wetlands (183 pages). Comments made by: COE, HEW, DOI, DOT, EPA, DRBC, state agencies, and concerned citizens. (ELR Order No. 40779.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Talkeetna, Flood and Bank Erosion Control, Alaska, May 13: The statement refers to the proposed construction of a 600 ft. sand and gravel dike, 1,000 ft. of bank grading and seeding, and 1,400 ft. of rock revetment. The purpose of the structural measures is to prevent bank erosion by flood waters of the Talkeetna and Susitva Rivers. Approximately 2 acres of vegetation along the riverbanks will be lost (Anchorage District) (68 pages).

Ala Wai Harbor, Oahu, Hawaii, May 13: The statement refers to a proposed harbor protection project for Ala Wai Harbor. Project measures would include a 1,910 foot long, 90 foot wide revetted mole, parallel to and 110 feet seaward of the existing breakwater; and construction of new permanent berthing facilities for 64 boats. Adverse impact will include the loss of 4.5 acres of reef flat, and the disturbance of associated marine biota (55 pages). (ELR Order No. 40766.)

Flood Control, Saginaw and Flint Rivers, Genesee County, Mich., May 17: Proposed is a flood control project for the Flint River. Project measures include the realignment and modification of 11,000 feet of the Flint River, and 8,900 feet of Swartz and Thread Creek, tributaries to the Flint. The project is designed to provide protection against a once in 67 year flood. Adverse impact will include construction disruption, and increases in suspended sediment levels (Detroit District) (33 pages). (ELR Order No. 40810.)

Flood protection, Wears Creek, Jefferson City, Mo., May 15: Proposed is a flood protection project in Wears Creek in Jefferson City. Project measures will include a covered conduit and the filling of the surrounding area by hydraulic fill. Adverse impact will include construction disruption, and relocation of 135 residences and 70 businesses (Kansas City District). (ELR Order No. 40797.)

Candy Lake, Candy Creek, Osage County, Okla., May 13: The statement refers to the proposed Candy Lake located in Osage County on Candy Creek. Project purposes are flood control, water supply, recreation, and fish and wildlife. The project consists of an earth dam, a reinforced concrete outlet works, an uncontrolled spillway, and project buildings and access roads. Adverse impacts are the inundation of 2,170 acres of land and 7.5 miles of Candy Creek, displacement of pipelines, powerlines and telephone lines, and relocation of 8 families. (Tulsa District) (103 pages). (ELR Order No. 40778.)

Hay Creek Flood Control Project, Birdsboro, Pa., May 13: The project involves the construction of approximately 4,150 linear feet of levees and floodwalls along portions of Hay Creek. The East Main and and East First Bridges will be raised by 6 and 4 feet respectively, to accommodate the levees and floodwalls. The Penn Central Railroad Bridge is to be modified by moving the center pier 16 ft. eastward so that it would be out of the Hay Creek channel. There will be temporary adverse effects of construction including traffic congestion, noise, and turbidity. (Philadelphia District) (70 pages). (ELR Order No. 40786.)

San Juan Harbor, Maintenance Dredging, Puerto Rico, May 13: The project consists of maintaining the authorized depths of San Juan Harbor navigation channels by the removal of shoaled materials. Approximately 3,190,000 cu. yds. of material will be removed and placed in upland and ocean disposal areas in scheduled FY-74 and FY-75 maintenance. Adverse impacts include the destruction of some benthic organisms, temporary turbidity and siltation caused by dredging, loss of vegetation in the upland disposal area, and some organisms will be covered at the offshore disposal site (Jacksonville District) (44 pages). (ELR Order No. 40784)

Final

St. Lucie Inlet (2), Florida, May 13: The statement refers to the proposed deepening of St. Lucie Inlet, the extension of the north jetty, and the construction of a south jetty. Dredged sand will be used for beach nourishment; removed rock will be used for jetty construction. Adverse impact will be to marine biota (Jacksonville District) (approximately 100 p.). Comments made by: USCG, DOT, DOI, EPA, HUD, DOC, USDA, and state agencies. (ELR Order No. 40773.)

Saylorville Flood Control Project, Des Moines River, Polk County, Iowa, May 17: The statement refers to the continuation of construction of the Saylorville Lake multipurpose project for flood control, low-flow augmentation, fish and wildlife management, and recreation. The project includes a 6,750 foot crest-length, 105 foot high earth fill dam on the Des Moines River, with a permanent pool of 5,400 acres and a full flood pool of 16,700 acres. Also included is the Big Creek sub-impoundment and its 885 acre lake. Adverse impact will include the loss of wildlife habitat and archeological sites, and the displacement of residents. (Rock Island District). Comments made by: EPA, DOI, USDA, DOT, state agencies, and concerned citizens. (ELR Order No. 40807.)

Clinton Local Protection Project, Clinton County, Iowa, May 17: The statement refers to a flood control project which protects the City of Clinton on the Mississippi River. Project measures include earthen levee, floodwalls, interior drainage facilities, and pumping stations. Some riverine habitat will be lost in Joyce and Beaver Islands (55 pages). Comments made by: EPA, DOC, DOI, USDA, DOT, state and local agencies, and concerned citizens. (ELR Order No. 40814.)

Freeport Harbor Navigation Project, Brazoria County, Tex., May 17: The project involves the altering of the existing 36-foot navigation project, by easing a channel bend near the Gulf Intracoastal Waterway and Brazosport turning basin, and increasing the size of the vessel maneuvering area at the north of Brazos Harbor Channel. Adverse impacts include the removal of some bottom dwelling organisms, and the loss of 135 acres of vegetation due to the disposal of dredged materials. Dredging operations will cause localized and temporary increases in turbidity. Comments made by: DOI, DOC, EPA, USCG, state and local agencies, and concerned citizens. (ELR Order No. 40826.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Final

Water Control Plant, District of Columbia, May 17: Proposed is the expansion (from 240 mgd to 309 mgd), and upgrading of the existing D.C. water pollution control facilities. Onsite disposal of undigested plant sludge by incineration is planned, with the ash residue transported to approved sanitary landfills for ultimate disposal. Comments made by: USCG, USDA, DOI, DOC, COE, EPA, GSA, USN, state and local agencies. (ELR Order No. 40806.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Draft

Montana-Wyoming Pipeline, Docket No. CP73-340, Carbon and Chauteau Counties, Mont., May 17: Proposed is the granting of a certificate to the Colorado Interstate Gas Company for the construction of a 223 mile, 16 inch pipeline, a 114 mile, 16 inch pipeline loop, a compressor/dehydration station, and other appurtenant facilities. The pipeline would extend from the Elk Basin Field to the Bearpaw Mountain Area. There will be impact to "man, soil vegetation, wildlife, water quality, air quality, and noise levels." (ELR Order No. 40815).

Refugio-Waha Project, Docket CP73-260, several counties, Texas, May 17: Proposed is the issuance of a certificate to the El Paso Natural Gas Company for the construction and operation of certain facilities necessary for the transportation of new natural gas supplies from a Transco pipeline in Refugio County to El Paso's main system near Coyanosa. Project measures will include 418.5 miles of 24 inch pipeline, 5 compressor stations, and appurtenant facilities. There would be impact on "man, wildlife, vegetation, soil, water and air quality, and noise levels" (166 pages). (ELR Order No. 40813.)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Mr. Paul Cromwell, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3716, HEW-North, Washington, D.C. 20202, 202-963-4456.

Final

Community Health Facility, Elko County, Nev., May 17: The statement refers to the proposed construction of a replacement hospital at Owyhee, on the Duck Valley Shoshone-Paiute Indian Reservation. The new facility will provide major curative and preventative health programs planned to meet the needs of 2,000 people. The present facilities are considered inadequate. Temporary adverse effects will result from construction activities. Comments made by: EPA, DOD, HEW, AHP, DOT, and local agencies. (ELR Order No. 40804.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202-755-5980.

Draft

Demolition of Pruitt-Igoe Public Housing, St. Louis, Mo., May 13: The statement refers to the proposed demolition of 30 eleven story buildings of the Pruitt-Igoe Housing Complex, and the removal of rubble from the site. The housing is considered to be uninhabitable, vandalized, vermin-infested, and otherwise dangerous. Adverse impact of the action will include the cost of removal; disruption of traffic; increased air and noise pollution levels; and the decline in the use of existing services, such as schools and health facilities (94 pages). (ELR Order No. 40769.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Draft

F. D. Roosevelt National Historic Site, New York, May 17: Proposed is the implementation of a master plan for the management of the Franklin D. Roosevelt National Historic Site in Hyde Park, New York. The Roosevelt Site will be managed in conjunction with the Vanderbilt Mansion National Historic Site, also in Hyde Park. Administrative and management functions of the site would be relocated; tax revenue to the town would be decreased by the acquisition of the Morgan estate and a portion of the Kessler property (51 pages). (ELR Order No. 40818.)

DEPARTMENT OF JUSTICE

Contact: Mr. William Cohen, Land and Natural Resources Division, Room 2129, Department of Justice, Washington, D.C. 20530, 202-737-2730.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Final

Southeast Tennessee Regional Correctional Facility, Marion County, Tenn., May 17: The statement refers to the proposed construction of a Regional Correctional Facility which will accommodate 400 inmates. The Facility will be located on a 45 acre site in the Prentice Cooper State Forest, ten miles northwest of Chattanooga, and will comprise a complex of minimum and medium security quarters, day rooms, classrooms, a library, chapel, medical clinic, and related structures. Adverse impact of the project will include the release of wastewater effluent to an adjacent creek, and the change in land use from forestry to institutional (95 pages). Comments made by: EPA, DOI, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40820.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Seattle-Tacoma International Airport, Wash., May 17: Proposed is the acquisition of 317 acres of land adjacent to the Seattle-Tacoma International Airport, in order to comply with FAA land use compatibility recommendations. The action will result in the displacement of 700 families and the closure of two schools, necessitating economic and social readjustments. (ELR Order No. 4081.)

Final

Thief River Falls Airport, Pennington County, Minn., May 13: The project will include the acquisition of 410 acres in fee title and 243 acres in easement; the widening and extending of the NW/SE runway from 90' x 5100' to 150' x 6500'; the construction of parallel taxiways; and the installation of lighting. Eight families will be displaced by the project; two roads will be relocated; air and noise pollution levels will increase (41 pages). Comments made by: USDA, DOI, EPA, COE, DOT, and state and local agencies. (ELR Order No. 40782.)

Stanly County Airport, Albemarle, Stanly County, N.C., May 17: The project is the construction of a new public-use airport located in Albemarle. Of the 160 acres of land that will be acquired, 42 acres of trees will be cleared. Construction includes: a 75' x 3,900' runway, 150' x 400' aircraft parking apron, stub taxiway, partial parallel taxiway to the S/W end, installation of lighting systems, and construction of maintenance, storage and T-hangar areas. The project will displace wildlife and introduce high air and noise pollution levels into a new area (32 pages). Comments made by: EPA, USDA, DOI, and state agencies. (ELR Order No. 40816.)

Dallas-Fort Worth Regional Airport, Tex., May 13: The statement refers to the proposed continuation of the development of the Dallas-Fort Worth Airport. The project consists of: acquisition of 17,520 acres of land; construction of two N/S parallel runways and a NW/SE runway; installation of associated lighting and navaids; construction of associated taxiways, ramps and maintenance areas; construction of 4 terminals, service structures, spine roadway system, and an intra-airport transit system. Adverse impacts are the use of land, and increased levels of air and noise pollution (2 volumes). Comments made by: EPA, HEW, DOT, HUD, USDA, DOI, COE, FPC, state and local agencies. (ELR Order No. 40775.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

S.R. 39, Sterling Rd. to Springfield, Idaho, May 15: The project involves the construction of a rural 2-lane highway from Sterling Rd. to Springfield in Bingham County. The length of the project will be 7 miles. Adverse impacts are disruption and severance to some existing agricultural units, and the displacement of 1 family and the possible displacement of 1 business (53 pages). (ELR Order No. 40801.)

Freeway 520, Hardin and Grundy Counties, Iowa, May 17: Proposed is the construction of Freeway 520, from U.S. 65 to one half mile west of the Grundy-Black Hawk County line, a distance of approximately 37.6 miles. The four lane highway will require from 1400 to 1500 acres of high quality cropland for right-of-way (137 pages). (ELR Order No. 40817.)

Interstate 90, Garrison East and West, Powell County, Mont., May 13: The statement refers to the proposed construction of a segment of I-90 in Powell County between Butte and Missoula. The project begins 1.8 miles northwest of Garrison and extends 7.5 miles, southeast, generally along existing U.S. 10, where it joins completed I-90 north of Deer Lodge. Adverse impacts are the use of 217 acres of agricultural land, increased air and noise pollution levels, and the disruption of stream banks and stream at the Little Blackfoot River bridge site (38 pages). (ELR Order No. 40777).

New Hampshire Route 101-A, Hillsborough County, N.H., May 15: The project involves the construction of New Hampshire Rte. 101-A from Amherst to Nashua in Hillsborough County. The 4-lane facility will have a length of 4 miles. Adverse impacts include increased noise levels, acquisition of 15 acres of land, and displacement of 9 families and 4 businesses. (ELR Order No. 40799.)

State Trunk Highway 28, Sheboygan County, Wis., May 17: Proposed is the construction, on new location, of 4.8 miles of State Trunk Highway 28, from Sheboygan Falls to the city of Sheboygan. Some additional land will be required for right-of-way, and a number of homes will be displaced (84 pages). (ELR Order No. 40812.)

Final

Alabama State Route 110 and I-85, Montgomery County, Ala., May 14: The proposed project is the construction of a new two-lane highway to provide access to the Auburn University extension from Alabama State Route 110 and Interstate 85. Project length is 2.2 miles. Approximately 60 acres of rural land will be acquired for right-of-way. There will be an increase in air pollution by vehicle emission and noise (50 pages). Comments made by: EPA, HUD, DOT, HEW, USDA, COE, DOI, and state agencies. (ELR Order No. 40792.)

U.S. 10, Otter Tail County, Minn., May 15: Proposed is the improvement of a 22 mile

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segment of U.S. 10 to a four lane expressway. The project will extend from Pelham to the town of Wadena. New York Mills and Bluffton are located within the improvement. Approximately 410 acres of right-of-way is needed for the facility; 8 families and 1 business will be displaced. Other adverse effects of the action are temporary increases in noise and air pollution during construction, and loss of vegetative cover. Comments made by: EPA, USDA, DOT, DOI, HEW, and state agencies. (ELR Order No. 40795.)

U.S. 26, Mitchell to Scotts Bluff, Morrill and Scotts Bluff County, Nebr., May 13: The statement refers to the construction of a freeway from Mitchell to Scotts Bluff. Adverse impacts include the acquisition of land, relocation of wildlife, displacement of families, and disturbances normally associated with construction (74 pages). Comments made by: USDA, HUD, DOI, EPA, and state agencies. (ELR Order No. 40772.)

I-93, Hillsborough and Merrimack Counties, N.H., May 13: The project involves the construction of I-93 beginning near Candia Road in Manchester and continuing 5.9 miles to the F. E. Everett Turnpike in the town of Hooksett. Adverse environmental impacts include relocation of 123 families and 19 businesses, a temporary increase in siltation caused by bridge construction, and an increase in noise levels (approx. 300 pages). Comments made by: EPA, USDA, HEW, HUD, DOI, DOC, FPC, DOT, COE, USCG, and state and local agencies, and concerned citizens. (ELR Order No. 40771.)

US 66, I-40, and SR 39, Quay County, N. Mex., May 14: The project entails the reconstruction of US 66 and SR 39 to four lane facilities, in order to meet specifications required by the construction of I-40. The project begins east of Tucumari and extends 14.04 miles easterly to a point two miles east of San Jon. Adverse impact will include the loss of 900 acres of range and farm land, increases in air and noise pollution, and the relocation of 3 families and 2 businesses. (46 pages). Comments made by: DOI and state and local agencies. (ELR Order No. 40791.)

12th Avenue North, Fargo, Cass County, N. Dak., May 14: The proposed project consists of constructing a 63-foot curb and gutter section from the Interstate 29 interchange to 29th Street. The project is on 12th Avenue. Length of the project and the amount of land to be acquired is unspecified. One business will be displaced. Increases in noise levels will occur (113 pages). Comments made by: EPA, DOT, and state and local agencies. (ELR Order No. 40790.)

US-62 and SH-80A, Fort Gibson, Muscogee County, Okla., May 13: Proposed is the improvement of US 62 by relocation from the Arkansas River, northeasterly 6.8 miles bypassing Fort Gibson on the south, and the extension of SH 80A from Fort Gibson south 1.1 mile to connect to US 62. Adverse impacts include the displacement of 13 families and the reduction of area pasture lands, cultivated lands and woodlands (118 pages). Comments made by: EPA, DOI, USDA, HEW, COE, USCG, and state and local agencies. (ELR Order No. 40774.)

Cross Valley Expressway, Luzerne County, Pa., May 15: The statement refers to the construction of the Cross Valley Expressway, a 2.5 mile four lane, limited-access highway on new location in Luzerne County. Adverse impacts include acquisition of both public and private park and recreation land and the displacement of 226 families. A 4(f) determination is to be made on Connolly Field, Scanlon Field, and Park Place (189 pages). Comments made by: USDA, DOI, DOC, EPA, and state and local agencies. (ELR Order No. 40796.)

U.S. Route 521, Lancaster County, S.C., May 15: The project involves the widening of U.S. Route 521 for 13 miles. The amount of land to be acquired is unspecified. Ten families and one business will be displaced. An increase in noise pollution will occur (24 pages). Comments made by: DOC, DOI, COE, HUD, and state agencies. (ELR Order No. 40796.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

Philadelphia Airport High Speed Rail Line, Pennsylvania, May 17: The action involves the filing of an application for Federal capital grant assistance to construct a rapid rail system between Suburban Station Penn Center, Philadelphia and the passenger terminal at the Philadelphia International Airport. The line will be 9 miles long. Aerial portion of the line will have severe visual and acoustical impact on the Tinicum Wildlife Preserve. One scrap metal establishment will be displaced, and portions of a playground and P.E. Company will be acquired. Adverse impacts will occur to fish and wildlife habitat in the Tinicum Wildlife Reserve. Comments made by: EPA, DOT, DOI, HUD, USDA, DOC, COE, and state and local agencies. (ELR Order No. 40805.)

U.S. COAST GUARD

Final

Ohio River Bridge, Huntington, W. Va.-Ohio, May 13: The statement refers to the proposed construction of a bridge across the Ohio River from Guyandotte, West Virginia to Proctorville, Ohio. The entire length of the project is 1.5 miles of 2 lane roadway. Adverse impacts include increased air and noise pollution levels, and the displacement of 6 businesses and 25 families. A 4(f) determination is to be made concerning the Guyandotte Public Use Area in West Virginia. Comments made by: DOT, EPA, DOI, COE, DOC, HEW, state and local agencies, and concerned citizens. (ELR Order No. 40783.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-12073 Filed 5-24-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ARCHITECTURAL GLASS

Proceeding for Development of Proposed Consumer Product Safety Standard

The Consumer Product Safety Commission has preliminarily determined that hazards associated with architectural glass present unreasonable risks of death or injury; and that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks of injury. The purpose of this notice is to commence a proceeding pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to architectural glass. The development period for this standard shall end on or before October 25, 1974. The Commission may by notice in the FEDERAL REGISTER extend the period for development if it finds for good cause that a different period of time is appropriate.

As used in this notice, the term "architectural glass" includes glass and other glazing materials sold to or used, consumed or enjoyed by consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise. Examples of areas where architectural glass covered by this Notice may be used include the following: (a) Doors, including storm doors and combination doors, in residential and other buildings occupied or used by consumers; (b) all windows including fixed panels or sidelites in residential and other buildings occupied or used by consumers; (c) shower doors and enclosures in residential and other buildings occupied or used by consumers; and (d) bath tub enclosures in residential and other buildings occupied or used by consumers.

Persons interested in submitting existing standards or offering to develop a standard must follow the regulations issued under section 7 of the Consumer Product Safety Act (16 CFR 1105.1 through 1105.9) concerning the submission of existing standards, offers to develop standards and the development of standards. Relevant portions of the procedures for submitting an existing standard as a proposed consumer product safety standard, or offering to develop a consumer product safety standard, are repeated below. These regulations are published in the FEDERAL REGISTER of May 7, 1974 (39 FR 16202), a copy of which is available from the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207.

On June 20, 1973, the Consumer Safety Glazing Committee (hereinafter identified as CSGC) petitioned the Consumer Product Safety Commission pursuant to section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) to commence a proceeding for the development of a consumer product safety standard for architectural glass.

On November 1, 1973, the Commission, on the basis of information submitted by the CSGC, consideration of injury data reported by the National Electronic Injury Surveillance System (NEISS), and review of information gathered by the National Commission on Product Safety, granted CSGC's petition requesting that the Commission commence a proceeding to develop a consumer product safety standard for architectural glass.

Copies of the petition, the briefing package prepared for the Commission by CPSC staff in connection with the petition, and the research data referred to above, are available for public inspection in the Office of the Secretary.

In accordance with section 7(b) of the Act and regulations issued under section 7 of the Act (16 CFR 1105.1 through 1105.9), this notice (a) identifies the product and the nature of the risks of injury associated with the product; (b) is based on a determination that a consumer product safety standard is necessary to eliminate or reduce the risks of injury; (c) includes information with respect to existing standards known to the Commission which may be relevant to this proceeding; and (d) invites any person to submit an existing standard as a proposed consumer product safety standard or to submit an offer to develop a proposed consumer product safety standard for architectural glass.

NATURE OF THE RISK OF INJURY

Information about injuries associated with architectural glass which indicate a need for remedial action has been developed by Commission staff and other sources. They include the following:

1. Hearings of the National Commission Product Safety, 1968-1970, primarily Volume III (pp. 1-217), Supplement II (pp. 291-362 and 457-495) and Summary (pp. 12-13).

2. National Electronic Injury Surveillance System, Surveillance Data reported July 1, 1972, through June 30, 1973. During the period from July 1, 1972, through June 30, 1973, it is estimated that 187,000 injuries associated with architectural glass were treated in hospital emergency rooms.

3. Hazard analysis of in-depth investigations conducted by the Food and Drug Administration and subsequently by the Consumer Product Safety Commission.

Copies of the information indicated above are available for public inspection in the Office of the Secretary.

After review of the information reported by the sources listed above, the Commission has preliminarily determined that the hazards associated with architectural glass present unreasonable risks of death or injury. The hazards and the nature of the risks of injury include the following:

1. Lacerations, contusions, abrasions and other injury or death resulting from walking or running into glass doors or panels believed to be open or mistaken as a means of ingress or egress; or pushing against glass panels in an attempt to open a door.

2. Lacerations, contusions, abrasions and other injury or death resulting from accidentaly falling into or through doors with glass, fixed panels or sidelites, windows, bathtub enclosures and shower stalls.

3. Lacerations, contusions, abrasions, and other injury or death resulting from opening, closing, washing or otherwise handling windows.

4. Lacerations, contusions, abrasions, and other injury or death resulting from the act of installing, replacing, storing or otherwise manipulating glass panels in doors, flat fixed panels or sidelites, windows, bathtub enclosures and shower stalls, or from broken glass in doors, flat fixed panels or sidelites, windows, bathtub enclosures and shower stalls.

EXISTING STANDARDS

The Commission has received information about the existence and provisions of the following standards and specifications which may be relevant to this proceeding:

1. Federal Housing Administration, "Minimum Property Standards for One and Two Family Living Units," FHA #300, November 1966, and 55 revisions, section 711.

2. Federal Housing Administration, "Minimum Property Standards for Multi-Family Housing," FHA #2600, February 1971, Section M611.

3. American National Standards Institute Standards ANSI Z97.1-1972, "Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings." (First promulgated in 1966.)

4. American Insurance Association, Building Officials and Code Administrators International, Inc., International Conference of Building Officials, and Southern Building Code Congress, "One and Two Family Dwelling Code," 1971 Edition, sections R-208 and R-209.

5. Building Officials and Code Administrators International, Inc. "The BOCA Basic Building Code/1970," section 858.46.

6. Canadian Government Specifications Board, "Standard for Glass: Safety for Building Construction," 12-GP-1b, 1971.

7. Consumer Safety Glazing Committee, "Model Safety Glazing Bill," 1973 Edition (First published in 1970).

8. Glass Tempering Association, "Engineering Standards Manual," 1969, section 5, Specifications 643-16, rev. #1.

9. International Conference of Building Officials, "Uniform Building Code," 1973 Edition, sections 1711, 5406.

10. Southern Building Code Congress, "Southern Standard Code," 1973 Edition, section 2703.1.

11. Codes and laws from 32 states.

With regard to these standards, the Commission makes the following observations:

The Federal Housing Administration Standards (identified in 1 and 2 above) apply only to buildings for which financing is insured by FHA. The FHA standards refer to ANSI Z97.1-1966, which has been superseded by ANSI Z97.1-1972. (Revisions in the FHA Standards soon to be implemented by the Department of Housing and Urban Development will refer to ANSI Z97.1-1972.) The FHA standards permit visual or physical barriers for architectural glass located in some areas as substitutes for the use of safety glazing, a practice shown to be inadequate during the hearings conducted by the National Commission on Product Safety.

ANSI Z97.1-1972 (identified in 3 above) is a safety standard. It and an earlier version, ANSI Z97.1-1966, are cited as the performance tests for many other laws, codes and standards. The performance specification of ANSI Z97.1-1972 requires that a glazing panel be subjected to impacts at three successively higher energy levels, with the breakage pattern being evaluated at the lowest energy level at which breakage occurs. The tests and specifications appear to be inadequate for the following reasons:

1. They do not require tests at higher energy levels once breakage has occurred at lower energy levels.

2. The specifications requiring testing at higher energy levels may be too restrictive for smaller panel sizes or for architectural glass used in some locations such as windows.

3. The tests and specifications do not provide objective criteria for evaluating the break-safe performance characteristics of architectural glass.

4. The tests and specifications may be too subjective to evaluate certain potential safety glazing materials, primarily plastics.

Details of these deficiencies are included to the briefing package dated May 13, 1974, prepared by the Commission staff in connection with the petition submitted by the CSGC. This package is available for public inspection in the Office of the Secretary.

The building codes (identified in 4, 5, 9 and 10 above) permit use of visual barriers as alternatives to the use of safety glazing. As previously indicated, this practice was shown, during the hearings conducted by the National Commission on Product Safety, to be inadequate in preventing injuries.

The CSGC Model Bill (identified in 7 above) provides that the performance requirements established in ANSI Z97.1-1972 apply to glass or glazing material installed in specified "hazardous locations". Since the Model Bill incorporates ANSI Standard Z97.1-1972, the deficiencies noted above in connection with that standard are also applicable here.

The 32 state laws and codes (identified in 11 above) are essentially combinations of the CSGC Model Bill and the ANSI Z97.1-1972 performance standard. In many states, the acts were originally drafted to conform with earlier performance specifications or were made less stringent by local amendments. Thus, they are not uniform and, in many jurisdictions, are out of date.

The other standards (identified in 6 and 8 above) are essentially similar to ANSI Z97.1-1966, which has been superseded.

In addition, the FHA standards, the building codes, and the CSGC Model Bill do not specify that safety glazing should be required for windows.

A copy of the foregoing standards is available for public inspection in the Office of the Secretary.

INVITATION TO OFFERORS

Pursuant to section 7 of the Act and the regulations issued under section 7 (16 CFR 1105.1 through 1105.9), an invitation is hereby extended to all standards-writing organizations, trade associations, consumer organizations, professional or technical societies, testing laboratories, university or college departments, wholesale or retail organizations, Federal, State or local government agencies, engineering or research and development establishments, ad hoc associations, or any companies or persons (hereinafter called persons) to submit to the Commission on or before June 27, 1974, either of the following:

1. One or more existing standards as a proposed consumer product safety standard in this proceeding; or

2. An offer to develop one or more proposed consumer product safety standards applicable to architectural glass to reduce or eliminate any or all of the unreasonable risks of injury associated with architectural glass identified in this Notice.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing standards. Such groups are referred to in the regulations implementing section 7 (16 CFR 1105.1 through 1105.9) as ad hoc associations. An offer by an ad hoc association may be submitted by an individual member if the offer states that it is submitted on behalf of the members of the association. The individual member submitting the offer shall submit to the Commission a notarized copy of a power of attorney from each member of the association authorizing the individual member to submit an offer on behalf of each other member.

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SUBMISSION OF EXISTING STANDARDS

Persons may submit a standard previously issued or adopted by any private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements which the person believes would be adequate to prevent or reduce the unreasonable risks of injury associated with architectural glass.

To be considered for promulgation as a proposed consumer product safety rule, standards previously issued or adopted must be written in a manner appropriate for use as a Federal Mandatory Standard. Such standards must consist of (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

1. Identify the specific portions of the existing standard which are appropriate for inclusion in the proposed rule;
2. Be accompanied, to the extent that such information is available, by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard;
3. Be supported by test data and other relevant documents or materials to the extent that they are available;
4. Contain suitable test methods which shall be reasonably capable of being performed by the Commission and by persons subject to the act or by private testing facilities;
5. Include data and information to demonstrate that compliance with the standard would be technically practicable;
6. Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential effect on small business and international trade. The economic information should include data indicating (1) the types and classes as well as the approximate number of consumer products which would be subject to the standard; (2) the probable effects of the standard on the utility, cost, and availability of the products; (3) any potential adverse effects of the standard on competition; and (4) the standard's potential disruption or dislocation, if any, of manufacturing and other commercial practices.
7. Include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

OFFERS TO DEVELOP STANDARDS

Any person may submit an offer to develop a proposed consumer product safety standard for architectural glass. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. Each offer shall also include:

1. A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual consumers, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations), of their right and opportunity to participate in the development of the standard;
2. A description of the method whereby interested persons who have responded to the notice may participate, either in person or through correspondence, in the development of the standard; and
3. A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period.

Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

1. A statement listing the number and experience of the personnel, including voluntary participants, the offeror intends to utilize in developing the standard. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel and (iv) other persons to be utilized, although unidentified and uncommitted at the time of the submission of the offer. The educational and experience qualifications of these personnel relevant to the development of the standard should also be included in the statement. This list should include only those persons who will be directly involved in person in the development of the standard; and
2. A statement describing the type of facilities or equipment which the offeror plans to utilize in developing the standard and how the offeror plans to gain access to the facilities or equipment.

Prior to accepting an offer to develop a standard, the Commission may require minor modifications of the offer as a condition of acceptance.

CONTRIBUTIONS TO THE OFFEROR'S COST

The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard in any case in which the Commission determines:

1. That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and
2. That the offeror is financially responsible.

If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing a proposed consumer product safety standard, the offeror shall submit with his offer to develop a standard:

1. A request for a specific contribution with an explanation as to why the contribution is likely to result in a more satisfactory standard than would be developed without a contribution;
2. A statement asserting that the offeror will employ an adequate accounting system that is in accordance with generally accepted accounting principles to record standard development costs and expenditures; and
3. A request for an advance payment of funds if necessary to enable the offeror to meet operating expenses during the development period.

SUBMISSION OF INFORMATION

All submissions, offers, inquiries, or other communications concerning this Notice should be addressed to: Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207, telephone (202) 634-7700.

All submissions made in response to this notice should be in 5 copies if possible, and must be received by the Office of the Secretary, Consumer Product Safety Commission, not later than June 27, 1974, to be considered in this proceeding.

Dated: May 22, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-12074 Filed 5-24-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

MOBIL CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1493) has been filed by Mobil Chemical Co., P.O. Box 26683, Richmond, VA 23261, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the herbicide bifenox (methyl 5 - (2,4-dichlorophenoxy)-2-nitrobenzoate) in or on the raw agricultural commodities soybeans; soybean forage and hay; and field corn grain, fodder, and forage at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure utilizing a halogen-specific microcoulometric detector.

Dated: May 20, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-12096 Filed 5-24-74;8:45 am]

RHODIA INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1491) has been filed by Rhodia Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the herbicide oxadiazon (2-*tert*-butyl-4-(2,4 - dichloro-5-isopropoxyphenyl) - Δ^2-1,3,4-oxadiazolin-5-one) and its metabolites (2 - tert - butyl-4-(2,4-dichloro-5-hydroxyphenyl) - Δ^2-1,3,4-oxadiazolin-5-one and 2 - carboxyisopropyl-4-(2,4-dichloro - 5 - isopropoxyphenyl) - Δ^2-1,3,4-oxadiazolin-5-one) in or on the raw agricultural commodities pome fruits and stone fruits at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-liquid chromatographic procedure utilizing an electron-capture detector.

Dated: May 20, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-12095 Filed 5-24-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE PANEL 6

Public Meeting

MAY 21, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the CTAC Panel 6 Committee on June 18, 1974, to be held at 2025 M Street, NW., Washington, D.C., in Room 6331 (Conference Room). The time of the meeting is 10 a.m.

The agenda is as follows:

(1) Review of Draft Reports.
(2) Establish schedule for Final Reports.
(3) Review recommendations for extended Rule Modifications as prepared by Harold Munn.
(4) Set date, time and place for next meeting.

Any member of the public may attend or may file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. Cort Wilson, FCC, 1919 M Street, NW., Washington, D.C. 20554—(202) 632-9797.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12144 Filed 5-24-74;8:45 am]

STANDARD BROADCAST APPLICATIONS

Notice of Availability

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on June 28, 1974, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on June 27, 1974, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on June 27, 1974. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: May 16, 1974.

Released: May 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

BP-14016	NEW, Tracy, California West Side Radio Req: 710 kHz, 500 W, DA-1, U
BP-19519	KOMW, Omak, Washington KOMW, Inc. Has: 680 kHz, 1 kW, Day Req: 680 kHz, 5 kW, Day
BP-19545	NEW, Dickinson, North Dakota Badlands Broadcasting Co. Req: 1460 kHz, 5 kW, DA-N, U
BP-19547	NEW, St. Matthews, South Carolina Central Carolina Broadcasting Corp. Req: 710 kHz, 1 kW, DA, Day
BP-19580	NEW, Pageland, South Carolina Pageland Broadcasting Corporation Req: 1510 kHz, 500 W, Day
BP-19587	NEW, Bayou Vista, Louisiana Teche Broadcasting Corporation Req: 1170 kHz, 250 W, Day
BP-19588	NEW, Wabasha, Minnesota Obed S. Borgen Req: 1190 kHz, 1 kW, Day
BP-19589	WTGR, Myrtle Beach, South Carolina Grand Strand Broadcasting Corporation Has: 1520 kHz, 250 W, Day Req: 1520 kHz, 5 kW, DA, Day
BP-19595	NEW, St. George, Utah Albert L. Crain Req: 890 kHz, 10 kW, 50 kW-LS, DA-N, U
BP-19596	NEW, Polson, Montana Lake County Broadcasters, A Limited Partnership Req: 1050 kHz, 1 kW, Day
BP-19597	NEW, Soperton, Georgia Center Broadcasting Co. (H. Fred Tippett, tr/as) Req: 1000 kHz, 1 kW, Day

[FR Doc.74-12145 Filed 5-24-74;8:45 am]

[Docket No. 19882-19885; FCC 74R-183]

JIMMIE H. HOWELL, ET AL.

Memorandum Opinion and Order Enlarging Issues

In re Applications of Jimmie H. Howell, Milton, Florida; Docket No. 19882, File No. BP-19402; H. Byrd Mapoles, tr/as, Mapoles Broadcasting Co., Milton, Florida; Docket No. 19883, File No. BP-19403; Aaron J. Wells, Milton, Florida; Docket No. 19884, File No. BP-19430; Radio Santa Rosa, Inc., Milton, Florida; Docket No. 19885, File No. BP-19431, For construction permits.

1. The mutually exclusive applications of Jimmie H. Howell (Howell), Mapoles Broadcasting Company (Mapoles), Aaron J. Wells (Wells), and Radio Santa Rosa, Inc. (Santa Rosa) for a construction permit for a standard broadcast station were designated for hearing by Commission Order, 44 FCC 2d 43, released December 4, 1973. Now before the Review Board is a petition to enlarge issues, filed December 26, 1973, by Wells requesting the addition of financial issues against Howell, character and real party in interest issues against Mapoles, and staffing and financial issues against Santa Rosa.[1]

FINANCIAL ISSUES AGAINST HOWELL

2. In his application Howell estimates first year costs of operation of $20,400, a figure which Wells alleges is patently unreasonable. Not only is Howell's estimate significantly lower than those of the other applicants, petitioner contends,[2] but it also includes no allocations

[1] Also before the Board are the following related pleadings: comments and partial opposition, filed January 24, 1974, by the Broadcast Bureau; opposition, filed January 25, 1974, by Howell; opposition, filed January 25, 1974, by Santa Rosa; opposition, filed January 25, 1974, by Mapoles; reply, filed February 15, 1974, by Wells.

[2] The estimates of the other applicants are $36,000 (Mapoles), $48,000 (Santa Rosa) and $54,105 (Wells). Since H. Byrd Mapoles plans to share facilities with his station WXBM-FM in Milton, Florida, his costs do not provide an accurate basis for projecting first year expenses, Wells maintains. The average of the other two estimates is approximately $51,000, he submits.

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for preoperational costs, legal and engineering expenses, insurance, taxes, repairs and maintenance, automobile and travel expenses and the Commission's grant fee, and it provides only $12,000 for first year staff salaries. The latter figure assumes that Howell will draw no salary while serving his proposed station as manager, engineer, salesman and newsman, but according to petitioner, this assumption is an unrealistic one. In his application, Howell states that he will rely on his income as an elected county official and his wife's income as the owner of a clothing store during his station's first year of operation; but, Wells argues, since Howell has not revealed his income or that of his wife, and since his financial statement does not reflect sufficient liquid assets to enable him to live without income for a year, it must be concluded that Howell will have to rely on some income from the station and that his proposed salary estimates are therefore too low. Moreover, even if Howell's estimated costs were reasonable, Wells maintains, his available funds would not be sufficient to meet his proposed expenses. Thus, Wells notes that the personal financial statement of Jimmie H. Howell and Margot M. Howell dated June 30, 1973, lists "cash in banks" totalling $28,463.93, and "loans payable to bank" of $27,700.60, but that the Howells' prior personal financial statement of February 28, 1973, lists "cash in banks" of $3,909.30 and "notes payable to bank" of $2,893.50. According to Wells, these figures suggest that Howell borrowed a significant sum from the bank in order to achieve his present financial position. Moreover, the application does not indicate the terms of the loan or when it falls due, Wells argues, and Howell therefore cannot rely upon its proceeds to meet his expenses. Petitioner also disputes Howell's reliance on $5,250 in accounts receivable, arguing that the accounts have not been "aged" and certified collectable within 90 days as required under paragraph 4(b) of Section III of the application form, and alleges further that Howell has not established that his projection of $39,600 in profits for the first year of operation is reasonable. Howell bases his revenue estimates on his own personal broadcasting experience in the community to be served by his station and in nearby communities, but under Tri-Cities Broadcasting Corp., 10 FCC 2d 490, 11 RR 2d 609 (1967), this experience does not constitute the "convincing showing" that estimated revenues are valid required by Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965), Wells contends. Thus, petitioner concludes, Howell has available only about $2,000 in existing capital and a $60,000 bank loan with which to meet his unreasonably low estimate of $65,003.70 in construction and first year operating costs.

3. The broadcast Bureau disputes Wells' contentions that Howell's estimated costs are unreasonable and his available funds insufficient. The disparity between Howell's estimate and those of the other applicants can be explained by the difference in the amounts each proposes to spend on salaries, the Bureau maintains, and this difference, in turn, can be attributed to the fact that Howell will perform several functions for his proposed station without salary. As for Wells' charges that significant items have been omitted from Howell's estimates, the Bureau notes that no preoperational period has been specified by Wells, that legal and engineering expenses are included under construction costs in the application, and that Howell apparently has a financial cushion large enough to cover any incidental expenses.[3] At the same time, the Bureau suggests that other significant expenses may have been omitted from the application. For example, while Howell states that his news staff will consist of the station manager and program director and that his station will utilize the ABC or CBS radio network for national and international news, he has made no provision for the program director's salary or for network expenses, the Bureau contends. Turning to Howell's available funds, the Bureau maintains that the applicant can meet his estimated first year expenses of $50,125[4] with the proceeds of a $60,000 bank loan already committed to him, making an inquiry into his other assets unnecessary, absent a showing that his costs have been understated by an amount exceeding $10,000. Howell, in opposition, also maintains that his available funds are sufficient to meet his proposed expenses, citing his cash on hand of $35,000, his $60,000 bank loan, and his other assets including accounts receivable and real estate.[5] In support of the accuracy of his proposed expenses and revenues, Howell asserts that his estimates are based on his personal knowledge of the community's social, business and governmental life and his extensive broadcasting experience, and should be accepted as valid for that reason. Finally, Howell contends that his salary of $7,200 plus expenses[6] as a County Commissioner of Santa Rosa County coupled with his wife's income as the owner of a dress shop, is more than enough to sustain him during the first year of his station's operation.

4. In reply, Wells argues that Howell has not justified his estimated expenses or explained his failure to include allowances for the expense items cited by Wells and by the Bureau, items which Wells maintains could easily exceed any $10,000 cushion Howell may have. The Bureau's argument that Howell's expenses should be reduced to reflect deferred credit from his equipment supplier is erroneous, Wells contends, since Howell's application does not indicate any reliance on such credit and Howell's expenses will therefore total at least the $65,003.70 figure used in his application. In view of Howell's failure to address the questions raised by Wells concerning his cash on hand and the terms of the loan under which he obtained this cash, in view of his failure to disclose his wife's income, and in view of his failure to substantiate his estimated revenue with economic data rather than personal opinion, the applicant cannot be assumed to have adequate funds to meet even this low estimate of his first year expenses, petitioner concludes, and his financial position is thus sufficiently unclear to require the addition of the requested issues.

5. The Review Board is of the view that petitioner has raised sufficient questions concerning Howell's financial proposal to justify the addition of cost estimate and fund availability issues. With respect to Howell's alleged assets, the Board notes that his $28,463.93 of "cash in banks" appears to represent the proceeds of a loan whose terms have not been specified, that his $5,250 of accounts receivable has not been substantiated in the manner required under paragraph 4(b) of Section III of the application form, that his revenue estimates have not been validated according to the standards established in Tri-Cities Broadcasting Corp., supra and Ultravision Broadcasting Co., supra, and that the marketability and liquidity of his real estate has not been adequately demonstrated. See Vista Broadcasting Co., Inc., 18 FCC 2d 836, 16 RR 2d 838 (1969); Seaboard Broadcasting Corp., 24 FCC 2d 259, 19 RR 2d 538 (1970). Thus, Howell can claim only the proceeds of his $60,000 bank loan plus a few thousand dollars in liquid assets to meet his first year costs of operation. Since Howell has failed to disclose his wife's income, thereby casting doubt on the couple's ability to live for a year without income from the station, and since he has also failed to include expenditures for a program director, network affiliation costs, and various other miscellaneous items in his proposal, the Board can only conclude that Howell's estimates of costs may be inaccurate and that his actual expenses may be significantly higher than those identified in his application. Therefore, even if we accept the Bureau's argument that Howell should be credited with a $10,000 cushion because of deferred credit from his equipment supplier, we still cannot be reasonably certain that his assets will be sufficient to meet his construction and first year operation costs. In order to resolve these questions and determine whether or not Howell is qualified to be a Commission licensee, the Board will add appropriate financial issues.

[3] The Bureau also notes that Wells' charges are not supported by the affidavit of an experienced broadcaster.

[4] In his petition, Wells estimates that Howell's first year expenses will total $65,003.70. The Bureau, however, maintains that this figure is incorrect in that it does not reflect deferred credit from Howell's equipment supplier. The correct figure according to the Bureau is $50,125.

[5] The June 30, 1973 personal financial statement of Jimmie H. Howell and Margot M. Howell lists equity in real estate of $100,713.

[6] The opposition states in one place that Howell's salary is $7,200 a year plus expenses and in another that it is $7,500 plus expenses.

CHARACTER ISSUE AGAINST MAPOLES

6. From 1958 until 1973, H. Byrd Mapoles served as general manager of Station WEBY, a standard broadcast station licensed to his father Clayton W. Mapoles. In a Decision denying WEBY's application for renewal[7] the Commission found that in the spring and summer of 1966, Clayton W. Mapoles violated the fairness and personal attack doctrines, intentionally misrepresented facts to the Commission, and demonstrated a lack of candor and disregard of his responsibilities unacceptable for a broadcast licensee. Wells here requests an issue inquiring into H. Byrd Mapoles' involvement in the rule violations and misrepresentations which occurred at WEBY and the effect of such involvement on his basic or comparative character qualifications. This issue was not resolved during the WEBY proceeding, Wells maintains, because Clayton W. Mapoles, and not his son, was the licensee of the station responsible to the Commission. But now that H. Byrd Mapoles proposes to become the licensee, his role in the station's activities must be explored, petitioner contends, citing Fidelity Broadcasting Corp., 27 FCC 2d 52, 20 RR 2d 1176 (1971). As evidence that H. Byrd Mapoles played a significant part in WEBY's operation, Wells cites the fact that Mapoles served as general manager of the station during the period in question and the fact that his familiarity with the issues in the proceeding was recognized by counsel for his father[8] and by the Commission.[9] Further, H. Byrd Mapoles may have himself been guilty of misrepresentation during the proceeding, Wells alleges, citing statements made by Mapoles during the Commission's investigation which, petitioner claims, raise serious questions concerning Mapoles' candor and honesty.[10] These questions, as well as the question of H. Byrd Mapoles' involvement with WEBY's activities, must be resolved before the applicant can be found qualified to be a licensee of the Commission, petitioner asserts.

7. Mapoles, in opposition, argues that Wells' petition is procedurally defective, in that it fails to include affidavits of persons having personal knowledge of the facts or to request official notice of relevant documents, and is also incorrect on the merits. The Commission did not attempt to make H. Byrd Mapoles a party to the WEBY proceeding, Mapoles asserts, and in any event, there is affirmative evidence in that proceeding that H. Byrd Mapoles did not violate the Commission's Rules or misrepresent facts to the Commission.[11] Wells, in reply disputes Mapoles' claim that the record in the WEBY proceeding shows him innocent of any misconduct. H. Byrd Mapoles' conduct was not considered in that proceeding, Wells asserts, and the record thus establishes neither his guilt nor his innocence. Only a specific inquiry into this question can resolve the matter once and for all, Wells concludes.

8. While we agree with the Bureau that a relitigation of the WEBY proceeding is not in order, the Board also supports the Bureau's position that petitioner has raised serious questions concerning H. Byrd Mapoles' association with WEBY. In its Decision denying WEBY's license renewal application, the Commission expressly noted conflicts between the testimony of H. Byrd Mapoles and that of other witnesses in the proceeding, but found it unnecessary to resolve these conflicts in reaching its ultimate conclusions. Thus Mapoles' argument that the Commission has absolved him of all blame in the WEBY affair is clearly erroneous, and his role in that station's violations of Commission rules and subsequent attempts to conceal those violations from the Commission has yet to be determined. Under these circumstances, Fidelity Broadcasting Corp., supra, mandates further inquiry into the matter[12] and we will accordingly add an issue focusing exclusively on H. Byrd Mapoles' conduct and its effect on his basic and/or comparative qualifications.

REAL PARTY IN INTEREST ISSUE AGAINST MAPOLES

9. In support of his contention that Clayton W. Mapoles will retain an active interest in his son's proposed station, Wells cites the fact that the senior Mapoles has sold the WEBY equipment to his son on liberal terms and the fact that the senior Mapoles attempted to assign the WEBY license to his son at the outset of the WEBY renewal proceeding. Petitioner also submits the affidavit of Aaron J. Wells which states that Clayton W. Mapoles has suggested to Wells that he (Wells) operate the radio station with the two Mapoles. Mapoles, for its part, challenges the accuracy of Wells' affidavit with affidavits from Clayton W. Mapoles and H. Byrd Mapoles, the former denying any offer to Wells and the latter denying any agreement between the two Mapoles to control or operate the proposed station. Wells, in reply, repeats his claim that Clayton W. Mapoles suggested a merger between Wells and his son and argues that the affidavits of Clayton W. Mapoles and H. Byrd Mapoles offer no evidence to the contrary.

10. The Review Board will not add the requested issue. As the Bureau notes in its comments, the tests for determining whether a person is a real party in interest is whether that person has an ownership interest in the proposed station or is in a position to control its operation. See Sumiton Broadcasting Co. Inc., 15 FCC 2d 400, 14 RR 2d 1000 (1968). Wells' affidavit is too vague and equivocal to provide the necessary evidence to meet this test, and the family relationship between the two Mapoles, standing alone, does not warrant a conclusion that one will control the other. See Northeast Oklahoma Broadcasting, Inc., 42 FCC 2d 237, 27 RR 2d 524 (1973). Likewise, the claims that Clayton W. Mapoles attempted to assign his WEBY license to his son and that he then sold his son the station's broadcast equipment on favorable terms do not, in our view, raise a substantial question as to whether the senior Mapoles is an undisclosed party in interest. Consequently, there is no basis for the requested issue and it will not be added.

STAFFING ISSUE AGAINST SANTA ROSA

11. According to Wells, Santa Rosa's staffing proposal is clearly inadequate to effectuate its proposed programming. Santa Rosa proposes to offer 32 hours and 38 minutes a week of staff-produced news, public affairs and other programming. Wells maintains, but its staff will consist of only six people: a general manager, a full-time announcer, a part-time announcer, an engineer, a secretary-receptionist and a salesman. Since the engineer, salesman, and secretary-receptionist cannot be expected to assist in the planning of programs to any significant degree because of their other responsibilities, only the manager and

[7] Milton Broadcasting Co., 34 FCC 2d 1036, 24 RR 2d 369 (1972).

[8] Wells states that H. Byrd Mapoles was characterized by his father's counsel as a "major part of the case" and a "major witness" during a prehearing conference.

[9] In a Memorandum Opinion and Order denying Clayton W. Mapoles' request for termination of the WEBY proceeding because of his ill health, 12 FCC 2d 854, 12 RR 2d 1077 (1968), the Commission stated that H. Byrd Mapoles, general manager of the station, appeared to have personal knowledge of the relevant facts and could therefore provide substantial assistance to counsel.

[10] The statements involve H. Byrd Mapoles' claim that he offered reply time to a local candidate for political office who complained of being personally attacked by a WEBY editorial, his claim that the candidate never responded to the offer, and his claim that he had heard a non-defamatory version of the editorial in question. While the truth of the first statement was not expressly determined by the Commission which chose to focus on Clayton W. Mapoles' conduct, Wells maintains, the Commission's finding that the candidate did in fact come to the station and request air time directly contradicts Mapoles' second statement. Wells further asserts that H. Byrd Mapoles later repudiated the third statement himself. Finally, petitioner suggests that H. Byrd Mapoles may have been responsible for the disappearance of a tape of the challenged editorial.

[11] With regard to the specific statements cited by Wells, see footnote 10, supra, Mapoles alleges that the Commission made no specific findings concerning H. Byrd Mapoles' offer of reply time and did not find that the non-defamatory version of the editorial in question was never aired. Further, no justification for an inquiry into the missing tapes has been offered by petitioner, Mapoles asserts.

[12] The Bureau notes that the applicant in Fidelity had been a 10 percent shareholder in the station where violations occurred, while H. Byrd Mapoles had no ownership interest in WEBY. However, the Board like the Bureau does not consider this difference significant, since, in its view the primary concern in Fidelity was the applicant's active association with the station's affairs rather than his ownership interest.

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the two announcers will be able to assume programming responsibility, Wells contends. These three staff members cannot prepare almost 33 hours of programming, petitioner asserts, and therefore, a staffing issue against Santa Rosa should be added.[13]

12. The Review Board has long held that where a staffing proposal is not, on its face, incapable of effectuation, it will not specify an adequacy of staff issue absent specific allegations that the proposal cannot be carried out. See Radio Geneva, Inc., 42 FCC 2d 254, 27 RR 2d 1680 (1973). As Santa Rosa demonstrates in its opposition, its proposed staff will have to produce only about 11½ hours of programming per week, since the remainder of its news, public affairs, and other programming will be supplied by a national network, a state news correspondent, local organizations, or its secretary-receptionist. Santa Rosa also argues persuasively that its general manager[14] and announcer should be able to meet these production needs during the day, but that if additional time is required, its general manager will have every evening free for program work since the station will operate only during the daytime hours. The Board agrees with Santa Rosa that this staffing proposal is not, on its face, incapable of effectuation, especially since staffing issues have not been added where applicants have proposed longer hours and/or smaller staffs than those planned here.[15] We also agree with Santa Rosa and the Bureau that Wells' allegations concerning the adequacy of Santa Rosa's proposed staff lack the specificity and support required by § 1.229(c) of the rules. Under this circumstances, the Board feels that the addition of the requested issue is unwarranted.

FINANCIAL ISSUE AGAINST SANTA ROSA

13. Santa Rosa's application lists available funds of $142,667.35 to meet mits, creating the impression that the first year costs of $134,376.62, Wells subapplicant has a surplus of funds in an amount of $8,291.73. In truth, however, Santa Rosa has omitted significant cost items which will increase its expenses by more than $8,000, petitioner contends, making it necessary to add an issue inquiring into the applicant's financial qualifications. Specifically, Wells alleges that Santa Rosa's cost estimate excludes the following items:[16] insurance—$1,000, legal and accounting—$1,500, repairs and maintenance—$600, promotion and advertising—$500, automobile and travel—$500, Commission grant fee—$1,800, additional full-time staff person—$7,200.[17] Since these items total over $13,000, they will more than offset Santa Rosa's $8,000 cushion, Wells argues.

14. Santa Rosa, in opposition, submits that Wells' charges are based on speculation rather than fact and his list of items allegedly omitted from its application is unsupported by any documentation. With respect to these items, Santa Rosa argues that the Commission grant fee is included in its allocation for legal expenses, that promotion and advertising expenses are traditionally tied to revenue generated and need not be included as fixed operating expenses, citing James P. Francis, 41 FCC 2d 303, 27 RR 2d 1337 (1973), that the same is true of travel expenses, citing Virginia Broadcasters, 22 FCC 2d 227, 18 RR 2d 763 (1970), and that the estimates for the remaining items are totally unsupported. Santa Rosa further maintains that its financial cushion totals over $22,000, rather than $8,291.73, since its application includes, in addition to its specified surplus, $1,200 in miscellaneous operating expenses, $6,300 for music royalties and sales staff salaries, both of which are revenue-related expenses rather than operating costs,[18] a $6,000 cushion for construction costs, and nearly $1,000 in existing capital. Thus, Santa Rosa concludes, even if the non-revenue-related items cited by Wells are included in its operating costs, and even if his contention that an additional full-time employee must be hired is accepted, its surplus funds will still be adequate to meet all necessary expenses. The Bureau also opposes the requested financial issue, arguing that its addition would be justified only if a staffing issue against Santa Rosa were added as well.

15. In view of the fact that we have not added a staff adequacy issue against Santa Rosa and in view of the fact that several of the items allegedly omitted by Santa Rosa in calculating its operating costs are either included in its estimates (the Commission grant fee) or payable from revenue received rather than from operatnig funds (advertising, promotion, and travel), the Review Board will not add the requested issue. The only items cited by Wells which could arguably be charged to Santa Rosa—legal and accounting fees, insurance, and repairs and maintenance—total only $3,100, according to petitioner's own estimates. Since this figure falls well below Santa Rosa's stated surplus of $8,291.73, as well as its claimed total additional funds of over $22,000, we must conclude that Santa Rosa has adequate funds to meet construction costs and first year costs of operation.

16. *Accordingly, it is ordered,* That the petition to enlarge issues, filed December 26, 1973, by Aaron J. Wells is granted to the extent indicated below, and is denied in all other respects; and

17. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

1. To determine with respect to the application of Jimmie H. Howell:

(a) Whether the applicant's estimate of first year costs of operation is reasonable;

(b) Whether the applicant has adequate funds available to meet construction costs and first year costs of operation;

(c) Whether, in light of the evidence adduced under the above issues, the applicant is financially qualified to construct and operate his proposed station.

2. To determine the extent of H. Byrd Mapoles' involvement and culpability in violations of the Commission's Fairness Doctrine and personal attack rules which occurred at Station WEBY while he was station manager, and in willful misrepresentations to the Commission concerning same, and the effect of such involvement and/or misrepresentations upon his basic or comparative character qualifications.

18. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under Issue 1 added herein shall be on Jimmie H. Howell; and

19. *It is further ordered,* That the burden of proceeding with the introduction of evidence under Issue 2 added herein shall be on Aaron J. Wells, and the burden of proof shall be on Mapoles Broadcasting Company.

Adopted: May 16, 1974.

Released: May 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12146 Filed 5-24-74;8:45 am]

[13] As further evidence of the inadequacy of Santa Rosa's staffing proposal, Wells submits that no one staff member is devoted to news programming and no news director is proposed, even though the applicant plans to offer almost fifteen hours of local, regional, and world news per week.

[14] Wells' assertion that Santa Rosa proposes no news director is incorrect, Santa Rosa argues, since its application specifically states that Robert E. Smith, its proposed general manager, will direct its news programming.

[15] See, for example, Colorado West Broadcasting Co., 39 FCC 2d 407, 26 RR 2d 893 (1973) (no staffing issue added where applicant proposed to operate 130 hours a week with three full-time employees and two part-time employees); Radio Geneva, Inc., supra (no issue added where applicant proposed to operate unlimited time FM broadcast station with staff of five persons); Tri-County Broadcasting Co., 27 FCC 2d 1013, 21 RR 2d 380 (1971) (no issue added where applicant proposed to operate daytime-only station with four full-time employees); and Martin Lake Broadcasting Co., 23 FCC 2d 721, 19 RR 2d 277 (1970) (no issue added where applicant proposed to operate daytime-only station with three full-time employees and a part-time general manager).

[16] The cost of each item is based on Wells' own estimates.

[17] Wells' claim that Santa Rosa will require the services of an additional full-time staff person is based on his argument that Santa Rosa's proposed staff is inadequate to meet its programming needs. See paragraph 12, supra.

[18] Santa Rosa cites James B. Francis, supra, for the proposition that music royalties are revenue-related expenses and Virginia Broadcasters supra, for the proposition that sales staff salaries are revenue-related expenses.

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC DISCUSSION AGREEMENT

Extension of Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field Offices located at New Francisco, California, and San Juan, York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 17, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 9989-3, among the member lines of the North Atlantic Discussion Agreement, extends the effective period of the basic agreement for an additional six months.

By Order of the Federal Maritime Commission.

Dated: May 22, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-12160 Filed 5-24-74;8:45 am]

SEATRAIN LINES, INC. AND BORINQUEN LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 17, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
Mr. Fermin Mendez
Rate Manager
Seatrain Lines, Inc.
Port Seatrain
Weehawken, New Jersey 07087

Agreement No. 9986-1, between Seatrain Lines, Inc. and Borinquen Lines, Inc., modifies the basic agreement of the parties by amending Articles 1, 2 and 3 thereof to provide for the addition of ports of call of Borinquen in the Caribbean, specifically the islands of Antiqua, St. Kitts, St. Barthelemy, Tortola and St. Martin.

By Order of the Federal Maritime Commission.

Dated: May 22, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-12157 Filed 5-24-74;8:45 am]

IBERIA/U.S. ATLANTIC DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 17, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:
Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York

Agreement No. 10058-1, among the parties to the Iberia/U.S. Discussion Agreement, modifies the basic agreement by changing from six months to two years the period for which the parties may seek additional approval of the basic agreement. In conjunction with this proposed change, the parties have also applied for an extension of the basic agreement from its scheduled expiration date of August 15, 1974 for two years or, in lieu thereof, for six months or any other period which the Commission may deem to be reasonable in the circumstances.

Dated: May 22, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-12158 Filed 5-24-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 1391]

GUY G. SORRENTINO

Order of Revocation

Guy G. Sorrentino, 80 Broad Street, New York, New York 10004 voluntarily surrendered his Independent Ocean Freight Forwarder License No. 1391 for revocation, effective May 21, 1974.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1391 be and is hereby revoked effective May 21, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Guy G. Sorrentino.

AARON W. REESE,
Managing Director.

[FR Doc.74-12159 Filed 5-24-74;8:45 am]

FEDERAL RESERVE SYSTEM

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Westport Bank, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Notice of subject application was published in the FEDERAL REGISTER on March

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1, 1974 (39 FR 7998). Additionally, in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)), notice of receipt of subject application was duly given to the Commissioner of Finance of the State of Missouri. Within the time prescribed by law, the Commissioner submitted to the Board in writing his statement expressing disapproval of the application. Accordingly, the Board, on March 15, 1974, ordered that a hearing be held on subject application pursuant to section 3(b) of the Act (39 FR 10190). The hearing commenced April 3, 1974, at the Federal Reserve Bank of Kansas City, at which time the Administrative Law Judge granted Applicant's motion for continuance in order that Applicant might prepare and submit to the Board amendments to subject application.

Notice is hereby given that the amendments have been received by the Board and the application, as amended, may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the amended application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 15, 1974.

Board of Governors of the Federal Reserve System, May 23, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12196 Filed 5-24-74;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 4-74]

SAN JOSE, CALIF.

Notice Application for a Foreign-Trade Zone and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of San Jose, California, requesting a grant of authority for the establishment of a foreign-trade zone in that community. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). Under California law (Cal. Gov. Code § 6302) the City, as a public corporation, is authorized to make such applications.

The proposal calls for a zone covering 26.2 acres within a new 500-acre industrial park, known as the International Business Park, situated in the area adjacent to and south of Trimble Road about one-half mile east of Nimitz Freeway, San Jose, Santa Clara County, California. Bordering the southern part of San Francisco Bay and the San Francisco/Oakland Customs port of entry, the San Jose area is served by all modes of transportation including two rail lines adjacent to the site and the international airports of San Jose, San Francisco and Oakland.

The application includes economic data and information concerning the basis for a zone facility to serve the special Customs needs of the area's business community especially its high technology electronics industries. A number of firms have responded to a survey conducted by the City indicating their interest in using the zone for operations involving such items as communications and telecommunications test equipment, semiconductor devices, calculators, technical tools, fine measuring devices, and dried fruits.

Operational responsibilities for the zone will be assigned by the City of San Jose to its Economic Development Corporation. EDC will in turn enter into a long-term agreement with the owner of the industrial park, International Business Park, Inc., which will serve as operational manager of the zone.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of:

Hugh J. Dolan (Chairman)
Hearing Commissioner
Office of Export Administration, Room 3518
U.S. Department of Commerce
Washington, D.C. 20230

George K. Brokaw
District Director of Customs
U.S. Customs Service
555 Battery Street
P.O. Box 2450
San Francisco, California 94126

Colonel James L. Lammie
District Engineer
U.S. Army Engineer District San Francisco
100 McAllister Street
San Francisco, California 94102

In connection with its investigation of the proposal the examiners committee will hold a public hearing beginning at 9 a.m. local time, July 2, 1974, at the City Council Chambers (Room 290), City Hall, 801 N. 1st Street, San Jose, California. The purpose of the hearing is to help inform interested persons on the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should by June 21, 1974 notify the Board's Executive Secretary in writing at the below address of their desire to be heard. In lieu of an oral presentation written statements may be submitted to the examiners committee through the Executive Secretary at any time from the date of this notice until 15 days after the conclusion of the hearing. A copy of the application and accompanying exhibits will be available during this time period for public inspection at each of the following locations:

City Manager's Office
City Hall, Room 436
801 N. 1st Street
San Jose, California 95110

Office of the District Director of Customs
U.S. Customs Service, Room 319
555 Battery Street
San Francisco, California 94126

Office of the Executive Secretary
Foreign-Trade Zones Board
U.S. Department of Commerce, Room 6886B
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

Dated: May 22, 1974.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.74-12214 Filed 5-24-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BULLION HOLLOW COAL CO. INC.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4320-000, BULLION HOLLOW COAL COMPANY, INC., Mine No. 19, Mine ID No. 44 01295 0, Wise, Virginia.
ICP Permit No. 4320-001 (Osborne 6.5 X14X18 Push Out Car, Ser. No. 77),
ICP Permit No. 4320-002 (Wise 65X14X 18 Push Out Coal Car, Ser. No. THR-3 #75),
ICP Permit No. 4320-003 (Wise THR-B Push Out Coal Car, Ser. No. 94),
ICP Permit No. 4320-004 (Wise THR-3 Push Out Coal Car, Ser. No. 84),
ICP Permit No. 4320-005 (Kersey 444 Rubber Tire Tractor, Ser. No. 6),
ICP Permit No. 4320-006 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 2),
ICP Permit No. 4320-007 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 1),
ICP Permit No. 4320-008 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 313),
ICP Permit No. 4320-009 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 346),
ICP Permit No. 4320-010 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 351),
ICP Permit No. 4320-011 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 321),
ICP Permit No. 4320-012 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 3).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the Office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 21, 1974.

[FR Doc.74-12060 Filed 5-24-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

PROGRAMS FOR ATLANTA, GEORGIA

Public Meeting

Notice is hereby given, Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on June 21, 1974 at 1 p.m.-5 p.m., and June 22, 1974 at 9 a.m.-5 p.m., at the Atlanta Public Schools, 224 Central, Southwest, Atlanta, Georgia 30303.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting is called to work on criteria and committee organization for the purpose of examining current successful compensatory education programs in Atlanta, Georgia.

Because of limited space, all persons wishing to attend should call for reservations by June 10, 1974, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th Street, NW, Suite 1012, Washington, D.C.

Signed at Washington, D.C. on May 22, 1974.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 74-12093 Filed 5-24-74;8:45 am]

SUBCOMMITTEE REPORTS AND MATERIALS

Public Meeting

Notice is hereby given, Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on June 14, 1974 at 1 p.m.-4 p.m., and June 15, 1974 at 9 a.m.-3:30 p.m., at 425 13th Street, NW, Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting is called to hear subcommittee reports and to review materials prepared by the Council for the subcommittee.

Because of limited space, all persons wishing to attend should call for reservations by June 10, 1974, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th Street, NW, Suite 1012, Washington, D.C.

Signed at Washington, D.C. on May 21, 1974.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.74-12092 Filed 5-24-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Energy Research and Development Advisory Council to be convened from 9 a.m. until approximately 4 p.m. on June 13, 1974, in Room 540 at the National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

The Advisory Council was established by the President on June 29, 1973, and announced in his Energy Statement of the same date. The objective of the Council is to help ensure the development of comprehensive technological programs to meet the Nation's energy needs.

The agenda for this meeting shall include discussions on the following topics:

1. Status of Energy Legislation.
2. Establishment of Fission Energy Working Group.
3. Future Activities of the Council.

Information regarding the meeting may be obtained by contacting Dr. Paul P. Craig, National Science Foundation, by telephone (202-632-7810) or by mail (Office of Energy R&D Policy, Room 537, 1800 G Street NW., Washington, D.C. 20550). Individuals planning to attend this meeting should inform Dr. Craig's office prior to the meeting.

Dated: May 14, 1974.

T. E. JENKINS,
Assistant Director for Administration.

[FR Doc.74-12131 Filed 5-24-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

FEDERAL SAFETY ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting

Notice is hereby given that the Federal Safety Advisory Council on Occupational Safety and Health, established under section 3(a) of Executive Order 11612 of 1971, Occupational Safety and Health Programs for Federal Employees, will meet on June 10, 1974, starting at 9 am, in Room 216 ABC, Main Labor Building, 14th & Constitution Avenue, NW, Washington, D.C.

The agenda provides for a discussion and finalization of a draft proposal of federal safety and health regulations. The draft proposal has been submitted to the Federal Safety Advisory Council members.

The Council welcomes written data, views, or arguments concerning safety and health regulations as applied to the Federal Government including comments on the specific proposal being considered. Such data should be submitted in 20 copies to the Office of Federal Agency Safety Programs, OSHA, as far in advance of the meeting as practical. Any such submissions will be included in the record of the meeting.

Persons wishing to orally address the Council at the meeting concerning any of the agenda items should submit a written request to the Council staff no later than June 7, 1974. This request and any other questions about the meeting may be addressed to:

Gerald F. Scannell
Director
Office of Federal Agency Safety Programs
Room 410
1726 M Street, NW
Washington, D.C. 20210
Phone: (202) 961-3130

Signed at Washington, D.C., at 21st day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-12147 Filed 5-24-74;8:45 am]

Office of the Secretary

WESTLAND SHOE CORP.

Investigation Regarding Workers' Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301 (c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers of the Westland Shoe Corp., Biddeford, Maine, a wholly owned subsidiary of Standard Prudential Corp., New York, N.Y. (TEA-W-232).

In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatend to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

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Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before June 3, 1974.

Signed at Washington, D.C. this 20th day of May 1974.

MARVIN M. FOOKS,
Acting Director, Office of Foreign Economic Policy.

[FR Doc.74-12088 Filed 5-24-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 516]

ASSIGNMENT OF HEARINGS

MAY 22, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 119777 Sub-266, Ligon Specialized Hauler, Inc., now assigned June 18, 1974, at Washington, D.C., is postponed indefinitely.

MC-F-12110, Arkansas-Best Freight System, Inc.—Purchase—Harry N. Nicklaus and Albert P. Nicklaus, now assigned June 26, 1974, at Washington, D.C., is cancelled.

MC-113855 Sub 281, International Transport, Inc., is assigned for hearing on July 8, 1974 (1 week) in Pick-Congress Hotel, 520 S. Michigan, Chicago, Ill., and July 22, 1974 (1 week), at the Kahler Plaza Hotel, 808 South 20th St. at 8th Ave., South, Birmingham, Ala.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12170 Filed 5-24-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 22, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 7, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-25798 (Sub-No. E7), filed April 16, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Huburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* in containers, in vehicles equipped for temperature control, from points in Kentucky on and west of U.S. Highway 231, to points in Virginia, on, south and east of U.S. Highway 360 beginning at the Chesapeake Bay, thence along U.S. Highway 360 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-51146 (Sub-No. E2), filed April 23, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

In proposal 1:

(a) *Paper and paper products* (except commodities in bulk), from points in Minnesota, to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi (except points west of Interstate Highway 55), Louisiana (except points west and south of a line commencing at the Mississippi-Louisiana State line and extending south along U.S. Highway 51 to the intersection of Interstate Highway 10, thence east along Interstate Highway 10 to the Louisiana-Mississippi State line), and to Evansville, Ind., Memphis, Tenn., and the District of Columbia. (b) *Materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), and *returned shipments of paper and paper products*, restricted against the transportation of drums, pails, and cans, from points in the destination territory described in (1) above, to points in Minnesota.

In proposal 4:

(a) *The commodities* described in proposal 1(a) above, from points in Minnesota (except those points south of U.S. Highway 12) to points in Mississippi, Louisiana (except points west of a line commencing at the Arkansas-Louisiana State line and extending south along U.S. Highway 165 to the intersection of U.S. Highway 167, thence south along U.S. Highway 167 to the Vermillion Parish line, thence along the eastern boundary of the Vermillion Parish line to the Gulf of Mexico), Arkansas (except points west of a line commencing at the Missouri-Arkansas State line and extending south along Arkansas Highway 1 to the intersection of U.S. Highway 65, thence south along U.S. Highway 65 to the Arkansas-Louisiana State line), Missouri (except points west of U.S. Highway 67), and points in that part of the St. Louis-East St. Louis Commercial Zone within Illinois, and points in Illinois on and south of U.S. Highway 460. (b) *Materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), and *returned shipments of paper and paper products*, restricted against the transportation of drums, pails, and cans, from points in the destination territory described in (a) above to points in the origin territory.

In proposal 9:

(a) *The commodities* described in proposal 1(a) above, from points in Wisconsin (except those points south of U.S. Highway 18), to points in Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, and Oklahoma (except those points north of Interstate Highway 40). (b) *The commodities* described in proposal 1(b) above from points in the destination territory described in (a) above to points in the origin territory described in (a) above.

In proposal 13:

(a) *The commodities* described in proposal 1(a) above, from points in Wisconsin (except those points west and south of a line beginning at the Michigan-Wisconsin State line and extending south along U.S. Highway 51 to the junction of U.S. Highway 51 and U.S. Highway 18, thence east along U.S. Highway 18 to Lake Michigan), to points in Kansas, Oklahoma, Missouri, and Nebraska (except those points north of Interstate Highway 80). (b) *The commodities* described in proposal 1(b) above from points in the destination territory described in (a) above to points in the origin territory described in (a) above.

In proposal 17:

(a) *The commodities* described in proposal 1(a) above, from points in Wisconsin (except those points south of a line beginning at the junction of the Minnesota-Wisconsin State line and Wisconsin Highway 33, thence along Wisconsin Highway 33 to the junction of Wisconsin Highway 33 and Wisconsin Highway 23, thence east along Wisconsin Highway 23 to Lake Michigan), to Evansville, Ind., and points in that part of the St. Louis-East St. Louis commercial zone, within Illinois, and points in Illinois on and south of U.S. Highway 460. (b) *The commodities* described in proposal 1(b) above, from points in the destination territory described in (a) above, to points in the origin territory described in (a) above. The purpose of the filing of proposals 1, 4, 9, 13, and 17 is to eliminate the gateway of Columbus, Wis.

In proposal 2:

(a) *Paper and paper products, plastic bags, liners and films and textile bags* (except commodities in bulk), from points in Minnesota to points in Nebraska, Texas, Kansas (except those points east of U.S. Highway 75), and Oklahoma (except points east of a line beginning at the junction of the Oklahoma-Kansas State line and U.S. Highway 75, thence south along U.S. Highway 75 to the junction of U.S. Highway 75 and U.S. Highway 64, thence southeast along U.S. Highway 64 to the Oklahoma-Arkansas State line). (b) *Returned and rejected shipments and materials, equipment, and supplies* (except commodities in bulk), from points in the destination territory described in (a) above, to points in Minnesota.

In proposal 3:

(a) *The commodities* described in proposal 2(a) above, from points in Minnesota (except points south of U.S. Highway 12), to points in Kansas (except points west of U.S. Highway 75), Oklahoma (except points south of a line commencing at the Kansas-Oklahoma State line and extending south along U.S. Highway 75 to the intersection of U.S. Highway 64, thence southeast along U.S. Highway 64 to the Oklahoma-Arkansas State line) and Missouri (except points east and north of a line commencing at the Iowa-Missouri State line and extending south along U.S. Highway 71 to the intersection of U.S. Highway 60, thence east along U.S. Highway 60 to the intersection of U.S. Highway 63, thence southeast along U.S. Highway 63 to the Missouri-Arkansas State line). (b) *The commodities* described in proposal 2(b) above, from points in the destination territory described in (a) above to points in the origin territory described in (a) above.

In proposal 52:

Paper and paper products (except commodities in bulk), from Eau Claire, Wis., to points in that part of South Dakota south of a line beginning at the Wyoming-South Dakota State line and extending along South Dakota Highway 34 to the junction of South Dakota Highway 34 and U.S. Highway 14, thence east along U.S. Highway 14 to the junction of U.S. Highway 14 and South Dakota Highway 37, thence along South Dakota Highway 37 to the junction of South Dakota, Highway 37 and South Dakota Highway 38, thence along South Dakota Highway 38 to the South Dakota-Iowa State line, and points in Nebraska. The purpose of the filing of proposals 2, 3, and 52 is to eliminate the gateway of Sibley, Iowa.

In proposal 5:

(a) *Paper and paper products* (except commodities in bulk), from points in Minnesota (except points north and west of a line beginning at the Wisconsin-Minnesota State line and extending west along U.S. Highway 2 to the intersection of Minnesota Highway 65, thence south along Minnesota Highway 65 to the intersection of U.S. Highway 65, thence south along U.S. Highway 65 to the Minnesota-Iowa State line) to points in California (except those points north and east of a line beginning at Noyo, Calif., and extending east along California Highway 20 to the junction of California Highway 20 and Interstate Highway 5, thence south along Interstate Highway 5 to the United States-Mexico International Boundary line). (b) *Materials and supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the destination territory described in (a) above, to the origin territory described in (a) above.

In proposal 14:

(a) *Paper and paper products* (except commodities in bulk) from points in Wisconsin (except points west and south of a line beginning at the Wisconsin-Michigan State line and extending south along U.S. Highway 51 to the intersection of U.S. Highway 10, thence east along U.S. Highway 10 to Lake Michigan), to points in that part of South Dakota south of Interstate Highway 90 and points in Nebraska. (b) *Materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), and *returned shipments of paper and paper products*, restricted against the transportation of drums, pails, and cans from the destination territory described in (a) above, to the origin territory described in (a) above. The purpose of the filing of proposals 5 and 14 is to eliminate the gateway of Wisconsin Rapids, Wis.

In proposal 16:

Cellulose materials and products, paper and paper products, and materials, equipment, and supplies used in the production and distribution of the above-described commodities (except commodities in bulk and commodities requiring special equipment), between points in Wisconsin, on the one hand, and, on the other, Chicago, Ill.

In proposal 6:

Cellulose materials and products, paper and paper products, and materials, equipment, and supplies used in the production and distribution of the above-described commodities (except commodities in bulk and commodities requiring the use of special equipment), restricted against the transportation of pulpboard, pulpboard products, and waste paper, between points in Minnesota, on the one hand, and, on the other, Chicago, Ill.

In proposal 39:

(a) *Paper and paper products* (except drums, pails, and cans) and *products* produced or distributed by manufacturers and converters of paper and paper products (except drums, pails, and cans, and commodities in bulk, in tank or hopper-type vehicles, and commodities requiring special equipment), from Brokaw and Mosinee, Wis., to Chicago, Ill. (b) *Returned shipments* of the commodities described in (a) above, and *materials, equipment, and supplies* used in the manufacture and distribution of the products authorized in (a) above (except commodities in bulk, in tank or hopper-type vehicles, and commodities requiring special equipment), from Chicago, Ill., to Brokaw and Mosinee, Wis.

In proposal 40:

(a) *Paper and paper products* (except commodities in bulk and commodities requiring special equipment), from Stevens Point and Columbus, Wis., to Chicago, Ill. (b) *Materials and supplies* used in the manufacture or distribution of paper and products (except commodities in bulk and commodities requiring the use of special equipment), and *returned shipments of paper and paper products* from Chicago, Ill., to Stevens Point and Columbus, Wis.

The authority described in (a) and (b) above is restricted against the transportation of drums, pails, and cans.

In proposal 41:

(a) *The commodities* described in proposal 40(a), from Biron, Wisconsin Rapids, Port Edwards, and Nekoosa, Wis., to Chicago, Ill. (b) *The commodities* described in proposal 40(b) from Chicago, Ill., to Nekoosa, Wisconsin Rapids, Port Edwards, and Biron, Wis.

The authority described in (a) and (b) above is restricted against the transportation of drums, pails, and cans. The purpose of the filing of proposals 16, 6, 39, 40, and 41 is to eliminate the gateway of Chicago Heights, Ill.

In proposal 18:

Cellulose materials and products, paper and paper products, and materials and supplies used in the production and distribution of the above described commodities (except commodities in bulk and commodities requiring the use of special equipment) between Chicago, Ill., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Montana, Arizona, Wyoming (except points south of a line commencing at the South Dakota-Wyoming State line and extending west along U.S. Highway 16 to the intersection of U.S. Highway 20, thence west along U.S. Highway 20 to the Idaho-Wyoming State line), and Utah (except points north and east of a line commencing at the Wyoming-Utah State line and extending southwest along Interstate Highway 80 to the intersection of U.S. Highway 50 and thence east along U.S. Highway 50 to the Colorado-Utah State line). The purpose of the filing of proposal 18 is to eliminate the gateways of Chicago Heights, Ill., and Green Bay, Wis.

In proposal 51:

Paper and paper products (except commodities in bulk and commodities requiring the use of special equipment), from Eau Claire, Wis., to Chicago, Ill. The purpose of filing proposal 51 is to eliminate the gateway of Chicago Heights, Ill.

In proposal 7:

Cellulose materials and products, paper and paper products, and materials and supplies used in the production and distribution of the above-described commodities (except commodities in bulk), between points in Wisconsin (except those points west of a line commencing at the Upper Peninsula of Michigan-Wisconsin State line and extending west

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along U.S. Highway 8 to the intersection of U.S. Highway 51, thence south along U.S. Highway 51 to the intersection of U.S. Highway 18, thence east along U.S. Highway 18, to the western boundary of Milwaukee County, thence south and east along Milwaukee County boundary to Lake Michigan), on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana (except points east of Interstate Highway 15), Colorado (except points east of a line extending from the Wyoming-Colorado State line and extending along Colorado Highway 13 to the intersection of U.S. Highway 24, thence southeast along U.S. Highway 24 to the Colorado-New Mexico State line), and New Mexico (except points north and east of a line commencing at the Colorado-New Mexico State line and extending south along U.S. Highway 285 to the intersection of Interstate Highway 40, thence east along Interstate Highway 40 to the New Mexico-Texas State line).

In proposal 19:

The commodities described in proposal 7 above, between points in Illinois (except points in the Chicago commercial zone as defined by the Commission, points in that part of the St. Louis-East St. Louis commercial zone within Illinois, and points in Illinois on and south of U.S. Highway 460), on the one hand, and, on the other, points in Washington, Idaho (except points south of U.S. Highway 12), and Oregon (except points south and east of a line commencing at Newport and extending north along U.S. Highway 101 to the intersection of Oregon Highway 18, thence east along Oregon Highway 18 to the intersection of Oregon Highway 99W, thence northeast along Oregon Highway 99W, to the intersection of Interstate Highway 5, thence north on Interstate Highway 5 to the Oregon-Washington State line).

In proposal 20:

The commodities described in proposal 7 above (restricted against the transportation of paper and paper products originating at Lockland, Hamilton, Cincinnati, Middletown, and Cleveland, Ohio), between points in Ohio, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, California (except points east of Interstate Highway 15), Nevada (except points east of Interstate Highway 15), Utah (except points east and south of a line commencing at the Arizona-Utah State line and extending north along U.S. Highway 91 to the intersection of U.S. Highway 40, thence east along U.S. Highway 40 to the Utah-Colorado State line), Wyoming (except points south and east of a line commencing at the South Dakota-Wyoming State line and extending west along Interstate Highway 90 to the intersection of Interstate Highway 25, thence south along Interstate 25 to the intersection of Wyoming Highway 220, thence southwest along Wyoming Highway 220 to the intersection of Wyoming Highway 789, thence south along Wyoming Highway 789 to the Wyoming-Colorado State line).

In proposal 21:

The commodities described in proposal 7 above, restricted against the transportation of cardboard cartons from points in Tennessee, between points in Tennessee (except those points in Tennesseee in the Memphis commercial zone), on the one hand, and, on the other, points in Washington, Oregon (except points south and east of a line commencing at Florence, and extending east along Oregon Highway 126 to the intersection of Interstate Highway 5, thence north along Interstate Highway 5, to the Oregon-Washington State line), Idaho (except points south of U.S. Highway 12), and Montana (except points south of a line commencing at the North Dakota-Montana State line and extending southwest along Montana Highway 200 to the intersection of Montana Highway 16, thence southwest along Montana Highway 16 to the intersection of U.S. Highway 10, thence west along U.S. Highway 10 to the intersection of U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line).

In proposal 22:

The commodities described in proposal 7 above, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Montana, Utah, Arizona, and Wyoming (except points south and east of a line commencing at the Nebraska-Wyoming State line and extending west along U.S. Highway 20 to the intersection of Wyoming Highway 789, thence south along Wyoming Highway 789 to the Wyoming-Colorado State line).

In proposal 23:

The commodities described in proposal 7 above, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Colorado, New Mexico, Utah, Arizona, California, Nevada, Oregon, Washington (except points east of a line commencing at the Canadian boundary-Washington State line and extending south along U.S. Highway 395 to the intersection of Interstate Highway 90, thence east along Interstate Highway 90 to the Washington-Idaho State line), Idaho (except points north of a line commencing at the Oregon-Idaho State line and extending east along U.S. Highway 30 to the intersection of U.S. Highway 30N, thence east along U.S. Highway 30N, to the Idaho-Wyoming State line), and Wyoming (except points north of a line commencing at the Idaho-Wyoming State line and extending east along U.S. Highway 30N, to the intersection of U.S. Highway 30, thence east along U.S. Highway 30 to the Wyoming-Nebraska State line).

In proposal 24:

The commodities described in proposal 7 above, between points in West Virginia, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, Utah (except points south and east of a line commencing at the Colorado-Utah State line and extending west along Interstate Highway 70 to the intersection of Utah Highway 26, thence northwest along Utah Highway 26 to the intersection of Interstate Highway 15, thence south along Interstate Highway 15 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points south of a line commencing at the Nevada-California State line and extending southwest along Interstate Highway 15 to the intersection of Interstate Highway 10, thence southeast along Interstate Highway 10 to the intersection of California Highway 86, thence south along California Highway 86 to the United States-Mexico International Boundary line).

In proposal 25:

The commodities described in proposal 7 above, between points in Kentucky (restricted against the transportation of paper and paper products originating at Florence and points in its commercial zone, and further restricted against the transportation of cardboard cartons from points in Kentucky), on the one hand, and, on the other, points in Montana, Washington, Idaho (except points south of U.S. Highway 12), California (except points south of Interstate Highway 80), and Oregon (except those points south and east of a line commencing at the California-Oregon State line and extending northeast along U.S. Highway 395 to the intersection of U.S. Highway 20, thence east along U.S. Highway 20 to the Oregon-Idaho State line).

In proposal 26:

The commodities described in proposal 7 above, between points in Pennsylvania, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, and Colorado (except points south of a line commencing at the Utah-Colorado State line and extending east along U.S. Highway 6 to the intersection of U.S. Highway 138, thence northeast along U.S. Highway 138 to the intersection of Colorado Highway 113, thence north along Colorado Highway 113 to the Colorado-Nebraska State line).

In proposal 27:

The commodities described in proposal 7 above, between points in Wisconsin (except points west of a line commencing at the Upper Peninsula of Michigan-Wisconsin State line and extending south along U.S. Highway 41 to the boundary of Milwaukee County and extending south and thence east along the Milwaukee County boundary to Lake Michigan), on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, and New Mexico.

In proposal 28:

The commodities described in proposal 7 above, between points in Indiana (except points in the Evansville commercial zone as defined by the Commission), on the one hand, and, on the other, points in Washington, Oregon, Montana, Wyoming (except points south of a line commencing at the South Dakota-Wyoming State line and extending west along U.S. Highway 16 to the intersection of U.S. Highway 20 to the Wyoming-Idaho State line), Idaho (except points south of U.S. Highway 12), Nevada (except points south of U.S. Highway 40), and California (except points in and south of Santa Cruz, Santa Clara, Merced, Mariposa, and Mono Counties).

In proposal 31:

Plywood and plywood products as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from Jacksonville, N.C., to points in Washington, Oregon, Idaho, Montana, Wyoming, California (except points south of Monterey, Fresno, and Mono Counties), Nevada (except points south of U.S. Highway 6), Utah (except points in Washington, Garfield, Kane, and San Juan Counties), and Colorado (except points south of a line commencing at the Nebraska-Colorado State line and then south along Colorado Highway 113 to the intersection of U.S. Highway 6, thence west along U.S. Highway 6 to the Colorado-Utah State line).

In proposal 38:

(a) *Paper and paper products* (except drums, pails, and cans), and *products* produced or distributed by manufacturers and converters of paper and paper products (except drums, pails, and cans, and commodities in bulk, in tank or hopper-type vehicles), from Brokaw and Mosinee, Wis., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico. (b) *Returned shipments* of the commodities, specified in (a) above, and *materials, equipment, and supplies* used in the manufacture and distribution of the products authorized in (a) above, except commodities in bulk, in tank or hopper-type vehicles, from points in the destination states named in (a) above, to Brokaw and Mosinee, Wis.

In proposal 42:

(a) *Plywood and plywood products combined with veneer and plastics* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products from Marshfield, Wis., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Colorado, Arizona, New Mexico, Montana (except points east of a line commencing at the Canadian-United States International Boundary line and extending south along Montana Highwy 233, to the intersection of U.S. Highway 87, thence south along U.S. Highway 87 to the Montana-Wyoming State line), and Wyoming (except points east of U.S. Highway 87). (b) *Materials and supplies* used in the manufacture and distribution of the commodities described in (a) above, from points in the destination territory in (a) above to Marshfield, Wis.

In proposal 43:

Dimension lumber, cut stock lumber, veneer, and plywood as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from Ridgway, Pa., and points within five miles thereof, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico (except points south and east of U.S. Highway 54). The purpose of the filing of proposals 7, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 38, 42, and 43 is to eliminate the gateway of Green Bay, Wis.

In proposal 8–A:

1. *Paper and paper products* (except commodities in bulk, drums, pails, and cans) and

2. *Products* produced or distributed by manufacturers and converters of paper and paper products (except drums, pails, and cans, and commodities in bulk, in tank or hopper type vehicles), from points in Wood, Portage, Marathon, Lincoln, and Oneida Counties, Wis., to points in Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota (except points north and east of a line commencing at the United States-Canadian International Boundary line and extending south along North Dakota Highway 1 to the intersection of Interstate Highway 94, hence east along Interstate Highway 94 to the North Dakota-Minnesota State line), Missouri, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine; points in that part of the St. Louis-East St. Louis commercial zone within Illinois, and points in Illinois on and south of U.S. Highway 460, Memphis, Tenn., Evansville, Ind., and the District of Columbia.

3. *Return shipments* of the commodities specified in (1) and (2) above, and materials, equipment, and supplies used in the manufacture and distribution of the products authorized in (1) and (2) above, except commodities in bulk, in tank or hopper type vehicles, from points in the destination territory described above, to points in the origin counties named above. The purpose of filing proposal 8–A is to eliminate the gateway of Mosinee, Wis.

In proposal 8–B:

1. *Paper and paper products* (except commodities in bulk) from points in Wood, Portage, Marathon, Lincoln, and Oneida Counties, Wis., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, and Mexico.

2. *Materials and supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment from points in the destination States named in (1) above to points in the origin counties named in (1) above).

In proposal 11:

1. *Paper and paper products* (except commodities in bulk), from points in Wisconsin to points in California, Washington (except points east of a line commencing at the United States-Canadian International Boundary line and extending south along Interstate Highway 5 to the intersection of Interstate Highway 90, thence southeast along Interstate Highway 90 to the intersection of U.S. Highway 97, thence along U.S. Highway 97 to the Washington-Oregon State line), Oregon (except points east of U.S. Highway 395), Nevada (except points east and north of a line commencing at the Oregon-Nevada State line and extending south along U.S. Highway 95 to the intersection of U.S. Highway 40, thence east along U.S. Highway 40 to the Nevada-Utah State line), and Arizona (except points east of U.S. Highway 89).

2. *Materials and supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment from points in the destination territory described in (1) above, to points in Wisconsin).

In proposal 12:

1. *The commodities* described in proposal 8–B(1) above from points in Wisconsin (except points west of U.S. Highway 51), to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Wyoming, Montana (except points east of a line commencing at the United States-Canadian International Boundary line and extending south along Montana Highway 233 to the intersection of U.S. Highway 87 at Havre, thence along U.S. Highway 87 to the Montana-Wyoming State line), and Colorado (except points east of a line commencing at the Nebraska-Colorado State line and extending south along Colorado Highway 71 to the intersection of U.S. Highway 287, thence southeasterly along U.S. Highway 287 to the Colorado-Oklahoma State line).

2. *The commodities* described in proposal 8–B(2) above, from points in the destination territory described above to points in the origin territory described above.

In proposal 29:

Plywood and plywood products from Jacksonville, N.C., to points in North Dakota and South Dakota.

In proposal 30:

Plywood and plywood products from Jacksonville, N.C., to points in Nebraska (except points south of U.S. Highway 6).

In proposal 50:

Paper and paper products from Eau Claire, Wis., to ppints in Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Iowa, Washington, Oregon, Nevada, and California. The purpose of the filing of proposals 8–B, 11, 12, 29, 30, and 50 is to eliminate the gateway of Marshfield, Wis.

In proposal 10:

(a) *Paper and paper products* (except commodities in bulk), from points in Wisconsin to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia. (b) *Materials and supplies* used in the manufacture and distribution of paper products (except commodities in

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bulk), from points in the destination territory named in (a) above, to points in Wisconsin.

Paper and paper products (except commodities in bulk), from Plymouth, N.C., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Texas (except points west of a line extending from the Oklahoma-Texas State line southwest along U.S. Highway 377 to Del Rio, and thence west from Del Rio, Texas over unnumbered highway to the Mexican-United States International Boundary line), Oklahoma (except points south and east of a line commencing at the Texas-Oklahoma State line and extending northeast along U.S. Highway 69 to the intersection of Interstate Highway 40, thence east along Interstate Highway 40 to the Oklahoma-Arkansas Site line), Arkansas (except points east of a line commencing at the Oklahoma-Arkansas State line east along U.S. Highway 271 to the intersection of U.S. Highway 71, thence north along U.S. Highway 71 to the Arkansas-Missouri State line) and Missouri (except points east of a line commencing at the Arkansas-Missouri State line and then north along U.S. Highway 67 to the intersection of U.S. Highway 50 Bypass, thence east on U.S. Highway 50 Bypass to the Mississippi River), shipments of pulpboard and fibreboard limited to movements in mixed loads with the commodities described above.

In proposal 37:

Paper and paper products (except commodities in bulk), from the plantsites of the United States Envelope Company at Williamsburg, Pa., Springfield, Mass., and Enfield and Rockville, Conn., to points west of the western boundaries of Minnesota, Iowa, Illinois, Kentucky, Tennessee, and Alabama.

In proposal 47:

Paper and paper products (except commodities in bulk), from the plant and warehouse sites of Weyerhaeuser Company at Miquon, Pa., and Fitchburg, Mass., to points in and west of North Dakota, South Dakota, Nebraska, Arkansas, and Mississippi.

In proposal 48:

Paper fiber shipping containers, from the plant and warehouse sites of the Weyerhaeuser Company at Delair and Barrington, N.J., to points in and west of North Dakota, South Dakota, Nebraska, Missouri, Arkansas, and Mississippi.

In proposal 54:

Paper and paper products (except commodities in bulk), from Plattsburgh and Lyons Falls, N.Y., to points in and west of North Dakota, South Dakota, Iowa, Missouri, Arkansas, and Mississippi, and Evansville, Ind.

In proposal 57:

Paper and paper products (except commodities in bulk), from the plant site of Finch-Pruyn & Company, Inc., at Glens Falls, N.Y., to points in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, and Mississippi, and Evansville, Ind. The purpose of the filing of proposals 10, 34, 37, 47, 54, and 57 is to eliminate the gateway of Muncie, Ind.

In proposal 15:

Paper and paper products (except commodities in bulk), from points in Wisconsin (except points north and west of a line commencing at the Michigan-Wisconsin State line and extending along U.S. Highway 8 to the intersection of Wisconsin Highway 13, thence south along Wisconsin Highway 13 to the intersection of Interstate Highway 90, thence south along Interstate Highway 90 to the Wisconsin-Illinois State line), to points in South Dakota (except points south of Interstate Highway 90), and North Dakota (except those points east and north of a line commencing at the Canadian-United States International Boundary line and extending south along North Dakota Highway 1 to the intersection of Interstate Highway 94, thence east along Interstate Highway 94 to the North Dakota-Minnesota State line). The purpose of the filing of proposal 15 is to eliminate the gateway of Eau Claire, Wis.

In proposal 32:

Paper and paper products (except commodities in bulk, pulpboard, pulpboard products, and waste paper), from Plymouth, N.C., to points in Kentucky (except points east of a line commencing at the Ohio-Kentucky State line, thence southwest along U.S. Highway 68 to the intersection of U.S. Highway 31E, thence southwest along U.S. Highway 31E to the Kentucky-Tennessee State line). The purpose of filing proposal 32 is to eliminate the gateway of Portsmouth, Ohio.

In proposal 33:

Paper and paper products (except commodities in bulk, pulpboard, pulpboard products, and waste paper), from Plymouth, N.C., to Cleveland, Ohio, and points in its commercial zone as defined by the Commission, Akron, Ohio, and points within 25 miles thereof. The purpose of filing proposal 33 is to eliminate the gateway of Salem, Ohio.

In proposal 35:

Paper and paper products (except commodities in bulk), from Plymouth, N.C., to points in Pennsylvania (except points east of a line commencing at the New York-Pennsylvania State line, and then south along U.S. Highway 62 to the intersection of Pennsylvania Highway 8, thence south, along Pennsylvania Highway 8 to the intersection of U.S. Highway 19 at Pittsburgh, thence south along U.S. Highway 19 to the intersection of U.S. Highway 40, thence west along U.S. Highway 40, to the Pennsylvania-West Virginia State line), shipments of pulpboard and fibreboard will be limited to movements in mixed loads with the other commodities described above. The purpose of filing proposal 35 is to eliminate the gateway of Liverpool, Ohio.

In proposal 36:

Paper and paper products, and cellulose materials and products produced or distributed by manufacturers and converters of paper products (except commodities in bulk), from the plant sites of the United States Envelope Company at Williamsburg, Pa., Springfield, Mass., and Enfield and Rockville, Conn., to points in Kentucky and Tennessee (except Memphis and points in its commercial zone), restricted against the transportation of pulpboard, pulpboard products, and waste paper to points in Kentucky.

In proposal 45:

Paper and paper products (except commodities in bulk), from the plant sites and warehouse facilities of the Weyerhaeuser Company, at Miquon, Pa., to points in Kentucky and Tennessee (except Memphis and points in its commercial zone as defined by the Commission), restricted against the transportation of pulpboard, pulpboard products, and waste paper to points in Kentucky.

In proposal 46:

Paper and paper products (except commodities in bulk), from the plant and warehouse sites of the Weyerhaeuser Company at Fitchburg, Mass., to points in Kentucky and Tennessee (except Memphis and points in its commercial zone as defined by the Commission), restricted against the transportation of pulpboard, pulpboard products, and waste paper to points in Kentucky.

In proposal 49:

Paper fiber shipping containers, from the plant sites and warehouse facilities of Weyerhaeuser Company at Delair and Barrington, N.J., to points in Kentucky and points in Tennessee (except points east of U.S. Highway 27, and points in the Memphis commercial zone). The purpose of filing proposals 36, 45, 46, and 49 is to eliminate the gateway of Gallipolis, Ohio.

In proposal 44:

Paper and paper products (except commodities in bulk), from the plant and warehouse sites of the Weyerhaeuser Company at Fitchburg, Mass., to points in Pennsylvania (except points north and east of a line beginning at the Ohio-Pennsylvania State line and extending east along U.S. Highway 62 to the intersection of Pennsylvania Highway 8, thence south along Pennsylvania Highway 8 to the intersection of Pennsylvania Highway 51, thence south along Pennsylvania Highway 51, to the intersection of Pennsylvania Highway 857, thence south along Pennsylvania Highway 857 to the Pennsylvania-West Virginia State line).

In proposal 53:

Paper and paper products (except commodities in bulk), from Lyons Falls, N.Y., to points in Kentucky, Tennessee (except Memphis and points in its commercial zone as defined by the Commission), Alabama (except points on and north of U.S. Highway 78, and Mobile, and points in its commercial zone as defined by the Commission), and West Virginia (except points east of a line commencing at the Maryland-West Virginia State line and extending south along U.S. Highway 219, to the intersection of West Virginia Highway 39, thence east along West Virginia Highway 39 to the West Virginia-Virginia State line), restricted against the transportation of pulpboard, pulpboard products, and waste paper to points in Kentucky.

In proposal 50:

Paper and paper products (except commodities in bulk), from Plattsburgh, N.Y., to points in Tennessee (except Memphis, and points in its commercial zone), Kentucky, Alabama (except points on and north of U.S. Highway 78, Mobile, and points in its commercial zone as defined by the Commission), and West Virginia (except points east of a line commencing at the Pennsylvania-West Virginia State line and extending south along U.S. Highway 119 to the intersection of U.S. Highway 250, thence south along U.S. Highway 250 to the West Virginia-Virginia State line), restricted against the transportation of pulpboard, pulpboard products, and waste paper.

In proposal 56:

Paper and paper products (except commodities in bulk), from Glens Falls, N.Y., to points in Tennessee (except Memphis, and points in its commercial zone), Alabama (except points on and north of U.S. Highway 78, Mobile, and points in its commercial zone as defined by the Commission), and West Virginia (except points east of a line commencing at the Pennsylvania-West Virginia State line and extending south along U.S. Highway 119 to the intersection of U.S. Highway 250, thence south along U.S. Highway to the West Virginia-Virginia State line), restricted to the transportation of shipments originating at the plant site of Finch-Pruyn & Company, Inc., at Glens Falls, N.Y. The purpose of the filing of proposals 44, 53, 56, and 58 is to eliminate the gateway of E. Liverpool, Ohio.

In proposal 55:

Paper and paper products, from Plattsburgh and Lyons Falls, N.Y., to points in Alabama and Memphis, Tenn.

In proposal 59:

Paper and paper products, from Glens Falls, N.Y., to points in Alabama (except points north and east of a line beginning at the Tennessee-Alabama State line and extending south along U.S. Highway 431 to the intersection of U.S. Highway 278, thence east along U.S. Highway 278 to the Alabama-Georgia State line), and Memphis, Tenn., restricted to the transportation of shipments originating at the plant site of Finch-Pruyn Company, Inc., at Glens Falls, N.Y. The purpose of the filing of proposals 55 and 59 is to eliminate the gateway of South Bend, Ind.

No. MC-95540 (Sub-No. E145), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *meats and meat products*, from Buffalo, N.Y., to points in Texas on and south of a line beginning at the Sabine River, and thence along Interstate Highway 10 to San Antonio, thence along U.S. Highway 90 to Del Rio, thence along unnumbered Highway to the Rio Grande River. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E209), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Aberdeen, Frederick, and Baltimore, Md., to points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Pike and Spaulding County, Ga.

No. MC-110525 (Sub-No. E118), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Colorado. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E120), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Idaho. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E121), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Illinois. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC-110525 (Sub-No. E125), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Kentucky. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E130), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 667, in bulk, in tank vehicles, from the District of Columbia to points in Mississippi. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E131), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 667 (except bituminous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in Missouri. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va.

No. MC-110525 (Sub-No. E189), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Michigan. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC-110525 (Sub-No. E212), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in Connecticut. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Newark, N.J.

No. MC-110525 (Sub-No. E213), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Indiana to points in Delaware. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC-110525 (Sub-No. E214), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to the District of Columbia. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Baltimore, Md.

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No. MC–110525 (Sub-No. E216), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in Maine. The purpose of this filing is to eliminate the gateways of Clairton, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E217), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Newark, N.J.

No. MC–110525 (Sub-No. E218), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Indiana on and north of Interstate Highway 70 to points in Maryland. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E220), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulks, in tank vehicles, from points in Indiana, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E260), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in The Maxwell Co., Extension-Addyston, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in West Virginia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–113362 (Sub-No. E6), filed May 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave., NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, and grocery stores, from Chicago, Ill., to (1) those points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction Minnesota Highway 21, thence along Minnesota Highway 21 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 101, thence along Minnesota Highway 101 to Minnesota Highway 152, thence along Minnesota Highway 152 to St. Cloud, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to Baudette, Minn., and (2) to those points in Iowa on, north, and west of a line beginning at Sioux City, Iowa, thence along U.S. Highway 20 to junction U.S. Highway 71 thence along U.S. Highway 71 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line, and (3) to Humboldt, Iowa. The purpose of this filing is to eliminate the gateway of Lakota, Iowa.

No. MC–113362 (Sub-No. E12), filed May 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave., NE, Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, between Des Moines, Iowa, and those points in Iowa east of U.S. Highway 69 and on and north of Interstate Highway 80, on the one hand, and, on the other, those points in Indiana north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E20), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and seafoods*, fresh and frozen, (a) from points in that part of Iowa on, north, and west of a line beginning at the junction of U.S. Highway 65 and the Missouri–Iowa State line, thence along U.S. Highway 65 to the junction of U.S. Highway 65 and Interstate Highway 80, thence along Interstate Highway 80 to the Iowa–Illinois State line, to Pittsburgh, Pa., Rochester, and Buffalo, N.Y., Louisville, Ky., and points in Ohio, and those in Indiana on and north of U.S. Highway 150, (b) from points in that part of Wisconsin east of a line beginning at the junction of the Wisconsin–Michigan State line and U.S. Highway 13, thence south along U.S. Highway 13 to Wisconsin Dells, thence south along U.S. Highway 12 to Madison, thence south along Wisconsin Highway 69 to the Wisconsin–Illinois State line, to points in Nebraska, Kansas, and Missouri and Denver, Colo., and those points in Illinois in, south, and east of Hancock, McDonough, Fulton, Peoria, Woodford, Livingston, Grundy, Will, DuPage, and Cook Counties.

The authority described in (a) and (b) above is restricted to the transportation of the commodities described therein to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E21), filed May 2, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dairy supplies, butter and butter substitutes, eggs, cheese, buttermilk, frozen condensed milk, frozen cream and dressed poultry and rabbits*, from points in Wisconsin and Iowa, to Cleveland, Columbus, and Lima, Ohio; Pittsburgh and Scranton, Pa.; points in that part of New York south of Lake Ontario, and the following highways: U.S. Highway 104 and New York Highway 69 from Oswego to Utica, New York Highway 5 from Utica to Schenectady, and New York Highway 7 from Schenectady to the New York–Vermont State line, including points on the designated portions of these highways, to points in that part of New Jersey on and south of New Jersey Highway 3 from Weehawken to Passaic and on and east of New Jersey Highway 7 from Passaic to Newark, and points in Connecticut, Massachusetts, and Rhode Island, restricted to the transportation of shipments moving from, to, or between warehouses and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E25), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and foods not frozen when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, (a) from points in Wisconsin and Iowa, to points in Kentucky on and east of Interstate Highway 65, points in West Virginia, Maryland, Delaware, New Jersey (except points in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission), Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Maine, the District of Columbia, and those points in Ohio in and east of Trumbull, Portage, Summit, Wayne, Holmes, Coschocton, Muskingum, Perry, Hocking, Athens, and Meigs Counties, (b) from points in Milwaukee, Racine, and Kenosha Counties, Wis., to points in Iowa, Nebraska, North Dakota, and South Dakota, (c) from points in Dodge, Washington, and Waukesha Counties, Wis., to points in Nebraska, (d) from points in Jefferson, Roch, and Walworth Counties, Wis., to points in North Dakota on and west of U.S. Highway 83, points in Harding, Butte, Lawrence, Meade, Pennington, and Fall River Counties, S. Dak., and points in and west of Cherry, Blaine, Loup, Valley, Howard, Hall, Clay, and Thayer Counties, Nebr.

The authority described in (a) through (d) above is restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Wheeling, W. Va.

No. MC–114019 (Sub-No. E31), filed May 2, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in packages and containers, from points in Illinois and Indiana and points in that part of Ohio on and north of a line beginning at the junction of U.S. Highway 30 and the Indiana-Ohio State line, thence east along U.S. Highway 30 to the junction of U.S. Highway 30 and U.S. Highway 62 at Canton, thence east along U.S. Highway 62 to the Ohio-Pennsylvania State line, to points in Delaware, Maryland, and Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC–124211 (Sub-No. E22), filed April 22, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Motor vehicle parts, accessories, and supplies* (except commodities in bulk, and commodities, which, because of their size and weight, require the use of special equipment), (a) from Flint, Mich., Toledo, Ohio, points in that part of Virginia on and north of U.S. Highway 60, and points in that part of Nebraska on, and east, and north of a line beginning at the Nebraska-South Dakota State line, thence south over U.S. Highway 77, to the junction of Nebraska Highway 2, thence over Nebraska Highway 2 to the Nebraska-Iowa State line, to points in Arizona and New Mexico; (b) from points in Nebraska (except Johnson, Nemaha, Pawnee, and Richardson Counties, Nebr., and except Columbus and Rushville, Nebr.) to points in Kentucky (except Louisville, Ky., and points in Kentucky within the Cincinnati, Ohio, commercial zone, as defined by the Commission) and points in Louisiana, Mississippi, and Tennessee; (c) from points in Nebraska (except Columbus and Rushville, Nebr.) to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC–128383 (Sub-No. E54), filed May 6, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dulles International Airport, Fairfax and Loudoun Counties, Va., and Miami International Airport, at or near Miami, Fla., restricted to the transportation of traffic having a prior or subsequent movement by air, and further restricted against the transportation of traffic moving to said Miami International Airport having a subsequent movement beyond Miami, Fla., in foreign commerce. The purpose of this filing is to eliminate the gateway of Philadelphia International Airport, Philadelphia, Pa.

No. MC–128383 (Sub-No. E56), filed May 6, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Washington National Airport, Gravelly Point, Va., and Miami International Airport, at or near Miami, Fla., restricted to the transportation of traffic having a prior or subsequent movement by air, and further restricted against the transportation of traffic moving to said Miami International Airport having a subsequent movement beyond Miami, Fla., in foreign commerce. The purpose of this filing is to eliminate the gateway of Philadelphia International Airport, Philadelphia, Pa.

No. MC–128383 (Sub-No. E57), filed May 6, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Friendship International Airport, Anne Arundel County, Md., and Miami International Airport, at or near Miami, Fla., restricted to the transportation of traffic having a prior or subsequent movement by air, and further restricted against the transportation of traffic moving to said Miami, International Airport having a subsequent movement beyond Miami, Fla., in foreign commerce. The purpose of this filing is to eliminate the gateway of Philadelphia International Airport, Philadelphia, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12174 Filed 5–24–74;8:45 am]

[Notice 90]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 17, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74955. By order entered May 16, 1974, the Motor Carrier Board approved the transfer to Joseph Gilchrist, Old Forge, Pa., of that portion of the operating rights set forth in Certificate No. MC–135367, issued May 1, 1972, to Leonard J. Mickavicz, Taylor, Pa., authorizing the transportation of lamps, lamp shades, wall plaques, light bulbs, and fluorescent and incandescent lamp fixtures from specified plant sites in Pennsylvania, to points in Illinois, Indiana, Ohio, Michigan, West Virginia, Virginia, Maryland, and New Jersey; and parts, materials, and supplies used in the manufacture of lamp shades from points in the above-named States to the specified plant sites in Pennsylvania. Ken-

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neth R. Davis, 999 Union St., Taylor, Pa. 18517, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12173 Filed 5-24-74;8:45 am]

[Notice 73]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 139792 (Sub-No. 1 TA), filed May 13, 1974. Applicant: J. A. COFFEY, doing business as C & M GARAGE & WRECKER SERVICE, 3601 West 70th Street, Shreveport, La. 71108. Applicant's representative: William D. Lynch, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and trailers* that have been wrecked, disabled or abandoned; replacement vehicles or trailers for the previously mentioned commodities (excluding mobile homes and house trailers designed to be drawn by passenger automobiles), in truckaway service, when moving in wrecker service, between points in Arkansas, Louisiana, Mississippi, and Texas, for 180 days. SUPPORTING SHIPPERS: Steel Sales & Service, Inc., 4302 West 70th Street, Shreveport, La. 71108; Red Ball Motor Freight, Inc., Shreveport Terminal, 1214 Airport Drive, Shreveport, La. 71107; and McLean Trucking Company, Terminal Manager, Shreveport, Box 3668, Shreveport, La. 71108. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 139795 TA, filed May 13, 1974. Applicant: ROBERT PAGE TRUCKING, Route #1, Saranac, Mich. 48881. Applicant's representative: J. M. Neath, Jr., 900—One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts and components of automated egg production systems*, including the building parts and components in which the system operates, from Gettysburg, Pa.; Sheridan, Mich.; Ludington, Mich.; Rockford, Mich.; and Russellville, Ky., to points in Howard, Fayette, Mitchell, Chickasaw, Wapello, and Mahaska Counties, Iowa; St. Louis and Nobles Counties, Minn.; Adams and Boulder Counties, Colo.; and Salt Lake County, Utah, for 180 days. SUPPORTING SHIPPER: Cycle Systems, Inc., 9290 Belding Road, Rockford, Mich. 49341. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 139796 TA, filed May 14, 1974. Applicant: POPE DRIER, Route #1, Bonne Terre, Mo. 63628. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from East St. Louis, Ill., to points in Missouri on and east of U.S. Highway 65, for 180 days. SUPPORTING SHIPPER: Dixie Mills Co., 10th and Walnut St., East St. Louis, Ill. 62202. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

MOTOR CARRIERS OF PASSENGERS

No. MC 139778 (Sub-No. 1 TA), filed May 8, 1974. Applicant: RANCOCAS VALLEY BUS SERVICE, INC., P.O. Box 394, Moorestown, N.J. 08057. Applicant's representative: Charles W. Heuisler, One Centennial Square, E. Euclid Avenue, Haddonfield, N.J. 08033. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between Cherry Hill Township and Haddon Township in Camden County, N.J. and Maple Shade Township in Burlington County, N.J., on the one hand, and, on the other, Philadelphia, Pa., under continuing contracts with the Haddon View Apartments, Haddon Township, N.J.; Towers of Windsor Park, Cherry Hill, N.J.; Somerset House Apartments, Cherry Hill, N.J.; and Moorestown Plaza, Ltd., operating as Kings Highway Towers, Maple Shade, N.J., for 180 days. SUPPORTING SHIPPERS: Haddon View Apartments, Haddon Township, N.J.; Towers of Windsor Park, Cherry Hill, N.J.; Somerset House Apartments, Cherry Hill, N.J.; and Moorestown Plaza, Ltd., operating as Kings Highway Towers, Maple Shade, N.J. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 139793 TA, filed May 13, 1974. Applicant: MATIA LIMOUSINE SERVICE, INC., 3632 Stoneleigh Road, Cleveland Heights, Ohio 44121. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 1330, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, *sengers* who are employees of Penn *sengers* who are employees of the Penn Central Transportation Company in special operations, for the account of the Penn Central Transportation Company, between points in Ohio, on the one hand, and, points along the right-of-way of the Penn Central Transportation Company in Pennsylvania and New York on the other hand, for 180 days. RESTRICTION: Restricted to the use of nine (9) passenger vehicles. SUPPORTING SHIPPER: The Penn Central Transportation Company, Cleveland Union Terminal Building, Cleveland, Ohio 44113. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 139794 TA, filed May 13, 1974. Applicant: SOMERSET LIMOUSINE SERVICE, INC., 488 N. Bridge Street, Somerville, N.J. 08876. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in non-scheduled door to door service of not more than six passengers in any one vehicle not including driver, between points in Hunterdon, Mercer, Middlesex, Morris and Somerset Counties, N.J., on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia Airport, New York, N.Y.; Newark International Airport, Newark, N.J.; and Philadelphia International Airport, Philadelphia, Pa., for 180 days. SUPPORTING SHIPPERS: The Singer Company, Ltd. (Industrial Sewing Products Div. & Textile Machinery Div.), 275 Centennial Ave., Piscataway, N.J. 08854; Wharton, Stewart & Davis, 50 West St., Somerville, N.J. 08876; FMC Corporation, P.O. Box 8, Princeton, N.J. 08540; Research-Cottrell, Inc., P.O. Box 750, Bound Brook, N.J. 08805; Ortho Pharmaceutical Corp., Route 202, Raritan, N.J. 08869; and four individuals such as Mr. Lewis C. Murdock, Holland Road, Peapack, N.J. 07977. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

By The Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12168 Filed 5-24-74;8:45 am]

[Notice 72]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 21, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 99780 (Sub-No. 40 TA), filed May 9, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Mlg: P.O. Box 1345 (Box zip 61601), Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), from the storage facilities and customers of the Dry Storage Corporation in the Chicago Commercial Zone to Milwaukee, Wis., and to points located within the Milwaukee Commercial Zone and to St. Louis, Mo., and to points located within the St. Louis Commercial Zone and to Detroit, Mich., and to points located within the Detroit Commercial Zone and to that portion of Iowa bounded on the west by Route 169 and by the state line to the North, South, and East, restricted to traffic originating at the above specified points and destined to the above destinations, for 180 days. SUPPORTING SHIPPER: Dry Storage Corporation, 2005 West 43rd Street, Chicago, Ill. 60609. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 135678 (Sub-No. 2 TA) (Correction), filed February 27, 1974, published in the FEDERAL REGISTER issue of March 18, 1974, and republished as corrected this issue. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 SW. 10th Street, Oklahoma City, Okla. 73125. Applicant's representative: Rufus H. Lawson, 2400 NW. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and those of unusual value) between Amarillo, Tex., and its Commercial Zone and Texola, Okla.: From Amarillo, Tex., and its Commercial Zone, via U.S. 66 (I.H. 40), to Texola, Okla., and return over the same route, serving no intermediate points, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in Docket No. MC 135678 Sub 1. SUPPORTING SHIPPERS: There are approximately 79 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

NOTE.—The purpose of this republication is to change the territory description.

No. MC 139734 TA (Correction), filed April 24, 1974, published in the FEDERAL REGISTER issue of May 14, 1974, and republished as corrected this issue. Applicant: WHITAKER TRANSPORTATION COMPANY, INC., 1300 Market Street, Bay 20, Chattanooga, Tenn. 37402. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those injurious or contaminating to other lading), from points in Catoosa, Chatooga, Gordon, Murray, Walker, and Whitfield Counties, Ga., to Chattanooga, Tenn., restricted to traffic having a subsequent movement by freight forwarders, from Chattanooga, Tenn., for 180 days. SUPPORTING SHIPPER: Western Carloading Co., Inc., 1000 Chattahoochee Ave. NW., Atlanta, Ga. 30325, and Universal Carloading & Distr. Co., Inc., 345 Hudson Street, New York, N.Y. 10014. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

NOTE.—The purpose of this republication, is to add the length of time that the applicant wants to operate. The phrase 180 days was omitted in previous publication.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12169 Filed 5-24-74;8:45 am]

[Notice 88]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 22, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75170. By application filed May 17, 1974, JOULE YACHT TRANSPORT, INC., 345 Ft. Salonga Rd., Northport, NY 11768, seeks temporary authority to lease the operating rights of L & S BOAT TRANSPORTATION CO., INC., P.O. Box 10387, St. Petersburg, FL 33713, under section 210a(b). The transfer to JOULE YACHT TRANSPORT, INC., of the operating rights of L & S BOAT TRANSPORTATION CO., INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12171 Filed 5-24-74;8:45 am]

[Notice 89]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 22, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75177. By application filed May 20, 1974, MARTIN TRUCK LINE, INC., Highway 45 North, Henderson, TN 38340, seeks temporary authority to lease the operating rights of E. W. PEERY, doing business as PEERY TRUCKING CO., Miston, TN 38056, under section 210a(b). The transfer to MARTIN TRUCK LINE, INC., of the operating rights of E. W. PEERY, doing business as PEERY TRUCKING CO., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12172 Filed 5-24-74;8:45 am]

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federal register

TUESDAY, MAY 28, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 103

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

REHABILITATION PROGRAMS AND ACTIVITIES

No. 103—Pt. II——1

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Parts 401, 402]

REHABILITATION PROGRAMS AND ACTIVITIES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of Health, Education, and Welfare. The proposed regulations revise Chapter IV of Title 45 of the Code of Federal Regulations in order to implement the provisions of the Rehabilitation Act of 1973 (Pub. L. 93–112).

Part 401 of Chapter IV, as revised, covers grants made to State vocational rehabilitation agencies under the State plans for vocational rehabilitation services. The Rehabilitation Act of 1973 has substantially revised the content and format of the State plans for vocational rehabilitation services and, in addition, has broadened the scope of vocational rehabilitation services provided to handicapped individuals under the State plan.

Subpart A of Part 401 includes new and revised definitions necessary to conform with the requirements and intent of the Act. Such new and revised definitions include "construction of a rehabilitation facility," "criminal act," "employability," "establishment of a rehabilitation facility," "evaluation of rehabilitation potential," "handicapped individual," "local agency," "outcome and service goals," "physical and mental restoration services," "physical or mental disability," "public safety officer," "rehabilitation facility," "severely handicapped individual," "State," "State agency," "State plan," "vocational rehabilitation services," "works of art" and "workshop."

Subpart B of Part 401 covers the content of the State plans for vocational rehabilitation services. New requirements include an annual submittal of State plan programming descriptions and an annual evaluation of the effectiveness of the State's vocational rehabilitation program. Other new requirements include State agency policy consultation with individuals with special interest in the State's rehabilitation program, the designation of the severely handicapped as the first priority in the selection of handicapped individuals to receive services, the development of an individualized written rehabilitation program for each handicapped individual with the full participation of the individual being served, and the provision of newly authorized vocational rehabilitation services such as telecommunications and post-employment services.

Subpart C covers the financing of State vocational rehabilitation programs. Grants to States for the conduct of vocational rehabilitation programs are subject to the provisions of OMB Circular A–102, except for the provisions concerning matching and cost-sharing. Payments to States will be related to an evaluation of a State's performance in conducting its vocational rehabilitation program in terms of the general standards for evaluation developed by the Secretary.

Subpart D includes revised regulations covering the payment of costs of vocational rehabilitation services to disability beneficiaries from the Social Security Trust funds under Title II of the Social Security Act.

Subpart F covers the newly established grant program for the innovation and expansion of vocational rehabilitation services under the State plan.

Part 402, as revised, includes all grants and other assistance available for special vocational rehabilitation program purposes.

Subpart A of Part 402 establishes administrative provisions common to all grants and contracts awarded for any special program purpose under the Act.

Subpart B of Part 402 covers projects designed primarily to provide services to handicapped individuals. Special projects and demonstrations to provide services to the spinal cord injured, the older blind, the deaf, and other handicapped individuals, as well as client assistance projects are newly established under the Rehabilitation Act of 1973. (Projects with industry and projects to serve handicapped migratory agricultural workers were previously covered in Part 403 and the projects for the provision of vocational training services had previously appeared in Part 404.)

Subpart C covers grant programs designed primarily to assist rehabilitation facilities and sheltered workshops. (This material has previously appeared in Part 404.)

Subpart D includes the rehabilitation research program with its newly authorized special research activities in the areas of rehabilitation engineering, spinal cord injury, end-stage renal disease, and international activities. (Regulations covering the rehabilitation research program had previously appeared in Part 405.)

Subpart E includes rehabilitation training. (This material had previously appeared in Part 406.)

Subpart F, covering the National Center for Deaf-Blind Youths and Adults, had previously appeared as Part 407.

Subpart G covers special activities designed to evaluate the effectiveness of programs and projects supported under the Act.

Subpart H covers technical assistance available for special purposes under the Act. (As previously authorized, this material had appeared in Part 404.)

Federal financial assistance extended under this chapter is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Federal financial assistance is also subject to the provisions of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. ch. 16) concerning nondiscrimination of handicapped persons under Federal grants.

The principal agency for carrying out the programs and activities authorized under Titles I, II, and III of the Rehabilitation Act of 1973 is the Rehabilitation Services Administration within the Department of Health, Education, and Welfare.

In carrying out the rehabilitation research program under Title II of the Act, the Secretary through the Commissioner will establish the expertise and technological competence to develop, support, and stimulate the development and utilization of innovative methods of applying advanced medical technology, scientific achievements, and psychological and social knowledge to solve rehabilitation problems. The Secretary through the Commissioner will administer the rehabilitation research program with appropriate consultation from the National Science Foundation and the National Academy of Sciences.

After promulgation of these regulations, guidelines will be issued by the Commissioner. These guidelines will be designed to provide the additional information necessary to assure full implementation of rehabilitation programs in conformity with the Act and the regulations.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Commissioner, Rehabilitation Services Administration, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013 on or before June 27, 1974. Such comments will be available for public inspection in room 5324 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m., to 5 p.m. (Area Code 202, 245–0950).

(Catalog of Federal Domestic Assistance Program Nos. 13.746, Rehabilitation Services and Facilities-Basic Support; 13.747, Vocational Rehabilitation Services for Social Security Disability Beneficiaries; 13.757, Comprehensive Social and Rehabilitation Research; 13.763, Rehabilitation Services and Facilities-Special Projects)

Dated: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary.

Chapter IV of Title 45 of the Code of Federal Regulations is amended by revising Subparts A, B, C, D and F of Part 401; by adding a new Part 402; and by deleting Parts 403, 404, 405, 406, 407 and 408, as follows:

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AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)); and sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

Subpart A—Definitions

§ 401.1 Terms.

Unless otherwise indicated in this part, the terms below are defined as follows:

(a) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. ch. 16).

(b) "Blind" means persons who are blind within the meaning of the law relating to vocational rehabilitation in each State.

(c) "Construction of a rehabilitation facility" means:

(1) The construction of new buildings, the acquisition or existing buildings, or the expansion, remodeling, alteration or renovation of existing buildings which are to be utilized for rehabilitation facility purposes; or

(2) The acquisition of initial equipment of such new, newly acquired, newly expanded, newly remodeled, newly altered, or newly renovated buildings.

(d) "Criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication, or otherwise, the person engaging in the act, omission or possession was legally incapable of committing a crime.

(e) "Department" means the Department of Health, Education, and Welfare

(f) "Eligible" or "eligibility" when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(1) A physical or mental disability is present;

(2) A substantial handicap to employment exists; and

(3) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(g) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

(h) "Establishment of a rehabilitation facility" means:

(1) The acquisition, expansion, remodeling, or alteration of existing buildings, necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for rehabilitation facility purposes;

(2) The acquisition of initial equipment for such buildings for such purposes; or

(3) The initial staffing of a rehabilitation facility, for a period not to exceed 4 years and 3 months.

(i) "Evaluation of rehabilitation potential" means, as appropriate, in each case:

(1) A preliminary diagnostic study to determine that an individual has a physical or mental disability and a substantial handicap to employment, and that vocational rehabilitation services are needed;

(2) A diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential;

(3) An appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance;

(4) Any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services;

(5) Referral;

(6) The administration of evaluation services;

(7) The provision of vocational rehabilitation services to an individual for a total period not in excess of 18 months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and con-

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tinuing development of an individualized written rehabilitation program; and

(8) A periodic assessment of the results of the provision of such services to ascertain whether an individual is a handicapped individual for whom a vocational goal is feasible.

(j) "Family member" or "member of the family" means any relative by blood or marriage of a handicapped individual and other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(k) "Handicapped individual" means an individual

(1) Who has a physical or mental disability; and

(2) Who has a substantial handicap to employment; and

(3) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(l) "Local agency," except where the context indicates otherwise, means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has the sole responsibility under an agreement with the State agency to conduct a vocational rehabilitation program in the locality under the supervision of such State agency in accordance with the State plan.

(m) "Maintenance" means payments to cover a handicapped individual's basic living expenses, such as food, shelter, clothing, and other subsistence expenses necessary to derive the full benefit of other vocational rehabilitation services being provided in order to achieve such individual's vocational rehabilitation objective or to enable an evaluation of such individual's rehabilitation potential.

(n) "Management services and supervision" for small business enterprises includes inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve small business enterprises operated by severely handicapped individuals. "Management services and supervision" does not include those services or costs which pertain to the ongoing operation of the individual business enterprise after the initial establishment period.

(o) "Nonprofit," as applied to a rehabilitation facility, agency or organization, means a rehabilitation facility, agency, or organization owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(p) "Occupational license" means any license, permit or other written authority required by a State, city or other governmental unit to be obtained in order to enter an occupation or enter a small business.

(q) "Outcome and service goals" means those objectives, established by the State agency and consistent with those set by the Secretary in his instructions with respect to the annual State plan, which are measurable in terms of service expansion or program improvement in specified program areas, and which the State agency plans to achieve during a specified period of time.

(r) "Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive, and includes:

(1) Medical or corrective surgical treatment;

(2) Diagnosis and treatment for mental or emotional disorders by a physician skilled in the diagnosis and treatment of such disorders or by a psychologist licensed or certified in accordance with State laws and regulations;

(3) Dentistry;

(4) Nursing services;

(5) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(6) Convalescent or nursing home care;

(7) Drugs and supplies;

(8) Prosthetic, orthotic or other assistive devices essential to obtaining or retaining employment;

(9) Eyeglasses and visual services;

(10) Podiatry;

(11) Physical therapy;

(12) Occupational therapy;

(13) Speech or hearing therapy;

(14) Psychological services;

(15) Treatment of either acute or chronic medical complications and emergencies which are associated with or arise out of the provision of physical and mental restoration services; or are inherent in the condition under treatment;

(16) Special services for the treatment of individuals suffering from end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and

(17) Other medical or medically related rehabilitation services. (The provision that the condition is stable or slowly progressive does not apply when physical and mental restoration services are provided under an extended evaluation of rehabilitation potential.)

(s) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning.

(t) "Public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to:

(1) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces;

(2) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(3) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, parolees;

(4) Firefighting, fire prevention, or emergency rescue missions.

(u) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals:

(1) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(2) Testing, fitting, or training in the use of prosthetic and orthotic devices;

(3) Prevocational conditioning or recreational therapy;

(4) Physical and occupational therapy;

(5) Speech and hearing therapy;

(6) Psychological and social services;

(7) Evaluation of rehabilitation potential;

(8) Personal and work adjustment;

(9) Vocational training with a view toward career advancement (in combination with other rehabilitation services);

(10) Evaluation or control of specific disabilities;

(11) Orientation and mobility services and other adjustment services to the blind; and

(12) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market: *Provided*, That all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(v) "Secretary," except when the context indicates otherwise, means the Secretary of Health, Education, and Welfare.

(w) "Severely handicapped individual" means a handicapped individual,

(1) Who has a severe physical or mental disability which seriously limits his functional capacities (mobility, communication, self-care, self-direction, work tolerance, or work skills) in terms of employability; and

(2) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time, and

(3) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, and renal failure, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

(x) "Small business enterprise" means a small business operated by severely handicapped individuals under the management and supervision of the State agency or its nominee. Such businesses include only those selling, manufacturing, processing, servicing, agricultural, and other activities which are suitable and practical for the most effective utilization of the skills and aptitudes of severely handicapped individuals, and provide gainful employment or self-employment commensurate with the time devoted by the operator or operators to the business, the cost of establishing the business, and other factors of an economic nature.

(y) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(z) "State agency" or "State vocational rehabilitation agency" means the sole State agency designated to administer (or supervise local administration of) the State plan for vocational rehabilitation services. The term includes the State agency for the blind, if designated as the sole State agency with respect to that part of the plan relating to the vocational rehabilitation of the blind. For purpose of American Samoa, the term means the Governor of American Samoa and for purpose of the Trust Territory of the Pacific Islands, the term means the High Commissioner of the Trust Territory of the Pacific Islands.

(aa) "State plan" means the annual State plan for vocational rehabilitation services, or the vocational rehabilitation services part of a consolidated rehabilitation plan, which includes the annual State plan for vocational rehabilitation services and the State's plan for its program for persons with developmental disabilities developed under the Developmental Disabilities Services and Facilities Construction Act.

(bb) "Substantial handicap to employment" means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for employment consistent with his capacities and abilities.

(cc) "Transportation" means necessary travel and related expenses in connection with transporting handicapped individuals and their attendants or escorts for the purpose of providing vocational rehabilitation services under the State plan and may include relocation and moving expenses necessary for the achievement of a vocational rehabilitation objective.

(dd) "Visual services" means visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, as prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select.

(cc) (1) "Vocational rehabilitation services," when provided to a handicapped individual, means:

(i) Evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided;

(ii) Counseling, guidance, and referral services;

(iii) Physical and mental restoration services;

(iv) Vocational and other training services, including personal and vocational adjustment, books, and other materials;

(v) Maintenance during rehabilitation, not exceeding the estimated cost of subsistence;

(vi) Transportation in connection with the rendering of any vocational rehabilitation service;

(vii) Services to members of a handicapped individual's family when such services are necessary to the adjustment or rehabilitation of the handicapped individual;

(viii) Interpreter services for the deaf;

(ix) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

(x) Telecommunications, sensory, and other technological aids and devices;

(xi) Recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate public service employment;

(xii) Placement in suitable employment;

(xiii) Post-employment services, including follow-along;

(xiv) Occupational licenses, tools, equipment, and initial stocks and supplies; and

(xv) Such other goods and services which can reasonably be expected to benefit a handicapped individual in terms of his employability.

(2) "Vocational rehabilitation services," when provided for the benefit of groups of individuals, also includes:

(i) In the case of any type of small business enterprise operated by individuals with the most severe handicaps under the supervision of the State agency, management services, and supervision and acquisition of vending facilities or other equipment and initial stocks and supplies;

(ii) The establishment of a rehabilitation facility;

(iii) The construction of a rehabilitation facility; and

(iv) The provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized written rehabilitation program of any one handicapped individual.

(ff) "Works of art" means those items which may be in the nature of fixtures that are incorporated in facilities primarily because of their esthetic value. The cost of a work of art which is in the nature of a fixture shall be the estimated additional cost of incorporating those special esthetic features which exceed the general requirements of excellence of architecture and design.

(gg) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

Subpart B—State Plans for Vocational Rehabilitation Services

State Plan Content; Administration

§ 401.2 The State plan: General requirements.

(a) *Purpose.* In order for a State to be eligible for grants for any fiscal year from the allotments of funds under title I of the Act, it shall submit for such fiscal year a State plan meeting Federal requirements. The State plan shall provide for financial participation by the State, or if the State so elects, by the State and local agencies jointly, and shall provide that it will be in effect in all political subdivisions of the State, except as specifically provided in § 401.11 (Shared funding and administration of special joint projects or programs) and § 401.12 (Waiver of Statewideness).

(b) *Form and content.* The State plan shall contain, in the form prescribed by the Secretary, a description of the State's vocational rehabilitation program, the plans and policies to be followed in carrying out the program, and such other information prescribed by the Secretary. The State plan shall consist of:

(1) A part providing detailed commitments appropriate to the requirements of the Act and all regulations, policies and procedures established by the Secretary, which commitments shall be amended or reaffirmed annually, and

(2) A part containing a fiscal year programming description, which shall be submitted annually and which shall be based on the findings of the continuing Statewide studies (§ 401.18), the annual evaluation of the effectiveness of the State's program in meeting established goals and priorities (§ 401.18), and other pertinent reviews and studies. Such annual programming description shall include:

(i) Changes in policy and procedure resulting from the continuing Statewide studies and the annual evaluation of the effectiveness of the program;

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(ii) Estimates of the number of handicapped individuals who will be served with funds provided under the Act;

(iii) A description of the methods used to expand and improve services to the most severely handicapped;

(iv) A description of the order of selection (§ 401.31) of individuals to whom vocational rehabilitation services will be provided (unless the State agency demonstrates that it is serving all eligible handicapped individuals who apply); and

(v) A statement of the general outcome and service goals to be achieved for handicapped individuals in each priority category within the order of selection in effect in the State and the time within which such goals may be achieved.

(c) *Separate part relating to rehabilitation of the blind.* If a separate State agency for the blind administers or supervises the administration of that part of the State plan relating to the rehabilitation of the blind, such part of the State plan shall meet all requirements as to submission, amendment, and content prescribed by the Act and this part, as though it were a separate State plan.

(d) *Consolidated rehabilitation plan.* The State may elect to submit a consolidated rehabilitation plan which includes the State plan for vocational rehabilitation services and the State's plan for its program for persons with developmental disabilities as developed under the Developmental Disabilities Services and Facilities Construction Act: *Provided, however,* That the agency or agencies administering such State's program for persons with developmental disabilities have concurred in the submission of such a consolidated rehabilitation plan. A consolidated rehabilitation plan must comply, and be administered in accordance with, this Act and the Developmental Disabilities Services and Facilities Construction Act. If the Secretary finds that all such requirements are satisfied, he may approve the consolidated rehabilitation plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each program included therein, or he may request the State to submit separate plans for each program.

(e) *Amendment.* The State plan shall provide that it will be amended whenever necessary to reflect any material change in any applicable phase of State law, organization, policy, or agency operations which affects the administration of the State plan. Such amendments shall be submitted before they are put into effect or within a reasonable time thereafter.

§ 401.3 Review of State plan by Governor.

The State plan shall be submitted to the State Governor for his review and comments, and shall provide that the Governor will be given an opportunity to review and comment on all amendments and long-range program planning projections or other periodic reports, except for periodic statistical or budget and other fiscal reports. The Office of the Governor will be afforded a specified period in which to review such material and any comments made will be transmitted to the Department with the documents.

§ 401.4 State plan submittal and approval.

(a) The State plan shall be submitted for approval within 90 days following the effective date of this part, and for each fiscal year thereafter, no later than May 1 of the year preceding the fiscal year for which the State plan is submitted. Any State plan or amendment meeting the requirements of the Act and of this part shall be approved, except as provided under § 401.2(d) in the case of a consolidated rehabilitation plan.

(b) No State plan, or modification thereof, shall be finally disapproved without first affording the State reasonable notice and opportunity for a hearing.

§ 401.5 Withholding of funds.

(a) *When withheld.* When after reasonable notice and opportunity for hearing to the State agency, it is found that:

(1) The State plan, or the vocational rehabilitation services part of the consolidated rehabilitation plan, has been so changed that it no longer complies with the requirements of section 101(a) of the Act, or

(2) In the administration of the State plan, or the vocational rehabilitation services part of the consolidated rehabilitation plan, there is a failure to comply substantially with any provision of such plan, further payments under section 111 or 121 may be withheld, suspended, or limited as provided by section 101(c) of the Act. The State agency will be notified of the decision made.

(b) *Judicial review.* The decision to withhold, suspend, or limit payments described in paragraph (a) of this section may be appealed to the U. S. district court for the district in which the capital of the State is located. The court will review the action on the record in accordance with the provisions of Chapter 7 of Title 5, United States Code.

(c) *Informal discussions.* Hearings described in paragraph (a) of this section will not be called until after reasonable effort has been made to resolve the questions involved by conference and discussion with State officials. Formal notification of the date and place of a hearing does not foreclose further negotiations with State officials.

§ 401.6 State agency for administration.

(a) *Designation of sole State agency.* The State plan shall designate a State agency as the sole State agency to administer the State plan, or to supervise its administration in a political subdivision of the State by a sole local agency. In the case of American Samoa, the State plan shall designate the Governor; in the case of the Trust Territory of the Pacific Islands, the State plan shall designate the High Commissioner.

(b) *Designated State agency.* The State plan shall provide that the designated State agency, except for American Samoa and the Trust Territory of the Pacific Islands, and except for a designated State agency for the blind as specified in paragraph (c) of this section, shall be:

(1) A State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation of handicapped individuals; such agency must be an independent State commission, board, or other agency, the major function of which is vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, with authority, subject to the supervision which derives from the Office of Governor, to define the scope of the program within the provisions of State and Federal law, and to direct its administration without external administrative controls; or

(2) The State agency administering or supervising the administration of education or vocational education in the State; or

(3) A State agency which includes at least two other major organizational units, each of which administers one or more of the State's major programs of public education, public health, public welfare, or labor.

(c) *Designated State agency for the blind.* Where the State agency which provides assistance or services to the adult blind is authorized under State law to provide vocational rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind or to supervise the administration of such part in a political subdivision of the State by a sole local agency.

(d) *Authority.* The State plan shall set forth the authority under State law for the administration or supervision of the administration of the program by the sole State agency, and the legal basis for administration by sole local rehabilitation agencies, if applicable. The State plan shall provide that the State agency shall submit a list of all laws and interpretations thereof by appropriate State officials, directly pertinent to the basic authority and organization for administration or supervision of the vocational rehabilitation program.

(e) *Responsibility for administration.* The State plan shall provide that all decisions affecting eligibility for, and the nature and scope of vocational rehabilitation services to be provided, will be made by the State agency through its organizational unit, or by a local agency under its supervision, and that this responsibility will not be delegated to any other agency or individual.

(f) *Designation of a new State agency.* A new State plan must be submitted within 90 days following the designation of a new State agency.

§ 401.7 Organization of the State agency.

(a) *Organization.* The State plan shall describe the organizational structure of the State agency, including a description of organizational units, the programs and functions assigned to each, and the relationships among such units within the State agency. Such descriptions shall be accompanied by organizational charts reflecting:

(1) The relationship of the State agency to the Governor and his office and to other agencies administering major programs of public education, public health, public welfare, or labor of parallel stature within the State government, and

(2) The internal structure of the State agency. The organizational structure shall provide for all the vocational rehabilitation functions for which the State agency is responsible, for clear lines of administrative and supervisory authority, and shall be suited to the size of the vocational rehabilitation program and the geographic areas in which the program must operate.

(b) *Organizational unit.* Where the designated State agency is of the type specified in § 401.6(b)(2) or (3), or § 401.6(c), the State plan shall provide that the agency (or each agency, where two such agencies are designated), shall include a vocational rehabilitation bureau, division or other organizational unit which:

(1) Is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation of handicapped individuals, and is responsible for the administration of such State agency's vocational rehabilitation program, which must include the determination of eligibility for and the provision of services under the State plan;

(2) Has a full time administrator in accordance with § 401.8; and

(3) Has a staff employed on such rehabilitation work of such organizational unit, all or substantially all of whom are employed full time on such work.

(c) *Location of organizational unit.* (1) The State plan shall provide that the organizational unit, specified in paragraph (b) of this section, shall be located at an organizational level and shall have an organizational status within the State agency comparable to that of other major organizational units of such agency, or in the case of an agency described in § 401.6(b)(2), the unit shall be so located and have such status, or the administrator of such unit shall be the executive officer of such State agency. In evaluating the comparability of the organizational level and the organizational status of the unit, the Secretary will give consideration to such factors as the directness of the reporting line from the administrator of the organizational unit for vocational rehabilitation to the chief officer of the designated State agency; the title, status and grade of the administrator of the organizational unit for vocational rehabilitation as compared with those of the heads of other organizational units of the State agency; the extent to which the administrator of the organizational unit for vocational rehabilitation can determine the scope and policies of the vocational rehabilitation program; and the kind and degree of authority delegated to the administrator of the organizational unit for the administration of the vocational rehabilitation program.

(2) In the case of a State which has not designated a separate State agency for the blind as provided for in § 401.6, such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of the State agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of paragraphs (b) and (c)(1) of this section applying separately to each of such units.

§ 401.8 State administrator.

The State plan shall provide that there shall be a State administrator who shall direct the State agency specified in § 401.6(b)(1) or the organizational unit specified in § 401.7(b), and who shall be required to devote his full time and efforts to the vocational rehabilitation program, or the vocational and other rehabilitation of handicapped individuals.

§ 401.9 Local administration.

(a) The State plan shall provide that, when the plan is administered in a political subdivision through a sole local agency, such local administration shall be based on a written agreement with the State agency, which: (1) will indicate that the local agency will conduct a vocational rehabilitation program under the supervision of the State agency in accordance with the State plan and in compliance with Statewide standards established by the State agency, including standards of organization and administration; (2) will define the nature and extent of the supervision by the State agency and the basis on which the State agency participates financially in its locally administered vocational rehabilitation programs; and (3) will indicate whether the local agency will utilize another local public or nonprofit agency in the provision of vocational rehabilitation services to handicapped individuals, and the arrangements for such utilization.

(b) If the State plan provides for local administration, the State plan shall further provide that the sole local agency shall be responsible for the administration of all aspects of the program within the political subdivision which it serves: *Provided, however,* That a separate local agency serving the blind may administer that part of the plan relating to the rehabilitation of the blind, under the supervision of the State agency for the blind.

§ 401.10 Methods of administration.

The State plan shall provide that the State agency will employ such methods of administration as are found necessary by the Secretary for the proper and efficient administration of the plan, and for the carrying out of all functions for which the State is responsible under the plan and this part.

§ 401.11 Shared funding and administration of special joint projects or programs.

In order to permit the carrying out of a special joint project or program to provide services to handicaped individuals, the State agency may request the Secretary to authorize it to share funding and administrative responsibility for a joint project or program with another agency or agencies of the State, or with a local agency. The Secretary will approve a request for the shared funding and administration of a special joint project or program which he has determined will more effectively accomplish the purposes of the Act and may also waive the provision of § 401.2(a) that the State plan be in effect in all political subdivisions of the State. The State plan shall provide in such cases that each such special joint project or program shall be based on a written agreement which shall:

(a) Describe the nature and scope of the joint project or program, the services to be provided to handicapped individuals and the respective roles of each participating agency both in the provision of services and in the administration of such services and in the share of the costs to be assumed by each;

(b) Specify the initial term of the joint project or program, and plans for anticipated continuation;

(c) Provide a budget showing for each fiscal year the financial participation by the State agency and each participating agency;

(d) Provide written assurance that funds will be legally available for purposes of the joint project or program;

(e) Provide that the State agency shall annually evaluate the effectiveness of each project or program with special attention to its vocational rehabilitation objectives;

(f) Assure that the State agency and each participating agency will furnish such information and reports as the Secretary may require to determine whether the activities are achieving the purposes of the project or program and warrant continuation; and

(g) Assure that the State vocational rehabilitation agency's portion of the joint project or program will comply with applicable requirements of the Act and this part.

§ 401.12 Waiver of Statewideness.

If the State agency desires to carry out activities in one or more political subdivisions through local financing in order to promote the vocational rehabilitation of substantially larger numbers of handicapped individuals or the vocational rehabilitation of individuals with particular types of disabilities, the State plan shall identify the types of activities which will be carried out in this manner. The State plan shall provide in such cases that the State agency will:

(a) Obtain a full written description of any such activity to be carried out in a particular political subdivision and will obtain written assurance from the political subdivision that the non-Federal

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share of funds is available to the State agency;

(b) Require that its approval be given to each individual proposal before the proposal is put into effect in a political subdivision;

(c) Have sole responsibility for administration (or supervision if the vocational rehabilitation program is administered by local agencies) of the program in a particular local political subdivision in accordance with § 401.6, except to the extent that funding and administrative responsibility will be shared with respect to a joint program under § 401.11;

(d) Assure that all requirements of the State plan shall apply to such activities, except the requirement that the program be in effect in all political subdivisions of the State, and except that the provision of § 401.82 may be applicable for Federal financial participation in expenditures for carrying out such activities; and

(e) Furnish such information and reports as the Secretary may require.

§ 401.13 Cooperative programs utilizing third party funds.

(a) The State plan shall provide that, when the State's share of the cost of a cooperative program for the purpose of providing vocational rehabilitation services or engaging in administrative activities of the State agency is made available in whole or in part by a State or local public agency other than the State vocational rehabilitation agency, such cooperative program shall be based on a written agreement which:

(1) Describes the goals to be achieved and the activities to be undertaken to achieve these goals;

(2) Provides for an annual budget;

(3) Provides that expenditures for vocational rehabilitation services and the administration thereof or for engaging in State agency administrative activities for which Federal financial participation is claimed will be under the control and at the discretion of the State agency;

(4) Provides that where services to individuals are involved, only handicapped individuals shall be served by the cooperative program; and

(5) Provides for periodic evaluation of the extent to which the cooperative program has achieved defined goals as determined on the basis of established criteria and procedures for such evaluations.

(b) The State plan shall assure that services provided in such a cooperative program are vocational rehabilitation services:

(1) Which are not services of the cooperating agency to which the handicapped individual would be entitled if he were not an applicant or client of the State vocational rehabilitation agency, and

(2) Which represent new services or new patterns of services of the cooperating agency.

(c) The State plan shall further provide that the State agency will assure that the costs of administrative activities made available, in whole or in part by a State or local public agency other than the State vocational rehabilitation agency, are not costs which are attributable to the general expense of the State or locality in carrying out the administrative functions of the State or local government.

§ 401.14 Staffing of State agency.

The State plan shall provide that staff in sufficient number and with appropriate qualifications will be available to carry out all functions required under the Act and this part.

§ 401.15 Standards of personnel administration.

(a) The State plan shall set forth the State agency's standards of personnel administration consistent with State licensure laws and regulations and other pertinent laws and regulations applicable to its own employees and those of local agencies operating under its supervision. Rates of compensation and minimum qualifications shall be established for each class of position commensurate with the duties and responsibilities of that class. The State plan shall set forth the policies of the State agency with respect to the qualifications, selection, appointment, promotion, career development, and tenure of qualified personnel, including its policies against discrimination on the basis of sex, race, age, physical or mental disability, creed, color, national origin, or political affiliation.

(b) Where personnel administration is conducted under a State merit system approved under the Standards for a Merit System of Personnel Administration, Part 70 of this title and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970, modifying or superseding such standards, the State plan shall make reference to such fact, and the information required above with respect to "Standards of Personnel Administration" need not be submitted, except that the responsibility for the appointment of personnel shall be described. In such cases, the State plan must further provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

(c) The State plan shall further provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity and advancement opportunity for qualified physically or mentally disabled persons. Such affirmative action plan shall provide for specific action steps and timetables to assure such equal opportunities and shall conform with all requirements specified in regulations developed pursuant to section 504 of the Act.

(d) The State plan shall further provide for the maintenance of such written personnel policies, records, and other information as are necessary to permit an evaluation of the operations of the system of personnel administration in relation to the standards of the State agency.

(e) The Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office or compensation of any individual employed in accordance with the provisions of the approved State plan.

§ 401.16 Staff development.

The State plan shall provide for a program of staff development for all classes of positions within the State agency.

§ 401.17 Political activity.

The State plan shall prohibit any employee engaged in the day-to-day administration and operation of the program from engaging in any political activity prohibited by the Hatch Act (5 U.S.C. chapter 15 and with regard to the District of Columbia, 5 U.S.C. chapter 73). Any employee shall have the right to express his views as a citizen and to cast his vote.

§ 401.18 State agency studies and evaluations.

(a) The State plan shall provide for the conduct of continuing Statewide studies of the needs of handicapped individuals within the State, including the State's need for rehabilitation facilities, and the methods by which these needs may be most effectively met. Such studies shall:

(1) Determine the relative needs for vocational rehabilitation services of different significant segments of the population of handicapped individuals, with special reference to the need for expansion of service to the most severely handicapped individuals;

(2) Determine the means and methods by which vocational rehabilitation services to the most severely handicapped individuals and other handicapped individuals will be provided, expanded and improved, after full consideration and study of a broad variety of means and methods possible; and

(3) Otherwise ensure the orderly and effective development of vocational rehabilitation services and rehabilitation facilities within the State. In States in which there is a separate agency for the blind, coordinated or joint studies will be conducted.

(b) The State plan shall provide that a comprehensive evaluation of the effectiveness of the State's vocational rehabilitation program is achieving service goals and priorities, as established in the plan, will be conducted annually. Such annual evaluation will measure the adequacy of State agency performance in providing vocational rehabilitation services, especially to the most severely handicapped individuals, in the light of State agency program and financial resources, and will be conducted according to general standards for evaluation developed by the Secretary under Part 402 of this chapter. The findings derived from the ongoing evaluation shall be reflected in the annual State plan or amendments thereto.

§ 401.19 Policy development consultation.

(a) The State plan shall provide that the State agency, or as appropriate, the State agency and any sole local agency, will take into account, in connection with matters of general policy development and implementation arising in the administration of the State plan, the views of individuals and groups who are:

(1) Recipients of vocational rehabilitation services, or as appropriate, their parents or guardians;

(2) Providers of vocational rehabilitation services; and

(3) Others active in the field of vocational rehabilitation.

(b) The State plan shall further provide that the State agency will establish in writing and maintain a description of the methods to be used to obtain and consider such views on policy development and implementation and will assure that such description will be available to the public.

§ 401.20 Cooperation with other public agencies.

(a) The State plan shall provide that, where appropriate, the State agency will enter into cooperative arrangements with, and utilize the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals such as the State's developmental disabilities programs, veterans' programs, health programs, education programs, workmen's compensation programs, manpower programs, and public employment offices; the Social Security Administration; the Office of Workmen's Compensation Programs of the Department of Labor; the Veterans Administration; and other Federal, State and local public agencies providing services related to the rehabilitation of handicapped individuals.

(b) The State plan shall further provide that there will be maximum coordination and consultation in State vocational rehabilitation programs with programs for and relating to the rehabilitation of disabled veterans.

(c) Where there is a separate State agency for the blind, the State plan shall also provide that the two State agencies will establish reciprocal referral services, utilize each other's services and facilities to the extent practicable and feasible, jointly plan activities to improve services to the handicapped individuals in the State, and otherwise cooperate to provide more effective services.

§ 401.21 Reports.

The State plan shall provide that the State agency will make such reports in such form and containing such information, and at such time, as the Secretary may require, and will comply with such provisions as he may find necessary to assure the correctness and verification of such reports.

§ 401.22 Nondiscrimination in employment under construction contracts.

The State plan shall provide that the State agency will incorporate, or cause to be incorporated, into construction contracts (including construction contracts related to the establishment or construction of rehabilitation facilities) paid for in whole or in part with funds obtained from the Federal Government under the vocational rehabilitation program, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and will otherwise comply with requirements prescribed by and pursuant to such order.

§ 401.23 General administrative and fiscal requirements.

(a) The State agency shall adopt policies and methods pertinent to the fiscal administration and control of the vocational rehabilitation program, including sources of funds, incurrence and payment of obligations, disbursements, accounting, and auditing. The State plan shall provide for the maintenance by the State agency of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all monies received and the nature and amount of all charges claimed against such grants.

(b) The provisions of Part 74 of this title, establishing uniform administrative requirements and cost principles, shall apply to all grants made under this part except for the requirement concerning in-kind contributions under Subpart G of Part 74 of this title.

State Plan Content: Provision and Scope of Service

§ 401.30 Processing referrals and applications.

The State plan shall provide that the State agency will establish in writing and maintain standards and procedures to assure expeditious and equitable handling of referrals and applications for vocational rehabilitation services.

§ 401.31 Order of selection for services.

(a) The State plan shall set forth the order to be followed in selecting handicapped individuals to be provided vocational rehabilitation services when such services cannot be provided to all persons who apply, and shall define priority categories of handicapped individuals for the provision of such services.

(b) In establishing the order of selection for services, the State plan shall provide for selecting the most severely handicapped individuals for the provision of vocational rehabilitation services prior to any other handicapped individuals who have applied for such services.

(c) The State plan shall further provide for special consideration in the selection for vocational rehabilitation services and the provision of such services to those handicapped individuals whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities.

(d) The State plan shall further provide that services being provided to handicapped individuals under the terms and conditions of the Vocational Rehabilitation Act shall not be disrupted as a result of the approval of a State plan under this part.

§ 401.32 Services to civil employees of the United States.

The State plan shall provide that vocational rehabilitation services will be made available to civil employees of the U.S. Government who are disabled in line of duty, under the same terms and conditions as are applied to other handicapped individuals.

§ 401.33 Eligibility.

(a) *General provisions.* (1) The State plan shall provide that eligibility requirements will be applied by the State agency without regard to sex, race, age, creed, color, or national origin of the individual applying for service. The State plan shall further provide that no group of individuals will be excluded or found ineligible solely on the basis of type of disability. With respect to age, the State plan shall specify that no upper or lower age limit will be established which will, in and of itself, result in a finding of ineligibility for any handicapped individual who otherwise meets the basic eligibility requirements specified in paragraph (b) of this section.

(2) The State plan shall provide that no residence requirement, durational or other, will be imposed which excludes from services under the plan any individual who is present in the State.

(b) *Basic conditions.* The State plan shall provide that eligibility shall be based only upon:

(1) The presence of a physical or mental disability;

(2) The existence of a substantial handicap to employment;

(3) A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

§ 401.34 Evaluation of rehabilitation potential: Preliminary diagnostic study.

(a) The State plan shall provide that, in order to determine whether any individual is eligible for vocational rehabilitation services, there shall be a preliminary diagnostic study which shall be sufficient to determine:

(1) Whether the individual has a physical or mental disability;

(2) Whether the individual has a substantial handicap to employment; and

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(3) Whether vocational rehabilitation services may be expected to benefit the individual in terms of employability, or whether an extended evaluation of rehabilitation potential is necessary to make such a determination.

(b) The State plan shall provide that the preliminary diagnostic study will include such examinations and diagnostic studies as are necessary to make the determinations specified in paragraph (a) of this section, and, in all cases, will include an appraisal of the current general health status of the individual. The State plan shall further provide that in all cases of mental or emotional disorder, an examination will be provided by a physician skilled in the diagnosis and treatment of such disorders, or by a psychologist licensed or certified in accordance with State laws and regulations, in those States where such laws and regulations pertaining to the practice of psychology have been established.

§ 401.35 Evaluation of rehabilitation potential: Thorough diagnostic study.

(a) The State plan shall provide that, as appropriate in each case, there will be a thorough diagnostic study which will determine the nature and scope of services needed by the individual, and which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, education, and other related factors which bear on the individual's handicap to employment and rehabilitation needs.

(b) The State plan shall provide that the thorough diagnostic study will be sufficient in each case to determine the vocational rehabilitation services which are needed to attain vocational goals of the handicapped individual and that the findings of such study will be recorded in the individualized written rehabilitation program.

(c) The State plan shall provide that in all cases of visual impairment, a comprehensive evaluation of visual loss will be provided by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, and in the case of blindness, a comprehensive hearing evaluation will also be obtained.

(d) The State plan shall provide that in all cases of hearing impairment, a comprehensive evaluation of hearing loss will be provided by a physician skilled in the diseases of the ear or by a certified audiologist.

(e) The State plan shall provide that in all cases of mental retardation, a psychological evaluation will be obtained which will include a valid test of intelligence and an assessment of social functioning and educational progress and achievement.

(f) The State plan shall provide that the thorough diagnostic study will include, in all cases to the degree needed, an appraisal of the individual's personality, intelligence level, educational achievements, work experience, personal and social adjustment, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed. The State plan shall further provide that the thorough diagnostic study will include, as appropriate for each individual, an appraisal of the individual's patterns of work behavior, his ability to acquire occupational skill and his capacity for successful job performance, including the utilization of work, simulated or real, to assess the individual's capabilities to perform adequately in a work environment.

§ 401.36 Extended evaluation to determine rehabilitation potential.

(a) *Basic conditions.* The State plan shall provide that the furnishing of vocational rehabilitation services under an extended evaluation to determine rehabilitation potential shall be based only upon:

(1) The presence of a physical or mental disability;

(2) The existence of a substantial handicap to employment; and

(3) An inability to make a determination that vocational rehabilitation services might benefit the individual in terms of employability unless there is an extended evaluation to determine rehabilitation potential.

(b) *Duration and scope of services.* Vocational rehabilitation services necessary for the determination of rehabilitation potential, including those provided within a thorough diagnostic study, may be provided to a handicapped individual for a total period not in excess of 18 months.

(c) *Other conditions.* (1) The extended evaluation period shall begin with the date of the certification for extended evaluation to determine rehabilitation potential required in § 401.37(b). Only one period not in excess of 18 months shall be permitted during the period that the case is open. If a case has been closed as a result of a determination that the handicapped individual's needs have changed, such case may be re-opened and a subsequent evaluation of rehabilitation potential may be carried out provided that the conditions in paragraph (a) of this section are met.

(2) Vocational rehabilitation services, authorized after the expiration of the extended evaluation period will be provided only if the certification of eligibility required in § 401.37(a) has been executed by an appropriate State agency staff member.

(d) *Review.* The State plan shall provide for a thorough assessment of the individual's progress as frequently as necessary but at least once in every 90-day period during the period in which services are being provided under an extended evaluation of rehabilitation potential, including periodic reports from the institution, facility, or person providing the services, to determine the results of the provision of such services and to determine whether such individual may be determined to be eligible or ineligible.

(e) *Termination.* The State plan shall provide that at any time prior to the expiration of an 18-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:

(1) The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he can be expected to benefit in terms of employability from vocational rehabilitation services; or

(2) The individual is found ineligible for any additional vocational rehabilitation services since it has been determined beyond any reasonable doubt that he cannot be expected to benefit in terms of employability from vocational rehabilitation services. In each such case, the procedures described in § 401.36(e) shall be followed.

§ 401.37 Certification: eligibility; extended evaluation to determine rehabilitation potential; ineligibility.

(a) *Certification of eligibility.* The State plan shall provide that, prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the basic eligibility requirements specified in § 401.33(b). The State plan shall further provide that the certified statement of eligibility will be dated and signed by an appropriate State agency staff member.

(b) *Certification for extended evaluation to determine rehabilitation potential.* The State plan shall provide that, prior to, and as a basis for providing an extended evaluation to determine rehabilitation potential, there will be a certification that the individual has met the requirements specified in § 401.36(a). The State plan shall further provide that the certified statement will be dated and signed by an appropriate State agency staff member.

(c) *Certification of ineligibility.* The State plan shall provide that whenever it has been determined beyond any reasonable doubt that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by an appropriate State agency staff member. The State plan shall further provide that such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent or guardian, or after affording a clear opportunity for such consultation. In such cases, the State agency shall notify the individual in writing of the action taken and shall inform the individual of the State agency's procedures for administrative review and fair hearings under § 401.45. When appropriate, referral shall be made to other agencies and facilities.

§ 401.38 Individualized written rehabilitation program.

(a) The State plan shall provide that an individualized written rehabilitation program will be initiated and continuously developed for each handicapped individual eligible for vocational rehabilitation services, including each handicapped individual being provided such services under an extended evaluation to determine rehabilitation potential. The State plan shall further provide that vocational rehabilitation services will be provided to such individuals in accordance with such written rehabilitation program. Such written program shall be developed jointly by the appropriate State agency staff member and the handicapped individual or, as appropriate, his parent or guardian, and shall place primary emphasis on the determination and achievement of a vocational goal.

(b) The individualized written rehabilitation program shall be initiated after certification of eligibility under § 401.37 (a) or certification for extended evaluation to determine rehabilitation potential under § 401.37(b).

(c) To the extent pertinent, the individualized written rehabilitation program shall contain all relevant information about the individual and the services provided. The individualized written program shall include, but shall not necessarily be limited to, data supporting the following:

(1) The determination of eligibility or ineligibility, or the decision that an extended evaluation of rehabilitation potential is necessary to make such determination;

(2) Any determination that the handicapped individual is severely handicapped;

(3) The determination of the specific vocational rehabilitation services to be provided and the terms and conditions for the provision of such services, including, in the event that physical and mental restoration services are provided, the determination that the clinical status of the client's disabling condition is stable or slowly progressive, and in the event that services to family members are provided, the basis for such decision.

(4) The projected date for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved;

(5) A procedure and schedule for evaluation of progress toward rehabilitation objectives and goals based upon objective criteria;

(6) The long-range employment goals for the individual and the intermediate rehabilitation objectives related to the attainment of such goals;

(7) Assurance that the handicapped individual has been informed of his rights and the means by which he may express, and seek remedy for, his dissatisfactions, including the opportunity for an administrative review of agency action and fair hearings under § 401.45;

(8) Assurance that the handicapped individual has been advised of the confidentiality of all information pertaining to his case;

(9) The extent of client participation in the cost of services if the State elects to condition the provision of any services on the financial need of the client;

(10) The eligibility of the individual for similar benefits under any other program;

(11) The reason and justification for closing the case, including the employment status of the client, and if the case is determined to be rehabilitated, the basis on which the employment was determined to be suitable;

(12) Any plans for the provision of post-employment services after the employment objective has been achieved and the basis on which such plans were developed; and

(13) Where appropriate, assurance that the handicapped individual has been provided a detailed explanation of the availability of the resources within a client assistance project established under Part 402 of this chapter.

(d) The State plan shall provide that the individualized written program shall be reviewed as often as necessary but at least on an annual basis at which time each handicapped individual, or, as appropriate, his parent or guardian, will be afforded an opportunity to review such program and, if necessary, jointly redevelop its terms.

(e) The State plan shall provide that when services are to be terminated under a written program on the basis of a determination that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible, the following conditions and procedures will be met or carried out:

(1) Such decision shall be made only with the full participation of such individual, or, as appropriate, his parent or guardian, or after offering a clear opportunity for such consultation in those cases where such consultation is precluded because the individual has refused such consultation, his whereabouts are unknown, or his medical condition is rapidly progressive or terminal.

(2) The rationale for such decision shall be recorded as an amendment to the written program certifying that the provision of vocational rehabilitation services demonstrated beyond any reasonable doubt that such individual is not then capable of achieving a vocational goal and a certification of ineligibility under § 401.37(c) shall be executed; and

(3) There shall be a periodic review, at least annually, of the ineligibility decision in which the individual will be afforded clear opportunity for full consultation in the reconsideration of such decision, except in situations where a periodic review would be precluded because the individual has refused services or has refused an annual review, his whereabouts are unknown, or his medical condition is rapidly progressive or terminal.

§ 401.39 Scope of agency program: Vocational rehabilitation services for handicapped individuals.

(a) The State plan shall identify all vocational rehabilitation services to be provided to handicapped individuals, the general scope of agency activities to be undertaken, and the categories of expenditures in which the State agency will request Federal financial participation. Such services shall include:

(1) Evaluation of rehabilitation potential, including diagnostic and related services incidental to the determination of eligibility for, and the nature and scope of services to be provided;

(2) Counseling and guidance, including personal adjustment counseling, to maintain a counseling relationship throughout a handicapped individual's program of services; and referral necessary to help handicapped individuals secure needed services from other agencies when such services are not available under the Act;

(3) Physical and mental restoration services;

(4) Vocational and other training services, including vocational, prevocational, personal and vocational adjustment; books, tools and other training materials;

(5) Maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) Transportation, in connection with the rendering of any vocational rehabilitation service;

(7) Services to members of a handicapped individual's family when such services are necessary to the adjustment or rehabilitation of the handicapped individual;

(8) Interpreter services for the deaf;

(9) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

(10) Telecommunications, sensory and other technological aids and devices;

(11) Recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement and other appropriate public service employment;

(12) Placement in suitable employment;

(13) Post-employment services, necessary to assist handicapped individuals to maintain their employment;

(14) Occupational licenses, tools, equipment, initial stocks (including livestock) and supplies; and

(15) Other goods and services which can reasonably be expected to benefit a handicapped individual in terms of employability.

(b) The State plan shall further provide that the State agency shall establish in writing and maintain current policies with respect to the scope and nature of each of the vocational rehabilitation services specified in paragraph (a) of this section, and the conditions, criteria, and procedures under which each of such services is to be provided. In the case of telecommunications, sensory, and other technological aids and devices, such policies shall ensure that when individualized prescriptive fittings are required, such fittings shall be performed by individuals licensed to perform such fittings in accordance with State licensure laws, where applicable, or by appropriate certified professionals when State laws do not apply. Newly developed aids and devices not requiring individualized fittings must meet engineering and safety standards, recognized by experts in the field, as determined by the Secretary.

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§ 401.40 Individuals determined to be rehabilitated.

(a) The State plan shall provide that when an individual is determined to be rehabilitated, such individual must have been, as a minimum:

(1) Determined to be eligible under § 401.37(a);

(2) Provided an evaluation of rehabilitation potential, and counseling and guidance as essential vocational rehabilitation services;

(3) Provided appropriate vocational rehabilitation services in accordance with the individualized written rehabilitation program developed under § 401.38; and

(4) Determined to have achieved a suitable employment objective which has been maintained for a period of time not less than 60 days.

(b) The State plan shall further provide that after individuals have been determined to be rehabilitated, the State agency shall provide post-employment services to those individuals who require such services to the extent necessary to maintain suitable employment.

§ 401.41 Authorization of services.

The State plan shall provide that written authorization will be made, either simultaneously with or prior to the purchase of services, and will be retained. Where a State agency employee is permitted to make oral authorization in an emergency situation, the State plan shall provide for prompt documentation of such oral authorization in the client's case record and such authorization shall be confirmed in writing and forwarded to the provider of the services.

§ 401.42 Standards for facilities and providers of services.

(a) The State plan shall provide that the State agency will establish in writing and maintain standards for the various types of facilities and providers of services utilized by the State agency in providing vocational rehabilitation services to handicapped individuals. The State agency shall make such standards accessible to State agency personnel and to the public.

(b) The Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in any facility utilized in providing services.

§ 401.43 Rates of payment.

The State plan shall provide for the establishment in writing of policies governing rates of payment for all purchased vocational rehabilitation services, and provide that the State agency will maintain in accessible form information as to current rates of payment. The State plan shall further provide that individual or other vendors providing any services authorized by the State agency shall agree not to make any charge to or accept any payment from the handicapped individual or his family for such services unless the amount of such service charge or payment is previously known to and, where applicable, approved by the State agency.

§ 401.44 Participation by handicapped individuals in the costs of vocational rehabilitation services.

(a) *Financial need.* (1) There is no Federal requirement that the financial need of a handicapped individual be considered in the provision of any vocational rehabilitation service.

(2) If the State elects to consider the financial need of handicapped individuals for purposes of determining the extent of their respective participation in the costs of vocational rehabilitation services, the State agency shall establish in writing and maintain policies with respect to the determination of financial need, and the State plan shall specify the types of vocational rehabilitation services for which the agency has established an economic needs test. The policies so established shall be reasonable and shall be applied uniformly so that equitable treatment is accorded all handicapped individuals in similar circumstances.

(3) The State plan shall provide that no economic needs test will be applied as a condition for furnishing the following vocational rehabilitation services:

(i) Evaluation of rehabilitation potential, including diagnostic and related services;

(ii) Counseling, guidance, and referral services; and

(iii) Placement.

(b) *Consideration of similar benefits.* (1) The State plan shall provide that, in all cases, the State agency will give full consideration to any similar benefits available to a handicapped individual under any other program to meet, in whole or in part, the cost of any vocational rehabilitation services provided to such a handicapped individual, except the following:

(i) Evaluation, of rehabilitation potential, including diagnostic and related services;

(ii) Counseling, guidance and referral;

(iii) Vocational and other training services, including personal and vocational adjustment training, books and other training materials, except for training or training services in institutions of higher education;

(iv) Services to members of a handicapped individual's family;

(v) Placement; and

(vi) Post-employment services, including follow-along;

(2) The State plan shall provide that the State agency will give full consideration to any similar benefit available under any other program to a handicapped individual to meet, in whole or in part, the cost of physical and mental restoration services and maintenance provided to such a handicapped individual except where such consideration would significantly delay the provision of such services to an individual;

(3) The State plan shall provide that when, and to the extent that, an individual is eligible for such similar benefits, such benefits will be utilized insofar as they are adequate, timely and do not interfere with achieving the rehabilitation objective of the individual.

§ 401.45 Administrative review of agency action, and fair hearing.

(a) The State plan shall provide that an applicant for or recipient of vocational rehabilitation services under the State plan who is dissatisfied with any action with regard to the furnishing or denial of such services may file a request for an administrative review and redetermination of that action to be made by a member or members of the supervisory staff of the State agency. The State plan shall further provide that when the individual is dissatisfied with the finding of this administrative review, he shall be granted an opportunity for a hearing before the State administrator or his designee.

(b) Each applicant for or recipient of vocational rehabilitation services shall be informed of the opportunity available to him under paragraph (a) of this section.

§ 401.46 Confidential information.

(a) The State plan shall provide that the State agency will adopt such regulations as are necessary to assure that:

(1) All information as to personal facts given or made available to the State agency, its representatives, or its employees, in the course of the administration of the vocational rehabilitation program, including lists of names and addresses and records of agency evaluation, shall be held to confidential;

(2) The use of such information and records shall be limited to purposes directly connected with the administration of the vocational rehabilitation program;

(3) Except as provided in subparagraph (5) of paragraph (a) of this section, information shall not be disclosed directly or indirectly, other than in the administration of the vocational rehabilitation program, unless the informed consent of the client has been obtained in writing;

(4) Release of information to any individual, agency, or organization shall be conditioned upon satisfactory assurance by such individual, agency, or organization that the information will be used only for the purpose for which it is provided and that it will not be released to any other individual, agency, or organization;

(5) Information may be released to agencies providing social services or income maintenance from which the client has requested certain services or cash payments under circumstances from which his consent may be presumed;

(6) Upon written request of the client, information shall be released to the client or his representative for purposes in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency: *Provided*, (i) That only such information as is relevant to the needs of the client shall be released, and (ii) in case of medical information, the knowledge of which may be harmful to the client, such information shall be released to the representative of the client; and

(7) Information will be released to an organization or individual engaged in research only for purposes directly connected with the administration of the State vocational rehabilitation program and only if the organization or individual furnishes satisfactory assurance that the information will be used only for the purpose for which it is provided; that it will not be released to persons not connected with the study under consideration; and that the final product of the research will not reveal any information that may serve to identify any person about whom information has been obtained through the State agency without written consent of such person and the State agency.

(b) The State plan shall further provide that all information is the property of the State agency;

(c) The State plan shall further provide that the State agency will adopt such procedures and standards as are necessary to:

(1) Give effect to these regulations; and

(2) Assure that all vocational rehabilitation applicants, clients, providers of services, and interested persons will be informed as to the confidentiality of vocational rehabilitation information.

§ 401.47 Scope of agency program: Small business enterprises for the most severely handicapped individuals.

(a) The State plan may provide for management services and supervision provided to small business enterprises (including vending facilities) operated by the most severely handicapped individuals, and may also provide for establishing such small business enterprises. If the State plan so provides, it shall further provide that the State agency shall establish in writing and maintain:

(1) A description of the types of small business enterprises to be established under the program;

(2) A description of the policies governing the acquisition of vending facilities or other equipment and initial stocks (including livestock) and supplies for such businesses;

(3) A description of the policies governing the management and supervision of the program;

(4) A description of how management and supervision will be accomplished either by the State agency, or by some other organization as the nominee of such agency, subject to its control; and

(5) Assurance that only the most severely handicapped individuals will be selected to participate in this supervised program.

(b) If the State agency elects to set aside funds from the proceeds of the operation of such enterprises, the State plan shall also provide that the State agency shall establish in writing and maintain a description of the methods used in setting aside such funds, and the purpose for which such funds are set aside. Such funds may be used only for small business enterprise program purposes and any benefits for operators must be provided on an equitable basis.

§ 401.48 Scope of agency program: Establishment of rehabilitation facilities.

The State plan may provide for the establishment of public or other nonprofit rehabilitation facilities. If the State plan so provides, it shall:

(a) Provide that the State agency will determine that needs for individual rehabilitation facilities exist prior to their establishment and that such establishment will be consistent with State rehabilitation facilities planning and will not duplicate other resources available to rehabilitation facilities;

(b) Provide that the State agency shall establish in writing and maintain standards and criteria applicable to such rehabilitation facilities with respect to physical plant, equipment, personnel, administration and management, safety, and other pertinent conditions and, insofar as workshops are concerned, the State agency shall establish in writing and maintain criteria and standards applicable with respect to health conditions, wages, hours, working conditions, workmen's compensation or liability insurance, and other pertinent conditions. Such standards and criteria shall incorporate, insofar as applicable, any standards and criteria established by the Secretary;

(c) Provide that the primary purpose of the construction of any rehabilitation facility is to construct a rehabilitation facility in which vocational rehabilitation services or transitional or extended employment will be provided to handicapped individuals;

(d) Provide that the total Federal financial participation in the expenditures for the construction of rehabilitation facilities for a fiscal year shall not exceed 10 per centum of the State's allotment for such year under section 110 of the Act;

(e) Provide that for each fiscal year the amount of the State's share of expenditures for vocational rehabilitation services under the plan, other than for the construction of rehabilitation facilities and the establishment of rehabilitation facilities, shall be at least equal to the average of its expenditures for such other vocational rehabilitation services for the preceding three fiscal years; and

(f) Provide that in addition to any other requirement imposed by law, each proposal for the construction of a rehabilitation facility will be subject to the requirements for the construction of a rehabilitation facility under Part 402 of this chapter and the condition that the applicant will furnish and comply with all assurances set forth in the application.

§ 401.50 Scope of agency program: Facilities and services for groups of handicapped individuals.

The State plan may provide for facilities and services which may be expected to contribute substantially to the rehabilitation of a group of individuals, but which are not related directly to the rehabilitation plan of any one handicapped individual. If the State plan so provides, it shall further provide that the State agency shall establish in writing and maintain policies for the provision of such facilities and services.

§ 401.51 Utilization of community facilities.

The State plan shall provide that, in the provision of vocational rehabilitation services, maximum utilization will be made of public or other vocational or

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technical training facilities or other appropriate resources in the community.

§ 401.52 Periodic review of extended employment in rehabilitation facilities.

The State plan shall provide for periodic review and revaluation, at least annually, of the status of those handicapped individuals who have been placed by the State agency in extended employment in rehabilitation facilities, including workshops, to determine the feasibility of their employment or their training for future employment in the competitive labor market. The State plan shall further provide that maximum effort will be made to place such individuals in competitive employment or training for such employment whenever determined to be feasible.

Subpart C—Financing of State Vocational Rehabilitation Programs

Federal Financial Participation

§ 401.70 Effect of State rules.

Subject to the provision and limitations of the Act and this part, Federal financial participation will be available in expenditures made under the State plan (including the administration thereof) in accordance with applicable State laws, rules, regulations, and standards governing expenditures by State and local agencies.

§ 401.71 Vocational rehabilitation services to individuals.

(a) Federal financial participation will be available in expenditures made under the State plan for providing an evaluation of rehabilitation potential, including diagnostic and related services necessary for determining an individual's eligibility for vocational rehabilitation services, and the nature and scope of services to be provided.

(b) Federal financial participation will also be available in expenditures made under the State plan for providing the following vocational rehabilitation services to handicapped individuals:

(1) Counseling, guidance and referral;

(2) Physical and mental restoration services;

(3) Vocational and other training services, including personal and vocational adjustment, books and training materials: *Provided*, That no training or training services in institutions of higher education (colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) shall be paid for with funds under this part unless maximum efforts have been made by the State agency to secure grant assistance in whole or in part from other sources to pay for such training or training services;

(4) Maintenance, not to exceed the estimated cost of subsistence, provided in connection with vocational rehabilitation services at any time from the date of initiation of such services through the provision of post-employment services;

(5) Transportation, including costs of travel and subsistence during travel (or per diem payments in lieu of subsistence);

(6) Services to members of a handicapped individual's family when such services are necessary to the adjustment or rehabilitation of the handicapped individual;

(7) Interpreter services for the deaf;

(8) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

(9) Telecommunications, sensory or other technological aids and devices.

(10) Recruitment and training services for new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment;

(11) Placement in suitable employment;

(12) Post-employment services;

(13) Occupational licenses, tools, equipment and initial stocks and supplies. "Equipment" as used herein includes shelters which are only those facilities for a business undertaking customarily furnished by the operator of a like undertaking occupying premises under a short-term lease;

(14) Other goods and services not contraindicated by the Act and this part, necessary to determine the rehabilitation potential of a handicapped individual or to be of benefit to him in terms of his employability. (This may include expenditures for short periods of medical care for acute conditions arising during the course of rehabilitation, which, if not cared for, would constitute a hazard to the evaluation of rehabilitation potential or to the achievement of the vocational objective.)

(c) Federal financial participation will not be available in any expenditure made, either directly or indirectly, for the purchase of any land, or for the purchase or erection of any building for any one handicapped individual. This exclusion with respect to buildings does not apply to shelters as described in paragraph (b) (13) of this section.

(d) Federal financial participation is not available for any drug or drug product, provided as part of physical and mental restoration services, for which the Food and Drug Administration has made an initial determination, published in the Federal Register, that there is a lack of substantial evidence of effectiveness for all indications (i.e., the drug is classified as less than "effective"). This policy applies to all identical, similar or related products whether or not specifically mentioned in the Federal Register notice. Lists of such drug products are available from the Department of Health, Education, and Welfare.

§ 401.72 Small business enterprises for the most severely handicapped.

(a) Federal financial participation will be available in expenditures made under the State plan for the acquisition of equipment, and initial stocks (including livestock) and supplies for small business enterprises for the most severely handicapped individuals, and management services and supervision provided by the State agency to improve the operation of such small business enterprises (including vending facilities). "Equipment" as used herein includes shelters, which are only those facilities for a business undertaking which are customarily furnished by the operator of a like undertaking occupying premises under a short-term lease. Federal financial participation will not be available in any expenditure for the purchase of any land, nor for the purchase or erection of any building. This exclusion with respect to buildings does not apply to shelters as described in this paragraph;

(b) Federal financial participation is available for expenditures specified under paragraph (a) of this section, which are made from funds set-aside by the State agency from the proceeds of the operation of small business enterprises for the most severely handicapped individuals under its management and supervision.

§ 401.73 Establishment of rehabilitation facilities.

(a) Federal financial participation will be available in expenditures made under the State plan for the establishment of public and other nonprofit rehabilitation facilities for the following types of expenditures, except as limited in paragraph (b) of this section:

(1) Acquisition of existing buildings;

(2) Remodeling and alteration of existing buildings;

(3) Expansion of existing buildings;

(4) Architect's fees;

(5) Site survey and soil investigation;

(6) Initial fixed or movable equipment of existing building;

(7) Initial staffing of rehabilitation facilities; and

(8) Such other direct expenditures as are appropriate to the establishment project.

(b) Federal financial participation will not be available in any expenditure:

(1) For the acquisition of an existing building when the cost of acquisition of such building is in excess of $200,000;

(2) For the purchase or rental of land, or rental of buildings in connection with the establishment of rehabilitation facilities;

(3) For the remodeling or alteration of an existing building when the estimated cost of such remodeling or alteration exceeds the fair market value of such building prior to the remodeling or alteration;

(4) For the expansion of an existing building which has not been completed in all respects;

(5) For the expansion of an existing building to the extent that the total size of the resultant expanded building, determined in square footage of usable space, will be greater than twice the size of the original existing building; or

(6) For the expansion of an existing building if the method of joining the expanded portion of the existing building indicates that, in effect, a separate structure is involved.

(c) The amount of Federal financial participation in the establishment of a rehabilitation facility, including initial equipment, and inital staffing for a period not to exceed 4 years and 3 months, shall be 80 per centum.

(d) Funds made available to a private nonprofit agency for the establishment of a rehabilitation facility shall be expended by that agency in accordance with procedures and standards equivalent to those of the State agency in making direct expenditures for similar purposes.

§ 401.74 Construction of rehabilitation facilities.

(a) Federal financial participation will be available in expenditures made under the State plan for the construction of public or other nonprofit rehabilitation facilities for the following types of expenditures:

(1) Acquisition of land;

(2) Acquisition of existing buildings;

(3) Remodeling, alteration or renovation of existing buildings;

(4) Construction of new buildings and expansion of existing buildings when the expansion is extensive enough to be tantamount to new construction;

(5) Architect's fees;

(6) Site survey and soil investigation;

(7) Initial fixed or movable equipment of such new, newly acquired, expanded, remodeled, altered or renovated buildings;

(8) Works of art in an amount not to exceed 1 per centum of the total cost of the project; and

(9) Such other direct expenditures as are appropriate to the construction project: *Provided, however,* That Federal financial particiaption will not be available for the costs of offsite improvements.

(b) The amount of Federal financial participation in the construction of a rehabilitation facility shall be equal to the same percentage of the cost of the project as the Federal share which would be applicable in the case of a rehabilitation facility (as defined in section 645(g) of the Public Health Service Act, 42 U.S.C. 291(a)), in the same location.

(c) Funds made available to a private nonprofit agency for the construction of a rehabilitation facility shall be expended by that agency in accordance with procedures and standards equivalent to those of the State agency in making direct expenditures for similar purposes.

§ 401.75 Facilities and services for groups of handicapped individuals.

Federal financial participation will be available in expenditures made under a State plan for the provision of other facilities and services which may be expected to contribute substantially to the rehabilitation of a group of handicapped individuals but which are not related directly to the rehabilitation of any one handicapped individual.

§ 401.76 Administration.

Federal financial participation will be available in expenditures under the State plan for administration. Administration includes, among other things: Program planning, development, evaluation, and control; research; interpretation of the program to the public; personnel administration, including the administration of affirmative action plans; use of advisory committees; and training and staff development, including educational leave, for State agency personnel. All expenditures for administration in which Federal financial participation is claimed must be subject to the administrative or supervisory control of the sole State agency, or, if performed by some other agency of the State, must be subject to such terms of a cooperative-arrangement as will serve to assure consistency with the State agency's policies and objectives. Such expenditures must be made pursuant to the cost principles prescribed by Subpart Q of Part 74 of this title.

§ 401.77 Purchase of goods, facilities, or services from other agencies of the State.

Federal financial participation will be available in expenditures under the State plan for payment of the costs incurred by other agencies of the State furnishing goods, facilities, or services to the State agency, pursuant to the cost principles prescribed by Subpart Q of Part 74 of this title.

§ 401.78 Insurance and taxes.

Federal financial participation will be available in expenditures made under the State plan for:

(a) The State agency's share of costs in employee benefit programs;

(b) Workmen's compensation;

(c) Burglary, robbery, and fire insurance, if permitted by the State, and reasonably necessary to protect funds in transit or in the custody of State or local agency personnel;

(d) Motor vehicle liability costs, where the State accepts responsibility for such loss; and

(e) Federal, State, and local taxes, if the State agency is legally obligated to pay such taxes: *And provided,* That all comparable agencies in the State are uniformly treated. All such expenditures shall be made pursuant to the cost principles prescribed by Subpart Q of Part 74 of this title.

§ 401.79 Cost of space.

Federal financial participation will be available in expenditures made under the State plan for costs of space for State agencies that are incurred (a) for paying rent and service and maintenance costs in privately owned buildings; (b) in meeting the costs of service and maintenance in lieu of rent in publicly owned buildings; (c) in meeting rental charges in federally and municipally owned buildings, where the municipality is not administering the vocational rehabilitation program locally; (d) in making necessary repairs and alterations to either private or publicly owned buildings; and (e) for monthly rental charges, based on the cost of initial construction or purchase of State or locally owned buildings: *Provided,* That such expenditures are made pursuant to the cost principles prescribed in Subpart Q of Part 74 of this title.

§ 401.80 State and local funds.

(a) In order to receive the Federal share of expenditures under the State plan, expenditures from State or local funds under such plan equal to the State's share must be made. Such funds may not consist of Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. The State's share shall be the difference between the Federal share (§ 401.86(a)), and 100 per centum.

(b) For the purposes of this section, "State or local funds" means:

(1) Funds made available by appropriation directly to the State or local agency, funds made available by allotment or transfer from a general departmental appropriation, or funds otherwise made available to the State or local agency by any unit of State or local government, including any funds, goods or services made available by such unit for vocational rehabilitation activities under cooperative programs pursuant to § 401.13;

(2) Contributions by private organizations or individuals, which are deposited in the account of the State or local agency in accordance with State law, for expenditure by, and at the sole discretion of, the State or local agency: *Provided, however,* That such contributions earmarked for meeting the State's share for providing particular services, for serving certain types of disabilities, for providing services for special groups which are identified on the basis of criteria which would be acceptable for the earmarking of public funds, or for carrying on types of administrative activities so identified may be deemed to be State funds, if permissible under State law, except that Federal financial participation will not be available in expenditures that revert to the donor's use or facility;

(3) Funds set aside pursuant to § 401.72(b); or

(4) Contributions by private agencies, organizations or individuals deposited in the account of the State or local agency in accordance with State law, which are earmarked, under a condition imposed by the contributor, for meeting (in whole or in part) the State's share for establishing or constructing a particular rehabilitation facility, if permissible under State law: *Provided, however,* That such funds may be used to earn Federal funds only with respect to expenditures for establishing or constructing the particular rehabilitation facility for which the contributions are earmarked: *Provided, further,* That funds shall be subject to any limitation that the Secretary may impose pertaining to the amount of Federal funds available for paying the Federal share of expenditures for such establishment or construction.

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§ 401.81 Shared funding and administration of joint projects or programs.

Where the Secretary has approved a request by the State agency to participate in a joint project or program with another agency or agencies of the State, or with a local agency, in accordance with § 401.11, Federal financial participation will be available in the State agency share of costs for which there is such Federal participation under the Act.

§ 401.82 Waiver of Statewideness.

If the approved State plan provides for activities to be carried out in one or more political subdivisions through local financing (§ 401.12); Federal financial participation will be available in expenditures made under the State plan for vocational rehabilitation services and administration in connection with such activities in accordance with the provisions of this subpart, except that funds made available to the State agency by such political subdivisions of the State (including funds contributed to such a subdivision by a private agency, organization or individual) may be earmarked for use within a specific geographical area or for use at a specific facility or for the benefit of a group of individuals with a particular disability: *Provided*, That nothing in this paragraph shall authorize the further earmarking of funds for a particular individual or for members of a particular organization, and that Federal financial participation will not be available in expenditures that revert to the donor's use or facility where the donor is a private agency, organization or individual.

ALLOTMENT AND PAYMENT

§ 401.85 Allotment of Federal funds for vocational rehabilitation services.

(a) For each fiscal year each State shall be entitled to an allotment of an amount authorized by the Act to be appropriated for that fiscal year for making grants to States for meeting the cost of vocational rehabilitation services under section 100(b)(1) of the Act as the product of the population of the State and the square of its allotment percentage bears to the sum of the corresponding products for all States, subject to the provision in paragraph (b) of this section. For any fiscal year the allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) which is less than one-quarter of 1 per centum of the amount appropriated under section 100(b)(1) or $2 million, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments of each of the remaining such States, but with such adjustments as may be necessary to prevent the allotments of any such remaining States from being thereby reduced to less than that amount.

(1) Population, as applied to any State, means the population of that State as determined by official estimates furnished to the Secretary by the Department of Commerce by October 1 of the year preceding the fiscal year for which Federal grant funds are appropriated.

(2) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capital income of such State bears to the per capita income of the United State (i.e., the 50 States, the District of Columbia), except that the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa and the Trust Territory of the Pacific Islands shall be 75 per centum.

(3) The allotment percentage shall be promulgated by the Secretary between July 1 and September 30 of each even numbered year, on the basis of the average of the per capita income of the States and of the United States (i.e., the 50 States and the District of Columbia) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the 2 fiscal years in the period beginning July 1, next succeeding such promulgation.

(b) If at any time after the start of any fiscal year, or after a review by the Secretary after March 1 of such fiscal year, the Secretary determines, after reasonable opportunity for the submission of comments by the State agency, that any amount of an allotment to a State for any fiscal year will not be utilized by the State carrying out the purposes of the State vocational rehabilitation program, he shall make such amount available for carrying out the purposes of this part to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. When such amounts are made available to such other States, they shall be distributed to those States which can most effectively utilize such additional amount in proportion to the amount which each State's allotment bears to the total of all such States' allotments. Any amount made available to a State for any fiscal year pursuant to such reallotment shall be regarded as an increase of such State's allotment for such year.

(c) Where the State plan designates separate agencies to administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, the division of the State's allotment pursuant to paragraph (a) and (b) of this section between such agencies is a matter for State determination.

(d) The total Federal financial participation in the expenditures for construction for a fiscal year may not exceed 10 per centum of the State's allotment for such year. The amount of the State's share of expenditures for vocational rehabilitation services other than for the establishment of rehabilitation facilities or for construction of rehabilitation facilities shall be at least equal to the average of its expenditures for such other vocational rehabilitation services for the preceding 3 fiscal years.

§ 401.86 Payments for allotments for vocational rehabilitation services.

(a) Except as provided in § 401.85(d), the Secretary shall pay to each State an amount equal to the Federal share of the cost of vocational rehabilitation services under its approved State plan, including the cost of expenditures for the administration of the plan. The Federal share for each State shall be 80 per centum, except for expenditures to meet the cost of construction of rehabilitation facilities.

(b) If the payment to a State for any fiscal year is less than the total payments such State received under section 2 of the Vocational Rehabilitation Act for the fiscal year ending June 30, 1973, such State shall be entitled to an additional payment, equal to the difference between such payments and the amount so received by it. Such additional payment shall be subject to the same terms and conditions applicable to other payments made under this subpart.

(c) (1) The total of payments to a State under this section for any fiscal year may not exceed its allotment under § 401.85 and any additional payment under § 401.86(b) increasing such allotment for such year and such payments shall not be made which would result in a violation of the provision specified in § 401.85(d).

(2) Amounts otherwise payable to a State under this section for any fiscal year shall be reduced by the amount (if any) by which expenditures from non-Federal sources, as specified in § 401.80 (except for expenditures with respect to which the State is entitled to payments under Subpart F of this part) for such fiscal year under such State's approved plan for vocational rehabilitation services are less than such expenditures under such plan for the fiscal year ending June 30, 1972. The expenditures under the State plan for fiscal year 1972, pursuant to the preceding sentence, shall be determined on the basis of such information, including reports from the States, as the Department had on June 30, 1973. If a reduction in payments for any fiscal year is required in the case of a State where separate agencies administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, such reduction shall be made in direct relation to the amount by which expenditures from non-Federal sources under each part of the plan are less than they were under that part of the plan during the fiscal year ending June 30, 1972.

(d) Payments made under this part shall be subject to the condition that the State's performance in conducting a vocational rehabilitation program shall meet the general standards for evaluation developed by the Secretary under Part 402 of this chapter. In cases where a State's performance fails to meet such general standards, payments may be withheld pursuant to the provisions of § 401.5.

§ 401.87 Method of computing and making payments.

(a) *Estimates.* The Secretary shall, prior to the beginning of each fiscal quarter or other period prescribed by him, estimate the amount to be paid to each State from its allotment for vocational rehabilitation services under section 110 of the Act, and its allotment for innovation and expansion projects under section 120 of the Act. This estimate will be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(b) *Payments.* The Secretary shall pay, from the allotment available therefor, the amount so estimated for such period. In making any such payment, such additions and subtractions will be made as the State's accounting for any prior period and audit thereof may indicate as necessary in balancing the Federal-State account for any such prior period. Payments shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Secretary may determine.

§ 401.88 Effects of payments.

(a) Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Secretary to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any requirement of the Act or of this part.

(b) The final amount to be paid for any period is determinable on the basis of expenditures under the State plan for which Federal financial participation is authorized. The State shall assume full responsibility for the application of Federal funds to authorized plan purposes.

§ 401.89 Refunds.

Any amount refunded or repaid to the State shall be credited to the Federal account in proportion to the Federal participation in the expenditures by reason of which such refunds or repayments were made, and such sums shall be considered as granted from the State's allotment.

§ 401.90 Determining to which fiscal year an expenditure is chargeable.

In determining to which Federal fiscal year expenditures are chargeable, States shall be governed by the following:

(a) Expenditures are chargeable to a particular fiscal year in accordance with State laws or regulations. In the absence of applicable provisions of State laws or regulations, the actual date of the expenditure will be controlling.

(b) In the event that a State's fiscal year does not coincide with the Federal fiscal year, appropriate State laws or regulations governing the recording of expenditures will govern.

(c) In those States which appropriate funds for a biennium, the principles provided in State laws, regulations and practices, for determining to which year of the biennium an expenditure is charged will apply.

Subpart D—Payment of Costs of Vocational Rehabilitation Services for Disability Beneficiaries From the Social Security Trust Funds

§ 401.110 General.

(a) Section 222 of the Social Security Act provides for the payment from the trust funds of costs of vocational rehabilitation services furnished to disability beneficiaries. Within the limits authorized under section 222, trust funds will be available for payment by the Secretary to the States to provide for vocational rehabilitation services (and related costs of administration) for disability beneficiaries under State plans approved under the Act.

(b) To receive trust funds for vocational rehabilitation, each State agency is required to submit an amendment to its State plan which sets forth its policy and procedures for providing vocational rehabilitation services to disability beneficiaries in keeping with the purpose as stated below and which meets the requirements and conditions prescribed herein.

§ 401.111 Purpose.

With the purpose of making it possible for more disability beneficiaries to receive vocational rehabilitation services, money is made available from the trust funds to finance the vocational rehabilitation of selected beneficiaries. This money will be used in such a way that the saving from the amount of benefits that would otherwise have to be paid and the increased contributions to the trust funds paid by virtue of the earnings of beneficiaries who return to work will exceed, or at least equal, the money paid from the trust funds for rehabilitation costs.

§ 401.112 Applicability of other regulations.

The provisions governing vocational rehabilitation services to disability beneficiaries, the costs of which are paid from trust funds, must conform to all requirements elsewhere in this part governing the State vocational rehabilitation programs which are not inconsistent with the requirements prescribed in this subpart.

§ 401.113 Definitions.

(a) "Disability beneficiary" means a disabled individual who is entitled to benefits under section 223 of the Social Security Act (including disabled individuals serving a waiting period prior to such entitlement), a disabled individual age 18 or over who is entitled to child's insurance benefits under section 202(d) of the Social Security Act, or a disabled widow, widower, or surviving divorced wife under section 202 (e) and (f) of the Social Security Act.

(b) "Productive activity" means full-time employment, part-time employment, or self-employment wherein the nature of the work activity performed, the earnings received, or both, or the capacity to engage in such employment or self-employment, can reasonably be expected to result in the termination of entitlement to disability insurance benefits or in the nonpayment of benefits where entitlement is based on statutory blindness.

(c) "Trust Funds" means funds derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for purposes of vocational rehabilitation pursuant to section 222(d) of the Social Security Act.

§ 401.114 State plan requirements.

For a State to receive trust funds the State plan must contain the following provisions regarding vocational rehabilitation services to disability beneficiaries.

(a) *Conformance to selection criteria.* The State plan shall provide that, to the extent funds provided from the trust funds are adequate for that purpose, vocational rehabilitation services will be furnished to disability beneficiaries in the State who the State determines on the basis of medical, vocational, social, personal, or other factors are eligible for services and who meet the following requirements:

(1) The disabling impairment is not so rapidly progressive as to outrun the effect of vocational rehabilitation services to the extent that restoration of the beneficiary to productive activity is precluded;

(2) The disabling effect of the impairment, without the services planned, is expected to remain at a level of severity which would result in the continuing payment of disability benefits;

(3) There is a reasonable expectation that the provision of services will enable the individual to engage in productive work activity; and

(4) The reasonably predictable period of productive work activity is of sufficient duration that the benefits to be saved and the contributions which would be paid to the trust funds on future earnings would offset the cost of the services planned.

(b) *Order of selection.* To the extent that funds provided for this purpose are adequate, the State plan shall provide that the order of selection for services shall be in accordance with the beneficiary's readiness and potential for rehabilitation to productive activity and without regard to any other order of selection set forth in the State plan.

(c) *Citizenship, residence, and economic need.* The State plan shall provide that any disability beneficiary who meets the other requirements for selection for vocational rehabilitation services shall be provided with authorized services without regard to

(1) citizenship, or

(2) place of residence, or

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(3) need for financial assistance.

(d) *Promptness of services.* The State plan shall provide that services will be furnished with reasonable promptness to disability beneficiaries selected under paragraphs (a), (b), and (c) of this section.

(e) *Services available.* The State plan shall provide that vocational rehabilitation services available to disability beneficiaries selected for such services shall include the full range of services authorized in the Act, to the extent that such services are consistent with this subpart, subject to the conditions and limitations with respect to the use of trust funds prescribed in § 401.115.

(f) *Staff, supervision and training.* The State plan shall provide for staff, supervision, and training of personnel to carry out the functions of this subpart in an effective manner.

§ 401.115 Conditions and limitations.

Costs of vocational rehabilitation services (and administration) paid from trust funds shall be subject to the following conditions and limitations:

(a) Trust funds will not be used to pay costs of establishment or construction of a rehabilitation facility.

(b) Trust funds will not be used to pay the costs of maintenance while an individual is receiving vocational rehabilitation services unless it is necessary for the individual to be away from home to receive such services. The costs of such maintenance shall not exceed the amount of increased expenses that are necessitated by the rehabilitation program.

(c) Where trust funds are used to pay the cost of equipment, initial stock and supplies, including that for a vending stand or other small business enterprise, for the rehabilitation of a beneficiary, the State agency shall establish appropriate controls to assure that such equipment and stock no longer required by that beneficiary are utilized by another beneficiary. When it is unlikely that such equipment and stock will be needed by another beneficiary within a reasonable period of time, it may be disposed of according to usual State agency procedures with appropriate credit to the trust funds.

§ 401.116 Payments of trust funds.

(a) *Payment and distribution of funds.* (1) Payment from available trust funds may be made in advance or by way of reimbursement for agency costs of providing services (including administration) under an approved amended State plan.

(2) In distributing funds to the States, the Secretary will consider agency estimates, the number of disability beneficiaries in the State, and such other factors as the Secretary may determine.

(3) The Secretary will make necessary adjustments or redistribution on account of overpayments, underpayments, and unused funds.

(b) *Payments for services and administration.* (1) Payment from trust funds may be made for the cost of determining the eligibility for and the character of vocational rehabilitation services needed by a disability beneficiary, or a claimant for disability benefits, if it appears there is a strong likelihood that such claimant will be found entitled to such disability benefits (even though later it is not so found), to the extent that such costs were incurred with respect to such claimant prior to the receipt by the State agency of notice of a determination of nonentitlement.

(2) Other authorized services provided prior to determination of entitlement to persons meeting the selection criteria may be paid for from trust funds if and when the State agency receives notice that the individual has been determined to be entitled to disability benefits.

(3) In no case, however, may services be paid for from the trust funds which are provided before

(i) The effective date of the approved amended State plan,

(ii) The beginning of the period of disability, or

(iii) The filing of application for disability benefits, whichever is latest, or in the case of a disabled child the date of entitlement to child's benefits because of disability.

(c) *Reversal of determination of nonentitlement for disability benefits.* Payment from the trust funds for services which have been rendered to a claimant otherwise eligible therefor who has been found not entitled to disability benefits may, if much finding is later reversed on reconsideration, appeal, or judicial review, be made retroactively for the fiscal year in which notice of the reversal is received by the State agency, provided at that time services consistent with the purpose of this subpart are being currently rendered to the claimant.

(d) *Termination of disability benefits.* Payment for services after receipt by the State agency of notice that entitlement to disability benefits has terminated shall not be made from trust funds, except when the services have been started and the individual case plan reflects that commitments of monies were made for those services prior to receipt of notice of such termination, i.e., written contracts, purchase orders, or equivalent authorizations have been issued, or lump sum payment may have been required to have been made in advance such as in the case of tuition or training expenses. In no case may payment be made for costs of services extending more than four months after the month in which entitlement to disability benefits terminates or in which notice that entitlement to disability benefits has terminated is received by the State agency, which ever is later.

§ 401.117 Budgets.

Periodically, as may be required, the State shall prepare and submit a budget estimate of trust funds needed to pay the costs of vocational rehabilitation services for disability beneficiaries and for the administration of such services.

§ 401.118 Reports.

The State shall submit reports of expenditures and case services activities in behalf of beneficiaries, in such form and in such detail and frequency as determined necessary by the Secretary. All records, procedures, and operational activities of the State agency, the costs of which are paid from trust funds, shall be subject to evaluative study, inspection, review, and audit.

Subpart F—Grants for Innovation and Expansion of Vocational Rehabilitation Services

§ 401.150 Purpose.

Under section 121(a) of the Act, grants may be made for the purpose of paying a portion of the cost of planning, preparing for, and initiating special programs under the State plan in order to expand vocation rehabilitation services, including:

(a) Programs to initiate or expand such services to the most severely handicapped, or

(b) Special programs to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor and the responsibility for whose treatment, education, and rehabilitation is shared by the State agency with other agencies.

§ 401.151 Special project requirements.

(a) All project activities to be performed under this subpart must either be included within the scope of the approved State plan, or such State plan must be amended to include them.

(b) Grants may be made to a State agency, or at the option of the State agency, to a public or nonprofit organization or agency.

(c) The approval of the appropriate State agency shall be secured prior to the granting of any funds to any organization or agency other than the State agency for the provision of direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals.

(d) Written program descriptions of of activities to be conducted under grants under this subpart, including a budget for the support of such activities, shall be submitted in the form and detail and in accordance with procedures, required by the Secretary.

(e) Federal financial participation in the cost of any project under this subpart shall not exceed a period of 36 months.

§ 401.152 Allotment of Federal funds.

(a) From the sums available for any fiscal year for grants to States to assist them in meeting the costs of approved projects, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. Population, as applied to any State, means the population of that State as determined by official estimates furnished by the Department of Commerce to the Secretary by October 1 of the year preceding the fiscal year for which Federal grant funds are appropriated. For any fiscal year an allotment which is less than $50,000 to any State shall be increased to that amount, and for the fiscal year ending June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both The Vocational Rehabilitation Act and this Act for a total of time in excess of three years. The total of the increases shall be derived by proportionately reducing the allotments to each of the remaining States but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $50,000.

(b) If at any time after the start of any fiscal year, or after a review by the Secretary after March 1 of such fiscal year, the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purpose of this subpart, he shall make such amount available to one or more other States which he determines will be able to use additional amounts during such fiscal year for carrying out the purposes of this subpart. Any amount made available to any State or any fiscal year pursuant to this paragraph of this section shall be regarded as an increase in such State's allotment for such year.

(c) Where the State plan designates separate agencies to administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, the division of the State's allotment between such agencies is a matter for State determination.

(d) Within each State's allotment, the Secretary may require that up to 50 per centum of available funds must be expended in connection with projects which he has first approved. If the Secretary so requires, he will notify the States of his priorities for the use of funds under this subpart for the fiscal year ending June 30, 1974, within 30 days following the effective date of this subpart and at least 90 days prior to the beginning of each fiscal year thereafter.

§ 401.153 Payments from allotments.

From the sums allotted pursuant to § 401.152, the Secretary shall pay to each State, with respect to any project approved under this subpart, an amount up to 90 per centum of the costs of such project, consistent with annual instructions or program guidelines.

§ 401.154 Methods of computing and making payments.

The methods of computing and paying amounts pursuant to § 401.155 shall be in accordance with provisions of § 401.87. The provisions of § 401.88 through § 401.90 are also applicable to this subpart.

§ 401.155 Federal financial participation.

(a) Federal financial participation shall be available for:

(1) Personnel (including fringe benefits);

(2) The provision of vocational rehabilitation services;

(3) Equipment;

(4) Supplies;

(5) Consultant expenses;

(6) Staff or consultant travel; and

(7) Such other allowable costs under the State plan as are set forth in the budget.

(b) No payment shall be made from an allotment under section 121(a) of the Act with respect to any cost of a project for which payment has been made under any other section of the Act.

§ 401.156 Matching requirements.

(a) The non-Federal share may be in cash or in-kind and may include funds spent for project purposes by a cooperating public or private nonprofit agency: *Provided*, That such cash or in-kind contributions are not included as a cost in any other Federally financed program.

(b) For purposes of this subpart, Federal financial participation will be provided pursuant to the matching and cost-sharing requirements prescribed by Subpart G of Part 74 of this title.

§ 401.157 Other administrative requirements.

The provisions of Part 74 of this title, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart.

§ 401.158 Reports.

The grantee will make such reports in such form and containing such information as the Secretary may require, and will comply with such provisions as he may find necessary to assure the correctness and verification of such reports. Such reports shall include an annual report of program accomplishments which shall reflect the extent to which programs of vocational rehabilitation services have been initiated or expanded for the most severely handicapped individuals or for other individuals who have unusual and difficult problems in connection with their rehabilitation. Where applicable, such report shall include an evaluation of the inkind component as it affects the provision of vocational rehabilitation services within the project.

PART 402—PROJECT GRANTS AND OTHER ASSISTANCE IN VOCATIONAL REHABILITATION

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AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)).

Subpart A—General Provisions

§ 402.1 Terms.

For purposes of this part—

(a) The terms "Act," "blind," "construction of a rehabilitation facility," "Department," "employability," "establishment of a rehabilitation facility," "handicapped individual," "local agency," "maintenance," "nonprofit," "physical or mental disability," "rehabilitation facility," "Secretary," "severely handicapped individual," "State," "State agency," "State plan," "vocational rehabilitation services," "works of art," "workshop," shall, except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

(b) "Applicant" means an eligible party seeking Federal financial assistance and may include an offeror for a contract as well as an applicant for a grant.

(c) "Demonstration" means—

(1) A pilot study or experimental attempt to provide more and better vocational rehabilitation services than are available, for the purpose of testing or establishing standards or methods of service that are practicable and effective for general application in the vocational rehabilitation program; or

(2) Provision of a special type of rehabilitation service in order to test its value in rehabilitation and to provide information on costs, methods of administration, methods of providing services, or rehabilitation techniques; or

(3) Provision of vocational rehabilitation services to handicapped individuals in a specific disability category not adequately served; or

(4) Application in new settings of the results derived from previous research or practice for the purpose of determining the effectiveness of new rehabilitation procedures.

(d) "Project period" means the total period of time for which a project is approved for support with Federal funds.

§ 402.2 Evaluation of project activities.

Activities provided Federal support under this part shall be evaluated according to the general standards for evaluation developed by the Secretary under Subpart G (Program and Project Evaluation) of this part. In evaluating the effectiveness of such activities, consideration shall be given to both individual project performance and the total effect of a group of projects of a similar type on the achievement of program purposes. The extent to which such general standards for evaluation have been met shall be considered in deciding whether to continue, renew or supplement any Federal financial assistance under this part.

§ 402.3 General administrative requirements.

(a) The following provisions of Part 74 of this title, implementing OMB Circular A–102, "Uniform administrative requirements for grants-in-aid to State and local governments," and establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as defined in Subpart A of Part 74 of this title. Except for grantees from other countries under § 402.67 (International rehabilitation research, demonstration and training), such provisions of Part 74 of this title shall apply also to grants to all other grantee organizations under this part:

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B	Cash Depositories.
C	Bonding and Insurance.
D	Retention and Custodial Requirements for Record.
F	Grant-Related Income.
H	Standards for Grantee Financial Management Systems.
I	Financial Reporting Requirements.
J	Monitoring and Reporting of Program Performance.
K	Grant Payment Requirements.
L	Budget Revision Procedures.
M	Grant Closeout, Suspension and Termination.
N	Forms for Applying for Grants.
O	Property.
P	Procurement Standards.
Q	Cost Principles.

(b) Any contract under this part shall be entered into in accordance with and shall conform to all applicable laws, regulations, and Department policy. Applicable cost principles are those principles specified in the Federal Procurement Regulations in 41 CFR Part 1–15.

§ 402.4 Application content and procedures.

All applications for Federal support under this part shall be submitted in the form and detail, and in accordance with procedures, required by the Secretary.

§ 402.5 State agency review and approval.

(a) The appropriate State agency shall be afforded reasonable opportunity to review and comment on all applications and other requests for Federal support submitted under this part.

(b) The approval of the appropriate State agency shall be secured by the applicant, if other than the State agency, for any application submitted under Subpart B (Projects for the Provision of Vocational Rehabilitation Services) or Subpart C (Assistance for Rehabilitation Facilities) of this part, except where the scope of the proposed project activities extends beyond a single State.

(c) The approval of the appropriate State agency shall also be secured by the applicant, if other than the State agency, for any project under this part which involves the provision of direct services to handicapped individuals.

§ 402.6 Scientific and technical peer review.

(a) A Rehabilitation Research and Training Policy Advisory Group made up of persons with recognized scientific, technical, and program expertise will be established for the purpose of constituting a peer review of the research and training priorities, planning, and implementation carrier out under Subpart D or Subpart E of this part. Such Advisory Group will be conducted in coordination with peer review groups established within such Federal agencies as the National Institutes of Health when such groups have expertise in matters pertaining to research or training related to the treatment and rehabilitation of handicapped individuals. The Advisory Group shall meet a minimum of three times annually for the purposes of:

(1) Making recommendations on rehabilitation research objectives and priorities;

(2) Reviewing and making recommendations on proposed rehabilitation research strategies to implement the objectives and priorities;

(3) Reviewing and making recommendations on the implementation of the rehabilitation research strategies.

(b) Each project proposal will be reviewed for its consistency with rehabilitation research priorities in the approved Rehabilitation Research and Demonstrations plan and for its technical merit. This review will be by peers selected from within and without the Government for their recognized scientific, technical and program expertise.

§ 401.7 Awards.

All awards under this part shall be in writing and shall constitute for such amounts the encumbrance of Federal funds available for such purposes of the date of the award. The award shall also specify the project period for which support is contemplated.

§ 401.8 Federal financial participation.

(a) Federal financial participation shall be available under this part for only those activities approved in the grant award in accordance with the applicable provisions of the Act and only in the total amount approved in the award.

(b) Except where otherwise indicated, Federal financial participation under this part may be available for costs of

(1) Personnel (including fringe benefits);

(2) Purchase or rental of equipment;

(3) Supplies;

(4) Travel;

(5) Consultant expenses;

(6) Provision of vocational rehabilitation services to handicapped individuals and other individuals served by the project;

(7) Administration and other indirect costs of the project (except for projects under § 402.51 (Grants for construction of rehabilitation facilities) and § 402.52 (Initial staffing grants));

(8) Minor alterations when essential to the successful conduct of the project; and

(9) Such other costs, as approved by the Secretary.

Unless specifically indicated, Federal financial participation will not be available for costs of acquiring, expanding, remodeling or altering any building. Costs applicable to grants under this part shall be determined pursuant to the requirements of Subpart Q of Part 74 of this title.

(c) No Federal financial participation may be furnished under this part in the cost of activities for which payment is made under another part of this chapter, or other authority.

(d) In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress.

(e) Matching or cost sharing represents, in general, that portion of project costs not borne by the Federal government and may include cash contributions, and only those in-kind contributions which consist of charges for real property and non-expendable personal property. Cash contributions include the grantee's cash outlay, including the outlay of money contributed to the grantee by third parties.

§ 402.9 Payments.

Payments of the Federal share of an approved project or other activity under this part may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance for estimated costs of operation, or as reimbursement, and in such installments and subject to such requirements as the Secretary may establish. Such payments shall be made pursuant to the requirements of Subpart K of Part 74 of this title.

§ 402.10 Consultant fees.

Fees for consultant services under this part are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the Act, or which conflict with his duties in such other position.

§ 402.11 Grant-related income.

The provisions of Subpart F of Part 74 of this title apply to grantees under this part.

§ 402.12 Project revision.

(a) A grantee shall request that the project be revised whenever the approved program or financial plan of operation of the project is proposed to be materially changed. Program revisions originating with the grantee shall be submitted in writing and will be given appropriate review prior to consideration for approval by the Secretary.

(b) Program revisions may be initiated by the Secretary, if on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing these grants.

(c) Budget revisions shall be made pursuant to the requirements of Subpart L of Part 74 of this title.

§ 402.13 Grant closeout, suspension, and termination.

Grants shall be closed out, suspended, or terminated in accordance with Subpart M of Part 74 of this title.

§ 402.14 Grant appeals.

When a post-award decision has been made which the grantee determines to be adverse, he may appeal such decision to the Departmental Grant Appeals Board pursuant to procedures prescribed in Part 16 of this title: *Provided*, That such decision is of a type defined in § 16.5 of such part as subject to the jurisdiction of such Board.

§ 402.15 Reports.

Reports shall be made to the Secretary in such form and containing such information as may reasonably be necessary to enable the Secretary to perform his functions under this part.

§ 402.16 Retention of records.

Financial records, supporting documents, statistical records, and all other pertinent records shall be maintained in accordance with the requirements of Subpart D of Part 74 of this title.

(b) Studies, evaluation, and program data developed within activities supported under this part shall be maintained for a period of three years after the termination of Federal support unless otherwise specified by the Secretary.

§ 402.17 Audit.

All fiscal transactions relating to Federal support under this part are subject to audit by the Federal government to determine whether expenditures have been made in accordance with the Act, the regulations, and other requirements.

§ 402.18 Conflict of interest.

Assurance must be given that individuals participating in the project will not use their position for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

§ 402.19 Patents.

In accordance with Department Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under any grant or contract under this part shall be promptly and fully reported to the Assistant Secretary for Health, Department of Health, Education, and Welfare. The project director and other project staff shall neither have nor make any commitments or obligations which conflict with the requirements of this policy. Determination as to ownership and disposition of rights to such inventions shall be made pursuant to § 74.139 of Part 74 of this title.

§ 402.20 Publications and copyright policy.

(a) The results of any activity supported under this part may be published without prior review by the Department: *Provided*, That such publications carry a footnote acknowledging the Federal support received and stating that interpretations of data do not necessarily represent interpretations of the Department: *And provided, further*, That copies of such publications are furnished to the Department.

(b) Where a project activity leads to the publication of a book or other copyrightable material, the author is free to copyright the work, but the Department reserves royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity. In such cases, the book or other material shall contain a notice of such license.

§ 402.21 Confidential information.

(a) All information obtained as to personal facts about individuals served by any project under this part, including lists of names, addresses, photographs, and records of evaluation, shall be held to be confidential.

(b) The use of such information and records shall be limited to purposes directly connected with the project and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, have been obtained in writing. The final product of the project will not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

§ 402.22 Collection of data from State agencies.

Applicants for Federal support under this part for activities which will require the collection of data from either handicapped individuals being served by two or more State agencies or employees of two or more such agencies, shall submit requests for anticipated data to the appropriate representatives of such agencies, as determined by the Secretary, prior to the submittal of applications and shall further provide assurance that similar requests shall be submitted to such representatives if the need for the collection of such data becomes evident during the course of the project. This provision shall also apply to individuals

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employed in projects supported under this part and individuals enrolled in courses of study within such projects.

§ 402.23 Services to handicapped individuals.

Vocational rehabilitation services provided to handicapped individuals in rehabilitation facilities or other settings assisted under this part shall be provided according to standards consistent with the provision of services under the State plan under Part 401 of this chapter.

§ 402.24 Protection of human subjects.

Safeguarding the rights and welfare of human subjects at risk in activities supported under grants and contracts from the Department is the principal responsibility of the organization which receives or is accountable to the Department for the funds awarded for the support of such activity. In order to provide for the adequate discharge of this organizational responsibility, no activity involving any human subjects at risk supported by a grant or contract from the Department shall be undertaken unless the organization has reviewed and approved such activity and has submitted to the Secretary a certification of such review and approval, which shall be reviewed annually.

§ 402.25 Nondiscrimination for reason of handicapping condition.

No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program, project, or activity supported under this part. No qualified individual shall be denied employment in any program, project, or activity supported under this part solely because of a physical or mental disability.

§ 402.26 Affirmative action plan.

Applications for Federal support under this part shall specify that the grantee will develop and implement an affirmative action plan for equal employment opportunity and advancement opportunity for qualified physically or mentally disabled persons. Such affirmative action plan shall provide for specific action steps and timetables to assure such equal opportunities and shall conform with all requirements specified in regulations developed pursuant to section 504 of the Act.

§ 402.27 Wage and hour standards for workshops.

Applications for Federal support under this part from workshops shall, in the case of private, nonprofit workshops, specify that applicable Federal and State wage and hour standards will be observed or, in the case of workshops operated by a State, county, or municipal government, give assurance that such workshops will comply with wage and hour standards, which will be at least equal to those imposed by Federal minimum wage laws.

§ 402.28 Standards for rehabilitation facilities and workshops.

Applications for Federal support under this part from rehabilitation facilities or workshops shall take into consideration any standards and criteria established by the Secretary.

§ 402.29 Nondiscrimination in employment in projects in which construction is to be performed.

Applicants for grants under this part which provide for construction, including minor alterations, shall specify that construction contracts paid for in whole or in part with funds obtained from the Federal government under this part shall include such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246 and will otherwise comply with requirements prescribed by and pursuant to such order. Such construction contracts will also provide for the development and implementation of an affirmative action plan for equal employment opportunity and advancement opportunity for qualified physically or mentally disabled persons. Such affirmative action plan shall provide for specific action steps and timetables to assure such equal opportunities and shall conform with all requirements specified in regulations developed pursuant to section 504 of the Act.

§ 402.30 Right to recover Federal funds; good cause for other use of a facility constructed with Federal funds.

(a) If, within 20 years after completion of any construction project for which funds have been paid under this part, the facility shall cease to be a public or other nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the U.S. district court for the district in which such facility is situated) of the facility, as the amount which the Federal participation bore to the cost of construction of such facility.

(b) In determining whether there is good cause for releasing the applicant or other owner of the facility from its obligation, the Secretary shall take into consideration the extent to which:

(1) The facility will be developed by the applicant or other owner to use for another public or nonprofit purpose which will promote the purpose of the Act; or

(2) There are reasonable assurances that for the remainder of the 20-year period other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes.

Subpart B—Projects for the Provision of Vocational Rehabilitation Services

§ 402.40 Special projects and demonstrations; improved services to the severely handicapped.

(a) *Terms.* For purposes of this section—

(1) "Deaf individual whose maximum vocational potential has not been reached" means a deaf individual who has passed the age of compulsory school attendance for the State in which he resides, and whose academic and employment history indicates severely limited ability to communicate by any means; inadequate daily living and social skills; persistent lack of success in fulfilling vocational potential; and inadequate rehabilitation performance as reflected in an inability to complete a rehabilitation program in traditional rehabilitation settings.

(2) "Developmental disability" means a disability which:

(i) Is attributable to (A) mental retardation, cerebral palsy, or epilepsy; or (B) is attributable to other neurological conditions found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals;

(ii) Originated before the individual attained age 18 and has continued or can be expected to continue indefinitely; and

(iii) Constitutes a substantial handicap to the individual.

(3) "Older blind individual" means a person who is blind as defined in § 401.1 (b) of this chapter, has attained at least the age of 55, and, by reason of the combination of disability and age, is not likely to be accepted for service by a State agency under Part 401 of this chapter.

(b) *Purpose.* Under section 304(b)(1) of the Act, grants may be made for the purpose of paying all or part of the cost of special projects and demonstrations, and research and evaluation in connection with such special projects and demonstrations, for establishing programs and facilities for providing vocational rehabilitation services which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially the most severely handicapped individuals, including individuals with spinal cord injuries, older blind individuals, deaf individuals whose maximum potential has not been reached, and individuals with developmental disabilities.

(c) *Eligible applicants.* Applications may be made by States and public and other nonprofit agencies and organizations.

(d) *Matching requirements.* The Federal share shall not exceed 90 per centum of the total cost of the project.

(e) *Federal financial participation.* Federal financial participation will be available for costs specified in § 402.8.

(f) *Project period.* A project may be approved for a project period not to exceed 3 years.

(g) *Evaluative component.* All projects and demonstrations supported under this section shall contain an evaluative component which shall measure program effectiveness.

(h) *Special considerations in projects and demonstrations providing services to individuals with spinal cord injuries.* Approved projects providing vocational rehabilitation services to individuals with spinal cord injuries, whether administered separately or within a larger program supported in part under § 402.64, shall include provisions to

(1) Establish, on an appropriate regional basis, a multi-disciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries, including acute care as well as periodic inpatient or outpatient follow-up and services, and coordinated, to the greatest extent possible, with similar programs of the Veterans Administration, the National Institutes of Health, and other public and private agencies and institutions;

(2) Demonstrate and evaluate the benefits of a regional service system to individuals with spinal cord injuries served in such a system and the degree of cost effectiveness so derived;

(3) Demonstrate and evaluate existing, new and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

(4) Demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

(i) *Special considerations in projects and demonstrations providing services to older blind individuals.* Approved projects providing vocational rehabilitation services to older blind individuals shall contain activities which will help improve public understanding of the vocational rehabilitation problems of such older blind individuals and shall also include provisions to:

(1) Demonstrate innovative methods of providing intensive rehabilitation services needed to rehabilitate such individuals; or

(2) Provide mobility training services or comprehensive counseling services not otherwise available in the locality in which individuals served by the project reside; or

(3) Conduct coordinated activities with other public or nonprofit agencies serving the blind or administering programs for older individuals under the Older Americans Act in the same area when such activities will expand or improve services for such older blind individuals.

(j) *Special considerations in projects and demonstrations providing services to deaf individuals whose maximum vocational potential has not been reached.* Approved projects providing vocational rehabilitation services to deaf individuals whose maximum vocational potential has not been reached shall be planned jointly by the State agency and the appropriate educational agency, where applicable. Such approved projects shall contain activities which will help improve public understanding of such deaf individuals and shall also include provisions to:

(1) Demonstrate innovative methods of providing the specialized services needed to rehabilitate and make maximum use of the vocational potential of such individuals; or

(2) Conduct coordinated activities with other public and nonprofit agencies administering programs for deaf persons in the same area when such activities will expand or improve services for such deaf individuals.

(k) *Special considerations in projects and demonstrations providing services to individuals with developmental disabilities.* Approved projects providing vocational rehabilitation services to handicapped individuals with developmental disabilities shall be planned jointly with the State agency and the agency administering the State's program for persons with developmental disabilities in the locality in which the project is to be conducted, and shall also include provisions to:

(1) Initiate or expand vocational rehabilitation service programs for individuals with developmental disabilities with special rehabilitation problems resulting from the severity of their disabilities or combination of disabilities; or

(2) Demonstrate innovative techniques or methods of providing intensive vocational rehabilitation services in a manner not generally available to such individuals.

§ 402.41 Special projects and demonstrations; new approaches to service delivery.

(a) *Purpose.* Under section 304(b)(2) of the Act, grants may be made for the purpose of paying all or part of the cost of special projects and demonstrations, and research and evaluation in connection with such special projects and demonstrations, for applying new types or patterns of services or devices, including opportunities for new careers for handicapped individuals or other individuals in programs serving handicapped individuals.

(b) *Eligible applicants.* Applications may be made by States and public and other nonprofit agencies and organizations.

(c) *Matching requirements.* The Federal share shall not exceed 90 per centum of the total cost of the project. In projects and demonstrations providing new career opportunities, grantees will be expected to assume an increasing percentage of the new careerist expenses in order to assure that employment commitments will be met.

(d) *Federal financial participation.* Federal financial participation may be available for costs specified in § 402.8 and may also be available for:

(1) New careerist salary and training expenses; and

(2) Necessary supportive services to enable new careerists to secure employment.

(e) *Project period.* A project may be approved for a project period not to exceed 3 years.

(f) *Evaluative component.* All projects and demonstrations supported under this section shall contain an evaluative component which shall measure program effectiveness.

(g) *Selection of handicapped individuals to participate in a project.* Handicapped individuals to be provided new career opportunities and supportive services under this section will be only those individuals who have been determined by the State agency to be handicapped individuals under § 401.1(k) of this chapter.

(h) *Special considerations in projects and demonstrations providing new career opportunities.* Applicants will provide assurance that the occupations for which training is being provided offer possibilities for continuing full-time employment and realizable opportunity for promotion and advancement through structured channels of promotion.

§ 402.42 Grants for services for handicapped migratory agricultural workers or seasonal farmworkers.

(a) *Terms.* For purposes of this section—

(1) "Family members" or "members of the family" means any relative by blood or marriage of a handicapped migratory agricultural worker or seasonal farmworker and other individuals living in the same household with whom the handicapped migratory agricultural worker or the seasonal farmworker has a close interpersonal relationship, and who are with the worker, or have accompanied the worker on his migratory tour to the point in time at which the State agency comes into contact with him.

(2) "Migratory agricultural worker" means a person who occasionally or habitually leaves his place of residence on a seasonal or other temporary basis to engage in ordinary agricultural operations or in services incident to the preparation of farm commodities for the market in another locality in which he resides during the period of such employment (29 CFR Part 11).

(3) "Seasonal farmworker" means a person who on a seasonal or other temporary basis engages in ordinary agricultural operations or in services incident to the preparation of farm commodities for the market within daily commuting distance from his place of normal residence.

(4) "Transportation" means the necessary travel and related costs in connection with transporting handicapped individuals who are migratory agricultural workers or seasonal farmworkers and members of their families who are with them for the purpose of achieving the rehabilitation objectives of the handicapped migratory agricultural worker or seasonal farmworker. Transportation includes costs of travel and subsistence during travel (or per diem

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allowances in lieu of subsistence), and includes relocation and moving expenses necessary for the achievement of a vocational rehabilitation objective.

(b) *Purpose.* Pursuant to the requirements of section 304(a) of the Act, grants may be made under section 304(c) for the purpose of paying part of the cost of projects or demonstrations for the provision of vocational rehabilitation services to handicapped individuals who are migratory agricultural workers or seasonal farmworkers and to members of their families (whether or not handicapped) who are with them, where such services are necessary to the vocational rehabilitation of the handicapped migratory agricultural worker or seasonal farmworker.

(c) *Eligible applicants.* Applications may be made by State vocational rehabilitation agencies or local agencies.

(d) *Joint projects.* A State agency may, if it so desires, enter into an agreement with the vocational rehabilitation agencies of one or more other States to develop a cooperative program for the provision of vocational rehabilitation services under this section.

(e) *Matching requirements.* The Federal share shall not exceed 90 per centum of the total cost of the project.

(f) *Federal financial participation.* Federal financial participation may be available for costs specified in § 402.8 and may also be available for: (1) Staff training which is determined to have significant implication for improving the capacity of the State agency to serve handicapped migratory agricultural workers or seasonal farmworkers and members of their families, including the development of staff with appropriate foreign language skills where such agricultural workers or seasonal farmworkers possess limited English-speaking ability, when such training is included within a program of services to handicapped migratory agricultural workers or seasonal farmworkers and members of their families; and

(2) Maintenance payments which will be provided at rates consistent with rates paid to handicapped individuals under Part 401 of this chapter.

(g) *Project period.* A project may be approved for a project period not to exceed 3 years.

(h) *Special grant considerations.* Each grant is subject to the conditions that:

(1) The applicant will furnish assurances that there will be appropriate cooperation with other public and nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families, with special reference to programs dealing with migratory agricultural workers authorized under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act and the Farm Labor Contractor Registration Act of 1963;

(2) Special consideration in the design of project activities shall be given to the establishment of an effective job development and placement component and, insofar as possible, such component shall be coordinated with other agencies and organizations serving handicapped migratory agricultural workers or seasonal farmworkers;

(3) A project advisory committee shall be established by the State agency or local agency with a membership including, to the extent appropriate, handicapped migratory agricultural workers or seasonal farmworkers.

§ 402.43 Projects with industry.

(a) *Purpose.* Under section 304(d) of the Act, contracts or jointly financed cooperative arrangements may be made with employers and organizations for the establishment of projects which are designed to prepare handicapped individuals, especially severely handicapped individuals, for gainful and suitable employment in the competitive labor market including training and employment in a realistic work setting and such other services as are necessary for such individuals to continue to engage in such employment.

(b) *Eligible employers and organizations.* Employers and organizations with whom the Secretary may execute a contract or cooperative arrangement include any industrial, business, or commercial enterprise; labor organizations; or employer, industrial, or community trade association; or other agency or organization with the capacity to arrange, coordinate, or conduct training and other employment programs for the handicapped in a realistic work setting. Such training and employment programs shall include a planned and systematic sequence of training and instruction in occupational and employment skills, and provide reasonable assurance of gainful employment at the successful termination of such training and instruction.

(c) *Matching requirements.* Applicants for Federal support shall be expected to share the costs of projects. In such cases, the amount of the costs to be borne by the parties to the contract or arrangement will be a matter of negotiation.

(d) *Federal financial participation.* Federal financial participation within contracts or arrangements may be available for:

(1) The costs of job training and related vocational rehabilitation services;

(2) Instruction and supervision of trainees;

(3) Training materials and supplies, including consumable materials;

(4) Instructional aids;

(5) Excessive waste and scrap;

(6) Bonding fees, liability and insurance premiums;

(7) The purchase or modification of equipment adapted to the special capacity of handicapped individuals;

(8) Such minor alteration and renovation as are necessary to ensure access to and utilization of buildings by the handicapped; and

(9) Other expenses approved by the Secretary.

(e) *Prior assurance for contracts and arrangements.* Prior to entering into a contract or a cooperative arrangement with an applicant, it will first be determined that there is:

(1) Concurrence with the project by the bargaining agent where there is a collective bargaining agreement applicable to the employer and the occupation;

(2) Reasonable assurance that the wage rate to be set for trainees will not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character;

(3) No abnormal labor condition such as a strike, a lockout, or other similar conditions, existing with respect to the applicant; and

(4) Reasonable assurance that the State agency will, to the maximum extent practicable, maintain a continuing relationship with the handicapped individuals to be served in the project in order to provide, or ensure the availability of, necessary vocational rehabilitation services and related supportive services.

(f) *General provisions of contracts and arrangements.* Any contract or arrangement entered into shall, in addition to standard provisions:

(1) Provide for adherence to the terms or conditions of employment prescribed by an applicable Federal, State, or local law;

(2) Provide that determination by competent authority of failure to adhere to the terms or conditions required by subparagraph (1) of this paragraph shall constitute cause for termination of the contract or arrangement;

(3) Provide that the recruitment, examination, appointment, training, promotion, retention, or any other personnel action with respect to any handicapped individual receiving training or employment, shall be without regard to race, sex, color, creed, age, or national origin, and that violation shall constitute grounds for termination of the contract or arrangement and that the United States shall have a right to seek judicial enforcement of this provision;

(4) Provide that trainees shall be compensated for hours spent in production of any goods or services;

(5) Provide that individuals to receive training or employment services under the contract or arrangement will include only those individuals who have been determined by the appropriate State agency to be handicapped individuals who are suitable for such services;

(6) Provide reasonable assurance that handicapped individuals successfully completing the training program will be employed by the employer or within a similar enterprise;

(7) Specify the duration of the project;

(8) Contain an agreement to make such reports and to keep such records and accounts as the Secretary may require and to make such records and accounts available for audit purposes; and

(9) Contain an agreement to provide such other information as the Secretary may require.

(g) *Rates under contracts or arrangements.* (1) The contract or arrangement shall include the rate of compensation to be paid to trainees engaged in the production of any goods or services. In no case shall the wage rate paid a trainee be less than the following, whichever is higher:

(i) The minimum entrance rate for inexperienced workers in the same occupation or if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area; or

(ii) The minimum rate required under the Fair Labor Standards Act or the Walsh-Healy Public Contracts Act, to the extent that such acts are applicable to the trainee.

(2) The contract or arrangement shall further provide for an increasing rate of payment to trainees if the training program is of such duration that periodic increases are reasonable and if the proficiency of such trainees merits such increases.

(h) *On-the-job training.* The contract or arrangement shall:

(1) Provide for methods of instruction, progression of trainees, and size of the training group (including any appropriate combination of individualized or group training), which shall be comparable in duration to other training programs for the particular occupation, and adequate in content to qualify trainees for employment;

(2) Provide adequate and safe facilities and equipment; and

(3) Require that suitable records of attendance, performance and progress of trainees be maintained and that such records be made available to the Secretary when so requested.

§ 402.44 Projects for vocational training services.

(a) *Terms.* For purposes of this section—

(1) "Training in occupational skills" means a planned and systematic sequence of instruction under competent supervision which is designed to impart predetermined skills and knowledge with respect to a specific occupational objective or a job family, and to assist the individual to adjust to a work environment through the development of appropriate patterns of behavior.

(2) "Work evaluation" means the appraisal of the individual's capacity

(i) To adjust to a work environment;

(ii) To acquire occupational skills; and

(iii) To attain appropriate vocational goals.

(3) "Work testing" means the utilization of work, simulated or real, to assess the individual's productive, physical, and psychological capacity to adapt to a work environment.

(4) "Job tryouts" means work experience, within a rehabilitation facility or in conjunction with outside industry or other community resources to assist the individual to acquire knowledge and develop skills; and to assess his readiness for job replacement or fitness to engage in a specific occupation.

(5) "Vocational training services" includes

(i) Training with a view toward career advancement;

(ii) Training in occupational skills;

(iii) Related services including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts, and

(iv) Payment of weekly training allowances to individuals receiving such training and related services.

(b) *Purpose.* Under section 302(b) of the Act, grants may be made to pay part of the cost of projects for providing vocational training services, leading to maximum employability, to handicapped individuals, especially the most severely handicapped, in public or other nonprofit rehabilitation facilities.

(c) *Eligible applicants.* Applications may be made by States and public and nonprofit organizations and agencies. The rehabilitation facility to be involved in the provision of vocational training services, shall:

(1) Be a public or nonprofit rehabilitation facility;

(2) Have been in operation at least 1 year;

(3) Provide training courses in occupational skills (with the major portion of each course being provided within the rehabilitation facility) and related services including work evaluation, work testing, and job tryouts and the major portion of each of these items with the exception of job tryouts, will be provided within the rehabilitation facility;

(4) Meet occupational health and safety standards prescribed by regulations of the Secretary of Labor;

(5) Substantially meet and standards for rehabilitation facilities established by the Secretary; and

(6) Prepare trainees for gainful employment.

(d) *Matching requirements.* The Federal share shall not exceed 90 per centum of the total cost of the project.

(e) *Federal financial participation.* Federal financial participation will be available for costs specified in § 402.8 and will also be available for the costs of weekly training allowances.

(f) *Project period.* A project may be approved for a project period not to exceed 3 years.

(g) *Assurances from applicant.* In addition to any other requirement imposed under the Act, each grant is subject to the condition that the applicant will furnish assurances that:

(1) Weekly training allowances will not reduce, but will supplement, any wages or other remuneration due to a trainee, and the amount of the payment for the weekly training allowance will be identified and disbursed separately from any payment representing wages or other remuneration due a trainee;

(2) No trainee will remain in training when it is determined that he is no longer making progress (as indicated by regular training progress reports) toward the completion of his training program or the development of a capability for maximum employability, or in any event for more than 2 years;

(3) In the event any portion of the vocational training services is performed outside the designated rehabilitation facility, the applicant will retain responsibility for the quality of such services; and

(4) The full range of vocational training services will be made available to each trainee to the extent of his need for such services.

(h) *Selection of individuals to participate in a project.* The individuals to receive vocational training services under a project will include only individuals who have been certified as eligible pursuant to § 401.1(f) of this chapter and have been determined, by the appropriate State agency to be suitable for and in need of such vocational training services. The most severely handicapped individuals shall be selected for participation in a project prior to other handicapped individuals.

(i) *Weekly training allowances.* (1) A weekly training allowance shall be available to each trainee, except that such allowance shall not be paid for any period in excess of 2 years and for any week shall not exceed $30 plus $10 for each dependent, or $70, whichever is less. Dependents shall be included when their relationship to the trainee is that of spouse, parent, child under the age of 21 (including an adopted child or stepchild), or handicapped child whose dependency is related to the handicap, and who are living in the same home with the trainee.

(2) The amount of the weekly training allowance shall be determined in accordance with paragraphs (j) and (k) of this section. The adjusted weekly training allowance available to a trainee shall not be less than $10 per week. To the extent that the weekly training allowance is paid for dependents, the amount shall be $10 per week for each dependent.

(3) The State agency shall make final determination, after consultation with the project facility and in accordance with the training services plan, with respect to the amount of the weekly training allowance and any adjustment to be made in the amount of the allowance.

(j) *Factors considered in determining the amount of weekly training allowances.* In determining the amount of such allowance the following factors shall be considered.

(1) The extent of the need for the allowance including any expenses reasonably attributable to receipt of training services;

(2) The extent to which the allowance will help ensure entry into and satisfactory completion of training; and

(3) The extent to which the allowance will motivate the trainee to achieve a better standard of living.

(k) *Factors considered in adjustment of weekly training allowances.* (1) Ad-

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justment in the weekly training allowances may be made at any time during the individual's training period and the amount of the allowances shall be reviewed periodically. The project facility may propose the adjustment, but the final determination shall be made by the State agency.

(2) In considering whether adjustment is appropriate the following factors will be considered:

(i) Whether the trainee is earning a wage;

(ii) The relationship of the amount of wages, if any, to the amount of the allowance;

(iii) Any other material change in the economic condition of the individual or his family; and

(iv) The effect of any adjustment on the incentive of the trainee.

§ 402.45 Client assistance projects.

(a) *Terms.* For purposes of this section—

(1) "Client or client applicant" means an individual who

(i) Is seeking vocational rehabilitation services from the State agency; or

(ii) Is receiving vocational rehabilitation services from the State agency; or

(iii) Has been receiving vocational rehabilitation services from the State agency but the provision of such services has been terminated without his concurrence and he is seeking assistance in connection with the termination of such services.

(2) "Counselor" means a client assistance worker who is functioning in the capacity of an ombudsman.

(3) "Project area" means the geographical or administrative area served by project counselors and designed in a manner to facilitate client or client applicant accessibility to the project.

(b) *Purpose.* Pursuant to the requirements of section 112(a) of the Act, grants may be made under section 112 for the purpose of establishing in no less than 7 nor more than 26 geographically dispersed regions client assistance pilot projects to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under the Act, and upon request of such clients or client applicants, to assist them in their relationships with the projects, programs, and facilities providing services to them under the Act.

(c) *Project awards.* Projects may be awarded only to State agencies which shall directly administer such projects.

(d) *Matching requirements.* No minimum share will be required of grantees.

(e) *Allowable costs.* Federal assistance may be available for costs specified in § 402.8 (except for the provision of vocational rehabilitation services) and may also be available for the costs of client or client applicant travel as necessary to achieve project objectives.

(f) *Project period.* A project may be approved for a period not to exceed 3 years.

(g) *Counselor responsibilities.* Counselors employed within projects under this section will be responsible for:

(1) Interpreting the vocational rehabilitation services program to clients or client applicants;

(2) Advising clients or client applicants of benefits available to them under such program;

(3) Otherwise assisting such individuals in their relationships with projects, programs, and facilities providing vocational rehabilitation services under the Act; and

(4) Advising State agencies of identified problem areas in the delivery of vocational rehabilitation services to handicapped individuals and suggesting methods and means of improving State agency performance.

(h) *Special project considerations.* Each grant shall be subject to the condition that the applicant will furnish and comply with assurances that:

(1) No project employee shall be a person who is presently serving as staff, consultant, or receiving benefits of any kind directly or indirectly from any rehabilitation project, program or facility assisted under the Act in the project area, except for individuals receiving traineeships under Subpart E of this part.

(2) The project director shall be afforded reasonable access to policymaking and administrative personnel in State and local rehabilitation agencies, projects and facilities;

(3) All clients or client applicants within the project area shall have the opportunity to receive adequate client assistance services under the project and shall not be pressured against or otherwise discouraged from availing themselves of the client assistance services available under the project;

(4) The State agency shall make maximum effort to enter into cooperative arrangements with institutions of higher education to secure the services of graduate students who are undergoing clinical training in rehabilitation related fields, except that no compensation with funds appropriated under the Act will be provided to such students in connection with their participation in a project under this section;

(5) The project shall contain an evaluative component to measure its effectiveness.

(i) *Reports.* An annual project report shall be submitted by the project staff through the State agency to the Secretary on the operation of the project during the previous year, including a summary of the work done, and a uniform statistical tabulation of all cases handled within the project.

Subpart C—Assistance for Rehabilitation Facilities

§ 402.50 Project development grants.

(a) *Purpose.* Under section 301(d) of the Act, grants may be made for the purpose of assisting in meeting the costs of planning the development and construction of a specific rehabilitation facility and the services to be provided by such a rehabilitation facility.

(b) *Eligible applicants.* Applications may be made by public or other nonprofit agencies, institutions, or organizations which are either operating or are studying the feasibility of operating a rehabilitation facility.

(c) *Matching requirements.* The Federal share shall not exceed 90 per centum of the total cost of the project.

(d) *Federal financial participation.* Federal financial participation may be available for costs specified in § 402.8 and may also be available for

(1) Expenses associated with the use of volunteers; and

(2) Such architectural planning as is incidental to program planning, but not including working drawings.

(e) *Project period.* A project may be awarded for a specified period of not more than 12 months and may be extended for a period beyond 12 months only under unusual circumstances.

§ 402.51 Grants for construction of rehabilitation facilities.

(a) *Purpose.* Under section 301(b) of the Act, grants may be made to assist in meeting the costs of construction of public or other nonprofit rehabilitation facilities. Construction of a rehabilitation facility may, where necessary to the effective operation of the facility, include the construction of residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(b) *Eligible applicants.* Applications may be made by State vocational rehabilitation agencies or other public or nonprofit organizations or agencies which operate or propose to operate a public or other nonprofit rehabilitation facility.

(c) *Matching requirements.* The amount of a grant with respect to any construction project shall be equal to the same percentage of the cost of the project as the Federal share which would be applicable in the case of a rehabilitation facility (as defined in section 645(g) of the Public Health Service Act, 42 U.S.C. 291(a)), in the same location.

(d) *Federal financial participation.*

(1) Federal financial participation may be available for

(i) Acquisition of land;

(ii) Acquisition of existing buildings;

(iii) Remodeling, alteration, renovation, or expansion of existing buildings;

(iv) Construction of new buildings;

(v) Architect's fees;

(vi) Site survey and soil investigation;

(vii) Fixed or movable equipment;

(viii) Works of art in an amount not to exceed 1 per centum of the total cost of the project; and

(ix) Other costs specifically approved in the application.

(2) Federal financial participation will not be available for the costs of offsite improvements or for the construction of any rehabilitation facility which is or will be used for religious worship or any sectarian activity.

(e) *Project period.* Grants shall be awarded for a project period necessary for the completion of the approved construction project except, however, that any project in which the construction has not begun during the 18-month period immediately subsequent to the approval of the application may be terminated at the end of such period by the Secretary.

(f) *Assurances from applicants.* (1) In addition to any other requirement imposed under the Act, each grant in which construction is to be performed shall be subject to the condition that the applicant will furnish and comply with the following assurances and all other assurances set forth in the application for such grant:

(i) That, for a period of not less than 20 years after completion of construction of the project, it will be used as a public or other nonprofit rehabilitation facility;

(ii) That the applicant will provide a set of plans and specifications for the proposed project in which due consideration shall be given to excellence of architecture and design; and

(iii) That the applicant will furnish an annual report and such other progress reports and other information as the Secretary may require.

(2) The Secretary may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program.

(g) *Construction standards and other standards.* (1) Approved projects shall be constructed according to minimum standards of construction and equipment for rehabilitation facilities specified by the Secretary. Applicable State and local codes and regulations must be observed. The Secretary's standards must be followed where they exceed any State and local codes and regulations.

(2) Approved projects shall meet the requirements of the Occupational Safety and Health Act (Pub. L. 91-576); the National Environmental Policy Act of 1969 and Executive Order No. 11514 (34 FR 4247) relative to environmental impact; the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A 117.1-1961, as modified by other standards prescribed by the Secretary of Housing and Urban Development (24 CFR Part 40) or the Administrator of General Services (41 CFR 101-17.703); section 106 of Public Law 89-665 relative to the preservation of historic sites; Executive Order No. 11296 (31 FR 10663) relative to the avoidance of flood hazards; Executive Order No. 11288 (31 FR 9261) relative to the prevention, control, and abatement of water pollution; and in the case of State and local agencies, the regulations on relocation assistance and real property acquisition contained in part 15 of this title.

§ 402.52 Initial staffing grants.

(a) *Purpose.* Under section 301(c) of the Act, grants may be made to assist in paying part of the costs of compensation of the initial professional and technical staff of any public or nonprofit rehabilitation facility constructed after September 26, 1973.

(b) *Eligible applicants.* (1) New applications may be made by public or other nonprofit rehabilitation facilities constructed after September 26, 1973. Continuation applications may be made by those public or other nonprofit rehabilitation facilities constructed prior to September 26, 1973, which were recipients of initial staffing grants on September 26, 1973.

(2) Initial staffing grants may be made only with respect to the operation of a rehabilitation facility following construction. Where the rehabilitation facility is in operation prior to construction, an initial staffing grant shall be made only for additional staff which will enable the facility to provide new services or extend existing services to a substantially increased number of clients. Where the construction consists of expansion, remodeling, alteration, or renovation of an existing rehabilitation facility, such expansion, remodeling, alteration, or renovation shall be extensive enough to result in the addition of new services or the extension of existing services to a substantially increased number of handicapped individuals.

(c) *Matching requirements.* The amount of the Federal share under an initial staffing grant shall be related directly to the date of the commencement of the operation of the rehabilitation facility. The date of commencement of a rehabilitation facility shall be that date on which the first client is admitted for services after the completion of the related construction project or such earlier date after completion of such project as is specified in the approved application for the initial staffing grant. A grant shall not exceed 75 per centum of eligible costs for the period ending with the close of the 15th month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(d) *Federal financial participation.* Federal financial participation may be available for personnel costs (including fringe benefits) of initial staff as set forth in the approved application.

(e) *Project period.* A project may be approved for a project period not to exceed 4 years and 3 months.

§ 402.53 Rehabilitation facility improvement grants.

(a) *Purpose.* Under section 302(c) of the Act, grants may be made for paying part of the cost of projects for rehabilitation facilities, or an organization or combination of such rehabilitation facilities, to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness or any other part of their capacity to provide employment and services for handicapped individuals.

(b) *Eligible applicants.* Applications may be made by any public or nonprofit rehabilitation facility, organization or combination of such rehabilitation facilities, which has been in operation for at least 12 months.

(c) *Matching requirements.* The Federal share of the approved project costs shall not exceed 80 per centum of the total project cost.

(d) *Federal financial participation.* Federal financial participation may be available for costs specified in § 402.8 and may also be available for the costs of staff development activities, including educational leave. Personnel employed under the project shall be limited to additional staff.

(e) *Project period.* A project may be approved for a project period not to exceed 3 years.

Subpart D—Rehabilitation Research

§ 402.60 General considerations in the administration of rehabilitation research.

(a) *Purpose.* The primary purpose of all activities supported under this subpart is the development of new knowledge concerning the rehabilitation of handicapped individuals; the evaluation of existing knowledge in new settings; and the utilization of such knowledge in the delivery of vocational rehabilitation services.

(b) *Research utilization.* Each project approved under this subpart shall contain a plan designed to enhance the prompt utilization of findings of successful research and demonstration projects.

(c) *Coordination with related program activities.* All activities supported under this part shall be administered in close coordination with similar program activities of the Veterans Administration, National Science Foundation, National Academy of Sciences, National Institutes of Health and other public and private agencies and institutions.

(d) *Project period.* A project under this subpart may be approved for a project period not to exceed 5 years.

§ 402.61 Rehabilitation research and demonstration.

(a) *Purpose.* Under section 202(a) of the Act, grants and contracts may be made to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational rehabilitation services to handicapped individuals, especially the most severely handicapped individuals.

(b) *Scope of activities.* Projects supported under this section may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing disability, ways of ameliorating handicapping conditions, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic and other factors affecting the rehabilitation of handicapped individuals; studies of special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped

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individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals especially those with the most severe handicaps.

(c) *Eligible applicants.* Applications for grants or contracts may be made by State agencies and by public or nonprofit agencies, and organizations, including universities and other educational institutions.

(d) *Matching requirements.* Federal funds will be granted on the basis of project applications, and may pay only part of the cost of the supported activity. The applicant must identify its contribution to the support of the project and is expected to finance as large a part of the total cost as possible.

§ 402.62 Rehabilitation research and training centers.

(a) *Purpose.* Under section 202(b)(1) of the Act, grants may be made to pay part or all of the cost of the establishment and support of rehabilitation research and training centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation, and training of rehabilitation research personnel, including, but not limited to, graduate training.

(b) *Scope of activities.* Rehabilitation research and training centers must be located in institutions having a well-recognized continuing coordinated program of scientific research designed to solve complex problems regarding the management of disabling conditions and preparation of handicapped individuals for employment, training of research personnel in fields contributing to the rehabilitation of the physically or mentally disabled, and related activities designed for the dissemination and utilization of new scientific knowledge leading to an improvement in the quality of vocational rehabilitation services for handicapped individuals. Each center program must reflect a specific core area of research, and individual research projects within the center must be planned so as to contribute in a sequential way to a coherent centralized body of knowledge. Training of research personnel within each center must be conducted in conjunction with the research activities, including to the greatest degree possible, both client care and the generation of scientific knowledge. Research related activities may include implementation and application of research findings; dissemination of new knowledge, methods and techniques in rehabilitation; research related technical assistance to State and other agencies and rehabilitation facilities; and improvement of skills of rehabilitation practitioners.

(c) *Eligible applicants.* States and public or nonprofit agencies and organizations, including institutions of higher education or rehabilitation facilities having well-recognized programs of research and associated with institutions of higher education may apply for center grants provided that the center program has a separate organizational identity.

(d) *Matching requirements.* Grants may be made for paying all or part of the costs of activities conducted under this section. Where part of the costs is to be borne by the grantee, the amount of grantee participation will be determined at the time of the grant award.

(e) *Federal financial participation.* Federal financial participation may be available for costs specified in § 402.8 and may, also be available for

(1) Stipends for students (including dependency allowances);

(2) Tuition and fees; and

(3) Student travel.

(f) *Special considerations in the support of training.* Traineeships awarded under this section shall be subject to the provisions of § 402.76.

§ 402.63 Rehabilitation engineering research centers.

(a) *Purpose.* Pursuant to the requirements of section 201(a)(1) of the Act, grants may be made under section 202(b)(2) to pay part or all of the cost of the establishment and support of rehabilitation engineering research centers to:

(1) Develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and

(2) Cooperate with State agencies in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(b) *Scope of activities.* Each rehabilitation engineering research center must be developed around a core research area which will be explored in depth to solve the problems in the rehabilitation of handicapped individuals through the combined efforts of medical, engineering, and related sciences. Each center program must be located in a clinical rehabilitation setting which provides an environment for cooperative research and the transfer of research findings to rehabilitation practice at a reasonable cost. Center programs may emphasize the medical-technological management of disabling conditions, the adjustment to limitations of functions of the individual and the environment, service delivery systems, or other core areas, utilizing the application of new or innovative technology, and as approved by the Secretary. Center programs must cooperate with State agencies in developing systems of information exchange and coordination to ensure the prompt utilization of research findings.

(c) *Eligible applicants.* Universities with recognized, well-developed clinical rehabilitation programs and cooperating medical and engineering schools, and State rehabilitation agencies or public or nonprofit rehabilitation facilities, organizations, or institutions associated with such universities may apply for grants provided that the center program has a separate organizational identity.

(d) *Matching requirements.* Grants may be made for paying all or part of the costs of activities conducted under this section. Where part of the costs is to be borne by the grantee, the amount of grantee participation will be determined at the time of the grant award.

§ 402.64 Spinal cord injury research program.

(a) *Purpose.* Under section 202(b)(3) of the Act, grants may be made to pay part or all of the cost of projects for specialized spinal cord injury research, to be coordinated with the special projects and demonstrations for the spinal cord injured under § 402.40. Such research will be designed to:

(1) Ensure dissemination of research findings among all projects supported under this section and under § 402.40(h);

(2) Provide encouragement and support for initiatives and new approaches by individual and institutional investigators; and

(3) Establish and maintain close working relationships with the Veterans Administration, National Institutes of Health, other governmental and voluntary institutions and organizations engaged in similar efforts in order to unify and coordinate scientific efforts, encourage joint planning and promote the interchange of data and reports among spinal cord injury investigators.

(b) *Scope of activities.* Activities under this section must be specifically directed to the achievement of new knowledge for improving rehabilitation services for the spinal cord injured, and techniques and methods connected therewith. Research and demonstration activities must focus upon the medical, psychological, vocational, or social aspects of spinal cord injury rehabilitation. Areas of research emphasis may include, but are not limited to, the development of new rehabilitation techniques and methods, the prevention and treatment of complications; and adjustment of the spinal cord injured to catastrophic disability; innovative vocational, educational and community placement services; methods of follow-up care; and the benefits of various alternative service models. Data collection and analysis components must be included within each project since research results dissemination and utilization will be an essential part of project activities.

(c) *Eligible applicants.* Applications for grants may be made by State agencies, and by other public or nonprofit agencies and organizations, including institutions of higher education, hospitals, clinics and rehabilitation facilities.

(d) *Matching requirements.* Grants may be made for paying all or part of the costs of activities conducted under this section. Where part of the costs is to be borne by the grantee, the amount of grantee participation will be determined at the time of the grant award.

§ 402.65 End-stage renal disease research.

(a) Under section 202(b)(4) of the Act, grants may be made to pay part or all of the cost of a program of end-stage renal disease research, to include projects and demonstrations for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of persons suffering from such disease. Such research will be designed to:

(1) Ensure dissemination of research findings;

(2) Provide encouragement and support for initiatives and new approaches by individual and institutional investigators; and

(3) Establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among investigators in the field of end-stage renal disease.

(b) *Scope of activities.* Activities under this section must be designed as part of a continuum of projects each of which will focus on specific problem aspects of end-stage renal disease. Primary emphasis will be directed to the psychosocial and vocational aspects of end-stage renal disease and the development of experimental techniques and methods for achieving employment. Emphasis will also be directed towards:

(1) Collecting and disseminating information on end-stage renal disease derived under this program and related programs;

(2) Initiating information-sharing activities and interchange of experts in cooperation with public or other nonprofit agencies and organizations; and

(3) Producing and distributing materials necessary to enable the utilization of research findings.

(c) *Eligible applicants.* Applications for grants may be made by State agencies and by other public or nonprofit agencies and organizations, including institutions of higher education.

(d) *Matching requirements.* Grants may be made for paying all or part of the costs of activities supported under this section. Where part of the costs is to be borne by the grantee, the amount of grantee participation will be determined at the time of the grant award.

(e) *Federal financial participation.* Federal financial participation will be available for costs specified in § 402.8, and will also be available for:

(1) Medical and technical expenses pursuant to treatment for end-stage renal disease;

(2) Purchase or rental of renal dialysis and other machines and supplies necessary for the treatment of end-stage renal disease, when such machines and supplies are not available under other Federal, State, or other program resources;

(3) Costs attendant to the training of a patient with end-stage renal disease or members of his family in the use of renal dialysis and related equipment and in other aspects of end-stage renal disease care, including the use of home aides;

(4) Costs attendant to necessary modification of a patient's living quarters;

(5) Hospital and related medical expenses for a donor of a kidney;

(6) Laboratory fees; and

(7) Tissue matching.

(f) *Special grant considerations.* If an individual selected to participate in a program under this section is eligible for and is receiving services for the treatment of end-stage renal disease under any other Federal, State, or other programs, the costs of such services shall not be attributed to a grant under this section.

§ 402.66 International program for rehabilitation research, demonstration, and training.

(a) *Purpose.* Under section 202(b)(5) of the Act, the Secretary may make grants to pay all or part of the cost of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(b) *Scope of activities: Research and demonstration.* International research and demonstration grants for planning or conducting research in other countries must support, strengthen and, whenever possible, be fully integrated with domestic rehabilitation research activities of high priority to the United States and participating countries. Insofar as possible, research and demonstration projects shall relate to, or be closely affiliated with, a collaborating research center or institution in the United States which is conducting comparable research and demonstration activities. Research projects of high potential which had been initiated under Pub. L. 480 with counterpart funds which are no longer available may be continued under this section in order to take full advantage of rehabilitation research capabilities developed with institutions of higher education, rehabilitation centers and individual researchers in other countries.

(c) *Scope of activities: Training.* Grants may be made with governments and public or nonprofit organizations and agencies cooperating with the United States for short-term training of rehabilitation personnel from the participating countries when such training will be of substantial benefit to handicapped individuals in the United States. Training will be designed to provide each trainee with research as well as practitioner skills. Grants may similarly be entered into with other governments for the training of U.S. citizens in cooperating countries, where such training will lead to the development of new knowledge and methods in the rehabilitation of handicapped individuals in the United States.

(d) *Scope of activities: Information exchange.* Grants may be made with other governments, public or nonprofit domestic and international organizations and agencies to plan, cooperate and assist with the collection, translation, publication and dissemination of international program and research information of significant interest to rehabilitation practitioners and researchers in the United States International information sharing and utilization conferences, seminars and workshops may be in cooperation with public and nonprofit agencies, and governments to promote the exchange of rehabilitation information in areas of priority rehabilitation concern to U.S. practitioners and researchers.

(e) *Scope of activities: Interchange of experts.* Grants may be made for the interchange of U.S. and foreign scientists, experts, practitioners and administrators engaged in significant rehabilitation research or service programs with special implication for improving rehabilitation knowledge and practice in the United States. Short-term fellowships, including travel and per diem not to exceed a 3 month duration, may be awarded to qualified individuals from the United States and participating countries (if counterpart funds are not available) for lecture tours, demonstrations and practical applications of new and improved techniques, methods and concepts for rehabilitating handicapped individuals.

(f) *Scope of activities: Technical assistance.* In cooperation with the Agency for International Development, the United Nations and other international organizations and agencies, grants may be made to cooperate with and assist countries which request technical assistance in the field of rehabilitation of the handicapped with special emphasis on increasing the levels of skill of rehabilitation personnel. Grants may also be made with other governments or research organizations within countries when such organizations possess specialized or unusual expertise not found in the United States to provide technical assistance to U.S. public and private nonprofit rehabilitation agencies and organizations.

(g) *Eligible applicants.* Applications for grants for international projects of research and demonstrations, international exchange of information and technical assistance may be made by international and domestic public and nonprofit agencies and organizations, including institutions of higher education. Applications for fellowships may be made

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to the Secretary by qualified experts. A foreign expert and scientist must have approval of the appropriate government ministry of their government before applying for a fellowship. Individuals applying for traineeships and fellowships must be citizens of their respective countries.

(h) *Federal financial participation:* Federal financial participation will be available for costs specified in § 402.8 except that in the case of grantees from other countries, Federal financial participation will not be available in indirect costs and Federal financial participation will be available for costs of equipment only with the prior approval of the Secretary and provided that (1) the equipment has been manufactured by a company owned and located within the United States; (2) the equipment has been proven to be essential for the conduct of the project; (3) the equipment is not available in the country where the project is being conducted; and (4) the research organization does not have sufficient funds to purchase the equipment.

Subpart E—Rehabilitation Training

§ 402.70 Purpose.

(a) *Long-term training.* Under section 203(a) of the Act, grants or contracts may be made for the support of training, traineeships, and related activities designed to assist in increasing the numbers of personnel trained in providing vocational rehabilitation services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) *Short-term training.* Under section 400(a)(2) of the Act, short-term training and instruction may be provided in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of traineeships, with such stipends and allowances (including travel and subsistence expenses), as are necessary.

(c) *Research fellowships.* Under section 400(a)(2) of the Act, research fellowships may be established and maintained in technical matters relating to vocational rehabilitation services, with such stipends and allowances (including travel and subsistence expenses), as are necessary.

§ 402.71 Eligible applicants.

(a) *Long-term training; short-term training.* Applications may be made by State agencies and public or nonprofit agencies and organizations, including institutions of higher education.

(b) *Research fellowships.* Applications for research fellowships may be made by any person who has a demonstrated ability and special aptitude for advanced research training or productive research scholarship in any of the professional fields which contribute to the vocational rehabilitation of handicapped persons.

§ 402.72 Matching requirements.

(a) *Long-term training.* Under section 203(a) of the Act, grants and contracts may pay only part of the project cost. The applicant is expected to furnish as large a part of the total project cost as possible and, in the case of projects extending beyond one year, the applicant's share of the teaching costs is expected to increase progressively in each succeeding year. Insofar as possible, total personnel costs should be fully absorbed by the grantee at the termination of the project period.

(b) *Short-term training.* Although no minimum share will be required of applicants under section 400(a)(2) of the Act, they may be expected to share in the costs of the project. In such cases, the amount of grantee participation will be a matter of negotiation.

§ 402.73 Federal financial participation.

Federal financial participation will be available for the costs specified in § 402.8 and will also be available for (a) Student stipends (including dependency allowances); (b) tuition and fees; and (c) Student travel.

Indirect costs will not exceed 8 per centum of the amount allowed for direct costs, exclusive of permanent equipment, except in the case of State vocational rehabilitation agencies or other agencies of a State.

§ 402.74 Project period.

(a) *Long-term training.* A project may be approved for a project period not to exceed 5 years.

(b) *Short-term training.* A project may be approved for a project period not to exceed 12 months.

§ 402.75 Fields of support.

Grants or contracts will be made to provide a balanced program of assistance to meet the medical, vocational and other personnel training needs of both public and private rehabilitation programs and institutions. Such balanced program will include, as appropriate, projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in providing services to blind and deaf individuals, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals. Such program will also include projects to train individuals to work more effectively with handicapped individuals with limited English-speaking ability with particular attention on the development of language skills and the understanding of the cultural needs of such individuals.

§ 402.76 Traineeships and research fellowships.

(a) Traineeships and research fellowships provide financial support to students for technical, pre-baccalaureate, baccalaureate, graduate, post-graduate and special non-academic training.

(b) No training or instruction (including a combination of traineeship and research fellowship awards) shall be provided to an individual for any one course of study extending for a period in excess of four years.

(c) Each trainee and fellow must meet the following general requirements:

(1) He must be a United States citizen or a foreign national lawfull admitted to the United States for permanent residence;

(2) He must take the training only at the educational institution or agency designated in the traineeship or fellowship award;

(3) He must not be an employee of the Federal Government; and

(4) He must not concurrently receive educational allowances from any other Federal, State, or local public or voluntary agency, except for Federally assisted student loans, or educational allowances or benefits payable under chapters 34, 35, and 36 of Title 38, U.S.C. as limited by section 213 of the Veterans Education and Trainee Amendments Act of 1972, or educational allowances or benefits for veterans payable under any State or local program.

(d) An applicant for a traineeship must apply to the institution or agency which has been awarded a grant for traineeships under this subpart. Selection of all trainees is made by the institution or agency.

(e) Applicants for research fellowships must file applications in accord with procedures prescribed by the Secretary.

Subpart F—National Center for Deaf-Blind Youths and Adults

§ 402.80 Terms.

For the purpose of this subpart

(a) "Center" means the National Center for Deaf-Blind Youths and Adults, including its field offices;

(b) "Deaf-blind individuals" means persons who are blind as defined in § 401.1(b) of this chapter and have a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification and the combination of the two disabilities causes extreme difficulty for the person to attain independence in activities of daily living, psychosocial adjustment, or in the pursuit of a vocational objective; and

(c) "Grantee" means the public or nonprofit agency or organization selected as the party to the agreement to receive funds for the construction and operation of the National Center for Deaf-Blind Youths and Adults.

§ 402.81 Purpose.

Under section 305 of the Act, the Secretary may enter into an agreement with any public or nonprofit agency or organization for payment of all or part of the costs of the establishment and operation, including construction and equipment, of a center for the vocational rehabilitation of handicapped individuals who are both deaf and blind, which shall be known as the National Center for Deaf-Blind Youths and Adults.

§ 402.82 Proposals.

The scope of the commitment in the agreement shall encompass, but not be limited to, the following areas of activity:

(a) The construction of a facility for the vocational rehabilitation of handicapped individuals who are both deaf and blind, which will be especially adapted to the needs of deaf-blind individuals;

(b) The demonstration of methods which provide the specialized intensive services and other services, needed to rehabilitate handicapped individuals who are both deaf and blind;

(c) The training of professional and allied personnel needed to staff facilities specifically designed to provide such services and training of such personnel who have been or will be working with deaf-blind individuals.

(d) The conduct of research with respect to the problems of deaf-blind individuals and their rehabilitation;

(e) The conduct of related activities which will expand or improve the services for deaf-blind individuals, and

(f) The improvement of public understanding concerning the needs of deaf-blind individuals.

§ 402.83 Agreement.

The agreement shall:

(a) Provide that Federal funds paid to the grantee for the Center will be used only for the purpose for which paid and in accordance with the applicable provisions of the Act, these regulations, and the terms and conditions of the agreement.

(b) Provide that the grantee will make annual fiscal, progress and other special reports at such time and in such form as required by the Secretary.

§ 402.84 Selection of grantee.

The selection of the grantee will be made by the Secretary with preference given to the application that:

(a) Gives promise of maximum effectiveness in the organization and operation of the Center, and

(b) Gives promise of offering the most substantial skill, experience and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

Subpart G—Program and Project Evaluation

§ 402.90 Program and project evaluation.

(a) *Purpose.* Under section 401(a)(1) of the Act, the Secretary shall measure and evaluate the impact of all programs authorized under the Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services.

(b) *Awards.* Contracts may be awarded to any agency or organization with the demonstrated capacity to conduct evaluation studies under this subpart. Contracts for the study of program activities conducted under the Act may only be awarded to agencies or organizations which are not immediately involved in the administration of the program or project to be evaluated.

(c) *Standards for evaluation.* The Secretary shall, prior to July 1, 1974, develop and publish general standards for:

(1) The evaluation of programs authorized under the Act; and

(2) The evaluation of project effectiveness in achieving the objectives of the Act.

(d) *General considerations in program and project evaluation activities.* (1) Evaluation studies shall be conducted only by persons not immediately involved in the administration of the program or project being evaluated.

(2) Where appropriate, comparisons with appropriate control groups, composed of persons who have not participated in such programs, will be included in evaluation studies.

(3) Evaluation studies shall reflect continuing technical competence and program relevance, and shall be designed to assure timely progress.

(4) In carrying out evaluation studies of programs and projects supported under the Act, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in such programs and projects, and handicapped individuals served by such programs and projects.

(e) *Special considerations in the evaluation of rehabilitation research and demonstrations.* (1) The Secretary shall, on an annual basis, and after taking into consideration the views of the State agencies, design evaluation studies concerned with the conduct of rehabilitation research and demonstration activities under Subpart D of this part which shall be used to:

(i) Reassess priorities to which such activities should be directed; and

(ii) Review present research, demonstration, and related activities to determine in terms of the purposes specified in Subpart D of this part, whether and on what basis such activities should be continued, revised, or terminated.

(2) Within 12 months after enactment of the Act, and on each April 1 thereafter, the Secretary shall prepare and furnish to the appropriate committees of Congress a complete report of such determination and review cited in this section, along with such recommendations as may be appropriate.

§ 402.91 Intramural research.

Under section 400(c) of the Act, the Secretary shall (directly or by grants or contracts) conduct studies, investigations, and evaluation of programs authorized by the Act, and make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, the development of their potentials, their utilization in gainful and suitable employment, and with respect to architectural, transportation and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

Subpart H—Technical Assistance

§ 402.100 Furnishing of technical assistance.

Technical assistance authorized in section 304(e) of the Act will be furnished, directly, or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof to provide technical assistance and consultation:

(a) To public and nonprofit rehabilitation facilities in matters of professional or business practice within the facility and

(b) To public and nonprofit agencies, institutions, organizations, or facilities for the purpose of planning or effecting the removal of architectural and transportation barriers.

§ 402.101 Per diem payments.

Experts or consultants, while providing technical assistance consultations pursuant to § 402.100, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the prorated pay rate for a person employed at a GS–18, under section 5332 of Title 5, United States Code, including travel time, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code, for persons in the government service employed intermittently.

§ 402.102 Recommendations and reports.

A rehabilitation facility or public or nonprofit agency, institution, organization or facility which receives technical assistance consultations will be furnished with the recommendations of the consultant. A copy of the recommendations will also be furnished to the appropriate State agency. The rehabilitation facility or public or non-profit agency, institution, organization or facility receiving the technical assistance will be expected to provide a prompt report to the Department concerning the consultation and a report 6 months afterwards as to what has been done about the recommendations.

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ENVIRONMENTAL PROTECTION AGENCY

■

DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

Effluent Limitation Guidelines and Pretreatment Standards Application

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 405—EFFLUENT LIMITATIONS GUIDELINES FOR STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

On December 20, 1973, notice was published in the FEDERAL REGISTER (38 FR 35250), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the receiving stations, the fluid products, the cultured products, the butter, the cottage cheese and cultured cream cheese, the natural and processed cheese, the fluid mix for ice cream and other frozen desserts, the ice cream, frozen desserts, novelties and other dairy desserts, the condensed milk, the dry milk, the condensed whey and the dry whey subcategories of the dairy products processing industry category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the dairy products processing industry category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 405. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the dairy products processing industry category. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Dairy Products Processing Point Source Category" (January 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, for the Dairy Processing Industry" (November 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: the U.S. Department of Health, Education and Welfare; U.S. Department of the Interior; U.S. Department of Commerce; U.S. Department of Agriculture; State of New York Department of Environmental Conservation; State of Wisconsin Department of Natural Resources; Dairylea Cooperative Inc.; Kraftco Corporation; Land O'Lakes, Inc.; Foremost Foods Company; Mid-America Dairymen, Inc.; North Carolina Dairy Products Association, Inc.; National Milk Producers Federation; and the Dairy Industry Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) The comment was made that proposed guidelines are only partially responsive to the goals and objectives of the Act in that they will serve to control the gross organic pollutant load but they will not contribute to the elimination of more insidious pollutants such as pesticides and drugs that have been proven toxic to both terrestrial and aquatic biota. Specifically, reference is made to the Development Document noting the use of santizers in the dairy products industry and the relatively low chloride levels in the wastes. Documentation in support of the comment refers to toxicity of power plant chemicals, ecological effects of pesticides on non-target species, and the effects of salinity and salinity changes on life in coastal waters.

During the course of the supportive study for the guidelines, extensive data were compiled on the use of cleaners and sanitizers in dairy products processing. Re-examination of these data support the position that the concentrations of such materials in the raw waste loads are very low, and these levels will be reduced moderately through entrainment in the sludge removed during biological treatment. Further, highly successful operation of biological treatment by plants typifying sanitation practices within the industry indicates that the subject materials are below significant levels even without dilution afforded by receiving waters. The added complexity of establishing limits and monitoring for cleaners and sanitizers does not appear justifiable.

(2) Several commenters questioned the adequacy of the data base for both the economic impact evaluation and the technical development of the guidelines. No additional or alternative sources of data were indicated, however.

The data base represents the best available from Federal, State and local agencies historically closely associated with the industry and from the industry itself, supplemented by data generated by on-site studies by EPA's contractors. The Agency considers the data bases adequate for the determination of appropriate effluent limitations and the evaluation of their economic impact.

(3) The comment was made that the economic impact of the guidelines, as reflected by the projected plant closures, is unacceptably high, and severe as it is expected to be, is undoubtedly understated.

In reality, the economic impact of the guidelines should be less severe than that projected in the supplementary economic analysis, since all factors were incorporated in the most conservative (i.e., unfavorable) light. A number of ameliorating factors were recognized, such as limited or local custom markets, but no weight was given to the reduction of plant closures attributable to the existence of such markets. The indicated ability of plants to meet the costs of pollution control was reduced to the minimum by inclusion of depreciation based on current replacement costs. This is especially notable for those classes of plants for which most closures are projected, i.e., small old plants which under typical practices should be completely depreciated at present. Moreover, many of the projected closures (approximately 79 percent) do not represent closures truly attributable to the guidelines, but rather acceleration of 1977–83 baseline closures (plant closures expected as the result of other market forces). The effluent guidelines, however, have been modified to reduce the economic impact on those segments of the industry that were projected to experience large numbers of closures.

(4) Several commenters suggested that the guidelines require further subcategorization based on size (because of unequal economic impact associated with size) and final product (e.g., swiss cheese vs. cheddar cheese).

The impact of the guidelines in regard to various sizes of plants is one of economics of size, as related to both profitability and treatment costs per unit of production, and is not related to technical feasibility. The guidelines have been amended to significantly reduce their economic impact (projected plant closures are reduced from 573 to 102, for example) by providing for a lesser degree of pollutant elimination for small plants that is readily attainable at greatly reduced treatment costs. Further reduction of the economic impact would require discharge of raw waste by some segments of the industry, a result inconsistent with Pub. L. 92–500. Examination of all available information, which includes data from plants producing more than a dozen varieties of natural and processed cheeses (the subcategory cited as an example), does not justify further subcategorization based on very specific final products.

(5) The comment was made that the proposed regulation does not adequately identify the level of best practicable control technology currently available. Section 304 Pub. L. 92–500 requires that EPA "identify * * * the degree of effluent reduction attainable through the application of best practicable control technology current available * * *". It is thus implied that for each industry subcategory, one level of treatment must be identified as best practicable control technology currently available. Additionally, in-plant changes were employed with the best practicable control technology, and the intent of Congress is for 1977 guidelines to be based upon end-of-pipe technology, not in-plant changes.

First, the in-plant considerations are not of the type and magnitude that would constitute "process and procedure innovations", but are based on good housekeeping and management (e.g., automatic shut-off valves, drain screens, liquid level controls and drip shields) as practiced by the better operations within the industry. Therefore, best practicable control technology currently available for this industry shall mean existing good water and waste water management within the plant followed by efficient biological treatment of the process waste waters. The guidelines limitations indicate the degree of effluent reduction currently attained by the combination of good water and waste water management within the plant and efficient end-of-pipe biological treatment. That they are indicative of the best practicable control technology currently available is supported by the fact that they represent the current effluent control attained by approximately the best quartile of the operations on which information is available. Alternative technologies to achieve the effluent limitations are presented in the Development Document together with associated investment and operating costs.

(6) The reasonableness of the 1983 limitations, particularly from the standpoint of costs, was questioned.

The 1983 limitations are currently attained by a more limited number of plants within the industry. Approaches vary from highly sophisticated in-plant control followed by typical efficient biological treatment to typically good in-plant control combined with typical efficient biological treatment and a polishing pond, sand filter, or other relatively low cost polishing operation. Several plants with exemplary practices throughout the chain (in-plant and end-of-pipe) are now attaining effluent discharges of better quality than those required by the guidelines limitations.

(7) Several comments were made questioning the need for any pretreatment of dairy wastes, much less the stringent pretreatment requirements proposed for new sources.

Neither the pretreatment standards promulgated for new sources nor the proposed pretreatment standards for existing sources are stringent. Under both standards, the wastes from most dairy products processing are considered compatible with public treatment systems and may be discharged without pretreatment, subject to the general provisions of 40 CFR Part 128 and State or local regulations.

(8) The comment was made that the guidelines do not indicate they are preliminary and subject to modification. The commenter expressed apprehension that State and regional personnel unfamiliar with the guidelines could impose more restrictive local requirements.

Though they have not been formally incorporated in guidelines documents, the provisions for review and revision contained in Pub. L. 92–500 are, of course, applicable to the guidelines. While provisions have been included in the guidelines for less restrictive permit limitations when fully justified, the guidelines constitute national minimum requirements and there is no intent within either Pub. L. 92–500 or the guidelines to abridge the right of State or local authorities to impose more restrictive requirements.

(9) Several comments were made that the proposed guidelines required a higher degree of treatment for the dairy industry than the requirements for secondary treatment applicable to municipalities in regard to BOD5 and suspended solids. These commenters suggested that the requirements for the two should be identical.

The guidelines as promulgated require discharge of an effluent of essentially the same quality as that attained by municipalities applying secondary treatment. This does require greater efficiency in terms of present waste reduction on the part of industry, but such reductions have been shown to be practicable.

(10) The comment was made that the receiving stations subcategory should include whey to accommodate the portion of raw waste load attributable to the receipt of whey in processing plants.

Allowances for raw waste contributions from receiving departments in dairy products plants have been included in the calculation of effluent limitations established for the various subcategories.

(11) The comment was made that there are many processes, such as lactose fractionation, lactose refining and lactose fermentation which have not been mentioned in the guidelines and for which no waste discharge allowance has been made.

The processes mentioned are not typical dairy products processes and are more appropriately considered in limitations for industry categories such as pharmaceuticals and miscellaneous foods.

(12) The comment was made that barometric condensers should be taken into account in the guidelines for those subcategories in which they are normally employed, and that treatment of such condensers should be clarified in the final Development Document. The economic impact of the position taken should be considered.

The regulation of discharges from barometric condensers is more fully covered in the support documents. The guidelines have been amended to permit once-through use of barometric condenser water without treatment for those segments in which installations of cooling towers might impose undue economic hardship.

(b) *Revision of the proposed regulation prior to promulgation.* (1) To lessen the economic impact of the regulation, separate sets of limitations, reflecting a slightly reduced level of pollutant removal that is attainable at considerably lower cost, have been established for small plants in each subcategory.

(2) Provision has been made for once-through use of barometric condenser water under conditions of controlled trainment for small plants in the condensed milk and condensed whey subcategories to reduce the economic impact on plants in these segments.

(3) The limitations applicable to larger plants in all subcategories have been modified to reflect a more uniform discharge quality among the subcategories. In general, this has resulted in less than a ten percent change from the values contained in the proposed regulations.

(4) Subsequent review has affirmed the somewhat abnormal settling characteristics associated with suspended solids in biological treatment systems handling dairy products wastes. Consequently, the limitations for total suspended solids now reflect a level of discharge slightly higher than those for biochemical oxygen demand.

(5) The language of the proposed pretreatment requirements for new sources has been modified to indicate clearly the general compatibility of dairy products wastes with publicly-owned treatment systems, subject to the general provisions of 40 CFR 128 and State and local regulations.

(6) Section 304(b)(3)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus, Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control, a provision allowing flexibility in the strict application of the limitations representing best practicable control technology currently available has been added to each subpart to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(7) The proposed division of receiving stations into those receiving milk in cans and those receiving milk in bulk has been deleted. Under the division by size range contained in the final regulation the division based on mode of receipt of milk is no longer valid. Those receiving stations

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receiving any appreciable portion of their milk in cans will fall within the lower size range segment of the subcategory, and the less stringent limitations applicable to this segment will readily accommodate the variation attributable to receipt of milk in cans.

(c) *Economic impact.* The investment costs for 1977, based on recommended technology for the various segments of the industry, range between 5 and 25 percent of current fixed investment depending on the type of product and size of plant. Annual costs for the 1977 standards vary from 0.2 to 1.5 percent of sales. For 1983 it is assumed that the standards will be met through improved treatment involving low-cost polishing operations (e.g., sand filtration) or through improved in-plant control and utilization of 1977 treatment facilities. Incremental capital investments and annual costs for additions to treatment facilities required to meet the 1983 limitations will be less than half those for 1977. Depending on their specific nature, the costs of inplant control would be very variable, but much of the investment would be returned by value of materials recovered through improved control.

These costs do not appear seriously to threaten the long-term production or viability of the industry. The 1977 standards should result in price increases of from zero to 1.1 percent at the wholesale level. It is estimated that approximately 102 plant closures could result in 1977 due to the guidelines. These plants, representing only 0.2 percent of current industry production and about 850 employees (or 0.3 percent of total employment in the industry), are of questionable viability in light of the historical trend for closure of the small, old, relatively inefficient marginal plants within the dairy products processing industry. The plant closures tentatively attributed to impact of the guidelines represent in the main an acceleration of 1977–83 baseline closures which would occur even without imposition of guidelines. It is also estimated that the number of communities affected will approximate the number of plant closures. The impact of the 1983 guidelines is much less, approximately zero to 0.5 percent price increase at the wholesale level and no additional plant closures. Neither the 1977 nor the 1983 standards are expected to have any noticeable effects on the industry's growth or the Nation's balance of trade.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the dairy products processing industry point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines Dairy Products Processing Industry Point Source Category". It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines DAIRY PROCESSING INDUSTRY" (November 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the dairy products processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Dairy Products Processing Industry Point Source Category," is being published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Ch. I, Subchapter N is hereby amended by adding a new Part 405, Dairy Products Processing Industry Point Source Category, to read as set forth below. An order of the Federal District Court for the District of Columbia entered in "NRDC v. Train" (Civ. No. 1609–73) on November 27, 1973, required that the Administrator sign final effluent limitations guidelines for this industry category by March 22, 1974. That order was subsequently modified on March 14, 1974, and the date for signing extended until April 22, 1974. Thereafter, on March 15, 1974, the District Court ordered that the effective date for effluent limitations guidelines established by its November 27 order remain applicable and not be affected by the extension in the publication date. The effective date for effluent limitations guidelines for this industry established by the Court's November 27 order is May 19, 1974. Accordingly, good cause is found for the final regulation promulgated as set forth below to be effective on May 28, 1974.

Dated: May 15, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Receiving Stations Subcategory

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405.10 Applicability; description of the receiving stations subcategory.
405.11 Specialized definitions.
405.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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Subpart G—Fluid Mix for Ice Cream and Other Frozen Desserts Subcategory

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405.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.114 [Reserved]
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Subpart L—Dry Whey Subcategory

405.120 Applicability; description of the dry whey subcategory.
405.121 Specialized definitions.
405.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.124 [Reserved]
405.125 Standards of performance for new sources.
405.126 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816, et seq.; Pub. L. 92–500.

Subpart A—Receiving Stations Subcategory

§ 405.10 Applicability; description of the receiving stations subcategory.

The provisions of this subpart are applicable to discharges resulting from the operation of receiving stations engaged in the assembly and reshipment of bulk milk for the use of manufacturing or processing plants.

§ 405.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guide-

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lines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent that the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For receiving stations receiving more than 150,000 lb/day of milk equivalent (15,600 lb/day or more of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	(Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.475	0.190
TSS	.712	.285
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.048	0.019
TSS	.071	.029
pH	Within the range 6.0 to 9.0.	

(b) For receiving stations receiving 150,000 lb/day or less of milk equivalent (under 15,600 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.625	0.313
TSS	.938	.469
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.063	0.031
TSS	.094	.047
pH	Within the range 6.0 to 9.0.	

§ 405.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For receiving stations receiving more than 150,000 lb/day of milk equivalent (15,600 lb/day or more of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.100	0.050
TSS	.126	.063
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.010	0.005
TSS	.013	.006
pH	Within the range 6.0 to 9.0.	

(b) For receiving stations receiving 150,000 lb/day or less of milk equivalent (under 15,600 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.150	0.075
TSS	.188	.094
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.015	0.008
TSS	.019	.009
pH	Within the range 6.0 to 9.0.	

§ 405.14 [Reserved]

§ 405.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.100	0.050
TSS	.126	.063
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.010	0.005
TSS	.013	.006
pH	Within the range 6.0 to 9.0.	

§ 405.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the receiving stations subcategory which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128 of this chapter, except for § 128.133 of this chapter. Subject to the provisions of part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart B—Fluid Products Subcategory

§ 405.20 Applicability; description of the fluid products subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of market milk (ranging from 3.5 percent fat to fat-free), flavored milk (chocolate and others) and cream (of various fat concentrations, plain and whipped).

§ 405.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) For fluid products plants receiving more than 250,000 lb/day of milk equivalent (more than 25,900 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	3.375	1.350
TSS	5.505	2.025
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.338	0.135
TSS	.551	.203
pH	Within the range 6.0 to 9.0.	

(b) For fluid products plants receiving 250,000 lb/day or less of milk equivalent (less than 25,900 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	4.50	2.250
TSS	6.750	3.375
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.450	0.225
TSS	.675	.338
pH	Within the range 6.0 to 9.0.	

§ 405.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) For fluid products plants receiving more than 250,000 lb/day of milk equivalent (more than 25,900 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.10	0.550
TSS	1.375	.688
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.110	0.055
TSS	.138	.069
pH	Within the range 6.0 to 9.0.	

§ 405.24 [Reserved]

§ 405.25 Standards of performance for new sources.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.740	0.370
TSS	.925	.463
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.074	0.037
TSS	.093	.046
pH	Within the range 6.0 to 9.0.	

§ 405.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the fluid products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128 of this chapter, except for § 128.133 of this chapter. Subject to the provisions of part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart C—Cultured Products Subcategory

§ 405.30 Applicability; description of the cultured products subcategory.

The provisions of this subpart are applicable discharges resulting from the manufacture of cultured products, including cultured skim milk (cultured buttermilk), yoghurt, sour cream and dips of various types.

§ 405.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing process products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fun-

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damentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For cultured products plants receiving more than 60,000 lb/day of milk equivalent (more than 6,200 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	3.375	1.350
TSS	5.063	2.025
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.338	0.135
TSS	.506	.203
pH	Within the range 6.0 to 9.0.	

(b) For cultured products plants receiving 60,000 lb/day or less of milk equivalent (less than 6,200 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	4.50	2.250
TSS	6.750	3.375
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.450	0.225
TSS	.675	.338
pH	Within the range 6.0 to 9.0.	

§ 405.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For cultured products plants receiving more than 60,000 lb/day of milk equivalent (more than 6,200 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.740	0.370
TSS	.926	.463
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.074	0.037
TSS	.093	.046
pH	Within the range 6.0 to 9.0.	

(b) For cultured products plants receiving 60,000 lb/day or less of milk equivalent (less than 6,200 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.10	0.550
TSS	1.375	.688
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.110	0.055
TSS	.138	.069
pH	Within the range 6.0 to 9.0.	

§ 405.34 [Reserved]

§ 405.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.740	0.370
TSS	.926	.463
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.074	0.037
TSS	.093	.046
pH	Within the range 6.0 to 9.0.	

§ 405.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the cultured products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth, in part 128 of this chapter except for § 128.133 of this chapter. Subject to the proisions of part 128 of this chapter process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart D—Butter Subcategory

§ 405.40 Applicability; description of the butter subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of butter, either by churning or continuous process.

§ 405.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For plants processing more than 175,000 lb/day of milk equivalent (more than 18,180 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.575	0.540
TSS	2.363	.675
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.128	0.055
TSS	.306	.083
pH	Within the range 6.0 to 9.0.	

(b) For plants processing 175,000 lb/day or less of milk equivalent (less than 18,180 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.825	0.913
TSS	2.738	1.369
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.183	0.091
TSS	.274	.137
pH	Within the range 6.0 to 9.0.	

§ 405.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For plants processing more than 175,000 lb/day of milk equivalent (more than 18,180 lb/day of BOD5 input.)

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.160	0.080
TSS	.20	.10
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.016	0.008
TSS	.020	.010
pH	Within the range 6.0 to 9.0.	

(b) For plants processing 175,000 lb/day or less of milk equivalent (less than 18,180 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.250	0.125
TSS	.313	.156
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.025	0.012
TSS	.031	.016
pH	Within the range 6.0 to 9.0.	

§ 405.44 [Reserved]

§ 405.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.160	0.080
TSS	.20	.10
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.016	0.008
TSS	.020	.010
pH	Within the range 6.0 to 9.0.	

§ 405.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the butter subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters) shall be the standard set forth in Part 128 of this chapter except for § 128.133 of this chapter. Subject to the provisions of Part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart E—Cottage Cheese and Cultured Cream Cheese Subcategory

§ 405.50 Applicability; description of the cottage cheese and cultured cream cheese subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of cottage cheese and cultured cream cheese.

§ 405.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such

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fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For plants processing more than 25,000 lb/day of milk equivalent (more than 2,600 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	6.70	2.680
TSS	10.050	4.020
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.670	0.268
TSS	1.005	.402
pH	Within the range 6.0 to 9.0.	

(b) For plants processing 25,000 lb/day or less of milk equivalent (less than 2,600 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	8.926	4.463
TSS	13.388	6.694
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.893	0.446
TSS	1.339	.669
pH	Within the range 6.0 to 9.0.	

§ 405.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For plants processing more than 25,000 lb/day of milk equivalent (more than 2,600 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	1.480	0.740
TSS	1.850	.925
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.148	0.074
TSS	.185	.093
pH	Within the range 6.0 to 9.0.	

(b) For plants processing 25,000 lb/day or less of milk equivalent (less than 2,600 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	2.226	1.113
TSS	2.782	1.391
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.223	0.111
TSS	.278	.139
pH	Within the range 6.0 to 9.0.	

§ 405.54 [Reserved]

§ 405.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	1.480	0.740
TSS	1.850	.925
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.148	0.074
TSS	.185	.093
pH	Within the range 6-0 to 9.0.	

§ 405.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the cottage cheese and cultured cream cheese subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except for § 128.133 of this chapter. Subject to the provisions of Part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart F—Natural and Processed Cheese Subcategory

§ 405.60 Applicability; description of the natural and processed cheese subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of natural cheese (hard curd) and processed cheese.

§ 405.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter, shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors

are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For plants processing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	0.715	0.290
TSS	1.088	.435
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.073	0.029
TSS	.109	.044
pH	Within the range 6.0 to 9.0.	

(b) For plants processing 100,000 lb/day or less of milk equivalent (less than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	0.976	0.488
TSS	1.462	.731
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.098	0.049
TSS	.146	.073
pH	Within the range 6.0 to 9.0.	

§ 405.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For plants processing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	0.160	0.080
TSS	.20	.10
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.016	0.008
TSS	.020	.010
pH	Within the range 6.0 to 9.0.	

(b) For plants processing 100,000 lb/day or less of milk equivalent (less than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	0.250	0.125
TSS	.312	.156
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.025	0.013
TSS	.031	.016
pH	Within the range 6.0 to 9.0.	

§ 405.64 [Reserved]

§ 405.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD$_5$ input)	
BOD$_5$	0.160	0.080
TSS	.20	.10
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD$_5$ input)	
BOD$_5$	0.016	0.008
TSS	.020	.010
pH	Within the range 6.0 to 9.0.	

§ 405.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the natural and processed cheese subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except for § 128.133 of this chapter subject to the provisions of Part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart G—Fluid Mix for Ice Cream and Other Frozen Desserts Subcategory

§ 405.70 Applicability; description of the fluid mix for ice cream and other frozen desserts subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of fluid mixes for ice cream and other frozen desserts for later freezing in other plants; it does not include freezing of the products as one of the affected operations.

§ 405.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit

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either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For plants with a dairy products input of more than 85,000 lb/day of milk equivalent (more than 8,830 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	2.20	0.880
TSS	2.640	1.320
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.220	0.088
TSS	.264	.132
pH	Within the range 6.0 to 9.0.	

(b) For plants with a dairy products input of 85,000 lb/day or less of milk equivalent (less than 8,830 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	2.926	1.463
TSS	4.388	2.194
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.293	0.146
TSS	.439	.219
pH	Within the range 6.0 to 9.0.	

§ 405.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For plants with a dairy products input of more than 85,000 lb/day of milk equivalent (more than 8,830 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.480	0.240
TSS	.60	.30
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.048	0.024
TSS	.060	.030
pH	Within the range 6.0 to 9.0.	

(b) For plants with a dairy products input of 85,000 lb/day or less of milk equivalent (less than 8,830 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.726	0.363
TSS	.908	.454
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.073	0.036
TSS	.091	.045
pH	Within the range 6.0 to 9.0.	

§ 405.74 [Reserved]

§ 405.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.480	0.240
TSS	.60	.30
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.048	0.024
TSS	.060	.030
pH	Within the range 6.0 to 9.0.	

§ 405.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the fluid mix for ice cream and other frozen desserts subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except for § 128.133 of this chapter. Subject to the provisions of Part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart H—Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts Subcategory

§ 405.80 Applicability; description of the ice cream, frozen desserts, novelties and other dairy desserts subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of ice cream, ice milk, sherbert, water ices, stick confections, frozen novelties products, frozen desserts, melorine, pudding and other dairy product base desserts. If fluid mixes prepared at another plant are employed, the appropriate values from Subpart G should be deducted from the limitations.

§ 405.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter, shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For plants with a dairy products input of more than 85,000 lb/day of milk equivalent (more than 8,830 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	4.60	1.840
TSS	6.90	2.760
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.460	0.184
TSS	.690	.276
pH	Within the range 6.0 to 9.0.	

(b) For plants with a dairy products input of 85,000 lb/day or less of milk equivalent (less than 8,830 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	6.126	3.063
TSS	9.188	4.594
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.613	0.306
TSS	.919	.459
pH	Within the range 6.0 to 9.0.	

§ 405.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For plants with a dairy products input of more than 85,000 lb/day of milk equivalent (more than 8,830 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.40	0.70
TSS	1.750	.875
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.140	0.070
TSS	.175	.088
pH	Within the range 6.0 to 9.0.	

§ 405.84 [Reserved]

§ 405.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.940	0.470
TSS	1.175	.588
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.094	0.047
TSS	.118	.059
pH	Within the range 6.0 to 9.0.	

§ 405.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the manufacture of ice cream, frozen desserts, novelties and other dairy desserts subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128 of this chapter, except for § 128.133 of this chapter. Subject to the provisions of part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart I—Condensed Milk Subcategory

§ 405.90 Applicability; description of the condensed milk subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of condensed whole milk, condensed skim milk, sweetened condensed milk and condensed buttermilk.

§ 405.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the De-

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velopment Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For plants condensing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	3.450	1.380
TSS	5.175	2.070
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.345	0.138
TSS	.518	.207
pH	Within the range 6.0 to 9.0.	

(b) For plants condensing 100,000 lb/day or less of milk equivalent (less than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	4.60	2.30
TSS	6.90	3.450
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.460	0.184
TSS	.690	.276
pH	Within the range 6.0 to 9.0.	

(c) For plants in the size range covered by paragraph (b) once-through barometric condenser water may be discharged untreated if the composite net entrainment is below 15 mg/l of BOD5 for any one day and below 10 mg/l of BOD5 as the average for thirty consecutive days.

§ 405.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For plants condensing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.760	0.380
TSS	.950	.475
pH	Within the range 6.0 to 9.0	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.076	0.038
TSS	.095	.048
pH	Within the range 6.0 to 9.0.	

(b) For plants condensing 100,000 lb/day or less of milk equivalent (less than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.150	0.575
TSS	1.438	.719
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.115	0.058
TSS	.144	.072
pH	Within the range 6.0 to 9.0.	

§ 405.94 [Reserved]

§ 405.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) For plants condensing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.760	0.380
TSS	.950	.475
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.076	0.038
TSS	.095	.048
pH	Within the range 6.0 to 9.0.	

§ 405.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the condensed milk subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except for § 128.133 of this chapter. Subject to the provisions of Part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart J—Dry Milk Subcategory

§ 405.100 Applicability; description of the dry milk subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of dry whole milk, dry skim milk and dry buttermilk.

§ 405.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analysis or generally accepted published values.

§ 405.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not

fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For milk drying plants with an input equivalent to more than 145,000 lb/day of milk equivalent (more than 15,070 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.625	0.650
TSS	2.438	.975
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.163	0.065
TSS	.244	.098
pH	Within the range 6.0 to 9.0.	

(b) For milk drying plants with an input equivalent to 145,000 lb/day or less of milk equivalent (less than 15,070 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	2.176	1.088
TSS	3.276	1.638
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.218	0.109
TSS	.328	.164
pH	Within the range 6.0 to 9.0.	

§ 405.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For milk drying plants with an input equivalent to more than 145,000 lb/day of milk equivalent (more than 15,070 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.360	0.180
TSS	.450	.225
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.036	0.018
TSS	.045	.023
pH	Within the range 6.0 to 9.0.	

(b) For milk drying plants with an input equivalent to 145,000 lb/day or less of milk equivalent (less than 15,070 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.550	0.275
TSS	.688	.344
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.055	0.028
TSS	.069	.034
pH	Within the range 6.0 to 9.0.	

§ 405.104 [Reserved]

§ 405.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.036	0.180
TSS	.450	.225
pH	Within the range 6.0 to 9.0	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.036	0.018
TSS	.045	.023
pH	Within the range 6.0 to 9.0.	

§ 405.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the dry milk subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except for § 128.133 of this chapter. Subject to the provisions of Part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart K—Condensed Whey Subcategory

§ 405.110 Applicability; description of the condensed whey subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of condensed sweet whey and condensed acid whey.

§ 405.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If

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such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For whey condensing plants with over 300,000 lb/day of fluid raw whey input (over 20,700 lb/day of solids or 14,160 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.00	0.400
TSS	1.50	.600
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.100	0.040
TSS	.150	.060
pH	Within the range 6.0 to 9.0.	

(b) For whey condensing plants with 300,000 lb/day or less of raw fluid whey input (less than 20,700 lb/day of solids or 14,160 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.30	0.650
TSS	1.950	.975
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.120	0.055
TSS	.195	.098
pH	Within the range 6.0 to 9.0.	

(c) For plants in the size range covered in paragraph (b) once-through barometric condenser water may be discharged untreated if the composite net entrainment is below 15 mg/1 of BOD5 for any one day and below 10 mg/1 of BOD5 as the average for thirty consecutive days.

§ 405.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For whey condensing plants with more than 300,000 lb/day of raw fluid whey input (more than 20,700 lb/day of solids or 14,160 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.220	0.110
TSS	.275	.138
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.022	0.011
TSS	.028	.014
pH	Within the range 6.0 to 9.0.	

(b) For whey condensing plants with 300,00 lb/day or less of raw fluid whey input (less than 20,700 lb/day of solids or 14,160 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.226	0.163
TSS	.408	.204
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.033	0.016
TSS	.041	.020
pH	Within the range 6.0 to 9.0.	

§ 405.114 [Reserved]

§ 405.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.220	0.110
TSS	.276	.138
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.022	0.011
TSS	.028	.014
pH	Within the range 6.0 to 9.0.	

§ 405.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the condensed whey subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except for § 128.133 of this chapter. Subject to the provisions of Part 128 of this chapter, process waste water pollutants from a new source subject to the provisions of this subpart may be discharged to publicly owned treatment works.

Subpart L—Dry Whey Subcategory

§ 405.120 Applicability; description of the dry whey subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of sweet or acid dry whey.

§ 405.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values.

§ 405.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For whey drying plants with an input equivalent to more than 57,000 lb/day of 40 percent solids whey (22,800 lb/day of solids or 15,620 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.30	0.650
TSS	1.95	.975
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.130	0.055
TSS	.195	.098
pH	Within the range 6.0 to 9.0.	

§ 405.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For whey drying plants with an input equivalent to more than 57,000 lb/day of 40 percent solids whey (22,800 lb/day of solids or 15,620 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.00	0.400
TSS	1.50	.600
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.100	0.040
TSS	.150	.060
pH	Within the range 6.0 to 9.0.	

(b) For whey drying plants with an input equivalent to 57,000 lb/day or less of 40 percent solids whey (under 22,800 lb/day solids or 15,620 lb/day of BOD5 input).

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	1.30	0.650
TSS	1.95	.975
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.130	0.055
TSS	.195	.098
pH	Within the range 6.0 to 9.0.	

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.220	0.110
TSS	.276	.138
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.026	0.055
TSS	.041	.029
pH	Within the range 6.0 to 9.0.	

§ 405.124 [Reserved]

§ 405.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of BOD5 input)	
BOD5	0.220	0.110
TSS	.276	.138
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 100 lb of BOD5 input)	
BOD5	0.022	0.011
TSS	.028	.014
pH	Within the range 6.0 to 9.0.	

§ 405.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the dry whey subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, of this chapter, except for § 128.133 of this chapter. Subject to the provisions of Part 128 of this chapter, process waste water pollutants from a new source subject to the provisions.

[FR Doc.74-11753 Filed 5-24-74;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 405]

DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

Proposed Application of Effluent Limitations Guidelines for Existing Sources of Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 405—Dairy Products Processing Industry Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the receiving stations, the fluid products, the cultured products, the butter, the cottage cheese and cultured cream cheese, the natural and processed cheese, the fluid mix for ice cream and other frozen desserts, the ice cream, frozen desserts, novelties and other dairy desserts, the condensed milk, the dry milk, the condensed whey and the dry whey subcategories of the dairy products processing industry point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 405) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "Compatible" and "Incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307 (c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutants: *And provided further*, That when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitation guidelines is adequate to support a determination of the applicability of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 405.15, 405.25, 405.35, 405.45, 405.55, 405.65, 405.75, 405.85, 405.95, 405.105, 405.115, and 405.125, of the proposed regulation for point sources within the dairy products processing industry category (December 20, 1973; 38 FR 34954), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 405.16, 405.26, 405.36, 405.46, 405.56, 405.66, 405.76, 405.86, 405.96, 405.106, 405.116, and 405.126, which state the applicability of standards of performance for purposes of pretreatment standards for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Dairy Products Processing Industry Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines for the Dairy Processing Industry" (November 1973) was made available at the time of proposal. Copies of the preliminary Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of this material, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the processing of dairy products, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated

cost and energy consumption implications of those treatment technologies and the potential effects of these costs on the price and production of dairy products. The two reports exceed, in the aggregate, 200 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the dairy products processing industry category (38 FR 34954; December 20, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 405) which currently is being published part of the Part III of this issue.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the dairy products processing industry category, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As fully described in the Development Document, the process waste waters in all of the subcategories contain similar types and amounts of constituents. These constituents are organics, solids, and inorganics including nutrients, and they are all treatable by biological treatment methods. In the opinion of EPA, suitable design and capacity can be provided for a publicly owned treatment works to account for these discharges. Accordingly, the first option should be applicable and the guidelines should not apply to operations in the subcategories of the dairy products processing industry which discharge to publicly owned treatment works. However, it should be noted that difficulty may be experienced in maintaining normal treatment efficiencies without special operational procedures when the BOD5 contribution attributable to whey exceeds 10 percent of the total treatment plant load. This is especially true when there is not sufficient equalization present to prevent shock loading. Thus, it may be that there are situations where whey may not be a compatible pollutant depending on the relative quality and quantity of influent to the municipal system and the design and operating characteristics of the publicly owned treatment works. Public comment is solicited on this matter.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center. Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 405 be amended to add §§ 405.14, 405.24, 405.34, 405.44, 405.54, 405.64, 405.74, 405.84, 405.94, 405.104, 405.114, and 405.124. All comments received on or before June 27, 1974 will be considered.

Dated: May 15, 1974.

JOHN QUARLES,
Acting Administrator.

Part 405 is proposed to be amended as follows:

Subpart A is amended by adding § 405.14 as follows:

§ 405.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.12 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart B is amended by adding § 405.24 as follows:

§ 405.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.22 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart C is amended by adding § 405.34 as follows:

§ 405.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.32 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart D is amended by adding § 405.44 as follows:

§ 405.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.42 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart E is amended by adding § 405.54 as follows:

§ 405.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.52 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart F is amended by adding § 405.64 as follows:

§ 405.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.62 above shall not apply and, subject to the provisions of Part 128 of this Chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart G is amended by adding § 405.74 as follows:

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§ 405.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.72 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart H is amended by adding § 405.84 as follows:

§ 405.84 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.82 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart I is amended by adding § 405.94 as follows:

§ 405.94 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.92 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart J is amended by adding § 405.104 as follows:

§ 405.104 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.102 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart K is amended by adding § 405.114 as follows:

§ 405.114 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.112 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart L is amended by adding § 405.124 as follows:

§ 405.124 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 405.122 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

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federal register

TUESDAY, MAY 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 103

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PROPOSED MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS

No. 103—Pt. IV——1

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 606]

BIOLOGICAL PRODUCTS

Current Good Manufacturing Practice for Blood and Blood Components

Human blood is a priceless natural resource. Blood transfusion and other blood product therapy is the most developed and widely utilized form of human tissue transplant. It is estimated that over nine million units of whole blood for transfusion were collected in this country last year. In addition, approximately two million liters of plasma are processed annually in the manufacture of blood products.

Although blood is often a life-saving drug, hepatitis, a serious post-transfusion disease transmitted to a recipient by the blood of the donor, has been and continues to be a source of dangerous infection to human beings who receive blood and blood component therapy. Approximately 3,000 deaths and more than 20,000 overt cases of illness have been estimated to have been caused by the transfusion of hepatitis-carrying blood in this country annually. Moreover, many more unapparent (subclinical) cases of hepatitis infection, thought to outnumber overt cases by a factor of at least five to one, are caused by blood transfusion. These undetected cases constitute a particularly dangerous public health hazard since infected persons may unknowingly transmit the disease to others. The great dangers existing in blood therapy make abundantly clear the critical need for the highest standards in collecting, processing, storing and distributing of blood to provide the most complete assurance of consistently high quality. Therefore, the Commissioner of Food and Drugs is hereby publishing this notice of proposed rulemaking for current good manufacturing practices (GMP) for blood and blood components.

The promulgation of standards for these biological drugs is part of an existing effort to increase the quality of blood related health care in this country. Pursuant to the findings of a special Task Force in Blood Banking, the Secretary of Health, Education, and Welfare has established a comprehensive National Blood Policy. One of the fundamental methods prescribed by the Secretary to implement the policy is to "employ the full regulatory authorities now vested in the Federal Government * * * for the purpose of assuring uniform adherence to the highest attainable standards of practice in blood banking, including plasmapheresis and plasma fractionation." On January 31, 1973, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (38 FR 2965) a regulation requiring the registration of all blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act. At that time, the Commissioner announced that information derived from blood bank registration would be used in implementing necessary standards for improvement of the nation's blood system and that uniform national regulation may be required.

A. Blood and blood components in interstate commerce. Blood and blood components are biological products subject to regulation pursuant to the Public Health Service Act (42 U.S.C. 262) and are drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

Blood and blood components are used in the diagnosis, prevention, treatment and cure of disease in man and thus come directly within the definition of a drug as set forth in section 201(g)(1)(B) of the Federal Food, Drug, and Cosmetic Act. Blood is also a drug as defined by section 201(g)(1)(A) of the act since blood is recognized in the current edition of the official United States Pharmacopeia. Every Federal court which has considered the classification of blood has held that blood is a drug within the meaning of the Federal Food, Drug, and Cosmetic Act. United States v. Calise, 217 F. Supp. 705 (S.D. N.Y., 1962); United States v. An article of drug * * * Bacto-Unidisk, 392 F.2d 21 (C.A. 6, 1968), reversed on other grounds 394 U.S. 784 (1969); Blank v. United States, 400 F.2d 302 (C.A. 5, 1968) where the Court held that blood was a misbranded drug but was not a biologic within the meaning of the Public Health Service Act as then written. Congress subsequently amended the biologics law.

Since blood and blood components are drugs, they must meet all statutory requirements of the Federal Food, Drug, and Cosmetic Act and are subject to the full extent of regulation pursuant to all provisions of the act. The jurisdiction of the act is not limited to situations where the drug itself has been or is to be introduced into interstate commerce. Consistent with section 201(g)(1)(D) of the act, if one of a drug's essential components has moved in interstate commerce then the entire drug is subject to the requirements of the act and the FDA may regulate the final drug product. United States v. 40 Cases * * * Pinocchio Brand * * * Pure Olive Oil, 289 F. 2d 343 (C.A. 2, 1961), cert. den. 368 U.S. 831; United States v. 39 Cases * * * Michigan Brand Korleen Tablets, 192 F. Supp. 51 (E.D. Mich., 1961), aff'd sub nom. United States v. Detroit Vital Foods, 330 F. 2d 78 (C.A. 6, 1964), cert. den. 379 U.S. 832; Palmer v. United States, 340 F. 2d 48 (C.A. 5, 1964), cert. den. 382 U.S. 903. If a drug or any one of its essential components has moved in interstate commerce, it is adulterated within the meaning of section 501(a)(2)(B) of the act unless it has been manufactured in conformity with current good manufacturing practice to assure that it is safe and has the quality and purity it purports in its labeling to possess. This provision of the law, as well as the general regulations promulgated thereunder (21 CFR Part 133), are fully applicable to blood and blood components. See 21 CFR 133.300(b). In addition to the general good manufacturing practice regulations for all drugs, the Commissioner may promulgate specific regulations for classes of drugs, such as blood, to emphasize the specific application of the general GMP principles to such drugs.

All blood and blood components which are offered for sale in interstate commerce are also subject to section 351 of the Public Health Service Act (42 U.S.C. 262). All manufacturers must have a license which has been issued upon a showing that the manufacturing establishment and its products meet all applicable standards, prescribed in the biologics regulations, designed to insure the continued safety, purity, and potency of the blood.

Pursuant to section 351(d) of the Public Health Service Act, regulations have been promulgated to assure proper manufacturing procedures, testing, and labeling for many biological products including licensed blood products such as Whole Blood (Human), Red Blood Cells (Human) and Source Plasma (Human).

It is clear that these provisions of the Public Health Service Act specifically authorize the promulgation of good manufacturing practice regulations for all licensed blood, that is, blood to be offered for sale in interstate commerce.

B. Blood and blood components in intrastate commerce. It is imperative that blood and its components be collected, processed, and stored to minimize the dangers of the spread of hepatitis in blood based therapy. This is a major impetus to promulgate current good manufacturing practice regulations for blood banking. Adherence to basic collection and manufacturing procedures builds quality control into the production system itself and thus significantly promotes this purpose.

Pursuant to section 361 of the Public Health Service Act (42 U.S.C. 264) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs is authorized to promulgate regulations for any measures which, in his judgment, may be necessary to prevent the introduction, transmission, or spread of blood related communicable disease from one state to another. This authority is designed to eliminate the introduction of communicable disease, such as hepatitis, from one state to another. Of necessity, therefore, this authority must be exercised upon the disease causing substance within the state where it is collected, manufactured, or otherwise found. Thus, the Commissioner may promulgate current good manufacturing practice regulations for intrastate blood banking, pursuant to the act, as hepatitis is a communicable disease. Without proper controls, it is likely to spread on an interstate basis. Human blood is a significant source of hepatitis and other communicable diseases, and, if not collected, processed and distributed under appropriate standards, may contaminate the product. Approximately ten states have inspection or licensing provisions with respect to the collection and processing of blood and blood components. The Commissioner finds these programs are inadequate to keep blood containing hepatitis virus from the channels of interstate commerce.

The Commissioner concludes that this provision of the Public Health Service Act provides sufficient authority for the promulgation of regulations which are necessary and proper to assure that human blood in interstate commerce is handled so as to be safe for use in man. This authority, together with the requirements under the Federal Food, Drug, and Cosmetic Act, that all channels of commerce be kept free of blood and blood components which are adulterated after the shipment of one or more of their essential components in interstate commerce, mandates that where the public health is concerned, all appropriate regulatory action be pursued.

To utilize the full public protection measures provided in section 361 of the Public Health Service Act, the Commissioner is considering a proposal for specific regulatory procedures to implement his authority to destroy any infected or contaminated articles, wherever found (42 CFR 72.3). These measures will bring this provision of the Public Health Service Act, which the Commissioner is authorized to enforce in the area of blood, into greater conformity with the seizure and condemnation provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334).

In addition to the authority of section 361 of the Public Health Service Act, the Commissioner notes that the 1962 Drug Amendments, in which both the requirement of current good manufacturing practices and registration of intrastate drug facilities were added to the Federal Food, Drug, and Cosmetic Act, constitute a Congressional finding and declaration that the products of all drug manufacturing establishments "are likely to enter the channels of interstate commerce and directly affect such commerce" (section 301, Pub. L. 87-781). Recognition by Congress of this pragmatic principle of public health further establishes the propriety of uniform standards for blood banking, whether or not a particular establishment directly introduces its blood or blood component into interstate commerce.

The proposed regulations include requirements for complete and truthful labeling for all blood and blood components. Clearly, blood and blood components which move in interstate commerce are subject to all the misbranding provisions of the Federal Food, Drug, and Cosmetic Act, particularly section 502(a), which provides that a drug is misbranded if its labelling is false or misleading in any particular. In addition, section 351(b) of the Public Health Service Act prohibits the false labeling or marking of any package or container of any biological product such as blood. The false labeling provisions of both acts were designed to accomplish substantially the same result and the Commissioner concludes that they should be so interpreted and applied. Significantly, section 351(b) contains no interstate commerce requirement. It applies to all blood whether or not it has moved or is offered for sale in interstate commerce. United States v. Calise, 217 F. Supp. 705 (S.D. N.Y., 1962), and United States v. Steinschreiber, 218 F. Supp. 426 (S.D. N.Y., 1962), 219 F. Supp. 373 (S.D. N.Y, 1963), aff'd 326 F. 2d 759 (C.A. 2, 1964), cert. den. 376 U.S. 962. These statutory provisions authorize standards for labeling for all blood and blood components.

The Commissioner is developing and enforcing a comprehensive regulatory program over a particular class of drugs, namely, blood and blood components. These proposed current good manufacturing practice regulations for both inter- and intrastate blood banking will assure thorough, uniform and efficient enforcement of the law. Such regulations are within the broad Congressional mandate to pursue the high remedial public health purpose of both the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act. The Supreme Court has recently reaffirmed that it is "implicit in the regulatory scheme" for the Food and Drug Administration to pursue a comprehensive, industry-wide regulatory program for a particular class of drugs "for the achievement of the agency's ultimate purposes." Weinberger v. Bentex Pharmaceuticals, Inc., 412 U.S. 655 (1973). The regulatory scheme that the Commissioner is pledged to enforce includes not only the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act but any consistent amalgamation of both statutes.

These proposed current good manufacturing practices will apply to all blood banks, transfusion facilities, plasmapheresis centers, compatibility testing establishments and any facility which processes blood or blood components regardless of whether they are intended for interstate or intrastate commerce. The regulations are designed to assure the production of blood and blood components of uniform high quality throughout the nation. Adherence to the prescribed standards by the numerous plasmapheresis centers throughout the country will not only insure the availability of good quality plasma for further manufacturing, but will also protect plasma donors from exploitation.

Pertinent background data and information, as follows, on which the Commissioner relies in proposing this regulation are on public display in the office of the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

1. Perkins, H. A., Schmid, R., and Vyas, G. N. "Hepatitis and Blood Transfusion," Proceedings of a Symposium at the University of California, San Francisco; March 25-26, 1972: Grune and Stratton, Inc., New York, NY.

2. "National Heart and Lung Institute (NHLI) Blood Resource Studies": Department of Health, Education, and Welfare Publication No. (NIH) 73-416, June 30, 1972.

3. "National Blood Policy," Informational Material distributed at Federal Focus on Health Seminar, 1973 (Unpublished).

4. Transcript of the Proceedings: Secretary's (DHEW) Conference on Implementation of the National Blood Policy, September 24, 1973. (Unpublished).

5. Transcript of the Proceedings: Secretary's (DHEW) Conference on Implementation of the National Blood Policy, October 29, 1973 (Unpublished).

6. "Registration of Blood Banks and Other Firms Collecting, Manufacturing, Preparing, or Processing," published in the FEDERAL REGISTER, Vol. 38, No. 20 (38 FR 2965), January 31, 1973.

7. "Standards for Blood Banks and Transfusion Services," American Association of Blood Banks, Washington, DC, 6th Ed. 1971-72, 20th Century Press, Chicago, IL.

8. "Post-transfusion Hepatitis (Cases, Deaths, and Costs)," Conference on the National Blood Policy (DHEW), 1973 (Unpublished).

9. "Summary of State Blood Bank Legislation and Programs," submission of data to the Food and Drug Administration, August 1972 (Unpublished).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 510, 701, 52 Stat. 1040 as amended, 52 Stat. 1049-1050 as amended by 76 Stat. 780, 76 Stat. 794 as amended, 52 Stat. 1055-1056 as amended, and sec. 301 of Pub. L. 87-781; (21 U.S.C. 321, 351, 352, 360 and note, and 371)), the Public Health Service Act (secs. 351 and 361, 58 Stat. 702 and 703 as amended; (42 U.S.C. 262 and 264)), and the Administrative Procedure Act (secs. 4 and 10, 60 Stat. 238 and 243, as amended; 5 U.S.C. 553, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Chapter I of Title 21, Code of Federal Regulations be amended in Subchapter F by adding thereto a new Part 606 as follows:

PART 606—CURRENT GOOD MANUFACTURING PRACTICES FOR BLOOD AND BLOOD COMPONENTS

Subpart A—General Provisions

Sec.
606.3 Definitions.

Subpart B—Manufacturing Practices and Procedures

606.10 Facilities.
606.11 Equipment.
606.12 Materials.
606.15 Standard operating procedures.
606.16 Plasmapheresis.
606.17 Compatibility testing.
606.18 Laboratory controls.
606.19 Personnel.

Subpart C—Labeling

606.30 Labeling.

Subpart D—Records and Reports

606.40 Records.
606.41 Distribution procedures and records.
606.45 Adverse reaction file.

AUTHORITY: Secs. 201, 501, 502, 510, 701, 52 Stat. 1040 as amended, 52 Stat. 1049-1050 as amended by 76 Stat. 780, 76 Stat. 794 as amended, 52 Stat. 1055-1056 as amended; 21 U.S.C. 321, 351, 352, 360, 371. Sec. 301, 76 Stat. 793 (21 U.S.C. 360 note). Secs. 351, 361, 58 Stat 702-703 as amended; 42 U.S.C. 262, 264.

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Subpart A—General Provisions

§ 606.3 Definitions.

As used in this part:

(a) "Blood" means whole human blood collected from a single donor and processesd either for transfusion or further manufacturing.

(b) "Unit" means the volume of blood or one of its components in a suitable volume of anticoagulant obtained from a single collection of blood from one donor.

(c) "Component" means that part of a single-donor unit of blood separated by physical or mechanical means.

(d) "Plasma for further manufacturing" means that liquid portion of blood separated and used as material to prepare another product.

(e) "Plasmapheresis" means the procedure in which blood is removed from the donor, the plasma separated from the formed elements, and at least the red cells returned to the donor. This process may be immediately repeated, once.

(f) "Facilities" includes any area used for the collection, processing, storage, distribution or compatibility testing of blood and blood components.

(g) "Processing" means any step, including collecting and compatibility testing, in the preparation of a unit of blood or blood components for transfusion or further manufacturing.

(h) "Compatibility testing" (sometimes referred to as "cross-matching") means the in vitro processing performed on a unit of blood or blood components to establish the serological matching of a donor's blood or blood components with that of a potential recipient.

Subpart B—Manufacturing Practices and Procedures

§ 606.10 Facilities.

The facilities shall be maintained in a clean and orderly manner, and shall be of suitable size, construction, and location to facilitate adequate cleaning, maintenance, and proper operations. The facilities shall:

(a) Provide adequate space for the following when applicable:

(1) Accurate, complete and personalized screening of individuals to determine their suitability to serve as blood donors.

(2) Withdrawal of blood from donors with minimal risk of contamination, or exposure to unrelated activities and equipment.

(3) Quarantine storage of blood or blood components pending completion of tests and of crossmatched bloods.

(4) Storage of finished products ready for distribution.

(5) Storage of products not suitable for use or distribution, or unsuitable reagents prior to discarding to preclude the possibility of their use.

(6) Processing of blood and blood components in work areas arranged in an orderly manner so as to avoid contamination of the product.

(7) The proper performance of all steps in plasmapheresis.

(8) Packaging, labeling and other finishing operations.

(b) Provide adequate lighting and ventilation, and screening of open windows and doors.

(c) Provide adequate handwashing facilities in work areas, and convenient toilet facilities for donors and personnel. Drains shall be of adequate size and, where connected directly to a sewer, shall be equipped with traps to prevent backsiphonage.

(d) Provide for safe and sanitary disposal of trash and items used during the processing of blood and blood components.

§ 606.11 Equipment.

Equipment used for the processing, storage, and distribution, of blood and blood components, shall be maintained in a clean and orderly manner, and shall be located so as to facilitate cleaning and maintenance. The equipment shall be calibrated or tested on a regularly scheduled basis to determine that it is performing within the range of accuracy for which it was designed, and within the official requirements. Equipment which is employed for the sterilization of materials used in processing procedures shall be designed, maintained and utilized so as to insure the destruction of contaminating microorganisms. The effectiveness of the sterilization procedure shall be no less than that achieved by an attained temperature of 121.5° C. maintained for 20 minutes by saturated steam or by an attained temperature of 170° C. maintained for two hours with dry heat.

§ 606.12 Materials.

All materials used in the processing, storage and distribution of blood and blood components shall be stored and handled in a safe, sanitary, and orderly manner.

(a) All surfaces that come in contact with blood and blood components intended for transfusion shall be sterile, pyrogen-free, and shall not interact with the products in such a manner as to have an adverse effect upon the safety, purity, potency, or effectiveness of the product. All final containers and closures for blood and blood components not intended for transfusion shall be clean and free of surface solids and other contaminants and shall be made of material which will not interact with the contents in such a manner as to have an adverse effect upon the safety, purity, potency, or effectiveness of the product.

(b) Each blood collecting container, and its satellite container, if any, shall be examined visually for damage or evidence of contamination prior to its use. Such examination shall include inspection for breakage of seals when indicated, and discoloration. Where any defect is observed, the container shall not be used.

(c) Representative samples of solutions or reagents liable to contamination or to changes in concentration shall be tested on a regularly scheduled basis by a method designed to determine their freedom from bacteria and/or their strength in order to assure conformance with applicable specifications.

(d) Appropriate records for the primary materials used in processing shall be maintained and shall include:

(1) The identity of the material, name of the supplier (manufacturer), the lot number, the expiration date, and the date of receipt.

(2) The relation of lot numbers of materials used to specific lots or units of the final product.

(3) Examinations and tests performed on the materials, including rejected materials and their disposition.

(e) Processing materials prepared at the facilities shall be tested for strength or potency where appropriate on a regularly scheduled basis. For any materials which require sterilization, records identifying the date, temperature, time and mode of sterilization shall be maintained and such records shall relate the materials to particular units of final product.

(f) Materials used in processing shall be stored in such a manner that the oldest is used first.

(g) Materials used in processing shall be used in a manner consistent with instructions provided by the manufacturer.

(h) Items that are required to be sterile and come in contact with blood should be disposable wherever possible.

§ 606.15 Standard operating procedures.

(a) In all instances, except clinical investigations, standard operating procedures must comply with the Food and Drug Administration's published additional standards in Part 640 of this chapter for the product(s) being processed.

(b) Written standard operating procedures shall be maintained for all steps to be followed in the processing, storage and distribution of blood and blood components. Such procedures shall be available to the personnel for use in the areas where the procedures are performed unless this is impractical. The written operating procedures shall include, but are not limited to, descriptions of the following when applicable:

(1) Criteria used to determine donor suitability including acceptable medical history criteria.

(2) Methods of performing donor qualifying tests and measurements, including minimum and maximum values for a test or procedure when a factor in determining acceptability.

(3) Solutions and method used to prepare the site of phlebotomy to give maximum assurance of a sterile container of blood.

(4) Method of accurately relating product(s) to donor.

(5) Blood collection procedure including in-process precautions taken to accurately measure quantity of blood removed from donor.

(6) Methods of component preparation, including any time restrictions for specific steps in processing.

(7) All tests performed on blood and blood components, including testing for

hepatitis B antigen using licensed reagents.

(8) Compatibility testing, when applicable, including precautions to be taken to accurately identify recipient blood samples and cross-matched donor units.

(9) Storage temperatures and methods of controlling storage temperatures for all blood products and reagents.

(10) Length of expiration dates assigned for all final products.

(11) Criteria for determining that returned blood is suitable for reissue.

(12) Distribution records including the procedures used for relating a unit of blood or blood component from the donor to its final disposition.

(13) Quality control procedures for processing materials or reagents.

(14) Schedules and procedures for equipment maintenance and calibration.

(15) Labeling procedures, including safeguards to avoid labeling mixups.

(16) Procedure of plasmapheresis, if to be performed, including precautions to be taken to insure reinfusion of the donor's own cells.

(c) All records, maintained pursuant to these regulations, shall be reviewed prior to the release or distribution of a lot or unit of final product. A thorough investigation of any unexplained discrepancy or the failure of a lot or unit to meet any of its specifications shall be undertaken. A written record of the investigation shall be made and shall include the conclusions and followup.

(d) In addition to the requirements of this subpart and in conformity with this section, any facility may utilize existing standard operating procedures such as the manuals of the following organizations, as long as such specific procedures are consistent with and at least as stringent as the requirements contained in this part.

(1) American Association of Blood Banks.

(2) American National Red Cross.

(3) Other organizations or individual blood banks, subject to approval by the Director, Bureau of Biologics.

§ 606.16 Plasmapheresis.

(a) Plasmapheresis may be used as the method of collecting blood for the preparation of components for injection or plasma for further manufacturing. Processing of products obtained by plasmapheresis and not subject to the additional standards for Source Plasma (Human) shall include at a minimum the following:

(1) A written informed donor consent.

(2) An initial medical examination of the donor no more than one week prior to first donation.

(3) A donor eligibility requirement of a total serum protein of no less than 6.0 grams per 100 milliliters of serum, and a weight of at least 110 pounds.

(4) A serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulins performed on a sample of donor's blood taken at the time of the first donation and every 4 months thereafter.

(5) Medical supervision of all aspects of the procedure, including a personal review of accumulated laboratory data, immunization schedules, and collection records at 4-month intervals to determine continuing suitability of the donor.

(b) *Blood containers.* Blood containers and donor sets shall be pyrogen-free, sterile and identified by lot number. The amount of anticoagulant required for the quantity of blood to be collected shall be in the blood container when it is sterilized.

(c) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae shall be used in the indicated volumes:

(1) *Anticoagulant acid citrate dextrose solution (ACD).*

Tri-sodium citrate ($Na_3C_6H_5O_7.2H_2O$)	22.0 grams.
Citric acid ($C_6H_8O_7.H_2O$)	8.0 grams.
Dextrose ($C_6H_{12}O_6.H_2O$)	24.5 grams.
Water for injection (U.S.P.) to make.	1,000 milliliters.
Volume per 100 milliliters blood.	15 milliliters.

(2) *Anticoagulant citrate phosphate dextrose solution (CPD).*

Tri-sodium citrate ($Na_3C_6H_5O_7.2H_2O$).	26.3 grams
Citric acid ($C_6H_8O_7.H_2O$)	3.27 grams
Dextrose ($C_6H_{12}O_6.H_2O$)	25.5 grams
Monobasic sodium phosphate ($NaH_2PO_4.H_2O$)	2.22 grams
Water for injection (U.S.P.) to make.	1,000 milliliters
Volume per 100 milliliters blood.	14 milliliters

(3) *Anticoagulant sodium citrate solution.*

Tri-sodium citrate ($Na_3C_6H_5O_7.2H_2O$).	40.0 grams
Water for injection (U.S.P.) to make.	1,000 milliliters
Volume per 100 milliliters blood.	10 milliliters

(d) The following limits of whole blood withdrawal, not including anticoagulant, shall be enforced:

(1) Donors weighing less than 175 pounds: 500 milliliters may be removed at one time, but no more than 1,000 milliliters in any 48-hour period, and no more than 2,000 milliliters within a 7-day period.

(2) Donors weighing 175 pounds or greater: 600 milliliters may be removed at one time, but no more than 1,200 milliliters in any 48-hour period, and no more than 2,400 milliliters within a 7-day period.

(e) The plasma shall be separated from the red blood cells immediately after collection, and the maximum feasible volume of red blood cells shall be returned to the donor before another unit is collected.

(f) The following exceptions to whole blood donor requirements shall be permitted, provided that the final product is plasma for further manufacturing into reagents or chemically separated products.

(1) Blood may be collected from a donor who has received an immunizing antigen derived from human blood within the preceding 6 months provided that the antigen is a product licensed for such purpose or one specifically approved by the Director, Bureau of Biologics, Food and Drug Administration.

(2) The serological test for syphilis shall be performed initially and at 4-month intervals. A donor with a reactive serologic test for syphilis shall not be plasmapheresed again until his serum is non-reactive to a serologic test for syphilis, except for those donors being plasmapheresed for plasma to be used for further manufacturing into a control serum for the serologic test for syphilis.

(3) A history of malaria or suppressive therapy shall not disqualify a donor.

§ 606.17 Compatibility testing.

Compatibility testing, if performed, shall be done in an area set aside for such purpose and not used for unrelated activities. The compatibility testing standard operating procedures shall include the following:

(a) A method of collecting and identifying recipient's blood samples to insure positive identification.

(b) The use of fresh serum samples less than 48 hours old for all compatibility testing.

(c) The testing of the donor's cells with the recipient's serum (major crossmatch) by a method that will demonstrate both agglutinating and coating antibodies, which shall include the antiglobulin method.

(d) A provision that if the unit of donor's blood has not been screened by the antiglobulin method and other tests to demonstrate both agglutinating and coating antibodies, the compatibility test shall include testing the recipient's cells with the donor's serum (minor crossmatch).

(e) A modified, safe procedure to expedite transfusions in life-threatening emergencies. Records of all such incidents shall be maintained, including complete documentation justifying the emergency action, which shall be signed by the physician requesting the modified procedure.

§ 606.18 Laboratory controls.

Laboratory control procedures shall include the establishment of scientifically sound and appropriate specifications, standards and test procedures to assure that blood and blood components are safe, pure, potent and effective. Laboratory control procedures shall include:

(a) Adequate provisions for monitoring the reliability, accuracy, precision, and performance of laboratory test procedures and laboratory instruments.

(b) Adequate identification and handling of all test samples so that they are accurately related to the specific unit of product being tested, or to its donor, or to the specific recipient, where applicable.

§ 606.19 Personnel.

The entire operation of a facility at which processing, storage, or distribution of blood and blood components is performed shall be under the direction of a designated, qualified person.

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(a) The personnel responsible for processing, storage and distribution of blood and blood components, shall be adequate in number and background of education, training, and experience, including professional training as necessary, or combination thereof, to assure competent performance of their assigned functions, and to insure that the final product has the safety, purity, potency, identity, and efficacy that it purports to possess. All personnel shall have capabilities commensurate with their assigned functions, a thorough understanding of the procedures or control operations they perform, the necessary training or experience, and adequate information concerning the application of pertinent provisions of this part to their respective functions.

(b) Persons whose presence can adversely affect the safety and purity of the products, shall be excluded from areas where the processing of blood or blood components is in progress.

Subpart C—Labeling

§ 606.30 Labeling.

Labeling operations shall be physically or spatially separated from other operations in such a manner that will prevent mixups.

(a) The labeling operation shall include the following labeling controls:

(1) The holding of labels upon receipt pending review and proofing against an approved final copy, to assure they are accurate and conform to the approved copy.

(2) The storage of different product labels in such a manner so as to prevent mixups, and to assure that stocks of obsolete labels are destroyed.

(3) All necessary checks in labeling procedures to prevent errors in translating test results to container labels.

(b) All labeling shall be clear and legible and include the following information as well as other specialized additional information as may be required in Part 640 of this chapter for specific products:

(1) The proper name of the product placed in a prominent position.

(2) The name and address of the manufacturer, and if licensed the license number.

(3) The donor or lot number relating the unit to the donor.

(4) The expiration date, including the day and year and, if it is a factor, the hour, or in the case of plasma for further manufacture, the date of collection.

(5) All necessary instructions or precautions for use.

(6) Recommended storage temperature.

(7) Reference to an instruction circular containing dosage information instructions for use, route of administration, contraindications, and other directions, if product is not intended for further manufacturing.

(8) Quantity of product in container.

(9) Quantity of source material, and kind and quantity of anticoagulant.

(10) Additives and cryophylactic agents added to the product, which may still be present.

(11) Results of all tests performed when necessary for safe and effective use.

(12) The statement: "Caution: For Manufacturing Use Only", where applicable.

(13) The kind of immunizing antigen used or the antibody present for products for further manufacturing, when applicable.

Subpart D—Records and Reports

§ 606.40 Records.

(a) Records shall be maintained concurrently with the performance of each significant step in the processing, storage, and distribution, of each unit of blood and blood components, so that all steps can be clearly traced. All records shall be legible, indelible, shall identify the person performing the work, shall include dates of the various entries, shall show test results as well as the interpretation of the results, the expiration date assigned to specific products, and shall be as detailed as necessary to provide a complete history of the work performed.

(b) A donor number must be assigned to each accepted donor that relates the unit of blood collected to that donor, his medical record, any component or blood product from that donor's unit of blood, and to all records describing the history and ultimate disposition of these products.

(c) Records shall be retained for such interval beyond the expiration date as is necessary for the blood or blood component, to facilitate the reporting of any unfavorable clinical reactions. The retention period shall be no less than five years after the records of processing have been completed, or 6 months after the latest expiration date for the individual product, whichever is a later date. When a collection date is used in lieu of an expiration date, i.e., Source Plasma (Human), records of processing shall be retained for 6 months after the latest expiration date for the final product which was manufactured from the source plasma.

(d) A record of individuals determined not suitable as donors shall be available so that subsequent donations will neither be accepted nor distributed during the period of ineligibility.

§ 606.41 Distribution procedures and records.

Distribution procedures shall include a system by which the distribution of each unit can be readily determined to facilitate its recall if necessary. Distribution records shall contain the name and address of the consignee, the date and quantity delivered, the lot number of the unit(s), the date of expiration, or the date of collection, whichever is applicable, or for crossmatched blood and blood components, the name of the recipient.

§ 606.45 Adverse reaction file.

Records shall be maintained of any reports of complaints of adverse reactions regarding each unit of blood or blood component. A thorough investigation of each reported adverse reaction shall be made. A written report of the investigation, including conclusions and follow up, shall be maintained as part of the record for that lot or unit of final product. When a severe adverse reaction is confirmed, the Director, Bureau of Biologics, shall be notified immediately.

The Commissioner proposes that the effective date of these regulations shall be 30 days after the date of publication of the final order in the FEDERAL REGISTER.

Interested persons may, on or before August 26, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular business hours, Monday through Friday.

Dated: May 21, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–12113 Filed 5–24–74;8:45 am]

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Postal Service Advisory Council; to be held at Washington, D.C. (open) 6–5–74..... 17337; 5–15–74

STATE DEPARTMENT

Study Group 1 of the U.S. National Committee for the International Telegraph and Telephone Consultative Committee; to be held at Washington, D.C. (open) 6–3–74..... 16908; 5–10–74

U.S. Advisory Committee of the Inter-American Tropical Tuna Commission; to be held at La Jolla, California (open) 6–7–74..... 17984; 5–22–74

SECURITIES AND EXCHANGE COMMISSION

SEC Report Coordinating Group (Advisory); meeting to be held at Washington, D.C. (open) 6–3–74. 17804; 5–20–74

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—Aviation Review Conference to be held at Washington, D.C. (open with restrictions) 6–3 to 6–5–74. 16402; 5–8–74

Coast Guard—Industry Advisory Committee on Rules of the Road; to be held at Washington, D.C. (open) 6–4–74..... 14527; 4–24–74

TREASURY DEPARTMENT

Advisory Committee on Reform of the International Monetary System; to be held at Washington, D.C. (closed) 6–3–74..... 17777; 5–20–74

VETERANS ADMINISTRATION

Wage Committee; to be held at Washington, D.C. (closed) 6–6–74. 10949; 3–22–74

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5035..... Pub. Law 93–286
Spokane Indian Reservation, Washington, nontaxable trust lands
(May 21, 1974; 88 Stat. 142)

H.R. 5525..... Pub. Law 93–285
Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, mineral rights held in trust
(May 21, 1974; 88 Stat. 142)

S. 3062..... Pub. Law 93–288
Disaster Relief Act of 1974
(May 22, 1974; 88 Stat. 143)

S. 3304..... Pub. Law 93–287
Exhibition of the Archeological Finds of the People's Republic of China, indemnification agreement
(May 21, 1974; 88 Stat. 143)

presidential documents

Title 3—The President

PROCLAMATION 4294

Prayer for Peace Memorial Day, May 27, 1974

By the President of the United States of America

A Proclamation

The defense of freedom and the search for peace cannot be separated. Together, they are an essential part of the American ideal. During the past two hundred years, our Nation has endured sacrifice in battle for the sake of this ideal. Americans died valiantly at Saratoga, King's Mountain, and Yorktown because they would not buy peace at the price of liberty. Americans died at Shiloh, Antietam, Gettysburg, and Vicksburg because a peace that cost the division of the Nation and the enslavement of a people could not be accepted.

We have occasion to show special gratitude this Memorial Day to those who fell in the cause of freedom in the longest and perhaps the most difficult war in our history. Because of their efforts, and the efforts of all our fighting forces, we can celebrate a year in which no American serviceman has fallen in the defense of his country.

During the past year, we have made progress toward the creation of a stable world order based on respect for the dignity and the larger interests of all nations. We have made this progress in part because America has pursued its tasks from a base of strength—not only military and economic strength, but strength of conviction and strength of purpose. We have been steadied in our resolve by the example of patience, self-sacrifice, and courage of our servicemen and women during the difficult years now past.

To our valiant dead we can pay no greater tribute than to emulate their dedication to a world free from the threat of force and the rule of fear. To them we dedicate our prayers for a new generation of peace and a new spirit of community among all the peoples of the world.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Monday, May 27, 1974, as a day of prayer for permanent peace, and I designate

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the hour beginning in each locality at eleven o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

I direct that the flag of the United States be flown at half-staff all day on Memorial Day on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

I also call upon the Governors of the fifty States, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and I request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of May, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74-12446 Filed 5-28-74;10:39 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Principal Deputy Assistant Secretary of Defense (International Security Affairs), is excepted under Schedule C.

Effective May 29, 1974, § 213.3306(a)(62) is added as set out below.

§ 213.3306—Department of Defense.

(a) *Office of the Secretary.* • • •

(62) Principal Deputy Assistant Secretary of Defense (International Security Affairs).

((5 U.S.C. secs. 3301, 3302) E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-12273 Filed 5-28-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Personal Assistant to the Ambassador-at-Large is excepted under Schedule C.

Effective May 29, 1974, § 213.3304(a)(17) is added as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* • • •

(17) One Personal Assistant to the Ambassador-at-Large.

(5 U.S.C. secs. 3301, 3302) E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-12272 Filed 5-28-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

[Phase IV Price Notice 1974–7]

APPENDIX—RULINGS

Profit Margin Excess and Exempt Sales

1. In Phase IV Price Notice 1974–4, the Council announced its intention to issue a statement which would explain how to compute a profit margin excess which is attributable to exempt sales. The purpose of this notice is to provide that explanation and thus to provide guidance to firms required to file reports with respect to fiscal periods ended prior to May 1, 1974 pursuant to regulations issued May 3, 1974 (39 FR 16126, May 7, 1974).

2. The Phase IV price regulations, § 150.11(f), state that for purposes of determining compliance with the profit margin limitation the Council shall excuse that portion of any profit margin excess "which the firm demonstrates to the Council's satisfaction is attributable to the sale of exempt or excluded items."

3. A firm which seeks to justify a profit margin excess on the basis of sales of exempt or excluded items (hereinafter referred to simply as exempt sales), must, in order to be able to satisfy the Council, submit with the Form CLC–22 a special profit margin calculation in accordance with paragraph 4 or 5 below. These two paragraphs outline generally acceptable methods for isolating from the total firm excess profits those excesses that are not attributable to the sale of exempt items. The calculation explained in paragraph 4 requires that the firm identify costs and revenues attributable to exempt sales and to nonexempt sales in both the base period and the compliance period. Separate base period profit margins for exempt sales and nonexempt sales are used to determine nonexcusable excess profits. Because some firms may find it difficult to determine separate costs attributable to exempt and nonexempt sales, the Council will permit the use of the simpler method outlined in paragraph 5 which does not require computation of separate profit margins for the base period. However, under some circumstances, each of these methods may provide results which on the basis of a more complete analysis do not accurately reflect the true profit excess attributable to exempt sales. In these instances, the Council reserves the right to challenge either of the methods and require a more comprehensive method of computation which it feels more properly reflects non-exempt profit excesses.

4. *Method A.* Isolate costs and revenues attributable to exempt and nonexempt items in both the base period and the compliance period. Calculate a base period profit margin for exempt sales. If the compliance period profit on exempt sales exceeds the amount derived by multiplying the compliance period exempt sales by the base period profit margin for exempt sales, the excess may be applied to excuse total firm overages.

EXAMPLE

Step 1: Compute base period and compliance period profit margins:

	Total firm	Nonexempt	Exempt
Base period:			
Sales	250,000,000	200,000,000	50,000,000
Costs	222,500,000	180,000,000	42,500,000
Profit (operating income)	27,500,000	20,000,000	7,500,000
Profit margin (percent)	11	10	15
Compliance period:			
Sales	300,000,000	240,000,000	60,000,000
Costs	259,200,000	211,200,000	48,000,000
Profit (operating income)	40,800,000	28,800,000	12,000,000
Profit margin (percent)	13.6	12	20

Step 2: Determine the dollar value of the firm's total profit margin excess in accordance with CLC–22 instructions:

Compliance period sales (line 15)	$300,000,000
Base period profit margin (line 16)	×11%
Target profit (line 17)	33,000,000
Actual operating income (line 18)	−40,800,000
Profit under (over) target (line 19)	(7,800,000)

Step 3: Determine the dollar value of the firm's profit margin excess on exempt sales only, in the same manner:

Compliance period exempt sales	$60,000,000
"Exempt" base period profit margin	×15%
Target "exempt" profit	9,000,000
Actual "exempt" operating income	−12,000,000
"Exempt" profit under (over) target	(3,000,000)

Step 4: Summary:

Firm's total profit (operating income) overage or excess	$7,800,000
Excess attributable to exempt sales	−3,000,000
Excess not attributable to exempt sales	4,800,000

5. *Method B.* Calculate a separate target "exempt" operating income by multiplying sales of exempt items in the compliance period by the base period profit margin (the base period profit margin used is that applicable to combined exempt and nonexempt sales, i.e., base period profit margin as defined in § 150.31). This target "exempt" operating income is then compared to the firm's actual operating income for exempt sales in the compliance period. To the extent that actual operating income from exempt sales exceeds the target operating income on exempt sales, a firm's profit margin excess may be excused.

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For example, assume a base period profit margin of 6% and the following results in the compliance period:

Compliance period	Total firm	Nonexempt	Exempt
Sales	100,000,000	60,000,000	40,000,000
Costs	93,300,000	56,300,000	37,000,000
Profit (operating income)	6,700,000	3,700,000	3,000,000
Profit margin (percent)	6.7		

Compliance period exempt sales	$40,000,000
Base period profit margin	×6%
Target "exempt" profit	2,400,000
Actual "exempt" operating income	−3,000,000
"Exempt" profit under (over) target	(600,000)
Firm total profit (operating income) overage or excess	700,000
Excess attributable to exempt sales	−600,000
Excess not attributable to exempt sales	100,000

A firm may account for mix shift by applying its current period mix to its base period and thereby recalculating its base period profit margin.

Issued in Washington, D.C., on May 24, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc. 74-12417 Filed 5-25-74;4:29 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Revision 1]

PART 20—EXPORT SALES REPORTING REQUIREMENTS

Certain Agricultural Commodities

On October 4, 1973, regulations were issued pursuant to section 812 of the Agriculture and Consumer Protection Act of 1973 requiring persons to report information with respect to contracts for export sales of certain agricultural commodities (38 FR 28055). This information is compiled and published weekly in compilation form. The standard forms to be used in reporting the information were set forth in Appendix 2.[1] From experience gained in following this procedure, it is believed the changes made in the regulations and the standard forms by this revision will facilitate both the reporting and compiling of such information.

Under the revision, provision is made for a reporting exporter who so desires to obtain approval for the use of computer generated printouts in lieu of the standard forms contained in Appendix 2 and for a reporting exporter to file a modified report where there has been no activity in particular reporting areas since the closing date of the previous report. A new form, C.E. 06-0100, is provided for reporting separately exports for exporter's own account, which information was previously reported together with other information on another form. The standard forms have been revised to provide further breakdown of information, and the regulations indicating how the information should be reported on the forms have been revised accordingly. The commodities for which reports of export sales are required to be made have not been changed. There are no other significant changes in the regulations as compared with the regulations previously in effect.

Since the revised regulations merely provide for the submission of the same information as previously required but in a manner which may be more readily reported and compiled, without changing the basic reporting responsibility of the exporter, it is found upon good cause that compliance with the notice, public rulemaking procedures, and the 30-day effective date provisions of 5 U.S.C. 533 is impracticable, unnecessary, and contrary to the public interest, and that the revision should become effective as set forth below.

Part 20 is revised to read as follows:

Sec.

20.1 General.
20.2 Administration.
20.3 Delegation of authority.
20.4 Definitions.
20.5 Announcements.
20.6 Submission of reports.
20.7 Confidentiality of reports.
20.8 Failure to report.
20.9 Records.
20.10 Place of submission of reports.
20.11 Additional reports & information.

AUTHORITY: Sec. 812 of the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86.

§ 20.1 General.

The regulations of this Part 20 are issued to implement the export sales reporting requirements of section 812 of the Agriculture and Consumer Protection Act of 1973. The Act provides as follows:

> All exporters of wheat and wheat flour, feed grains, oilseeds, cotton and products thereof, and other commodities the Secretary may designate produced in the United States shall report to the Secretary of Agriculture, on a weekly basis, the following information regarding any contract for export sales entered into or subsequently modified in any manner during the reporting period: (a) Type, class, and quantity of the commodity sought to be exported, (b) the marketing year of shipment, (c) destination, if known. Individual reports shall remain confidential but shall be compiled by the Secretary and published in compilation form each week following the week of reporting. All exporters of agricultural commodities produced in the United States shall upon request of the Secretary of Agriculture immediately report to the Secretary any information with respect to export sales of agricultural commodities and at such times as he may request. Any person (or corporation) who knowingly fails to report export sales pursuant to the requirements of this section shall be fined not more than $25,000 or imprisoned not more than one year, or both. The Secretary may, with respect to any commodity or type or class thereof during any period in which he determines that there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements, and that total supplies of such commodity in the exporting countries are estimated to be in surplus, and that anticipated exports will not result in excessive drain on domestic supplies, and that to require the reports to be made will unduly hamper export sales, provide for such reports by exporters and publishing of such data to be on a monthly basis rather than on a weekly basis.

§ 20.2 Administration.

The regulations of this part will be administered by the Statistical Reporting Service (SRS) under the general supervision of the Administrator, SRS. Information pertaining to these regulations may be obtained from the office specified in § 20.10.

§ 20.3 Delegation of authority.

Authority is hereby delegated to the Administrator to promulgate amendments and revisions to the regulations in this part.

§ 20.4 Definitions.

As used in these regulations and in all instructions, forms, and documents pertaining hereto, the words and phrases defined in this section shall have the meaning assigned to them as follows:

(a) *Administrator.* The Administrator, Statistical Reporting Service, U.S. Department of Agriculture.

(b) *Buy-back contract.* A transaction under which a reporting exporter having sold a commodity for export to a foreign buyer liquidates the export sale contract by making an offsetting purchase of the same kind of commodity from the same foreign buyer.

(c) *Commodity.* Wheat and wheat flour, feed grains, oilseeds, cotton and products thereof and any other agricultural commodity the Secretary may designate. "Commodity" shall also mean a commodity having identifying characteristics as described in any announcement issued pursuant to § 20.5 such as class(es) of wheat, or staple length(s) of cotton but shall exclude commodities to be used for seed which have been treated in such a manner that their use is limited to seed for planting purposes. "Commodity" shall include only a commodity produced in the United States or a product processed in the United States from a commodity produced in the United States.

(d) *Country of destination.* (1) Any country outside the United States or (2) any territory or possession of the United States. Country of destination shall be the ultimate destination.

(e) *Export.* A shipment of a commodity from the United States destined to a country specified in paragraph (d) of this section. The commodity shall be deemed to have been exported on the date of the applicable export carrier onboard bill of lading or the date the commodity is received for shipment, as specified on the bill of lading, in the case of a commodity received for shipment in a lash barge or containerized van if a through on-board bill of lading is issued for shipment to a country specified in paragraph (d) of this section.

(f) *Export carrier.* The vessel on which a commodity is exported from the United States to a country specified in paragraph (d) of this section, or if export is by railcar, truck, or airplane, "export carrier" means such railcar, truck, or airplane.

(g) *Exports for exporter's own account.* Shipments made by the reporting exporter which are unsold at the time of export, shipments on consignment to selling agents of the reporting exporter for subsequent sale for the account of the reporting exporter, shipments by the reporting exporter that have not been allocated to any outstanding export sale, and shipments from the United States to Canada in bond for subsequent shipment to a third country.

(h) *Export sale.* A transaction entered into between a reporting exporter and a foreign buyer. The transaction must represent a written agreement under which (1) the exporter agrees to export the commodity, (2) the foreign buyer agrees to receive the commodity, (3) there is a firm dollar and cent price or an agreed upon mechanism by which a firm price can be determined, and (4) payment will be made to or for the account of the reporting exporter by or on the behalf of the foreign buyer for delivery of the commodity. The quantity of "outstanding export sale" means the quantity not yet exported under an export sale. A transaction which becomes operative only upon the imposition of export controls is excluded from this definition of "export sale" and such transactions shall not be reported under these regulations.

(i) *Foreign buyer and foreign seller.* A person whose place of doing business with respect to the transaction is outside the United States. Foreign buyer or foreign seller includes a person who maintains a place of doing business outside the United States even though the transaction is concluded in the United States by his agent who has a place of business in the United States or by his employee who does not maintain a place of doing business in the United States. (If such employee maintains a place of doing business in the United States with respect to the transaction, the resulting contract is construed to be a domestic sale.) Notwithstanding the foregoing, all foreign governments, agencies, and instrumentalities are considered foreign buyers or foreign sellers even though transactions are concluded by their employees in the United States or they maintain a place of business with respect to the transaction in the United States.

(j) *Marketing year.* The reporting period specified for a commodity in Appendix 1.

(k) *Optional origin contracts.* An export sale contract between a reporting exporter and a foreign buyer under which the reporting exporter has the option of exporting the commodity from the United States or from one or more other exporting countries or an export sale contract under which no origin is specified.

(l) *Person.* An individual, partnership, corporation, association or other legal entity.

(m) *Purchases from foreign seller.* The purchase of a commodity from a seller whose place of business with respect to the transaction is outside the United States when the terms of the contract provide that the commodity to be delivered under the contract will be exported from the United States or where the seller has the option of exporting the commodity from the United States or from one or more other exporting countries.

(n) *Quantity.* The actual contract quantity (exclusive of any upward or downward tolerance) specified in the agreement between the reporting exporter and foreign buyer or seller.

(o) *Reporting exporter.* A person who is engaged in the United States in the business of selling for export any commodity subject to these regulations, who maintains a bona fide business office for such purpose in the United States, and who sells a commodity to a foreign buyer irrespective of whether or not such person may appear as the shipper on the export documentation or whether or not such person is required to file a Shipper's Export Declaration. A reporting exporter shall not include agents of either the reporting exporter or foreign buyer, brokers, or freight forwarders unless such agents, brokers, or freight forwarders are acting in the capacity of a principal.

(p) *United States.* All of the 50 States, the District of Columbia and Puerto Rico.

§ 20.5 Announcements.

Commodities for which reports are required under these regulations are set forth in Appendix 1. Any change therein will be made by publication in the FEDERAL REGISTER of an amendment thereto, and, in addition, announcement of such change will be made through the press and ticker service. The unit of measure to be used in reporting the commodity, the beginning and ending dates of the marketing year for each commodity, and any other information deemed necessary to be included in the report will be specified in Appendix 1 and amendments thereto and in the announcements through press and ticker service.

§ 20.6 Submission of reports.

(a) *Weekly reports.* For each commodity for which reports are required under these regulations, the reporting exporter shall file weekly with the office specified in § 20.10 and not later than the time specified in paragraph (k) of this section, a report by marketing year on the applicable forms contained in Appendix (C.E. 06-0097, "Report of Optional Origin Sales," C.E. 06-0098, "Report of Export Sales and Exports," and C.E. 06-0100, "Report of Exports for Exporter's Own Account"), setting forth the following information and that required by such forms. Information for each applicable item on the respective form shall be reported, except such information need not be entered in columns with respect to which the reporting exporter indicates on the face of the report form that there has been no activity in connection with any item thereof since the closing date of his previous report.

(1) *United States origin sales only.* (i) Total quantity of outstanding export sales from the previous report by country of destination.

(ii) Quantity of export sales made during the week expressed in the specified unit of measure (do not include any tolerance). Include the quantity of any optional origin export sale for which an option was exercised during the week to export the commodity from the United States.

(iii) Quantity of any purchases of the same kind of commodity made from foreign sellers during the week.

(iv) Quantity of export sales cancelled and quantity of buy-back contracts made during the week.

(v) Changes in destination during the week for export sales previously reported.

(vi) Changes in the marketing year during the week for export sales previously reported.

(vii) Exports made against export sales during the week.

(viii) Total outstanding balance of export sales at the close of business for the current report.

(2) *Optional origin sales (United States and other countries).* (i) Total quantity of outstanding export sales from the previous report by country of destination.

(ii) Quantity of export sales made during the week expressed in the specified unit of measure (do not include any tolerance) by country of destination.

(iii) Quantity of export sales for which an option was exercised during the week which would determine the origin of the commodity to be exported with the origin indicated as the United States or other than the United States.

(iv) Quantity of optional export sales cancelled and the quantity of optional buy-back contracts made during the week.

(v) Changes in destination during the week for sales previously reported.

(vi) Changes in the marketing year during the week for sales previously reported.

(vii) Total outstanding balance of optional export sales for which an option has not been exercised at the time of compiling the report.

(3) *Exports for exporter's own account.* (i) Total outstanding balance of exports for exporter's own account that has been shipped from the United States

[1] Filed as part of the original document.

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as shown on the previous report by country where located or, if in transit, by country of intermediate destination.

(ii) Quantity of exports for exporter's own account exported during the week.

(iii) Quantity of previously reported exports for exporter's own account that was applied to new sales during the week.

(iv) Quantity of previously reported exports for exporter's own account that was applied to outstanding sales during the week.

(v) The total outstanding balance of exports for exporter's own account at the close of business for the current report.

(b) *Monthly reports.* The information described in paragraph (a) of this section shall be reported monthly when specified by an announcement issued pursuant to § 20.5.

(c) *Exporters who are required to report.* The reporting exporter has the sole responsibility of reporting any and all information required by these regulations. The following are examples of who shall be considered the reporting exporter for the purpose of these regulations. (Firm A in each example is a firm whose place of doing business with respect to the transaction is in the United States, and the commodity to be delivered under the purchase contract is subject to these regulations. See § 20.4 (i) for definition of a foreign buyer and foreign seller.)

(1) Firm A makes an export sale to Firm B whose place of doing business with respect to the transaction is also in the United States. Firm B has made or will make an export sale to a foreign buyer. In this case Firm A cannot report the sale to Firm B since Firm B's place of doing business with respect to the transaction is located in the United States. In this example, Firm B is required to report the sale to the foreign buyer.

(2) Firm A makes an export sale to a foreign buyer through the foreign buyer's agent and the agent's place of doing business with respect to the transaction is in the United States. In this example Firm A is required to report the export sale since the resulting contract is between Firm A and the foreign buyer.

(3) Firm A consigns an export to his agent (other than an employee of Firm A). When the agent makes a sale to a foreign buyer, Firm A is required to report the sale. If the agent makes the sale to a firm whose place of doing business with respect to the transaction is in the United States, Firm A will not report the sale.

(4) Firm A makes a purchase from a foreign seller. In this example, Firm A is required to report the purchase.

(5) Firm A makes a purchase from an agent of a foreign seller and the agent's place of doing business with respect to the transaction is in the United States. In this example, Firm A is required to report the purchase. The agent cannot report the sale to Firm A since he is not a principal party in interest in the contract and the foreign seller is not required to make a report of the sale since he is not a reporting exporter.

(6) If a reporting exporter has a transaction not described in paragraphs (c) (1) through (5) of this section and he is in doubt whether he should report the transaction, he should request in writing a decision from the office specified in § 20.10.

(d) *Contract Terms.* Reports of contract terms shall be filed when requested in accordance with § 20.11. The report showing contract terms shall be filed on C.E. 06–0099 "Contract Terms Supporting Export Sales and Foreign Purchases," and shall include the following:

(i) Reporting exporter's contract number.

(ii) Date of export sale or purchase.

(iii) Name of foreign buyer.

(iv) Delivery period specified in the export sale.

(v) Delivery terms specified in the export sale (F.O.B., C&F., etc.).

(vi) Actual quantity of the export sale or purchase.

(vii) Quantity not exported against the sale (do not include any tolerance).

(viii) Country of destination.

(ix) On purchases from foreign sellers, show separately from export sales items in paragraphs (d) (i), (ii), (iv), (v), and (vi).

(e) *Reporting of destinations.* If ultimate destination is not available at time of compiling a report, then report the intermediate destination if known, and if not, then report destination as "unknown". If a reporting exporter files a report showing intermediate or unknown destinations, he shall ascertain, if possible, the ultimate destination and report it in his next report after the destinations becomes known to him at any time up to and including reporting the quantity as having been exported.

(f) *Optional class or kind of commodity.* If the export sale provides for an option as to the class or kind of commodity to be delivered under the export sale, the reporting exporter should report the particular class or kind of commodity expected to be exported.

(g) *Range in contract quantity.* If the export sale provides for a range in quantity (e.g. 10,000 metric tons to 12,000 metric tons with or without a loading tolerance) with the reporting exporter or buyer having the option to declare a firm quantity at a later date, the reporting exporter shall report the maximum export sale quantity (exclusive of any loading tolerance). If an option is exercised for a lesser quantity at a later date, the reporting exporter shall report the reduction as an amendment to an export sale previously reported by him.

(h) *Transfer of unexported balances from one marketing year to the next marketing year.* If exports against an export sale are not complete by the end of the marketing year in which the commodity is being reported for export, the reporting exporter shall transfer the quantity not exported against the export sale to the next marketing year on the first report submitted after the beginning of the new marketing year.

(i) *Errors on previous reports.* Whenever an exporter discovers an error or is advised by SRS of an error on a prior report, he shall correct the error to reflect the proper outstanding export sales and exports on the current report and furnish a complete explanation of such reporting error.

(j) *When reports are not required.* (1) A reporting exporter shall submit reports only for those commodities for which he has outstanding export sales, has made exports for his own account for which an offsetting export sale has not been made and reported, or has made a purchase from a foreign seller.

(2) A reporting exporter may discontinue reporting for a commodity only when his actual exports and other required reporting of changes have reduced to zero all of his export sales, exports made for his own account and purchases from foreign sellers. The reporting exporter shall report his zero balance prior to discontinuing reporting for the commodity involved.

(3) If a reporting exporter discontinues making reports because he has reached a zero balance for a particular commodity, he shall be responsible to commence reporting again once he has made a new export sale or has made a new export for his own account or has made a new purchase from a foreign seller for that commodity.

(k) *Manner and time of reporting.*—(1) *Manner.* All reports must be filed in an original with the office specified in § 20.10. Each report shall contain the full business name, address and telephone number of the reporting exporter and the name and original signature of the person submitting the report on behalf of the reporting exporter. Computer generated printouts may be used in lieu of standard reporting forms when approved by the office specified in § 20.10.

(2) *Time of filing reports*—(i) *Reports that are delivered in person.* If reports are delivered in person, they must be received in the office specified in § 20.10 no later than 12 noon Washington, D.C., time on each Thursday and shall set forth the required information as of the preceding Sunday, midnight.

(ii) *Reports that are mailed.* If reports are mailed to the office specified in § 20.10 the envelope containing the reports must be received no later than 12 noon Washington, D.C., time on each Thursday at the addressed specified in § 20.10 or show that it was received by the U.S. Postal Service no later than 5 p.m. Monday (time zone at place of mailing) and shall set forth the required information as of the preceding Sunday, midnight. Do not use a meter to show the time or date mailed.

(iii) When a due date prescribed in paragraphs (k) (2) (i) or (ii) of this section falls on a National holiday, the due date shall be the next business day.

§ 20.7 Confidentiality of reports.

A reporting exporter's individual reports shall remain confidential and subject to examination only by designees of the Administrator of SRS. All reports filed by exporters will be compiled and published in compilation form each week following the week of reporting.

§ 20.8 Failure to report.

Any person who knowingly fails to report export sales pursuant to the requirements of these regulations shall be fined not more than $25,000 or imprisoned not more than one year, or both.

§ 20.9 Records.

Each reporting exporter shall establish and maintain accurate records as to all export sales of commodities subject to these regulations. Such records shall include, but shall not be limited to, export sales contracts or other agreements with the foreign buyer or foreign seller pursuant to which any export has or will be made; bills of lading or delivery documents evidencing all such exports and inspection and weight certificates relating thereto. Such records shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved for three years after the date of export to which they relate.

§ 20.10 Place of submission of reports.

Reports and information required to be submitted under these regulations shall be addressed to or delivered to the following office:

Statistical Reporting Service
Export Sales Reports
U.S. Department of Agriculture
Room 0764, South Agriculture Building
14th and Independence Avenue
Washington, D.C. 20250

§ 20.11 Additional reports and information.

The reporting exporter shall file such additional reports and information as may be required in connection with the administration of these regulations as may be requested by the office specified in § 20.10.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This revision shall become effective June 16, 1974. This revision shall not affect any obligation or liability arising under this Part 20 prior to such time. Reports containing information as of midnight June 16, 1974, shall be prepared and filed in accordance with the provisions of this Part 20 as revised.

Signed at Washington, D.C. on May 22, 1974.

HARRY L. TRELOGAN,
Administrator,
Statistical Reporting Service.

MAY 22, 1974.

APPENDIX 1.—*Commodities subject to reports, units of measure to be used in reporting, and beginning and ending dates of marketing years*

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
Wheat, hard red winter	Metric tons	July 1	June 30
Wheat, Soft red winter	do	do	Do.
Wheat, Hard red spring	do	do	Do.
Wheat, White	do	do	Do.
Wheat, Durum	do	do	Do.
Wheat, Mixed	do	do	Do.
Wheat products, all wheat flours (including clears), bulgur, semolina, farina and rolled, cracked and crushed wheat	do	do	Do.
Barley, unmilled	do	do	Do.
Corn, unmilled	do	Oct. 1	Sept. 30
Rye, unmilled	do	July 1	June 30
Oats, unmilled	do	do	Do.
Grain sorghums, unmilled	do	Oct. 1	Sept. 30
Soybeans	do	Sept. 1	Aug. 31
Soybean oil cake and meal	do	Oct. 1	Sept. 30
Soybean oil, including: crude (including degummed), once refined, soybean salad oil (including refined and further processed by bleaching, deordorizing or winterizing), hydrogenated.	do	do	Do.
Flaxseed	do	July 1	June 30
Linseed oil—including raw, boiled	do	do	Do.
Cottonseed	do	Aug. 1	July 31
Cottonseed oil cake and meal	do	Oct. 1	Sept. 30
Cottonseed oil, including: crude, once refined, cottonseed salad oil (refined and further processed by bleaching, deodorizing or winterizing), hydrogenated.	do	do	Do.
Cotton, American Pima—Raw, extra long staple	Running bales	Aug. 1	July 31
Cotton, Upland, Raw, staple length 1 1/16 inches and over	do	do	Do.
Cotton, Upland, Raw, staple length 1 inch up to 1 1/16 inches	do	do	Do.
Cotton, upland, Raw, staple length under 1 inch	do	do	Do.
Rice, Long grain, brown (including parboiled)	Metric tons	do	Do.
Rice, Medium, short and other classes, brown (including parboiled)	do	do	Do.
Rice, Long grain, milled (including parboiled)	do	do	Do.
Rice, Medium, short and other classes, milled (including parboiled)	do	do	Do.

[FR Doc.74–12164 Filed 5–28–74;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart F—United States Standards for Whole Dry Peas

Statement of considerations. The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Pursuant to sections 203 and 205 of the Act, 60 Stat. 1087 and 1090 (7 USC 1622 and 1624), a notice was published in the FEDERAL REGISTER (39 FR 10911) on March 22, 1974, according to the administrative procedure provisions of section 553 of Title 5, United States Code, concerning a proposed revision of the U.S. Standards for Dry Peas (7 CFR 68.401 et seq.).

Approximately 600 reprints of the notice were sent to individuals, firms, and associations interested in the production, marketing, and use of whole dry peas. Interested parties were given until May 6, 1974, to submit data, views, or recommendations concerning the proposed revision.

In response to the notice, 10 written comments were received. Eight of the comments generally favored the proposed changes, with certain exceptions, and two comments were opposed. Of the eight comments generally favoring the changes, six took exception to the minimum size requirements specified in footnote 4 of § 68.406, Grades and grade requirements for dockage-free dry peas, and in § 68.406(b), the requirements for the special grade "Small."

Footnote 4 of the proposal stated that, other than the class Winter Dry Peas, peas of the numerical grades shall be of such size that not more than 3 percent shall pass through the 11/64 x ¾ oblong-hole sieve. The proposed requirements for the special grade "Small" also included the provision that not more than 3 percent of the peas shall pass through 11/64 x ¾ oblong-hole sieve.

The current standards provide that, for varieties of very small peas, the 10/64 x ¾ oblong-hole sieve shall be used in making uniformity of size determinations. The six comments requested that the use of this sieve be continued in making these determinations for varieties of very small peas. They contend that, otherwise, the Small-Sieve

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Alaska variety, and certain other varieties of very small peas, would be unfairly scored in that very small peas of uniform size are in wide demand and breeders are currently at work developing other similar small seeded varieties.

The intent of footnote 4 is to maintain a degree of uniformity in size among individual lots of peas rather than limit the size of pea varieties. Therefore, in review, the Agricultural Marketing Service (AMS) believes it to be in the best interests of industry and consumers to continue using the 19/64 x 3/4 oblong-hole sieve in the uniformity of size determinations for very small peas. Accordingly, the 19/64 x 3/4 oblong-hole sieve will be used, in § 68.408(b), for determining the 3 percent allowance of undersized peas for the special grade "Small," in lieu of the 11/64 x 3/4 oblong-hole sieve which was specified in the proposal. Additionally, footnote 4 of § 68.406 shall include the provision that the 3 percent allowance of undersized peas shall be determined with the 19/64 x 3/4 oblong-hole sieve for peas which meet the requirements of the special grade "Small."

One favorable comment requested that the 12/64 x 3/4 oblong-hole sieve replace the 11/64 x 3/4 oblong-hole sieve mentioned in footnote 4 of § 68.406 when determining the 3 percent allowance of undersized peas for the regular Alaska varieties and the First and Best varieties. Available information indicates that this would be impractical since inspectors and graders are unable to identify peas as to variety with an acceptable degree of accuracy. After an informal discussion with AMS, the commenting party withdrew the request.

Three comments were opposed to the discontinuance of classifying dry peas by variety. They stated that their customers would have no assurance that they would receive the varieties for which they had contracted. AMS maintains that all parties would have the same assurance as to variety as they have under the current standards. Surveys have shown that consistent identification of peas as to variety, with an acceptable degree of accuracy, is beyond the capability of inspectors and others. To help meet the needs of the pea industry for identification purposes, the revision provides that official inspection personnel may, at the request of the applicant for inspection, include the applicant's declaration of variety in the "Remarks" section of the grade certificate.

One comment, from an overseas buyer, suggested that limits for weevil-damaged peas be tightened. It also stated that guarantees should be given that pesticide residues and toxic materials do not exceed Food and Drug Administration regulations. Available information indicates that the current limits for weevil damage are not unreasonable for processing purposes. There are no practicable tests for measuring pesticide residues. AMS does not knowingly assign a numerical grade to peas that are considered actionable by Food and Drug Administration (FDA).

One comment was opposed to the proposal because it would reduce the amount of varietal information that could be ascertained from the grade certificate. Available information indicates that buyers and sellers will be more completely informed than previously since it will be clear that the applicant, rather than the inspection agency, is responsible for the information regarding variety.

Three comments expressed concern that buyers, with whom they have already contracted on the basis of the current standards, might use the revision of these standards as a basis for refusing to honor their contracts when deliveries are made in the future. Provision has been made that, for a period of 6 months after adoption of these amendments, official inspection personnel shall, upon request, show on inspection certificates the grade under both the "old" and "new" standards. If necessary, this provision could be extended upon request.

After fully considering all comments, the proposed standards are hereby adopted, together with the following changes:

1. Section 68.406, footnote 4 is amended to provide for the use of the 19/64 x 3/4 oblong-hole sieve for peas which meet requirements for the special grade "Small"—to accomodate very small peas which are reasonably uniform in size.

2. Section 68.408(b) is amended to delete the reference to the 11/64 x 3/4 oblong-hole sieve and to insert a reference to the 19/64 x 3/4 oblong-hole sieve—to provide for varieties of very small peas.

3. Make other minor changes for the purposes of clarity.

Accordingly, the United States Standards for Whole Dry Peas (7 CFR 68.401–68.410) are revised to read as follows:

Subpart F—United States Standards for Whole Dry Peas[1]

AUTHORITY: The provisions of this Subpart F issued under sec. 203 and 205, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

TERMS DEFINED

§ 68.401 Definition of whole dry peas.

Threshed seeds of the pea plant (*Pisum sativum* L.) and the winter field pea plant [*Pisum sativum* var. *arvense* (L.) Poir.] which after the removal of dockage contain 50 percent or more of whole peas and not more than 10.0 percent of foreign material.

§ 68.402 Definitions of other terms.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Bleached peas.* Whole and pieces of dry peas of green-colored varieties which are bleached distinctly yellow in color or peas of yellow-colored varieties which are bleached distinctly green in color.

(b) *Classes.* The following five classes:

(1) *Smooth Green Dry Peas.* Dry peas of the garden type which have smooth seedcoats and green cotyledons and contain not more than 1.5 percent of other classes.

(2) *Smooth Yellow Dry Peas.* Dry peas of the garden type which have smooth seedcoats and yellow cotyledons and contain not more than 1.5 percent of other classes.

(3) *Wrinkled Dry Peas.* Dry peas of the garden type which have wrinkled seedcoats and contain not more than 1.5 percent of other classes.

(4) *Winter Dry Peas.* Dry peas of the winter field pea type which contain not more than 1.5 percent of other classes.

(5) *Mixed Dry Peas.* Any mixture that does not meet the requirements for the classes Smooth Green, Smooth Yellow, Wrinkled, or Winter Dry Peas.

(c) *Damaged peas.* Whole and pieces of dry peas which are distinctly:

(1) Damaged by frost, weather, disease, heat (other than materially discolored as a result of heating), or other causes; and

(2) Soiled or stained by dirt (not applicable for the class Wrinkled Dry Peas).

Damaged peas shall not include weevil-damaged peas or heat-damaged peas.

(d) *Defective peas.* The categories of defective peas shall be weevil-damaged peas, heat-damaged peas, damaged peas, other classes, bleached peas, split peas, shriveled peas, and peas with cracked seedcoats.

(e) *Distinctly low quality.* Whole dry peas which are obviously of inferior quality because they are stained by an unknown foreign substance or because they otherwise contain a known toxic substance(s) or an unknown foreign substance(s) or because they are in an unusual state or condition, and which cannot be graded by use of the other grading factors provided in the standards.

(f) *Dockage.* Small, underdeveloped dry peas, pieces of dry peas, and all matter other than dry peas which can be removed readily by the use of an approved device in accordance with procedures prescribed in Inspection Handbook HB–1 and the Equipment Manual.[2] For the purpose of this paragraph, "approved device" shall include sieves as set forth in paragraph (q) of this section and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(g) *Dockage-free dry peas.* Dry peas from which the dockage has been removed.

(h) *Foreign material in dockage-free dry peas.* All matter other than dry peas and including detached seedcoats.

(i) *Foreign material in thresher-run dry peas.* All matter other than dry peas, including detached seedcoats, which cannot be readily removed in the determination of dockage.

(j) *Good color peas.* Dry peas that in mass are practically free from discoloration and have the natural color and appearance characteristics of the predominating class.

(k) *Heat-damaged peas.* Whole and pieces of dry peas which have been materially discolored as a result of heating.

(l) *Moisture.* Water content in whole dry peas as determined by an approved device in accordance with procedures prescribed in Inspection Handbook HB–1 and the Equipment Manual.[2] For the purpose of this paragraph "approved device" shall include the Motomco moisture meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(m) *Other classes.* Whole and pieces of dry peas which are of a contrasting color or which differ materially in shape, or other characteristics from the predominating class.

(n) *Peas with cracked seedcoats.* Dry peas having readily discernible cracked seedcoats or peas which have all or a part of the seedcoat removed, and broken peas which are more than one-half of a whole pea.

(o) *Poor color peas.* Dry peas that in mass are distinctly off-color from the characteristic color of the predominating class as a result of age or any other cause.

(p) *Shriveled peas.* Dry peas which are distinctly shriveled in contrast to the natural shape and appearance of normally developed peas.

(q) *Sieves.* (1) 9/64 x 3/4 *oblong-hole sieve.* A metal sieve 0.032 inch thick with oblong perforations 0.1406 inch by 0.750 (3/4) inch.

(2) 19/64 x 3/4 *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1562 inch by 0.750 (3/4) inch.

(3) 11/64 x 3/4 *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1718 inch by 0.750 (3/4) inch.

(4) 12/64 x 3/4 *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1875 inch by 0.750 (3/4) inch.

(5) 13/64 x 3/4 *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.2031 inch by 0.750 (3/4) inch.

(6) 19/64 *round-hole sieve.* A metal sieve 0.032 inch thick with round perforations 0.2500 inch in diameter.

(r) *Split peas.* The halves or smaller pieces of dry peas and dry peas in which the halves are loosely held together.

(s) *Thresher-run dry peas.* Dry peas from which the dockage has not been removed.

(t) *Weevil-damaged peas.* Whole and pieces of dry peas which are distinctly damaged by the pea weevil or other insects.

(u) *Whole peas.* Dry peas with one-fourth or less of the pea removed and with the cotyledons or parts of cotyledons firmly held together.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.403 Basis of determinations.

(a) All factor determinations shall be made upon the basis of the dry peas after the removal of dockage with the following exceptions:

(1) Dockage in thresher-run dry peas shall be determined upon the basis of the peas as sampled.

(2) Color shall be determined after the removal of dockage, defective peas, and foreign material.

(b) Defects in peas shall be scored in accordance with the order shown in § 68.402(d) and once an individual pea is scored in a defective category it shall not be scored for any other defect. Percentages for all categories of defects shall be calculated on the basis of the total weight of the sample analyzed for defective peas.

§ 68.404 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the whole dry peas standards are applicable to peas produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvesting of peas may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Grain Division Field Offices, official inspection agencies, and interested parties in the dry pea industry will be notified promptly in writing of the modification. These modifications shall not include changes in interpretations of identity, class, quality, or condition.

§ 68.405 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46 report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54 report as 0.5.

(c) When the figure to be rounded is followed by the figure 5, round to the nearest even figure; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

All percentages shall be stated in whole and tenth percent to the nearest tenth percent.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.406 Grades and grade requirements for dockage-free dry peas. (See also § 68.408.)

	Maximum limits of Defective Peas									Minimum requirements for color
	Weevil-damaged peas	Heat-damaged peas	Damaged peas[4]	Other classes[6]	Bleached peas[7]	Split peas	Shriveled peas	Peas with cracked seedcoats	Foreign material	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1[4]	0.3	0.2	1.0	0.3	1.5	0.5	2.0	3.5	0.1	Good.
U.S. No. 2[4]	0.8	0.5	1.5	0.8	3.0	1.0	4.0	5.5	0.2	Good.
U.S. No. 3[4]	1.5	1.0	2.0	1.5	5.0	1.5	8.0	7.5	0.5	Poor.
U.S. Sample grade.	U.S. Sample grade shall be dry peas which: (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain metal fragments, broken glass, or a commercially objectionable odor; or (c) Contain more than 15.0 percent moisture; or (d) Are materially weathered, heating, or distinctly low quality; or (e) Are infested with live weevils or other live insects.[8]									

[4] Uniformity of Size requirements—Dry peas of any of the numercial grades shall be of such size that not more than 3.0 percent shall pass through the appropriate oblong-hole sieve as follows:

Peas	*Appropriate sieve*
Winter Dry Peas	9/64 x 3/4
Special grade "Small" peas	19/64 x 3/4
All other peas	11/64 x 3/4

[6] Damaged peas do not include weevil-damaged or heat-damaged peas.
[6] These limits do not apply to the class Mixed Dry Peas.
[7] These limits do not apply to winter field peas and wrinkled peas.
[8] As applied to dockage-free whole dry peas, the meaning of the term "infested" is set forth in chapter 3 of Inspection Handbook HB–1.[2]

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture:

(a) Equipment Manual, GR Instruction 916–6, effective September 26, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

(b) Inspection Handbook HB–1, effective November 1, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

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§ 68.407 Grade designation for dockage-free dry peas.

(a) The grade designation for dockage-free dry peas shall include, in the order named (1) the letters "U.S.," (2) the number of the grade or the words "Sample grade," (3) the name of each applicable special grade, and (4) the name of the class. The grade designation for the class Mixed Dry Peas shall also include, following the words "Mixed Dry Peas," the name and approximate percentage of each class of dry peas in the mixture, in the order of predominance.

(b) At the request of the applicant for inspection, official inspection personnel may include on the grade certificate under "Remarks," a statement substantially as follows: "Variety stated by the applicant to be: _____."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.408 Special grades and requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 68.406. Such special grades are established and determined as follows:

(a) *Large.* Peas of the classes Smooth Green Dry Peas or Smooth Yellow Dry Peas of which not more than 3.0 percent of the peas will readily pass through the $^{16}/_{64}$ round-hole sieve.

(b) *Small.* Peas of the classes Smooth Green Dry Peas or Smooth Yellow Dry Peas of which not more than 3.0 percent of the peas will remain on the $^{16}/_{64}$ round-hole sieve and not more than 3.0 percent will readily pass through the $^{10}/_{64}$ x $^{3}/_{4}$ slotted-hole sieve.

§ 68.409 Special grade designation.

The grade designation for large and small dry peas shall include, preceding the class, the word(s) "Large" or "Small," as warranted, and all other information prescribed in § 68.407.

§ 68.410 Thresher-run dry peas.

Thresher-run dry peas shall be inspected for factors only without reference to grade.

(a) Thresher-run dry peas may be inspected for: Class; defective peas and foreign material; dockage; color description; and moisture.

(b) The percentage of defective peas and foreign material shall be combined and shown on the certificate as "total defects and foreign material." For the classes of smooth seeded peas only the percentage of peas with cracked seedcoats in excess of 3.0 percent shall be included in the factor "total defects and foreign material." (Example: In a sample containing 3.2 percent of peas with cracked seedcoats, only 0.2 percent would be included in the total defects and foreign material.)

(c) The percentage of total dockage, total defects and foreign material shall be computed on the basis of the sample as a whole and be shown on the certificate as "total dockage, defects and foreign material."

Comments. For a period of 6 months after adoption of these amendments, inspection personnel shall, upon request, show on inspection certificates the grade under both the "old" and "new" standards.

Effective date. The foregoing standards supersede the United States Standards for Dry Peas as amended May 18, 1972, and shall become effective July 1, 1974.

Done at Washington, D.C., on: May 23, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-12232 Filed 5-28-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 465, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 17–23, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 465 (39 FR 17429). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until June 28, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 908.765 (Valencia Orange Regulation 465 (39 FR 17429)) are hereby amended to read as follows:

"(i) District 1: 440,000 cartons;
"(ii) District 2: 396,000 cartons;
"(iii) District 3: 264,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 22, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12224 Filed 5-28-74;8:45 am]

[Lemon Reg. 639, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 19–25, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 USC 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 639 (39 FR 17756). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until June 28, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b) (1) of § 910.939 (Lemon Regulation 639 (39 FR 17756)) is hereby amended to read as follows:

§ 910.939 Lemon Regulation 639.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 19, 1974, through May 25, 1974, is hereby fixed at 300,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended 7 (U.S.C. 601–674))

Dated: May 22, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12223 Filed 5-28-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Motor Gasoline Retail Sales Outlets

Section 211.106, Part 211 of Title 10 of the Code of Federal Regulations, as revised (39 FR 15960, May 6, 1974) effective June 1, 1974, concerning motor gasoline retail sales outlets, is amended as set forth below.

On May 1, 1974, the Federal Energy Office issued a revision of Part 211, the Mandatory Petroleum Allocation Regulations (39 FR 15960, May 6, 1974) to become effective June 1, 1974. Section 211.106(b)(3) of that revision provided that a supplier could not reassign all or part of an allocation entitlement from one retail outlet to another without FEO permission, unless treatment as a single firm had been granted under § 211.106 (b)(2). Section 211.106(c)(2) provided that an entity which operates more than one retail outlet and which intended to go out of business with respect to one or more sites, could apply for a readjustment of base period volumes of its remaining retail sales outlets.

These amendments are designed to make these provisions automatic in certain instances. Thus, § 211.106(c)(2)(ii) provides that an independent marketer or small or independent refiner which closed retail sales outlets during the period January 1, 1973, through May 31, 1974, shall receive an automatic adjustment on June 1, 1974, to the base period volumes of the remaining retail sales outlets which it operates. This adjustment shall be a proportionate increase in base period volumes by a total amount equal to the base period volumes of the closed outlets minus the base period volumes of any outlets newly opened during the period January 1, 1973 through May 31, 1974. In addition, § 211.106(c)(2)(i) provides that an entity which operates more than one retail sales outlet and intends to go out of business at one or more such outlets after June 1, 1974, may petition FEO for an adjustment of the base period volumes of its remaining retail sales outlets by the amount of the base period volumes of the outlets which will be closed.

Section 211.106(b)(3) is amended to allow independent marketers or small or independent refiners which operate more than one retail sales outlet to increase or decrease the allocation entitlement of any retail sales outlet up to twenty percent without prior FEO approval. Reassignment of entitlements in excess of twenty percent by independent marketers or small or independent refiners, or reassignment in any amount by other entities, must be approved by FEO.

These amendments and the provisions of § 211.106(b)(2), relating to petitions by independent marketers or small or independent refiners which operate two or more retail sales outlets for treatment of some or all of such outlets as a single firm, are the subject of Federal Energy Office Ruling 1974–13, issued concurrently with these amendments.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation regulations, the Federal Energy Office finds that the normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 91–159, E.O. 11748; 39 FR 33575)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations, as revised (39 FR 15960, May 6, 1974), effective June 1, 1974, is amended as set forth herein, effective June 1, 1974.

Issued in Washington, D.C., May 23, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.106 is amended by revising paragraphs (b)(3) and (c)(2) to read as follows:

§ 211.106 Retail sales outlets.

* * * * *

(b) *Retail sales outlets as a firm.* * * *

(3) (i) A supplier's obligation to provide motor gasoline shall be determined separately for each retail sales outlet for which it has a supply obligation without distinguishing between retail sales outlets operated by the supplier and retail sales outlets not operated by the supplier. A supplier may not reassign all or part of an allocation entitlement from one retail sales outlet to another, including reassignments among its own retail sales outlets, without the express written permission of FEO except as provided by paragraph (b)(3)(ii) of this section unless a petition for treatment as a single firm of some or all of such supplier's retail sales outlets has been granted pursuant to paragraph (b)(2) of this section.

(ii) An independent marketer, or small or independent refiner, may reassign up to twenty (20) percent of the allocation entitlement (excluding any amounts which those retail sales outlets have certified pursuant to § 211.12(d) to be for ultimate use under an allocation level not subject to an allocation fraction) of a retail sales outlet which it operates to another retail sales outlet which it operates provided that no retail sales outlet may have its allocation entitlement (excluding any amounts which those retail sales outlets have certified pursuant to § 211.12(d) to be for ultimate use under an allocation level not subject to an allocation fraction) increased by more than twenty (20) percent pursuant to any reassignment permitted by this paragraph (b)(3)(ii). If an independent marketer or small or independent refiner is not the supplier of all of the retail sales outlets which it operates from a single terminal facility, it may make the reassignments permitted by this paragraph only among the retail sales outlets which it operates and which are supplied by the same supplier and terminal facility.

* * * * *

(c) *Loss of allocation entitlement for going out of business.* * * *

(2) (i) *Closings of retail outlets after June 1, 1974.* An entity which operates more than one retail sales outlet and which intends to go or goes out of business at one or more such retail sales outlets may petition FEO for an adjustment to the base period volumes of its retail sales outlets which will remain in business. FEO may allow such adjustments to the extent that the vacating of business at a particular retail sales outlet does not result in an inequitable distribution of motor gasoline in the market areas served by the entity and that such an adjustment would not otherwise be inconsistent with the objectives of the allocation program. Pending FEO action on a petition, FEO may provide interim adjustments to the base period volumes of the pertinent retail sales outlets, which will remain in business.

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(ii) *Closings of retail outlets prior to June 1, 1974.* An independent marketer, or a small or independent refiner which went out of business with respect to one or more retail sales outlets which it operated during the period January 1, 1973 through June 1, 1974, shall receive an adjustment on June 1, 1974 to the base period volumes of its retail sales outlets which remain in business. An independent marketer or a small or independent refiner shall determine the net amount by which the base period volumes of the retail sales outlets which it operated and which went out of business during the period January 1, 1973 through June 1, 1974, exceed the base period volumes of the retail sales outlets which it opened for business and operated during the period January 1, 1973 through June 1, 1974. The base period volumes of each retail sales outlet which the independent marketer or small or independent refiner operates as of June 1, 1974 shall be increased by an amount which bears the same proportion to such net amount as the base period volume of the retail outlet bears to the sum of the base period volumes of all the retail sales outlets which the independent marketer, or small or independent refiner operates as of June 1, 1974. The independent marketer or small or independent refiner shall certify the adjustments to the base period volumes of its retail sales outlets under this subparagraph to the supplier or suppliers of such retail sales outlets. If a supplier disputes the validity of such adjustments certified to it, it may apply to the appropriate regional FEO for validation of the amounts of such adjustments. During the period that a request for validation is pending, the supplier shall supply motor gasoline based upon adjustments under this subparagraph.

[FR Doc.74-12364 Filed 5-24-74;12:46 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Price Rule for Sales of Unleaded Gasoline

This amendment to the Mandatory Petroleum Price Regulations is designed to provide instruction concerning the method of establishing selling prices for unleaded gasoline under FEO regulations, for refiners, resellers and retailers which have not marketed that product on May 15, 1973. The new price rules are effective June 1, 1974 and are applicable to sales of unleaded gasoline as that product is defined by the Environmental Protection Agency.

Because of the need for sellers to make advance preparations for compliance with the July 1, 1974 EPA marketing requirements for unleaded gasoline, some sellers have begun to place unleaded gasoline grades on the market. Those sellers which had not marketed this gasoline on May 15, 1973 do not have a clearly defined means of establishing a lawful selling price under the petroleum price regulations. FEO is therefore concerned that unrepresentative or inappropriate prices may be implemented without the special price rule which this amendment provides.

Accordingly, FEO is publishing these amendments to be effective June 1, 1974, in order to assure uniform determination of prices for unleaded gasoline. At the same time, however, FEO is publishing a notice of proposed rulemaking to amend Part 211 of its regulations, to provide specifically for the allocation of unleaded gasoline. The rule adopted today will be in effect for the month of June, 1974, and comments are invited in the rulemaking proceeding as to what the final price rule for unleaded gasoline should be. Comments may be focused solely on the price rule, or may discuss the relationship between the price rule and the proposed allocation rules, and should be submitted as directed in the notice of proposed rulemaking on the allocation amendments. Although the price rule is effective June 1, 1974, FEO wishes to make clear that it may adjust the rule at the conclusion of the related rulemaking proceeding.

The amendment issued today directs a refiner which did not produce unleaded gasoline prior to May 15, 1973, to apply the base price rule of § 212.82, and to use under that rule as the May 15, 1973 selling price for unleaded gasoline the selling prices for its premium grade of gasoline on May 15, 1973. Resellers, reseller-retailers, and retailers shall apply the price rule of § 212.93, but shall use as May 15, 1973 selling prices for unleaded gasoline their May 15, 1973 selling prices for premium gasoline. For purposes of measuring "increased costs" under § 212.92 of unleaded gasoline, resellers, reseller-retailers and retailers will take the difference between the current weighted average cost of unleaded gasoline in inventory and the weighted average cost of premium gasoline in inventory on May 15, 1973.

These rules are not the same as the "new item" rules, which would have required the use of another seller's price in the market. FEO has determined that the sale of unleaded gasoline by a seller which did not previously sell the item is an important pricing concern best addressed by a separate rule, and that the unleaded product does not meet the new item requirements of § 212.111. Accordingly, this amendment applies only to sellers which did not sell unleaded gasoline on May 15, 1973.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective June 1, 1974.

Issued in Washington, D.C., May 23, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

Subpart H is amended by adding a new § 212.112 to read as follows:

§ 212.112 Unleaded gasoline.

(a) *Scope.* This section prescribes the method for calculating the maximum price which may be charged in sales of unleaded gasoline by refiners, resellers, reseller-retailers and retailers which did not sell a grade of unleaded gasoline on May 15, 1973, or within the 30-day period prior thereto.

(b) *Rule.* Notwithstanding the provisions of § 212.111 of this subpart, a firm offering for sale gasoline which is unleaded gasoline as defined by the Environmental Protection Agency (40 CFR Ch. I, Part 80), shall determine the price of that product in accordance with the provisions of Subpart E or Subpart F of this Part, as appropriate, provided that:

(i) For purposes of determining under § 212.82(f) the weighted average price at which unleaded gasoline was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, a refiner shall not use a price in excess of the weighted average price at which premium grade gasoline was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973; and

(ii) For purposes of determining under § 212.93(a) the weighted average price at which unleaded gasoline was lawfully priced by the seller in transactions on May 15, 1973, a reseller, reseller-retailer, or retailer shall not use a price in excess of the weighted average price at which premium grade gasoline was lawfully priced by it with the class of purchaser concerned on May 15, 1973; and

(iii) For purposes of computing under § 212.92 the "increased costs" of unleaded gasoline, a reseller, reseller-retailer, or retailer shall use the difference between the weighted average unit cost of unleaded gasoline in inventory and the weighted average unit cost of premium grade gasoline in inventory on May 15, 1973.

[FR Doc.74-12365 Filed 5-24-74;12:46 pm]

[Ruling 1974-13]

APPENDIX—FEO RULINGS
MANDATORY PETROLEUM ALLOCATION
Motor Gasoline Retail Sales Outlets

The revision of Subpart F of Part 211 of the Mandatory Petroleum Allocation Regulations issued May 1, 1974 (39 FR 15975, May 6, 1974), to be effective June 1, 1974, has raised several questions of general interest which FEO considers appropriate to address in a ruling. The questions involve § 211.106 concerning motor gasoline retail sales outlets, which has been amended concurrent with this ruling.

Section 211.106(c)(2)(i) provides that an entity which operates more than one retail sales outlet and which intends to go out of business with respect to one or more of such retail sales outlets, may petition for an adjustment of the base period volumes of its retail sales outlets which will continue in business. In addition, § 211.106(c)(2)(ii) as amended provides that an independent marketer or small or independent refiner which closed retail sales outlets during the period January 1, 1973 through May 31, 1974 shall receive an adjustment to the base period volumes of the retail sales outlets which it continues to operate.

Section 211.106(b)(3) provides that a supplier may not reassign all or part of an allocation entitlement from one retail sales outlet to another without FEO permission unless the supplier is an independent marketer, or a small or independent refiner. Independent marketers or small or independent refiners are permitted under the recent amendment to reassign up to 20 percent of base period use from one retail sales outlet to another without FEO approval.

Section 211.106(b)(2) permits the treatment of some or all of the retail sales outlets operated by an independent marketer or a small or independent refiner as a single firm under certain circumstances.

Section 211.106 (b)(2) and (b)(3)(i) and § 211.106(c)(2)(i) contemplate three distinct petitions requiring action by FEO. This ruling will set forth the criteria and data required for relief under those three subparagraphs. As a preliminary matter, it is to be noted that FEO will entertain such petitions prior to June 1, 1974, although the effective date of the new revision is June 1, 1974.

Petitions which involved retail sales outlets in more than one FEO region shall be filed with the regional FEO in each affected region. The regional offices shall coordinate their review and disposition of such petitions. In the event that the regional offices cannot agree upon disposition of such a petition, the petition shall be forwarded to National FEO for resolution.

The relief provided by § 211.106 (b)(2) and (b)(3)(i) and § 211.106(c)(2)(i) involves only those retail sales outlets which a petitioner actually operates or operated. Retail sales outlets in which a petitioner only holds or held a real property interest, including a lease, but which are or were operated by another entity, may not be considered for the relief afforded by § 211.106.

1. *Petitions for adjustments of base period use upon the closing of a retail sales outlet.* Any entity which operates more than one retail sales outlet and closes or intends to close one or more such outlets after June 1, 1974, may petition FEO pursuant to § 211.106(c)(2)(i) for an adjustment to the base period use of its retail sales outlets which will remain in business. A grant of such a petition would permit an increase in the base period use of the remaining retail sales outlets which the petitioner operates by an amount which does not exceed the base period use of the retail sales outlet or outlets which the petitioner closes or intends to close. Further, § 211.106(c)(2)(ii) provides an automatic adjustment for retail sales outlets closed by independent marketers or small or independent refiners during the period January 1, 1973 through June 1, 1974.

FEO anticipates that the relief available pursuant to § 211.106(c)(2) will resolve many of the problems which might otherwise prompt a petition under § 211.106(b)(2) and (b)(3)(i). Further, petitions pursuant to § 211.106(c)(2)(i) will be susceptible to easier processing than those under § 211.106 (b)(2) and (b)(3)(i) and for these reasons, FEO will encourage priority processing and resolution of § 211.106(c)(2)(i) petitions.

(a) *Petitions of independent marketers and small and independent refiners.* Independent marketers or small or independent refiners may petition to adjust the base period use of retail sales outlets which they will continue to operate to take into account the retail sales outlets which they close or intend to close after June 1, 1974.

An independent marketer, or small or independent refiner which is the supplier of retail sales outlets which it operates generally should not petition for a § 211.106(c)(2)(i) adjustment since § 211.106(d)(2) provides for distribution of allocation entitlements among the retail sales outlets which it supplies whenever one of those retail sales outlets is closed. Section 211.106(d)(2) therefore insures that such entitlements stay within such supplier's distribution system. FEO will be reluctant to permit such a supplier to increase the base period volume of such supplier's own operated retail sales outlets to compensate for the closing of one of its retail outlets. The effect of § 211.106(d)(2) is to increase the supply available to all customers of such suppliers regardless of whether they are operated by the supplier, whenever a retail sales outlet supplied by such a supplier is closed.

In this connection, it should be noted that the operator of retail sales outlets is also the supplier of those outlets if it operates a terminal facility from which it furnishes product to, or otherwise physically delivers gasoline to, such outlets. The operator of retail sales outlets physically delivers gasoline to its outlets if it provides the tank trucks which deliver the gasoline to its retail outlets.

An independent marketer or small or independent refiner which files a petition for relief under § 211.106(c)(2)(i) should provide the following information:

(A) The number and location of all retail sales outlets which it has closed or intends to close, the base period volume of each such outlet, the amounts which each such retail sales outlet has certified for ultimate use under an allocation level not subject to an allocation fraction pursuant to § 211.12(d), the supplier for and the terminal facility from which the supplier supplies, each such outlet.

(B) The number and location of all retail sales outlets which the petitioner operates and which will remain open, the base period volume of each such outlet, the supplier for, and the terminal from which the supplier supplies, each such outlet.

(C) A statement that all the retail sales outlets in (A) and (B) are operated by petitioner and that copies of the petition will be filed with all affected FEO regional offices.

(D) Any information, documentation, and arguments which tend to establish that a grant of the petition would not result in an inequitable distribution of gasoline in the market areas served by the petitioner.

Pending review of the petition, FEO may order an interim adjustment to the base period use of the retail sales outlets which the petitioner will continue to operate. An interim adjustment will be made in the same manner as the final adjustment described in paragraph (c) below, except that the interim adjustment shall take into account only those outlets which the petitioner has actually closed between June 1, 1974, and the date of its petition.

FEO will grant the petitions of independent marketers or small or independent refiners which do not supply their own retail sales outlets unless substantial imbalances in the distribution of motor gasoline in the markets served by the petitioner would result. In compelling circumstances, FEO will grant the petitions of independent marketers, or small or independent refiners, which supply their own retail sales outlets.

FEO may consult the appropriate State Office with respect to the effect of the closing of a retail sales outlet within a State and may refuse to grant relief under § 211.106(c)(2)(i) with respect to an adjustment based upon a retail outlet closed or to be closed or may condition any relief under § 211.106(c)(2)(i) upon the petitioner's continued operation of one or more of the retail sales outlets which it has closed or would otherwise close. Final adjustments will be made as provided in paragraph (c) of this ruling.

(b) *Petitions from entities other than independent marketers or small or independent refiners.* FEO will also entertain § 211.106(c)(2)(i) petitions from entities other than independent marketers or small or independent refiners which operate retail sales outlets closed or be closed after June 1, 1974. Such petitioners must provide the same information required of a petitioner under paragraph (a) of this ruling. However, FEO would note that such petitions will be granted only in extraordinary circumstances. The allocation regulations currently have the effect of redistributing the allocation entitlements of closed retail sales outlets among all the purchasers of such petitioners without regard to whether they are operated by the petitioner. FEO would grant adjustments, therefore, only where it is necessary to maintain adequate distribution of supplies in a region or market area.

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Petitioners must be prepared to demonstrate that the shift of allocation entitlements from a retail outlet closed or to be closed to identified retail outlets to continue in business is necessary to prevent shortages in the market area served by the retail sales outlet closed or to be closed and will not adversely affect purchasers from the retail sales outlets closed or to be closed whose use is under an allocation level not subject to an allocation fraction. No adjustment will be granted this class of petitioners until FEO has issued a written determination based upon the application. Adjustments will be made as provided by paragraph (c) of this ruling.

(c) *Final adjustments.* Upon taking final action on a petition pursuant to § 211.106(c)(2)(ii), FEO will adjust the base period volumes of petitioner's retail sales outlets as follows: First, FEO will aggregate the petitioner's retail outlets (including those closed or to be closed) by supplier. In those cases where a supplier furnishes motor gasoline to the petitioner's retail sales outlets from more than one terminal facility, FEO will aggregate the petitioner's retail outlets by terminal facility. Second, FEO will adjust the base period volumes of each separate aggregate group of retail sales outlets which are to continue in business. The sum of the base period volumes of the retail sales outlets closed or to be closed for which FEO will permit an adjustment and included within an aggregate group of retail sales outlets will be apportioned among the retail sales outlets within that aggregate group which the petitioner will continue to operate in the same proportion as the base period volume of each such retail outlet bears to the sum of the base period volumes of all the retail sales outlets in that group which the applicant will continue in business.

FEO will not reassign amounts certified by a retail sales outlet closed or to be closed pursuant to § 211.12(d) as being for ultimate use under an allocation level not subject to an allocation fraction.

FEO may, in lieu of the foregoing, adjust the base period volume of particular retail sales outlets to increase supplies in a market area served by the petitioner provided that such outlets are supplied by the same supplier which supplies the retail sales outlet closed or to be closed.

2. *Applications for reassignment of allocation entitlement.* Section 211.106(b)(3)(i) provides that a supplier's obligation to supply gasoline must be determined separately for each retail sales outlet which it supplies, regardless of whether it operates the outlet. Therefore a supplier may not reassign all or part of an allocation entitlement from one outlet to another, including reassignment among its own operated outlets, unless (1) the supplier is an independent marketer or a small or independent refiner; or (2) the supplier has received written permission from FEO to reassign allocation entitlements among its own outlets.

Section 211.106(b)(3)(ii) provides that an independent marketer or small or independent refiner may reassign up to twenty percent of the allocation entitlement of a retail sales outlet (excluding amounts certified pursuant to § 211.12(d) for ultimate use under an allocation level not subject to an allocation fraction) which it operates to its other retail sales outlets provided such reassignment does not result in an increase of more than twenty percent in the entitlement (excluding amounts certified pursuant to § 211.12(d) for ultimate use under an allocation level not subject to an allocation fraction) of any other retail sales outlet which it operates. If the independent marketer or small or independent refiner is not the supplier of some or all of its retail sales outlets which it operates, the independent refiner or small or independent refiner may reassign allocation entitlements only among its retail sales outlets which are supplied by the same supplier and terminal facility. FEO's intention is to maintain the competitive market position of independent marketers, or small or independent refiners by keeping volumes within their distribution system. The movement of specific quantities of motor gasoline from one outlet to another in excess of that permitted by § 211.106(b)(3)(ii) therefore, will be granted only in unusual circumstances, since FEO intends to discourage shifts of product which may aggravate fuel imbalances within regions and among market areas.

FEO believes that the twenty percent reassignment under § 211.106(b)(3)(ii) permitted independent marketers or small or independent refiners is adequate for all but the most unusual cases. An independent marketer or small or independent refiner which wants to increase or decrease the allocation entitlement of any retail sales outlet which it operates other than as provided by § 211.106(b)(3)(ii) must petition FEO under § 211.106(b)(3)(i) for permission to do so.

Any operator of retail sales outlets, including independent marketers or small or independent refiners which desire to reassign amounts in excess of 20 percent, and which operates more than one retail sales outlet may petition FEO for permission to reassign allocation entitlements among its outlets. Such a petition shall be filed with the regional FEO office in which the outlets concerned are located, and shall specify the location of the outlets, the base period volumes or adjusted base period volumes of the outlets, amounts certified by the retail outlet pursuant to § 211.12(d) for ultimate use under an allocation level not subject to an allocation fraction, amounts of gasoline which the applicant proposes to reassign and the outlets to which amounts are to be reassigned and from which amounts are to be delivered. The petition shall also identify the retail sales outlets to which all or part of an allocation entitlement is to be shifted, the outlets from which the entitlements are to be diverted, and the amounts involved. The petition shall state the reasons for the proposed reassignment, and any data, documentation or other information in support of the petition.

The petition may be granted only if FEO determines that the reassignment is necessary to preserve the competitive market position of an independent marketer or small or independent refiner and that inequitable distribution of gasoline in the market area served by the petitioner will not result from the reassignment. In the case of petitioners other than independent marketers, or small or independent refiners, a petition will be granted only if the reassignment is necessary to improve gasoline supplies in the market areas served by the retail outlets whose base period use would be increased and would not result in shortage of supply in the market areas of the retail outlet from which the assignment is to be made. Adjustments under this section shall be for a period and in amounts determined by FEO.

3. *Petitions for treatment of retail outlets as a single firm.* Section 211.106(b)(1) provides that each firm or part of a firm which operates a retail sales outlet shall be considered a separate firm with respect to each retail sales outlet and therefore a separate wholesale purchaser-reseller. An exception is provided to the provisions of § 211.106(b)(1) for independent marketers and small and independent refiners. As noted previously, FEO anticipates that proper use of § 211.106(c)(2) and § 211.106(b)(3) will provide adequate relief for most petitioners which might otherwise seek relief under § 211.106(b)(2). Consequently, FEO anticipates that petitions to treat some or all of the petitioner's retail sales outlets as a firm will only be granted in unusual circumstances.

An independent marketer or small or independent refiner may petition for treatment as a single firm only those retail outlets which it actually operates. A retail sales outlet in which the petitioner merely holds a real property interest, including a lease, but which is operated by another entity, may not be included among the retail outlets to be included to the petitioner's firm. Only those retail outlets supplied from the same terminal facility may be treated as a separate firm.

If the independent marketer or small or independent refiner supplies retail sales outlets other than those which it operates, its obligation to supply those other outlets shall in no way be diminished by a grant of its petition. An independent marketer or small or independent refiner which supplies its own operated outlets also will not be relieved of its obligation under § 211.106(d)(3) to report to FEO whenever it ceases to supply any retail sales outlet including those aggregated for treatment as a single firm, or of its obligation to obtain FEO assignment of a supplier/purchaser relationship and a base period volume for any new retail sales outlets which it intends to supply as provided by § 211.12(e).

A petition for treatment of retail sales outlets as a single firm must demonstrate that allowance of the petition will not result in an inequitable distribution of gasoline in the market areas served by the petitioner. A petition must be fully supported by detailed facts, figures and other relevant documentation and information, including the following.

(1) The number and location of the retail sales outlets which the petitioner proposes to treat as a single firm, including a map showing such locations, and a statement that such outlets are operated by the petitioner.

(2) The number and location of retail sales outlets which the petitioner has closed during the preceding six months, if any.

(3) The number and location of retail sales outlets which the petitioner intends to close during the next 12 months, if any.

(4) The name of the supplier of each of the retail sales outlets to be treated as a single firm and the terminal facility from which the outlets are supplied.

(5) The base period volume or adjusted base period volume of each retail sales outlet.

(6) The actual volume of motor gasoline sold by each such retail sales outlet during the period January 1 through March 31, 1972, and during the period January 1 through March 31, 1974.

(7) Information concerning the anticipated effect which a grant of the petition would have on the petitioner's customers, including any priority customers such as agricultural users, the petitioner's employees, transportation costs and other relevant matters.

(8) The reasons why relief under § 211.106(b)(3) and (c)(2) has not been adequate in the petitioner's case.

(9) Any other information, documentation, and arguments which tends to establish that allowance of the petition would not result in an inequitable distribution of gasoline in the market areas served by the petitioner.

FEO will not grant a petition for treatment of some or all of a petitioner's retail outlets as a firm or firms unless the petitioner demonstrates that separate treatment of such outlets would tend to lessen its competitive market position, that such treatment as a single firm will not result in an inequitable distribution of gasoline in the market areas served by the petitioner, and that ultimate users of motor gasoline served by petition under an allocation level not subject to an allocation fraction will not be adversely affected. FEO may refuse to include some or all of a petitioner's outlets within a firm or firms.

FEO will grant such petitions only on the following conditions:

(1) A firm will include only those retail outlets which have a common supplier and are supplied from the same terminal facility.

(2) A firm may not shift more than a fixed percent of a retail outlet's base period use (excluding amounts certified pursuant to § 211.12(d) for ultimate use under an allocation level not subject to an allocation fraction) within a month to another retail outlet or retail sales outlets within the firm.

(3) A firm may not shift to a retail outlet within a firm more than a fixed percent of its base period use within a month from another retail outlet or retail outlets within the firm.

(4) A firm may not shift product from itself to another firm.

(5) A firm may not close or open a retail sales outlet without FEO permission.

Petitions for treatment of retail sales outlets as a single firm or firms may be granted or denied in whole or in part, and a grant may be made conditional on certain actions by the petitioner, such as reopening a retail sales outlet in an area which is not adequately served. In addition, the grant of such a petition may be modified or revoked by FEO if such action becomes necessary to fulfill the objectives of the allocation program.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

MAY 23, 1974.

[FR Doc.74-12367 Filed 5-24-74;12:46 pm]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. L]

PART 212—INTERLOCKING BANK RELATIONSHIPS UNDER THE CLAYTON ACT

Relationships Permitted by Board

By notice of proposed rulemaking, published in the FEDERAL REGISTER on February 19, 1974 (39 6132), the Board of Governors proposed to permit under certain circumstances interlocking service by a director, officer or employee of a member bank with another bank, banking association, savings bank or trust company located in a low income or other economically depressed area, by amending § 212.3 of the Board's Regulation L.

Following consideration of the comments received, the Board has amended § 212.3, effective June 20, 1974, to permit certain interlocking relationships with minor modifications in language from that originally proposed.

An accompanying interpretation sets forth illustrative criteria that may be used in determining whether a certain area is a "low income or other economically depressed area."

The text of the amendment to § 212.3 reads as follows:

§ 212.3 Relationships permitted by Board.

In addition to any relationships covered by the foregoing exception, not more than one of the following relationships is hereby permitted by the Board of Governors of the Federal Reserve System in the case of any one individual.

* * * * *

(g) *Bank in low income area.* Any director, officer or employee of a member bank of the Federal Reserve System may be at the same time a director, officer or employee of not more than one other bank located, or to be located, in a low income or other economically depressed area, subject to the following conditions: (1) Such relationship is determined by the Board to be necessary to provide management or operating expertise to such other bank; (2) not more than three interlocking relationships between any two banks shall be permitted by this paragraph, except that persons serving in interlocking relationships pursuant to this paragraph shall in no instance constitute a majority of the board of directors of the other bank; (3) no interlocking relationship permitted by this paragraph shall continue for more than a five-year period, and (4) upon such other terms and conditions in addition to or in lieu of the foregoing, as may be determined by the Board in any specific case.

* * * * *

The Board has also adopted an interpretation relating to certain terms used in the regulation as set forth below.

§ 212.103 Exemption from section 8 of the Clayton Act for Banks in low income areas.

(a) Effective June 20, 1974, the Board of Governors amended § 212.3 of Regulation L to exempt under certain circumstances from the prohibitions of section 8 of the Clayton Act, (15 U.S.C. § 19) interlocking relationships between a member bank and a bank in a "low income or other economically depressed area". (12 CFR 212.3(g).) This interpretation is intended to set forth some of the criteria that may be used in the designation of such an area.

(b) A "low income or other economically depressed area" is any area, without regard to political or other subdivisions or boundaries, which have some or all of the following characteristics:

(1) The rate of unemployment is substantially above the national rate;

(2) The median level of family income is significantly below the national median;

(3) The economy of the area has traditionally been dominated by only one or two industries, which are in a state of long-term decline;

(4) The rate of outmigration of labor or capital is substantial;

(5) The area is adversely affected by changing industrial technology;

(6) The area is adversely affected by changes in national defense facilities or production.

By order of the Board of Governors of the Federal Reserve System, May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12208 Filed 5-28-74;8:45 am]

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[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Bank Management Consulting Advice

Section 225.4(a)(12) of Regulation Y permits bank holding companies to offer management consulting advice to nonaffiliated banks subject to certain conditions. One of those conditions is that there be no interlocking personnel relationships between the bank holding company or any of its subsidiaries and the unaffiliated bank.

By action effective June 20, 1974, the Board has amended section 212.3 of the Board's Regulation L ("Interlocking Relationships under the Clayton Act" (12 CFR Part 212)) so as to permit interlocking personnel relationships between a member bank and a bank located in a low income or other economically depressed area. The public interest which the amendment to Regulation L serves would similarly be served by a relaxation of the restriction found in § 225.4(a)(12)(ii). Thus, the purpose of the present amendment is to permit a bank holding company to extend management consulting advice to an unaffiliated bank with which the bank holding company or any of its subsidiaries has established interlocking relationships pursuant to § 212.3(g) of Regulation L.

The text of the amendment to § 225.4(a)(12)(ii) reads as follows:

§ 225.4 Nonbanking Activities.

(a) *Activities closely related to banking or managing or controlling banks* * * *.

* * * * *

(12) * * * (ii) no officer, director or employee of the bank holding company or any of its subsidiaries serves as an officer, director or employee of the client bank, except where such interlocking relationships are or would be permitted by § 212.3(g) of Regulation L; * * *

The notice and public participation procedure described in section 553 of Title 5, United States Code is unnecessary in connection with this amendment for the reasons and good cause found by the Board, because this amendment operates to relieve restrictions otherwise applicable under § 225.4(a)(12) of Regulation Y, and such procedure would not aid the persons affected or otherwise serve any useful purpose.

Effective date: June 20, 1974.

By order of the Board of Governors of the Federal Reserve System, May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12209 Filed 5-28-74;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-960]

PART 528—NONDISCRIMINATION IN LENDING

Data on Loan Applicants

MAY 22, 1974.

On March 22, 1973 the Federal Home Loan Bank Board by Resolution No. 74-224 (39 FR 12110) amended the regulations for the Federal Home Loan Bank System (12 CFR, Chapter V, Subchapter B) by adding new § 528.6 thereto relating to the collection of certain information regarding residential loan applicants, to be effective June 1, 1974. The Federal Home Loan Bank Board considers it desirable to amend § 528.6 for the purposes of clarifying and simplifying the application of certain of the requirements imposed thereunder.

The changes made in paragraph (a) of § 528.6 are intended to clarify that member institutions with no offices located within one of the selected Standard Metropolitan Statistical Areas are not required to utilize a Fair Housing Information Statement Form to accompany an application for a loan on a residential property which is located within one of the selected Areas.

The change made in subdivision 528.6(b)(2) eliminates the requirement that Form "A" be completed in duplicate, and that made in § 528.6(c)(2) requires that Form "B" be completed in triplicate rather than duplicate and also specified the distribution of the three copies of the form.[1]

Accordingly, the Federal Home Loan Bank Board hereby revises paragraphs (a), (b)(2) and (c)(2) of said § 528.6 to read as set forth below, effective June 1, 1974:

§ 528.6 Data on loan applicants.

(a) *Recordkeeping requirements.* Each member institution with an office located in a standard metropolitan statistical area, defined by the Department of Commerce and listed in paragraph (b), (c) or (d) hereof, shall, to the extent prescribed herein, require that each application submitted to it for a loan or other service described in section 528.2 with respect to real property be accompanied by a "Fair Housing Information Statement," as prescribed by the Board, which shall be separate from the application. Each applicant shall be requested to sign and complete the applicant's portion of the Statement at the time the application is made.

[1] Forms filed as part of the original.

(b) * * *

(2) *Requirements.* Sections I and II of the Statement shall be completed by the member institution and Section I shall be given to the applicant at the time the application is made or as promptly thereafter as practicable; Section III shall be completed by the applicant. Sections II and III shall be retained by the member institution for at least three years following the date of the application whether or not the loan is approved. If the application is approved, Sections II and III retained by the member institution shall be placed in its file on the loan. If the application is denied, Sections II and III retained by the member institution, along with the application and any supporting materials, other than materials which belong to the applicant and which are returned to the applicant at the applicant's request, shall be placed in a file of rejected applications and retained for the period specified above. The material so retained shall include a specific statement of the reasons for denial of the application.

* * * * *

(c) * * *

(2) *Requirements.* The Statement shall be completed in triplicate. A copy shall be given to the applicant at the time the application is made or as soon thereafter as practicable and the other copies shall be retained by the member institution for at least three years following the date of the application whether or not the application is approved. If the application is approved, both copies shall be placed in the member institution's file on the loan. If the application is denied, the member institution shall complete Part II of the Statement and shall provide the applicant with a completed copy of Parts I and II of the Statement, and shall retain for three years a copy of the Statement as part of the written application. The member institution shall also retain for the period specified above any other documents obtained in connection with the application, except for documents which are the property of the applicant and which the applicant requests be returned.

* * * * *

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that the institutions affected by such amendment should be given as much time as possible to comply with these requirements, and also because the amendments are of a clarifying nature, the Board hereby finds that notice and public procedure as to such amendment are impracticable, unnecessary and contrary to the public interest under the

provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reasons, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

Copies of Forms "A", "B", and "C" are appended.

(Title VIII, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601-3619); 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981, 1982); E.O. 11063, 27 FR 527; sec. 17, 47 Stat. 736, as amended, 12 U.S.C. 1427; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260 as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464))

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-12270 Filed 5-28-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-9-AD; Amdt. 39-1855]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-10, Series 10, 30, and 40

Amendment 39-1810 (39 FR 12336), AD 74-08-06, requires the installation of a stop on the landing gear control valve, Part No. AYG7050, in accordance with Douglas Alert Service Bulletin No. A32-76, Revision 1, dated March 1, 1974. After issuing AD 74-08-06, Amendment 39-1810, the agency determined that in some cases this stop, if improperly installed or under adverse tolerances, could interfere with the motion of the bypass lever crank and thus prevent the free-fall of the landing gear when selected. Therefore, the AD is being amended to require inspection and/or modification of the stop incorporated in accordance with the AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1810 (39 FR 12336), AD 74-08-06, is amended as follows:

(1) Amend the first paragraph, by changing the airplane factory serial numbers to which the AD applies, so that the paragraph, in pertinent part, reads:

Applies to Model DC-10, Series 10, 30, and 40 airplanes with the factory serial numbers as indicated in Douglas Alert Service Bulletin No. A32-82, dated May 13, 1974, or later FAA-approved revisions.

(2) Amend paragraphs (a) and (b), by adding a reference to Douglas Alert Service Bulletin No. A32-82, dated May 13, 1974, so that each paragraph, in pertinent part, reads:

Douglas Alert Service Bulletin No. A32-76, Revision 1, dated March 1, 1974, and Douglas Alert Service Bulletin No. A32-82, dated May 13, 1974, or later FAA-approved revisions. Incorporation of both service bulletins is required.

(3) Add a new paragraph (c), as follows:

(c) Within 24 hours after the effective date of this AD, as amended, unless previously accomplished, conduct an inspection of the landing gear control valve stop clearance as prescribed in Phase I of Douglas Alert Service Bulletin No. A32-82, dated May 13, 1974, or later FAA-approved revisions if the landing gear control valve stop has been installed as required by paragraph (b) of this AD. If the clearance is .050 inch or less, Phase II of the Douglas Alert Service Bulletin No. A32-82 must be accomplished prior to next flight.

(4) Re-identify paragraphs (c) and (d) as paragraphs (d) and (e), respectively.

This amendment becomes effective June 3, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, May 17, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-12182 Filed 5-28-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Grapefruit; Order Amending Standards of Identity, Quality, and Fill of Container

In a notice of proposed rulemaking to amend the definition and standards of identity (21 CFR 27.90), quality (21 CFR 27.91), and fill of container (21 CFR 27.92) for canned grapefruit published in the FEDERAL REGISTER of August 20, 1973 (38 FR 22408) the Commissioner of Food and Drugs, on his own initiative, proposed to amend the United States standards for canned grapefruit in consideration of the "Recommended International Standard for Canned Grapefruit."

Two comments from the Florida Canners Association, a trade association representing Florida processors of canned grapefruit, were received in response to the proposal. A third comment was received from the California Canners and Growers. The comments were as follows:

1. Objection was made to a possible misinterpretation of the requirement for determining compliance with the minimum cut out sirup strengths. That is, no container may have a cut out strength lower than that of the next lower category or 2 percentage points lower than its own category if no lower one exists. It was felt that the term "2 percentage points" could be misinterpreted as 2 percent of the cut out strength; e.g., 2 percent of 12, 16, etc. It was recommended that 2 percentage points be clarified as 2 percent by weight sucrose (degrees Brix).

To avoid possible misinterpretation, the Commissioner concludes that "2 percentage points" should be changed to "2 percent by weight sucrose (degrees Brix)".

2. It was proposed that an "acceptance procedure" of 1 out of 6, 2 out of 13, etc. (similar to that proposed for determining whether a lot is in compliance for quality and minimum fill), apply for determining compliance for packing medium density. No data were submitted in support of the proposed acceptance procedure.

Such a provision is not included in the Codex Standard, nor is it a part of the U.S. Department of Agriculture voluntary grade standards program. Further, the Commissioner concludes that inadequate justification for the application of the acceptance procedure for determining compliance for packing medium density was provided. The Commissioner concludes that compliance for sirup density shall be based on sample average as proposed.

3. It was requested that all Florida packers of canned grapefruit be given a grace period of 2 years to comply with the final order so that current label supplies can be exhausted in an orderly manner.

The Commissioner concludes that inadequate justification was given for the 2-year request. Accordingly, compliance with this order including all labeling changes required may begin July 29, 1974, and all products shipped in interstate commerce after December 31, 1974, shall comply with this regulation. The Commissioner concludes that this will provide reasonable time for compliance by industry and that any further delay would not be in the interest of the consumer.

4. Both the California Canners and Growers and the Florida Canners Association requested that the canned grapefruit identity standard provide for the optional use of concentrated grapefruit juice, reconstituted to single strength, as a liquid ingredient in the packing medium.

The Commissioner concurs in this request. Further, the use of grapefruit juice from concentrate shall be declared as part of the name.

5. It was requested that any safe and suitable nutritive carbohydrate sweetener be permitted in canned grapefruit. Proposals to amend other canned fruit identity standards to similarly provide for the optional use of such sweeteners

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were published in the FEDERAL REGISTER of January 21, 1974 (39 FR 2368 and 2377).

The Commissioner concurs in this request. Further, the specific sweeteners used shall be declared in the label statement of ingredients.

The Commissioner proposed to delete the requirement that the declaration of packing medium on the label be preceded by "In" or "Packed In". Upon further consideration the Commissioner concludes that this mandatory provision should be retained in order to be consistent with that proposed for other canned fruits in the FEDERAL REGISTER of January 21, 1974 (39 FR 2368 and 2377).

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standards of identity, quality and fill of container for canned grapefruit as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 27 be amended by revising §§ 27.90, 27.91, and 27.92 to read as follows:

§ 27.90 Canned grapefruit; identity; label statement of optional ingredients.

(a) *Product identification.* Canned grapefruit is the food prepared from one of the optional grapefruit ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one or more of the following safe and suitable optional ingredients:

(1) Spices.

(2) Natural and artificial flavoring.

(3) Lemon juice.

(4) Citric acid.

(5) Calcium chloride or calcium lactate or a mixture of the two calcium salts in a quantity reasonably necessary to firm the grapefruit sections, but in no case in a quantity such that the calcium contained in such calcium salt or mixture is more than 0.035 percent by weight of the finished food.

Such food is sealed in a container and, before or after sealing, is so processed by heat as to prevent spoilage.

(b) *Optional grapefruit ingredient.* The optional grapefruit ingredients referred to in paragraph (a) of this section are prepared from sound, mature grapefruit (Citrus paradisi Macfadyen) of the color types white—produced from white-fleshed grapefruit, and pink—produced from pink or red-fleshed grapefruit and are in the following forms of units: Whole sections or broken sections. Each such form of units or a mixture of such forms of units prepared from a single varietal group (color type) is an optional grapefruit ingredient. The core, seeds, and major portions of membrane of such ingredient are removed. For the purpose of this section, a grapefruit section is considered whole when the unit is intact or an intact portion of such unit is not less than 75 percent of its apparent original size and is not excessively trimmed.

(1) For the purpose of paragraph (d) of this section, the name of the optional grapefruit ingredient is:

(i) "Section" or "segments", if 50 percent or more of the drained weight of the food consists of whole sections.

(ii) "Broken sections" or "broken segments", if less than 50 percent of the drained weight of the food consists of whole sections.

(2) The drained weight is determined by the method prescribed in the standard of fill of container for canned grapefruit set forth in § 27.92(b).

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.

(ii) Grapefruit juice and water.

(iii) Grapefruit juice.

(iv) Slightly sweetened sirup or slightly sweetened water.

(v) Light sirup.

(vi) Heavy sirup.

(vii) Slightly sweetened grapefruit juice and water.

(viii) Lightly sweetened grapefruit juice and water.

(ix) Heavily sweetened grapefruit juice and water.

(x) Slightly sweetened grapefruit juice.

(xi) Lightly sweetened grapefruit juice.

(xii) Heavily sweetened grapefruit juice.

As used in this subparagraph the optional packing medium "water" means, in addition to water, any mixture of water and grapefruit juice in which there is less than 50 percent grapefruit juice; the optional packing medium "grapefruit juice and water" means the liquid packing medium in which juice of mature grapefruit and water are combined as a liquid packing medium with not less than 50 percent grapefruit juice and the term "grapefruit juice" means single strength expressed juice of sound, mature fruit. It may be fresh, canned, or made from concentrate. However, if it is made from concentrate, the juice shall be reconstituted with water to not less than the soluble solids the grapefruit juice had before concentration.

(2) Each of the packing media in paragraph (c) (1) (iv) to (xii) of this section is prepared with a liquid ingredient and one or more safe and suitable nutritive carbohydrate sweeteners. Water is the liquid ingredient from which packing media in paragraph (c) (1) (iv) to (vi) of this section are prepared. Grapefruit juice and water are the liquid ingredients from which the packing media in paragraph (c) (1) (vii) to (ix) of this section are prepared. Grapefruit juice is the liquid ingredient from which the packing media in paragraph (c) (1) (x) to (xii) of this section are prepared. If one or more liquid nutritive carbohydrate sweeteners and grapefruit juice are combined as a liquid packing medium with not less than 50 percent grapefruit juice, the packing medium is as set forth in paragraph (c) (1) (vii) to (ix) of this section.

(3) The respective densities of packing media in paragraph (c) (1) (iv) to (ix) of this section as measured on the refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. (68° F.), 15 days or more after the grapefruit are canned or the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days, according to the "Official Methods of Analysis of the Association of Official Analytical Chemists",[1] 11th Ed., 1970, page 526, section 31.011 (Solids) "By Means of Refractometer—Official Final Action" (and 47.012 and 47.015) without correction for invert sugar or other substances, are as follows:

(i) Packing media in paragraph (c) (1) (iv), (vii), and (x) of this section: Twelve percent or more but less than 16 percent.

(ii) Packing media in paragraph (c) (1) (v), (viii), and (xi) of this section: Sixteen percent or more but less than 18 percent.

(iii) Packing media in paragraph (c) (1) (vi), (ix), and (xii) of this section: Eighteen percent or more. A lot shall be deemed to be in compliance for packing medium density based on the average value for all the samples analyzed according to § 27.91(b) but no container may have a value lower than that of the next lower category or 2 percent by weight sucrose (degrees Brix) lower if no lower category exists.

(d) *Labeling requirements.* (1) The name of the food is "grapefruit" or "pink grapefruit," as appropriate for the color type of the grapefruit used. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "with added spice." Whenever the word "sirup" is used, it may be alternatively spelled "syrup." When two or more of the optional ingredients specified in paragraphs (a) (1), (2) and (3) of this section are used, such words may be combined; for example, "with added cloves and cinnamon oil."

(2) The form and style of the grapefruit ingredient as provided for in paragraph (b) of this section and the name of the packing medium as used in paragraph (c) of this section preceded by "In" or "Packed In" shall be included as part of the name. When the packing medium is prepared from concentrated grapefruit juice, the words "from concentrate" shall follow the words "grapefruit juice" in the name of the packing medium.

(3) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

§ 27.91 Canned grapefruit: quality; label statement of substandard quality.

(a) The standard of quality for canned grapefruit is as follows:

(1) The food is free from extraneous material such as leaves, portions of leaves, and pieces of peel.

(2) The finished food contains per 500 grams (17.6 ounces) not more than:

(i) An aggregate area of 20 square centimeters (3.1 square inches) of tough membrane or albedo on the units.

(ii) Four developed seeds. A seed is considered a developed seed when it measures more than 9.0 millimeters (0.35 inches) in any dimension.

(3) Not more than 15 percent by weight of the drained grapefruit may be blemished units. A blemished unit is a grapefruit section or any portion thereof which is damaged by lye peeling, by discoloration, or by other visible injury. The drained weight is determined by the method prescribed in the standard of fill of container for canned grapefruit set forth in § 27.92(b).

(b) *Sampling and acceptance procedure.* A lot is to be considered acceptable when the number of "defectives" does not exceed the acceptance number in the sampling plans given in paragraph (b) (2) of this section.

(1) Definitions of terms to be used in the sampling plans in paragraph (b) (2) of this section are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when any of the defects or conditions specified in the quality standard (paragraph (a) of this section) and § 27.92(c) (1) for minimum fill of container are present in excess of the stated tolerances.

(vi) *Accepted number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling plans and acceptance procedure:

Lot size (primary containers)	Size of container: Net weight equal to or less than 1 kilogram (2.2 pounds)	
	n	c
4,800 or less	13	2
4,801–24,000	21	3
24,001–48,000	29	4
48,001–84,000	48	6
84,001–144,000	84	9
144,001–240,000	126	13
over 240,000	200	19
	Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds)	
	n	c
2,400 or less	13	2
2,401–15,000	21	3
15,001–24,000	29	4
24,001–42,000	48	6
42,001–72,000	84	9
72,001–120,000	126	13
over 120,000	200	19
	Net weight greater than 4.5 kilograms (10 pounds)	
	n	c
600 or less	13	2
601–2,000	21	3
2,001–7,200	29	4
7,201–15,000	48	6
15,001–24,000	84	9
24,001–42,000	126	13
over 42,000	200	19

n=number of primary containers in sample
c=acceptance number

(c) If the quality of canned grapefruit falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7 (a) of this chapter, in the manner and form therein specified; however, if the quality of the canned grapefruit falls below standard with respect to only one of the factors of quality specified by paragraph (a) (1), (2), or (3) of this section, there may be substituted for the second line of such general statement of substandard quality, "Good Food—Not High Grade", a new line as specified after the corresponding designation of paragraph (a) of this section which the canned grapefruit fail to meet:

(1) "Contains extraneous material".

(2) (i) "Excessive tough membrane".

(2) (ii) "Excessive seeds".

(3) "Excessive blemished units".

§ 27.92 Canned grapefruit; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned grapefruit is:

(1) The fill of grapefruit and packing medium, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) The drained weight of grapefruit ingredient is not less than 50 percent of the water capacity of the container, as determined by the method prescribed in paragraph (b) of this section and the general method for water capacity of containers prescribed in § 10.6(a) of this chapter.

(b) Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 20.3 centimeters (8 inches) if the quantity of contents of the container is less than 1.4 kilograms (3 pounds) and 30.5 centimeters (12 inches) if such quantity is 1.4 kilograms (3 pounds) or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for the No. 8 sieve set forth in the "Definitions of Terms and Explanatory Notes," page xviii, of the "Official Methods of Analysis of the Association of Official Analytical Chemists",[1] 11th Ed., 1970. Without shifting the material on the sieve, incline the sieve at an angle of 17° to 20° to facilitate drainage. Two minutes after the drainage begins, weigh the sieve and drained grapefruit. The weight so found, less the weight of the sieve, shall be considered to be the weight of the drained grapefruit.

(c) (1) A container that falls below the requirement for minimum fill prescribed in paragraph (a) (1) of this section shall be considered a "defective". The food will be deemed to fall below the standard of fill when the number of defectives exceeds the acceptance number (c) in the sampling plans prescribed in § 27.91(b).

(2) Canned grapefruit will be deemed to fall below the standard of fill when the average drained weight of all containers analyzed when sampled according to the sampling plans prescribed in § 27.91(b) is less than that prescribed in paragraph (a) (2) of this section.

(d) If canned grapefruit falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Any person who will be adversely affected by the foregoing order may at any time on or before June 28, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

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objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on July 29, 1974, and all products shipped in interstate commerce after December 31, 1974, shall comply with this regulation except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371.)

Dated: May 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director of the Office of the Federal Register March 26, 1973.

[FR Doc.74–12238 Filed 5–28–74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 568–74]

TECHNICAL CORRECTIONS

This order makes certain technical corrections in the regulations published in Chapter I of Title 28, Code of Federal Regulation, relating to the Department of Justice.

By virtue of the authority vested in me by 28 U.S.C. 509, Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart R

1. Paragraph (c) of section 3 of the Appendix to Subpart R of Part 0 is amended by substituting "Regional Directors" for "Regional Director."

§ 0.141 [Amended]

2. Section 0.141 of Subpart X of Part 0 is amended by deleting "the Director of the United States Marshals Service.".

§ 0.167 [Amended]

3. The caption for § 0.167 of Subpart Y of Part 0 is amended by substituting "Deputy Attorney General" for "Attorney General."

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

§§ 5.1, 5.2, 5.4, 5.6 [Amended]

4. Paragraph (c) of § 5.1, the introductory paragraph of § 5.2, paragraph (a) of § 5.400, paragraph (a) of § 5.401, and § 5.600 of Part 5 are amended by substituting "Registration Unit" for "Registration Section."

PART 11—REGISTRATION OF COMMUNIST ORGANIZATION AND MEMBERS THEREOF

§§ 11.100, 11.200, 11.201, 11.202, 11.206, 11.207, 11.300 [Amended]

5. Sections 11.100, 11.200, 11.201, 11.202, 11.206, 11.207, and 11.300 of Part II are amended by substituting "Criminal Division" for "Internal Security Division" each place the latter appears.

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

§ 16.2 [Amended]

6. Section 16.2 of Part 16 is amended by substituting "Internal Security Section, Criminal Division" for "Internal Security Division."

PART 17—REGULATIONS RELATING TO THE CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL PURSUANT TO EXECUTIVE ORDER NO. 11652

§ 17.38 [Amended]

7. The caption to § 17.38 of Part 17 is revised to read "Department Review Committee."

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

§ 42.112 [Amended]

8. The amendment to paragraph (d) of § 42.112, published at 38 F.R. 17956 (July 5, 1973) is corrected to read as an amendment to paragraph (c) of that section.

PART 48—NEWSPAPER PRESERVATION ACT

§ 48.16 [Amended]

9. The caption of § 48.16 is amended by substituting "newspaper" for "newspapers".

Dated: May 20, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74–12256 Filed 5–28–74;8:45 am]

[Order No. 569–74]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart P–1—Law Enforcement Assistance Administration

CERTIFICATION OF STATE AND LOCAL WORK-RELEASE LAWS TO ALLOW PRISONERS TO WORK UNDER FEDERAL CONTRACTS

Under 18 U.S.C. 4082, the Attorney General is empowered to authorize Federal prisoners to work at paid employment in the community during their terms of imprisonment under conditions that protect against both the exploitation of convict labor and unfair competition with free labor.

Executive Order No. 325A of May 18, 1905, prohibited the employment, in the performance of Federal contracts, of any person who is serving a sentence of imprisonment at hard labor imposed by a court of a state, territory or municipality. That Executive order was superseded by Executive Order No. 11755 of December 29, 1973, which continues a similar prohibition against use of convict labor under Federal contracts, but allows for the employment of persons on parole or probation or under certified prisoner work-release programs, when certain criteria are met. The new Executive order authorizes the Attorney General to certify that the work-release laws or regulations of the jurisdiction involved are in conformity with the order and to revoke any such certification, after notice and opportunity for hearing.

This order delegates to the Administrator of the Law Enforcement Assistance Administration the Attorney General's authority under Executive Order 11755 and authorizes the Administrator to redelegate such authority to any of his subordinates.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new Subpart P–1 immediately after Subpart P:

Subpart P–1—Law Enforcement Assistance Administration

Sec.
0.90 Prisoner work-release programs.
0.91 Redelegation of authority.

AUTHORITY: 18 U.S.C. 4082.

Subpart P–1—Law Enforcement Assistance Administration

§ 0.90 Prisoner work-release programs.

Subject to the general supervision and direction of the Attorney General, the Administrator of the Law Enforcement Assistance Administration is authorized to exercise the power and authority vested in the Attorney General by Executive Order No. 11755 of December 29, 1973, with respect to certification and revoking certification of work-release laws or regulations.

§ 0.91 Redelegation of authority.

The Administrator of LEAA is authorized to redelegate to any of his subordinates any of the authority delegated to him by § 0.90.

Dated: May 20, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74–12255 Filed 5–28–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PROCUREMENT REGULATIONS

These changes are primarily to update the several AECPR provisions requiring change to bring them into accord with recent FPR changes, and to reflect the replacement of OMB Circulars A–21 and A–88 by Federal Management Circular 73–8 and 73–6. In addition, several provisions have been corrected or clarified without substantive change and the listing of prefixes for AEC contracts has been updated to reflect organizational changes.

PART 9–1—GENERAL

1. Section 9–1.5401 is revised as follows:

§ 9–1.5401 Purpose.

This subpart sets forth AEC general policy with respect to the avoidance of organizational conflicts of interest. This subpart is in addition to and not in lieu of other requirements in the AECPR concerning AEC policies for avoiding conflicts of interest. (See § 9–59.006 and 9–12.54.) The Report to the President on Government Contracting for Research and Development (generally known as the Bell Report) proposed that each department and agency head develop a "Code of Conduct" for organizations in the research and development field. This subpart has been developed in accordance with that instruction.

PART 9–3—PROCUREMENT BY NEGOTIATION

2. In § 9–3.807–52, paragraph (b) is revised as follows:

§ 9–3.807–52 Approvals and waiver.

* * * * *

(b) Managers of Field Offices, for contracts estimated to be within the limits of their delegation of authority, may, without power of redelegation, waive the requirements for cost or pricing data under the circumstances set forth in FPR 1–3.807–3(b), 1–3.807–3(d)(2) and 1–3.807–6 provided that any such waivers are promptly reported to the Headquarters Division of Contracts for its information and coordination with the Assistant General Manager/Controller and other Headquarters staff.

3. Section 9–3.814.2, is revised as follows:

§ 9–3.814–2 Audit and records.

The clause in § 9–7.5006–1 shall be used for any negotiated contract which includes a "defective cost or pricing data" clause, except for a firm fixed-price contract or a fixed-price contract with escalation.

4. Section 9–3.814–52 is added as follows:

§ 9–3.814–52 Approvals and waiver.

Managers of Field Offices, for contracts estimated to be within the limits of their delegation of authority, may, without the power of redelegation, approve the waivers cited in FPR 1–3.814–1 (c) and 1–3.814–3(c) provided that any such waivers are promptly reported to the Headquarters Division of Contracts for its information and coordination with the Office of Assistant General Manager/Controller and other Headquarters staff.

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

5. In § 9–4.5106–3a paragraphs (a), (b)(1) and (2), (c), (d), (e), and (f), are revised as follows:

§ 9–4.5106–3a Compensation for personal services of professional staff.

(a) In accordance with section B.7 and section J.7 of Federal Management Circular (FMC) 73–8, the proposing institution and the AEC must reach an understanding regarding the basis for charges to the AEC under the contract for personal services of professional staff members. It is AEC policy to use the payroll distribution procedure of section J.7.b, as the basis for charges for personal services of all nonprofessorial professional staff, and also for professorial staff in those cases in which it is not feasible to establish a stipulated salary support amount during the proposal and award process because detailed plans or knowledge of specific positions or individuals are not available.

(b) * * *

(1) Establish an appropriate stipulated salary support amount in accordance with the guidelines of FMC 73–8 and provide guidance to the field office regarding the amount of such individual stipulated salary support, or

(2) Request the field office to establish an appropriate stipulated salary support amount in accordance with the guidelines of FMC 73–8, and within any limitations established by the sponsoring headquarters division. In establishing appropriate stipulated salary support amounts, it will be necessary for the AEC headquarters division or field office to obtain information on the academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have, such as teaching assignments, administrative assignments, supervision of graduate students, or other institutional activities.

(c) The established stipulated salary support amount shall be provided for in the contracts and shall be the basis for charges for personal services of the specified staff member unless there is a significant change in performance by the staff member (see section J.7.e. of FMC 73–8 for examples of a "significant change"); if a significant change in performance occurs, the institution has the responsibility under FMC 73–8 to either: (1) Reduce the charges to the contract proportionately, or (2) Request an appropriate amendment of the contract to reflect the change in performance.

The contract should provide that if the alternative in paragraph (c)(1) of this section is followed, the contractor shall notify the Commission of such reduction, with an explanation of the basis of such reduction. In accordance with section J.7.e. of FMC 73–8, special provision must be made in the contract if summer salaries are to be paid under the stipulated salary support procedure; the contract should provide specifically for any stipulated salary support amount for summer salaries and provide that any research covered by stipulated summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance by the Commission.

(d) If after the award of a contract the contractor wishes to charge the AEC for the personal services of a professorial staff member for whom a stipulated salary support amount has not been established in the contract, the contractor shall use the payroll distribution procedure of section J.7.b. of FMC 73–8 as the basis for such charges, except as the parties may otherwise mutually agree in writing.

(e) The stipulated salary support procedure shall not be used as a basis for establishing the amount of a contractor's contribution to the research work. In those cases in which the contractor is required to maintain records in support of a contribution of the cost of professorial staff, the payroll distribution procedure of section J.7.b. of FMC 73–8 should be used.

(f) The certification required by Appendix C of § 9–16.5002–8 fulfills the certification requirement of section K of FMC 73–8 for the special research support agreement. In cost-type contracts (§ 9–16.5002–9) the payments article should provide for appropriate certification by the contractor, on payment invoices or vouchers, to meet the requirements of section K.

6. Section 9–4.5107–3 is revised as follows:

§ 9–4.5107–3 Cost-type contract.

The cost-type contract for research by educational institutions, outlined in § 9–16.5002–9, is generally used when the annual AEC support under a contract exceeds $500,000, or when the cost of the project cannot be estimated in advance with reasonable accuracy. In many cases the contractor shares in the cost of the work conducted under the contract, although this is not a prerequisite for AEC support (see § 9–4.56 for policy on cost sharing and Article III of § 9–16.5002–9). The contract provides for reimbursement to the contractor of allowable costs incurred, within a specified ceiling, for performance of the research in accordance with the provisions of the contract. Allowable costs are determined in accordance with Federal Management Circular (FMC) 73–8, FPR Subpart 1–15.3, and § 9–15.103. (For cost-type contracts with not-for-profit institutions other than educational institutions or research foundations established by educational institutions, reimbursement of costs is in accordance with the applicable AEC commercial cost principles.) Certain deviations in performance and other actions under the contract require AEC approval as specified in the contract. Such approval requirements will be in accordance with § 9–4.5112–5, to the extent necessary and appropriate.

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PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

7. In § 9–5.902, paragraph (a) is revised as follows:

§ 9–5.902 Use of GSA supply sources by AEC cost-type contractors.

(a) Managers of Field Offices may authorize cost-type contractors and cost-type subcontractors where all higher tier contracts and subcontracts are of cost type, to use General Services Administration (GSA) supply sources (i.e., items available through Federal Supply Schedule contracts and other GSA contracts and from GSA stores stock) in accordance with the requirements and procedures in FPR Subpart 1–5.9.

* * * * *

8. Section 9–5.5201–4 is revised as follows:

§ 9–5.5201–4 Direct purchase.

Vehicles may be procured by field offices from other sources where specific clearance has been granted by GSA. A copy of the field office request to GSA for clearance shall be forwarded to the Director, Division of Contracts for information. In those cases where a clearance has not been granted by GSA and where it is believed that procurement through GSA would impair or adversely affect the program, clearance for direct procurement shall be obtained from the Director, Division of Contracts, prior to the procurement. The purchase price shall not exceed any statutory limitation in effect at the time the procurement is made.

PART 9–7 CONTRACT CLAUSES

9. Section 9–7.5005–24 is revised as follows:

§ 9–7.5005–24 Pricing of adjustments.

See FPR 1–7.102–20, except that the cost principles and procedures in Part 9–15 of these regulations shall be cited.

10. Section 9–7.5006–1 paragraphs (c) and (g) are revised as follows:

§ 9–7.5006–1 Accounts, records, and inspection (CPFF).

* * * * *

(c) *Audit of subcontractors' records.* The contractor also agrees, with respect to any subcontracts (including lump-sum or unit-price subcontracts or purchase orders) where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor of any tier, to conduct an audit of the costs of the subcontractor in a manner satisfactory to the Commission or to have the audit conducted by the next higher tier subcontractor in a manner satisfactory to the contractor and the Commission, except when the Commission elects to waive such audit or approves other arrangements for the conduct of the audit.

* * * * *

(g) *Subcontracts.* The contractor further agrees to require the inclusion of provisions similar to those in paragraphs (a) through this paragraph (g) of this clause in all subcontracts (including lump-sum or unit-price subcontracts or purchase orders) of any tier entered into hereunder where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor.

NOTE: If the prime contract contains a "defective cost or pricing data" clause, this paragraph (g) shall be modified by adding the following:

The contractor further agrees to include an audit clause, the substance of which is the "audit" clause in FPR 1–3.814–2, in each subcontract which does not include provisions similar to those in paragraphs (a) through this paragraph (g) of this clause but which contains a "defective cost or pricing data" clause.

PART 9–16—PROCUREMENT FORMS

11. In § 9–16.404–50, paragraph (b) is revised as follows:

§ 9–16.404–50 AEC authorized additions to Standard Form 19.

* * * * *

(b) The following additional clauses in Standard Form 19 are authorized, if required or deemed appropriate under certain circumstances:

(1) Safety, health and fire protection (§ 9–7.5006–47).

(2) Security (§ 9–5004–11).

(3) Assignment (§ 9–7.5006–46).

(4) Renegotiation (§ 9–7.5004–20).

(5) Suspension of work (FPR 1–7.601–4).

(6) The following wage determination clause:

The wage rates set forth are the minimum rates which may be paid to the classifications of laborers and mechanics designated therein pursuant to the Davis-Bacon Act (Act of Mar. 3, 1931, as amended; 40 U.S.C. 276a et seq.). The Commission does not represent that said minimum wage rates do now, nor that they will at any time in the future, prevail in the locality of the work for such laborers or mechanics; nor that such mechanics or laborers are or will be obtainable at said rates for work under this contract; nor that said rates represent the most recent wage determination by the Secretary of Labor with respect to such classifications of laborers or mechanics in the locality of the work.

(7) Priorities, allocations, and allotments (§ 9–7.5006–52).

* * * * *

12. In § 9–16.5002–8 Appendix B—General Provisions, Article B–II—Inspection, Reports, Records, and Accounts, paragraph (c) and Appendix B—General Provisions, Article B–XXIX—Determination of Support Costs, paragraph (b) are revised as follows:

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

* * * * *

APPENDIX B GENERAL PROVISIONS

ARTICLE B–II—DEFINITIONS

* * * * *

(c) The Contractor agrees to keep records and books of account, in accordance with generally accepted accounting principles and practices, and consistent with the requirements of Federal Management Circular (FMC) 73–8, as constituted on the effective commencement date of the contract period, covering its costs and expenditures for items included under Article A–II(a) of Appendix A and which are in furtherance of the research work under this contract. In the event a Contractor contribution is listed in Article A–II(b), the Contractor shall maintain records adequate to permit the Commission to determine the extent of the contribution. If professional staff members are included under Article A–II(b), the Contractor shall maintain records on such personnel in accordance with the payroll distribution procedure of section J.7.b. of FMC 73–8.

* * * * *

ARTICLE B–XXIX—DETERMINATION OF SUPPORT COSTS

* * * * *

(b) Within 3 months after the end of each contract period set forth in Appendix A, and within 3 months after the termination or expiration of the total period of performance, the Contractor shall furnish a certified statement, executed by an official of the Contractor showing the Contractor's cost, and evidencing its performance under the contract, during the contract term just completed. The statement shall show all costs incurred during the pertinent contract term set forth in Appendix A for items under Article A–II (a) of Appendix A, including the Contractor's share, if any, of such costs, and show the extent of the Contractor's contribution of items listed under Article A–II(b)(1) of Appendix A. Costs included in the certified statement may include the following: Expenditures of cash; the cost of material and supplies transferred from stores inventory; and the amount due the Contractor for indirect costs in accordance with the rate and factor or factors shown in Appendix A of the contract for the pertinent contract period. The costs for the pertinent contract period shall be consistent with the principles of FMC 73–8 as constituted on the effective commencement date of said period. The certified statement shall be in the form set forth in Appendix C.

* * * * *

13. In § 9–16.5002–9 Appendix B, Article B–2—Allowable Costs, paragraphs (a) (1) and (2) and Appendix B, Article B–33—Payments, are revised as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

APPENDIX B

ARTICLE B–2—ALLOWABLE COSTS

(a) * * *

(1) Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3) as that text is amended by Federal Management Circular (FMC) 73–8 as of the date of commencement of the contract period or, with respect to periods of extension of contract performance, as of the date of commencement of the pertinent extension period;

(2) FMC 73–6 as it may be amended from time to time; and

* * * * *

ARTICLE B–33—PAYMENTS

Insert § 9–7.5006–23 or § 9–5.7006–25, as appropriate, modified to reflect the no-fee position of educational institutions. An additional paragraph should be added to provide for appropriate certification by the Contractor, on payment invoices or vouchers, to meet the requirements of section K of FMC 73–8. If advance payments are to be made, the letter of credit procedure as provided for in Treasury Fiscal Requirements Manual, Part VI, Section 1020, will be used to the maximum extent feasible.

PART 9–53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

14. In § 9–53.106 is revised as follows:

§ 9–53.106 Assigned contract prefixes.

Prefixes for AEC contract numbers for the various field installations and headquarters divisions are set forth below:

	Contract prefix
Active offices	
Field installations:	
San Francisco	AT(04–3)—
Grand Junction	AT(05–1)—
Idaho Falls	AT(10–1)—
Chicago	AT(11–1)—
Paducah	AT(15–1)—
Kansas City	AT(23–3)—
Nevada	AT(26–1)—
New Brunswick	AT(28–1)—
Los Alamos	AT(29–1)—
Albuquerque	AT(29–2)—
Brookhaven	AT(30–2)—
Schenectady	AT(30–3)—
Dayton	AT(33–1)—
Portsmouth	AT(33–2)—
Pittsburgh	AT(36–1)—
Savannah River	AT(38–1)—
Oak Ridge	AT(40–1)—
Richland	AT(45–1)—
Puerto Rico	AT(51–1)—
Headquarters:	
Headquarters Services	AT(49–1)—
General Manager	AT(49–2)—
Military Application	AT(49–3)—
Production and Materials Management	AT(49–4)—
Reactor Research and Development	AT(49–5)—
Biomedical and Environmental Research	AT(49–7)—
Physical Research	AT(49–8)—
Personnel	AT(49–13)—
International Programs	AT(49–14)—
Space Nuclear Systems	AT(49–15)—
Management Information and Telecommunications Systems	AT(49–17)—
Contracts	AT(49–18)—
Applied Technology	AT(49–19)—
Controlled Thermonuclear Research	AT(49–20)—
Office of Information Services	AT(49–21)—
Waste Management and Transportation	AT(49–22)—
Nuclear Materials Security	AT(49–23)—
Regulation	AT(49–24)—
Reactor Safety Research	AT(49–25)—
Inactive offices	
Field Installation:	
Los Angeles	AT(04–1)—
Berkeley	AT(04–2)—
Canoga Park	AT(04–4)—
Rocky Flats	AT(05–2)—
Hartford	AT(06–1)—
Wilmington	AT(07–1)—
Spoon River	AT(11–2)—
Iowa (Burlington)	AT(13–1)—
Ames	AT(13–2)—
Detroit	AT(20–1)—
Centerline	AT(20–2)—
St. Louis	AT(23–2)—
Princeton	AT(28–2)—
Sandia	AT(29–3)—
New York	AT(30–1)—
Lockland	AT(33–3)—
Fernald	AT(33–4)—
Pantex	AT(41–1)—
Milwaukee	AT(47–1)—
Eniwetok	AT(50–1)—
Headquarters:	
Raw Materials	AT(49–6)—
Special Projects	AT(49–9)—
Labor Relations	AT(49–10)—
Isotopes Development	AT(49–11)—
Technical Information	AT(49–12)—
Peaceful Nuclear Explosives	AT(49–16)—
Space Nuclear Propulsion	SNP–

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; Sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.)

Effective Date: This amendment is effective May 29, 1974.

Dated at Germantown, Maryland, this 16th day of May 1974.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.74–12191 Filed 5–28–74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 30, 1973 (38 FR 33090–33096) setting forth regulations for the Strengthening Developing Institutions Program authorized by Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1051–1056).

Interested persons were invited to submit written comments, suggestions, or objections to the Division of College Support of the Bureau of Higher Education, Office of Education, regarding the proposed regulations.

A. *Summary of Comments—Office of Education Response.* The following comments were received by the Office of Education regarding the proposed regulations. In evaluating these comments, the Office of Education received the advice of the Advisory Council on Developing Institutions. After a summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no change is deemed necessary.

1. Section 169.11 *General criteria—Comment.* A commenter suggested that the five year requirement of § 169.11(d) be maintained without the provision of an exception.

Response. The provision waiving the five year requirement of § 169.11(d) for institutions located on or near Indian reservations or a substantial number of Indians, is provided for in § 302(a)(2) of Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1052(a)(2)).

2. Section 169.12 *Quantitative factors for identifying developing institutions—Comments.* Numerous comments were received with regard to this section. One commenter indicated that the quantitative criteria are such that none of the public two or four year colleges, only three of the private four-year colleges, and only three of the private two-year colleges in his State could qualify as developing institutions. Three commenters were concerned about the criteria regarding low-income students. One suggested that the percentage of disadvantaged students should not be utilized as a criterion and that the emphasis should be on an institution's ability to define its mission. Another commenter stated that the minimum percentage of students from low-income families should be increased to 50 percent. The third commenter expressed satisfaction with the criterion regarding the percentage of students from low-income families.

Another commenter suggested that the criteria for identifying developing institutions were too restrictive in terms of the intent of the program. It was suggested by another commenter that institutions should have to meet only five of the eight criteria and could then justify their status as developing institutions in terms of that institution's mission or circumstances. Another commenter suggested that stronger consideration be given to the needs and mission of each institution rather than quantitative criteria.

Two commenters were concerned about the criteria dealing with the size of the institution. One said that the criterion dealing with libraries should be viewed in terms of the institution's circumstances and not merely the number of volumes in the library. The other said that the criterion related to the institutional size should be re-evaluated and either expanded or dropped.

Three commenters were concerned about the faculty salary criteria. One said that the faculty salaries are out of line in view of the high cost of living and that emphasis should be placed on faculty retraining and development. Another said that the salary ranges were unrealistic in terms of the present national market, that developing institutions require uniquely talented individuals who are worth a great deal, and worth should be recognized in salary schedules. The third commenter suggested that salary limitations should be removed.

Response. Section 169.12 will be amended by broadening the range of each of the eight factors that were identified as the most important quantitative measures in assessing whether an institution qualifies as "developing."

Several commenters have apparently overlooked the portion of § 169.12 which provides that "Institutions that fall outside the range of one or more of the criteria will be given an opportunity to demonstrate that the shortfall or excess as the case may be does not materially alter the character of the institution".

3. Section 169.13 *Qualitative factors for identifying developing institutions—Comment.* One commenter said that the qualitative factors for identifying developing institutions should be reviewed in light of emerging open admissions and drop in and out policies. Another stated that geographic diversity should not be a factor in determining eligibility of urban institutions.

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Response. Section 169.13(a) will be amended by deleting as a consideration the geographical diversity of an institution's student population. Furthermore, in evaluating an institution pursuant to the criteria listed in § 169.13(a), the Commissioner will take into consideration whether the institution has adopted an open enrollment admissions policy.

4. Section 169.25 *Professor Emeritus Grants—Comment.* A commenter suggested that a person should not be eliminated from consideration as a professor emeritus by an instiution awarding the grant if he was employed at that institution. The hardship of moving is cited as the reason for this observation.

Response. One of the basic purposes of the Professor Emeritus Program is to bring to developing institutions added strength and new perspectives. This purpose cannot be achieved if the professor emeritus is recruited from the faculty of the developing institution.

5. Subpart D—*Advanced Institutional Development Program—Section 169.32 Cooperative Arrangements—Comment.* One commenter suggested that societal needs are sometimes different from real needs of developing institutions. Another stated that developing institutions in the Advanced Institutional Development Program have a dual responsibility of meeting societal needs and minority student needs which may conflict.

Response. Societal needs should not be viewed as in conflict with the needs of developing institutions or minority students.

6. Section 169.33 *Allowable Activities—Comment.* A commenter suggested that under the Advanced Institutional Development Program, too much emphasis is being placed on graduate school. He states that placement in jobs with upward mobility is equally valid.

Response. Under section 169.33(a) equal importance is placed on entry to graduate school and placement in jobs with upward mobility.

7. Section 169.34 *Institutional plan—Comment.* One commenter suggested that the fund replacement feature should be reconsidered in light of the developing institutions' difficulties in fund raising. The commenter indicated that the fund replacement feature of the Advanced Institutional Development Program may not work to the advantage of institutions. He suggested that it may be wise to build in an endowment capability at the outset of the program.

Response. It is recognized that it may be difficult for some developing institutions to comply with the fund replacement feature of the Advanced Institutional Development Program. Consideration is being given to the development of new legislation that would assist institutions in building an endowment capability.

8. Sections 169.29 and 169.38 *Allowable costs—Comments.* A commenter suggested that a delineation be made between direct and indirect costs under both the Basic and Advanced programs.

Response. Programs authorized by Title III, HEA are subject to the Office of Education General Provisions (38 FR 30654, November 6, 1973). Subpart C of the Part 100a (45 CFR 100a.80–100a.84) discusses cost principals; § 100a.82 and Appendix C of Part 100a (38 FR 30654, 30698—November 6, 1973) discuss the cost principals for institutions of higher education.

Sections 169.29 (Basic Program) and 169.38 (Advanced Program) describe in general terms allowable program costs. The inappropriateness of paying indirect costs on these programs is implicit in the nature of the program, i.e., the awards made are essentially staffing and resource grants. However, in order to make this point perfectly clear §§ 169.29 and 169.38 have been amended to explicitly provide that "indirect cost shall not be charged against the grant." This restriction does not, however, preclude the funding of projects to improve the capacity and effectiveness of institutions in areas which are normally considered to be indirect i.e., libraries, accounting, and procurement.

9. *General comments.* A commenter suggested that the Title III regulations are geared too intensively to rural and Southern areas. Another stated that the program has inappropriately been billed as a program for only certain minority colleges.

Response. A careful review of the Title III grantee list reveals as many grants in urban and non-Southern areas as in rural and Southern areas. Similarly the Title III grantee list demonstrates that the program is not limited to only certain minority colleges.

Comment. A commenter suggested that there should be greater coordination between the States and Federal Government in programs such as this.

Response. The Office of Education attempts, whenever possible and relevant, to coordinate the operation of its programs with State governments. However, we do not believe that the Developing Institutions Program readily lends itself to such coordination.

B. The Office of Education General Provisions have caused the following changes:

1. Section 169.6 is revised as follows:

§ 169.6 *General provisions regulation.*

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative and other matters).

2. Section 169.7 and 169.8 are deleted.

3. The first sentence of § 169.28 is amended to read as follows:

§ 169.28 *Evaluation and award procedures.*

(a) *Evaluation criteria.* In addition to evaluation on the basis of criteria set forth in § 100a.26(b) of this chapter, the Commissioner will evaluate requests for program support under this subpart in accordance with the following criteria:

* * * * *

4. The first sentence of § 169.37 is amended by addition of the clause "Notwithstanding § 100a.26(b) of this chapter * * *."

After consideration of the above comments, Chapter I of Title 45 of the Code of Federal Regulations is amended as set forth below.

Effective date. These regulations shall be effective on June 28, 1974.

(Catalog of Federal Domestic Assistance Program Number 13.454; Strengthening Developing Institutions)

Dated: April 26, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 24, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

1. Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new Part 169, reading as follows:

PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

Subpart A—General Provisions

Sec.
169.1 Statement of purpose.
169.2 Definitions.
169.3 Advisory Council on Developing Institutions.
169.4 Funding limitations.
169.5 Limitation.
169.6 General provisions regulation.

Subpart B—Criteria for Identifying Developing Institutions

169.11 General criteria.
169.12 Quantitative factors for identifying developing institutions.
169.13 Qualitative factors for identifying developing institutions.
169.14 Effect of classification.
169.15 Application requirements.

Subpart C—Basic Institutional Development Program

169.21 Program objectives.
169.22 Cooperative arrangements.
169.23 Grant activities.
169.24 National Teaching Fellowships.
169.25 Professor Emeritus Grants.
169.26 Application requirements.
169.27 Multi-year grants.
169.28 Evaluation and award procedures.
169.29 Allowable costs.

Subpart D—Advanced Institutional Development Program

169.31 Scope and purpose of the advanced institutional development program.
169.32 Cooperative arrangements.
169.33 Allowable activities.
169.34 Institutional plan.
169.35 Program priorities.
169.36 Application requirements.
169.37 Grantee selection.
169.38 Allowable costs.

AUTHORITY: Section 301–306 of Title III of the Higher Education Act of 1965, as amended by section 121(a) of Title I of P.L. 92–318, 86 Stat. 241–245 (20 U.S.C. 1051–1056), unless otherwise noted.

Subpart A—General Provisions

§ 169.1 Statement of purpose.

The purpose of this part is to assist developing institutions of higher education which demonstrate a desire and potential to make a substantial contribution to the higher education resources of the nation but which for financial and other reasons are struggling for survival and are isolated from the main currents of academic life. The Commissioner will support the establishment of cooperative arrangements under which these developing institutions may draw on the talent and experience of the stronger colleges and universities, on the educational resources of business and industry, and on the strengths of other developing institutions in an effort to improve their academic programs, administrative and management resources and their student services. The Commissioner will also support National Teaching Fellows and Professors Emeritus under this part.

(20 U.S.C. 1051–1054, 1056.)

§ 169.2 Definitions.

As used is this part:

"Act" means Title III of the Higher Education Act of 1965, as amended.

"Academic Year" means a period of time usually eight or nine months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, twenty-eight semester hours, forty-two quarter hours or 900 clock hours of instruction.

(20 U.S.C. 1051–1054, 1056.)

"Developing Institution" is an institution of higher education that is so classified under Subpart B.

"Institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965.

(20 U.S.C. 1141(a).)

"Junior or Community College" means an institution of higher education (1) which does not provide an educational program for which it awards a bachelors degree (or an equivalent degree), (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognised equivalent of such a certificate); and (3) which does (a) provide an educational program of not less than two years which is acceptable for full credit toward such a bachelors or equivalent degree, or (b) offers a two year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"State" means the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b).)

(20 U.S.C. 1051–1054 unless otherwise noted.)

§ 169.3 Advisory Council on Developing Institutions.

An Advisory Council on Developing Institutions will be established consisting of nine members appointed by the Commissioner with the approval of the Secretary. The Advisory Council will assist the Commissioner

(1) In identifying developing institutions through which the purposes of this part may be achieved, and

(2) In establishing the priorities and criteria to be used in making grants under this part.

(20 U.S.C. 1053.)

§ 169.4 Funding limitation.

Junior or community colleges may receive not more than 24 per centum of the sums appropriated for any fiscal year for carrying out the provisions of this part.

(20 U.S.C. 1051.)

§ 169.5 Limitation.

Funds made available pursuant to this part shall not be used for a school or department of divinity as defined in section 1201(1) of the Higher Education Act of 1965 or for any religious worship or sectarian activity.

(20 U.S.C. 1056, 1141(1).)

§ 169.6 General provisions regulation.

(a) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative and other matters).

(20 U.S.C. 1051–1056)

Subpart B—Criteria for Identifying Developing Institutions

§ 169.11 General criteria.

A "developing institution" is an institution of higher education in any State which:

(a) Is legally authorized to provide, and provides within the State, an education program for which it awards a bachelor's degree, or is a junior or community college;

(b) Admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate;

(c) Is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

(d) Meets the requirements of paragraphs (a) and (c) of this section during the five academic years preceding the academic year for which it seeks assistance under this part, unless in the case of institutions located on or near an Indian reservation or a substantial population of Indians, the Commissioner determines that a waiver of those requirements will increase the opportunity for Indians to obtain the benefits of higher education; and

(e) Is, on the basis of the quantitative and qualitative factors set forth in §§ 169.12 and 169.13 respectively, (1) making reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and (2) for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

(20 U.S.C. 1052)

§ 169.12 Quantitative factors for identifying developing institutions.

The following eight factors have been identified as the most important quantitative measures in assessing whether an institution meets the conditions set forth in § 169.11(e). They have been quantified by institutional type and control. These factors define the range of developing institutions. Every institution which meets all the quantitative standards will be included for further evaluation under the qualitative criteria. Institutions that fall outside the range of one or more of the criteria will be given an opportunity to demonstrate that the shortfall or excess as the case may be does not materially alter the character of the institution.

	At least—	Not more than—
2- year private institutions		
1. Full-time equivalent enrollment	200	4,550
2. Full-time enrollment	100	4,325
3. Percent of faculty with masters	50	94
4. Average faculty salary	$6,225	$14,000
5. Percent of students from low-income families [1]	15	100
6. Total expenditures for educational and general purposes	$350,000	$5,500,000
7. Total educational and general expenditures per FTE student	$500	$6,500
8. Total volumes in library	3,500	40,000
2-year public institutions		
1. Full-time equivalent enrollment	300	10,100
2. Full-time enrollment	240	7,475
3. Percent of faculty with masters	30	95
4. Average faculty salary	$7,600	$15,500
5. Percent of students from low-income families [1]	10	100
6. Total expenditures for educational and general purposes	$500,000	$13,000,000
7. Total educational and general expenditures per FTE student	$500	$4,000
8. Total volumes in library	6,000	71,000
4-year private institutions		
1. Full-time equivalent enrollment	300	5,950
2. Percent of faculty with doctorates	10	60
3. Average professor's salary	$8,780	$18,215
4. Average instructor's salary	$7,600	$13,100
5. Percent of students from low-income families [1]	10	100
6. Total expenditures for educational and general purposes	$800,000	$15,120,000
7. Total educational and general expenditures per FTE student	$800	$4,860
8. Total volumes in library	9,000	327,120

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	At least—	Not more than—
2-year private institutions		
4-year public institutions		
1. Full-time equivalent enrollment	600	7,200
2. Percent of faculty with doctorates	20	62
3. Average professor's salary	$10,900	$20,600
4. Average instructor's salary	$7,300	$14,000
5. Percent of students from low-income families [1]	20	100
6. Total expenditures for educational and general purposes	$1,600,000	$16,000,000
7. Total educational and general expenditures per FTE student	$900	$4,985
8. Total volumes in library	10,000	317,580

[1] For purposes of this subpart a low-income family is one whose adjusted family income is less than $7,500.

(20 U.S.C. 1052)

§ 169.13 Qualitative factors for identifying developing institutions.

Those institutions which satisfy the requirements set out in § 169.12 will be further assessed on the following qualitative factors which will be used to assess whether the institution meets the conditions set forth in § 169.11(e). These factors will be evaluated over a three year period. Such period will include the academic year in which the institution is seeking recognition as a developing institution and the preceding two academic years.

(a) (1) *Enrollment.* Consideration will be given to the institution's full-time equivalent enrollment, the number of its graduates continuing their education either at a four year institution in the case of a junior or community college, or at a graduate or professional school, the class standing of entering freshmen in their high school graduating class, the percentage of freshmen completing their first year and the percentage of freshmen graduating from the institution. If such enrollment data are in a decline over the three year period the institution must demonstrate that such a decline is not inconsistent with continued institutional viability.

(2) In evaluating an institution pursuant to the criteria discussed in paragraph (a) (1) of this section, the Commissioner will take into consideration whether the institution has adopted an open enrollment admissions policy. As used in this section an open enrollment admissions policy of an institution of higher education means that the institution will admit as regular students all students who apply to that school for admission who have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(b) *Institution personnel.* An institution will be evaluated with regard to the quality of its personnel in the areas of institutional administration including financial operations, student services, teaching and research. Factors considered in making such an evaluation will include the percentage of professional personnel with advanced degrees and the salary scale of the institution.

(c) *Institutional vitality.* An institution will be evaluated in terms of its vitality and viability. Factors considered in such a determination will include its fund raising capability, whether the institution has a planning capability and whether the institution has devised an institutional development plan.

(20 U.S.C. 1052.)

§ 169.14 Effect of classification.

(a) Those institutions which meet the quantitative and qualitative criteria set out in §§ 169.12 and 169.13 will be classified as "developing institutions" for the purpose of this part and for the purpose of section 305 of the Act. Applications for grants under this part will be further evaluated on their merits.

(b) A reevaluation of an institution's classification as a developing institution will be made periodically.

(20 U.S.C. 1052, 1055.)

§ 169.15 Application requirements.

An institution wishing to be designated as a developing institution shall file an application which shall be in such form and contain such information as the Commissioner may from time to time prescribe and shall include:

(a) The signature of the institutional head;

(b) Data describing institutional participation in Federal programs, both education and other, by program title. The institution shall also state amount of funds it received under each program;

(c) Institutional data described in §§ 169.12 and 169.13; and

(d) An institutional eligibility narrative in which the applicant shall state the reasons it considers itself qualified to be designated as a "developing institution."

(20 U.S.C. 1052.)

Subpart C—Basic Institutional Development Program

§ 169.21 Program objectives.

The purpose of grants made pursuant to this subpart is to assist in raising the academic quality of developing institutions that show both a desire for and a promise of institutional improvement in order that they may more fully participate in the higher education community. The Basic Institutional Development program attempts to narrow the gap between small, weak colleges and stronger institutions. The principal means for doing so is through cooperative arrangements in which developing institutions may draw upon the talent and experience of assisting institutions of higher education, including other developing institutions, as well as upon business and industry in the area of faculty and curriculum development, administrative improvement, student services. National Teaching Fellows may be requested to release faculty of developing institutions to further their education, and Professors Emeriti may be requested to make special contributions to institutional needs.

(20 U.S.C. 1054.)

§ 169.22 Cooperative arrangements.

(a) (1) The Commissioner may award grants to developing institutions to pay part of the costs of planning, developing and carrying out cooperative arrangements between developing institutions, between developing institutions and other institutions of higher education, and between a developing institution and a business entity, an agency or an organization, which show promise as effective measures for strengthening the academic program, administrative capacity, and student services of the developing institutions.

(2) In each cooperative arrangement receiving assistance under this subpart the developing institution shall be the legal recipient of the grant award and shall be legally responsible for administering the project assisted under such grant.

(b) The types of cooperative arrangements that will be funded include bilateral and consortium arrangements.

(1) *Bilateral arrangement.* A bilateral arrangement is an arrangement between the applicant developing institution and another institution of higher education or an agency, organization, or business entity under which the latter will provide assistance and resources to the developing institution to carry out activities described in section 169.23.

(2) *Consortium arrangement.* A consortium arrangement is an arrangement between the applicant developing institution and at least two other developing institutions which provides for the exchange or joint use of resources to the mutual benefit of all the participants. Such a consortium of developing institutions may also enter into arrangements with institutions of higher education and other agencies, organizations, or business entities for the latter to assist the developing institution in carrying out the activities described in § 169.23.

(20 U.S.C. 1054.)

§ 169.23 Grant activities.

(a) The type of activities and projects that may be funded under cooperative arrangements include such activities and projects as

(1) The exchange of faculty and students with other institutions of higher education;

(2) Arrangements for bringing visiting scholars to developing institutions;

(3) Faculty and administrative staff improvement programs such as internships (including internships for administrative staff), attendance at short term institutes, advanced study including stipends of up to $4,000, and participation in research projects;

(4) The introduction of new curricula and curricular materials;

(5) The development and operation of cooperative education programs involving alternate periods of academic study and business or public employment;

(6) The joint use of facilities such as libraries and laboratories, as well as the purchase of necessary books, materials, and equipment;

(7) The obtaining of specialized personnel for developing institutions in such areas as media, reading, computers, institutional research and management; and

(8) Faculty and salary supplements for a faculty member who is engaged in a special project or activity for the benefit of the developing institution. Such request must be carefully documented and such salary supplements will generally be limited to three (3) years.

(20 U.S.C. 1054.)

§ 169.24 National Teaching Fellowships.

(a) The Commissioner may grant funds to developing institutions, independently or in conjunction with the funding of a cooperative arrangement, for the purpose of awarding National Teaching Fellowships.

(b) National Teaching Fellowships may be awarded by a developing institution to junior faculty members of institutions of higher education other than developing institutions and graduate students who have completed all requirements for a masters degree in the institution in which they are enrolled or who possess the equivalent of a masters degree in related professional experience, whose training and experience will serve the needs of the developing institution.

(c) National Teaching Fellows may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study; or

(3) Strengthen an understaffed academic program.

(d) Each National Teaching Fellowship shall include a stipend for each academic year of teaching in an amount not to exceed $7,500 plus an allowance of $400 for each dependent of the Fellow. The developing institution may supplement the stipend paid to the National Teaching Fellow, but such increase may not be paid from funds received under this part.

(e) The period of a National Teaching Fellowship may not exceed two academic years.

(f) A National Teaching Fellow may not engage in advanced study that is inconsistent with the Fellow's duties as a full-time faculty member.

(20 U.S.C. 1054.)

§ 169.25 Professor Emeritus Grants.

(a) The Commissioner may grant funds to developing institutions either independently of or in conjunction with the funding of a cooperative arrangement to permit such institutions to award Professors Emeritus Grants. Such grants may be awarded to professors or to other skilled higher education personnel who have retired from active service at institutions of higher education other than the developing institution awarding the grant. The Commissioner will award such funds only if he determines that the program of teaching or research for which a Professor Emeritus Grant is requested meets the educational needs of the applicant institution and is reasonable in light of the specific competence(s) of the Professor Emeritus.

(b) A Professor Emeritus may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study;

(3) Provide specialized competence in a particular area that will serve the needs of the developing institution;

(4) Assist in new programs;

(5) Conduct institutional research or research connected with the development of the institution; or

(6) Strengthen an understaffed academic program.

(c) A Professor Emeritus Grant shall include a stipend for each academic year of teaching or research. The stipend shall not exceed the salary of a comparable staff member of the developing institution and shall take into consideration the retirement benefits being received by the Professor Emeritus. The institution may supplement the stipend of the Professor Emeritus but such increase may not be paid with funds received under this part. Funds may also be awarded to the developing institution for the payment of travel and moving expenses, housing and fringe benefits for Professors Emeritus. Professors Emeritus shall be hired on a semester (or equivalent) or on an annual basis.

(d) The period of a Professor Emeritus Grant may not exceed two academic years unless it is determined by the Commissioner upon the advice of the Advisory Council described in section 169.3 that the additional period is necessary to fully complete the program objective for which the Professor Emeritus was originally requested.

(20 U.S.C. 1054.)

§ 169.26 Application requirements.

(a) Each application for assistance under this subpart shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with subpart B of this part;

(2) The signature of the institutional head;

(3) The total amount of funds requested for each year in the case of multi-year requests;

(4) The number of cooperative arrangements requested;

(5) The name of each such arrangement;

(6) A listing of such arrangements in order of the applicant institution's priority;

(7) A listing of each institution of higher education, agency, organization, and/or business entity from which the applicant developing institution expects to draw resources;

(8) A program budget; in the case of a proposed multi-year project the initial year budget;

(9) A narrative indicating an overview of the institution's involvement in activities supported under this part. This narrative shall also describe the objectives of the institution's proposed program and explain the relationship between the proposed programs and the overall planned development of the institution;

(10) A program narrative which shall contain a concise description of each program to be undertaken in a cooperative arrangement including the nature and extent of the activities planned as well as the program's expected specific impact (including quantitative results expected) on those institution(s) participating in the program. If National Teaching Fellowships or Professors Emeritus are requested, the program narrative should explain specifically the institution's need for such personnel support;

(11) Letters of commitment from each institution, agency, organization, or business entity, signed by the president of such institution or agency and addressed to the coordinator of the cooperative arrangement. The coordinator shall be responsible for submitting copies of these letters as a part of the complete proposal. These letters shall be used to demonstrate that

(i) The proposal as submitted accurately reflects the terms of the cooperative arrangement,

(ii) The budget is correctly represented and includes, where appropriate, the dollar value of service or contribution offered by the assisting institution or agency, and

(iii) The institution or agency will carry out its part of the program(s), if the application for Federal funds is approved;

(12) Procedures for the administration of each program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(13) Procedures as will insure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for purposes of this subpart, and in no case supplant such funds;

(14) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(15) Such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart to the applicant; and

(16) Such reports, in such form and containing such information, as the Commissioner may require to carry out

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his functions under this subpart and procedures for keeping such records and affording such access thereto, as he may find necessary to assure correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications under this subpart.

(20 U.S.C. 1054.)

§ 169.27 Multi-year grants.

Multi-year grants may be awarded to developing institutions to provide up to three years of support for the development and implementation of cooperative arrangements. The continued funding of these projects will be contigent upon the continued eligibility of the applicant institution(s), institutional progress, and the availability of Federal funds.

(20 U.S.C. 1054.)

§ 169.28 Evaluation and award procedures.

(a) *Evaluation criteria.* In addition to evaluation on the basis of criteria set forth in § 100a.26(b) of this chapter, the Commissioner will evaluate requests for program support under this subpart in accordance with the following criteria:

(1) The program demonstrates a major focus on providing a successful educational experience for low-income students;

(2) The program demonstrates promise for moving colleges into the mainstream of higher education as a result of careful long-range planning and substantial improvements in the area of development and management;

(3) The program demonstrates coordination with other Federal, State, and local efforts to produce a maximum impact on the needs of developing institutions;

(4) With regard to junior and community colleges that the program demonstrates that it serves the needs of students in urban areas; and

(5) The program demonstrates good communication between faculty, students, administration, and, where appropriate, local communities in its planning and implementation.

(b) *Evaluation procedure.* Each application for support under this subpart will be reviewed and evaluated by a panel of field readers who are not employees of the Office of Education, who will advise the Commissioner with respect to funding such applications. The final funding decision shall rest with the Commissioner. When proposals appear equal in merit, consideration will be given to such factors as geographic location, type of program, and national educational needs served.

(20 U.S.C. 1054.)

§ 169.29 Allowable costs.

(a) The Commissioner will pay part of the costs that are reasonably related to the development and implementation of cooperative arrangements and the entire cost of National Teaching Fellowships and Professor Emeritus Grants, except that, notwithstanding § 100a.82 of this chapter, indirect costs shall not be charged against the grant.

(b) The purchase of equipment will be limited to equipment that is necessary to achieve specific program objectives.

(20 U.S.C. 1054.)

Subpart D—Advanced Institutional Development Program

§ 169.31 Scope and purpose of the advanced institutional development program.

The Commissioner will make grants to selected developing institutions adjudged to have the potential for accelerated institutional development to expedite the institution's progress towards achieving both operational and fiscal stability and participation in the mainstream of American higher education.

(20 U.S.C. 1054.)

§ 169.32 Cooperative arrangements.

The Commissioner will award grants to selected developing institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements, as described in section 169.22, between developing institutions, between developing institutions and other institutions of higher education and between developing institutions and other agencies, organizations and business entities which show promise as effective measures for strengthening the academic program and administrative capacity of the grantee institution. Such grants may be used for curriculum development compatible with changing societal needs, student services including academic and career counseling, and faculty and administrative improvement programs.

(20 U.S.C. 1054)

§ 169.33 Allowable activities.

The type of activities that may be funded include such activities as:

(a) New programs which seek to serve the educational needs of low-income students by providing them with the background required to obtain employment with upward mobility, which seek to move them into professional areas where low-income students are underrepresented, or which equip them to gain admittance to graduate schools;

(b) Programs or projects which allow the institution to structure or restructure itself so that it may relate more directly to emerging professional or career fields; and

(c) Curriculum development.

(20 U.S.C. 1054.)

§ 169.34 Institutional plan.

(a) An applicant shall submit with its application an outline of a long range (5 year) plan which shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) The planned institutional programs including:

(i) a description of the program objectives or intended program changes,

(ii) a description of the specific activities or projects for which funds are requested, and

(iii) a description of proposed cooperative arrangements;

(2) The budget for the program and the proposed allocation of funds to each activity or project;

(3) A statement of institutional development goals, describing the planned impact of the funded program upon the institution;

(4) A general strategy for replacing funds awarded under this subpart by the end of the grant period;

(5) A description of steps to be taken, if any, to develop the institutional planning and management capability by the end of the grant period;

(6) A plan for evaluating the progress made by the institution in meeting its goals and objectives including the replacement of grant funds and the development of a management capability if such latter activity is proposed.

(b) The final plan shall be submitted to the Commissioner for approval at such time as the Commissioner may prescribe. Such plan must be approved by the chief administrative officer of the institution, with the concurrence of the governing board of the institution.

(c) All components of the long range plan submitted pursuant to paragraph (a) of this section shall be revised periodically to reflect future program considerations. Significant changes shall become part of the plan only upon approval of the Commissioner.

(20 U.S.C. 1054.)

§ 169.35 Program priorities.

In selecting grantees under section 169.37 the Commissioner will give preferential consideration to those applicants whose proposed programs are likely to best carry out one or more of the following objectives:

(a) The provision of training in professional and career fields in which previous graduates of developing institutions are severely underrepresented;

(b) The addition of substantial numbers of graduates of developing institutions prepared for emerging employment and graduate study opportunities;

(c) The development of more relevant approaches to learning by utilizing new configurations of existing curricula as well as a variety of teaching strategies;

(d) The development of new or more flexible administrative styles; and

(e) The improvement of methods of institutional effectiveness so as to increase the fiscal and operational stability of the institution and improve its academic quality.

(20 U.S.C. 1054.)

§ 169.36 Application requirements.

(a) Each application for assistance under this subpart shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with subpart B of this part;

(2) A statement of institutional objectives which take into account the history, development, and continuing or proposed future role of the college. Such a statement shall be based upon the following information, if available:

(i) A description of the local, regional or national geographic area which the institution plans to serve,

(ii) State or regional manpower data including any reports relevant to an assessment of projected employment opportunities for graduates,

(iii) Data on the characteristics of students currently admitted to the institution including geographical origins, enrollment by sex, aptitude test score distributions at time of admittance, distribution of enrollment by curricular area, enrollment by major field, indications of career goals, and

(iv) Follow up data on graduates, including job placements, location and nature of employment, institutions attended for further study, and fields of further study;

(2) The outline for the long range plan described in section 169.34;

(3) Data on student enrollment and student characteristics including trend data;

(4) Faculty characteristics and trends;

(5) Institutional financial data and projections;

(6) Curriculum range;

(7) Such other information as is required by section 169.37;

(8) Procedures for the administration of the program to insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(9) Procedures to insure the Federal funds made available under this subpart for any fiscal year shall be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for these programs and in no case supplement such funds;

(10) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(11) Provision for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart; and

(12) Provision for making such reports as the Commissioner may require to carry out his functions and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications for assistance under this subpart.

(20 U.S.C. 1054.)

§ 169.37 Grantee selection.

Notstanding § 100a.26(b) of this chapter, institutions will be selected for grants under this subpart as follows:

(a) Initially applicant institutions will be assessed in relation to other developing institutions with regard to those quantitative and qualitative characteristics which are indicative of institutional, academic, and financial strength. Such characteristics include:

(1) The institution's enrollment and the trend of enrollment;

(2) The institution's full-time faculty in terms of size, faculty-student ratio, and academic qualifications;

(3) The institution's present and projected financial position with respect to

(i) Total income,

(ii) Income sources and the amount received from each source,

(iii) Expediture per full-time equivalent student.

(iv) Rate of growth of income, and

(v) Endowment and gifts as a total amount and as a percentage of income,

(4) The ability of the institution to attract and hold qualified students, as indicated by such factors as:

(i) The percentage of freshmen students who graduate,

(ii) The percentage of graduates accepted to institutions offering bachelor degrees (for junior and community colleges), and graduate, or professional schools,

(iii) The percentage of graduating class gainfully employed;

(5) The ability of the institution to attract qualified faculty; and

(6) The institution's past success in and present capability for formulating and using a plan for the allocation of resources in light of its stated goals and priorities.

(b) Those applicant institutions determined under paragraph (a) of this section to have the greatest comparative degree of financial, academic, and institutional strength will be further assessed in light of the programs priorities reflected in section 169.35 and on the relationship between the type of program proposed by the institution and the financial, academic, and other characteristics of the institution.

(c) In making the assessments required by paragraph (b) of this section the Commissioner will review the information contained in the institution's application and may in addition make site visits to such institutions.

(20 U.S.C. 1054.)

§ 169.38 Allowable costs.

(a) The Commissioner will pay part of the cost of developing and implementing a long-range plan for accelerated institutional development except that costs for the implementation of such a plan are allowable only to the extent that they are incurred after that plan has been approved by the Commissioner. However, notwithstanding section 100a.82 of this chapter, indirect costs shall not be charged against the grant.

(b) The institution may not expend more than 10 percent of grant funds for the development or improvement of a planning, management, and evaluation capability.

(c) Purchase of equipment is allowed only if such equipment is necessary to achieve the program objectives.

(20 U.S.C. 1054.)

[FR Doc.74-12386 Filed 5-28-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1102; Amdt. 4]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. and Penn Central Transportation

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 22nd day of May 1974.

Upon further consideration of Service Order No. 1102 (37 FR 13697, 28634; and 38 FR 17843, 33086 and 33302), and good cause appearing therefor:

It is ordered, That: § 1033.1102 *Service Order No. 1102.* (a) (Delaware and Hudson Railway Company and Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, trustees, authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, New York) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in

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the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12281 Filed 5-28-74;8:45 am]

[Corrected S.O. No. 1168, Amdt. No. 1]

PART 1033—CAR SERVICE

Vermont Railway, Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of May 1974.

Upon further consideration of Service Order No. 1168 (39 FR 2366) and good cause appearing therefor:

It is ordered, That: Service Order No. 1168 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1168 Service Order No. 1168.

(a) (*Vermont Railway, Inc., authorized to operate over certain tracks owned by the State of Vermont*).

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy of it in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12280 Filed 5-28-74;8:45 am]

[No. FF-C-51]

PART 1085—FREIGHT FORWARDERS OF HOUSEHOLD GOODS

Postponement of Effective Date

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22nd day of May, 1974.

Upon consideration of the record in the above-entitled proceeding, and

It appearing that the Commission has issued a booklet, Form BOp 107, "Information for Shippers of Household Goods by Regulated Freight Forwarder", which may be reproduced by the regulated freight forwarders at their expense and which should be utilized in order to comply with the regulation adopted in the above-entitled proceeding, 49 CFR 1085.1; and that, accordingly, the forwarders will need additional time before being able to comply with the said regulation; and good cause appearing therefor;

It is ordered, That the effective date of the order of January 3, 1974, in the above-entitled proceeding, be, and it is hereby, postponed and fixed as July 1, 1974; and that order of February 28, 1974, in this proceeding, be, and it is hereby, vacated and set aside.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12284 Filed 5-28-74;8:45 am]

SUBCHAPTER C—ACCOUNTS, REPORTS AND RECORDS

[No. 32464, Sub-No. 1]

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

Minimum Rule of Property Accounting for Inland and Coastal Waterways Carriers

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 3rd day of May 1974.

On January 10, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 1515) advising all interested parties that the Commission had under consideration the revision of the minimum rule for the capitalization level applicable to inland and coastal waterways carriers property acquisitions, additions and betterments. No objections have been received and the proposed regulations are hereby adopted without change as shown by the instructions attached to and made a part of this order.

Wherefore, and good cause appearing:

It is ordered, That Instructions for Property Accounts of Inland and Coastal Waterways Carriers prescribed in Part 1209 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations are amended as shown in the appendix attached hereto.

It is further ordered, That these amendments are effective January 1, 1974.

And it is further ordered, That service of this order shall be made to all carriers by inland and coastal waterways which are affected thereby, and to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

(Sec. 313, 54 Stat. 994, as amended (49 U.S.C. 913)

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

1. In Index of Property Instructions, after line item "42 Basis of Charges" add: 43 Minimum rule.

2. Under General Instructions, Instruction 11 "Depreciation accounting," paragraph (h) is amended as follows:

11 Depreciation accounting.

* * * * *

(h) List of accounting units of property. (1) The following is a list of depreciable transportation property units designated for inclusion in Account Nos. 141 to 146 in connection with accounting for property acquisitions and retirements provided the cost of each unit is as much or more than the amount established as the minimum rule in Instruction 43.

(2) Reserved.

(3) * * *

145. Office and other terminal equipment: Any article of furniture, office appliance, engineering instrument or other complete unit of equipment.

* * * * *

3. Under Property Instructions, immediately after the text of property instruction 42 "Basis of Charges," the following new instruction number, title and text is added:

43 Minimum rule.

Acquisitions of transportation property (other than land), including additions, betterments, and replacements, costing less than $1,000 shall be charged to operating expense. An amount less than $1,000 may be adopted for purpose of this rule provided the carrier first notifies the Commission of the amount to be adopted, and thereafter makes no change in the amount unless authorized by the Commission. The minimum amount for capitalization shall be applied to individual property units designated in Instruction 11, or expenditures made under a complete project of additions, betterments, and replacement.

4. Instruction 47, paragraphs (a) and (b) are amended as follows:

47 Retirements and replacements.

(a) * * *

(4) Minor items of depreciable property retired and replaced with items of a different type or design or constructed of a different grade of material effecting a substantial improvement and rendering the part applied more durable or of greater capacity than that retired, provided the replacement would be chargeable to the property accounts under the minimum rule in Instruction 43.

NOTE: If the retirement and replacement of minor items is in kind or does not effect a substantial improvement, the cost of the replacement including cost of removal shall be charged to the maintenance account appropriate for repairs, and no adjustment shall be made of the property accounts.

(b) * * *

(1) [Reserved]

* * * * * *

[FR Doc.74-12283 Filed 5-28-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Ch. II]

NARCOTICS AND DANGEROUS DRUGS

Solicitation of Comments

The Administrator of the Drug Enforcement Administration under the authority vested in the Attorney General by section 301, 307, 308, 501(b) and 1008(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 827, 828, 871(b) and 958(e)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations has ordered that a review of Parts 1300 to 1316 of Title 21 of the Code of Federal Regulations be undertaken and revised as needed.

All persons, including agencies of Federal, state and local governments, are invited to submit their written comments or proposals to the Hearing Clerk, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537, on or before July 2, 1974. In view of the anticipated volume of response, there will be no written replies from the Drug Enforcement Administration.

Dated: May 21, 1974.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-12230 Filed 5-28-74;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ASSATEAGUE ISLAND NATIONAL SEASHORE, MARYLAND AND VIRGINIA

Operation of Oversand Vehicles

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 6 of the act of September 21, 1965 (79 Stat. 826; 16 U.S.C. 459f5), 245 DM1 (34 FR 13879), National Park Service Order No. 77 (38 FR 7476), and Director, Mid-Atlantic Region Order No. 1 (39 FR 3694), it is proposed to add a new paragraph (b) to § 7.65 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this rulemaking is to authorize the establishment of a system of oversand permits to control and restrict off-road travel by oversand vehicles on Assateague Island National Seashore under guidelines provided by EO 11644 (37 FR 2877) by requiring that motor vehicles must obtain an oversand permit before entering upon or traveling the designated off-road routes in the park area. The proposed regulation states the grounds for granting, restricting, or denying applications for permits; identifies the open and closed zones for off-road travel; allows the Superintendent to establish a limitation on the number of oversand vehicles which may travel simultaneously on a beach or other off-road zone; provides rules of travel applicable to such zones; and authorizes the suspension or revocation of a permit for violation of provisions of this regulation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly interested persons may submit written comments, suggestions, or objections to the Superintendent, Assateague Island National Seashore, Route 2, Box 294, Berlin, Maryland 21811 on or before June 14, 1974. Section 7.65 is as follows:

§ 7.65 Assateague Island National Seashore.

* * * * *

(b) *Operation of oversand vehicles*—(1) *Definitions.* In addition to the definitions found in §§ 1.2 and 4.1 of this chapter, the following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them.

(i) *Oversand vehicle.* Any motorized vehicle which is capable of traveling over sand including—but not limited to—over-the-road vehicles such as beach buggies, four-wheel-drive vehicles, pickup trucks, and standard automobiles.

(ii) *Self-contained vehicle.* Any towed or self-propelled camping vehicle that meets the Recreation Vehicle Institute's standards for installation of plumbing and waste holding tanks with a minimum of 40-gallons storage capacity.

(iii) *Park area.* Any federally owned or controlled lands within the authorized boundaries of Assateague Island National Seashore which are under the administrative jurisdiction of the National Park Service.

(iv) *Primary dune.* Barriers or mounds of sand which are either naturally created or artificially established bayward of the beach berm which absorb or dissipate the wave energy of high tides and coastal storms.

(v) *Dunes crossing.* A maintained vehicle accessway over a primary dune designated and marked as a dunes crossing.

(2) *Oversand permits.* No oversand vehicle, other than an authorized emergency vehicle, shall be operated on a beach or designated oversand route in the park area except under an oversand permit issued by the Superintendent.

(i) The Superintendent is authorized to establish a system of oversand permits. Any person, firm, or corporation may apply to the Superintendent for a permit. Before granting the permit, the Superintendent shall consider whether or not the nature and extent of use is consistent with the criteria contained in sections 3 and 4 of EO 11644 (37 FR 2877) including such factors as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations.

(A) On this basis, the Superintendent may approve the application, deny the application, or grant the application with appropriate limitations or restrictions.

(ii) Oversand permits may be issued for periods of 1 day to 1 year depending on the reasonable requirements of the applicant.

(iii) No permit will be issued for a vehicle:

(A) Which is not equipped to travel over sand and which does not contain the following equipment to be carried at all times when traveling on a beach or designated oversand route in the park: shovel, jack, tow rope or chain, board or similar support for the jack, and low pressure tire gauge;

(B) Which does not conform to applicable State laws having to do with licensing, registering, inspecting, and insuring of such vehicles;

(C) Which fails to comply with provisions of § 4.12, 4.19, and 4.21; and

(D) Which has a manufacturer's rated capacity in excess of 1 ton or, for a travel trailer in excess of 26 feet long: *Provided,* That application may be made to the Superintendent for a single trip permit for a vehicle of greater capacity or length when such use is not inconsistent with the purposes of these regulations.

(iv) Oversand permits are not transferable and shall be carried by the operator of the vehicle for which it has been issued while traveling in the park. It shall be displayed as directed by the Superintendent at the time of issuance.

(3) *Authorized and prohibited travel.* (i) Except as otherwise provided in this section and in applicable parts of Parts 2 and 4 of this chapter, travel by oversand vehicles is permitted as follows:

(A) In Maryland south of the State park, daily throughout the year at any time, on a designated oversand route bayward of the primary dune and on designated portions of a beach seaward of the primary dune.

(B) In Virginia on the Toms Cove Hook area, daily throughout the year from 4 a.m. to 10 p.m., along designated portions of a beach seaward of the primary dune.

(ii) Travel by motorcycles is permitted only on the public highways and parking areas within the park area.

(iii) (A) Travel by self-contained vehicles is permitted under paragraph (3) (i) of this section provided that no overnight parking is allowed on a beach seaward of the primary dune at any time.

(B) In Maryland south of the State park, such vehicles may use designated self-contained areas bayward of the primary dunes for overnight parking.

(C) In Virginia, fisherman, who obtain a special overnight beach fishing permit, may remain in the park area between the hours of 10 p.m. one day and 4 a.m. the following day subject to special regulations jointly issued by the Superintendent and the Refuge Manager, Chincoteague National Wildlife Refuge.

(iv) Travel within the park area by authorized emergency vehicles is permitted at any time.

(v) Travel by oversand vehicles, other than authorized emergency vehicles, is prohibited in the following portions of the park area subject, however, to existing rights of ingress and egress:

(A) Between the Assateague State Park and the Ocean City Inlet.

(B) On the beach seaward of the primary dune within designated portions of the North Beach and Toms Cove public use complex.

(C) *Provided, however, That* the Superintendent may establish times when oversand vehicles may use portion of the beach in either the Maryland or Virginia public use complex by the posting of appropriate signs or marking on a map which may be available at the office of the Superintendent—or both.

(vi) When oversand vehicle use in a particular zone exceeds 12 vehicles per mile of beach, the Superintendent may temporarily close or limit access to that zone until a lower level of use is reestablished.

(4) *Rules of the road.* (i) Oversand vehicles shall be operated only in established tracks on designated portions of the park area. No such vehicles shall be operated on any portion of a dune except at posted crossings nor shall such vehicles be driven so as to cut circles or otherwise needlessly deface the sand.

(ii) Oversand vehicles shall not be parked so as to interfere with the flow of traffic on designated oversand routes. Such vehicles may not park overnight on a beach seaward of the primary dune unless one member of the party is actively engaged in fishing at all times. Towed travel trailers used as self-contained vehicles in the off-road portion of the park area may not be parked on a beach seaward of the primary dunes.

(iii) Upon approaching or passing within 100 feet of a person on foot, the operator of an oversand vehicle shall reduce speed to 15 miles per hour. Speed at other times on any designated oversand route shall not exceed 25 miles per hour.

(iv) When two vehicles approach from opposite directions in the same track, both operators shall reduce speed; and the operator with the ocean on his right shall pull out of the track to allow the other vehicle to pass.

(v) Passengers shall not ride on the fenders, hood, roof, or tailgate, or in any other position outside of a moving oversand vehicle; and such vehicles shall not be used to tow a person on any recreational device over the sand or in the air or water of the park area.

(vi) During an emergency, the Superintendent may close the park; or he may suspend for such period as he shall deem advisable any or all of the foregoing regulations in the interest of public safety; and he may announce such closure or suspension by whatever means are available.

(5) *Violations.* In addition to the penalties prescribed in § 1.3 of this chapter, the Superintendent may suspend or revoke any oversand permit issued under this part for violation of the foregoing regulations. Failure to operate a motor vehicle in conformance with the terms of a permit shall be deemed a violation of these regulations.

THOMAS F. NORRIS, JR.,
Superintendent, Assateague Island National Seashore.

[FR Doc.74-12263 Filed 5-28-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 319]

MANDATORY MEAT INSPECTION

Fat Content In Fresh Beef Sausage

Statement of considerations. On October 11, 1973, there appeared in the FEDERAL REGISTER (38 FR 28072) a notice to inform the public of the Department's decision to deny petitions to amend § 319.142 of the meat inspection regulations (9 CFR 319.142) to raise the maximum fat limit in "Fresh Beef Sausage" to 50 percent.

The basis of that denial, as explained in the notice, was that:

(1) Insufficient factual justification was provided by the petitioners.

(2) Information assembled by the Department did not verify that product labeled "Fresh Beef Sausage" has customarily been produced with a fat content of as much as 50 percent.

(3) The petitioners stated that they wished to provide an alternative breakfast meat to "pork sausage". The term "breakfast sausage" is available for this use and refers to an uncured, ground or chopped meat product that is formulated as "fresh" sausage and which contains up to 50 percent fat.

(4) A standard for "Fresh Beef Sausage" permitting more than 30 percent fat would be misleading to the consumer, in that excessively fat ground beef products could be used which should more properly be labeled "Imitation Hamburger."

The Department invited persons wishing to submit data, views, or arguments concerning the fat limit for fresh beef sausage to do so by filing them, in duplicate, with the Hearing Clerk by December 21, 1973.

A total of 33 comments on the notice were received from individuals, State and local government representatives, industry organization representatives, meat companies, and other interested parties.

Twenty-four of the comments submitted favored the Department's decision to limit the fat content in "Fresh Beef Sausage" to 30 percent. Nine of the comments opposed the Department's decision and contended that the fat limit should be as high as 50 percent. One of the opposing comments came from an industry organization representing a number of processors manufacturing this product.

The comments in opposition were mainly based on the contention that limiting the fat in "Beef Sausage" to 30 percent would deny processors an opportunity to produce this product in competition with fresh pork sausage (which has a 50 percent fat limitation, based on trimmable fat). Other concerns expressed by the opposing comments were that the Department's decision would deny consumers who have a preference for fresh beef sausage the opportunity to purchase it at prices comparable to those for fresh pork sausage, and that production of fresh beef sausage with a maximum fat content of 30 percent would result in a product with palatability and textural characteristics unacceptable to the consumer.

Fourteen of the comments in support of the Department's decision to enforce the 30 percent fat limitation came from representatives of State and municipal governments, who appeared to have expertise with respect to this product as well as to the consumer preferences in their geographic locales.

The Department's information contradicts the contentions that a 30 percent fat limitation would deny consumers a familiar product. The ad hoc survey mentioned in the notice was conducted by requesting all Federal inspectors in establishments producing this product to send in existing data concerning fat analysis. Of all the reports submitted, data from 5 plants was deemed sufficient to permit analysis. (Only a small number of plants produce this product.) The data from these five plants was first reduced to a mean average fat content for samples from a plant. Then the average plant fat contents were averaged. The results showed that for all these plants the average trimmable fat percent was 33.46 and the average analytical fat percent was 34.22.

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None of the comments from individuals indicated concern for product palatability or texture if the maximum fat content is 30 percent. Some did express a concern with respect to product prices, with the claim made that allowing a 50 percent fat limitation would assist in controlling production costs since the principal ingredient, beef, could contain comparatively less lean and therefore be reduced in price. This point was considered, but it does not seem to be of overriding significance in this case since the major issue is what do consumers expect in "Fresh Beef Sausage." Comments frequently expressed to the Department indicate consumers do not consider fat to be a valuable component of meat products and have a strong interest in reducing their fat intake.

Further, the Department's standards for other products which limit the fat content and which require them to be made from beef (such as hamburger, ground beef, and chopped and formed beef steak) limit the maximum fat content to 30 percent. Products sold as fresh beef sausage can resemble these other products, and it would be confusing to consumers if the "Fresh Beef Sausage" could contain more fat than the other products resembled, without carrying "Imitation" labeling or being labeled "Breakfast Sausage".

Based on the data, views, and information available to the Department with respect to this matter, there does not appear to be justification for changing the decision which was announced in the October 11 notice to deny the petitions to provide regulatory authority for fresh beef sausage to contain a maximum of 50 percent fat. The Department's information indicates that during the period of the product's review, its fat limit of 30 percent has not been uniformly applied. Therefore, some processors will be required to arrange for new sources of beef ingredients and adjust production operations in other ways to comply with the maximum fat limit. To provide the time necessary for these purposes, the effectiveness of the provision with respect to the fact limitation of 30 percent in fresh beef sausage, as indicated in § 319.142 of the meat inspection regulations, is suspended until July 29, 1974.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 F.R. 28464, 28477)

It does not appear that further public participation in rulemaking proceedings on this decision would make additional significant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedures are impracticable and unnecessary.

This notice shall become effective on May 29, 1974.

Done at Washington, D.C., on May 21, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-12165 Filed 5-28-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

2-MERCAPTOIMIDAZOLINE

Use in Closures and Product Delivery Systems for Drugs and Cosmetics and in Components of Medical Devices; Correction

In FR Doc. 74-10047 appearing at page 15306 in the FEDERAL REGISTER of Thursday, May 2, 1974, in the second column of the preamble, the word "such" was inadvertently omitted from the text of the fourth line, which should be changed to read "such a drug product, including a biological".

Dated: May 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-12239 Filed 5-28-74;8:45 am]

[21 CFR Part 37]

CANNED PACIFIC SALMON

Proposed Standards of Identity and Fill of Container

The Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission has submitted to the United States for consideration for acceptance a "Recommended International Standard for Canned Pacific Salmon."

The United States, as a member of the Food and Agriculture Organization of the United States and of the World Health Organization, is under obligation to consider all Codex standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with minor deviations. A participating country which concludes that it cannot accept the standard in any of these ways is requested to indicate the reasons for the ways in which its requirements differ from the Codex standard. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision.

The United States has definitions and standards of identity (21 CFR 37.10), and fill of container (21 CFR 37.12) for canned Pacific salmon as promulgated by the Commissioner of Food and Drugs. The U.S. standards differ in several respects from the recommended international standard. The basis of this proposal to amend the U.S. canned Pacific salmon standards is the fact that, in the opinion of the Commissioner, it will promote honesty and fair dealing in the interest of consumers and facilitate international trade to adopt, insofar as is practicable, the recommended worldwide standard for canned Pacific salmon, hereinafter referred to as the Codex standard.

The Codex standard references the Codex "Sampling Plans for Prepackaged Foods, 1969," that were developed by the Codex Committee on Processed Fruits and Vegetables and are being considered by the Codex Committee on Sampling and Analysis. There are no sampling plans in any of the effective U.S. food standards. A sampling plan was published in the FEDERAL REGISTER of February 15, 1974 (39 FR 5760) in the revision of the U.S. standard for canned sweet corn (21 CFR 51.20). The Codex sampling plans, although they are included by reference in the Codex standard, have not reached the final step of development and therefore may be subject to further modification.

The Commissioner, however, believes that this is an opportune time to elicit comments on sampling plans and proposes to limit the sampling plans to Codex Inspection Level II which is appropriate where disputes, enforcement, or need for better lot estimate is necessary Definitions for "Lot" and "Sample unit" have been expanded to make them more applicable to a wider range of size of primary containers.

The units of measurements in the U.S. standard of fill of container are stated in pounds and ounces, whereas the Codex standard uses only the Metric System. The Commissioner recognizes that the International (Metric) System is generally used throughout the world, and in the United States for technical analysis, and may eventually be adopted by this country for common usage. The Commissioner, therefore, proposes that the International (Metric) System be used in the U.S. standards of quality and fill of container with the equivalent units of the U.S. customary system shown parenthetically.

The Codex standard also includes hygiene requirements, processing requirements, and certain basic labeling requirements that are not considered a part of food standards under section 401 of the Federal Food, Drug, and Cosmetic Act, which is the legal basis for the promulgation of food standards, but that are dealt with by other sections of that act.

Amendment of the U.S. standards of identity and fill of container for canned Pacific salmon will be based upon consideration of the Codex standard set forth below, together with comments and supporting data received and other available information. In addition, changes have been made to the Part 1 regulations since promulgation of the canned Pacific salmon regulations (standards) on October 12, 1972 that have resulted in some minor inconsistencies between them. The Commissioner concludes that it is in the interest of consumers to amend § 37.10 (e) (2) and (3) to reflect those changes.

CAC/RS 3.1969

RECOMMENDED INTERNATIONAL STANDARD FOR CANNED PACIFIC SALMON

1. Description.

1.1 Product definition.

Canned Pacific Salmon is the processed flesh of any of the species of fish listed below, packed in hermetically sealed containers, and so processed with heat to prevent spoilage and to destroy all pathogenic organisms and to soften the bones: *Oncorhynchus nerka, Oncorhynchus kisutch, Oncorhynchus tschawytscha, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus masou.*

1.2 Styles.

1.2.1 Regular Style consists of canned salmon to which salt has been added.

1.2.2 No Added Salt consists of canned salmon to which no salt has been added.

1.3 Form of Pack.

1.3.1 Regular Pack shall consist of sections which are cut transversely from the fish and which are filled vertically into the can. The sections shall be packed so that the cut surfaces are approximately parallel with the ends of the container.

1.3.2 Skinless and Boned Salmon shall consist of regular pack canned salmon from which the skin and vertebrae have been substantially removed.

1.3.3 Minced Salmon shall consist of salmon which has been minced or ground.

1.3.4 Salmon Tips or Tidbits shall consist of small pieces of salmon.

2. Essential composition and quality factors.

2.1 Raw material.

become convex, but both ends may be pressed from clean, wholesome salmon.

2.2 Ingredients.

2.2.1 Salt.

2.2.2 Oil edible salmon oil comparable in colour, viscosity and flavour to the oil which would naturally occur in the product, may be added.

2.3 Processing.

The fish shall have heads (including gills), tails, fins, loose scales, viscera and blood removed; damaged or discoloured flesh associated with bruises or small wounds shall be cut away; the fish shall be well washed; the body cavity thoroughly cleaned to remove blood and viscera; the fish shall be well packed, in accordance with the form of pack desired, in clean containers which are free from dents, rust or defective seams.

2.4 Canned product.

On opening the cans shall appear well filled with fish. The colour, texture, odour and flavour shall be characteristic of good quality canned salmon of the particular species. The bones shall be soft and the flesh shall be practically free from bruises, blood spots, honey-combing or abnormal colours. There shall be no hard bones, foreign material or foreign odours and flavours, in particular, there shall be no objectionable odours or flavours associated with decomposition. The contents shall be free from viscera and reasonably free from pieces of detached or loose skin or scales. In the case of regular packs, the sections of fish shall be arranged so that the cut surfaces are approximately parallel to the opened end and the skin side parallel to the walls of the can. Regular packs shall be reasonably free from cross packs and pieces of skin or section of the vertebrae across the top of the can.

3. Hygiene.

It is recommended that the products covered by the provisions of this Standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

4. Labelling.

In addition to Sections 1, 2, 4, 5 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. ' CAC/RS 1-1969) the following specific provisions apply:

4.1 The name of the food.

4.1.1 The name of the product shall be the designation appropriate to the species of the fish packed as shown below.

Species	*Designation*
Oncorhynchus-nerka.	Sockeye Salmon or Red Salmon.
Oncorhynchus-kisutch.	Coho Salmon, Silver Salmon on Medium Red Salmon.
Oncorhynchus-tschawytscha.	Spring Salmon, King Salmon on Chinook Salmon.
Oncorhynchus-gorbuscha.	Pink Salmon.
Oncorhynchus-keta.	Chum Salmon or Keta Salmon.
Oncorhynchus-masou.	Cherry Salmon.

4.1.2 Except for Regular Style and Regular Pack, the style and form of pack shall be declared in accordance with section 1.2 and 1.3.

4.2 List of ingredients.

A complete list of ingredients shall be declared on the label in descending order of proportion.

4.3 Net contents.

The net contents shall be declared by weight in either the metric ("Système International" Units) or avoirdupois or both systems as required by the country in which the food is sold.

4.4 Name and address.

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

4.5 Country of origin.

The country of origin of the food shall be declared unless it is sold within the country of origin in which case the country of origin need not be declared.

4.6 Lot identification.

Each container shall be embossed or otherwise permanently marked in a code which identifies the cannery, species, and date of canning.

5. Methods of analysis and sampling.

The methods of analysis and sampling described hereunder are international referee methods.

5.1 Sampling for destructive examination.

The number of samples to be taken from all lots for the examination of product quality, testing of vacuum and determination of net weight shall be in accordance with the Sampling Plans for Prepackaged Food (1969).

5.2 Vacuum tests.

5.2.1 Ordinary vacuum test.

Samples shall be tested for vacuum using a Bourdon tube gauge.

5.2.2 Special vacuum test.

Where there is any doubt that the vacuum of the canned product may not be sufficient for shipment to hot climates or high altitudes, samples shall be subject to the following test:

The vacuum of the canned product can be considered satisfactory if after the incubation of 24 cans for 24 hours at 40°C no can becomes a "springer" or a "swell" and not more than one can becomes a "dipper".[1]

5.3 Examination of product quality.

After examination for vacuum and net weight, the sample taken for destructive examination shall be examined organoleptically by persons trained in such examination.

The terms "springer", "swell" and "dipper" are in common usage in English speaking countries. These terms are usually understood to mean the following:

Springer. Swelled can with only one end remaining out; on pressing this end it will return to normal, but the other end will bulge out.

Swell. (1) (noun) A container with either one or both ends bulged by moderate or severe internal pressure. (2) (verb) To bulge were internal pressure. (3) (verb) To bulge out by internal pressure, as by gases caused

[1] Explanatory note:

Flipper. A can having both ends flat but with insufficient vacuum to hold the ends in place, thus a sharp blow will cause the end to become convex, but both ends may be pressed to their normal position.

In many respects, the provisions of the present U.S. standards and the Codex standard are identical, but in certain instances there are variations. The following is a comparison of what, in the opinion of the Commissioner, are the differences between the U.S. and Codex standards on which the Commissioner particularly requests comments with available supporting data; following each item of comparison is the action the Commissioner proposes to take in the event no comments are received:

COMPARISON OF IDENTITY ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Styles or forms.* 21 CFR 37.10(c) does not specifically provide for the style "No Added Salt" (Codex 1.2.2) nor for the forms of pack "Minced Salmon" (Codex 1.3.3) or "Salmon Tips or Tidbits" (Codex 1.3.4).

Codex 4.1.2 provides for labeling of those styles/forms. The style "No Added Salt" would be permitted under the present provisions of 21 CFR 37.10 as salt is listed as an optional ingredient, but to emphasize the absence of added salt by labeling may be misleading because it could be construed to imply that the product is low sodium, and Pacific salmon is not considered to be a low sodium food.

The pack forms "Minced Salmon" and "Salmon Tips or Tidbits," while making up an insignificant proportion of the annual canned salmon production, are recognized articles of commerce in the world market. The Commissioner proposes to provide for the forms indicated above in 21 CFR 37.10 and has concluded that such action will benefit consumers and facilitate world trade.

2. *Quality.* 21 CFR 37.10(c) provides for identity aspects of canned salmon only.

Codex 2.4 states that "the colour, texture, odour and flavor shall be characteristic of good quality canned salmon of the particular species."

The Commissioner proposes no change as the quality aspects in Codex are not specific enough to be useful in enforcing legal requirements.

3. *Vacuum requirement and test.* 21 CFR 37.10 does not provide for a specified vacuum or vacuum test.

Codex 5.2 provides for vacuum tests.

The Commissioner proposes no change in the U.S. standard since vacuum in a canned product is achieved by adherence to good manufacturing practices and as such is dealt with by other sections of the act.

COMPARISON OF FILL OF CONTAINER ASPECTS AND PROPOSED COURSE OF ACTION

1. Section 37.12(a) (21 CFR 37.12(a)) provides a standard of fill of container for canned salmon, based on a 24-can average, that includes all the contents of the container and is not less than the minimum net weight specified for

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the corresponding can size in the following table:

I. Can size	II. Minimum net weight
603 x 405	64 oz (4 lb).
301 x 411	16 oz (1 lb).
301 x 408	15½ oz.
401 x 211	15½ oz.
607 x 406 x 108	15½ oz.
301 x 306	12 oz.
307 x 200.25	7¾ oz.
513 x 307 x 103	7¾ oz.
307 x 113	6¾ oz.
301 x 106	3¾ oz.
407 x 213 x 015	3¾ oz.

The Codex standard does not specifically provide for a fill of container but Codex 2.4 does state that "On opening the cans shall appear well filled."

The Commissioner concludes that the fill of container aspects in Codex are not specific enough to be useful in enforcing legal requirements. For the sake of uniformity with other recently promulgated standards, however, the Commissioner proposes that the acceptance procedure be based on the Codex "Sampling Plan: For Prepackaged Foods, 1969" and that lot acceptance be based on the average net weight of all the containers in the sample.

2. Section 37.12(b) (21 CFR 37.12(b)) provides specific labeling requirements for substandard in fill.

Codex is silent on disposition of canned Pacific salmon that does not meet the standard.

The Commissioner proposes no change as the provision provides a means of dealing with canned Pacific salmon that does not meet the standard.

Accordingly, the Commissioner proposes on his own initiative that the existing canned Pacific salmon standards of identity (21 CFR 37.10) and fill of container (21 CFR 37.12) be amended as set forth below to provide for certain features, based on consideration of the Codex standard, which, in his opinion, would promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919; 21 U.S.C. 341, 371(e)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 37 be amended as follows:

1. In § 37.10 by adding new paragraphs (c)(3) and (4) and revising paragraphs (e)(2) and (3) to read as follows:

§ 37.10 Canned Pacific salmon; identity.

* * * * * * *

(c) * * *

(3) "Minced Salmon" shall consist of salmon which has been minced or ground.

(4) "Salmon Tips or Tidbits" shall consist of small pieces of salmon.

* * * * * * *

(e) * * *

(2) Whenever the form of pack is that described in paragraph (c)(2), (3), or (4) of this section, the word or words describing the form of pack shall be included as part of the name of the food, for example, "red salmon skinless and backbone removed."

(3) The common name of each of the ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

2. By revising § 37.12 to read as follows:

§ 37.12 Canned Pacific salmon, fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned salmon is a fill including all the contents of the container and is not less than the minimum net weight specified for the corresponding can size in the following table:

I. Can size	II. Minimum net weight
603 x 405	1.814 kg (64 oz).
301 x 411	453 g (16 oz).
301 x 408	439 g (15½ oz).
401 x 211	439 g (15½ oz).
607 x 406 x 108	439 g (15½ oz).
301 x 306	340 g (12 oz).
307 x 200.25	219 g (7¾ oz).
513 x 307 x 103	219 g (7¾ oz).
307 x 113	191 g (6¾ oz).
301 x 106	106 g (3¾ oz).
407 x 213 x 015	106 g (3¾ oz).

If the can size in question is not listed, calculate the value for column II as follows: From the list, select as the comparable can size, that one having the nearest water capacity of the can size in question, multiply the net weight listed in column II by the water capacity of the can size in question, and divide by the water capacity of the comparable can size. Water capacities are determined by the general method provided in § 10.6(a) of this chapter.

(b) Sampling and acceptance procedure: The sample size of the sample representing the lot will be selected in accordance with the sampling plan shown in paragraph (b)(2) of this section. A lot is to be considered acceptable when the average net weight of all the sample units is not less than the minimum net weight stated in paragraph (a) of this section for the corresponding can size.

(1) Definitions of terms to be used in the sampling plans in paragraph (b)(2) of this section are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(2) Sampling plans:

Lot size (primary containers)	Number of primary containers in sample
4,800 or less	[1] 13
4,801 to 24,000	[1] 21
24,001 to 48,000	[1] 29
48,001 to 84,000	[1] 48
84,001 to 144,000	[1] 84
144,001 to 240,000	[1] 126
Over 240,000	[1] 200
2,400 or less	[2] 13
2,401 to 15,000	[2] 21
15,000 to 24,000	[2] 29
24,001 to 42,000	[2] 48
42,001 to 72,000	[2] 84
72,000 to 120,000	[2] 126
Over 120,000	[2] 200

[1] Net weight equal to or less than 1 kilogram (2.2 pounds).

[2] Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds).

(c) If canned salmon falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal on or before August 27, 1974. Such views and comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated May 21, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-12237 Filed 5-28-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 13542; Notice No. 74-5A]

AIRWORTHINESS REVIEW PROGRAM

Compilation of Proposals: Availability and Invitation to Submit Comments

On February 15, 1974, the Federal Aviation Administration, by Notice 74-5 (39 FR 5785), invited all interested persons to submit proposals for consideration during the 1974-75 airworthiness regulations review. In that Notice, the FAA announced that it would make available a compilation of those proposals that are to be given further consideration as possible agenda items for the Airworthiness Review Conference (December 2-11, 1974), for comment by all interested persons.

The FAA hereby announces the availability of the compilation of proposals described in Notice 74-5. The compilation is being routinely distributed to all those who submitted proposals and to others who have expressed interest in the program. Other interested persons may obtain a copy of the compilation by contacting the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Staff, AFS-77, 800 Independence Avenue, SW., Washington, D.C. 20591.

Interested persons are invited to submit whatever written data, views, or arguments they may wish concerning proposals included in the compilation. All comments should be submitted in duplicate to the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Staff, AFS-77, 800 Independence Avenue, S.W., Washington, D.C. 20591. In order to receive proper consideration, comments must be received not later than August 1, 1974. Comments are specifically solicited on any possible environmental impact of the proposals. All comments received will be available in the rules docket, both before and after the closing date for comments, for examination by interested persons.

As stated in Notice 74-5, a copy of which is appended to the compilation, not all proposals contained in the compilation of proposals will necessarily be included in the Final Agenda. The disposition of proposals in this regard will depend, in large measure, on the comments received. In this connection, it should be noted that there are over one thousand proposals in the compilation. In consideration of the large volume of material involved, interested persons are urged to follow the guidelines for comments recommended in the preface to the compilation.

As Notice 74-5 also indicates, the proposals and related justifications included in the compilation should be viewed as working proposals for further consideration. They may not represent the full or final position of the identified proponent. The comments made on the proposals in response to this Notice and additional discussion and dialogue at the Airworthiness Review Conference will form the basis on which FAA will make a final determination of which items will be included in the Notice of Proposed Rule Making scheduled for issuance by May 30, 1975.

The compilation includes an enclosure of unprocessed proposals received after the April 15, 1974, closing date. The FAA was unable to process these proposals but wishes to make them available for whatever relevant information they may contain. Those proposals, and comments upon them, will only be processed as time allows. In this connection, it should be noted that it may not be possible to give consideration, in the development of the Final Agenda, to late comments received in response to this notice.

It should be noted that the FAA may elect to undertake rule-making procedures, separate from the Airworthiness Review, on issues pertaining to proposals contained in the compilation of proposals, or included in the Final Agenda. In such cases, the pertinent proposals may be removed from further consideration during the Airworthiness Review.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 22, 1974.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.74-12184 Filed 5-28-74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-10-AD]

BOEING MODEL 727 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 series airplanes. There have been cracks in the main landing gear wheel well pressure floor on Boeing Model 727 series airplanes. One crack resulted in rapid depressurization of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections of the pressure floor adjacent to the body station 910 floor beam on airplanes which have accumulated 15,000 flights or more. Boeing Alert Service Bulletin 727-53-124 was issued for inspection and repair of the pressure floor. This service bulletin presently does not contain preventive modification instructions; however, a forthcoming revision will include such instructions. Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108.

All communications received on or before July 15, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applicable to all Boeing Model 727 Series Airplanes with 15,000 or More Flights, Certificated in all Categories. Compliance Required as Indicated

To detect cracks in the main landing gear wheel well pressure floor adjacent to the floor beam at station 910, accomplish the following:

(A) Within the next 800 flights, unless accomplished within the last 800 flights, and at intervals thereafter not to exceed 1600 flights, inspect the pressure floor for cracks in accordance with Boeing Alert Service Bulletin 727-53-124, dated May 3, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(B) If cracks are detected that are within the crack limits specified in Table I of Paragraph III of Boeing Alert Service Bulletin 727-53-124, dated May 3, 1974, or later FAA approved revisions, stop drill the cracks and seal per Paragraph III B. Within 600 flights thereafter, repair in accordance with Paragraph III C of the Service Bulletin, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) If cracks are detected that exceed the cracks limits specified in Table I of Paragraph III of Boeing Alert Service Bulletin 727-53-124, dated May 3, 1974, or later FAA approved revision, stop drill, seal and install the repair doubler per Paragraph III C of the Service Bulletin or repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, before further flight. These repairs constitute terminating action for the repaired side.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on May 20, 1974.

C. B. WALK, JR.,
Director,
Northwest Region.

[FR Doc.74-12183 Filed 5-28-74;8:45 am]

[14 CFR Part 39]

[Docket No. 74-WE-25-AD]

SARGENT INDUSTRIES, PICO DIVISION REGULATOR P/N 30001

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Sargent Industries, Pico Division regulator, P/N 30001. There have been delayed actuations of the regulator on various passenger evacuation slide and slide/rafts that resulted in delayed inflation initiation. A delayed actuation has not occurred during an actual passenger evacuation. However, to insure the highest possible degree of safety in the public interest, the agency believes that installation of a modified regulator in all aircraft incorporating the affected part should be mandatory. The manufacturer

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has issued a service bulletin covering the modification, which consists of improved lubrication, o-ring and back-up rings. The proposed compliance time is intended to permit the orderly implementation of the program, which covers over 8,000 regulators, by operators of aircraft. Since this condition is likely to exist or develop in other regulators of the same design, the proposed airworthiness directive would require modification of the regulator.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before July 1, 1974, will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SARGENT INDUSTRIES, PICO DIVISION. Applies to Sargent Industries, Pico Division Regulator P/N 30001 Incorporated in Aircraft Certificated in All Categories

NOTE: This regulator is installed in, but not limited to, B-727, B-737, DC-8, DC-9, DC-10, and L-188 aircraft.

Compliance required within two years after the effective date of this AD, unless already accomplished.

To prevent delayed actuation of regulator P/N 30001, modify the Sargent Industries, Pico Division regulator, P/N 30001, in accordance with Sargent Industries, Pico Division Service Bulletin 25-51, dated March 14, 1974, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, California on May 17, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-12186 Filed 5-28-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-11]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Pittsburg, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before June 28, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public-use instrument approach procedure is being established at the Atkinson Municipal Airport, Pittsburg, Kansas, utilizing a non-directional beacon located on the airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Pittsburg, Kansas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

PITTSBURG, KANSAS

That airspace extending upward from 700' above the surface within a 6.5 statute mile radius of Atkinson Municipal Airport (latitude 37°26'48" N., longitude 94°43'50" W.); and within three statute miles each side of the 358 true bearing from Pittsburg, Kansas RBN (latitude 37°26'35" N., longitude 94°43'52" W.); extending from the 6.5 statute mile radius area to eight statute miles NNW of the Pittsburg, Kansas RBN; and that airspace extending upward from 1200' above the surface within 9.5 statute miles west and 4.5 statute miles east and parallel to the 358° bearing from the Pittsburg RBN, extending from the Pittsburgh RBN to a distance of 18.5 statute miles NNW of the Pittsburg RBN, but excluding that controlled airspace with a base altitude of 1200' above the ground which is presently established and published.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on May 1, 1974.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.74-12185 Filed 5-28-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-10; Notice 3]

AIR BRAKE STANDARD EFFECTIVE DATE FOR TRAILERS

Closing Date For Comments

This notice changes the time available for comments on a proposal to delay until January 1, 1975, the effective date (as it applies to trailers) of Standard No. 121, *Air brake systems*, 49 CFR 571.121. The notice of proposed rulemaking on this subject was published May 17, 1974 (39 FR 17563) and allowed a comment period that closes June 17, 1974.

Numerous communications to the NHTSA from trailer manufacturers, an axle supplier, and the Truck Trailer Manufacturers Association, indicate that it is necessary to establish the standard's effective date sooner than late June in order to avoid severe disruption in contractual arrangement for new components. The NHTSA has concluded that a shorter comment period is justified to permit rapid issuance of a final decision.

Another issue proposed in the May 17 notice would establish a new category of trailers. The closing date for comments on this aspect of the proposal remains June 17, 1974.

For these reasons, the NHTSA changes the comment period on its proposal to delay until January 1, 1975, the effective date (as it applies to trailers) of Standard No. 121, 49 CFR 571.121, from June 17, 1974, to June 4, 1974.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 23, 1974.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.74-12290 Filed 5-24-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19984, RM-2124]

FM BROADCAST STATIONS; CABOOL, MO.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202 (b).

1. On March 25, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the Federal Register on April 2, 1974, 39 FR 12035. The time for filing comments has expired and the date for filing reply comments is presently May 20, 1974.

2. On May 20, 1974, Kickapoo Prairie Broadcasting Co., Inc. (Kickapoo), by counsel, requested that the time for filing reply comments be extended to and including June 3, 1974. Counsel states that he attempted to contact counsel for Cabool Broadcasting Corporation, proponent in this proceeding, to ascertain whether comments were filed by Cabool, and, if so, to obtain a copy thereof. He notes, however, that Cabool's counsel was away from the city. Kickapoo counsel states that a review of the docket finally turned up the comments filed by Cabool but in view of the delay in obtaining a copy and the necessity for transmitting them by mail for review by Kickapoo's engineer in St. Louis, additional time is required for review and determination of whether reply comments are warranted and if so, the preparation thereof.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly *It is ordered*, That the date for filing reply comments is extended to and including June 3, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 21, 1974.

Released: May 22, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-12243 Filed 5-28-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20017 RM-2093]

FM BROADCAST STATIONS; HEALDSBURG, CALIF.

Proposed Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b).

1. On April 10, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the Federal Register on April 22, 1974, 39 FR 14227. The dates for filing comments and reply comments are presently May 23, and June 3, 1974, respectively.

2. On May 17, 1974, Redwood Empire Stereocasters (Redwood), licensee of Station KZST(FM), Santa Rosa, California, requested that the time for filing comments be extended to and including June 24, 1974. Redwood states that Mr. Gordon Zlot, General Manager of Station KZST(FM) has assumed primary responsibility for the preparation of comments, but it will be impossible for him to finalize such comments by the scheduled filing date since he is presently on jury duty and also needs more time to complete field work in the area of the proposed site, some of which work will involve an air survey.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the date for filing comments and reply comments is extended to and including June 24 and July 8, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 17, 1974.

Released: May 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12242 Filed 5-28-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19999; RM-2142]

FM BROADCAST STATIONS; HOLLIDAYSBURG, PA.

Proposed Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b).

1. On April 3, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the Federal Register on April 15, 1974, 39 FR 13557. Comment and reply comment dates are presently May 17 and May 27, 1974, respectively.

2. On May 16, 1974, Altoona Trans-Audio Corporation, licensee of AM Station WRTA, Altoona, Pennsylvania, through counsel, filed a request for extension of time in which to file comments and reply comments to and including May 31 and June 14, 1974, respectively. Counsel states that Altoona Trans-Audio wishes to file comments in support of the above petition but in order to allow for the necessary coordination between Altoona Trans-Audio, its legal counsel, and its engineering consultant, an additional period of time is required.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered* that the dates for filing comments and reply comments are extended to and including May 31 and June 14, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 17, 1974.

Released: May 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12240 Filed 5-28-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19961 RM-2155, RM-2377, and RM-2378]

FM BROADCAST STATIONS; ST. GEORGE, S.C., CHARLESTON, S.C.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b).

1. On March 22, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the Federal Register on April 1, 1974, 39 FR 11933. The time for filing comments has expired and the date for filing reply comments is presently May 16, 1974.

2. On May 16, 1974, Soundamerica Corporation (Soundamerica), requested that the time for filing reply comments be extended to and including June 4, 1974. Soundamerica states that the additional time is necessary in order to submit appropriate engineering data in connection with the counterproposal filed in this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the date for filing reply comments is extended to and including June 4, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission rules.

Adopted: May 17, 1974.

Released: May 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12241 Filed 5-28-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 211]

UNLEADED GASOLINE

Proposed Allocation and Pricing

The Federal Energy Office hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, in Subpart F of Part 211 to provide for the allocation of unleaded gasoline.

On January 10, 1973, the Environmental Protection Agency published regulations requiring certain retail outlets to offer unleaded gasoline for sale (40 CFR, CH. I, Part 80). This notice proposes a revision of FEO's regulations to facilitate the allocation of unleaded gasoline.

EPA has estimated that 60 to 85 percent of all 1975 model automobiles, both imported and domestic, will require the use of unleaded gasoline. The requirement for unleaded gasoline is to avoid damage to the catalytic converters with which most of these vehicles will be equipped in order to meet air pollution standards. Sales of unleaded gasoline will probably represent between five and ten

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percent of the market for motor gasoline by late 1974.

EPA has issued regulations requiring all retail sales outlets of gasoline selling more than 200,000 gallons per year to provide one grade of unleaded gasoline as of July 1, 1974. There are more than 110,000 retail sales outlets in this category of the approximately 350,000 retail sales outlets of all sizes. EPA's regulations were issued prior to January 15, 1974, when FEO issued its regulations covering the allocation and pricing of motor gasoline pursuant to the Emergency Petroleum Allocation Act of 1973. FEO's proposed regulations are designed to supplement EPA's regulations.

In view of the possible competitive advantage which will accrue to those firms which will have unleaded gasoline available for sale, FEO would require all motor gasoline suppliers to offer to their wholesale purchasers an equitable share of their unleaded gasoline supplies. Similarly, due to the uncertainty surrounding the introduction of unleaded gasoline for sale, no wholesale purchaser would be required by its supplier to accept any quantity of unleaded gasoline as part of its allocation entitlement to gasoline. Each supplier would be required to allocate unleaded gasoline to retail sales outlets and other purchasers to which it supplies motor gasoline pursuant to supplier/purchaser relationships required by FEO regulations without regard to whether the supplier has previously supplied unleaded gasoline to the purchaser.

Each supplier would calculate an "allocation ratio" for unleaded gasoline which would be the ratio of the supplier's supply of unleaded gasoline to the supplier's total motor gasoline supply for a month. Each of its wholesale purchasers would for that month then be entitled to receive as part of their allocation entitlement from that supplier the same ratio of unleaded gasoline to total motor gasoline as their supplier's allocation ratio. The supplier would then be required to offer any remaining unleaded gasoline on a proportionate basis to those wholesale purchasers which have indicated a desire to purchase additional quantities of unleaded gasoline.

The total allocation entitlement of any wholesale purchaser to motor gasoline (leaded and unleaded) under this proposal would remain constant. Only the percentage of unleaded gasoline may change.

Suppliers which do not manufacture and purchasers which are unable to find a supplier of unleaded gasoline would apply to the appropriate regional FEO office for assignment of a supplier of unleaded gasoline. Entities operating two or more retail sales outlets would also be permitted to apportion their entitlements of unleaded gasoline for those outlets among their retail sales outlets.

FEO is aware that unleaded gasoline is currently being offered for sale by suppliers which did not sell unleaded gasoline on May 15, 1973. As a result, there has been confusion as to the lawful price which such suppliers may charge. Therefore, concurrent with the issuance of this notice of proposed rulemaking, FEO has amended its pricing regulations effective June 1, 1974, to provide a new § 212.112 concerning the pricing of unleaded gasoline for June 1974 by suppliers which did not offer for sale a grade of unleaded gasoline on May 15, 1973. Section 212.112 is intended to be an interim measure pending the issuance of a final rule effective July 1, 1974, concerning the allocation and pricing of unleaded gasoline. FEO also invites comment upon the final rules which it should adopt for the pricing of unleaded gasoline.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Office, Box AL, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Proposed Allocation and Pricing of Unleaded Gasoline." Fifteen copies should be submitted. All comments received by June 10, 1974, and all other relevant information will be considered by the Federal Energy Office before final action is taken on the proposed regulations.

(Emergency petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748; 38 FR 33575)

In consideration of the foregoing, it is proposed to amend Subpart F of Part 211, Chapter II, Title 10, of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., May 23, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

Section 211.108 is proposed to be renumbered as § 211.109 and a new § 211.108 added to Subpart F of Part 211 to read as follows:

§ 211.108 Allocation of unleaded gasoline.

(a) *General.* All the provisions of this subpart shall apply to all substances meeting the definition of motor gasoline, including unleaded gasoline, premium and regular gasoline, without regard to the different characteristics of those substances except as provided in this section with respect to unleaded gasoline. In addition to the provisions of § 211.105, a supplier of unleaded gasoline shall further allocate unleaded gasoline in accordance with paragraph (c) of this section to retail sales outlets and other purchasers to which it supplies motor gasoline (whether leaded or unleaded) without regard to whether the supplier has previously supplied unleaded gasoline to that purchaser. Notwithstanding § 211.106, entities operating two or more retail sales outlets may apportion their supplies of unleaded gasoline among such retail sales outlets as provided by paragraph (d) of this section.

(b) *Definitions.* "Allocation entitlement" means for a wholesale purchaser-reseller, its allocation entitlement as described in § 211.12(b)(1); and for a wholesale purchaser-consumer or an end user, its allocation entitlement as described in § 211.12(b)(2).

"Allocation ratio" means the ratio of a supplier's total supply of unleaded gasoline to the supplier's total supply of motor gasoline (leaded and unleaded).

"Unleaded gasoline" means unleaded gasoline as defined by the Environmental Protection Agency.

(c) *Method of allocation for unleaded gasoline.* (1) For a period which corresponds to a base period, each supplier shall make available to each of its purchasers which are entitled to receive motor gasoline from that supplier a volume of unleaded gasoline which bears the same ratio to that purchaser's allocation entitlement as the supplier's allocation ratio for that period.

(2) No purchaser may be required to accept any quantity of unleaded gasoline in lieu of part or all of its allocation entitlement to motor gasoline (leaded and unleaded) for a period which corresponds to a base period.

(3) A supplier shall offer on a proportional basis, any of its supply of unleaded gasoline which remains after its initial offer of unleaded gasoline pursuant to paragraph (c)(1) of this section, to its purchasers which desire to purchase additional quantities of unleaded gasoline.

(4) The total volume of leaded and unleaded gasoline which a supplier allocates to a purchaser for a period which corresponds to a base period shall equal the total amount of motor gasoline (leaded and unleaded) which the supplier could otherwise allocate to that purchaser pursuant to this subpart without regard to the provisions of this section.

(5) Any supplier which does not manufacture unleaded gasoline, or any purchaser which has been notified that its supplier will not supply it with unleaded gasoline, and which with reasonable diligence cannot otherwise obtain a supply of unleaded gasoline under the provisions of this part, may apply to the appropriate regional FEO in accordance with FEO forms and instructions for assignment of a supplier of unleaded gasoline.

(6) Any firm assigned by FEO to supply unleaded gasoline to a purchaser may elect to receive leaded gasoline in exchange for the unleaded gasoline.

(d) *Apportionment among retail sales outlets.* Notwithstanding the provisions of § 211.106(b) of this subpart, entities operating two or more retail sales outlets may apportion their entitlements of unleaded gasoline for those outlets between and among those retail sales outlets without restriction provided that no retail sales outlet shall be supplied a total volume of motor gasoline (leaded or unleaded) which exceeds the total amount of motor gasoline which the supplier could otherwise allocate to that retail sales outlet pursuant to this subpart without regard to the provisions of this section.

(e) *Relationship to EPA regulations.* Nothing in this section shall be interpretated to supersede any regulation concerning unleaded gasoline issued by the Environmental Protection Agency.

[FR Doc.74-12366 Filed 5-24-74;12:46 pm]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10774; File No. S7-515]

MODIFICATION OF SHORT SALES

Extension of Time for Public Comment

On March 6, 1974, the Commission published for comment proposed amendments to Securities Exchange Act Rule 3b-3, Rule 10a-1 and Rule 10a-2 modifying existing regulation of short sales in response to contemplated changes in the manner of reporting transactions in listed securities, namely the implementation of a "composite transaction reporting system" (Securities Exchange Act Release No. 10668). The time for submitting such comments expired May 1, 1974.

The Commission has received request for additional time within which to submit comments on the proposed amendments and has determined to extend the time for submitting comments to June 1, 1974. All interested persons are invited to submit their comments in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before June 1, 1974. Such communications should refer to File No. S7-515 and will be available for public inspection.

(Secs. 3(b), 10(a), 23(a), 48 Stat. 882, 891, 901; as amended 49 Stat. 704, 1379 (15 U.S.C. 78c(b), 78j(a), 78w(a))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 1, 1974.

[FR Doc.74-12231 Filed 5-28-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Parts 1, 13, and 17]

VETERANS BENEFITS

Field Station Committees on Waivers and Compromises

The Central Office Board on Waivers and Compromises and the Department of Medicine and Surgery Board on Collections and Compromises have been abolished and the functions transferred to the field station Committee on Waivers and Compromises. The jurisdiction of the Committee also has been expanded.

Section 1.955 places the administrative control of Committee functions in the Division Chief of the Fiscal activity and the quality control in the Chairman. Section 1.956 widens the jurisdiction of the Committee and includes for the first time waiver consideration of plot allowance, clothing allowance, automobile or other conveyance and adaptive equipment allowances. It also authorizes consideration of debts resulting from services furnished in a medical emergency, settlement of breached career residency contracts, consideration of other debts arising in connection with transactions of the Department of Medicine and Surgery and claims for erroneous payment of pay and certain allowances made to employees. This section likewise provides the Chief Benefits Director may assume original jurisdiction to determine a particular issue arising within the Committee's jurisdiction. Section 1.957 authorizes one person with special competence to make a waiver decision where the debt is $500 or less and also vests in the Committee the prior authority of the Central Office Boards. Section 1.963a empowers the Committee to consider waiver requests of erroneous payment of pay and allowances to an employee not exceeding $500 and to apply the elements listed therein. It also provides for no right of appeal to the Board of Veterans Appeals from a decision denying a request for waiver of erroneous payment of pay or allowances. Section 1.967 authorizes refund of amounts repaid because of erroneous payment of pay or allowances where waiver is granted. Section 1.968 allows an ad hoc Board in Central Office to conduct an administrative review in a school liability case. This is the only instance in which a Committee case will be submitted to Central Office.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27HD), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before June 28, 1974 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that these proposed regulations will be made effective the date of final approval.

PART 1—GENERAL PROVISIONS

1. In Part 1, a new centerhead and §§ 1.955 through 1.970 are added to read as follows:

Field Station Committees on Waivers and Compromises

Sec.
1.955 Field station Committees on Waivers and Compromises.
1.956 Jurisdiction.
1.957 Committee authority.
1.958 Finality of decisions.
1.959 Records and certificates.
1.960 Legal and technical assistance.
1.961 Releases.
1.962 Waiver of overpayments.
1.963 Waiver; other than loan guaranty.
1.963a Waiver; erroneous payment of pay and allowances.
1.964 Waiver; loan guaranty.
1.965 Application of standard.
1.966 Scope of waiver decisions.
1.967 Refunds.
1.968 Educational benefits.
1.969 Revision of decisions; waiver and school liability.
1.970 Standards for compromise.

AUTHORITY: 38 U.S.C. 1820(a)(4) and 3102; 5 U.S.C. 5584.

Field Station Committees On Waivers and Compromises

§ 1.955 Field station Committees on Waivers and Compromises.

(a) *Delegation of authority and estsablishment.* (1) Section 1.955 et seq. are issued to implement 38 U.S.C. 1820(a)(4) and 3102 and 5 U.S.C. 5584. The duties, delegations of authority and all actions required of the Committee, are to be accomplished under the direction of, and authority vested in, the Director of the field station.

(2) There is established in each field station with Department of Veterans Benefits activities, a Committee on Waivers and Compromises to perform the duties and assume the responsibilities delegated by §§ 1.956 and 1.957.

(b) *Committee on Waivers and Compromises*—(1) *Composition.* The Committee shall consist of a Chairman and five members at stations having loan guaranty activities or four members at other stations. Members shall be selected so that in each of the debt claims activities of compensation, pension and education, insurance, loan guaranty (at station having such activities), and finance, there is at least one member with special competence. An alternate Chairman and alternate members may be designated to act in the absence of their principals, when needed.

(2) *Selection.* The Director shall designate the employees to serve as Chairman, members and alternates. Except upon specific authorization of the Chief Benefits Director, when workload warrants a full-time committee, such designation will be part-time additional duty upon call of the Chairman.

(3) *Control and staff.* The Division Chief of the Fiscal activity is accountable for the administrative control of the Committee functions. The quality control of the Committee and its professional and clerical staff is the responsibility of the Chairman.

(4) *Overall control.* The Controller is delegated complete management authority, including planning, policy formulation, control, coordination, supervision and evaluation of Committee operations.

(c) *Panels.* When a claim is properly referred to the Committee, the Chairman shall ordinarily designate a panel of three (of whom the Chairman may be one, and one other shall be specially

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qualified in the program field in which the debt arose), who shall consider and determine the action to be taken. If their decision is unanimous, it will be the Committee decision. Otherwise, the case will be considered by the entire membership of the Committee and a majority shall determine the decision. In such cases the Chairman shall not vote except when necessary on four-member committees to break a tie.

(d) *Single signature authority.* Where a request is for waiver of collection of a debt of $500 or less, exclusive of interest, the Chairman shall designate one person with special competence in the program area where the debt arose, to consider the request. His signature alone to the decision will suffice.

§ 1.956 Jurisdiction.

(a) The field station Committees are authorized, except as to determinations under § 2.6(e)(4)(i) of this chapter where applicable, to consider and determine as limited in §§ 1.955 through 1.970, questions of school liability, settlement of breached career residency contracts, compromise and/or waiver concerning the following debts and overpayments:

(1) Arising out of operations of the Department of Veterans Benefits:

(i) Overpayment or erroneous payments of pension, compensation, dependency and indemnity compensation, burial allowances, plot allowance, subsistence allowance, education or insurance benefits, clothing allowance and automobile or other conveyance and adaptive equipment allowances.

(ii) Debts arising out of the loan program under 38 U.S.C. ch. 37 after liquidation of security, if any.

(iii) Such other debts as may be specifically designated by the Chief Benefits Director.

(2) Arising out of operations of the Department of Medicine and Surgery:

(i) Debts resulting from services furnished in error (§ 17.62(a) of this chapter).

(ii) Debts resulting from services furnished in a medical emergency (§ 17.62(b) of this chapter).

(iii) Settlement of breached career residency contracts.

(iv) Other claims arising in connection with transactions of the Department of Medicine and Surgery (§ 17.64(c) of this chapter).

(3) Claims for erroneous payment of pay and allowances made to employees (section 5584, title 5, United States Code).

(b) The Chief Benefits Director may, at his discretion, assume original jurisdiction and establish an ad hoc Board to determine a particular issue arising within this section.

§ 1.957 Committee authority.

(a) *Field station Committee.* On matters covered in § 1.956, the field station Committee is authorized to determine the following issues:

(1) *Waivers.* A decision may be rendered to approve or deny waiver of collection of a debt in excess of $500 except for erroneous payment of pay and allowances. Where the amount is $500 or less, exclusive of interest, a single signature to the decision will suffice.

(2) *Compromises*—(i) *Loan program debts.* Accept or reject a compromise offer irrespective of the amount of the debt (loan guaranty matters under 38 U.S.C. ch. 37, are unlimited as to amount).

(ii) *Other than loan program debts.* (a) Accept or reject a compromise offer on a debt which exceeds $1,000 but which is not over $20,000 (both amounts exclusive of interest).

(b) Accept or reject a compromise offer on a debt of $1,000 or less, exclusive of interest, where there has not been a prior denial of waiver.

(3) *School liability.* Liability of a school, or liability of both the school and the veteran or eligible person.

(4) *Breached career residency contracts.* Final settlement of any breached career residency contract in which terms are different than those provided in the contract, which will result in the payment of less than liquidated value or in an extension of time in which to pay damages.

(b) *Fiscal officer.* The Division Chief of the Fiscal activity has authority to:

(1) Suspend or terminate collection action on all debts of $20,000 or less, exclusive of interest.

(2) Accept or reject a compromise offer for other than loan program debts of $1,000 or less, exclusive of interest, where there has been a prior denial of waiver.

§ 1.958 Finality of decisions.

A decision by the field station Committee operating within the scope of its authority, denying waiver of all or part of an overpayment is subject to appeal. There is no right of appeal from a decision rejecting a compromise offer or that a school is liable for the amount of an overpayment.

§ 1.959 Records and certificates.

The Chairman of the Committee shall execute or certify any documents pertaining to its proceedings. He will be responsible for maintaining needed records of the transactions of his Committee and preparation of any administrative or other reports which may be required.

§ 1.960 Legal and technical assistance.

Legal questions involving determination under § 2.6(f)(4) of this chapter will be referred to the Chief Attorney for action in accordance with delegations of the General Counsel, unless there is in existence a General Counsel's opinion or an approved Chief Attorney's opinion dispositive of the controlling legal principle. As to matters not controlled by § 2.6(f)(4) of this chapter, the chairman of the field station Committee or at his instance, a member, may seek and obtain advice from the Chief Attorney on legal matters within his jurisdiction and from other division chiefs in their areas of responsibility, on any matter properly before the Committee. Guidance may also be requested from the Central Office Staff.

§ 1.961 Releases.

On matters within its jurisdiction, the Committee may authorize the release of any right, title, claim, lien or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration under the provisions of 38 U.S.C. ch. 37, or on an acquired loan, or on a vendee account.

§ 1.962 Waiver of overpayments.

The term "overpayment" means payments made and determined to be erroneous, indebtedness resulting from services erroneously furnished and indebtedness of a veteran-borrower or veteran-transferee under the loan guaranty program or the indebtedness of the spouse, under laws administered by the Veterans Administration.

(a) Benefits subject to waiver include indebtedness due the Veterans Administration because of or in connection with hospitalization, domiciliary care, or treatment of a veteran, a person who claimed he or she was a veteran, or a person to whom such benefits were granted on the assumption that he or she was an eligible veteran.

(b) In any case where there is an indication of fraud or misrepresentation of a material fact on the part of the debtor or any other party having an interest in the claim, action on a request for waiver will be deferred pending appropriate disposition of the matter. However, the existence of a prima facie case of fraud shall, nevertheless, entitle a claimant to an opportunity to make a rebuttal with countervailing evidence; similarly, the misrepresentation must be more than non-willful or a mere inadvertence. The Committee may act on a request for waiver concerning such debts, after the Chief Attorney has determined that prosecution is not indicated, or the Department of Justice has notified the Veterans Administration that the alleged fraud or misrepresentation does not warrant action by that department, or the Department of Justice or the appropriate United States Attorney specifically authorized action on the request for waiver.

§ 1.963 Waiver; other than loan guaranty.

(a) *General.* Recovery of overpayments of any benefits made under laws administered by the Veterans Administration shall be waived if recovery of the indebtedness from the payee who received such benefits would be against equity and good conscience.

(b) *Application.* Request for waiver of an overpayment will be considered only if received within 2 years following the date of notice to the payee.

(c) *Third persons.* Waiver of recovery may be authorized, if warranted, where Veterans Administration payments have come into the possession of a person other than the person entitled.

§ 1.963a Waiver; erroneous payment of pay and allowances.

(a) Pay is defined in 4 CFR 91.2 to mean salary, wages, pay, compensation, emoluments and remuneration for services. It includes, but is not limited to, overtime pay; night, Sunday standby, irregular and hazardous duty differential; pay for Sunday and holiday work; payment for accumulated and accrued leave, and severance pay. It does not include expenses of travel and transportation or expenses of transportation of household goods.

(b) Allowances as they relate to an employee include, but are not limited to, payments for quarters, uniforms, and overseas cost of living expenses, but exclude travel and transportation expenses and relocation allowances. All requests for waiver of salary overpayments and allowances shall be referred for consideration of waiver before any determinations are made as to compromise or suspension or termination of collection action as follows:

(1) If the erroneous payment of pay or allowances was more than $500 in the aggregate, the request for waiver, after review and necessary development, shall be referred to the VA Controller for transmittal to the General Accounting Office, or

(2) If the erroneous payment of pay or allowances was not more than $500 in the aggregate, the request for waiver shall be referred to the Chief of the Fiscal or Finance activity for review and necessary development before transmittal to the Committee on Waivers and Compromises.

(c) Waiver action may not be taken on claims arising out of erroneous payments of pay or allowances made to or in behalf of an employee unless:

(1) Application for waiver is submitted within 3 years immediately following the date on which the erroneous payment of pay was discovered, or

(2) Application for waiver is submitted within 3 years immediately following the date on which the erroneous payment of allowances was discovered, or October 2, 1975, whichever is later.

(d) Claims arising out of erroneous payment of pay or allowances may be waived in whole or part whenever collection would be against equity and good conscience and not in the best interests of the United States. Generally those criteria will be met by a finding that the erroneous payment of pay or allowances occurred through administrative error and that there is no indication of fraud, misrepresentation, fault or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim. The foregoing elements, instead of the elements set forth in § 1.965, will be applied to waiver consideration of erroneous payment of pay and allowances to an employee.

(e) There shall be no right of appeal to the Board of Veterans Appeals from a determination made under this section denying a waiver of erroneous payment of pay or allowances.

§ 1.964 Waiver; loan guaranty.

(a) *General.* An indebtedness of a veteran or the indebtedness of the spouse may be waived only when both of the following factors are determined to exist:

(1) Following default there was a loss of the property which constituted security for the loan guaranteed, insured or more under chapter 37 of title 38, United States Code; and

(2) Collection of such indebtedness would be against equity and good conscience.

(b) *Spouse.* The waiver of a veteran's indebtedness shall inure to the spouse of such veteran insofar as concerns said indebtedness, unless the obligation of the spouse is specifically excepted. However, the waiver of the indebtedness of the veteran's spouse shall not inure to the benefit of the veteran unless specifically provided for in the waiver decision.

(c) *Widow (widower) or former spouse.* A widow or widower of a veteran or the former spouse of a veteran may be granted a waiver of the indebtedness provided the requirements of paragraph (a) of this section are met.

(d) *Preservation of Government rights.* In cases in which it is determined that waiver may be granted, the action will take such form (covenant not to sue, or otherwise) as will preserve the rights of the Government against obligors other than the veteran or the spouse.

(e) *Application.* There is no time limit for filing an application for waiver of indebtedness under this section.

(f) *Exclusion.* Except as otherwise provided in this section, the indebtedness of a nonveteran obligor under the loan program is excluded from waiver.

§ 1.965 Application of standard.

(a) The standard "Equity and Good Conscience", will be applied when the facts and circumstances in a particular case indicate a need for reasonableness and moderation in the exercise of the Government's rights. The decision reached should not be unduly favorable or adverse to either side. The phrase "equity and good conscience" means arriving at a fair decision between the obligor and the Government. In making this determination, consideration will be given to the following elements, which are not intended to be all inclusive:

(1) Fault of debtor: Where actions of the debtor contribute to creation of the debt.

(2) Balancing of faults: Weighing fault of debtor against Veterans Administration fault.

(3) Undue hardship: Whether collection would deprive debtor or family of basic necessities.

(4) Defeat the purpose: Whether withholding of benefits or recovery would nullify the objective for which benefits were intended.

(5) Unjust enrichment: Failure to make restitution would result in unfair gain to the debtor.

(6) Changing position to one's detriment: Reliance on Veterans Administration benefits results in relinquishment of a valuable right or incurrence of a legal obligation.

(b) In applying this single standard for all areas of indebtedness, the following elements will be considered, any one of which, if found, will preclude the granting of waiver:

(1) Fraud or misrepresentation of a material fact (see § 1.962(b)).

(2) Material fault: The inexcusable commission or omission of an act that directly results in the creation of a debt to the Government.

(3) Lack of good faith: Absence of an honest intention to abstain from taking unfair advantage of the holder and/or the Government.

§ 1.966 Scope of waiver decisions.

(a) Decisions will be based on the evidence of record. A hearing may be held at the request of the claimant or his representative. No expenses incurred by a claimant, his representative, or any witness incident to a hearing will be paid by the Veterans Administration.

(b) A field station Committee may:

(1) Waive recovery as to certain persons and decline to waive as to other persons whose claims are based on the same veteran's service.

(2) Waive or decline to waive recovery from specific benefits or sources, except that:

(i) There shall be no waiver of recovery out of insurance of an indebtedness secured thereby; i.e., an insurance overpayment to an insured. However, recovery may be waived of any or all of such indebtedness out of benefits other than insurance then or thereafter payable to the insured.

(ii) There shall be no recovery, by withholding or setoff against benefits payable under laws administered by the Veterans Administration, of an indebtedness arising out of any loan under the loan guaranty program made to, assumed by, or guaranteed or insured on account of the debtor, unless the written consent of the debtor is first obtained.

§ 1.967 Refunds.

(a) Voluntary payments and offsets whether voluntary, or involuntary, made from Veterans Administration benefits on or after the date of receipt by the Veterans Administration of a request for waiver will be refunded if waiver is granted, except as provided in paragraph (b) of this section.

(b) Refund of payments made on a loan guaranty indebtedness will not be made when only a part of the debt is waived or when collection of the balance of the indebtedness by the Veterans Administration from obligors, other than the husband or wife of the person requesting waiver, will be adversely affected.

(c) Amounts which have been recovered by the U.S. Government prior to the date of receipt by the Veterans Administration of a request for waiver,

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will not be refunded and will be excluded from waiver. However, amounts repaid because of erroneous payment of pay or allowances to employees will be considered for waiver action and, if waived, refund will be made to the employee, provided application for refund is made no later than 2 years following the date of waiver.

§ 1.968 Educational benefits.

(a) *General.* The amount of an overpayment of educational assistance allowance or special training allowance on behalf of a veteran or eligible person constitutes a liability of the school if it is determined that the overpayment was made as the result of (1) willful or negligent failure of the school to report, as required by § 21.4203 or § 21.4204 of this chapter, excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) false certification by the school. If it appears that the falsity or misrepresentation was deliberate, no administrative collection may be pursued pending a determination whether the matter should be referred to the Department of Justice for possible criminal or civil action. However, the amount of the overpayment may be recovered from the school by administrative collection procedure when the false certification or misrepresentation is the consequence of an administrative error or a mistake of fact, or where it is determined that no criminal or civil action is warranted. Any amount so collected from the school will be reimbursed if the overpayment is recovered from the veteran or eligible person. This provision does not preclude the imposition of any civil or criminal liability under this or any other law. (38 U.S.C. 1785)

(b) *Reporting.* If a school is required to make periodic or other certifications, failure to report facts which resulted in an overpayment will be considered prima facie evidence of willfulness or negligence. Similarly, the submission of an incorrect certification as to fact will be considered prima facie evidence of a false certification. In either instance the prima facie showing is subject to rebuttal.

(c) *Field station Committees.* The field station Committee in the field station having jurisdiction over the area in which the school is located is authorized to find:

(1) Whether recovery may be waived as to the veteran or eligible person.

(2) Liability of the school, or liability of both the school and the veteran or eligible person.

(d) *Extent of liability.* Waiver of collection of an overpayment as to a veteran or eligible person will not relieve the school of liability for the overpayment. Recovery in whole or in part from the veteran or eligible person will limit such liability accordingly. If an overpayment has been recovered from the school and the veteran or eligible person subsequently repays the amount in whole or in part, the amount repaid will be reimbursed to the school.

(e) *Notice to school.* If the school is found liable for an overpayment, the school will be notified of the decision and the right to request an administrative review of the decision within 60 days from the date notice of the decision is mailed to the school. The 60-day time limit may be extended to 90 days at the discretion of the field station Committee. The request must be in writing, setting forth fully all of the contentions and errors assigned.

(f) *Administrative reviews.* A request for an administrative review will be forwarded to Central Office where it will be considered by an ad hoc Board convened for that purpose. The Board's decision will serve as authority for instituting collection proceedings, if appropriate, or for discontinuing collection proceedings instituted on the basis of the original decision of the field station Committee in any case where the ad hoc Board reverses a finding made by the Committee that the school is liable.

(g) *Review and modification.* The Board may review and modify its decision upon submission of new and material evidence. The field station Committee will forward such evidence with its recommendation.

(h) *Finality of decisions.* The Board has authority to act for the Administrator in making administrative reviews of determinations that a school is or is not liable for an overpayment to a veteran or an eligible person. There is no right of appeal to the Board of Veterans Appeals.

§ 1.969 Revision of decisions; waiver and school liability.

(a) *Jurisdiction.* A decision involving waiver or school liability may be reversed or modified on the basis of new and material evidence, fraud, a change in law or interpretation of law specifically stated in a Veterans Administration issue, or clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered by the same or any other field station Committee if the decision was rendered by a field station Committee.

(b) *Finality of decisions.* Except as provided in paragraph (a), a decision involving waiver or school liability rendered by the Committee having jurisdiction is final, subject to the provisions of:

(1) Sections 3.104(a), 19.153 and 19.154 of this chapter as to finality of decisions except as provided in § 1.968(h);

(2) Sections 3.105 (a) and (b) of this chapter as to revision of decisions, except that the Central Office Staff may postaudit or make an administrative review of any decision of a field station Committee;

(3) Sections 3.103, 19.113 and 19.114 of this chapter as to notice of disagreement and the right of appeal, except as provided in § 1.968(h);

(4) Section 19.124 of this chapter as to the filing of administrative appeals and the time limits for filing such appeals.

(c) *Difference of opinion.* Where reversal or amendment of a decision involving waiver is authorized under § 3.105(b) of this chapter because of a difference of opinion, the effective date of waiver will be governed by the principle contained in § 3.400(h) of this chapter.

§ 1.970 Standards for compromise.

Decisions of the Committee respecting acceptance or rejection of a compromise offer shall be in conformity with the standards in §§ 1.900 through 1.937. In loan guaranty cases the offer of a veteran or other obligor to effect a compromise must relate to an indebtedness established after the liquidation of the security, if any, and shall be reviewed by the Committee. An offer to effect a compromise may be accepted if it is deemed advantageous to the Government.

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

§§ 13.200–13.217 [Revoked]

2. Sections 13.200 through 13.217, Central Office Board on Waivers and Compromises, are revoked.

PART 17—MEDICAL

3. Section 17.64 is revised to read as follows:

§ 17.64 Referrals of compromise settlement offers.

Any offer to compromise or settle any charges or claim for $20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *To Chiefs of Fiscal activities.* If the debt represents charges made under § 17.62(a), the compromise offer shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, provided:

(1) The debt does not exceed $1,000, and

(2) There has been a previous denial of waiver of the debt by a field station Committee on Waivers and Compromises.

(b) *To Chief Attorneys.* If the debt in any amount represents charges for medical services for which there is or may be a claim against a third party tort-feasor or under workman's compensation laws or Public Law 87–693; 76 Stat. 593 (see § 1.903 of this chapter) or involves a claim contemplated by § 1.902 of this chapter over which the Veterans Administration lacks jurisdiction, the compromise offer (or request for waiver or proposal to terminate or suspend collection action) shall be promptly referred to the field station Chief Attorney having jurisdiction in the area in which the claim arose, or

(c) *To Committee on Waivers and Compromises.* If one of the following situations contemplated in paragraph (c) (1) through (3) of this section applies

(1) If the debt represents charges made under § 17.62(a), but is not of a type contemplated in paragraph (a) of this section, or

(2) If the debt represents charges for medical services made under § 17.62(b), or

(3) A claim arising in connection with any transaction of the Department of Medicine and Surgery for which the instructions in paragraph (a) or (b) of this section or in § 17.65a(c) are not applicable, then, the compromise offer should be referred for disposition under § 1.900 et seq. of this chapter to the field station Committee on Waivers and Compromises which shall take final action.

4. In § 17.65, paragraph (a) is amended to read as follows:

§ 17.65 Terminations and suspensions.

Any proposal to suspend or terminate collection action on any charges or claim for $20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *Of charges for medical services.* If the debt represents charges made under § 17.62(a) or (b) questions concerning suspension or termination of collection action shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, or

* * * * *

5. Section 17.65a is revised to read as follows:

§ 17.65a Waivers.

Applications or requests for waiver of debts or claims asserted by the Veterans Administration in connection with the medical program generally will be denied by the station Fiscal activity on the basis there is no legal authority to waive debts, unless the question of waiver should be referred as follows:

(a) *Of charges for medical services.* If the debt represents charges made under § 17.62(a), the application or request for waiver should be referred for disposition under § 1.900 et seq. of this chapter to the field station Committee on Waivers and Compromises which shall take final action, or

(b) *Of claims against third persons and other claims.* If the debt is of a type contemplated in § 17.64(b), the waiver question should be referred in accordance with the same referral procedures for compromise offers in such categories of claims, or

(c) *Other debts.* If the debt represents any claim or charges other than those contemplated in paragraphs (a) and (b) of this section, and is a debt for which waiver has been specifically provided for by law or under the terms of a contract, initial action shall be taken at the station level for referral of the request for waiver through channels for action by the appropriate designated official. If, however, the question of waiver may also involve a concurrent opportunity to negotiate a compromise settlement, the application shall be referred to the Committee on Waivers and Compromises.

§ 17.96a [Revoked]

6. Section 17.96a, Authority to compromise claims and terminate or suspend collection action, is revoked.

§§ 17.300–17.306 [Revoked]

7. Sections 17.300 through 17.306, Board on Collections and Compromises, are revoked.

Approved: May 21, 1974.

By direction of the Administrator:

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–12234 Filed 5–28–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Notice of Open Meeting

Pursuant to the provisions of section 10, Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Committee for Employer Support of the Guard and Reserve Executive Committee will be held on June 7, 1974 in the Tenth Floor Board Room of the IDA Building, 400 Army Navy Drive, Arlington, Virginia.

The purpose of the meeting is to discuss the activities of the National Committee for Employer Support of the Guard and Reserve.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army Navy Drive, Arlington, Virginia 22202 (Phone: 202-697-6902).

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

MAY 23, 1974.

[FR Doc.74-12226 Filed 5-28-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-20]

PARMED PHARMACEUTICALS, INC.

Application for Registration

On July 23, 1973, the Acting Administrator of the Drug Enforcement Administration issued an Order to Show Cause to Parmed Pharmaceuticals, Inc., 2511 Pine Avenue, Niagara Falls, New York, as to why its application for registration dated February 10, 1973, and filed pursuant to Section 303 of the Controlled Substances Act (21 USC 823) should not be denied for the reason that such registration would be inconsistent with the public interest. The Respondent subsequently requested a hearing in the matter which was held on November 5, 6, 7, 28 and 29, 1973, before Administrative Law Judge Miles J. Brown. On January 18, 1974, both parties submitted Proposed Findings of Fact and Conclusions of Law and on February 1, 1974, Counsel for the Drug Enforcement Administration submitted a reply brief.

On March 27, 1974, Judge Brown issued the following Recommended Order to the Administrator of the Drug Enforcement Administration:

It is ordered, That Parmed's application for registration to handle controlled substances in Schedules II, III, IV and V be held in abeyance until submission of a plan for and implementation of a system designed to indicate those orders that are "suspicious" within the meaning of the applicable rules and regulations, and that upon approval of such plans by DEA, said registration shall issue; provided, however, that the granting of said registration shall be without prejudice to the Administrator taking into consideration the matters considered in this report in any subsequent proceeding brought pursuant to Section 303 or 304 of the Act, after the completion of any other "accountability investigation," or upon any other changed condition of fact or law.

Section 302(a) of the Controlled Substances Act requires that every person who manufactures, distributes or dispenses any controlled substance or who proposes to do so shall annually obtain registration with the Drug Enforcement Administration. The Respondent obtained such registration which expired on April 1, 1973.

Since that date, the Drug Enforcement Administration has permitted the Respondent to continue doing business on a day-to-day basis as authorized by § 1301.47, Title 21, Code of Federal Regulations. That regulation, however, permits the extension of an existing registration, not one which has expired, and that only until the Administrator issues a final order granting or denying an application for registration.

Since this publication is a final order within the meaning of § 1301.47, that regulation is no longer applicable to the respondent's circumstances and the Drug Enforcement Administration is now without legal authority to permit the Respondent to continue to do business on a day-to-day basis.

The Administrative Law Judge has recommended that the Drug Enforcement Administration hold in abeyance Parmed's application for registration until the submission and approval of a plan for monitoring suspiciously excessive orders for controlled substances. Since it is my opinion that an important control against the diversion of controlled substances into other than legitimate channels is the careful screening by distributors of orders for controlled substances, the Drug Enforcement Administration accepts in principle that recommendation.

The Drug Enforcement Administration will afford prompt consideration to any plan submitted by Parmed pursuant to the Recommended Decision. A description of the plan should be filed in triplicate with the Drug Enforcement Administration, Hearing Clerk, Office of Chief Counsel, 1405 Eye Street, NW., Washington, D.C. 20537.

Accordingly, I hereby adopt the Recommended Decision of the Administrative Law Judge and order that the application for registration be returned to the Respondent and not accepted until the Respondent has complied with the requirements of the recommended decision.

Having reviewed the transcript of testimony in this proceeding, the exhibits introduced, the Recommended Decision of the Administrative Law Judge, the Proposed Findings of Fact and Conclusions of Law, and the Memoranda of Law submitted by Counsel for the Government and Counsel for the Respondent, the Administrator, pursuant to the authority vested in the Attorney General by Section 304 of the Controlled Substances Act (21 U.S.C. 824) and redelegated to the Administrator of the Drug Enforcement Administration by Section 0.100 as amended, Title 28, Code of Federal Regulations, adopts the Recommended Decision of the Administrative Law Judge; however, since the Respondent is not currently registered under Section 303 of the Controlled Substances Act and since the regulatory authorization under which the Respondent is now doing business (Section 1301.47, Title 21, Code of Federal Regulations) is required to be terminated upon publication of this order in the FEDERAL REGISTER, it is hereby

Ordered, Effective upon publication in the FEDERAL REGISTER, that Parmed Pharmaceuticals, Inc., surrender expired Certificate of Registration PP0035851, any unused official order forms, and all controlled substances in its possession to the Buffalo District Office of the Drug Enforcement Administration; and it is further

Ordered, That Parmed Pharmaceuticals, Inc., may not lawfully distribute, manufacture, purchase, possess or in any other manner handle controlled substances, until an Application for Registration is approved and a Certificate of Registration issued by the Drug Enforcement Administration.

This surrender must be effective on or before June 6, 1974.

Dated: May 21, 1974.

JOHN R. BARTELS, Jr.
Administrator,
Drug Enforcement Administration.

[FR Doc.74-12229 Filed 5-28-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

UNGA, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 6, 1973, his Final Decision determining the eligibility of the Native Village of Unga, said decision appearing in 38 FR 33621 (1973).

On January 3, 1974, Azel L. Crandall filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga. Thereafter, on May 10, 1974, Azel L. Crandall, acting through his attorney of record, Keith A. Christenson, filed a Motion to Dismiss the appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga.

The Ad Hoc Board, finding no reason for justifying the denial of the Motion of Azel L. Crandall to Dismiss his Appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga, on May 10, 1974, issued a Final Order Dismissing the Appeal of Azel L. Crandall and Certifying Village.

On January 4, 1974, Joseph C. Manga filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga. Thereafter, on May 10, 1974, Joseph C. Manga acting through his attorney of record, Keith A. Christenson, filed a Motion to Dismiss the appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga.

The Ad Hoc Board, finding no reason for justifying the denial of the Motion of Joseph C. Manga to Dismiss his Appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga, on May 10, 1974, issued a Final Order Dismissing the Appeal of Joseph C. Manga and Certifying Village.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeals of Azel L. Crandall and Joseph C. Manga and Certifying Village, which requested the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Unga as eligible for benefits under the Alaska Native Claims Settlement Act, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Unga eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further applicable, and also issues to the Native Village of Unga a Certification of Eligibility.

CLARENCE ANTIOQUIA,
Acting Director.

MAY 17, 1974.

[FR Doc.74-12213 Filed 5-28-74;8:45 am]

Bureau of Land Management

COLORADO

[C-20598-R/W (943)]

Compressor Site Application; Western Slope Gas Co.

MAY 16, 1974.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Western Slope Gas Company, PO Box 840, Denver, Colorado 80201, has applied for a natural gas compressor station site right of way on the following lands:

T. 2 S., R. 102 W., 6th P.M., Colorado,
Sec. 36: NW¼SE¼ (Rio Blanco County).

The primary purpose of the proposed compressor station is to enable Western Slope Gas Company to withdraw increased volumes of natural gas from the West Douglas Natural Gas Field in order to meet the increasing demands for natural gas in the Grand Junction, Colorado, market area.

The purpose of this notice is to allow any persons asserting a claim to the lands, or having bona fide objections to the proposed compressor station site right of way, to file their objections in this office. Any claim or objection must be filed not later than 30 days from the date of this notice with evidence that a copy thereof has been served on Western Slope Gas Company. Assertion of claim or objection must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within the time specified herein.

RODNEY A. ROBERTS,
Acting Chief, Branch of Land Operations.

[FR Doc.74-12192 Filed 5-28-74;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE EAST TEXAS AND LOUISIANA

Information Notice

The Bureau of Land Management is planning to hold an oil and gas lease sale in the Outer Continental Shelf offshore Louisiana and East Texas during late July 1974. It will be composed of tracts offered but not leased at the recent Louisiana sale #33, held March 28, 1974, and at the upcoming East Texas sales #34 scheduled to be held on May 29, 1974. No other tracts will be included. The Secretary of the Interior will reserve the right to withdraw any tract from the sale at any time prior to the issuance of a written acceptance of a bid for that tract.

A formal notice of sale will be published in the FEDERAL REGISTER in late June 1974 announcing the date and place of the sale, the bid submission procedures, special stipulations, the list of tracts being offered and other pertinent information.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: May 23, 1974.

BRAD E. HANSWORTH,
Acting Assistant Secretary of the Interior.

[FR Doc.74-12298 Filed 5-28-74;8:45 am]

Geological Survey

MONTANA

Coal Land Classification Order No. 257

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

PRINCIPAL MERIDIAN, MONTANA

COAL LANDS

T. 16 N., R. 1 W.,
Secs. 4, S½SE¼;
Sec. 9, N½NE¼.

NONCOAL LANDS

T. 16 N., R. 1 W.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, N½SE¼;
Secs. 5 to 8, inclusive;
Sec. 9, S½NE¼, NW¼, S½;
Secs. 10 to 36, inclusive.
T. 16 N., R. 2 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 44,202 acres, more or less, of which about 160 acres are classified coal and about 44,042 acres are classified noncoal.

MAY 20, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74-12211 Filed 5-28-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-130]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has

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filed a petition to modify the application of 30 CFR 75.1405 to the following mines: Providence No. 1, Crescent, No. 9, Hamilton Nos. 1 & 2, Ohio No. 11, all located near Madisonville, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with section 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) Petitioner's mines do not employ a track coal haulage system, but, rather, a belt coal haulage system. Track is used for supplies and personnel transport only.

(2) Because of the belt system, Petitioner's mines are characterized by entries having a relatively narrower radius of curve, a less uniformly even bottom, and lighter weight rails than mines using a track haulage system.

(3) The cumulative effect of the foregoing characteristics on automatic couplers is to make them susceptible to accidental uncoupling, to reduce their reliability, and consequently to increase the probability of derailments.

(4) Track haulage cars used for transporting supplies in Petitioner's mines are not regularly coupled and uncoupled as the majority of all supply trips are coupled before entering the mine and not uncoupled prior to returning from said trip. Supplies are uploaded directly from the cars while on the track.

(5) Moreover, virtually all of Petitioner's supply cars in its mines are equipped with retractable rubber wheels which enable them to be used on and off track. Because of the fixed position of the wheels, the supply cars have limited maneuverability off track and, as a consequence, if equipped with automatic couplers would in almost every instance require a miner to get between vehicles in order to effect the proper alignment for coupling. In addition, off track use of rubber/rail vehicles tends to cause excessive wear on automatic couplers further reducing their reliability.

(6) Petitioner's track equipment currently uses link-and-pin couplers which generally enable the miner to insert the pin without physically positioning himself between vehicles. Said system allows closer and more accessible inspection of coupling parts than possible with automatic couplers. This improved inspection would aid in the prevention of coupling failure.

(7) Petitioner states that its training program and safety record while using the present coupling system has been excellent in each of the subject mines.

(8) Because of the foregoing facts, installation of automatic couplers on all equipment used on track in Petitioner's mines would diminish safety and, in fact, create hazards or the risk of hazards not now present.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

MAY 20, 1974.

[FR Doc.74–12193 Filed 5–28–74;8:45 am]

[Docket No. M 74–117]

OLGA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Olga Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Olga Mine located in McDowell County, West Virginia.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with section 75.1405 is 30 CFR 75.1405–1 which provides as follows:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) Mine supplies (e.g., roof bolts, timbers, rock dust, cement, ties and spare parts) are delivered to the underground working sections and other areas of the mine by supply cars which are loaded on the surface, lowered underground by a shaft elevator, coupled into trains on the bottom and then hauled by electric locomotive to the places where the supplies are needed. Approximately 146 supply cars are set aside for supply use at this mine—46 for the low coal areas and 100 for the high coal areas.

(2) The supply cars, unlike the modern, heavy, uniform mine cars used for hauling coal, are of four different types and sizes. Most importantly, because they must be used outside the mine as well as underground in carrying on the supply function, they must be of a size which can be accommodated by the shaft elevators. All supply cars are approximately 78 inches wide, the four wheels being positioned to fit a four-foot gauge track.

(3) Each supply car is fitted on each end with a horizontally-slotted bumper. Each bumper is perforated with a two-inch diameter hole. Coupling is performed by 1¾ inch diameter steel pins inserted through these holes and inside the circumference of a steel link positioned in the slots of the bumpers of two adjacent cars. The front bumper of each car contains a fixed pin and link. The rear bumper contains only a vertically moveable pin. This pin is constructed with a head so designed as to permit a convenient hand-hold for lifting or dropping and is fastened to the end of the car by a chain.

(4) With respect to all mine supplies except roof bolts, the supply cars are loaded in the outside supply yard, manually coupled into trains and pushed by battery locomotive upgrade to a position where the end car is near the top of the mine elevator shaft. As each supply car is uncoupled, it is pushed by the battery locomotive and other cars in the train onto the shaft elevator, automatically locked into position and then lowered 589 feet to the shaft bottom. A hoisting employee at the shaft bottom pushes a lever to disengage the car from its locked position in the elevator and start it out the track. The car proceeds by gravity down a side-track where it comes to rest against another car or a locomotive. When the desired number of supply cars have been gathered together, they are manually coupled by positioning the involved pins and links. They are then pulled by electric locomotive in 10 to 12 car trains to the various parts of the underground workings where the supplies are to be delivered. Periodically, after the supply cars have been emptied they are gathered together in trains and hauled to the outside supply yard by means of a reverse procedure to that used when they were loaded.

(5) Even the shortest of the supply cars barely fits inside the elevator. The elevator in turn barely fits inside the elevator shaft. When the 12'4'' long car is in the elevator, it projects two inches beyond the ends of the elevator and practically touches the shaft sides.

(6) Petitioner has explored the possibility of adapting the supply cars with automatic couplers, but has not been able to discover how this could be done without appreciably increasing the overall car lengths. Any such increase in car length would make unusable the two mine shaft elevators for bringing supplies into the mine. If the shaft elevators cannot be used this would require that the supplies be loaded from supply car to elevator at the shaft top and from elevator to supply car at the shaft bottom. This manual lifting and handling of heavy mine materials in close quarters would so greatly increase employee exposure to injury that a clear diminution of safety would result.

(7) Constructing new, larger shafts and elevators is not feasible. This would require several years and apart from the inconvenience to all concerned as well as the economics, would be another occasion for diminution in safety because of the employee exposure that would result from the shaft sinking. The potential for serious injury in sinking enormous shafts some 600 feet would far exceed any potential for hand or finger injury that might result from use of the present link and pin coupling system in coupling and uncoupling stationary supply cars.

(8) Apart from the mine shaft problem, automatic couplers appended to the present supply cars would create additional hazards, namely:

A—Automatic couplers do not possess the flexibility of pin and link coupling. If connection between the varying types of supply cars could be effectuated while the cars are stationary on level track, there is serious question whether this would endure once trains of cars were in transport to or from the underground mining areas. Unlike the stable, heavy, eight-wheeled coal cars, the lighter supply cars require more tolerance in their travel over and relation to the rail system. The danger of derailments causing roof falls in this mine would be greatly increased if the unaccommodating, inflexible automatic couplers were used on supply cars.

B—In situations where the automatic couplers do not "match up" because of differences in types of cars being coupled or because of the shifting of unlike cars during transit, manual over-ride of the automatic feature would be required. This would necessitate employees not only positioning themselves between cars, but engaging in awkward and heavy work while so positioned. The hazard of injury would be much greater than in manual positioning of link or pin.

(9) Petitioner has been advised that perhaps there are other systems in lieu of automatic couplers that have been recently put into effect and which better achieve the safety purpose sought to be achieved by the Interim Mandatory Safety Standard of Section 314(f) of the Act. Until it has had opportunity to learn about and evaluate such systems, however, Petitioner sincerely submits that any requirement that it abandon its present system of coupling and uncoupling supply cars at the Olga mine in favor of installation of automatic couplers would be a serious diminution of safety.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

MAY 21, 1974.

[FR Doc.74–12194 Filed 5–28–74;8:45 am]

[Docket No. M 74–86]

SMITH & BAKER CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 USC section 861(c) (1970), Smith & Baker Coal Company, Inc. has filed a petition to modify the application of 30 CFR 77.1605(k) to its Bimbo Mine located at Hall Hollow, Buchanan County, Virginia.

30 CFR 77.1605(k) provides as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposes to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturers brakes.
(b) Engine or Jacobs brakes.
(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retaining programs.

Petitioner further states that the alternate method outlined above will, at all times, guarantee no less than the same measure of protection afforded the miners at the petitioner's mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

MAY 21, 1974.

[FR Doc.74–12195 Filed 5–28–74;8:45 am]

National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, June 10, 1974, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive SW., Washington, D.C.

The committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorialising persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital region.

The members of the committee are as follows:

Mr. Ronald H. Walker (Chairman)
Director, National Park Service
Washington, D.C.

Mr. George M. White
Architect of the Capitol
Washington, D.C.

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General Mark W. Clark
Chairman, American Battle Monuments Commission
Washington, D.C.
Mr. J. Carter Brown
Chairman, Fine Arts Commission
Washington, D.C.
Mr. William H. Press
Chairman, National Capital Planning Commission
Washington, D.C.
Honorable Walter E. Washington
Mayor-Commissioner of the District of Columbia
Washington, D.C.
Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to prepare criteria and guidelines and policies for memorializing persons and events on Federal lands in the National Capital region. Also, the following memorial proposal will be considered

1. S.J. Res. 45—To provide for the erection of a memorial to those who served in the Armed Forces of the United States in the Vietnam war.

The meeting will be open to the public. Any person may file with the committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202–426–6715. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: May 22, 1974.

ROBERT M. LANDAU,
Liaison Officer,
Advisory Commissions.

[FR Doc.74–12296 Filed 5–28–74;8:45 am]

SOUTHEAST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southeast Regional Advisory Committee will be held at 8 a.m., e.s.t., on June 20 and 21, 1974, at the Sugarland Visitor Center, Park Headquarters, Great Smoky Mountains National Park.

The purpose of the Southeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mr. Charles Edward Lee (Chairman)
Columbia, South Carolina
Mrs. Ann Smith Bedsole
Mobile, Alabama
Mr. Tutt S. Bradford
Maryville, Tennessee
Mr. Robert Gable
Frankfort, Kentucky
Mr. Alfredo Heres Gonsalez
Santurce, Puerto Rico
Honorable Donald Kincaid
Lenoir, North Carolina
Dr. John M. King
Jackson, Mississippi
Mrs. Jane Hurt Yarn
Atlanta, Georgia
The Very Reverend Monsignor Michael V. Gannon
Gainesville, Florida

The matters to be discussed at this meeting are: (1) Great Smoky Mountains National Park Master Plan and Wilderness study in the context of regional planning, (2) Park operations of selected parks visited by members, (3) Wilderness studies of Everglades and Mammoth Cave National Parks, and (4) Resources and management of Great Smoky Mountains National Park.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend the afternoon sessions. Morning sessions on both days will consist of tours of park facilities and resources for which members of the public will provide their own transportation. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Activities Division, Southeast Regional Office, at 404–526–7560. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Southeast Region, 3401 Whipple Ave., Atlanta, Georgia.

Dated: May 22, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc. 74–12297 Filed 5–28–74;8:45 am]

Bureau of Reclamation

PALMETTO BEND PROJECT, TEXAS

Notice of Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Palmetto Bend Project, Texas. This statement (INT DES 74–50, dated April 30, 1974) was filed with the Council on Environmental Quality on May 1 and was made available to the public at that time.

The draft environmental statement covers the impacts on the environment of the authorized stage 1 of the project, which consists of construction of Palmetto Bend Dam and Reservoir on the Navidad River about 5 miles south of Edna, Jackson County, Texas, as well as associated recreational, fish, and wildlife facilities. The project will provide a dependable source of municipal and industrial water for Jackson and Calhoun Counties and additional recreational, fishing, and hunting opportunities in the general gulf coast area.

A public hearing will be held in Edna, Texas, in the Jackson County district courtroom, Jackson County Courthouse, at 10 a.m., on July 2, 1974, and will continue into the evening if necessary, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order tand his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 4 p.m., June 27, 1974, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director James A. Bradley, Bureau of Reclamation, Room 1418, 317 East Third Street, Amarillo, Texas 79101, telephone (806) 376–2401, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by July 12, 1974, for inclusion in the hearing record.

Dated: May 20, 1974.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.74–12352 Filed 5–28–74;8:45 am]

Office of the Secretary

[INT FES 74–24]

PROPOSED WILDERNESS, MESA VERDE NATIONAL PARK, COLORADO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness designation of 8,100 acres of Mesa Verde National Park.

The environmental statement considers the social, economic, and ecological effects of the proposal to designate 15.5 percent of park as wilderness.

Copies of the final environmental statements are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215
Utah State Office
National Park Service
125 South State Street
Salt Lake City, Utah 84111
Superintendent
Mesa Verde National Park
Mesa Verde National Park, Colorado 81330

Dated: May 21, 1974.

ROYSTON C. HUGHES,
Secretary
of the Interior.

[FR Doc.74–12383 Filed 5–28–74;8:45 am]

[INT FES 74–27]

PROPOSED UPPER IOWA RIVER ACQUISITION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Upper Iowa River acquisition. The Notice of Availability inviting comments on the draft statement (INT DES 73–42) was published in the FEDERAL REGISTER on August 2, 1973.

The environmental statement considers the acquisition of a scenic river corridor on approximately 4,993.5 acres of land in Winneshiek County, Iowa. Acquisition will be by the State of Iowa; Federal financial assistance will be provided by the Land and Water Conservation Fund.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Mid-Continent Region, 603 Miller Court, Lakewood, Colorado 80215.
Bureau of Outdoor Recreation, Division of State Programs, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.
State Clearinghouse, Office of Planning and Programming, State Capitol, Des Moines, Iowa 50319.

A limited number of single copies are available and may be obtained by writing Regional Director, Bureau of Outdoor Recreation, Mid-Continent Region, 603 Miller Court, Lakewood, Colorado 80215.

Dated: May 24, 1974.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc.74–12384 Filed 5–28–74;8:45 am].

[INT DES 74–59]

WHITE RIVER NATIONAL FISH HATCHERY

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91–190, the Department of the Interior has prepared a draft environmental statement for the proposed White River National Fish Hatchery in Windsor County, Vermont, and invites written comments on or before July 12, 1974.

The White River National Fish Hatchery will be constructed and operated for the propagation of Atlantic salmon. The production at this facility will aid in restoring Atlantic salmon to the Connecticut River watershed and will be distributed in accordance with an understanding between the Bureau and the States of Vermont, New Hampshire, Massachusetts, and Connecticut. This statement examines the environmental impacts of the proposed White River project.

Copies of the draft statement are available for inspection at the following locations:

Pittsford National Fish Hatchery
Pittsford, Vermont 05763
Bureau of Sport Fisheries and Wildlife
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109
Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
Room 2246
18th and C Streets, N.W.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: May 24, 1974.

ROYSTON C. HUGHES,
Assistant Secretary,
Program Development and Budget.

[FR Doc.74–12385 Filed 5–28–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGAR QUOTAS FOR CALENDAR 1974

Notice of Marketing Determination

Section 204(a) of the Sugar Act of 1948 (61 Stat. 925, as amended, 7 USC 1114), provides in part that "The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than each sixty days after the beginning of each calendar year, determine whether, in view of the current inventories of sugar, the estimated production from the acreage of sugarcane or sugar beets planted, the normal marketings within a calendar year of new-crop sugar, and other pertinent factors, any area or country will not market the quota for such area or country."

In accordance with the provisions of section 204(a) of the Sugar Act of 1948 (61 Stat. 925, as amended, 7 USC 1114), and on the basis of information currently ascertainable by the Department of Agriculture, it is hereby determined as of May 14, 1974, that no domestic areas or countries will fail to market their respective 1974 sugar quotas except as heretofore determined and set forth in §§811.31, 811.32 and 811.33 (39 FR 11523), published March 29, 1974.

Signed at Washington, D.C. on May 22, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–12233 Filed 5–28–74;8:45 am]

Forest Service

HUCKLEBERRY PLANNING UNIT, MT. HOOD NATIONAL FOREST, OREGON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Huckleberry Planning Unit, Mt. Hood National Forest, Oregon. USDA–FS–R6–DES–(Adm)–74–7.

The environmental statement concerns a proposed land use management plan for the Huckleberry Planning Unit, Zigzag Ranger District, Mt. Hood National Forest, in Clackamas County, Oregon. The proposed plan applies to approximately 30,000 acres within the National Forest Boundary.

This draft environmental statement was transmitted to CEQ on May 21, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250
USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204
Mt. Hood National Forest
340 N.E. 122nd Avenue
Portland, Oregon 97216

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor Wright T. Mallery, 340 NE. 122nd Avenue, Portland, Oregon 97216.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

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Comments concerning the proposed action and requests for additional information should be addressed to responsible official, Wright T. Mallery, Forest Supervisor, 340 N.E. 122nd Avenue, Portland, Oregon 97216. Comments must be received by August 1, 1974, in order to be considered in the preparation of the final environmental statement.

CARL W. HICKERSON,
Acting Regional Forester,
Region 6.

MAY 21, 1974.

[FR Doc.74–12254 Filed 5–28–74;8:45 am]

NEBRASKA NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Nebraska National Forest Livestock Advisory Board will meet at 8 p.m., c.d.t., June 11, 1974, at the Forest Service Office, Halsey, Nebraska.

The purpose of this annual meeting is to discuss various grazing resource management practices.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Bessey Ranger District, Halsey, Nebraska 69142, phone (308) 533–2257.

The Committee has established the following rules for public participation:

1. Members of the public may present oral statements at any time during discussions.

2. Any member of the public who wishes to do so should file a written statement with the Committee, either before or after the meeting.

Dated: May 20, 1974.

J. MERLE PRINCE,
Forest Supervisor.

[FR Doc.74–12259 Filed 5–28–74;8:45 am]

SAWTOOTH NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Sawtooth National Forest Multiple Use Advisory Committee will meet at 1:30 p.m. on June 7, 1974, at the Holiday Inn in Twin Falls, Idaho.

The purpose of this meeting is to obtain the Committee's advice on:

(a) Sawtooth National Forest implementation over the next two years of the Forest Service off-road vehicle regulations (36 CFR 295).

(b) The proposed General Management Plan for the Sawtooth National Recreation Area, made available for public review on April 26, 1974.

(c) Appropriate methods of public involvement in future land use planning efforts on the Sawtooth National Forest.

Current status reports will be presented to the Committee and discussions held on:

(a) Tussock Moth control projects.

(b) Proposals for City of Rocks.

(c) Proposed Forest Service mining regulations.

(d) On-going Sawtooth National Recreation Area management programs.

The meeting will be open to the public. Written statements may be filed with the Committee before or after the meeting.

Dated: May 21, 1974.

E. A. FOURNIER,
Forest Supervisor.

[FR Doc.74–12258 Filed 5–28–74;8:45 am]

Office of the Secretary

ENVIRONMENTAL IMPACT STATEMENTS

Policies and Directives

On August 1, 1973, the Council on Environmental Quality (CEQ), published its revised guidelines for the preparation of environmental impact statements in the FEDERAL REGISTER (38 FR 20549). On November 19, 1973, the Office of the Secretary published proposed revised USDA guidelines based on the CEQ guidelines (38 FR 31935).

The revised USDA guidelines set forth herein are in large part identical to the proposed revised guidelines. The following changes were made in response to comments that were received:

1. .2 *Policy.*

(a) *General.* Second paragraph, first sentence changed to read "• • • to avoid or minimize adverse effects, including secondary effects, whenever • • •"

2. .4 *Preparation and distribution of environmental impact statements.*

(a) *General considerations.* Last paragraph rewritten.

3. .4 • • •

(b) *Content of environmental impact statements.*

• • • • •

(2) *Environmental impacts.* After fourth sentence add new sentence "Assessments of social impacts shall include consideration of civil rights, minority groups and low income persons."

4. .4 • • •

(b) • • •

• • • • •

(4) *Irreversible and irretrievable commitment of natural, cultural and other resources.* The words "• • • natural, cultural and other • • •" were added to the subheading.

.4 • • •

(c) *Distribution of environmental statements.* Second paragraph deleted and a new subsection (d) established dealing with availability of EIS's to the public.

5. .5 • • •

• • • • •

(f) Deals with public information and involvement. A comment was received regarding adequate newspaper public notices. It was concluded that the guidance provided to the several USDA agencies by section .5(f) was adequate to provide for meeting the thrust of the recommendation where appropriate.

These guidelines shall become effective on May 29, 1974.

1. *Purpose and authority.* This directive states policy and provides guidance to agencies of the Department in fulfilling the requirements of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C).) This section requires Federal agencies to include in every recommendation or report on proposals for legislation and other major Federal actions (administrative actions) significantly affecting the quality of the human environment a detailed environmental impact statement (EIS). Additional authority, directives and instructions are found in (1) Executive Order 11514, (2) Council on Environmental Quality (CEQ) Guidelines for Preparation of Environmental Impact Statements, as published in the FEDERAL REGISTER, Vol. 38, No. 147, August 1, 1973, Part II, and (3) Section 12(a), Clean Air Act Amendments of 1970, which added a new section 309 to the Clean Air Act.

The objectives of these guidelines are to provide (1) a uniform system for determining whether proposed or pending legislation and other major USDA actions will significantly affect the quality of the human environment, (2) criteria for defining major USDA actions, and (3) guidance for preparing EIS's.

2. *Policy.* (a) *General.* These guidelines are to be followed by all agencies of the Department in fulfilling the requirements of section 102(2)(C) of the National Environmental Policy Act (NEPA).

As early as possible, and in all cases prior to an agency decision concerning a major action that significantly affects the quality of the human environment, USDA agencies will, in consultation with other appropriate Federal, State and local agencies, and the public assess in detail the potential environmental impact in order to avoid or minimize adverse effects, including secondary effects, whenever possible and to restore or enhance environmental quality to the fullest extent practicable. In particular, alternative actions that will avoid or minimize adverse impact should be explored and both the long- and short-range implications of a proposed action to man, his physical and social surroundings and to nature should be evaluated.

Assessments of the environmental impacts of a proposed action should be undertaken concurrently with initial technical and economic studies. Draft EIS's on administrative actions should be prepared in time to accompany the proposal through the existing agency review processes and prior to the first significant point of decision in the agency formal review process for such action. General policy is that, to the fullest extent possible, the NEPA section 102(2)(C) process will be completed before irreversible decision is made on major Federal actions significantly affecting the quality of the human environment.

USDA agencies will consider NEPA to supplement existing authorities, except where prohibited by law.

(b) *Agency procedures.* Each USDA agency head is responsible for preparing more specific procedures, applying these broad directives, together with the provisions of the NEPA and other implementing regulations, to the specific programs administered by that agency.

Such agency procedures should give special attention to identifying those agency actions requiring EIS's, the appropriate time prior to the decision for the consultations required by section 102(2)(C) and the agency review process for which EIS's are to be available. In those instances where EIS's are required, agency procedures are to provide for (1) obtaining information required in their preparation, (2) designating the officials who are to be responsible for EIS's, (3) consulting with and taking account of comments of appropriate Federal, State and local agencies and the public, (4) limiting actions which an applicant is permitted to take prior to completion and review of the final EIS with respect to his application, and (5) timely public information on Federal plans and programs and environmental impact.

Agency procedures should provide for monitoring to assure (1) agency compliance with the procedural requirements of NEPA, and (2) that environmental safeguards are executed according to plan.

Revisions of agency procedures are to be proposed and adopted after consultation, where appropriate, with the USDA Coordinator of Environmental Quality Activities (hereinafter referred to as office of the coordinator), Washington, D.C., and CEQ. All appropriate Federal and State agencies and the public shall be given the opportunity to comment on all major revisions which shall be published in the FEDERAL REGISTER.

(c) *Responsible official.* Delegations of regular program responsibilities to agency heads include responsibility for the EIS process. Agency heads may further delegate responsibility for the process to other officials within their agency. The office of the coordinator will provide needed oversight and will, prior to transmittal to CEQ, review and sign off on EIS's that involve legislation, regulation and Departmental policies. For all other actions, the responsible agency official will send copies of his agency's EIS's directly to CEQ. A copy of the transmittal letter shall be sent to the office of the coordinator.

(d) *Lead agency.* Where USDA and one or more other Departments are involved in an action, the office of the coordinator and CEQ will assist in determining the feasibility of the preparation of a joint EIS by all parties concerned or the designation of a lead agency responsible for the preparation of the statement. In cases involving land management actions, the responsible land management agency is generally the preferred lead agency because of previously accrued responsibilities, large magnitude of involvement, relevant expertise and sequence of actions. USDA agencies, when designated as lead agency for an EIS, will be responsible for consulting with and obtaining information from other involved agencies with respect to their jurisdiction and expertise.

In certain instances, several USDA agencies have program responsibilities relative to a major Federal action having a significant effect on the human environment. In such cases, the lead agency will be determined in consultation with the office of the coordinator. The lead agency will coordinate the input of all concerned USDA agencies in the development of the EIS.

.3 *Types of actions covered.* (a) *General.* The National Environmental Policy Act, Section 102(2)(C), directs all agencies of the Federal Government to "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on the environmental impact of the proposed action." The Council on Environmental Quality, Guidelines for Preparation of Environmental Impact Statements, interprets the types of actions covered to include: (1) Recommendations or favorable reports relating to legislation for which USDA will be the responsible Department; (2) the making, modification or establishment of regulations, rules, procedures and policy; and (3) administrative actions on new and continuing projects and program activities.

"Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in economic, social and ecological conditions. Each USDA agency must use good judgment in determining when EIS's are required and must issue its own guidelines specifying as closely as possible those actions for which an EIS will be required. Controversy is a factor to be considered in determining whether or not an action is a "major" one. Board public reaction will generally be necessary for deeming that a controversy exists.

(b) *Environmental impact statements for recommendations and favorable reports on proposals for legislation*—(1) *Scope.* This subsection deals with recommendations and favorable reports on proposals for legislation involving (i) substantive bills referred to the Department for comment, and (ii) substantive legislative proposals from this Department.

(2) *Decision, preparation and record.* USDA agencies designated for preparing reports on legislation of the type covered herein will be responsible for determining which legislative proposals or reports require EIS's and for the preparation of EIS's acting on their own or in consonance with others in USDA agencies designated for preparing respond promptly to requests from other USDA agencies for information or other assistance needed for developing statements.

Environmental impact statements, when required, should, to the maximum extent possible, accompany the legislative proposal or report. The proposal or the report should make reference to the EIS.

Copies of all EIS's relative to legislation covered by this subsection will be kept on file by the Records and Directives Branch, Office of Operations, as a part of the usual file on legislative reports. The office of the coordinator, with the assistance of appropriate staff offices, will determine if there are any needs for other records.

(3) *Consultation and review.* When necessary, after consulting with the office of the coordinator, the agency preparing the EIS may consult with appropriate Federal, State, and local agencies and the public during such preparation prior to the submission of legislative proposals or reports to the Office of Management and Budget (OMB). The comments and views of such agencies should be considered in the EIS. When time does not permit such prior consultation, it will be accomplished concurrently with the formal review of the legislative proposals or reports carried out by the OMB.

(4) *Forwarding environmental impact statements.* The Office of Management and Finance (OMF) will be responsible for forwarding copies of EIS's on the subject covered in this subsection to CEQ after review by the office of the coordinator. Where there is an EIS on a legislative proposal or report submitted to OMB for clearance, an information copy of the EIS will accompany each copy of the proposal or report. Preparing agencies will furnish sufficient copies of the EIS's as enclosures to the proposal or report.

Following clearance by OMB of the related legislative proposal or report the EIS will be forwarded to Congress by OMF and will be made available to the public by the responsible agency official.

(c) *Environmental impact statements for establishing or modifying regulations, rules, procedures and policy.* (1) When responsibility for implementing a program or action is delegated to a specific agency and regulations or policy statements are necessary, the need for an EIS will be determined by the assigned agency. Consultation with the office of the coordinator and the appropriate general officer may be desirable. If the decision is made that an EIS is necessary, it will be developed as outlined in subsection .4 (Preparation and distribution of EIS's) and reviewed as outlined in subsection .5 (Consultation, review and public involvement) in time to accompany the proposed regulations or policy statement through the review process.

(d) *Environmental impact statements for USDA administrative actions*—(1) *Scope.* This subsection deals with major USDA administrative actions which may significantly affect the quality of the human environment.

(2) *Major administrative actions.* Major administrative actions may relate to the development of a national program or to the implementation of projects within that program. In some instances, it may be appropriate to aggregate a number of smaller similar actions proposed within a geographical area, and consider them in a single EIS. Major actions may include: (i) projects and continuing activities operated by USDA agencies or supported in whole or in part through USDA assistance, including contracts, grants, cost sharing, subsidies, loans or other forms of funding support, and involving USDA leases, permits, licenses, certificates or other entitlements of use; and (ii) initiation of major research programs or major changes in existing programs and pilot scale projects.

.4 *Preparation and distribution of environmental impact statements*—(a) *General considerations.* An environmental impact statement is prepared in two stages. A draft EIS is the first formal statement for filing with CEQ and for review and comment by other agencies and the public. A final EIS reflects the results of the draft review process and it is also filed with CEQ. The draft EIS must fulfill and satisfy to the fullest extent possible, at the time the draft is prepared, the requirements established for final EIS's by section 102(2)(C). Comments received during preliminary consultations on the draft EIS and the final EIS will be carefully evaluated and considered in the decision making process.

Agencies may request applicants to furnish analyses and information in connection with their application. This material may be used in the preparation of an EIS. This is also the case in Federally supported grant and cooperative programs with states and local governments.

A systematic, interdisciplinary approach integrating the natural, social science and environmental design arts will be used in the preparation of EIS's. Alternative actions that will reduce adverse impacts or enhance positive effects will be thoroughly explored. Long- and short-range implications to man, to his physical and social surroundings and to nature are to be examined.

Environmental impact statements will be documents complete enough to stand on their own. They should be as succinct and understandable as possible. Highly technical and specialized analyses and data should, if needed, be appended to the body of the statement. Particular attention should be given to the substance of the information conveyed rather than to the particular form, length or detail of the EIS.

Agency NEPA procedures should provide for appropriate consultation and coordination in accordance with the requirements of the Fish and Wildlife Coordination Act or the wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act and section 4(f) of the Department of Transportation Act 49 U.S.C. 1653(f). To the extent possible statements or findings required by these statutes concerning environmental impact should be combined with the environmental impact statement requirements of section 102(2)(C) of NEPA to yield a single document which meets all applicable requirements.

(b) *Content of environmental impact statements.* The following points must be addressed in EIS's:

(1) *Description.* The proposed action must be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Where appropriate, describe the present environment, location, size, land

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ownership and status, physiography, ecosystems, climate and other special features. Where relevant, maps or other graphic material should be provided. The objectives and purposes of the proposal must be given, along with other relevant background information.

The interrelationships of the proposed action with other projects and possible cumulative effects should be presented. Agencies should also identify growth characteristics of th affected area and any population and growth assumptions used. Where available, OBERS Projections are to be used.

The relationship of the proposal to land use plans, policies and controls for the affected area must be described. Where conflicts exist, the proposed resolution of these conflicts or the reasons why they cannot be resolved must be thoroughly addressed.

(2) *Environmental impacts.* This requires analyses and descriptions of both the anticipated favorable and adverse impacts of the proposed action as it affects the environment. Where appropriate, the international environmental impacts are to be assessed. The environment in this case includes both the natural environment and the social and economic environment. Air quality, water quality, land use and wildlife are examples of areas of environmental impact. Assessments of social impacts shall include consideration of civil rights, minority groups and low income persons.

Primary, secondary and accumulative effects must be considered in the analyses. Planned measures to minimize the adverse environmental impacts of the proposal should be discussed. Summaries of the probable favorable and adverse effects which cannot be avoided will be included, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion and threats to health. There should be included an indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects.

(3) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This, in essence, requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(4) *Irreversible and irretrievable commitment of natural, cultural and other resources.* This requires the agency to identify the extent to which the action curtails the range of beneficial use of the environment.

(5) *Alternatives to the proposed action.* Alternatives to accomplish an objective should be identified and effects evaluated as part of the planning process. Evaluation must be sufficient to determine benefits, costs and risks. In the agency's view, the "best" alternative is selected as the proposed action or several alternatives are presented pending selection of the best alternative and presented to others for review and criticism. The impacts and consequences of each alternative should be presented so that others may form an independent view of the worth of the proposed action and possible alternative courses of action. In the course of review of the draft statement, additional viable alternatives may be identified. Alternatives may include those not within the existing authority of the agency. A "no action" alternative will generally have to be evaluated, along with other alternatives such as different designs, locations or new approaches to accomplishing the objectives.

Available benefit/cost information for the proposed action and each alternative should be either appended to the EIS or made available to the public.

(6) *Consultation with appropriate Federal agencies and review by state and local agencies and public involvement.* The draft EIS should describe consultation and involvement and a summary of the results of this action, including a list of those consulted.

All substantive comments received on the draft EIS (or summaries thereof where response has been exceptionally voluminous) are to be attached to the final EIS, whether or not each such comment is thought to merit individual discussion by the agency in the text of the EIS.

(7) *Cover sheet and summary sheet for environmental impact statements.* All USDA EIS's will include a cover page and a summary sheet constructed as shown below. The cover page should not include the description title shown on the left margin, but only that information within the box, which is given as an example:

Cover page:	
Report number	[1] USDA–REA–ES, unit or program code if desired, (ADM)–72–11–D.
Title	Beaver Creek to Wray, Colo., Transmission Line.
Subtitle	Draft (or final) environmental statement.
Responsible official	David A. Hamil, Administrator, Rural Electrification Administration.
Performing organization	Tri-State Generation and Transmission Association.
Name and address	P.O. Box 29199, Denver, Colorado 80229.
Date prepared	August 14, 1971.
Sponsoring agency	Prepared by—
Name and address	U.S. Department of Agriculture, Rural Electrification Administration, Washington, D.C. 20250.

[1] USDA, REA, Environmental Statement (Administrative), fiscal year 1972, sequential number 11, within that year, draft or "F" for final. Some USDA agencies may wish to use a unit code in addition to the agency abbreviation. Draft and final statements for the same action should be assigned identical report numbers, even though final statements may be prepared in the subsequent fiscal year.

USDA ENVIRONMENTAL STATEMENT

"Title"

Prepared in Accordance With Sec. 102(2)(C) of P.L. 91-190

SUMMARY SHEET

(Check one) ( ) Draft ( ) Final Environmental Statement

Name of responsible Federal agency (with name of operating division where appropriate). Name, address and telephone number of individual at the agency who can be contacted for additional information about the proposed action or the statement.

1. Name of action (Check one) ( ) Administrative Action ( ) Legislative Action.

2. Brief description of action and its purpose. Indicate what states (and counties) are particularly affected and what other proposed Federal actions in the area, if any, are discussed in the statement.

3. Summary of environmental impacts and adverse environmental effects.

4. Summary of major alternatives considered.

5. (For draft statements) List all Federal, state and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, state and local agencies and other parties from which written comments have been received.

6. On final environmental impact statement *summary sheet only*, show date the draft environmental statement was transmitted to CEQ.

(8) *The EIS is to summarize and document data sources.*

(c) *Distribution of environmental impact statements to CEQ.* Except as covered in subsection .5(b) (EIS's for recommendations or reports on proposals for legislation), agency officials responsible for preparing EIS's are responsible for furnishing copies of the EIS's to CEQ.

Five (5) copies of draft EIS's prepared by USDA agencies and five (5) copies of the final text of EIS's shall be supplied to CEQ (this will serve as making EIS's available to the President).

(d) *Availability of environmental impact statements to the public.* Copies of draft and final EIS's are to be made available to the public by the responsible Federal official without charge to the extent practicable. Consistent with general guidelines for in-office maintenance of records, each agency will maintain at its headquarters a historical file of EIS's available for public inspection.

.5 *Consultation, review and public involvement.*—(a) *Consultation.* Prior to the development of draft EIS's, USDA agencies shall consult with interested parties, including appropriate Federal, state and local agencies and the public. Comments and views of such interested parties should be considered in developing the draft environmental statement. Inclusion of comments and views of any agency in a draft environmental statement shall not in any way limit such agency in its subsequent submission of comments on the draft environmental statement. Appendix II, CEQ Guidelines, should be consulted for possible impacts and agencies which should be consulted.

(b) *Office of Management and Budget procedures.* For direct Federal projects and projects assisted under programs listed in Attachment D of the OMB Circular No. A-95, review by state and local governments will be through procedures set forth under Part I, Circular No. A-95.

(c) *Environmental Protection Agency review.* The Environmental Protection Agency (EPA) has special responsibilities under section 309, Clean Air Act. USDA agencies are to comply with the requirements of that Act.

(d) *Circulation for review and comment, Federal, state and local agencies; and time limit.* The draft environmental statement shall be circulated for review and comment by Federal, state and local agencies having jurisdiction by law or special expertise with respect to environmental impacts (see Appendix II, CEQ Guidelines, August 1, 1973); and shall be made available for comment by the public. A time limit of not less than sixty (60) days from the date of transmittal by the responsible official to CEQ will be observed to receive comments by reviewers.

To the maximum extent practicable, no administration action is to be taken for thirty (30) days after the final EIS has been furnished to CEQ and made available to the public.

(e) *Expedited procedures.* Where emergency circumstances make it necessary to take action with significant environmental impact without observing the provisions of subparagraphs (a), (b), (c) and (d) of this section, the agency proposing to take the action shall work through the office of the coordinator in consulting with the CEQ about alternative arrangements.

(f) *Public information and involvement.* USDA agencies will use appropriate procedures to insure the fullest practicable provision of timely public information, understanding and involvement in Federal (USDA) plans and programs with environmental impact in order to obtain views and information on alternative courses of action (Executive Order No. 11514 of March 5, 1970, and Secretary's Memorandum No. 1695, Supplement 5, of December 1, 1970).

It is an objective of USDA to involve the public early and continue throughout the process in developing its policies and in formulating and implementing its programs. Agencies will discharge their environmental responsibilities in ways that make their management processes visible and their people available. Agencies are to utilize timely and effective procedures such as direct verbal contact, meetings, printed materials, news media, public notices and hearings, as appropriate, to accomplish these objectives.

When hearings are held to review draft EIS's, such draft EIS's must be available at least fifteen (15) days in advance of the hearing.

Agencies are to maintain a list of environmental statements under preparation, make the list available to CEQ on a quarterly basis, and keep it available for public inspection. If an agency decides that an environmental statement is not necessary for a proposed action (i) which the agency has identified as normally requiring preparation of a statement, (ii) which is similar to actions for which the agency has prepared a significant number of statements, (iii) which the agency has previously announced would be the subject of a statement, or (iv) for which the agency has made a negative determination in response to a request from the Council, the agency shall prepare a publicly available record briefly setting forth the agency's decision and the reasons for that determination.

.6 *Review of other agencies' environmental impact statements.* The Department of Agriculture and its agencies will review and comment on proposals for legislation or other major actions by other agencies as requested and/or determined appropriate because of jurisdiction by law or special expertise with respect to the environmental impact. The purposes of NEPA are best and most efficiently served if EIS's are reviewed by those personnel with the expertise and close enough to the proposed action that they have first-hand knowledge.

Other Federal agencies should observe the following procedures in obtaining comments of USDA and its agencies on EIS's:

(The required number of copies is indicated in parentheses.)

Subject area:	Send to:
1. Legislative (12)	Office of the Secretary, Attn: Coordinator of Environmental Quality Activities.
2. Regulations and national policies (12)	(Same as above.)
3. Broad national programs (12)	(Same as above.)
4. Major Federal actions of a national or interregional scope (4).[a]	Washington office of relevant USDA agency, as indicated in Appendix II of CEQ Guidelines (USDA agencies will be responsible for consulting with each other and the office of the coordinator, as appropriate, in developing responses).
5. Major Federal actions of a regional scope (4).[a]	Washington office of relevant USDA agency, as indicated in Appendix II of CEQ Guidelines, with the exception of Forest Service. EIS's to be reviewed by Forest Service should be forwarded to the appropriate regional and area offices. The addresses are attached.
6. Major Federal actions of a State or local scope (4).[a]	Washington office of relevant USDA agency, as indicated in Appendix II of CEQ Guidelines, with the exception of Forest Service and Soil Conservation Service. Statements to be sent to FS and SCS should be forwarded to the appropriate field or state office. The addresses are attached.

[a] Four copies to each agency.

In case of question, other Federal agencies should contact the office of the coordinator. In all cases, lead agencies or field offices are responsible for obtaining and coordinating inputs from other USDA or agency sources as the case may be. USDA has a variety of environmental expertise not all of which is universally located at all field offices. Thus, reviewers must be alert to the need to bring in special expertise for reviews on particularly important actions. To the extent possible, an interdisciplinary approach is to be used to review EIS's of other agencies in the same manner is used to develop EIS's of USDA. Comments should be specific, substantive and factual. It may be appropriate for reviewers to indicate the adequacy of the EIS's, the need for change or more information, and conclusions as to the advisability of the proposed action.

Where a recommendation for an alternative action in contrast to the proposed action is indicated, such recommendation is to be first discussed with the agency proposing the action. In all cases, the review and subsequent action will be performed in a constructive and cooperative manner.

Five copies of all comments made on draft and final EIS's of other agencies shall be forwarded to CEQ at the time comments are forwarded to the responsible agency. A copy of all comments on other agencies' EIS's is to be on file in the Washington office of the reviewing agency.

.7 *CEQ requests and consultation.* In order to assist the CEQ in fulfilling its responsibilities under NEPA and under Executive Order 11514, the Department will give careful consideration to requests from the CEQ for reports, other information, and actions dealing with issues arising in connection with the implementation of NEPA. Conversely, the Department will seek the advice of the CEQ in developing and operating its environmentally-related programs.

Done at Washington, D.C., this 22nd day of May, 1974.

J. PHIL CAMPBELL,
Secretary of Agriculture.

[FR Doc.74-12276 Filed 5-28-74;8:45 am]

Soil Conservation Service

TILLATOBA CREEK WATERSHED PROJECT, MISSISSIPPI

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for Tillatoba Creek Watershed Project, Yalobusha, Tallahatchie, and Grenada Counties, Mississippi (USDA–SCS–ES–FP–(ADM)–74–18 (F)).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, 12 floodwater retarding structures, four grade control structures, and 9.87 miles of channel work.

The final environmental statement was transmitted to CEQ on May 10, 1974.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, Room 502 Milner Building, Lamar at Pearl Streets, P.O. Box 610, Jackson, Mississippi 39205.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services).

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

MAY 21, 1974.

[FR Doc.74-12210 Filed 5-28-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MOTOR-VEHICLE MANUFACTURERS

List of Names and Addresses

MAY 1, 1974.

As required by headnote 2 of Schedule 6, Part 6, Subpart B, of the Tariff Schedules of the United States (19 USC 1202) and Part 315 of Title 15 of the Code of Federal Regulations (39 FR 2080), the following is a list of the names and addresses and dates of determinations of bona fide motor-vehicle manufacturers which shall be effective for a 12-month period beginning with the date shown following the name and address of each manufacturer:

UNITED STATES BONA FIDE MOTOR VEHICLE MANUFACTURERS LIST AS OF MAY 1, 1974, WITH DATE OF CERTIFICATION

Action-Age, Inc.
1060 N. Detroit Avenue
Monroe, Michigan 48161
September 1, 1973

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Adams International Truck Co., Inc.
P.O. Box 1956
Thomasville, Georgia 31792
January 18, 1974

Advanced Equipment Corporation
343 South Street
Newark, New Jersey 07105
October 1, 1973

Allentown Brake & Wheel Service, Inc.
R.D. No. 3
Allentown, Pennsylvania 18104
October 19, 1973

Allied Leisure, Inc.
P.O. Box 5411
Lansing, Michigan 48905
January 18, 1974

AM General Corporation
32500 Van Born Street
Wayne, Michigan 48184
April 1, 1974

American La France
Division America La France, Inc.
100 East La France Street
Elmira, New York 14902
July 8, 1973

American Motors Corporation
14250 Plymouth Road
Detroit, Michigan 48232
January 18, 1974

American Trailers, Inc.
1500 Exchange Avenue
Oklahoma City, Oklahoma 73126
January 18, 1974

American Trailer Service, Inc.
3814 North Cleveland Avenue
St. Paul, Minnesota 55113
January 18, 1974

AMREC, Inc.
Rt. 1, Box 199A
Farmington, Minnesota 55024
November 1, 1973

Amthor's Welding Service, Inc.
307 State
Route 52 East
Walden, New York 12586
July 9, 1973

Harold G. Anderson Equip. Corp.
One Anderson Drive
Albany, New York 12205
October 5, 1973

Antietam Equipment Corporation
P.O. Box 91
Hagerstown, Maryland 21740
January 1, 1974

ARBE Products
225 South Street
Rochester, Michigan 48063
September 15, 1973

Arctic Enterprises, Inc.
P.O. Box 635
Thief River Falls, Minn. 56701
August 1, 1973

Armco Recreational Products, Inc.
5995 North Washington Street
Denver, Colorado 80216
July 8, 1973

ATV Manufacturing Company
55th St. & A.V.R.R.
Pittsburg, Pennsylvania 15201
October 1, 1973

Automotive Service Company
111–113 North Waterloo
Jackson, Michigan 49204
January 18, 1974

Avanti Motor Corporation
765 South Lafayette Blvd.
P.O. Box 1916
South Bend, Indiana 46624
January 10, 1974

Bethlehem Fabricators, Inc.
1700 Riverside Drive
Bethlehem, Pennsylvania 18016
January 20, 1974

Allan U. Bevier, Inc.
Sexton Street & Georgetown Rd.
Baltimore, Maryland 21230
October 10, 1973

Donald Billings, Inc.
555 Longfellow Avenue
Bronx, New York 10474
May 12, 1973

Adam Black & Sons, Inc.
276–300 Tonnele Avenue
Jersey City, New Jersey 07306
January 18, 1974

Blue Bird Body Company
P.O. Box 937
Fort Valley, Georgia 31030
January 18, 1974

Boyertown Auto Body Works, Inc.
Third and Walnut Streets
Boyertown, Pennsylvania 19512
September 1, 1973

Brake & Equipment Co., Inc.
1801 North Mayfair Road
Milwaukee, Wisconsin 53226
January 1, 1974

Brake Service & Parts, Inc.
170 Washington Street
Bangor, Maine 04401
January 18, 1974

Bristol-Donald Company, Inc., Bristol-Donald Manufacturing Corp.
50 Roanoke Avenue
Newark, New Jersey 07105
January 1, 1974

Brutanza Engineering, Inc.
Box 158
Brooten, Minnesota 56316
August 8, 1973

Bus Andrews Equipment Sales & Service, Inc.
2828 East Kearney Street
Springfield, Missouri 65803
December 1, 1973

The Carnegie Body Company
9500 Brookpark Road
Cleveland, Ohio 44129
January 1, 1974

Champion Carriers, Inc.
2321 E. Pioneer Drive
Irving, Texas 75061
October 20, 1973

Checker Motors Corporation
2016 N. Pitcher Street
Kalamazoo, Michigan 49007
January 1, 1974

Cherry Valley Tank Div., Inc.
75 Cantiague Road
Westburg, New York 11590
April 9, 1974

Chrysler Corporation
Chrysler Center
12000 Oakland Avenue
Highland Park, Michigan 48231
January 18, 1974

B. M. Clark Company, Inc & Subsidiary
Route 17—Box 185
Union, Maine 04862
January 14, 1974

Fred Clemett & Company, Inc
2020 Lemoyne Street
P.O. Box 26
Syracuse, New York 13211
July 1, 1973

Colins Industries, Inc.
Hutchinson Air Base Industrial Tract
P.O. Box 56
Hutchinson, Kansas 67501
July 1, 1973

Comet Corporation
N. 3808 Sullivan Road
Spokane, Washington 99216
January 18, 1974

Commercial Body Corporation
200—68th Place
P.O. Box 8514
Seat Pleasant, Maryland 20027
November 1, 1973

Commercial Truck & Trailer, Inc.
313 North State Street
Girard, Ohio 44420
January 1, 1974

Cook Body Company
3701 Harlee Avenue
Charlotte, North Carolina 28206
October 22, 1973

Correct Manufacturing Corporation
London Road Extension
P.O. Box 680
Delaware, Ohio 43015
July 1, 1973

Cortez Corporation
777 Stow Street
Kent, Ohio 44240
February 1, 1974

O. R. Cote Company
556 St. James Avenue
P.O. Box 8—Highland Station
Springfield, Massachusetts 01109
June 17, 1973

Cross Truck Equipment Co., Inc.
5130—16th Street, SW.
Canton, Ohio 44706
August 23, 1973

Crown Coach Corporation
2500 East 12th Street
Los Angeles, California 90021
March 30, 1974

Dalsiden Auto Body & Mfg. Corp.
425 E. Vine Street
Kalamazoo, Michigan 49001
January 12, 1974

Dealers Truck Equipment Co., Inc.
3460 Midway Street
P.O. Box 1436
Shreveport, Louisiana 71103
January 1, 1974

Dealers Truckstell Sales, Inc.
653 Beale Street
P.O. Box 502
Memphis, Tennessee 38101
January 1, 1974

Chet Decker Auto Sales
300 Lincoln Avenue
Hawthorne, New Jersey 07506
November 3, 1973

John Deere Horicon Works of Deere & Company
Horicon, Wisconsin 53032
June 1, 1974

Diamond Reo Trucks, Inc.
1331 South Washington Avenue
Lansing, Michigan 48920
October 26, 1973

Dufrane Motor Distributors, Inc.
417 E. Main Street
Malone, New York 12953
May 15, 1973

Eastern Tank Corporation
200 Pennsylvania Avenue
Paterson, New Jersey 07503
January 1, 1974

Economy Motors, Inc.
3102 W. 1st Street
Duluth, Minnesota 55806
November 22, 1973

Eight Point Trailer Corporation
6100 E. Washington Blvd.
Los Angeles, California 90040
January 18, 1974

Elder International, Inc.
5675 North Loop
P.O. Box 2061
Houston, Texas 77001
December 1, 1973

Equipment Service, Inc.
40 Airport Road
Hartford, Connecticut 06114
April 1, 1974

E. & R. Trailer Sales, Inc.
R.R. #1
Middle Point, Ohio 45863
December 1, 1973

John Evans Manufacturing Co., Inc.
P.O. Box 669
Sumter, South Carolina 29150
January 1, 1974

Feldmann Engineering & Mfg. Co., Inc.
639 Monroe Street
Sheboygan Falls, Wisconsin 53085
April 28, 1974

Fleet Equipment Company
10605 Harry Hines
P.O. Box 20578
Dallas, Texas 75220
December 1, 1973

The Fixible Company
326–332 N. Water Street
Loundonville, Ohio 44842
January 1, 1974

Ford Motor Company
The American Road
Dearborn, Michigan 48121
January 18, 1974

Fox Corporation
1111 W. Racine Street
Janesville, Wisconsin 53545
January 18, 1974

F & P Export Sales Corporation
F & P Truck & Trailer Equip. Div.
254–266 Central Avenue
Newark, New Jersey 07103
October 12, 1973

Freightliner Corporation
2525 S.W. Third Avenue
Portland, Oregon 97201
December 14, 1973

Fruehauf Corporation
10900 Harper Avenue
Detroit, Michigan 48232
December 1, 1973

FWD Corporation
105 East 12th Street
Clintonville, Wisconsin 54929
January 1, 1974

Gallagher's Tank & Equip., Inc.
317 West Service Road
Hartford, Connecticut 06120
June 1, 1974

Peter Garafano & Son, Inc.
264 Wabash Avenue
Paterson, New Jersey 07508
June 4, 1974

General Motors Corporation
3044 West Grand Blvd.
Detroit, Michigan 48202
January 19, 1974

General Trailer Company, Inc.
546 W. Wilkins Street
Indianapolis, Indiana 46225
January 27, 1974

The Gertsenslager Company
1425 East Bowman Street
Wooster, Ohio 44691
July 1, 1973

Gidley-Eschenheimer Corporation
858 Providence Highway
Dedham, Massachusetts 02026
July 15, 1973

Gillig Brothers
25800 Clawiter Road
P.O. Box 330
Hayward, California 94543
January 1, 1974

Gilson Brothers Company
P.O. Box 152, Highway 57
Plymouth, Wisconsin 53073
September 26, 1973

Gooch Brake and Equipment Company
531 Grand Avenue
Kansas City, Missouri 64106
January 11, 1974

Harley-Davidson Motor Co., Inc.
3700 West Juneau Avenue North
Milwaukee, Wisconsin 53201
April 1, 1974

Heil Equipment Co. of Philadelphia, Inc.
1223 Ridge Pike
Conshocken, Pennsylvania 19428
January 3, 1974

Henrickson Manufacturing Company
8001 West 47th Street
Lyons, Illinois 60534
January 1, 1974

Herter's, Inc.
Route 1
Waseca, Minnesota 56093
May 15, 1974

The Hess & Eisenhardt Company
8959 Blue Ash Road
Cincinnati, Ohio 45242
January 9, 1974

Hews Body Company
190 Rumery Street
South Portland, Maine 04106
January 18, 1974

H. & H. Truck Tank Company, Inc.
745 Tonnele Avenue
Jersey City, New Jersery 07307
September 30, 1973

Highway Products, Inc.
789 Stow Street
Kent, Ohio 44240
March 27, 1974

Hobbs Equipment Company, Inc.
Keeler Avenue
Norwalk, Connecticut 06856
August 9, 1973

H. M. Howe Co. of New England, Inc.
93 Bucklin Street
Providence, Rhode Island 02907
December 12, 1973

O. G. Hughes & Sons, Inc.
4816 Rutledge Pike
Box 6277
Knoxville, Tennessee 37914
January 1, 1974

Ibex
Div. of Jelco, Inc.
847 West 17th South
Salt Lake City, Utah 84104
April 1, 1974

International Harvester Company
401 North Michigan Avenue
Chicago, Illinois 60611
January 18, 1974

Iroquois Manufacturing Co., Inc.
Richmond Road
Hinesburg, Vermont 05461
July 1, 1973

Jamie E. Jacobs, Owner
New England Oil Burner Company
Vermont Chemicals
Bobcat Mfg. Company, Inc.
Colchester, Vermont 05446
and
Bobcat Mfg. Company, Inc.
P.O. Box 191
Peck Hill Road
Johnston, Rhode Island 02910
January 8, 1974

Jac-Trac, Inc.
Route 2—East 29th Street
Marshfield, Wisconsin 54449
May 26, 1973

Jeep Corporation
14250 Plymouth Road
Detroit, Michigan 48232
January 1, 1974

Kar-Go Manufacturing Center of Michigan, Inc.
25701 Seeley Road
P.O. Box 324
Novi, Michigan 48050
November 1, 1973

Kay Wheel Sales Company
Van Kirk Street at State Road
Philadelphia, Pennsylvania 19135
January 1, 1974

L. W. Ledwell & Son, Inc.
P.O. Box 1106
Texarkana, Texas 75501
January 18, 1974

Leisure Design Corporation
Route 3, Box 706
Excelsior, Minnesota 55331
December 18, 1973

Leisure Vehicles, Inc.
1460 Rankin
Troy, Michigan 48084
January 25, 1974

Leland Equipment Company
7777 E. 42nd Place South
Box 45128
Tulsa, Oklahoma 74145
January 18, 1974

Liberty Oil Equipment Company, Inc.
82 Cherry Street
East Hartford, Connecticut 06108
May 1, 1974

Long Trailer Service, Inc.
P.O. Box 5105
Henderson Drive
Greenville, South Carolina 29606
January 1, 1974

Mack Trucks, Inc.
Box M
Allentown, Pennsylvania 18105
January 18, 1974

Madison Truck Equipment, Inc.
2410 S. Stoughton Road
Madison, Wisconsin 53716
October 22, 1973

Manning Equipment, Inc.
12000 Westport Road
P.O. Box 22265
Louisville, Kentucky 40222
April 16, 1974

Massey-Ferguson, Inc.
1901 Bell Avenue
Des Moines, Iowa 50315
and
Badger Northland Inc., a subsidiary of Massey-Ferguson Inc.
215 West Second Street
Kaukauna, Wisconsin 54130
July 1, 1973

Mason Industries, Inc.
1960 E. Slauson Avenue
Huntington Park, California 90255
August 15, 1973

Mercury Marine, Div. of Brunswick Corp.
1939 Pioneer Road
Fond du Lac, Wisconsin 54935
June 24, 1973

Merit Tank & Body, Inc.
707 Gilman Street
Berkeley, California 94710
January 18, 1974

Mickey Truck Bodies, Inc.
1505 Bethel Drive
P.O. Box 2044
High Point, North Carolina 27261
June 30, 1973

Middlekauff, Inc.
16..5 Ketcham Avenue
Toledo, Ohio 43608
January 18, 1974

Mid West Truck Equipment Sales Corp.
640 East Pershing Road
Decatur, Illinois 62526
February 22, 1974

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Miller Trailers, Inc.
443 Chestnut Street
Oneonta, New York 13820
May 1, 1974

Moline Body Company
222—52nd Street
Moline, Illinois 61265
January 6, 1974

Monon Trailer, Inc.
(a Div. of Evans Products Co.)
P.O. Box 446
Monon, Indiana 47959
April 8, 1974

Moore and Sons, Inc.
2900 Airways Blvd.
Memphis, Tennessee 38130
January 1, 1974

Motor Coach Industries, Inc.
Pembina, North Dakota 58271
January 18, 1974

MTD Products, Inc.
5389 West 130th Street
P.O. Box 2741
Cleveland, Ohio 44111
September 15, 1973

Murphy Body Distributors, Inc.
310 Harring Avenue
Wilson, North Carolina 27893
November 22, 1973

Mutual Wheel Company
2345 4th Avenue
Moline, Illinois 61265
February 20, 1974

Neil's Automotive Service, Inc.
167 E. Kalamazoo Avenue
Kalamazoo, Michigan 49006
January 1, 1974

Nelson Manufacturing Company
Route 1, Box 90
Ottawa, Ohio 45875
January 18, 1974

New Harris Rim & Wheel, Inc.
1720 Parkway Towers
Nashville, Tennessee 37219
January 1, 1974

Ohio Body Manufacturing Company
New London, Ohio 44851
January 1, 1974

Olson Bodies, Inc.
600 Old Country Road
Garden City, New York 11530
November 1, 1973

Chas. Olson & Sons, Inc.
2945 Pillsbury Avenue
Minneapolis, Minnesota 55408
April 14, 1974

Olson Trailer & Body Builders Co.
2740 South Ashland Avenue
P.O. Box 2445
Green Bay, Wisconsin 54306
January 18, 1974

Oshkosh Truck Corporation
2307 Oregon Street
Oshkosh, Wisconsin 54901
January 18, 1974

Outboard Marine Corporation
100 Pershing Road
Waukegan, Illinois 60085
January 1, 1974

PACCAR, Inc.
d/b/a Kenworth Truck Company
Peterbilt Motors Company
P.O. Box 1518
Bellevue, Washington 98009
January 16, 1974

Palmer Spring Company
355 Forest Avenue
Portland, Maine 04101
January 18, 1974

Palmer Spring Company
399 Willow Street
Manchester, New Hampshire 03103
November 4, 1973

Palmer Trailer Sales Co., Inc.
162 Park Street
Palmer, Massachusetts 01069
January 18, 1974

Peabody Galion Corporation
500 Sherman Street
P.O. Box 607
Galion, Ohio 44833
August 24, 1973

Peerless Division,
Royal Industries, Inc.
16205 S.W. Boones Ferry Road
P.O. Box 447
Tualatin, Oregon 97062
January 8, 1974

Perfection Equipment Company
#7 South Pennsylvania
Oklahoma City, Oklahoma 73107
January 12, 1974

Petroleum Equipment & Supply Co., Inc.
321 Forbes Avenue
New Haven, Connecticut 06512
September 27, 1973

Phoenix Manufacturing, Inc.
374 West Union Street
Nanticoke, Pennsylvania 18634
February 20, 1974

Polaris Div. of Textron, Inc.
1225 N. County Road 18
Minneapolis, Minnesota 55427
August 2, 1973

C. E. Pollard Company
13575 Auburn Avenue
Detroit, Michigan 48223
July 27, 1973

Power Brake Company, Inc.
1506 W. Morehead Street
Charlotte, North Carolina 28201
January 17, 1974

Power Brake Service & Equipment Co., Inc.
1022 Carnegie Avenue
Cleveland, Ohio 44115
October 21, 1973

Providence Body Company
750 Wellington Avenue
Cranston, Rhode Island 02910
June 1, 1974

Quality Truck Equipment Company
Route 66 and Mercer Avenue
P.O. Box 420
Bloomington, Illinois 61701
November 15, 1973

Raleigh Spring & Brake Service, Inc.
1813 S. Saunders Street
P.O. Box 9304
Raleigh, North Carolina 27603
April 9, 1974

Recreatives Limited
30 French Road
Buffalo, New York 14227
July 13, 1973

Rectrans Div. of White Motor Corp.
800 Whitney Avenue
Brighton, Michigan 48116
May 10, 1974

Reliable Spring Company, Inc.
10557 S. Michigan Avenue
Chicago, Illinois 60628
January 20, 1974

Rhode Island Petroleum Equip. Co.
Mill Street
Johnston, Rhode Island 02861
Mailing Address:
John F. Cullinan, President
Rhode Island Petroleum Equip. Co.
88 Manistee Street
Pawtucket, Rhode Island 02861
May 16, 1973

R. J. S.-Simpson International, Inc.
420 Hopkins Street
Buffalo, New York 14220
February 17, 1974

Roanoke Welding Company
P.O. Box 4373
Roanoke, Virginia 24015
January 1, 1974

Rowland Truck Equipment, Inc.
2900 Northwest 73rd Street
P.O. Box 47-398
Miami, Florida 33147
November 19, 1973

Rupp Industries, Inc.
1776 Airport Road
Mansfield, Ohio 44903
October 3, 1973

Schweigers, Inc.
South Highway 81
Watertown, South Dakota 57201
January 18, 1974

Scientific Brake & Equip. Co.
314 W. Genesee Avenue
Saginaw, Michigan 48602
January 19, 1974

Scorpion, Inc.
Box 300
Crosby, Minnesota 56441
April 29, 1974

Sharpsville Steel Equipment Co.
6th & Main Streets
Sharpsville, Pennsylvania 16150
January 2, 1974

SMI (Watertown), Inc.
Purdy Avenue
Watertown, New York 13601
August 1, 1973

Smith-Moore Body Company, Inc.
P.O. Box 27287
Richmond, Virginia 23261
January 18, 1974

Southeastern Equipment, Inc.
1105 Pulaski Street
Columbia, South Carolina 29201
November 22, 1973

South Florida Engineering, Inc.
P.O. Box 11927
Tampa, Florida 33610
July 2, 1973

Southwest Truck Body Company
200 Sidney Street
St. Louis, Missouri 63104
February 11, 1974

Speedway Products, Inc.
(Div. of Taylor Metal Products)
160 E. Longview Avenue
Mansfield, Ohio 44905
August 7, 1973

SS Automobiles, Inc.
1735 South 106th Street
Milwaukee, Wisconsin 53215
May 22, 1974

Steffen, Inc.
623 West 7th Street
Sioux City, Iowa 51103
November 4, 1973

Superior Coach Corporation
Sheller-Globe Corporation
1200 East Kibby Street
Lima, Ohio 45802
March 20, 1974

Syracuse Auto Parts, Inc.
120 N. Geddes Street
Syracuse, New York 13204
January 18, 1974

Thiokol Corporation
Logan Division
2503 North Main Street
Logan, Utah 84321
January 15, 1974

Thomas Built Buses, Inc.
1408 Courtesy Road
P.O. Box 1849
High Point, North Carolina 28261
August 1, 1973

Transport Equipment Company
3400 6th Avenue, South
Seattle, Washington 98134
January 18, 1974

Truck Equipment, Inc.
680 Potts Avenue
P.O. Box 3280
Green Bay, Wisconsin 54304
January 18, 1974

Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67209
November 11, 1973

Truck & Transportation Equipment Co., Inc.
260 Industrial Avenue
P.O. Box 10455
New Orleans, Louisiana 70181
January 1, 1974

Tuff Boy, Inc.
5151 E. Almondwood Drive
Manteca, California 95336
January 1, 1974

Union City Body Company, Inc.
1015 West Pearl Street
Union City, Indiana 47390
August 15, 1973

Unit Rig & Equipment Company
P.O. Box 3107
Tulsa, Oklahoma 74101
January 1, 1974

Viking Snowmobiles, Inc.
P.O. Box 37
Twin Valley, Minnesota 56584
August 1, 1973

Vulcan Trailer Mfg. Company, Inc.
1321 3rd Street & Ensley
Birmingham, Alabama 35214
December 1, 1973

Walter Motor Truck Company
School Road
Voorheesville, New York 12186
April 29, 1974

The Warner & Swasey Company, Duplex Division
830 East Hazel Street
Lansing, Michigan 48909
April 1, 1974

Wayne Corporation, an Indian Head Company
P.O. Box 1447
Industries Road
Richmond, Indiana 47374
October 31, 1973

Westinghouse Air Brake Company, Construction & Mining Equip. Group
2301 N.E. Adams Street
Peoria, Illinois 61601
February 1, 1974

Weston Equipment Company, Inc.
130 Railroad Hill Street
Waterbury, Connecticut 06708
January 3, 1974

White Motor Corporation
100 Erieview Plaza
Cleveland, Ohio 44114
January 18, 1974

White Trucks & Equipment Sales, Inc.
2401 Dinneen Avenue
P.O. Box 7185
Orlando, Florida 32804
December 1, 1973

Winnebago Industries, Inc.
P.O. Box 152
Forest City, Iowa 50436
March 19, 1974

Wollard Aircraft Equipment, Inc.
6960 N.W. 77th Court
Miami, Florida 33166
December 1, 1973

Wyman's Inc.
Northfield Road
Box 541
Montpelier, Vermont 05602
June 1, 1974

Young Daybrook, Inc.
Div. of Gulf & Western Metals Forming Company
1175 North Main Street
Bowling Green, Ohio 43402
January 1, 1974

From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

Dated: May 20, 1974.

PAUL T. O'DAY,
Acting Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74-12212 Filed 5-28-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00297-33-46040. Applicant: U.S. Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268. Article: Electron Microscope, Model JEM 100B/SEG. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article is intended to be used in research investigation in the areas of advanced waste treatment, analytical quality control, environmental toxicology, and water supply. Specifically, the article will be used for (1) high resolution studies of virus infected cells, virions, isolated viral nucleic acids and proteins, and small parasitic bacteria such as those of the Bdellovibrio type; (2) particulate identification in water samples, visualization of the colloidal material after treatment of waste waters, and determination of polymer attachment in the process of flocculation and stabilization and (3) the investigation of smoke and dust particulates of importance to inhalation toxicology as well as tissue pathology and morphology after animal exposure to these pollutants.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 22, 1973).

Reasons: The foreign article provides a guaranteed resolving capability of 3.0Å point to point and distortion free micrographs over a magnification range 300 to 500,000x without a pole-piece change. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope currently supplied by the Adam David Company. When the article was ordered the Model EMU-4C had a specified resolving capability of 5.0Å, and, with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggested in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column.

The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 29, 1974 the best resolution available and distortion free micrographs at low magnification (i.e., 300Å) are pertinent to the applicant's purposes. HEW also advised that it knows of no domestic instrument which provides the combination of pertinent capabilities provided by the foreign article.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-12248 Filed 5-28-74;8:45 am]

ROSWELL PARK MEMORIAL INSTITUTE

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat 897) and the regulations issued thereunder as amended (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special

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Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00250-33-46040. Applicant: Roswell Park Memorial Institute, Health Research Inc., 666 Elm Street, Buffalo, New York 14203. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in a wide range of research projects which include the following:

(1) Examination of human leukemia cells from A.L.L. and lymphosarcoma converted to leukemia to attempt to detect morphological differences in order to prognosticate,

(2) Examination of Ewing's Sarcoma and Reticulum Cell Sarcoma of the bone in an attempt to differentiate these two in order to "tailor-make" treatments,

(3) Examination of human lymphomas to detect morphological differences and correlate with prognosis,

(4) Examination of breast cancer,

(5) Expansion of pathological sources to use electron microscopy diagnosis on difficult diagnostic cases by light microscopy,

(6) Development of a hydration chamber for both transmission and scanning electron microscopy, and

(7) Localization of carcinoembryonic antigen on tumor cells, either from surgical specimens or from tissue culture using immuno electron microscopy techniques.

In addition, the article is to be used in the course Techniques of Electron Microscopy in which students will learn the principals of fixation, dehydration, and embedding of tissues for electron microscopy and practical training in the use of the electron microscope will be given. Application received by Commissioner of Customs: December 18, 1973. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1974. Article ordered: November 21, 1973.

Docket Number: 74-00294-33-46040. Applicant: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: 1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; 2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (arteriosclerosis); 3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: January 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: April 18, 1973.

Docket Number: 74-00295-33-46040. Applicant: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (arteriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: January 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: April 17, 1973.

Docket Number: 74-00296-33-46040. Applicant: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (arteriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: January 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: April 17, 1973.

Docket Number: 74-00300-35-46040. Applicant: State University of N.Y. at Stony Brook, School of Dental Medicine, Department of Oral Biology, Stony Brook, N.Y. 11790. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used as a high resolution research tool to investigate the ultrastructure of naturally occurring and experimentally induced oral disease; specifically, dental caries research, periodontal disease research, and the general area of biological mineralization. Dental caries research will involve the examination at high magnification of the interface between enamel crystallites and bacteria and/or their extracellular polysaccharide matrices. In the area of periodontal disease research the permeability of epithelial tissues, cell-to-cell contact specializations in gingival epithelia, the nature and breakdown of gingival collagen and ground substance glycoproteins will be investigated. Other research involves studies of pathologic tissue changes, naturally occurring or experimentally induced and the investigation of the production of odontogenic tumors in hamsters infected with MVM viruses. Graduate students will be trained in the use of the microscope. Application received by Commissioner of Customs: January 21, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: September 12, 1973.

Docket Number: 74-00305-33-46040. Applicant: Mount Sinai School of Medicine of the City University of New York, Fifth Avenue and 100th Street, New York, New York 10029. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following investigations:

1. A multifaceted approach concerning the differentiation, regulation of cell division and induction of cell proliferation; and an analysis of the interrelationship of these 3 processes.

2. A study of differentiation of epithelial cells in the mouse colon in normal animals and in experimental carcinogenesis and and polypogenesis such as that induced by 1,2-dimethyl-hydrizine.

3. Comparison of the morphological aspects of development, growth, and repair of *striated muscle* of both normal and dystrophic mice, including precise measurements of microfilaments found in all cells of the myoblastic line.

4. The study of the hormonal control of spermatogenesis and particularly the roles of Sertoli cells and the "blood-testis barrier" in this process.

5. The study of a "SterteM-only" tubule after partial dissociation.

6. The observation and interpretation of subtitle alterations of the fibrillar and filamentous components of the neck midpiece and tail of the spermatozoa during maturation.

7. The determination of the role of (a) the tight junction between endothelial cells and (b) low frequency of pinocytotic vesicles in the "barrier" phenomenon (anatomical barriers to the movement of protein tracers from blood to cerebral parenchyma), and

8. The investigation of the possibility that connective tissue cells and smooth muscle cells are different modalities of the same type.

In addition, the article will be used for formal teaching to graduate students through "Advanced Study in Anatomy" courses and to medical students in "Basics of Electron Microscopy." These courses are intended to provide the student with a working knowledge of the principles and techniques employed in electron microscopy. Application received by Commissioner of Customs: January 24, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: September 26, 1973.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of

equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU-4C electron microscope which was formerly produced by the Forgflo Corporation and which is currently supplied by Adam David Company. The Model EMU-4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-12249 Filed 5-28-74;8:45 am]

UNIVERSITY OF FLORIDA

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 18, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00433-63-46040. Applicant: University of Florida, Institute of Food & Agri. Sciences, Agri. Research Center, 3205 S. W. 70th Avenue, Fort Lauderdale, Florida 33314. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of biological materials. Initially ultra thin sections of diseased palm trees as well as potential insect vectors will be studied during research on Lethal Yellowing Disease of coconuts. Application received by Commissioner of Customs: April 29, 1974.

Docket Number: 74-00434-33-46500. Applicant: East Tennessee State University, Johnson City, Tennessee 37601. Article: Ultra-microtome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological specimens including viruses, microorganisms and mammalian tissues from experimental animals exhibiting normal and pathological conditions. The article will also be used in a course entitled Electron Microscopy 5060 to introduce the student to a variety of biological specimen preparation techniques for the electron microscope, to operate the electron microscope and to obtain satisfactory photomicrographs of their specimens. Application received by Commissioner of Customs: April 29, 1974.

Docket Number: 74-00435-33-46040. Applicant: State University of New York at Stony Brook, Department of Cellular and Comparative Biology, Stony Brook, New York 11790. Article: Electron Microscope Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in carrying out the following projects:

(a) The comparative ultrastructure of spider lyriform organs,

(b) The effect of hydrocarbon pollutants on the cellular development of Hydra,

(c) Structural organization of some inverterbrate muscles,

(d) Studies on the structural changes during development of the slime mold, Dictyostelium discoidum.

The article will also be used in a course to train students in the various techniques of electron microscopy applicable to their research interests.

Application received by Commissioner of Customs: April 29, 1974.

Docket Number: 74-00439-35-46500. Applicant: Montefiore Hospital and Medical Center, Department of Ophthalmology, 111 East 210th Street, Bronx, N.Y. 10467. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of the ultrastructure of a variety of ocular tissues in normal and diseased eyes of humans and animals. These tissues include cornea, retina and choroid. The experiments to be conducted include (a) examination of human eyes surgically removed due to pathology and (b) pathological changes induced in the retina and choroid of a variety of animal models and the ultrastructural changes in the retinal and choroid vessels of these eyes in order to understand human disease pathology. The article will also be used in courses to (1) prepare the ophthalmology residents to become well qualified ophthalmologist with the ability to relate clinical findings to pathologic and research observations; (2) to introduce medical students to ophthalmology both clinical and research; and (3) to broaden the education and research capabilities of special post-doctoral fellows in ophthalmologic research. Application received by Commissioner of Customs: April 30, 1974.

Docket Number: 74-00440-33-46500. Applicant: The Hospital for Special Surgery, 535 E. 70th Street, New York, N.Y. 10021. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of specimens of normal and pathological bone cartilage and other connective tissues obtained from human subjects and experimental animals. The article will be used for sectioning and serial sectioning of tissue in uniform thickness of about 50 Angstroms for examination with the electron microscope. Application received by Commissioner of Customs: April 29, 1974.

Docket number: 74-00441-01-47500. Applicant: Washington University, Biochemistry, 660 South Euclid Avenue, St. Louis, Missouri 53110. Article: Focusing Monochromator. Manufacturer: Compagnie Generale de Radiologie Recherche et Industrie, France. Intended use of article: The article is intended to be used to obtain x-ray diffraction photographs from lipoproteins and membranes as part of a medical science research program on determining the molecular structure of lipid: protein complexes. The long range objective of the study is to determine structural parameters of these complexes which can be used to understand lipid transport and storage and membrane properties. Application received by Commissioner of Customs: May 1, 1974.

Docket number: 74-00442-33-46040. Applicant: State University of New York at Stony Brook, Department of Biochemistry, Stony Brook, New York 11790. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following research projects:

(1) Structure of Mitochondrial DNA—Examination of the various forms of replicating forks in rat liver mitochondrial DNA using Kleneschmidt techniques;

(2) Structure determination of bacterial cell wall—Investigations involving enzymatic and chemical modification of

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these proteins which could then be compared structurally with normal proteins using the electron microscope;

(3) Structural organization of vertebrate muscle—Research on the organization of myosin filaments and the polymerization of actin; and

(4) Several projects concerned with macromolecular structures e.g. tRNA and the yeast phenylalanyl tRNA synthetase recognition site and crystallization of immunoglobins, phage lysozymes and ribosomal 5S RNA.

The article will also be used for training graduate students in electron microscopy. In addition the article is to be used in the course Experimental Biochemistry for first year graduate students. Application received by Commissioner of Customs: April 30, 1974.

Docket Number: 74-00443-99-43780. Applicant: Pacific University, College of Optometry, 2043 College Way, Forest Grove, Oregon 97116. Article: Pickford-Nicolson Anomaloscope. Manufacturer: Rayner & Keeler, Ltd., United Kingdom. Intended use of article: The article is to be used to teach methods of detecting and assessing color vision anomalies in clinical patients. Application received by Commissioner of Customs: April 26, 1974.

Docket Number: 74-00444-33-46040. Applicant: West Virginia University, School of Medicine, Morgantown, West Virginia 26506. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used for screening studies on human brain tissues in which viral infections can be suspected. The brain tissues to be studied include both biopsy and autopsy materials. Also, brain tissue from experimental animals, inoculated with virus or filtrate from human brains, will be studied in parallel. In this line of investigation, it is hoped to detect viral or other etiologic agents which may cause neurological diseases. The article will also be used for teaching basic theory and concept on the ultrastructural approach to human neurological diseases. Application received by Commissioner of Customs: April 22, 1974.

Docket Number: 74-00445-33-41700. Applicant: Baylor University Medical Center, Oncology Section, 3500 Gaston Avenue, Dallas, Texas 75246. Article: Medilase (Sharplan) 791 Co_2 Surgical Laser. Manufacturer: Laser Industries, Ltd., Israel. Intended use of the article: The article is intended to be used in research experiments, which will be determined to further elucidate the effects of laser beam energy on normal diseased, and wounded tissue. The article will be evaluated as a surgical scalpel for making incision in human and animal soft tissue and bone, for the treatment of tumors, and for making bloodless incisions in any and all forms of surgery where a scalpel is now utilized. Studies will be conducted to evaluate the response of tissues to the effects of the laser beam. In addition, the article will be used in instruction of residents, internes and other physicians. Application received by Commissioner of Customs: May 1, 1974.

Docket Number: 74-00413-33-46040. Applicant: Temple University, Health Sciences Center, Department of Pathology, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Electron Microscope, Model HU-12A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for the (a) study of the cross-linkages in the filaments pigment synthesizing organelle of the melanocyte, (b) localization of isoproterenol to specific organelles in the cells of the salivary gland, and (c) identification of elemental copper in the enzyme tyrosinase. Application received by Commissioner of Customs: April 26, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-12250 Filed 5-28-74;8:45 am]

UNIVERSITY OF SOUTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00227-33-46040. Applicant: University of South Carolina, Columbia, South Carolina 29208. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies involving high resolution analyses of protein fibers and membrane systems in organisms as well as routine low magnification works. Other studies concern high resolution investigations of DNA fibers, and lattice structures and their deformation of thin metal crystals; and the synthesis of matrix fibers and their assemblage into the matrix. The article will also be used in the graduate course (Biology 760, 760L) entitled "Electron Microscopy" consisting of a lecture and laboratory sessions and designed to give students basic training in biological electron microscopy. Comments: Comments have been received from the Adam David Company (Adam David) which allege inter alia that the Adam David Model EMU-4C is of equivalent scientific value to the foreign article for the purposes for which the instrument is intended to be used as stated in the application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (November 13, 1973). Reasons: The foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope, formerly manufactured by the Forgflo Corporation and currently being supplied by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 15, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that "the Adam David Company • • • has failed to produce any evidence that the resolution of [the] EMU-4C is equal to the resolution of the [foreign] article by any reasonable definition." We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Program Division.

[FR Doc.74-12215 Filed 5-28-74;8:45 am]

WALTER REED ARMY MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00309-33-28500. Applicant: Walter Reed Army Medical Center, P and C Branch, Building 33, Georgia Avenue NW., Washington, D.C. 20012. Article: Laurel Rocket Electrophoresis Apparatus with replacement parts and supplies. Manufacturer: Farbwerke Hoechst AG, West Germany. Intended use of article: The article is to be used to study the argarose electrophoresis properties of serum proteins including antigens such as thermophille fungi.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for water jacketed, water cooled electrophoresis. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 29, 1974 that the capability described above is pertinent to the applicant's use in electrophoretic analysis of antigens from thermophilic fungi and other antigens. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-12251 Filed 5-28-74;8:45 am]

National Bureau of Standards

NATIONAL INVENTORS COUNCIL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given of a meeting of the National Inventors Council to be held in Room 2062 at the Department of Commerce, Washington, D.C., from 10 a.m. to 5 p.m. on June 18, 1974.

The purpose of the Council is to advise the Secretary of Commerce on policies affecting the processes of technological change.

The Council is composed of approximately 15 members from the industrial, legal and academic communities, and 9 observers from Federal agencies in the Washington, D.C. area.

The agenda for the meeting will include: (1) A brief review of the history of the NIC for the benefit of the new members; (2) A discussion of the role that the NIC can play in improving the present climate for all inventors in the United States; (3) Discussion of the NIC's functions in providing the maximum possible assistance to the Assistant Secretary of Commerce for Science and Technology; and (4) Plans for a major meeting in the future, similar to the 1965 Woods Hole meeting and the 1973 meeting in Monterey.

The meeting will be open to public observation; applications for admission will be accepted and granted on a first-come-first-served basis up to the capacity of the conference room. These applications should be sent by first-class mail to Mrs. Doris Blackmon, Acting Executive Secretary, National Inventors Council, National Bureau of Standards, Washington, D.C. 20234; telephone (301) 921-3611.

RICHARD W. ROBERTS,
Director.

MAY 22, 1974.

[FR Doc.74-12225 Filed 5-28-74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 392,379: Low Spin-Deceleration Safing and Arming Mechanism; filed 28 August 1973; PC$4.00/MF$1.45.

Patent application 392,381: Non-Abradable Turbine Seal; filed 28 August 1973. PC $4.00/MF$1.45.

Patent application 394,891: Preparation of Yttrium and Lanthanide Hexafluorotetrapropoxide Diammoniates; filed 6 September 1973. PC$4.00/MF$1.45.

Patent application 401,000: Thermally Stable Perfluoroalkylene Ether Bibenzoxazole Polymers; filed 26 September 1973; PC $4.00/MF$1.45.

Patent application 401,006: Digital Phase Measuring System; filed 26 September 1973; PC$4.00/MF$1.45.

Patent application 404,061: Electronic Antenna Tuning Technique; filed 5 October 1973; PC$4.00/MF$1.45.

Patent application 404,080: Composite Wall for a Regeneratively Cooled Thrust Chamber of a Liquid Propellant Rocket Engine; filed 5 October 1973; PC$4.25/MF$1.45.

Patent application 405,710: Ultra Low Diffraction Loss Substrate Members for Acoustic Surface Wave Devices; filed 11 October 1973; PC$4.00/MF$1.45.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Management Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 000,792: Esters of 1,4-Benzodioxan-2-Carboxylic Acid as Attractants for the European Chafer; filed 1 August 1973; PC$4.00/MF$1.45.

Patent application 328,204: Process for Curing Tobacco; filed 31 January 1973; PC $4.00/MF$1.45.

Patent application 348,803: N-Substituted Fatty Acid Amide Lubricants; filed 6 April 1973; PC$4.25/MF$1.45.

Patent application 456,911: Highly Absorbent Starch-Containing Polymeric Compositions; filed 3 March 1974; PC$6.00/MF$1.45.

Patent 3,692,532: Milk-Fruit Juice Beverage and Process for Preparing Same; filed 27 October 1970; patented 19 September 1972; not available NTIS.

Patent 3,701,609: Apparatus for Automatically Adding Preselected Patterns of Eluent Solutions to a Chromatographic Column and Monitoring and Collecting Eluted Fractions; filed 13 May 1971, patented 31 October 1972; not available NTIS.

Patent 3,701,802: Cyanoethylation of Hydroxy Compounds; filed 22 August 1969, patented 31 October 1972; not available NTIS.

Patent 3,702,868: Cis-1-Hexadecen-1-ol Acetate as an Attractant for Adult Male Pink Bollworm Moths; filed 2 December 1970, patented 7 November 1972; not available NTIS.

Patent 3,719,449: Crosslinked Heterocyclic Cellulose Products; filed 27 April 1972, patented 6 March 1973; not available NTIS.

Patent 3,723,058: Removal of Free Formaldehyde from Solutions of Methylolated Carbamate Finishing Agents and Textiles Treated Therewith; filed 27 April 1972, patented 27 March 1973; not available NTIS.

Patent 3,725,551: Insect Control Process with Synthetic Hormones; filed 10 November 1970, patented 3 April 1973; not available NTIS.

Patent 3,743,719: Mixtures of Cyclohexaneal-kanoic Acids, Their Esters and Eugenol as Attractants for the Japanese Beetle; filed 18 November 1970, patented 3 July 1973; not available NTIS.

Patent 3,745,181: Process for the Preparation of Surfactants; filed 28 June 1971, patented 10 July 1973; not available NTIS.

Patent 3,746,767: Mothproofing Wool; filed 7 June 1971, patented 17 July 1973; not available NTIS.

Patent 3,748,149: Continuous Production of Cheese Curd; filed 14 February 1972, patented 24 July 1973; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 300 Seventh Street SW., Washington, D.C. 20590.

Patent application 462,616: Radioisotope Gauge for Determining Cement Content of Concrete; filed 22 April 1974; PC$4.00/MF$1.45.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP—2, Washington, D.C. 20546.

Patent application 436,315: Duplex Aluminized Coatings; filed 24 January 1974; PC$4.00/MF$1.45.

Patent application 440,917: Axially and Radially Controllable Magnetic Bearing; filed 8 February 1974; PC$4.25/MF$1.45.

Patent application 445,178: Journal Bearings; filed 25 February 1973; PC$4.00/MF$1.45.

Patent application 445,398: Testing Device Using X-Ray Lasers; filed 25 February 1974; PC$4.00/MF$1.45.

Patent application 446,568: Method of Making an Apertured Casting; filed 27 February 1974; PC$4.00/MF$1.45.

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Patent application 448,335: Apparatus for Calibrating an Image Dissector Tube; filed 5 March 1974; PC$4.00/MF$1.45.

Patent application 449,163: An Improved Heat Sterilizable Patient Ventilator; filed 7 March 1974; PC$4.25/MF$1.45.

Patent application 450,505: Drilled Ball Bearing with a One Piece Anti-Tipping Cage Assembly; filed 12 March 1974; PC$4.00/MF$1.45.

Patent application 450,536: Electrostatic Entrained Material Measurement System; filed 12 March 1974; PC$4.00/MF$1.45.

Patent 3,763,708: Cryogenic Gyroscope Housing; patented 9 October 1973; not available NTIS.

Patent 3,787,959: Diffusion Welding in Air; patented 29 January 1974; not available NTIS.

Patent 3,788,163: Manual Actuator; patented 29 January 1974; not available NTIS.

Patent 3,789,654: Method for Determining Thermo-Physical Properties of Specimens; patented 5 February 1974; not available NTIS.

Patent 3,790,037: Metering Gun for Dispensing Precisely Measured Charges of Fluid; patented 5 February 1974; not available NTIS.

Patent 3,790,347: Apparatus for Remote Handling of Materials; patented 5 February 1974; not available NTIS.

Patent 3,790,650: Method for Compression Molding of Thermosetting Plastics Utilizing a Temperature Gradient Across the Plastic to Cure the Article; patented 5 February 1974; not available NTIS.

Patent 3,791,207: Wind Tunnel Model and Method; patented 12 February 1974; not available NTIS.

[FR Doc.74-12351 Filed 5-28-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D-74-365]

RELOCATION POLICIES AND REQUIREMENTS

Redelegation of Authority

The subject redelegation of authority published in the FEDERAL REGISTER on February 12, 1974, requires the following corrections to be made:

1. Section A, subparagraph 1.c., reference is made to the "Local Public Administrator." The correction should read, "local public agency" (without initial capital letters).

2. Section A, subparagraph 2, the word "to" should be inserted following the comma and after "1966,".

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.74-12352 Filed 5-28-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

MICHIGAN

Proposed Action Plan

The Michigan Department of State Highways and Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Michigan Department of State Highways and Transportation
   Bureau of Transportation Planning
   State Highways Building
   Lansing, Michigan 48904
2. Michigan Department of State Highways and Transportation
   District One
   336 Superior Avenue
   Crystal Falls, Michigan 49920
3. Michigan Department of State Highways and Transportation
   Escanaba Office
   1601 Ludington Street
   Escanaba, Michigan 49829
4. Michigan Department of State Highways and Transportation
   District Two
   405 Newberry Avenue
   Newberry, Michigan 49868
5. Michigan Department of State Highways and Transportation
   District Three
   100 East Chapin Street
   Cadillac, Michigan 49601
6. Michigan Department of State Highways and Transportation
   District Four
   3022 U.S. 23 South
   Alpena, Michigan 49707
7. Michigan Department of State Highways and Transportation
   District Five
   1420 Front Avenue, N.W.
   Grand Rapids, Michigan 49504
8. Michigan Department of State Highways and Transportation
   District Six
   P.O. Box 1211
   55 Morley Drive
   Saginaw, Michigan 48606
9. Michigan Department of State Highways and Transportation
   District Seven
   7545 South Westnedge
   P.O. Box 6
   Portage, Michigan 49081
10. Michigan Department of State Highways and Transportation
    District Eight
    2 North Plaza
    Jackson, Michigan 49202
11. Michigan Department of State Highways and Transportation
    Metro District
    13101 West Nine Mile Road
    P.O. Box 1226
    Southfield, Michigan 48075
12. U.S. Department of Transportation
    Federal Highway Administration
    Environmental Developmnet Division
    Nassif Building—Room 3246
    400 7th Street, S.W.
    Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before June 18, 1974.

Issued on May 21, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-12291 Filed 5-28-74;8:45 am]

MINNESOTA

Proposed Action Plan

The Minnesota Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Minnesota Department of Highways
   Highway Information Officer
   Room 609
   State Highway Building
   St. Paul, Minnesota 55155
2. Minnesota Department of Highways
   Highway Information Officer
   1123 Mesaba Avenue
   P.O. Box 39
   Duluth, Minnesota 55811
3. Minnesota Department of Highways
   Area Maintenance Office
   Hoover Road
   P.O. Box 959
   Virginia, Minnesota 55792
4. Minnesota Department of Highways
   Highway Information Officer
   Washington & 4th Street South
   Box 727
   Bemidji, Minnesota 56601
5. Minnesota Department of Highways
   Area Maintenance Office
   1301 S. Main Street
   Box 617
   Crookston, Minnesota 56716
6. Minnesota Department of Highways
   Highway Information Officer
   301 Laurel Street
   Box H
   Brainerd, Minnesota 56401
7. Minnesota Department of Highways
   Area Maintenance Office
   3725-12th Street North
   Box 370
   St. Cloud, Minnesota 56301
8. Minnesota Department of Highways
   Highway Information Officer
   1000 West T.H. 10
   Box 666
   Detroit Lakes, Minnesota 56501
9. Minnesota Department of Highways
   Area Maintenance Office
   2 South Street
   Box 410
   Morris, Minnesota 56267

10. Minnesota Department of Highways
    Highway Information Officer
    2055 N. Lilac Drive
    Golden Valley, Minnesota 55422
11. Minnesota Department of Highways
    Highway Information Officer
    North Highway 52
    Box 6177
    Rochester, Minnesota 55901
12. Minnesota Department of Highways
    Area Maintenance Office
    West Highway 14
    Box 307
    Owatonna, Minnesota 55060
13. Minnesota Department of Highways
    Highway Information Officer
    501 S. Victory Drive
    Mankato, Minnesota 56001
14. Minnesota Department of Highways
    Area Maintenance Office
    Box 272
    Windom, Minnesota 56101
15. Minnesota Department of Highways
    Highway Information Officer
    Tenth and Pacific
    Box 758
    Willmar, Minnesota 56201
16. Minnesota Department of Highways
    Area Maintenance Office
    220 S. Sixth Street
    Box 29
    Marshall, Minnesota 56258
17. Minnesota Department of Highways
    Highway Information Officer
    3845 Hadley Avenue North
    Box 2030
    North St. Paul, Minnesota 55109
18. J. J. Hill Reference Library
    Fourth and Market Streets
    St. Paul, Minnesota 55102
19. Minnesota Historical Society Library
    690 Cedar Street
    St. Paul, Minnesota 55101
20. Minnesota Legislative Reference Library
    110 Capitol
    St. Paul, Minnesota 55155
21. Minnesota State Law Library
    117 University Avenue
    St. Paul, Minnesota 55155
22. Office of Public Libraries and Interlibrary Coop.
    805 Capitol Square Bldg.
    550 Cedar Street
    St. Paul, Minnesota 55101
23. State Archives
    117 University Avenue
    St. Paul, Minnesota 55155
24. University of Minnesota Law Library
    202 Fraser Hall
    Minneapolis, Minnesota 55455
25. University of Minnesota Library
    Duluth, Minnesota 55812
26. University of Minnesota Library
    14th & University Ave. SE
    Minneapolis, Minnesota 55455
27. University of Minnesota Library
    Morris, Minnesota 56267
28. University of Minnesota
    St. Paul Campus Library
    St. Paul, Minnesota 55108
29. University of Minnesota
    Technical College
    Kiehle Library
    Crookston, Minnesota 56716
30. Bemidji State College
    14th & Birchmont
    Library
    Bemidji, Minnesota 56601
31. Carleton College Library
    Northfield, Minnesota 55057
32. Gustavus Adolphus College Library
    St. Peter, Minnesota 56082
33. Mankato State College Library
    Mankato, Minnesota 56001
34. Moorhead State College Library
    Moorhead, Minnesota 56560
35. St. Cloud State College
    Kiehle Library
    S. 1st Avenue
    St. Cloud, Minnesota 56301
36. St. John's University
    Alcuin Library
    Collegeville, Minnesota 56321
37. St. Olaf College
    Rolvaag Memorial Library
    Northfield, Minnesota 55057
38. Southwest Minnesota State College—Library
    N. Highway 23
    Marshall, Minnesota 56258
39. Winona State College
    Johnson & Sanborn Library
    Winona, Minnesota 55987
40. Anoka-Ramsey Community College Library
    11200 Mississippi Blvd.
    Coon Rapids, Minnesota 55433
41. Austin Community College Library
    1600 S.W. Eighth Street
    Austin, Minnesota 55912
42. Brainerd Community College Library
    College Drive at S.W. 4th St.
    Brainerd, Minnesota 56401
43. Fergus Falls Community College Library
    Fergus Falls, Minnesota 56537
44. Hibbing Community College Library
    Hibbing, Minnesota 55746
45. Inver Hills Community College Library
    8445 College Trail
    Inver Grove Heights, Minn. 55075
46. Itasca Community College Library
    Grand Rapids, Minnesota 55744
47. Lakewood Community College
    3401 Century Avenue
    Library
    White Bear Lake, Minn. 55110
48. Mesabi Community College Library
    Virginia, Minnesota 55792
49. Metropolitan Community College Library
    50 Willow Street
    Minneapolis, Minnesota 55403
50. Normandale Community College Library
    9700 France Ave. South
    Bloomington, Minnesota 55431
51. North Hennepin Community College Library
    7411-85th Avenue North
    Brooklyn Park, Minnesota 55428
52. Northland Community College Library
    Thief River Falls, Minn. 56701
53. Rainy River Community College Library
    International Falls, Minn. 56649
54. Rochester Community College Library
    Rochester, Minnesota 55901
55. Vermillion Community College Library
    Ely, Minnesota 55731
56. Willmar Community College Library
    Willmar, Minnesota 56201
57. Worthington Community College Library
    Worthington, Minnesota 56187
58. Environmental Conservation Library
    300 Nicollet Mall
    Minneapolis, Minnesota 55401
59. Environmental Library of Minnesota
    1222 Fourth Street, S.E.
    Minneapolis, Minnesota 55414
60. Crow River Regional Library
    410 West Fifth
    Willmar, Minnesota 56201
61. East Central Regional Library
    240 Third Avenue, S.W.
    Cambridge, Minnesota 55008
62. Great River Regional Library
    124 South Fifth Avenue
    St. Cloud, Minnesota 56301
63. Kitchigami Regional Library
    Pine River, Minnesota 56474
64. Lake Agassiz Regional Library
    115 South Sixth Street
    Moorhead, Minnesota 56561
65. LeSueur-Waseca Regional Library
    408 North State Street
    Waseca, Minnesota 56093
66. Minnesota Valley Regional Library
    120 South Broad Street
    Mankato, Minnesota 56001
67. Northwest Regional Library
    101 East First Street
    Thief River Falls, Minn. 56701
68. Arrowhead Library System
    701 Eleventh Street North
    Virginia, Minnesota 55792
69. Metropolitan Library Service Agency
    Griggs-Midway Building
    1821 University Avenue
    St. Paul, Minnesota 55104
70. Southeastern Libraries Coop.
    Kahler East Bldg., Suite A
    First Avenue, S.W.
    Rochester, Minnesota 55901
71. Minneapolis Public Library
    300 Nicollet Mall
    Minneapolis, Minnesota 55401
72. St. Paul Public Library
    90 West Fourth Street
    St. Paul, Minnesota 55102
73. Duluth Public Library
    101 West Second Street
    Duluth, Minnesota 55802
74. Rochester Public Library
    Broadway at First St. S.E.
    Rochester, Minnesota 55901
75. South St. Paul Public Library
    106 Third Avenue North
    South St. Paul, Minnesota 55075
76. Winona Public Library
    Box 589
    Winona, Minnesota 55987
77. Anoka County Library
    707 Highway 10
    Minneapolis, Minnesota 55434
78. Chippewa County Library
    324 South First Street
    Montevideo, Minnesota 56265
79. Dakota County Library System
    1101 W. Co. Rd. 42
    Burnsville, Minnesota 55337
80. Hennepin County Library
    7001 York Avenue South
    Edina, Minnesota 55435
81. Marshall-Lyon County Library
    301 West Lyon Street
    Marshall, Minnesota 56258
82. Martin Count, Library
    110 North Park
    Fairmont, Minnesota 56031
83. Austin-Mower County Library
    201 Second Avenue N.W.
    Austin, Minnesota 55912
84. Nobles County Library
    Worthington, Minnesota 56187
85. Polk County Library
    120 North Ash Street
    Crookston, Minnesota 56716
86. Ramsey County Library
    2180 North Hamline Avenue
    St. Paul, Minnesota 55113
87. Scott County Library System
    Shakopee, Minnesota 55379
88. Washington County Library
    Lake Elmo, Minnesota 55042
89. Watonwan County Library
    St. James, Minnesota 56081
90. Minnesota Division Office—FHWA
    Metro Square Bldg., Suite 490
    7th & Robert Streets
    St. Paul, Minnesota 55101
91. FHWA Regional Office—Reg. 5
    18209 Dixie Highway
    Homewood, Illinois 60430
92. U.S. Department of Transportation
    Federal Highway Administration
    Environmental Development Division
    Nassif Building—Room 3246
    400-7th Street, S.W.
    Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before June 18, 1974.

Issued on May 23, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-12292 Filed 5-28-74;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Ophthalmic Drugs.	June 4 and 5, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 4, 9 a.m. to 10 a.m., closed June 4 after 10 a.m., closed June 5. John T. McElroy, (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4690.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for ophthalmic application.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of safety and efficacy of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Contraceptives and Other Vaginal Drug Products.	June 6 and 7, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 6, 9 a.m. to 10 a.m., closed June 6 after 10 a.m., closed June 7. Armond Welch, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4690.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Diagnostic Products Advisory Committee.	June 10, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 12 noon, closed after 12 noon. Eloise Eavenson, Ph.D., Room 16B-32, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by FDA.

Agenda. Open session: Formation of Bureau of Medical Devices and Diagnostic Products; classification scheme for medical devices; new glucose products class standard proposal; subcommittee reports; and other committee business. Closed session: Regulatory actions anticipated by the Agency involving in vitro diagnostic products.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Topical Analgesics.	June 10 and 11, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 10, 9 a.m. to 10 a.m., closed June 10 after 10 a.m., closed June 11. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesic agents, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Obstetrical and Gynecology Devices.	June 10 and 11, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open June 10, 9:30 a.m. to 10:30 a.m., closed June 10 after 10:30 a.m., closed June 11. Lillian Yin, Ph. D., (HFM-129), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use.

Agenda. Open session: Comments and presentations by interested persons and report on current status of medical device legislation. Closed session: Review and classification of the following functional categories of obstetrical-gynecological devices: Surgical devices, diagnostic devices, therapeutic devices and prostheses.

Committee name	Date, time, place	Type of meeting and contact person
6. Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	June 11, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Eloise Eavenson, Ph. D., Room 16B-32, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by FDA.

Agenda. Open session: Comments and presentations by interested persons and reference methodologies recommended by the College of American Pathology and the American Association of Clinical Chemists. Closed session: Calibrator product class standard and proposed glucose product class standard.

Committee name	Date, time, place	Type of meeting and contact person
7. Dental Drug Products Advisory Committee.	June 12, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Clarence C. Gilkes, D.D.S., Room 15B-19, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs and related products employed in the practice of dentistry and the current advances, changing concepts, and trends in the field.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Discussions concerning L. D. Caulk Co.'s professionally applied prophy-paste, fluoride dietary supplements (tablets), and fluoride home treatment kits (confidential material submitted by sponsors as a result of a call for data which appeared in the FEDERAL REGISTER of April 5, 1973 (38 FR 8684) on these preparations).

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	June 12 and 13, 9 a.m., Room 3065, Mary E. Switzer Bldg., 330 C St. NW., Washington, D.C.	Open June 12, 9 a.m. to 10 a.m., closed June 12 after 10 a.m., closed June 13. Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20854, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

Agenda. Open session: Comments and presentations by interested persons (requests for presentations may be submitted until noon, June 11, 1974). Closed session: Continued review of individual ingredients, proposed combination policy, and initial approach to draft of final report.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Oral Cavity Drug Products.	June 13 and 14, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 13, 9 a.m. to 10 a.m., closed June 13 after 10 10 a.m., closed June 14. John T. McElroy, (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing oral hygiene drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of the oral cavity drug products.

Committee name	Date, time, place	Type of meeting and contact person
10. Obstetrics and Gynecology Advisory Committee.	June 13 and 14, 9 a.m., Conference Room A Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 13, 9 a.m. to 12 noon, closed June 13 after 12 noon. Open June 14, 9 a.m. to 12 noon, closed June 14 after 12 noon. A. T. Gregoire, Ph.D., Room 14B-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3490.

Purpose. Advises the Commissioner of Food and Drugs regarding the safety and efficacy of drugs employed in obstetrics and gynecology.

Agenda. Open session June 13: Intrauterine administration of Atabrine for tubal occlusion; the occurrence of ectopic pregnancy with low dose progestogen administration; the use of diuretics during pregnancy. Closed session June 13: Discussion of NDA 17-558 (Alza Corp.) and NDA 17-557 (Sterling Inc.). Open session June 14: Metronidazole for trichomonas vaginalis; septic abortion and intrauterine devices. Closed session June 14: Discussion of IND 7253.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Bacterial Vaccines, and Toxoids.	June 13 and 14, 1 p.m., Room 121, Bldg. 29, Natl. Inst. of Health, 9000 Rockville Pike, Bethesda, Md.	Open June 13, 1 p.m. to 2 p.m., closed June 13 after 2 p.m., closed June 14: Jack Gertzog, (HFB-6), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1672.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

Agenda. Open session: Previous minutes; communications received; and comments and presentations by interested persons. Closed session: Continuing review of products in this category.

Committee name	Date, time, place	Type of meeting and contact person
12. Anti-Infective Agents Advisory Committee.	June 13 and 14, 9 a.m. Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 13, 9 a.m. to 10 a.m., closed June 13 after 10 a.m., closed June 14. Mary K. Bruch, (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of infectious diseases.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Review of NDA 16-893 (Warner-Lambert) and review of proposed clinical studies for trimethoprim-sulfa combination.

Committee name	Date, time, place	Type of meeting and contact person
13. National Advisory Food Committee.	June 13 and 14, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Robert A. Littleford, Ph. D., Room 7-67, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4468.

Purpose. Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring safety of foods, reviews and makes recommendations on application for grants-in-aid, and serves as a forum for the exchange of views and recommendations.

Agenda. Status reports on Red No. 2, vinyl chloride, and asbestos; safety assessment regarding carcinogens; consideration of risk-benefit decision-making; and review of research grant applications.

Committee name	Date, time, place	Type of meeting and contact person
14. Surgical Drugs Advisory Committee.	June 14, 9 a.m., Conference Room K, Parklawn Bldg., Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Margaret Clark, M.D., Room 12B-25, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3460.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in surgery.

Agenda. Open session: Class labeling for large volume parenterals. Closed session: Discussions regarding IND 9333 (Abbott), IND 2702 (Dow Corning Corp.) and NDA 17-002 (Travenol); and a report on compliance procedures in Deseret Pharmaceutical catheter recall.

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	June 16 and 17, 9 a.m., for meeting location, contact Mr. DeCillis, 301-443-4960.	Closed June 16, open June 17, 9 a.m. to 10 a.m., closed after 10 a.m., Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription vitamin, mineral, and hematinic drug products, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on Review of Gastroenterological Urological Devices.	June 17, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m., Thomas L. Anderson, M.D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of gastroenterology and urological devices currently in use.

Agenda. Open session: Comments and presentations by interested persons and general discussion of adverse reactions and gastroenterological-urological medical devices. Closed session: Review and classification of various classes of gastroenterological-urological devices.

Committee name	Date, time, place	Type of meeting and contact person
17. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	June 17 and 18, 9 a.m., Room 121, Bldg. 29, Natl. Inst. of Health, 9000 Rockville Pike, Bethesda, Md.	Open June 17, 9 a.m. to 10 a.m., closed June 17 after 10 a.m., closed June 18. Jack Gertzog, (HFB-6), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1672.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of viral vaccines and rickettsial vaccines and combinations thereof; reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of live, attenuated virus, inactivated virus, or killed inactivated rickettsial microorganisms, used either singly or in combination, to prevent a variety of specific infectious diseases in man caused by viral or rickettsial microorganisms.

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Agenda. Open session: Previous minutes; communications received; and comments and presentations by interested persons. Closed session: Continued review of products in this category.

Committee name	Date, time, place	Type of meeting and contact person
18. Neuropharmacology Advisory Committee.	June 17 and 18, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 17, 9:30 a.m. to 12 noon, closed June 17, after 12 noon, closed June 18, Thomas A. Hayes, M.D., (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Open session: Review of Cylert, Desoxyn, and Mellaril and discussion of guidelines for antidepressants and anxiolytics. Closed session: Review of IND's and NDA's in psychopharmacology unit.

Committee name	Date, time, place	Type of meeting and contact person
19. Cardiovascular and Renal Advisory Committee	June 20, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. John B. MacGregor, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4731

Purpose. Advises the Commissioner of Food and Drugs regarding the safety and efficacy of drugs employed in cardiovascular and renal disorders.

Agenda. Open session: Finalization of prescription labeling for Digoxin and discussion of patient package insert for digitalis. Closed session: Safety and effectiveness of diphenyl hydantoin in treatment of cardiac arrhythmias.

Committee name	Date, time, place	Type of meeting and contact person
20. Geriatric Advisory Subgroup of the Neuropharmacology Advisory Committee.	June 21, 11 a.m., Hospitality House, 3000 Jefferson Davis Highway, Arlington, Va.	Open—Thomas A. Hayes, M.D., (HFD-120), 5600 Fishers Lane, Rockville, Md 20852, 301-443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Report of committee members on previous assigned tasks relevant to geriatric guidelines in clinic drug trials.

Committee name	Date, time, place	Type of meeting and contact person
21. Endocrinology and Metabolism Advisory Committee.	June 21, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. A. T. Gregoire, Ph.D., Room 14B-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3400.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in treatment of endocrine and metabolic disorders.

Agenda. Open session: The 100-unit insulin proposal; the concept of Phase IV protocols on lipid lowering drugs; and comments and presentations by interested persons. Closed session: Discussion of NDA 17-563 (Upjohn Co.) and NDA 17-535 (Dow Chemical Co.).

Committee name	Date, time, place	Type of meeting and contact person
22. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	June 21 and 22, 9 a.m., Room 121, Bldg. 29, Natl. Inst. of Health, 9000 Rockville Pike, Bethesda, Md.	Open June 21, 9 a.m. to 10 a.m., closed June 21 after 10 a.m., closed June 22, Jack Gertzog (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens with standards of potency.

Agenda. Open session: Previous minutes; communications received, and comments and presentations by interested persons. Closed session: Continued review and discussion of committee position papers.

Committee name	Date, time, place	Type of meeting and contact person
23. Ophthalmic Drugs Advisory Committee.	June 24, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Edward Sobock, Room 12B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6716.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of diseases and disorders of the eye.

Agenda. Open session: Report of the Industry Coordinating Committee for the elucidation and compilation of data to demonstrate efficacy of steroid antiineffective drug combinations; and comments and presentations by interested persons. Closed session: Discussion of NDA 16-881 (Davis & Geck); discussion of IND 5121; and discussion of IND 10-227.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: May 21, 1974.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.74-12115 Filed 5-28-74;8:45 am]

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DIAMOND SHAMROCK CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2997) has been filed by Nopco Chemical Division, Diamond Shamrock Chemical Co., Diamond Shamrock Corp., P.O. Box 2386R, Morristown, NJ 07960, proposing that § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* (21 CFR 121.2519) be amended to provide for safe use of α,α'-[methylenebis[4-(1,1,3,3 - tetramethylbutyl) -o-phenylene]bis[*omega* - hydroxypoly(oxyethylene)] having 6-7.5 moles of ethylene oxide per hydroxyl group, as a component of defoaming agents used in the manufacture of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: May 21, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-12235 Filed 5-28-74;8:45 am]

INSPECTION AND GRADING OF GRAIN, RICE, AND PULSES

Agreement With the Agricultural Marketing Service

The Agricultural Marketing Service and the Food and Drug Administration have drawn up an agreement concerning certain related objectives in carrying out their responsibilities under the Agricultural Marketing Act of 1946 and the Federal, Food, Drug, and Cosmetic Act respectively. The agreement sets forth the working arrangements being followed or adopted in the interest of the public so that each agency will discharge as effectively as possible its inspection and standardization activities for grain, rice, and pulses. It reads as follows:

MEMORANDUM OF AGREEMENT BETWEEN THE AGRICULTURAL MARKETING SERVICE AND THE FOOD AND DRUG ADMINISTRATION CONCERNING THE INSPECTION AND GRADING OF GRAIN, RICE, AND PULSES

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the Act, FDA's activities are directed toward the protection of the public health of the nation by insuring that foods and feeds are safe and wholesome. This is accomplished in part by inspecting the processing and distribution of grain, rice, and pulses (beans, peas, and lentils) and examining samples thereof to assure compliance with the Act.

The Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture, under the authority of (1) the Agricultural Marketing Act of 1946 and regulations thereunder (7 CFR Part 68) and (2) the U.S. Grain Standards Act, and regulations thereunder (7 CFR Part 26) carries out, in cooperation with official inspection agencies, certain inspection and grading functions designed to aid in the efficient marketing of grain, rice, and pulses. These include the development of commercial grade standards and furnishing inspection and grading services, including the issuance of certificates of quality and/or condition, to producers, shippers, merchandisers, processors, or other interested parties. The major purpose is to provide objective information concerning the grade, quality, or condition of grain, rice, and pulses which will be of maximum assistance to all interested parties engaged in marketing functions.

The two agencies have certain related objectives in carrying out their respective regulatory and service activities. Therefore, it is believed desirable from the standpoint of public interest to set forth in this Memorandum of Agreement the working arrangements which are being following or adopted in the interest of each agency discharging as effectively as possible its responsibilities related to regulatory and service activities for grain, rice, and pulses.

A. The Agricultural Marketing Service will:

(1) Immediately inform the appropriate FDA field office of the identity of plants where withdrawal or suspension of inspection and grading services by AMS has occurred or is in process because of sanitation or other deficiencies in food handling practices.

(2) Investigate any report from FDA to the effect that a processor, packer, or shipper obtaining inspections from AMS has not corrected objectionable conditions found to exist by FDA, and take such corrective action as is in accordance with AMS authority. Where AMS authority is inadequate to effect needed corrective action, AMS will so inform FDA.

(3) In developing standards for all grades of grain, rice, and pulses, take into account criteria such as tolerances and action levels and not set standards inconsistent with such criteria. During the inspection and grading of these comodities, make such examinations to determine compliance with these criteria as are feasible considering the circumstances under which such services are performed.

(4) Report to the appropriate FDA field office information intended to permit location and identification of any lot of grain, rice, or pulses which, upon inspection and grading by AMS graders or licensed inspectors, is found to meet the FDA criteria for classifying grain, rice, or pulses as actionable under the Federal Food, Drug, and Cosmetic Act.

(5) Furnish FDA headquarters, on request, any pertinent information in AMS possession concerning inspections and gradings of specific lots of grain, rice, and pulses by AMS graders or licensed inspectors that have been proceeded against or are being considered for action by FDA.

(6) Require that inspection certificates issued by official inspection personnel include codemarkings or other identifications to identify the inspected and graded grain, rice, or pulses.

(7) Inform FDA headquarters whenever AMS has information that an AMS grader or licensed inspector is to be or has been subpoenaed as a witness at judicial proceedings involving FDA action on grain, rice, or pulses and inform FDA of the nature of the proposed testimony.

B. The Food and Drug Administration will:

(1) Invite the AMS grader or licensed inspector stationed at a plant which is obtaining inspection by AMS to accompany the FDA inspector during his inspection of such plant. The FDA inspector will point out or discuss with the AMS grader, or licensed inspector, any conditions noted which may result in violations of the Federal Food, Drug, and Cosmetic Act.

(2) Request from AMS headquarters any needed information concerning the inspection and grading of specific lots of grain, rice, or pulses that have been proceeded against, or are being considered for action by FDA,

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and are known or believed to have been inspected and graded by an AMS grader or licensed inspector.

(3) Immediately notify the appropriate AMS field office concerning the details of serious, objectionable sanitation conditions or handling practices or the presence of contaminated, adulterated, or otherwise unsafe or unwholesome food or feed products whenever they are found by FDA in processing, packing or shipping plants where AMS graders or licensed inspectors are currently conducting inspections and gradings of grain, rice, or pulses when FDA believes such information would be of value to AMS or the official inspection agencies in their inspection and grading activities. On receipt of the information, AMS will initiate such corrective action as is feasible including withdrawal or suspension of inspection and grading services.

(4) Provide timely notification and sufficient detail to the appropriate AMS field office concerning FDA initiated seizure actions against any lots of grain, rice, or pulses to facilitate the identity of such lots by AMS graders or licensed inspectors.

(5) Inform AMS headquarters of the criteria which are used by FDA in determining whether grain, rice, or pulses would be considered actionable under the Federal Food, Drug, and Cosmetic Act, so that AMS may use the criteria in AMS standards and in performing inspection and grading activities.

(6) On request of AMS, review labels, legends, stamps, and other official marks for grain, rice, and pulses from the standpoint of possible conflict with the misbranding provisions of the Federal Food, Drug, and Cosmetic Act.

C. It is mutually agreed that:

(1) Both agencies will maintain close working relations with each other, both in headquarters as well as in the field.

(2) Regulations proposed by either agency affecting AMS grain, rice, or pulse standards will be referred to the other agency for review and comments prior to issuance.

(3) Both agencies will cooperate jointly and with the grain, rice, and pulse industries in the improvement of sanitation and food handling practices in grain, rice, and pulse handling and processing plants. Both agencies will mutually exchange data and cooperate in the development of sampling plans, methodology, and guidelines for determining natural and unavoidable defects common to grain, rice, and pulses.

(4) Both agencies will work with the grain, rice, and pulse industries toward greater efficiency in coding methods.

(5) Each agency will designate to the other a central contact point to which communications dealing with this agreement or matters affected thereby may be first referred for attention.

(6) This agreement supersedes the Memorandum of Agreement dated February 19, 1942, and the Memorandum of Understanding dated September 1, 1949, between the Food and Drug Administration and the Consumer and Marketing Service, or their predecessor organizations, with respect to grain. Otherwise, nothing in this Agreement modifies other agreements, nor precludes separate agreements for special programs which can be handled more efficiently and expeditiously by separate agreements.

(7) The provisions of this memorandum may be modified at any time by mutual agreement.

For the Agricultural Marketing Service.

Dated: April 2, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

For the Food and Drug Administration.

Dated: April 6, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

Effective date. This agreement became effective on May 29, 1974.

Dated: April 8, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-12236 Filed 5-28-74;8:45 am]

Office of the Secretary

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration), of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685-92, dated February 25, 1970, as amended) is amended to reflect standard organizational nomenclature requested by the Department and to reflect minor changes in functional statements for the Office of Administration and for the Executive Director of Regional Operations and for the field.

Section 6-B is amended as follows:

Section 6-B Organization. The Food and Drug Administration is administered by a Commissioner of Food and Drugs under the direction of the Assistant Secretary for Health. The Food and Drug Administration consists of the following major components with the functions as indicated.

(aa) *Delete.*

(a) *Office of the Commissioner* (6A01). The Commissioner and the Deputy Commissioner are responsible for the efficient and effective implementation of FDA's mission.

(a-1) *Office of Legislative Services* (6A01012). Advises the Commissioner concerning legislative needs and in the analysis of pending congressional legislation which may affect FDA.

Prepares and clears FDA position papers and Departmental reports on proposed legislation for approval of the Commissioner.

Coordinates and assists in the development and preparation of FDA legislative proposals for the Commissioner's review.

Assists in the preparation of testimony for presentation to congressional committees; monitors hearings and congressional activities affecting FDA; and distributes legislative materials.

Directs or coordinates the preparation of data requested by congressional investigative committees; provides technical and other assistance to members of Congress, congressional committees, and their staffs.

Provides a central FDA control for correspondence referred by the White House and the Department; controls and processes congressional, international, State, and local correspondence.

(b) *Office of Compliance* (6A0105). Functions as principal advisor to the Commissioner on regulations and compliance oriented matters which impact on policy development and execution, and long-range program goals.

Evaluates and coordinates the Agency's overall compliance efforts to assure optimum use of FDA and other Federal, State, and local government resources, an effective balance between voluntary and regulatory compliance, and FDA responsiveness to consumer needs.

Stimulates an awareness within FDA of the need for prompt and positive action to secure compliance by regulated industries.

Directs and coordinates the regulation making activities of the Food and Drug Administration, including preparation of Federal Register material and processing of public response to proposed rulemaking.

Receives and processes requests for information under the Freedom of Information Act.

Operates FDA emergency preparedness and civil defense programs.

Coordinates international aspects of FDA's compliance programs and acts as liaison with foreign firms, international groups, and other nations.

Coordinates the preparation of international travel plans, including the Annual International Travel Plan, for the Commissioner's approval.

Directs the activities of the Office of the Administrative Law Judge; schedules and conducts prehearing conferences and administrative hearings of an adjudicative and rulemaking nature pursuant to the Federal Food, Drug, and Cosmetic Act, as amended, as well as other related laws and the Administrative Procedure Act (5 U.S.C. 551 et seq.).

Evaluates evidence of record after hearings and prepares all necessary reports, tentative findings of fact, conclusions of law, and tentative orders used by the Commissioner in making a final Agency decision.

(c) *Office of Science* (6A0106). Functions as the principal advisor to the Commissioner on scientific matters which impact on FDA policy and direction and long-range program goals.

Provides leadership and direction on scientific and environmental matters and stimulates scientific and technological achievement in FDA. Participates with the Division of Contracts and Grants Management in the development of FDA policy concerning the use of grants and contracts; develops scientific policy for the acquisition of scientific data and/or innovative scientific equipment and instrumentation under the grants and contracts mechanism.

Serves as the focal point for preaward coordination and scientific review of FDA's extramural research, training, and fellowship activities; for the development of Agency scientific research and environmental impact policies and procedural guidelines; and for technical liaison activities concerning scientific matters, environmental impact, research grants, and science oriented contracts.

Provides leadership to an internal science advisory council, composed of scientists representing the bureaus, which advises the Agency on scientific policy and environmental impact of Agency actions.

Appraises the technical aspects and relative contributions of FDA's intramural and extramural science programs. Evaluates the adequacy of scientific resources available to the Agency. Initiates action as appropriate to enhance the FDA scientific posture by promoting optimum utilization of the grants and contracts mechanism, interagency agreements, and international scientific collaboration under Pub. L. 480 and related statutes. Provides a focal point for committee management activities within FDA.

(d) *Office of Medical Affairs* (6A0104). Functions as principal advisor to the Commissioner on medical matters which impact on policy and direction, and long-range program goals.

Provides leadership on medical matters and stimulates medical effort and achievement in the Agency.

Provides for the continuing appraisal of FDA medical research programs and projects.

Serves as a member or chairman of FDA's medical advisory and planning committees such as the FDA National Advisory Drug Committee.

Provides medical opinions on special and overall program problems which cross bureau lines and also where medical aspects are controversial or critical.

Serves as an adviser on medical research contracts, medical committees, and special medical projects of agency-wide scope.

Evaluates medical research results originating from other Government agencies and private institutions for potential utilization in FDA.

(e) *Delete and Reserve.*

(f) *Office of Administration* (6A0107). Serves as principal advisor to the Commissioner on all phases of management inherent in the operations of FDA.

Directs the effective utilization of all management resources and the implementation of operating programs by coordinating the funding, manpower, facilities, and equipment resources of the Agency.

Provides leadership and direction to administrative management including budget, finance, personnel, organization, methods, grants and contracts, procurement and property, records, and similar supporting activities. Assures that conduct of these efforts effectively supports program operations.

Develops and coordinates the Agency's Operational Planning System. Develops policy and procedures necessary to maintain the integrity of trade secrets and other privileged information submitted by industry to FDA; formulates agency-wide security policy and investigates and recommends action concerning security problems.

Develops data systems policy and procedures necessary to coordinate all FDA information and data retrieval systems and ADP equipment; operates FDA's central computer facility; and provides systems analysis and programming services.

(f-1) *Division of Financial Management* (6A01072). Plans, directs, and coordinates a comprehensive financial management program for FDA encompassing the areas of budget analysis, formulation and execution, fiscal accounting, voucher audit, and financial reporting. Provides staff assistance in justifying budgets through executive and congressional echelons. After appropriation, develops an orderly expenditure plan.

Develops apportionment plans and issues allotments for expenditures.

Makes periodic reports regarding the status of FDA's financial management.

Develops financial inputs for the Agency's 5-year program and financial plans.

(f-2) *Division of Management Services* (6A01073). Provides leadership and guidance to headquarters staff offices, headquarters operating activities, and field activities for all management services programs, including: procurement, personal property management and accountability, real property management, space management and utilization, construction and engineering services, communications, graphic arts, printing and reproduction, microform management, and mail and files.

Develops and conducts management programs in directives management, reports and forms management, records and correspondence management, and other management areas as assigned.

Responsible for maintaining effective liaison with the Government Printing Office, and for the centralized clearance and coordination of all printing and publication services.

Coordinates the development of agency-wide policies and procedures for such services; and plans, executes, evaluates, and adjusts efforts in these activities.

(f-3) *Division of Management Systems and Policy* (6A01074). Provides leadership and direction in the effective and efficient use of Agency resources; provides agencywide consulting services in organization and operations analysis and in the analysis, design, implementation, and maintenance of operating systems and procedures.

Provides central FDA control for delegations of authority and maintains control files of delegations to and within the Agency.

Conducts agencywide organization, management, and manpower studies; designs and recommends systems, procedures, and policy to implement study conclusions.

Provides computer systems analysis and application programming services for the staff offices of the Commissioner, and data base management services for the Agency.

(f-4) *Division of Personnel Management* (6A01075). Plans and develops a comprehensive personnel management program for FDA, including programs in manpower planning, skills utilization, position analysis, career development and training, upward mobility, occupational health and safety, employee services, and employee-management relations.

Provides staff assistance to servicing personnel offices performing recruitment, position classification, employee service, and personnel action processing functions.

Implements and administers centralized FDA staff development and occupational health and safety programs; performs employee-management relations activities and other services not provided by servicing personnel offices.

Assists executive and operating management in expeditiously and effectively achieving program objectives while assuring application of the Federal Merit System.

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(f-6) *Division of Contracts and Grants Management* (6A01077). Provides leadership, direction, and staff advisory services for the FDA negotiated contracts and grants management programs. Coordinates activities of FDA Bureaus and Offices to insure proper development of grants and contracts program requirements.

Plans, develops, and coordinates the issuance of FDA-wide negotiated contracting policies and procedures.

Participates with the Office of Science in the development of FDA policy concerning the use of research grants and grants funds. Serves as the Agency focal point for developing, coordinating, and implementing FDA policies and procedures pertaining to grants management; serves as the primary point of liaison with the management staff of grantee institutions for the general interpretation of grants management policies.

Directs and coordinates all administrative functions associated with grants management after technical review and approval are complete. Directs and conducts negotiations with grantee institutions.

Executes all negotiated contracts and grants awards.

Analyzes, evalutes, and reports selected statistical and financial data pertaining to the grants and contracts program.

Maintains liaison with the Office of the Assistant Secretary for Administration and Management on contracts and grants management policy, procedural, and operating matters. Serves as FDA focal point for the processing of audit

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reports and for liaison with DHEW Audit Agency.

Provides price/cost analysis and related services for contracts and grants.

(g) *Office of Planning and Evaluation* (6A0108). Advises and assists the Commissioner and other key officials concerning the performance of FDA long-range planning, development, and evaluation activities.

Develops program and planning strategy through analysis and evaluation of issues affecting policies and program performance.

Develops, installs, and monitors the agencywide planning system, including the Five-Year Plan and the Strategic Plan.

Conducts operations research and economic and special studies as a basis for forecasting trends, needs, and major problems requiring solution; and provides assistance and consultation in these areas to operating units.

Evaluates impact of external factors on FDA programs, including industry economics, consumer expectations, and protective legislation. As necessary, recommends new programs or changes in existing programs, and program priorities.

Develops FDA evaluation programs and systems to evaluate overall FDA program accomplishments against objectives and priorities, recommending changes as necessary.

Evaluates impact of FDA programs on consumer protection.

Develops and coordinates an agencywide system for the collection of medical data from hospitals, clinics, and other reporting units.

(h) *Delete and Reserve.*

(j) *Office of Professional and Consumer Programs* (6A0111). Serves as principal advisor to the Commissioner on development and implementation of effective policies and programs to convey health protection concepts and practices to general consumers and medical professionals.

Advises the Commissioner on Agency public affairs policy and assists the Commissioner in the conduct of FDA's public affairs programs. Represents the Commissioner at appropriate professional and consumer group conferences.

(j-1) *Office of Program Coordination* (6A01112). Coordinates the development of specific programs to increase consumer and professional awareness of FDA activities affecting the use of products regulated by the Agency. Implements approved programs nationwide through a network of consumer affairs officers and other broad educational efforts which provide information directly to consumer, professional, and scientific individuals or groups.

(k) *Bureau of Foods* (6A10). Develops FDA policy with respect to the safety, composition, quality (including nutrition), and labeling of foods, food additives, colors, and cosmetics.

Conducts research and develops standards on the composition, quality, and safety of foods, food additives, colors, and cosmetics.

Conducts research designed to improve the detection, prevention, and control of contamination that may be responsible for illness or injury conveyed by foods, food additives, colors, and cosmetics.

Develops and promulgates current good manufacturing practices for the food processing industry and model ordinances and codes and model regulations for State and local government use in assuring food safety and quality.

Plans FDA surveillance and compliance programs and evaluates progress toward objectives of planned program and regulatory activities relating to foods, food additives, colors, and cosmetics.

Reviews industry petitions and recommends promulgation of regulations for food standards and for the safe use of color and food additives. Collects and interprets data on nutrition, food additives, and environmental factors affecting the total chemical insult posed by direct and indirect food additives.

Analyzes regulatory samples as necessary to support Bureau compliance programs.

Participates in training of FDA field personnel and provides guidance to the regulated industries in the application of the most effective procedures to assure food safety and quality.

Studies consumer experience with, expectation of, and exposure to Bureau-regulated products and maintains a nutritional data bank. Recommends to the Office of the Commissioner new or revised legislation pertinent to the Bureau's responsibilities.

(k-1) *Office of the Director* (6A1001). Develops FDA food, food additive, color, and cosmetic policy for approval of the Commissioner.

Provides overall executive direction to the Bureau programs and activities and coordinates programs with other FDA organizational components, DHEW, and other Government agencies.

Directs the development of Bureau regulatory policy.

Recommends to the Office of the Commissioner new and revised legislation pertinent to Bureau responsibilities and participates in the preparation of legislative proposals and testimony for presentation at congressional hearings.

Directs and coordinates the overall application of Bureau scientific and technical capabilities, coordinating Bureau scientific research within FDA and with other governmental and private agencies, both nationally and internationally, to facilitate collaboration in attacking common problems. Recommends, initiates, and terminates all Bureau extramural research contracts.

Directs the Bureau's administrative and management programs.

Develops and interprets compliance and surveillance programs, current good manufacturing practices, model ordinances and codes, and model regulations.

Reviews and approves food standard proposals and evaluates food and color additive petitions.

Establishes, promotes, and maintains a climate of mutual cooperation with scientists and scientific bodies nationally and internationally in order to maintain contact with scientific events which may impact on Bureau activities.

(k-2) *Delete and Reserve.*

(k-3-i) *Division of Regulatory Guidance* (6A10042). Develops or coordinates the development of exempting, interpreting, and implementing regulations (except current good manufacturing practices) necessary to achieve compliance with laws pertinent to Bureau responsibilities.

Develops and maintains a codified system for compiling and issuing compliance policy on foods, cosmetics, pesticides, and food chemicals for the guidance of FDA headquarters and field personnel.

Recommends legislation when necessary to solve compliance problems and reviews proposed legislation when requested.

Manages the development of controversial or precedent-setting cases.

Develops and maintains legal guidelines for field use in specific areas and recommends delegations of authority to the field offices for direct handling of regulatory actions as necessary.

Reviews and approves proposed regulatory actions in areas where authority for direct case handling has not been delegated to the field offices.

Provides guidance to the field offices in these areas and provides technical support for case development and contested court cases.

Manages and coordinates headquarters activities associated with injunctions seizures, and prosecutions. Provides Bureau position on recalls with technical assistance to the field, as requested, and correlates recall actions with other regulatory activities.

Issues advisory opinions in response to specific requests from industry, trade associations, Government agencies, and Congress.

Identifies, researches, analyzes, and recommends solutions to present and prospective compliance problems involving foods, cosmetics, pesticides, and food chemicals.

(k-3-ii) *Division of Compliance Program (Foods)* (6A10045). Identifies compliance program needs and develops and issues responsive surveillance and compliance programs relating to the food and cosmetic industries and other industries which may contribute to food contamination; coordinates the establishment of priorities for compliance activities pertinent to these programs.

Plans and helps develop information retrieval and appraisal systems for each compliance program and evaluates effectiveness of overall compliance programs. Revises existing programs as necessary to maintain their efficiency and effectiveness.

Serves as the Bureau focal point for information concerning the compliance status of the food and cosmetic industries.

Identifies and recommends research projects to develop better monitoring and compliance techniques.

Plans and develops FDA programs to carry out responsibilities in interstate travel sanitation under the Public Health Service Act and enforces applicable provisions of the Interstate Quarantine Regulations.

Develops and issues sanitation handbooks and standards relating to the sanitary design, construction, and operation of aircraft, buses, trains, and vessels.

Reviews and approves plans for design and construction details for food service, water, and waste disposal facilities and equipment aboard conveyances.

(k-3-iii) *Division of Industry Programs* (6A10046). Promotes a better understanding in the food and cosmetic industries of the requirements and objectives of the laws and regulations enforced by FDA. Encourages compliance by the regulated industries.

Plans and conducts national seminars, symposia, and conferences on specific industry compliance problems and on consumer educational activities in conjunction with the Office of Professional and Consumer Programs (OPCP).

Assists field offices, upon request, in planning and conducting workshops and seminars for the food industry on current good manufacturing practices and on various problem areas.

Prepares and distributes, with the prior clearance of OPCP, informational, instructional, and motivational materials designed to promote industry compliance and to educate the consumer.

Monitors the implementation of industry quality assurance programs designed to prevent compliance failures and develops plans and programs to help industry improve quality control capabilities.

Coordinates the recruitment of food processing companies for participation in cooperative quality control programs.

Plans and monitors the implementation of programs designed to achieve greater involvement by State regulatory agencies in maintaining surveillance over the food industry; promotes, in coordination with the Executive Director of Regional Operations, State adoption of model regulations and model ordinances and codes regulating the food industry.

(k-3-iv) *Division of Food and Color Additives* (6A10043). Develops policy statements and regulations concerning the review of food and color additives, GRAS (generally recognized as safe) substances, and prior sanctioned substances.

Operates a control system for all food additive and color additive petitions submitted to FDA for review and evaluation.

Develops proposed regulations and supporting documents for food and color additive petitions.

Analyzes and evaluates industry and consumer comments on food and color additive proposals and develops final regulations.

Interprets new legislation, drafts implementing regulations, and develops guidelines setting forth legal-administrative procedures for applying new or revised authority in the petition processing area.

(k-4-i) *Division of Chemistry and Physics* (6A10022). Devises new methods of analysis for foods, additives, pesticides, alteration products, and inadvertent natural and industrial contaminants in foods; conducts validation studies, recommends analytical procedures, and provides technical support when requested by the field laboratories. Conducts research to elucidate the chemical structure and properties of food components and potentially hazardous substances in foods.

Provides scientific evaluation of the chemical and tissue residue data in food additive petitions and of chemical methodology and chemical validation tests in drug applications for food producing animals.

Provides expertise in specialized fields of advanced instrumentation and evaluates, designs, and adapts instrumentation to meet analytical needs in foods research.

Provides other analytical services, as requested, in support of Bureau and field programs.

(k-4-ii) *Division of Toxicology* (6A 10025). Originates, plans, and conducts research on the toxic effects of substances occurring in foods, cosmetics, colorants, and related commodities through adulteration, direct addition, or environmental contamination.

Investigates mechanisms of the underlying toxicological reactions which may directly or indirectly lead to diseases in man or laboratory animals. Determines quantitative aspects of the dose response relationship in a variety of animal species for various toxicological manifestations relevant to man.

Investigates, develops, and improves bases for establishing and evaluating toxicological injury to man or laboratory animals from chemicals permitted in foods and cosmetics or from metabolites of these chemicals.

Conducts toxicological studies on various classes of food additives, environmental contaminants, colorants, and cosmetics to provide data for evaluation of new petitions and proposals and for the review of current tolerances and applications.

Provides toxicological evaluation of food and color additive petitions and for drug applications for food producing animals.

Plans and conducts research pertinent to basic toxicity mechanisms affecting cell growth, reproduction, and function.

Performs toxicological analyses of regulatory samples, as requested, to support FDA compliance programs.

(k-4-iii) *Division of Pathology* (6A 10026). Investigates the nature and significance of the gross and microscopic changes which occur in animal tissues and organs resulting from short- and long-term exposure to food additives and toxic contaminants of chemical, microbiological, or natural origin.

Evaluates pathological data submitted in food and color additive petitions.

Provides pathological support for the complete evaluation of toxicological experiments and, upon request, provides pathology services to other bureaus.

Maintains a complete registry of pathological data on the effects of toxic stress on animals.

Develops new methods of anatomical and histochemical examination of organs and tissues from animals subjected to treatment with food additives, adulterants, and contaminants.

Performs pathological analyses of regulatory samples, as requested, to support FDA compliance programs.

(k-4-iv) *Division of Microbiology* (6A10027). Originates, plans, and conducts research on the nature, extent, and significance of microbial and physical contaminants of foods and cosmetics.

Develops and evaluates microbiological methods for detecting harmful microorganisms, toxins, decomposition, extraneous matter, and other naturally occurring and biological hazards in processed and restaurant prepared foods and in cosmetics.

Develops the technical and microbiological basis for recommended limits, guidelines, and practices applied to food in current good manufacturing practices and used by Federal, State, and municipal health control agencies. Evaluates, through laboratory investigations, the microbiological and other biological hazards associated with food processing and food service practices.

Performs microbiological analyses of regulatory samples, as requested, to support FDA compliance programs.

Develops standard analytical methodology and furnishes, in coordination with the Executive Director of Regional Operations, consultative and training services required for the microbiological control of the food industry by Federal, State, and municipal health control agencies; approves State central milk testing laboratories and certifies State milk laboratory survey officers.

(k-4-v) *Division of Mathematics* (6A10028). Develops mathematical methods and models and provides statistical analysis of Bureau and field research, extramural, and regulatory programs.

Originates, plans, and conducts research with regard to the mathematical design, analysis, and interpretation of health, sanitation, and economic studies.

Reviews and evaluates experimental design and statistical data submitted in petitions for food additive, food standard, and color additive regulations.

Provides statistical support to all components of the Bureau. Investigates mathematical and statistical techniques for data analysis systems and for translation and interpretation of technical information for Bureau use.

(k-5-i) *Division of Food Technology* (6A10052). Develops, collects, coordinates, and interprets technical information regarding the composition, quality, manufacture, packaging, and marketing of foods.

Develops, evaluates, and drafts the substantive content, including technological and engineering specifications, of current good manufacturing practices, model ordinances and codes, model regulations, and amendments thereto.

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Develops, evaluates, and drafts the substantive content of food standard proposals establishing standards of identity, quality, and fill of container.

Revises the "Model Milk Ordinances and Codes" and the "National Shellfish Sanitation Program Manual of Operations."

Investigates the currently developing food preservation processes, particularly their impact on established indices of decomposition, and develops new chemical indices.

Makes exploratory investigations into the technology of agricultural and industrial practices that may result in contamination of food with biotoxins. Determines the minimum amount of food additive necessary to achieve the intended technical effect.

Administers cooperative Federal-State shellfish and milk certification programs; reviews field reports and recommendations on State programs to assure their compliance with minimum requirements of Federal programs such as the "Cooperative Program for Interstate Milk Shippers" and the "National Shellfish Sanitation Program."

(k–5–ii) *Division of Chemical Technology* (6A10053). Originates, plans, and conducts research into the industrial practices of chemical processing and chemical uses in regard to the disposition, behavior, and fate of industrial chemicals, byproducts, and process wastes and pollutants in the environment.

Assesses and investigates the nature and magnitude of chemicals and chemical wastes in the environment and the factors which influence the uptake and persistence of these contaminants in foods and in other parts of the ecosystem which contribute to the human organism.

Maintains a complete registry of chemical manufacturing and processing information.

Recommends and assists in the development of regulatory and research programs associated with indirect chemical contaminants which may concentrate in foods.

Prepares environmental impact statements on Bureau actions and regulations which may have a significant effect on the environment, in conjunction with the Office of Science. Reviews, in conjunction with the Office of Science, environmental impact statements prepared by other FDA components and other Government agencies which may impact on the Bureau's areas of responsibility.

(k–5–iii) *Division of Color Technology* (6A10055). Provides expert technical advice on problems relating to the chemistry and technology of colors within FDA and to other Government agencies.

Evaluates color additive petitions for the adequacy and reliability of chemical data (identity, composition, purity, stability), manufacturing controls, and methodology in proposals for listing color additives and color additive diluents.

Maintains liaison with technical personnel of manufacturers of certifiable color additives to maintain early awareness of new techniques, process changes, and other technical innovations.

Examines all batches of colors submitted for certification and examines or administers examination of permitted colors exempt from certification to assure conformance to the Code of Federal Regulations for identity, composition, and purity.

Examines or administers examination of foods, drugs, and cosmetics for nonpermitted color additives and for permitted color additives used in an unsafe manner; develops examination methods for field use in determining if nonpermitted colors are used in foods, drugs, or cosmetics.

Performs inspections of color manufacturers in conjunction with the Executive Director of Regional Operations.

(k–5–iv) *Division of Cosmetics Technology* (6A10056). Provides expert technical advice on problems relating to the chemistry and technology of cosmetics within FDA and to other Government agencies.

Develops and maintains internationally recognized competence in the composition, function, and analysis of cosmetics. Maintains liaison with technical personnel of manufacturers to keep informed of new developments in cosmetic technology and products in order to prevent the use of potentially harmful ingredients such as primary irritants, sensitizers, and carcinogens.

Maintains and evaluates all cosmetic injury complaints received by the Agency, including all pertinent correspondence, reports, replies, analyses of samples, and recommendations for regulatory action.

Processes and evaluates all data received under cosmetic registration programs (location of cosmetic product establishments, ingredients in cosmetic product formulations, and cosmetic experience reports submitted by the cosmetic industry).

Performs chemical analysis of cosmetics for potential poisonous or deleterious substances and nonpermitted ingredients and develops analytical methods for field use.

Initiates requests for field inspection of cosmetic manufacturers and, in coordination with the Executive Director of Regional Operations, occasionally assists in inspections.

(k–6) *Delete and Reserve.*

(k–6–i) *Division of Consumer Studies* (6A10072). Participates in the establishment of policies and development of new regulations by providing data on consumer exposure to, experience with, and expectation of, Bureau-regulated products.

Develops base line data on consumer food requirements, demands, and factors that motivate consumer food preferences; studies and provides information on health effects of changing food intake patterns.

Evaluates data and maintains a food composition data bank on nutritional, chemical, and metabolic studies performed by the Bureau, other Government agencies, academic institutions, and industry.

Develops regulations for nutritional-related labeling and keeps Bureau management familiar with food analogs and novel foods and their properties, nutrient contents, and marketing methods; studies organoleptic properties of foods to determine if correlations can be established among these properties and the stability, nutrient retention, and quality of various foods.

Maintains liaison with consumer organizations and groups interested in food and nutrition education, in conjunction with the Office of Professional and Consumer Programs.

(k–6–ii) *Division of Food Service* (6A10073). Plans, develops, and directs FDA activities to reduce consumer hazards associated with retail food marketing and with commercial and institutional food preparation and service including commissaries, delicatessens, restaurants, and vending machines.

Develops, revises, and interprets model ordinances and codes pertinent to food service sanitation and retail food marketing. Promotes the adoption and uniform application of model ordinances and codes by States and municipalities, in conjunction with the Executive Director of Regional Operations (EDRO).

Provides technical advice, as requested, regarding food sanitation problems and development of sanitation standards for food service and vending equipment to other Government agencies, educational institutions, health-related organizations, and the food service and vending machine industries.

Assists in developing and conducting food sanitation training programs for FDA and industry. Provides technical and instructional support to EDRO (Cincinnati Training Facility) in the development and coordination of food training courses for State and local governments.

Provides technical support in the development, revision, and field application of FDA food and watering point sanitation requirements for interstate conveyance and support facilities including revision of the Interstate Quarantine Regulations.

Promotes and coordinates, in cooperation with EDRO, filed activities relating to the inspection of food service establishments in Federal buildings under reimbursable agreements with the General Services Administration.

Develops programs for laboratory and field investigations to solve current and emerging problems of food safety in food service operations and evaluates potential hazards of industry innovations.

(k–6–iii) *Division of Nutrition* (6A10074). Develops and recommends plans, policies, and regulatory approaches to maintain and improve the nutritional quality of the national food supply.

Serves as the Agency focal point for nutritional expertise and provides advice and support in nutritional matters, upon request, to other organizations or individuals, public or private.

Maintains FDA's nutrient research and nutrient analysis laboratory capabilities.

Originates, plans, and conducts research to elucidate identity, properties, and amount of nutritionally significant substances in foods, and of factors affecting the action of these substances; determines the effect of these substances on reproduction, growth, and development in biological and microbiological systems and studies the metabolic fate of these substances and their interaction with other food components such as food additives.

Devises new methods for the analysis of nutrients in different types of foods and investigates the mechanisms of the chemical reactions involved in such methods.

Maintains liaison with the national and international nutrition scientific community, both public and private.

(k–7 through k–9) *Delete and Reserve.*

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(m) *Bureau of Veterinary Medicine* (6A12). Develops and recommends the veterinary medical policy of the Food and Drug Administration with respect to the safety and efficacy of veterinary preparations and devices. Evaluates proposed use of veterinary preparations for animal safety and efficacy.

Coordinates the veterinary medical aspects of the FDA inspection and investigational programs and provides veterinary medical opinion in drug hearings and court cases.

Plans, directs, and evaluates FDA's surveillance and compliance programs relating to veterinary drugs and other veterinary medical matters.

(m–1) *Office of the Director* (6A1201). Directs overall Bureau activities and coordinates policy establishment in the areas of research, management, compliance, and surveillance.

Directs systems for planning, programming, budgeting, and administrative support for the Bureau.

Provides leadership and executive direction for all Bureau activities.

(m–2) *Delete and Reserve.*

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(n) *Delete and Reserve.*

(o) *Delete and Reserve.*

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(q) *National Center for Toxicological Research* (6A17). Conducts research programs to study the biological effects of potentially toxic chemical substances found in man's environment, emphasizing the determination of the adverse health effects resulting from long-term, low-level exposure to chemical toxicants; the determination of the basic biological processes for chemical toxicants in animal organisms; the development of improved methodologies and test protocols for evaluating the safety of chemical toxicants; and the development of data that will facilitate the extrapolation of toxicological data from laboratory animals to man.

Conducts such additional research programs as may make appropriate use of facilities and expertise of the Center and contribute to its overall scientific capability.

Develops, as a national resource, Center programs in close cooperation with other agencies such as the National Institutes of Health and the Department of Agriculture.

Operates with the advice of a Policy Board, consisting of members appointed by the Secretary of Health, Education, and Welfare and by the Administrator, Environmental Protection Agency. The Policy Board recommends program priorities, reviews program and research results, reviews budget requirements and allotments, recommends management policies, reviews qualifications of applicants for key positions, and advises agency heads on matters concerning the Center.

(q–1) *Office of the Director* (6A1701). Plans, evaluates, and provides executive direction to Center activities and related operating and information systems.

Directs the Center's financial, budgetary, fiscal and personnel management systems and other administrative services.

Coordinates Center programs with similar in-house, grant, and contract programs of FDA, EPA, the National Institutes of Health, and other governmental toxicological research laboratories.

Provides for scientific liaison between the Center and all related interests in toxicological research, including the National Academy of Sciences, the National Science Foundation, and the academic community. Assures that the policies of the signatory agencies respecting the performance and quality of research efforts are implemented.

Maintains veterinary and animal care services necessary to breed, hold, and quarantine animal colonies for purposes of toxicological research.

Directs and evaluates pathology services and research.

(q–2) *Office of Plans, Programs, and Systems* (6A17012). Assists the Policy Board, Director, and other key Center officials by providing strategic and operational planning; analysis and recommendations on policy developments; advice on resource management; solutions to operational problems; and identification and evaluation of program priorities.

Acts as the Center's focal point for the design of management and scientific information systems and serves as the Center's liaison with other systems elements within FDA.

Insures the overall integrity of ADP systems and procedures; administers the development and operation of ADP systems, including hardware employed therein.

Assists the Office of the Director in the evaluation of proposals for large scale projects at the Center in terms of funds, space, equipment, and manpower.

Coordinates the development of Center-wide operational plans for the conduct of research activities.

Identifies and evaluates significant problems impeding effective operation of the Center.

Reviews and coordinates for review by the Policy Board, Director, and other officials, major program issues and studies impacting on the policy, organization, direction, and functions of the Center.

(q–7–i) *Division Of Animal Husbandry* (6A17022). Provides and maintains an animal breeding capability for selected species and strains.

Maintains and cares for animal colonies used for breeding or research projects.

Establishes standards and administers procedures for barrier entry, animal handling, and observation; and for quarantine of animals purchased from suppliers.

Provides and operates support services necessary to maintain the infection-free quality of the barrier operations.

Prepares and administers diets of animals used for breeding and experimentation.

Collects pertinent information concerning the production and care of animals.

Maintains adequate inventories of supplies and materials necessary to support and care for the animals held.

(q–7–ii) *Division of Diagnostics* (6A17023). Establishes and maintains a bacteriological laboratory capable of culturing and identifying airborne, enteric, and pathogenic bacteria, and pathogenic fungi and molds to determine the efficiency of the filtration system; the adequacy of feed, bedding, and other material sterilization; and the efficiency of the barrier system itself as well as the bacteriological, mycotic, and parasitic status of the animals behind the barrier.

Performs tests required to maintain the contamination-free quality of the barrier.

Establishes and maintains a hematological and serological viral isolation laboratory with the capability of determining profiles of the animals behind the barrier as an indicator for presence of subtle pathogenic and viral organisms.

Provides findings and recommendations to the Office of the Director and the Division of Animal Husbandry regarding improvements in practices or materials employed in the maintenance of animal pathogen-free colonies.

Maintains records on the environmental condition of the barrier and the operations therein.

(q–7–iii) *Division of Diet Preparation* (6A17024). Operates a diet preparation facility capable of mixing chemical compounds into animal feed in varying levels; provides diets in large quantities for use or storage; and maintains the sterility of diets prepared until used.

Establishes requirements for analysis of diets prepared to test the percentage of chemical compounds added; the vitamin content of prepared diets; and the presence of mycotoxins, pesticides, chlorinated biphenyls, or PCB's in the feed.

Establishes a system of diet inventory control and utilization to monitor the

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demands for feed and chemicals at the Center.

(q–7–iv) *Division of Facilities Engineering and Maintenance* (6A17025). Operates and maintains all environmental support systems, plants, buildings, and equipment required to support Center programs.

Prepares, in coordination with the Office of Administration, long- and short-range program plans for facilities requirements.

Develops renovation and improvement projects for the annual Agency work plan.

Develops and implements a preventative maintenance program for the Center with technical assistance and guidance from the Office of Administration.

(q–7–v) *Division of Chemistry* (6A17026). Establishes and maintains a chemical laboratory capable of providing routine analytical services for assurance of quality control and specialized instrumentation for isotopic and chemical residue studies.

Provides capabilities to develop new analytical methodologies in response to requirements formulated by other research divisions.

Operates an instrument laboratory equipped and staffed to provide highly specialized techniques.

Develops and maintains a clinical biochemistry laboratory equipped to determine routine blood hematological and biochemical parameters in support of in vivo acute, subacute, or chronic bioassays.

(q–8–i) *Division of Histopathology* (6A17032). Provides pathological services necessary to perform blood and urine analysis, necropsy, gross and microscopic pathology, including the preparation, screening, analysis, inventory, and storage of tissue slides.

Establishes procedures for and maintains a production-oriented histopathology processing capability.

Develops procedures for the collection and storage of information resulting from histopathology processing.

(q–8–ii) *Division of Clinical Pathology* (6A17033). Provides laboratory services in support of histopathology operations capable of servicing the needs for the analysis and chemical composition of urine, whole blood, sera, and tissues of animals.

Assists in designing experiments in order to schedule the pathology workload more effectively over the course of the year; maintains a monthly schedule of workload requirements; and establishes and implements a weekly work production and backlog procedure for management control.

Establishes procedures for identifying work units and records results for the work units as an integral part of the toxicological information system at the Center.

Provides findings of quality control sampling and recommends elimination or prevention of identified or potential problem areas. Establishes procedures and conducts electron microscopy investigation of ultarstructural or histochemical changes caused by chemicals administered to laboratory animals during experimentation.

(q–8–iii) *Division of Pathology Research* (6A17034). Investigates, evaluates, and recommends new techniques, instruments, or equipment employed in an automated pathology process.

Researches new or improved methodologies of clinical pathology which should be considered for use at the Center.

Identifies areas in pathology which require a research effort to provide the Center with the expertise responsive to an inquiring core program.

(q–8–i) *Division of Acute/Subacute Studies* (6A17042). Conducts short duration tests in respect to dose levels, verification of published data, etc. aimed at developing indicators and background data in support of chronic lifetime studies. Provides the multispecies animal support needed by the various divisions of the Center.

(q–9–ii) *Division of Chronic Studies* (6A17043). Conducts lifetime studies on mice and rats to determine the carcinogenic and other adverse and life-shortening effects of chemical toxicants.

Determines and describes long-term dose response relationships.

(q–9–iii) *Division of Teratogenic Research* (6A17044). Conducts or sponsors studies to determine the effect of certain toxic chemicals on the progeny of exposed animals.

Expands positive findings into species reflecting human morphology.

Conducts studies on the placental differences of various species and the morphological similarities of the malformations produced as well as neurological effects.

(q–9–iv) *Division of Mutagenic Research* (6A17045). Performs research aimed at developing testing procedures for evaluating mutagenic effects of chemical toxicants and, in particular, in developing improved methods for detecting genetic alteration.

Conducts research on improved methodology for screening chemical toxicants. Conducts research on developing techniques for mutagenic screening in mammals.

Provides project leadership for Center contracts on mutagenic research.

(q–9–v) *Division of Comparative Pharmacology* (6A17046). Conducts studies on the Kinetics and metabolism of chemicals which are prerequisite to the implementation of acute/subacute, chronic, teratogenic, and mutagenic experimentation.

Conducts studies comparing the pharmacodynamics of the mouse with that of other common laboratory animals, including rats, rabbits, and hamsters.

Conducts studies which will increase the ability to predict the metabolism and kinetics of distribution and elimination during all stages of life including that from conception to senility.

Develops animal methods which can be used to accurately extrapolate from animal to man.

Develops *in vitro* models which will serve as links in the assessment of toxic manifestations expected in mammals in general, and in particular in man.

Expands comparative physiology and biochemistry to nonhuman primates and any other potentially applicable experimental species.

Develops protocols for safety evaluation of toxic chemicals.

(r) *Bureau of Biologics* (6A16). Administers regulation of biological products under the biological product control provisions of the Public Health Service Act and applicable provisions of the Food, Drug, and Cosmetic Act.

Inspect manufacturers' facilities for compliance with standards, tests products submitted for release, establishes written and physical standards, and approves licensing of manufacturers to produce biological products. Plans and conducts research related to the development, manufacture, testing, and use of both new and old biological products to develop a scientific base for establishing standards designed to insure the continued safety, purity, potency, and efficacy of biological products.

Administers applicable provisions of the Federal Food, Drug, and Cosmetic Act as they pertain to human drugs that are biological products. In carrying out these functions, cooperates with other bureaus of FDA, other PHS organizations, governmental and international agencies, volunteer health organizations, universities, individual scientists, nongovernmental laboratories, and manufacturers of biological products.

(r–1) *Office of the Director* (6A1601). Promulgates, plans, administers, coordinates, and evaluates overall Bureau scientific, control, management, and regulatory programs, plans, and policies. Provides leadership and direction for all Bureau activities.

Coordinates and directs the Bureau's management, planning, and evaluation systems to assure optimum utilization of Bureau manpower, money, and facilities.

(r–2) *Division of Compliance (Biologics)* (6A1608). Plans, develops, and directs the Bureau's regulatory compliance programs to assure the safety, purity, potency, and efficacy of biological products.

Reviews data for licensing biological products (including human blood and blood products) and their manufacturers and shipping following a determination that prescribed standards have been met.

Prepares standards for the manufacture and testing of biological products for publication in the FEDERAL REGISTER. Prepares procedural and interpretive regulations under the applicable sections of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act, as amended.

Develops compliance and surveillance programs for investigation of biological product manufacturers, for the inspection of licensed establishments and registered blood banks, and for investigations of violations of laws and regulations; conducts investigations and inspections and recommends regulatory action as necessary.

Performs statistical evaluations for the Bureau.

Reviews applications and data prior to approving the use of a biological product that has not been licensed; maintains surveillance of clinical use and develops information for use in licensing procedures.

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(s) *Bureau of Radiological Health* (6A14). Develops and carries out a national program designed to control unnecessary exposures of man to and assure the safe and efficacious use of potentially hazardous ionizing and nonionizing radiation.

Conducts an electronic product radiation control program, including the development and administration of performance standards.

Plans, coordinates, and evaluates surveillance and compliance programs relating to radiation exposure.

Plans, conducts, and supports research on the health effects of radiation exposure through contracts and grants; and provides institutional support through training grants.

Develops criteria, recommendations, and standards relative to radiation use and exposure. Develops and promotes improved procedures, techniques, and users' qualifications for reducing unnecessary radiation exposure. Provides technical and scientific support, including training, to other bureaus within FDA and to other agencies having radiological health responsibilities.

Participates in development of model codes and recommendations for guidance of industry and of national, State, and local radiation-control and standard-setting agencies in order to optimize radiation control practices.

Maintains appropriate liaison with other Federal, State, and international agencies, with industry, and with consumer and professional organizations.

(s–1) *Office of the Director* (6A1401). Provides leadership, direction, evaluation, and coordination of the total activities of the Bureau. Provides advice and consultation to the Commissioner and other FDA officials on policy matters concerning radiological health activities.

Recommends to the Office of the Commissioner changed or additional legislative authority.

Maintains liaison with other FDA components; other Federal, State, and international agencies; industry and consumer and professional organizations.

Directs the Bureau's administrative management, program planning, and policy formulation services.

(s–2) *Delete and Reserve.*

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(x) *Executive Director of Regional Operations* (6A15). Executes direct line authority over all FDA field operations; develops, issues, approves, or clears proposals and instructions affecting field activities; serves as the central point within FDA through which Headquarters offices obtain field support services.

Provides direction and counsel to Regional Food and Drug Directors in the implementation of policies and operational guidelines which form the framework for management of FDA field activities.

Establishes FDA's field compliance and enforcement posture, based on Agency policy.

Develops and/or recommends to the Commissioner policy, programs, and plans for activities between FDA and State and local agencies; administers the Agency's overall Federal-State program and policy; coordinates the program aspects of FDA contracts with State and local counterpart agencies.

Evaluates the overall management and capabilities of FDA's field organization; initiates action to improve the management of field activities and coordinates the formulation and management of career development plans.

Implements nationwide information storage and retrieval systems for data originating in field offices.

Develops and/or recommends to the Commissioner policy, programs, and plans for applied research which relates to FDA enforcement problems and which will be conducted by field installations; coordinates such research efforts with concerned bureaus and the Office of Science.

Provides other FDA components with laboratory support in various highly specialized areas.

Recommends priorities for all field construction, repair, improvement, and renovation and recommends short- and long-range field facility utilization plans.

(x–1) *Division of Field Operations* (6A1502). Provides for day-to-day coordinative management of the national field investigative, consumer affairs, consultant, inspectional, scientific, research, and compliance efforts; directs FDA foreign inspection programs.

Serves as the focal point of Headquarters-field operational relations, and provides for coordination between field and Headquarters units; represents the Executive Director of Regional Operations in top level operational policy and program matters.

Assists the Division of Planning and Analysis in identifying field goals and objectives; directs and coordinates the development and issuance of field technical and program operational policies and procedures.

Coordinates the field management review program and quality control procedures as they relate to operational practices; evaluates the adequacy and effectiveness of field investigative, consumer affairs, consultant, inspectional, scientific, and compliance activities, including recalls.

Manages the field laboratory research programs; identifies the need for, and tests, evaluates, and arranges for the adoption of new field equipment, techniques, and methodology.

Participates in the development of long- and short-range field facility needs statements.

Participates in the formulation and evaluation of training and career development plans for field program staffs.

Operates the field emergency preparedness and civil defense programs, and coordinates FDA's total field effort during periods of natural disaster or national emergency.

Coordinates a national consumer complaint program; receives and responds to telephone consumer complaints received at FDA Headquarters.

(x–2) *Division of Planning and Analysis* (6A1503). Assists the Executive Director of Regional Operations (EDRO) regarding planning, analysis, and recommendations on program policy development, solutions to operational problems and related systems demands, and identification and evaluation of program priorities.

Develops and applies effectiveness measures to field programs both with regard to internal effectiveness as well as with regard to impact upon the regulated industries and the various other professional and consumer clientele.

Identifies operational goals and designs program management and control systems relevant to both short- and long-range objectives.

Advises and assists EDRO and key field officials by providing overall planning and analytical support to mobilize resources to accomplish primary and secondary management objectives.

Represents EDRO in matters related to planning and management support with the offices in the Office of the Commissioner, the bureaus, the Department, other Federal agencies, and regulated industries.

Directs the development of scientific and management information systems for the field, and provides guidance and direction to the field's utilization of electronic and other data processing systems and facilities.

Provides technological forecasting services to EDRO so that adequate leadtime is provided to develop and train necessary future capabilities.

Provides systems analysis and design services to EDRO and field components, especially in the areas of laboratory automation and operations research.

(x–3) *Division of Federal-State Relations* (6A1504). Provides an Agency focal point for all FDA programmatic and operational relationships with counterpart State and local officials to assure a cohesive and uniform Agency policy.

Provides leadership and guidance in the development, coordination, and evaluation of the FDA Federal-State program.

Makes recommendations to the Executive Director of Regional Operations on matters regarding FDA Federal-State program policy.

Serves as the day-to-day FDA liaison with organizations of Federal, State, and local officials whose interests correspond to those of FDA.

Directs a program of State Management Conferences with key State officials and FDA field components.

Develops and implements a wide range of training and educational activities and information systems for personnel in State and local counterpart agencies.

Serves as the Agency focal point for coordination of the programmatic as-

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pects of all FDA contracts with State and local counterpart agencies.

(y) *Office of the Regional Food and Drug Director.* The Regional Food and Drug Director is the primary executive of the Agency within the HEW Region and is directly accountable to the Executive Director of Regional Operations. He is responsible for the effective implementation of those activities required to assure that industries within the Region comply with laws and regulations enforced by the Food and Drug Administration. The overall functions of the Regional Food and Drug Director are:

Provides managerial direction to the total Agency field program and resources within the Region in order to enforce the laws and regulations for which FDA is responsible.

Coordinates FDA activities with related operations of the PHS Regional Health Administrator and the DHEW Regional Director.

Develops and maintains cooperative relationships with State, local, and other Federal agencies; and encourages improved State and local consumer protection programs pertinent to FDA enforced laws and regulations; directs and coordinates program management of Federal-State contracts.

Represents FDA, or provides policy and direction for FDA representation, in dealing with public and private organizations, such as governmental agencies, volunteer agencies, educational institutions, and industry associations within the Region.

Promotes voluntary compliance with FDA enforced laws and regulations by industries and industry associations.

Manages and evaluates program activities; continuously measures accomplishments against annual field workplan objectives; and advises the Executive Director of Regional Operations regarding strategy changes needed to reach objectives or the need to adjust objectives.

Advises the Executive Director of Regional Operations and appropriate Headquarters components on emerging problems and trends, future program needs and priorities, and manpower and financial needs; and directs FDA's long-range planning for the Region.

Coordinates the provision of FDA assistance to States and localities in the event of a national disaster or other emergency.

(z) *Field Organization.* The Food and Drug Administration's field operations are divided into ten Regions. An FDA Regional Field Office, under the direction of a Regional Food and Drug Director, is the primary organizational component of each Region.

When warranted by workload, population, or geographic size, a Regional Field Office may be further subdivided and organized into district offices, laboratories, branches, sections, and resident posts. A field office, depending on whether it is an FDA Regional Field Office, district office, laboratory, branch, section, or resident post, performs some or all of the following functions as assigned by the Regional Food and Drug Director:

(z-1) *Regulatory Functions.* Reviews and evaluates evidence and findings indicating a possible lack of compliance with FDA enforced laws and regulations; determines the most suitable course of action and, if necessary, recommends legal action to FDA Headquarters, to the Office of General Counsel—DHEW, or to the responsible U.S. Attorney; and maintains working liaison with the U.S. Attorneys and U.S. Marshals in implementing approved action.

Assures that Court ordered actions are completed on time and in total fulfillment of the Court's order.

Conducts administrative hearings on alleged violations and initiates enforcement action.

Issues warning letters to regulated industry; and issues notices of detention and refusals on violative import products.

Answers inquiries from other Federal agencies, foreign missions, industry, and importers regarding interpretations of FDA enforced laws and regulations, case status, and enforcement policies.

Maintains liaison with U.S. Customs officials to facilitate import inspections and regulations.

(z-2) *Voluntary Compliance Functions.* Plans, organizes, and implements a comprehensive industry education, training, and technical advice program designed to promote voluntary compliance and self-regulation.

(z-3) *Consumer Affairs Functions.* Prepares and arranges local media presentations to advise consumers about hazards from FDA regulated products and to educate consumers about FDA responsibilities and activities; and maintains liaison with consumer organizations.

Receives and responds to consumer inquiries and complaints.

Plans, schedules, and controls consumer affairs operations; and formulates, coordinates, and implements consumer affairs workplans to carry out both local and national programs.

(z-4) *State Relationship Functions.* Assists States in the development of uniform legislation, codes, and regulations.

Maintains cooperative relationships with State counterpart agencies and develops work and information sharing agreements.

Manages and evaluates the program aspects of Federal-State contracts.

Advises and certifies State personnel; and monitors and evaluates State programs in milk, food service, shellfish sanitation, and radiation safety.

(z-5) *Investigative Functions.* Inspects establishments subject to laws and regulations enforced by FDA; collects samples for laboratory analysis; performs field analyses; and prepares reports on findings of each inspection.

Performs special investigations, including follow-up of consumer complaints, reports of adverse experience with any FDA regulated products, epidemiological investigations of food poisonings, and pre-marketing clearance investigations of drugs.

Monitors recalls and performs follow-up activities to assess recall effectiveness and prevent recurrences.

Provides inspectional and investigational support to the Bureaus as needed.

Plans, schedules, and controls inspectional operations; and formulates, implements, and coordinates domestic and import investigational workplans.

Provides expert advice and training regarding inspectional techniques and technological developments to other Federal agencies; to State, local, and foreign counterpart agencies; and to industry.

Provides court testimony of inspectional findings as requested.

(z-6) *Laboratory Functions.* Performs laboratory analyses of samples to assess their compliance with laws and regulations enforced by FDA.

Conducts research to develop and refine methodology used in the analysis of samples and to explore new systems of analysis.

Provides analytical support to the Bureaus as needed.

Provides expert advice and training regarding laboratory techniques and technological developments to other Federal agencies; to State, local, and foreign counterpart agencies; and to industry.

Provides court testimony regarding analytical findings as requested.

Plans, schedules, and controls laboratory operations; and formulates, implements, and coordinates domestic and import laboratory workplans.

Maintains liaison with scientists and scientific bodies with interests pertinent to laboratory activities.

(z-7) *Specialized Laboratory Functions.* Serves as a national resource in scientific knowledge, laboratory methodology, and techniques applicable to solving field problems pertinent to its particular scientific specialty.

Conducts analyses of national survey samples pertinent to its particular scientific specialty.

Analyses and conducts check analyses of regulatory samples.

Conducts research to develop and refine methodology used in the analysis of samples in its area of scientific specialty and to explore new systems of analysis.

Maintains liaison with scientists and scientific bodies with interests pertinent to its particular scientific specialty.

(z-8) *Administrative Management Functions.* Provides administrative management support for program and operational activities, including fiscal and personnel management and management of facilities, services and supplies.

Maintains working liaison with other Federal regional offices providing support services to FDA.

Manages a Regional/District management information system.

Coordinates the Equal Employment Opportunity, internal security, safety, and emergency preparedness programs.

Dated: May 21, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-12355 Filed 5-28-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON INFORMAL ACTION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10 a.m., May 30, 1974 in the offices of Shea and Gardner, 734 15th Street, NW., Washington, D.C.

The Committee will meet to consider possible future studies of prosecutorial discretion and the program for studies of informal action during the Summer of 1974.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Robert W. Hamilton of the Judicial Review Committee, 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MAY 24, 1974.

[FR Doc.74-12389 Filed 5-28-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Notice of Issuance of a Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-51 to Arkansas Power and Light Company authorizing operation of Arkansas Nuclear One, Unit 1 at steady state reactor core power levels not in excess of 2568 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. Arkansas Nuclear One, Unit 1 is a pressurized water nuclear reactor located in Pope County, Arkansas.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on December 6, 2008.

A copy of (1) Facility Operating License No. DPR-51, complete with Technical Specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated August 14, 1973; (3) the Directorate of Licensing's Safety Evaluation dated June 6, 1973; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicant's Environmental Report dated April 23, 1971 and supplements thereto; (6) the Draft Environmental Statement dated October 27, 1972; and (7) the Final Environmental Statement dated February 9, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 21 day of May 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.74-12189 Filed 5-28-74;8:45 am]

[Docket Nos. 50-3 and 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Issuance of Facility License Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-5 for Indian Point, Unit No. 1, and Amendment No. 7 to Facility Operating License No. DPR-26 for Indian Point, Unit No. 2, to Consolidated Edison Company of New York, Inc. Both units are located in Westchester County, State of New York. The amendments are effective as of their date of issuance.

The amendments permit flexibility in plant operation in terms of the timing for the adjustable gates of the discharge structure during changes in the flow rate of the circulating condenser cooling water with minimal effect on the environment.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments.

For further details with respect to these actions, see: (1) the application for the amendments dated September 14, 1973; (2) Amendment No. 5 to License No. DPR-5 with its attachment, Change No. 61; (3) Amendment No. 7 to License No. DPR-26 with its attachment, Change No. 4; and (4) the Commission's related Environmental Evaluation.

All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. Copies are also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

A copy of item (4) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 22d day of May 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1 Directorate of Licensing.

[FR Doc.74-12381 Filed 5-28-74;8:45 am]

[Dockets Nos. 50-463, 50-464]

PHILADELPHIA ELECTRIC CO.

Notice and Order for Prehearing Conference

MAY 24, 1974.

In the matter of Fulton Generating Station, units 1 and 2.

Take notice, that a prehearing conference in the subject proceeding will be held on June 26, 1974, at 1 p.m., local time, at the Holiday Inn—East, Ball Room, Hempstead Road and Route 30 By-pass, Lancaster, Pennsylvania 17604. The topics that will be considered are as follows:

1. Oral argument respecting the exclusion area for Units 1 and 2 of the Fulton Generating Station. In this regard, the parties who have filed briefs shall be prepared to discuss:

(a) The appropriateness of an order staying this proceeding pending approval by Pennsylvania's Public Utility Commission of Applicant's condemnation undertaking concerning property owned and occupied by the Fulton Township;

(b) The appropriateness of a separate evidentiary hearing relating to the exclusion area:

(c) Prior efforts on the part of the Applicant to obtain the necessary property from the Fulton Township (including efforts to obtain the appropriate certificate of necessity and convenience);

(d) The average time required by the Pennsylvania Public Utility Commission to rule upon a condemnation application;

(e) The surface features of the proposed exclusion area, including matters such as existing public use areas, and the amount of wooded area on Applicant's property that would be removed as a consequence of construction under a limited work authorization;

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(f) The method or manner by which the environmental impact of work performed under a limited work authorization will be redressed if a construction permit should be denied; and

(g) Availability of alternative siting. Each party who has filed a brief on the question of exclusion area will be alloted a total of fifteen (15) minutes for argument.

2. The extent of discovery required by the parties and the time-frames with respect thereto.

3. The Board's observations regarding the Draft Environmental Statement prepared by the Regulatory Staff.

4. If the Board deems appropriate, oral argument may be held with regard to certain contentions anticipated to be filed by the Solanco, et al. group, represented by Lawrence Sager, in accordance with the Board's earlier ruling made during the April 1, 1974 Special Prehearing Conference.

It is so ordered.

Issued at Bethesda, Maryland, this 24th day of May, 1974.

ATOMIC SAFETY AND LICENSING BOARD.
JEROME GARFINKEL,
Chairman.

[FR Doc.74-12282 Filed 5-28-74;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL.

Notice of Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company, which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment permits changes of an editorial nature to Table TS 4.10-1 of the Technical Specifications pertaining to the environmental radiological monitoring program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations, and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the request for change to the Technical Specifications dated April 9, 1974, (2) Amendment No. 1 to License No. DPR-43, with attachments, and (3) the Commission's related Safety Evaluation dated May 15, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Kewaunee County Library, Kewaunee, Wisconsin.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 21st day of May, 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2 Directorate of Licensing.

[FR Doc.74-12190 Filed 5-28-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 26485, 22274, 26499; Order 74-5-111]

ALLEGHENY AIRLINES, INC., ET AL.

Order of Temporary Suspension and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of May, 1974.

Application of Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 so as to delete Olean, New York. Application of Allegheny Airlines, Inc. for renewal of temporary suspension of service at Olean, New York.

On March 7, 1974, Allegheny Airlines, Inc., filed an application requesting amendment of its certificate of public convenience and necessity for route 97 so as to delete Olean, New York. Subsequently, on March 11, 1974, Allegheny filed an application requesting continuation of its authorization to suspend service at Olean until 60 days after a final Board decision on its application for deletion.[1]

In support of its application, Allegheny alleges, inter alia, that the conditions which led the Board to approve the temporary suspension of service still exist;[2] that Olean's history of traffic generation has been characterized by low and declining local patronage due to convenient access to the far superior services at the Buffalo and Bradford airports; and that there is adequate ground transportation available at Olean both to Buffalo and Bradford.[3]

No answers to Allegheny's application have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to extend Allegheny's suspension authority at Olean for two years or until 60 days after final decision on Allegheny's deletion request (Docket 26485). It is clear that the continued suspension of Allegheny's Olean service will not unduly inconvenience Olean Air travelers due to the proximity and availability of nearby airport facilities and to the availability of convenient ground transportation, and is otherwise in the public interest. We note, in this connection, that no person has objected to the continuation of suspension and that such suspension will have a favorable impact on the carrier's subsidy need.

We have also decided to issue an order to show cause proposing to grant the requested deletion. We tentatively find and conclude that the public convenience and necessity require the amendment of Allegheny's certificate for route 97 so as to delete Olean, New York.[4] The facts and circumstances which support our tentative conclusion as as follows:

Olean has never been a strong traffic-generating point; since 1960, originations have been less than 3 passengers per day. This low level of traffic indicates a depressed public demand for certificated air service and has resulted in uneconomic operations for Allegheny. There is no reason to believe that the traffic experience and the financial results of Allegheny's Olean service have any reasonable chance of meaningful improvement in the foreseeable future in light of the convenient alternative transportation available to Olean travelers at Buffalo and Bradford. The Buffalo airport, a medium air traffic hub, is approximately 80 miles from Olean, and surface travel time is approximately two hours. The Bradford airport, currently served by Allegheny, is 30 miles from Olean and the surface travel time is approximately one hour. Furthermore, there is frequent bus service available between Olean and Buffalo and Bradford. Finally, the absence of civic opposition to Allegheny's application lends support to our decision that the show cause procedure is appropriate.

[1] Allegheny was authorized to suspend service at Olean for a period of two years by Order 72-5-52, May 12, 1972. Mohawk Airlines' original application for suspension authority was filed in Docket 22274 in 1970.

[2] Grant of its initial suspension application was based upon the fact that: (a) suspension of service at Olean would reduce the carrier's operating loss by $25,000 and the subsidy need by $31,000; (b) during the period June, 1960, through May, 1972, when service was provided at Olean, only once, in calendar year 1961, did enplanements average more than 3 per day; and (c) during the entire period Olean received scheduled air service, the point never generated as many as 3 passenger enplanements per departure. See Order 72-5-52.

[3] Blue Bird Coach Lines offers the following service: from Olean to Buffalo, one daily trip, three daily (except Sunday) trips, and one Sunday only trip; from Buffalo to Olean, two daily (except Sunday) and two Sunday only trips; from Olean to Bradford, one daily and one daily (except Sunday) trip; from Bradford to Olean, two daily (except Sunday) and one Sunday only trip. (Official Motor Coach Guide, March 1, 1974.)

[4] We also tentatively find that Allegheny is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

Additionally, we tentatively find and conclude that the deletion of Allegheny's Olean authority would not constitute a major Federal action significantly affecting the quality of the human environment within the terms of the National Environmental Policy Act of 1969. Rather, this action would merely serve to preserve the status quo by permanently deleting authority that has been suspended for the past two years and finally eliminating the possibility of a reintroduction of service at some future date. Thus our action herein will have the beneficial effect of permanently eliminating air carrier service with its attendant salutary impact on noise and air pollution without causing any diversion of additional passengers to surface modes.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Allegheny Airlines, Inc., be and it hereby is authorized to suspend service temporarily at Olean, New York for a period of two years or until 60 days after final decision on the carrier's deletion application in Docket 26485, whichever event shall occur first;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Allegheny Airlines for route 97 so as to delete Olean, New York, therefrom;

3. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 21 days after the date of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [5]

4. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

6. A copy of this order shall be served upon the Mayor, city of Olean; Chairman, Olean County Commission; Chairman, Olean Airport Commission; Commissioner, New York State Department of Transportation; Federal Coordinator, New York State Department of Transportation; and the U.S. Postal Service; and

7. The authority granted in paragraph 1 above, shall be effective immediately and may be amended or revoked at any time in the discretion of the Board without hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12268 Filed 5-28-74;8:45 am]

[5] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket 25533; Order 74-5-99; agreements CAB 21950, 22008, 22094, 22380, 22901, 23419, 23681, 24223, as amended [1]]

CONTINENTAL AIR LINES, INC., ET AL.

Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1974.

Application of Continental Air Lines, Inc., and Mutual Computer Services, Inc. pursuant to section 408 of the Federal Aviation Act of 1958, as amended. Agreements between Mutual Computer Services, Inc. and various air carriers, foreign air carriers and other carriers filed pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended.

Continental Air Lines, Inc. (CAL) and Mutual Computer Services, Inc. (MCS) request approval, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act) of the control relationships resulting from the acquisition by CAL of all of the outstanding stock of MCS in return for 38,095 shares of CAL stock and the assumption by CAL of certain obligations and liabilities of MCS.

According to the application MCS possesses software and hardware capabilities in excess of CAL's requirements which have enabled it to offer a reservation storage and retrieval system to smaller carriers at considerable savings and with complete confidentiality. The system is called SHARES (Shared Airline Reservations System) which is a modification of the PARS (Programed Airline Reservations System) used by many other airlines. While the services offered by MCS at present are reservations oriented, applicants state that other services such as aircraft condition reporting, engine monitoring, personnel sales productivity and hotel space availability are planned. Applicants submit that the acquisition does not affect the control of CAL nor does it create a monopoly or tend to restrain competition and is clearly in the public interest.

The eight agreements should be approved under section 412, according to the applicants, since the same public interest factors favoring approval of the CAL-MCS relationship are applicable to the agreements themselves. The applicants have also submitted a motion for confidential treatment of specific portions of the agreements which, they assert, should be granted on the grounds that the computer industry is highly competitive and largely unregulated and that the disclosure of this specified information could have a serious adverse effect on the operations of MCS.

No comments opposing approval of the application or the agreements have been received.

Upon consideration of the application, it is tentatively concluded that CAL is an air carrier and that MCS, by reason of, among other things, the nature of its services, is a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act. Accordingly, the control of MCS by CAL is subject to the provisions of section 408(a)(6) thereof. The Board further tentatively concludes that the control of MCS by CAL does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby restrain competition nor does it jeopardize another air carrier not a party to this proceeding. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board has previously approved relationships whereby other air carriers have provided computerized reservations services in their own name to various other airlines [6] and there is no evidence that the establishment of a subsidiary by CAL to perform this same function would raise any serious regulatory problem. Under all of these circumstances, it does not appear that the acquisition would be inconsistent with the public interest or that the requirements of section 408 would be otherwise unfulfilled. Therefore, subject to the conditions set forth below, the Board tentatively concludes that the transaction should be approved pursuant to the third proviso of section 408(b) of the Act.

As noted, we have tentatively concluded that approval of the control re-

[1] The agreements are between MCS and, in sequence, the following airlines: Ozark Air Lines, Inc.; Piedmont Aviation, Inc.; Hughes Airwest; British Caledonian Airways; Air California; Alaska Airlines, Inc.; Aloha Airlines, Inc.; and Wien Air Alaska, Inc.

[6] See, Braniff—Midstate Air Commuter, Order 73-4-85, April 20, 1973.

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lationship will require imposition of certain conditions. Under the terms of the acquisition agreement, CAL will acquire all of the outstanding stock of MCS as well as assuming certain of MCS's obligations and liabilities. In light of CAL's total control of and financial commitment to MCS, the Board further tentatively concludes that approval of the acquisition should be subject to a condition that would require CAL to file with the Board, thirty days prior to the effectiveness of any anticipated new contract between MCS and any other air carrier, foreign air carrier or any other carrier, a report with respect to such contract that sets forth the nature of the contract and the parties involved. Moreover, the Board, in its final order, will retain jurisdiction over the control relationship approved herein for the purpose of reexamining such control relationship and for the purpose of imposing, with or without hearing, such further conditions, including disapproval, if future circumstances should warrant.

In view of our tentative findings herein, the Board further concludes that, under the circumstances present here, it should not assert jurisdiction under section 412 of the Act over the agreements heretofore entered into between MCS and the various other air carriers.[2] At the time that MCS entered into these agreements, it did so in its own behalf and, not being an air carrier within the meaning of section 101(3) of the Act, the Board's jurisdiction would not extend to such agreements. Accordingly, the application for approval of these agreements will be dismissed.

Based on our foregoing tentative decision not to assert jurisdiction under section 412 of the Act over the eight agreements now before us, the copies of the eight agreements on file with the Board will be returned to MCS.[4]

In accordance with the provisions of section 408(b) of the Act, this order, constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, That:

1. Interested persons are hereby afforded a period of twenty-one days from the date of service of this order to file comments with respect to the Board's tentative findings; [5] and

2. The Attorney General of the United States will be furnished a copy of this order within one day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12266 Filed 5-28-74;8:45 am]

[2] See, footnote 1, supra.

[4] Accordingly, the applicant's motion for confidential treatment will be dismissed as moot.

[5] Such comments shall comply with the requirements of the Board's Procedural Regulations (14 CFR 302).

[Dockets 25513, 25661; Order 74-5-105; Agreement C.A.B. 24394]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fare Matters

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to passenger fare matters.

Issued under delegated authority May 22, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above designated C.A.B. agreement number.

The agreement proposes to increase all basic fares to/from Algeria points by 75 U.K. pence ($2) for one way fares and 1.50 U.K. pounds ($4) for round trip fares. This is occasioned by advisement of Algerian authorities that airport passenger service charges shall cease to be collected separately from passengers effective June 1, 1974 and shall instead be charged directly to the carriers.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions which are incorporated in Agreement C.A.B. 24394, are adverse to the public interest or in violation of the Act:

200(Mail 208)005x	JT23(Mail 338)005x
JT12(Mail 844)005x	JT123(Mail 730)005x

Accordingly, it is ordered, That:

Agreement C.A.B. 24394 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12267 Filed 5-28-74;8:45 am]

[Docket 23383; Order 74-5-106; Agreement C.A.B. 24363]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Reduced Fares for U.S.-Based Cargo Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of May, 1974.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to reduced fares for U.S.-based cargo sales agents.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, relating to allocation of reduced-fare tickets for U.S.-based cargo agents and adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

At present there is no resolution governing the allocation of reduced-fare tickets to U.S.-based cargo agents since the most recent extension of the old resolution expired March 1, 1974. The instant agreement, intended for expedited May 7, 1974 effectiveness, would readopt and amend a proposal for allocating reduced-fare tickets originally adopted by IATA at the 4th Cargo Agency Committee (CAC) Meeting held November 1972 at Montreal. This 4th CAC proposal was approved with conditions by the Board in July 1973. However, the resolution was never declared effective by IATA.[1]

The agreement before us would incorporate the Board's July 1973 finding that the number of tickets awarded under the productivity feature should be based upon total commissionable agency international sales and not total international sales, and the Board's condition that tickets so awarded be at a 75 percent discount from the applicable fare. In addition, the readopted portions would allocate to each agency registered in a particular country two 75 percent discount tickets regardless of the number of locations it operates and would distribute under the productivity feature two additional tickets for each 100 percent (or fraction thereof) by which an agent's total commissionable international sales exceed the annual average for the country of registration. The maximum annual allowance of these tickets would be set at 40.

Thus, the agreement now before us is identical to a previously Board-approved and conditioned proposal. The productivity feature and the proposed mechanism for its operation, as well as the proposed initial ticket allocation, have been found by the Board in its earlier action to be consistent with its long held policy that any system of reduced-fare concessions be closely related to the actual and legitimate business requirements of each agent in the promotion of air cargo transportation. In view of the above and the fact that there is presently no provision in effect for reduced-fare travel by U.S.-based agents, the agreement will be approved.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find that the following resolution, incorporated in Agreement C.A.B. 24363, is adverse to the public interest or in violation of the Act, provided that

[1] See Order 73-7-26, July 10, 1973 and Order 73-9-45, September 11, 1973.

approval is subject to the conditions stated herein:

100(Mail 951)203a	JT22(Mail 334)203a
200(Mail 205)203a	JT31(Mail 264)203a
300(Mail 426)203a	JT123(Mail 727)203a
JT12(Mail 841)203a	

Provided that with respect to Resolution 203a:

(1) Free or reduced-rate transportation for United States-based agents shall be limited to the extent permitted by the provisions of Resolution 203a and shall not be provided under entertainment or instruction provisions of other cargo agency resolutions, e.g., Resolution 810b—Section J, and Resolution 811b—Paragraph (1)(e); and

(2) Notwithstanding any provision or interpretation of said resolution, IATA-approved agents shall not be precluded or limited in obtaining reduced-fare transportation on IATA carriers because such agents act pursuant to appointments received from non-IATA carriers.

Accordingly, it is ordered, That:

Agreement C.A.B. 24363, be and hereby is approved subject to the conditions stated herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12264 Filed 5-28-74;8:45 am]

[Docket No. 26516; Order 74-5-120]

PAN AMERICAN WORLD AIRWAYS ET AL.

Order To Show Cause

Authorization of emergency discussions concerning transatlantic operations of Pan American World Airways, Trans World Airlines, and Seaboard World Airlines.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of May, 1974.

By Order 74-4-104, April 19, 1974, the Board, at the request of Pan American World Airways, Inc., authorized Pan American and Trans World Airlines, Inc. (TWA) to conduct discussions concerning their transatlantic passenger services. Pursuant to section 414 of the Federal Aviation Act of 1958, as amended, the inter-carrier discussions would not subject the carriers to the anti-trust laws so long as such discussions were kept within the scope of the Board's authorization. The Board's authorization was conditioned upon several matters among which were the requirement that "• • • representatives of the Board, other government agencies, and all other interested persons shall be permitted to attend the discussions as observers only • • •" and, "• • • The participants in each portion of the discussions shall maintain a transcript of the discussions, which shall be filed with the Board's Docket Section, and sent to all other persons who so request • • • within five business days • • •."

By Order 74-5-76, May 15, 1974, the Board denied a motion of TWA to modify the above two conditions by permitting the carriers to close their meetings to all except representatives of governmental agencies and by allowing the carriers to delay publication of the transcripts until five days after the end of all of the discussion meetings.

It has now been stated to the Board [1] that on Tuesday, May 21, 1974, Pan American and TWA held a meeting in conjunction with the ongoing discussions from which were excluded members of the general public. Furthermore it has been brought to the attention of the Board that no transcript was maintained of this nonpublic meeting.

Should the Board find these allegations to be true, Order 74-4-104 would not relieve the carriers from the operation of the antitrust laws for that meeting.

Accordingly, it is ordered, That:

1. The above-named carrier participants are directed to submit to the Board on or before May 29, 1974, a detailed statement under oath of all matters discussed or exchanged during the course of any such nonpublic meeting and all documents heretofore exchanged between the carriers throughout the discussions which commenced on May 16, 1974;

2. The carrier participants are directed to show cause on or before May 29, 1974, why the Board should not condition the continued effectiveness of Order 74-4-104 in such manner as to preclude any discussions between carriers or exchanges of information other than in public meetings at which transcripts are maintained and to which all documents exchanged between the carriers are appended as exhibits;

3. This order shall be served on the above-named carriers and on those persons who have filed pleadings in this docket, and shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12390 Filed 5-28-74;8:45 am]

[Docket No. 22859; Order 74-5-88]

UNITED AIR LINES, INC.

Domestic Air Freight Rate Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of May, 1974.

Increased air freight rates proposed by United Air Lines, Inc., domestic air freight rate investigation.

[1] By telegram dated May 21, 1974, the Air Line Pilots Association requested the Board to issue an order canceling the authority granted to Pan American and TWA to discuss their transatlantic operations. The Board will reserve action on this motion pending the conclusion of this show cause order.

On page four (39 FR 18134, May 23, 1974) footnote two the referenced order should read "Order 74-3-82, instead of Order 74-5-82."

[SEAL] EDWIN Z. HOLLAND,
Secretary.

MAY 23, 1974.

[FR Doc.74-12265 Filed 5-28-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of Defense (International Security Affairs), Office of the Assistant Secretary of Defense (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-12274 Filed 5-28-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 701]

DOMESTIC PUBLIC RADIO SERVICES

Applications Accepted for Filing

MAY 20, 1974.

In the matter of common carrier services information.[1]

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

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upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21372–C2–ML–74, The Chesapeake and Potomac Telephone Company of Virginia (KIB529). Mod. License to interchange frequency 152.51 MHz from Loc. #1: 703 East Grace Street, Richmond, Virginia to Loc. #2: 1619 Logan Street, Richmond, Virginia; and change frequency 152.60 MHz from Loc. #2 to Loc. #1.

21378–C2–TC–74, Savannah Radio Mobile-Telephone, Inc. Consent to Transfer of Control from Beasley and Carlson, Inc., Transferors to Radio Telephone Service, Inc., Transferees. Station: KIY588, Savannah, Georgia.

21379–C2–F–74, United Telephone Association, Inc. (KD7217). C.P. to reinstate facilities operating on 152.600 MHz located 1 mile West of Ashland on U.S. 160, Ashland, Kansas.

21380–C2–P–74, General Communications Service, Inc. (KEV968). C.P. to add a new location to be described as Loc. #4 operating on 35.22 MHz located 2.5 miles NNW of Hampton, Georgia.

21381–C2–P–(2)–74, Henry M. Zachs d/b as Massachusetts-Connecticut Mobile Telephone Company (KCI1300). C.P. to add repeater facilities to operate on 75.94 MHz at Loc. #1: Off West Street, Provin Mountain, Agawan, Massachusetts; and add control facilities to operate on 72.28 MHz at Loc. #2: 14 Haynes Street, Hartford, Connecticut.

21382–C2–P–74, Airsignal of California, Inc. (New). C.P. for a new 1-way station to operate on 35.22 MHz to be located at Upper Heavenly Valley Lodge, 2 miles SE of South Lake Tahoe, California.

21383–C2–P–74, Airsignal of California, Inc. (New). C.P. for a new 1-way station to operate on 35.22 MHz to be located at Del Webb Town House, 2200 Tulare, Fresno California.

21384–C2–P–74, Ace Commercial Services, Inc. (New). C.P. for a new 1-way station to operate on 152.24 MHz to be located East of Ridge Road North, Columbus, Mississippi.

21385–C2–P–74, Brooklyn Mutual Telephone Company (New). C.P. for a new 2-way station to operate on 152.63 MHz to be located at 612 W. Des Moines Street, Brooklyn, Iowa.

21386–C2–P–74, Two-Way Radio of Carolina, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 638 S. Meeting Street, Statesville, North Carolina.

21387–C2–P–74, Tel-Car of Hollywood, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 300 Bay View Drive, North Miami, Florida.

21388–C2–P–(2)–74, Tel-Car of Hollywood, Inc. (New). C.P. for a new 2-way station to operate on 152.06 MHz at Loc. #1: Hollywood Federal Building, Hollywood, Florida; and to operate on 454.025 MHz at Loc. #2: 300 Bay View Drive, Miami Beach, Florida.

21389–C2–P–74, Tel-Car Corporation (New). C.P. for a new 2-way station to operate on 152.15 MHz to be located at Congress Building, 111 N.E. 2nd Avenue, Miami, Florida.

21390–C2–P–(24)–74, Mobilfone, Inc. (KMA 253). C.P. for additional facilities to operate on 454.150, 454.175, 454.200, and 454.300 MHz at Loc. #5: San Pedro Hill, Los Angeles, California; and for frequencies 454.150, 454.175, 454.200, and 454.300 MHz to operate at new sites described as Loc. #6: Union Bank Building, 610 Newport Center Drive East, Newport Beach, California; Loc. #7: Box Springs Mountain, Riverside Area, California; Loc. #8: Union Bank Square, Fifth Avenue and Figueroa Streets, Los Angeles, California; Loc. #9: Oat Mountain, Los Angeles Area, California; and Loc. #10: 1518 Skyline Road, La Habra, California.

21391–C2–P–(2)–74, David B. Williams d/b as Industrial Communications (KOP321). C.P. for additional facilities to operate on 152.09 and 152.12 MHz located at Loc. #2: Marsh Peak, 28 miles NW of Vernal, Utah.

21392–C2–P–74, Air Beep of Florida, Inc. (New). C.P. for a new 2-way station to operate on 152.15 MHz to be located 109 North Biscayne Blvd., Miami, Florida.

21393–C2–AL–74, Jessie R. Barrett d/b as Hereford Communications. Consent to Assignment of License from Hereford Communications, Assignor to Carlton L. Holland d/b as Mobaphone Dispatch Service Company, Assignee. Station: KOP327, Hereford, Texas.

21394–C2–MP(2)–74, Duane L. and Velma E. Williams d/b as Custom Radio (KUO694). Mod. Permit to change antenna system and change frequency from 75.82 MHz to 72.40 MHz at repeater facilities located at Loc. #1: South Middle Butte Pumpkin Butte Group, Wyoming; and change antenna system, antenna location, and change frequency from 72.40 MHz to 75.82 MHz at control station located at Loc. #2: 212 North Nichols Street, Casper, Wyoming.

21395–C2–P–74, Peak's Telephone Answering Service, Inc., d/b as Mobile Dispatch Service (KQZ705). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. #2: Cougar Mountain, 6 miles E. of Issaquah, Washington.

21396–C2–P–74, Continental Telephone Company of California (KPL896). C.P. for additional facilities to operate on 152.78 MHz located at Intersection of County Road and Church Street, Gardnerville, Nevada.

21397–C2–P–(2)–74, Pacific Northwest Bell Telephone Company (KOP330). C.P. to change antenna system, and replace transmitter operating on 152.51 and 152.63 MHz located at Mt. Baldy, 6.7 miles ESE of Medford, Oregon.

21398–C2–P–74, Asta, Inc. (New). C.P. for a new 1-way signaling station to operate on 35.58 MHz to be located at 402 North Main Street, Anderson, South Carolina.

21399–C2–P–74, Asta, Inc. (New). C.P. for a new 2-way station to operate on 454.050 MHz to be located at 402 North Main Street, Anderson, South Carolina.

Renewal of developmental license expiring June 1, 1974, term: June 1, 1974, to June 1, 1975.

The Mountain States Telephone and Telegraph Company (KAR68) (Temp-Fixed), 21400–C2–R–74.

Major Amendments

Capitol Radiotelephone Co., Inc. (New), 8960–C2–P–73. Amend to change the base frequency to 158.70MHz. All other particulars are to remain as reported on PN #652 dated June 11, 1973.

20540–C2–MP–74, Mobilfone Service, Inc. (KEJ459). Amend control frequency 454.025 MHz to read 454.250 MHz. All other particulars are to remain the same as reported on PN #675, dated November 19, 1973.

Informatives

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

E. H. Cannon, Texas (New), 8168–C2–P–(2)–73.

David M. Crouch dba Cactus Communications, Texas (New), 20037–C2–P–(2) X

Mahaffey Message Relay, Inc., Memphis, Tennessee (KDT223), 8331–C2–P–(4)–74.

Airsignal International, Inc., West Memphis, Arkansas (New), 20076–C2–P–(4)–74.

Radio Telephone Service, Inc., Atlantic City, New Jersey (New), 20073–C2–P–74.

Radiofone Corporation of New Jersey, Cape May, New Jersey (KBC746), 20327–C2–P–74.

RURAL RADIO SERVICE

60208–C6–P–74, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 27.1 miles SSE of Worland, Wyoming.

60209–C6–AL–74, Howell Pomeroy Skoglund (WOG55). Consent to Assignment of License from Howell Pomeroy Skoglund, Assignor to North American Life and Casualty Company, Assignee; Station: WOG55, Greenwood Lake, Minnesota.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4113–C1–P/L–74, Southwestern Bell Telephone Company (New). In any temporary fixed location within the territory of the grantee. C.P. and License for a new station on freqs. 2110–2130, 2160–2180, 3700–4200, 5925–6425, and 10,700–11,700 MHz.

4114–C1–P–74, The Mountain States Telephone and Telegraph Company (KAN79), 1035 Second Avenue, Durango, Colorado. Lat. 37°16'29" N., Long. 107°52'43" W. C.P. to change power, alarm center location, replace transmitter and change freqs. to 6095H, 6385H MHz to 11,155V, 10,915V MHz toward Perins Peak, Colo.

4115–C1–P–74, Same (KAN78), Madden Peak, 10 miles East of Mancos, Colorado. Lat. 37°-21'46" N., Long. 108°09'06" W. C.P. to change power, alarm center location and change freqs. 6115H, 6355H, MHz to 11,365V, 11,005V MHz toward Cortes, Colo., on azimuth 267°34'; change freqs. 6155H, 6395H, to 11,365V, 11,005V MHz toward a new point of communication at Perins Peak, Colo., via Passive Reflector.

4116–C1–P–74, Same (KBD28), 21 West First Street, Cortes, Colorado. Lat. 37°20'50" N., Long. 108°35'07" W. C.P. to change alarm center location, power, change freqs. 6035H, 6275H MHz to 10,915V, 11,155V MHz toward Madden Peak, Colo., on azimuth 87°18'; add freqs. 3710V, 2168.4V MHz toward a new point of communication at Pleasant View, Colo., on azimuth 350°45'.

[1] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

4117–C1–P–74, Same (New). 7 Miles East of Pleasant View, Colorado. Lat. 37°38'33" N. Long. 108°38'20" W. C.P. for a new station on freqs. 2118.4V, 3750V MHz toward Cortez, Colo., on azimuth 170°43'; freqs. 3750V, 4198V MHz toward Egnar, Colo., on azimuth 331°04'.

4118–C1–P–74, Same (New), 6.1 Miles ESE of Egnar, Colorado. Lat. 37°53'22" N., Long. 108°50'04" W. C.P. for a new station on freqs. 3710V, 4190V MHz toward Raspberry, Colo., on azimuth 49°32'; freqs. 3710V, 4190V MHz toward Pleasant View, Colo., on azimuth 150°37'.

4119–C1–P–74, Same (WHT49), Raspberry, 14.5 Miles NNE of Norwood, Colorado. Lat. 38°18'54" N., Long. 108°11'56" W. C.P. to correct coordinates and add freq. 3750V MHz toward Montrose, Colo., on azimuth 58°46'; freqs. 3750V, 4198V MHz toward a new point of communication at Egnar, Colo., on azimuth 239°55'.

4120–C1–P–74, Same (KAN32), 602 North First Stret, Montrose, Colorado. Lat. 38°-28'54" N., Long 107°52'28" W. C.P. to add freq. 3710V MHz toward Raspberry, Colo., on azimuth 236°58'.

4121–C1–P–74, Data Transmission Company (New), 106 W. 14th, Kansas City #1, Missouri. Lat. 39°05'51" N., Long. 94°35'05" W. C.P. for a new station on freq. bands 38,700 MHz to 39,750 MHz on azimuth 177°3' toward Kansas City #2, Mo.

4122–C1–P–74, Same (New), 114 E. Armour Street, Kansas City #2, Missouri. Lat. 39°03'50" N., Long. 94°34'57" W. C.P. for a new station on freq. bands 38,700 MHz to 38,750 MHz toward Kansas City #1, Mo., on azimuth 357°3'.

4123–C1–P–74, Same (New), 575 North Michigan Blvd., Chicago #1, Illinois. Lat. 41°53'56" N., Long. 87°37'22" W. C.P. for a new station on freq. bands 38,700 MHz to 38,750 MHz toward Chicago #2, Ill., on azimuth 177°20'.

4124–C1–P–74, Same (New), 200 East Randolph Drive, Chicago #2, Illinois. Lat. 41°53'06" N., Long. 87°37'19" W. C.P. for a new station on freq. bands, 38,700 MHz to 38,750 MHz toward Chicago #1, Ill., on azimuth 357°20'.

4127–C1–AL–(2)–74, Suburban Telephone Company. Consent to Assignment of License from Suburban Telephone Company, Assignor to Universal Telephone Company of Southwest, Assignee for Stations: KOC31—Blackrock, New Mexico, and KOC32—Zuni, New Mexico.

4128–C1–MP–74, Puerto Rico Telephone Company (KPB60), San Juan, Puerto Rico. Mod. of C.P. to change antenna structure and location to Lat. 18°27'59" N., Long. 66°06'51" W. (Refer To Public Notice #687–A, dated 2–11–74.)

4126–C1–P/L–74, Southern Bell Telephone and Telegraph Company (New). In any temporary fixed locations within the territory of the grantee. C.P. and License for a new station on freqs. 3700–4200 MHz.

4129–C1–P–74, Southern Pacific Communications Company (New), Sears Tower, Chicago, Illinois. Lat. 41°52'44" N., Long. 87°38'10" W. C.P. for a new station on freq. 6375.2V MHz towards Lowell, Ind., on azimuth 158°3'.

4130–C1–P–74, Same (New), 6.2 Miles East of Lowell, Indiana. Lat. 41°17'49" N., Long. 87°19'27" W. C.P. for a new station on freq. 5945.2H MHz toward Morocco, Ind., on azimuth 190°3' and 5945.2H MHz towards Chicago, Ill., on azimuth 338°15'.

4131–C1–P–74, Same (New), 1.5 Miles NE of Morocco, Indiana. Lat. 40°58'06" N., Long. 87°24'04" W. C.P. for a new station on freq. 6256.5V MHz towards Earl Park, Ind., on azimuth 182°10' and 6256.5H MHz towards Lowell, Ind., on azimuth 10°0'.

4132–C1–P–74, Southern Pacific Communications Company (New), 3.5 Miles South of Earl Park, Indiana. Lat. 40°38'43" N., Long. 87°25'02" W. C.P. for a new station on freq. 6093.5H MHz towards Independence, Ind., on azimuth 146°36' and 6093.5V MHz toward Morocco, Ind., on azimuth 2°9'.

4133–C1–P–74, Same (New), 3.0 Miles NNE of Independence, Indiana. Lat. 40°22'48" N., Long. 87°11'16" W. C.P. for a new station on freq. 6226.9V MHz toward Crawfordsville, Ind., on azimuth 151°11' and 6226.9H MHz toward Earl Park, Ind., on azimuth 326°45'.

4134–C1–P–74, Same (New), 5.4 Miles NW of Crawfordsville, Indiana. Lat. 40°05'20" N., Long. 86°58'43" W. C.P. for a new station on freq. 5945.2H MHz toward Max, Ind., on azimuth 104°43' and 5945.2V MHz toward Independence, Ind., on azimuth 331°19'.

4135–C1–P–74, Same (New), 0.75 Mile West of Max, Indiana. Lat. 40°00'49" N., Long. 86°35'43" W. C.P. for a new station on freq. 6197.2H MHz toward Sheridan, Ind., on azimuth 64°12' and 6404.8H MHz toward Crawfordsville, Ind., on azimuth 284°58'.

4136–C1–P–74, Same (New), 0.8 Mile NW of Sheridan, Indiana. Lat. 40°08'29" N., Long. 86°14'29" W. C.P. for a new station on freq. 5945.2V MHz toward Elwood, Ind., on azimuth 59°34' and 5945.2H MHz toward Max, Ind., on azimuth 244°25'.

4137–C1–P–74, Same (New), 1.8 Miles NW of Elwood, Indiana. Lat. 40°16'23" N., Long. 85°52'18" W. C.P. for a new station on freq. 6256.5V MHz toward Matthews, Ind., on azimuth 73°13' and 6256.5V MHz toward Sheridan, Ind., on azimuth 239°49'.

4138–C1–P–74, Same (New), 1.75 Miles NE of Matthews, Indiana. Lat. 40°24'02" N., Long. 85°27'30" W. C.P. for a new station on freq. 6004.5V MHz toward Blaine, Ind., on azimuth 86°40' and 6004.5V MHz toward Elwood, Ind., on azimuth 263°29'.

4139–C1–P–74, Same (New), 1.0 Miles ENE of Blaine, Indiana. Lat. 40°24'26" N., Long. 85°02'15" W. C.P. for a new station on freq. 6226.9H MHz toward Salem, Ohio, on azimuth 31°50' and 6226.9V MHz toward Matthews, Ind., on azimuth 208°57'.

4140–C1–P–74, Same (New), Salem, 2.8 Miles South of Wilshire, Ohio. Lat. 40°49'10" N., Long. 84°47'43" W. C.P. for a new station on freq. 5945.2V MHz toward Van Wert, Ohio, on azimuth 40°36' and 5945.2V MHz toward Blaine, Ind., on azimuth 211°59'.

4141–C1–P–74, Southern Pacific Communications Company (New), 5.5 Miles NE of Van Wert, Ohio, Lat. 40°56'57" N., Long. 84°30'-55" W. C.P. for a new station on freq. 6197.-2H MHz toward Miller City, Ohio, azimuth 68°5' and 6404.8V MHz toward Salem, Ohio, on azimuth 230°47'.

4142–C1–P–74, Same (New), 2.3 Miles South of Miller City, Ohio. Lat. 41°03'58" N., Long. 84°07'56" W. C.P. for a new station on freq. 6197.2H MHz toward Miller City, Ohio, on azimuth 68°5'; and 6404.8V MHz toward Salem, Ohio, on azimuth 230°47'.

4143–C1–P–74, Same (New), 2.3 Miles South of Miller City, Ohio. Lat. 41°03'58" N., Long. 84°07'56" W. C.P. for a new station on freq. 5945.2H MHz toward Custar, Ohio, on azimuth 42°26' and 5945.2H MHz towards Van Wert, Ohio, on azimuth 248°-26'.

4143–C1–P–74, Same (New), 0.4 Mile NW of Custar, Ohio. Lat. 41°17'33" N., Long. 84°-51'17" W. C.P. for a new station on freq. 6004.5H MHz toward Pemberville, Ohio, on azimuth-66°6' and 6404.8H MHz toward Miller City, Ohio, on azimuth 232°37'.

4144–C1–P–74, Same (New), 1.25 Miles West of Pemberville, Ohio. Lat. 41°34'50" N., Long. 83°29'16" W. C.P. for a new station on freq. 6152.8H MHz toward Maple Grove, Ohio, on azimuth 136°52' and 6123.1H MHz toward Custar, Ohio, on azimuth 346°26'.

4145–C1–P–74, Same (New), Maple Grove, 2.35 Miles South of Bettsville, Ohio. Lat. 41°12'35" N., Long. 83°14'02" W. C.P. for a new station on freq. 6404.8V MHz toward Caroline, Ohio, on azimuth 121°50' and 6375.2V MHz toward Pemberville, Ind., on azimuth 317°2'.

4146–C1–P–74, Same (New), 0.2 Mile South at Caroline, Ohio. Lat. 41°03'04" N., Long. 82°28'25" W. C.P. for a new station on freq. 6123.1V MHz toward Greenwich, Ohio, on azimuth 94°9'; freq. 6123.1V MHz toward Maple Grove, Ohio, on azimuth 302°3'.

4147–C1–P–74, Same (New), 2.25 Miles East of Greenwich, Ohio. Lat. 41°01'36" N., Long. 82°28'25" W. C.P. for a new station on freq. 6404.8V MHz toward Oberlin, Ohio, on azimuth 37°39' and 6404.8V MHz toward Caroline, Ohio on azimuth 274°26'.

4148–C1–P–74, Same (New), 2.3 Miles SW of Oberlin, Ohio. Lat. 41°15'40" N., Long. 82°14'00" W. C.P. for a new station on freq. 6093.5H MHz toward Avon, Ohio, on azimuth 41°32' and 6123.1V MHz toward Greenwich, Ohio, on azimuth 217°48'.

4149–C1–P–74, Southern Pacific Communications Company (New), 0.9 Mile North of Avon, Ohio. Lat. 41°27'56" N., Long 81°-59'29" W. C.P. for a new station on freq. 6404.8H MHz toward Warrenville, Ohio, on azimuth 92°50' and 6404.8H MHz toward Oberlin, Ohio, on azimuth 221°41'.

4150–C1–P–74, Same (New), Warrensville, Ohio. Lat. 41°26'47" N., Long. 81°30'11" W. C.P. for a new station en freq. 10815H MHz toward Cleveland, Ohio, on azimuth 292°19' and 6152.8H MHz toward Avon, Ohio, on azimuth 273°10'.

4151–C1–P–74, Same (New), Euclid Avenue and East 17th Street, Cleveland, Ohio. Lat. 41°30'03" N., Long. 81°40'50" W. C.P. for a new station on freq. 11305H MHz toward Warrensville, Ohio, on azimuth 112°12'.

4153–C1–P–74, Southern Bell Telephone and Telegraph Company (KJM34), 124 South Eugene Street, Greensboro, North Carolina. Lat. 36°04'19" N., Long. 79°47'42" W. C.P. to add freqs. 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz toward a new point of communication at Liberty, N.C., on azimuth 134°10'.

4154–C1–P–74, Same (New), 3.3 Miles North of Liberty, North Carolina. Lat. 36°54'02" N., Long. 79°34'42" W. C.P. for a new station on freqs. 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Siler City, N.C., on azimuth 158°37'; freqs. 6226.9H 6286.2H, 6345.5H, and 6404.8H MHz toward Greensboro, N.C., on azimuth 314°17'.

4155–C1–P–74, Same (New), 0.6 Mile SW of Siler City, North Carolina. Lat. 35°42'01" N., Long. 79°28'56" W. C.P. for a new station on freqs. 5974.8V, 6034.2V., 6093.5V, and 6152.8V MHz toward West End, N.C., on azimuth 192°33'; freqs. 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz toward Liberty, N.C., on azimuth 338°40'.

4156–C1–P–74, Same (New), 3 Miles NW of West End, North Carolina. Lat. 35°16'06" N., Long. 79°35'56" W. C.P. for a new station on freqs. 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Hamlet, N.C., on azimuth 187°02'; freqs. 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Siler City, N.C., on azimuth 12°29'.

4157–C1–P–74, Same (WAN82), 2 Miles East of Hamlet, North Carolina. Lat. 34°52'45" N., Long 79°39'28" W. C.P. to add freqs. 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz toward a new point of communication at West End, N.C., on azimuth 7°0'.

4162–C1–MP–74, Data Transmission Company (WPE69), 0.2 Mile NE of Posed, Illinois. Lat. 41°38'05" N., Long. 87°39'49" W. Mod. of C.P. to change freq. toward Chicago to 11,325V MHz on azimuth 6°35'.

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4163–C1–MP–74, Data Transmission Company (KFI57), 875 N. Michigan Blvd., Chicago, Illinois. Lat. 41°53'56" N., Long. 87°37'22" W. Mod. of C.P. to change freq. toward Posen to 10,875V MHz on azimuth 186°37'.

4174–C1–P–74, United Video, Inc. (New), Moline, Illinois. Lat. 41°29'08" N., Long. 90°28'52" W. C.P. for a new station on freqs. 11,405V, 11,605V, and 11,685V MHz toward Clinton, Iowa, on azimuth 27°24'.

4175–C1–P–74, Same (New), 4.8 Miles East of Lawton, Oklahoma. Lat. 34°35'35" N., Long. 98°19'06" W. C.P. for a new station on freqs. 10,775V and 11,015V MHz toward Cache, Okla., on azimuth 273°19'.

4176–C1–P–74, Teleprompter Transmission of Kansas, Inc. (KPB51), Mt. Royal, 26.0 Miles NNW of Chester, Montana. Lat. 48°41'16" N., Long. 111°08'37" W. C.P. to (a) to change from V to H the polarity of freq. 6049.0 MHz toward Cutbank, Mont.; and (b) to replace two existing transmitters with two new transmitters.

4177–C1–P–74, American Television Relay, Inc. (KOU61), Hutch Mountain, 4.0 Miles NNE of Happy Jack, Arizona. Lat. 34°48'20" N., Long. 112°01'30" W. C.P. to (a) to relocate Cottonwood, Ariz., receive site to Lat. 34°44'00" N., Long. 112°01'30" W.; and (b) to add freq. 6375H MHz toward Cottonwood on new azimuth 261°49'.

4178–C1–P–74, Eastern Microwave, Inc. (KEM59), Sentinel Heights, New York. Lat. 42°56'40" N., Long. 76°07'08" W. C.P. to change point of communication from Spafford (WOG74), New York to Scipio (WQP74), New York on existing freq. 5989.7H MHz and azimuth 247°17'.

4179–C1–P–74, Same (WQP84), Scipio, New York. Lat. 42°48'28" N., Long. 76°33'34" W. C.P. to add freq. 6301.0V MHz toward Auburn, N.Y., on azimuth 357°08'.

4180–C1–P–74, Eastern Microwave, Inc. (KYZ75), High Knob, 1.5 Miles West of Peck's Pond, Pennsylvania. Lat. 41°18'00" N., Long. 75°07'31" W. C.P. to add freq. 6049.0V MHz, via path intercept, to Carbondale, Pa., on azimuth 320°41'.

4181–C1–P–74, Same (KGJ35), Tower Hill, 4.0 Miles NW of Rutland, Pennsylvania. Lat. 41°54'38" N., Long. 77°00'41" W. C.P. to add freq. 6390.0V MHz toward Canisteo Mtn., N.Y., on azimuth 309°40'.

MULTIPOINT DISTRIBUTION SERVICE

50128–C5–P–74, Transnational Films (New), I.D.S. Building, Intersection of 7th and Marquette Streets, Minneapolis, Minnesota. Lat. 44°58'31" N., Long. 93°16'19" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Minneapolis, Minnesota.)

50129–C5–P–74, Midwest Corporation (New), One Shell Square Bldg., New Orleans, Louisiana. Lat. 29°57'00" N., Long. 90°04'16" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: New Orleans, Louisiana.)

50130–C5–P–74, Mr. H. L. Woodbury (New), Preston Tower Bldg., 6211 West Northwest Hwy., Dallas, Texas. Lat. 32°51'58" N., Long. 96°48'00" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Dallas, Texas.)

50131–C5–P–74, M.C.C.A. Service Corporation (New), Athenia Airport Complex, 6335 West Northwest Hwy., Dallas, Texas. Lat. 32°51'57" N., Long. 96°47'51" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Dallas, Texas.)

50132–C5–P–74, Southern Pacific Communications Company (New), Keystone Bldg., 99 High Street, Boston, Massachusetts. Lat. 42°21'14" N., Long. 71°03'18" W. C.P. for a new station on freqs. 2160.75H&V (Visual) and 2156.25H&V (Aural) MHz. (Primary Service Area: Boston, Massachusetts.)

50133–C5–P–74, Same (New), Empire State Bldg., 34th St. and 5th Avenue, New York, New York. Lat. 40°44'54" N., Long. 73°59'10" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25 V&H (Aural) MHz. (Primary Service Area: New York, New York.)

50134–C5–P–74, Same (New), River Park House, 3600 Conshohocken Avenue, Philadelphia, Pennsylvania. Lat. 40°00'17" N., Long. 75°12'10" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Philadelphia, Pennsylvania.)

50135–C5–P–74, Same (New), Wells Fargo Bldg., Post & Montgomery Sts., San Francisco, California. Lat. 37°47'24" N., Long. 122°24'02" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25 V&H (Aural) MHz. (Primary Service Area: San Francisco, California.)

50136–C5–P–74, Same (New), Universal North Bldg., Connecticut Ave. & "I" St., NW., Washington, D.C. Lat. 38°54'56" N., Long. 77°02'46" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Washington, D.C.)

50137–C5–P–74, Intrastate Radio Telephone, Inc., of San Francisco (New), Wells Fargo Bldg., 44 Montgomery St., San Francisco, California. Lat. 37°47'24" N., Long. 122°24'02" W. C.P. for a new station on freqs. 2156.25V (Aural) and 2160.75V (Visual) MHz. (Primary Service Area: San Francisco, California.)

50138–C5–P–74, Cross Country Network, Inc. (New), John Hancock Center, 875 North Michigan Avenue, Chicago, Illinois. Lat. 41°53'56" N., Long. 87°37'33" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Chicago, Illinois.)

50139–C5–P–74, Midwest Corporation (New), Commerce Tower Bldg., 911 Main Street, Kansas City, Missouri. Lat. 39°06'12" N., Long. 94°34'58" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Kansas City, Missouri.)

50140–C5–P–74, Airsignal International, Inc. (New), One Shell Plaza Bldg., Intersection of Smith St. & Walker, Houston, Texas. Lat. 29°45'33" N., Long. 95°22'08" W. C.P. for a new station on freqs. 2156.25V (Aural) and 2160.75V (Visual) MHz. (Primary Service Area: Houston, Texas.)

50141–C5–P–74, Southern Pacific Communications Company (New), 200 South Tryon Street, Charlotte, North Carolina. Lat. 35°13'35" N., Long. 80°50'41" W. C.P. for a new station on freqs. 2156.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Charlotte, North Carolina.)

50142–C5–P–74, Same (New), One Williams Center, Tulsa, Oklahoma. Lat. 36°09'13.5" N., Long. 95°59'26" W. C.P. for a new station on freqs. 2158.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Tulsa, Oklahoma.)

50143–C5–P–74, Same (New), Three Commerce Park Square Bldg., 23200 Chagrin Blvd., Beachwood (Cleveland), Ohio. Lat. 41°27'52" N., Long. 81°31'00" W. C.P. for a new station on freqs. 2160.75H&V (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Cleveland, Ohio.)

50144–C5–P–74, Vidicom, Inc. (New), Arlington Bldg., Charles & Lexington Streets, Baltimore, Maryland. Lat. 39°17'28" N., Long. 76°36'54" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Baltimore, Maryland.)

50145–C5–P–74, Midwest Corporation (New), Clayton Inn Center, 7777 Bonhomme Avenue, Clayton, Missouri. Lat. 38°38'51" N., Long. 90°20'13" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: St. Louis, Missouri.)

50146–C5–P–74, M.C.C.A. Service Corporation (New), 10 South Biscayne Blvd., Miami, Florida. Lat. 25° 46'25" N., Long. 80°11'18" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Miami, Florida.)

50147–C5–P–74, Same (New), 801 Skinker Blvd., St. Louis, Missouri. Lat. 38°38'13" N., Long. 90°18'14" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: St. Louis, Missouri.)

50148–C5–P–74, Microband Corporation of America (New), Preston Tower Bldg., 6211 West Northwest Hwy., Dallas, Texas. Lat. 32°51'58" N., Long. 96°48'00" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Dallas, Texas.)

50149–C5–P–74, Airsignal International, Inc. (New), Commerce Tower Bldg., 911 Main Street, Kansas City, Missouri. Lat. 39°06'-12" N., Long. 94°34'58" W. C.P. for a new station on freqs. 2156.25H (Aural) and 2160.75H (Visual) MHz. (Primary Service Area: Kansas City, Missouri.)

50150–C5–P–74, Mr. H. L. Woodbury (New), One Shell Plaza Bldg., Houston, Texas. Lat. 29°45'33" N., Long. 95°22'03" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50151–C5–P–74, Microband Corporation of America (New). One Shell Plaza Bldg., Houston, Texas. Lat. 29°45'33" N., Long., 95°22'03" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50152–C5–P–74, M.C.C.A. Service Corporation (New), One Shell Plaza, Houston, Texas. Lat. 29°45'33" N., Long. 95°22'08" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50153–C5–P–74, Private Network, Inc. (New), One Shell Plaza Bldg., Intersection of Smith Street and Walker Ave., Houston, Texas. Lat. 29°45'33" N., Long., 95°22 03" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50154–C5–P–74, Same (New), Empire State Bldg., 34th Street and 5th Avenue, New York City, New York. Lat. 40°44'54" N., Long 73°59'10" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: New York, New York.)

Correction

50114–C5–P–74, correct name of applicant to read: American Television and Communications Corporation. (All other particulars remain same as reported on Public Notice #700, dated May 13, 1974.)

POINT-TO-POINT MICROWAVE SERVICE
(MAJOR AMENDMENTS)

627–C1–P–72, Western Tele-Communications, Inc. (New), Omaha, Nebraska. Lat. 41°12'-57" N., Long. 96°05'04" W. Amend application to change station location transmitting freq. 3770V MHz toward Beebeetown, Iowa, on azimuth 34°59'.

4024–C1–P–72, Same (New), Beebeetown, Iowa. Lat. 41°31'38" N., Long. 95°47'54" W. Amend application to change station location transmitting freq. 3730V MHz toward Omaha, Nebr., on azimuth 215°02' and 3730V MHz toward Defiance, Iowa, on azimuth 43°34'.

4025–C1–P–73, Same (New), Defiance, Iowa. Lat. 41°05'09" N., Long. 95°24'05" W. Amend application to change station location transmitting freq. 3770V MHz toward Beebeetown, Iowa, on azimuth 223°50'; and 3770V MHz toward Audubon, Iowa, on azimuth 105°03'.

4026–C1–P–73, Same (New), Audubon, Iowa. Lat. 41°43'00" N., Long. 94°49'02" W. Amend application to change station location transmitting freq. 3730 MHz toward Defiance, Iowa, on azimuth 285°26' and 3730 MHz toward Bayard, Iowa, on azimuth 47°27'.

4027–C1–P–74, Same (New), Bayard, Iowa. Lat. 41°56'02" N., Long. 94°29'50" W. Amend application to change station location transmitting freq. 3770H MHz toward Audubon, Iowa, on azimuth 227°39'; and 3770H MHz toward Woodward, Iowa, on azimuth 100°44'.

4028–C1–P–73, Same (New), Woodward, Iowa. Lat. 41°50'52" N., Long. 93°54'11" W. Amend application to change station location transmitting freq. 3730H MHz toward Bayard, Iowa, on azimuth 281°08'; and 3730H MHz toward Des Moines, Iowa, on azimuth 133°06'.

634–C1–P–72, Same (New), Des Moines, Iowa. Lat. 41°35'34" N., Long. 93°32'27" W. Amend application to change station location transmitting freq. 3770H MHz toward Woodward, Iowa, on azimuth 313°20'; and 3770V MHz toward Mingo, Iowa, on azimuth 48°10'.

633–C1–P–74, Same (New), Mingo, Iowa. Lat. 41°45'09 N., Long. 93°13'08" W. Amend application to change station location transmitting freq. 3730V MHz toward Des Moines, Iowa, on azimuth 228°19' and 3730H MHz toward Ewart, Iowa, on azimuth 103°09'.

4029–C1–P–73, Same (New), Ewart, Iowa. Lat. 41°38'11" N., Long. 92°39'00" W. Amend application to change station location transmitting freq. 3770H MHz toward Mingo, Iowa, on azimuth 283°35' and 3770H MHz toward Williamsburg, Iowa, on azimuth 93°51'.

4030–C1–P–73, Same (New), Williamsburg, Iowa. Lat. 41°36'15" N., Long. 92°02'40" W. Amend application to change station location transmitting freq. 3730V MHz toward Ewart, Iowa, on azimuth 274°15' and 3730H MHz toward Downey, Iowa, on azimuth 90°32'.

4031–C1–P–73, Same (New), Downey, Iowa. Lat. 41°35'52" N., Long. 91°23'50" W. Amend application to change station location transmitting freq. 3770H MHz toward Williamsburg, Iowa, on azimuth 270°58' and 3770H MHz toward Plainview, Iowa, on azimuth 62°24'.

4032–C1–P–73, Same (New), Plainview, Iowa. Lat. 41°39'28" N., Long. 90°46'51" W. Amend application to change station location transmitting freq. 3730H MHz toward Downey, Iowa, on azimuth 262°49' and 3730H MHz toward Shady Beach, Iowa, on azimuth 106°26'.

4033–C1–P–73, Same (New), Shady Beach, Iowa. Lat. 41°31'17" N., Long. 90°10'23" W. Amend application to change station location transmitting freq. 3770H MHz toward Plainfield, Iowa, on azimuth 286°51' and 3770V MHz toward Hazelhurst, Ill., on azimuth 38°44'.

4034–C1–P–73, Same (New), Hazelhurst, Illinois. Lat. 41°58'06" N., Long. 89°41'30" W. Amend application to change freqs. to 3730V MHz toward Shady Beach, Iowa, on azimuth 219°09' and 3710V MHz toward Byron, Ill., on azimuth 71°11'.

644–C1–P–72, Same (New), Byron, Illinois. Lat. 42°04'26" N., Long. 89°16'22" W. Amend application to change station location and freq. 3750V MHz toward Hazelhurst, Ill., on azimuth 251°28' and 3770V MHz toward Kings, Ill., on azimuth 68°38'.

645–C1–P–73, Same (New), Kings, Illinois. Lat. 42°12'53" N., Long. 88°47'05" W. Amend application to change station location on freq. 3730V MHz toward Byron, Ill., on azimuth 248°58' and 3730H MHz toward Starks, Ill., on azimuth 131°12'.

647–C1–P–72, Same (New), Starks, Illinois. Lat. 42°04'57" N., Long. 88°29'26" W. Amend application to change station location and change freq. to 3770H MHz toward Kings, Ill., on azimuth 301°14' and 3750H MHz toward Chicago, Ill., on azimuth 105°32'.

650–C1–P–72, Same (New), Chicago, Illinois. Lat. 41°53'57" N., Long. 87°37'24" W. Amend application to change freq. to 3710H MHz toward Starks, Ill., on azimuth 286°07'.

5703–C1–P–70, Same (New), Change station location to corner of Marquett Ave. and 8th St., Minneapolis, Minnesota. Lat. 44°58'34" N., Long. 93°16'16" W. Frequency 5989.7H MHz toward Ellsworth, Wis., on azimuth 118°37'.

5704–C1–P–70, Western Tele-Communications, Inc. (New). Change station location to 5.5 Miles WNW of Ellsworth, Wisconsin. Lat. 44°45'42" N., Long. 92°35'23" W. Frequency 6212.0H MHz toward Minneapolis, Minn., on azimuth 294°05'; freq. 6162.4H MHz toward Lake City, Minn., on azimuth 150°17'.

5705–C1–P–70, Same (New). Change station location to 7.0 Miles West of Lake City, Minnesota. Lat. 44°26'49" N., Long. 92°25'25" W. Frequency 5960.0V MHz toward Ellsworth, Minn., on azimuth 339°24' and freq. 5960.0H MHz toward Rochester Repeater, Minn., on azimuth 191°41'.

8156–C1–P–73, Same (New). Delete point of communication and change station location to 4.2 Miles West of Rochester, Minnesota. Lat. 44°01'30" N., Long. 92°32'40" W. Frequency 6212.0H MHz toward Lake City, Minn., on azimuth 11°35' and freq. 6226.9H MHz toward Chatfield, Minn., on azimuth 119°24'.

5706–C1–P–70, Same (New). Change station location to Chatfield, 2.0 Miles SE of Predmore, Minnesota. Lat. 43°55'15" N., Long. 92°17'22" W. Frequency 5974.8V MHz toward Rochester Repeater, Minn., on azimuth 299°35' and freq. 5945.2H MHz toward Rushford, Minn.. on azimuth 112°03'.

5708–C1–P–70, Same (New). Change freq. and station location to 3.5 Miles SW of Rushford, Minnesota. Lat. 43°46'23" N., Long. 91°47'23" W. Frequency 6197.2H MHz toward Chatfield, Minn., on azimuth of 292°24' and 6315.9H MHz toward La Crosse Repeater, Wis., on azimuth 87°11'.

5709–C1–P–70, Same (New). Delete point of communication and change station location to 5.0 Miles East of La Crosse, Wisconsin. Lat. 43°47'41" N., Long. 91°07'38" W. Frequency 5945.2H MHz toward Rushford, Minn., on azimuth 267°38' and 5974.8V MHz toward Norwalk, on azimuth 86°28'.

5712–C1–P–70, Same (New). Change station location to 10.5 Miles West of Reedsburg, Wisconsin. Lat. 43°34'49" N., Long. 90°13'06" W. Frequency 5945.2V MHz toward Norwalk, Wis., on azimuth 307°13' and 5974.8H MHz toward Lake Wisconsin, Wis., on azimuth 104°07'.

5713–C1–P–70, Same (New). Change station location to Lake Wisconsin, 8.5 Miles East of Baraboo, Wisconsin. Lat. 43°27'47" N., Long. 89°34'29" W. Frequency 6226.9H MHz toward Reedsburg, Wis., on azimuth 284°-35'; freq. 6226.9V MHz toward Columbus, Wis., on azimuth 101°19'; freq. 10.715V MHz toward Madison, Wis., on azimuth 170°24'.

5715–C1–P–70, Same (New). Change azimuth to point of communication. Location: Madison, Wisconsin. Lat. 43°03'09" N., Long. 89°28'42" W. Frequency 11,685H MHz toward Lake Wisconsin on Azimuth 350°28'.

8157–C1–P–73, Western Tele-Communications, Inc. (New). Change station location to 3.5 miles ENE of Columbus, Wisconsin. Lat. 43°22'10" N., Long. 88°56'37" W. Frequency 5974.8V MHz toward Lake Wisconsin on azimuth 281°45'; freq. 5974.8V MHz toward Plat on azimuth 104°30'.

8158–C1–P–73, Same (New). Change point of communication, frequency and station location to Plat, 4.0 Miles ESE of Hartford, Wisconsin. Lat. 41°15'05" N., Long. 88°19'-40" W. Frequency 6197.2V MHz toward Columbus on azimuth 284°55'; freq. 5945.2H MHz toward New Berlin on azimuth 158°25'.

5720–C1–P–70, Same (New). Change frequency and point of communication to Milwaukee, Wisconsin. Lat. 43°02'20" N., Long. 87°55'04" W. Frequency 10,775V MHz toward New Berlin on azimuth 247°40'.

5722–C1–P–70, Same (New). Change station location to Salem, 3.0 Miles South of Paddock Lake, Wisconsin. Lat. 42°31'53" N., Long. 88°06'18" W. Frequency 5945.2V MHz toward New Berlin on azimuth 351°53'; freq. 5974.8H MHz toward Chicago, Ill., on azimuth 151°11'.

5724–C1–P–70, Same (New). Change azimuth, change location to Chicago, Illinois. Lat. 41°53'57" N., Long. 87°37'24" W. Frequency 6197.2V MHz toward Salem, on azimuth 331°29'.

9319–C1–P–72, West Texas Microwave Company. Amended to change coordinates of Station WPE26 to Lat. 35°11'28" N., Long. 101°51'48" W. (All other particulars remain same as reported on Public Notice #607, dated July 31, 1972.)

6646–C1–P–73, Microwave Transmission Corporation. Amend to change frequency to 11,405H MHz toward changed receive point of communication at Hayward, Calif. Lat. 37°38'22" N., Long. 122°06'58" W. (All other particulars remain same as reported on Public Notice #683, dated January 14, 1974.)

3005–C1–P–74, New England Telephone and Telegraph Company (KCL57), Providence, Rhode Island. Amend to change freq. from 2162.0H to 2168.4H MHz toward Kingston, R.I. (KFE36). (All other particulars remain same as reported on Public Notice #687, dated February 11, 1974.)

3007–C1–P–74, Same (KFE36), Kingston, Rhode Island. Amend to change freq. 2112.0H to 2118.4H MHz toward Providence, R.I. (All other particulars remain same as reported on Public Notice #687, dated February 11, 1974.)

618–C1–P–71, Microwave Service Company (New). Change station location to 1.9 Miles NW of Holman, Alabama. Lat. 33°17'32" N., Long. 87°51'15" W. (All other particulars remain same as reported on Public Notice, dated August 10, 1970, and July 6, 1971.)

[FR Doc.74–12246 Filed 5–28–74;8:45 am]

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FEDERAL ENERGY OFFICE

ADVISORY COMMITTEE

Notice of Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties delegated to the Federal Energy Office by Executive Order No. 11748, to establish the Energy Forecasting Advisory Committee.

A description of the nature and purpose of this Committee is contained in its Charter which is published below.

Dated: May 22, 1974.

JOHN C. SAWHILL,
Administrator.

ENERGY FORECASTING ADVISORY COMMITTEE

CHARTER

A. *Establishment*

The Administrator, Federal Energy Office, having determined, after consultation with the Director, Office of Management and Budget, that it is in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order #11748, dated December 4, 1973, which delegated to the Administrator, Federal Energy Office, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159); and Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended, hereby establishes the Energy Forecasting Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

B. *Duties, Functions and Administrative Provisions*

1. *Objectives and scope of activities.* The objective of the Energy Forecasting Advisory Committee is to advise the Administrator, Federal Energy Office (FEO), with respect to methodologies which will augment and improve forecasts of energy supply and demand.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewal as required by Section 14 of Pub. L. 92–463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are $20,000.00 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately two times a year.

8. *Termination date.* The Committee will terminate two years from date of this Charter, unless prior to that date renewal action is taken by the Administrator, FEO, as described in Paragraph 2 above.

Dated: May 22, 1974.

JOHN C. SAWHILL,
Administrator.

[FR Doc.74–12253 Filed 5–23–74;2:31 pm]

FEDERAL POWER COMMISSION

[Docket Nos. RP72–155 and RP73–104]

EL PASO NATURAL GAS CO.

Order Clarifying Prior Order, Rejecting Substitute Tariff Sheets, and Denying Rehearing

MAY 20, 1974.

On April 29, 1974, El Paso Natural Gas Company (El Paso) filed a motion to clarify our order issued in the above captioned proceedings on March 29, 1974, and to accept and make effective the substitute tariff sheets tendered therewith. In the alternative, El Paso applied for rehearing of the March 29 order.

In its motion to clarify, El Paso stated that on November 29, 1973, El Paso tendered for filing a notice of a minor rate increase. The proposed increase was filed to compensate El Paso for the increase in the weighted average cost of purchasing clean, high pressure, pipeline quality gas in, generally, the Permian Basin area, occurring between June 12, 1970 and December 31, 1973. This filing was rejected.[1] At that time, El Paso had no PGA clause in effect with respect to the seven FS Rate Schedules[2] for which the increase was proposed. The rejection was without prejudice to El Paso's right to resubmit the proposal concurrently with the filing of an acceptable PGA clause.[3] To state that such rejection was without prejudice to El Paso's right to resubmit the proposal was not, however, to state that the resubmittal would be approved, nor was it a waiver of the requirements of the Natural Gas Act or the regulations thereunder. Any such increase must conform with the statute and regulations.

On February 14, 1974, El Paso tendered for filing new tariff sheets to establish a new PGA clause—Clean High Pressure Gas for the seven FS Rate Schedules. (n. 2, supra). El Paso also tendered for filing an initial adjustment of rates under the proposed PGA clause—Clean High Pressure GAS. The tariff sheets establishing the PGA clause were accepted and permitted to become effective March 17, 1974; the proposed adjustment was, however, rejected.[4]

Our reasoning for such rejection is clear and was restated by El Paso in its motion for clarification. We restate it here.

Rate adjustments for purchased gas costs can be made only after establishing a current base cost of purchased gas.[5] Upon examination of the instant filing, we have determined that the base cost of purchased gas established by the proposed PGAC—Clean High Pressure Gas would be the current 26.8785¢ per Mcf and not the 19.343¢ per Mcf cost of purchased gas in June, 1970. Therefore, no purchased gas rate adjustment is appropriate and accordingly, we shall reject the tendered sheet.[6]

We note that this rejection is also without prejudice to El Paso's right to make a rate increase filing to recover the claimed increases in purchased gas costs in conformity with section 4 of the Natural Gas Act and the regulations thereunder. As there is no increase or decrease in the current base cost of purchased gas, no PGA clause rate adjustment is appropriate. We find no further clarification necessary, and since El Paso's Substitute Tariff Sheets do not conform to our prior order, we shall reject them.

El Paso requests rehearing should the Commission disagree with El Paso's interpretation set forth in its motion for clarification. Since we do disagree, we hereinafter treat the application for rehearing.

El Paso's Specification of Error in its application is that rejection by this Commission of El Paso's proposed initial adjustment of its rates pursuant to its approved PGAC—Clean High Pressure Gas provision[7] is arbitrary and the consequences are unjust and unreasonable. Simply stated, we cannot agree that to require a jurisdictional company to conform to the Natural Gas Act and the regulations thereunder is arbitrary. The rejection of El Paso's proposed increases involved in these proceedings[8] was based solely on the non-conformity of such increases with the regulations. Order 452–A[9] indeed did not proscribe the right of a pipeline company to make a rate increase filing in conformity with section 4 of the Natural Gas Act and the regulations thereunder. El Paso has not yet done this and our rejection of this proposed initial increase is neither arbitrary, unjust nor unreasonable.

The Commission finds. (1) Good cause exists to reject El Paso's substitute tariff sheets as hereinafter ordered.

(2) El Paso's application for rehearing raises no new facts or points of law which would provide an adequate basis for modifying our prior order rejecting the proposed initial rate increase under its PGAC—Clean High Pressure Gas Applicable to the seven FS rate schedules involved herein.

The Commission orders. (A) The proposed Substitute Tariff Sheet No. 1–D to FPC Gas Tariff, Original Volume No. 2A is rejected and El Paso shall within 30 days of the issuance of this order file a substitute tariff sheet which properly restates the base cost of purchased gas in conformity with this order and our order of March 29, 1974 in this proceeding.

[1] Letter order issued December 27, 1973 in Docket No. RP74–43.

[2] Rate Schedules FS–3, FS–6, FS–7, FS–10, FS–12, FS–31 and FS–32 to Original Volume No. 2A.

[3] *Cf. Southern Natural Gas Company*, Docket Nos. RP72–91, *et al.*, issued October 31, 1972; *Northern Natural Gas Company*, Docket No. RP73–48, issued March 27, 1973.

[4] See Commission Order No. 452 issued April 14, 1972 and Commission Order No. 452–A issued June 13, 1972.

[5] March 29 order.

[6] March 29 order at 3.

[7] FPC Gas Tariff, Original Volume No. 2A, approved by the March 29 order.

[8] Supra, n. 1; Supra, n. 4.

[9] Issued June 13, 1972.

(B) El Paso's application for rehearing, filed on April 29, 1974, is denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–12217 Filed 5–28–74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating an Additional Member

MAY 21, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. *Membership.* An additional member of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission is as follows:

Brigadier General William R. Wray, Director of Facilities, Department of the Army.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–12216 Filed 5–28–74;8:45 am]

[Docket No. CP74–294]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 24, 1974.

Take notice that on May 14, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74–294 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the operation of certain sales measuring station facilities utilized for the delivery of natural gas to Southern Union Gas Company (Southern Union) for resale in the state of Oklahoma, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has established 12 minor sales measuring stations in the state of Oklahoma, on an emergency basis pursuant to § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22), in order to deliver natural gas to Southern Union for resale to certain rural consumers for irrigation pump engine fuel. The application states that these consumers are right-of-way grantors of Applicant, each having "tap-clauses" in their easements, and were relying on their entitlement to gas services from Applicant's pipelines to fuel their irrigation pump engines to assure successful crops. Applicant states that such service provided to similar consumers, pursuant to Applicant's Rate Schedule X–32 of its FPC Gas Tariff, Original Volume No. 2, was authorized by the Commission's orders issued in Docket No. CP72–224 on December 26, 1972 (48 FPC 1523), and February 23, 1973 (49 FPC 474).

Applicant proposes to continue the operation of such measuring stations on a long-term basis for the delivery of natural gas to Southern Union, for resale to such consumers, pursuant to Applicant's Rate Schedule X–32. Applicant estimates total installed costs of the 12 measuring stations to have been $11,080 and total annual gas requirements for the aforementioned consumers to be 47,034 Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12253 Filed 5–28–74;8:45 am]

[Docket Nos. E–7716, E–8435]

PENNSYLVANIA ELECTRIC CO.

Order Directing Commission Staff To File Comments

MAY 20, 1974.

On March 20, 1972, Pennsylvania Electric Company (Penelec) filed in Docket No. E–7718: (1) A request for an investigation under section 206 of the Federal Power Act of Penelec's supplemental power rate in its fixed rate, fixed term contract providing supplemental and wheeling service to Allegheny Electric Cooperative (Allegheny), and (2) a proposed rate schedule for supplemental service to Allegheny and supporting testimony for the rates contained therein. By order of June 1, 1972, the Commission, inter alia, granted Penelec's request for a section 206 investigation and set appropriate procedural dates.

After a series of settlement discussions between Penelec and Allegheny, without the participation of the Commission Staff, Penelec filed, on December 11, 1972, a proposed settlement agreement which would increase rates for wheeling and supplemental power service to Allegheny Electric Cooperative (Allegheny) and increase the amount of power to be wheeled by Penelec from the Power Authority of the State of New York (PASNY) to Allegheny. The proposed effective date for the settlement agreement was November 10, 1973. The settlement was noticed on December 22, 1972, but no comments were received from any party or the Commission Staff.

On October 5, 1973, Penelec tendered for filing in Docket No. E–8435, a contract[1] identical to that submitted with the settlement agreement and requested that it be made effective November 10, 1973, as provided in the settlement, since the then effective fixed rate, fixed term contract for supplemental and wheeling service was due to expire on November 9, 1973, pursuant to 30 months contractual notice of termination given to Allegheny by Penelec.

By order of November 9, 1973 in Docket No. E–8435, the Commission accepted the proposed contract for filing and permitted it to become effective, subject to refund, on November 10, 1973, pending Commission action on the settlement agreement.

The settlement agreement provides that annual revenues from the supplemental service to Allegheny will increase by approximately $2,313,445 and from the wheeling service to Allegheny by approximately $686,250 based upon sales for the twelve months ended November 30, 1973. The settlement agreement also prohibits any change in the settlement rates from becoming effective prior to May 10, 1975.

In reviewing the record in these dockets, we note that our staff has not

[1] Designated as Rate Schedule No. 70 and Supplements 1 through 4 thereto.

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filed any comments with regard to the settlement agreement. We believe it would be in the public interest for our staff to file comments concerning this settlement agreement, and we shall direct the staff to do so. We shall also grant to any interested party the opportunity to respond to staff's comments.

The Commission finds: Good cause exists to direct the Commission Staff to file written comments with the Commission Secretary concerning the lawfulness of the settlement agreement.

The Commission orders: (A) On or before May 29, 1974, the Commission Staff shall file written comments with the Commission Secretary regarding the settlement agreement filed in Docket No. E-8435.

(B) Comments by any party in response to Staff's comments shall be filed on or before June 6, 1974.

(C) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12342 Filed 5-28-74;8:45 am]

[Docket No. RP74-37-11]

MISSISSIPPI CHEMICAL CORP.

Petition for Permanent and Interim Relief From Curtailment Provisions

MAY 20, 1974.

Take notice that on May 9, 1974, Mississippi Chemical Corporation (MCC) filed a petition for interim extraordinary relief from the currently effective curtailment plan of United Gas Pipe Line Company (United) and from the five step curtailment plan proposed by United pursuant to Commission Opinion Nos. 647 and 647-A, issued in Docket Nos. RP71-29 and RP71-120.

MCC seeks an order directing United to deliver to MCC at its Pascagoula, Mississippi, fertilizer manufacturing plant 21,906 Mcf of natural gas per day. MCC states that it requires these gas volumes on a permanent basis in order to be able to continue its fertilizer manufacturing operations by the use of natural gas as a feedstock, for which no other raw material may be substituted, and as a process fuel, for which there is no alternate fuel. MCC states that in order to forestall irreparable injury to MCC, its farmer-owners, and the national food supply, it requests that interim relief be granted during the pendency of the above petition.

MCC asserts that it is a corporation duly organized and existing under the laws of the State of Mississippi. MCC is engaged in the business of manufacturing and distributing chemical fertilizers and is a cooperative association with 21,000 stockholder-patrons, virtually all of which are farmers or associations of farmers to whom MCC supplies chemical fertilizers at MCC's cost of production. MCC states that it is the primary source of fertilizer in Alabama, Mississippi, Louisiana and Arkansas, and that it is a significant source in Texas, Missouri, Georgia and Florida. Approximately 150,000 farmers in Alabama, Mississippi, Louisiana and Arkansas are dependent on MCC for their fertilizer. These farmers are said to cultivate an estimated 5,000,000 acres.

The natural gas requirements at MCC's Pascagoula plant complex have been provided by United since completion of the plant in 1958. Service at the Pascagoula plant is pursuant to a contract entered into between United and MCC on March 9, 1957, as amended on various subsequent dates. The contract, which is to continue in effect through 1982, provides for the firm sale and delivery of 22,000 Mcf of natural gas per day. A third sulfuric acid plant is scheduled for completion in late 1974. MCC owns at Pascagoula product storage facilities, maintenance facilities, railroad facilities, dock facilities, raw material storage facilities and other facilities related to the manufacture, storage and distribution of such products. The sulfuric acid plants do not require natural gas in their operations, but the principal raw material utilized in the production of anhydrous ammonia is natural gas.

A shortened notice period may be in the public interest.

Any person desiring to be heard or to make protest with reference to said petition should on or before May 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The instant petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12218 Filed 5-28-74;8:45 am]

[Docket No. E-8274]

VIRGINIA ELECTRIC AND POWER CO.

Order Granting Motion To Withdraw Suspended Rate Schedule and Contract Supplement and Providing for Interest To Be Paid on Refunds

MAY 20, 1974.

On July 31, 1972 Virginia Electric and Power Company (VEPCO) tendered for filing (1) a proposed supplement to its rates to Cooperative Customers entitled Excess Facilities Service, and (2) a revision of Electric Service Specifications for Prince William Electric Cooperative (Prince William) to provide service to that Cooperative under the terms of the Excess Facilities Service Supplement. By letter from the Commission's Secretary dated August 31, 1972 VEPCO was informed that its submittal was deficient. On January 2, 1974, VEPCO responded to the Secretary's letter by resubmitting updated versions of the originally filed supplements which would establish two separate monthly charges to VEPCO's REA Cooperative Customers; (1) a charge of 1.57% of the estimated installed cost of excess distribution facilities (rated below 69 kv), and (2) a monthly charge of 1.37% of the estimated installed cost of excess transmission facilities (rated at or above 69 kv). VEPCO's supplement to its contract with Prince William also provides for relay service under the new rate schedule to the cooperative.

On February 1, 1974 we issued an order in this docket accepting VEPCO's proposed rate schedule and contract supplements, suspending the use thereof until February 3, 1974 and establishing procedural dates.

By motion filed March 18, 1974, VEPCO sought to extend the dates of this proceeding to allow consolidation with VEPCO's anticipated wholesale rate increase filing which the company intends to file on or about September 1, 1974. On April 3, 1974, the Commission issued its Notice Denying Motion for Extension of Time disapproving VEPCO's motion.

On April 11, 1974, VEPCO filed a motion to withdraw its suspended rate schedule and contract supplement. In support of its motion VEPCO states that its staff is currently involved in preparing rate cases to be submitted to this Commission and to North Carolina's regulatory agency and is also preparing for a hearing scheduled to begin May 16, 1974 before the Virginia State Corporation Commission. VEPCO also states that total annual revenues from the excess facilities provided Prince William are approximately $33,000 and no other excess facilites are currently being supplied. According to VEPCO, efforts at reaching a settlement of the issues in this case have been unsuccessful. The company concludes that under these circumstances it is unable to justify the time and expense of a separate hearing in this docket.

VEPCO also states that upon granting of its motion, it will refund to Prince William the difference between the rates collected under the excess facilities provision and the rates that Prince William would have paid in the absence of the excess facilities' rate schedule. In addition, VEPCO states that those facilities already installed under its agreement with its customers will not be removed or disconnected.

VEPCO states that its motion for withdrawal is made pursuant to § 35.17 (a) of the Commission's regulations under the Federal Power Act. In addition, the company requests special permission to refile the subject rate schedule and contract supplement within one year, again citing § 35.17(a) of the regulations. Since this regulation applies to withdrawal of rate schedules during the period of suspension, its restrictions do not apply to the present case because VEPCO's fate schedule has been in effect, subject to refund, since February 3, 1974.

Notice of VEPCO's motion was issued on April 18, 1974 with comments or protests due on or before April 23, 1974. No comments or protests have been filed to date.

Upon consideration of VEPCO's motion we find that the company has shown good cause to allow withdrawal of its filing. However, pursuant to § 35.19(a) of our regulations, we shall require that VEPCO pay interest to its customers at the rate of 7 percent per annum on those sums to be refunded.

The Commission finds. Good cause exists to grant VEPCO's motion to withdraw its filing in Docket No. E-8274, as hereinafter ordered and conditioned.

The Commission orders. (A) The Motion of Virginia Electric and Power Company to withdraw Suspended Rate Schedule and Contract Supplement, filed on April 11, 1974, is hereby granted.

(B) VEPCO shall be required to pay interest at the annual rate of 7 percent on those monies representing the difference between the rates collected under the excess facilities rate schedule and the rates that Prince William would have paid in the absence of the excess facilities rate schedule, calculated from February 3, 1974 until the day of refund.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12219 Filed 5-28-74;8:45 am]

FEDERAL RESERVE SYSTEM

BANKMANAGERS CORP. AND MIDLAND FINANCIAL CORP.

Acquisition of Additional Shares of Bank

Bankmanagers Corp. ("Bankmanagers"), and its subsidiary, Midland Financial Corporation ("Midland"), both of Milwaukee, Wisconsin, have applied in separate applications, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for Midland to acquire directly, and for Bankmanagers to acquire indirectly, through a rights offering, 20,380 additional voting shares of Midland National Bank, Milwaukee, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 11, 1974.

Board of Governors of the Federal Reserve System, May 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12205 Filed 5-28-74;8:45 am]

CHEMICAL FINANCIAL CORP.

Order Approving Formation of Bank Holding Company and Engaging in Data Processing Activities

Chemical Financial Corporation, Midland, Michigan, has applied for the Board's approval under sec. 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Chemical Bank and Trust Company, Midland, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

In a related matter, Applicant has applied for the Board's approval under sec. 4(c)(8) of the Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of Regulation Y to engage in data processing activities through the acquisition of Bank's present wholly-owned subsidiary, Westley's Data Processing, Inc., Midland, Michigan ("Westley's"). Westley's provides data processing services for Bank and, additionally, processes financial, banking, and related economic data for other customers. As a result of the proposal, Westley's will become a direct subsidiary of Applicant. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(8)).

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in light of the factors set forth in sections 3(c) and 4(c)(8) of the Act.

Applicant was organized by Bank's directors for the purpose of becoming a bank holding company and has not engaged in any activities since its formation. Bank controls deposits of $116.8 million, representing one-half of 1 percent of the total deposits in commercial banks in Michigan.[1] Bank controls about 24.5 percent of deposits in commercial banks in its primary banking market, thereby ranking as the second largest organization in the market.[2] Since Applicant has no present banking subsidiaries, acquisition of Bank by Applicant would not eliminate any existing competition nor would it give Applicant a dominant position in any market. Therefore, competitive considerations are consistent with approval of the application.

Since Applicant is a newly-formed corporation, its financial and managerial resources and future prospects will depend primarily on those of Bank, which are regarded as generally satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. It is the Board's judgment that Applicant's acquisition of Bank would be in the public interest and that the application should be approved.

Applicant also proposes to acquire 100 percent of Westley's. Westley's provides data processing services for Bank and, additionally, processes other financial, banking, and related economic data such as account billing, accounts receivable, accounts payable, general ledger, and payroll accounting for other business enterprises and for public entities. Additionally, excess computer time is made available to customers on a basis where Westley's only provides the facility and essential operating personnel. Westley's had gross billings of $800,000 in 1972. Since Westley's is presently wholly-owned by Bank, the transfer of ownership to Applicant would merely be part of a corporate reorganization and there would be no effect on existing competition. At the time Bank acquired an interest in Westley's in 1968, there were no adverse competitive effects resulting from such acquisition. Moreover, Bank's acquisition of Westley's was in the public interest since it enabled Westley's to expand its data processing activities in the area at a time when such facilities were not widely available.

There is no evidence in the record indicating that consummation of the proposal to acquire Westley's would result in any unfair competition, undue concentration of resources, conflicts of interests, or unsound banking practices. On the other hand, approval of the application to acquire Westley's should enable the latter to remain a viable organization serving the data processing needs of the area.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application to acquire Westley's is hereby approved. This determination is subject to conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

Accordingly, the applications are approved for the reasons summarized

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[1] Commissioner Brooke's dissenting statement filed as part of original document.

[1] All banking data are as of June 30, 1973.

[2] This banking market is approximated by the Bay City-Midland RMA excluding the western corner of Saginaw County.

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above. The acquisition of Bank shall not be executed before the thirtieth calendar day following the effective date of this Order. The acquisition of Bank and Westley's shall be executed not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12207 Filed 5-28-74;8:45 am]

CONIFER GROUP INC.

Order Approving Acquisition of Bank

The Conifer Group Inc., Worcester, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 79.98 percent of the voting shares of Merchants Bank and Trust Company of Cape Cod, Barnstable (P.O. Hyannis), Massachusetts ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none has been received. The Federal Reserve Bank of Boston has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two subsidiary banks and is the eighth largest banking organization and bank holding company in Massachusetts, with aggregate deposits of $265.4 million representing 2.0 percent of total deposits of commercial banks in the state.[1] Acquisition of Bank (deposits of $10.3 million) will have a nominal effect on state-wide concentration, increasing Applicant's share of commercial bank deposits in Massachusetts by .1 percent, which would not change Applicant's ranking within the state.

Bank operates two offices and is the eighth largest of nine commercial banks located in the Barnstable banking market (which is approximated by Barnstable County), controlling 5.0 percent of the total deposits in commercial banks in that market. The market is somewhat concentrated, with the four largest banking organizations controlling 69.4 percent of total commercial bank deposits. Three of the banking organizations in this market are affiliated with Boston-based bank holding companies considerably larger than Applicant.

Applicant's two banks operate in markets separate and distinct from Bank's market. Berkshire Bank and Trust Company, Pittsfield, Massachusetts, with deposits of $77.5 million, operates in the Berkshire County market; Guaranty Bank and Trust Company, Worcester, Massachusetts, with deposits of $187.9 million operates in the Worcester Rannally Metropolitan Area, and its closest office to Bank is 100 miles distant. As a result of the distances involved, Applicant's subsidiary banks derive negligible amounts of business from Bank's market.

The potential for competition between Applicant and Bank to intensify in the future is slight. Massachusetts law restricts branching to the home office county, and therefore, Applicant's subsidiary banks cannot branch into Barnstable County, where Bank derives substantially all of its business. In view of the low ratio of population to commercial banking offices in Barnstable County, it is not likely that Applicant would seek to enter by establishing a *de novo* bank. In view of the above considerations, approval of the proposed acquisition will have no adverse competitive effects and may in fact have the procompetitive effect of strengthening Bank's position in the Barnstable market.

The financial and managerial resources and prospects of Applicant and its present subsidiary banks are satisfactory. Present managerial resources of Bank are adequate. Affiliation with Applicant will provide Bank with additional management depth and greater financial resources, particularly in view of Applicant's intention to inject equity capital into Bank, which should improve Bank's prospects and its competitive viability. It is this Reserve Bank's judgment that banking factors lend significant weight in favor of approval of the application.

Although there is no evidence in the record to indicate that the banking needs of the area are currently not being satisfied by existing financial institutions, Applicant proposes to offer through Bank increased and improved services such as trust services, credit cards, and municipal finance consulting services, that would provide customers in the area an additional competitive banking source. The convenience and needs factors lend weight toward approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order the Federal Reserve Bank of Boston, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective May 16, 1974.

[SEAL] FRANK E. MORRIS,
President.

[FR Doc.74-12201 Filed 5-28-74;8:45 am]

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

[1] All banking data are as of October 17, 1973.

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corporation, Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Citizens Bank and Trust Company, Quincy, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 18, 1974.

Board of Governors of the Federal Reserve System, May 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12203 Filed 5-28-74;8:45 am]

HAMILTON BANCSHARES, INC.

Order Approving Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to First American Bank, Memphis, Tennessee ("Bank"). The bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Atlanta has considered the application and comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Tennessee, controls fourteen banks with aggregate deposits of $637 million or approximately 6 percent of deposits in all commercial banks of the State. (All banking data are as of June 30, 1973, and reflect acquisitions and formations approved through April 1, 1974.) Acquisition of Bank would increase Applicant's share of Tennessee commercial bank deposits by less than one percent and would not change Applicant's rank in size. No undue concentration of banking resources in Tennessee would result.

The relevant market is the Memphis banking market, including the Southhaven area of DeSoto County Mississippi, the West Memphis area of Crittenden County, Arkansas, and all of Shelby County, Tennessee, except the Millington area. Fifteen banking organizations have total deposits of $2,622 million in this market. The market is highly concentrated, with the three largest banking organizations holding approximately 87 percent of total deposits. Bank holds $22.6 million in deposits or 0.86 percent of commercial bank deposits in the market area. This acquisition would be Applicant's initial entry into the market. Applicant's closest subsidiary bank, the Grand Junction office of Hardeman County Savings Bank, is located 40 miles from Bank. There is no significant present competition between Bank and Applicant's closest subsidiary bank; future competition appears unlikely because of the distance involved and Tennessee's restrictions on branching. Thus, the acquisition would have no significant anticompetitive effects.

The financial condition and managerial resources of Applicant, Applicant's subsidiary banks, and Bank are considered to be generally satisfactory, in view of Applicant's commitment to add equity capital to two subsidiary banks. Banking factors are consistent with approval herein.

There is no evidence that the banking needs of the community are not being served; however, the expertise of Applicant's staff will be used to promote bank services such as new types of loans and trust services. Therefore, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the acquisition should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless the period described in (b) is extended for good cause by the Board, or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective May 17, 1974.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.74-12202 Filed 5-28-74;8:45 am]

HIGH PLAINS BANK CORP.

Order Approving Formation of Bank Holding Company

High Plains Bank Corp., Kiowa, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 94.78 per cent of the voting shares of The Kiowa State Bank, Kiowa, Colorado ("Bank").

Notice of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (deposits of $4.6 million) is located in the small community of Kiowa (population of 250), located 35 miles southeast of the Denver metropolitan area, and is the second largest of three banking organizations in the relevant banking market,[1] controlling approximately 25 per cent of the total commercial bank deposits therein. (All banking data are as of June 30, 1973.) The largest bank holds almost 54 per cent and the smallest banks holds approximately 21 per cent of the total deposits in the relevant market. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals with no change in Bank's present management or operation, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

The financial and managerial resources and future prospects of Applicant depend upon those of Bank. In view of Bank's past record of earnings, it appears that Applicant would be able to finance the debt incurred in acquiring Bank without placing an undue strain on Bank's resources. The financial condition of Bank is considered satisfactory and its management has been strengthened by the individuals responsible for forming Applicant. Prospects for Applicant and Bank are regarded as favorable. As a subsidiary of Applicant, Bank should be able to continue its present range of banking services. Accordingly, these considerations are consistent with approval of the application. It is the Board's judgment that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above, provided that the transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[1] The relevant banking market is approximated by Elbert County and portions of Douglas and Arapahoe Counties.

By order of the Board of Governors,[2] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12197 Filed 5-28-74;8:45 am]

MERCANTILE BANCORPORATION INC.

Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 per cent of the voting shares of Bank of Memphis, Memphis, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 17, 1974.

Board of Governors of the Federal Reserve System, May 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12204 Filed 5-28-74;8:45 am]

NCNB CORP.

Order Approving Acquisition of Blanchard & Calhoun Mortgage Company

NCNB Corporation, Charlotte, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly all of the voting shares of Blanchard & Calhoun Mortgage Company ("Blanchard"), Augusta, Georgia, a company that engages in the activities of originating, selling and servicing mortgage loans for its own account or the account of others, and selling credit life, and credit accident and health insurance to its mortgage customers. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 32850). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

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Applicant's only banking subsidiary, North Carolina National Bank ("Bank"), Charlotte, North Carolina, controls deposits of $1.9 billion,[1] representing 18.6 percent of the total deposits in commercial banks in the State, and is the second largest banking organization in North Carolina. Applicant engages in a number of nonbanking activities including insurance brokerage, small business financing, consumer financing, investment advisory services, and trust services. Applicant also engages in mortgage lending and servicing activities through Bank and two mortgage banking subsidiaries: NCNB Mortgage Corporation, Charlotte, North Carolina, which has a mortgage servicing portfolio of $315 million (as of June 30, 1973), and is the third largest mortgage banking company in North Carolina and 81st largest in the nation; and C. Douglas Wilson & Co., Greenville, South Carolina, which has a mortgage servicing portfolio of $276 million (as of June 30, 1973), and is the largest mortgage company in South Carolina and 92nd largest in the nation. Applicant's two existing mortgage banking subsidiaries combined would rank 41st in the nation in terms of volume of loans services.

Blanchard is the 8th largest mortgage company headquartered in Georgia, with a mortgage servicing portfolio of $123 million (as of June 30, 1973). Blanchard operates four offices in Georgia,[2] and engages primarily in the origination, sale, and servicing of 1–4 family residential mortgage loans and interim construction loans. In addition, Blanchard acts as agent for the sale of credit life and credit accident and health insurance to its borrowers.

Applicant's subsidiaries engaged in mortgage banking presently operate primarily in North Carolina and South Carolina, and there is no existing competition between Blanchard and Applicant's mortgage banking subsidiaries in the residential mortgage market of 1–4 family homes or in the interim construction loan market. There is some existing competition between Blanchard and C. Douglas Wilson & Co., in Aiken County, South Carolina, with respect to servicing of loans, but the elimination of this small amount of existing competition is not regarded as presenting any significant adverse effects.

Although Applicant has the resources to enter *de novo* into the mortgage markets where Blanchard is located, the area is presently served by numerous competing mortgage banking firms and financial institutions, and many likely potential entrants into the Georgia markets will remain after this acquisition. Therefore, the instant proposal can be approved without a substantial lessening of potential competition. Further, in view of Blanchard's relatively small size in each of the cities where its offices are located,[3] Applicant will not acquire a dominant position among mortgage bankers in any of these areas upon consummation of this transaction. The Board is of the view that approval of the application, insofar as it relates to Blanchard's mortgage banking activities, would not have any significant adverse effects on existing or potential competition in any relevant market.

Blanchard also sells credit life, and credit accident and health insurance. Due to the limited nature of these insurance activities, it does not appear that Applicant's acquisition of Blanchard's insurance activities would have any significant effect on existing or future competition.

It is anticipated that following consummation of the proposed acquisition, Applicant will provide Blanchard with a reliable source of relatively low cost financing with which to provide interim construction loans in the Georgia markets in which it operates; and Applicant will provide Blanchard with access to additional sources of funds in a variety of financial markets which will enable Blanchard to compete more effectively in the State. There is no evidence in the record[4] indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in §225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

By order of the Board of Governors,[5] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12200 Filed 5-28-74;8:45 am]

[1] All banking data are as of June 30, 1973.

[2] The offices are located in the cities of Augusta, Macon, Warner Robins, and Savannah.

[3] Blanchard's estimated share of the 1–4 family residential mortgage market in each of the cities in which its offices are located is less than 5 per cent.

[4] Dissenting Statement of Governors Brimmer and Wallich filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Voting against this action: Governors Brimmer and Wallich.

SECURITY BANCORP, INC.

Order Approving Acquisition of United Bankers Life Insurance Company

Security Bancorp, Inc., Southgate, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of United Bankers Life Insurance Company, Phoenix, Arizona, a company to be organized *de novo* to engage in the underwriting, as reinsurer, of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 10496). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank, Security Bank and Trust Company, Southgate, Michigan, with deposits of $354 million representing about 1.5 per cent of total deposits in commercial banks in Michigan.[1]

Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's subsidiaries located in Michigan. Such insurance would be directly underwritten by an insurer qualified to underwrite in Michigan and will thereafter be assigned or ceded to Company under a reinsurance agreement. However, at this time the direct writer has not qualified in Michigan to underwrite credit accident and health insurance. Applicant has indicated that it may be some months before contractual arrangements will be finalized between Company and the direct underwriter. Moreover, no rates for the underwriting of credit accident and health insurance have been established yet. Due to the uncertainty surrounding the proposal to underwrite credit accident and health insurance, the Board cannot accurately assess whether benefits to the public will result from Applicant's engaging in the activity. Accordingly, the Board cannot approve the credit accident and health portion of the application.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to insure repayment of a loan in the event of death or disability of a borrower. In connection with this addition of credit life and credit accident and health underwriting to the list of permissible activities for bank holding companies, the Board has stated that

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates to consumers at 3.3 per cent below the maximum rate of 60 cents authorized by Michigan. The Board believes that a reduction of this magnitude of the price of credit life insurance is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefit, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provides support for approval of the application to underwrite credit life insurance.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application to underwrite credit life insurance is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12198 Filed 5-28-74;8:45 am]

[1] All banking data are as of June 30, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

UB FINANCIAL CORP.

Proposed Acquisition of Anvil Thrift

UB Financial Corp., Phoenix, Arizona, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Anvil Thrift, Glendale, California. Notice of the application was published on April 8, 1974, in the Los Angeles Times, a newspaper circulated in Los Angeles, California; and on April 17, 1974, in The Register, a newspaper circulated in Santa Ana, California.

Applicant states that the proposed subsidiary would engage in the activities of an industrial loan company, as permitted under the laws of California, including issuance of investment certificates and passbooks; making loans and purchasing, selling, and discounting notes, trust receipts, choses in action, chattel mortgages, conditional sales contracts, security agreements, mortgages and deeds of trust; and acting as an insurance agent or broker with respect to the sale of credit life, credit accident, health and disability, collision, public liability, uninsured motorist, towing and labor, medical payment, marine and inland marine, fire and extended coverage, casualty, mortgage redemption and mortgage cancellation insurance; all directly related to loans and extensions of credit made by Anvil Thrift. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 18, 1974.

Board of Governors of the Federal Reserve System, May 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12206 Filed 5-28-74;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Order Approving Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of First National Bank of Merritt Island, Merritt Island, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Florida, controls 43 banks with aggregate deposits of $1.4 billion, representing 6.7 per cent of total deposits in commercial banks in the State.[1] The acquisition of Bank would increase Applicant's share of deposits by less than one-tenth of one percentage point and would not change Applicant's rank among State banking organizations nor significantly increase the concentration of banking resources in the State.

Bank (deposits of $26 million) is the third largest of seven banks in the Central Brevard banking market, which includes Cape Canaveral, Cocoa, Cocoa Beach, and Merritt Island, Florida. Bank controls approximately 16 per cent of the total deposits in that market; the two larger banks in the market, which are subsidiaries of bank holding companies, hold 31 per cent and 19 per cent, respectively, of market deposits. Although the market is marginally attractive for *de novo* entry, the present proposal would not raise significant barriers to entry by the many other potential entrants into the market. This proposal would represent Applicant's initial entry into the Central Brevard market. Applicant's closest subsidiary banking office to Bank is located 17 miles north, and each of the banks obtains a slight amount of loans and deposits from the other's service area. None of Applicant's other subsidiaries competes with Bank. Accordingly, no meaningful amount of existing competition between Applicant and Bank would be eliminated by the proposed acquisition. Moreover, it does not appear that the proposed acquisition would have any adverse effect on potential competition in view of the distances separating Applicant's subsidiaries and Bank, the presence of banks in the intervening areas, and the restrictions placed on branching by State law.

The financial and managerial resources and prospects of Applicant are regarded as satisfactory in view of Applicant's commitment to increase capital in certain of its subsidiary banks. The financial and managerial resources of Bank are generally satisfactory. Bank has recently experienced slow growth, and it appears that affiliation with Applicant will enhance its prospects by enabling it to compete more effectively with the other banks within the Central Brevard market. Considerations relat-

[1] All data are as of June 30, 1973, unless otherwise indicated, and include formations and acquisitions approved by the Board through April 15, 1974.

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ing to the banking factors are consistent with approval of the application. Applicant proposes to expand and improve Bank's services by offering trust services and assisting Bank with data processing services, investment services, business development, and mortgage lending services. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application.

In considering this application, the Board has examined a covenant not to compete contained in an agreement between Applicant and directors of Bank. It appears that the provisions of the covenant are reasonable in duration, scope, and geographic area. Therefore, the Board is of the view that the agreement not to compete by the directors of Bank does not preclude an approval of the application based upon other considerations previously discussed herein. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record,[2] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12199 Filed 5-28-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, June 3, 1974, from 10:30 a.m. to 3 p.m., Room 5334, General Services Administration Building, 18th and F streets, NW., Washington, D.C. This meeting will be for the purpose of arriving at selection recommendations for the Site Development, International Center, Chancery Section, Washington, D.C. (GS-OOB-03417).

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463."

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-12271 Filed 5-28-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARTISTS-IN-SCHOOLS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Artists-in-Schools Advisory Panel to the National Endowment for the Arts will be held at 10 a.m. on May 30 and 31, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on May 30 from 9 a.m. until 12 noon on a space available basis. Accommodations are limited. The remaining portion of this meeting on May 30 and May 31 is for the purpose of Panel review, discussion, evaluation, and guidelines under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-12261 Filed 5-28-74;8:45 am]

MUSIC ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Music Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on May 29, 1974 in the 8th floor conference room of the McPherson Building, 1425 K St. NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, and evaluation of grant applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD W. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-12262 Filed 5-28-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 23, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service: Post-Camp Uses and Effects of YCC Experiences, Form, Single time, Collins, Individual youth enrolled in YCC camps in Summer 1973.

ENVIRONMENTAL PROTECTION AGENCY

Survey of Users of Industrial Flare Systems, Form, Single time, Weiner, Petroleum refiners and chemical manufacturers.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Survey of Local Government Finances (School Systems), Form F-33, Annual, Ellett, Officials of school systems.

[2] Dissenting Statement of Governors Mitchell and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[3] Voting for this action: Governors Sheehan, Bucher, Holland, and Wallich. Voting against this Action: Vice Chairman Mitchell and Brimmer. Absent and not voting: Chairman Burns.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Semiannual Statistical Report on Fair Hearings in Public Assistance Including Medical Assistance, Form SRS NCSS 105, Semiannual, Caywood, State Public Assistance agencies.

EXTENSIONS

DEPARTMENT OF COMMERCE

Economic Development Administration:
Application for Title III Planning and Administrative Grant in Aid, Form ED 301, Occasional, Evinger (x).
Quarterly Financial Report on Administrative Expenses EDA Planning Grants, Form ED 301-3, Quarterly, Evinger (x).

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife:
Notice of Transfer or Sale of Migratory Waterfowl, Form 3-186, Occasional, Evinger (x).
Annual Report Live Migratory Bird Inventory, Form 3-202, Annual, Evinger (x).
Application for Migratory Bird Permit, Form 3-200, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-12343 Filed 5-28-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 22, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: National School Lunch and Child Food Service Survey, Form, Single time, Lowry, School food service Directors.

Forest Service: YCC Environmental Awareness Questionnaire, Form, Annual, Planchon, Enrollees in youth conservation corps program.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute for Education: Professional Vocational Teacher Education Modules Product Survey, Form, Single time, Planchon, Teacher educators and administrators in state educational department and 13-14-year institutions.

Health Resources Administration: Hospital Purchases of Major Capital Equipment, Form HRABHSR 0429, Single time, Weiner, Hospital personnel.

REVISIONS

None.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-12344 Filed 5-28-74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

ADVISORY COMMITTEE

Notice of Establishment

In accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-578) and section 6 of OMB guidelines on Advisory Committee Management (Circular No. A-63 Rev.), and after consultation with the Office of Management and Budget, Committee Management Secretariat, the Chairman of the Board of Directors of the Pennsylvania Avenue Development Corporation has determined that the establishment of a Community Advisory Group is in the public interest in connection with the performance of duties imposed on the Corporation by section 9(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (Pub. L. 92-578).

The Advisory Group will serve as a conduit to the Corporation for ideas and responses to the evolving development plan for the Pennsylvania Avenue Area and will represent diverse community interests in the Washington area. It will provide a forum through which to foster local initiative and participation in connection with the planning and development of the Corporation's project.

The Advisory Group will consist of nine private members appointed by the Chairman of the Corporation, representing business, professional and community interest groups from the Washington area. The selection of the members will be based partly on recommendations obtained from local agencies and associations to reflect as broad a spectrum of interests as possible. Members will serve without compensation or reimbursement of expenses and will be administratively supported by the staff of the Corporation.

The charter for the Community Advisory Group will be filed in accordance with Pub. L. 92-463 and OMB Circular No. A-63 Rev. on or before June 18, 1974.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74-12260 Filed 5-28-74;8:45 am]

TARIFF COMMISSION

[337-33]

CERTAIN DISPOSABLE CATHETERS AND CUFFS THEREFOR

Notice of Dismissal of Investigation

Notice is hereby given that the United State Tariff Commission on May 21, 1974, on the basis of submissions and for other reasons, dismissed the complaint and terminated its investigation without a finding in Investigation No. 337-33, Certain Disposable Catheters and Cuffs Therefor.

Notice of the public hearing held on May 8, 1974, for the purpose of allowing complainants opportunity to show cause why the complaint should not be dismissed and the investigation terminated was published in the FEDERAL REGISTER on May 1, 1974 (38 FR 15185).

By order of the Commission:

Issued: May 22, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12289 Filed 5-28-74;8:45 am]

[337-36]

DOXYCYCLINE

Notice of Investigation, Scope of Investigation and Hearing

A complaint was filed with the U.S. Tariff Commission on April 13, 1973, on behalf of Pfizer, Inc., New York, New York, alleging there to be importation and sale in the United States of doxycycline, and alleging that such importation and sale are unfair methods of competition or unfair acts within the meaning of section 337 of the Tariff Act of 1930 (19 USC 1337) for the reason that doxycycline is covered by the claims of U.S. Patent No. 3,200,149. Complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930. International Rectifier Corp., Los Angeles, California, Rachelle Laboratories, Inc., Long Beach, California, and USV Pharmaceutical Corp., New York, New York, have been named as importers and/or distributors of the subject drug.

Having conducted, in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in the said complaint, the United States Tariff Commission, on May 16, 1974, *Ordered*:

(1) That for the purposes of section 337 of the Tariff Act of 1930, an investigation be instituted with respect to the alleged violations in the importation and sale in the United States of doxycycline covered under claims 9 and 10 of U.S. Patent No. 3,200,149, owned by complainant, Pfizer, Inc.

(2) That a public hearing be held on July 9, 1974, at 10 a.m., e.d.t., in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the opening of the hearing.

The Commission decided not to recommend at this time that the President is-

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sue a temporary exclusion order pursuant to section 337(f) of the Tariff Act of 1930 (19 USC 1337(f)).

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on May 2, 1973 (38 FR 10837). The complaint was served upon the named parties and all known interested parties and has been available for inspection by interested persons continually since issuance of the notice of preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building and in the New York City office of the Commission, located in Room 437 of the Customhouse.

By order of the Commission:

Issued: May 22, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12289 Filed 5-28-74;8:45 am]

[337-37]

GOLF GLOVES

Notice of Investigation and Hearing

A complaint was filed with the U.S. Tariff Commission on November 8, 1972, and a supplement thereto on May 16, 1973, on behalf of Anthony J. Antonious and the Ajac Glove Corporation, both of Ellicott City, Maryland, alleging there to be importation and sales in the United States of certain golf gloves, and alleging that such importation and sales are unfair methods of competition or unfair acts within the meaning of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by reason of the golf gloves being covered by the claims of U.S. Patent No. 3,588,-917. Complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930. Spalding, a division of Questor Corporation, of Toledo, Ohio; Leonard Cecil, of Bethesda, Maryland; O. F. Mossberg & Sons, Inc., of North Haven, Connecticut; Lordon Company, of Yonkers, New York; Mario Herrero S.L., of New York, New York; Charles A. Eaton Company, of Brockton, Massachusetts; and Clover Golf Company, Inc., of Brooklyn, New York, have been named by complainant as importers and distributors of the subject product.

Having conducted, in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in the said complaint, as supplemented, the U.S. Tariff Commission, on May 21, 1974, *Ordered:*

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation be instituted with respect to the asserted violations of said section by the alleged importation and sale in the United States of golf gloves covered by claims 1, 2, or 9 of U.S. Patent No. 3,588,917; and

(2) That a public hearing be held on July 1, 1974, at 10 a.m., e.d.t., in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets, NW., Washington, D.C. 20436. All parties concerned with be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the opening of the hearing.

The Commission decided not to recommend at this time that the President issue a temporary exclusion order pursuant to section 337(f) of the Tariff Act of 1930 (19 USC 1337(f)).

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on January 26, 1973 (38 FR 2502). Notice of an extension of time for filing written views was published in the FEDERAL REGISTER on February 21, 1973 (38 FR 4738). The complaint, as supplemented, was served upon all known interested parties. The complaint has been available for inspection by interested persons continually since issuance of the notice of initiation of the preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building, and also in the New York City office of the Commission, located in Room 437 of the Customhouse.

By order of the Commission.

Issued: May 23, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12288 Filed 5-28-74;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Notice of Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 9:30 a.m., June 19, 1974, at The Conference Board in the Fifth Floor Conference Room, 845 3rd Avenue, New York, New York. The agenda for the meeting is as follows:

1. Opening Remarks.
2. Status of the Consumer Price Index Revision Program.
3. Review of FY 1974 Appropriations.
   (a) CPI—expanded monthly pricing.
   (b) WPI—expansion of petroleum and transaction prices.
   (c) IPC—expansion of export and import price indexes.
4. Discussion of FY 1975 Budget Proposals.
   (a) WPI—revision program.
   (b) IPC—expansion of program.
   (c) Annual Consumer Expenditure Survey.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C., this 21st day of May 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-12228 Filed 5-28-74;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Notice of Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 10 a.m., June 11, 1974, at the Patrick Henry Building in Room 3001, 601 D Street, NW., Washington, D.C. The agenda for the meeting is as follows:

1. Review of work in progress.
2. OWIR 1975 budget and expected program; 1976 budget proposals.
3. Report of the BRAC subcommittee on the General Wage Index.
4. Pension research and Federal government data sources.
5. Proposed studies relating to amended Fair Labor Standards Act.
6. Changes in the PATC survey.
7. Recent Steel Industry Labor Agreement.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 21st day of May 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-12227 Filed 5-28-74;8:45 am]

Manpower Administration

NATIONAL MANPOWER ADVISORY COMMITTEE SUBCOMMITTEE ON RESEARCH, DEVELOPMENT AND EVALUATION

Notice of Meeting

The National Manpower Advisory Committee's Subcommittee on Research, Development and Evaluation will meet at the Patrick Henry Building on May 31. Appointed by the Secretary of Labor in 1962 the Subcommittee on Research, Development and Evaluation makes recommendations to the National Manpower Advisory Committee on problems arising from the design and operation of research, development and evaluation programs under the Manpower Development and Training Act. Members of the Subcommittee are chosen by the Secretary of Labor from representatives of labor, management and the educational community. The chairman is Dr. F. Ray Marshall of The University of Texas.

At its meeting of May 31 the Subcommittee on Research, Development and Evaluation will discuss a research strategy on migrant workers; the impact of government policies on manpower; plans for evaluating implementation of the Comprehensive Employment and Training Act; and general guidelines for future manpower research and development.

The meeting will be held in Conference Room 3001 in the Patrick Henry Building starting at 9:30 a.m., and is expected to adjourn soon after 4:00 p.m. The meeting will be open to the public.

Signed at Washington, D.C., this 22d day of May 1974.

WILLIAM B. HEWITT,
Associate Manpower Administrator.

[FR Doc.74-12359 Filed 5-28-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 517]

ASSIGNMENT OF HEARINGS

MAY 23, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-31389 Sub 178, McLean Trucking Company, now assigned July 8, 1974, at Lansing, Mich., is cancelled and the application is dismissed.

MC 111375 Sub-67, Pirkle Refrigerated Freight Lines, Inc., now assigned June 24, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

MC-F-12001, Interstate Motor Freight System—Purchase (Portion)—Great Lakes Express Co., is continued to June 24, 1974, in Room 305, 1252 W. Peachtree Street NW., Atlanta, Ga.

No. 35976, Commutation Fares, Hudson Transit Lines, Inc., now assigned June 10, 1974, at New York, N.Y., is postponed to July 15, 1974, at New York, N.Y., in Room B-2231, 26 Federal Plaza.

No. 35960, Sunkist Growers, Inc., Et Al., v. The Akron, Canton & Youngstown Railroad Company, Et Al., now being assigned hearing July 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35858, Consumers Steel & Supply Co., Et Al., v. Chicago and North Western Transportation Company, Et Al., No. 35858 Sub 1, Erman-Howell Division of Luria Steel & Trading Co. v. Chicago and North Western Transportation Company, Et Al., No. 35856 Sub 2, B. A. Jacobson Co., Inc., & Its Division Geneva Iron & Metal Co., v. Elgin, Joliet and Eastern Railway Company, now being assigned pre-hearing conference July 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12282 Filed 5-28-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

MAY 23, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065.1(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 10, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-19277 (Sub-No. E1), filed April 25, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. (1) *Commodities* (except boats, oil field equipment, and airplanes and airplane parts) the transportation of which because of their size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 lbs. or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (east and south of Stephens, Habersham, White, Lumpkin, Dawson, Pickens, Bartow, and Floyd Counties), North Carolina (east and south of Dare, Tyrrell, Washington, Martin, Pitt, Greene, Wayne, Johnston, Harnett, Moore, and Richmond Counties), South Carolina (east and south of York, Cherokee, Spartanburg, Greenville, Pickens, and Oconee Counties); between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Lake Counties in California, on the one hand, and, on the other points in Alabama (except Lauderdale and Colbert Counties), Georgia, Mississippi (east and south of Itawamba, Lee, Chickasaw, Calhoun, Grenada, Leflore, Sunflower, Washington, Charkey, and Issaquena Counties), North Carolina, Tennessee (east and south of Scott, Fentress, Overton, Jackson, Smith, Wilson, Cannon, Rutherford, Maury, and Lawrence Counties), Virginia (east and south of Loudoun, Fauquier, Culpeper, Madison, Rockingham, Augusta, Rockbridge and Alleghany, Buchanan, and Dickenson Counties).

Between points in Sonoma, Yolo, Napa, Solano, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito Counties, California, on the one hand, and, on the other, points in Alabama, Connecticut (east and south of Litchfield, New Haven, and Fairfield Counties), Delaware, Georgia, Kentucky (east and south of Martin, Floyd, Magoffin, Breathitt, Clay, Laurel, and Whitley Counties), Maine (east and south of Somerset, Franklin, and Oxford Counties), Maryland (east and south of Carroll and Frederick Counties), Massachusetts (east and south of Franklin, Hampshire, and Berkshire Counties), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Tallahatchie, Leflore, Humphreys, Yazoo, Hinds, Copiah, Franklin, Jefferson, and Adams Counties), New Jersey (east and south of Bergen, Morris, Essex, Union, Middlesex, and Mercer Counties), New York, North Carolina, Pennsylvania (east and south of Bucks, Berks, and Lancaster Counties), Rhode Island, South Carolina, Tennessee (east and south of Macon, Sumner, Robertson, Cheatham, Dickson, Hickman, Perry, Decatur, and Hardin Counties), West Virginia (east and south of Hampshire, Grant, Tucker, Randolph, Webster, Nicholas, Fayette, Kanawha, Boone, Logan, Lincoln, and Wayne Counties), and the District of Columbia; between points in Butte, Yuba, Sierra, Sutter, Nevada, Placer, El Dorado, Sacramento, Alpine, Amador, San Joaquin, Calaveras, Mono, Tuolumne, Stanislaus, Mariposa, Mercer, Madera, and Fresno Counties, California, on the one hand, and, on the other, points in Alabama (except Lauderdale and Colbert Counties), Connecticut (east and south of Hartford and New Haven Counties), Delaware, Georgia, Kentucky (east and south of Martin, Floyd, Knott, Perry, Leslie, Knox, and Whitley Counties), Maine (east and south of Aroostock, Piscataqus, Somerset, Franklin, Androscoggin, Cumberland, and York Counties), Maryland (east and south of Carroll and Frederick Counties), Massachusetts (east and south of Worcester County), Mississippi (east and south of Tishomingo, Lee, Prentiss, Pontotoc, Calhoun, Grenada, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Amite Counties), New York (east and south of Putnam and Orange Counties), New Jersey (east and south of Passaic, Morris, and Warren Counties), North Carolina, Pennsylvania (east and south of Northampton, Lehigh, Berks, and Lancaster Counties), Rhode

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Island, South Carolina, Tennessee (east and south of Picket, Overton, Jackson, Smith, Wilson, Williamson, Maury, and Lawrence Counties), Virginia (east and south of Clark, Frederick, Shenandoah Counties) and the District of Columbia.

Between points in Inyo, Tulare, Kings, and Kern Counties, in California, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Lawrence, Winston, Marion, and Lamar Counties), Connecticut, Delaware, Georgia (east and south of Catoosa and Walker Counties), Maine, Maryland, Massachusetts, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferson Davis, and Marion Counties), New Hampshire, New Jersey, New York (east and south of Essex, Hamilton, Herkimer, Otsego, and Broome Counties), North Carolina, Pennsylvania (east and south of Susquehanna, Sullivan, Luzerne, Columbia, Northumberland, Dauphin, Cumberland, Huntingdon, and Fulton Counties), Rhode Island, South Carolina, Vermont, Virginia (east and south of Buchanan and Russell Counties), West Virginia (east and south of Preston, Barbour, Upshur, Braxton, Clay, Kanawha, Boone, Logan, and Mingo Counties), and the District of Columbia; between points in San Luis Ibispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Pickens Counties), Connecticut, Delaware, Georgia, Kentucky (east and south of Lawrence, Morgan, Magoffin, Breathitt, Clay, Knox, and Whitley Counties), Maine, Maryland, Massachusetts, Mississippi (east and south of Kemper, Newton, Smith, Simpson, Jefferson Davis, Lawrence, and Walthall Counties), New Hampshire, New Jersey, New York (east and south of St. Lawrence, Herkimer, Chenango, and Broome Counties), North Carolina, Pennsylvania (east and south of Bradford, Lycoming, Clinton, Centre, Clair, Cambria, Westmoreland, and Fayette Counties), South Carolina, Tennessee (east and south of Campbell, Morgan, Cumberland, Bledsoe, Sequatchie, and Marion Counties), Vermont, Virginia, West Virginia (east and south of Wetzel, Tyler, Pleasants, Wood, Jackson, Mason, Cabell, and Wayne Counties), and the District of Columbia.

Between points in San Bernardino and Riverside Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Lee, Macon, Bullock, Pike, Coffee, and Geneva Counties), Connecticut (east and south of Litchfield and Fairfield Counties), Delaware, Georgia (east and south of Franklin, Banks, Hall, Forsyth, Cherokee, Cobb, Douglas, and Carroll Counties), Maine (east and south of Aroostook, Piscataquis, Somerset, Franklin, Oxford Counties), Maryland (east and south of Cecil, Harford, Baltimore, Howard, Montgomery Counties), Massachusetts (east and south of Worcester County), New Hampshire (east and south of Carroll, Belknap, Merrimack, and Hillsborough Counties), New Jersey (east and south of Middlesex County), North Carolina (east and south of Surry, Wilkes, Alexander, Burke, Rutherford, and Polk Counties), Rhode Island, and the District of Columbia; between points in San Diego and Imperial Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Lauderdale and Colbert Counties), Connecticut, Delaware, Georgia, Kentucky (east and south of Greenup, Carter, Rowan, Menifee, Powell, Estill, Madison, Rockcastle, Lincoln, Casey, Russell, and Cumberland Counties, Maine, Maryland, Massachusetts, Mississippi (east and south of Tishomingo, Prentiss, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), New Hampshire, New Jersey, New York (east and south of Jefferson, Oswego, Onondaga, Cayuga, Seneca, Yates, and Steuben Counties), Rhode Island, South Carolina, Tennessee (east and south of Clay, Smith, Wilson, Williamson, Maury, and Lawrence Counties), Vermont, Virginia, West Virginia (east and south of Wetzel, Tyler, Ritchie, Wirt, Jackson, Mason, Cabell, and Wayne Counties), and the District of Columbia. The commodities sought in (2) above are restricted to those commodities which are transported on trailers

The purpose of this filing as to A (1) above is to eliminate the gateways of (1) points in Arizona within 25 miles of Yuma, Ariz., including Yuma, (2) points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crochett, and Val Verde Counties, Texas, and (3) points in Florida; and as to A (2), to eliminate the gateways of (1) points in Arizona within 25 miles of Yuma, Arizona, including Yuma, (2) points in Texas, and (3) points in Florida.

B. (1) *Commodities* (except boats), and (except oil field equipment), the transportation of which because of their size or weight require the use of special equipment, and (2) Self-propelled articles, each weighing 15,000 lbs. or more and related machinery, tools, parts, and supplies in connection therewith, between points in Yuma County, Ariz., on the one hand, and, on the other, points in Alabama (east and south of Limestone, Lawrence, and Marion Counties), Delaware, Georgia, Kentucky (east and south of Boyd, Carter, Elliott, Rowan, Menifee, Powell, Estill, Madison, Garrard, Lincoln, Casey, Adair, Metcalf, Barren, and Allen Counties), Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Franklin, St. Lawrence, Lewis, Oswego, Onondago, Cayuga, Schuyler, and Steuben Counties), North Carolina, Pennsylvania (east and south of Tioga, Potter, Cameron, Clearfield, Cambria, Westmoreland, and Fayette Counties), Rhode Island, South Carolina, Tennessee (east and south of Robertson, Cheatham, Williamson, Maury, and Giles Counties), Vermont, Virginia, and the District of Columbia.

Between points in Maricopa, Gila, Pinal, Graham, Greenlee, Pima, Cochise, and Santa Cruz Counties, Arizona, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Cullman, Winston, Marion, and Lamar Counties), Connecticut, Delaware, Georgia, Kentucky (east and south of Martin, Floyd, Knott, Perry, Leslie, and Harlan Counties), Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Franklin, Hamilton, Fulton, Otsego, Chenango, and Broome Counties), North Carolina, Pennsylvania (east and south of Bradford, Lycoming, Clinton, Centre, Clair, and Somerset Counties), Rhode Island, South Carolina, Tennessee (east and south of Claiborne, Union, Anderson, Roane, McMinn, and Hamilton Counties), Vermont, Virginia, West Virginia (east and south of Monongalia, Marion, Harrison, Doddridge, Gilmer, Calhoun, Roane, Putnam, Lincoln, and Wayne Counties), and the District of Columbia; between points in Mohave, Coconin, Navajo, Apache, and Yavapai, Counties, Arizona, on the one hand, and, on the other, points in Alabama (east and south of Dekalb, Marshall, Blount, Walker, Marion, and Lamar Counties), Connecticut, Delaware, Georgia (east and south of Murray, Whitfield, Walker, and Chattosa Counties), Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Rensselaer, Greene, Ulster, Sullivan Counties), North Carolina (east and south of Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham, and Cherokee Counties), Pennsylvania (east and south of Pike, Monroe, Carbon, Schuylkill, Lebanon, and Lancaster Counties), Rhode Island, South Carolina, Vermont (east and south of Orleans, Lamoille, Washington, Addison, Rutland, and Bennington Counties), Virginia (east and south of Tazewell, Russell, and Washington Counties), West Virginia (east and south of Mineral, Grant, Tucker, Randolph, Webster, Nicholas, Fayette, Summers, and Mercer Counties), and the District of Columbia; between points in Valencia, Catron, Grant, Hidalgo, Luna, Bernalillo, Socorro, Sierra, Dona Ana, Torrance, Lincoln, Otero, Guadalupe, DeBaca, Chaves, Eddy, Curry, Roosevelt, and Lea Counties, New Mexico, on the one hand and on the other, points in Alabama (east and south of Cherokee, Etoway, Saint Clair, Jefferson, Bibb, Perry, Dallas, Wilcox, Monroe, Conecuh, and Escambia Counties), Connecticut (east and south of Hartford and Middlesex Counties), Delaware, Georgia (east and south of Towns, Union, Fannin, Gilmer, Gordon, and Floyd Counties), Maine, Maryland (east and south of Carroll and Frederick Counties), Massachusetts, New Hampshire (west of Belknap and Hillsborough Counties), New Jersey (west and south of Bergen, Essex, Morris, Hunterdon, and Somerset Counties), New York (west and

south of Putnam and Rockland Counties), North Carolina (west and south of Surry, Wilkes, Alexander, Burke, McDowell, Buncombe, and Henderson Counties), Pennsylvania (east and south of Northampton, Lehigh, Berks, and Lebanon Counties), Rhode Island, South Carolina, Virginia (east and south of Loudoun, Clarke, Warren, Page, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Floyd, and Carroll Counties), and the District of Columbia.

Between points in San Juan, McKinley, Rio Arriba, Sandoval, Taos, Santa Fe, Colfax, Mora, San Miguel, Union, Harding, and Quay Counties, New Mexico, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Calhoun, Saint Clair, Shelby, Chilton, Autauga, Dallas, Wilcox, Monroe, and Escambia Counties), Georgia (east and south of Rabun, Habersham, White, Lumpkin, Dawson, Cherokee, Bartow, and Polk Counties), North Carolina (east and south of Rockingham, Forsyth, Davie, Iredell, Lincoln, and Cleveland Counties), South Carolina, and Virginia (east and south of Westmoreland, Caroline, Hanover, Goochland, Powhatan, Amelia, Prince Edward, Charlotte, and Halifax Counties). The commodities sought in (2) above are restricted to those commodities which are transported on trailers. The purpose of this filing as to those commodities described in B(1) above is to eliminate the gateways of (1) points in that part of Texas west of the eastern boundary lines of Lepscomb, Hemphill, Wheeler, Collingsworth, Hall, Mottey, Dickens, Kent, Scurry, Howard, Glascock, Reagan, Crockett, and Val Verde Counties, Tex., and (2) points in Florida; and as to those commodities described in B(2), to eliminate the gateways of (1) points in Texas, and (2) points in Florida.

C. (1) *Commodities* (except boats) and (except oil field equipment), the transportation of which because of their size or weight require the use of special equipment), and (2) *Self-propelled articles* (except oil field equipment) each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies in connection therewith, between points in New Mexico, on the one hand, and on the other, points in Arkansas and Louisiana. The purpose of this filing as to (1) above is to eliminate the gateway of points in that part of Texas west of the eastern boundary lines of Lepscomb, Hemphill, Wheeler, Collingsworth, Hall, Mottey, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex., and as to (2), to eliminate the gateway of points in Texas.

D. (1) *Airplane parts, and airplane supplies and equipment*, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, Calif., on the one hand, and, on the other, points Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (south of Floyd, Bartow, Pickens Dawson, Lumpkin, White, Habersham, and Stephens Counties), Mississippi (east and south of Noxubee, Winston, Neshoba, Scott, Smith, Simpson, Jefferson Davis, and Walthall Counties), Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermilion Counties), South Carolina (east and south of Oconee, Pickens, Greenville, Spartanburg, Cherokee, and York Counties); between points in Sonoma, Napa, Yolo, Marin, Solano, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, and Monterey Counties, Calif., on the one hand, and, on the other, points in Alabama, Georgia, Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermilion Counties), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Grenada, Carroll, Holmes, Yazoo, Madison, Hinds, Copiah, Franklin, and Amite Counties), South Carolina, Tennessee (east and south of Clay, Jackson, Smith, Wilson, Williamson, Maury, Lewis, and Wayne Counties); between points in Inyo, Tulare, Kings, and Kern Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Winston, Marion, and Lamar Counties), Georgia, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferson Davis, and Marion Counties), between points in San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Pickens Counties), Georgia, Mississippi (east and south of Kemper, Newton, Smith, Simpson, Jefferson Davis, and Walthall Counties), South Carolina and Tennessee (east and south of Campbell, Morgan, Cumberland, Bledsoe, Sequatchie, and Marion Counties), between points in San Bernardino and Riverside Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cleburne, Talladega, Shelby, Chilton, Autauga, Lowndes, Wilcox, Monroe, Conecuh, and Escambia Counties), Georgia (east and south of Hart, Franklin, Banks, Jackson, Barroe, Gwinnett, De Kalk, Fulton, and Carroll Counties), South Carolina (east and south of Greenville, and Anderson Counties);

Between points in San Diego and Imperial Counties, California, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi (east and south of Tishomingo, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), South Carolina, and Tennessee (east and south of Clay, Smith, Wilson, Williamson, Maury, and Lawrence Counties); and (2) Guided missile parts, and guided missile supplies and equipment used in the maintenance, servicing, repair, and operation of guided missiles, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (south of Floyd, Bartow, Pickens, Dawson, Lumpkin, White, Habersham, and Stephens Counties), Mississippi (east and south of Noxubee, Winston, Neshoba, Scott, Smith, Simpson, Jefferson Davis, and Walthall Counties), Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermilion Counties), South Carolina (east and south of Oconee, Pickens, Greenville, Spartanburg, Cherokee and York Counties); between points in Sonoma, Napa, Yolo, Marin, Solano, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, and Monterey Counties, California, on the one hand, and, on the other, points in Alabama, Georgia, Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermilion Counties), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Grenada, Carroll, Holmes, Yazoo, Madison, Hinds, Copiah, Franklin, and Amite Counties) and South Carolina; between points in Inyo, Tulare, Kings and Kern Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Winston, Marion, and Lamar Counties), Georgia, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferson Davis, and Marion Counties).

Between points in San Luis Obispo, Santa Barbara, Ventura, Los Angeles and Orange Counties, California, on the one hand, and, on the other, points and places in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Picken Counties), Georgia, Mississippi (east and south of Kempre, Newton, Smith, Jefferson Davis, and Walthall Counties), and South Carolina; between points in San Bernardino and Riverside Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cleburne, Talladega, Shelby, Chilton, Autauga, Lowndes, Monroe, Conecuh, and Escambia Counties), Georgia (east and south of Hart, Franklin, Banks, Jackson, Barrow, Gwinnett, Dekalb, Fulton, and Carroll Counties), South Carolina (east and south of Greenville, and Anderson Counties); between points in San Diego and Imperial Counties, California, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi (east and south of Hishomingo, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), and South Carolina. The operations proposed in (2) above are restricted against the transportation (a) of dangerous commodities, and (b) of any of the sought commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-25798 (Sub-No. E10), filed April 16, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Frozen foods*, in containers, in vehicles equipped for temperature control, from points in that portion of Illinois south of Illinois Highway 17, and west of Illinois Highway 88, and points in Indiana south of Indiana Highway 26 to points in Georgia on and east of a line beginning at the intersection of U.S. Highway 221, and the Georgia-South Carolina State line, thence along U.S. Highway 221 to its intersection with U.S. Highway 1, thence south on U.S. Highway 1 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–35890 (Sub-No. E1), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street NE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture*, crated, from points in Connecticut and Massachusetts to points in Minnesota, Missouri, and Wisconsin. (b) *New furniture*, cartoned or uncrated, from points in Illinois, Minnesota, Missouri, and Wisconsin to points in Connecticut, Massachusetts, and Rhode Island. (c) *New furniture*, uncrated, between points in New Jersey, on the one hand, and, on the other, points in Minnesota. (d) *New furniture*, cartoned or uncrated, between the District of Columbia, on the one hand, and, on the other, points in Minnesota and Wisconsin. (e) *New furniture*, uncrated, between points in Iowa, on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania. (f) *New furniture*, cartoned or uncrated, from North Bennington, and East Arlington, Vt., to points in Minnesota, Missouri, and Wisconsin. (g) *New furniture*, uncrated, from North Bennington and East Arlington, Vt., to points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Texas, and Utah. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC–35890 (Sub-No. E4), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New furniture*, cartoned or uncrated, from North Bennington, Vt., and East Arlington, Vt., to points in Illinois. (B) *New furniture*, uncrated, from North Bennington and East Arlington, Vt., to points in Iowa. (C) *New furniture*, uncrated, from Grand Rapids, Lowell, Otsego, and Holland, Mich., to points in Vermont. (D) *New furniture*, uncrated, from points in Rhode Island, to points in Ohio. The purpose of this filing is to eliminate the gateway of Jamestown, N.Y.

No. MC–35890 (Sub-No. E5), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New furniture*, cartoned or uncrated, between points in New Jersey, on the one hand, and, on the other, points in Wisconsin. (B) *New furniture*, uncrated, from points in Iowa and Minnesota to points in Virginia. The purpose of this filing is to eliminate the gateways of Grand Rapids, Mich., and Warren County, Pa.

No. MC–35890 (Sub-No. E6), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin to points in Vermont. The purpose of this filing is to eliminate the gateways of Grand Rapids, Mich., and Jamestown, N.Y.

No. MC–35890 (Sub-No. E7), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, (a) from points in Chautauqua and Cattaraugus Counties, N.Y., to points in North Carolina; and (b) from Warren and Youngsville, Pa., to points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC–82492 (Sub-No. E2), filed May 12, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold or distributed by persons engaged in the manufacturing, processing, and milling of grain products (except chemicals, frozen foods, uncooked bakery goods, and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Archbold, Ohio, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Beatrice Foods Co., at Archbold, Ohio. The purpose of this filing is to eliminate the gateway of Hillsdale, Mich.

No. MC–82492 (Sub-No. E3), filed May 12, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in vehicles equipped with mechanical refrigeration, from Columbus, Ohio, to points in Minnesota located on and south of U.S. Highway 12. Restriction: The operations sought herein are restricted to the transportation of shipments originating at Columbus, Ohio. The purpose of this filing is to eliminate the gateway of Bentheim, Allegan County, Mich.

No. MC–95540 (Sub-No. E212), filed April 26, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Delaware (except those south of the Chesapeake and Delaware Canal), to points in Texas. The purpose of this filing is to eliminate the gateway of points in Pike and Spaulding Counties, Ga.

No. MC–100666 (Sub-No. E21), filed April 11, 1974. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmet Drive, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Proposal 1:

Paper and paper products (except those commodities which because of size or weight require the use of special equipment and commodities in bulk), from the plantsite and storage facilities of the Weyerhaeuser Company at or near Valliant, Okla., to points in Arizona, California, Connecticut, Delaware, Florida, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, Utah, Vermont, Washington, and Wyoming, and points in that part of Georgia on, south, and east of a line beginning at the junction of the Alabama-Georgia State line and U.S. Highway 80, thence along U.S. Highway 80 to the junction of U.S. Highway 80 and U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-South Carolina State line, and points in that part of New York on and east of a line beginning at the junction of the Pennsylvania-New York State line and New York Highway 17, thence along New York Highway 17 to the junction of New York Highway 17 and New York Highway 8, thence along New York Highway 8 to the junction of New York Highway 8 and New York Highway 7, thence along New York Highway 7 to the junction of New York Highway 7 and New York Highway 30, thence along New York Highway 30 to the United States-Canadian International Boundary line, and points in that part of North

Carolina on and east of a line beginning at the junction of the North Carolina-South Carolina State line and Interstate Highway 95, thence along Interstate Highway 95 to the junction of Interstate Highway 95 and North Carolina Highway 87, thence along North Carolina Highway 87 to the junction of North Carolina Highway 87 and U.S. Highway 501, thence along U.S. Highway 501 to Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line, and points in that part of Pennsylvania on and east of a line beginning at the junction of the Maryland-Pennsylvania State line and Interstate Highway 83, thence along Interstate Highway 83 to the junction of Interstate 83 and Interstate Highway 81, thence along Interstate Highway 82 to the New York-Pennsylvania State line, and points in that part of South Carolina on and east of a line beginning at the junction of the Georgia-South Carolina State line and U.S. Highway 301, thence along U.S. Highway 301 to the junction of Interstate Highway 95 and U.S. Highway 301, thence along Interstate Highway 95 to the South Carolina-North Carolina State line, and points in that part of Virginia beginning at the junction of the Virginia-North Carolina State line and Interstate Highway 85, thence along Interstate Highway 85 to the junction of Interstate Highway 95 and thence along Interstate Highway 95 to the junction of U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and the District of Columbia. The purpose of the filing of proposal 1 is to eliminate the gateway of Ashdown, Ark.

Proposal 2:

Paper and paper products, from the origin described in proposal 1 above, to points in Florida, and points in that part of Georgia on, south, and east of a line beginning at the junction of the Alabama-Georgia State line and U.S. Highway 80, thence along U.S. Highway 80 to the junction of U.S. Highway 80 and U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-South Carolina State line, and points in that part of New York on and east of a line beginning at the junction of the Pennsylvania-New York State line and New York Highway 17, thence along New York Highway 17 to the junction of New York Highway 17 and New York Highway 8, thence along New York Highway 8 to the junction of New York Highway 8 and New York Highway 7, thence along New York Highway 7 to the junction of New York Highway 7 and New York Highway 30, thence along New York Highway 30 to the United States-Canadian International Boundary line, and points in that part of North Carolina on and east of a line beginning at the junction of the North Carolina-South Carolina State line and Interstate Highway 95, thence along Interstate Highway 95 to the junction of Interstate Highway 95 and North Carolina Highway 87, thence along North Carolina Highway 87 to the junction of North Carolina 87 and U.S. Highway 501, thence along U.S. Highway 501 to Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line, and points in that part of Pennsylvania on and east of a line beginning at the junction of the Maryland-Pennsylvania State line and Interstate Highway 83, thence along Interstate Highway 83 to the junction of Interstate Highway 83 and Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, and points in that part of South Carolina on and east of a line beginning at the junction of the Georgia-South Carolina State line and U.S. Highway 301, thence along U.S. Highway 301 to the junction of Interstate Highway 95 and U.S. Highway 301, thence along Interstate Highway 95 to the South Carolina-North Carolina State line, and points in that part of Virginia beginning at the junction of the Virginia-North Carolina State line and Interstate Highway 85, thence along Interstate Highway 85 to the junction of Interstate Highway 95 and U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay. The purpose of the filing of proposal 2 is to eliminate the gateway of Elizabeth, La.

No. MC–100666 (Sub-No. E53), filed April 21, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplingen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and molding*, from Covington, Tenn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC–100666 (Sub-No. E64), filed May 3, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe* (except Oilfield commodities as described by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from the plant site and warehouse facilities of Celanese Piping Systems, Inc., Louisville, Ky., to points in Alabama on, south, and west of a line beginning at the junction of Interstate Highway 98 and the Alabama-Mississippi State line, thence southeast along Interstate Highway 98 to the junction with Alabama Highway 225, thence north on Alabama Highway 225 to the junction of Alabama Highway 225 and Interstate Highway 65, thence north along Interstate Highway 65 to the junction of Interstate Highway 65 and Alabama Highway 41, thence south on Alabama Highway 41 to the Alabama-Florida State line, restricted to traffic originating at the above named plant site. The purpose of this filing is to eliminate the gateway of Columbia, Miss.

No. MC–107002 (Sub-No. E3), filed April 18, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Mobile, Ala., to points in Indiana and Michigan. The purpose of this filing is to eliminate the gateway of Cedartown, Ga. (B) *Chemicals* (except carbon disulphide, carbon tetrachloride, caustic soda, sulphuric acid, and chlorine), in bulk, in tank vehicles, from Mobile, Ala., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of LeMoyne, Ala. (C) *Chemicals* (except petrochemicals) in bulk, in tank vehicles, from Mobile, Ala., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC–107478 (Sub-No. E3), filed April 7, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Roanoke, Va., on the one hand, and, on the other, points in Georgia, on, east, and south of a line extending from the Georgia-Alabama State line near Dothan, Alabama, thence along Georgia Highway 62 to Albany, thence along Georgia Highway 257 to Cordele, thence along Georgia Highway 257 to Hawkinsville, thence along Georgia Highway 26 to Dublin, thence along U.S. Highway 319 to Wrightsville, thence along Georgia Highway 78 to it's intersection with the county line of Jenkins County, to it's junction with the county line of Screven County, thence along the Northern boundary of Screven County to the Georgia-South Carolina State line at the Savannah River. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–107478 (Sub-No. E4), filed April 11, 1974. Applicant: OLD DOMINION FREIGHT LINE, 1791 Westchester Drive, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission,

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commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Norfolk, Va., on the one hand, and, on the other, points in South Carolina and Georgia on, east, and south of a line extending from the Georgia-Alabama State line near Texas, Ga., and thence along Georgia Highway 34 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to Atlanta, thence along U.S. Highway 278 to Union Point, thence along Georgia Highway 44 to Washington, thence along U.S. Highway 378 across the Georgia-South Carolina State line to McCormick, South Carolina, thence along U.S. Highway 378 to Saluda, thence along U.S. Highway 178 to Pelion, thence along South Carolina Highway 215 to Macedon, thence along South Carolina Highway 6 to St. Matthews, thence along U.S. Highway 601 to the Lake Marion, thence along Lake Marion to the Santee River, thence along the Santee River to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–107478 (Sub-No. E6), filed April 21, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., on the one hand, and, on the other, points in Georgia on, east, and south of a line beginning at the Alabama-Georgia State line, and extending east along Georgia Highway 34 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to Atlanta, thence along U.S. Highway 78 to Monroe, thence along Georgia Highway 83 to the Morgan County Line, thence north along the Morgan County line to the Greene County line, thence east along the Greene County line to Georgia Highway 77, thence along Georgia Highway 77 to the Broad River, thence along the Broad River to the Georgia-South Carolina State line (except Augusta, Ga.). The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–107478 (Sub-No. E9), filed April 16, 1974. Applicant: OLD DOMINION FREIGHT, INC., P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Suffolk, Va., on the one hand, and, on the other, points in Georgia and South Carolina on, east, and south of a line beginning at the Alabama-Georgia State line, and extending east along Georgia Highway 34 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to Atlanta, thence along U.S. Highway 78 to Monroe, thence along Georgia Highway 83 to its intersection with the Morgan County line, thence north along the Morgan County line to the Greene County line, thence east along the Greene County line to its intersection with Georgia Highway 77, thence along Georgia Highway 77 to the Broad River, thence along the Broad River to the Georgia-South Carolina State line, thence south along the Georgia-South Carolina State line to its intersection with U.S. Highway 378, thence east along U.S. Highway 378 to Saluda, S.C., thence along U.S. Highway 178 to Orangeburg, thence along U.S. Highway 301 to Lake Marion, thence along Lake Marion to the Santee River, thence along the Santee River to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–107478 (Sub-No. E10), filed April 22, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the District of Columbia, on the one hand, and, on the other, points in Georgia on, east, and south of a line beginning at the Alabama-Georgia State line, and extending east along Georgia Highway 34 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to its intersection with Interstate Highway 285, thence along Interstate Highway 285 to its intersection with U.S. Highway 78, thence along U.S. Highway 78 to Georgia Highway 83, thence along Georgia Highway 83 to the Morgan County line, thence north along the Morgan County line to the Greene County line, thence east along the Greene County line to its intersection with Georgia Highway 77 to the Broad River, thence along the Broad River to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–109172 (Sub-No. E1), filed May 3, 1974. Applicant: NATIONAL MOTOR FREIGHT dba, National Transfer, Inc., 5265 Utah Avenue, Seattle, Wash. 98134. Applicant's representative: George S. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in King, Snohomish, and Skagit Counties, Wash., on the one hand, and, on the other, points within 3 miles of Seattle, Wash., including Seattle.

(B) *Construction materials* (except Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in King, Snohomish, and Skagit Counties, Wash., on the one hand, and, on the other, points in Washington on and east of a line extending north and south through Cascade Tunnel, Wash.

(C) *Building materials and equipment, stoves, office furniture and equipment, and fixtures*, between points in King, Snohomish, and Skagit Counties, Wash., on the one hand, and, on the other, points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oregon.

(D) *Construction materials*, between points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg., on the one hand, and, on the other, (a) points in that part of Washington east of the western boundaries of Okanogan and Chelan Counties, Wash., and north of U.S. Highway 2, and (b) Ephrata, Wash.

(E) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, (1) between points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg., on the one hand, and, on the other, (a) points in that part of Washington east of the western boundaries of Okanogan and Chelan Counties, Wash., and north of U.S. Highway 2, and (b) Ephrata, Wash.; and (2) from (a) Ephrata Wash., and (b) points in that part of Washington, east of the western boundaries of Okanogan and Chelan Counties, Wash., and north of U.S. Highway 2, to points in Josephine County, Oreg.

(F) *Ore and ore concentrates*, to the extent that such commodities to be transported are of such size and weight that they require the use of special equipment, from points in Josephine County, Oreg., to (a) Ephrata, Wash., and (b) points in that part of Washington east of the western boundaries of Okanogan and Chelan Counties, Wash., and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Seattle, Wash.

No. MC–110525 (Sub-No. E237), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Pitteburgh, Pa.

No. MC–110525 (Sub-No. E238), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in New York. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E239), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky on and west of Interstate Highway 65, to those points in that part of North Carolina on and east of U.S. Highway 401. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E240), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky, on and east of Interstate Highway 65, to points in Oregon. The purpose of this filing is to eliminate the gateways of Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E243), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to those points in that part of Virginia on and north of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to Richmond, thence along Interstate Highway 64 to Norfolk. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E244), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky, on and east of Interstate Highway 65, to points in Washington. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E245), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (except bituminous products and materials), in bulk, in tank vehicles, from points in Kentucky to those points in that part of West Virginia on, north, and east of a line beginning at the West Virginia-Ohio State line, thence along Interstate Highway 77 to Charleston, thence along U.S. Highway 60 to Lewisburg, thence along U.S. Highway 219 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E246), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Connecticut. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E247), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Delaware. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E248), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Maine. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E250), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Maryland. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E251), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Michigan. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E252), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in New Hampshire. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E253), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles,

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from points in Louisiana to points in New Jersey. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E254), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in New York. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E255), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined by *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to Baton Rouge, thence along Louisiana Highway 1 to the Gulf of Mexico, to those points in that part of Ohio on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. 256), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Rhode Island. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E257), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Massachusetts. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E258), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–114045 (Sub-No. E25), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock Cornish game hens*, from Providence, R.I., to points in Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–12285 Filed 5–28–74;8:45 am]

[Notice 91]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 18, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75027. By order of May 21, 1974, the Motor Carrier Board approved the transfer to Mary E. Elbs, doing business as Fred Elbs, Villa Grove, Ill., of Certificate No. MC–80767 issued June 7, 1941, to Fred Elbs, Villa Grove, Ill., authorizing the transportation of livestock and agricultural products from Villa Grove, Ill., to Indianapolis, Ind.; feed, grain, grain products, and fertilizer from Indianapolis, Ind., to Villa Grove, Ill.; and coal from points in Parke and Clay Counties, Ind., to points in Champaign and Douglas Counties, Ill. Nichols, Jones, McCown & Lincoln, attorneys for transferor and transferee, P.O. Box 251, Tuscola, Ill.

No. MC–FC–75146. By order of May 21, 1974, the Motor Carrier Board approved the transfer to Forbes Refrigerated Transport, Inc., Wilson, N.C., of the operating rights in Certificates Nos. MC–19105 (Sub-No. 19), MC–19105 (Sub-No. 22), MC–19105 (Sub-No. 23), MC–19105 (Sub-No. 24), MC–19105 (Sub-No. 28), MC–19105 (Sub-No. 31) and MC–19105 (Sub-No. 33) issued July 10, 1964, July 26, 1967, April 4, 1968, February 9, 1970, December 9, 1970, April 12, 1972, and April 12, 1972, respectively to Forbes Transfer Company, Inc., Wilson, N.C., authorizing the transportation of various commodities, from and to specified points and areas in North Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, West Virginia, South Carolina, Tennessee, Virginia, Massachusetts, and the District of Columbia. William R. Rand, P.O. Box 2008, Wilson, N.C. 27893, attorney for applicants.

No. MC–FC–75158. By order entered May 22, 1974, the Motor Carrier Board approved the transfer to Russell E. Alltop, doing business as Abbott's Transfer, Wheeling, W. Va., of the operating rights set forth in Certificate No. MC–18305, issued November 19, 1963, to Lloyd J. Abbott, doing business as Abbott's Transfer, Wheeling, West Virginia, authorizing the transportation of household goods, between points in Ohio and Marshall Counties, W. Va., on the one hand, and, on the other, points in West Virginia, Ohio, and Pennsylvania; and brick and stone siding, lumber, and furnaces, from Wheeling, W. Va., to points within 25 miles of Wheeling, including Wheeling. James R. Stiverson, 50 West Broad St., Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–75160. By order of May 22, 1974, the Motor Carrier Board approved the transfer to Coastal Van & Storage, Inc., Elmwood Park, N.J., of the operating rights in Certificate No. MC–59934 (Sub-No. 10) issued April 24, 1974, to Main Trucking & Rigging Co., Inc., Elmwood Park, N.J., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in New Jersey, Connecticut, New York, Massachusetts, Pennsylvania, Maryland, Virginia, Ohio, Michigan, Illinois, and the District of Columbia, and between Brooklyn, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Ronald I. Shapss, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–12278 Filed 5–28–74;8:45 am]

[Notice 74]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 23, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5296 (Sub-No. 2 TA), filed May 10, 1974. Applicant: LACY'S EXPRESS, INC., 81 West Pitman Street, Penns Grove, N.J. 08069. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Linoleum and accessories* used in the installation of linoleum, and window shades, serving Bristol, Pa., as an off-route point in connection with applicant's regular route operations between Philadelphia, Pa., and Salem, N.J., for 180 days. SUPPORTING SHIPPER: S. Wolf & Sons, Inc., 1017 Arch Street, Philadelphia, Pa. 19107. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

NOTE.—Authority sought to serve an off-route point in connection with authorized regular route operation.

No. MC 44639 (Sub-No. 79 TA), filed May 15, 1974. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 1 Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, and *wearing apparel and materials supplies* used in the manufacture of wearing apparel when moving in the same vehicle and at the same time with wearing apparel, loose, on hangers, between Culpeper, Va., on the one hand, and, on the other, Rutherford, N.J., and New York, N.Y., for 180 days. SUPPORTING SHIPPER: Southern Garment Mfg. Co., East Street Extension, Culpeper, Va. SEND PROTESTS TO: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 107496 (Sub-No. 954 TA), filed May 15, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cupric chloride*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Union, Ill., for 150 days. SUPPORTING SHIPPER: Southern California Chemical, P.O. Box 432, Union, Ill. 60180. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

No. MC 110525 (Sub-No. 1095 TA), filed May 13, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent methanol*, in bulk, in tank vehicles, from Pittsfield, Mass., to Waterford, N.Y., for 180 days. SUPPORTING SHIPPER: General Electric Plastics, 1 Plastics Avenue, Pittsfield, Mass. 01201. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 117940 (Sub-No. 128 TA), filed May 14, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to shipments originating at the plantsite and facilities utilized by John Morrell and Company located at or near Amarillo, Tex., for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 South La Salle St., Chicago, Ill. 60604. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 124511 (Sub-No. 23 TA), filed May 15, 1974. Applicant: JOHN F. OLIVER, E. Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, 411 North 7th Street, Suite 1301, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, from Gerald, Mo., to points in Oklahoma, Texas, Kansas, Indiana, Michigan, Illinois, Iowa, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Bull Moose Tube Company, P.O. Box 214, Gerald, Mo. 63037. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127651 (Sub-No. 26 TA), filed May 14, 1974. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham Street, Marsfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallet and pallet parts*, from Rhinelander, Wis., to Eaton, Ind., for 180 days. SUPPORTING SHIPPER: Marplex Products Co., Inc., Box 279, Rhinelander, Wis. 54501. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 129325 (Sub-No. 7 TA), filed May 13, 1974. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Frenchmen Street, New Orleans, La. 70122. Applicant's representative: Calvin A. Diaz, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from New Orleans, La., to points in North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER: Primary Steel, Inc., P.O. Box 10426, New Orleans, La. 70181. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 134922 (Sub-No. 80 TA), filed May 13, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Screw conveyors, bucket elevators, idlers, pulleys, and component parts*, restricted against the transportation of commodities in bulk and those which because of

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size or weight require the use of special equipment, from the plantsite of FMC Corp., Lee County, Miss., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: FMC Corporation, P.O. Box 1370, Tupelo, Miss. 38801. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136023 (Sub-No. 2 TA), filed May 14, 1974. Applicant: WILLIAM L. SMITH, doing business as CIRCLE S. TRUCKING, 2042 Eastes, Bend, Oreg. 97701. Applicant's representative: Russell M. Allen, 1200 Jackson Towers, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, (1) from points in Grant and Umatilla Counties, Oreg., to points in Clark County, Wash., and (2) from points in Grant and Umatilla Counties, Oreg., to points in Nez Perce County, Idaho, for 180 days.

NOTE.—Applicant states that it will tack. SUPPORTING SHIPPER: Blue Mt. Forest Products, Inc., P.O. Box 1161, Pendleton, Oreg. 97801. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97214.

No. MC 138404 (Sub-No. 5 TA), filed May 14, 1974. Applicant: DALE FOWLER AND MERLE THRAPP, doing business as D & M TRANSPORT, P.O. Box 38, Sprague ville, Iowa 52074. Applicant's representative: Dale Fowler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel paving joint roadway*, from Maquoketa, Iowa, to points in Illinois, Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Texas, West Virginia, Kansas, Oklahoma, Arkansas, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Wady, Inc., P.O. Box 942, Maquoketa, Iowa 52060. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139292 (Sub-No. 3 TA), filed May 13, 1974. Applicant: SATURN EXPRESS, INC., 7860 F Street, Omaha, Nebr. 68127. Applicant's representative: Arlyn L. Westergren, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Swift Fresh Meats Company at or near Grand Island, Nebr., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Swift Fresh Meats Company, a Division of Swift & Company, G. Dwight Weed, Manager, Motor Carrier Division, 115 West Jackson Blvd., Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 No. 14 St., Omaha, Nebr. 68102.

No. MC 139761 (Sub-No. 1 TA), filed May 13, 1974. Applicant: GEORGE HAND AND J. R. RUTHERFORD, doing business as H & R TRUCKING, 2nd & Cheyenne, Canadian, Tex. 79014. Applicant's representative: Rufus H. Lawson, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drilling mud and drilling mud material or ingredients*, dry, in sacks or containers, or in bulk; and (2) *drilling mud and drilling mud materials or ingredients*, liquid, between points in Oklahoma lying on, west, and north of a line beginning at the Kansas-Oklahoma State line, thence over Oklahoma State Highway 34 to its intersection with U.S. Highway 64, thence over U.S. Highway 64 to its intersection with U.S. Highway 281, thence over U.S. Highway 281 to Seiling, Okla., thence over U.S. Highway 60 to its intersection with U.S. Highway 183, thence over U.S. Highway 183 to its intersection with Oklahoma State Highway 9, thence over Oklahoma State Highway 9 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Texas on, north, and west of a line beginning at the Oklahoma-Texas State line, thence over U.S. Highway 62 to its intersection with U.S. Highway 70 to Floydada, Tex., thence over U.S. Highway 70 to its intersection with U.S. Highway 84 at Muleshoe, Tex., thence over U.S. Highway 84 to the Texas-New Mexico State line, for 180 days. SUPPORTING SHIPPERS: Donald O. Raines, District Manager, Baroid Division, Elk City, Okla. 73644; Dale Bray, Warehouse Supervisor, Imco Services, Box 821, Canadian, Tex. 79014; Danne Beason, General Manager, Drilling Fluids Corp., Box 576, Elk City, Okla. 73644; Roy L. Bulls, Secretary & Purchasing, Baker & Taylor Drilling Company, Box 308, Spearman, Tex. 79081; and Carl C. Morrow, Technical Advisor, Milchen Incorporated, 1290 E. First National Center, Oklahoma City, Okla. 73102. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

MOTOR CARRIERS OF PASSENGERS

No. MC 139604 (Sub-No. 1 TA), filed May 9, 1974. Applicant: CHERRY HILL TRANSIT, a Corporation, 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) between Philadelphia, Pa., and Pennsauken, N.J., and (2) between Philadelphia, Pa., and Cherry Hill Township, N.J., for 180 days. SUPPORTING SHIPPERS: (1) Landmark Apartments, Inc., Landmark Suite 110, Cherry Hill, N.J. 08034; (2) Colonial Management, Inc., Frontage Road, Landmark Suite 110, Cherry Hill, N.J. 08034; and (3) Stone & Webster Engineering Corporation, 2500 McClellan Avenue, Pennsauken, N.J. 08109. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12277 Filed 5-28-74;8:45 am]

[Ex Parte No. 293 (Sub No. 1)]

NORTHEASTERN RAILROAD INVESTIGATION

Rail Services Planning Office Hearings

Pursuant to section 205(d)(1) of the Rail Reorganization Act of 1973, notice is hereby given that the Rail Services Planning Office will conduct a hearing beginning on June 26, 1974 and ending on June 27, 1974 in Harrisburg, Pennsylvania at the William Penn Memorial Museum, 3rd Street between Foster and North Streets, Harrisburg, Pennsylvania.

The hearing will commence at 9:30 a.m. on each day. Additional sessions, based upon need, may be held at the discretion of the presiding officer.

Persons interested in speaking at the hearing should contact Gary Gittings, 278 Federal Building, 228 Walnut Street, P.O. Box 869, Harrisburg, Pennsylvania 17108. Telephone: (717) 782-4419.

The following uniform rules, procedures and practices for the hearings are established:

(1) All oral presentation will be limited to 10 minutes. Appearance times can only be obtained prior to the hearing by contacting the designated contact person on a first-come, first-served basis. Persons waiting until the hearing commences to seek an opportunity to speak will be given the next available time on a first-come, first-served basis. Any person, whether appearing at the hearing or not, may supply for the record any written materials and exhibits by no later than July 12, 1974. All written materials for the record must be on 8½" x 11" paper and submitted in 6 copies.

(2) Persons requesting an appearance time will be asked: their name, address, telephone number, for whom they work, whether they are representing a group, to indicate whether or not they wish aid from the Office of Public Counsel. If assistance is requested, an attorney from the Office of Public Counsel will contact the party prior to the hearing.

(3) The proceeding is legislative, not judicial in nature. It is designed to elicit as many public views as possible on present and future rail service needs in the region. Witnesses will not be required to testify under oath and there will be no cross-examination or rebuttal testimony. Only questions from the presiding officer and the representatives of the Office of Public Counsel will be permitted.

(4) One purpose of the hearings is to inform the public of the pendency of the statutory restructuring plan, and of the opportunities for public participation. Therefore, the usual Interstate Commerce Commission limitations on radio and television news coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room, provided that the conduct of the media representatives and the presence of radio and television equipment does not disturb the orderly conduct of the proceeding. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(5) Written testimony or correspondence which is not submitted at the hearing should be mailed, identified as Harrisburg hearing, directly to:

Rail Services Planning Office
1900 L Street, NW.
Washington, D.C. 20036
(202) 254-3900

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

Issued in Washington, D.C. this 21st day of May, 1974.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12279 Filed 5-28-74;8:45 am]

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WEDNESDAY, MAY 29, 1974

Volume 39 ■ Number 104

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

Effluent Guidelines and Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 430—PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

On January 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 1908), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories of the pulp, paper, and paperboard mills category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the pulp, paper, and paperboard category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 430. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semi-Chemical Pulp Segment of the Pulp, Paper, and Paperboard Mills Point Source Category" (January 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Pulp, Paper, and Paperboard Industry" (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: The Water Pollution Control Federation; State of Wisconsin—Department of Natural Resources; U.S. Water Resources Council; Flambeau Paper Co.; P. H. Glatfelter Co.; Olinkraft Co.; Consolidated Packaging Corp.; State of New York—Department of Environmental Conservation; State of Montana—Department of Health and Environmental Services; County Sanitation Districts of Los Angeles County; Longview Fibre Co.; Brown Co.; Mead Corp.; Hammermill Co.; Inland Container Corp.; Owens—Illinois Co.; Potlatch Co.; Columbia Corp.; St. Regis Paper Co.; National Council for Air and Stream Improvement; Container Corp. of America; Continental Can Co.; Crown Zellerbach Co.; International Paper Co.; American Paper Institute; Georgia-Pacific Co.; Weyerhauser Co.; Hoerner-Waldorf Corp.; Packaging Corp. of America; Green Bay Packaging Co.; Sealright Co.; State of Indiana; State of Illinois; International Ozone Institute; the U.S. Department of the Interior; U.S. Department of Commerce; and the U.S. Department of Health, Education, and Welfare. The following is a summary of the significant comments and the Agency's response to those comments.

(1) Many commenters felt that the effect of temperature upon biological treatment should be accounted for in a variance which is progressive below a specific base temperature and not just a one-step allowance as in the proposed regulations. It was suggested that such a variance for temperature effects should be applied to BATEA and NSPS as well as BPCTCA. Many suggestions were submitted for the base temperature and for a sliding scale which could be applied. Effluent data for several pulp and paper mills were provided with analyses correlating effluent pollutant levels with the effluent temperatures.

The inclusion in the proposed regulations of a variance for the effects of temperature upon biological treatment systems was to allow for the seasonality of effluent treatment efficiency for mills in Northern climates. However, because of the difficulty in implementing the temperature variance in the issuance and regulation of NPDES permits, the temperature variance was removed from final regulations. The Agency believes that mills located in Northern climates should design their treatment systems to account for the effects of cold temperatures. The limitations, in turn, have been revised to reflect the effects of temperature upon biological treatment systems and other factors such as raw waste load which affect the quality of the final effluent. The final regulations were developed using the maximum month of pollutant discharge of exemplary mills with emphasis on mills located in Northern climates.

(2) Several commenters felt that two stage biological treatment should not be required for BATEA or NSPS. The commenters stated that a well designed one-stage biological system can operate equally as well as a two-stage system and that there is no justification to require mills to add another stage to their one-step biological treatment system to meet the 1983 limitations.

The Agency agrees that a well-designed and operated one-stage biological treatment system can operate equally as well as a two-stage biological system. The intent of including two-stage biological treatment as BATEA was only as an identification of treatment which could meet the limitations. The Agency recognizes that well designed and operated one-stage biological systems will be acceptable as part of BATEA, and the intent was not to require the installation of a second stage to the existing one-stage systems meeting BPCTCA limitations.

(3) Comments were received which stated that several of the mills in the unbleached kraft subcategory chosen as exemplary mills do not represent BPCTCA. The external treatment at these mills includes two-stage biological systems which include aerated stabilization basins followed by storage ponds. The commenters argued that these two-stage systems represent the BATEA since the storage pond's primary purpose is to control the discharge according to the receiving water quality.

The Agency agrees that one of the purposes of the storage ponds is for controlling the discharge to meet receiving water requirements. However, further reductions in BOD5 and TSS generally occur in the storage ponds, as these ponds are frequently described as storage oxidation ponds. The Agency believes that the two-stage biological system represents BPCTCA at these mills. The design and operation of the aerated stabilization basins are such that the storage oxidation ponds are relied upon to remove BOD5 and TSS. Thus, the aerated stabilization basins at these particular mills cannot be specified as the BPCTCA. Therefore, the final effluent data from these particular mills was utilized in developing the limitations. In addition, nearly half of the mills in the unbleached kraft subcategory are using storage oxidation ponds for effluent treatment and thus the two-stage system is an available external technology

for this subcategory. However, the Agency recognizes that many mills do not have land available for these large ponds and thus, the limitations were based upon effluent qualities achievable by one-stage biological treatment systems.

(4) A number of commenters felt that the statistical analysis of exemplary mill data from which the limitations were derived allows mills to be theoretically out of compliance 16.5% and 2.5% of the time for the 30 day and daily maximum limitations, respectively. The commenters stated that the exemplary mills will actually be out of compliance a larger portion of the time as the data is skewed to the high side and thus is not normally distributed, and that the limitations should be revised in order for exemplary mills to meet the limitations. Several suggestions were submitted for reevaluation of the data.

The final regulations reflect the removal of the temperature variance and the development of the limitations based upon the maximum month of pollutant discharge from exemplary mills. Thus, the statistical analysis used in developing the proposed regulations was replaced by determination of the maximum month of pollutant discharge. In effect, the maximum month accounts not only for the effect of temperature on final effluent quality but also for other factors such as raw waste load. Therefore, the limitations have been revised so that exemplary mills will be able to comply with the limitations in the final regulations.

(5) A few commenters felt that the effluent limitations should be influenced by receiving water assimilative capacities at each particular site.

Under the Act, it is not necessary that a showing be made regarding the effect of the pollution discharge upon the quality of the receiving water. Under sections 301, 304 (b) and (c), 306 (b) and (c), and 307(c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The effluent limitations are to be based upon defined levels of technology which are specified in the Act. Nevertheless, water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where effluent limitations are not stringent enough to provide for the achievement of water quality standards.

(6) Two commenters stated that no effort was made to analyze the considerable discrepancies between short term survey results and exemplary mill data, and to apply the "analytical factor" which was derived as a result of the short term surveys.

As discussed in the Development Document, the purpose of the short term survey was to evaluate the mill sampling and analytical techniques. A possible result of the evaluation was the development of an analytical factor which could be used to convert, if necessary, all data to a common basis. After considerable effort was made in examination of the mill techniques, it was concluded that the application of an "analytical factor" was not possible because of the wide variations in techniques and resulting data. Instead, the data derived using nonstandard methods or faulty techniques was not utilized in the development of the limitations.

(7) Several commenters felt that the data base does not include an adequate number of mills to represent the subcategories under study.

The data utilized in the development of the proposed regulations included all of the data available at the time. However, the data base has recently been greatly expanded through submission of data to the Agency from individual mills and from the pulp and paper industry technical association and is presented in the Development Document. The resultant data base utilized in developing the final regulations included data and information on 67 mills out of a total of 188 mills. The Agency believes that the data base more than adequately represents the subcategories under study.

(8) Comments were made stating that the technology of mixed-media filtration has not been demonstrated in the pulp and paper industry and thus should not be included as a technology for NSPS.

The Agency believes that the technology of mixed-media filtration is transferrable technology from other industrial categories and from municipal treatment systems. However, since mixed-media filtration has only been demonstrated on a pilot plant scale in the pulp and paper industry, mixed-media filtration has been removed from the identified technologies for new sources, and the limitations were adjusted accordingly.

(9) A large number of comments were made which stated that color removal by reverse osmosis, which is recommended in the proposed regulations as the color removal technology for NSSC mills, has not been demonstrated. It was stated that the mill referenced in the Development Document as demonstrating reverse osmosis for color removal is an atypical mill and is not using reverse osmosis specifically for color removal. It was pointed out that the reduction in color is actually an additional benefit of the reverse osmosis operations for water reuse. Thus, commenters suggested that the limitations for color for the NSSC subcategories should be removed from the final regulations.

The Agency acknowledged in the Development Document that the technology of reverse osmosis for color removal has not been fully demonstrated. Thus, color removal was not included for new sources for the NSSC subcategories. However, the Agency believes that reverse osmosis will be further demonstrated and will be an available technology for color removal by 1983. In addition, the technologies of ion exchange-resin adsorption and ultrafiltration as discussed in the Development Document are projected to be available to reduce color in pulp and paper mill effluents by 1983. Thus, the Agency is recommending reverse osmosis for NSSC mills for color removal for 1983, but other color removal technologies are also projected to be available for implementation in 1983.

(10) Three commenters stated that the variance for hydraulic barking should be increased to more realistically account for waste loads from the process. Several suggestions for additional allowances of BOD5 and TSS were submitted.

Hydraulic barking is not a wide-spread practice in this segment of the industry. Information available indicates that only one mill in the country, which is included in the subcategories under study, uses hydraulic barking. Data from the mill indicate that the mill will be able to meet the regulations without any additional allocation for its hydraulic barking operation. In addition, many State policies have been either to close-up or to phase-out hydraulic barkers. Thus, the hydraulic barking variance was removed from the final regulations.

(11) Several commenters suggested an approach to developing the limitations. Essentially, the approach involved determining average BOD5 raw waste loads for the industry and applying 85% reduction which was said to be representative of biological treatment. To determine the TSS limitations, it was suggested that the mill operating data be used.

The limitations are based upon mills which treat their waste waters by technologies representing BPCTCA. Thus, mill operating data is the basis for the limitations when available and not the application of an assumed pollutant reduction efficiency.

(12) Several comments were received which stated that the differences in total suspended solids concentrations resulting from testing methods utilizing glass fiber filter disks (standard methods) and methods utilizing filter paper (nonstandard methods) were not reconciled in the Development Document as to how the data was evaluated. A conversion factor for nonstandard methods to standard methods of 3 to 1 was suggested for use in the evaluation of data.

The two testing techniques were discussed in the Development Document, and data for mills utilizing nonstandard methods was not used in development of the limitations. Conversion factors for nonstandard methods to standard methods range from less than 2 to more than 10 depending upon the effluent stream sampled. Thus, the Agency feels that use of a conversion factor is not applicable. The discussion of how nonstandard methods and standard methods data was evaluated has been expanded in the Development Document.

(13) Two commenters stated that the limitations should be written for annual averages in order that mills which have controlled discharges can meet the limitations.

The Agency recognizes that mills with controlled discharges, based on receiving water quality, generally have large fluctuations in effluent flow rates, such as no discharge during a period of time when receiving water flows were low and then

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possibly double or triple the average discharge rate when receiving water flows were high. These particular mills will have effluent limitations which will be equivalent to the limitations but will not necessarily establish the same daily and 30 day limitations.

(14) Two commenters stated that foam control will probably not be needed after the installation of the internal and external controls and thus, the requirement for foam control should be removed from the limitations.

The Agency concurs that foam control will probably not be required after the internal and external controls are installed. However, foam control is recommended for the mills that could possibly still have a foam problem. It is emphasized that the technologies in the Development Document are not limitation requirements but are technologies identified as capable of achieving the limitations.

(15) One commenter felt that additional subcategories should be added for small mills. Suggestions were provided for what constitutes a small mill and how the limitations should be increased for small mills.

In developing the subcategories, many factors were evaluated as possible bases for establishing subcategories. One of these factors was the size of mills. The Agency concluded that size of mills was not a significant factor for subcategorization because the waste water characteristics and control technologies are independent of plant size.

(16) One commenter felt that the temperature variance should be removed, as mills should select and design pollution control technology for the geographical location and climatic conditions.

The Agency concurs with the concept of selection and design of pollution control technology for the specific geographical location and accompanying climatic conditions. The temperature variance has been removed, and the regulations have been revised to reflect the seasonal effects upon effluent qualities resulting from the pollution control technologies installed at mills located in Northern climates.

(17) Several commenters stated that the proposed limitations for paperboard from waste paper do not account for the effects of the type of waste paper utilized for furnish (fibrous raw materials) upon the raw waste load. In addition to the type of furnish, it was argued that mills producing food-grade products have a significantly different raw waste load than mills producing non-food-grade products. It was suggested that the paperboard from the waste paper subcategory should be further subcategorized to account for the effects of raw material and product.

The Agency has evaluated the greatly expanded data base in order to further determine the effect of furnish and products upon final effluent quality. The Agency agrees that furnish and product do affect the raw waste characteristics. However, the data as presented in the Development Document shows that mills can achieve quality final effluents independent of raw waste load. The limitations were revised based upon the expanded data base.

(18) Several commenters stated that there are other methods of solid waste disposal presently being practiced which are just as acceptable as sanitary landfills. Thus, the requirement of sanitary landfills should be removed from the limitations.

The Agency emphasizes that the technology of sanitary landfills is an option for solid wastes disposal and not a requirement.

(19) It was alleged that the limitations for color removal do not appear to be workable since there is no direct linear relationship between color units and color mass.

The Agency concurs that there is no direct linear relationship between color units and color mass. However, in order for the color limitations to be related to mill production, the Agency defined, for purposes of implementing the color limitations, the following standard relationship used by several other countries: 1 mg/l equals 1 color unit.

(20) Several comments were made that the variabilities of raw waste load were not considered in the development of the limitations.

The BPCTCA limitations are based upon actual mill operating data including both raw waste and final effluent data. The Agency determined that the effects of variations in raw waste load are upon the treatment system and the quality of the final effluent. Thus, the effects of raw waste variability were considered in the development of the limitations through consideration of variations in final effluent quality.

(21) Many commenters stated that the limitations for TSS should be removed or replaced by a settleable solids limitation as the suspended solids in the final effluent from pulp and paper mill biological treatment systems are biological organisms generated during treatment for the removal of BOD and not the fibrous materials contained in mill raw wastes. It was argued that the fibrous materials in the raw waste are removed by primary treatment and that the biological suspended solids in the final effluent from the biological treatment system characteristically do not settle. It was suggested that since the biological solids do not settle and cause problems of sludge beds in receiving wastes and no harm is caused to the environment other than an exertion of BOD which is regulated by the BOD5 limitations, the TSS limitation be removed or replaced by a settleable solids limitation which would measure the potential for sludge bed buildup.

The Agency believes that the TSS in final effluents from pulp and paper mill biological treatment systems are harmful to aquatic environments. The Agency concurs that the fibrous materials in the raw waste should settle out in a well designed and operated primary treatment system. As discussed in Section VI of the Development Document, the Agency believes that the TSS from pulp and paper mill biological treatment systems have the following detrimental effects upon receiving water environments: (1) increases in the turbidity of the receiving water resulting in reduced light transmission and accompanying effects, such as reduced photosynthesis, (2) aesthetic effects, (3) settling of suspended solids to the bottom of receiving waters, and (4) exertion of BOD by the biological suspended solids. The BOD exerted by the biological suspended solids is only partially measured by the BOD5 test, as the BOD20 test would be more descriptive of the oxygen consuming effects. Thus, the Agency believes that suspended solids from pulp and paper mill biological treatment systems are pollutants which cause detrimental receiving water effects. Therefore, the TSS limitation was not removed from the regulations.

(22) Many comments were received that stated that the technology of lime treatment for removal of color has not been fully demonstrated. The commenters stated that a large number of operating problems continue to give difficulty in achieving adequate consistent color removal levels and that specifically, increases of color following color removal during biological treatment are being experienced at two mills employing color removal systems. It was suggested that since the lime treatment technology is still developing, the color removal limitations for new sources should be removed.

The Agency believes that the lime treatment process has been satisfactorily demonstrated and can be applied to new mills. It is the Agency's judgment that the operating problems being experienced by the two full-scale installations are inherent to the specific mills involved. For example, the problem of increases in color levels through the biological treatment systems are not indicative of problems of the lime treatment technology. These are a result of the specific biological systems involved, as color is being leached into the waste water from the ground. In addition, the Agency feels that many of the operating problems can be solved by new mills by being able to design the color removal system into the total mill design rather than adding on the unit operation to an existing mill.

(23) Several commenters stated that the BATEA limitations for color removal should be increased as the mills presently using the recommended lime treatment cannot meet the limitations. Suggestions for increased BATEA limitations were made and data was provided.

It is the Agency's judgment that many of the operating problems of the color removal systems presently in use will be solved before 1983. In addition, mills presently using the color removal systems are not expected to meet the limitations until 1983 by which time the waste water flows will have been reduced through in-plant controls. The reduction in waste water flows will allow the mills to meet the limitations by a reduction in total color discharged per day.

The additional information and data submitted to the Agency during the comment period substantiated the proposed regulations.

(24) It was suggested by several commenters that the color limitation should be removed from the regulations as color has not been established as a pollutant and its inclusion for BATEA and NSPS is not justified.

As discussed in Section VI of the Development Document, the Agency believes that color is a major pollutant parameter and has the following detrimental effects: (1) Color in receiving waters retards sunlight transmission and interferes with photosynthesis thereby reducing productivity of the aquatic community; (2) color alters the natural stream color and is thereby aesthetically displeasing; (3) color has a detrimental effect upon downstream municipal and industrial water users, as color, even when not visually apparent (i.e. turbid streams), must be removed before use in municipal and industrial water supplies; (4) color bodies complex with metal ions, such as iron or copper, forming tar-like residues which remove metals from the stock available to stream organisms for normal metabolism, and the complexes can have direct inhibitory effects on some of the lower scale of organisms in the aquatic community; (5) color is an indicator of potentially inhibitory compounds discharged to the aquatic environment; and (6) color in receiving waters affects fish productivity and fish movements. Therefore, the limitations for color for BATEA and NSPS were not removed from the regulations as the Agency believes that color is a major pollutant parameter.

(25) Two commenters felt that the costs of color removal did not consider many of the engineering problems associated with the application of the massive lime technology.

The Agency is recommending minimum lime treatment for color removal for BATEA limitations and NSPS for two subcategories. The color limitations were based upon the minimum lime process which has been demonstrated by two mills in full-scale. The minimum lime process is less complex than the massive lime process and thus has fewer engineering problems. Therefore, the costs for color removal were for the minimum lime process and not for the massive lime process.

(26) One commenter stated that the NSSC—sodium base limitations were based upon an atypical mill, as approximately one-third of its furnish (fibrous raw material) is waste paper and the waste cooking liquor is spray irrigated. It was argued that these two factors result in an atypical low raw waste load and that the limitations should be based on mills which use NSSC furnish and which have recovery (or incineration) for disposal of their waste liquors.

The Agency concurs that the amount of waste paper used as furnish and the method of liquor disposal have effects upon the raw waste load. Additional data provided to the Agency by individual mills and the pulp and paper technical association has been evaluated and the limitations have been revised to reflect the effect of the type furnish and the waste liquor disposal methods upon raw waste load.

(27) Four comments were received that stated that the recommended technology for mills to achieve the BPCTCA limitations will require mills to install both internal and external controls. It was argued that, in effect, this pushes the 1983 limitations up to 1977 because the intent of the Act was to emphasize external treatment to meet the 1977 limitations and to emphasize internal controls in 1983. It was also suggested that since the 1983 internal technologies are essentially being required in 1977, the costs of achieving the BPCTCA limitations will be substantially higher and the economic impact may be significant.

It is the opinion of the Agency that the Act does not preclude considering some in-plant control changes as part of BPCTCA. Section 304(b)(1)(B) includes consideration of "the process employed" and "process changes" as part of the determination of BPCTCA. Where an in-plant change can be implemented by 1977 and meets the other requirements of section 304(b)(1), there is no reason to differentiate such control measure from any other control measure or practice imposed as part of BPCTCA. The in-plant changes which have been identified as available in 1977 are practices which are in common use in the industry.

(28) One comment was made that the construction schedules for treatment systems presented in the proposed Development Document do not consider many factors, such as review and negotiation, increasingly slow equipment deliveries and the effects of climate upon construction.

The original intent of the inclusion of construction scheduies was not that they be specific rules for construction, but that they be guides as to that which can be done and approximately the amount of time that might be involved. The several factors mentioned were considered but the prediction of factors such as increasingly slow equipment deliveries is difficult to foresee.

(29) Two commenters stated that the limitations should be written as net pollutants and mills should be given credit for pollutants in their raw water supply.

The effluent limitations have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake water in significant concentrations which may not be removed to the levels specified in the limitations by the application of treatment technology contemplated by BPCTCA.

Accordingly, the Agency is currently developing amendments to its NPDES permit regulations (40 CFR Part 125) which will specify the situations in which the Regional Administrator may allow a credit for such pollutants. The regulations will be proposed for public comment in the near future.

(30) Several commenters stated that the Agency should provide a range of effluent limitations instead of a single limitation, as the range would allow the Regional Administrators to determine the appropriate limitation for each mill depending upon the specific conditions at the mills.

The present limitations take differences within an industry into account through subcategorization, rather than by use of ranges of numbers to be varied at the discretion of the office issuing permits. The 28 industries noted in Section 306 of the Act, for example, have already broken some of the broad industrial groups into subgroups such as the chemical industry into inorganic chemicals, organic chemicals, plastics and synthetics, petrochemicals, soaps and detergents, fertilisers, and rubber. The pulp and paper industry has been broken into 5 initial subcategories with 15 sets of limitations. In addition, a second phase of guideline issuance will establish additional subcategories.

(31) Several commenters stated that the exemplary mills as identified in the Development Document were not typical of the mills in each specific subcategory. Analyses of nearly each exemplary mill was provided showing how each mill was atypical. The factors presented which were discussed as atypical operations included the following: external treatment systems designed specifically to meet receiving water quality standards, and low raw waste loads resulting from extensive internal controls.

The Agency contends that the internal and external treatment systems in question which may have been installed to meet water quality requirements in receiving waters are representative of BPCTCA. These systems are in common use which indicates that the technologies are practicable as mills having installed these systems have not been significantly economically impacted. The Agency believes that these systems are normal internal controls and the external systems are achieving normal pollutant reductions. The reasons why the particular controls were installed is not relevant to determination of their availability.

(32) One commenter said that there was no real analysis of the costs of air and water pollution control and the benefits derived.

The limitations, as mandated by the "Act", are technologically based, and benefits are expressed in terms of effluent reduction. Although air pollution control costs were not quantified, consideration was given to this factor when the economic impact was assessed.

(33) One commenter said that while pollution control cost information was provided for a single model mill for each subcategory, costs tend to be higher for smaller mills, and their adverse economics of scale effects should be considered in the economic analysis.

The economic analysis pointed out that costs tended to increase for smaller mills.

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As a result, the economic impact analysis focused on the smaller mills in each subcategory. The economic impact was not significant in that no plant closures and loss of production capacity were indicated for unbleached kraft mills; 2.5%–4.2% of production capacity would possibly close for NSSC mills, and 1.7%–2.5% for paperboard from waste paper mills.

(34) Several commenters stated that the costs for pollution control presented in the Development Document and in the Economic Analysis are expressed in 1971 dollars and that these 1971 costs do not reflect the actual costs to the industry in 1977 or 1983. Therefore, the economic impact is understated.

The economic analysis has assumed that the cost of pollution control will increase at a rate similar to the general inflation rate. Therefore, the annual cost of pollution control as a percent of sales, or the capital cost as a percent of plant investment, is expected to be relatively stable. As a result, the economic analysis used these relatively stable parameters for assessing economic impact in 1977 and 1983.

(35) Two commenters stated that the cost of land disposal, as presented in the Appendix of the Economic Analysis, is understated.

The economic impact analysis is essentially an update of a 1971 study which was conducted for the Council on Environmental Quality. The impact projections made in the 1971 study were revised to reflect the actual limitations and such items as the associated costs, the current industry segment status and current projections regarding capacity, and demand. For the purpose of convenience to the reader of the economic analysis, the 1971 study was included in the Appendix. The cost estimates in the Appendix were not those made in the economic analysis. In the case of sludge disposal, for the conditions stated by the commenter, the costs would be fifty percent greater than those shown in the Appendix. Further, the costs of sludge disposal are a small component of the annual costs and their variability does not affect the conclusions of the analysis.

(36) The comment was made that the pollution control costs do not include a reasonable return on investment.

The pollution control cost estimates included the cost of capital which implicity reflect a minimum required return on investment. Because the cost of capital used was the cost of debt, the actual cost of capital to the industry may have been understated. However, the resulting difference in pollution control costs are small and would not affect the conclusions of the economic analysis.

(b) Revision to the proposed regulation prior to promulgation.

As a result of public comments, additional technical data, and continuing review of the proposed regulations by the EPA, the following changes have been made in the regulation.

(1) The temperature variance was removed from the regulations because of the difficulty in implementing the temperature variance in the regulation of NPDES permits. The regulations were revised to reflect the seasonality of effluent qualities by utilizing the maximum month of pollutant discharge by exemplary mills.

(2) The definition of production was changed from the maximum seven days production to the annual average production. This change is consistent with the production basis which was used in the development of the limitations.

(3) The technology for suspended solids reduction by mixed-media filtration has been removed from the technologies identified for new sources. The limitations were revised to reflect the removal of mixed-media filtration and has resulted in less stringent limitations for new sources.

(4) The variance for hydraulic barking has been removed due to the trend in the industry to discontinue this processing method. The Agency identified only one mill currently using the process in these subcategories.

(5) Reevaluation of the original data base and evaluation of data received during the comment period in conjunction with removal of the temperature variance resulted in revised limitations for all subcategories.

(6) Through evaluation of the expanded data base and examination of additional information developed within EPA, it was determined that the previously identified exemplary mill in the ammonia base NSSC subcategory did not meet the requirements of BPCTCA and thus, the limitations were revised to reflect the application of BPCTCA.

(7) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.

The changes that were made to the proposed regulations have resulted in revised limitations. The costs associated with these limitations have not changed substantially and therefore the conclusions of the economic analysis remain unchanged. However, in the case of the NSSC subcategories, the availability of additional information has resulted in the reduction of potential mill closures from six to three.

Overall, the projected impacts of BPCTCA include:

3–6% price increases;

7–10 potential closures out of 188 mills, representing 1–1.4% of capacity; and

810–1,250 potential unemployed persons representing 1.1–1.6% of total employment for these mills.

Industry growth will not be significantly affected by capital requirements associated with these effluent limitations. Expected increased prices and slow growth in capacity for the next few years is primarily a result of the business cycle and the last several years of price controls. With projected higher prices and profitability, the industry will be able to raise sufficient capital for needed expansion.

(d) Cost-benefit analysis.

The deterimental effects of the constituents of waste waters now discharged by point sources within the unbleached kraft, semi-chemical, and paperboard segments of the pulp, paper, and paperboard mills manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Unbleached Kraft and Semi-Chemical Pulp Manufacturing Segment of the Pulp, Paper, and Paperboard Mills Point Source Category" (May 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines PULP, PAPER, AND PAPERBOARD INDUSTRY" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the pulp, paper, and paperboard industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Solid waste control.

Solid waste control must be considered. The waterborne wastes from the pulp, paper, and paperboard industry may contain a considerable volume of metals in various forms as a part of the suspended solids pollutant. Best practicable control technology and best available control technology, as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be premanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semi-Chemical Pulp Manufacturing Segment of the Pulp, Paper, and Paperboard Point Source Category," is being published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

(g) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 430, Pulp, Paper, and Paperboard Manufacturing Point Source Category, to read as set forth below. An order of the Federal District Court for the District of Columbia entered in *NRDC* v. *Train* (Civ. No. 1609–73) on November 27, 1973, required that the Administrator sign final effluent limitations guidelines for this industry category by March 22, 1974. That order was subsequently modified on March 14, 1974, and the date for signing extended until May 6, 1974. Thereafter, on March 15, 1974, the District Court ordered that the effective date for effluent limitations guidelines established by its November 27 order remain applicable and not be affected by the extension of the publication date. The effective date for effluent limitations guidelines for this industry established by the Court's November 27 order is May 21, 1974. Accordingly, good cause is found for the final regulation promulgated as set forth below to be effective upon publication in the FEDERAL REGISTER.

Dated: May 17, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Unbleached Kraft Subcategory

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Subpart B—Sodium Based Neutral Sulfite Semi-Chemical Subcategory

430.20 Applicability; description of the sodium based neutral sulfite semi-chemical subcategory.
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430.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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Subpart E—Paperboard From Waste Paper Subcategory

430.50 Applicability; description of the paperboard from waste paper subcategory.
430.51 Specialized definitions.
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430.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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430.55 Standards of performance for new sources.
430.56 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), and 1317(c)) 86 Stat 816 et seq.; Pub L. 92–500.

Subpart A—Unbleached Kraft Subcategory

§ 430.10 Applicability; description of the unbleached kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by unbleached kraft mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account

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all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	5.6	2.8
TSS	12.0	6.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	11.2	5.6
TSS	24.0	12.0
pH	Within the range 6.0 to 9.0.	

§ 430.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	2.7	1.35
TSS	3.7	1.85
Color	15.0	10.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	5.4	2.7
TSS	7.4	3.7
Color	30.0	20.0
pH	Within the range 6.0 to 9.0.	

§ 430.14 Reserved.

§ 430.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.1	1.55
TSS	7.5	3.75
Color	15.0	10.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	6.2	3.1
TSS	15.0	7.5
Color	30.0	20.0
pH	Within the range 6.0 to 9.0.	

§ 430.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the unbleached kraft subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.15; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Sodium Based Neutral Sulfite Semi-Chemical Subcategory

§ 430.20 Applicability; description of the sodium based neutral sulfite semi-chemical subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by sodium base neutral sulfite semi-chemical mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/1.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewaster" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) correspondingly reduced in stringency for that pollutant.

Subpart B—Sodium Based Neutral Sulfite Semi-Chemical Subcategory

§ 430.20 Applicability; description of the sodium based neutral sulfite semi-chemical subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by sodium base neutral sulfite semi-chemical mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/1.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	4.5	2.25
TSS	6.0	2.5
Color	75 percent removal.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	9.0	4.5
TSS	10.0	5.0
Color	75 percent removal.	
pH	Within the range 6.0 to 9.0.	

§ 430.24 Reserved.

§ 430.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	5.2	2.6
TSS	7.7	3.85
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	10.4	5.2
TSS	15.4	7.7
pH	Within the range 6.0 to 9.0.	

§ 430.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium based neutral sulfite semi-chemical subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.25: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Ammonia Base Neutral Sulfite Semi-Chemical Subcategory

§ 430.30 Applicability; description of the ammonia base neutral sulfite semi-chemical subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by ammonia base neutral sulfite semi-chemical mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/1.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to

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factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitation have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the bests practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	8.0	4.0
TSS	10.0	5.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	16.0	8.0
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

§ 430.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of the pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	7.5	3.75
TSS	7.5	3.75
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	15.0	7.5
TSS	15.0	7.5
pH	Within the range 6.0 to 9.0.	

§ 430.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the ammonia base neutral sulfite semi-chemical subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.35: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Unbleached Kraft—Neutral Sulfite Semi-Chemical (Cross Recovery) Subcategory

§ 430.40 Applicability; description of the unbleached kraft—neutral sulfite semi-chemical (cross recovery) subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by combined unbleached kraft and neutral sulfite semi-chemical (NSSC) mills, wherein the spent NSSC cooking liquor is burned within the unbleached kraft chemical recovery system. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	8.0	4.0
TSS	12.5	6.25
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	16.0	8.0
TSS	25.0	12.5
pH	With in the range 6.0 to 9.0.	

§ 430.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.8	1.9
TSS	8.0	4.0
Color	25.0	12.5
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	7.6	3.8
TSS	16.0	8.0
Color	37.5	25.0
pH	Within the range 6.0 to 9.0.	

§ 430.44 Reserved.

§ 430.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.8	1.9
TSS	8.0	4.0
Color	25.0	12.5
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	7.6	3.8
TSS	16.0	8.0
Color	37.5	25.0
pH	Within the range 6.0 to 9.0.	

§ 430.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the unbleached kraft—neutral sulfite semi-chemical (cross recovery) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.45: *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Paperboard From Waste Paper Subcategory

§ 430.50 Applicability; description of the paperboard from waste paper subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of paperboard from waste paper. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.2	1.6
TSS	4.2	2.1
Color	25.0	12.5
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	6.4	3.2
TSS	8.4	4.2
Color	37.5	25.0
pH	Within the range 6.0 to 9.0.	

§ 430.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

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Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.0	1.5
TSS	5.0	2.5
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	6.0	3.0
TSS	10.0	5.0
pH	Within the range 6.0 to 9.0.	

§ 430.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms) per 1,000 kg of product	
BOD5	1.3	0.65
TSS	1.6	.8
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	2.6	1.3
TSS	3.2	1.6
pH	Within the range 6.0 to 9.0.	

§ 430.54 Reserved.

§ 430.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	1.5	0.75
TSS	4.0	2.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	3.0	1.5
TSS	8.0	4.0
pH	Within the range 6.0 to 9.0.	

§ 430.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the paperboard from waste paper subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR, Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.55; *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-12020 Filed 5-28-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 430]

PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

Proposed Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 430—Pulp, Paper, and Paperboard Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories of the pulp, paper, and paperboard point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 430) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; *And provided further*, That *when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.* (Emphasis added).

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 430.15, 430.25, 430.35, 430.45, and 430.55 of the proposed regulation for point sources within the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories (January 15, 1974; 39 FR 1908), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 430.16, 430.26, 430.36, 430.46, and 430.56 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semi-Chemical Pulp Segment of the Pulp, Paper and Paperboard Mills Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Pulp, Paper and Paperboard Industry" (September 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of this material, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of pulp, paper, and paperboard, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

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The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of pulp, paper and paperboard. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the pulp, paper, and paperboard category (39 FR 1908; January 15, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 430) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stingent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document the waste waters from all subcategories are similar in types of pollutant contents. The pollutants are organic materials and solids. These waste water pollutants are considered compatible to treatment in a municipal system, and the guidelines should not apply.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 430 be amended to add §§ 430.14, 430.24, 430.34, 430.44, and 430.54 as set forth below. All comments received within thirty days of the publication of this notice of proposed rulemaking will be considered.

Dated: May 17, 1974.

JOHN QUARLES,
Acting Administrator.

Part 430 is proposed to be amended as follows:

Subpart A is amended by adding § 430.14 as follows:

§ 430.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart B is amended by adding § 430.24 as follows:

§ 430.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.22 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart C is amended by adding § 430.34 as follows:

§ 430.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart D is amended by adding § 430.44 as follows:

§ 430.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart E is amended by adding § 430.54 as follows:

§ 430.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.52 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart F is amended by adding § 430.54 as follows:

§ 430.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.52 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-12022 Filed 5-28-74;8:45 am]

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant for Public Affairs is excepted under Schedule C.

Effective on May 30, 1974, § 213.3316 (q) (5) is revised as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* • • •

(5) One Special Assistant for Public Affairs.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[FR Doc.74–12370 Filed 5–29–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the Under Secretary is excepted under Schedule C.

Effective on May 30, 1974, § 213.3384 (a) (9) is revised as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(9) Three Special Assistants to the Under Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[FR Doc.74–12371 Filed 5–29–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation; Correction

In the FEDERAL REGISTER of May 17, 1974, FR Doc. 74–11379, on page 17527, § 213.3394(a) (46) was incorrectly added. It should be § 213.3394(a) (47).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–12368 Filed 5–29–74;8:45 am]

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Residence of the District of Columbia

Section 733.124 is amended to extend political activity privileges to employee residents of the District of Columbia.

Section 733.124(b) is amended by adding "District of Columbia (May 16, 1974)" between "Crane, Ind. (Aug. 3, 1967)" and "Elmer City (Oct. 28, 1947)" under the heading "Other Municipalities".

(5 U.S.C. 1308, 3301, 3302, 7301, 7324, 7325, 7327; 42 U.S.C. 2729; E.O. 10577, 3 CFR 1954–58, Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–12369 Filed 5–29–74;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 13]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Free and Reduced Price Meals and Milk

The purpose of this amendment to the regulations governing the Special Food Service Program for Children is to implement the provisions of Part 244 of this chapter, which became effective May 30, 1974.

The principal changes stemming from Part 244 affect § 225.7a(e) and § 225.8 to: (1) eliminate the need for a determination that all children participating at any site are unable to pay the full cost of any meal, in order to authorize the service of free meals to all participating children; and (2) bring the free and reduced price meal requirements into conformance with Part 244.

Since these changes are effective for the special summer program in 1974, State agencies and service institutions must know of the changes as soon as possible so as to give them adequate time to conform with the new rules. Consequently, notice and public procedure thereon is impracticable and contrary to the public interest.

Accordingly, this part is hereby amended as follows:

§ 225.7a [Amended]

1. In § 225.7a, paragraph (e) is deleted and paragraph (f) is redesignated (e).

2. § 225.8 is revised to read as follows:

§ 225.8 Free and reduced price meals.

The determination of children to whom free and reduced price meals are to be served because of inability to pay the full price thereof, and the serving of the meals to such children shall be effected in accordance with Part 244 of this chapter.

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services)

Effective date. This amendment shall become effective May 30, 1974.

Dated: May 23, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74–12299 Filed 5–29–74;8:45 am]

PART 244—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN CHILD-CARE INSTITUTIONS

On April 3, 1974, there was published in the FEDERAL REGISTER (39 FR 12139), a notice of proposed rulemaking with proposed regulations intended to replace and update the notice of October 18, 1968, and to implement the free milk provision in child-care institutions mandated by Public Law 93–150.

Under this proposed part, child-care institutions which serve meals or milk at no separate charge to the children would file a simple affidavit-type policy statement. Institutions which charge separately for meals or milk would need a full free and reduced price policy. Five comments were submitted with respect to the proposed amendment and were given due consideration.

The comments are discussed below:

Section 244.4. Action by child-care institutions. One respondent questioned the intent of this section in regard to the application of family size income criteria. A child-care institution which is eligible to participate in the Special Food Service Program, that is, one which serves an area of high concentration of economic need or a high concentration of work-

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ing mothers, need only make individual determinations of eligibility for free or reduced price meals if there is a separate meal charge. In regard to the Special Milk Program, which is available to any public or nonprofit private child-care institution, family size income criteria need be applied only if there is a separate milk charge.

Section 244.5 Policy statements for determining eligibility for free and reduced price meals and free milk. One respondent questioned the validity of including the number of children in the family attending school or child-care institutions in determining eligibility for free and reduced price meals. This factor is required by the legislation authorizing the program, and therefore those child-care institutions with a separate meal charge must take this factor into consideration when making individual determinations of eligibility for free or reduced price meals. One respondent supported the proposed part, and two made general comments about the Special Food Service Program for Children and the Special Milk Program which were not relevant to the proposed part.

Accordingly, the regulations are issued without change as follows:

Sec.
244.1 General purpose and scope.
244.2 Definitions.
244.3 Action by State agencies and FNSROs.
244.4 Action by child-care institutions.
244.5 Policy statements for determining eligibility for free and reduced price meals and free milk.
244.6 Public announcement of eligibility criteria.

AUTHORITY: Secs. 3 and 10, Pub. Law 89-642, 80 Stat. 885, 889, as amended (42 U.S.C. 1772, 1779); sec. 13, Pub. Law 79-396, 60 Stat. 230, as added sec. 3, Pub. Law 90-302, 82 Stat. 117, as amended (42 U.S.C. 1761).

§ 244.1 General purpose and scope.

(a) Section 13 of the National School Lunch Act, as amended (42 U.S.C. 1761), authorizes a food service program in child-care institutions for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers. The Act further provides that meals shall be served without cost or at a reduced price to children determined by the child-care institutions to be unable to pay the full price. Section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), provides that child-care institutions participating in the Special Milk Program shall serve free milk to children who qualify for free lunches under guidelines set forth by the Secretary.

(b) Under the regulations governing the Special Food Service Program for Children (7 CFR Part 225) and the Special Milk Program (7 CFR Part 215), it is the responsibility of the child-care institutions to determine the children who are eligible to receive free or reduced price meals or free milk. Federal and State agencies charged with administering these programs are responsible for assuring that child-care institutions are discharging the responsibilities placed on them. This part sets forth the responsibilities under the Acts specified in paragraph (a) of this section and regulations to be followed by State educational agencies, the Food and Nutrition Service Regional Offices, and child-care institutions with respect to the establishment of income criteria, and the determination of eligibility of children for free and reduced price meals or free milk, and for obtaining assurance that there is no physical segregation of, or other discrimination against, or overt identification of children unable to pay the full price for the meals or milk.

§ 244.2 Definitions.

(a) For the purpose of this part, the term:

(1) "Family" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

(2) "FNSRO where applicable" means the appropriate Food and Nutrition Service Regional Office when that agency administers the Special Food Service Program for Children or the Special Milk Program.

(3) "Free meal" means a meal for which neither the child nor any member of his family pays or is required to work in the child-care institution or its food service.

(4) "Free milk" means milk for which neither the child nor any member of his family pays or is required to work in the child-care institution or its food service.

(5) "Reduced price meal" means a meal the price of which shall be less than the full price of the meal and for which neither the child nor any member of his family shall be required to supply an equivalent value in work for the child-care institution or its food service.

(6) "Child-care institution" means any nonprofit nursery school, child-care center, settlement house, summer camp or similar nonprofit institution, devoted to the care and training of children and includes service institutions as defined in Part 225 of this chapter.

(7) "State agency" means the educational agency or other agency of a State, which administers the Special Food Service Program or the Special Milk Program within that State.

(b) Other terms and abbreviations used in this part shall have the meanings ascribed to them in Parts 225 and 215 of this chapter.

§ 244.3 Action by State agencies and FNSROs.

(a) State agencies, or FNSROs where applicable, shall annually, for child-care institutions under their jurisdiction:

(1) Inform child-care institutions participating in the Special Food Service Program or the Special Milk Program of their responsibility to provide free and reduced price meals or free milk to children unable to pay the full price, and provide to each a copy of the State's family-size income standards for determining eligibility for free and reduced price meals under the National School Lunch Program or School Breakfast Program to assist them in meeting their responsibility;

(2) Require each child-care institution to develop, at the time the child-care institution applies for program participation and thereafter at the time the program agreement is renewed, a written policy statement to be used uniformly in all food service centers under its jurisdiction as required in § 244.4.

(3) Review and approve such policy statements within 60 days of receipt from the child-care institution.

(b) State agencies, or FNSROs where applicable, shall not approve any child-care institution for participation on a summer or year-round basis unless the free and reduced price policy statement has been approved, nor renew the agreement of any child-care institution participating on a year-round basis unless the free and reduced price policy statement has been approved. Pending approval of a revision of a policy statement, an existing policy statement shall remain in effect.

§ 244.4 Action by child-care institutions.

(a) Child-care institutions which serve meals or milk at no separate charge to attending children shall develop a policy statement which consists of an assurance to the State agency or FNSRO that all children are served the same meals or milk at no separate charge regardless of race, color, or national origin, and that there is no discrimination in the course of the food service.

(b) Child-care institutions which charge separately for meals or milk shall develop a policy statement for determining eligibility for free and reduced price meals or free milk in accordance with § 244.5.

§ 244.5 Policy statement for determining eligibility for free and reduced price meals or free milk.

(a) The policy statement for determining eligibility for free and reduced price meals or free milk must contain the following:

(1) The specific criteria to be used in determining eligibility for free or reduced price meals or free milk. These criteria shall give consideration to economic need as reflected by family size and income, and, for child-care institutions which participate in the Special Food Service Program, the number of children in the family attending school or child-care institutions. The criteria used by the child-care institution may not result in the eligibility of children from families whose incomes exceed the family size income standards prescribed by the State agency, or FNSRO where applicable, for determining eligibility for free and reduced price meals under the National School Lunch or School Breakfast Programs.

(2) The method by which the child-care institution will collect information from families in order to determine a child's eligibility for free and reduced price meals or free milk.

(3) The method by which the child-care institution will collect meal payments in such a way as to prevent the overt identification of children receiving free and reduced price meals or free milk.

(4) A hearing procedure substantially like that outlined in Part 245 of this chapter.

(5) An assurance that there will be no discrimination against free and reduced price meal or free milk recipients and no discrimination against any child on the basis of race, color, or national origin.

(b) Child-care institutions participating in both the Special Food Service Program for Children and the Special Milk Program must develop one policy for both free and reduced price meals and free milk.

§ 244.6 Public announcement of eligibility criteria.

Each child-care institution shall make available on an annual basis to the information media serving the area from which the child-care institution draws its attendance, a public release announcing the availability of free and reduced price meals or free milk to children meeting the approved eligibility criteria. The public announcement must also state that meals or milk are available to all children in attendance without regard to race, color, or national origin.

The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services)

Effective Date. This part shall become effective on May 30, 1974, in regard to the Special Food Service Program for Children, and in regard to the Special Milk Program, upon final publication in the FEDERAL REGISTER of amended Part 215.

Dated: May 23, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-12360 Filed 5-29-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 39, Amdt. 2]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Shipments

This amendment to Grapefruit Regulation 39 provides an additional 15 percent tolerance to the grade tolerances currently in effect for grapefruit which are lightly scarred and relaxes the minimum size requirement for grapefruit handled to destinations in Florida, Texas, and Washington, Oregon, Montana, Idaho, Wyoming, Nevada and Utah, effective during the period May 26, through August 31, 1974. The present minimum size, 3⅝ inches in diameter (size 48's in cartons), is retained for grapefruit handled to destinations within California and Arizona, and the new minimum size for those States indicated would be 3⅜ inches (size 56's in cartons). There is no minimum size requirement for grapefruit shipped to other States and to export markets. The amended regulation is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 909.

Findings. (1) Pursuant to marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment is based upon an appraisal of the current grapefruit crop and the current and prospective market conditions. It provides an additional 15 percent tolerance for grapefruit which are slightly scarred and relaxes the minimum size requirement for grapefruit handled to specified Marketing Zones so as to provide access to a larger market and increase supplies of marketable grapefruit. The Administrative Committee reported there is a demand in the Pacific Northwest and in Utah for bagged grapefruit of the smaller sizes and that Texas grapefruit are in short supply. Therefore, at telephone meetings on May 17 and May 22, 1974, the committee, by a majority vote recommended relaxing the minimum size and grade requirements as is indicated above. This would increase supplies of grapefruit in the interest of producers and consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held meetings on May 17 and May 22, 1974, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meetings; necessary supplemental economic and statistical information upon which this recommended amendment is based were received May 23, 1974; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.339 (Grapefruit Regulation 39; 38 FR 28285; 13767), provisions of paragraph (a) (1) which precede subdivision (ii) and of paragraph (a) (2) are amended to read as follows:

§ 909.339 Grapefruit Regulation 39.

(a) *Order.* (1) Except as otherwise provided in paragraph (a) (2) of this section, during the period May 28, 1974, through August 31, 1974, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) • • •

(c) 15 percent in addition to the tolerance provided in paragraph (a) (1) (i) (b) of this section for scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface; or

• • • • •

(2) Subject to the requirements of paragraph (a) (1) (i) of this section, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3⅜ inches in diameter directly to a destination in any Zone other than Zone 1; if the grapefruit is so handled directly to Zone 2, Zone 3, or Zone 4, the grapefruit does not measure less than 3-4/16 inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3-4/16 inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Grapefruit (California-Arizona), §§ 51.925-51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than 3-4/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3-11/16 inches in diameter and smaller.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, May 24, 1974, to become effective May 28, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12411 Filed 5-29-74;8:45 am]

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2514]

PART 13—PROHIBITED TRADE PRACTICES

George Manos & Wilibel Kowalker, Inc., and George Manos

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* 13.15–75 Foreign branches, operations, etc.; § 13.73 *Formal regulatory and statutory requirements;* 13.73–10 Fur Products Labeling Act. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212–30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1420 *Foreign status, branches, operations, etc.;* —Goods: § 13.1590 *Composition;* 13.1590–30 Fur Products Labeling Act; § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* 13.1870–40 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, George Manos & Wilibel Kowalker, Inc., et al., St. Petersburg, Fla., Docket C–2514, May 2, 1974]

In the Matter of George Manos & Wilibel Kowalker, Inc., a Corporation, and George Manos, Individually and as an Officer of Said Corporation

Consent order requiring a St. Petersburg, Fla., wholesaler of fur products, among other things to cease misbranding and falsely invoicing its fur products; and misrepresenting that it has foreign branches and a continuing guaranty on file with the Federal Trade Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents George Manos & Wilibel Kowalker, Inc., a corporation, its successors and assigns, and its officers, and George Manos, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. When substituting fur products labels under the provisions of section 3(e) of the Fur Products Labeling Act, failing to disclose on the substitute labels all of the information required under the Act and Rules and Regulations in the same form and manner as required in respect to the original label.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to disclose the term "natural" on invoices to describe fur products which contain fur which has not been pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, as required by Rule 19(g) of said Rules and Regulations.

4. Stating that misbranded fur products are not misbranded under the provisions of the Fur Products Labeling Act and the Rules and Regulations thereunder.

It is further ordered, That George Manos & Wilibel Kowalker, Inc., a corporation, its successors and assigns, and its officers, and George Manos, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of fur products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Falsely and deceptively representing, directly or by implication, on fur products sales invoices or other instrumentalities, that said respondents maintain branch offices or other facilities in Paris, France, or in any other geographical area.

2. Falsely representing in writing that respondents have a continuing guaranty on file with the Federal Trade Commission, under the provisions of the Flammable Fabrics Act, as amended.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, George Manos and Wilibel Kowalker, Inc., such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, or sale of any product or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: May 2, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74–12360 Filed 5–29–74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34–10809]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Record keeping and Destruction of Records

The Securities and Exchange Commission has adopted, under the Securities Exchange Act of 1934 (the "Act"), Rule 17a–1 (17 CFR 240.17a–1), to require national securities exchanges and associations to keep documents and records, and has amended Rule 17a–6 (17 CFR 240.17a–6), to permit, pursuant to a plan, the early destruction and/or the retention on microfilm or other recording medium of documents kept by national securities exchanges and associations. Both the new rule and the amendments

are to become effective September 2, 1974.

Rule 17a–1 and the amendment of Rule 17a–6 originally were released for public comment on May 10, 1973.[1] In view of the comments received by the Commission, the amendments to Rule 17a–6 have been revised, as described below, for the purpose of lessening the recordkeeping burden imposed by Rule 17a–1 on the national securities exchanges and associations.

Rule 17a–1 requires that every national securities exchange and national securities association keep on file for a period of five years, two years in an accessible place, all documents which it makes or receives respecting its self-regulatory activities and that all such documents be made available for examination by the Commission and its representatives. As proposed, paragraph (c) would have required every national securities exchange and association to make reports consisting of such documents or copies thereof as Commission representatives requested in connection with examinations. The Commission has revised paragraph (c) to limit its effect to requiring self-regulatory organizations to permit examination of such documents and, to facilitate completion of any such examination away from the premises of such an organization to permit the copying of such documents. In addition, there are some minor technical changes from Rule 17a–1 as proposed.

In order to reduce the volume of material which must be kept, Rule 17a–6 has been further amended expressly to provide that documents retained pursuant to Rule 17a–1 may be destroyed before the end of the five-year retention period if so provided by an exchange or association in its record destruction plan filed with and approved by the Commission pursuant to Rule 17a–6. This will be accomplished by waiving or reducing the retention time for certain classes of documents which the Commission determines need not be retained for the full five years. This amendment also permits a self-regulatory organization to designate in its plan, subject to Commission approval, those documents which it may transfer to microfilm or other recording medium and retain in that form for the remainder of the retention period. Although this amendment is being adopted primarily to facilitate the keeping of material already required to be filed with exchanges pursuant to Sections 12, 13, 14 and 16 of the Act, it will also permit an exchange or an association, in accordance with a modification of its record destruction plan, to reduce Rule 17a–1 material to microfilm or other recording medium.

Statutory basis. Because the effect of the above described further amendments to Rule 17a–6 would be to relax certain of the requirements of existing Rule 17a–6 as well as Rule 17a–1 as originally proposed, the Commission finds that, for good cause, the notice and procedure specified in the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary. Accordingly, the Securities and Exchange Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a)[2] and 23(a) thereof, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 240.17a–1 and revising § 240.17a–6 as set forth below.

§ 240.17a–1. Recordkeeping Rule for National Securities Exchanges and National Securities Associations.

(a) Every national securities exchange and national securities association shall keep and preserve at least one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records as shall be made or received by it in the course of its business as such and in the conduct of its self-regulatory activity.

(b) Every national securities exchange and national securities association shall keep all such documents for a period of not less than five years, the first two years in an easily accessible place, subject to the destruction and disposition provisions of Rule 17a–6.

(c) All such documents shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by examiners or other representatives of the Commission as the Commission may deem necessary or appropriate in connection with the exercise of its oversight responsibilities respecting the self-regulatory activities of national securities exchanges and associations. To facilitate the completion of such examinations, such representatives shall be entitled to remove temporarily such documents for reproduction unless a national securities exchange or association makes copies thereof available.

§ 240.17a–6. Right of a National Securities Exchange or National Securities Association To Destroy or Dispose of Documents.

(a) Any document kept by or on file with a national securities exchange pursuant to the Act, or any rule or regulation thereunder may be destroyed or otherwise disposed of by such exchange or association at the end of five years or at such earlier date as is specified in a plan for the destruction or disposition of any such documents if such plan has been filed with the Commission by such exchange or association and has been declared effective by the Commission.

(b) Such plan may provide that any such document may be transferred to microfilm or other recording medium after such time as specified in the plan and thereafter be maintained and preserved in that form. Any national securities exchange or association which uses microfilm or other recording medium shall (1) be ready at all times to provide, and immediately provide, easily readable projection of the microfilm or other recording medium and easily readable hard copy thereof, (2) provide indexes permitting the immediate location of any such document on the microfilm or other recording medium, and (3) in the case of microfilm, store a duplicate copy of the microfilm separately from the original microfilm for the time required.

(c) For the purposes of this rule a plan filed with the Commission by a national securities exchange or association shall not become effective unless the Commission, having due regard for the public interest and for the protection of investors, declares the plan to be effective. The Commission in its declaration may limit the applications, reports, and documents as to which it shall apply, and may impose any other terms and conditions to the plan and to the period of its effectiveness which it deems necessary or appropriate in the public interest or for the protection of investors.

(Secs. 17(a), 23(a); 48 Stat. 897, 901; as amended 49 Stat. 1397, 52 Stat. 1076; 15 U.S.C. 78q(a), 78w(a))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MAY 17, 1974.

[FR Doc.74–12432 Filed 5–29–74;8:45 am]

[1] Securities Exchange Act Release No. 10140 (May 10, 1973); FEDERAL REGISTER for May 17, 1973, at 38 FR 12937–38. The comment period was extended by Securities Exchange Act Release No. 10275 (July 11, 1973) and FEDERAL REGISTER for July 16, 1973, at 38 FR 18915, and expired on August 10, 1973.

[2] This section provides: "Every national securities exchange, every member thereof, every broker or dealer who transacts a business in securities through the medium of any such member, every registered securities association, and every broker or dealer registered pursuant to Section 15 of this title, shall make, keep, and preserve, for such periods, such accounts, correspondence, memoranda, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Such accounts, correspondence, memoranda, papers, books and other records shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by examiners or other representatives of the Commission as the Commission may deem necessary or appropriate in the public interest or for the protection of investors."

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Reg. 108.699]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Application for Immigrant Visa

The Department is amending § 42.112(a) of 22 CFR which requires nonexempt applicants for an immigrant visa to present a passport valid for at least sixty days beyond the period of validity of the immigrant visa being issued. This amendment will end the inconvenience and hardship which frequently result under the existing rule to some immigrant visa applicants who would be excepted from the sixty-day passport validity requirement under § 42.6 of 22

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CFR, if it were not for the fact that they are applying for an immigrant visa in their country of nationality and are required to have a valid passport to depart from that country. This amendment exempts such applicants who have a passport with a remaining validity of less than six months from the trouble and inconvenience of obtaining a new passport or an extension or renewal of validity of the existing passport before issuance of the immigrant visa.

Paragraph (a) of § 42.112 is amended by the addition of the following two sentences:

§ 42.112 Passports.

(a) *Passport Requirement.* • • • This sixty-day validity requirement does not apply to any immigrant visa applicant who would be excepted as provided in § 42.6 were it not for the fact that he is applying in his country of nationality and is required to have a valid passport to depart from that country. Any such applicant may be issued an immigrant visa valid for four months or for such shorter period of validity as will assure its expiration in unison with his passport.

• • • • • •

Effective date. The amendment to the regulation contained in this order shall become effective on May 31, 1974.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 42.112(a) is beneficial to some applicants for an immigrant visa by relieving them of hardships incidental to obtaining a passport renewal or extension but at the same time has no adverse effect on any other applicant for an immigrant visa.

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

MAY 17, 1974.

[FR Doc.74-12345 Filed 5-29-74;8:45 am]

[Departmental Reg. 108.700]

PART 51—PASSPORTS

Subpart E—Limitation on Issuance or Extension of Passports

SUBPOENAING OF APPLICANTS

On page 8165 of the FEDERAL REGISTER of March 4, 1974, there was published a notice of proposed rulemaking to amend § 51.70 of Subpart E, Part 51, which enumerates the cases where a passport, except for direct return to the United States, will be denied when possession of a valid passport will facilitate the applicant's ability to engage or continue to engage in conduct which violates the laws of the United States or frustrates the law enforcement functions of the United States government. The proposed amendment would add to paragraph (a) of § 51.70 cases where an applicant has been subpoenaed under 28 USC 1783 to appear and give testimony in a matter involving federal prosecution for, or grand jury investigation of, a felony. Interested persons were given opportunity to submit written comments, suggestions or objections thereto in compliance with the notice, procedure and effective date requirements of 5 USC 553. No written comments, suggestions or objections have been received and the proposed amendment is adopted without change as set forth below.

Paragraph (a) of § 51.70 is amended by adding a subparagraph (5) reading as follows:

(5) The applicant is the subject of a subpeona issued pursuant to section 1783 of Title 28, United States Code, in a matter involving Federal prosecution for, or grand jury investigation of, a felony.

This amendment becomes effective on May 31, 1974.

(Sec. 1, 44 Stat. 887, Sec. 4, 63 Stat. 111, as amended; 22 USC 211a, 2658; E.O. 11295, 36 FR 10603; 3 CFR 1966-70 Comp. page 507)

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

MAY 17, 1974.

[FR Doc.74-12346 Filed 5-29-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73 214R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Drawbridges Across Certain Navigable Waters in Louisiana

This amendment changes the regulations for 31 drawbridges across navigable waters in the State of Louisiana. Of these, 24 will open on signal from 5 a.m. to 9 p.m. and from 9 p.m. to 5 a.m. if at least 12 hours notice is given. The remaining 7 will open on signal from 5 a.m. to 9 p.m. and from 9 p.m. to 5 a.m. if at least 3 hours notice is given from October 1 through January 31 and from 9 p.m. to 5 a.m. if at least 12 hours notice is given from February 1 through September 30. The periods from October 1 through January 31 are to provide for the reasonable needs of navigation during the sugar cane barging season. This amendment was circulated as a public notice dated October 1, 1973 by the Commander, Eighth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 73 214P) on September 27, 1973 (38 FR 26938).

Eleven replies were received, of these, one had no objection. Three objected to any change, however, a change in the opening periods of these bridges appears desirable. One objected on the grounds that this may cause hardships to shrimp boats located upstream from several of these bridges. However, only 4 to 5 shrimp boats are involved and these can notify the bridge owner in a timely fashion. Three recommended that the draws of the 7 bridges on Bayou Teche, mile 17.2 through mile 48.7 open on signal from October 1 through January 31. However, these recommendations were later amended to open on signal if at least 3 hours notice is given from 9 p.m. to 5 a.m. from October 1 through January 31, and this suggestion is adopted. One requested that the 12 hours notice be reduced to 2 hours on the grounds that excessive waiting periods are too costly and inconvenient. The advance notice proviso, it is felt would make excessive waiting periods unlikely. Two other replies recommended 3 to 4 hours advance notice periods for all 31 of the bridges, however, the Coast Guard feels that the proposed regulations, as modified, will provide for the reasonable needs of navigation. If changes in the use of these waterways occur, these regulations may be revised at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.540 immediately after § 117.535 to read as follows:

§ 117.540 Bridges in Louisiana where constant attendance is not required.

(a) The draws of the bridges listed below shall:

(1) Open on signal from 5 a.m. to 9 p.m.

(2) Open on signal from 9 p.m. to 5 a.m. if at least 3 hours notice is given from October 1 through January 31.

(3) Open on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given from February 1 thorugh September 30.

Bayou Teche, mile 17.2, S-3069 highway drawbridge at Franklin.
Bayou Teche, mile 19.8, S-322 highway drawbridge at Sterling.
Bayou Teche, mile 22.3, S-323 highway drawbridge at Oaklawn.
Bayou Teche, mile 32.5, S-324 highway drawbridge at Charenton.
Bayou Teche, mile 37.0, S-670 highway drawbridge at Adeline.
Bayou Teche, mile 41.8, S-671 highway drawbridge at Jeanerette.
Bayou Teche, mile 48.7, S-320 highway drawbridge at Olivier.

(b) The draws of the bridges listed below shall:

(1) Open on signal from 5 a.m to 9 p.m.

(2) Open on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given.

West Pearl River, mile 7.9, U.S. 90 highway drawbridge near Pearlington.
Bayou Liberty, mile 2.0 S-433 highway drawbridge at Slidell.
Bayou Bonfouca, mile 7.0, S-433 highway drawbridge at Slidell.
Amite River, mile 6.0, S-22 highway drawbridge at Clio.
Houma Canal, mile 1.7, U.S. 90 highway drawbridge at Houma.
Bayou des Allemands, mile 13.9, S-631 highway drawbridge at Des Allemands.
Bayou Little (Petit) Caillou, mile 25.7, S-56 highway drawbridge at Sarah.
Bayou Little (Petit) Caillou, mile 33.7, S-26 highway drawbridge at Petit Caillou.
Bayou Terrebonne, mile 33.9, S-3067 highway drawbridge at Prospect.
Bayou Lafourche, mile 58.2, U.S. 90 highway drawbridge at Raceland.
Bayou Lafourche, mile 66.1, S-18 highway drawbridge at St. Charles.
Vermilion River, mile 22.4, S-82 highway drawbridge at Perry.
Vermilion River, mile 25.4, S-14 highway drawbridge at Abbeville.
Vermilion River, mile 26.0, S-14 highway drawbridge at Abbeville.
Vermilion River, mile 37.6, S-92 highway drawbridge at Milton.
Vermilion River, mile 41.0, S-733 highway drawbridge at Eloi Broussard.
Vermilion River, mile 44.9, S-3073 highway drawbridge at New Flanders.
Bayou Teche, mile 62.5, S-344 highway drawbridge at Loreauville.
Bayou Teche, mile 69.0, S-86 highway drawbridge at Daspit.
Bayou Teche, mile 75.2, S-96 highway drawbridge at St. Martinville.
Bayou Teche, mile 82.0, S-350 highway drawbridge at Parks.
Bayou Teche, mile 2.3, S-330 highway drawbridge at Delcambre.
Superior Oil Co. Canal, mile 6.3, S-82 highway drawbridge in Cameron Parish.
Bayou Patout, mile 0.4, S-83 highway drawbridge at Weeks.

(c) In all other respects, the provisions of § 117.240 of this part shall govern the operations of these bridges.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on July 1, 1974.

Dated: May 22, 1974.

R. I. PRICE,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environmental Systems.

[FR Doc.74-12304 Filed 5-29-74;8:45 am]

[CGD 74 134]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Black Creek, Fla.

This amendment revokes the regulations for the U.S. 17 highway drawbridge across Black Creek near Green Cove Springs, Florida, because this bridge has been removed.

Accordingly, Part 117 of 33 CFR is amended by revoking § 117.431a.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on May 28, 1974.

Dated: May 16, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-12305 Filed 5-29-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-58R]

OILY BALLAST DISCHARGE REQUIREMENTS

Reference and Application

The purpose of these amendments to Parts 35, 56, 74, 78, 93, 97, 191, and 196 of 46 CFR Chapter I is to include references to the oil pollution prevention operating requirements contained in the Federal Water Pollution Control Act (33 U.S.C. 1321), the Oil Pollution Act (33 U.S.C. 1011), and the implementing regulations in 33 CFR 151, 155, and 156 so that the reader will refer to these requirements and apply them to applicable circumstances.

Interested persons have been afforded an opportunity to participate in making of these amendments by a notice of proposed rule making (notice CGD 73-58P) issued May 9, 1973, and published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12749). No written comments were received, however, it was discovered that the word "water" was inadvertently omitted from the title "Federal Water Pollution Control Act" and further that the Act has been recodified and now appears at 33 U.S.C. 1321. These changes are reflected in the final rules. The proposed amendments are adopted, with the changes noted, and set forth below.

Effective date. This revision becomes effective on July 1, 1974.

Dated: May 17, 1974.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

Chapter 1 of 46 CFR is amended as follows:

PART 35—OPERATIONS

1. By revising § 35.01-40 to read as follows:

§ 35.01-40 Prevention of oil pollution—TB/ALL.

A tank vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1321);

(b) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(c) 33 CFR parts 151, 155, and 156.

PART 56—PIPING SYSTEMS AND APPURTENANCES

2. By revising paragraph (n) of § 56.50-50 to read as follows:

§ 56.50-50 Bilge and ballast piping.

• • • • • •

(n) Oil pollution prevention requirements for bilge and ballast systems are contained in subpart B of part 155, title 33, Code of Federal Regulations.

PART 74—STABILITY

3. By revising the second and third sentences of paragraph (b) of § 74.15-10 to read as follows:

§ 74.15-10 Liquid ballast.

• • • • • •

(b) • • • Oil pollution requirements are contained in—

(1) Section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1321);

(2) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(3) CFR parts 151, 155, and 156.

PART 78—OPERATIONS

4. By revising § 78.85-1 to read as follows:

§ 78.85-1 General requirements.

A passenger vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1321);

(b) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(c) 33 CFR parts 151, 155, and 156.

PART 93—STABILITY

5. By revising paragraph (b) of § 93.13-10 to read as follows:

§ 93.13-10 Liquid ballast.

• • • • • •

(b) The liquid ballast used in an oil tank must be discharged in accordance with—

(1) Section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1321);

(2) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(3) 33 CFR parts 151, 155, and 156.

PART 97—OPERATIONS

6. By revising § 97.75-1 to read as follows:

§ 97.75-1 General requirements.

A cargo vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1321);

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(b) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(c) 33 CFR parts 151, 155, and 156.

PART 191—SUBDIVISION AND STABILITY

7. By revising paragraph (b) of § 191.25–10 to read as follows:

§ 191.25–10 Liquid ballast.

* * * * *

(b) The liquid ballast used in an oil tank must be discharged in accordance with—

(1) Section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1321);

(2) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(3) 33 CFR parts 151, 155, and 156.

PART 196—OPERATIONS

3. By revising § 196.75–1 to read as follows:

§ 196.75–1 General requirements.

An oceanographic research vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1321);

(b) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(c) 33 CFR parts 151, 155, and 156.

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4463, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b) and (c)(4).)

[FR Doc.74–12307 Filed 5–29–74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–25; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

Correction

In FR Doc. 74–9721 appearing on page 15130 of the issue for Wednesday, May 1, 1974, in the new S4.1.1.23 delete the second line, which reads "S4.1.1.22 A backup lamp is not re-".

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–37 (Sub-No. 24)]

PART 1048—COMMERCIAL ZONES

Urban Government of Lexington and Fayette County, Ky.

At a session of the Interstate Commerce Commission, Review Board Number 2, Members Boyle, Parker, and Eaton, held at its office in Washington, D.C., on the 9th day of May 1974.

It appearing, that the commercial zone of Lexington, Ky., has not been specifically defined and that the Lexington, Ky., commercial zone is presently governed by 49 CFR 1048.101(4) and includes all points within 5 miles of the corporate limits of Lexington;

It further appearing, that by petition filed November 8, 1973, Ecklar-Moore Express, Inc., of Lexington, Ky., requests that the Commission institute this rulemaking proceeding to determine for transportation purposes: (1) the commercial zone of the Lexington-Fayette Urban County Government; (2) the interpretation of existing certificates and permits authorizing service at Lexington and points in Fayette County; (3) the interpretation of existing certificates and permits authorizing service within specified mileages of Lexington or Fayette County; and (4) the interpretation of certificates or permits restricted against service at Lexington, Ky., or to points either in Fayette County, Ky., or in the Lexington Ky., commercial zone;

It further appearing, that pursuant to section 553 of the Administrative Procedure Act, notice of the said petition was published in the FEDERAL REGISTER, which notice stated that no oral hearings were contemplated; that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the proposal; that Overnite Transportation Company, Smith's Transfer Corporation, and petitioner each filed representations in support of the petition; and that Wilson Freight Company filed a representation (letter) in opposition therefor;

It further appearing, that the Legislature of Kentucky has enacted a statute (Kentucky Revised Statutes Chapter 67A, effective June 18, 1970) which provides for the merger of units of city and county government into an urban county form of government; that pursuant to such legislation the city of Lexington, Ky., and Fayette County, Ky., on June 20, 1972, executed a proposed "Charter of the Lexington-Fayette Urban County Government," which contemplated the merger of the governmental and corporate functions of the city of Lexington and Fayette County; that the proposed charter was approved in accordance with the enabling legislation by the voters of Fayette County, with an effective merger date of January 1, 1974; that on January 1, 1974, the city of Lexington, Ky., and Fayette County, Ky., ceased to exist as governmental entities and their previous individual corporate and governmental functions were assumed by the newly created Lexington-Fayette Urban County Government;

It further appearing, that the jurisdiction and territorial limits of the Lexington-Fayette Urban County Government consist of the total area embraced within the corporate boundaries of Fayette County as they existed on December 31, 1973; that petitioner and the parties appearing in support of petitioner urge that the commercial zone limits of the Lexington-Fayette Urban County Government be defined to conform to the present territorial limits of this newly formed governmental entity; that Wilson Freight Company points out, however, that the proposed definition would exclude points in Jessamine County, Ky., which were previously included in the Lexington, Ky., commercial zone by virtue of the population-mileage formula; that Wilson proposes, therefore, that the subject commercial zone be defined to include those points in Jessamine County which are within 5 miles of the Fayette-Jessamine County line; and that petitioner, in the alternative, proposes for inclusion those points in Jessamine County within 5 miles of the junction of U.S. Highway 27 and the corporate boundary line between Jessamine County and the Lexington-Fayette Urban County Government;

And it further appearing, that the Commission considered and addressed the issues involved here in relation to the Metropolitan Government of Nashville and Davidson County, Tenn., in Interpretation of Operating Authorities, 112 M.C.C. 829 (1971); that the conclusions and interpretations reached therein were applied by this board in considering the consolidation of Indianapolis, Ind., and Marion County, Ind. [(Indianapolis, Ind., Commercial Zone, 115 M.C.C. 893 (1972)]; and that the alternative definition proposed by petitioner will be consistent with the Nashville and Indianapolis decisions and will also adequately protect the interests of parties concerned with the preservation of the Lexington, Ky., commercial zone as it existed on December 31, 1973;

Wherefore, and good cause appearing therefor:

We find, that the zone adjacent to and commercially a part of Lexington-Fayette Urban County, Ky., should be defined as set forth in the second succeeding paragraph;

And we further find, that certificates, permits, and licenses containing the geographical description "Fayette County" shall be construed on the basis of the political boundaries of Fayette County, as they existed on December 31, 1973; and that certificates, permits, and licenses containing the descriptions worded below shall be construed as follows: (a) "from, to, or between Lexington" construed as from, to, or between Lexington-Fayette Urban County; (b) "from, to, or between points within a specified number of miles of Lexington" and variations of this type of description such as "from, to, or between Lexington and points within a specified number of miles of Lexington," construed as points within a specified number of miles from the defined limits of the former city of Lexington, Ky., as they existed on December 31, 1973; and (c) "except Lexington" and variations of this type of exceptions such as "except Lexington and points in its commercial zone," "except Lexington and points within a specified number of miles of Lexington," and "restricted against service at Lexington," construed as excepting service at points within the limits of the former city of Lexington, or the zone or territory as the case may be, as they existed on the date the certificate, permit, or license was issued, and points within a specified number of miles of such limits.

It is ordered, That Part 1048 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1048.42, reading as follows:

§ 1048.42 Lexington-Fayette Urban County, Ky.

The zone adjacent to and commercially a part of Lexington-Fayette Urban County, Ky., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) Lexington-Fayette Urban County, Ky., itself.

(b) All other municipalities and unincorporated areas within 5 miles of the intersection of U.S. Highway 27 (Nicholasville Road) with the corporate boundary line between Jessamine County, Ky., and Lexington-Fayette Urban County, Ky.

(49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on July 1, 1974, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12416 Filed 5–29–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective May 30, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of motorized boats and canoes, other motorized watercraft, engines, including chain saws, auxiliary power units, etc., is prohibited within the Kenai National Moose Range Canoe System, except that boats and canoes with outboard engines will be permitted on Moose River and Swanson River. The canoe system includes those lakes and their related shore areas, waterways, tributaries, and portages within the existing Swan Lake Canoe Route and Swanson River Canoe Route as described on maps available at Kenai National Moose Range Headquarters, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through April 30, 1975.

MAY 15, 1974.

JAMES B. MONNIE,
Refuge Manager, Kenai National Moose Range, Kenai, Alaska 99611.

[FR Doc.12348 Filed 5–29–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–EA–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 14218 of the FEDERAL REGISTER for April 22, 1974, the Federal Aviation Administration published a proposed rule which would alter the Erie, Pa., Control Zone (39 FR 378) and Transition Area (39 FR 488).

Interested parties were given 20 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on May 16, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to delete the description of the Erie, Pennsylvania control zone and substituting the following in lieu thereof:

ERIE, PENNSYLVANIA

Within a 5-mile radius of the center, lat. 42°04'53" N., long. 80°10'43" W. of Erie International Airport, Erie, Pa.; within a 6-mile radius area of the center of the airport, extending clockwise from a 060° bearing to a 235° bearing from the airport; within a 9.5 mile radius of the center of the airport, extending clockwise from a 090° bearing to 175° bearing from the airport; within 3.5 miles each side of the Erie ILS localizer NE course extending from the 5-mile radius area to 8 miles NE of the OM.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to delete the description of the Erie, Pennsylvania 700-foot floor transition area and by substituting the following in lieu thereof:

ERIE, PENNSYLVANIA

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the center, lat. 42°04'53" N., long. 80°10'43" W. of Erie International Airport, Erie, Pa.; within a 15.5 mile radius of the center of the airport extending clockwise from a 074° bearing to a 221° bearing from the Airport; within 4 miles each side of the Erie ILS localizer SW course, extending from the 8.5-mile radius area to 11 miles SW of the OM; within 5 miles each side of the Erie VORTAC 054° radial extending from the 8.5 mile radius area to 23.5 miles NE of the VORTAC.

[FR Doc.74–12308 Filed 5–29–74;8:45 am]

[Airspace Docket No. 74–EA–11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On page 11096 of the FEDERAL REGISTER for March 25, 1974, the Federal Aviation Administration published a proposed rule which would alter the Lewisburg, W. Va., Transition Area (39 FR 529).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 18, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on May 15, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to alter the description of the Lewisburg, W. Va. 700 foot floor transition area as follows: In the text, delete, "within 3-miles each side of the 216° bearing from the Lewisburg, W. Va. RBN (lat. 37°46'52" N., long. 80°28'10" W.) extending from the RBN to 9.5 miles southwest" and by substituting, "within 6.5 miles west and 4.5 miles east of a 216° bearing from the Lewisburg, W. Va. RBN extending from the RBN to a point 11.5 miles southwest of the RBN.".

[FR Doc.74–12309 Filed 5–29–74;8:45 am]

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CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–860; Amdt. 21]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Fuel Cost Surcharge

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on May 24, 1974.

By notice of proposed rulemaking EDR–265, issued March 27, 1974, (39 FR 12142, the Board proposed amendments to Part 288 of its Economic Regulations (14 CFR Part 288) providing a 7.64 percent surcharge, based on commercial fuel cost increases as of February 1, 1974, to the rates applicable to certain foreign and overseas air transportation services performed by air carriers for the Department of Defense (DOD) to be effective on and after March 27, 1974, and adopting a procedure for subsequent monthly fuel surcharge adjustments.

Comments were filed by The Flying Tiger Line Inc. (FTL), Pan American World Airways, Inc. (Pan Am), Saturn Airways, Inc. (Saturn),[1] Trans World Airlines, Inc. (TWA) and DOD.

Upon consideration of the comments, the Board has determined, for the reasons set forth hereinafter and in EDR–265 to adopt the rule as revised below.

TWA's comment asserts that the fuel prices relied upon by the Board in deriving the 7.64 percent surcharge rate do not reflect revisions of commercial fuel prices at Frankfurt (as of December 15, 1973) and Prestwick (as of January 1, 1974) of which the carrier informed the staff in a letter dated March 8, 1974.[2] In addition, the carrier contends that because of additional fuel price increases effective after February 1, the fuel price relied upon in EDR–265 vastly understates the fuel costs now being experienced by TWA. We find that the calculations in EDR–265 should be adjusted to reflect TWA's revised February 1 prices. The effect of this adjustment is to increase the surcharge rate from 7.64 to 7.96 percent. (see Appendix) [2a] However, we do not believe that use of fuel price increases effective after February 1 is warranted. Although we recognize that fuel prices have continued their rapid escalation, we have attempted to cope with this problem through the monthly fuel surcharge review herein adopted. We find this procedure which attempts to minimize retroactive rate increases and provide prompt rate finality preferable to that which the carrier proposes since under TWA's approach the surcharge rate would be constantly in flux and subject to retroactive revision whenever a fuel supplier retroactively changes his price.

FTL supports the Board's proposals except insofar as the effective date was fixed as March 27, 1974. FTL contends that since the 7.64 percent surcharge was based on fuel prices as of February 1, 1974, the surcharge should be retroactively effective from February 1, if the carriers are to recover, as much as possible, the fuel costs recognized by the Board.

FTL's position is, however, inconsistent with the Board's established rate-making policies and practice which, stated generally, do not permit retroactive rate adjustments to a date prior to the institution of the rule making proceeding. Although FTL appears to argue that EDR–263, dated January 22, 1974, had the effect of "opening" the MAC rates for the purpose of applying any subsequent rate increase related to fuel prices, we do not agree. By EDR–263, it was proposed to re-open the existing interim final MAC long-range foreign and overseas charter rates by adding thereto a 4.5 percent surcharge. By ER–839, the proposed rule was finalized and the rates again closed.[3] Accordingly, it was not until the issuance of EDR–265 that the rate was again re-opened, and FTL's request to apply the increased surcharge rate from February 1 would, therefore, result in a retroactive revision of a closed rate to a date prior to Board action specifically re-opening the rate.

Pan Am indicates that in view of the short period for which the increased surcharge will be in effect (March 27 through 31), it does not object to the increase or to a monthly re-opening of the surcharge. It does believe, however, that a different basis than the one proposed should be used for establishing the surcharge. Instead of basing the surcharge on the prices in effect on the first day of each month, Pan American requests that the monthly re-opening be based on the actual monthly average price of commercial fuel used for MAC operations. Additionally, Pan Am requests that the monthly adjustment herein adopted also be applied to Category A MAC rates in order that those rates not fall unjustifiably behind the costs incurred to provide those services. The carrier indicates that it will repeat its comments on the Category A rates in its response to EDR–267/PSDR–38 proposing adoption of a 7.64 percent surcharge for Category A and Z rates. Since we find that rulemaking proceeding a more appropriate forum for consideration of the matter, we will defer consideration of this issue until that time. As for the comments on the method by which the surcharge is established, they are addressed to prospective Board actions relating to the surcharge rates to be fixed on and after April 1, 1974. Therefore, in the interest of providing expeditious rate relief and avoiding an extension of the retroactive application of the rates being fixed herein, we will not attempt at this time to analyze the Pan Am proposal regarding the surcharge determination. We will, however, further consider the matter during our April fuel surcharge determinations now in progress.

DOD, while not objecting to the surcharge level, does insist on strict adherence to standards of timeliness in the monthly surcharge adjustment procedure if conformity with the principles of the interim final rate procedure is to be maintained. Accordingly, DOD calls for final action on the fixing of the surcharge rate prior to the end of each month for which the rate is to be effective. While we share DOD's concern for prompt action, we can not find that imposition of any fixed time table for review is reasonable in view of the inherent nature of the regulatory process, and accordingly cannot so limit our ability to provide necessary rate adjustments.

Accordingly, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288) effective March 27, 1974 as follows:

Amend § 288.7(a)(1) by amending the second proviso of the paragraph following the tables so as to change the surcharge rate, provide for the effective dates of the final revised surcharge rate, and continue the revised surcharge rate as a temporary rate provision on and after the day following the last fixed effective date; the amended proviso to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * * * *

(a) * * *

(1) * * * *And provided further*, That (i) effective March 27 through March 31, 1974, the total minimum compensation for transportation with regular turbojet, wide-body jet and DC–8F–61–63 aircraft, pursuant to the rates specified above in this paragraph (a)(1), shall be further increased by a surcharge of 7.96 percent, and (ii) after April 1, 1974, the total minimum compensation for transportation with regular turbojet, wide-body jet and DC–8F–61–63 aircraft, pursuant to the rates specified above in this paragraph (1), shall include a temporary surcharge of 7.96 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * * * *

(Secs. 204, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324; 1373 and 1386)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–12397 Filed 5–29–74;8:45 am]

[1] Consolidated with its comments, Saturn filed a Contingent Petition for Rulemaking. The petition has been assigned Docket 26627, and the issues raised therein with respect to commercial fuel costs for Quicktrans services will be considered in that docket.

[2] Although dated March 8, 1974, TWA's letter did not reach the Board's Bureau of Economics until March 15, 1974.

[2a] Appendix filed as part of the original document.

[3] There is no suggestion that ER–839 was based upon any factual error warranting its retroactive adjustment.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

SUBCHAPTER C—DRUGS

RECODIFICATION EDITORIAL AMENDMENTS

The Food and Drug Administration is in the process of recodifying all of Chapter I of Title 21 of the Code of Federal Regulations, for the purposes of providing orderly development of such regulations, furnishing ample room for expansion in the years ahead, and providing the public and affected industries with regulations that are easy to find, read and understand.

The sixth in a series of recodification documents for Title 21 of the Code of Federal Regulations, transferring regulations for antibiotic drugs for human use to a new Subchapter D—Drugs for Human Use from their former place in Subchapter C—Drugs, appears elsewhere in this issue of the FEDERAL REGISTER. These regulations are referenced in other Parts of the CFR.

Regulations pertaining to veterinary drugs remain in Subchapter C—Drugs, making an orderly distinction between drugs for humans and those for veterinary use.

To provide uniformity and continuity during the recodification, the Commissioner concludes that the references to the recodified material should be revised at this time, and the Parts pertaining to drugs for veterinary use remaining in Subchapter C be amended to reflect their new composition.

Due to the complexity and volume of cross references involved in the recodification of the regulations for antibiotic drugs for human use, if necessary, supplemental documents will be issued at a later date.

Therefore, Parts 2, 130, 131, 135, 135a, 135b, 135c, 135e, 135f, 141a, 141b, 141c, 141e, 144, 146, 146a, 146b, 146c, 146d, 146e, 148, 149a, 149b, 149c, and 151c of Chapter I of Title 21 of the Code of Federal Regulations are amended as follows:

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

§ 2.121 [Amended]

Section 2.121 is amended in paragraph (n) by changing the reference "§ 145.3" to read "§ 430.5".

PART 130—NEW DRUGS FOR VETERINARY USE

1. The heading for Part 130 is revised as set forth above.

2. The heading for § 130.201 is revised to read as follows:

§ 130.201 Suspension of approval of new-drug applications for certain diethylstilbestrol and diethylstilbestrol-containing drugs.

* * * * * * *

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

§ 131.15 [Amended]

1. Section 131.15 is amended in the parenthetical sentence following the heading "ANTIBIOTICS FOR EXTERNAL USE FOR PREVENTION OF INFECTION" by changing the reference "§ 146e.407, § 146e.409, § 146e.411" to read "§ 448.510b(a), § 448.510c(a), § 448.510d(a)".

§ 131.16 [Amended]

2. Section 131.16 is amended as follows:

a. In the parenthetical sentence following the heading "BACITACIN-CONTAINING OINTMENTS" the reference to "§ 146e.407, § 146e.411" is changed to read "§ 448.510b(a), § 448.510d(a)".

b. In the parenthetical sentence following the heading "BACITRACIN (ZINC BACITRACIN)-POLYMYXIN OINTMENT; BACITRACIN-POLYMYXIN-NEOMYCIN OINTMENT" the reference to "§ 146e.409" is changed to read "§ 448.510c(a)".

§ 131.21 [Amended]

3. Section 131.21 is amended as follows:

a. In the parenthetical sentence following the heading "BACITRACIN- (OR ZINC BACITRACIN-) POLYMYXIN OINTMENT; BACITRACIN-POLYMYXIN-NEOMYCIN OINTMENT" the reference to "§§ 146e.409 and 146e.422" is changed to read "§§ 448.510c(a) and 448.510e(a)" respectively.

b. In the parenthetical sentence following the heading "TETRACYCLINE HYDROCHLORIDE FOR INTRAMUSCULAR USE" the reference to "§ 146c.221" is changed to read "§ 446.281b(a)".

c. In the parenthetical sentence following the heading "BUFFERED CRYSTALLINE PENICILLIN" the reference to "§ 146.a.37" is changed to read "§ 440.81(a)".

PART 135—NEW ANIMAL DRUGS

§ 135.5 [Amended]

Section 135.5 is amended in paragraph (b)(2) by changing the reference "§ 144.7" to read "§ 433.13".

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

§ 135a.5 [Amended]

1. Section 135a.5 is amended in paragraph (a)(1) by changing the reference "§ 148h.1" to read "§ 444.30".

§ 135a.6 [Amended]

2. Section 135a.6 is amended in paragraph (a)(1) by changing the reference "§ 148h.1" to read "§ 444.30".

§ 135a.8 [Amended]

3. Section 135a.8 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 148h.1(a)(1)" is changed to read "§ 444.30(a)(1)".

b. In paragraph (a)(2) the reference to "§ 148a.1(a)(1)" is changed to read "§ 455.3(a)(1)".

§ 135a.45 [Amended]

4. Section 135a.45 is amended in paragraph (a) by changing the references to "§ 141e.422" to read "§ 448.510e(a)".

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

§ 135b.11 [Amended]

1. Section 135b.11 is amended in paragraph (a) by changing the reference "§ 148x.3(a)(1)" to read "§ 453.230(a)(1)".

§ 135b.18 [Amended]

2. Section 135b.18 is amended in paragraph (a) by changing the reference "§ 148h.2(a)" to read "§ 444.230(a)".

§ 135b.19 [Amended]

3. Section 135b.19 is amended in paragraph (a) by changing the reference "§ 148q.4" to read "§ 444.220".

§ 135b.40 [Amended]

4. Section 135b.40 is amended in paragraph (a) by changing the reference "§ 148l.1(a)(1)" to read "§ 444.42a(a)(1)".

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

§ 135c.33 [Amended]

1. Section 135c.33 is amended in paragraph (a) by changing the reference "§ 148h.1" to read "§ 444.30".

§ 135c.94 [Amended]

2. Section 135c.94 is amended in paragraph (a) by changing the reference "§ 148x.1(a)(1)" to read "§ 453.30(a)(1)".

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 135e.49 [Amended]

1. Section 135e.49 is amended in paragraph (a) by changing the reference "§ 148x.1(a)(1)" to read "§ 453.30(a)(1)".

§ 135e.100 [Amended]

2. Section 135e.100 is amended in paragraph (a) by changing the reference "§ 148x.1(a)(1)" to read "§ 453.30(a)(1)".

PART 135f—NEW ANIMAL DRUGS FOR MISCELLANEOUS USE

§ 135f.5 [Amended]

Section 135f.5 is amended in paragraph (a) by changing the reference "§ 147.2" to read "§ 460.1".

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PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS FOR VETERINARY USE; TESTS AND METHODS OF ASSAY

1. The heading for Part 141a is revised to read as set forth above.

§ 141a.8 [Amended]

2. Section 141a.8 is amended as follows:

a. In the introductory text of paragraph (a) the reference to "§ 141a.1" is changed to read "§ 440.80a(b)(1) of this chapter", and the reference to "§ 141a.1(d)" is changed to read "§ 440.80a(b)(1)(iv) of this chapter".

b. In paragraph (b) the reference to "§ 141a.7(c)" is changed to read "§436.500(c) of this chapter".

c. In paragraph (c) the reference to "§ 141.2" is changed to read "§ 436.20".

3. Section 141a.9 is revised to read as follows:

§ 141a.9 Penicillin tablets, veterinary.

The requirements for certification and the tests and methods of assay for penicillin tablets for veterinary use are described under § 440.180a of this chapter.

4. Section 141a.19 is revised to read as follows:

§ 141a.19 Buffered crystalline penicillin, veterinary.

The requirements for certification and the tests and methods of assay for buffered crystalline penicillin for veterinary use are described under § 440.81 of this chapter.

5. Section 141a.21 is revised to read as follows:

§ 141a.21 Capsules penicillin and novobiocin, veterinary.

The requirements for certification and the tests and methods of assay for capsules penicillin and novobiocin for veterinary use are described under § 440.180d of this chapter.

§ 141a.22 [Amended]

6. Section 141a.22 is amended as follows:

a. In paragraph (a) the reference to "§ 141a.9(a)" is changed to read "§ 440.180a(b)(1) of this chapter".

b. In paragraph (b) the reference to "§ 141a.7(c)" is changed to read "§ 436.500(c) of this chapter", and the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i) of this chapter".

7. Section 141a.23 is revised to read as follows:

§ 141a.23 Crystalline penicillin and epinephrine in oil, veterinary.

The requirements for certification and the tests and methods of assay for crystalline penicillin and epinephrine in oil for veterinary use are described under § 440.280d of this chapter.

8. Section 141a.27 is revised to read as follows:

§ 141a.27 Procaine penicillin in oil, veterinary.

The requirements for certification and the tests and methods of assay for procaine penicillin in oil for veterinary use are described under § 440.274a of this chapter.

9. Section 141a.29 is revised to read as follows:

§ 141a.29 Procaine penicillin for aqueous injection, veterinary.

The requirements for certification and the tests and methods of assay for procaine penicillin for aqueous injection for veterinary use are described under § 440.274b of this chapter.

10. Section 141a.33 is revised to read as follows:

§ 141a.33 Buffered penicillin powder, veterinary.

The requirements for certification and the tests and methods of assay for buffered penicillin powder for veterinary use are described under § 440.180f of this chapter.

§ 141a.35 [Amended]

11. Section 141a.35 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.5(d)(1)" is changed to read "§ 440.80a(b)(5)(iv)(a) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141a.5(d)(1)" under subdivision (i)(b) of this chapter is changed to read "§ 440.80a(b)(5)(iv)(a), of this chapter" and the references to "§ 141a.32(b)(3)" under subdivision (i)(c)(1) and (2) are changed to read "§ 436.503(b)(3) of this chapter".

c. In paragraph (a)(4) the reference to "§ 141b.101" is changed to read "§ 444.70a(b)(1)", and the exception under "paragraph (k)" is changed to read "paragraph (b)(1)(xi)", and the reference to "§ 141b.101(e) and (l)(3)" is changed to read "§ 444.70a(b)(1)(v) and (x)(c)".

§ 141a.36 [Amended]

12. Section 141a.36 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.9(a)" is changed to read "§ 440.180a(b)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141b.101" is changed to read "§ 444.70a(b)(1)", and the exception under "paragraph (k)" is changed to read "paragraph (b)(1)(xi)", and the reference to "§ 141b.101(e)" is changed to read "§ 444.70a(b)(1)(v)".

13. Section 141a.37 is revised to read as follows:

§ 141a.37 Penicillin-bacitracin ointment, veterinary.

The requirements for certification and the tests and methods of assay for penicillin-bacitracin ointment for veterinary use are described under § 436.504 of this chapter.

§ 141a.38 [Amended]

14. Section 141a.38 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.27(a)(1)(i)" is changed to read "§ 440.274a(b)(1)(i)(a) of this chapter".

b. In paragraph (b) the reference to "§ 141a.7(c)" is changed to read § 436.500(c) of this chapter".

§ 141a.39 [Amended]

15. Section 141a.39 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.32(b)" is changed to read "§ 436.503(b) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141a.1, except paragraphs (d) and (i)" is changed to read "§ 440.80a(b)(1) of this chapter, except paragraphs (b)(1)(iv) and (ix)", the reference to "§ 141a.1(d)" is changed to read "§ 440.80a(b)(1)(iv) of this chapter", and the reference to "§ 141a.5(d)(1)" is changed to read "§ 440.80a(b)(5)(iv)(a) of this chapter".

c. In paragraph (a)(3) the reference to "§ 141a.32(c)" is changed to read "§ 436.503(c) of this chapter".

d. In paragraph (a)(4) the reference to "§ 141a.43(a)" is changed to read "§ 440.65a(b)(1) of this chapter".

e. In paragraph (a)(5) the reference to "§ 141a.51(a)" is changed to read "§ 440.61a(b)(1) of this chapter".

f. In paragraph (a)(6) the reference to "§ 141b.101 (j) and (k)" is changed to read "§ 444.70a(b)(1)(x) and (xi)".

g. In paragraph (a)(7) the reference to "§ 141a.108(a)" is changed to read "§ 444.10a(b)(1) of this chapter".

h. In paragraph (b) the reference to "§ 141.2" is changed to read "§ 436.20", and the reference to "§ 141.2(e)(2)" is changed to read "§ 436.20(e)(2)".

i. In paragraph (c) the reference to "§ 141a.4" is changed to read "§ 440.80a(b)(4) of this chapter".

j. In paragraph (d) the reference to "§ 141a.3" is changed to read "§ 440.80a(b)(3) of this chapter".

k. In paragraph (e) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i) of this chapter", and the reference to "§ 141a.26(e)" is changed to read "§ 440.74a(b)(5) of this chapter".

l. In paragraph (f) the reference to "§ 141a.5(b)" is changed to read "§ 440.80a(b)(5)(ii) of this chapter".

16. Section 141a.42 is revised to read as follows:

§ 141a.42 Crystalline penicillin and bacitracin, veterinary.

The requirements for certification and the tests and methods of assay for crystalline penicillin and bacitracin for veterinary use are described under § 440.280c of this chapter.

§ 141a.46 [Amended]

17. Section 141a.46 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.1" is changed to read "§ 440.80a(b)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141b.101 (j) and (k)" is changed to read "§ 444.70a(b)(1)(x) and (xi)".

c. In paragraph (a)(3) the reference to "§ 141b.108(a)" is changed to read "§ 444.10a(b)(1)".

d. In paragraph (b) the reference to "§ 141.2" is changed to read "§ 436.20".

e. In paragraph (c) the reference to "§ 141a.4" is changed to read "§ 440.80a(b)(4) of this chapter".

f. In paragraph (e) the reference to "§ 141a.5(b)" is changed to read "§ 440.80a(b)(5)(ii) of this chapter".

18. Section 141a.49 is revised to read as follows:

§ 141a.49 Penicillin-streptomycin-bacitracin ointment, veterinary; penicillin-dihydrostreptomycin-bacitracin ointment, veterinary; penicillin-streptomycin-bacitracin methylene disalicylate ointment, veterinary; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment, veterinary.

The requirements for certification and the tests and methods of assay for penicillin-streptomycin-bacitracin ointment; penicillin dihydrostreptomycin-bacitracin ointment; penicillin-streptomycin-bacitracin methylene disalicylate ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment for veterinary use are described under § 436.505 of this chapter.

19. Section 141a.54 is revised to read as follows:

§ 141a.54 Benzathine penicillin G for aqueous injection, veterinary.

The requirements for certification and the tests and methods of assay for benzathine penicillin G for aqueous injection for veterinary use are described under § 440.255b of this chapter.

§ 141a.60 [Amended]

20. Section 141a.60 is amended as follows:

a. In paragraph (a)(1)(iii) the reference to "§ 141a.47(a)" is changed to read "§ 440.55a(b)(1) of this chapter".

b. In paragraph (a)(1)(iv) the reference to "§ 141a.32 (a), (b), and (c)" is changed to read "§ 436.503 (a), (b), and (c) of this chapter".

c. In paragraph (a)(1)(v) the reference to "§ 141a.55 (a), (b), (c), and (d)" is changed to read "§ 436.506 (a), (b), (c), and (d) of this chapter".

d. In paragraph (a)(1)(vi) the reference to "§ 141a.61(a) (1), (2), (3), and (4)" is changed to read "§ 436.507(a)(1), (2), (3), and (4) of this chapter".

e. In paragraph (a)(1)(vii) the reference to "§ 141a.32 (a), (b), (c), and (d)" is changed to read "§ 436.503 (a), (b), (c), and (d) of this chapter".

f. In paragraph (b) (1) and (2) the references to "§ 141.2" are changed to read "§ 436.20".

g. In paragraphs (c) and (d) the references to "§ 141a.47(c)" are changed to read "§ 440.55a(b)(3) of this chapter".

h. In paragraph (e) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i) of this chapter", and the reference to "§ 141a.26(e)" is changed to read "§ 440.74a(b)(5) of this chapter".

i. In paragraph (f) the reference to "§ 141a.29(f)" is changed to read "§ 440.274b(b)(6) of this chapter".

21. Section 141a.62 is revised to read as follows:

§ 141a.62 Benzathine penicillin G and procaine penicillin for aqueous injection, veterinary.

The requirements for certification and the tests and methods of assay for benzathine penicillin G and procaine penicillin for aqueous injection for veterinary use are described under § 440.255c of this chapter.

22. Section 141a.63 is revised to read as follows:

§ 141a.63 Penicillin-bacitracin-neomycin ointment veterinary; penicillin-bacitracin-neomycin in oil veterinary.

The requirements for certification and the tests and methods of assay for penicillin-bacitracin-neomycin ointment; penicillin-bacitracin-neomycin in oil for veterinary use are described under § 436.506 of this chapter.

§ 141a.67 [Amended]

23. Section 141a.67 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.61(a) (1) and (2)" is changed to read "§ 436.507(a) (1) and (2)".

b. In paragraph (a)(3) the reference to "§ 141b.101 (j) and (k)" is changed to read "§ 444.70a(b)(1) (x) and (xi)".

c. In paragraph (a)(4) the reference to "§ 141b.108(a)" is changed to read "§ 444.10a(b)(1)".

d. In paragraph (b) the reference to "§ 141.2" is changed to read "§ 436.20 of this chapter".

e. In paragraph (e) the reference to "§ 141a.5(b)" is changed to read "§ 440.80a(b)(5)(ii) of this chapter".

§ 141a.71 [Amended]

24. Section 141a.71 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.1, except paragraph (i) of that section" is changed to read "§ 440.80a(b)(1) of this chapter, except paragraph (b)(1)(ix) of that section".

b. In paragraph (b) the reference to "§ 141a5(a)" is changed to read "§ 440.80a(b)(5)(i) of this chapter".

§ 141a.74 [Amended]

25. Section 141a.74 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.27(a)" is changed to read "§ 440.274a(b)(1) of this chapter".

b. In paragraph (b) the reference to "§ 141a.7(c)" is changed to read "§ 436.500(c) of this chapter".

26. Section 141a.82 is revised to read as follows:

§ 141a.82 Phenoxymethyl penicillin for oral suspension, veterinary.

The requirements for certification and the tests and methods of assay for phenoxymethyl penicillin for oral suspension for veterinary use are described under § 440.171b of this chapter.

27. Section 141a.86 is revised to read as follows:

§ 141a.86 Procaine penicillin-streptomycin-polymyxin in oil, veterinary; procaine penicillin-dihydrostreptomycin-polymyxin in oil, veterinary; procaine penicillin-streptomycin-polymyxin ointment, veterinary; procaine penicillin-dihydrostreptomycin-polymyxin ointment, veterinary.

The requirements for certification and the tests and methods of assay for procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin-dihydrostreptomycin-polymyxin in oil; procaine penicillin-streptomycin-polymyxin ointment; procaine penicillin-dihydrostreptomycin-polymyxin ointment for veterinary use are described under § 436.509 of this chapter.

§ 141a.89 [Amended]

28. Section 141a.89 is amended as follows:

a. In paragraph (a)(2) the reference to "§ 141e.411(a)(2)" is changed to read "§ 448.510d(b)(1)(ii)".

b. In paragraph (a)(3) the reference to "§ 141a.86(a)(4)" is changed to read "§ 436.509(a)(4) of this chapter".

§ 141a.90 [Amended]

29. Section 141a.90 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.1" is changed to read "§ 440.80a(b)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141c.218(a)" is changed to read "§ 446.81a(b)(1)".

c. In paragraph (a)(4) the reference to "§ 141b.101 (a) to (l)" is changed to read "§ 444.70a(b)(1) (i) through (ix)".

d. In paragraph (a)(6) the reference to "§ 141b.112(b)(1)" is changed to read "§ 444.170a(b)(2)(i)".

e. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i) of this chapter".

f. In paragraph (c)(1) the reference to "§ 141c.201(a)(8)" is changed to read "§ 446.10a(b)(1)(viii)".

g. In paragraph (c)(2) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i) of this chapter".

h. In paragraph (c)(4) the reference to "§ 141a.5(b)" is changed to read "§ 440.80a(b)(5)(ii) of this chapter".

i. In paragraph (c)(5) the reference to "§ 141a.5(c)" is changed to read "§ 440.80a(b)(5)(ii) of this chapter".

j. In paragraph (d)(1)(i)(g) the reference to "§ 141a.1(a)" is changed to read "§ 440.80a(b)(1)(i) of this chapter".

k. In paragraph (d)(1)(i)(b) the reference to "§ 141a.1(b)(1)" is changed to "§ 440.80a(b)(1)(ii)(a) of this chapter", and the reference to "§ 141a.1(b)(3)" is changed to read "§ 440.80a(b)(1)(ii)(c) of this chapter".

l. In paragraph (d)(1)(i)(c) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i) of this chapter".

m. In paragraph (d)(1)(i)(e) the reference to "§ 141d.301(a)(5)" is changed to read "§ 455.106(b)(1)(v)".

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n. In paragraph (d) (1) (i) (*f*) the reference to "§ 141d.301(a) (6)" is changed to read "§ 455.106(b) (1) (vi)".

o. In paragraph (d) (2) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b) (5) (i)" of this chapter".

p. In paragraph (d) (3) the reference to "§ 141a.4" is changed to read "§ 440.80a(b) (4) of this chapter".

q. In paragraph (d) (4) the reference to "§ 141a.5(b)" is changed to read "§ 440.80a(b) (5) (ii) of this chapter".

r. In paragraph (d) (5) the reference to "§ 141a.5(c)" is changed to read "§ 440.80a(b) (5) (iii) of this chapter".

§ 141.93 [Amended]

30. Section 141a.93(a) (2) is amended by changing the reference to "§ 141e.410 (b) (1)" to read "§ 436.517(b) (1)".

31. Section 141a.95 is revised to read as follows:

§ 141a.95 Penicillin-streptomycin-erythromycin ointment, veterinary; penicillin-dihydrostreptomycin-erythromycin ointment, veterinary.

The requirements for certification and the tests and methods of assay for penicillin - streptomycin - erythromycin ointment; penicillin-dihydrostreptomycin-erythromycin ointment for veterinary use are described under § 436.510 of this chapter.

§ 141a.97 [Amended]

32. Section 141a.97 is amended as follows:

a. In paragraph (a) (1) th reference to "§ 141a.21(a) (1) (i) (*a*)" is changed to read "§ 440.180d(b) (1) (i) (*a*) (*1*) of this chapter".

b. In paragraph (a) (2) the reference to "§ 141a.21(a) (2)" is changed to read "§ 440.180(b) (1) (i) of this chapter".

c. In paragraph (a) (3) the reference to "§ 141c.231(a) (1)" is changed to read "§ 436.515(a) (1)".

d. In paragraph (a) (4) the reference to "§ 141c.224(a) (1) (ii)" is changed to read "§ 446.181b(b) (1) (i) (b)".

e. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.-80a(b) (5) (i) of this chapter".

33. Section 141a.98 is revised to read as follows:

§ 141a.98 Penicillin-streptomycin-bacitracin methylene disalicylate-neomycin ointment, veterinary; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate-neomycin ointment, veterinary.

The requirements for certification and the tests and methods of assay for penicillin-streptomycin-bacitracin methylene disalicylate-neomycin ointment, veterinary; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate-neomycin ointment for veterinary use are described under § 436.511 of this chapter.

§ 141a.99 [Amended]

34. Section 141a.99 is amended as follows:

a. In paragraph (a) the reference to "§ 141a.48(a)" is changed to read "§ 440.-155c(b) (1) of this chapter".

b. In paragraph (b) the reference to "§ 141.2" is changed to read "§ 436.20".

c. In paragraph (c) the reference to "§ 141a.83(c)" is changed to read "§ 440.57a(b) (3) of this chapter".

d. In paragraph (d) the reference to "§ 141a.83(d)" is changed to read "§ 440.57a(b) (4) of this chapter".

e. In paragraph (e) the reference to "§ 141a.26(e)" is changed to read "§ 440.74a(b) (5) of this chapter".

f. In paragraph (f) (1) and (2) the reference to "§ 141a.5(b)" are changed to read "§ 440.80a(b) (5) (ii) of this chapter".

§ 141a.108 [Amended]

35. Section 141a.108 is amended as follows:

a. In paragraph (a) (1) and (2) the references to "§ 141.110" are changed to read "§ 436.105".

b. In paragraph (b) the reference to "§ 141.502" is changed to read "§436.201".

36. Section 141a.109 is revised to read as follows:

§ 141a.109 Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin oil, veterinary.

The requirements for certification and the tests and methods of assay for procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil for veterinary use are described under § 436.512 of this chapter.

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS FOR VETERINARY USE; TESTS AND METHODS OF ASSAY

1. The heading for Part 141b is revised to read as set forth above.

2. Section 141b.107 is revised to read as follows:

§ 141b.107 Streptomycin ointment, veterinary; dihydrostreptomycin ointment, veterinary; potency.

The requirements for certification and the tests and methods of assay for streptomycin ointment and dihydrostreptomycin ointment for veterinary use are described under § 444.570a of this chapter.

§ 141b.109 [Amended]

3. Section 141b.109 is amended as follows:

a. In paragraph (a) (1) the reference to "§ 141b.101, except § 141b.101 (j) and (k), and in lieu of the directions in § 141b.101(e)" is changed to read "§ 444.70a(b) (1) of this chapter, except paragraph (b) (1) (x) and (xi) of that section, and in lieu of the directions in paragraph (b) (1) (v) of that section".

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b) (5) (i)".

c. In paragraph (c) the reference to "§ 141a.9(c)" is changed to read "§ 440.180a(b) (3)".

4. Section 141b.111 is revised to read as follows:

§ 141b.111 Streptomycin sulfate injection, veterinary; dihydrostreptomycin sulfate injection veterinary; crystalline dihydrostreptomycin sulfate injection veterinary.

(a) If it is streptomycin sulfate injection, proceed as directed in § 444.70a (b).

(b) If it is dihydrostreptomycin sulfate injection or crystalline dihydrostreptomycin sulfate injection, proceed as directed in § 444.10a(b) of this chapter, except that the histamine test may be omitted if it is performed on the dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate used in preparing the injection, and except that in lieu of the directions in § 444.10a(b) (2) of this chapter determine the streptomycin content as follows:

(1) *Preparation of standard.* Prepare a standard aqueous solution of the Food and Drug Administration streptomycin working standard containing 0.25 milligram of streptomycin base per milliliter. Transfer 1.0, 1.5, and 2.0 milliliter aliquots to test tubes (approximately 16 millimeters×150 millimeters. Add 1.0, 0.5, and 0 milliliter of distilled water to give a 2.0-milliliter volume.

(2) *Preparation of sample.* Dilute 1.0 milliliter of the dihydrostreptomycin sulfate solution to be tested (containing 250 to 500 milligrams of dihydrostreptomycin) to 25.0 milliliters in a volumetric flask. Transfer 2.0 milliliters to a test tube.

(3) *Blank.* Use 2.0 milliliters of distilled water.

(4) *Procedure.* To each tube containing 2.0 milliliters, add, in turn, 8.0 milliliters of 0.1*N* NaOH (freshly prepared from 1*N* NaOH), mix thoroughly, and immediately determine the optical density at 325 $m\mu$ in a suitable spectrophotometer. Set the spectrophotometer at 100-percent light transmission for the blank similarly treated. Return the solution to the test tube, heat in a boiling water bath for 10 minutes, cool in an ice bath for 3 minutes, and allow to come to room temperature. Determine the optical density at 325 $m\mu$. The difference in reading before and after heating is the optical density of the aliquot. Prepare a standard curve. The concentration of streptomycin in the sample solution obtained directly from the standard curve times 1,250, divided by the number of milligrams of dihydrostreptomycin in the original dihydrostreptomycin solution, equals the percent of streptomycin.

§ 141b.113 [Amended]

5. Section 141b.113 (a) and (b) is amended by changing the references to "§ 141b.101, except § 141b.101(k)" to read "§ 444.70a(b) (1) of this chapter, except paragraph (b) (1) (xi) of that section".

6. Section 141b.115 is revised to read as follows:

§ 141b.115 Streptomycin otic with antifungal agent, veterinary; dihydrostreptomycin otic with antifungal agent, veterinary.

The requirements for certification and the tests and methods of assay for streptomycin otic with antifungal agent and dihydrostreptomycin otic with antifungal agent for veterinary use are described under § 444.470a of this chapter.

§ 141b.116 [Amended]

7. Section 141b.116 is amended as follows:

a. In paragraph (a) (1) the reference to "§ 141b.101, except paragraph (k)" is changed to read "§ 444.70a(b) (1) of this chapter, except paragraph (b) (1) (xi)".

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.-80a(b) (5) (i)".

§ 141b.117 [Amended]

8. Section 141b.117 is amended as follows:

a. In paragraph (a) (1) the reference to "§ 141b.101" is changed to read "§ 444.-70a(b) (1) of this chapter".

b. In paragraph (b) the reference to "§§ 141b.103, 141b.105, 141b.106, 141b.-108(b) and 141a.5(c)" is changed to read "§§ 444.10a(b) (2), 444.70a(b) (3), (5), and (6), and 440.80a(b) (5) (iii)".

c. In paragraph (c) the references to "§ 141a.7(c)" and "§ 141a.7(c) (3)" are changed to read "§ 436.500(c)" and "§ 436.500(c) (3)" respectively.

§ 141b.118 [Amended]

9. Section 141b.118 is amended as follows:

a. In paragraph (a) the reference to "§ 141b.108(a)" is changed to read § 444.10a(b) (1) of this chapter".

b. In paragraph (b) the reference to "§ 141b.108(b)" is changed to read "§ 444.10a(b) (2) of this chapter".

c. In paragraph (c) the reference to "§§ 141b.102, 141b.103, 141b.104, 141b.105, 141b.106" is changed to read "§ 444.-70a(b) (2), (3), (4), (5), and (6) of this chapter".

§ 141b.119 [Amended]

10. Section 141b.119 is amended as follows:

a. In paragraph (a) the references to "§ 141b.101" and "§ 141b.101(j)" are changed to read "§ 444.70a(b) (1) of this chapter" and "§ 444.80a(b) (1) (x) of this chapter" respectively.

b. In paragraph (b) the reference to "§ 141b.103" is changed to read "§ 444.70a (b) (3) of this chapter".

c. In paragraph (c) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b) (5) (i)".

d. In paragraph (d) the reference to "§ 141b.106(b)" is changed to read "§ 440.70a(b) (1) of this chapter."

e. In paragraph (e) the reference to "§ 141b.108(b)" is changed to read "§ 444.10a(b) (2) of this chapter".

§ 141b.120 [Amended]

11. Section 141b.120 is amended as follows:

a. In paragraph (a) the reference to "§ 141b.101" is changed to read "§ 444.-70a(b) (1) of this chapter".

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.-80a(b) (5) (i)".

§ 141b.122 [Amended]

12. Section 141b.122 is amended as follows:

a. In paragraph (a) the reference to "§ 141b.108(a)" is changed to read "§ 444.10a(b) (1) of this chapter".

b. In paragraph (b) the reference to "§ 141b.108(b)" is changed to read "§ 444.10a(b) (2) of this chapter".

c. In paragraph (c) the reference to "§§ 141b.102, 141b.103, 141b.104, and 141b.105" is changed to read "§ 444.70a (b) (2), (3), (4), and (5) of this chapter".

d. In paragraph (d) the reference to "§ 141a.5(b)" is changed to read "§ 440.-80a(b) (5) (ii)".

§ 141b.124 [Amended]

13. Section 141b.124 is amended as follows:

a. In paragraph (a) the reference to "§ 141b.101" is changed to read "§ 444.-70a(b) (1) of this chapter".

b. In paragraph (b) the reference to "§ 141b.103" is changed to read "§ 444.-70a(b) (3) of this chapter".

c. In paragraph (c) the reference to "§ 141b.106(b)" is changed to read "§ 444.70a(b) (6) (ii) of this chapter".

§ 141b.126 [Amended]

14. Section 141b.126 is amended as follows:

a. In paragraph (a) (1) (i) the reference to "§ 141b.101(a) through (i)" is changed to read "§ 444.70a(b) (1) (i) through (ix) of this chapter".

b. In paragraph (a) (1) (ii) (*a*) the reference to "§ 141a.1(a)" is changed to read "§ 440.80a(b) (1) (i)".

c. In paragraph (a) (1) (ii) (b) the references to "§ 141a.1(b) (1)" and "§ 141a.-1(b) (3)" are changed to read "§ 440.80a-(b) (1) (ii) (*a*)" and "§ 440.80a(b) (1) (ii) (c)" respectively.

d. In paragraph (a) (1) (ii) (c) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b) (5) (i)".

e. In paragraph (a) (1) (ii) (*d*) the reference to "§ 141b.101(d)" is changed to read "§ 444.70a(b) (1) (iv) of this chapter".

f. In paragraph (a) (1) (ii) (*g*) the reference to "§ 141b.101 (h) and (i)" is changed to read "§ 444.70a(b) (1) (viii) and (ix) of this chapter".

g. In paragraph (a) (1) (iii) the reference to "§ 141a.7(c)" is changed to read "§ 436.500(c)".

h. In paragraph (b) (1) the reference to "§ 141a.26(e)" is changed to read "§ 440.74a(b) (5)".

i. In paragraph (b) (3) the reference to "§ 141.5" is changed to read "§ 436.33".

j. In paragraph (b) (4) the reference to "§ 141a.5(b)" is changed to read "§ 440.80a(b) (5) (ii)".

§ 141b.128 [Amended]

15. Section 141b.128 is amended as follows:

a. In paragraph (a) the reference to "§ 141b.101(j)" is changed to read "§ 444.70a(b) (1) (x) of this chapter".

b. In paragraph (b) the reference to "§§ 141b.102, 141b.104, 141b.105, and 141b.111(b)" is changed to read "§§ 444.-70a(b) (2), (4), and (5), and § 444.270b (b) (2) of this chapter".

c. In paragraph (c) the reference to "§ 141a.4" is changed to read "§ 440.80a (b) (4)".

d. In paragraph (d) the reference to "§ 141a.5(b)" is changed to read "§ 440.-80a(b) (5) (ii)".

§ 141b.129 [Amended]

16. Section 141b.129 is amended as follows:

a. In paragraph (a) (1) the reference to "§ 141b.101 (a) through (i)" is changed to read "§ 444.70a(b) (1) (i) through (ix) of this chapter".

b. In paragraph (a) (3) the reference to "§ 141b.112(b) (1)" is changed to read "§ 444.170a(b) (2) (i) of this chapter".

c. In paragraph (a) (3) (i) the reference to "subdivision (vii) of § 141b.112 (b) (1)" is changed to read "paragraph (b) (2) (i) (*g*) of § 444.170a(b) (2) (i) of this chapter".

d. In paragraph (a) (4) and (a) (4) (i) the references to "§ 141e.410(b) (1)" and "§ 141e.410(b) (1) (vii)" are changed to read "§ 436.517(b) (1)" and "§ 436.517(b) (1) (vii)" respectively.

§ 141b.132 [Amended]

17. Section 141b.132 is amended as follows:

a. In paragraph (a) the reference to "§ 141b.101" is changed to read "§ 444.70a (b) (1) of this chapter".

b. In paragraph (b) the reference to § 141a.5(b)" is changed to read "§ 440.-80a(b) (5) (ii)".

§ 141b.134 [Amended]

18. Section 141b.134 is amended as follows:

a. In paragraph (a) (1) the reference to "§ 141b.101(j)" is changed to read "§ 444.70a(b) (1) (x) of this chapter".

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.-80a(b) (5) (i)".

§ 141b.138 [Amended]

19. Section 141b.138 is amended as follows:

a. In paragraph (a) (1) (i) the reference to "§ 141b.101 (a) through (i)" is changed to read "§ 444.70a(b) (1) (i) through (ix) of this chapter".

b. In paragraph (b) the reference to "§ 141a.5(b)" is changed to read "§ 440.-80a(b) (5) (ii)".

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS FOR VETERINARY USE; TESTS AND METHODS OF ASSAY

1. The heading for Part 141c is revised to read as set forth above.

2. Section 141c.201 is revised to read as follows:

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§ 141c.201 Chlortetracycline hydrochloride, veterinary.

The requirements for certification and the tests and methods of assay for chlortetracycline hydrochloride for veterinary use are described under § 446.10a of this chapter.

3. Section 141c.204 is revised to read as follows:

§ 141c.204 Chlortetracycline capsules, veterinary; tetracycline hydrochloride capsules, veterinary; tetracycline capsules, veterinary; tetracycline phosphate complex capsules, veterinary.

The requirements for certification and the tests and methods of assay for chlortetracycline capsules, tetracycline hydrochloride capsules, tetracycline capsules, and tetracycline phosphate complex capsules, for veterinary use are described under § 446.110b of this chapter.

4. Section 141c.205 is revised to read as follows:

§ 141c.205 Chlortetracycline powder (chlortetracycline hydrochloride powder), veterinary; tetracycline hydrochloride powder, veterinary; tetracycline powder, veterinary.

The requirements for certification and the tests and methods of assay for chlortetracycline powder (chlortetracycline hydrochloride powder), tetracycline hydrochloride powder, and tetracycline powder, for veterinary use are described under § 446.510b of this chapter.

5. Section 141c.207 is revised to read as follows:

§ 141c.207 Chlortetracycline tablets (chlortetracycline hydrochloride tablets), veterinary; tetracycline hydrochloride tablets, veterinary; tetracycline tablets, veterinary.

The requirements for certification and the tests and methods of assay for chlortetracycline tablets (chlortetracycline hydrochloride tablets), tetracycline hydrochloride tablets, and tetracycline tablets, for veterinary use are described under § 446.110a except for the moisture test required under paragraph (b)(2), if it is tetracycline hydrochloride tablets, veterinary, and stability data have been submitted to prove that the drug is stable when it contains not more than 60 percent moisture, use the method described in § 436.201 of this chapter and proceed as directed in § 436.201(e)(3) of this chapter.

6. Section 141c.217 is revised to read as follows:

§ 141c.217 Chlortetracycline calcium sirup (chlortetracycline calcium oral drops), veterinary; tetracycline sirup (tetracycline oral drops), veterinary; tetracycline magnesium sirup (tetracycline magnesium oral drops), for veterinary use are described under § 446.111 of this chapter.

7. Section 141c.218 is revised to read as follows:

§ 141c.218 Tetracycline hydrochloride, veterinary.

The requirements for certification and the tests and methods of assay for tetracycline hydrochloride for veterinary use are described under § 446.81a of this chapter.

§ 141c.219 [Amended]

8. Section 141c.219 is amended as follows:

a. In paragraph (a) the reference to "§ 141c.201(a)(8)" is changed to read "§ 446.10a(b)(1)(viii) of this chapter".

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

§ 141c.223 [Amended]

9. Section 141c.223 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141a.1" is changed to read "§ 440.80a(b)(1)".

b. In paragraph (a)(2) the reference to "§ 141c.201(a)(8)" is changed to read "§ 446.10a(b)(1)(viii) of this chapter".

c. In paragraph (a)(3) the reference to "§ 141c.210" is changed to read "§ 446.81a(b) of this chapter".

d. In paragraph (a)(5) and (6) the references to "§ 141b.101 (a) through (l)" are changed to read "§ 444.70a(b)(1)(i) through (ix)".

§ 141c.228 [Amended]

10. Section 141c.228 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141c.201(a)(8)" is changed to read "§ 446.10a(b)(1)(viii) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141c.218(a)(3)" is changed to read "§ 446.81a(b)(1)(iii) of this chapter".

c. In paragraph (a)(3) the reference to "§ 141e.410(a)(1)(ii)" is changed to read "§ 436.517(a)(1)(ii)".

d. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

e. In paragraph (c) the reference to "§ 141a.9(c)" is changed to read "§ 440.180a(b)(3)".

§ 141c.237 [Amended]

11. Section 141c.237 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141c.201(a)(8)" is changed to read "§ 446.10a(b)(1)(viii) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141c.218" is changed to read "§ 446.81a(b) of this chapter".

c. In paragraph (a)(3) the reference to "§ 141e.411(a)(2)" is changed to read "§ 448.510d(b)(1)(ii)".

d. In paragraph (a)(4) and (5) the references to "§ 141b.101 (a) through (l)" are changed to read "§ 444.70a(b)(1)(i) through (ix)".

§ 141c.241 [Amended]

12. Section 141c.241 is amended as follows:

a. In paragraph (a) the reference to "§ 141c.201(a)(8)" is changed to read "§ 446.10a(b)(1)(viii) of this chapter".

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

§ 141c.256 [Amended]

13. Section 141c.256 is amended by changing the reference to "§ 141c.202(a)" to read "§ 446.510a(b)(1) of this chapter".

§ 141c.264 [Amended]

14. Section 141c.264 is amended as follows:

a. In paragraph (a) the reference to "§ 141c.201(a), except § 141c.201(a)(9)" is changed to read "§ 446.10a(b)(1) of this chapter, except § 446.10a(b)(1)(ix) of this chapter".

b. In paragraph (b) the reference to "§ 141a.4" is changed to read "§ 440.80a(b)(4)".

c. In paragraph (c) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

d. In paragraph (g) the reference to "§ 141a.5(e)" is changed to read "§ 440.80a(b)(5)(vii)".

§ 141c.265 [Amended]

15. Section 141c.265 is amended as follows:

a. In paragraph (a) the reference to "§ 141c.201(a) of this part, except § 141c.201(a)(9)" is changed to read "§ 446.10a(b)(1) of this chapter, except § 446.10a(b)(1)(ix) of this chapter".

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(1)".

§ 141c.267 [Amended]

16. Section 141c.267 is amended as follows:

a. In paragraph (a) the reference to "§ 141c.201(a)" is changed to read "§ 446.10a(b)(1) of this chapter".

b. In paragraph (b) the reference to "§ 141a.4" is changed to read "§ 440.80a(b)(4)".

(c) In paragraph (c) the reference to "§ 141a.26(e)" is changed to read "§ 440.74(b)(5)".

d. In paragraph (d) the reference to "§ 141a.5(b)" is changed to read "§ 440.80a(b)(5)(ii)".

§ 141c.268 [Amended]

17. Section 141c.268(a)(1) and (2) is amended by changing the references to "§ 141c.201(a)(8)" and "§ 141l.1(b)(1)(i)" to "§ 446.10a(b)(1)(viii) of this chapter" and "§ 444.42a(b)(1)(i)" respectively.

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS FOR VETERINARY USE; TESTS AND METHODS OF ASSAY

1. The heading for Part 141d is revised to read as set forth above.

2. Section 141d.303 is revised to read as follows:

§ 141d.303 Chloramphenicol ointment, veterinary.

The requirements for certification and the tests and methods of assay for chloramphenicol ointment for veterinary use are described under § 455.310c of this chapter.

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS FOR VETERINARY USE; TESTS AND METHODS OF ASSAY

1. The heading for Part 141e is revised to read as set forth above.

2. Section 141e.403 is revised to read as follows:

§ 141e.403 Bacitracin methylene disalicylate tablets, veterinary.

The requirements for certification and the tests and methods of assay for bacitracin methylene disalicylate tablets for veterinary use are described under § 448.110a of this chapter, except for the potency test described in § 448.110a(b)(1) of this chapter, use 99 milliliters of an aqueous solution of 2-percent sodium bicarbonate and 1 milliliter of polysorbate 80. For the disintegration time as described in § 448.110a(b)(3) of this chapter, proceed as directed in § 141a.9(c) of this chapter.

§ 141e.416 [Amended]

3. Section 141e.416 is amended to follows:

a. In paragraph (a) the reference to "§ 141e.401(a)(1)(ii)" is changed to read "§ 448.10a(b)(1)(i)(b) of this chapter".

b. In paragraph (b) the reference to "§ 141.5" is changed to read "§ 436.33".

c. In paragraphs (c) and (d) the references to "§ 141a.5(a)" and "§ 141a.5(b)" are changed to read "§ 440.80a(b)(5)(i)" and "§ 440.80a(b)(5)(ii)" respectively.

§ 141e.417 [Amended]

4. Section 141e.417 is amended as follows:

a. In paragraph (a)(1) the references to "§ 141e.401, except § 141e.401(a)(1)(ii) and (iii)", "in lieu of directions in § 141e.401(a)(1)(ii)", "§ 141e.401(a)(1)(iii)", and "§ 141a.49(a)(2)" are changed to read "§ 448.10a(b)(1)(i) of this chapter, except paragraph (b)(1)(i)(b) and (c) of that section", "in lieu of the directions in § 448.10a(b)(1)(i) of this chapter", "§ 448.10a(b)(1)(i)(c) of this chapter", and "§ 436.505(a)(2)" respectively.

b. In paragraph (a)(2) the reference to "§ 141b.101" is changed to read "§ 444.70a(b)(1)".

c. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

5. Section 141e.422 is revised to read as follows:

§ 141e.422 Bacitracin-polymyxin-neomycin ointment, veterinary.

The requirements for certification and the tests and methods of assay for bacitracin-polymyxin-neomycin ointment for veterinary use are described under § 448.510e of this chapter.

§ 141e.423 [Amended]

6. Section 141e.423 is amended as follows:

a. In paragraph (a) the references to "§ 141e.401(a)(1)" and "§ 141e.401(a)(1)(ii)" are changed to read "§ 448.10a(b)(1)(i) of this chapter" and "§ 448.10a(b)(1)(i)(b) of this chapter" respectively.

b. In paragraphs (b) and (c) the references to "§ 141a.5(a)" and "§ 141a.5(b)" are changed to read "§ 440.80a(b)(5)(i)", and "§ 440.80a(b)(5)(ii)" respectively.

§ 141e.425 [Amended]

7. Section 141e.425 is amended as follows:

a. In paragraph (a) the references to "§ 141e.401(a)(1)" and "§ 141e.401(a)(1)(ii)" are changed to read "§ 448.10a(b)(1)(i) of this chapter", and "§ 448.10a(b)(1)(i)(b) of this chapter" respectively.

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

§ 141e.426 [Amended]

8. Section 141e.426 is amended as follows:

a. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

b. In paragraph (c) the reference to "§ 141a.9(c)" is changed to read "§ 440.180a(b)(3)".

§ 141e.427 [Amended]

9. Section 141e.427 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141e.401(a)(1)(ii)" is changed to read "§ 448.10a(b)(1)(i)(b) of this chapter".

b. In paragraph (b) the reference to "§ 141.5" is changed to read "§ 436.33".

c. In paragraphs (c) and (d) the references to "§ 141a.5(a)" and "§ 141a.5(b)" are changed to read "§ 440.80a(b)(5)(i)" and "§ 440.80a(b)(5)(ii)" respectively.

§ 141e.417 [Amended]

4. Section 141e.417 is amended as follows:

a. In paragraph (a)(1) the references to "§ 141e.401, except § 141e.401(a)(1)(ii) and (iii)", "in lieu of directions in § 141e.401(a)(1)(ii)", "§ 141e.401(a)(1)(iii)", and "§ 141a.49(a)(2)" are changed to read "§ 448.10a(b)(1)(i) of this chapter, except paragraph (b)(1)(i)(b) and (c) of that section", "in lieu of the directions in § 448.10a(b)(1)(i) of this chapter", "§ 448.10a(b)(1)(i)(c) of this chapter", and "§ 436.505(a)(2)" respectively.

b. In paragraph (a)(2) the reference to "§ 141b.101" is changed to read "§ 444.70a(b)(1)".

c. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

5. Section 141e.422 is revised to read as follows:

§ 141e.422 Bacitracin-polymyxin-neomycin ointment, veterinary.

The requirements for certification and the tests and methods of assay for bacitracin-polymyxin-neomycin ointment for veterinary use are described under § 448.510e of this chapter.

§ 141e.423 [Amended]

6. Section 141e.423 is amended as follows:

a. In paragraph (a) the references to "§ 141e.401(a)(1)" and "§ 141e.401(a)(1)(ii)" are changed to read "§ 448.10a(b)(1)(i) of this chapter" and "§ 448.10a(b)(1)(i)(b) of this chapter" respectively.

b. In paragraphs (b) and (c) the references to "§ 141a.5(a)" and "§ 141a.5(b)" are changed to read "§ 440.80a(b)(5)(i)", and "§ 440.80a(b)(5)(ii)" respectively.

§ 141e.425 [Amended]

7. Section 141e.425 is amended as follows:

a. In paragraph (a) the references to "§ 141e.401(a)(1)" and "§ 141e.401(a)(1)(ii)" are changed to read "§ 448.10a(b)(1)(i) of this chapter", and "§ 448.10a(b)(1)(i)(b) of this chapter" respectively.

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

§ 141e.426 [Amended]

8. Section 141e.426 is amended as follows:

a. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

b. In paragraph (c) the reference to "§ 141a.9(c)" is changed to read "§ 440.180a(b)(3)".

§ 141e.427 [Amended]

9. Section 141e.427 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 141e.418(a)" is changed to read "§ 448.13(b)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

c. In paragraph (b)(1) and (2) the references to "§ 141e.401(a)", "§ 141e.418(a)", and "§ 141e.418(e)" are changed to read "§ 448.10a(b)(1) of this chapter", "§ 448.13(b)(1) of this chapter", and "§ 448.13(b)(5) of this chapter" respectively.

d. In paragraph (b)(3) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

§ 141e.428 [Amended]

10. Section 141e.428 is amended as follows:

a. In paragraph (a)(2) the references to "§ 141b.101 (a) to (l), inclusive", and "§ 141b.101(e)" are changed to read "§ 444.70a(b)(1)(i) through (ix)" and "§ 444.70a(b)(1)(v)" respectively.

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

§ 141e.429 [Amended]

11. Section 141e.429 is amended as follows:

(a) In paragraph (a)(1) the reference to "§ 141e.402(a)" is changed to read "§ 448.510a(b) of this chapter".

b. In paragraph (a)(2) the reference to "§ 141e.410(b)" is changed to read "§ 436.517(b) of this chapter".

§ 141e.431 [Amended]

12. Section 141e.431 is amended as follows:

a. In paragraph (a) the reference to "§ 141e.401(a), except in lieu of subparagraph (1)(ii)" is changed to read "§ 448.10a(b)(1) of this chapter, except in lieu of paragraph (b)(1)(i)(b) of that section".

b. In paragraph (b) the reference to "§ 141a.5(a)" is changed to read "§ 440.80a(b)(5)(i)".

c. In paragraph (c)(1) and (2) the references to "§ 141e.418(a)" and "§ 141a.5(a)" are changed to read "§ 448.13(b)(1) of this chapter" and "§ 440.80a(b)(5)(i)" respectively.

PART 144—EXEMPTIONS FROM CERTIFICATION REQUIREMENTS FOR ANTIBIOTIC DRUGS FOR VETERINARY USE

The heading for Part 144 is revised to read as set forth above.

PART 146—ANTIBIOTIC DRUGS FOR VETERINARY USE; PROCEDURAL AND INTERPRETIVE REGULATIONS

1. The heading for Part 146 is revised as set forth above.

2. The following sections are amended and reissued for veterinary use.

§ 146.2 Requests for certification, check tests and assays, and working standards for veterinary drugs; information and samples required.

(a) A request for certification of a batch shall be addressed to the Commissioner and shall be in a form specified by him. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b)(1) The initial request for certification of a batch of any drug submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch of such drug, including descriptions of:

(i) The methods and processes used in the manufacture of the drug;

(ii) The tests and assays of the drug made during the manufacture of the batch and after it is packaged; and

(iii) The laboratory facilities used in such controls.

(2) Such initial request shall also be preceded or accompanied by the key of the batch marks used by such person and by specimens of all labeling to be used for such drug.

(c) A person who requests certification or check tests and assays of a batch shall submit with his request the following information and samples:

(1) The batch mark of the drug.

(2) The quantity of each ingredient used in making the batch and a state-

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ment that each such ingredient conforms to the requirements or standards prescribed therefor, if any, by specific regulations or official compendium or otherwise approved by the Commissioner.

(3) The size of the batch, including the number of containers of each size in the batch.

(4) The date of the latest assay of the batch.

(5) The results of the latest tests and assays made by or for him on the batch as required for the drug by specific regulations.

(6) The batch mark(s) of the antibiotic(s) used in making the batch.

(7) Unless previously submitted, the results and dates of the latest tests and assays made by or for him on the antibiotic(s) used in making the batch as required by specific regulations.

(8) The number of accurately representative samples that are required for the batch by specific regulations:

(i) In the case of drugs such as dry powders, solutions, ointments, and suspensions, the sample shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal. In no case, however, shall more than 5,000 immediate containers have been packaged during each such interval of sampling, except for a sample collected for sterility testing.

(ii) In the case of drugs such as tablets or other such unit dosage forms, the sample shall be collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal. In no case, however, shall more than 5,000 tablets have been tableted during each interval of sampling, except for a sample collected for time of disintegration. If the person who packages the tablets into dispensing-size containers is not the manufacturer, such sample shall be collected throughout the entire time of packaging the batch into such containers.

(iii) In the case of drugs packaged for repacking or for use in the manufacture of another drug, the sample must be representative of the batch. Such samples may be taken from a composite composed of portions taken from a representative number of bulk containers, the composite consisting of no more than 10 times the amount required for conducting the required tests and assays. Such samples are not required if they have been previously submitted.

(iv) In the case of a sterile drug packaged in combination with containers of a sterile diluent, the sample shall be collected by taking 20 immediate containers of the diluent collected at regular intervals throughout each filling operation, except that if the diluent is sterilized after filling into containers, the representative sample shall consist of 20 immediate containers collected from each sterilizer load and each container shall be taken from a different part of each such sterilizer load. In the case of sterile drugs packaged in combination with sterile droppers, the sample shall be collected by taking 20 droppers from each sterilizer load and each stopper shall be taken from a different part of such sterilizer load.

(9) In the case of an initial request for certification, each ingredient used in making the batch other than ingredients required by specific regulations: 1 package of each containing approximately 5 grams. Results and dates of the latest tests and assays made by or for him on such ingredients shall precede or accompany the submission.

(10) The results and dates of tests and assays made by or for him on the non-antibiotic active ingredients in the batch.

(11) If such batch or any part thereof is to be packaged with a sterile diluent or sterile dropper, such request shall also be accompanied by a statement that such diluent or dropper is sterile and conforms to the requirements prescribed therefor by specific regulations.

(d) Each sample submitted pursuant to the regulations in this chapter shall be addressed to the Commissioner. Its package shall be clearly identified as to its contents and shall bear the name and post-office address of the person submitting it.

(e) In addition to the information and samples specifically required to be submitted to the Commissioner by the regulations in this chapter, the person who requests certification of a batch shall submit such further information and samples as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements of § 431.10 for the issuance of a certificate.

(f) Upon the request of any person, stating reasonable grounds therefor, the Commissioner shall furnish such person with a portion of the working standards.

§ 146.3 Certification.

(a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and samples required by or pursuant to the regulations in this chapter have been submitted, and the request for certification contains no untrue statement of a material fact; and

(2) The batch complies with the regulations in this chapter and conforms to the applicable standards of identity, strength, quality, and purity prescribed by the regulations in this chapter;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of certificates as are prescribed by § 431.11, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to the regulations in this chapter, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) All statements, samples, and other information and materials submitted in connection with a request for certification shall be considered to be part of such request.

(d) Compliance of a drug with the standards of identity, strength, quality, and purity prescribed by regulations in this chapter shall be determined by the tests and methods of assay prescribed for such drug by regulations issued under this chapter.

(e) The regulations in this chapter, prescribing tests and methods of assay for antibiotic and antibiotic-containing drugs, shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

(1) A request for certification contains any untrue statement of a material fact; or

(2) A certification has been obtained through fraud, or through misrepresentation or concealment of a material fact.

(f) Except as specifically provided by the regulations in this chapter, no provision of any regulation shall be construed as exempting any certifiable antibiotic drug from any applicable provision of the act or any regulation thereunder.

§ 146.4 Conditions on the effectiveness of certificates for veterinary drugs.

(a) A certificate shall not become effective:

(1) If it is obtained through fraud or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless it complies with the packaging requirements, if any, prescribed by the regulations in this chapter which were in effect on the date of the certificate;

(3) With respect to any package unless its label and labeling bear all words, statements, and other information required by the regulations in this chapter; or

(4) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of the regulations in this chapter.

(b) A certificate shall cease to be effective:

(1) With respect to any immediate container after the expiration date, if any, prescribed by the regulations in this chapter;

(2) With respect to any immediate container when it or its seal (if the regulations in this chapter require it to be sealed) is broken, or when its label or labeling is altered, mutilated, destroyed, obliterated, or removed in whole or in part, or ceases to conform to any labeling requirement prescribed by the regulations in this chapter, except that:

(i) If the drug in such container is repacked or used as an ingredient in the manufacture of another drug, and certification of the batch thus made is requested, such certificate shall continue to be effective for a reasonable time to permit certification or destruction of such batch;

(ii) If the drug is in a container packaged for dispensing and is used in compounding a prescription issued by a practitioner licensed by law to administer such drug, such certificate shall continue to be effective for a reasonable time to permit the delivery of the drug compounded on such prescription; or

(iii) If its label or labeling is removed in whole or in part for the purpose of relabeling and supplemental certification of the relabeled drug is requested, as provided by § 433.12 of this chapter.

(3) With respect to any immediate container of penicillin when it is included in the packaged combination penicillin with aluminum hydroxide gel or penicillin with a vasoconstrictor, or to any immediate container of bacitracin when it is included in the packaged combination bacitracin with a vasoconstrictor, except that when certification of the batch so included is requested, such certificate shall continue to be effective for a reasonable time to permit certification of such batch which is part of such combination;

(4) With respect to any package when the drug therein fails to meet the standards of identity, strength, quality, and purity which were in effect on the date of the certificate; except that those minor changes which occur before the expiration date and which are normal and unavoidable in good storage and distribution practice shall be disregarded.

(5) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, included in a packaged combination with another drug, when such other drug fails to meet the requirements of the regulations in this chapter; or

(6) With respect to any immediate container, if such regulations require its labeling to bear a caution against dispensing otherwise than on prescription, at the beginning of the act of dispensing or offering to dispense it otherwise than:

(i) By a practitioner licensed by law to administer such drug; or

(ii) On his prescription issued in his professional practice.

§ 146.5 Records of distribution of veterinary drugs.

(a) The person who requested certification shall keep complete records showing each shipment and other delivery (including exports) of each certified batch or part thereof by such person or by any person subject to his control. Such records shall show the date and quantity of each such shipment or delivery and the name and post-office address of the person to whom such shipment or delivery was made, and shall be kept for not less than 3 years after such date.

(b) Upon the request of any officer or employee of the Food and Drug Administration, or of any other officer or employee of the United States acting on behalf of the Secretary, the person to whom a certificate is issued shall at all reasonable hours make such records available to any such officer or employee and shall accord to him full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 146.6 Suspension of certification service for veterinary drugs.

When the Commissioner finds that a person has:

(a) Obtained or attempted to obtain a certificate through fraud or through misrepresentation or concealment of a material fact; or

(b) Falsified the records required to be kept by § 146.5; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to take an inventory of stocks on hand, or otherwise to check the correctness of such records as required by § 146.5; or

(d) Failed to establish a system for maintaining the records required by § 135.14a of this chapter or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with the provisions of that section, or has refused to permit access to, or copying, or verification of such records or reports; or

(e) Failed to conform to the requirements of good manufacturing practice prescribed by Part 133 of this chapter; the Commissioner will immediately suspend service to such person under the regulations in this chapter. Upon request a hearing will be granted to such person to show cause why such service should be resumed.

§ 146.8 Fees for certification of veterinary drugs.

(a) The fees for certification services for veterinary drugs are described in the applicable provisions of § 431.53 of this chapter.

(b) The fees for the services rendered with respect to each application for an exemption from certification under the regulations in § 144.26(b) of this chapter, and for each amendment thereto, shall be:

(1) $10.00 for each medicated feed formula containing one or more new-drug substances described in an initial application.

(2) $10.00 for changes in one or more new-drug substances contained in a medicated feed formula described in an amendment to such application.

The fee prescribed by this paragraph shall accompany each application and each amendment to such application unless such fees is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146.9 Disposition of outdated veterinary drugs.

When certification becomes invalid because the expiration date is passed, such articles should not be disposed of for drug use either through commercial or charitable channels unless the articles have been assayed to establish potency and recertified.

§ 146.13 Forms for certification or exemption of antibiotic drugs for veterinary use.

The following forms which must be supplied in connection with certain certification or exemption procedures for antibiotic drugs for veterinary use may be obtained from the Certification Services Staff (HFD–145), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852:

Form	
1	Application for exemption for storage.
2	Application for exemption for processing.
3	Application for exemption for labeling.
4	Application for exemption for manufacturing use.
7	Request for check tests and assays or certification of a batch of ---------- (the blank to be filled in with the name of the antibiotic drug).
8	Application for exemption for repacking.
9	Request for supplemental certification of a batch of an antibiotic drug.
1800	Application for exemption for antibiotics mixed in animal feeds. Form FD 1800—Revised must be used when applications for medicated feeds rely for evidence of safety and effectiveness on a regulation published pursuant to section 512(i) of the act.

§ 146.15 Hearing procedure, veterinary drugs.

Hearings held pursuant to § 146.6 will be conducted in accordance with the rules provided in Part 314 of this chapter.

PART 146a—CERTIFIED PENICILLIN AND PENICILLIN-CONTAINING DRUGS FOR VETERINARY USE

1. The heading for Part 146a is revised to read as set forth above.

§ 146a.19 [Amended]

2. Section 146a.19 is amended as follows:

a. In paragraph (a) the reference to "§ 146a.105(a)" is changed to read "§ 440.57a(a)(1) of this chapter".

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146a.105(b)" is changed to read "§ 440.57a(a)(2) of this chapter".

3. Section 146a.24 is amended to read as follows:

§ 146a.24 Sodium penicillin (penicillin sodium, penicillin sodium salt), veterinary, calcium penicillin (penicillin calcium, penicillin calcium salt) veterinary, crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt) veterinary.

(a) The requirements for certification and the tests and methods of assay for

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sodium penicillin (penicillin sodium, penicillin sodium salt) veterinary, calcium penicillin (penicillin calcium, penicillin calcium salt) veterinary, crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt) veterinary are described under § 440.80a of this chapter.

(b) When it is packaged for dispensing and it is intended solely for veterinary use: (1) Its label and labeling shall comply with all the requirements prescribed by § 440.80a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(2) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135b.24 of this chapter.

§ 146a.26 [Amended]

4. Section 146a.26 is amended as follows:

a. In paragraph (a) the references to "§ 146a.24(a)(1), (2), (3), and (4)", "§ 146a.24(a)", "§ 146a.24(a)(4)", and "§ 146a.44(a) except § 146a.44(a)(2), (3), and (4)" are changed to read "§ 440.80a(a)(1)(i), (ii), (iii), and (iv) of this chapter", "§ 440.80a(a)(1) of this chapter", "§ 440.80a(a)(1)(iv) of this chapter, except paragraphs (ii), (iii), and (iv) of that section" respectively.

b. In paragraph (c)(1)(i) the reference to "§ 148.3(a)(3)" is changed to read "§ 432.5(a)(3)".

c. In paragraph (d) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (d)(2)(i) the reference to "§ 146a.24(b) or § 146a.44(b)" is changed to read "§ 440.74a(a)(2) or § 440.80a(a)(2) of this chapter".

5. Section 146a.27 is revised to read as follows:

§ 146a.27 Penicillin tablets, veterinary.

(a) The requirements for certification and the tests and methods of assay for penicillin tablets for veterinary use are described under § 440.180a of this chapter.

(b) When penicillin tablets are packaged for dispensing and intended solely for veterinary use: (1) The label and labeling shall comply with all the requirements prescribed by § 440.180a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drugs by the laity.

(2) If it contains added vitamins, the labels shall bear the name and quantity of each substance and a statement that such substances are present only for furnishing additional vitamins while animals are eating less feed.

(3) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.43 of this chapter.

6. Section 146a.28 is revised to read as follows:

§ 146a.28 Crystalline penicillin G oral suspension veterinary, crystalline penicillin G sodium oral suspension veterinary, potassium penicillin G oral suspension veterinary.

(a) The requirements for certification and the tests and methods of assay for crystalline penicillin G oral suspension veterinary, crystalline penicillin G sodium oral suspension veterinary, potassium penicillin G oral suspension veterinary, are described under § 440.180e of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.180e(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

7. Section 146a.34 is revised to read as follows:

§ 146a.34 Tablets aluminum penicillin; veterinary.

(a) The requirements for certification and the tests and methods of assay for tablets aluminum penicillin for veterinary use are described under § 440.153 of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.153(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

8. Section 146a.39 is revised to read as follows:

§ 146a.39 Capsules procaine penicillin in oil, veterinary.

(a) The requirements for certification and the tests and methods of assay for capsules procaine penicillin in oil for veterinary use are described under § 440.174 of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.174(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

9. Section 146a.41 is revised to read as follows:

§ 146a.41 Crystalline penicillin and epinephrine in oil, veterinary.

(a) The requirements for certification and the tests and methods of assay for crystalline penicillin and epinephrine in oil for veterinary use are described under § 440.280d of this chapter.

(b) When crystalline penicillin and epinephrine in oil is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.280d(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

10. Section 146a.43 is revised to read as follows:

§ 146a.43 Aluminum penicillin in oil, veterinary.

(a) The requirements for certification and the tests and methods of assay for aluminum penicillin in oil for veterinary use are described under § 440.253 of this chapter.

(b) When it is packaged for dispensing and is intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.253(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

11. Section 146a.45 is revised to read as follows:

§ 146a.45 Procaine penicillin G in oil, veterinary.

The requirements for certification and the tests and methods of assay for procaine penicillin G in oil for veterinary use are described under § 440.274a of this chapter, with the following exceptions:

(a) *Standards of identity, strength, quality and purity.* If it is conspicuously labeled for veterinary use it may contain furaltadone in accordance with § 121.249(a)(5) of this chapter and is exempt from the potency requirement in § 440.274a(a)(1) of this chapter. It is sterile only if it is packaged and labeled solely for udder instillations of cattle and it contains furaltadone. If the procaine penicillin G in oil is packaged and labeled solely for udder instillations of cattle and is not required to be sterile, the penicillin used is exempt from the requirements of § 440.74a(a)(1)(ii), (iii), and (iv) of this chapter.

(b) *Packaging.* If it is labeled solely for udder instillations of cattle it may be packaged in plastic or collapsible tubes which shall be well closed containers as defined by the U.S.P. If it is packaged and labeled solely for veterinary use, it need not meet the requirements for quantity of procaine penicillin in oil in each container, as described in § 440.274a(a)(2) of this chapter.

(c) *Labeling.* When it is packaged for dispensing and intended solely for veterinary use:

(1) If it does not contain adrenocorticotropic hormone, it shall comply with § 440.274a(a)(3) of this chapter, except in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include adequate directions and warnings for the veterinary use of the drug by the laity in all cases except those in which the veterinary prescription statement is required by regulations under Part 135b. In those cases, the veterinary prescription statement shall comply with the requirements prescribed by § 1.106(c) of this chapter. If it is intended for udder instillation in cattle it shall be exempt from the requirements of § 1.106(b)(2)(v) of this chapter.

(2) If it contains adrenocorticotropic hormone, it shall comply with § 1.106(c) of this chapter and with the requirements of § 440.274a(a)(3) of this chapter.

(3) Each package shall bear on its label and labeling, unless it is intended for udder instillation in cattle, the statement "Warning—Not for use in animals which are raised for food production."

(d) *Requests for certification; samples.* If the batch of procaine penicillin G in oil is intended solely for udder instillations of cattle and is not required to be sterile, test results for toxicity, sterility, and pyrogens are not required.

12. Section 146a.47 is revised to read as follows:

§ 146a.47 Procaine penicillin for aqueous injection, veterinary.

(a) The requirements for certification and the tests and methods of assay for procaine penicillin for aqueous injection for veterinary use are described under § 440.274b of this chapter.

(b) When procaine penicillin for aqueous injection is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the following requirements:

(1) If it does not contain cortisone or a derivative of cortisone, its label and labeling shall comply with all of the requirements prescribed by § 440.274b(a)(3) of this chapter, except in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity in all cases except those in which the veterinary prescription statement is required by regulations under Part 135b of this chapter. In those cases, the veterinary prescription statement shall comply with the requirements prescribed by § 1.106(c) of this chapter.

(2) If it contains cortisone or a derivative of cortisone, the label and labeling of each package shall conform with the requirements prescribed by § 1.106(c) of this chapter and with the requirements of § 440.274b(a)(3) of this chapter.

(3) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135b.25 of this chapter.

13. Section 146a.49 is revised to read as follows:

§ 146a.49 Ephedrine penicillin tablets, veterinary.

(a) The requirements for certification and the tests and methods of assay for ephedrine penicillin tablets for veterinary use are described under § 440.563 of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.563(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

14. Section 146a.51 is revised to read as follows:

§ 146a.51 Buffered penicillin powder, veterinary, penicillin powder with buffered aqueous diluent, veterinary.

(a) The requirements for certification and the tests and methods of assay for buffered penicillin powder and penicillin powder with buffered aqueous diluent for veterinary use are described under § 440.180f of this chapter.

(b) When buffered penicillin powder and penicillin powder with buffered aqueous diluent are packaged for dispensing and intended solely for veterinary use: (1) Their labels and labeling shall comply with all the requirements prescribed by § 440.180f(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity in all cases except those in which the veterinary prescription statement is required by regulations under Part 135b of this chapter. In those cases, the veterinary prescription statement shall comply with the requirements prescribed by § 1.106(c) of this chapter.

(2) If it contains cortisone or a derivative of cortisone, the label and labeling of each package shall conform with the requirements prescribed by § 1.106(c) of this chapter and with the requirements of § 440.274b(a)(3) of this chapter.

(3) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.43 of this chapter.

15. Section 146a.53 is revised to read as follows:

§ 146a.53 Capsules penicillin and novobiocin, veterinary.

The requirements for certification and the tests and methods of assay for capsules penicillin and novobiocin for veterinary use are described under § 440.180d of this chapter.

§ 146a.57 [Amended]

16. Section 146a.57 is amended as follows:

a. In paragraph (a) the reference to "§ 146.45" is changed to read "§ 440.274a(a)".

b. In paragraph (a)(1) the reference to "§ 146b.101(a) or § 146b.103" is changed to read "§ 444.10a(a) or § 444.70a(a)(1)".

c. In paragraph (a)(4) the references to "§ 146a.45(d)" and "§ 146b.101(b)" are changed to read "§ 440.274a(a)(4) of this chapter", and "§ 444.70a(a)(2)" respectively.

§ 146a.58 [Amended]

17. Section 146a.58 is amended as follows:

a. In paragraph (a) the references to "§ 146a.24(a), § 146a.44(a), § 146a.64(a), or § 146a.74(a)", "§ 146b.101(a)", and § 146b.103" are changed to read "§§ 440.61a(a)(1), 440.65a(a)(1), 440.74a(a)(1), or § 440.80a(a)(1) of this chapter", "§ 444.70a(a)(1)", and "§ 444.10a(a)" respectively.

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146a.44(b)" is changed to read "§ 440.74a(a)(2) of this chapter".

d. In paragraph (d)(3)(iii) the reference to "§ 146a.24(b)" is changed to read "§ 440.80a(a)(2) of this chapter".

e. In paragraph (d)(3)(iv) the reference to "§ 146a.64(b)" is changed to read "§ 440.65a(a)(2) of this chapter".

f. In paragraph (d)(3)(v) the reference to "§ 146a.74(b)" is changed to read "§ 440.61a(a)(2) of this chapter".

g. In paragraph (d)(3)(vi) the reference to "§ 146.101(b)" is changed to read "§ 444.70a(a)(2)".

18. Section 146a.61 is revised to read as follows:

§ 146a.61 Potassium phenoxymethyl penicillin (potassium phenoxymethyl penicillin salt), veterinary.

The requirements for certification and the tests and methods of assay for potassium phenoxymethyl penicillin (potassium phenoxymethyl penicillin salt) for veterinary use are described under § 440.73 of this chapter.

§ 146a.62 [Amended]

19. Section 146a.62 is amended as follows:

a. In the introductory paragraph the reference to "§ 146a.45" is changed to read "§ 440.274a(a) of this chapter".

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b. In paragraph (c) the reference to "§ 146a.45" is changed to read "§ 440.274a(a) of this chapter".

c. In paragraph (d) the reference to "§146a.45(d)" is changed to read "§ 440.274a(a)(4) of this chapter".

20. Section 146a.65 is revised to read as follows:

§ 146a.65 l-Ephenamine penicillin G in oil, veterinary.

(a) The requirements for certification and the tests and methods of assay for *l*-ephenamine penicillin G in oil for veterinary use are described under § 440.265a of this chapter.

(b) When it is packaged for dispensing and it is intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.265a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

21. Section 146a.66 is revised to read as follows:

§ 146a.66 l-Ephenamine penicillin G for aqueous injection, veterinary.

(a) The requirements for certification and the tests and methods of assay for *l*-ephenamine penicillin G for aqueous injection for veterinary use are described under § 440.265b of this chapter.

(b) When it is packaged for dispensing and it is intended solely for veterinary use: (1) Its label and labeling shall comply with all the requirements prescribed by § 440.265b(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(2) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135b.27 of this chapter.

§ 146a.67 [Amended]

22. Section 146a.67 is amended as follows:

a. In paragraph (a) the references to "§ 146a.44(a)", § 146b.101(a) or § 146b.106(a)", are changed to read "§ 440.74a(a)(1) of this chapter", "§ 444.70a(a)(1) or § 444.270(b)(1)", and "§ 444.10a(a)(1) or § 444.270b(a)(1)" respectively.

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to § 146a.44(b)" is changed to read "§ 440.74a(a)(2) of this chapter".

d. In paragraph (d)(3)(iii) the reference to "§ 146b.101(b)" is changed to read "§ 444.70a(a)(2)".

23. Section 146a.68 is revised to read as follows:

§ 146a.68 Benzathine penicillin G (benzathine penicillin G salt), veterinary.

The requirements for certification and the tests and methods of assay for benzathine penicillin G (benzathine penicillin G salt) for veterinary use are described under § 440.55a of this chapter.

24. Section 146a.69 is revised to read as follows:

§ 146a.69 Benzathine penicillin G oral suspension veterinary, benzathine penicillin G for oral suspension (benzathine penicillin G powder) veterinary.

(a) The requirements for certification and the tests and methods of assay for benzathine penicillin G oral suspension and benzathine penicillin G for oral suspension (benzathine penicillin G powder) for veterinary use are described under § 440.155c of this chapter.

(b) When it is packaged for dispensing and it is intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.155c(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

25. Section 146a.75 is revised to read as follows:

§ 146a.75 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection (penicillin G diethylaminoethyl ester hydriodide for aqueous injection), veterinary.

(a) The requirements for certification and the tests and methods of assay for diethylaminoethyl ester penicillin G hydriodide for aqueous injection (penicillin G diethylaminoethyl ester hydriodide for aqueous injection), veterinary are described under § 440.261 of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.261(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

26. Section 146a.77 is revised to read as follows:

§ 146a.77 Benzathine penicillin G for aqueous injection, veterinary.

The requirements for certification and the tests and methods of assay for benzathine penicillin G for aqueous injection for veterinary use are described under § 440.255b of this chapter, with the following exceptions:

(a) *Packaging.* It need not be packaged for dispensing in immediate containers of colorless transparent glass. If it is the aqueous suspension of the drug, conspicuously labeled for veterinary use, the container is exempt from the 10-milliliter-maximum requirement prescribed by § 440.255b(a)(2) of this chapter.

(b) *Labeling.* When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all requirements prescribed by § 440.255b(a)(3) of this chapter, except that in lieu of the requirements of § 1.106(b) of this chapter, it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter, issued under section 502(f) of the act.

27. Section 146a.80 is revised to read as follows:

§ 146a.80 Chloroprocaine penicillin O for aqueous injection, veterinary.

(a) The requirements for certification and the tests and methods of assay for chloroprocaine penicillin O for aqueous injection for veterinary use are described under § 440.259 of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.259(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

§ 146a.84 [Amended]

28. Section 146a.84 is amended as follows:

a. In paragraph (a)(1) the references to "§ 146a.24(a)", "§ 146a.44(a)", and "§ 146a.68(a)" are changed to read "§ 440.80a(a)(2) of this chapter", "§ 440.74a(a)(1) of this chapter", and "§ 440.55a(a)(1) of this chapter" respectively.

b. In paragraph (d)(3)(ii), and (iii) the references to "§ 146a.24(b)" are changed to read "§ 440.80a(a)(2) of this chapter".

c. In paragraph (d)(3)(iv) the reference to "§ 146a.68(b)" is changed to read "§ 440.55a(a)(2) of this chapter".

d. In paragraph (d)(3)(v) the references to "§ 146a.24(b)", and "§ 146a.79(b)" are changed to read "§ 440.80a(a)(2) of this chapter", and "§ 440.59a(a)(2) of this chapter" respectively.

e. In paragraph (d)(3)(vi) the reference to "§ 146b.101(b)" is changed to read "§ 444.70a(a)(2)".

29. Section 146a.86 is revised to read as follows:

§ 146a.86 Benzathine penicillin G and procaine penicillin for aqueous injection, veterinary.

The requirements for certification and the tests and methods of assay for benzathine penicillin G and procaine penicillin for aqueous injection for veterinary use are described under § 440.255c of this chapter.

30. Section 146a.88 is revised to read as follows:

§ 146a.88 Penicillin-streptomycin tablets veterinary; penicillin-dihydrostreptomycin tablets veterinary.

The requirements for certification and the tests and methods of assay for penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets for veterinary use are described under § 440.180b of this chapter, except if they are intended for use in parakeets and canaries, each tablet contains not less than 2.5 milligrams of streptomycin or dihydrostreptomycin and not less than 32,500 units of penicillin; the streptomycin or dihydrostreptomycin used in tablets for veterinary use may conform to the standards prescribed by § 146b.114(a) of this chapter.

§ 146a.93 [Amended]

31. Section 146a.93 is amended as follows:

a. In the introductory paragraph the reference to "§ 146a.88" is changed to read "§ 440.180b(a) of this chapter."

b. In paragraph (b) the reference to "§ 146a.88(a)(2)" is changed to read "§ 440.180b(a)(1)(ii) of this chapter".

c. In paragraph (c) the reference to "§ 146a.88(a)(3)" is changed to read "§ 440.180b(a)(1)(iii) of this chapter."

32. Section 146a.95 is revised to read as follows:

§ 146a.95 Dibenzylamine penicillin and potassium penicillin powder veterinary, buffered.

(a) The requirements for certification and the tests and methods of assay for dibenzylamine penicillin and potassium penicillin powder, buffered, for veterinary use are described under § 440.160 of this chapter.

(b) When it is packaged for dispensing and intended for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.160(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

§ 146a.96 [Amended]

33. Section 146a.96 is amended in the introductory paragraph by changing the reference to "§ 146a.94(a), except § 146a.94(a)(2), (3) (unless it is intended for subcutaneous injection in fowl), and (4)" to read "§ 440.60(a)(1) of this chapter, except paragraph (a)(1)(ii), (iii) (unless it is intended for subcutaneous injection in fowl), and (iv) of that section."

34. Section 146a.98 is revised to read as follows:

§ 146a.98 Hydrabamine penicillin G oral suspension, veterinary.

(a) The requirements for certification and the tests and methods of assay for hydrabamine penicillin G oral suspension for veterinary use are described under § 440.166 of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.166(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

35. Section 146a.100 is revised to read as follows:

§ 146a.100 Benzathine penicillin G in oil, veterinary.

(a) The requirements for certification and the tests and methods of assay for benzathine penicillin G in oil for veterinary use are described under § 440.255a of this chapter.

(b) If it is packaged for dispensing and intended solely for veterinary use, it shall be labeled in accordance with the requirements of § 432.5 and § 148.3(d) of this chapter, except that in lieu of the requirements of § 432.5(a)(1) of this chapter, it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter, issued under section 502(f) of the act.

36. Section 146a.104 is revised to read as follows:

§ 146a.104 Phenoxymethyl penicillin for oral suspension veterinary; potassium phenoxymethyl penicillin for oral solution, veterinary.

(a) The requirements for certification and the tests and methods of assay for phenoxymethyl penicillin for oral suspension and potassium phenoxymethyl penicillin for oral solution for veterinary use are described under § 440.171b of this chapter.

(b) When phenoxymethyl penicillin for oral suspension and potassium phenoxymethyl penicillin for oral solution for packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 440.171b(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

§ 146a.111 [Amended]

37. Section 146a.111(a) is amended by changing the references to "§ 146a.44(a), except, § 146a.44(a)(2), (3), and (4)", and "§ 146b.107(a)" are changed to read "§ 440.74a(a)(1) of this chapter, except paragraph (a)(1)(ii), (iii), and (iv) of that section", and "§ 444.170a(a)(1)" respectively.

§ 146a.112 [Amended]

38. Section 146a.112 is amended as follows:

a. In paragraph (a) the references to "§ 146a.24, except § 146a.24(a)(2), (3), and (4)", "§ 146b.101(a) of this chapter, except § 146b.101(a)(2), (3), (4), and (5)", "§ 146b.103", and "§ 146b.107(a)" are changed to read "§ 440.80a(a) of this chapter, except paragraph (a)(1)(ii), (iii), and (iv) of that section", "§ 444.70a(a)(1), except paragraph (a)(1)(ii), (iii), (iv), and (v) of that section", "§ 444.10a(a)", and "§ 444.170a(a)" respectively.

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

§ 146a.128 [Amended]

39. Section 146a.128 is amended as follows:

a. In paragraph (a) the references to "§ 146a.44(a), except § 146a.44(a)(2), (3), and (4)", and "§ 148j.1, except § 148j.1(a)(1)(ii)" are changed to read "§ 440.74a(a)(1) of this chapter, except paragraph (a)(1)(ii), (iii), and (iv) of that section", and "§ 455.51 of this chapter, except paragraph (a)(1)(ii)" respectively.

b. In paragraph (b) the reference to "§ 148.3" is changed to read "§ 432.5".

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS FOR VETERINARY USE

1. The heading for Part 146b is revised to read as set forth above.

2. Section 146b.101 is revised to read as follows:

§ 146b.101 Streptomycin sulfate veterinary, streptomycin hydrochloride veterinary, streptomycin phosphate veterinary, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex) veterinary.

The requirements for certification and the tests and methods of assay for streptomycin sulfate veterinary, streptomycin hydrochloride veterinary, streptomycin phosphate veterinary, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex) veterinary are described under § 444.70a of this chapter, with the following exceptions:

(a) *Packaging.* It need not be packaged for dispensing in immediate containers of transparent glass, and the potency content of such containers shall not be limited as prescribed in § 444.70a(a)(2) of this chapter.

(b) *Labeling.* When it is packaged for dispensing and it is intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 444.70a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity

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and the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food." If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

3. Section 146b.102 is revised to read as follows:

§ 146b.102 Streptomycin ointment, veterinary; dihydrostreptomycin ointment, veterinary.

(a) The requirements for certification and the tests and methods of assay for streptomycin ointment and dihydrostreptomycin ointment for veterinary use are described under § 444.570a of this chapter.

(b) When it is packaged for dispensing and it is intended solely for veterinary use, its label and labeling shall comply with the requirements prescribed by § 444.570a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

§ 146b.104 [Amended]

4. Section 146b.104 is amended as follows:

a. In paragraph (a) the reference to "§ 146b.101(a) or § 146b.103" is changed to read "§ 444.70a(a)(1) of this chapter or § 444.10a(a) of this chapter".

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146b.101(b)" is changed to read "§ 444.70a(a)(2) of this chapter".

5. Section 146b.105 is revised to read as follows:

§ 146b.105 Streptomycin for topical use, veterinary; streptomycin with _____ (the blank being filled in with the name of the vehicle if a package combination) for topical use, veterinary.

(a) The requirements for certification and the tests and methods of assay for streptomycin for topical use, veterinary; streptomycin with _____ (the blank being filled in with the name of the vehicle if a package combination) for topical use, veterinary, are described under § 444.570b of this chapter.

(b) When it is packaged for dispensing and it is intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 444.570b(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(c) *Labeling.*—(1) It shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter and each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity in lieu of the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" (as provided in § 1.106(c)(2)(i) of this chapter) unless such statement is required by regulations issued under section 512(i) of the act.

(2) Its labeling shall bear any additional information required for the drug by specific regulations.

(3) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified except that the blank may be filled in with the date that is 18 months, 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(4) On the outside wrapper or container the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)" unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(5) The statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food." If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams or grams dissolved in each of such packages, the date on which the latest assay of the drug comprising such batch was completed, and if it is crystalline dihydrostreptomycin sulfate injection, the batch mark and (unless it was previously submitted) the date on which the latest assay of the crystalline dihydrostreptomycin sulfate used in making such batch was completed.

(2) Except as otherwise provided by paragraph (d)(4) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, histamine content (except that the result of this test performed on the streptomycin sulfate, dihydrostreptomycin sulfate, or crystalline dihydrostreptomycin sulfate used in making the batch may be submitted instead), pH, and streptomycin content, if it is dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate.

(ii) The streptomycin sulfate or dihydrostreptomycin sulfate used in making the batch; potency on dry basis and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by paragraph (d)(4) of this section such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch, if packaged for dispensing:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch; but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(ii) The batch, if packaged for use in the manufacture of another drug:

(*a*) For all tests except sterility: Five packages.

(*b*) For sterility testing: 20 packages.

Each such package shall contain approximately 2 milliliters, taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(iii) The streptomycin or dihydrostreptomycin used in making the batch; one immediate container, unless it is crystalline dihydrostreptomycin, in which case the sample shall consist of three immediate containers. Each immediate container shall contain approximately 0.5 gram or the dried drug. If the streptomycin or dihydrostreptomycin used in making the batch is a solution of the drug, the person who requests certification shall dry, a sufficient quantity of such solution for potency testing on the dry basis.

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in paragraph (d)(2)(ii) of this section, and no sample referred to in paragraph (d)(3)(iii) of this section is required if such result or sample has been previously submitted.

(5) In connection with contemplated requests for certification of repackaged batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of the batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by paragraph (d)(3)(ii) of this section. From the information required by paragraph (d)(2)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

7. Section 146b.107 is revised to read as follows:

§ 146b.107 Streptomycin-polymyxin-bacitracin tablets, veterinary.

(a) The requirements for certification and the tests and methods of assay for streptomycin - polymixin - bacitracin tablets for veterinary use are described under § 444.170a of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 444.170a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

§ 146b.108 [Amended]

8. Section 146b.108 is amended as follows:

a. In paragraph (a) the references to "§ 146b.101(a), except subparagraphs (2), (4), (5), and (6)", and "§ 146b.103" are changed to read "§ 444.70a(a)(1) of this chapter, except paragraph (a)(1)(ii), (iv), (v), and (vi) of that section", and "§ 444.10a(a) of this chapter" respectively.

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146b.101(b)" is changed to read "§ 444.70a(a)(2) of this chapter".

9. Section 146b.110 is revised to read as follows:

§ 146b.110 Streptomycin otic with antifungal agent, veterinary; streptomycin otic with _____, veterinary; dihydrostreptomycin otic with antifungal agent, veterinary; dihydrostreptomycin otic with _____ (the blanks being filled in with the established name of the antifungal agent), veterinary.

(a) The requirements for certification and the tests and methods of assay for streptomycin otic with antifungal agent, veterinary; streptomycin otic with _____, veterinary; dihydrostreptomycin otic with antifungal agent, veterinary; dihydrostreptomycin otic with _____ (the blank being filled in with the established name of the antifungal agent), veterinary, are described under § 444.470a of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 444.470a(a)(3) of this chapter, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

§ 146b.111 [Amended]

10. Section 146b.111 is amended as follows:

a. In paragraph (a) the references to "§ 146b.101(a), except § 146b.101(a)(2), (4), and (5)" and "§ 146b.103" are changed to read "§ 444.70a(a)(1) of this chapter, except paragraph (a)(1)(ii), (iv), and (v) of that section", and "§ 444.10a(a) of this chapter" respectively.

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146b.101(b)" is changed to read "§ 444.70a(a)(2) of this chapter".

§ 146b.113 [Amended]

11. Section 146b.113 is amended as follows:

a. In paragraph (a) the references to "§ 146b.101(a)" and "§ 146b.103" are changed to read "§ 444.70a(a)(1) of this chapter" and "§ 444.10a(a) of this chapter" respectively.

b. In paragraph (c) the reference to "§ 146b.101(c)(2) or (3)" is changed to read "§ 444.70a(a)(3)(ii) or (iii) of this chapter".

c. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (d)(3)(ii) and (ii), and (4) the reference to "§ 146b.101(b)" is changed to read "§ 444.70a(a)(2) of this chapter".

§ 146b.114 [Amended]

12. Section 146b.114(d)(1) is amended by changing the reference to "§ 146.2" to read "§ 431.1".

§ 146b.115 [Amended]

13. Section 146b.115(d)(1) is amended by changing the reference to "§ 146.2" to read "§ 431.1".

§ 146b.117 [Amended]

14. Section 146b.117 is amended as follows:

a. In paragraph (b) the reference to "§ 146b.106(b)" is changed to read "§ 444.270b(a)(2) of this chapter".

b. In paragraph (c) the reference to "§ 146b.101(c)(1) or (3)" is changed to read "§ 444.70a(a)(3)(ii) or (iii) of this chapter".

c. In paragraph (d) the reference to "§ 146.2" is changed to read "§ 431.1".

§ 146b.121 [Amended]

15. Section 146b.121 is amended as follows:

a. In paragraph (a) the reference to "§ 146b.101(a), except § 146b.101(a)(2), (3), (4), and (5)" is changed to read "§ 444.70a(a)(1) of this chapter, except paragraph (a)(1)(ii), (iii), (iv), and (v) of that section".

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146b.101(b)" is changed to read "§ 444.70a(a)(2) of this chapter".

§ 146b.123 [Amended]

16. Section 146b.123 is amended as follows:

a. In paragraph (a) the references to "§ 146b.101(a), except subparagraph (6)" and "§ 146b.103" are changed to read "§ 444.70a(a)(1) of this chapter, except paragraph (a)(1)(vi) of that sec-

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tion" and "§ 444.10a(a) of this chapter" respectively.

b. In paragraph (b) the reference to "§ 146b.106 (b) and (c)" is changed to read "§ 444.270b(a) (2) and (3) of this chapter".

c. In paragraph (c) the reference to "§ 146b.106(d)" is changed to read "§ 444.270b(a) (2) of this chapter".

§ 146b.124 [Amended]

17. Section 146b.124 is amended as follows:

a. In paragraph (a) the reference to "§ 146b.101(a), except § 146b.101(a) (2), (3), (4), and (5)", "§ 146b.103", "§ 146b.-107(a)", and "§ 1481.1(a)(1) (i), (v), and (vi)" are changed to read "§ 444.70a(a) (1) of this chapter, except paragraph (a) (1) (ii), (iii), (iv), and (v)", "§ 444.10a (a)", "§ 444.170a(a)(1)", and "§ 444.42a (a)(1) (ii), (iii), (iv), and (v)".

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146b.101(b)" is changed to read "§ 444.70a(a)(2) of this chapter".

§ 146b.127 [Amended]

18. Section 146b.127 is amended as follows:

a. In paragraph (a) the reference to "§ 146b.101(a) or § 146b.103(a)" is changed to read "§ 444.10a(a)(1) of this chapter or § 444.70a(a)(1) of this chapter".

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS FOR VETERINARY USE

1. The heading for Part 146c is revised to read as set forth above.

2. Section 146c.201 is revised to read as follows:

§ 146c.201 Chlortetracycline hydrochloride (chlortetracycline hydrochloride salt), veterinary.

The requirements for certification and the tests and methods of assay for chlortetracycline hydrochloride (chlortetracycline hydrochloride salt) for veterinary use are described under § 446.10a of this chapter, with the following exceptions:

(a) In its manufacture for nonparenteral use, its potency is not less than 820 micrograms per milligram, and each immediate container need not be limited to 1.0 gram of antibiotic, as prescribed in § 446.10a(a) of this chapter.

(b) In testing for toxicity, as prescribed in § 446.10a(b) of this chapter, use a test dose of 0.4 milliliter of the solution required.

(c) When it is packaged for dispensing and it is intended solely for veterinary use, its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production" and shall comply with all the requirements prescribed by § 446.10a(a) (3) of this chapter; except, if it is not intended for intravenous use, in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity. If it is intended for intravenous use, the labeling shall conform to the requirements prescribed by § 1.106(c) of this chapter and to the requirements of § 446.10a(a)(3)(i) (a) and (b) of this chapter.

3. Section 146c.204 is revised to read as follows:

§ 146c.204 Chlortetracycline hydrochloride capsules, veterinary; tetracycline hydrochloride capsules, veterinary; tetracycline capsules, veterinary; tetracycline phosphate complex capsules, veterinary.

The requirements for certification and the tests and methods of assay for chlortetracycline hydrochloride capsules, veterinary; tetracycline hydrochloride capsules, veterinary; tetracycline capsules, veterinary; tetracycline phosphate complex capsules, veterinary are described under § 446.110b of this chapter, with the following exceptions:

(a) Standards of identity, strength, quality, and purity: It may contain one or more suitable sulfonamides and harmless vitamin substances. The contents of each capsule shall not be limited to 50 milligrams.

(b) When it is packaged for dispensing and intended solely for veterinary use: Its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production" and shall comply with all of the requirements prescribed by § 446.110b(a) (3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without a prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity in all cases except those in which the veterinary prescription statement is required by regulations under Part 135c. In those cases, the veterinary prescription statement shall comply with the requirements prescribed by § 1.106(c) of this chapter.

4. Section 146c.205 is revised to read as follows:

§ 146c.205 Chlortetracycline powder (chlortetracycline hydrochloride powder), veterinary; tetracycline hydrochloride powder, veterinary; tetracycline powder, veterinary.

The requirements for certification and the tests and methods of assay for chlortetracycline powder (chlortetracycline hydrochloride powder), veterinary; tetracycline hydrochloride powder, veterinary; tetracycline powder, veterinary are described under § 446.510b of this chapter, with the following exceptions:

(a) Standards of identity, strength, quality, and purity: It may contain one or more suitable and harmless vitamin substances.

(b) It is packaged for dispensing and intended solely for veterinary use: (1) Its label and labeling shall comply with all the requirements prescribed by § 446.-510b(a)(3) of this chapter, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(2) If it is intended for use in animals raised for food production, it shall also be labeled in accordance with the requirements of regulations in Part 135c of this chapter.

5. Section 146c.206 is revised to read as follows:

§ 146c.206 Chlortetracycline ophthalmic (chlortetracycline hydrochloride ophthalmic), veterinary; tetracycline hydrochloride ophthalmic, veterinary.

(a) The requirements for certification and the tests and methods of assay for chlortetracycline ophthalmic (chlortetracycline hydrochloride opthalmic), veterinary; tetracycline hydrochloride ophthalmic, veterinary are described under § 446.310a of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 446.310a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

6. Section 146c.207 is revised to read as follows:

§ 146c.207 Chlortetracycline hydrochloride tablets, veterinary; tetracycline hydrochloride tablets, veterinary; tetracycline tablets, veterinary.

(a) The requirements for certification and the tests and methods of assay for chlortetracycline hydrochloride tablets, veterinary; tetracycline hydrochloride tablets, veterinary; tetracycline tablets, veterinary are described under § 446.110a of this chapter.

(b) Exemption of chlortetracycline hydrochloride tablets from certification: Chlortetracycline hydrochloride tablets that conform to the requirements of § 446.110a(a)(1) of this chapter (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes; and the chlortetracycline hydrochloride used in making the tablets may conform to § 146c.219(a)) shall be exempt from the certification requirements of section 512(n) of the act, if they comply with all the following conditions:

(1) If the drug contains added vitamins or minerals, its label bears the name and quantity of each such substances and a statement that such substances are present only for furnishing additional vitamins and minerals while the birds are eating less feed.

(2) The labels bear an expiration date that is not more than 24 months after the month during which the batch was last assayed and released by the manufacturer.

(3) The label bears a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotic is intended for use in the prevention or treatment of the following conditions of parakeets and canaries, due to organisms sensitive to chlortetracycline, and further, bears directions and warnings adequate for such uses:

(i) Respiratory disease, bacterial (pneumonia, bronchitis, rhinitis).

(ii) Infectious arthritis due to a filterable agent.

(iii) Bacterial enteritis.

(iv) Stimulate food intake, growth, and to maintain body weight.

(v) When intended for use in the conditions set forth in paragraph (b)(4) (i), (ii), and (iii), of this section, the potency must be such, that when used as directed in the labeling, each ounce of drinking water contains not less than 25 milligrams of chlortetracycline.

(vi) When intended for use in the conditions set forth in paragraph (b)(4) (iv) of this section, the potency must be such, that when used as directed in the labeling, each ounce of drinking water contains not less than 5.0 milligrams of chlortetracycline.

7. Section 146c.208 is revised to read as follows:

§ 146c.208 Tetracycline hydrochloride otic (tetracycline hydrochloride for ear solution), veterinary.

(a) The requirements for certification and the tests and methods of assay for tetracycline hydrochloride otic (tetracycline hydrochloride for ear solution) for veterinary use are described under § 446.481 of this chapter.

(b) When it is packaged for dispensing and it is intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 446.481(a)(3) of this chapter except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

8. Section 146c.212 is revised to read as follows:

§ 146c.212 Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories), veterinary; tetracycline hydrochloride suppositories, veterinary.

(a) The requirements for certification and the tests and methods of assay for chlortetracycline suppositories (chlortetracycline hydrochloride suppositories), veterinary; tetracycline hydrochloride suppositories, veterinary are described under § 446.610a of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 446.610a(a)(3) of this chapter, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement, "Warning—Not for use in animals which are raised for food production."

9. Section 146c.217 is revised to read as follows:

§ 146c.217 Chlortetracycline calcium sirup (chlortetracycline calcium oral drops), veterinary; tetracycline sirup (tetracycline oral drops), veterinary; tetracycline magnesium sirup (tetracycline magnesium oral drops), veterinary.

(a) The requirements for certification and the tests and methods of assay for chlortetracycline calcium sirup (chlortetracycline calcium oral drops), veterinary; tetracycline sirup (tetracycline oral drops), veterinary; tetracycline magnesium sirup (tetracycline magnesium oral drops), veterinary are described under § 446.111 of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 446.111(a)(3) of this chapter, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement, "Warning—Not for use in animals which are raised for food production."

10. Section 146c.218 is revised to read as follows:

§ 146c.218 Tetracycline hydrochloride, veterinary.

The requirements for certification and the tests and methods of assay for tetracycline hydrochloride for veterinary use are described under § 446.81a of this chapter.

§ 146c.219 [Amended]

11. Section 146c.219(d)(1) is amended by changing the reference to "§ 146.2" to read "§ 431.1".

12. Section 146c.220 is revised to read as follows:

§ 146c.220 Tetracycline, veterinary.

The requirements for certification and the tests and methods of assay for tetracycline for veterinary use are described under § 446.80 of this chapter.

13. Section 146c.222 is revised to read as follows:

§ 146c.222 Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture), veterinary; tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops), veterinary; tetracycline hydrochloride oral solution, veterinary; tetracycline calcium oral suspension, veterinary; tetracycline oral suspension, veterinary.

(a) The requirements for certification and the tests and methods of assay for tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture), veterinary; tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops), veterinary; tetracycline hydrochloride oral solution, veterinary; tetracycline calcium oral suspension, veterinary; tetracycline oral suspension, veterinary are described under § 446.181c of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 446.181c(a)(3) of this chapter, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement, "Warning—Not for use in animals which are raised for food production."

§ 146c.228 [Amended]

14. Section 146c.228 is amended as follows:

a. In the introductory paragraph the reference to "§ 146c.204" is changed to read "§ 446.110b(a) of this chapter".

b. In paragraph (a) the reference to "§ 1481.1(a)(1) (i), (iv), (v), and (vi)" is changed to read "§ 444.42a(a)(1) (i), (iv), (v), and (vi)".

c. In paragraph (c) the reference to "§ 146c.204(d)" is changed to read "§ 446.110b(a)(4) of this chapter".

15. Section 146c.232 is revised to read as follows:

§ 146c.232 Tetracycline phosphate complex, veterinary.

The requirements for certification and the tests and methods of assay for tetracycline phosphate complex for veterinary use are described under § 446.82 of this chapter.

§ 146c.237 [Amended]

16. Section 146c.237 is amended as follows:

a. In paragraph (a) the reference to "§ 146c.202" is changed to read "§ 446.-510a(a) of this chapter".

b. In paragraph (a)(2) the reference to "§ 1481.(a)(1) (i), (v), and (vi)" is changed to read "§ 444.42a(a)(1) (i), (v), and (vi)."

c. In paragraph (a)(3) the references to "§ 146b.101(a) of this chapter, except § 146b.101(a) (2), (3), (4), and (5)" and "§ 146b.103" are changed to read "§ 444.-70a(a)(1) of this chapter, except paragraph (a)(1) (ii), (iii), (iv), and (v) of that section" and "§ 444.10a(a)" respectively.

d. In paragraph (c) the reference to "§ 146c.202(d)" is changed to read "§ 446.510a(a)(4) of this chapter."

§ 146c.241 [Amended]

17. Section 146c.241 is amended as follows:

a. In paragraph (a) the references to "§ 146c.201(a), except § 146c.201(a) (2), (4), and (5)" and "§ 146c.205(a)" are changed to read "§ 446.10a(a)(1) of this

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chapter, except paragraph (a)(1) (ii), (iv), and (v) of that section" and "§ 446.-510b(a)(1)" respectively.

b. In paragraph (d) the reference to "§ 146.2" is changed to read "§ 431.1."

c. In paragraph (d)(3)(ii) the reference to "§ 146c.201(b)" is changed to read "§ 446.10a(a)(2) of this chapter."

18. Section 146c.244 is revised to read as follows:

§ 146c.244 Tetracycline hydrochloride-neomycin spray ointment topical, veterinary.

(a) The requirements for certification and the tests and methods of assay for tetracycline hydrochloride-neomycin spray ointment topical for veterinary use are described under § 446.581a of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 446.581a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions adequate for the veterinary use of the drug by the laity.

19. Section 146c.246 is revised to read as follows:

§ 146c.246 Tetracycline hydrochloride-neomycin in oil suspension, veterinary.

The requirements for certification and the tests and methods of assay for tetracycline hydrochloride-neomycin in oil suspension for veterinary use are described under § 446.581b of this chapter, except, if it is intended solely for veterinary use, it may contain one or more suitable fungicides and miticides. If it contains such ingredients, the labeling shall bear the name and quantity of each contained in each milliliter.

§ 146c.256 [Amended]

20. Section 146c.256 is amended as follows:

a. In paragraph (a) the reference to "§ 146c.201(a), except § 146c.201(a) (2), (4), and (5)" is changed to read "§ 446.10a(a)(1) of this chapter, except paragraph (a)(1) (ii), (iv), and (v) of that paragraph".

b. In paragraph d(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146c.201(b)" is changed to read "§ 446.10a(a)(2) of this chapter".

§ 146c.264 [Amended]

21. Section 146c.264(d)(1) is amended by changing the reference to "§ 146.2" to read "§ 431.1".

§ 146c.265 [Amended]

22. Section 146c.265(d)(1) is amended by changing the reference to "§ 146.2" to read "§ 431.1".

§ 146c.267 [Amended]

23. Section 146c.267(d)(1) is amended by changing the reference to "§ 146.2" to read "§ 431.1".

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS FOR VETERINARY USE

1. The heading for Part 146d is revised to read as set forth above.

2. Section 146d.303 is revised to read as follows:

§ 146d.303 Chloramphenicol ointment (chloramphenicol cream), veterinary.

The requirements for certification and the tests and methods of assay for chloramphenicol ointment (chloramphenicol cream) for veterinary use are described under § 455.10b of this chapter.

3. Section 146d.304 is revised to read as follows:

§ 146d.304 Chloramphenicol ophthalmic, veterinary.

(a) The requirements for certification and the tests and methods of assay for chloramphenicol ophthalmic for veterinary use are described under § 455.310b of this chapter.

(b) When it is intended solely for veterinary use, its label and labeling shall comply with all the requirements of § 455.310b(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act).

4. Section 146d.308 is revised to read as follows:

§ 146d.308 Chloramphenicol otic, veterinary; chloramphenicol topical, veterinary.

(a) The requirements for certification and the tests and methods of assay for chloramphenicol otic and chloramphenicol topical for veterinary use are described under § 455.410 of this chapter.

(b) When it is intended solely for veterinary use, its label and labeling shall comply with all the requirements of § 455.410(a)(3) of this chapter, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription", it shall be labeled in accordance with the requirements of § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement, "Warning—Not for use in animals which are raised for food production."

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

1. The heading for Part 146e is revised to read as set forth above.

2. Section 146e.401 is revised to read as follows:

§ 146e.401 Bacitracin, veterinary.

The requirements for certification and the tests and methods of assay for bacitracin for veterinary use are described under § 448.10a of this chapter, with the following exceptions:

(a) *Packaging.* It need not be packaged for dispensing in immediate containers of colorless transparent glass, nor shall each container contain not more than 60,000 units, if it is conspicuously labeled for veterinary use.

(b) *Labeling.* When it is packaged for dispensing and intended solely for veterinary use, in addition to conforming with the requirements prescribed by § 448.10a(a)(3) of this chapter and with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

3. Section 146e.402 is revised to read as follows:

§ 146e.402 Bacitracin ointment, veterinary; zinc bacitracin ointment, veterinary.

The requirements for certification and the tests and methods of assay for bacitracin ointment and zinc bacitracin ointment for veterinary use are described under § 448.510a of this chapter, with the following exceptions:

(a) *Standards of identity, strength, quality, and purity.* When it is conspicuously labeled for veterinary use, it may contain one or more suitable antifungal agents or rotenone.

(b) *Labeling.* (1) It is packaged for dispensing; it contains cortisone or a suitable derivative of cortisone; and it is intended solely for veterinary use: Its label and labeling shall comply with the requirements of § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and with the requirements of § 448.510a(a)(3) of this chapter.

(2) It is packaged for dispensing, it does not contain cortisone or a derivative of cortisone and it is intended solely for veterinary use: Its label and labeling shall comply with the requirements of paragraph (b)(1) of this section except that in lieu of the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity except that drugs complying with § 135a.45 shall bear the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian".

4. Section 146e.403 is revised to read as follows:

§ 146e.403 Bacitracin methylene disalicylate tablets, veterinary; bacitracin implantation pellets, veterinary; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals), veterinary.

The requirements for certification and the tests and methods of assay for bacitracin methylene disalicylate tablets; bacitracin implantation pellets; zinc bacitracin implantation pellets for veterinary use are described under § 448.110a of this chapter, with the following exceptions:

(a) Standards of identity, strength, quality, and purity: The bacitracin methylene used conforms to the standards of § 146e.416(a).

(b) Labeling: When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 448.110a(a)(3) of this chapter, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription", each pacage shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement, "Warning—Not for use in animals which are raised for food production."

(c) Request for certification; samples: As prescribed in § 448.110a(a)(4)(iii) of this chapter, a person shall submit with his request accurately representative samples of the bacitracin methylene disalicylate used in making the batch; 5 packages containing approximately equal portions of not less than 5 grams each, packaged in accordance with the requirements of § 146e.416(b).

5. Section 146e.406 is revised to read as follows:

§ 146e.406 Bacitracin ophthalmic, veterinary.

(a) The requirements for certification and the tests and methods of assay for bacitracin ophthalmic for veterinary use are described under § 448.310a of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all requirements prescribed by § 448.310a(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

§ 146e.416 [Amended]

6. Section 146e.416(d)(1) is amended by changing the reference to "§ 146.2" to read "§ 431.1."

§ 146e.417 [Amended]

7. Section 146e.417e is amended in paragraph (d)(1) by changing the reference "§ 146.2" to read "§ 431.1."

§ 146e.425 [Amended]

8. Section 146e.425 is amended as follows:

a. In paragraph (a) the reference to "§ 146e.401(a), except § 146e.401(a) (2), (4), and (8)" is changed to read "§ 448.10a(a)(1) of this chapter, except paragraph (a)(1) (ii), (iv), and (viii) of that section".

b. In paragraph (d)(1) the reference to "§ 146.2" is changed to read "§ 431.1".

c. In paragraph (d)(3)(ii) the reference to "§ 146e.401(b)" is changed to read "§ 448.10a(a)(2) of this chapter".

9. Section 146e.430 is revised to read as follows:

§ 146e.430 Bacitracin-neomycin-polymyxin powder topical, veterinary; zinc bacitracin-neomycin-polymyxin powder topical, veterinary.

(a) The requirements for certification and the tests and methods of assay for bacitracin-neomycin-polymyxin powder topical, veterinary; zinc bacitracin-neomycin-polymyxin powder topical, veterinary are described under § 448.510f of this chapter.

(b) When it is packaged for dispensing and intended solely for veterinary use, its label and labeling shall comply with all the requirements prescribed by § 448.510f(a)(3) of this chapter, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

PART 148—ANTIBIOTIC DRUGS FOR VETERINARY USE; PACKAGING AND LABELING REQUIREMENTS

1. The Part heading for Part 148 is amended as set forth above.

2. Section 148.2 is revised to read as follows:

§ 148.2 Packaging requirements for drugs for veterinary use.

The packaging requirements for antibiotic drugs for veterinary use are described under § 432.1 of this chapter, except that antibiotic drugs for veterinary use need not be packaged for dispensing in containers of colorless, transparent glass.

3. Section 148.3 is revised to read as follows:

§ 148.3 Labeling requirements for antibiotic drugs for animal use.

If an antibiotic drug is subject to section 512(n) of the act and packaged for dispensing:

(a) It shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter and each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity in lieu of the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" (as provided in § 1.106(c)(2)(i) of this chapter) unless such statement is required by regulations issued under section 512(i) of the act.

(b) Its labeling shall bear any additional information required for the drug by specific regulations.

(c) Each package shall bear on its outside wrapper or container and the immediate container an expiration date prescribed for the drug as provided in § 432.5(a)(3) of this chapter with the exception provided in § 432.5(c) of this chapter.

(d) If it is intended for udder instillation in cattle, it shall be exempt from the requirements of § 1.106(c)(2)(v) of this chapter.

PART 149a—DICLOXACILLIN FOR VETERINARY USE

1. The heading for Part 149a is revised to read as set forth above.

§ 149a.14 [Amended]

2. Section 149a.14 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 149a.1(a)(1)" is changed to read "§ 440.19(a)(1) of this chapter".

b. In paragraph (a)(2) the references to "§ 148.3" and "§ 148.3(a)(1)" are changed to read "§ 432.5" and "§ 432.5(a)(1)" respectively.

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1)(ii)(*a*) the reference to "§ 141.110" is changed to read "§ 436.105".

e. In paragraph (b)(1)(ii)(*b*) the reference to "§ 141.506" is changed to read "§ 436.204".

f. In paragraph (b)(2) the reference to "§ 141.502" is changed to read "§ 436.201".

PART 149b—AMPICILLIN FOR VETERINARY USE

1. The heading for Part 149b is revised to read as set forth above.

§ 149b.17 [Amended]

2. Section 149b.17 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 149b.1(a)(1)" is changed to read "§ 440.7(a)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (b)(1)(i) the reference to "§ 141.110" is changed to read "§ 436.105".

d. In paragraph (b)(1)(ii) the reference to "§ 141.506" is changed to read "§ 436.204".

e. In paragraph (b)(2) the reference to "§ 141.501(a)" is changed to read "§ 436.200(a)".

§ 149b.19 [Amended]

3. Section 149b.19 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 149b.2" is changed to read "§ 440.7a of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1)(ii)(*a*) the reference to "§ 141.110" is changed to read "§ 436.105".

e. In paragraph (b)(1)(ii)(*b*) the reference to "§ 141.506" is changed to read "§ 436.204".

f. In paragraph (b)(2) the references to "§ 141.2" and "§ 141.2(e)(2)" are changed to read "§ 436.20" and "§ 436.20(e)(2)" respectively.

g. In paragraph (b)(3) the reference to "§ 141.4(f)" is changed to read "§ 436.32(f)".

h. In paragraph (b)(4) the reference to "§ 141.5" is changed to read "§ 436.33".

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i. In paragraph (b)(5) the reference to "§ 141.501(a)" is changed to read "§ 436.200(a)".

j. In paragraph (b)(6) the reference to "§ 141.503" is changed to read "§ 436.202".

§ 149b.21 [Amended]

4. Section 149b.21 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 149b.1(a)(1)" is changed to read "§ 440.7(a)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1)(i) the reference to "§ 141.110" is changed to read "§ 436.105".

e. In paragraph (b)(1)(ii) the reference to "§ 141.506" is changed to read "§ 436.204".

f. In paragraph (b)(2) the reference to "§ 141.502" is changed to read "§ 436.201".

g. In paragraph (b)(3) the reference to "§ 141.503" is changed to read "§ 436.202".

§ 149b.23 [Amended]

5. Section 149b.23 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 149b.1(a)(1)" is changed to read "§ 440.7(a)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1)(i) the reference to "§ 141.110" is changed to read "§ 436.105".

e. In paragraph (b)(1)(ii) the reference to "§ 141.506" is changed to read "§ 436.204".

f. In paragraph (b)(2) the reference to "§ 141.501(a)" is changed to read "§ 436.200(a)".

PART 149c—HETACILLIN FOR VETERINARY USE

1. The heading for Part 149c is revised to read as set forth above.

§ 149c.7 [Amended]

2. Section 149c.7 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 149c.1b" is changed to read "§ 440.29 of this chapter".

b. In paragraph (a)(2) the references to "§ 148.3" and "§ 148.3(a)(1)" are changed to read "§ 432.5" and "§ 432.5(a)(1)" respectively.

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1) the reference to "§ 141.110" is changed to read "§ 436.105".

e. In paragraph (b)(2) the reference to "§ 141.502" is changed to read "§ 436.201".

f. In paragraph (b)(3) the references to "§ 141.540" and "§ 141.540(e)(1)" are changed to read "§ 436.212" and "§ 436.212(e)(1)" respectively.

§ 149c.8 [Amended]

3. Section 149c.8 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 149c.1b" is changed to read "§ 440.29 of this chapter".

b. In paragraph (a)(2) the references to "§ 148.3" and "§ 148.3(a)(1)" are changed to read "§ 432.5" and "§ 432.5(a)(1)" respectively.

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1) the reference to "§ 141.110" is changed to read "§ 436.105".

e. In paragraph (b)(2) the reference to "§ 141.502" is changed to read "§ 436.201".

f. In paragraph (b)(3) the reference to "§ 141.503" is changed to read "§ 436.202".

g. In paragraph (b)(4) the reference to "§ 141.554" is changed to read "§ 436.305".

§ 149c.10 [Amended]

4. Section 149c.10 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 149c.1b" is changed to read "§ 440.29 of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1) the reference to "§ 141.110" is changed to read "§ 436.105".

e. In paragraph (b)(2) the reference to "§ 141.502" is changed to read "§ 436.201".

f. In paragraph (b)(3) the reference to "§ 141.503" is changed to read "§ 436.202".

g. In paragraph (b)(4) the reference to "§ 141.554" is changed to read "§ 436.305".

PART 151c—CHLORAMPHENICOL FOR VETERINARY USE

1. The heading for Part 151c is revised to read as set forth above.

§ 151c.12 [Amended]

2. Section 151c.12 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 151c.2(a)(1)" is changed to read "§ 455.10(a)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b) the reference to "§ 151c.11(b)" is changed to read "§ 455.110(b) of this chapter".

§ 151c.14 [Amended]

3. Section 151c.14 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 151c.2(a)(1)" is changed to read "§ 455.10 of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b) the reference to "§ 141.111" is changed to read "§ 436.106".

§ 151c.16 [Amended]

4. Section 151c.16 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 151c.2(a)(1)" is changed to read "§ 455.10(a)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1) the reference to "§ 141.111" is changed to read "§ 436.106".

e. In paragraph (b)(2) the reference to "§ 141.111" is changed to read "§ 436.201".

§ 151c.18 [Amended]

5. Section 151c.18 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 151c.2(a)(1)" is changed to read "§ 455.10(a)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1)(i) the reference to "§ 141.111" is changed to read "§ 436.106".

e. In paragraph (b)(2) the reference to "§ 141.201" is changed to read "§ 436.32".

f. In paragraph (b)(3) the reference to "§ 141.4(a)" is changed to read "§ 436.32(a)".

g. In paragraph (b)(3) the reference to "§ 141.4(a)" is changed to read "§ 436.32(a)".

h. In paragraph (b)(4) the reference to "§ 141.5" is changed to read "§ 436.33".

i. In paragraph (b)(5) the reference to "§ 141.7" is changed to read "§ 436.35".

j. In paragraph (b)(6) the reference to "§ 141.503" is changed to read "§ 436.202".

§ 151c.20 [Amended]

7. Section 151c.20 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 151c.2(a)(1)" is changed to read "§ 455.10(a)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.2" is changed to read "§ 432.1".

c. In paragraph (a)(3) the reference to "§ 148.3" is changed to read "§ 432.5".

d. In paragraph (a)(4) the reference to "§ 146.2" is changed to read "§ 431.1".

e. In paragraph (b)(1) the reference to "§ 141.111" is changed to read "§ 436.106".

f. In paragraph (b)(2) the reference to "§ 141.503" is changed to read "§ 436.202".

§ 151c.21 [Amended]

8. Section 151c.21 is amended as follows:

a. In paragraph (a)(1) the reference to "§ 151c.2(a)(1)" is changed to read "§ 455.10(a)(1) of this chapter".

b. In paragraph (a)(2) the reference to "§ 148.3" is changed to read "§ 432.5".

c. In paragraph (a)(3) the reference to "§ 146.2" is changed to read "§ 431.1".

d. In paragraph (b)(1)(i) the reference to "§ 141.111" is changed to read "§ 436.106".

e. In paragraph (b)(2) the reference to "§ 141.540" is changed to read "§ 436.212".

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: May 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-12379 Filed 5-29-74;8:45 am]

NOTE: Incorporation by reference provisions in 21 CFR 436.101, 436.102, 450.20a, 450.240, and 460.1 of Part III of today's issue approved by the Director of the Federal Register on May 29, 1974.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF STATE

[22 CFR Part 41]

[Docket No. SD–106]

VISAS

Treaty Traders and Investors

Notice is hereby given that the Department of State proposes to amend §§ 41.40(a) and 41.41(a) of Title 22, Code of Federal Regulations prescribing the conditions whereby an alien can be classified as a nonimmigrant treaty trader or as a nonimmigrant treaty investor upon establishing to the satisfaction of a consular officer that he qualifies under the provisions of sections 101(a)(15)(E)(i) or 101(a)(15)(E)(ii), respectively, of the Immigration and Nationality Act. The Department of State is aware that treaty trader and treaty investor classifications have been sought by and in behalf of certain aliens contemplating employment with organizations owned and operated by aliens having permanent residence status in the United States. It was never intended that an alien employed by a foreign person or organization could qualify for classification as a treaty trader or treaty investor unless the employer maintained a status consistent with sections 101(a)(15)(E)(i) or 101(a)(15)(E)(ii), respectively, of the Immigration and Nationality Act. The proposed amendments to §§ 41.40(a) and 41.41(a) of Title 22, Code of Federal Regulations, would clarify the regulations by making these requirements explicit.

Interested persons may submit to the Administrator of the Bureau of Security and Consular Affairs, Room 6811, Department of State, Washington, D.C. 20520, written data, views, or arguments, in duplicate, relative to these proposed amendments of rules. Submission of such material may not be made orally. All relevant material received on or before June 14, 1974 will be considered.

1. Paragraph (a)(2) of § 41.40 is amended as follows:

§ 41.40 Treaty traders.

(a) * * * and (2) If he is employed by a foreign person or organization having the nationality of the treaty country which is engaged in substantial trade as contemplated by section 101(a)(15)(E)(i), he will be engaged in duties of a supervisory or executive character, or, if he is or will be employed in a minor capacity, he has the specific qualifications that will make his services essential to the efficient operation of the employer's enterprise and will not be employed solely in an unskilled manual capacity. The employment must be by an individual employer having the nationality of the treaty country who is maintaining the status of a nonimmigrant treaty trader, or by an organization which is principally owned by a person or persons having the nationality of the treaty country and, if not residing abroad, maintaining nonimmigrant treaty trader status.

* * * * *

2. Paragraph (a)(3) of § 41.41 is amended as follows:

§ 41.41 Treaty investors.

(a) * * * or that (3) he is employed by a treaty investor in a responsible capacity and the employer is a foreign person having the nationality of the treaty country who is maintaining the status of a nonimmigrant treaty investor, or an organization which is principally owned by a person or persons having the nationality of the treaty country and, if not residing abroad, maintaining nonimmigrant treaty investor status.

* * * * *

Dated: May 10, 1974.

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.74–12347 Filed 5–29–74;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[36 CFR Part 327]

[ER 1130–2–406]

CIVIL WORKS PROJECTS

Lakeshore Management

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers). The proposed regulation prescribes the policy, practice and procedure to be followed by all Corps of Engineers installations and activities in connection with the protection of desirable environmental characteristics of Civil Works lake projects and the restoration of shorelines where degradation has occurred through private exclusive use.

Prior to the promulgation of these detailed regulations, consideration will be given to any comments, suggestions or objections thereto which are submitted in writing on or before July 15, 1974 to: Chief of Engineers, ATTN: (DAEN–CWO–R), Department of the Army, Washington, D.C. 20314.

Dated: May 30, 1974.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

§ 327.30 Lakeshore management at civil works projects.

(a) *Purpose.* The purpose of this regulation is to provide guidance on the protection of desirable environmental characteristics of Civil Works lake projects and restoration of shorelines where degradation has occurred through private exclusive use.

(b) *Applicability.* This regulation is applicable to all Divisions and Districts with Civil Works responsibilities.

(c) *References.* (1) Section 4, 1944 Flood Control Act, as amended, PL 87–874.

(2) The Act of 31 August, 1951 (31 USC 483a).

(3) The National Environmental Policy Act of 1969, PL 91–190.

(4) Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."

(5) 33 CFR 209.120, "Permits for Work in Navigable Waters or Ocean Waters."

(d) *Policy.* It is the policy of the Chief of Engineers to manage and protect the shorelines of all lakes under its jurisdiction to properly maintain fish and wildlife habitat, aesthetic quality and natural environmental conditions and to promote the safe and healthful use of these shorelines for recreational purposes by all of the American people. Ready access to and exit from these shorelines for the general public shall be provided in accordance with reference (c)(1) of this section. It is the objective of the Corps to minimize private exclusive use of public property so as to maximize benefits to the general public. A Lakeshore Management Plan, as described below, will be prepared for each lake project, including those where private recreation facilities exist as of the date of this regulation. Discretion will be used in preparation of those plans to provide for protection of public lands and private investments and honor any past commitments which might have been made. Public participation will be encouraged to the fullest extent in preparation and implementation of the Lakeshore Management Plans.

(e) *Lakeshore management plan*—(1) *General.* The policies outlined in paragraph (d) of this section will be implemented by preparation of Lakeshore Management Plans as described below.

(2) *Preparation.* For each project a Lakeshore Management Plan will be prepared as Appendix F to the Master Plan. Lakeshore Management Plans will be prepared as soon as practicable and, like the other Appendices to the Master Plan, will be working management tools. Upon announcement of initiation of each specific Lakeshore Management Plan the District Engineer will declare a moratorium on accepting applications for permits until the plan is completed. Approval of this Appendix rests with the Division Engineer. After approval, one copy of the Lakeshore Management Plan will be forwarded to HQDA (DAEN–CWO–R) WASH DC 20314.

(3) *Scope and format.* The Plan will consist of an area allocation map, related rules and regulations, a time-phase definitive objective plan for managing the lakeshore and other information pertinent to the effective management of the lakeshore. Activities on land areas immediately adjacent to the lakeshore, as well as activities on the water areas will be addressed in the Lakeshore Management Plan.

(4) *Lakeshore allocation.* As part of the Lakeshore Management Plan, the entire lakeshore of the project will be allocated within the allocation classification below and depicted on a map. In addition to the allocation classification described below, District Engineers are authorized to add specific constraints and identify areas having unique characteristics not identified herein.

(i) *Limited development areas.* Limited Development areas are those areas where private recreation developments are permitted consistent with Appendix A and paragraph (h) of this section.

(ii) *Public recreation areas.* On shorelines within or adjacent to designated or developed recreation areas, private floating recreation facilities are not permitted. Commercial concessionaire facilities are permitted in these areas. Modification of land form or vegetative characteristics is not permitted by individuals in these areas.

(iii) *Protected lakeshore areas.* Protected lakeshore areas are designated primarily to protect aesthetic, environmental, fish and wildlife values in accordance with the policies of the National Environmental Policy Act of 1969, (PL 91–190). Lakeshores may also be designated in this category for physical protection reasons, such as heavy siltation, rapid dewatering or exposure to high winds and currents. Land access and boating are permitted along these lakeshores, but no private floating recreation facilities may be moored in these areas. Modification of land form or vegetative communities by individuals in Protected Lakeshore Areas will be permitted only after due consideration of the effects of such action on environmental and physical characteristics of the area.

(iv) *Prohibited access areas.* These lakeshore areas are allocated for protection of ecosystems or the physical safety of the recreation visitors; for example, unique fish spawning beds or certain hazardous areas located near dams or spillways. Mooring of private floating recreation facilities and modification of land form and vegetative communities are not permitted in these areas.

(5) *Public participation.* District Engineers will insure that the public participates to the maximum practicable extent in the formulation and preparation of Lakeshore Management Plans and any subsequent revisions. Maximum use will be made of news releases, public notices, congressional liaison and public meetings to encourage full public participation. Special care will be taken to advise local citizen organizations, conservation organizations, State and local natural resource management agencies and other concerned bodies as well as adjacent landowners during the formulation of Lakeshore Management Plans. Ample time shall be permitted for review and comment by concerned organizations and individuals. Public notices shall be issued by the District Engineer allowing a minimum of 30 days for receipt of public comment or any major revision thereto.

(f) *Outgrants for private exclusive use.* Criteria used to determine the type of outgrant to be used for private exclusive use facilities or developments are as follows:

(1) *Lakeshore use permit.* Lakeshore Use Permits are issued in accordance with the provisions of § 327.19 for private floating recreation facilities and vegetative modification activities on the land which do not involve in any way a disruption to, or a change in land form. Lakeshore Use Permits are issued for floating or nonfloating structures of any kind where waters are deemed navigable or where waters are deemed not navigable but where such waters are under the management of a Corps of Engineers Resource Manager.

(2) *Department of the Army permits.* Activities such as dredging, construction of fixed structures, including fills and combination fixed-floating structures and the discharge of dredged or fill material in navigable waters will be permitted under conditions specified in permits issued under authority of section 10, River and Harbor Act of 3 March 1899 (33 USC 403) and section 404 of the Federal Water Pollution Control Act (33 USC 1344) in accordance with paragraph (c)(5) of this section. Lakeshore Use Permits, paragraph (f)(1) of this section, will not be used under these circumstances.

(3) *Real estate instruments.* All commercial development activities and all activities by individuals which are not covered above and involve grade, cuts, fills or other changes in land form will be covered by a lease, license or other legal grant issued by the Real Estate Directorate.

(g) *Transfer of permits.* All Lakeshore Use Permits are nontransferable. Upon sale or other transfer of the permitted facility or the death of the permittee the permit is null and void.

(h) *Existing facilities now under permit.* The schedule for implementation of the Lakeshore Management Plan shall be developed in full consideration of existing permitted exclusive use facilities, their residual value and the prior Corps commitment implicit in the issuance of the permits. Except under unusual circumstances, such facilities should in general remain under permit until replacement is required, or until death of the permittee or transfer of the facility by him.

(i) *Density of Development.* The density of private floating recreation facilities will be established by the District Engineer for all Lakeshore Management Areas in the Lakeshore Management Plan. The densities will be consistent with ecological and aesthetic characteristics. In all cases, the density of development specified in the Lakeshore Management Plan will not be more than 50 percent of the shoreline allocated as Limited Development Areas. In those cases where current density of development exceeds the density level established in the Lakeshore Management Plan, the density will be reduced gradually to the prescribed level.

(j) *Administration charge.* In accordance with the provisions of paragraph (c)(1) and (c)(2) of this section a charge will be made for Lakeshore Use Permits to help defray expenses associated with issuance and administration of the permits. As permits became eligible for renewal after 1 July 1975 a charge of $10 for each new permit and a $5 annual fee for inspection of floating facilities will be made. There will be no annual inspection fee for permits for vegetative modification on lakeshore areas. In all cases the total administration charge will be collected initially rather than on an annual basis.

(k) *Compliance.* Lakeshore Management Plans will be prepared for all Corps of Engineers Lakes within three years after the date of this regulation.

APPENDIX A—GUIDELINES FOR GRANTING PERMITS FOR PRIVATE FLOATING RECREATION FACILITIES

1. *General.* a. Decisions regarding the granting of permits for private floating recreation facilities must be made in considered relationship to the operating objectives and physical characteristics of each project. In every case, however, the foremost objective is to secure maximum storage of boats and related equipment at commercial concession areas. Through direction of the boat-owning public to such areas, the Corps strives to minimize the number of shoreline developments which could prove aesthetically distracting.

b. Revocable permits for private exclusive use facilities either individually or community-owned, will be granted in Limited Development Areas when the sites are removed from commercial marine services and the granting of such permits will not despoil the shoreline nor inhibit the public use or enjoyment thereof. District Engineers will insure that private floating recreation facilities will be located in areas that do not presently enjoy reasonable access to commercial marine services and that, insofar as practicable, the installation and use of such facilities will not be in conflict with the preservation of the natural characteristics of the reservoir or shoreline. Resource Managers will continuously monitor the number and nature of

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permits with a view towards timely establishment of additional commercial storage areas in lieu of permitting dispersed private facilities. Administrative charges will be made for Lakeshore Use Permits in accordance with paragraph (j) of this regulation.

c. Revocable permits will be granted for ski jumps, floats, boat moorage facilities and other private floating recreation facilities, where such facilities will not inhibit the public use or enjoyment of the project waters or shoreline. Permits will not be granted for private floating recreation facilities at or adjacent to existing or potential public recreation areas.

d. Private floating recreation facilities will be permitted only in areas of the lakeshore which have been allocated as Limited Development Areas in the Lakeshore Management Plan. The density of development in such areas will not exceed 50 percent of areas allocated to such use.

e. Community boat mooring facilities will be encouraged where practicable in an effort to reduce the proliferation of individual facilities.

2. *Applications for lakeshore use permits.*

a. Applications for any private waterfront recreation facilities made to District Engineers or their designated Resource Managers will be reviewed with full consideration of the policies set forth in the previous paragraph, referenced regulations, and the Lakeshore Management Plan. Applicants for a permit shall, prior to the start of construction, submit for approval plans of the facility proposed, including the type, size, location and ownership of the facility, the expected duration of the use and an indication of willingness to abide by the Rules and Regulations and the conditions of the permit.

b. Permits will be issued by the District Engineer or his authorized representative in accordance with ENG Form 4264–R, Appendix B, for periods of 1 to 5 years, but are revocable by the District Engineer whenever he determines that the public interest requires such revocation or that the permittee has failed to comply with conditions of the permit or of this regulation.

c. Effective on the receipt of this regulation, the following will guide the issuance of this type of permit:

(1) The use of boat mooring facilities will be limited to the mooring of boats and the storage of gear essential to the operation of the watercraft.

(2) The installation of sleeping accommodations, cooking facilities, heating facilities, toilet and shower facilities, refrigeration, television and other items conducive to human habitation in private recreation facilities is prohibited. Private recreation facilities shall not be used for human habitation.

(3) No private floating facility will exceed the minimum size required to moor the owner's boat or boats plus the minimum size required for an inclosed locker for the storage of oars, life preservers and other items essential to the operation of the watercraft.

(4) All private floating recreation facilities will be constructed in accordance with plans and specifications approved by the District Engineer or his authorized representative.

(5) The size of all structures will be kept to a minimum to limit encroachment of the water surface.

(6) The procedures set forth in this regulation regarding the issuance of permits for individual facilities shall also apply to the issuance of permits for noncommercial community piers.

(7) Where facilities are anchored to the shore, they shall be securely anchored by means of moorings which do not obstruct the free use of the shoreline or damage vegetation.

(8) Boat mooring buoys and flotation units of floating facilities shall be constructed of material which will not become waterlogged or sink when punctured.

(9) The color and marking of all boat mooring buoys will conform to the Uniform State Waterway Marking System, and the top of the buoy will be no less than eighteen inches above the waterline.

(10) All private floating recreation facilities will be placed so as not to interfere with navigation.

(11) Permits for private boat piers or boathouses and mooring facilities will be issued only when the owner files a permanent address and telephone number with the Resource Manager at which he may be reached in case of emergency when he is not on site.

(12) The District Engineer or his authorized representative is authorized to place special conditions in the permit deemed necessary.

3. *Removal of facilities.* The facilities of permittees which are not removed when specified in the permit or when requested after revocation of the permit will be treated as unauthorized structures pursuant to Title 36, Chapter III Part 327.20, of the Code of Federal Regulations.

4. *Posting of permit number.* Each District will procure 5" x 8" printed permit tags for posting on the floating facilities. The permit tags will be fabricated of either light metal or paper. Where display permits are printed on paper, they will be placed in plastic to make them weatherproof after the permit number and the expiration date have been affixed thereon. The original of the completed application-permit is to be in the possession of the permittee. The duplicate of this form will be retained in the Resource Manager's office. The permit numbers will be consecutive for each project beginning with number 001. The District Engineer is authorized to include letters in the permit for further identification as an aid to the project management. The permittee will be required to display the printed tag so that it can be visually checked with ease.

APPENDIX B—APPLICATION FOR PRIVATE FLOATING RECREATION FACILITY (OMITTED)

APPENDIX C—CONDITIONS OF PERMIT FOR LAKESHORE USE

1. This permit is granted solely for the purpose described by the permittee on the opposite side of this form.

2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including the permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities.

3. The ownership, construction, operation or maintenance of the permitted facility is subject to the Government's navigation servitude.

4. No attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the permitted facility or to unreasonably interfere with navigation in connection with the ownership, construction, operation or maintenance of the permitted facility.

5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of the permitted facility or if in the opinion of the District Engineer the permitted facility shall cause unreasonable obstruction to navigation or that the public interest so requires the permittee shall be required, upon due notice from the District Engineer to remove, alter, or relocate the permitted facility, without expense to the Government.

6. The Government shall in no case be liable for any damage or injury to the permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage.

7. The ownership, construction, operation and maintenance of the permitted facility is subject to all applicable Federal, State and local laws and regulations.

8. This permit does not convey any property rights either in real estate of material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, State or local laws or regulations nor does it obviate the necessity of obtaining State or local assent required by law for the construction, operation or maintenance of the permitted facility.

9. The permittee shall comply promptly with any lawful regulations or instructions of any Federal, State or local agency of the Government.

10. The permittee agrees that he will construct, operate and maintain the permitted facility in a manner so as to minimize any adverse impact on fish and wildlife, natural environmental values and in a manner so as to minimize the degradation of water quality.

11. At such time that the permittee ceases to operate and maintain the permitted facility, upon expiration of this permit, or upon revocation of this permit, the permittee shall remove the permitted facility, at his expense, and restore the waterway and lands to its former condition. If the permittee fails to remove and so restore, the District Engineer may do so by contract or otherwise and recover the cost thereof from the permittee.

12. No pier or boathouse is to be used for human habitation. Household furnishings are not permitted on boat piers or boathouses.

13. No houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.

14. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.

15. The size of all structures shall be kept to a minimum to limit encroachment on the water surface.

16. Boat mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.

17. Floating structures are subject to periodic inspection by the Corps rangers. If an inspection reveals conditions which make the facility unsafe in any way or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the Resource Manager.

18. Floating facilities shall be securely anchored to the shore by means of moorings which do not obstruct the free use of the lakeshore.

19. That the display permit tag provided shall be posted on the floating facility or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions of the Resource Manager.

20. No vegetation other than that prescribed in the permit may be damaged, destroyed or removed.

21. No change in land form such as grading, excavation or filling may be done.

22. No vegetation planting of any kind may be done, other than that specifically prescribed in the permit.

23. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee, this permit is null and void.

24. By 30 days written notice, mailed to the permittee by registered or certified letter the District Engineer may revoke this permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of this permit. The revocation notice shall specify the reasons for such action. If within the 30 day period, the permittee, in writing requests a hearing, the District Engineer shall grant such hearing at the earliest opportunity. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the District Engineer appeal such decision to the Division Engineer. The decision of the Division Engineer shall be rendered as expeditiously as possible and shall be sent to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the Division Engineer appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final from which no further appeal may be taken.

25. Notwithstanding condition 24 above if, in the opinion of the District Engineer, emergency circumstances dictate otherwise the District Engineer may summarily revoke this permit.

[FR Doc.74-12302 Filed 5-29-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

AMERICAN UPLAND COTTON

Grade Standards

A notice of proposed rule making to revise some of the Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR Part 28, Subpart C), was published in the FEDERAL REGISTER of April 23, 1974 (39 FR 14350). These standards may also be termed and referred to as the Universal Standards for American Cotton. The U.S. Department of Agriculture desires to amend such notice in view of discussions of these proposed revisions of standards at the Universal Cotton Standards Conference at Memphis, Tennessee, on May 14–15, 1974.

These grade standards are issued pursuant to authority contained in section 10 of the United States Cotton Standards Act as amended (42 Stat. 1519; (7 U.S.C. 61)). Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; (7 U.S.C. 56, 26 U.S.C. 4854).

Statement of Consideration leading to the second proposal. Representatives from cotton producer and ginner associations, shipper associations and exchanges, textile manufacturing associations, and overseas signatory associations to the Universal Cotton Standard Agreement presented their views on the proposed revisions of standards (39 FR 14350) at the Universal Cotton Standards Conference. One or more of these groups opposed all of the proposed revisions except the revoking of the descriptive standard for Strict Good Middling (White) cotton. After further deliberation a general consensus was reached that the changes in standards given below should be made.

In order to effect these changes the following revisions in 7 CFR Part 28, Subpart C, are now proposed in lieu of those published in the FEDERAL REGISTER of April 23, 1974 (39 FR 14350):

§ 28.401 [Revoked]

1. Revoke the descriptive standard for Strict Good Middling (White) cotton, § 28.401.

§ 28.440 [Revoked]

2. Revoke the descriptive standard for Good Middling Tinged cotton, § 28.440.

3. Change the physical standard for Strict Middling Tinged cotton, § 28.441, to a descriptive standard which would read as follows:

§ 28.441 Strict middling tinged.

Strict Middling Tinged is American upland cotton which in color, leaf, and preparation is better than Middling Tinged.

§ 28.450 [Revoked]

4. Revoke the descriptive standard for Good Middling Yellow Stained cotton, § 28.450.

The Department proposes to make the revisions in standards effective on July 1, 1975.

All persons who desire to submit written data, views, or arguments concerning the proposed revisions in standards should do so by filing them in duplicate with the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, not later than June 17, 1974. All written submissions made pursuant to this notice will be made available for public inspection in said office during the regular business hours (7 CFR 1.27).

Dated: May 24, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-12416 Filed 5-29-74;8:45 am]

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Limitation of Handling

This notice invites written comments relative to a proposal to continue the currently effective nectarine grade and size regulation to include all nectarine shipments during the 1974 season. This regulation prescribes a minimum grade for all California nectarines of U.S. No. 1 Grade with additional tolerances for: light colored smooth scars; form not considered serious; and fairly smooth or smooth russeting for two specified varieties. Minimum sizes are established for certain specified varieties. Such regulation would otherwise end on July 6, 1974. The Nectarine Administrative Committee, in proposing continuance, reflected that in order to assure consumers of an appropriate supply of quality fruit during 1974, such regulation should encompass the entire shipping and harvesting season for California Nectarines.

Consideration is being given to the following proposal submitted by the Nectarine Administrative Committee, established pursuant to the amended marketing agreement and Order No. 916, as amended (7 CFR Part 917), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674).

The proposal is to amend § 916.347 (Nectarine Regulation 5; 39 FR 17831) to continue the effective period of said regulation through May 31, 1975. The present regulation ends July 6, 1974.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than June 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

As proposed to be amended subparagraphs (1), (2), (3), (4), (5), and (6) of paragraph (a) of § 916.347 *Nectarine Regulation 5* will read as follows:

§ 916.347 Nectarine Regulation 5.

(a) *Order.* (1) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That additional tolerance of 25 percent shall be permited for fruit that is not well formed but not badly misshapen: *Provided further,* That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting.

(2) During the period May 22, 1974 through May 31, 1975, no handler may handle any package or container of May Red variety nectarines unless:

• • • • • •

(3) During the period May 22, 1974 through May 31, 1975, no handler shall handle any package or container of Arm King, Crimson Gold, Mayfair, or Zee Gold variety nectarines unless:

• • • • • •

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(4) During the period May 22, 1974 through May 31, 1975, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Spring Grand, Sunbright, Sun King, or Sunrise variety nectarines unless:

• • • • •

(5) During the period May 22, 1974 through May 31, 1975, no handler shall handle any package or container of Early Sun Grand, Grandandy, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Summer Grand, Sun Grand, or Rose variety nectarines unless:

• • • • •

(6) During the period May 22, 1974 through May 31, 1975, no handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flame Kist, Flavor Top, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free variety nectarines, unless:

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 24, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12415 Filed 5–29–74;8:45 am]

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Handling

This notice invites written comments relative to a proposal to continue the currently effective plum grade and size regulation to include all plum shipments during the 1974 season. The regulation prescribes that all California plums handled grade U.S. No. 1 grade except that additional tolerances for defects not considered serious, including healed cracks, and gum spots, are permitted for specified varieties. It also specifies minimum sizes for certain named varieties in terms of the number of plums contained in an eight pound sample. The Plum Commodity Committee in proposing continuance reflected that in order to assure consumers of an appropriate supply of quality fruit of acceptable size during 1974, such regulation should encompass the entire shipping and harvesting season for California plums.

Consideration is being given to the following proposal submitted by the Plum Commodity Committee, established pursuant to the amended marketing agreement and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 917.434 (Plum Regulation 10; 39 FR 18090) to continue the effective period of said regulation through May 31, 1975. The present regulation ends July 8, 1974.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than June 17, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

As proposed to be amended § 917.434 paragraph (a), paragraph (b), preceding subparagraph (1), and paragraph (c) preceding Table I, will read as follows:

§ 917.434 Plum Regulation 10.

(a) *Order.* During the period May 24, 1974, through May 31, 1975, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1.

(b) During the period May 24, 1974, through May 31, 1975, no handler shall ship:

• • • • •

(c) During the period May 24, 1974, through May 31, 1975, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

• • • • •

Dated: May 24, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12414 Filed 5–29–74;8:45 am]

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Handling

This notice invites written comments relative to the continuation of the currently effective peach grade and size regulation to include all peach shipments during the 1974 season and to continue the minimum size requirements for certain varieties of peaches through October 31, 1974 to prevent the handling of small undesirably sized fruit. It is anticipated that the handling of these unnamed varieties will be complete by October 31, 1974. Such regulation would otherwise end on July 2, 1974. The regulation prescribes a minimum grade of U.S. No. 1 grade for California peaches entering interstate commerce and established minimum size for certain specified varieties. It also prescribes a minimum size for those varieties not so named in the regulation. The Peach Commodity Committee in proposing continuance, reflected that in order to assure consumers of an appropriate supply of quality fruit of acceptable size during 1974, such regulation should encompass the entire shipping and harvesting season for California peaches.

Consideration is being given to the following proposal submitted by the Peach Commodity Committee, established pursuant to the amended marketing agreement and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 917.433 (Peach Regulation 4; 39 FR 17756) to: (1) continue the effective period of regulation to include all peach shipments for the 1974 season; and (2) continue to October 31, 1974, the minimum size provisions (size 80) for varieties not otherwise specified in the regulations. The present regulation ends July 2, 1974.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 12, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

As proposed to be amended § 917.433 paragraph (a) preceding subparagraph (1); and paragraph (c) preceding subparagraph (1), would read as follows:

§ 917.433 Peach Regulation 4.

(a) *Order.* During the period May 18, 1974, through May 31, 1975, no handler shall handle:

• • • • •

(c) During the period July 1, 1974, through October 31, 1974, no handler shall handle any package or container of any variety of peaches not specifically named in paragraph (a) (2), (3), (4), (5), or (6) of this section unless:

• • • • •

Dated: May 23, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12362 Filed 5–29–74;8:45 am]

[7 CFR Part 930]

CHERRIES GROWN IN CERTAIN STATES

Limitation of Handling; Correction

In the FEDERAL REGISTER issue of May 13, 1974, § 930.158 of the notice of proposed amendment of Subpart—Rules and Regulations (39 FR 17105) contained an error which consisted of inserting the word "pound" before the word "container" in subparagraph 2 thereof. The section is hereby corrected to read as follows:

§ 930.158 Handler compensation charge 2.

During the fiscal period ending April 30, 1975, each handler shall be compensated, as provided by § 930.58, by producers having an interest in the reserve pool, or their successors in interest: (1) at the rate of $0.1201 (12.01 cents) per pound of reserve pool cherries for receiving raw unpitted cherries, processing such cherries into the form of 5 plus 1 frozen cherries packed in new 30 pound capacity metal cans or any other 30 pound capacity container as may be prescribed by the board, as specified in § 930.104(a), and for storage in a suitable freezer storage facility for 30 days from the date the reserve pool cherries are placed in such storage facility; and (2) at the rate of 5½ cents per container per month for storage thereafter in a suitable freezer storage facility.

Dated: May 23, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12363 Filed 5–29–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1030]

MICROWAVE OVENS

Proposed Amendment to Performance Standard

The Secretary, Department of Health, Education, and Welfare, received a petition under 5 U.S.C. 553(e) from the Consumers Union of the United States, Inc., to exercise his authority under section 358 of the Radiation Control for Health and Safety Act to amend the performance standard for microwave ovens, 21 CFR 1030.10.

A notice of the petition was published in the FEDERAL REGISTER of September 13, 1973 (38 FR 25462). This notice summarized the specific changes being proposed and the plan of action of the Bureau of Radiological Health, Food and Drug Administration with respect to the petition.

The petition was presented to the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) at its meeting on November 9, 1973. This Committee, a statutory advisory committee to the Secretary, must be consulted prior to the establishment or amendment of standards under the Radiation Control for Health and Safety Act of 1968. The public meeting on November 9, 1973, provided an opportunity for the petitioner, affected industry representatives, and other interested parties to testify in behalf of their views and to provide supporting documentation.

After consideration of the written material and public testimony provided by all interested parties, including that from the staff of the Bureau of Radiological Health, the TEPRSSC recommended against amending the standard relative to testing procedures. The Committee's objections were based upon the view that the proposed testing procedures would not necessarily increase public health protection. The Committee noted that the data presented by the petitioner, industry, and the BRH were similar to information considered during the development of the standard. The Committee specifically rejected the labeling recommendation to unplug the oven after each use and tabled the remaining proposals concerning labeling amendments until the petitioner, the affected industry, and the BRH could meet and discuss the matter. A public meeting of the interested parties was held on December 12, 1973. Neither the petitioner in support of the amendments, nor industry opposed to the amendments, altered its position. The industry representatives did propose a uniform model for user safety instructions to be supplied by all manufacturers.

After consideration of the written material and public testimony, and pursuant to the authority of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Public Law 90–602, 42 U.S.C. 263b et seq.), the Commissioner of Food and Drugs proposes to amend the performance standard for microwave ovens by adding requirements that specific microwave safety instructions be included in user and service manuals, and that all microwave ovens for which the standard is applicable bear warning labels as prescribed. The preamble to this proposal represents the final action of the Food and Drug Administration with respect to the petition submitted by Consumers Union of the United States, Inc.

In addition to these proposed amendments, the recommendations of the TEPRSSC to expand FDA testing of microwave ovens will be implemented to determine if present compliance testing methods are sufficient to assure that potentially hazardous conditions do not occur during use.

The evaluation and conclusions with respect to the proposals of the Consumers Union petition are summarized below:

1. The first petition proposal would amend § 278.212(c)(2)(iii), now § 1030.10(c)(3)(iii) of Subchapter J (21 CFR 1030.10(c)(3)(iii)), recodified in the FEDERAL REGISTER of October 15, 1973 (38 FR 28623), to provide additional test conditions which simulate the normal and the most severe conditions, reasonably foreseeable, under which first purchasers will or could use microwave ovens; that is, (a) with the microwave oven operating at its maximum output and containing a load of 50±5 milliliters of tap water initially at 20°±5° Centigrade placed within the cavity of the load-carrying surface provided by the manufacturer (i) at the right rear corner, (ii) at the left rear corner, (iii) at the right front corner, (iv) at the left front corner, and (v) at the center; and (b) with the microwave oven operating at its maximum output and containing no load.

The test conditions currently specified in the present standard were intended to simulate conditions which would be encountered during use. It was recognized at the time the standard was adopted that it was not reasonable or practicable to impose test conditions which would, in all cases, for all oven designs, represent the worst-case situation. The test conditions were designed to provide a reproducible and uniform testing procedure. The inability to establish worst-case, test-load conditions for all possible designs was a major factor in establishing a power density emission limit which would lead to individual exposures well below levels known to cause biological damage.

The data of Consumers Union did not demonstrate that ovens tested under their proposed conditions exceeded the after-purchase power density emission limit of 5 mW/cm² as prescribed in 21 CFR 1030.10(c)(1). It is concluded, therefore, that there is insufficient evidence to amend the present testing procedures, as proposed.

2. The second petition proposal would amend § 278.212(c)(2)(iv), now § 1030.10(c)(3)(iv) of Subchapter J (21 CFR 1030.10(c)(3)(iv)), recodified in the FEDERAL REGISTER of October 15, 1973 (38 FR 28623), to require that measurements shall be made with the door shimmed open with 2-inch wide strips of polyethylene sheet placed at as many points around the door seal and at such maximum thickness as will produce the largest gaps under which [the door can be closed (using force if necessary) and] the oven will operate. The last bracketed clause was included in a text of proposed amendments received from the Consumers Union subsequent to receipt of the original petition.

In the documentation submitted with the petition, it was stated that the shimming proposal "is intended merely to clarify the existing requirements that 'measurements * * * be made with the door * * * fixed in any position which allows the oven to operate.'" It is the intent of the existing standard that measurements of microwave emission be made at all door positions that allow oven operation, including the maximum opening. It is a test of the effectiveness of the interlock system to terminate microwave production as the door is being opened. The petitioner also indicated that this proposal is directed at detecting microwave leakage under assumed conditions of use—objects caught in the door such as paper towels, or dirt buildup on oven seals. In considering the use of shims around the door seal as a test condition approximating consumer use, it

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was concluded that present field data have not shown that such shims reflect reasonable conditions of routine oven operation. Therefore, it is considered unnecessary to change the testing procedures at this time, but in view of some isolated incidents in which objects have been inserted in doors, this problem has been addressed in the requirement for warning labels under proposed § 1030.10 (c) (6) (i). Concerning the proposal that force be used to close the shimmed door if necessary, it was the opinion of both the TEPRSSC and the FDA that such a testing procedure is ill-defined, is likely to be nonreproducible, and may do permanent damage to a microwave oven. This proposed testing procedure, therefore, is not acceptable.

3. The third petition proposal would amend § 278.212, now § 1030.10 of Subchapter J (21 CFR 1030.10), recodified in the FEDERAL REGISTER of October 15, 1973 (38 FR 28623), to require manufacturers to affix permanently to the front exterior of all microwave ovens labels bearing the following warnings and instructions:

a. Do NOT operate oven when empty.

b. CAUTION—Microwave radiation may cause pacemaker interference. Persons with pacemaker implants should not be or remain in the same room where this microwave oven is operating.

c. After each use—(1) unplug oven, and (2) check to see that door seal and inside surfaces of door and oven cavity are clean.

d. Do NOT put face close to door window when oven is operating.

e. KEEP OUT OF THE REACH OF CHILDREN. Do NOT permit young children to operate this oven.

With regard to labeling proposal "a", a Bureau of Radiological Health special field test study of 198 ovens in use in homes and commercial establishments showed that, when tested in the empty condition, 196 were at or below the maximum permissible emission level of 5 mW/cm² prescribed in the present standard for ovens after acquisition by purchasers. The two ovens exhitting slightly above the limit when empty were not considered to present a significant health risk. This seems a particularly valid conclusion since such elevated emission occurred under a condition of nonproductive use (an empty oven) and would therefore occur only infrequently. The margin of safety provided in the existing emission limits is sufficient to assure safety should nonproductive oven use occur at infrequent intervals. Many manufacturers in their instructional material warn against empty oven use due to possible physical damage to the oven. This manufacturer warning is specific to the individual design, and is not related to the potential for excessive microwave leakage. On the basis of the foregoing, this labeling proposal is rejected.

The warning to pacemaker users in labeling proposal "b" is rejected for the following reasons:

(i) Only one confirmed report of temporary patient disability related to operation of a microwave oven has been reported to FDA. No other confirmed incidents related to pacemaker wearers and microwave ovens have been reported although the FDA has, as early as 3 years ago, disseminated precautionary information to hospitals, clinics, and physicians. Letters to hospital administrators, physicians, and physiotherapists alerting them to possible electromagnetic interference with pacemaker function also were sent by the Association for the Advancement of Medical Instrumentation (AAMI) more than 2 years ago.

(ii) The proposed labeling requirement would be misleading. It would tend to focus attention on a particular source of possible electromagnetic interference and would fail to warn the pacemaker wearer of other, equally important, sources of interference that could not be effectively singled out. Other potential sources of electromagnetic inteference for which such warning labels also are not appropriate, include electric tools, household and industrial appliances, ignition and lighting systems, radio, television, and radar systems.

(iii) All pacemakers are not equal in their susceptibility to electromagnetic interference. The proper approach to potential problems is through advice to the patient by the physician and pacemaker manufacturer of all sources of possible pacemaker interference. Many pacemaker manufacturers have eliminated interference problems through improved designs.

The unplugging of ovens after each use in the first part of labeling proposal "c" is generally considered to be an unacceptable practice for microwave oven use because of unwarranted stress on electrical components. The present standard provides adequate radiation safety for all persons, including children, even under conditions of accidental operation. The second part of the petitioner's proposal "c" for cleanliness of the oven cavity is considered to be related to hygienic rather than radiation protection considerations. Although it is desirable user practice to maintain clean oven seals, studies to date have not shown that food accumulation on seal areas leads to significant increases in microwave emission. Therefore, although labeling proposal "c" is rejected, the desirability of maintaining clean door seals is addressed in the proposed instructions to users as set forth in § 1030.10(c) (4) (iii).

Labeling proposal "d" would restrict viewing through the oven window. Such viewing does not constitute a health hazard since the window is subject to the same emission restrictions as the rest of the oven surface. The emission limits were fixed so as to provide adequate radiation safety even when operating the oven under unusual load conditions. Labeling proposal "d," therefore, is rejected.

The petitioner did not provide new scientific information to support labeling proposal "e" concerning operation of microwave ovens by children. Such a labeling requirement for ovens would, in effect, discourage the operation of microwave ovens in self-service food establishments where adult supervision is not available. Without a biological foundation based on new scientific information provided by the petitioner, it is inappropriate to single out a subgroup within the population for special and unnecessary safety warnings. The very conservative emission limits that were incorporated into the microwave oven standard recognized and were justified on the basis that this consumer product was destined for use in the home by uncontrolled populations with varying ages and conditions of health. The anticipated use of this product by children was an overriding factor in the wide margin of safety incorporated in the emission limit for microwave ovens. On the basis of the foregoing this labeling proposal is rejected.

The present standard (21 CFR 1030.10 (c) (4)) requires manufacturers to supply, with each microwave oven, adequate instructions for safe use including clear warnings of precautions to be taken to avoid possible exposure to microwave radiation. Also, according to the standard, dealers and distributors who service ovens must also be provided with adequate service instructions which include radiation safety warnings. It was anticipated that such general requirements would result in effective radiation safety precautions provided with all microwave ovens.

On May 20, 1971, the Bureau of Radiological Health issued guidelines which were mailed to all manufacturers describing the topics to be discussed in the required radiation safety warnings. Experience has shown, however, that the present requirements and guidelines have not been sufficient, in that, (1) in some instances the warnings have been prominently displayed as an integral part of the users' manual and in other instances they have been printed on separate, discardable sheets and (2) all topics contained in the Bureau guidelines were not always addressed in the warnings and, those that were included, were often discussed in an incomplete or inadequate manner.

With the experience gained to date, it is now necessary to require specific precautionary instructions which manufacturers must provide with each oven and for service personnel and others upon request.

Additionally, to insure that all users receive the most important precautions, the proposal, as set forth herein, would require that microwave ovens subject to the standard bear radiation safety warning labels. The Food and Drug Administration considers this necessary since in commercial applications, users do not normally have access to the safety instructions in the owner's manual. The home microwave oven user may also not receive the most basic instructions if the oven were installed in the dwelling at the time of construction or if the user's manual were lost or not regularly referenced. The need for warning labels was determined by the Commissioner after consideration of the Consumers Union petition to amend the microwave oven standard, and as a result of appraisal of field data.

The specific warnings on the labels are directed toward potentially hazardous situations arising during routine use and are derived from field data acquired in users' homes and business establishments. These data indicate that users have occasionally operated ovens with objects, such as paper towels, caught in the oven door. It is known from laboratory studies that such a situation can result in excessive microwave emission and should thus be avoided. Also, there have been incidents of excessive microwave emission resulting from over doors which do not close correctly or from damaged doors, hinges, latches, or sealing surfaces.

The precautionary statements proposed for users' manuals, while not necessarily having the same field data bases as the proposed labels, are considered reasonable and important safeguards to avoid possible exposure to microwave energy. The suitability of the subjects addressed in these precautions for users and service manuals has received general industry and consumer concurrence.

The amendment proposed herein would revise § 1030.10(c) (4), and add a new § 1030.10(c) (5) to explicitly state the required precautionary instructions for all microwave oven users and service personnel and specify the required means of presentation. These instructions would state the precautions necessary to avoid possible exposure to microwave radiation. It is proposed to require these instructions in exact wording to avoid the previous situation in which the thoroughness and means of presentation of precautions varied markedly from manufacturer to manufacturer. Retained in the new § 1030.10(c) (5) would be the requirement for adequate service instructions.

The proposed amendment would also add a new § 1030.10(c) (6) which would require two warning labels on all microwave ovens. One label, intended for the user, would succinctly state the most essential precautions to avoid exposure to microwave radiation. These precautions must appear on all microwave ovens to insure that all users will be properly advised. Furthermore, viewing of the most essential precautions each time the oven is used will reinforce the importance of adherence to them.

The second warning label is directed to service personnel, advising them to consult the service manual for procedures to help assure that the service performed will not cause the microwave oven to become noncompliant with the requirements of the microwave oven standard. This label would also caution the user that the oven is to be serviced only by qualified service personnel.

The Commissioner of Food and Drugs proposes to order that this amendment to Part 1030 of Subchapter J be applicable to microwave ovens manufactured on or after a date that is 6 months following the date of publication of the final order in the FEDERAL REGISTER. The early effective date is proposed since it is considered necessary that microwave oven users and service personnel have adequate safety instructions in order to assure protection of the public health. Futhermore, the proposed amendment would involve little, if any, change in microwave oven design; thus, the early effective date should not impose an unreasonable burden upon manufacturers.

Pertinent background data and information supporting the Commissioner's conclusions with respect to the Consumers Union petition and with respect to the amendment proposed herein are on file in the office of the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C 263f) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 1030.10 by revising paragraph (c) (4) and adding new paragraph (c) (5) and (6), as follows:

§ 1030.10 Microwave ovens.

* * * * *

(c) * * *

(4) *User instructions.* Manufacturers of microwave ovens to which this section is applicable shall provide, or cause to be provided, with each oven, radiation safety instructions which:

(i) Occupy a separate section and are an integral part of the regularly supplied users' manual and cookbook, if supplied separately, and are located so as to elicit the attention of the reader.

(ii) Are as legible and durable as other instructions with the title emphasized to elicit the attention of the reader by such means as bold-faced type, contrasting color, a heavy-lined border, or by similar means.

(iii) Contain the following wording:

PRECAUTIONS TO AVOID POSSIBLE EXPOSURE TO MICROWAVE ENERGY

(1) Do not operate this oven using microwave energy with the door open since open-door operation can result in harmful exposure to microwave energy. It is important not to defeat or tamper with the safety interlock switches.

(2) Do not place any object between the oven front face and the door or allow soil or cleaner residue to accumulate on sealing surfaces.

(3) Do not operate the oven if it is damaged. It is particularly important that the oven door close properly and that there is no damage to the: (i) Door (bent), (ii) hinges and latches (broken or loosened), (iii) door seals and sealing surfaces.

(4) The oven should not be adjusted or repaired by anyone except properly qualified service personnel.

(iv) Include additional radiation safety precautions or instructions as may be necessary for particular oven designs or models.

(5) *Service instructions.* Manufacturers of microwave ovens to which this section is applicable shall provide or cause to be provided to servicing dealers and distributors and to others upon request, for each oven model, adequate instructions for service adjustments and service procedures, and, in addition, radiation safety instructions which:

(i) Occupy a separate section and are an integral part of the regularly supplied service manual and are located so as to elicit the attention of the reader.

(ii) Are as legible and durable as other instructions with the title emphasized so as to elicit the attention of the reader by such means as bold-faced type, contrasting color, a heavy-lined border, or by similar means.

(iii) Contain the following wording:

PRECAUTIONS TO BE OBSERVED BEFORE AND DURING SERVICING TO AVOID POSSIBLE EXPOSURE TO MICROWAVE ENERGY

(1) Do not operate or allow the oven to be operated using microwave energy with the door open.

(2) Make the following safety checks on all ovens to be serviced before activating the magnetron or other microwave source, and make repairs as necessary: (i) Interlock operation, (ii) proper door closing, (iii) seal and sealing surfaces (arcing, wear, and other damage), (iv) damage to or loosening of hinges and latches, (v) evidence of dropping or abuse.

(3) Before turning on microwave power for any service test or inspection within the microwave generating compartments, check the magnetron, wave guide or transmission line, and cavity for proper alignment, integrity, and connections.

(4) Any defective or misadjusted components in the interlock, monitor, door seal, and microwave generation and transmission systems shall be repaired, replaced, or adjusted by procedures described in this manual before the oven is released to the owner.

(5) A microwave leakage check to verify compliance with the Federal performance standard should be performed on each oven prior to release to the owner.

(iv) Include additional radiation safety precautions or instructions as may be necessary for particular oven designs or models.

(6) *Warning labels.* Microwave ovens shall have the following warning labels:

(i) A label, permanently attached to or inscribed on the oven, which shall be legible and readily viewable during normal oven use, and which shall have the title emphasized and be so located as to elicit the attention of the user. The label shall bear the following warning statement:

PRECAUTIONS FOR SAFE USE TO AVOID POSSIBLE EXPOSURE TO MICROWAVE ENERGY

DO NOT Attempt to Operate This Oven Using Microwave Energy With:

(a) Object Caught in Door.

(b) Door That Does Not Close Properly.

(c) Damaged Door, Hinge, Latch, or Sealing Surface.

(ii) A label, permanently attached to or inscribed on the external surface of the oven, which shall be legible and readily viewable during servicing, and which shall have the title emphasized and be so located as to elicit the attention of service personnel. The label shall bear the following warning statement:

CAUTION: This Device is to be Serviced Only by Properly Qualified Service Personnel. Consult the Service Manual for Proper Serv.

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ice Procedures to Assure Continued Compliance with the Federal Performance Standard for Microwave Ovens and for Precautions to be Taken to Avoid Possible Exposure to Microwave Radiation.

(iii) The labels provided in accordance with paragraph (c)(6)(i) and (ii) of this section shall bear only the statements specified in that paragraph, except for additional radiation safety warnings or instructions as may be necessary for particular oven designs or models.

Interested persons may, on or before July 29, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 20, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-12280 Filed 5-29-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74 107]

DRAWBRIDGE OPERATION REGULATIONS

Buffalo River, N.Y.

At the request of the city of Buffalo, New York, the Coast Guard is considering amending the regulations for the Michigan Avenue drawbridge at mile 1.34 and Ohio Street drawbridge at mile 2.1 across the Buffalo River in Buffalo, New York, to permit the draws to remain closed to the passage of vessels from 7:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6 p.m. Present regulations allow the Michigan Avenue drawbridge to remain closed to the passage of vessels from 7 a.m. to 7:30 a.m., 8 a.m. to 8:30 a.m., 3:45 p.m. to 4:30 p.m. and 5:15 p.m. to 6 p.m. and the Ohio Street drawbridge may remain closed to the passage of vessels from 7:30 a.m. to 8 a.m., 8:45 a.m. to 9:15 a.m., 3 p.m. to 3:45 p.m. and 4:30 p.m. to 5:15 p.m. This change is being considered due to extensive repairs planned for the Buffalo Skyway Bridge at mile 0.6 which will require the rerouting of vehicular traffic over the Michigan Avenue and Ohio Street bridges for a period of approximately 2 years. When this work has been completed the regulations governing the operation of these bridges shall be returned to those presently in use. Reference to the drawbridge across the Buffalo Ship Canal is deleted because the drawspans of this bridge have been removed from this waterway.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before July 2, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising the heading and paragraphs (a) and (b) of § 117.707 to read as follows:

§ 117.707 Buffalo Harbor, N.Y.; City of Buffalo bridges across Buffalo River.

(a) The draw of the Michigan Avenue bridge across the Buffalo River need not open for the passage of vessels from 7:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6 p.m.

(b) The draw of the Ohio Street bridge across the Buffalo River need not open for the passage of vessels from 7:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6 p.m.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: May 22, 1974.

R. I. PRICE,
Captain, U.S. Coast Guard,
Acting Chief, Office of Marine Environment and Systems.

[FR Doc.74-12306 Filed 5-29-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-EA-36]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the Lewisburg, W. Va., Control Zone (39 FR 399).

The control zone is presently designated during the hours 0730 to 2100 hours, local time, daily. Weather observations to support the control zone designation are provided by Piedmont Airlines personnel. However, due to seasonal schedule changes, the control zone designation must be varied to coincide with weather reporting capability, which is dependent on the air carrier. Therefore it is proposed to delete the specificity as to time in the designation and permit changes by issuance of a NOTAM in the Airman's Information Manual, which may vary from the present 12 hours up to 24 hours.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 1, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lewisburg, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the description of the Lewisburg, W. Va. Control Zone by deleting the last sentence and by substituting in lieu thereof: "This Control Zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 16, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-12312 Filed 5-29-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Leeville, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southeast Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

LEEVILLE, LA.

That airspace extending upward from 700 feet above the surface within 3.5 miles either side of the Leeville, La., VORTAC 275° radial extending from the VORTAC to 14 miles west of the VORTAC.

The proposed transition area will provide controlled airspace for helicopters executing approach or departure procedures proposed at the Leeville, La., Petroleum Helicopter, Inc., landing area located approximately 6.75 miles west of the Leeville, La., VORTAC on the 275° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas, on May 17, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-12310 Filed 5-29-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-23]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the McAllen, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch, Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the McAllen, Tex., transition area is amended to read:

MCALLEN, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 3.5 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius area to 11.5 miles east of the VOR; within 4 miles south and 5 miles north of the McAllen VOR 321° radial extending from the 5-mile radius area to 18.5 miles northwest of the McAllen VOR; and within 2 miles each side of the localizer latitude 26°09'59" N., longitude 98°13'53" W.) back course 141° radial extending from the 5-mile radius area to 5.5 miles southeast of the localizer, excluding the portion outside the United States.

Alteration of the transition area will provide controlled airspace for the proposed LOC (BC) RWY 31 instrument approach.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX, on May 17, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-12311 Filed 5-29-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 201]

[Release Nos. 33-5496, 34-10813, 35-18421, 39-363, IC-8356, IA-414.]

RULES OF PRACTICE

Extension of Time for Submitting Comment

On April 5, 1974 [Release No. 33-5477 etc. published in the FEDERAL REGISTER for April 12, 1974 at 39 FR 13288] the Commission published for comment by interested persons a proposed change in Rule 2(e)(7) of its rules of practice, 17 CFR 201.2(e)(7). As proposed, the revised rule would provide that proceedings pursuant to Rule 2(e) arising out of charges against professionals practicing before the Commission would be public unless the Commission, on its own motion or at the request of a party, should direct otherwise. The time for submitting such comments is scheduled to expire May 20, 1974. However, the Commission has been requested to provide for additional time within which to submit comments on the proposed revision. Accordingly, the time for submitting such comments has been extended for thirty days, to and including June 19, 1974. All comments received will be placed in the public files of the Commission and will be available for inspection. Communications should be submitted to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should refer to File No. S7-520. All such communications will be available for inspection at the Commission's Public Reference Section, 1100 "L" Street, N.W., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 20, 1974.

[FR Doc.74-12409 Filed 5-29-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-143]

ADVISORY COMMITTEE ON SCIENCE AND FOREIGN AFFAIRS

Notice of Meeting

The Department of State Advisory Committee on Science and Foreign Affairs will meet on June 14 and 15, 1974 at 9:30 a.m. at the Department of State, 2201 "C" Street NW., Washington, D.C. 20520. The June 14 session of the meeting will be held in Room 7516 of the Department and the June 15 session will take place in Room 1107.

The Committee exists to provide the Department of State with a source of outside expertise and counsel on a wide range of foreign policy problems and opportunities created by or involving scientific and technological developments.

The subjects to be discussed at the June 14 session will include policy issues relating to the acquisition and dissemination of natural resource data from satellite-mounted remote sensors and policy questions relating to security and other issues associated with the international expansion of uranium enrichment facilities.

In accordance with section 10(d) of the Advisory Committee Act (P.L. 92-463) it has been determined that the June 14 session will necessarily involve discussion of matters concerned with those recognized as not subject to public disclosure under 5 U.S.C. 522(b)(1), and that the public interest requires that such activities be withheld from disclosure. The June 14 session will therefore be closed to the public.

The June 15 session will be open to the public up to the limits of seating capacity of the meeting room. It will be devoted to an examination of policy issues created by the impact of energy shortages and price rises upon global food production.

Entrance to the State Department is controlled, and those members of the public planning to attend the June 15 session are requested to so advise the Committee's Executive Secretary by telephone in advance of the meeting (202-632-3624). Those attending the meeting should come to the reception desk at the "C" Street entrance of the Department at 9:15 a.m.

Dated: May 23, 1974.

J. KENNETH MANSFIELD,
Executive Secretary, Advisory Committee on Science and Foreign Affairs.

[FR Doc.74-12433 Filed 5-29-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-160]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-124 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
May 10, 1974	$0.0558
Belgium franc:	
May 9, 1974	.026750
May 10, 1974	.026730
Germany deutsche mark:	
May 8, 1974	.4130
May 10, 1974	.4138
Netherlands guilder:	
May 9, 1974	.3902
May 10, 1974	.3911
Norway krone:	
May 9, 1974	.1927
May 10, 1974	.1918
Switzerland franc:	
May 8, 1974	.3454
May 9, 1974	.3467
May 10, 1974	.3480

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.74-12398 Filed 5-29-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

INSPECTION, GRADING, AND CERTIFICATION OF FISHERY PRODUCTS

Inspected Fish Establishment Service

MAY 16, 1974.

The National Marine Fisheries Service (NMFS), U.S. Department of Commerce, operates a voluntary inspection program relating to the standardization, inspection, grading, and certification of fishery products as authorized by the Agricultural Marketing Act of 1946, as amended, and the Fish and Wildlife Act of 1956, as amended.

Revised regulations (Part 260, Title 50 CFR) for the conduct of this program under the Department of Commerce became effective December 3, 1971. At that time a new dimension was added to the definition of inspection services provided for in the regulations (§ 260.6); that is, "Performance by an inspector of any related services such as to * * * observe sanitation * * * on a contract basis or periodic basis * * * or any other type of service of a consultative or advisory nature related herewith." Subsequently, limited consultative or advisory services have been made available to provide a means whereby the inspection knowledge and expertise within the NMFS can be made available to industry members who wish to upgrade their processing operations, but who do not necessarily or routinely desire inspection and certification of fishery products. However, until this time no routine sanitation inspection service for establishments, except for that provided to plants under our product inspection service, has been available as part of our program.

Statement of considerations. The National Marine Fisheries Service has received numerous letters from fishery products processors expressing interest in obtaining our assistance in establishing and maintaining effective plant sanitation programs. Many consider this to be a preliminary step to prepare for our product inspection service and eventually mandatory Federal fish inspection.

The extent of insanitary conditions in the food manufacturing industry was identified in a Report to the Congress entitled, "Dimensions of Insanitary Conditions in the Food Manufacturing Industry," issued April 18, 1972, by the General Accounting Office. The report covered the random analysis of 97 food plants inspected jointly by FDA-GAO. Eleven of those plants inspected processed fish and fishery products. The results of the joint inspection clearly attest to the need for improving the hygienic conditions and practices in fishery products processing establishments. Consumer complaints alleging the presence of foreign material, etc., in seafood products also indicate that improvement in sanitation practices is needed.

Further, the NMFS receives frequent requests from food purchasers at all levels of the distribution chain for sanitary sources of fishery products produced in Federally inspected and sanitarily approved establishments.

It is the policy of the National Marine Fisheries Service to encourage and assist the fishing industry in setting better standards of sanitation for facilities, equipment, and operating practices which will facilitate consistent production of safe and wholesome fishery products.

Therefore, the National Marine Fisheries Service intends to expand the scope of its Fishery Products Inspection and Safety Program by providing a service designed to assist processors in establishing and maintaining effective plant sanitation measures conducive to the consistent production of clean, safe, and wholesome fishery products on a fee-for-service basis.

To implement this new sanitation inspection service, the National Marine Fisheries Service has prepared a guideline by which the hygienic evaluation of establishment processing fish and fishery products will be conducted. The guideline follows.

ROBERT M. WHITE,
Administrator.

GUIDELINES FOR ADMINISTRATION OF SANITARILY INSPECTED FISH ESTABLISHMENT SERVICE

A. *General.* The National Marine Fisheries Service will administer and operate a sanitation inspection service designed specifically to assist any party engaged in the processing, handling, transportation and/or storage of fish and/or fishery products in establishing and maintaining an acceptable level of plant sanitation which will facilitate consistent production of safe and wholesome fishery products. It will be known as the Sanitarily Inspected Fish Establishment Service, and will be available to interested parties on a fee-for-service basis.

B. *Assessment of establishment sanitation.* Inspections of establishments will be based on the uniform application of appropriate sanitation requirements published in the following documents:

(1) USDC Interim Sanitation Standard for Fishery Product Processing Establishments.

(2) Code of Federal Regulations—Title 50, Part 260, U.S. Department of Commerce, National Marine Fisheries Service, Inspection and Certification.

(3) Code of Federal Regulations—Title 21, Part 128, Human Foods; Current Good Manufacturing Practice (Sanitation) in Manufacturing, Processing, Packing or Handling.

C. *Service Elements.* The Service is divided into two phases, I and II. Phase I is a consultative service during which the existing plant sanitation is evaluated and technical advice and assistance, as needed, is provided by the National Marine Fisheries Service to bring plants with sanitation deficiencies into compliance with NMFS requirements. Under Phase II, a routine sanitation inspection service is provided on a contract basis for those plants meeting the NMFS sanitation requirements. Plants currently operating under the NMFS fishery products inspection service meet all requirements of and, therefore, are in Phase II of the service. The essential elements of each phase of the service are as follows:

(1) Phase I—Consultative Service. The National Marine Fisheries Service will conduct a sanitation survey of the establishment and establish a Sanitary Compliance Rating (SCR) in accordance with the USDC Interim Sanitation Standard, "Sanitation Requirements for Fishery Product Processing Establishments." Establishments which attain a satisfactory SCR rating will be considered to be in compliance and eligible to request service on a contractual basis under Phase II.

Establishments which fail to attain a satisfactory SCR will be advised in writing of the nature and extent of all sanitation deficiencies. Through follow-up consultative inspection services, technical assistance will be provided to the plant management on a mutually agreeable basis, but for not less than four hours per month, to correct the deficiencies. On each visit the inspector will evaluate the sanitation status of the plant and determine the progress made in improving the facility's hygienic environment. When the noted deficiencies have been corrected the inspector will perform a complete sanitation survey and compute an SCR. The establishment will remain in Phase I until a satisfactory SCR is attained.

(2) Phase II—Sanitarily Inspected Fish Establishments. Establishments attaining a satisfactory SCR are eligible to contract for sanitation inspection services. They will receive inspection for sanitation on an unscheduled, unannounced basis at reasonable times while in operation. The amount of inspection may vary and will be based on the size and complexity of the plant facility and processing operations, except that a minimum inspection of 12 hours per month will be received by each approved establishment.

(a) Sanitarily inspected and approved establishments will be issued a certificate (plaque) affirming the establishment's compliance with NMFS sanitation requirements.

(b) Each approved establishment will be listed in a quarterly National Marine Fisheries Service publication for distribution to all interested parties. Any additions and/or deletions will be published monthly as an amendment to this official list.

D. *Disapproval of Sanitarily Inspected Establishment.* If at any time following official approval of an establishment for sanitation inspection, the NMFS determines (a) that the plant fails to maintain a satisfactory SCR, and (b) correction of sanitation deficiencies cannot be resolved through routine corrective actio , the plant sanitation will be considered to be unsatisfactory.

(1) Plants with an unsatisfactory SCR, but having no critical deficiencies (those that may constitute a serious health hazard) will, by written notification, be permitted a reasonable time period in which to correct deficiencies and regain sanitation compliance before final National Marine Fisheries Service disapproval.

(2) Plants having one or more critical deficiencies with or without an unsatisfactory SCR, will be disapproved immediately and reverted to Phase I.

E. *Fees and charges.* The fees to be charged and collected for any service under this program shall be in accordance with 50 CFR 260.70(b). That is, (3) Type III—Miscellaneous Inspection and Consultative Service.

	Per Hour
Regular Time	$16.00
Overtime	19.55
Saturday, Sunday and Holiday	24.65

This service is available on and after May 30, 1974. Interested persons are invited to contact the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235, to obtain additional information, request the service, or provide comments.

[FR Doc.74-12361 Filed 5-29-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MANUFACTURERS AND DISTRIBUTORS

Notice of Prescription Drugs for Human Use Affected by Drug Efficacy Study Implementation; Amendment

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), informing manufacturers and distributors of prescription drugs for human use of the future schedule for implementation of the drug efficacy study. That notice listed certain drugs, together with the justification of their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and provided for future additions to or deletions from that list.

In the FEDERAL REGISTER of August 28, 1970 (35 FR 13754) (DESI 12368), the Food and Drug Administration published its conclusions concerning Proternol (sustained action) Tablets containing isoproterenol hydrochloride stating that the drug was possibly effective when administered orally for heart block and Stokes-Adams syndrome.

Subsequent to the notice of December 14, 1972, the holder of the new drug application for Proternol Tablets, Key Pharmaceuticals, Inc., 300 Northeast 59th Street, Miami, FL 33137, petitioned the Commissioner to reclassify the drug as effective or probably effective and/or to permit it to remain on the market pending completion of additional studies to determine its effectiveness. The Commissioner concludes that there is sufficient medical justification for permitting this drug to remain on the market pending completion of additional scientific studies to determine its effectiveness. Accordingly, a new section is added to the list of drugs which may remain on the market (paragraph 3 of the notice of December 14, 1972), to read as follows:

XVII SUSTAINED ACTION ISOPROTERENOL HYDROCHLORIDE (ORAL)

A FEDERAL REGISTER announcement published August 28, 1970 (35 FR 13754) (DESI 12368), stated that Proternol (Sustained Action) Tablets (isoproterenol hydrochloride) were regarded as possibly effective when administered orally for heart block and Stokes-Adams syndrome. The NAS/NRC panel commented that because this compound is largely inactivated in the liver, it should be more adequately documented that the drug is predictably effective. Isoproterenol hydrochloride is parenteral, sublingual and rectal dosage forms were evaluated as effective for Stokes-Adams syndrome and heart block (in the FEDERAL REGISTER of September 8, 1972 (37 FR 18227) (DESI 6320)). The oral dosage form of isoproterenol hydrochloride may be of value to some patients when electrical pacing is not available and after a reliable idioventricular pacemaker has first been established with the aid of parenteral or sublingual isoproterenol, and should be available to them. Proternol (Sustained Action) Tablets may remain on the market pending completion of studies to determine the bioavailability and length of sustainment of the drug as well as its efficacy in patients with complete heart block.

Every manufacturer or distributor of sustained action isoproterenol hydrochloride who intends to, but has not already begun studies to determine bioavailability and length of sustainment of the drug or who has begun studies but has not yet discussed the protocols with the Food and Drug Administration is re-

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quired to communicate with the Division of Cardiopulmonary-Renal Drug Products (HFD–110), Office of Scientific Evaluation, Bureau of Drugs on or before July 29, 1974, to discuss and agree to undertake the studies necessary to justify continued marketing of the product.

This notice is issued pursuant to provisions of The Federal Food, Drug and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, as amended; 21 U.S.C. 355, 371), the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 23, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–12354 Filed 5–29–74;8:45 am]

Office of the Secretary

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685–92 dated February 25, 1970, as amended) is amended to reflect reorganization of public affairs activities into an Office of Public Affairs and to reflect the establishment of an Office of Professional and Consumer Programs. The former Office of the Assistant Commissioner for Public Affairs is hereby disestablished.

Section 6B is amended as follows:

SECTION 6B *Organization.* • • •

• • • • • •

(a–2) *Office of Public Affairs* (6A0110). Serves as principal advisor to the Commissioner on all public affairs activities.

Develops, implements, and monitors policies and programs regarding media communications and relations; acts as focal point for disseminating news concerning FDA activities.

Provides editorial and graphic arts services for Agency publications and public affairs activities.

Produces and publishes the *FDA Consumer*, the Agency's official, general-circulation magazine.

Oversees FDA's implementation of the provisions of the Freedom of Information Act.

Maintains liaison with the Office of the Assistant Secretary for Public Affairs.

• • • • • •

(j) *Office of Professional and Consumer Programs.* Serves as principal advisor to the Commissioner on development and implementation of effective policies and programs to convey important health protection concepts and practices to consumers and to the medical and scientific professions.

Develops and coordinates a program of liaison with the medical and scientific professions designed to promote understanding of and support for FDA efforts to protect the public health.

Develops and conducts consumer education programs through a nationwide network of consumer affairs officers and through other broad education efforts.

Provides FDA central control for and processes all FDA public correspondence.

• • • • • •

Dated: May 21, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74–12356 Filed 5–29–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–74–277]

ACTING INSURING OFFICE DIRECTOR ET AL.

Delegation of Authority

Each of the officials appointed to the following positions is designated to serve as Acting Director, Wilmington Insuring Office during the absence of, or vacancy in the position of, the Insuring Office Director, with all the powers, functions, and duties redelegated or assigned to the Insuring Office Director, provided that no official is authorized to serve as Acting Insuring Office Director unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant Insuring Office Director
2. Chief Underwriter
3. Director, Housing Management Division
4. Assistant Chief Underwriter

Effective date. This designation is effective as of the 6th day of May 1974.

THEODORE R. ROBB,
Regional Administrator, Region III, Philadelphia.

[FR Doc.74–12372 Filed 5–29–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–438 and 50–439]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BELLEFONTE NUCLEAR PLANT, UNITS 1 AND 2

Notice of Meeting

MAY 28, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Bellefonte Nuclear Plant, Units 1 and 2, will hold a meeting on June 18, 1974 in the Gold Room of the Holiday Inn, US 72 East, P.O. Box 928, Scottsboro, Alabama 35768. The purpose of the meeting will be to review the application of the Tennessee Valley Authority for a permit to construct Units 1 and 2, which are located in Jackson County, Alabama, about seven miles east of Scottsboro, Alabama.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, June 18, 1974, 11:00 a.m.–5:00 p.m. Review of the application for a construction permit for Units 1 and 2 (presentations by the AEC Regulatory Staff and the Tennessee Valley Authority and its consultants, and discussions with these groups).

In connection with the above agenda item, the subcommittee will hold an executive session at 10:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the close of the meeting, consisting of an exchange of opinions of the subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the subcommittee may hold a closed session with the regulatory staff and applicant to discuss privileged information concerning industrial security or other matters properly considered to be of a proprietary nature.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Any nonexempt material that may be discussed in these closed sessions will be inextricably intertwined with the discussion of exempt material and no further separation is feasible. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 11, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for a construction permit and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the subcommittee. To the extent that the time available for the meeting permits, the subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the subcommittee, between the hours of 1:30 p.m. and 4:30 p.m. on June 18, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 18, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on June 20, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within nine days at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission, Washington, D.C. 20545 after August 19, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–12507 Filed 5–29–74;8:45 am]

EXECUTIVE COMMITTEE FOR THE ZERO GRADIENT SYNCHROTRON STUDY

Establishment of Subcommittees

MAY 28, 1974.

The Atomic Energy Commission has established two ad hoc subcommittees to the Executive Committee for the Zero Gradient Synchrotron (at Argonne National Laboratory) Study. The Executive Committee, Co-chaired by Dr. John M. Teem, Assistant General Manager for Physical Research, AEC, and Dr. Russell Drew, Director, Science and Technology Policy Office, NSF, is an interagency committee. The two subcommittees are subject to the provisions of the Federal Advisory Committee Act. The Atomic Energy Commission has certified that establishment of these two subcommittees is in the public interest.

The Subcommittee on Physics, under the Chairmanship of Professor Robert Walker of the California Institute of Technology, has been requested to consider and report on the physics program of the ZGS Accelerator within the context of the needs of the field of high energy physics and with respect to the capabilities of the ZGS to recommend the earliest reasonable time to plan the shutdown of the ZGS.

The Subcommittee on Management and Procedures, under the Chairmanship of Professor Karl Strauch of the Cambridge Electron Accelerator, has been requested to consider and report, in the context of a planned shutdown, on questions related to administrative and working procedures, funding schedules and time schedules, and to recommend the most appropriate way to close out the ZGS.

The duration of these two ad hoc subcommittees is not expected to continue beyond October 30, 1974.

There will be present at all meetings of the two subcommittees a full-time employee of the Atomic Energy Commission who will assure that the provisions of the Federal Advisory Committee Act are met.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–12506 Filed 5–29–74;8:45 am]

CIVIL SERVICE COMMISSION

PATENT EXAMINERS, WASHINGTON, D.C.

Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721 the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

Occupational coverage. GS–1224 Patent Examining Series (Engineering Specializations Only).

Geographic coverage. Washington, D.C.

Effective date. First day of the first pay period beginning on or after May 26, 1974.

Per annum rates

Grade	1	2	3	4	5	6	7	8	9	10
GS–6	10,467	10,736	11,008	11,271	11,539	11,807	12,075	12,343	12,611	12,879
GS–7	11,297	11,629	11,961	12,298	12,626	12,957	13,289	13,621	13,953	14,285

Under the provisions of section 3–2b, Chapter 571, FPM, the agency may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5725, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–12275 Filed 5–29–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

DELEGATIONS OF AUTHORITY TO SIGN CERTAIN FEDERAL REGISTER DOCUMENTS

The following officials are authorized to exercise the authority of the Administrator of the Environmental Protection Agency to sign certain FEDERAL REGISTER documents as indicated.

Official	*Type of document*
1. Within their respective areas of responsibility—	
Assistant Administrator for Air and Waste Management	a. General Notices, including but not limited to, Notices of Committee Meetings, Public Hearings, and the availability of publications, reports, and guidelines.
Assistant Administrator for Enforcement and General Counsel	
Assistant Administrator for Planning and Management	
Assistant Administrator for Research and Development	
Assistant Administrator for Water and Hazardous Materials	b. Final and proposed rulemaking documents which make corrections and nonsubstantive changes (e.g. typographical, grammatical, and coding errors, extension of time for comments) to previously published documents.
2. Assistant Administrator for Air and Waste Management.	State Implementation Plans, other than compliance schedules, as submitted by the States and published as proposed rulemaking.

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Official	*Type of Document*
3. Assistant Administrator for Enforcement and General Counsel.	a. State Implementation Plan compliance schedules as submitted by the States and published as proposed rulemaking. b. General Notices pursuant to the following sections of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended—7, 8, 9, 13, 14, 16, 17(a), 17(c), 17(e), 21(a), 21(b), 22, and 23.
4. Assistant Administrator for Water and Hazardous Materials.	a. General Notices pursuant to the following sections of FIFRA, as amended, and the Federal Food, Drug, and Cosmetic Act (FD&CA) as amended. FIFRA sections 3, 4, 5, 6, 15, 17(b), 18, 21(a), 21(b), 22, and 23. FD&CA sections 406, 408, and 409 (21 U.S.C. 346, 346a, and 348). b. Final and proposed rulemaking documents pursuant to sections 406, 408, and 409 of FD&CA as amended (21 U.S.C. 346, 346a, and 348). c. Final and proposed rulemaking documents governing Advisory Committees and Rules of Practice governing hearings under FIFRA as amended.
5. Regional Administrators	State Implementation Plans, including compliance schedules, as submitted by the States and published as proposed rulemaking.
6. Director, Office of Federal Activities	Notices listing all Environmental Impact Statement reviews upon which written comments have been developed under section 309 of the Clean Air Act as amended.
7. Chief Administrative Law Judge or appropriate Administrative Law Judges.	Notices for Public Hearings requiring adjudicatory actions which have an Agency component as a party to the hearing or in which an Administrative Law Judge is designated to preside.

Authorities for officials in 1b, 2, 3a, 5, 6, and 7 above may not be redelegated. Authorities for officials in 1a, 3b, and 4c above may be redelegated but not below the Deputy Assistant Administrator level. Authority for the official in 4a and 4b above may be redelegated but not below the level of a Division Director. None of the authorities listed in 1, 2, 3, 4, 6, and 7 above may be redelegated to Regional Administrators or their subordinates.

By the authority contained in section 515 of the Federal Water Pollution Control Act as amended, the Chairman, Effluent Standards and Water Quality Information Advisory Committee is authorized to sign Notices of Public Hearings, Committee Meetings, and Agenda.

This Notice supersedes the delegations of authority appearing in 36 FR 9038, 37 FR 1084, 37 FR 4375, and 38 FR 9262.

Dated: May 22, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-12295 Filed 5-29-74;8:45 am]

[OPP-180004A]

DEPARTMENT OF THE ARMY

Issuance of Exemption for St. Johns River, Fla., Water Hyacinth Control Program

On March 4, 1974 (39 FR 8183), the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER a notice of receipt of application from the Department of the Army. The Department of the Army requested a specific exemption pursuant to § 166.2(a) of the regulations (40 CFR Part 166) governing exemption of Federal or State Agencies for use of pesticides under emergency conditions. The application requested that the Corps of Engineers be allowed to use, during 1974, 12,000 pounds acid equivalent of the dimethylamine salt of 2,4-D to treat 3,000 acres of the St. Johns River, Florida, in a water hyacinth control program. The notice also solicited public comment on the subject prior to the final determination.

Comments were received and consideration was given to all relevant matters as presented by interested persons. The decision was made on May 2, 1974, pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), to grant a specific exemption to the Corps of Engineers, subject to the conditions below.

1. No 2,4-D application is to occur after November 1, 1974. This restriction is imposed to protect the manatee, an endangered species, which usually moves into the St. Johns River in late November.

2. The Corps of Engineers is to warn all growers along the portions of the river to be treated that no irrigation water is to be pumped out of the river for at least five weeks after treatment.

3. All applications of 2,4-D are to be made north of Lake Washington. Since there is no tolerance for 2,4-D in potable water, applications of 2,4-D in Lake Washington which is used for potable water purposes cannot be approved.

4. The Corps of Engineers is to continue efforts to compile the data necessary to obtain registration of 2,4-D in moving water; such data is to be submitted prior to calendar year 1975.

5. Further restrictions may be imposed at any time during the treatment program in order to protect man and the environment.

The official file on this subject is available during regular business hours (8 a.m. to 4:30 p.m.) in the office of the Director, Registration Division (HM-567), Office of Pesticide Programs, Room 347, East Tower, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Dated: May 22, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-12294 Filed 5-29-74;8:45 am]

RHODE ISLAND

Extension for Development of Plan Revision

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions the Rhode Island Implementation Plan for attainment of national ambient air quality standards. Included in this approval were priority classifications of the Metropolitan Providence Air Quality Control Region used for purposes of plan development.

During the period from July 6, 1973 through September 30, 1973, air quality data was collected for carbon monoxide and photochemical oxidants in the core area of Providence indicating that the original Priority III classifications for these two pollutants were no longer valid. On November 23, 1973, the Administrator reclassified the Metropolitan Providence Air Quality Control Region from Priority III to Priority I for carbon monoxide and photochemical oxidants, and called for a revision to the Rhode Island plan to be submitted to EPA for approval within four months of the effective date of reclassification. The plan revision must provide for additional control strategies for carbon monoxide and photochemical oxidants adequate to attain standards by May 31, 1975, and maintain standards beyond that date. At the time of reclassification the available air quality data had not been evaluated to determine whether standards could be attained through additional stationary source controls or whether transportation controls for the Providence area would be necessary. It is now clear that the Metropolitan Providence area will require a transportation control plan to meet carbon monoxide and photochemical oxidant ambient air quality standards.

Contractor studies indicate that the measures required to meet the standards cannot be implemented until the summer of 1976 and it is anticipated that an extension will be requested by the state.

By a letter dated March 25, 1974, Mr. Austin Daley, Chief, Rhode Island Division of Air Pollution Control requested a six month time extension be granted his agency to develop a transportation control plan for the Providence area. After reviewing work plans with the consultant employed by the State to develop the plan, EPA determined that eight months will be required to accomplish the tasks associated with the development of a transportation control plan for the Metropolitan Providence Area. An eight month extension is also consistent with the preparation time required by other cities to develop transportation control plans. Therefore the Administrator hereby grants an eight month extension and directs the State of Rhode Island to submit a plan revision by November 30, 1974 adequate to attain and maintain standards for carbon monoxide and photochemical oxidants. In granting the extension the Administrator has reviewed the circumstances specific to developing the Providence transportation plan and believes this extension to be reasonable for the preparation of the subject plan revision.

Dated: May 23, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-12293 Filed 5-29-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 325]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MAY 17, 1974.

Call letters	Location	Power kilowatts	Antenna	Schedule	Class	Ground system: Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		570 kHz							
CFWH (correction to coordinates).	Whitehorse, Yukon Territory, N. 60°47'01", W. 135° 06' 43".	1	ND-180	U	III	294	120	693	
		730 kHz							
CHYR-7 (change of call letters from CHIR).	Leamington, Ontario, N. 42°00'30", W. 82°33'40".	0.5	DA-N	N	II				
		740 kHz							
CBL (correction to coordinates).	Toronto, Ontario, N. 43°34'30", W. 79°49'03".	50	ND-231.5	U	IA	645	120	645	
		860 kHz							
CJBC (correction to coordinates).	Toronto, Ontario, N. 43°34'30", W. 79°49'03".	50	ND-260.5	U	IA	645	120	645	
		970 kKz							
CBZ (correction to coordinates).	Fredericton, New Brunswick, N. 45°55'34", W. 66°38'18".	10	DA-N ND-D-180	U	III				
		990kHz							
CBW (correction to coordinates).	Winnipeg, Manitoba, N. 49°31'-14", W. 97°58'30".	50	ND-265	U	IA	570	120	00	
		1010 kHz							
CBR (correction to coordinates).	Calgary, Alberta, N. 50°56'17", W. 113°57'38".	50	DA-2	U	IA				
		1230 kHz							
CFKL (delete assignment)	Schefferville, Quebec, N. 54°-46'57", W. 66°49'05".	0.25	ND-186	U	IV	175	120	220	
		1280 kHz							
CFLN (assignment of call letters).	Goose Bay, Newfoundland, N. 53°18'37", W. 60°17'38".	1D/0.25N	ND-182	U	IV	142	120	220	
		1240 kHz							
CJAR (assignment of call letters).	The Pas, Manitoba, N. 53°48'-50", W. 101°16'23".	1D/0.5N	ND-175	U	IV	135	120	324	
		1370 kHz							
CHPQ (now in operation)	Parksville, British Columbia, N. 49°17'45", W. 124°17'37".	1	DA-1	U	III				
		1370 kHz							
New	Westloc, Alberta, N. 54°05'16", W. 113°52'30".	10	DA-N ND-D-190	U	III				5-17-75.
		1470 kHz							
CKPB (assignment of call letters).	Bagotville, Quebec, N. 48°21'-45", W. 70°55'46".	1	DA-1	U	III				
		1480 kHz							
New	Newmarket, Ontario, N. 44°-00'43", W. 79°24'44".	10	DA-1	U	III				5-17-75.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12244 Filed 5-29-74;8:45 am]

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FEDERAL MARITIME COMMISSION

C.A. VENEZOLANA DE NAVEGACION ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 19, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

C.A. VENEZOLANA DE NAVEGACION, C.A. NAVIERA DE TRANSPORTE Y TURISMO AND LINEA MANAURE C.A.

Notice of agreement filed by:

Renato C. Giallorenzi, Esquire
Law Offices of Renato C. Giallorenzi
67 Broad Street
New York, New York 10004

Agreement No. 10130, among the lines listed above, provides for the establishment of a pooling arrangement for the apportionment of freight revenue derived from the transportation of all cargo (with certain specified exceptions) from Miami, Florida to La Guaira, Puerto Cabello and Maracaibo, Venezuela, or any other port of Venezuela which the parties by mutual agreement subsequently stipulate. C.A. Venezolana De Navegacion will maintain a minimum of 12 sailings and C. A. Naviera De Transporte Y Turismo and Linea Manaure C.A. will each maintain a minimum of 20 sailings during each pool period (calendar year), subject to conditions of force majeure. Rationalization of services is contemplated in addition to the pooling and apportionment of revenues according to the agreed percentages set forth in the agreement. The arrangement would have a minimum duration of one year from the date of any approval by the Commission.

Dated: May 24, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-12399 Filed 5-29-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-647]

BURMONT CO. ET AL.

Petition To Amend; Correction

MAY 20, 1974.

In the Notice of Petition to Amend, issued April 26, 1974 and published in the FEDERAL REGISTER May 3, 1974, 39 FR 15540, Page 15540, Paragraph 1, line 10: Change "Texas Eastern Transmission Corporation (Texas Eastern)" to "United Gas Pipe Line Company (United)", Page 15540, Paragraph 2, line 3: Change "Texas Eastern" to "United", Page 15540, Paragraph 2, line 13: Change "Texas Eastern" to "United" and Page 15540, Paragraph 2, line 19: Change "Texas Eastern" to "United".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12339 Filed 5-29-74;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Order Granting Additional Petitions To Intervene

MAY 20, 1974.

On May 1, 1974, we issued an Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Interventions, Establishing Hearing Procedures, and Granting Waiver With Condition in the above captioned docket. An additional timely petition to intervene was filed by Natural Gas Pipeline Company of America. A timely notice of intervention was filed by the Public Utilities Commission of the State of Colorado. Late petitions to intervene were filed by the City and County of Denver, Colorado and by CF&I Steel Corporation (CF&I). Colorado Interstate Gas Company (CIG) filed an answer in opposition to CF&I's petition to intervene.

These petitioners to intervene allege that their interests may be affected in this proceeding and that their interests are not otherwise adequately represented. We find that good cause exists to permit their intervention.

CF&I, a direct industrial customer of CIG, stated that CF&I and CIG have been negotiating amendments and modifications to the contract under which CF&I purchases natural gas from CIG. CF&I further states that rate under its contract might be affected by the outcome of this proceeding and that it is not adequately represented by the existing parties. CIG, in answer to CF&I's petition, states that no possibility exists that the outcome of this proceeding will affect the purchase price under CF&I's purchase contract. We find that CF&I's allegation cannot be summarily dismissed and that CIG's arguments in opposition are not persuasive. Therefore, we shall permit CF&I to intervene in this proceeding.

The Commission finds: Good cause exists to grant the above mentioned petitions to intervene in this proceeding.

The Commission orders: (A) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late interventions granted herein shall not be the basis for delaying or deferring the procedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12319 Filed 5-29-74;8:45 am]

[Docket Nos. RP72-155]

EL PASO NATURAL GAS CO.

Order Amending Prior Order

MAY 20, 1974.

On April 15, 1974, the Commission issued an order amending its order of March 29, 1974. The purpose of the order of March 15, 1974, was to correct the omission from the March 29, 1974 order of Appendix A to that order. Sheet 1 of Appendix A as published in the order of April 15, 1974, omitted one line from that Appendix. It was also erroneous in the numbering of one sheet. We shall correct this oversight.

The Commission orders: (A) Sheet 1 of Appendix A as corrected and issued herewith shall be made part of our order issued March 29, 1974, in this docket.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

Tariff volume	Sheet No.	Description
Original volume No. 1	4th revised sheet No. 67	PGAC.
Original volume No. 1	2d revised sheet No. 67-D	Do.
Original volume No. 1	1st revised sheet, No. 67-E	Do.
3d revised volume No. 2	Original sheet No. 1-D	Statement of rates—R/S X-7, X-14, X-25, and X-30.
	Original sheet No. 70-A	Statement keying R/S X-7 to R/S B1.
	Original sheet No. 172-A	Statement keying R/S X-14 to X-1.
	Original sheet No. 827-A	Statement keying R/S X-25 to X-1.
	Original sheet No. 424-A	Statement keying R/S X-30 to X-1.
	11th revised sheet No. 1	Table of contents.
	9th revised sheet No. 1-A	Do.
	11th revised sheet No. 1-B	Do.
	6th revised sheet No. 1-C	Do.
Original volume No. 2A	2d revised sheet No. 1-C	Statement or rates for group I (keyes R/S FS-25, FS-26, FS-27, FS-28, FS-29, FS-30, FS-34, FS-35 and FS-45).
	Original sheet 1-E	Purchased gas adjustment—provision for clean high pres. R/S.
	Original sheet 1-F	
	Original sheet 1-G	
	Original sheet 1-H	
	Original sheet 1-I	

[FR Doc.74-12318 Filed 5-29-74;8:45 am]

[Docket No. RP73-17]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Proposed Changes in Rates

MAY 22, 1974.

Take notice that Granite State Gas Transmission, Inc. (Granite), on May 15, 1974, tendered for filing Third Revised Sheet 3A to its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates requested to be effective July 1, 1974. According to Granite, the proposed changes would increase revenues from jurisdictional sales by approximately $168,086 annually, based on deliveries for the 12 months ended March 31, 1974. Granite states that the filing is made pursuant to a purchased gas adjustment provision, previously approved by the Commission, on December 14, 1973, in Docket No. RP73-17. Granite further states that the increased purchased gas costs result from proposed increases in the rates of Tennessee Gas Pipeline Company, A Division of Tenneco, Inc., which Tennessee proposes to make effective on July 1, 1974, and that Granite purchases its entire natural gas supply from Tennessee.

Granite also tendered for filing its Substitute Third Revised Sheet 3A to its FPC Gas Tariff, Original Volume No. 1, as an alternate to Third Revised Sheet No. 3A. Granite states that Substitute Third Revised Sheet 3A reflects the effect of an alternate increase in gas purchased costs which it is advised Tennessee intends to file with a requested effective date of July 1, 1974. Substitute Third Revised Sheet No. 3A, if made effective instead of Third Revised Sheet 3A, would increase Granite's jurisdictional revenues by approximately $157,215, based on deliveries for the 12 months ended March 31, 1974, according to Granite. Granite states that its purpose in submitting the alternate rate filings is to track whichever of the Tennessee rate increases is permitted on the requested effective date of July 1, 1974.

According to Granite, copies of the filing were served upon Northern Utilities, Inc., the Company's sole jurisdictional customer and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Juhe 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12314 Filed 5-29-74;8:45 am]

[Docket No. RI74-186]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA ET AL.

Order Setting Hearing Date; Correction

MAY 10, 1974.

In the matter of Independent Oil & Gas Association of West Virginia v. Consolidated Gas Supply Company, Columbia Gas Transmission Corporation, Carnegie Natural Gas Company, and Equitable Gas Company.

In the Order Setting Date For Hearing And Ordering section 5(a) Investigation, issued May 10, 1974 and published in the FEDERAL REGISTER May 17, 1974, 39 FR 17589, Page 17590 change footnote "5" to "4", Page 17590 change footnote "6" to "5", Page 17590, Paragraph 9, line 8, change "June 12, 1974" to "June 19, 1974".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12340 Filed 5-29-74;8:45 am]

[Docket No. CI74-492]

LONE STAR PRODUCING CO.

Order Setting Hearing Date and Granting Interventions

MAY 21, 1974.

On March 11, 1974, Lone Star Producing Company (Lone Star) filed an application pursuant to section 4 and 7 of the Natural Gas Act[1] and § 2.75 of the Commission's General Policy Statements,[2] the optional certification procedure set forth in Order No. 455,[3] for a certificate of public convenience and necessity authorizing the sale of natural gas to Arkansas Louisiana Gas Company (Arkla) from wells drilled into the Panola Sand in the Wilburton Field, Latimer County, Oklahoma (Other Oklahoma, Other Southwest Area).

The sales are to be made in accordance with a twenty-year contract dated November 27, 1973, which is designated as Lone Star Producing Company FPC Gas Rate Schedule No. 107. Lone Star holds a twenty-five percent interest in the production from the subject acreage. The remaining seventy-five percent interest in the subject acreage is held by Ferguson Oil Company and sold to Arkla. The contract prescribes an initial rate of 43 cents per Mcf at 14.65 psia with an annual escalation of 1.0 cent per Mcf, and reimbursement of seventy-five percent of any additional taxes to a total tax increase of three cents per Mcf. The contract provides for termination of the contract upon 90-day notice by either party if the total increase in taxes to be shared by the parties is in excess of three cents per Mcf. Arkla must pay for a minimum volume to which it is entitled at the end of the contract year, and Arkla has the right to recoup the unused amount during the five following contract years. The estimated annual volumes of natural gas to be delivered under the subject contract are 116,800 Mcf.

Notice of the application was issued on April 3, 1974 and was published in the FEDERAL REGISTER on April 10, 1974 (39 F.R. 13039). Petitions to intervene were due by April 23, 1974 and were timely filed by Arkansas Louisiana Gas Company and the American Public Gas Association.

We find a hearing is necessary to determine whether the present and future public convenience and necessity will be served by certificating these sales and whether the proposed rate is just and reasonable.

In Order No. 455, Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (Id. 229):

[1] 15 U.S.C. 717, et seq. (1970).

[2] 18 CFR 2.75.

[3] State Of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, Docket No. R-441, 48 F.P.C. 218 (issued August 3, 1972), appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).

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We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Of course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed. City of Detroit v. F.P.C. 230 F. 2d 810, 818 (1955) cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

Cost findings from the latest area rate decision may be incorporated by reference in this proceeding and may be considered as relevant evidence in determining a just and reasonable rate. Stingray Pipeline Company, *et al.*, Opinion No. 693, Docket No. CP73-27, *et al.*, issued May 6, 1974.

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals, see n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

No intervenor has questioned Arkla's need for the additional natural gas supplies that will be available to it as a result of these purchases.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. CI74-492, is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on July 11, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicant and any intervenor supporting the application shall file their direct testimony and evidence on or before June 14, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 28, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before July 5, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of this Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The November 27, 1973, agreement between Lone Star Producing Company and Arkansas Louisiana Gas Company is designated Lone Star Producing, FPC Gas Rate Schedule No. 107, is accepted for filing as of the date initial delivery.

By the Commission.[4]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12317 Filed 5-29-74;8:45 am]

[Docket No. E-8212]

MONTANA DAKOTA UTILITIES CO.

Amendment to Application

MAY 22, 1974.

Take notice that on May 9, 1974, Montana-Dakota Utilities Company (Applicant) filed an amendment to its application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of up to $5,000,000 in promissory notes in addition to the $25,000,000 authorized by Commission order dated June 29, 1974.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Bismarck, North Dakota, and is engaged in the gas and electrical utility business in the States of Montana, North Dakota, South Dakota, and Wyoming.

The maximum of $5,000,000 of additional Promissory Notes proposed to be issued will be ordinary unsecured Promissory Notes, dated as of the dates of their respective issue, which will be not later than October 1, 1974, due not more than one year (270 days for commercial paper) after the dates of their respective issue and not later than September 30, 1975. The Notes will bear interest at the prevailing commercial paper rates for Prime-1 companies or at the prime commerical rate for bank loans in effect on the dates such Notes are issued. The Notes will be issued to commercial banks or in the form of commercial paper to A. G. Becker & Co., Inc. or other recognized investment bankers provided that the total amount of Notes issued pursuant to the Order dated June 29, 1973 and under this amendment in the form of commercial paper will not exceed $10,000,000 at any one time.

The Notes issued directly to the purchasing commercial banks will be due not more than one year after the dates of their respective issue. The Notes issued as commercial paper will be issued in bearer form to A. G. Becker & Co. or other recognized investment bankers at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Applicant proposes to sell commercial paper only so long as the discount rate or the effective cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sales. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $100,000 and not more than $1,000,000.

The purpose for which such Notes are to be issued is to provide temporary financing for part of the cost of the 1973 and 1974 Construction Programs. Such Notes are expected to be repaid out of the proceeds of $20,000,000 of First Mortgage Bonds and $10,000,000 of Preferred Stock which the Applicant plans to sell in 1974. An application for authority to issue such Bonds and Preferred Stock will be filed about August 15, 1974.

Any person desiring to be heard or to make any protest with reference to said amendment to said application should on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The amendment to said application is on file with the Commission and available for public inspection.

[FR Doc.74-12316 Filed 5-29-74;8:45 am]

[4] Commissioner Smith, concurring, filed a separate statement, which is filed as part of the original document.

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating Additional Members; Correction

MAY 16, 1974.

Order Designating Additional Members To The National Power Survey Technical Advisory Committee On The Impact of Inadequate Electric Power Supply, issued May 10, 1974 and published in the FEDERAL REGISTER May 21, 1974, 39 FR 17891, Page 17891 under *Membership*, line 9: Change "Department of the Interior" to "Department of Commerce".

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12341 Filed 5-29-74;8:45 am]

[Docket No. RP72-23 etc.]

TRUNKLINE GAS CO.

Order Granting Intervention

MAY 20, 1974.

On January 31, 1974,[1] the Commission suspended, in part, a rate filing by Trunkline Gas Company (Trunkline) for one day and set it for hearing. The part of the filing set for hearing involves, inter alia, certain advance payments upon which Trunkline has agreed to pay return and taxes in return for an assignment by Natural Gas Pipeline of America (Natural) of 25 percent share of all gas secured by the advance payment agreement.

On April 15, 1974, Natural filed an untimely petition to intervene in this proceeding alleging, inter alia, that any action taken by the Commission in this proceeding regarding the aforementioned advances could affect the disposition of the issues involving such advances in Natural's own Section 4 rate proceeding in Docket No. RP73-110. Moreover, Natural indicates that it will abide by the procedural schedule established in this proceeding and argues that the granting of its untimely petition to intervene will not delay this proceeding.

The Commission finds: Participation by Natural in these proceedings may be in the public interest, and good cause exists for permitting such intervention.

The Commission orders: (A) Natural is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of these proceedings.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12320 Filed 5-29-74;8:45 am]

[1] Rehearing of that order was denied by order issued April 5, 1974.

[Docket No. RP72-133]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

MAY 22, 1974.

Take notice that on May 16, 1974, United Gas Pipe Line Company (United) tendered for filing Substitute Sixteenth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. United states that this tariff sheet and supporting information are being filed 45 days before the effective date of July 1, 1974, pursuant to section 19 of its tariff and are in compliance with the provisions of Order Nos. 452 and 452-A.

United states that copies of the revised tariff sheet and supporting data are being mailed to its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-12313 Filed 5-29-74;8:45 am]

[Docket No. E-8766]

WISCONSIN MICHIGAN POWER CO.

Filing Proposed New Interconnection Agreement

MAY 22, 1974.

Take notice that on May 3, 1974, Wisconsin Michigan Power Company, tendered for filing a New Interconnection Agreement between itself and Upper Peninsula Power Company, which supersedes the Interconnection and Electrical Energy Agreement dated July 2, 1956, and the amendments thereto dated October 14, 1960, and April 13, 1971, and the Interconnection Agreement dated February 15, 1968, which are presently filed as Wisconsin Michigan Power Company's Rate Schedule FPC No. 44 and 55 respectively, and Upper Peninsula Power Company's Rate Schedule FPC No. 10 and 1, respectively.

The major changes incorporated in the New Agreement are as follows:

(a) Each point of interconnection with varying terms and conditions is included as an appendix to the agreement.

(b) The activities of the Planning and Operating Committees have been formalized in Wisconsin-Upper Michigan Systems (WUMS), an organization established to promote coordination of planning, design, construction and operation of generation and transmission facilities.

(c) A new class of power, Services Schedule A, described as follows: Limited Term Power-Power and Associated energy from temporarily surplus generating capacity in either party's system that may from time to time be sold to the other party for the purpose of providing increased flexibility in the planning and installation of generating capacity additions.

(d) Compensation for Emergency Energy Service Schedule B, has been amended to provide for the return of equivalent energy or at the option of the supplying party at the rate of 110% of supplier's out-of-pocket cost with a minimum of seventeen and one-half mills per kilowatt-hour.

(e) Changes in Service Schedule D, Short-Term Power, consisting of (1) a new provision providing for reservations of power for periods of one or more calendar days, (2) an increase in the capacity charge from $0.33 per kilowatt per week to the greater of $0.40 per kilowatt per week or the cost per kilowatt to the supplying party of capacity purchased from other systems, and (3) the option of returning equivalent energy in lieu of the payment of the energy charge.

(f) Compensation for Maintenance Energy, Service Schedule E, was amended to include an optional payment of 110% of supplier's out-of-pocket cost.

Upper Peninsula Power Company's Certificate of Concurrence is simultaneously filed. It is requested that the New Interconnection Agreement be deemed effective as of June 1, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before May 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protest filed with the Commission will be considered

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by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding.

The documents referred to above are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12315 Filed 5-29-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 24, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

ACTION

Resume for Program for Local Service, Form A-292, Single time, Caywood, Individuals.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, Maintenance Data for Year Ending December 31, 1973—REA Telephone Borrowers, Form ____, Single time, Sheftel, REA telephone borrowers.

DEPARTMENT OF COMMERCE

Maritime Administration, Port Facilities and Pretest, Form ____, Annual, EGG, Business firms.

Maritime Administration, Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Services, Form ____, Monthly, Sheftel, Shipping companies under Bulk contract.

FEDERAL ENERGY OFFICE

Questionnaire on Energy Use in Contract Construction, Form ____, Single time, Weiner, Construction contractors.

DEPARTMENT OF LABOR

Employment Standards Administration, Proposed Regulations to Implement Section 503 of PL-92-112, Form RA-1, Occasional, Collins, Federal contractor with contracts in excess of $2,500.

REVISIONS

DEPARTMENT OF AGRICULTURE

Forest Service, Annual Tree Planting and Seeding Report, Form ____, Annual, Sheftel, All states, Puerto Rico and Guam.

DEPARTMENT OF DEFENSE

Department of the Air Force, Survey of AFROTC Students, Instructors and Principals of High Schools, Form ____, Occasional, NSD/Sheftel, Students, instructors and principal.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Water Bank Program Agreement, Form ASCS 692, Single time, Lowry, Farms.

Animal and Plant Health Inspection Service, Agreement for Handling Restricted Imports of Animal Byproducts and Controlled Materials, Form VS 16-26, Occasional, Evinger, Importers and business firms of varying sizes.

Extension Service, Evaluation of Food and Nutrition Education Program, Forms A and B, Semi annual, NRD, Participants in EFNEP.

Food and Nutrition Service, Administrative Review Report, Form FNS 20, Occasional, Evinger (x).

Quarterly Estimate of Needs for Donated Foods, Form FNS 42, Quarterly, Evinger (x).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Report of NASA and Aerospace Related Employment as Required by Public Law 91-303, Form NASA 1480, Annual, Evinger, Current & former NASA employees.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-12541 Filed 5-29-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3623]

AMERICAN GENERAL LIFE INSURANCE CO. AND AMERICAN GENERAL LIFE INSURANCE CO. SEPARATE ACCOUNT B

Application for Exemption

MAY 24, 1974.

Notice is hereby given that American General Life Insurance Company Separate Account B ("Separate Account B"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and American General Life Insurance Company ("Insurance Company") (collectively "Applicants"), 2727 Allen Parkway, Houston, TX 77019, have filed an application pursuant to section 6(c) of the act for an order of the Commission exempting Applicants, to the extent noted below, from the provisions of sections 22(d), 26(a), and 27(c)(2) of the act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Insurance Company, a wholly-owned subsidiary of the American General Insurance Company (the "Parent"), is a stock life insurance company incorporated under Texas law. Separate Account B is a separate account of Insurance Company established on November 19, 1973, pursuant to Texas law, as the facility for issuing single and periodic payment defererd, and single payment immediate, variable annuity contracts (the "Contracts"). Amounts allocated to Separate Account B pursuant to the contracts will be applied to purchase shares of American General Growth Fund, Inc. ("Fund"), a diversified, open-end management investment company registered under the Act. American General Management Company, Inc., a wholly-owned subsidiary of the Parent, is the investment adviser for the Fund.

Section 22(d) of the act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants offer annuity contracts under which purchase payments may be accumulated on either a fixed or a variable basis or a combination of both. Deductions for sales and administrative expenses are made from each payment as described in the prospectus. Applicants request exemption from section 22(d) of the act to permit sales of contracts without sales and administrative charges when (i) accumulated purchase payments are transferred, not more often than once each year, from a fixed to a variable basis, before the annuity payment period begins, with a $5.00 charge for each transfer; (ii) surrender values or death benefits under a life insurance policy issued by Insurance Company are applied to the purchase of a contract; (iii) proceeds payable on the death of a contract holder, under an annuity contract offered by applicants, either before or after annuity payments have begun, and whether on a fixed or variable annuity basis, are applied to the purchase of a contract for the beneficiary of such contract; and (iv) accumulated values of contracts are applied at the end of the accumulation periods of such contracts to the purchase of single payment deferred contracts then being offered by Insurance Company.

Applicants state that the sales and administrative charges imposed upon payments accumulated on a fixed or variable basis are identical and that the sales and administrative charges imposed under Insurance Company's life insurance policies are often greater than those levied under the contracts. Applicants assert that the assessment of additional sales and administrative expense charges for the transfer or application of accumulated values or amounts payable under existing policies or annuity contracts for the purchase of contracts would result in double or even greater fees being imposed upon the purchasers of such contracts. Therefore, applicants contend that no discrimination would result from the elimination of such charges because no purchaser would be relieved of the duty to pay some sales and administrative charge whether under an annuity contract or life insurance policy; all that is avoided is the discrimination that results from the double payment of charges by persons wishing to change the manner in which payments are determined and not change the right to receive such payments. Applicants represent that the elimination of sales and administrative charges will not result in disruptive distribution patterns for the contracts. Applicants assert that a secondary market in contracts cannot develop because such contracts represent rights of specific individuals to payments which are guaranteed by Insurance Company or dependent upon the investment performance of the Fund.

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust, and any depositor and principal underwriter for the trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such indenture or agreement must provide (1) that the trustee or custodian be a bank of a designated size, (2) that the assets be held in trust and proscribes the charges which may and may not be charged against such assets, (3) that the trustee or custodian may only resign in a specified fashion and (4) that certain records be kept and certain notices be given to security holders.

Applicants request an exemption from sections 26(a) and 27(c)(2) to permit the applicants to sell contracts without need of an independent trustee or custodian. In support of such request, applicants state that the net purchase payments under the contracts will be invested in the shares of the Fund whose assets will be held in the custody of a custodian meeting the requirements of section 26(a) of the act. The ownership of Fund shares by Separate Account B will be held in an open account so that such ownership will only be indicated on the books of the Fund and Separate Account B and will not be evidenced by transferable stock certificates. Applicants assert that Insurance Company is subject to extensive supervision and control by the Texas Commissioner of Insurance, the National Association of Securities Commissioners, and the insurance commissioners of each state in which the contracts will be sold. Under Texas law and the terms of the contracts, the assets of Separate Account B are not chargeable with liabilities arising out of any other business conducted by Insurance Company. Obligations arising under the contracts as general obligations of Insurance Company, cannot be abrogated without violating the Texas insurance law. Therefore, applicants assert that such existing regulation of Insurance Company affords substantially the same protection contemplated by the provisions of section 26(a) and 27(c)(2) of the act.

Applicants have consented that the requested exemption from sections 26(a) and 27(c)(2) be subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, the Commission reserving jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of Separate Account B shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and applicants reserve the right in any proceeding before the Commission, or any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) of the act authorizes the Commission, upon application, to exempt any person from any provisions or provisions of the act conditionally or unconditionally if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than June 18, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporeously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12429 Filed 5-29-74;8:45 am]

[File No. 24NY-7803]

PAMCO CAPITAL CORP.

Order Permanently Suspending Exemption

MAY 22, 1974.

I. Pamco Capital Corporation ("Issuer"), 445 Park Avenue, New York, N.Y. 10022, a New York corporation, filed with the Commission on March 28, 1973, a notification, offering circular, and supporting exhibits relating to a proposed offering of 100,000 shares of its $.01 par value common stock at $.50 per share for an aggregate of $50,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on February 21, 1974, temporarily suspended the Regulation A exemption of Pamco Capital Corporation, stating it had reasonable cause to believe that:

A. The notification and offering circular filed by the issuer contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly in that:

1. The notification and offering circular failed to adequately disclose the plan of distribution;

2. The notification and offering circular failed to accurately state the terms of the offering;

3. The notification and offering circular failed to disclose the participation of Michael D. Muffoletto in the offering as an underwriter; and

4. The notification and offering circular listed a director who, in fact, was not a director of the issuer.

B. The terms and conditions of Regulation A had not been complied with in that:

1. the offering circular failed to list Michael D. Muffoletto as an underwriter;

2. the offering circular failed to accurately state the terms of the offering and the manner in which the offering would be made; and

3. the offering circular failed to accurately identify the directors of the Issuer.

C. An officer and an underwriter failed to cooperate and obstructed the making of the investigation by the Commission in that:

1. the president of the issuer refused to give testimony in connection with the investigation of the offering; and

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2. the undisclosed underwriter suggested to a witness that he give false testimony during the investigation.

D. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by Pamco Capital Corporation within thirty days after the entry of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended;

It is ordered, Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Pamco Capital Corporation under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12431 Filed 5-29-74;8:45 am]

[812-3625]

QUIDNET DEVELOPMENT CAPITAL CO.

Application for Exemption

MAY 24, 1974.

Notice is hereby given that Quidnet Development Capital Company ("applicant"), 32 Nassau St., Princeton, NJ 08540, a New Jersey limited partnership organized as of March 12, 1974, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting it from all the provisions of the act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was organized to make private placement investments primarily in the securities of relatively small or relatively new business enterprises which it believes have a potential for development and growth. The sole limited partner of applicant is Commercial Union Insurance Company ("CU") and the general partner of applicant is Quidnet Company, a New Jersey limited partnership composed of Messrs. Stephen W. Fillo and Reid White as General Partners and CU as Limited Partner. Quidnet Company was organized as of March 12, 1974, to provide management and financial consulting services to corporations and investment advisory services.

CU is a wholly-owned subsidiary of Commercial Union Corporation, which in turn is a wholly-owned subsidiary of Commercial Union Assurance Company Limited of London. CU's investment in Applicant will be $4 million, which amounts to less than ½ of 1 percent of its assets. Applicant states that CU is not an investment company within the meaning of section 3(a) of the act.

Applicant represents that it has not made, and does not propose to make, a public offering of its securities. Since its organization, applicant has solicited no investors other than CU and does not intend to do so. CU has no intention of disposing of its partnership interest in applicant.

Applicant states that it has not registered as an investment company pursuant to section 8 of the act, in reliance upon section 3(c)(1) of the act which exempts from the definition of "investment company" an issuer whose outstanding securities are owned beneficially by not more than one hundred persons and which is not making and does not propose to make a public offering of its securities.

Section 3(c)(1) further provides that, for purposes of determining the number of the issuer's shareholders, the shareholders of a corporate investor shall be counted if such corporate investor itself owns 10 percent or more of the outstanding voting securities of the issuer.

Applicant states that it has filed the application in recognition of the question concerning its status under section 3(c)(1) even though the interest of the corporate investor is a limited partnership interest which does not have any voting rights. Applicant asserts that the limited partnership agreement provides that control of the partnership will rest with the general partner and that the rights of the Limited partner are insignificant and do not amount to the equivalent of voting rights.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act for the Commission to enter an order exempting applicant from all of the provisions of the act for the reason that applicant's sole corporate investor, both by virtue of its institutional character, and by virtue of the de minimis nature of its investment in applicant does not require the protections afforded by the act.

Section 6(c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than June 18, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12430 Filed 5-29-74;8:45 am]

TARIFF COMMISSION

[AA1921-140]

REGENERATIVE BLOWER/PUMPS FROM WEST GERMANY

Determination of No Injury or Likelihood Thereof or Prevention of Establishment

MAY 22, 1974.

The Treasury Department advised the Tariff Commission on February 22, 1974, that regenerative blower/pumps from West Germany are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation AA1921-140 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER of March 5, 1974 (39 FR 8393). The hearing was held on April 2, 1974.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission [1] has determined that an industry in the United States is not being injured or is not likely to be injured, or is not prevented from being established, by reason of the importation of regenerative blower/pumps from West Germany that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF VICE CHAIRMAN PARKER AND COMMISSIONERS LEONARD AND ABLONDI

In our opinion, an industry in the United States is not being injured or is not likely to be injured, or is not prevented from being established by reason of the importation of regenerative blower/pumps from West Germany that are being sold, or are likely to be sold at less than fair value (LTFV) within the meaning of the Antidumping Act.

The product. Regenerative blower/pumps of the type imported from West Germany at LTFV are sold principally to manufacturers of industrial machinery for installation in or for use with such diverse apparatus as plastics machinery, packaging machinery, textile machinery, printing machinery, pneumatic tube conveying systems, et al. In such machinery and equipment, these blower/pumps serve a variety of functions, i.e., the pressure/suction developed will hold, dry, carry, strip-clean, exacuate, transfer, filter, push, and ventilate.

Regenerative blower/pumps compete in the U.S. market to some extent with other air-moving machines such as centrifugal blowers and positive displacement blowers. However, regenerative blower/pumps offer certain advantages over other air-moving machines in the performance ranges of the LTFV imports.[1]

These advantages include lower costs, smaller size, and surgeless airflow.

The industry. Three definitions of an industry have been raised in connection with this investigation. They are:

(1) The industry consists of the facilities of all U.S. producers of air-moving machines.

(2) The industry consists of the facilities of two U.S. firms (Rotron, Inc., Woodstock, N.Y., and Vacu-maid, Ponca City, Okla.) which manufacture regenerative blower/pumps for limited applications in electronic computers and vacuum cleaning systems.

(3) The industry consists of the facilities of U.S. producers used in the production of regenerative blower/pumps of the types imported from West Germany and Japan. Since there is no U.S. production of these articles nor any completed facilities for producing them at this time there is no such industry.

We do not find it necessary to choose one of these three options as our definition of the industry because our determination in this proceeding would be negative for the reasons set forth below irrespective of which definition was selected.

No injury or likelihood of injury. It is evident from our investigation that there is no injury to U.S. producers of air-moving machines.

The market penetration of LTFV imports, that is the LTFV imports' share of domestic consumption, is an indication of possible injury when it can be shown that absent such penetration domestic producers would have made the sales. In this investigation, however, such sales would not have been made by U.S. producers of air-moving machinery. Since domestic producers of specialized regenerative blower/pumps (i.e., Rotron's Spiral and Vacu-maid's regenerative blower/pumps) do not compete in the same markets with the LTFV imports, there could be no lost sales to these producers. Furthermore, three producers of other air-moving machines [2] reported to the Commission that they had not lost sales to LTFV imports. The fourth producer indicated that although it had lost sales to industrialized regenerative blower/pumps, it could not identify whether such losses had been to LTFV imports or to imports by Rotron, Inc., from Japan. Furthermore, industrialized regenerative blower/pumps offer a number of technical and other advantages over other air-moving machines.

In addition, there is no evidence of price depression or suppression in the instant case. Prices of domestically produced air-moving machines and regenerative blower/pumps imported from Japan have increased rapidly since 1970, as have the prices of the LTFV imports from West Germany. Thus, there is no price depression; and likewise the investigation revealed no evidence of price suppression.

Many of the same conditions that lead to the conclusion that no U.S. industry is being injured by LTFV sales suggest that there is no likelihood of injury to a domestic industry. In addition, escalating production costs and a high rate of inflation in West Germany which will continue to cause the prices of the imported regenerative blower/pumps to rise to higher levels making domestically produced articles increasingly more competitive and changes in the LTFV importer's prices which have either eliminated or significantly reduced the margin of selling at less than fair value support the finding of no likelihood of injury.

No prevention of establishment. An issue in this case was the contention that LTFV sales have prevented the establishment of an industry. In accordance with the statute, therefore, we have considered the question whether an industry in the United States is prevented from being established by reason of the importation of regenerative blower/pumps from West Germany sold or likely to be sold at LTFV. In our view, the facts obtained by the Commission clearly show that an industry, however defined, is not prevented from being established.

We conclude that neither of the first two above-defined industries can be prevented from being established because there are already established U.S. producers of regenerative blower/pumps and other air-moving machines. With respect to the third definition, Rotron is the exclusive importer of industrial-type regenerative blower/pumps produced in Japan. The Japanese producer is a licensee of the West German producer of the LTFV imports. Testimony by Rotron indicated that in 1973, it planned the development and production of one particular model out of eight models which it now imports from Japan. Commitments toward production of this model were made during the period in which LTFV imports were entered. Plans for such production, beginning in August 1974, have not been altered as a result of the LTFV imports.

Furthermore, the United States market for the subject industrial-type regenerative blower/pumps has rapidly expanded. Moreover, the evidence reveals that Rotron, as a result of rising importation costs, will be in a better competitive position as a producer than as an importer.

Conclusion. Accordingly, for the reasons indicated, we conclude that an industry in the United States is not being injured or is not likely to be injured, or is not prevented from being established, by reason of the importation of regenerative blower/pumps from West Germany that are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION BY COMMISSIONER MOORE

In my opinion, an industry in the United States is prevented from being established by reason of the imports of regenerative blower/pumps from West Germany which the Secretary of the Treasury has determined are being, or are likely to be, sold at less than fair value (LTFV).

The industry which I believe is prevented from being established consists of those facilities in the United States which are to be devoted to the production of industrial regenerative blower/pumps having a pressure and volume capacity of from approximately 0.75 to 4.0 p.s.i. and from approximately 50 to 200 c.f.m. This definition of an industry is consistent with the precedents established by the U.S. Tariff Commission in defining "an industry in the United States" in terms of the "class or kind of foreign merchandise" which "is being, or is likely to be sold in the United States or elsewhere at less than its fair value." In this case, all LTFV imports of regenerative blower/pumps from West Germany

[1] Vice Chairman Parker and Commissioners Leonard and Ablondi made negative determinations. Commissioner Moore determined that an industry in the United States is prevented from being established. Chairman Bedell and Commissioner Young did not participate in the decision.

[1] Maximum pressures of 0.75 to 4.0 pounds per square inch and air flow of 50 to 200 cubic feet per minute.

[2] The Commission surveyed 36 U.S. producers of other air-moving machines that were alleged by Rotron, Inc. and/or Siemens Corp. to be producers of air-moving machines having the comparable performance characteristics of the imported regenerative blower/pumps sold at LTFV. All surveyed producers returned questionnaires, but only four such producers indicated that they produce air-moving machines with comparable performance characteristics to these LTFV imports.

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are industrial regenerative blower/pumps.

Products involved. Industrial regenerative blower/pumps are a recent development in United States air-moving technology. By means of a unique vaned impeller, these machines are able to provide low pressure and low-to-medium volume of air flows which can be channeled for industrial use. These innovative industrial regenerative blower/pumps are more efficient than conventional centrifugal-type blowers, and they are generally less expensive, smaller in size, quieter, and easier to maintain. They are expected to replace conventional air moving equipment in old applications, and to be used in new ones (such as air pollution abatement systems) not yet fully developed.

The domestic industry. The industry prevented from being established is the U.S. industrial regenerative blower/pump industry, which is in an embryonic stage.[1] As such, this embryo industry must be assessed in terms of its future prospects. Rotron Incorporated (the complainant), is currently in the process of establishing domestic facilities to produce certain of the types of industrial regenerative blower/pumps which it now imports from Japan, and which are almost identical to those imported from West Germany and sold at less than fair value.

In late 1972, prior to the massive entry of LTFV imports from West Germany, Rotron began planning to manufacture certain of the types of industrial regenerative blower/pumps in the United States which it imported from Japan. Rotron made a substantial commitment in engineering studies, new plant construction, and in machinery and tooling. It already possessed a knowledge of the technology involved, and its sale of the Japanese imports had provided it with an understanding of the domestic marketplace, a national distribution organization, and established customers. Hence, it has a potential and a capability of becoming established in the absence of LTFV sales. These factors, coupled with a growing demand for industrial regenerative blower/pumps, provide a reasonable basis upon which an industry adapted to production under normal competitive conditions would be successful.

What constitutes "prevention"? The dictionary definition and common usage given to the word "prevent" suggests impossibility, but other equally acceptable definitions include to hinder, delay, impair.[1] The dictionary definition of "establish" suggests a fixing, stability, or permanence.[2] The common usage of the words and their use in the context of the statute in dealing with economic evaluations, however, does not require rigid interpretations. In my opinion, if an industry has made a commitment, and if it has the capability of becoming established, the requirement of the Antidumping Act is satisfied if LTFV sales frustrate or forestall the development of a stable and viable U.S. industry. In other words, an acceptable standard for preventing an industry from being established should be no more restrictive or severe than that used in determining injury or the likelihood of injury under the provisions of the Antidumping Act, 1921.

U.S. industry prevented from being established. It is clear that the LTFV sales have forestalled and frustrated the establishment of an industry in the United States.

The sales of imported industrial regenerative blower/pumps from West Germany were considerably larger in 1973—the year the Treasury Department made its fair value comparisons and found sales at LTFV—than they were in 1972. As a result, the LTFV imports significantly increased their share of the U.S. market. Such increased penetration, by pre-empting a major market share, provided the LTFV imports with a considerable advantage and greater opportunities for repeat sales in the future. This unfair competition has worked to the disadvantage of the U.S. industry seeking to become established. In 1972 Rotron realized that at some future point certain of its competitive models could be produced more economically and efficiently in the United States. However, the flood of LTFV imports from West Germany in 1973, in effect, were establishing a ceiling price above which Rotron could not expect to market its anticipated domestic industrial regenerative blower/pumps.

In planning to establish domestic production of industrial regenerative blower/pumps directly competitive with those imported from West Germany, Rotron considered estimated costs of production and its expectation of a reasonable margin of profit. It is clear that Rotron's steps to develop a domestic industry would be blocked by a competitor's price which would not at least permit a recovery of production costs and a reasonable return on investment. If the West German pumps were fairly priced, Roton could profitably produce domestically. Put another way, the embryonic U.S. industry simply could not afford to undertake the serious risks involved in the manufacture of a new product in the face of suppressed price levels caused by sales at less than fair value.

Legislative history. This appears to be the first time a U.S. Tariff Commissioner has made a determination that "an industry in the United States * * * is prevented from being established" within the meaning of the Antidumping Act, 1921. There is no indication that this "prevention" clause was used even before 1954 when the Treasury Department had exclusive jurisdiction over antidumping actions. Lack of precedents, however, should not, in my opinion, result in the U.S. Tariff Commission ignoring this provision of the statute; particularly here, where the facts so convincingly demonstrate the reason for the language being included in the statute.

An examination of the legislative history of the Antidumping Act does not provide any precise guidance as to how Congress intended the term "prevented from being established" to be applied. The House version of the bill which ultimately became the Antidumping Act, 1921, made no reference to injury, to likelihood of injury, or to the prevention of establishment of a U.S. industry.[1] These requirements were subsequently incorporated into the House-passed bill by the Senate Finance Committee to facilitate administration of the Act, but the Senate Committee Report, while referring to injury and the likelihood of injury, provides no explanation or interpretation of the "prevention" language.[1]

Therefore, as I pointed out earlier, it is the clear meaning of the language of the statute which must be applied.

The Antidumping Act of 1921 was incorporated as Title II of the Emergency Tariff Act of 1921.[1] Although the Congressional Committee Reports did not treat with the language: * * * an industry in the United States * * * is prevented from being established * * *" a Senate floor debate occurred on the legislation. In one colloquy, Senator Simmons, a member of the Senate Finance Committee, explained:

> Mr. Hitchcock. Mr. President, under this bill it is not even necessary that there should be in existence an American industry competing with the foreign product.
>
> Mr. Simmons. Under the House provision, the Senator means?
>
> Mr. Hitchcock. No; even under the provision as reported by the Senate Committee.
>
> Mr. Simmons. Oh, no; it is not necessary that the industry should be in existence. If importations are being brought in for the purpose of preventing the establishment of an industry, or of an industry that is likely to be established, the provision applies.[2]

Conclusion. Evidence developed during this investigation shows how, by the simple device of selling at considerably less than fair value, the economic power of a large multi-national corporation can be used to delay, forestall, check and restrain the development of a competitive U.S. industry and thereby sequester to itself a large share of the U.S. market for its imported merchandise.

Therefore, based on the foregoing, I conclude that an industry in the United States is being prevented from being established by reason of the importation of regenerative blower/pumps from West Germany and sold at LTFV and I have made an affirmative determination.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12377 Filed 5-29-74;8:45 am]

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[1] Other regenerative blower/pumps produced in the United States are not competitive with industrial regenerative blower/pumps.

[1] *Webster's New International Dictionary* (2d edition) "Prevent"—2. to forestall; to frustrate; to deprive of hope or power of acting, operating, proceeding, etc.; * * * 3. to keep from happening, existing, succeeding, etc., esp. by precautionary measures; to hinder the progress, appearance, or fulfillment of; to render impossible by advance provisions * * *.

[2] *Ibid;* "Establish"—1. to make stable or firm; to fix immovably or advantageously in a fixed condition * * *.

[1] H.R. 3436, 67th Cong., 1st Sess. (1921). The bill was said to be in accord with the Canadian Antidumping Law which did not require a showing of injury, likelihood, or prevention.

[2] Report No. 16, Senate Finance Committee, 67th Cong., 1st Sess. (1921).

[1] The House Report was emphatic about the purposes of the Act, stating: "* * * It protects our industries and labor against a new common species of commercial warfare of dumping goods on our markets at less than cost or home value if necessary until our industries are destroyed, whereupon the dumping ceases and prices are raised at above former levels to recoup dumping losses. By this process while temporarily cheaper prices are had, our industries are destroyed after which we more than repay in the extraction of higher prices." (Report No. 1, Committee on Ways and Means, 67th Cong., 1st Sess. (1921), p. 23-24).

[2] Bound volume: Cong. Rec., Vol. 61 (1921), p. 1101.

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federal register

THURSDAY, MAY 30, 1974
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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

PROTECTION OF HUMAN SUBJECTS

No. 105—Pt. II——1

V 39 I 105 MAY 30 74 XUM

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 46—PROTECTION OF HUMAN SUBJECTS

In the FEDERAL REGISTER of October 9, 1973 (38 FR 27882), a notice of proposed rulemaking was published in which it was proposed to amend Subtitle A of the Department's regulations to codify, with some changes, an existing Departmental policy set forth in Chapter 1–40 of the DHEW Grants Administration Manual. These regulations would provide that no activity involving any human subjects at risk supported by a DHEW grant or contract shall be undertaken unless a committee of the applicant or offering organization has reviewed and approved such activity and submitted to DHEW a certification of such review and approval. In addition any organization receiving a grant or contract must establish a mechanism to provide for continuing review of the supported activity to insure its continued acceptability. The notice provided for the filing of comments within 30 days, ending November 8, 1973.

Comments were received from more than 140 representatives of grantee and contractor organizations, from approximately 20 public groups or organizations, and from over 40 individuals. They include over 500 criticisms of individual sections of the proposed rules. These comments and the Department's conclusions are principally as follows:

A. The applicability and scope of the policy were challenged by several respondents. Suggestions included limiting the policy to physical risks only, differentiation of biomedical risks from behavioral risks, expanding the policy to protect all persons regardless of the nature of the risk or source of support, and unequivocal limitation of the policy to DHEW grants and contracts as contrasted to other organizational activities. Requests were also made for the provision of special exemptions for subject groups such as prisoners, academic colleagues, students, and laboratory personnel; or exemptions for specific procedures such as those involving manipulation of the diet within normal ranges, the taking of blood and urine samples, surgical and autopsy specimens, and the use of hair, nail clippings, and placental materials.

It was also proposed that the policy deal specifically with certain subjects such as the prisoner, the child, the fetus, the abortus, and the candidate for sterilization or psychosurgery.

The Department, having considered these frequently conflicting recommendations, concludes that the language of the regulations should be changed to emphasize their concern with the risks involved in research, development, and related activities. It concludes that the arguments advanced for specifically including or exempting certain activities and procedures from the scope of the policy frequently reflect considerations applicable only to individual projects or conditions in particular institutions and lack broad applicability. It therefore seems appropriate to reserve to the Secretary the right to designate activities which necessarily fall within the scope of these regulations or to which the regulations are inapplicable. Such designations will be made only following careful study and through publication in the FEDERAL REGISTER. These changes are incorporated in § 46.1. At the same time it should be noted that the Department is now developing policies dealing more specifically with research, development, and related activities involving the prisoner, the child, the fetus, the abortus, and institutionalized individual with mental disability. The Department intends to issue one or more notices of proposed rule making in the FEDERAL REGISTER no later than July 30, 1974, dealing with these subjects. Policies are also under consideration which will be particularly concerned with the candidate for psychosurgery, the candidate for sterilization and, separately, with the subject of social science research.

B. Criticisms of the basic policy statement centered about the requirement that organizational committee review determine "that the risks to an individual are outweighed by the potential benefits to him, or by the importance of the knowledge to be gained." Suggestions included inserting the word "significant" before "risks" and adding after the word "gained" such phrases as "provided the experimental procedure accords decent respect for the opinion of mankind" and "or by the potential benefit to society." Objections were also raised concerning the requirement that informed consent be qualified as "adequate" and to the omission of a requirement that it be "legally effective." It was also argued that the sole purpose of the reviews should be to determine that the subject is fully informed.

The Department, having considered these comments, concludes that the addition of the term "significant" would tend to weaken, not to strengthen the requirement, and that the intent of the proposed change is better served by provisions, in § 46.1 giving the Secretary authority to designate activities, including methods and procedures, to which the policy is inapplicable. The suggested changes in the risk-benefit clause appear to be more admonitory than substantive. Objections to the use of the term "adequate" appeared to be based on an assumption that the term was used in the sense of "barely sufficient" rather than "lawfully and reasonably." The Department concurs that the requirement is strengthened by the substitution of the phrase "legally effective." It does not agree that the sole purpose of the review should be to determine that the subject is fully informed. It is essential that the committee, representing a wide spectrum of those expert professional skills essential to a clear recognition of an activity's inherent risks and probable benefits, carefully weigh such risks and benefits before determining that the benefits favor a decision to allow the subject to accept these risks. It is also important that the committee determine that the subject will receive adequate protection against known risks. These conclusions and certain editorial changes are reflected in § 46.2.

C. Objections were raised to several of the definitions incorporated into the regulations: (i) since the DHEW may make grants to certain Federal agency components only on the same terms as to non-Federal institutions, it was suggested that the term "Organization" should be expanded to include Federal agencies, (ii) objections were also raised to the term "sociological harm" as meaningless, and to the use of the term "harm," rather than the common legal term "injury," (iii) the definition of "infodmed consent" was challenged on several counts. It was suggested that the definition should be couched in terms similar to those of the Nuernberg Code which provides that "the person involved should have legal capacity to give consent: should be so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion." It was also suggested (iv) that the requirement for an instruction that the subject be free to withdraw his consent be amended to read additionally "without prejudice to his future care."

Additional suggestions included: (v) add to each of the elements of informed consent the initial phrase "full and fair," (vi) eliminate the requirement for a description of "any appropriate alternative procedures" since there might not be any such procedures; (vii) add a requirement that the patient be informed of alternatives if he is unable or refuses to continue as a research subject; and (viii) that patients be informed of the consequences should the research fail.

The recommendations having been duly considered it is concluded that suggested changes (i) through (iv) should be incorporated into the regulations with some editorial changes, particularly elimination of the phrase "to his future care" from the addition suggested in (iv) above. Prejudice could extend to other matters such as reimbursement of expenses, compensation, employment status, etc. The remaining recommendations (v–viii) are considered for the most part redundant and additional changes appear unnecessary.

These conclusions are reflected in § 46.3. Definitions of certain additional terms have been included as required by changes made elsewhere in this part.

D. With regard to the submission of assurances, criticisms were voiced concerning the requirement that the organization report to DHEW any emergent problems. Respondents emphasized that the term "emergent problems" was vague and, if strictly interpreted, could lead to enormous amounts of unnecessary paperwork at great cost both to the organization and to the DHEW. Respondents were also critical of the requirement for "immediate notification" and questioned the value of such data.

These comments having been considered, it is concluded that they have some merit. The requirement has been modified, removed from its original position in the regulations, and inserted elsewhere. The terms "emergent problems" and "immediate notification" have been eliminated. These changes are reflected in §§ 46.4, 46.6(d), and 46.7(e).

Comments were also concerned with the proposed requirement that no "committee or quorum of a committee shall consist entirely of employees of the organization." Respondents stated that in most institutions it would be difficult, and in some impossible, to find, attract, and hold qualified, interested nonemployees; that the absence of such a person from a quorum could block consideration of unexpected problems, make difficult the scheduling of meetings to meet DHEW imposed deadlines for the preparation of grants and contracts, and invest such persons with "absentee veto" power. Also, that the provision would deny reasonable compensation to outsiders currently or possibly serving on committees, and deny legal protection and the protection of organizational liability insurance to outsiders who were not in an employee status while serving on a committee subject to suit.

Most suggestions for alternate wordings of the provision would either drop the mandatory requirement for nonemployees, or suggest that the requirement be made optional, the choice to depend upon the judgment of the Secretary or the organizational committee as to whether or not such nonemployee representation was necessary. Other recommendations suggested that "nonemployee" be defined in terms of sole employment by the organization, full or part-time employment, or short-term employment. Some respondents suggested more restrictive requirements, providing that the nonemployee group be defined to include nonhealth professionals who would either represent population groups, or subject populations. Finally, objections were raised to the requirement that the committee be able to ascertain acceptability of the proposal in terms of community attitudes. It was suggested that such attitudes are vague, nebulous, and fluctuating and, since a wide range of communities may be involved, impossible of representation.

These comments having been considered, it is concluded that the requirement for nonemployee members on organizational committees is an essential protection against the development of insular or parochial committee attitudes, that it assists in maintaining community contacts, and would augment the credibility of the committee's independent role in protection of the subject. However, it is agreed that the requirement that nonemployees be included in quorums appears to be impractical, and that the requirement should not be so phrased as to prevent a committee member from being considered an employee within the scope of the organization's liability coverage or legal protection. The arguments against committee consideration of community attitudes are considered generally to be offset by equally strong reasons for taking these attitudes into consideration. It should be emphasized that the term "community" is intended to be applied in the sense of the larger community served by the organization, not necessarily the smaller community involved in a particular supported activity or project, that this is a requirement for overall committee membership, and not a requirement that must be varied proposal by proposal. The Department's conclusions are reflected by § 46.6(b) (2), (4), (5), and (6).

E. Comments on the requirements for special assurances were largely editorial. It is concluded that changes should be made so as to insure better agreement between the wording of these requirements and those for general assurances. These changes are reflected in § 46.7.

F. Comments on the obligation to secure informal consent pointed out that there appeared to be conflict between this requirement and the section on documentation of informed consent, since the latter permits some modification of written procedures. Other respondents suggested changes in language similar to that found in the Nuernberg Code and already incorporated into the definition of informed consent in § 46.3(c), or sought changes to define conditions under which substituted consent could be obtained on behalf of individuals who are incompetent, either because of age or mental incapacity, to consent for themselves. Among other matters it was suggested that such substituted consent should only be given by a court of competent jurisdiction.

These comments having been considered, it is concluded that there is no substantial conflict between this section and the documentation requirements, that the suggestion of inclusion of the Nuernberg Code language has been met elsewhere, and that problems relating to participation by minors, the mentally ill and mentally retarded, and by prisoners and others are already the subject of a draft proposed rulemaking (See 38 FR 31738 et seq.).

G. Objections were raised to the clause prohibiting the use of exculpatory language on the grounds that it makes organizational review committees subject to suit as agents of the organization and negates any protection offered by organizational liability insurance. The Department's Office of General Counsel has been able to find no legal support for this unsubstantiated assertion concerning limitations on insurance protection and has advised that the use of exculpatory language should be prohibited as a matter of public policy.

H. Comments on documentation of informed consent centered largely about the term "authorized representative." Suggestions included substitution of the term "legal representative" or use of "authorized representative," variously defined with regard to his association with any organization having custody of the subject, or proposing to seek the subject's consent, or having simultaneous responsibility for the subject's health and welfare. Additional comments focused on the concept of the "auditor-witness," emphasizing the impracticability of implementing such a concept in mass surveys and in emergency situations. Others raised doubts as to the need for written consent procedures in connection with low risk procedures. Several respondents suggested that it be required that the subject receive a copy of the completed consent document. One respondent suggested a 24-hour lapse between the time of receiving information and the time of giving consent.

The Department, having considered these comments, concludes that the substitution of "legally authorized representative," as defined in § 46.3(h) for "authorized representative" and that the provisions for modification of either of the two primary methods of informed consent allow all necessary flexibility for the development of consent procedures. The suggestions that a copy of the completed consent document be provided to the subject, and that provision be made for a 24-hour waiting period, are matters to be left to the discretion of the organization. The necessary changes have been made in § 46.10.

I. Various commentators raised questions with regard to the review and approval of assurances. An additional section describing evaluation and disposition of assurances has been inserted as § 46.10. The language of this section is consistent with current policy as stated in DHEW Grants Administration Manual Chapter 1–40.

J. A large number of organizations were concerned with the proposed requirement that organizational review and approval be completed and certified prior to the submission of proposals to DHEW. Although the majority of respondents favored retaining the present policy, an almost equal number suggested that they could complete all of their reviews within a few weeks following submission to DHEW. Emphasis was laid on the need for time for revision, resubmission, and review of proposals found unacceptable at the time of first submission.

A few public groups commended this requirement as a substantial improvement over present policy which, in their opinion, presented a local committee with an impossible task in questioning a project which had already received review and approval at a national level.

These comments having been considered, it is concluded that the right to relax this requirement, and to extend a grace period for completion and certification of review after submission of the proposal should be reserved to the Secretary. In no event will processing of a proposal by DHEW be completed until such certification has been received by DHEW. These conclusions are reflected by changes in §§ 46.11 and 46.12.

By separate notice, the Department will provide that for a period of one year from the effective date of these regulations, organizations having approved general assurances may give proposals

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review and approval after submission to DHEW provided that such certification is received by DHEW no later than 30 days following the deadline for which the proposal was submitted, or, if no deadline is specified, 30 days following the submission date of the proposal. Organizations not having a significant number of concurrent DHEW-supported activities must submit a special assurance and certification of review and approval to DHEW within 30 days of the date of a letter requesting such submission.

K. With regard to the section on proposals lacking definite plans for involvement of human subjects, a majority of respondents objected to the provision calling for submission of completed plans to DHEW for its prior review and approval. Commentators pointed out the problems inherent in delay in the implementation of short-term projects, and the problems to be encountered by DHEW in providing adequate review of such projects on a demand basis. Suggestions included: (i) a requirement for institutional review without submission to DHEW; (ii) review with notification to DHEW; and (iii) review and submission of plans to DHEW, such plans to be implemented if no DHEW objections were interposed within 30 days of submission.

These comments having been considered, it is concluded that the proposed requirement for DHEW review of final stage plans for previously reviewed and approved proposals is impractical and unrealistic. Section 46.13 has been rewritten to require institutional review and approval, and for certification of such action to DHEW prior to involvement of human subjects.

L. Comments on the requirements for organizational and DHEW review of proposed plans to involve human subjects in activities initially funded with the understanding that human subjects would not be involved, were similar to those described in the preceding paragraphs. Again, respondents objected that the requirement for DHEW review would unnecessarily delay research, create unnecessary paperwork, and create substantial fiscal and administrative burdens. Suggestions were made for submission of plans to DHEW, such plans to be implemented if no DHEW objections were interposed within 30 days of submission.

These comments, having been considered, the Department sees no viable alternative to the rules as proposed. Where the DHEW is aware of the intent to involve human subjects, as in the type of proposal described in § 46.13, it can take into consideration the probable nature of the involvement and the probable risks and benefits to the subjects. If necessary it may acquire additional information prior to review, or make any such approval contingent on submission of final stage plans. These opportunities are not available to DHEW if it is not informed in advance of potential involvement of human subjects.

No changes have been made in § 46.14.

M. In order to emphasize the Secretary's authority to conduct further evaluation of proposed activities involving human subjects and to disapprove, defer, or approve such proposals, and to impose conditions on such approvals, § 46.15 has been inserted. The language of this section is consistent with current policy in DHEW Grants Administration Manual Chapter 1-40.

N. Comments on the proposed regulations governing cooperative activities were in frequent conflict. Alternative suggestions included: (i) changes making it possible for a prime contractor or grantee to assume all responsibility for the conduct of work by cooperating organizations, (ii) changes which would eliminate all responsibility by the prime contractor or grantee for work done by cooperating organizations, (iii) changes which would discourage any requirement for submission for assurance by cooperating organizations, (iv) inclusion of language limiting a prime contractor or grantee responsibility for work performed by a subcontractor, (v) inclusion of language spelling out the instruments and documents to be provided by the cooperating organization, (vi) elimination of any requirement that would require a domestic contractor or grantee to be aware of local laws and community attitudes in foreign countries.

The Department having reviewed these comments, concludes that these often conflicting suggestions fail to provide any better alternatives than the regulations as proposed. There appears to be no reasonable alternative to requiring the prime contractor to remain responsible for safeguarding the rights and welfare of subjects, either directly under the provision of his own assurance, or through the mechanisms provided by assurances submitted by cooperating organizations. The proposed regulations permit a contractor or grantee some flexibility to meet the requirements of the policy. The proposed rules are incorporated unchanged in § 46.16.

O. Requirements for the submission of investigational new drug (IND) numbers prior to issuance of an an award were criticized on several counts. One respondent felt that the regulations would make it difficult if not impossible to obtain DHEW support for studies leading to the development of a new drug. Not all compounds requiring IND's are actual drugs under development, but are employed for other purposes. Another respondent pointed out that the pertinent FDA regulations (21 CFR 130.3(a)(2)) make no reference to the IND number, but require a 30-day delay period prior to use of drugs in human subjects.

These comments having been considered, the Department agrees that references to the IND number should be replaced by reference to the FDA 30-day delay requirement. The Department does not agree that a requirement for submission of identification on IND's would cause undue delay in studies preliminary to submission of an IND exemption, since such studies are necessarily conducted in animal species. Section 46.18 has been altered accordingly.

P. With regard to retention of records, several respondents pointed out conflict between the proposed requirements for retention of records and recently published DHEW Administration of Grant regulations (45 CFR 74). Other comments reflected concern over the confidentiality of information which would be subject to DHEW inspection.

The Department, having reviewed these comments, concludes that the record retention and inspection requirements contained herein are redundant and should be deleted. A provision concerning confidentiality has been added. The appropriate changes have been made in § 46.19.

Q. Comments on the proposed sanctions for noncompliance with provisions of this part focused on two issues: (i) the absence of provisions for due process in the imposition of sanctions and, (ii) apparent intervention by DHEW in the employer-employee relationship in proposing to determine that an individual was no longer eligible to serve in the capacity of a principal investigator or in any similar capacity with respect to a DHEW grant or contract. Reference was made to clause 21 of the "General Provisions for Negotiated Cost-Reimbursement Type Contracts * * *" (HEW 315) which provides that "the Contractor agrees to assign (named personnel) * * * to the performance of work under this contract; and shall not remove or replace any of them * * *."

The Department has considered these comments and has concluded that, actions under § 46.21(a), which refers to applicable grant and procurement regulations, would be subject to due process as provided for in these regulations. Sections 46.21 (b) and (c) have been deleted, however, and replaced with a new provision which simply allows the Secretary to take into consideration past deficiencies of an institution or investigator, with regard to the protection of human subjects, in evaluating subsequent applications from that institution or involving that investigator. While it would appear from review of clause 21 of HEW 315 that it does not prevent the Department from effecting the removal of personnel from performance of work under a DHEW contract, it is agreed that the responsible organization should be a party to the notification and conference procedures necessary to the making of any such decision.

R. Several respondents suggested significant additions to the policy to provide among other matters for (i) the establishment of a National Commission to undertake a comprehensive investigation and study to develop basic ethical principles and guidelines which should govern biomedical and behavioral research, (ii) a conscience clause, prohibiting among other matters, discrimination in the employment of persons who, because of religious beliefs or moral convictions, perform, or refuse to perform a research or service activity prohibited by the entity on the basis of religious beliefs or moral convictions, and (iii) providing for the regulation of unapproved uses of approved drugs.

It is concluded that these suggestions would require changes not properly within the scope of these regulations and, in the case of regulation of unapproved uses of approved drugs, are the subject of regulations proposed as 37 FR 16503 on August 15, 1972.

S. Addition to the regulations of section of "Evaluation and disposition of assurances" has made unnecessary an earlier section on "Implementation and revision of assurances." Similarly, issuance of 45 CFR 74 has made unnecessary the earlier section entitled "Withholding of funds."

Effective date. This part shall become effective on July 1, 1974: *Provided, however,* That with respect to programs administered by the Office of Education and the National Institute of Education, this part shall become effective upon adoption or implementation in regulations issued by, respectively, the Commissioner of Education and the Director of the National Institute of Education, with the approval of the Secretary of Health, Education, and Welfare.

Dated: May 22, 1974.

CASPAR W. WEINBERGER,
Secretary.

Accordingly, Subtitle A of Title 45 of the Code of Federal Regulations is amended by adding a new Part 46, as follows:

Sec.
46.1 Applicability.
46.2 Policy.
46.3 Definitions.
46.4 Submission of assurances.
46.5 Types of assurances.
46.6 Minimum requirements for general assurances.
46.7 Minimum requirements for special assurances.
46.8 Evaluation and disposition of assurances.
46.9 Obligation to obtain informed consent; prohibition of exculpatory clauses.
46.10 Documentation of informed consent.
46.11 Certification, general assurances.
46.12 Certification, special assurances.
46.13 Proposals lacking definite plans for involvement of human subjects.
46.14 Proposals submitted with the intent of not involving human subjects.
46.15 Evaluation and disposition of proposals.
46.16 Cooperative activities.
46.17 Investigational new drug 30-day delay requirement.
46.18 Organization's executive responsibility.
46.19 Organization's records; confidentiality.
46.20 Reports.
46.21 Early termination of awards; evaluation of subsequent applications.
46.22 Conditions.

AUTHORITY: 5 U.S.C. 301.

§ 46.1 Applicability.

(a) The regulations in this part are applicable to all Department of Health, Education, and Welfare grants and contracts supporting research, development, and related activities in which human subjects are involved.

(b) The Secretary may, from time to time, determine in advance whether specific programs, methods, or procedures to which this part is applicable place subjects at risk, as defined in § 46.3 (b). Such determinations will be published as notices in the FEDERAL REGISTER and will be included in an appendix to this part.

§ 46.2 Policy.

(a) Safeguarding the rights and welfare of subjects at risk in activities supported under grants and contracts from DHEW is primarily the responsibility of the organization which receives or is accountable to DHEW for the funds awarded for the support of the activity. In order to provide for the adequate discharge of this organizational responsibility, it is the policy of DHEW that no activity involving human subjects to be supported by DHEW grants or contracts shall be undertaken unless a committee of the organization has reviewed and approved such activity, and the organization has submitted to DHEW a certification of such review and approval, in accordance with the requirements of this part.

(b) This review shall determine whether these subjects will be placed at risk, and, if risk is involved, whether:

(1) The risks to the subject are so outweighed by the sum of the benefit to the subject and the importance of the knowledge to be gained as to warrant a decision to allow the subject to accept these risks;

(2) the rights and welfare of any such subjects will be adequately protected;

(3) legally effective informed consent will be obtained by adequate and appropriate methods in accordance with the provisions of this part; and

(4) the conduct of the activity will be reviewed at timely intervals.

(c) No grant or contract involving human subjects at risk shall be made to an individual unless he is affiliated with or sponsored by an organization which can and does assume responsibility for the subjects involved.

§ 46.3 Definitions.

(a) "Organization" means any public or private institution or agency (including Federal, State, and local government agencies).

(b) "Subject at risk" means any individual who may be exposed to the possibility of injury, including physical, psychological, or social injury, as a consequence of participation as a subject in any research, development, or related activity which departs from the application of those established and accepted methods necessary to meet his needs, or which increases the ordinary risks of daily life, including the recognized risks inherent in a chosen occupation or field of service.

(c) "Informed consent" means the knowing consent of an individual or his legally authorized representative, so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The basic elements of information necessary to such consent include:

(1) A fair explanation of the procedures to be followed, and their purposes, including identification of any procedures which are experimental;

(2) a description of any attendant discomforts and risks reasonably to be expected;

(3) a description of any benefits reasonably to be expected;

(4) a disclosure of any appropriate alternative procedures that might be advantageous for the subject;

(5) an offer to answer any inquiries concerning the procedures; and

(6) an instruction that the person is free to withdraw his consent and to discontinue participation in the project or activity at any time without prejudice to the subject.

(d) "Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom authority has been delegated.

(e) "DHEW" means the Department of Health, Education, and Welfare.

(f) "Approved assurance" means a document that fulfills the requirements of this part and is approved by the Secretary.

(g) "Certification" means the official organizational notification to DHEW in accordance with the requirements of this part that a project or activity involving human subjects at risk has been reviewed and approved by the organization in accordance with the "approved assurance" on file at DHEW.

(h) "Legally authorized representative" means an individual or judicial or other body authorized under applicable law to consent on behalf of a prospective subject to such subject's participation in the particular activity or procedure.

§ 46.4 Submission of assurances.

(a) Recipients or prospective recipients of DHEW support under a grant or contract involving subjects at risk shall provide written assurance acceptable to DHEW that they will comply with DHEW policy as set forth in this part. Each assurance shall embody a statement of compliance with DHEW requirements for initial and continuing committee review of the supported activities; a set of implementing guidelines, including identification of the committee and a description of its review procedures; or, in the case of special assurances concerned with single activities or projects, a report of initial findings of the committee and of its proposed continuing review procedures.

(b) Such assurance shall be executed by an individual authorized to act for the organization and to assume on behalf of the organization the obligations imposed by this part, and shall be filed in such form and manner as the Secretary may require.

§ 46.5 Types of assurances.

(a) *General assurances.* A general assurance describes the review and implementation procedures applicable to all DHEW-supported activities conducted by

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an organization regardless of the number, location, or types of its components or field activities. General assurances will be required from organizations having a significant number of concurrent DHEW-supported projects or activities involving human subjects.

(b) *Special assurances.* A special assurance will, as a rule, describe those review and implementation procedures applicable to a single activity or project. A special assurance will not be solicited or accepted from an organization which has on file with DHEW an approved general assurance.

§ 46.6 Minimum requirements for general assurances.

General assurances shall be submitted in such form and manner as the Secretary may require. The organization must include, as part of its general assurance, implementing guidelines that specifically provide for:

(a) A statement of principles which will govern the organization in the discharge of its responsibilities for protecting the rights and welfare of subjects. This may include appropriate existing codes or declarations, or statements formulated by the organization itself. It is to be understood that no such principles supersede DHEW policy or applicable law.

(b) A committee or committee structure which will conduct initial and continuing reviews in accordance with the policy outlined in § 46.2. Such committee structure or committee shall meet the following requirements:

(1) The committee must be composed of not less than five persons with varying backgrounds to assure complete and adequate review of activities commonly conducted by the organization. The committee must be sufficiently qualified through the maturity, experience, and expertise of its members and diversity of its membership to insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects. In addition to possessing the professional competence necessary to review specific activities, the committee must be able to ascertain the acceptability of proposals in terms of organizational commitments and regulations, applicable law, standards of professional conduct and practice, and community attitudes. The committee must therefore include persons whose concerns are in these areas.

(2) The committee members shall be identified to DHEW by name; earned degrees, if any; position or occupation; representative capacity; and by other pertinent indications of experience such as board certification, licenses, etc., sufficient to describe each member's chief anticipated contributions to committee deliberations. Any employment or other relationship between each member and the organization shall be identified, i.e., full-time employee, part-time employee, member of governing panel or board, paid consultant, unpaid consultant. Changes in committee membership shall be reported to DHEW in such form and at such times as the Secretary may require.

(3) No member of a committee shall be involved in either the initial or continuing review of an activity in which he has a conflicting interest, except to provide information requested by the committee.

(4) No committee shall consist entirely of persons who are officers, employees, or agents, of, or are otherwise associated with the organization, apart from their membership on the committee.

(5) No committee shall consist entirely of members of a single professional group.

(6) The quorum of the committee shall be defined, but may in no event be less than a majority of the total membership duly convened to carry out the committee's responsibilities under the terms of the assurance.

(c) Procedures which the organization will follow in its initial and continuing review of proposals and activities.

(d) Procedures which the committee will follow (1) to provide advice and counsel to activity directors and investigators with regard to the committee's actions, (2) to insure prompt reporting to the committee of proposed changes in an activity and of unanticipated problems involving risk to subjects or others and (3) to insure that any such problems, including adverse reactions to biologicals, drugs, radioisotope labelled drugs, or to medical devices, are promptly reported to the DHEW.

(e) Procedures which the organization will follow to maintain an active and effective committee and to implement its recommendations.

§ 46.7 Minimum requirements for special assurances.

Special assurances shall be submitted in such form and manner as the Secretary may require. An acceptable special assurance shall:

(a) Identify the specific grant or contract involved by its number, if known; by its full title; and by the name of the activity or project director, principal investigator, fellow, or other person immediately responsible for the conduct of the activity. The assurance shall be signed by the individual members of a committee satisfying the requirements of § 46.6(b) and be endorsed by an appropriate organizational official.

(b) Describe the makeup of the committee and the training, experience, and background of its members, as required by § 46.6(b)(2).

(c) Describe in general terms the risks to subjects that the committee recognizes as inherent in the activity, and justify its decision that these risks are so outweighed by the sum of the benefit to the subject and the importance of the knowledge to be gained as to warrant the committee's decision to permit the subject to accept these risks.

(d) Describe the informed consent procedures to be used and attach documentation as required by § 46.10.

(e) Describe procedures which the committee will follow to insure prompt reporting to the committee of proposed changes in the activity and of any unanticipated problems, involving risks to subjects or others and to insure that any such problems, including adverse reactions to biologicals, drugs, radioisotope labelled drugs, or to medical devices are promptly reported to DHEW.

(f) Indicate at what time intervals the committee will meet to provide for continuing review. Such review must occur no less than annually.

§ 46.8 Evaluation and disposition of assurances.

(a) All assurances submitted in accordance with §§ 46.6 and 46.7 shall be evaluated by the Secretary through such officers and employees of the DHEW and such experts or consultants engaged for this purpose as he determines to be appropriate. The Secretary's evaluation shall take into consideration, among other pertinent factors, the adequacy of the proposed committee in the light of the anticipated scope of the applicant organization's activities and the types of subject populations likely to be involved, the appropriateness of the proposed initial and continuing review procedures in the light of the probable risks, and the size and complexity of the organization.

(b) On the basis of his evaluation of an assurance pursuant to paragraph (a) of this section, the Secretary shall (1) approve, (2) enter into negotiations to develop a more satisfactory assurance, or (3) disapprove. With respect to approved assurances, the Secretary may determine the period during which any particular assurance or class of assurances shall remain effective or otherwise condition or restrict his approval. With respect to negotiations, the Secretary may, pending completion of negotiations for a general assurance, require an organization otherwise eligible for such an assurance, to submit special assurances.

§ 46.9 Obligation to obtain informed consent; prohibition of exculpatory clauses.

Any organization proposing to place any subject at risk is obligated to obtain and document legally effective informed consent. No such informed consent, oral or written, obtained under an assurance provided pursuant to this part shall include any exculpatory language through which the subject is made to waive, or to appear to waive, any of his legal rights, including any release of the organization or its agents from liability for negligence.

§ 46.10 Documentation of informed consent.

The actual procedure utilized in obtaining legally effective informed consent and the basis for committee determinations that the procedures are adequate and appropriate shall be fully documented. The documentation of consent will employ one of the following three forms:

(a) Provision of a written consent document embodying all of the basic elements of informed consent. This may be read to the subject or to his legally authorized representative, but in any event he or his legally authorized representative must be given adequate opportunity to read it. This document is to be signed by the subject or his legally authorized representative. Sample copies of the consent form as approved by the committee are to be retained in its records.

(b) Provision of a "short form" written consent document indicating that the basic elements of informed consent have been presented orally to the subject or his legally authorized representative. Written summaries of what is to be said to the patient are to be approved by the committee. The short form is to be signed by the subject or his legally authorized representative and by an auditor witness to the oral presentation and to the subject's signature. A copy of the approved summary, annotated to show any additions, is to be signed by the persons officially obtaining the consent and by the auditor witness. Sample copies of the consent form and of the summaries as approved by the committee are to be retained in its records.

(c) Modification of either of the primary procedures outlined in paragraphs (a) and (b) of this section. Granting of permission to use modified procedures imposes additional responsibility upon the review committee and the organization to establish: (1) that the risk to any subject is minimal, (2) that use of either of the primary procedures for obtaining informed consent would surely invalidate objectives of considerable immediate importance, and (3) that any reasonable alternative means for attaining these objectives would be less advantageous to the subjects. The committee's reasons for permitting the use of modified procedures must be individually and specifically documented in the minutes and in reports of committee actions to the files of the organization. All such modifications should be regularly reconsidered as a function of continuing review and as required for annual review, with documentation of reaffirmation, revision, or discontinuation, as appropriate.

§ 46.11 Certification, general assurances.

(a) *Timely review.* Unless the Secretary otherwise provides, all proposals involving human subjects submitted by organizations having approved general assurances must be given review and, when found to involve subject at risk, approval, prior to submission to DHEW. In the event the Secretary provides for the performance of organizational review of a proposal after its submission to DHEW, processing of such proposal by DHEW will under no circumstances be completed until such organizational review and approval has been certified. Unless the organization determines that human subjects are not involved, the proposal or application should be appropriately certified in the spaces provided on forms, or one of the following certifications, as appropriate, should be typed on the lower or right hand margin of the page bearing the name of an official authorized to sign or execute applications or proposals for the organization.

Human Subjects: Reviewed, Not at Risk, _____
(date)

Human Subjects: Reviewed, At Risk, Approved_____
(date)

(b) *Proposals not certified.* Proposals not properly certified, or submitted as not involving human subjects and found by the operating agency to involve human subjects, will be returned to the organization concerned.

§ 46.12 Certification, special assurances.

(a) An applicant organization not having on file with DHEW an approved general assurance must submit for each application or proposal involving human subjects a separate special assurance and certification of its review and approval.

(b) Such assurance and certification must be submitted within such time limit as the Secretary may specify. An assurance and certification prepared in accordance with this part and approved by DHEW shall be considered to have met the requirement for certification for the initial grant or contract period concerned. If the terms of the grant or contract recommend additional support periods, certification shall be provided by the organization with applications for continuation or renewal of support in the manner prescribed in § 46.11(a).

§ 46.13 Proposals lacking definite plans for involvement of human subjects.

Certain types of proposals are submitted with the knowledge that subjects are to be involved within the support period, but definite plans for this involvement would not normally be set forth in the proposal. These include such activities as (a) institutional type grants where selection of projects is the responsibility of the institution, (b) training grants where training projects remain to be selected, and (c) research, pilot, or developmental studies in which involvement depends upon such things as the completion of instruments, or of prior animal studies, or upon the purification of compounds. Such proposals shall be reviewed and certified in the same manner as more definitive proposals. The initial certification indicates organizational approval of the applications as submitted, and commits the organization to later review of the plans when completed. Such later review and certification to the DHEW should be completed prior to the beginning of the budget period during which actual involvement of human subjects is to begin. Review and certification to the DHEW must in any event be completed prior to involvement of human subjects.

§ 46.14 Proposals submitted with the intent of not involving human subjects.

If a proposal does not anticipate involving or intend to involve human subjects, no certification should be included with the initial submission of the proposal. In those instances, however, when later it becomes appropriate to use all or part of awarded funds for one or more activities which will involve subjects, each such activity shall be reviewed and approved in accordance with the assurance of the organization prior to the involvement of subjects. In addition, no such activity shall be understaken until the organization has submitted to DHEW: (a) a certification that the activity has been reviewed and approved in accordance with this part, and (b) a detailed description of the proposed activity (including any protocol or similar document). Also, where support is provided by project grants or contracts, subjects shall not be involved prior to certification and organizational receipt of DHEW approval and, in the case of contracts, prior to negotiation and approval of an amended contract description of work.

§ 46.15 Evaluation and disposition of proposals.

(a) Notwithstanding any prior review, approval, and certification by the organization, all grant and contract proposals involving human subjects at risk submitted to the DHEW shall be evaluated by the Secretary for compliance with this part through such officers and employees of the Department and such experts or consultants engaged for this purpose as he determines to be appropriate. This evaluation may take into account, among other pertinent factors, the apparent risks to the subjects, the adequacy of protection against these risks, the potential benefits of the activity to the subjects and to others, and the importance of the knowledge to be gained.

(b) Disposition. On the basis of his evaluation of an application pursuant to paragraph (a) of this section and subject to such approval or recommendation by or consultation with appropriate councils, committees, or other bodies as may be required by law, the Secretary shall (1) approve, (2) defer for further evaluation, or (3) disapprove support of the proposed activity in whole or in part. With respect to any approved grant or contract, the Secretary may impose conditions, including restrictions on the use of certain procedures, or certain subject groups, or requiring use of specified safeguards or informed consent procedures when in his judgment such conditions are necessary for the protection of human subjects.

§ 46.16 Cooperative activities.

Cooperative activities are those which involve organizations in addition to the grantee or prime contractor (such as a subcontractor under a grantee or a subcontractor under a prime contractor). If, in such instances, the grantee or prime contractor obtains access to all or some of the subjects involved through one or more cooperating organizations, the basic DHEW policy applies and the grantee or prime contractor remains responsible for safeguarding the rights and welfare of the subjects.

(a) *Organization with approved general assurance.* Initial and continuing review by the organization may be car-

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ried out by one or a combination of procedures:

(1) Cooperating organization with approved general assurance. When the cooperating organization has on file with DHEW an approved general assurance, the grantee or contractor may, in addition to its own review, request the cooperating orgnization to conduct an independent review and to report its recommendations on those aspects of the activity that concern individuals for whom the cooperating organization has responsibility under its own assurance to the grantee's or contractor's committee. The grantee or contractor may, at its discretion, concur with or further restrict the recommendations of the cooperating organization. It is the responsibility of the grantee or contractor to maintain communication with the committees of the cooperating organization. However, the cooperating organization shall promptly notify the grantee or contracting organization whenever the cooperating organization finds the conduct of the project or activity within its purview unsatisfactory.

(2) Cooperating organization with no approved general assurance. When the cooperating organization does not have an approved general assurance on file with DHEW, the DHEW may require the submission of a general or special assurance which, if approved, will permit the grantee or contractor to follow the procedure outlined in the preceding subparagraph.

(3) Interorganizational joint review. The grantee or contracting organization may wish to develop an agreement with cooperating organizations to provide for a review committee with representatives from cooperating organizations. Representatives of cooperating organizations may be appointed as ad hoc members of the grantee or contracting organization's existing review committee or, if cooperation is on a frequent or continuing basis as between a medical school and a group of affiliated hospitals, appointments for extended periods may be made. All such cooperative arrangements must be approved by DHEW as part of a general assurance, or as an amendment to a general assurance.

(b) *Organizations with special assurances.* While responsibility for initial and continuing review necessarily lies with the grantee or contracting organization, DHEW may also require approved assurances from those cooperating organizations having immediate responsibility for subjects.

If the cooperating organization has on file with DHEW an approved general assurance, the grantee or contractor shall request the cooperating organization to conduct its own independent review of those aspects of the project or activity which will involve human subjects for which it has responsibility. Such a request shall be in writing and should provide for direct notification of the grantee's or contractor's committee in the event that the cooperating organization's committee finds the conduct of the activity to be unsatisfactory. If the cooperating organization does not have an approved general assurance on file with DHEW, it must submit to DHEW a general or special assurance which is determined by DHEW to comply with the provisions of this part.

§ 46.17 Investigational new drug 30-day delay requirement.

Where an organization is required to prepare or to submit a certification under §§ 46.11, 46.12, 46.13, or 46.14 and the proposal involves an investigational new drug within the meaning of The Food, Drug, and Cosmetic Act, the drug shall be identified in the certification together with a statement that the 30-day delay required by 21 CFR 130.3(a)(2) has elapsed and the Food and Drug Administration has not, prior to expiration of such 30-day interval, requested that the sponsor continue to withhold or to restrict use of the drug in human subjects; or that the Food and Drug Administration has waived the 30-day delay requirement; provided, however, that in those cases in which the 30-day delay interval has neither expired nor been waived, a statement shall be forwarded to DHEW upon such expiration or upon receipt of a waiver. No certification shall be considered acceptable until such statement has been received.

§ 46.18 Organization's executive responsibility.

Specific executive functions to be conducted by the organization include policy development and promulgation and continuing indoctrination of personnel. Appropriate administrative assistance and support shall be provided for the committee's functions. Implementation of the committee's recommendations through appropriate administrative action and followup is a condition of DHEW approval of an assurance. Committee approvals, favorable actions, and recommendations are subject to review and to disapproval or further restriction by the organization officials. Committee disapprovals, restrictions, or conditions cannot be rescinded or removed except by action of a committee described in the assurance approved by DHEW.

§ 46.19 Organization's records; confidentiality.

(a) Copies of all documents presented or required for initial and continuing review by the organization's review committee, such as committee minutes, records of subject's consent, transmittals on actions, instructions, and conditions resulting from committee deliberations addressed to the activity director, are to be retained by the organization, subject to the terms and conditions of grant and contract awards.

(b) Except as otherwise provided by law information in the records or possession of an organization acquired in connection with an activity covered by this part, which information refers to or can be identified with a particular subject may not be disclosed except:

(1) with the consent of the subject or his legally authorized representative or;

(2) as may be necessary for the Secretary to carry out his responsibilities under this part.

§ 46.20 Reports.

Each organization with an approved assurance shall provide the Secretary with such reports and other information as the Secretary may from time to time prescribe.

§ 46.21 Early termination of awards; evaluation of subsequent applications.

(a) If, in the judgment of the Secretary an organization has failed materially to comply with the terms of this policy with respect to a particular DHEW grant or contract, he may require that said grant or contract be terminated or suspended in the manner prescribed in applicable grant or procurement regulations.

(b) In evaluating proposals or applications for support of activities covered by this part, the Secretary may take into account, in addition to all other eligibility requirements and program criteria, such factors as: (1) whether the offeror or applicant has been subject to a termination or suspension under paragraph (a) of this section, (2) whether the offeror or applicant or the person who would direct the scientific and technical aspects of an activity has in the judgment of the Secretary failed materially to discharge his, her, or its responsibility for the protection of the rights and welfare of subjects in his, her, or its care (whether or not DHEW funds were involved), and (3) whether, where past deficiencies have existed in discharging such responsibility, adequate steps have in the judgment of the Secretary been taken to eliminate these deficiencies.

§ 46.22 Conditions.

The Secretary may with respect to any grant or contract or any class of grants or contracts impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary for the protection of human subjects.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DRUGS FOR HUMAN USE

Reorganization and Recodification

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Recodification Docket No. 6]

SUBCHAPTER D—DRUGS FOR HUMAN USE

Reorganization and Republication

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

This is the sixth document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration.

The volume of regulatory material for human drugs under former Subchapter C—Drugs has necessitated recodifying these regulations in two documents. The fifth document in the series, which appeared in the FEDERAL REGISTER of March 29, 1974 (39 FR 11679), recodified in a new Subchapter D—Drugs for Human Use, certain human drug regulations, excluding antibiotic drugs for human use. This, the sixth document, recodifies, under the new Subchapter D, the antibiotic drugs for human use formerly under Parts 141 through 151j of Subchapter C.

The procedural regulations have been reorganized under Parts 430 through 436 of Subchapter D—Drugs for Human Use. The individual drug monographs for antibiotic drugs for human use, recodified under Parts 440 through 460, are organized so that individual antibiotic drugs are grouped together as a major class under each Part, based on structure and related activities or on special usage.

The Parts are structured to contain Subparts A through J, indicating a specific dosage form for each subpart as follows:

Subparts
A—Bulk Drugs
B—Oral Dosage Forms
C—Injectable Dosage Forms
D—Ophthalmic Dosage Forms
E—Otic Dosage Forms
F—Dermatologic Dosage Forms
G—Vaginal Dosage Forms
H—Rectal Dosage Forms
I—[Reserved]
J—Certain Other Dosage Forms

Each drug is keyed to a bulk drug section number under Subpart A which is carried throughout the various dosage forms. Each subpart contains one hundred sections, which permits the user to trace any specific drug by using the bulk drug number, appearing as the last portion of the section number, to reference each dosage form.

The following table shows the relationship of the CFR section numbers under the former Subchapter C to their redesignation reflected in the new Parts 430 through 460:

Old Section	*New Section*
141.1(a) and (b)	431.5
141.1(c) and (d)	436.1
141.1a	436.2
141.2	436.20
141.3	436.31
141.4	436.32
141.5	436.33
141.7	436.35
141.101	436.100
141.102	436.101
141.103	436.102
141.104	436.103
141.107	436.104
141.110	436.105
141.111	436.106
141.501	436.200
141.502	436.201
141.503	436.202
141.504	436.203
141.506	436.204
141.507	436.205
141.508	436.206
141.510	436.207
141.511	436.208
141.515	436.209
141.520	436.210
141.521	436.211
141.522	436.300
141.540	436.212
141.544	436.213
141.550	436.308
141.553	436.400
141.554	436.305
141.555	436.301
141.556	436.310
141.570	436.306
141.571	436.302
141.572	436.307
141.573	436.303
141.574	436.304
141.580	436.309
141a.1	440.80a(b), 440.280a
141a.2	440.80a(b), 440.280a
141a.3	440.80a(b), 440.280a
141a.4	440.80a(b), 440.280a
141a.5	440.80a(b), 440.280a
141a.6	440.80a(b), 440.280a
141a.7	436.500
141a.9	440.180a(b)
141a.10	440.73(b)
141a.16	440.153(b)
141a.19	440.81(b), 440.281
141a.21	440.180d(b)
141a.23	440.280d(b)
141a.24	440.53a(b)
141a.25	440.253(b)
141a.26	440.74a(b)
141a.27	440.274a(b)
141a.29	440.274b(b)
141a.30	440.63a(b)
141a.31	440.563(b)
141a.32	436.503
141a.33	440.180f(b)
141a.37	436.504
141a.42	440.280c(b)
141a.43	440.65a(b)
141a.44	440.265a(b)
141a.45	440.265b(b)
141a.47	440.55a(b)
141a.48	440.155c(b)
141a.49	436.505
141a.51	440.61a(b)
141a.52	440.261(b)
141a.54	440.255b(b)
141a.55	436.506
141a.56	440.59a(b)
141a.57	440.259(b)
141a.61	436.507
141a.62	440.255c(b)
141a.63	436.508
141a.64	440.180b(b)
141a.66	440.174(b)
141a.69	440.180e(b)
141a.70	440.155a(b)
141a.72	440.60a(b)
141a.73	440.160(b)
141a.75	440.66(b)
141a.76	440.166(b)
141a.77	440.180c(b)
141a.78	440.255a(b)
141a.81	440.71(b)
141a.82	440.171b(b)
141a.83	440.57a(b)
141a.84	440.155b(b)
141a.85	440.171a(b)
141a.86	436.509
141a.87	440.157(b)
141a.95	436.510
141a.98	436.511
141a.109	436.512
141a.130	440.173b(b)
141b.101	444.70a(b)(1), 444.270a
141b.102	444.70a(b)(2), 444.270a
141b.103	444.70a(b)(3), 444.270a
141b.104	444.70a(b)(4), 444.270a
141b.105	444.70a(b)(5), 444.270a
141b.106	444.70a(b)(6), 444.270a
141b.107	444.570a(b)
141b.108	444.10a(b)
141b.110	444.570b
141b.111 human provisions only	444.270b(b)
141b.112	444.170a(b)
141b.114	444.570c(b)
141b.115	444.470a(b)
141b.121	444.72a(b)
141b.139	444.270c(b)
141c.201	446.10a(b), 446.210
141c.202	446.510a(b), 446.310b
141c.203	436.513
141c.204	446.110b(b)
141c.205	446.510b(b)
141c.206	446.310a(b)
141c.207	446.110a(b)
141c.208	446.481(b)
141c.212	446.610(b), 446.710
141c.217	446.111(b)
141c.218	446.81a(b), 446.281a
141c.220	446.80(b)
141c.221	446.281b(b)
141c.222	446.181c(b)
141c.224	446.181b(b)
141c.225	446.181a(b)
141c.229	446.180a(b)
141c.230	436.514
141c.231	436.515
141c.232	446.82(b)
141c.236	446.180b(b)
141c.242	436.516
141c.244	446.581a(b)
141c.246	446.581b(b)
141c.247	446.910
141c.259	446.116d(b)
141c.263	446.115c(b)
141c.271	446.116b(b)
141d.301	455.10b(b)
141d.303	455.310c(b), 455.510a
141d.304	455.310b(b)
141d.306	455.410(b), 455.510b
141d.313	455.310d(b), 455.510c

Old Section	*New Section*
141e.401	448.10a(b), 448.310
141e.402	448.510a(b), 448.310c
141e.403 human provisions only	448.110a(b)
141e.407	448.510b(b)
141e.408	448.310a(b)
141e.409	448.310c(b)
141e.410	436.517
141e.411	448.510d(b)
141e.412	448.110b(b)
141e.418	448.13(b)
141e.422	448.510e(b)
141e.430	448.510f(b)
141e.432	448.410(b)
141e.433	448.310b(b)
141e.434	448.910(b)
141e.435	448.913(b)
144.1	433.1
144.2	433.2
144.3	433.12
144.4	433.14
144.5	433.15
144.6	433.16
144.7	433.13
144.8	433.17
144.9	433.24
144.10	433.22
144.12	433.23
144.14	433.21
144.15	433.3
144.16	433.25
144.17	433.20
144.23	433.30
145.1	430.3
145.2	430.4
145.3	430.5
145.4	430.6
145.31	430.10
145.32	430.11
146.1	430.30
146.2 except (b) (3) and (4)	431.1
146.2(b) (3) and (4)	431.16
146.3	431.10
146.4	431.11
146.5	431.61
146.6	431.51
146.7	431.62
146.8	431.53
146.9	431.20
146.10	431.17
146.11	432.20
146.12	431.12
146.13	431.50
146.14	431.60
146.15	431.52
146a.24 except (c) (2)	440.80a(a), 440.280a
146a.27 except (c) (2)	440.180a(a)
146a.28 except (c) (2)	440.180e(a)
146a.34 except (c) (2)	440.153(a)
146a.37	440.81(a), 440.281
146a.39 except (c) (2)	440.174(a)
146a.41 except (c) (2)	4440.280d(a)
146a.42	440.53a(a)
146a.43 except (c) (2)	440.253(a)
146a.44	440.74a(a)
146a.45 except (c) (2)	440.274a(a)
146a.47 except (c) (2)	440.274b(a)
146a.48	440.63a(a)
146a.49 except (c) (2)	440.563(a)
146a.51 except (c) (2)	440.180f(a)
146a.53	440.180d(a)
146a.61	440.73(a)
146a.63	440.280c(a)
146a.64	440.65a(a)
146a.65 except (c) (2)	440.265a(a)
146a.66 except (c) (2)	440.265b(a)
146a.68	440.55a(a)
146a.69 except (c) (2)	440.155c(a)
146a.74	440.61a(a)
146a.75 except (c) (2)	440.261(a)
146a.77 except (c) (2)	440.255b(a)
146a.79	440.59a(a)
146a.80 except (c) (2)	440.259(a)
146a.86	440.255c(a)
146a.88	440.180b(a)
146a.92	440.155a(a)
146a.94	440.60a(a)
146a.95 except (c) (2)	440.160(a)
146a.97	440.66(a)
146a.98 except (c) (2)	440.166(a)
146a.99	440.180c(a)
146a.100	440.255a(a)
146a.103	440.71(a)
146a.104 except (c) (2)	440.171b
146a.105	440.57a(a)
146a.106	440.155b(a)
146a.107	440.171a(a)
146a.109	440.157(a)
146a.126	440.173b(a)
146b.101 except (c) (2)	444.70a(a), 444.270(a)
146b.102 except (c) (2)	444.570a(a)
146b.103	444.10a(a)
146b.105 except (c) (2)	444.570b(a)
146b.106 human provisions only	444.270b(a)
146b.107 except (c) (2)	444.170a(a)
146b.109	444.570c(a)
146b.110 except (c) (2)	444.470a(a)
146b.116	444.72a(a)
146b.134	444.270c(a)
146c.201 except (c) (2)	446.10(a), 446.210
146c.202	446.510a(a), 446.310b
146c.204 except (c) (2)	446.110b(a)
146c.205 except (c) (3)	446.510b(a)
146c.206 except (c) (2)	446.310a(a)
146c.207	446.110a(a)
146c.208 except (c) (2)	446.481(a)
146c.212 except (c) (2)	446.610(a), 446.710
146c.217 except (c) (2)	446.111(a)
146c.218	446.81a(a), 446.281a
146c.220	446.80(a)
146c.221	446.281b(a)
146c.222 except (c) (2)	446.181c(a)
146c.224	446.181b(a)
146c.225	446.181a(a)
146c.229	446.180a(a)
146c.232	446.82(a)
146c.236	446.180b(a)
146c.244 except (c) (2)	446.581a(a)
146c.246	446.581b(a)
146c.247	446.910(a)
146c.259	446.116d(a)
146c.263	446.115c(a)
146c.271	446.116b(a)
146d.301	455.10b(a)
146d.303 except (c) (2)	455.310c(a), 455.510a
146d.304 except (c) (2)	455.310b(a)
146d.306 except (c) (2)	455.410(a), 455.510b
146d.313	455.310d(a), 455.510c
146e.401 except (c) (2)	448.10a(a), 448.210
146e.402 except (c) (2), (3), and (4)	448.510a(a), 448.310c
146e.403 human provisions only	448.110a(a)
146e.407	448.510b(a)
146e.408 except (c) (2)	448.310a(a)
146e.409	448.510c(a)
146e.411	448.510d(a)
146e.412	448.110b(a)
146e.418	448.13(a)
146e.422	448.510e(a)
146e.430 except (c) (2)	448.510f(a)
146e.432	448.410(a)
146e.433	448.310b(a)
146e.434	448.910(a)
146e.435	448.913(a)
147.1	460.6
147.2	460.1
147.5	460.38
147.6	460.15
147.7	460.47
147.8	460.25
147.9	460.42
147.10	460.66
147.11	460.79
147.12	460.89
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147.14	460.70
147.15	460.75
147.16	460.58
147.17	460.33
147.18	460.28
147.19	460.55
147.20	460.64
147.21	460.86
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148.4	432.9
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148a.2	455.503a
148b.1	449.4
148b.1a	449.4a
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148b.6	449.104
148c.1	448.21
148c.2	448.421
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148c.6	448.321
148d.1	455.20
148d.2	456.120
148e.1	452.10
148e.2	452.20
148e.3	452.20a
148e.5	452.15
148e.6	452.35
148e.7	452.25
148e.7a	452.25a
148e.8	452.40
148e.10	452.125c
148e.11	452.120a
148e.12	452.115d
148e.13	452.125b
148e.14	452.510a
148e.15	452.510b
148e.16	452.115b
148e.18	452.225
148e.22	452.115e
148e.23	452.120b
148e.24	452.110b
148e.25	452.232
148e.26	452.110a
148e.27	452.135a
148e.29	452.125a
148e.30	452.115f
148e.31	452.310
148e.34	452.115c
148e.35	452.710
148e.36	452.115a
148e.37	452.135b
148f.1	448.25
148g.1	449.20
148g.2	449.120a
148g.3	449.120b
148g.4	449.120c
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148h.2	444.230
148h.3	444.130
148i.1	444.42a
148i.2	444.44
148i.3	444.542a, 444.342e, 444.442d
148i.4	444.542b
148i.5	444.142a
148i.8	444.442a
148i.9	444.342a
148i.10	444.542c
148i.14	444.542f
148i.15	444.342d
148i.16	444.542e
148i.18	444.442c
148i.19	444.642a

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148l.23	444.342c
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148l.25	444.542h
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148l.30	444.542k
148l.30a	444.542l
148l.30b	444.542m
148l.31	444.42b
148l.32	444.40
148l.33	444.540a
148l.34	444.542j
148l.39	444.342g, 444.442e
148l.46	444.942b
148l.47	444.540b
148l.49	444.542d
148l.50	444.142b
148j.1	455.51
148j.1a	455.51a
148j.2	455.50
148j.3	455.151a
148j.5	455.150
148j.6	455.251
148j.7	455.251b
148k.1	449.50
148k.2	449.550a
148k.3	449.550c
148k.4	449.550f
148k.5	449.550g
148k.6	449.150c
148k.7	449.150a
148k.8	449.550d
148k.9	449.550e
148k.10	449.450
148k.11	449.650
148k.12	449.150b
148k.13	449.550b
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The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation. For the convenience of the user, the entire text of Parts 430 through 460 of Subchapter D are set forth below.

Dated: May 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

Therefore 21 CFR is amended by redesignating the antibiotic drug provisions for human use under Parts 141 through 151j of Subchapter C—Drugs as Parts 430 through 460 of Subchapter D—Drugs for Human Use, and republished to read as follows:

Part

430 Antibiotic Drugs: General.
431 Certification of Antibiotic Drugs.
432 Packaging and Labeling of Antibiotic Drugs.
433 Exemptions from Antibiotic Certification and Labeling Requirements.
436 Test and Methods of Assay of Antibiotic and Antibiotic-Containing Drugs.
440 Penicillin Antibiotic Drugs.
442 Cepha Antibiotic Drugs.
444 Oligosaccharide Antibiotic Drugs.
446 Tetracycline Antibiotic Drugs.
448 Peptide Antibiotic Drugs.
449 Antifungal Antibiotic Drugs.
450 Antitumor Antibiotic Drugs.
452 Marcolide Antibiotic Drugs.
453 Lincomycin Antibiotic Drugs.
455 Certain Other Antibiotic Drugs.
460 Antibiotic Drugs Intended for Use in Laboratory Diagnosis of Disease.

PART 430—ANTIBIOTIC DRUGS: GENERAL

Subpart A—General Provisions

Sec.
430.3 Definitions applicable to all certifiable antibiotic drugs.
430.4 Definitions of antibiotic substances.
430.5 Definitions of master and working standards.
430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

Subpart B—Procedures for Antibiotic Drugs Affected by Drug Amendments of 1962

430.10 Antibiotic drugs not subject to certification prior to May 1, 1963.
430.11 Certification, release, or exemption of antibiotic-containing drugs.

Subpart C—Administrative Procedures

430.20 Procedure for the issuance, amendment, or repeal of regulations.

AUTHORITY: Sec. 507, 701(a), 59 Stat. 463, as amended, 52 Stat. 1055 (21 U.S.C. 357, 371 (a)).

Subpart A—General Provisions

§ 430.3 Definitions applicable to all certifiable antibiotic drugs.

(a) The definitions and interpretations contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this chapter covering the certification of antibiotic and antibiotic-containing drugs.

(b) The term "Commissioner" means the Commissioner of Food and Drugs and any other officer of the Food and Drug Administration whom he may designate to act in his behalf for the purpose of the regulations for the certification of antibiotic and antibiotic-containing drugs.

(c) The term "act" means the Federal Food, Drug, and Cosmetic Act and amendments thereto. (52 Stat. 1040 et seq.; 21 U.S.C. 301–392).

(d) The term "U.S.P." means the official Pharmacopeia of the United States, including supplements thereto. The term "N.F." means the official National Formulary, including supplements thereto.

(e) The term "batch" means a specific homogeneous quantity of a drug.

(f) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer or packer thereof.

(g) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued by a practitioner licensed by law to administer such drug.

§ 430.4 Definitions of antibiotic substances.

(a) The following are definitions of antibiotic substances:

(1) *Penicillin.* Each of the several antibiotic substances (e.g., penicillin F, penicillin G, penicillin X) produced by the growth of *Penicillium notatum* or *Penicillium chrysogenum*, and each of the same substances produced by any other means, is a kind of penicillin.

(2) *Streptomycin.* Each of the several antibiotic substances produced by the growth of *Streptomyces griseus*, and each of the same substances produced by any other means, is a kind of streptomycin.

(3) *Dihydrostreptomycin.* Each of the antibiotic substances produced by hydrogenation of streptomycin, and each of the same substances produced by any other means, is a kind of dihydrostreptomycin.

(4) *Chlortetracycline.* Each of the several antibiotic substances produced by the growth of *Streptomyces aureofaciens*, and each of the same substances produced by any other means is a kind of chlortetracycline.

(5) *Tetracycline.* Each of the several antibiotic substances produced by the hydrogenation of chlortetracycline, and each of the same substances produced by any other means, is a kind of tetracycline.

(6) *Chloramphenicol.* Each of the several antibiotic substances produced by the growth of *Streptomyces venezuelae*, and each of the same substances produced by any other means, is a kind of chloramphenicol.

(7) *Bacitracin.* Each of the several antibiotic substances produced by the growth of *Bacillus subtilis* var. Tracy, and each of the same substances produced by any other means, is a kind of bacitracin.

(8) *Amphomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces canus*, and each of the same substances produced by any other means, is a kind of amphomycin.

(9) *Amphotericin.* Each of the antibiotic substances produced by the growth of *Streptomyces nodosus*, and each of the same substances produced by any other means, is a kind of amphortericin.

(10) *Colistin.* Each of the antibiotic substances produced by the growth of *Bacillus polymyxa* var. *colistinus*, and each of the same substances produced by any other means, is a kind of colistin.

(11) *Cycloserine.* Each of the antibiotic substances produced by the growth of *Streptomyces orchidaceus*, and each of the same substances produced by any other means, is a kind of cycloserine.

(12) *Erythromycin.* Each of the antibiotic substances produced by the growth of *Streptomyces erythreus*, and each of the same substances produced by any other means, is a kind of erythromycin.

(13) *Gramicidin.* Each of the antibiotic substances produced by the growth of *Bacillus brevis*, and each of the same substances produced by any other means, is a kind of gramicidin.

(14) *Griseofulvin.* Each of the antibiotic substances produced by the growth of *Penicillium patulum* or *Penicillium griseofulvum*, and each of the same substances produced by any other means, is a kind of griseofulvin.

(15) *Kanamycin.* Each of the antibiotic substances produced by the growth of *Streptomyces kanamyceticus*, and each of the same substances produced by any other means, is a kind of kanamycin.

(16) *Neomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces fradiae*, and each of the same substances produced by any other means, is a kind of neomycin.

(17) *Novobiocin.* Each of the antibiotic substances produced by the growth of *Streptomyces niveus* (known also as *Streptomyces spheroides*), and each of the same substances produced by any other means, is a kind of novobiocin.

(18) *Nystatin.* Each of the antibiotic substances produced by the growth of *Streptomyces noursei*, and each of the same substances produced by any other means, is a kind of nystatin.

(19) *Oleandomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces antibioticus*, and each of the same substances produced by any other means, is a kind of oleandomycin.

(20) *Troleandomycin.* Each of the antibiotic substances produced by the triacetylation of oleandomycin, and each of the same substances produced by any other means, is a kind of troleandomycin.

(21) *Oxytetracycline.* Each of the antibiotic substances produced by the growth of *Streptomyces rimosus*, and each of the same substances produced by any other means, is a kind of oxytetracycline.

(22) *Paromomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces rimosus* var. *paromomycinus*, and each of the same substances produced by any other means, is a kind of paromomycin.

(23) *Polymyxin.* Each of the antibiotic substances produced by the growth of *Bachillus polymyxa*, and each of the same substances produced by any other means, is a kind of polymyxin.

(24) *Mithramycin.* Each of the antibiotic substances produced by the growth of a variant of *Streptomyces plicatus*, and each of the same substances produced by any other means, is a kind of mithramycin.

(25) *Tyrothricin.* Each of the mixtures of antibiotic substances produced by the growth of *Bacillus brevis*, and each of the same mixtures of substances produced by any other means, is a kind of tyrothricin.

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(26) *Vancomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces orientalis*, and each of the same substances produced by any other means, is a kind of vancomycin.

(27) *Viomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces puniceus* or *Streptomyces floridae* or *Actinomyces vinaceus*, and each of the same substances produced by any other means, is a kind of viomycin.

(28) *Gentamicin.* Each of the antibiotic substances produced by the growth of *Micromonospora purpurea*, and each of the same substances produced by any other means, is a kind of gentamicin.

(29) *Dactinomycin.* Dactinomycin is a specific kind of actinomycin produced by the growth of *Streptomyces parvullus* or the same antibiotic produced by any other means.

(30) *Candicidin.* Each of the heptaene antibiotic substances produced by the growth of *Streptomyces griseus* and each of the same substances produced by any other means is a kind of candicidin.

(31) *Cephalosporin.* Each of the antibiotic substances produced by the growth of *Cephalosporium acremonium*, and each of the same substances produced by any other means, is a kind of cephalosporin.

(32) *Lincomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces lincolnensis* var. *lincolnensis*, and each of the same substances produced by any other means, is a kind of lincomycin.

(33) *Demeclocycline.* Each of the antibiotic substances produced by removal of the 6-methyl group from chlortetracycline, and each of the same substances produced by any other means, is a kind of demeclocycline.

(34) *Clindamycin.* Each of the antibiotic substances produced by the 7-chloro- substitution of the 7(R) hydroxyl group of lincomycin, and each of the same substances produced by any other means, is a kind of clindamycin.

(35) *Penicillamine.* Penicillamine is a hydrolysis product of penicillin.

(36) *Capreomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces capreolus*, and each of the same substances produced by any other means, is a kind of capreomycin.

(37) *Rifamycin.* Each of the several antibiotic substances (e.g., rifamycin A, rifamycin B, rifamycin SV) produced by the growth of *Streptomyces mediterranei*, and each of the same substances produced by any other means, is a kind of rifamycin.

(38) *Spectinomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces spectabilis*, and each of the same substances produced by any other means, is a kind of spectinomycin.

(39) *Mitomycin.* Mitomycin is the antibiotic substance produced by the growth of *Streptomyces caespitosus*, and each of the same substances produced by any other means is a kind of mitomycin.

§ 430.5 **Definitions of master and working standards.**

(a) *Master standards*—(1) *Penicillin and salts of penicillin*—(i) *Penicillin G.* The term "penicillin G master standard" means a specific lot of crystalline penicillin G that is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin G working standard.

(ii) *Penicillin O.* The term "penicillin O master standard" means a specific lot of crystalline potassium penicillin O that is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin O working standard.

(iii) *Phenoxymethyl penicillin.* The term "phenoxymethyl penicillin master standard" means a specific lot of crystalline phenoxymethyl penicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the phenoxymethyl penicillin working standard.

(iv) *L-Phenethicillin.* The term "L-phenethicillin master standard" means a specific lot of crystalline L-phenethicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the L-phenethicillin working standard.

(v) *D-Phenethicillin.* The term "D-phenethicillin master standard" means a specific lot of crystalline D-phenethicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the D-phenethicillin working standard.

(vi) *Methicillin.* The term "methicillin master standard" means a specific lot of crystalline methicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the methicillin working standard.

(vii) *Oxacillin.* The term "oxacillin master standard" means a specific lot of crystalline oxacillin that is designated by the Commissioner as the standard of comparison in determining the potency of the oxacillin working standard.

(viii) *Ampicillin.* The term "ampicillin master standard" means a specific lot of crystalline ampicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the ampicillin working standard.

(ix) *Nafcillin.* The term "nafcillin master standard" means a specific lot of crystalline nafcillin that is designated by the Commissioner as the standard of comparison in determining the potency of the nafcillin working standard.

(x) *Cloxacillin.* The term "cloxacillin master standard" means a specific lot of crystalline cloxacillin that is designated as the standard of comparison in determining the potency of the cloxacillin working standard.

(xi) *Dicloxacillin.* The term "dicloxacillin master standard" means a specific lot of dicloxacillin that is designated by the Commissioner as the standard of comparison in determining the potency of the dicloxacillin working standard.

(xii) The term "hetacillin working standard" means a specific lot of homogenous preparation of hetacillin.

(2) *Streptomycin.* The term "streptomycin master standard" means a specific lot of streptomycin that is designated by the Commissioner as the standard of comparison in determining the potency of the streptomycin working standard.

(3) *Dihydrostreptomycin.* The term "dihydrostreptomycin master standard" means a specific lot of crystalline dihydrostreptomycin that is designated by the Commissioner as the standard of comparison in determining the potency of the dihydrostreptomycin working standard.

(4) *Chlortetracycline.* The term "chlortetracyclin master standard" means a specific lot of crystalline chlortetracycline hydrochloride that is designated by the Commissioner as the standard of comparison in determining the potency of the chlortetracycline working standard.

(5) *Demeclocycline.* The term "demeclocycline master standard" means a specific lot of crystalline demeclocycline hydrochloride that is designated by the Commissioner as the standard of comparison in determining the potency of the demeclocycline working standard.

(6) *Tetracycline.* The term "tetracycline master standard" means a specific lot of crystalline tetracycline hydrochloride that is designated by the Commissioner as the standard of comparison in determining the potency of the tetracycline working standard.

(7) *Rolitetracycline.* The term "rolitetracycline master standard" means a specific lot of crystalline rolitetracycline that is designated by the Commissioner as the standard of comparison in determining the potency of the rolitetracycline working standard.

(8) *Chloramphenicol.* The term "chloramphenicol master standard" means a specific lot of crystalline chloramphenicol that is designated by the Commissioner as the standard of comparison in determining the potency of the chloramphenicol working standard.

(9) *Bacitracin.* The term "bacitracin master standard" means a specific lot of bacitracin that is designated by the Commissioner as the standard of comparison in determining the potency of the bacitracin working standard.

(10) *Amphomycin.* The term "amphomycin master standard" means a specific lot of amphomycin designated by the Commissioner as the standard of comparison in determining the potency of the amphomycin working standard.

(11) *Amphotericin.* The term "amphotericin A master standard" means a specific lot of amphotericin A designated by the Commissioner as the standard of comparison in determining the potency of the amphotericin A working standard. The term "amphotericin B master standard" means a specific lot of amphotericin B designated by the Commissioner as the standard of comparison in determining the potency of the amphotericin B working standard.

(12) *Colistin.* The term "colistin master standard" means a specific lot of colistin designated by the Commissioner as the standard of comparison in determining the potency of the colistin working standard.

(13) *Colistimethate.* The term "colistimethate master standard" means a specific lot of colistimethate designated by the Commissioner as the standard of comparison in determining the potency of the colistimethate working standard.

(14) *Cycloserine.* The term "cycloserine master standard" means a specific lot of cycloserine designated by the Commissioner as the standard of comparison in determining the potency of the cycloserine working standard.

(15) *Erythromycin.* The term "erythromycin master standard" means a specific lot of erythromycin designated by the Commissioner as the standard of comparison in determining the potency of the erythromycin working standard.

(16) *Gramicidin.* The term "gramicidin master standard" means a specific lot of gramicidin designated by the Commissioner as the standard of comparison in determining the potency of the gramicidin working standard.

(17) *Griseofulvin.* The term "griseofulvin master standard" means a specific lot of griseofulvin designated by the Commissioner as the standard of comparison in determining the potency of the griseofulvin working standard.

(18) *Kanamycin.* The term "kanamycin master standard" means a specific lot of kanamycin designated by the Commissioner as the standard of comparison in determining the potency of the kanamycin working standard.

(19) *Neomycin.* The term "neomycin master standard" means a specific lot of neomycin designated by the Commissioner as the standard of comparison in determining the potency of the neomycin working standard.

(20) *Novobiocin.* The term "novobiocin master standard" means a specific lot of novobiocin designated by the Commissioner as the standard of comparison in determining the potency of the novobiocin working standard.

(21) *Nystatin.* The term "nystatin master standard" means a specific lot of nystatin designated by the Commissioner as the standard of comparison in determining the potency of the nystatin working standard.

(22) *Oleandomycin.* The term "oleandomycin master standard" means a specific lot of oleandomycin designated by the Commissioner as the standard of comparison in determining the potency of the oleandomycin working standard.

(23) *Oxytetracycline.* The term "oxytetracycline master standard" means a specific lot of oxytetracycline designated by the Commissioner as the standard of comparison in determining the potency of the oxytetracycline working standard.

(24) *Paromomycin.* The term "paromomycin master standard" means a specific lot of paromomycin designated by the Commissioner as the standard of comparison in determining the potency of the paromomycin working standard.

(25) *Polymyxin B.* The term "polymyxin B master standard" means a specific lot of polymyxin B designated by the Commissioner as the standard of comparison in determining the potency of the polymyxin B working standard.

(26) [Reserved]

(27) *Vancomycin.* The term "vancomycin master standard" means a specific lot of vancomycin designated by the Commissioner as the standard of comparison in determining the potency of the vancomycin working standard.

(28) *Viomycin.* The term "viomycin master standard" means a specific lot of viomycin designated by the Commissioner as the standard of comparison in determining the potency of the viomycin working standard.

(29) *Troleandomycin.* The term "troleandomycin master standard" means a specific lot of troleandomycin designated by the Commissioner as the standard of comparison in determining the potency of the troleandomycin working standard.

(30) *Gentamicin.* The term "gentamicin master standard" means a specific lot of gentamicin designated by the Commissioner as the standard of comparison in determining the potency of the gentamicin working standard.

(31) *Dactinomycin.* The term "dactinomycin master standard" means a specific lot of dactinomycin designated by the Commissioner as the standard of comparison in determining the potency of the dactinomycin working standard.

(32) *Candicidin.* The term "candicidin master standard" means a specific lot of candicidin that is designated by the Commissioner as the standard of comparison in determining the potency of the candicidin working standard.

(33) *Cephalothin.* The term "cephalothin master standard" means a specific lot of cephalothin designated by the Commissioner as the standard of comparison in determining the potency of the cephalothin working standard.

(34) *Lincomycin.* The term "lincomycin master standard" means a specific lot of lincomycin designated by the Commissioner as the standard of comparison in determining the potency of the lincomycin working standard.

(35) *Methacycline.* The term "methacycline master standard" means a specific lot of methacycline designated by the Commissioner as the standard of comparison in determining the potency of the methacycline working standard.

(36) *Doxycycline.* The term "doxycycline master standard" means a specific lot of α-6-deoxyoxytetracycline designated by the Commissioner as the standard of comparison in determining the potency of the doxycycline working standard.

(37) *Cephaloridine.* The term "cephaloridine master standard" means a specific lot of cephaloridine that is designated by the Commissioner as the standard of comparison in determining the potency of the cephaloridine working standard.

(38) *Mithramycin.* The term "mithramycin master standard" means a specific lot of mithramycin designated by the Commissioner as the standard of comparison in determining the potency of the mithramycin working standard.

(39) *Clindamycin.* The term "clindamycin master standard" means a specific lot of clindamycin designated by the Commissioner as the standard of comparison in determining the potency of the clindamycin working standard.

(40) *Cephaloglycin.* The term "cephaloglycin master standard" means a specific lot of cephaloglycin designated by the Commissioner as the standard of comparison in determining the potency of the cephaloglycin working standard.

(41) *Carbenicillin.* The term "carbenicillin master standard" means a specific lot of carbenicillin designated by the Commissioner as the standard of comparison in determining the potency of the carbenicillin working standard.

(42) *Cephalexin.* The term "cephalexin master standard" means a specific lot of cephalexin that is designated by the Commissioner as the standard of comparison in determining the potency of the cephalexin working standard.

(43) *Penicillamine.* The term "penicillamine master standard" means a specific lot of penicillamine that is designated by the Commissioner as the standard of comparison in determining the penicillamine content of the penicillamine working standard.

(44) *Capreomycin.* The term "capreomycin master standard" means a specific lot of capreomycin designated by the Commissioner as the standard of comparison in determining the potency of the capreomycin working standard.

(45) *Rifampin.* The term "rifampin master standard" means a specific lot of rifampin designated by the Commissioner as the standard of comparison in determining the potency of the rifampin working standard.

(46) *Minocycline.* The term "minocycline master standard" means a specific lot of minocycline designated by the Commissioner as the standard of comparison in determining the potency of the minocycline working standard.

(47) *Spectinomycin.* The term "spectinomycin master standard" means a specific lot of spectinomycin designated by the Commissioner as the standard of comparison in determining the potency of the spectinomycin working standard.

(48) *Clindamycin palmitate hydrochloride.* The term "clindamycin palmitate hydrochloride master standard" means a specific lot of clindamycin palmitate hydrochloride designated by the Commissioner as the standard of comparison in determining the potency of the clindamycin palmitate hydrochloride working standard.

(49) *Carbenicillin indanyl.* The term "carbenicillin indanyl master standard" means a specific lot of carbenicillin indanyl designated by the Commissioner as the standard of comparison in determining the potency of the carbenicillin indanyl working standard.

(50) *Cephapirin.* The term "cephapirin master standard" means a specific lot of cephapirin that is designated by the Commissioner as the standard of com-

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parison in determining the potency of the cephapirin working standard.

(51) *Cefazolin.* The term "cefazolin master standard" means a specific lot of cefazolin that is designated by the Commissioner as the standard of comparison in determining the potency of the cefazolin working standard.

(52) *Mitomycin.* The term "mitomycin master standard" means a specific lot of crystalline mitomycin that is designated by the Commissioner as the standard of comparison in determining the potency of the mitomycin working standard.

(b) *Working standards.* The potency or purity of each preparation has been determined by comparison with its master standard, and each has been designated by the Commissioner as working standards for use in determining the potency or purity of antibiotic substances subject to the regulations in this chapter.

(1) *Penicillin.* (i) The term "penicillin G working standard" means a specific lot of a homogeneous preparation of penicillin G.

(ii) The term "penicillin O working standard" means a specific lot of a homogeneous preparation of penicillin O.

(iii) The term "phenoxymethyl penicillin working standard" means a specific lot of a homogeneous preparation of penicillin.

(iv) The term "L-phenethicillin working standard" means a specific lot of a homogeneous preparation of L-phenethicillin. The term "D-phenethicillin working standard" means a specific lot of a homogeneous preparation of D-phenethicillin.

(v) The term "methicillin working standard" means a specific lot of a homogeneous preparation of methicillin.

(vi) The term "oxacillin working standard" means a specific lot of a homogeneous preparation of oxacillin.

(vii) The term "ampicillin working standard" means a specific lot of a homogeneous preparation of ampicillin.

(viii) The term "nafcillin working standard" means a specific lot of a homogeneous preparation of nafcillin.

(ix) The term "cloxacillin working standard" means a specific lot of a homogeneous preparation of cloxacillin.

(x) The term "procaine penicillin G working standard" means a specific lot of a homogeneous preparation of procaine penicillin G.

(xi) The term "dicloxacillin working standard" means a specific lot of a homogeneous preparation of dicloxacillin.

(2) *Amphotericin A.* The term "amphotericin A working standard" means a specific lot of a homogeneous preparation of amphotericin A.

(3) *Amphotericin B.* The term "amphotericin B working standard" means a specific lot of a homogeneous preparation of amphotericin B.

(4) *Streptomycin.* The term "streptomycin working standard" means a specific lot of a homogeneous preparation of streptomycin.

(5) *Dihydrostreptomycin.* The term "dihydrostreptomycin working standard" means a specific lot of a homogeneous preparation of dihydrostreptomycin.

(6) *Chlortetracycline.* The term "chlortetracycline working standard" means a specific lot of a homogeneous preparation of chlortetracycline.

(7) *Demeclocycline.* The term "demeclocycline working standard" means a specific lot of a homogeneous preparation of demeclocycline.

(8) *Tetracycline.* The term "tetracycline working standard" means a specific lot of a homogeneous preparation of tetracycline.

(9) *Rolitetracycline.* The term "rolitetracyline working standard" means a specific lot of a homogeneous preparation of rolitetracycline.

(10) *Chloramphenicol.* The term "chloramphenicol working standard" means a specific lot of a homogeneous preparation of chloramphenicol.

(11) *Bacitracin.* The term "bacitracin working standard" means a specific lot of a homogeneous preparation of bacitracin.

(12) *Amphomycin.* The term "amphomycin working standard" means a specific lot of a homogeneous preparation of amphomycin.

(13) *Colistin.* The term "colistin working standard" means a specific lot of a homogeneous preparation of colistin.

(14) *Colistimethate.* The term "colistimethate working standard" means a specific lot of a homogeneous preparation of colistimethate.

(15) *Cycloserine.* The term "cycloserine working standard" means a specific lot of a homogeneous preparation of cycloserine.

(16) *Erythromycin.* The term "erythromycin working standard" means a specific lot of a homogeneous preparation of erythromycin.

(17) *Gramicidin.* The term "gramicidin working standard" means a specific lot of a homogeneous preparation of gramicidin.

(18) *Griseofulvin.* The term "griseofulvin working standard" means a specific lot of a homogeneous preparation of griseofulvin.

(19) *Kanamycin.* The term "kanamycin working standard" means a specific lot of a homogeneous preparation of kanamycin.

(20) *Neomycin.* The term "neomycin working standard" means a specific lot of a homogeneous preparation of neomycin.

(21) *Novobiocin.* The term "novobiocin working standard" means a specific lot of a homogeneous preparation of novobiocin.

(22) *Nystatin.* The term "nystatin working standard" means a specific lot of a homogeneous preparation of nystatin.

(23) *Oleandomycin.* The term "oleandomycin working standard" means a specific lot of a homogeneous preparation of oleandomycin.

(24) *Troleandomycin.* The term "troleandomycin working standard" means a specific lot of a homogeneous preparation of troleandomycin.

(25) *Oxytetracycline.* The term "oxytetracycline working standard" means a specific lot of a homogeneous preparation of oxytetracycline.

(26) *Paromomycin.* The term "paromomycin working standard" means a specific lot of a homogeneous preparation of paromomycin.

(27) *Polymyxin B.* The term "polymyxin B working standard" means a specific lot of a homogeneous preparation of polymyxin B.

(28) *Vancomycin.* The term "vancomycin working standard" means a specific lot of a homogeneous preparation of vancomycin.

(29) *Viomycin.* The term "viomycin working standard" means a specific lot of a homogeneous preparation of viomycin.

(30) *Gentamicin.* The term "gentamicin working standard" means a specific lot of a homogeneous preparation of gentamicin.

(31) *Dactinomycin.* The term "dactinomycin working standard" means a specific lot of a homogeneous preparation of dactinomycin.

(32) *Candicidin.* The term "candicidin working standard" means a specific lot of a homogeneous preparation of candicidin.

(33) *Cephalothin.* The term "cephalothin working standard" means a specific lot of a homogeneous preparation of cephalothin.

(34) *Lincomycin.* The term "lincomycin working standard" means a specific lot of a homogeneous preparation of lincomycin.

(35) *Methacycline.* The term "methacycline working standard" means a specific lot of homogeneous preparation of methacycline.

(36) *Doxycycline.* The term "doxycycline working standard" means a specific lot of homogeneous preparation of α-6-deoxyoxytetracycline.

(37) *Cephaloridine.* The term "cephaloridine working standard" means a specific lot of homogeneous preparation of cephaloridine.

(38) *Mithramycin.* The term "mithramycin working standard" means a specific lot of a homogeneous preparation of mithramycin.

(39) *Clindamycin.* The term "clindamycin working standard" means a specific lot of a homogeneous preparation of clindamycin.

(40) *Cephaloglycin.* The term "cephaloglycin working standard" means a specific lot of homogeneous preparation of cephaloglycin.

(41) *Carbenicillin.* The term "carbenicillin working standard" means a specific lot of homogeneous preparation of carbenicillin.

(42) *Cephalexin.* The term "cephalexin working standard" means a specific lot of a homogeneous preparation of cephalexin.

(43) *Penicillamine.* The term "penicillamine working standard" means a specific lot of a homogeneous preparation of penicillamine.

(44) *Capreomycin.* The term "capreomycin working standard" means a specific lot of a homogeneous preparation of capreomycin.

(45) *Rifampin.* The term "rifampin working standard" means a specific lot of a homogeneous preparation of rifampin.

(46) *Minocycline.* The term "minocycline working standard" means a specific lot of a homogeneous preparation of minocycline.

(47) *Spectinomycin.* The term "spectinomycin working standard" means a specific lot of a homogeneous preparation of spectinomycin.

(48) *Clindamycin palmitate hydrochloride.* The term "clindamycin palmitate hydrochloride working standard" means a specific lot of a homogeneous preparation of clindamycin palmitate hydrochloride.

(49) *Carbenicillin indanyl.* The term "carbenicillin indanyl working standard" means a specific lot of a homogeneous preparation of carbenicillin indanyl.

(50) *Cephapirin.* The term "cephapirin working standard" means a specific lot of a homogeneous preparation of cephapirin.

(51) *Cefazolin.* The term "cefazolin working standard" means a specific lot of a homogeneous preparation of cefazolin.

(52) *Mitomycin.* The term "mitomycin working standard" means a specific lot of a homogeneous preparation of mitomycin.

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

Unless it has been otherwise specified in the individual definitions in this section, the activity assigned to each "unit" or "microgram" is equivalent to an International Unit, if such has been defined by the World Health Organization.

(a) *"Unit".*—(1) *Penicillin.*—(i) *Penicillin G.* The term "unit" applied to penicillin G means the penicillin activity (potency) contained in 0.600 microgram of the penicillin G master standard.

(ii) *Penicillin O.* The term "unit" applied to penicillin O means the penicillin activity (potency) contained in 0.6203 microgram of the penicillin O master standard after it is dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(iii) *Phenoxymethyl penicillin.* The term "unit" applied to phenoxymethyl penicillin means the penicillin activity (potency) contained in 0.590 microgram of the phenoxymethyl penicillin master standard.

(iv) *Phenethicillin.* The term "unit" applied to phenethicillin means the penicillin activity (potency) contained in 0.6775 microgram of the D-phenethicillin master standard or in 0.6803 microgram of the L-phenethicillin master standard.

(2) *Bacitracin.* The term "unit" applied to bacitracin means a bacitracin activity (potency) contained in 13.51 micrograms of the bacitracin master standard, except that when the activity (potency) of bacitracin is expressed in terms of its weight, as in the feed and drinking water of animals, 1 gram of activity is equivalent to 42,000 units.

(3) *Nystatin* The term "unit" applied to nystatin means the nystatin activity (potency) contained in 0.2817 microgram of the nystatin master standard when dried for 2 hours at 40° C. and a pressure of 5 millimeters or less.

(4) *Polymyxin B.* The term "unit" applied to polymyxin B means the polymyxin activity (potency) contained in 0.1274 microgram of the polymyxin B master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(b) *"Microgram".*—(1) *Streptomycin.* The term "microgram" applied to streptomycin means the streptomycin activity (potency) contained in 1.250 micrograms of the streptomycin master standard after it is dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(2) *Dihydrostreptomycin.* The term "microgram" applied to dihydrostreptomycin means the dihydrostreptomycin activity (potency) contained in 1.25 micrograms of the dihydrostreptomycin master standard after it is dried for 4 hours at 100° C. and a pressure of 50 microns or less.

(3) *Chlortetracycline.* The term "microgram" applied to chlortetracycline means the chlortetracycline activity (potency) contained in 1.0 microgram of the chlortetracycline master standard.

(4) *Demeclocycline.* The term "microgram" applied to demeclocycline means the demeclocycline activity (potency) contained in 1.0 microgram of the demeclocycline master standard after it is dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(5) *Tetracycline.* The term "microgram" applied to tetracycline means the tetracycline activity (potency) contained in 1.0 microgram of tetracycline master standard.

(6) *Rolitetracycline.* The term "microgram" applied to rolitetracycline means the rolitetracycline activity (potency) contained in 1.0 microgram of the rolitetracycline master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(7) *Chloramphenicol.* The term "microgram" applied to chloramphenicol means the chloramphenicol activity (potency) contained in 1.0 microgram of the chloramphenicol master standard.

(8) *Methicillin.* The term "microgram" applied to methicillin means the methicillin activity (potency) contained in 1.105 micrograms of the methicillin master standard.

(9) *Oxacillin.* The term "microgram" applied to oxacillin means the oxacillin activity (potency) contained in 1.111 micrograms of the oxacillin master standard.

(10) *Amphomycin.* The term "microgram" applied to amphomycin means the amphomycin activity (potency) contained in 0.9355 microgram of the amphomycin master standard when dried for 4 hours at 60° C. and a pressure of 5 millimeters or less.

(11) *Amphotericin A.* The term "microgram" applied to amphotericin A means the amphotericin A activity (potency) contained in 1.0 microgram of the amphotericin A master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(12) *Amphotericin B.* The term "microgram" applied to amphotericin B means the amphotericin B activity (potency) contained in 1.124 micrograms of the amphotericin B master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(13) *Colistin.* The term "microgram" applied to colistin means the colistin base activity (potency) contained in 1.495 micrograms of the colistin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less. The numerical value of a microgram of colistin is not equivalent to the International Unit.

(14) *Colistimethate.* The term "microgram" applied to colistimethate means the activity (potency) calculated as colistin base that is contained in 1.938 micrograms of the colistimethate master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less. The numerical value of a microgram of colistimethate is not equivalent to the International Unit.

(15) *Cycloserine.* The term "microgram" applied to cycloserine means the cycloserine activity (potency) contained in 1.0 microgram of the cycloserine master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(16) *Erythromycin.* The term "micrograms" applied to erythromycin means the erythromycin base activity (potency) contained in 1.02 micrograms of the erythromycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(17) *Gramicidin.* The term "microgram" applied to gramicidin means the gramicidin activity (potency) contained in 1.0 microgram of the gramicidin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(18) *Griseofulvin.* The term "microgram" applied to griseofulvin means the griseofulvin activity (potency) contained in 1.0 microgram of the griseofulvin master standard.

(19) *Kanamycin.* The term "microgram" applied to kanamycin means the kanamycin base activity (potency) contained in 1.299 micrograms of the kanamycin master standard.

(20) *Neomycin.* The term "microgram" applied to neomycin means the neomycin base activity (potency) contained in 1.429 micrograms of the neomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(21) *Novobiocin.* The term "microgram" applied to novobiocin means the novobiocin acid activity (potency) contained in 1.033 micrograms of the novobiocin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(22) *Oleandomycin.* The term "microgram" applied to oleandomycin means the oleandomycin base activity (potency) contained in 1.176 micrograms of the oleandomycin master standard.

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(23) *Troleandomycin.* The term "microgram" applied to troleandomycin means the activity (potency), calculated as the molecular equivalent of the oleandomycin base, contained in 1.2315 micrograms of the troleandomycin master standard.

(24) *Oxytetracycline.* The "microgram" applied to oxytetracycline means the oxytetracycline base activity (potency) contained in 1.13 micrograms of the oxytetracycline master standard.

(25) *Paromomycin.* The term "microgram" applied to paromomycin means the paromomycin activity (potency) contained in 1.333 micrograms of the paromomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(26) *Tyrothricin.* The term "microgram" applied to tyrothricin means the activity (potency) contained in 0.2 microgram of the gramicidin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(27) *Vancomycin.* The term "microgram" applied to vancomycin means the vancomycin base activity (potency) contained in 1.25 micrograms of the vancomycin master standard.

(28) *Viomycin.* The term "microgram" applied to viomycin means the viomycin base activity (potency) contained in 1.355 micrograms of the viomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(29) *Ampicillin.* The term "microgram" applied to ampicillin means the ampicillin activity (potency) contained in 1.1764 micrograms of the ampicillin master standard.

(30) *Nafcillin.* The term "microgram" applied to nafcillin means the nafcillin activity (potency) contained in 1.0989 micrograms of the nafcillin master standard.

(31) *Gentamicin.* The term "microgram" applied to gentamicin means the gentamicin activity (potency) contained in 1.56 micrograms of the gentamicin master standard when dried for 3 hours at 110° C. and a pressure of 5 millimeters or less.

(32) *Dactinomycin.* The term "microgram" applied to dactinomycin means the dactinomycin activity (potency) contained in 1,000 microgram of the dactinomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(33) *Candicidin.* The term "microgram" applied to candicidin means the candicidin activity (potency) contained in 1.0 microgram of the candicidin master standard when dried for 3 hours at 40° C. and a pressure of 5 millimeters or less.

(34) *Cephalothin.* The term "microgram" applied to cephalothin means the cephalothin activity (potency) contained in 1.066 micrograms of the cephalothin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(35) *Lincomycin.* The term "microgram" applied to lincomycin means the lincomycin base activity (potency) contained in 1.156 micrograms of the lincomycin master standard.

(36) *Cloxacillin.* The term "microgram" applied to cloxacillin means the cloxacillin activity (potency) contained in 1.135 micrograms of the cloxacillin master standard.

(37) *Methacycline.* The term "microgram" applied to methacycline means the methacycline activity (potency) contained in 1.062 micrograms of the methacycline master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(38) *Doxycycline.* The term "microgram" applied to doxycycline means the doxycycline activity (potency) contained in 1.155 micrograms of the doxycycline master standard.

(39) *Cephaloridine.* The term "microgram" applied to cephaloridine means the cephaloridine activity (potency) contained in 1.00806 micrograms of the cephaloridine master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(40) *Dicloxacillin.* The term "microgram" applied to dicloxacillin means the dicloxacillin activity (potency) contained in 1.087 micrograms of the dicloxacillin master standard.

(41) *Mithramycin.* The term "microgram" applied to mithramycin means the mithramycin activity (potency) contained in 1.000 microgram of the mithramycin master standard when dried for 4 hours at 25° C. and a pressure of 5 millimeters or less.

(42) *Clindamycin.* The term "microgram" applied to clindamycin means the clindamycin activity (potency) contained in 1.139 micrograms of the clindamycin master standard.

(43) *Cephaloglycin.* The term "microgram" applied to cephaloglycin means the cephaloglycin activity (potency) contained in 1.02564 micrograms of the cephaloglycin master standard.

(44) *Carbenicillin.* The term "microgram" applied to carbenicillin means the carbenicillin activity (potency) contained in 1.135 micrograms of the carbenicillin master standard.

(45) *Cephalexin.* The term "microgram" applied to cephalexin means the cephalexin activity (potency) contained in 1.0707 micrograms of the cephalexin master standard.

(46) *Penicillamine.* The term "microgram" applied to penicillamine means the amount of penicillamine in 1.000 microgram of the penicillamine master standard. The master standard has a purity of 100 percent.

(47) *Capreomycin.* The term "microgram" applied to capreomycin means the capreomycin activity (potency) contained in 1.0870 micrograms of the capreomycin master standard when dried for 4 hours at 100° C. and a pressure of 5 millimeters or less.

(48) *Rifampin.* The term "microgram" applied to rifampin means the rifampin activity (potency) contained in 1.0101 micrograms of the rifampin master standard.

(49) *Minocycline.* The term "microgram" applied to minocycline means the minocycline activity (potency) contained in 1.1588 micrograms of the minocycline master standard.

(50) *Spectinomycin.* The term "microgram" applied to spectinomycin means the spectinomycin activity (potency) contained in 1.490 micrograms of the spectinomycin master standard.

(51) *Clindamycin palmitate hydrochloride.* The term "microgram" applied to clindamycin palmitate hydrochloride means the clindamycin activity (potency) contained in 1.661 micrograms of the clindamycin palmitate hydrochloride master standard.

(52) *Carbenicillin indanyl.* The term "microgram" applied to carbenicillin indanyl means the carbenicillin activity (potency) contained in 1.4514 micrograms of the carbenicillin indanyl master standard.

(53) *Cephapirin.* The term "microgram" applied to cephapirin means the cephapirin activity (potency) contained in 1.0616 micrograms of the cephapirin master standard.

(54) *Cefazolin.* The term "microgram" applied to cefazolin means the cefazolin activity (potency) contained in 1.005 micrograms of the cefazolin master standard.

(55) *Mitomycin.* The term "microgram" applied to mitomycin means the mitomycin activity (potency) contained in 1.0416 micrograms of the mitomycin master standard.

Subpart B—Procedures for Antibiotic Drugs Affected by Drug Amendments of 1962

§ 430.10 Antibiotic drugs not subject to certification prior to May 1, 1963; statement of policy.

(a) Prior to the enactment of the 1962 amendments to the Federal Food, Drug, and Cosmetic Act, the only antibiotic drugs required to be submitted to the Food and Drug Administration for certification were those containing penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative of one of these antibiotics. Scientific proof of safety and efficacy was required. In the case of a drug containing any other antibiotic, it was necessary, unless the drug was then considered to be generally recognized as safe, that the applicant submit proof of safety under the new-drug provisions of the act. Furthermore, prior to enactment of the 1962 amendments, a number of these drugs had been declared no longer new drugs, since they had become generally recognized as being safe for their intended uses. As a result, there are now on the market antibiotic-containing drugs with labeling claims that, in the opinion of the Administration, are not supported by available medical data. This is particularly true for drugs such as troches, nose drops, mouth washes, and deodorants intended for use by the laity.

(b) Antibiotic drugs not subject to certification prior to May 1, 1963, therefore fall into two categories:

(1) Drugs for which, prior to their being marketed, the manufacturers applied for and obtained effective new-drug applications under the provisions of section 505 of the act.

(2) Drugs not cleared through the new-drug procedures prior to their being marketed.

(c) Under the provisions of the 1962 amendments, drugs described in paragraph (b)(1) of this section are exempt from an affirmative finding of efficacy for the conditions covered by the prior approval of the new-drug application, and the initial regulations listing them for certification for such conditions may not be withdrawn for lack of proof of efficacy until October 9, 1964. The deferred effective date as to efficacy does not apply to the drugs described in paragraph (b)(2) of this section.

(1) The Food and Drug Administration is now drafting regulations to provide for the certification of the drugs in paragraph (b)(1) of this section. Samples will be accepted from any manufacturer or repacker of a drug described in such regulations with a view to certification if the drug meets the requirements of the regulations or, pending the effective date of such regulations, with a view to release as provided in section 507(a) of the act. Thus, each manufacturer or repacker of a drug described in paragraph (b)(1) of this section need not hold an effective new-drug application for the drug in order to qualify for certification, but all such drugs will be certified only with the claims for those conditions for which the drugs were found to be safe under the new-drug procedures. If a regulation providing for the certification of a drug in paragraph (b)(1) has not been revoked before October 9, 1964, it will be revoked after that date unless the Commissioner of Food and Drugs has received substantial evidence to support the claims of effectiveness.

(2) The Commissioner does not intend to issue regulations to provide for the certification of any drug covered by paragraph (b)(2) of this section until he has received substantial evidence to support such regulations. A drug in this group, even though marketed before October 10, 1962, may not now be marketed until an appropriate regulation has been issued and the drug has been certified or the drug has been released as provided in section 507(a) of the act. To permit orderly transition to the certification requirements, the Commissioner will continue to accept samples of a drug in this group with a view to release of batches as provided in section 507(a) of the act, provided the manufacturer submits to the Food and Drug Administration by September 6, 1963, evidence to support the claims for such drugs.

§ 430.11 Certification, release, or exemption of antibiotic-containing drugs.

(a) There was published in the FEDERAL REGISTER of July 23, 1963 (28 FR 7473), under § 146.31 (now § 430.10) of the general regulations for the certification of antibiotic and antibiotic-containing drugs a statement of policy providing for among other things, an "Orderly transition to the certification requirements" by making eligible for release on an interim basis batches of antibiotic drugs previously marketed without new-drug approvals and not subject to certification prior to May 1, 1963. There were published in the FEDERAL REGISTER of March 9, 1966 antibiotic drug regulations providing for certification of certain drugs brought under the certification requirements of section 507 of the act by the Kefauver-Harris Drug Amendments of 1962. These are antibiotic-containing drugs for which new-drug approvals are in effect solely on the evidence of their safety. Regulations have also been published to provide for certification of all antibiotic drugs for which adequate evidence of safety and efficacy has been submitted under applicable provisions of the act and the regulations.

(b) The Commissioner finds that persons marketing antibiotic-containing drugs prior to enactment on October 10, 1962, of the Kefauver-Harris Drug Amendments have been afforded ample time to submit evidence of the safety and efficacy of such drugs.

(c) In view of the foregoing, the Commissioner has determined that no preparation containing antibiotic drugs and intended for administration to man will be certified, released, or exempted from certification, except as provided in paragraph (d) of this section.

(d) (1) In the case of antibiotic-containing drugs subject to certification solely on the evidence of safety contained in approved new-drug applications, pursuant to requirements of section 507(h) of the act, certification or release of such articles will continue pending the repeal of such regulations.

(2) Any antibiotic-containing drug required to be sold on prescription, for which the manufacturer has submitted additional data and has received no adverse evaluation of such data from the Food and Drug Administration, will continue to be eligible for release until the data has been evaluated and the manufacturer notified. Since this review is expected to be accomplished by September 1, 1966, the manufacturer of such drugs should submit any additional information promptly, preferably in the form of an application for certification of such drug as prescribed by Part 431 of this chapter. This provision shall not apply to any drug for which the Commissioner makes a determination that such drug is unsafe or where the Commissioner concludes that such drug is not efficacious.

Subpart C—Administrative Procedures

§ 430.20 Procedure for the issuance, amendment, or repeal of regulations.

(a) The procedures for the issuance, amendment, or repeal of regulations under section 507 of the act are designed to permit swift action whenever the factual situation makes such action necessary or desirable. Ordinarily, such regulations are developed by the Food and Drug Administration with the consultation and advice of the interested persons. This permits the publication of regulations that become effective on the date of publication when they are in the public interest and present no significant points of controversy. Regulations that become effective immediately may also be published when the Commissioner finds they are necessary to deal with an imminent hazard to the public health. Proposed regulations are published with opportunity for written comment and informal conferences whenever such proposals have not been made the subject of prior consultation with and the agreement of interested persons. Section 507(f) and the review provisions of section 701(f) and (g) of the act are applicable (1) to proposals to amend or repeal regulations providing for certification or exemption from certification of antibiotic drugs subject to the provisions of section 507(h) on the grounds of lack of substantial evidence of effectiveness and (2) as needed to insure the right of protest and a public hearing to all interested persons who have reasonable grounds for dissatisfaction with the Food and Drug Administration's action with respect to regulations.

(b) An order issuing, amending, or repealing any regulation contemplated by section 507 of the act may be made effective on the date of its publication in the FEDERAL REGISTER whenever the Commissioner finds that:

(1) Such an order has been prepared in consultation with the interested persons, is in the public interest, and presents no significant points of controversy; or

(2) Such an order is necessary to deal with an imminent hazard to the public health.

(c) Such regulations may be initiated by any interested person on the basis of applications, request, or data submitted, including for example a request to provide for certification of a new antibiotic product (§ 431.50 of this chapter, form 5). Such regulations may be initiated by the Commissioner on the basis of information such as records and reports submitted under § 431.60 of this chapter or reports from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, or other information. An order issued under the provisions of paragraph (b)(2) of this section shall furnish interested persons who are adversely affected by such order opportunity to file objections to it, within 30 days after its publication, specifying with particularity the changes desired and stating reasonable grounds therefor, and to request a public hearing upon the objections. The filing of such objections and requests shall not stay the order, but the Commissioner shall thereupon, after due notice, provide for such public hearing. In such cases, the provisions of Subpart F of Part 2 of this chapter shall apply to such hearings, except as modified by paragraph (f) of this section, and to judicial review in accord with section 701 (f) and (g) of the act.

(d) (1) The Commissioner, on his own initiative or on the application or request of any interested person, may publish in

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the FEDERAL REGISTER a notice of proposed rule making and order to issue, amend, or repeal any regulation contemplated by section 507 of the act. Such notice and order may be general (i.e., simply summarizing in a general way the information resulting in the notice and order) or specific (i.e., either referring to specific requirements in the statute and regulations with which there is a lack of compliance, or providing a detailed description and analysis of the specific facts resulting in the notice and order).

(2) An opportunity shall be given for interested persons to submit written comments and to request an informal conference on the proposal, unless such notice and opportunity for comment and informal conference have already been provided in connection with the announcement of the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, to persons who will be adversely affected, or unless the no-controversy or imminent hazard conditions set forth in paragraph (b) of this section have been met. The time for requesting an informal conference shall be 30 days and the time for comment shall be 60 days unless otherwise specified in the notice of proposed rule making. If an informal conference is requested and granted, those persons participating in the conference shall be provided an additional 30 days for comment, beginning the date of the conference, unless otherwise specified in the proposal.

(3) It is the responsibility of every manufacturer or distributor of an antibiotic drug product to review every proposal published in the FEDERAL REGISTER to determine whether it covers any product he manufactures or distributes.

(4) After considering the written comments, the results of any conference, and the data available, the Commissioner will publish an order in the FEDERAL REGISTER acting on the proposal, with opportunity for any person who will be adversely affected to file objections, to request a hearing, and to show reasonable grounds for the hearing. Any such person who elects to avail himself of the opportunity for a hearing shall file (i) within 30 days after the date of publication of the order a written notice of appearance and request for hearing, and (ii) within 60 days after the date of publication of the order, unless a different period of time is specified in the order, the studies on which he relies to justify a hearing as specified in paragraph (d)(8) of this section.

(5) All data and information (including any protocols and all underlying raw data) shall be included in full and may not be incorporated by reference, except that raw data underlying a study submitted may be incorporated by reference from a prior submission as part of an antibiotic application, or other applications or reports. A copy of any article cited shall be included. If any part of the submission is in a foreign language, an accurate and complete English translation shall be appended to such part. Translations of literature printed in a foreign language shall be accompanied by the original publication.

(6) All submissions shall be made in quintuplicate and filed with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

(7) No data or analysis submitted after such 60 days will be considered in determining whether a hearing is warranted unless they are derived from well-controlled studies begun prior to the date of the order, the results of which were not in existence during that 60 days. Exceptions may be made on the basis of a showing of inadvertent omission and hardship. All studies in progress, the results of which the person requesting the hearing intends later to submit in support of the request for hearing, shall be listed. A copy of the complete protocol, a list of the participating investigators, and a brief status report of the studies shall be included in the submission made pursuant to paragraph (d)(4)(ii) of this section.

(8) A request for hearing shall be supported by a submission as specified in § 314.200(c)(1)(ii) of this chapter containing the studies (including all underlying raw data) on which the person relies to justify a hearing with respect to his drug product.

(i) If effectiveness is at issue, a request for hearing shall be supported only by adequate and well-controlled clinical studies meeting all of the precise requirements of § 314.111(a)(5) of this chapter and, for combination drug products, § 3.86 of this chapter, or by other studies not meeting those requirements for which a waiver has been previously granted by the Food and Drug Administration pursuant to the provisions of § 314.111(a)(5) of this chapter. All adequate and well-controlled clinical studies on the drug product known to the person requesting the hearing shall be submitted. Any unfavorable analyses, views, or judgments with respect to such studies known to such person shall also be submitted. No other data, information, or studies shall be submitted.

(ii) Such submission shall include a factual analysis of all studies submitted. If effectiveness is at issue, such analysis shall specify how each such study accords, on a point-by-point basis, with each criterion required for an adequate and well-controlled clinical investigation established in § 314.111(a)(5) of this chapter and, if the product is a combination drug product, with each of the requirements for a combination drug established in § 3.86 of this chapter, or shall be accompanied by an appropriate waiver previously granted by the Food and Drug Administration. If a study deals with a drug entity or dosage form, or condition of use, or mode of administration other than the one(s) in question, such fact(s) shall be clearly stated. Any study conducted on the final marketed form of the drug product shall be so designated.

(iii) Such analysis shall be submitted in the following format, except that information relating to safety or effectiveness shall be omitted if the order does not raise any issue with respect to that aspect of the drug; and information on compliance with § 3.86 of this chapter shall be omitted if the drug product is not a combination drug product. Submissions not made in this format or not containing the required analyses will not be considered and will result in denial of hearing, except that minor technical deficiencies may be excused if it is apparent that a good faith attempt has been made to comply with the requirements of this section and any deficiencies noted are immediately corrected upon request.

I. Safety data.
A. Animal safety data.
1. Individual active component(s).
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
2. Combinations of the individual active components.
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
B. Human safety data.
1. Individual active component(s).
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
c. Documented case reports.
d. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
2. Combinations of the individual active components.
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
c. Documented case reports.
d. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

II. Effectiveness data.
A. Individual active components: Controlled studies, with an analysis showing clearly how each such study satisfies, on a point-by-point basis, each of the criteria required by § 314.111(a)(5) of this chapter.
B. Combinations of individual active components.
1. Controlled studies with an analysis showing clearly how each such study satisfies, on a point-by-point basis, each of the criteria required by § 314.111(a)(5) of this chapter.
2. An analysis showing clearly how each requirement of § 3.86 of this chapter has been satisfied.

III. A summary of the data and views setting forth the medical rationale and purpose for the drug and its ingredients and the scientific basis for the conclusion that the drug and its ingredients have been proven safe and/or effective for the intended use. If there is an absence of controlled studies in the material submitted, or the requirements of any element of § 3.86 of this chapter or § 314.111(a)(5) of this chapter have not been fully met, such fact(s) shall be clearly stated, and a waiver obtained pursuant to § 314.111(a)(5) of this chapter shall be enclosed.

IV. A statement signed by the person responsible for such submission, that it includes in full (or incorporates by reference as permitted in § 430.20(d)(1)) all studies and information specified in § 430.20(d). (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001.)

(9) Upon receipt of any request for hearing, the Director of the Bureau of Drugs shall prepare an analysis of the request and a proposed order ruling upon the matter. The analysis and proposed order, the request for hearing, and any proposed order denying a hearing and response pursuant to paragraph (d)(10)(ii) or (iii) of this section, shall be submitted to the office of the Commissioner for independent review and decision. No representative of the Bureau of Drugs shall participate or advise in the review and decision by the Commissioner. The office of the General Counsel shall observe the same separation of functions.

(10) A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact with respect to the particular drug product(s) which is specified in the request for hearing that requires a hearing.

(i) Where a specific proposal or order (as defined in paragraph (d)(1) of this section) is used, the order published in the FEDERAL REGISTER shall state that, if it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the action taken on the proposal, e.g., no adequate and well-controlled clinical investigations meeting each of the precise elements of § 314.111(a)(5) of this chapter and, for a combination drug product, § 3.86 of this chapter, showing effectiveness have been identified, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests a hearing, making findings and conclusions, denying a hearing. Any such order entering summary judgment shall set forth the Commissioner's findings and conclusions in detail and shall specify why each study submitted fails to meet the requirements of the statute and regulations or why the request for hearing otherwise does not raise a genuine and substantial issue of fact or shall specify the requirements of this paragraph with respect to format or analyses with which there is a lack of compliance.

(ii) Where a general notice or order (as defined in paragraph (d)(1) of this section) is used and the Director of the Bureau of Drugs concludes that summary judgment against the person(s) requesting a hearing should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 60 days after receipt of such proposed order to respond with sufficient data, information and analyses to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(iii) Where a general or specific notice or order is used and the person(s) requesting a hearing submits data or information of a type required by the statute and regulations, and the Director of the Bureau of Drugs concludes that summary judgment against such person(s) should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 60 days after receipt of such proposed order to respond with sufficient data, information, and analyses to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(iv) If review of the data, information, and analyses submitted warrants the conclusion that the basis for the order is not valid, e.g., that substantial evidence of effectiveness exists, the Commissioner shall deny the hearing, enter summary judgment for the person(s) requesting the hearing, and revoke the order. If a hearing is not requested, the order will become effective as published.

(v) If a hearing is requested and justified, the Commissioner will issue a written notice defining the issues, naming an administrative law judge, and specifying the time and place at which the hearing will commence, which shall be as soon as practicable. The provisions of Subpart F of Part 2 of this chapter shall apply to such hearing, except as modified by paragraph (f) of this section.

(vi) A hearing shall be granted if there exists a genuine and substantial issue of fact or if the Commissioner concludes, in his discretion, that a hearing would otherwise be in the public interest.

(11) Any hearing will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret pursuant to section 301(j) of the act (21 U.S.C. 331(j)) or 18 U.S.C. 1905 will not be open to the public unless the respondent specifies otherwise in his appearance. All persons who have requested a hearing and for whom a hearing has been granted shall be parties to the hearing. Interested persons who are not parties may appear at and participate in a hearing and shall have the right to present evidence and file pleadings relevant to the issues. Such interested persons may otherwise participate, e.g., cross-examine witnesses, when in the judgment of the administrative law judge their interests are not adequately protected otherwise or it is required for a full and true disclosure of the facts.

(12) The repeal of any regulation constitutes a revocation of all outstanding certificates based upon such regulation. However, the Commissioner may, in his discretion, defer or stay such action pending a ruling on any related request for a hearing or pending any related hearing or other administrative or judicial proceeding.

Effective date. § 430.20(d) was effective on April 12, 1974. All submissions to the Food and Drug Administration on or after that date must be in compliance with it. No request for hearing submitted prior to the effective date of § 430.20(d) may be supplemented subsequent to such effective date except for studies already begun as of that date.

(e) Whenever any interested person submits an application or request pursuant to provisions of section 507 of the act, or regulations promulgated thereunder, which application or request contemplates the issuance, amendment, or repeal of any regulation, and such person has been informed in writing that such application or request is not approvable, or whenever such person has received no written communication advising whether or not such application is approvable by the 180th day after its submission, such interested person may file a petition proposing the issuance, amendment, or repeal of such regulation under the provision of section 507(f) of the act and Subpart F of Part 2 of this chapter. The Commissioner shall cause the regulation proposed in such petition to be published in the FEDERAL REGISTER within 60 days of the receipt of an acceptable petition and further proceedings shall be in accord with the provisions of sections 507(f) and 701 (f) and (g) of the act and Subpart F of Part 2 of this chapter except as modified by paragraph (f) of this section.

(f) The provisions of Subpart F of Part 2 of this chapter shall be applicable to proceedings under the provisions of section 507(f) of the act as therein set forth with the following modification: The provisions of § 2.63(a) of this chapter notwithstanding, at any hearing held pursuant to section 507(f) of the act which involves a question of the safety or effectiveness of an antibiotic drug, the burden of proof of safety and substantial evidence of effectiveness under the questioned conditions shall be on the parties contending that the drug is safe and effective for the conditions for which it is prescribed, recommended or suggested in the labeling thereof.

(g)(1) No regulation providing for the certification of any batch of any drug composed wholly or in part of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, intended for use by man shall be promulgated and no existing regulation will be continued in effect unless it is established by substantial evidence that the drug will have such characteristics of identity, strength, quality, and purity necessary to adequately insure safety and efficacy of use. "Substantial evidence" has been defined by Congress to mean "evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effectiveness it purports and is represented to have under the conditions prescribed, recommended or suggested in the labeling thereof." This definition is made applicable to a number of antibiotic drugs by section 507(h) of the act. And it is the test of efficacy that will be applied in promulgating, amending, or repealing regulations for the certification of all antibiotics under section 507(a) of the act as well.

(2) The scientific essentials of an adequate and well-controlled clinical investigation are described in § 314.111(a)(5) of this chapter.

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PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

Subpart A—General Provisions

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AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357), unless otherwise noted.

Subpart A—General Provisions

§ 431.1 Requests for certification, check tests and assays, and working standards; information and samples required.

(a) A request for certification of a batch shall be addressed to the Commissioner and shall be in a form specified by him. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) (1) The initial request for certification of a batch of any drug submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch of such drug, including descriptions of:

(i) The methods and processes used in the manufacture of the drug;

(ii) The tests and assays of the drug made during the manufacture of the batch and after it is packaged; and

(iii) The laboratory facilities used in such controls.

(2) Such initial request shall also be preceded or accompanied by the key of the batch marks used by such person and by specimens of all labeling to be used for such drug.

(c) A person who requests certification or check tests and assays of a batch shall submit with his request the following information and samples:

(1) The batch mark of the drug.

(2) The quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements or standards prescribed therefor, if any, by specific regulations or official compendium or otherwise approved by the Commissioner.

(3) The size of the batch, including the number of containers of each size in the batch.

(4) The date of the latest assay of the batch.

(5) The results of the latest tests and assays made by or for him on the batch as required for the drug by specific regulations.

(6) The batch mark(s) of the antibiotic(s) used in making the batch.

(7) Unless previously submitted, the results and dates of the latest tests and assays made by or for him on the antibiotic(s) used in making the batch as required by specific regulations.

(8) The number of accurately representative samples that are required for the batch by specific regulations:

(i) In the case of drugs such as dry powders, solutions, ointments, and suspensions, the sample shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal. In no case, however, shall more than 5,000 immediate containers have been packaged during each such interval of sampling, except for a sample collected for sterility testing.

(ii) In the case of drugs such as tablets or other such unit dosage forms, the sample shall be collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal. In no case, however, shall more than 5,000 tablets have been tableted during each interval of sampling, except for a sample collected for time of distintegration. If the person who packages the tablets into dispensing-size containers is not the manufacturer, such sample shall be collected throughout the entire time of packaging the batch into such containers.

(iii) In the case of drugs packaged for repacking or for use in the manufacture of another drug, the sample must be representative of the batch. Such samples may be taken from a composite composed of portions taken from a representative number of bulk containers, the composite consisting of no more than 10 times the amount required for conducting the required tests and assays. Such samples are not required if they have been previously submitted.

(iv) In the case of a sterile drug packaged in combination with containers of a sterile diluent, the sample shall be collected by taking 20 immediate containers of the diluent collected at regular intervals throughout each filling operation, except that if the diluent is sterilized after filling into containers, the representative sample shall consist of 20 immediate containers collected from each sterilizer load and each container shall be taken from a different part of each such sterilizer load. In the case of sterile drugs packaged in combination with sterile droppers, the sample shall be collected by taking 20 droppers from each sterilizer load and each stopper shall be taken from a different part of such sterilizer load.

(9) In the case of an initial request for certification, each ingredient used in making the batch other than ingredients required by specific regulations: 1 package of each containing approximately 5 grams. Results and dates of the latest tests and assays made by or for him on such ingredients shall precede or accompany the submission.

(10) The results and dates of tests and assays made by or for him on the nonantibiotic active ingredients in the batch.

(11) If such batch or any part thereof is to be packaged with a sterile diluent or sterile dropper, such request shall also be accompanied by a statement that such diluent or dropper is sterile and conforms to the requirements prescribed therefor by specific regulations.

(d) Each sample submitted pursuant to the regulations in this chapter shall be addressed to the Commissioner. Its package shall be clearly identified as to its contents and shall bear the name and post-office address of the person submitting it.

(e) In addition to the information and samples specifically required to be submitted to the Commissioner by the regulations in this chapter, the person who requests certification of a batch shall submit such further information and samples as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements of § 431.10 for the issuance of a certificate.

(f) Upon the request of any person, stating reasonable grounds therefor, the Commissioner shall furnish such person with a portion of the working standards.

§ 431.5 Samples for sterility testing.

(a) *"Filling operation" and "sample" defined.* (1) The term "filling operation" when used in connection with samples of a batch required for sterility testing refers to that period of time not longer than 24 consecutive hours during which a homogeneous quantity of a drug is being filled continuously into market-size containers and during which no changes are made in the equipment used for filling. (Short rest periods for operators of the filling equipment and the time required to change operators between consecutive shifts are not considered as a break in continuity of the filling operation.) If more than one filling device is used during the filling operation, the samples shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill a batch, each container in the sample shall be identified with the number of the operation.

(2) For the purpose of sterility testing, the term "sample" means the total number of containers taken from each filling operation.

(b) *Packaging requirements for samples.* If a batch of a sterile antibiotic is packaged for repacking or for use as an ingredient in the manufacture of another drug, the sample required for sterility testing may be packaged in one container, in lieu of 20 containers, or in two containers in lieu of 40 containers, under the following conditions:

(1) The weight or volume of the sample is equivalent to the composite weight or volume required for a multiple container sample;

(2) The sample is a composite of samples taken from all parts of the batch; and

(3) The sterility test method prescribed for the drug by the regulations in this chapter is "Bacterial membrane filter method" described in § 436.20(e)(1) of this chapter.

§ 431.10 Certification.

(a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and samples required by or pursuant to the regulations in this chapter have been submitted, and the request for certification contains no untrue statement of a material fact; and

(2) The batch complies with the regulations in this chapter and conforms to the applicable standards of identity, strength, quality, and purity prescribed by the regulations in this chapter;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of certificates as are prescribed by § 431.11 and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to the regulations in this chapter, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) All statements, samples, and other information and materials submitted in connection with a request for certification shall be considered to be part of such request.

(d) Compliance of a drug with the standards of identity, strength, quality, and purity prescribed by regulations in this chapter shall be determined by the tests and methods of assay prescribed for such drug by regulations issued under this chapter.

(e) The regulations in this chapter, prescribing tests and methods of assay for antibiotic and antibiotic-containing drugs, shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

(1) A request for certification contains any untrue statement of a material fact; or

(2) A certification has been obtained through fraud, or through misrepresentation or concealment of a material fact.

(f) Except as specifically provided by the regulations in this chapter, no provision of any regulation shall be construed as exempting any certifiable antibiotic drug from any applicable provision of the act or any regulation thereunder.

§ 431.11 Conditions on the effectiveness of certificates.

(a) A certificate shall not become effective:

(1) If it is obtained through fraud or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless it complies with the packaging requirements, if any, prescribed by the regulations in this chapter which were in effect on the date of the certificate;

(3) With respect to any package unless its label and labeling bear all words, statements, and other information required by the regulations in this chapter; or

(4) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of the regulations in this chapter.

(b) A certificate shall cease to be effective:

(1) With respect to any immediate container after the expiration date, if any, prescribed by the regulations in this chapter;

(2) With respect to any immediate container when it or its seal (if the regulations in this chapter require it to be sealed) is broken, or when its label or labeling is altered, mutilated, destroyed, obliterated, or removed in whole or in part, or ceases to conform to any labeling requirement prescribed by the regulations in this chapter, except that:

(i) If the drug in such container is repacked or used as an ingredient in the manufacture of another drug, and certification of the batch thus made is requested, such certificate shall continue to be effective for a reasonable time to permit certification or destruction of such batch;

(ii) If the drug is in a container packaged for dispensing and is used in compounding a prescription issued by a practitioner licensed by law to administer such drug, such certificate shall continue to be effective for a reasonable time to permit the delivery of the drug compounded on such prescription; or

(iii) If its label or labeling is removed in whole or in part for the purpose of relabeling and supplemental certification of the relabeled drug is requested, as provided by § 433.12 of this chapter.

(3) With respect to any immediate container of penicillin when it is included in the packaged combination penicillin with aluminum hydroxide gel or penicillin with a vasoconstrictor, or to any immediate container of bacitracin when it is included in the packaged combination bacitracin with a vasoconstrictor, except that when certification of the batch so included is requested, such certificate shall continue to be effective for a reasonable time to permit certification of such batch which is part of such combination;

(4) With respect to any package when the drug therein fails to meet the standards of identity, strength, quality, and purity which were in effect on the date of the certificate; except that those minor changes which occur before the expiration date and which are normal and unavoidable in good storage and distribution practice shall be disregarded.

(5) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, included in a packaged combination with another drug, when such other drug fails to meet the requirements of the regulations in this chapter; or

(6) With respect to any immediate container, if such regulations require its labeling to bear a caution against dispensing otherwise than on prescription, at the beginning of the act of dispensing or offering to dispense it otherwise than:

(i) By a practitioner licensed by law to administer such drug; or

(ii) On his prescription issued in his professional practice.

§ 431.12 Certification of antibiotic drugs after shipment in bulk containers.

(a) The Food and Drug Administration has received inquiries from certain interested manufacturers concerning their shipment of certified antibiotics, packaged in bulk containers, to hospitals and pharmacies for repacking or for use in the manufacture of another drug on the order or prescription of a physician. The regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) do not prohibit the shipment of certified bulk containers of antibiotics to such persons. However, under the provisions of § 431.11 (b)(2)(i), certification should be requested of each repacked batch and of each batch of another drug manufactured from such bulk drug, unless the repackaged drug or other drug has been made exempt from the certification requirements by regulation. The fact that the drug is to be repacked or manufactured on the order or prescription of a physician does not exempt it from the certification requirements of the act. Under the provisions of § 431.11(b)(2)(ii), it is only when the drug used to compound a prescription is in a container packaged for dispensing that certification of the drug so compounded is not required.

(b) In the light of these provisions, unless the manufacturer and shipper of bulk containers of antibiotics has, with the consignee, an effective permit issued under § 433.16 of this chapter, if the drug is to be repacked, or under § 433.13 of this chapter if it is to be used in the manufacture of another drug, the shipper has the responsibility of seeing that certification is requested of each repacked batch and of each batch of another drug manufactured from such drug.

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§ 431.16 Changes in facilities or controls; changes in mailing or promotional pieces.

(a) Before a person makes a change in the facilities or controls used in the manufacture, packaging, or labeling of a drug described pursuant to § 431.1(b), he shall submit to the Commissioner for advance approval a full statement describing the proposed change. In the case of a proposal to use revised labeling on or within the drug package or promotional labeling containing information for use of the drug that is not the same in language and emphasis as the approved labeling, the applicant shall submit specimens for advance approval. Advance approval is not required when pursuant to a published FEDERAL REGISTER notice implementing a NAS–NRC drug efficacy study, the package labeling, other promotional labeling, or an advertisement is revised (i) to delete a claim for which there is a lack of substantial evidence of effectiveness, (ii) to modify labeling to be consistent with such notice, or (iii) to add in accord with § 3.81 of this chapter an informative statement of the findings of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, with respect to any claim in the labeling evaluated as other than "effective."

(b) In the case of mailing and promotional pieces that contain the same information for use of the drug as previously approved labeling, in which any other information is consistent with and not contrary to such labeling in accord with § 1.106(b) of this chapter and so certified by the applicant (or authorized representative), the applicant shall submit specimens when first used and need not await advance approval.

§ 431.17 New antibiotic and antibiotic-containing products.

Any request that the Secretary provide for the certification of batches of a drug for which no provision for certification is made in the existing regulations in this chapter shall be in a form specified by the Commissioner and shall be accompanied by:

(a) A statement of the conditions for which the person who makes such request intends such drug to be used, and adequate directions for use in each such condition;

(b) Full reports of investigations which have been made to show whether or not such drug is safe and efficacious for use in such conditions;

(c) A full list of the articles used as components of such drug;

(d) A full statement of the composition of such drug;

(e) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packaging of such drug;

(f) A full description of, or references to publications containing practical and accurate tests and methods of assay to determine the identity, strength, quality, and purity of such drug;

(g) Such samples of such drug and of the articles used as components thereof as the Commissioner may require; and

(h) Specimens of all labeling proposed to be used for such drug, including that to be used in its promotion.

(i) An environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the antibiotic drug pursuant to § 6.1 of this chapter.

§ 431.20 Disposition of outdated drugs.

When certification becomes invalid because the expiration date is passed, such articles should not be disposed of for drug use either through commercial or charitable channels unless the articles have been assayed to establish potency and recertified.

Subpart B—Administrative Procedures

§ 431.50 Forms for certification or exemption of antibiotic drugs.

The following forms which must be supplied in connection with certain certification or exemption procedures for antibiotic drugs may be obtained from the Certification Services Staff (HFD-145), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852.

Form	
1	Application for exemption for storage.
2	Application for exemption for processing.
3	Application for exemption for labeling.
4	Application for exemption for manufacturing use.
5	Request to provide for certification of a new antibiotic product (the form provided for in § 135.4 of this chapter is to be used if the antibiotic is intended to be used in animals).
6	Data to accompany or precede every initial request for certification of a batch of an antibiotic drug.
7	Request for check tests and assays or certification of a batch of _____ (the blank to be filled in with the name of the antibiotic drug).
8	Application for exemption for repacking.
9	Request for supplemental certification of a batch of an antibiotic drug.

§ 431.51 Suspension of certification service.

When the Commissioner finds that a person has:

(a) Obtained or attempted to obtain a certificate through fraud or through misrepresentation or concealment of a material fact; or

(b) Falsified the records required to be kept by § 431.61, or

(c) Failed to keep such records or to make them available, or to accord full opportunity to take an inventory of stocks on hand, or otherwise to check the correctness of such records as required by § 431.61; or

(d) Failed to establish a system for maintaining the records required by § 431.60 or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with the provisions of that section, or has refused to permit access to, or copying, or verification of such records or reports; or

(e) Failed to conform to the requirements of good manufacturing practice prescribed by Part 133 of this chapter; the Commissioner will immediately suspend service to such person under the regulations in this chapter. Upon request a hearing will be granted to such person to show cause why such service should be resumed.

§ 431.52 Hearing procedure.

Hearings held pursuant to § 431.51 will be conducted in accordance with the rules provided in Part 314 of this chapter.

§ 431.53 Fees.

(a) Fees for the services rendered under the regulations in this chapter shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the sum of the fees for all tests required for certification of each batch. The minimum tests for each batch shall be those prescribed in the section relating specifically to such drug.

(1) The fee schedule for antibiotic drug certification is as follows:

Test:	Chargeable fee per test
Arquad content	$27
Butanol content	55
Candioidin potency (special turbidimetric)	55
Capreomycin I content	242
Color identity	10
Column chromatographic isomer content	109
Crystallinity	4
Cycloserine color assay	37
Dactinomycin potency (special plate)	55
Disc potency	31
Doxycycline purity (paper chromatography)	110
Free chloride	81
Gas chromatography	55
Gentamicin C	185
Heavy metals test	18
Histamine test	35
Infrared identity	23
Infrared quantitative	47
Iodochlorhydroxyquin content	27
Karl Fisher moisture	10
LD_{50} toxicity	216
Loss on drying	14
Melting range	9
Metal particles (ophthalmic ointments)	27
Microbiological assay, plate	25
Microbiological assay, turbidimetric	13
Micro-organism count	59
Minocycline content	109
Nonaqueous titrations (and compleximetric)	11
Paper chromatographic identity	55
Penicillin chemical assay	12
Penicillin contamination	27
Penicillin G content	27
pH	4
Probenecid content	34
Procaine colorimetric	10
Pyrogens test: 3 rabbits	115
Pyrogens test: 8 rabbits	229
Residual streptomycin	19
Residue on ignition	32
Safety test	24
Specific rotation	18

Test:	Chargeable fee per test
Specific surface area	27
Sterility test	59
Sulfate content	11
Tablet disintegration	6
Thin layer chromatographic identity	27
Total chlorine	81
Undecylenic acid content	23
Ultraviolet absorptivity	23
Ultraviolet identity	23
Ultraviolet potency	23
Vancomycin identity	162
Zinc titration	36

(2) In the case of a supplemental request submitted pursuant to the provisions of § 433.12 of this chapter, the fee shall be $8.

(3) In the case of persons using the certification services whose manufacturing facilities are not located in the United States or the Commonwealth of Puerto Rico, such persons shall be required to deposit each year sufficient funds to cover costs encountered when their facilities are inspected pursuant to the provisions of section 704 of the act.

(c) When the Commissioner considers it necessary to make investigations of a new product containing a certifiable antibiotic drug on which a request has been submitted in accordance with § 431.17, the fee for such service shall be the cost thereof. In such case the request shall be followed by an advance deposit in such amount as the Commissioner specifies, and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(d) A person requiring continuing certification services may maintain an advance deposit of the estimated cost of such services for a two-month period. Such deposit shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in the regulations in this chapter unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(e) The fees for the services rendered with respect to each batch certified under the regulations in this chapter shall accompany the request for certification, or the request for check tests and assays, unless such fee is covered by an advance deposit maintained in accordance with paragraph (d) of this section. Also, if the Commissioner considers that investigations other than examination of such samples are necessary to determine whether or not such batch complies with the requirements of § 431.10 for the issuance of a certificate, the fee shall include the cost of such investigations.

(f) The unearned portion of any advance deposit shall be refunded to the depositor upon his application.

(g) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged, except for those services described under §§ 433.12 and 144.26 of this chapter.

(h) All deposits and fees required by the regulations in this chapter shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, DC. All such deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, DC, 20204, whereupon after making appropriate records thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasurer of the United States, for deposit to the special account "Salaries and Expenses, Certification, Inspection, and Other Services, Food and Drug Administration."

Subpart C—Records and Reports

§ 431.60 Records and reports concerning experience with antibiotic drugs for human use for which a certificate or release has been issued.

(a) Each person engaged in manufacturing, compounding, processing, packing, or labeling any antibiotic drug for which a certificate or release has been issued or whose name appears on the labeling of an antibiotic drug as its manufacturer, packer, or distributor under a certificate or release shall establish and maintain such records and make such reports as are specified in this section to facilitate a determination whether any such certification or release should be rescinded or whether any regulation should be amended or repealed, including adequately organized and indexed files containing full reports of any information of the following kinds which is received or otherwise obtained by him from any source: *Provided, however,* That in order to avoid unnecessary duplication in the submission of reports, any such person's obligation to submit a report may be met by its submission on his behalf, designated as such, by another person responsible for reporting:

(1) Clinical experience, studies, investigations, and tests conducted by such person, or reported to him by any person, or reports in the scientific literature that are received or otherwise obtained by him, involving the drug that is the subject of the certificate or release or any related drug that is pertinent to the safety or efficacy thereof and which have not been previously submitted. An adequate summary and bibliography of literature reports will ordinarily suffice.

(2) Animal experience, studies, investigations, and tests conducted by such person, or reported to him by any person, or reports in the scientific literature that are received or otherwise obtained by him, involving the drug that is the subject of the certificate or release or any related drug that is pertinent to the safety or efficacy thereof and which have not been previously submitted. An adequate summary and bibliography of literature reports will ordinarily suffice.

(3) Experience, investigation, studies, or tests involving the microbiological, chemical, physical, biological properties, or any other properties of the drug, to the extent that such information is pertinent to its safety or efficacy, or to an evaluation of the adequacy of the methods, facilities, and controls used in its production and which have not been previously submitted.

(4) The information required by this section shall include, when known, adequate identification of its source, including the name and post-office address of the person who furnished such information.

(5) Copies of all mailing pieces and other labeling and, if it is a prescription drug, of all advertising used in promoting the drug and not previously submitted. A copy of the currently used package insert that gives full information for use of the drug shall accompany each submission of a report, whether or not such labeling has been previously submitted.

(6) Information concerning the quantity of the drug distributed, in a manner and form that facilitates estimates of the incidence of any adverse effects reported to be associated with the use of the drug. This does not require disclosure of financial or pricing data.

(b) Each person referred to in paragraph (a) of this section shall submit, in duplicate, to the Food and Drug Administration copies of the records and reports described in paragraph (a) of this section (except routine assay and control reports) appropriately identified with the antibiotic application number, if any, the name under which the drug is certified, and the number of the section in this chapter that provides for its certification, as follows. Each report for human-use drugs that forwards an advertisement or promotional labeling pursuant to paragraph (b)(3) of this section or a periodic report pursuant to paragraph (b)(4) of this section shall be accompanied by a completed transmittal Form FD–2253 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use) or Form FD–2252 (Transmittal of Periodic Reports for Drugs for Human Use), respectively. Forms are obtainable from the Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852.

(1) Immediately upon receipt by such person, complete records or reports covering information of the following kinds:

(i) Information concerning any mixup in the drug or its labeling with another article.

(ii) Information concerning any bacteriological, or any significant chemical, physical, or other change or deterioration in the drug, or any failure of one or more distributed batches of the drug to meet the specifications established for it by

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regulations promulgated under section 507 of the act.

(2) As soon as possible, and in any event within 15 working days of its receipt by such person, complete records or reports concerning any information of the following kinds:

(i) Information concerning any unexpected side effect, injury, toxicity, or sensitivity reaction or any unexpected incidence or severity thereof associated with clinical uses, studies, investigations, or tests, whether or not determined to be attributable to the drug, except that this requirement shall not apply to the submission of information described in a written communication to such person from the Food and Drug Administration as types of information that may be submitted at other designated intervals. "Unexpected" as used in this paragraph (b) (2) (i) refers to conditions or developments not previously submitted as part of the request for certification or not encountered during clinical trials of the drug, or conditions or developments occurring at a rate higher than shown by information previously submitted as part of the request for certification or than encountered during such clinical trials.

(ii) Information concerning any unusual failure of the drug to exhibit its expected pharmacological activity.

(3) When mailing pieces, any other labeling, and advertising are devised for promotion of the drug, specimens shall be submitted at the time of initial dissemination of such labeling and at the time of initial publication of any such advertisement for a prescription drug. Mailing pieces and labeling that are designed to contain samples of a drug shall be complete except for omission of the drug.

(4) All the kinds of information described in paragraph (a) of this section, except that submitted under the provisions of paragraph (b) (1), (2), and (3) of this section, shall be submitted at the following intervals, unless otherwise ordered in a written communication from the Commissioner:

(i) If the drug is intended for administration to man, within intervals of 3 months beginning with the date of initial certification or release of a batch of the drug, during the first year following such date; within intervals of 6 months during the second year following such date; and at yearly intervals thereafter.

(ii) If the drug is intended solely for administration to animals, at intervals within 6 months beginning with the date of initial certification or release of a batch of the drug during the first year following such date, and at yearly intervals thereafter.

(iii) The submitted copies of records and reports shall include all the required information that was received or otherwise obtained by such person during the designated intervals.

(5) On written order of the Commissioner, within the time stated in such order or agreed to by such person and the Commissioner, any designated records or reports containing the kinds of information described in this section.

(c) The reports submitted under the provisions of this section are not required to furnish the names and addresses of individual patients unless the person referred to in paragraph (a) of this section is notified in writing by the Food and Drug Administration that individual patient identification is required with respect to designated reports in order to permit further investigation or because there is reason to believe that such reports do not represent actual results obtained.

(d) Any person referred to in paragraph (a) of this section shall upon request of any properly authorized officer or employee of the Department, at reasonable times, permit such officers to have access to and copy and verify any records and reports established and maintained under the provisions of this section.

(e) If the Food and Drug Administration finds that a person obtaining a certificate or release has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, in accordance with the provisions of this section, or that such person has refused to permit access to or copying or verification of such records or reports, the Commissioner shall give such person due notice and opportunity for a hearing on the question of whether to rescind a certificate or release.

(f) Upon written request of any person referred to in paragraph (a) of this section stating reasonable grounds therefor, the Commissioner will make available any information in possession of the Food and Drug Administration of the kinds such person is required to maintain under the provisions of this section, except information readily available to such person from other sources or information which the Commissioner concludes must be considered confidential.

§ 431.61 Records of distribution.

(a) The person who requested certification shall keep complete records showing each shipment and other delivery (including exports) of each certified batch or part thereof by such person or by any person subject to his control. Such records shall show the date and quantity of each such shipment or delivery and the name and post-office address of the person to whom such shipment or delivery was made, and shall be kept for not less than 3 years after such date.

(b) Upon the request of any officer or employee of the Food and Drug Administration, or of any other officer or employee of the United States acting on behalf of the Secretary, the person to whom a certificate is issued shall at all reasonable hours make such records available to any such officer or employee and shall accord to him full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 431.62 Records retention.

At the option of the person having control of records required to be kept by any regulation in this Part 431, photostatic or other permanent reproductions may be substituted for such records after the first 2 years of the holding period.

PART 432—PACKAGING AND LABELING OF ANTIBIOTIC DRUGS

Sec.
- 432.1 Packaging requirements.
- 432.5 Labeling requirements.
- 432.9 Labeling of antibiotic drugs intended for export.
- 432.20 Declaration of potency.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

CROSS REFERENCE: For other regulations in this chapter concerning antibiotic drugs exempted from certain labeling requirements, see also § 1.107 of this chapter.

§ 432.1 Packaging requirements.

Each antibiotic drug subject to certification under section 507 or 512(n) of the act shall be packaged in immediate containers which shall be of such composition as not to cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be tight containers as defined by the U.S.P., except that if the antibiotic drug is dispensed as an ointment or cream, the immediate containers shall be well-closed containers as defined by the U.S.P. If the antibiotic drug is packaged for dispensing, it may be packaged in combination with a container of a suitable and harmless diluent approved by the Commissioner.

(a) If it is a sterile preparation, the containers shall be sterile at the time of filling and closing and shall be so sealed that the contents cannot be used without destroying the seal.

(b) If it is intended for parenteral use, it shall be in containers of colorless, transparent glass (unless it is packaged to contain a single dose), closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each container shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the volume, whether administered in single or multiple doses.

(c) If it is dispensed as a tablet, capsule, troche, pellet, or suppository, it may be enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except for the provision that it shall be capable of tight reclosure. The immediate container may contain a desiccant separated from the drug by a plug of cotton or other like material.

(d) If it is dispensed as an ointment or cream, it shall be in collapsible tubes which shall not be larger than the ½-ounce size if the ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size, except that if it is labeled for institutional use, it may be packaged in immediate containers of glass.

(e) If it is intended for ophthalmic use or for inhalation therapy, the closure shall be one through which a hypodermic needle cannot be introduced.

§ 432.5 Labeling requirements.

(a) If an antibiotic drug is packaged for dispensing:

(1) It shall be labeled in accordance with the requirements prescribed by § 1.106(b) of this chapter, issued under section 502(f) of the act, unless the regulations pertaining to such drug specifically exempt it from such requirements.

(2) Its labeling shall bear any additional information required for the drug by specific regulations.

(3) Each package shall bear on its outside wrapper or container and the immediate container an expiration date prescribed for the drug by specific regulations; except that in lieu of the expiration date prescribed by specific regulations, a date may be used that is 12, 18, 24, 30, 36, 42, 48, 54, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time. If the specific regulation does not stipulate an expiration period, it shall be as prescribed by this section. If the manufacturer or repacker of the drug has been exempted from the certification requirements, such date shall be the number of months after the month during which the batch was last assayed and released by the manufacturer or repacker. If an expiration date is used that is longer than the minimum date provided for the drug by specific regulations, it may be used only if the manufacturer has submitted information to the Commissioner adequate to prove that the drug is stable for such time.

(b) If it is packaged solely for manufacturing use or for repacking, each package shall bear on its outside wrapper or container and the immediate container, the following:

(1) The number of units or micrograms of activity per milligram or per gram, and the number of grams or kilograms in the immediate container.

(2) The batch mark.

(3) The statement "Caution: Federal law prohibits dispensing without prescription."

(4) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," and, if it is not sterile, the statement "nonsterile."

(5) The required expiration date.

(c) The expiration date prescribed for a drug by the regulations in this chapter may be omitted from the label of the immediate container if such container contains a single dose and it is packaged in an individual wrapper or container that bears the date prescribed.

§ 432.9 Labeling of antibiotic drugs intended for export.

(a) Antibiotic drugs subject to certification under section 507 of the act and intended for export will be certified notwithstanding failure to meet the labeling requirements of the applicable sections if the labeling used for such drugs meets the following conditions:

(1) It has been approved before use by the government authorities of the country to which the drugs are intended for export; and

(2) Such labeling represents that such drugs are for use only in those conditions for which they are certified for domestic distribution.

(b) The legend "Caution: Federal law prohibits dispensing without prescription" might be inappropriate on antibiotic drugs exported from the United States, since their sale may or may not be so restricted under the laws of the country of destination. The Food and Drug Administration would not object to a slight modification of the wording to read, "Caution: Federal (U.S.A.) law prohibits dispensing without prescription," by a manufacturer who wishes to market a drug under the same label both in domestic and foreign commerce.

§ 432.20 Declaration of potency.

Wherever the potency of an antibiotic drug included in the regulations in this chapter is expressed in terms of weight, such potency shall be equivalent to that contained in the same weight of the master standard of the drug.

PART 433—EXEMPTIONS FROM ANTIBIOTIC CERTIFICATION AND LABELING REQUIREMENTS

Subpart A—General Provisions

Sec.
- 433.1 Procedures for obtaining exemption from antibiotic drug certification requirements.
- 433.2 Conditions on the effectiveness of exemptions from certification.
- 433.3 Assay requirements for antibiotic drugs exempted from certification.

Subpart B—Exemptions for Which an Application or Notice Is Required

- 433.12 Exemption for labeling.
- 433.13 Exemption for manufacturing use.
- 433.14 Exemption for storage.
- 433.15 Exemption for processing.
- 433.16 Exemption for repacking.
- 433.17 Exemption for investigational use.

Subpart C—Specific Use Exemptions

- 433.20 Antibiotic drugs for isolation and differentiation of microorganisms in clinical use.
- 433.21 Antibiotics for diagnostic use.
- 433.22 Biologic drugs that contain antibiotics as a preservative.
- 433.23 Microbiological culture media containing antibiotics.
- 433.24 Exemption of antibiotic drugs for use in teaching, law enforcement, research and analysis.
- 433.25 Antibiotic drugs intended for export.

Subpart D—Records and Reports

Sec.
- 433.30 Records retention.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—General Provisions

§ 433.1 Procedures for obtaining exemption from antibiotic drug certification requirements.

(a) The Commissioner finds that if the conditions of this section are met, the certification of antibiotic drugs for local or topical use will not be necessary to insure safety and efficacy of such drugs. The conditions are as follows:

(1) The antibiotic used in the manufacture of the drug has been marketed commercially in the United States as a drug for at least 5 years.

(2) The dosage form has been marketed commercially in the United States for at least 2 years.

(3) The drug is packaged and labeled for dispensing (drugs packaged for manufacturing use or for repacking are not eligible for exemptions under this section).

(4) The person seeking exemption has submitted to the Commissioner of Food and Drugs a petition establishing the following:

(i) The petitioner has used the certification services for the drug for not less than 12 months.

(ii) The petitioner has produced or repackaged and submitted for release or for certification the following number of batches of drugs within a period of time not exceeding 18 months, and no batch has failed to comply with its professed or prescribed standards of identity, strength, quality, or purity:

(a) Not less than 50 consecutive batches of the drug for which the petition is submitted; or

(b) Not less than 25 consecutive batches of such drug and not less than 25 consecutive batches of other associated antibiotic drugs of the same dosage form as the petitioned drug: *Provided, however,* That such other drugs contained among their ingredients the same antibiotic(s) as that (those) contained in the petitioned drug. (For example, if a manufacturer within 18 months has produced 25 acceptable batches of penicillin ointment and a total of 25 acceptable batches of penicillin-streptomycin ointment and penicillin-streptomycin-bacitracin ointment, his penicillin ointment could be considered for an exemption from certification.)

(iii) The petitioner, if he is the manufacturer of the drug, will use in the compounding of the exempt drug only batches of antibiotics that meet (as determined from samples tested by the Food and Drug Administration) the standards of identity, strength, quality, and purity specified for their use in the manufacture of such drug by the applicable regulations in this chapter.

(iv) The petitioner will perform, or will have performed for him, all the laboratory tests and assays required as a condition for certification on each batch produced and will not distribute batches

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until such tests and assays have demonstrated that the exempt drug complies with the specifications for certification.

(v) The petitioner will maintain records of all the laboratory tests and assays referred to in paragraph (a) (4) (iv) of this section and make such records available to any officer or employee of the Food and Drug Administration at any reasonable time within 3 years after the date of the last shipment of each batch.

(vi) The petitioner will maintain records of distribution of batches and make them available for inspection on the same basis as is required for certified antibiotic dosage forms.

(b) In deciding whether such drug is to be exempted from such requirements, the Commissioner will give consideration, among other relevant factors, to:

(1) The possible effect of significant shortages or overages of the antibiotic in the drug.

(2) The stability of the drug.

(3) The results of a review made by an officer or employee of the Food and Drug Administration of all records required by regulations to be maintained for the drug by the petitioner.

(4) Results of examination of a market sample of the drug collected by the Food and Drug Administration from commercial channels.

(c) Exemption from batch certification will, in accordance with the provisions of these regulations, be applicable only to the petitioner requesting it and will not exempt any other person from the requirements of section 507 or 512n of the act.

(d) If the Commissioner concludes that the data in a petition, or otherwise before him, enable him to determine that the conditions for an exemption have been met, he will inform the petitioner that the requested exemption is granted. The Commissioner, upon granting any such exemption, will have published in the FEDERAL REGISTER a notice to that effect.

(e) If the Commissioner concludes that the conditions for an exemption specified in this section have not been met, he will inform the petitioner of his decisions and his reasons therefor.

(f) In accordance with the requirements of section 507(e) of the act, any antibiotic-containing drug for human use exempted under this section is deemed subject to section 505; and accordingly, the act of exempting the drug from the requirements of section 507 and 502(l) shall be considered also as constituting an act of approval of a new-drug application under section 505, thus subjecting the exempted antibiotic drug to the requirements of that section.

§ 433.2 Conditions on the effectiveness of exemptions from certification.

(a) If at any time after an exemption for an antibiotic drug has been granted, the Commissioner finds on the basis of new information before him with respect to such exempted drug, evaluated together with the evidence available to him when such exemption was granted, that certification of each batch is necessary to insure its safety and efficacy of use, he shall act immediately to revoke all exemptions granted for such drug.

(b) If the Commissioner finds that the person granted an exemption for an antibiotic drug for use in humans has failed to comply with the requirements of section 505 of the act and the regulations promulgated thereunder; or if he finds that the requirements of § 433.1 have not been met; or if he finds that the petition for exemption from batch certification contains any false statements of fact, the Commissioner may revoke such exemption immediately and require certification of the drug until such person shows adequate cause why such exemption should be reinstated.

(c) A hearing will be granted to any person who requests an opportunity to show that the exemption should be reinstated.

(d) If an exemption for an antibiotic drug or the approved new-drug application, or an exemption granted to a petitioner is repealed or suspended by the Commissioner, a notice to that effect and the reasons therefor will be published in the FEDERAL REGISTER.

§ 433.3 Assay requirements for antibiotic drugs exempted from certification.

(a) Certain antibiotic drugs are exempted by regulations in this chapter from the certification requirements of sections 507 and 512 of the act if such drugs comply with standards prescribed by such regulations and on condition that the label of each package bears an expiration date which is determined from the date during which the batch was last assayed and released by the manufacturer.

(b) It is the position of the Food and Drug Administration that if each batch of such exempted drugs is not tested by the manufacturer or his agent to determine whether it complies with the standards of identity, strength, quality, and purity prescribed for it, the batch is not exempt from certification and it may be deemed to be misbranded under section 502(l) of the act or be adulterated under section 501(a)(5) of the act when in interstate commerce.

Subpart B—Exemptions for Which an Application or Notice is Required

§ 433.12 Exemption for labeling.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a certifiable antibiotic drug which is to be labeled at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from the requirement of section 502(l) of the act or the certification requirements of section 512(n) of the act if the labeling of each shipping container bears the batch mark of the drug, the number of units per package and the expiration date, and if the person who introduced such shipment or delivery into interstate commerce holds a permit (Antibiotic Form 3) from the Commissioner authorizing shipment for labeling in such establishment.

(b) (1) An application for such a permit shall be in a form specified by the Commissioner and shall give the name and location of the establishment in which such labeling is to be done.

(2) In case the applicant is the operator of such establishment, the application shall include a written agreement signed by him that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801(d) of the act or § 433.17; that he will not remove any of such antibiotic drug from such establishment unless it complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is so exempt, or if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(3) In case the applicant is not the operator of such establishment such application shall include or be accompanied by:

(i) A written agreement signed by the applicant that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801(d) of the act or § 433.17; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery; and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery; and

(ii) A written agreement signed by the operator of such establishment that he will submit a request, supplemental to that of the applicant, for the certification of each batch or portion thereof comprised in any such shipment or delivery received by him unless it is exempt under section 801(d) of the act or § 433.17; that he will specify in his request the number of packages of each size in such shipment or delivery, the date of delivery, the batch mark thereof, and the batch mark he will use therefor; that the batch marks to be used (if different from those of the applicant) will be only those of which the key is specified in this agreement that the expiration date used for the batch will be only that assigned to the manufacturer by certification; that the labeling to be used for such packages will be only that of which specimens are attached to this agreement (including specimens of all brochures and other printed matter, except readily available medical publications, referred to in such labeling); that when any change is made in such key or labeling he will promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes; that he will not remove any of such antibiotic drug from such establishment unless it complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 433.17 or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records of the disposition of each such shipment and delivery; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(4) When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such batch complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is exempt under section 801(d) of the act or § 433.17 or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery of any part thereof, before or after labeling from such establishment unless such batch complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is exempt under section 801(d) of the act or § 433.17 or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 433.13 Exemption for manufacturing use.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of any certifiable antibiotic drug subject to the regulations in this chapter that is packed in containers of not less than 10,000,000 units of penicillin or 10 grams each of one of the other antibiotic drugs shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in the establishment where it is so used, from the requirements of section 502(l) of the act or the certification requirements of section 512(n) of the act, if it conforms to the standards prescribed therefor by the section of the regulations in this chapter which is specifically applicable to such other antibiotic drug, if the label of each container bears the batch mark of the drug, the number of units or grams per package, and the date on which the latest assay of the drug was completed, and if the person who introduced each shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for manufacturing use in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, shall give the name and location of the establishment in which such drug is to be used and shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for the manufacture of such other drug; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof and showing the quantity and batch mark of each batch of such other drug manufactured by him and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after its manufacture is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 433.12, 433.14, 433.16, or 433.17, and that he will not remove any of such drug from such establishment unless it complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is so exempt or is returned to him for labeling.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801(d) of the act.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801(d) of the act.

§ 433.14 Exemption for storage.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be stored at a warehouse located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such warehouse, from the requirements of section 502(l) of the act or the certification requirements of section 512(n) of the act if the labeling of each shipping container bears the batch mark of the drug, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for storage in such warehouse.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the warehouse in which such drug is to be stored. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or §§ 433.12, 433.13, or 433.16, that he will not remove any of such drug from such warehouse unless it complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is so exempt or, if certification is refused unless it is returned within a

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reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such warehouse, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery; and

(2) A written statement signed by the operator of such warehouse showing that he has adequate facilities for such storage; such statement shall contain an agreement that he will hold each shipment or other delivery of such drug intact, under such conditions as will not cause failure of the drug to comply with the requirements for certification, that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

If the applicant keeps complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug from such warehouse and the name and post-office address of the person to whom such shipment or delivery was made, the agreement to keep records of such disposals, to make such records available, and to afford opportunity for checking their correctness may be included in the applicant's agreement and omitted from that of the operator. When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such warehouse, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is exempt under section 801(d) of the act or §§ 433.12, 433.13, or 433.16, or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such warehouse, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is exempt under section 801(d) of the act or §§ 433.12, 433.13, or 433.16, or, if certification is refused, unless such shipment or delivery within a reasonable time, is destroyed, or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 433.15 Exemption for processing.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of any certifiable antibiotic drug subject to the regulations in this chapter in concentrated aqueous solution which is to be processed at an establishment located elsewhere than at the place of manufacture shall be exempt during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502(l) of the act or the certification requirements of section 512(n) of the act, if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for processing in such establishment, and each package of such solution bears the batch mark of the drug.

(b) An application for such a permit shall be in a form specified by the Commissioner and shall give the name and location of the establishment in which such processing is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, potency, and batch mark of each shipment and other delivery of any such solution to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery;

(2) A written agreement signed by the operator of such establishment showing that he has adequate facilities for such processing; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 year after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the processing is completed that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or §§ 433.12, 433.13, 433.14, 433.16, or 433.17, and that he will not remove any of such drug from such establishment unless it complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is so exempt.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502(l) or the certification requirements of section 512(n) of the act or is exempt under section 801(d) of the act or §§ 433.12, 433.13, 433.14, 433.16, or 433.17, or, if certification is refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502(l) of the act or is exempt under section 801(d) of the act or §§ 433.12, 433.13, 433.14, 433.16, or 433.17, or, if certification has been refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

§ 433.16 Exemption for repacking.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be repacked at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding such establishment from the requirements of section 502(l) of the act or the certification requirements of section 512(n) of the act if the labeling of each container bears the batch mark of the drug and the number of units per package, and if the person who introduces such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for repacking in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such repacking is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of each shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such repacking; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the repacking is completed that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or §§ 433.12, 433.13, 433.14, or 433.17, and that he will not remove any of such drug from such establishment unless it complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is so exempt or is returned to him for labeling or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is exempt under section 801(d) of the act or §§ 433.12, 433.13, 433.14, or 433.17, or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502(l) of the act or the certification requirements of section 512(n) of the act or is exempt under section 801(d) of the act or §§ 433.12, 433.13, 433.14, or 433.17, or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 433.17 Exemption for investigational use.

A shipment or other delivery of an antibiotic drug shall be exempt from section 502(l) of the act or the certification requirements of section 512(n) of the act if all the procedures outlined in § 312.1 or § 135.3 of this chapter are complied with. For the purposes of this section, the references in § 312.1 or § 135.3 of this chapter to "new drug" and "approved new animal drug application" shall be deemed to read "antibiotic drug" and "approval for certification or exemption from certification" respectively.

Subpart C—Specific Use Exemptions

§ 433.20 Antibiotic drugs for isolation and differentiation of microorganisms in clinical use.

Antibiotic drugs subject to section 507 of the act shall be exempt from section 502(l) if such drugs are:

(a) Paper discs impregnated with antibiotics in the amounts listed in the following table:

Antibiotic	*Content per Disc*
Bacitracin	0.04 unit.
Nystatin	100 units.

(b) Packaged in a container bearing on its label or labeling the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency of each disc in the batch.

(iii) The expiration date as prescribed under § 432.5(a)(3) of this chapter.

(iv) The statement: Not for Susceptibility Testing.

(2) On the labeling within or attached to the package: Adequate directions for use.

§ 433.21 Antibiotics for diagnostic use.

Antibiotics packaged for the withdrawal of individually weighed portions and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled shall be exempt from the certification requirements of section 502(l) and 507 of the act and the certification requirements of section 512(n) of the act if they comply with all the following conditions:

(a) The potency, moisture content, and identity comply with the standards prescribed for the antibiotic by the specific regulations issued in this chapter.

(b) It is packaged in immediate containers that are tight containers as defined by the U.S.P. Each such container shall contain not more than 1 gram.

(c) Each package bears on the label or labeling of its outside wrapper or container and the immediate container the following:

(1) The statements "For the withdrawal of individual portions of antibiotic. Each portion must be weighed before use. Diagnostic reagent. For professional use only."

(2) The number of milligrams or grams contained in each immediate container and the potency per milligram.

(3) The batch mark.

(4) The statement "Expiration date ----------", the blank being filled in with the date that does not exceed the expiration date authorized for the antibiotic by this chapter.

(d) The circular or other labeling within or attached to the package bears directions adequate for the use of such drug.

Cross References: For tests and methods of assay and certification of antibiotic sensitivity discs for laboratory diagnosis of disease, see §§ 460.1 and 460.6 of this chapter.

§ 433.22 Biologic drugs that contain antibiotics as a preservative.

Biological drugs that contain any certifiable antibiotic drug subject to the regulations in this chapter, and the purpose of the antibiotic is for use only as a preservative and the biological drug is conspicuously so labeled, shall be exempt from the requirements of sections 502(l) and 507 of the act and the certification requirements of section 512(n) of the act, if such drugs are licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U.S.C. 201 et seq.) or under the Virus-Serum-Toxin Act of March 4, 1913 (37 Stat. 832; 21 U.S.C. 151 et seq.).

§ 433.23 Microbiological culture media containing antibiotics.

Microbiological culture media that contain any certifiable antibiotic drug subject to the regulations in this chapter shall be exempt from the requirements of sections 502(l) and 507 of the act and the certification requirements of section 512(n) of the act if:

(a) They are intended for use in tissue culture and the antibiotic drug is added solely for use as an aid in the prevention of microbial contamination; or

(b) They are intended for use in the isolation of selected organisms from mixed cultures and the antibiotic drug is added solely for use as an aid in such isolation; and

(c) The certifiable antibiotic drug used in such culture media complies with

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the applicable standards of identity, strength, quality, and purity prescribed therefor.

§ 433.24 Exemption of antibiotic drugs for use in teaching, law enforcement, research, and analysis.

Antibiotic drugs subject to section 507 or 512(n) of the act shall be exempt from the requirements of section 502(l) and from the certification requirements of section 512(n) of the act if shipped or sold to, or in the possession of, persons regularly and lawfully engaged in instruction in pharmacy, chemistry, or medicine not involving clinical use; or in law enforcement; or in research not involving clinical use; or in chemical analysis or physical testing, provided they are to be used only for such instruction, law enforcement, research, analysis, or testing, and provided further that their labels bear the statement "Not for drug use."

§ 433.25 Antibiotic drugs intended for export.

(a) Unless exempted pursuant to section 507(c) or 512(n)(3) of the Federal Food, Drug, and Cosmetic Act, antibiotic drugs consigned to persons engaged in export shipment of the articles are fully subject to the certification requirements of sections 502(l) and 507 of the act or of section 512(n) of the act. Further, unless exempted pursuant to section 507(d), 512(n)(4), or 801(d) of the act, such shipments are required to be labeled in full conformance with the act and regulations promulgated thereunder. In order to qualify for exemption under section 801(d) of the act, the drugs, at the time of introduction into interstate commerce, must be marked for export, must accord to the specifications of the foreign purchaser, and must not be in conflict with the laws of the country to which they are intended for export. The initial shipper has a responsibility to meet all the conditions of section 801(d) if exemption is to be claimed.

(b) Section 433.12 provides exemption from labeling. If the original shipper has an effective exemption permit under the regulations in this Part 433, the exporting firm named in the exemption permit may be allowed to receive and to hold the unlabeled drugs under the exemption until the conditions of section 801(d) are satisfied.

Subpart D—Records and Reports

§ 433.30 Records retention.

At the option of the person having control of records required to be kept by any regulation in this Part 433, photostatic or other permanent reproductions may be substituted for such records after the first 2 years of the holding period.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Subpart A—Definitions; Interpretations; Requirements

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436.1 Sterility requirements of items packaged with sterile antibiotic drugs.
436.2 Alternative assay methods.

Subpart B—Sterility Test Methods

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436.20 Sterility test methods and procedures.

Subpart C—Biological Test Methods

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436.200 Loss on drying.
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436.211 Identity test by infrared spectrophotometry.
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Subpart F—Chemical Tests for Specific Antibiotics

436.300 Polarimetric assay of carbenicillin indanyl sodium.
436.301 Thin layer chromatography identity test for carbenicillin indanyl.
436.302 Clindamycin vapor phase chromatography.
436.303 Clindamycin content of clindamycin palmitate hydrochloride by vapor phase chromatography.
436.304 Clindamycin phosphate vapor phase chromatography.
436.305 Thin layer chromatographic identity test for hetacillin.
436.306 Lincomycin vapor phase chromatography.
436.307 Spectinomycin vapor phase chromatography.
436.308 Paper chromatography identity test for tetracyclines.
436.309 Anhydrotetracyclines and 4-epianhydrotetracycline.
436.310 Thin layer chromatography identity test for mitomycin.

Subpart G—Chemical Tests for Nonantibiotic Active Ingredients

436.400 Thin layer chromatographic identity test for iodochlorhydroxyquin.

Subpart H—Tests for Specific Antibiotic Dosage Forms

436.500 Penicillin in oil and wax.
436.503 Procaine penicillin and buffered crystalline penicillin for aqueous injection.
436.504 Penicillin-bacitracin ointment.
436.505 Penicillin-streptomycin-bacitracin ointment; penicillin-dihydrostreptomycin-bacitracin ointment; penicillin-streptomycin-bacitracin methylene disalicylate ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment.
436.506 Benzathine penicillin G and buffered crystalline penicillin for aqueous injection.
436.507 Benzathine-procaine-buffered crystalline penicillins for aqueous injection.
436.508 Penicillin - bacitracin - neomycin ointment; penicillin-bacitracin-neomycin in oil.
436.509 Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin-dihydrostreptomycin-polymyxin in oil; procaine penicillin-streptomycin-polymyxin ointment; procaine penicillin-dihydro-streptomycin-polymyxin ointment.
436.510 Penicillin - streptomycin - erythromycin ointment; penicillin-dihydro-streptomycin - erythromycin ointment.
436.511 Penicillin-streptomycin-bacitracin methylene disalicylate-neomycin ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate-neomycin ointment.
436.512 Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil.
436.513 Chlortetracycline troches; tetracycline hydrochloride troches.
436.514 Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical.
436.515 Capsules tetracycline and oleandomycin phosphate; capsules tetracycline and troleandomycin; capsules tetracycline hydrochloride and oleandomycin phosphate; capsules tetracycline hydrochloride and troleandomycin.
436.516 Tetracycline-neomycin complex powder topical; tetracycline hydrochloride-neomycin sulfate powder topical.
436.517 Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets; bacitracin methylene disalicylate-neomycin tablets.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357), unless otherwise noted.

Subpart A—Definitions; Interpretations; Requirements

§ 436.1 Sterility requirements of items packaged with sterile antibiotic drugs.

(a) *Diluents packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with an immediate container of a diluent, the immediate container of diluent shall be sterile when tested by the method prescribed in § 436.20(e)(1).

(b) *Droppers packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with a dropper, such dropper shall be sterile when tested by the method prescribed in § 436.20(e)(1).

§ 436.2 Alternative assay methods.

Alternative assay methods (including automated procedures) employing the same basic chemistry or microbiology as the official methods described in this part and in the individual monographs of this chapter may be used, provided the results obtained are of equivalent accuracy. However, only the results obtained from the official methods designated in the individual monographs are conclusive.

Subpart B—Sterility Test Methods

§ 436.20 Sterility test methods and procedures.

(a) *Laboratory facilities.* The test must be performed using aseptic techniques in an area as free from contamination as is possible to achieve. Testing should not be conducted under direct exposure to ultraviolet light or in areas under aerosol treatment. Environmental tests to assess the suitability of testing conditions should be made frequently enough to assure the validity of test results.

(b) *Equipment and reagents*—(1) *Bacterial membrane filter.* The filter has a nominal porosity of 0.45 micron±0.02 micron, a diameter of approximately 47 millimeters, and a flowrate of 55 milliliters to 75 milliliters of distilled water passing each square centimeter of filter area per minute with a differential pressure of 70 centimeters of mercury at 25° C.

(2) *Penicillinase solutions.* When the amount of penicillinase to be used is specified in terms of Levy units, use a penicillinase solution standardized in terms of Levy units. One Levy unit of penicillinase inactivates 59.3 units of penicillin G in 1 hour at 25° C. and at a pH of 7.0 in a phosphate buffered solution of a pure alkali salt of penicillin G when the substrate is in sufficient concentration to maintain a zero order reaction.

(c) *Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F. In lieu of preparing the media from the individual ingredients, they may be made from dehydrated mixtures which, when reconstituted with distilled water, have the same or equivalent composition as such media and have growth-promoting buffering, and oxygen tension-controlling properties equal to or better than such media. The pH of each medium should be adjusted with 2*N* hydrochloric acid or sodium hydroxide before sterilization, so that after sterilization and the addition of the penicillinase, if necessary, the pH will fall within the specified range. Dispense 90±10 milliliter quantities of the liquid media into individual test tube (38 millimeters x 200 millimeters). Close the tubes with suitable closures, and sterilize in an autoclave at 121° C. for 20 minutes. The autoclave temperature should be reached within 10 minutes. After sterilization, cool the medium at once to approximately 25° C. and store at 20° C. to 30° C. The sterility of each lot of tubes of liquid medium may be confirmed by incubating an adequate number of tubes as described in the test procedures in paragraph (e) of this section.

(1) *Medium A.* Use U.S.P. fluid thioglycolate medium I.

(2) *Medium B.* Use U.S.P. fluid thioglycolate medium I, with sufficient sterile penicillinase added to inactivate the penicillin activity in the sample under test. The penicillinase must be added to individual tubes of sterile medium A, using aseptic technique. Prior to use, or at the time of the test, a representative number of the tubes containing added penicillinase are incubated at 30° C.–32° C. for 24 hours to 48 hours, and are examined for sterility. If the sample contains penicillin as the only antibiotic, the ability of the penicillinase to inactivate all the penicillin in the sample under test is checked as follows: Add to one test tube of medium B the proper amount of penicillin from one of the individual containers under test. Then add 1.0 milliliter of a 1:1,000 dilution of an 18–24 hour culture of *Staphylococcus aureus* (American Type Culture Collection 6538–P)[1] in medium A. Typical microbial growth must be observable after 24 hours incubation at 30° C.–32° C. If the sample contains a mixture of penicillin plus some other antibiotic or antibacterial agent, the ability of the penicillinase to inactivate all the penicillin in the sample is not tested directly on the sample under test, but is determined separately, using an amount of penicillin alone equivalent to the amount of penicillin in the sample or by any other suitable method for standardizing the penicillin-inactivating power of the penicillinase preparation.

(3) *Medium C.* To each liter of medium A add 5.0 milliliters of polysorbate 80 before sterilization. To each tube of sterilized medium add sufficient sterile penicillinase, and proceed as directed for medium B.

(4) *Medium D.* To each liter of medium A add 5.0 milliliters of polysorbate 80 and sufficient 2*N* sodium hydroxide so that the pH will be 7.9±0.1 after sterilization. Then add sufficient sterile penicillinase to each tube and proceed as directed for medium B.

(5) *Medium E.* Use U.S.P. XVIII soybean-casein digest medium.

(6) *Medium F.* To each liter of medium E add 5.0 milliliters of polysorbate 80 before sterilization. To each tube of sterilized medium add sufficient sterile penicillinase to solubilize the penicillin in the sample to be tested.

(7) *Medium G.* Prepare as follows:

Peptic digest of animal tissue	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.6±0.1.

Suspend the powder in a liter of distilled water. Allow to stand for 5 minutes, then mix thoroughly. Boil for 1 or 2 minutes or until solution is complete. Dispense in suitable flasks and sterilize at 121° C. for 15 minutes. Aseptically pour approximately 25-milliliter quantities into sterile Petri dish bottoms measuring 20 millimeters x 100 millimeters. Cover plates with sterile porcelain tops, glazed on the outside. Allow plates to stand at room temperature for 48 hours prior to use as a control on the sterility of the plates.

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

(8) *Medium H.* Prepare, sterilize, and dispense as described for medium G, except as follows:

Dextrose	40.0 gm.
Peptic digest of animal tissue	10.0 gm.
Agar	15.0 gm.
Distilled, water, q.s.	1,000.0 ml.

pH 6.6±0.1 after sterilization.

(9) *Medium I.* To each liter of Medium A add 1 milliliter of *p-tert*-octyiphenoxy polyethoxyethanol.

(10) *Medium J.* To each liter of Medium E add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol.

(11) *Medium K. (Rinse medium).* Prepare as follows:

Peptic digest of animal tissue: 5.0 gm.
Beef extract: 3.0 gm.
p-tert-octylphenoxy polyethoxyethanol: 10.0 ml.
Distilled water, q.s.: 1,000.0 ml.
pH 6.9±0.2 after sterilization.

(12) *Medium L.* To each liter of Medium A add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol and approximately 10,000 Levy units of penicillinase.

(13) *Medium M.* To each liter of Medium E add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol and approximately 10,000 Levy units of penicillinase.

(d) *Diluting fluids*—(1) *Diluting fluid A.* Dissolve 1 gram of U.S.P. peptic digest of animal tissue or equivalent in sufficient distilled water to make 1,000 milliliters. Dispense in flasks and sterilize as described in paragraph (c) of this section. Final pH=7.1±0.1.

(2) *Diluting fluid B.* To each liter of diluting fluid A add 5.0 milliliters of polysorbate 80 before sterilization.

(3) *Diluting fluid C.* To each liter of diluting fluid A add 0.5 gram of sodium thioglycollate, and adjust with NaOH so that after sterilization the final pH will be pH 6.6±0.6. Dispense in flasks and sterilize as described in paragraph (c) of this section.

(4) *Diluting fluid D.* To each liter of diluting fluid A add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol. Dispense in flasks and sterilize as described in paragraph (c) of this section. Final pH=7.1±0.1.

(5) *Diluting fluid E.* Dispense 100-milliliter portions of isopropyl myristate into 250-milliliter flasks and sterilize by filtration through a 0.22 micron membrane filter and aseptically dispense into sterile 250-milliliter flasks.

(6) *Diluting fluid F*—To each liter of diluting fluid A add 20 grams of disodium edetate, and adjust with NaOH so that after sterilization the final pH will be 7.1±0.1. Dispense in flasks and sterilize as described in paragraph (c) of this section.

(e) *Conduct of test*—(1) *Bacterial membrane filter method*—(i) *Sample preparation*—(a) *Antibiotic drug.* From each of 20 immediate containers, aseptically transfer approximately 300 milligrams of solids if it is not a liquid drug, or 1 milliliter by volume if it is a liquid drug, or the entire contents if the container contains less than these amounts; except that if it is a liquid drug containing penicillin in a concentration greater than 300,000 units per milliliter, use the

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volume that contains 300,000 units, into a sterile 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. (If it is a composite sample packaged in one immediate container in accordance with the requirements of § 431.5(b) of this chapter, transfer the entire contents, or approximately 6 grams, into the Erlenmeyer flask.) Stopper the flask and swirl to dissolve the drug. As soon as the sample has completely dissolved, proceed as directed in paragraph (e)(1)(ii) of this section. If the pooled portions from 20 containers will not dissolve completely in 200 milliliters of diluting fluid or will not filter rapidly, 400 milliliters of diluting fluid may be used or two separate tests may be performed using a pool of 10 containers for each test.

(b) *Diluent packaged in combination with a sterile drug.* Using the entire contents from each of 20 immediate containers, proceed as directed in paragraph (e)(1)(ii) of this section.

(c) *Sterile droppers packaged in combination with a sterile drug.* Prepare 20 clean, empty containers of approximately the same size as those in which the sterile antibiotic drug is packaged. To each container add diluting fluid A in a volume approximately the same as that of the sterile drug when it is prepared for dispensing. Cap the containers, sterilize by autoclaving at 121° C. for 20 minutes, and then allow to cool to room temperature. Aseptically open each dropper package and remove each dropper in turn. Use each aseptically to remove 1 milliliter of the fluid from a separate sterile container prepared as described above. Aseptically transfer the fluid to a 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. Stopper the flask and proceed as directed in paragraph (e)(1)(ii) of this section.

(ii) *Test procedure.* Aseptically filter the solution through a bacteriological membrane filter. All air entering the filtering system is filtered through air filters capable of removing microorganisms. Filter three 100-milliliter quantities of diluting fluid A through the membrane. For the penicillin and cephalosporin classes of antibiotics, add sufficient penicillinase to diluting fluid A to inactivate the residual antibiotic activity on the membrane after filtration. By means of a sterile circular blade, paper punch, or any other suitable sterile device, cut a circular portion (approximately 17.5 millimeters in diameter) from the center of the filtering area. Transfer the cut center area to a sterile 38 by 200 millimeter (outside dimensions) test tube containing 90±10 milliliters of sterile medium A. Incubate the tube for 7 days at 30°–32° C. Using sterile forceps, transfer the remaining outer portion of the membrane into a second similar tube containing 90±10 milliliters of medium E. Incubate the second tube for 7 days at 22°–25° C.

(2) *Direct method.* From each of 20 immediate containers, transfer approximately 300 milligrams of solids if it is not a liquid drug, or 1 milliliter by volume if it is a liquid drug, or the entire contents if it contains less than these amounts, except if it is a liquid drug containing penicillin in a concentration greater than 300,000 units per milliliter use that volume that contains 300,000 units, into individual sterile test tubes (38 millimeters x 200 millimeters) containing 90±10 milliliters of medium A. Incubate all tubes at 30° C. to 32° C. for 7 days. Gently agitate the tubes every 1 to 3 days or until complete solubilization occurs. At intervals, examine all tubes for visible growth. If growth is observed in any tube, confirm by microscopic examination. From each of the same 20 immediate containers, transfer a second portion (equivalent to that portion initially transferred to the tubes containing medium A) to individual sterile test tubes (38 millimeters x 200 millimeters) containing 90±10 milliliters of medium E, except when each container does not have sufficient material to provide for the two similar-size portions, obtain the second portion from 20 additional immediate containers. Incubate all tubes at 22° C. to 25° C. for 7 days. Gently agitate the tubes every 1 to 3 days or until complete solubilization occurs. At intervals, examine all tubes for visible growth. If growth is observed in any tube, confirm by microscopic examination.

(3) *Bacterial membrane filter method for ophthalmic ointments*—(i) *Ointments that do not contain penicillin.* From each of 10 immediate containers aseptically transfer 0.1 gram of the product into a sterile 250-milliliter flask containing 100 milliliters of diluting fluid E which has previously been heated to a temperature of 47° C. Repeat the process, using 10 additional containers. Swirl both of the flasks to dissolve the ointment. Immediately aseptically filter each solution through a separate bacteriological membrane filter previously moistened with approximately 0.2 milliliter of medium K. Filter all air entering the system through air filters capable of removing microorganisms. Remove any residual antibiotic from the membranes by rinsing each filter five times with 100 milliliters of medium K. The membranes should be covered with fluid throughout each step of the filtration procedure until the end of the last filtering step. By means of a sterile circular blade, paper punch, or other suitable sterile device, cut a circular portion (approximately 17.5 millimeters in diameter) from the center of the filtering area of each membrane. Transfer the center portion of the filtering area of each filter to a sterile test tube 38 millimeters x 200 millimeters (outside dimensions) containing 90 milliliters±10 milliliters of sterile medium L. Incubate the tube for 7 days at 30° C. to 32° C. Using sterile forceps transfer the outer portion of each filter to a similar test tube containing 90 milliliters±10 milliliters of sterile medium J. Incubate this tube for 7 days at 22° C. to 25° C.

(ii) *Ointments containing penicillin.* Proceed as directed in paragraph (e)(3)(i) of this section, except in lieu of sterile medium I use sterile medium L for the center portion of the filtering area of each filter and in lieu of sterile medium J use sterile medium M for the remaining outer portion of each filter.

(f) *Evaluation of results*—(1) *Bacterial membrane-filter method.* The batch, or the part of the batch represented by a particular filling operation, meets the requirements of the test if no sample tube shows growth. If growth is observed in any sample tube, run a second test in the appropriate medium, except perform it in duplicate, using 40 immediate containers. If in the original test, growth is observed in only one of the two media, test both portions of the cut filter membrane by placing each into a separate tube of the same medium. The batch meets the requirements if no tube on the second test shows growth. If growth is observed in any of the control tubes as well as in the sample tubes in either the original or the second test, such test is invalid and must be performed again. In any event, further tests may be justified if there is sufficient reason to believe that the results obtained in the first and second tests may not be valid. In such instances, the batch is satisfactory if on the final test no tube shows growth.

(2) *Direct method.* The batch, or the part of the batch represented by a particular filling operation, meets the requirements of the test if no tube shows growth after incubation. If growth is observed in any sample tube, run a second test in the appropriate medium using 40 immediate containers. The batch is satisfactory if, on the second test, no tube shows growth. If growth is observed in any of the control tubes (except inoculated tubes, if the sample is penicillin) as well as in the sample tubes in either the original or the second test, such test is invalid and must be performed again. In any event, further tests may be justified if there is sufficient reason to believe that the results obtained on the first and second tests may not be valid. In such instances the batch is satisfactory if in the final test no tube shows growth.

Subpart C—Biological Test Methods

§ 436.31 Equipment and diluents for use in biological testing.

(a) *Equipment*—(1) *Temperature-measuring devices.* Use an accurate clinical theromometer or any other temperature-measuring device of equal sensitivity that has been tested to determine the time necessary to reach the maximum reading.

(2) *Pyrogen-free glassware.* Render all glassware free from pyrogens by heating at 250° C. for not less than 30 minutes or by any other suitable method.

(3) *Pyrogen-free syringes and needles.* Render all syringes and needles free from pyrogens by heating at 250° C. for not less than 30 minutes or by any other suitable method.

(4) *Pyrogen-free sodium chloride.* Heat sodium chloride for not less than 2 hours at 200° C.

(b) *Diluents.* (1) Diluent 1 (pyrogen-free water): Prepare pyrogen-free water by collecting freshly distilled water and sterilizing it in an autoclave at 121° C. for not less than 20 minutes. Pyrogen-free water meets the requirements for the absence of pyrogens as described in § 436.32(a)(3) when 10 milliliters per kilogram are administered as described in § 436.32(a)(2). In testing water for the absence of pyrogens, the aliquot to be tested is made isotonic by the addition of pyrogen-free sodium chloride.

(2) Diluent 2 (pyrogen-free saline solution): Prepare an isotonic solution of sodium chloride by dissolving 9.0 grams of pyrogen-free sodium chloride (prepared as described in § 436.31(a)(4)) in pyrogen-free, distilled water (diluent 1) to make 1,000 milliliters. Sterilize in an autoclave at 121° C. for not less than 20 minutes. Pyrogen-free saline solution meets the requirements for the absence of pyrogens as described in § 436.32(a)(3) when 10 milliliters per kilogram are administered as described in § 436.32(a)(2).

(3) Diluent 3 (sterile distilled water): Prepare freshly distilled water. Sterilize in an autoclave at 121° C. for 20 minutes.

(4) Diluent 4 (sterile saline solution): Dissolve 9.0 grams of sodium chloride in distilled water to make 1,000 milliliters. Sterilize in an autoclave at 121° C. for 20 minutes.

(5) Diluent 5 (10 percent gum acacia): Dissolve 10 grams of gum acacia in approximately 50 milliliters of distilled water. Allow to stand overnight at room temperature and dilute to 100 milliliters with distilled water. Filter through cotton. Store under refrigeration.

(6) Diluent 6 (0.5 percent gum acacia in distilled water).

(7) Diluent 7 (1.0N hydrochloric acid).

(8) Diluent 8 (0.1N hydrochloric acid).

(9) Diluent 9 (0.05N sodium hydroxide).

(10) Diluent 10 (1 percent U.S.P. methylcellulose (4,000 centipoises) solution): Dissolve 1 gram of U.S.P. methylcellulose (4,000 centipoises) in 100 milliliters of distilled water. Allow to stand overnight at room temperature or until solution is complete. Store under refrigeration.

(11) Diluent 11 (0.12*N* sodium hydroxide).

(12) Diluent 12 (0.5 percent methylcellulose (4,000 centipoises) in distilled water). Proceed as directed in paragraph (b)(10) of this section, except use 0.5 gram of methylcellulose (4,000 centipoises).

§ 436.32 Pyrogen test.

(a) *Method 1*—(1) *Test animal.* Use healthy, mature rabbits weighing not less than 1,800 grams each that have maintained their weight on an antibiotic-free diet for at least 1 week under the environmental conditions specified in this section. House the animals individually in an area of uniform temperature (±3° C.) and free from disturbances likely to excite them. Do not use animals for pyrogen tests more frequently than once every 48 hours or prior to 2 weeks following their having been given a test sample that was adjudged pyrogenic. Before using an animal that has not been used for a test during the previous 2 weeks, condition it 1 to 2 days prior to pyrogen testing by conducting a sham test as directed in paragraph (a)(2) of this section, omitting the injection.

(2) *Procedure.* Using equipment and diluents described in § 436.31, as necessary, perform the test in an area where the animals are housed or under similar environmental conditions. On the day of the test: Withhold all food from the animals being used until after completion of the test, except that access to water may be allowed; and determine the "control temperature" of each animal by inserting the temperature-measuring device into the rectum of the test animal to a depth of not less than 7.5 centimeters and allowing sufficient time to reach a maximum temperature, as previously determined, before taking the reading. In any one test use only those animals whose control temperatures do not deviate by more than 1° C. from each other and do not use any animal with a temperature exceeding 39.8° C. The control temperature recorded for each rabbit constitutes the temperature from which any subsequent rise following the injection of the material is calculated. If the product is packaged for dispensing and is in a combination package with a container of diluent, dilute the product as directed in the labeling. Warm the product to be tested to approximately 37° C. Dilute the sample with sterile, pyrogen-free saline (prepared as described in § 436.31(b)(2)) to the appropriate concentration specified in the individual section for each antibiotic to be tested. Inject a test dose of 1 milliliter of the diluted sample per kilogram of rabbit weight into an ear vein of each of three rabbits within 30 minutes subsequent to the control temperature reading. Record the temperature at 1, 2, and 3 hours subsequent to the injection.

(3) *Evaluation.* If no rabbit shows an individual rise in temperature of 0.6° C. or more above its respective control temperature, and if the sum of the three temperature rises does not exceed 1.4° C., the sample meets the requirements for the absence of pyrogens. If one or two rabbits show at temperature rise of 0.6° C. or more, or if the sum of the temperature rises exceeds 1.4° C., repeat the test using five other rabbits. If not more than three of the eight rabbits show individuals rises in temperature of 0.6° C. or more, and if the sum of the eight temperature rises does not exceed 3.7° C., the sample meets the requirements for the absence of pyrogens.

(b) *Method 2.* Proceed as directed in paragraph (a) of this section, except dilute the sample with pyrogen-free water (diluent 1).

(c) *Method 3.* Proceed as directed in paragraph (a) of this section, except dilute the sample with pyrogen-free water (diluent 1) and inject a test dose of 2.0 milliliters of the diluted sample per kilogram of rabbit weight.

(d) *Method 4.* Proceed as directed in paragraph (a) of this section, except inject a test dose of 0.5 milliliter of the diluted sample per kilogram of rabbit weight.

(e) *Method 5.* Proceed as directed in paragraph (a) of this section, except dilute the sample with pyrogen-free water (diluent 1) and inject a test dose of 0.5 milliliter of the diluted sample per kilogram of rabbit weight.

(f) *Method 6.* Proceed as directed in paragraph (a) of this section, except dilute sample with 0.05 *N* sodium hydroxide (diluent 9).

§ 436.33 Safety test.

(a) *Test animal.* Use healthy white mice (preferably of a known strain) not previously used in drug safety testing that are maintained on a diet of pellet food and water ad lib. On the day of test, use only those mice that weight not less than 18 grams nor more than 25 grams. During the test, each group of mice administered a sample should be housed in a suitable container and receive adequate food and water. A constant temperature environment is desirable at all times.

(b) *Preparation and administration of sample solutions.* For each antibiotic drug listed in the table in this paragraph, select the appropriate diluent, test dose (concentration and volume), and route of administration and proceed as directed in paragraph (c) of this section. If the product is packaged for dispensing and is in a combination package with a diluent, dilute the product as directed in the labeling, and then proceed as directed in this paragraph.

Antibiotic drug	Diluent (diluent number as listed in sec. 436.31)	Test dose		Route of administration as described in paragraph (c) of this section
		Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	
Aluminum penicillin	3	4,000 units	.5	Intravenous.
Amphotericin B	6	50 mg	.4	Oral.
Amphotericin B for injection	3	0.05 mg	.5	Intravenous
Ampicillin	9	20 mg	.5	Do.
Ampicillin trihydrate	9	20 mg	.5	Do.
Bacitracin	4	200 units	.5	Do.
Bacitracin methylene disalicylate	5	1,000 units	1.0	Oral.
Benzathine penicillin G	4	4,000 units	.25	Intravenous.
Benzathine phenoxymethyl penicillin	4	4,000 units	.25	Do.
Calcium chlortetracycline syrup	3	25 mg	.5	Oral.
Calcium novobiocin	4	2 mg	.5	Intravenous.
Calcium oxytetracycline	5	25 mg	.5	Oral.
Capreomycin sulfate	4	1.0 mg	.5	Intravenous.
Carbenicillin indanyl sodium	3	100	.5	Oral
Cefazolin sodium	3	80 mg	.5	Intravenous.
Cephalexin monohydrate [1]	12	10 mg	.5	Oral.
Cephaloglycin [1]	5	120.0 mg	.5	Do.

See footnotes at end of table.

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Antibiotic drug	Diluent (diluent number as listed in sec. 436.31)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Test dose: Route of administration as described in paragraph (c) of this section
Cephaloridine	3	80 mg	.5	Intravenous.
Cephapirin sodium	3	40 mg	.5	Do.
Chloramphenicol	4	5 mg	.5	Do.
Chloramphenicol palmitate	5	60 mg	1.0	Oral.
Chloramphenicol sodium succinate	4	20 mg	.5	Intravenous.
Chloroprocaine penicillin O	4	2,000 units	.5	Do.
Chlortetracycline	(1)	2 mg	.5	Intravenous:
Chlortetracycline bisulfate	3	2 mg	.4	Do.
Chlortetracycline hydrochloride	3	2 mg	.5	Do.
Clemizole penicillin G	(1)	4 mg	.25	Do.
Clindamycin hydrochloride hydrate	4	4 mg	.5	Do.
Clindamycin palmitate hydrochloride	3	80 mg	1.0	Oral.
Clindamycin phosphate	4	20 mg	.5	Intravenous.
Colistin sulfate	3	0.4 mg	.5	Oral.
Cycloserine	4	22 mg	.5	Intravenous:
Demeclocycline	(1)	2 mg	.5	Do.
Demeclocycline hydrochloride	3	2 mg	.5	Do.
Diethylaminoethyl ester penicillin G hydriodide	4	2,000 units	.5	Do.
Dihydrostreptomycin sulfate	3	2 mg	.5	Do.
Disodium carbenicillin	3	40 mg	.5	Do.
Doxycycline hyclate	4	5 mg	.5	Do.
Doxycycline hyclate for injection	4	2 mg	.5	Do.
Doxycycline monohydrate	(1)	100 mg	.5	Oral:
Erythromycin	5	30 mg	1.0	Do.
Erythromycin estolate	5	40 mg	.5	Do.
Erythromycin ethylcarbonate	5	100 mg	.5	Do.
Erythromycin ethylsuccinate	5	80 mg	.5	Do.
Erythromycin gluceptate	3	2 mg	.5	Intravenous:
Erythromycin lactobionate for injection	3	5 mg	.5	Do.
Erythromycin stearate	(1)	80 mg	.5	Oral.
Gentamicin sulfate	4	1 mg	.5	Intravenous:
Gramicidin [2]	5	5 mg	.5	Subcutaneous.
Griseofulvin	5	250 mg	.5	Oral.
Kanamycin	11	45 mg [3]	.4	Intravenous.
Hydrabamine penicillin G [2]	(1)	100 mg	.5	Oral.
Hydrabamine phenoxymethyl penicillin [2]	(1)	100 mg	.5	Do.
Kanamycin sulfate	3	2 mg	.5	Intravenous.
Lincomycin hydrochloride monohydrate	4	4 mg	.5	Do.
Methacycline hydrochloride	3	2 mg	.5	Do.
Minocycline hydrochloride	3	2 mg	.5	Do.
Mitomycin [3]	3	0.2 mg	.5	Do.
Neomycin sulfate	4	0.2 mg	.5	Do.
Nystatin	6	1,200 units	.5	Intraperitoneal.
Oleandomycin phosphate	4	5 mg	.5	Intravenous.
Oxytetracycline	(1)	2 mg	.5	Do.
Oxytetracycline hydrochloride	3	2 mg	.5	Do.
Paromomycin sulfate	3	5 mg	.5	Do.
Penicillamine	10	100 mg	1.0	Oral.
Phenoxymethyl penicillin	4	2,000 units	.5	Intravenous.
Polymyxin B sulfate	4	1,200 units	.5	Do.
Potassium benzylpenicillin	4	5 mg [3]	.5	Do.
Potassium penicillin G	3	4,000 units	.5	Do.
Potassium phenethicillin	4	4,000 units	.5	Do.
Potassium phenoxymethyl penicillin	4	2,000 units	.5	Do.
Procaine penicillin G	4	2,000 units	.5	Do.
Rifampin	10	6 mg	1.0	Oral.
Rolitetracycline	3	2 mg	.5	Intravenous.
Rolitetracycline nitrate	3	2 mg	.5	Do.
Sodium ampicillin	3	40 mg	.5	Do.
Sodium cephalothin	3	40 mg	.5	Do.
Sodium cloxacillin monohydrate	3	16 mg	.5	Do.
Sodium colistimethate	3	1.5 mg	.5	Do.
Sodium dicloxacillin monohydrate	4	20 mg	.5	Do.
Sodium methicillin	4	100 mg	.5	Do.
Sodium nafcillin	4	16 mg	.5	Do.
Sodium nafcillin monohydrate	4	16 mg	.5	Do.
Sodium novobiocin	4	4 mg	.5	Do.
Sodium oxacillin	4	20 mg	.5	Do.
Sodium penicillin G	3	4,000 units	.5	Do.
Spectinomycin hydrochloride	4	16 mg	.5	Do.
Streptomycin sulfate	3	2 mg	.5	Do.
Streptonicozid sulfate	5	1 mg	.5	Do.
Tetracycline	(1)	2 mg	.5	Do.
Tetracycline hydrochloride	3	2 mg	.5	Do.
Tetracycline phosphate	(1)	2 mg	.5	Do.
Troleandomycin	4	200 mg	.5	Oral.
Venezomycin hydrochloride	4	4 mg	.5	Intravenous.
Vlomycin sulfate	4	2 mg	.5	Do.
Zinc bacitracin	3	4,000 units	.5	Oral.

[1] To prepare the sample solution, proceed as directed in the individual section of the antibiotic drug regulations in this chapter for the antibiotic to be tested.

[2] Ampicillin activity.

[3] Use the observation period specified in the individual section of the antibiotic drug regulations in this chapter for the antibiotic to be tested in lieu of the 48-hour-observation period specified in paragraph (d) of this section.

(c) *Procedure.* Use sterile glassware, syringes, and needles. To each of five mice, administer the appropriate test dose by one of the following routes of administration:

(1) *Intravenous.* Use a 26-gauge needle, three-quarter inch or 1 inch in length. Inject the test dose into a lateral tail vein of each mouse. The injection should be made at the rate of 0.1 milliliter per second.

(2) *Intraperitoneal.* Use a 26-gauge needle, one-quarter inch in length. Inject the test dose through the abdominal wall into the peritoneal cavity of each mouse.

(3) *Subcutaneous.* Use a 26-gauge needle, one-half inch in length. Inject the test dose subcutaneously at a site on the abdominal or dorsal surface.

(4) *Oral.* By means of a cannula or other suitable device, administer the test dose orally.

(d) *Evaluation.* Observe the mice for 48 hours. Note mortality at 24 hours and 48 hours. If no animal dies within the observation period, the sample passes the safety test. If one or more animals die within the observation period, repeat the test one or more time using for each test 5 or more previously unused mice weighing 20 grams (±0.5 gram) each. If repeat test are required, the sample passes the safety test if the total number of dead mice is no greater than 10 percent of the total number of animals tested, including the original test.

§ 436.35 Histamine test.

(a) *Test animal.* Use healthy, adult cats, each weighing not less than approximately 2.5 kilograms. Either males or nonpregnant females may be used.

(b) *Preparation of the histamine standard.* Use the U.S.P. Reference Standard histamine dihydrochloride. Prepare a solution in sterile distilled water (diluent 3) to contain the equivalent of 1.0 milligram of histamine base per milliliter. Dispense in approximately 0.5-milliliter aliquots in sealed glass ampoules and store under refrigeration until used. Dilute one of the 0.5-milliliter aliquots in 49.5 milliliters of sterile, distilled water (diluent 3) to give a stock solution containing 10 micrograms of histamine base per milliliter. The stock solution may be stored under refrigeration for 1 month. On the day of the test, prepare a standard solution containing 1.0 microgram of histamine base per milliliter of distilled water (diluent 3) and proceed as directed in paragraph (d) of this section.

(c) *Preparation of sample test solution.* For each antibiotic listed in the table in this paragraph, select the appropriate diluent and test dose (concentration and volume) and proceed as directed in paragraph (d) of this section. If the product is packaged for dispensing and is in a combination package with a container of diluent, dilute the product as directed in the labeling.

Antibiotic	Diluent (diluent number as listed in Sec. 436.31(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
Capreomycin sulfate	4	2.0	1.0
Chloramphenicol [1]	6	5.0	0.6
Chloramphenicol sodium succinate	4	5.0	.6
Chlortetracycline hydrochloride	3	5.0	.6
Clindamycin phosphate	4	5.0	1.0
Dihydrostreptomycin sulfate	4	2.0	1.0
Doxycycline hyclate	4	5.0	1.0
Lincomycin hydrochloride monohydrate	4	5.0	1.0
Mino cycline hydrochloride	4	5.0	.6
Mithramycin	3	0.050	1.0
Mitomycin	3	0.050	1.0
Oxytetracycline [1]	3	2.0	.6
Oxytetracycline hydrochloride	4	5.0	.6
Rolitetracycline	4	5.0	.6
Rolitetracycline nitrate	4	5.0	.6
Sodium colistimethate	4	2.0	1.0
Spectinomycin hydrochloride	4	16.0	1.0
Streptomycin sulfate	4	2.0	1.0
Tetracycline hydrochloride	4	5.0	.6
Tetracycline phosphate [1]	3	5.0	.6
Viomycin sulfate	4	5.0	.6

[1] To prepare the test solution, proceed as directed in the individual section of the antibiotic drug regulation in this chapter for the antibiotic to be tested.

(d) *Procedure.* Determine the weight of the animal and place under general anesthesia by intraperitoneal injection of any suitable medium- or long-acting anesthetic that does not unduly affect the level or stability of the blood pressure. Surgically expose the common carotid artery and by blunt dissection separate it completely from all surrounding structures, including the vagus nerve. Insert a cannula connected to a manometer arranged for making a continuous record of blood pressure. Surgically expose the femoral vein. Start the recording kymograph and inspect the tracings for amplitude of excursion and relative stability of pressure. Determine the sensitivity of the animal by injecting into the femoral vein standard solutions of histamine made to contain the equivalent of 1.0 microgram of histamine base per milliliter (prepared as described in paragraph (b) of this section). Make injections at not less than 5-minute intervals using doses of 0.05, 0.1, and 0.15 microgram of histamine base per kilogram of animal weight. Repeat these injections, disregarding the first series of readings, until the drop given by equivalent doses of histamine is relatively uniform. The decrease in blood pressure given by 0.1 microgram per kilogram of histamine base (not less than 20 millimeters of mercury) is subsequently employed as the standard in testing samples. Prepare the test solution by diluting the sample to the proper concentration with the appropriate diluent as designated in paragraph (c) of this section. Inject the appropriate dose of the test solution alternating with a dose of the standard solution equivalent to 0.1 microgram of histamine base per kilogram, maintaining the 5-minute injection schedule. (When a common cannula is used for both the standard and sample solutions, each injection of the standard and test solution should be immediately followed by an injection of approximately 2.0 milliliters of sterile saline (described in § 436.31(b)(4)) to flush any residual activity from the tubing.) If a significant decrease in blood pressure is encountered, the test dose is repeated after the animal has been retested with the standard histamine. The animal may be used as long at it remains reasonably stable and responsive to histamine.

(e) *Evaluation of results.* The product is satisfactory if the decrease in blood pressure obtained with the appropriate dose of the test solution is not greater than the decrease obtained with 0.1 microgram of histamine base per kilogram of body weight.

Subpart D—Microbiological Assay Methods

§ 436.100 Laboratory equipment.

Equipment should be selected which is adequate for its intended use and should be thoroughly cleansed after each use to remove any antibiotic residues. The equipment should be kept covered when not in use. Clean glassware intended for holding and transferring the test organisms should be sterilized in a hot air oven at 200–220° C. for 2 hours. Volumetric flasks, pipettes, or accurately calibrated diluting devices should be used when diluting standard and sample solutions.

(a) *Microbiological agar diffusion assay*—(1) *Cylinders.* Use stainless steel cylinders with an outside diameter of 8 millimeters (±0.1 millimeter), an inside diameter of 6 millimeters (±0.1 millimeter), and a length of 10 millimeters (±0.1 millimeter).

(2) *Plates.* Plastic or glass Petri dishes may be used, having dimensions of 20 by 100 millimeters. Covers should be of porcelain, glazed on the outside. These covers should be washed frequently enough to keep them clean, heated in a muffle furnace, and cooled before use.

(b) *Microbiological turbidimetric assay*—(1) *Tubes.* Tubes which give satisfactory results and have uniform length and diameter should be used. If reusable tubes are employed, care must be taken to remove not only all antibiotic residues from the previous test but also all traces of cleaning solution.

(2) *Colorimeter.* Use a suitable photoelectric colorimeter at a wavelength of 530 millimicrons. Set the instrument at zero absorbance with clear, uninoculated broth prepared as described in the applicable method for the antibiotic being assayed.

§ 436.101 Solutions.

(a) Antibiotic assay solutions are prepared as follows (solution numbers 1, 2, 3, 4, and 6 correspond to those used in "Assay Methods of Antibiotics," D. C. Grove and W. A. Randall, Medical Encyclopedia, Inc., New York, N.Y. (1955) [1] p. 222):

(1) *Solution 1 [2] (1 percent potassium phosphate buffer, pH 6.0).*

Dibasic potassium phosphate: 2.0 gm.
Monobasic potassium phosphate: 8.0 gm.
Distilled water, q.s: 1,000.0 ml.

Adjust with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 5.95 to 6.05 after sterilization.

(2) *Solution 2 (citrate buffer solution, pH 6.3).*

Citric acid: 13.2 gm.
Sodium hydroxide: 7.06 gm.
Sodium citrate: 97.0 gm.
Distilled water, q.s: 1,000.0 ml.

Adjust with 10 percent citric acid solution or 10*N* sodium hydroxide to yield pH 6.2 to 6.4 after sterilization.

(3) *Solution 3 (0.1M potassium phosphate buffer, pH 8.0).*

Dibasic potassium phosphate: 16.73 gm.
Monobasic potassium phosphate: 0.523 gm.
Distilled water, q.s: 1,000.0 ml.

Adjust with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 7.9 to 8.1 after sterilization.

(4) *Solution 4 (0.1M potassium phosphate buffer, pH 4.5).*

Monobasic potassium phosphate: 13.6 gm.
Distilled water, q.s: 1,000.0 ml.

Adjust with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 4.45 to 4.55 after sterilization.

(5) [Reserved]

(6) *Solution 6 (10 percent potassium phosphate buffer, pH 6.0).*

Dibasic potassium phosphate: 20.0 gm.
Monobasic potassium phosphate: 80.0 gm.
Distilled water, q.s: 1,000.0 ml.

Adjust with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 5.95 to 6.05 after sterilization.

(7) through (9) [Reserved]

(10) *Solution 10 (0.2M potassium phosphate buffer, pH 10.5).*

Dibasic potassium phosphate: 36.0 gm.
10 N potassium hydroxide: 2.0 ml.
Distilled water, q.s: 1,000.0 ml.

Adjust with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 10.4 to 10.6 after sterilization.

(11) *Solution 11 (10 percent potassium phosphate buffer, pH 2.5).*

Monobasic potassium phosphate: 100.0 gm.
Concentrated hydrochloric acid: 0.2 ml. (approximately).
Distilled water, q.s: 1,000.0 ml.

Adjust with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 2.0 to 2.8 after sterilization.

[1] Available from: Medical Encyclopedia Inc., 30 East 60th St., New York, NY

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(12) *Solution 12 (10 percent potassium phosphate buffer, pH 7.0).*

Monobasic potassium phosphate: 100.0 gm.
Distilled water, q.s: 1,000.0 ml.

Adjust with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 6.95 to 7.05 after sterilization.

(13) *Solution 13 (0.01N methanolic hydrochloric acid).*

1.0*N* hydrochloric acid: 10.0 ml.
Methyl alcohol, q.s: 1,000.0 ml.

(14) *Solution 14 (2 percent sodium bicarbonate solution).*

Sodium bicarbonate: 20.0 gm.
Distilled water, q.s: 1,000.0 ml.

Prepare daily.

(15) *Solution 15 (80 percent isopropyl alcohol solution).*

Isopropyl alcohol: 800.0 ml.
Distilled water, q.s: 1,000.0 ml.

(16) [Reserved]

(17) *Solution 17 (5 percent methyl alcohol in 1 percent potassium phosphate buffer, pH 6.0).*

Methyl alcohol: 50.0 ml.
1 percent potassium phosphate buffer, pH 6.0, q.s.: 1,000.0 ml.

§ 436.102 Culture media.

(a) *Ingredients.* Use ingredients that conform to the standards, if any, prescribed by the U.S.P. or N.F. In lieu of preparing the media from the individual ingredients specified, they may be made from dehydrated mixtures that, when reconstituted with distilled water, have the same composition as such media. Minor modifications of the individual ingredients specified in this section are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(b) *Description of media.* Medium numbers 1, 2, 3, 4, 5, 8, 9, 10, 11, and 13 correspond to those used in "Assay Methods of Antibiotics," D. C. Grove and W. A. Randall, Medical Encyclopedia, Inc., New York, N.Y. (1955)[1] p. 220. Medium numbers 18 through 21 correspond to those used in "Outline of Details for Official Microbiological Assays of Antibiotics," A. Kirshbaum and B. Arret, "Journal of Pharmaceutical Sciences," vol. 56, No. 4, April 1967,[2] p. 512.

(1) *Medium 1.*

Peptone: 6.0 gm.
Pancreatic digest of casein: 4.0 gm.
Yeast extract: 3.0 gm.
Beef extract: 1.5 gm.
Dextrose: 1.0 gm.
Agar: 15.0 gm.
Distilled water, q.s: 1,000.0 ml.
pH 6.5 to 6.6 after sterilization.

(2) *Medium 2.*

Peptone: 6.0 gm.
Yeast extract: 3.0 gm.
Beef extract: 1.5 gm.
Agar: 15.0 gm.
Distilled water, q.s: 1,000.0 ml.
pH 6.5 to 6.6 after sterilization.

[1] Available from: Medical Encyclopedia Inc., 30 East 60th St., New York, NY.
[2] Available from: American Pharmaceutical Association, 2215 Constitution Ave N.W., Washington, DC 20037.

(3) *Medium 3.*

Peptone: 5.0 gm.
Yeast extract: 1.5 gm.
Beef extract: 1.5 gm.
Sodium chloride: 3.5 gm.
Dextrose: 1.0 gm.
Dipotassium phosphate: 3.68 gm.
Potassium dihydrogen phosphate: 1.32 gm.
Distilled water, q.s: 1,000.0 ml.
pH 6.95 to 7.05 after sterilization.

(4) *Medium 4.*

Peptone: 6.0 gm.
Yeast extract: 3.0 gm.
Beef extract: 1.5 gm.
Dextrose: 1.0 gm.
Agar: 15.0 gm.
Distilled water, q.s: 1,000.0 ml.
pH 6.5 to 6.6 after sterilization.

(5) *Medium 5.* Medium 5 is the same as medium 2, except adjust the final pH to 7.8 to 8.0 after sterilization.

(6) and (7) [Reserved]

(8) *Medium 8.* Medium 8 is the same as medium 2, except adjust the final pH to 5.8 to 6.0 after sterilization.

(9) *Medium 9.*

Pancreatic digest of casein: 17.0 gm.
Papaic digest of soybean: 3.0 gm.
Sodium chloride: 5.0 gm.
Dipotassium phosphate: 2.5 gm.
Dextrose: 2.5 gm.
Agar: 20.0 gm.
Distilled water q.s: 1,000.0 ml.
pH 7.2 to 7.3 after sterilization.

(10) *Medium 10.* Medium 10 is the same as medium 9, except:

Agar: 12.0 gm.
Polysorbate 80 (add polysorbate 80 after boiling the medium to dissolve the agar): 10.0 ml.
pH7.2 to 7.3 after sterilization.

(11) *Medium 11.* Medium 11 is the same as medium 1, except adjust the final pH to 7.8 to 8.0 after sterilization.

(12) [Reserved]

(13) *Medium 13.*

Peptone: 10.0 gm.
Dextrose: 20.0 gm.
Distilled water, q.s: 1,000.0 ml.
pH 5.6 to 5.7 after sterilization.

(14) through (17) [Reserved]

(18) *Medium 18.* Medium 18 is the same as medium 11, except boil to dissolve the ingredients and then add 20 milliliters of polysorbate 80.

(19) *Medium 19.*

Peptone: 9.4 gm.
Yeast extract: 4.7 gm.
Beef extract: 2.4 gm.
Sodium chloride: 10.0 gm.
Dextrose: 10.0 gm.
Agar: 23.5 gm.
Distilled water, q.s: 1,000.0 ml.
pH 6.0 to 6.2 after sterilization.

(20) *Medium 20.*

Dextrose: 40.0 gm.
Peptone: 10.0 gm.
Agar: 15.0 gm.
Chloramphenicol: 0.05 gm. (activity)
Distilled water, q.s: 1,000.0 ml.
pH 5.6 to 5.7 after sterilization.

(21) *Medium 21.* Use medium 20, sterilized and cooled to 50° C. Aseptically add 2 milliliters of a sterile cycloheximide solution to each 100 milliliters of the melted agar. Sterile cycloheximide solution is prepared by filtering a solution containing 10 milligrams of cycloheximide per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(22) *Medium 22.*

Dextrose: 40.0 gm.
Peptone: 10.0 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 5.6 to 5.7 after sterilization.

(23) *Medium 23.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile erythromycin solution to give a final concentration of 600 micrograms of erythromycin activity per milliliter of medium. Sterile erythromycin solution is prepared by filtering a solution containing 10 milligrams of erythromycin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(24) *Medium 24.* Same as medium 1, except use 30 grams of agar per liter, in lieu of 15 grams per liter.

(25) *Medium 25.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile dihydrostreptomycin sulfate solution to give a final concentration of 1,000 micrograms of dihydrostreptomycin activity per milliliter of medium. Sterile dihydrostreptomycin sulfate solution is prepared by filtering a solution containing 10 milligrams of dihydrostreptomycin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(26) *Medium 26.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile tetracycline hydrochloride solution to give a final concentration of 100 micrograms of tetracycline activity per milliliter of medium. Sterile tetracycline hydrochloride solution is prepared by filtering a solution containing 10 milligrams of tetracycline per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(27) *Medium 27.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile neomycin sulfate solution to give a final concentration of 100 micrograms of neomycin activity per milliliter of medium. Sterile neomycin sulfate solution is prepared by filtering a solution containing 10 milligrams of neomycin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(28) *Medium 28.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile dihydrostreptomycin sulfate solution to give a final concentration of 500 micrograms of dihydrostreptomycin activity per milliliter of medium. Sterile dihydrostreptomycin sulfate solution is prepared by filtering a solution containing 10 milligrams of dihydrostreptomycin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(29) *Medium 29.*

Beef extract: 6.0 gm.
Peptone: 10.0 gm.
Agar: 15.0 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 7.8 to 8.0 after sterilization.

(30) and (31) [Reserved]

(32) *Medium 32.* Prepare as medium 1, except add 300 milligrams of hydrated manganese sulfate ($MnSO_4 \cdot H_2O$) to each liter of medium.

(33) *Medium 33.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile sodium novobiocin solution to give a final concentration of 10 micrograms of novobiocin activity per milliliter of medium. Sterile sodium novobiocin solution is prepared by filtering a solution containing 2.5 milligrams of novobiocin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

§ 436.103 Test organisms.

(a) *Preparation of test organism suspensions.* For each test organism listed in the following table, select the media (as listed by medium number in § 436.102 (b)), incubation period of the Roux bottle, suggested dilution factor, and suggested storage period for the particular test organism and proceed by the appropriate method described in paragraph (b) of this section. Test organism letters A through K, M and N correspond to those used in "Outline of Details for Official Microbiological Assays of Antibiotics," A. Kirshbaum and B. Arret, "Journal of Pharmaceutical Sciences," vol. 56, No. 4, p. 512 (Apr. 1967).[1]

Test organisms	Method used	Medium used for the—		Incubation period of Roux bottle	Suggested dilution factor	Suggested storage period of suspensions under refrigeration
		Slants	Roux bottles			
Test organism A—*Staphylococcus aureus* (ATCC 6538P).[2]	1	1	1	24 hours	1:20	1 week.
Test organism B—*Sarcina subflava* (ATCC 7468).[2]	1	1	1	24 hours	1:30	2 weeks.
Test organism C—*Sarcina lutea* (ATCC 9341).[2]	1	1	1	24 hours	1:40	2 weeks.
Test organism D—*Staphylococcus epidermidis* (ATCC 12228).[2]	1	1	1	24 hours	1:14	1 week.
Test organism E—*Saccharomyces cerevisiae* (ATCC 9763).[2]	6 or 7	19	19	48 hours	1:30	4 weeks.
Test organism F—*Bordetella bronchiseptica* (ATCC 4617).[2]	1	1	1	24 hours	1:20	2 weeks.
Test organism G—*Bacillus cereus* var. *mycoides* (ATCC 11778).[2]	8	1	1	1 week		6 months.
Test organism H—*Bacillus subtilis* (ATCC 6633).[2]	1 or 2	1	1	24 hours		6 months.
Test organism I—*Klebsiella pneumoniae* (ATCC 10031).[2]	1	1	32	5 days		6 months.
Test organism J—*Escherichia coli* (ATCC 10536).[2]	1	1	1	24 hours	1:26	1 week.
Test organism K—*Streptococcus faecalis* (ATCC 10541).[2]	8		1	24 hours	1:20	2 weeks.
Test organism L—*Micrococcus flavus* (ATCC 10240).[2]	1	1	1	24 hours		24 hours.
Test organism M—*Microsporum gypseum* (ATCC 14689).[2]	4				1:26	4 weeks.
Test organism N—*Sarcina lutea*, resistant to dihydrostreptomycin (ATCC 9341a).[2]	1	1	1	24 hours		2 months.
Test organism O—*Staphylococcus aureus*, resistant to novobiocin (ATCC 12698).[2]	1	25	25	24 hours	1:40	2 weeks.
Test organism P—*Staphylococcus aureus*, resistant to dihydrostreptomycin (ATCC 6538-DR).	1	25	25	24 hours	1:10	4 weeks.
Test organism Q—*Staphylococcus aureus*, resistant to tetracycline (ATCC 12715).[2]	1	25	25	24 hours	1:20	4 weeks.
Test organism R—*Sarcina subflava*, resistant to dihydrostreptomycin (ATCC 7468(R)).[2]	1	26	26	24 hours	1:30	1 week.
Test organism S—*Sarcina lutea*, resistant to erythromycin (ATCC 12697).[2]	1	26	26	24 hours	1:30	2 weeks.
Test organism T—*Saccharomyces cerevisiae* (ATCC 201).[2]	7	19	19	48 hours	1:40	2 weeks.
Test organism U—*Micrococcus flavus*, resistant to neomycin (ATCC 14452).[2]	1	27	27	48 hours	1:30	4 weeks.
Test organism V—*Micrococcus flavus*, resistant to dihydrostreptomycin (ATCC 10240A).[2]	1	28	28	48 hours	1:26	4 weeks.
Test organism W—*Pseudomonas aeruginosa* (ATCC 25619).[2]	1	1	1	24 hours	1:26	2 weeks.

[1] If the antibiotic to be tested is oleandomycin, paromomycin, or triacetyloleandomycin, the dilution factor is 1:25.
[2] Available from American Type Culture Collection, 12301 Parklawn Dr., Rockville, MD. 20852.

(b) *Methods for preparation of test organism suspensions*—(1) *Method 1*—(i) *Preparation of suspension.* Maintain organisms on agar slants containing 10 milliliters of the appropriate medium. Incubate the slants at 32° C.–35° C. for 24 hours. Using 3 milliliters of sterile U.S.P. saline T.S., wash the growth from the agar slant onto a large agar surface, such as a Roux bottle, containing 250 milliliters of the appropriate medium. Spread the suspension of organisms over the entire surface of the Roux bottle with the aid of sterile glass beads. Incubate the Roux bottle at 32° C.–35° C. Wash the resulting growth from the agar surface with 50 milliliters of sterile U.S.P. saline T.S.

(ii) *Standardization of suspension.* Determine the dilution factor that will give a 25-percent light transmission at a wavelength of 580 millimicrons using a suitable photoelectric colorimeter and a 13-millimeter diameter test tube as an absorption cell. It may be necessary to adjust the suspension. Determine the amount of suspension to be added to each 100 milliliters of agar or nutrient broth by the use of test plates or test broth. Store the test organism suspension under refrigeration.

(2) *Method 2.* Proceed as directed in paragraph (b) (1) of this section, except in lieu of paragraph (b) (1) (ii) thereof, heat-shock and standardize the suspension as follows: Centrifuge and decant the supernatant liquid. Resuspend the sediment with 50 to 70 milliliters of sterile U.S.P saline T.S. and heat the suspension for 30 minutes at 70° C. Use test plates to assure the viability of the spores and to determine the amount of spore suspension to be added to each 100 milliliters of agar. Maintain the spore suspension under refrigeration.

(3) *Method 3.* Proceed as directed in paragraph (b) (1) of this section, except in lieu of paragraph (b) (1) (ii) thereof, heat-shock and standardize the suspension as follows: Heat the suspension for 30 minutes at 70° C. Wash the spore suspension three times with 25 to 50 milliliters of sterile distilled water. Resuspend the organisms in 50 to 70 milliliters of sterile distilled water and heat-shock again for 30 minutes at 70° C. Use test plates to assure the viability of the spores and to determine the amount of spore suspension to be added to each 100 milliliters of agar. Maintain the spore suspension under refrigeration.

(4) *Method 4.* Grow the organisms for 6 to 8 weeks at 25° C. in several 3-liter wide-mouth Erlenmeyer flasks, each containing 200 milliliters of Medium 22 as described in § 436.102(b)(22). Check the growth for sporulation. When sporulation is 80 percent or greater, harvest the spores on the mycelial layer with a sterile spatula or other convenient instrument. The spores are on top of the floating mat. Place harvested spore material in 50 milliliters of saline.

(5) *Method 5.* Maintain the test organisms in 100-milliliter quantities of nutrient broth—Medium 3 as described in § 436.102(b)(3). For the test prepare a fresh subculture by transferring a loopful of the stock culture to 100 milliliters of the same nutrient broth and incubate for 16 to 18 hours at 37° C. Store this broth culture under refrigeration.

(6) *Method 6.* Maintain the test organisms on agar slants containing 10 milliliters of the medium specified in paragraph (a) of this section. Incubate the slants at 32° C.–35° C. for 24 hours. Inoculate 100 milliliters of nutrient broth—Medium 13 as described in § 436.102(b)(13). Incubate for 16 to 18 hours at 37° C. Proceed as directed in paragraph (b) (1) (ii) of this section.

(7) *Method 7.* Proceed as directed in paragraph (b) (1) of this section, except incubate the slants at 30° C. for 24 hours and incubate the Roux bottle at 30° C. for 48 hours.

§ 436.104 Penicillin activity.

Use penicillin-free equipment and glassware.

(a) *Preparation of inoculated plates.* Proceed as directed in § 436.105(a), using 10 milliliters of medium 1 for the base layer. For the seed layer, use 4 milliliters of medium 4, inoculated with the amount of test organism C which gave the clearest, sharpest zones of inhibition measuring 17 to 21 millimeters in diameter when standardized as described in § 436.103(b)(1)(ii). Disposable plastic covers may be used in lieu of porcelain covers. Use the plates the same day they are prepared.

(b) *Preparation of working standard stock solutions and standard response*

[3] Available from: American Pharmaceutical Association, 2215 Constitution Ave N.W., Washington, DC 20037.

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lines solutions. Proceed as directed for penicillin G in § 436.105(b), except dilute the working standard stock solution to a final concentration of 100 units of penicillin G per milliliter and use the following final concentrations for the standard response line: 0.005, 0.0125, 0.025, 0.050, 0.100, and 0.200 unit of penicillin G per milliliter. The 0.050 unit of penicillin G-per-milliliter solution is the reference concentration of the assay.

(c) *Sample preparation.* Dissolve 1.0 gram of the sample in sufficient distilled water to make 18 milliliters. Filter if not clear. Transfer 9.0 milliliters to a separatory funnel, and add 20 milliliters of amyl acetate. Add 1 milliliter of 10 percent potassium phosphate buffer, pH 2.5 (solution 11 as described in § 436.101), shake, allow to separate, and draw off the aqueous layer into a second separatory funnel. Check the pH of the aqueous solution with pH paper, and readjust with concentrated hydrochloric acid if the pH is three or above. Extract again with 20 milliliters or amyl acetate, discard the aqueous phase, and combine the amyl acetate extracts. Wash the extracts with 10 milliliters of 1 percent potassium phosphate buffer, pH 2.5, and discard the buffer wash. Extract the penicillin from the amyl acetate with a 10-milliliter aliquot of 1 percent potassium phosphate buffer, pH 6.0 (solution 1 as described in § 436.101). This is the assay solution.

(d) *Procedure for assay.* For the standard response line, use a total of 15 plates, (three plates for each response line solution, except the reference concentration solution, which is included on each plate). On each set of three plates, fill three alternate cylinders with the reference concentration solution and the other three cylinders with the concentration of the response line under test. Thus, there will be 45 reference concentration zones of inhibition and nine zones of inhibition for each of the other concentrations of the response line. Treat a portion of the sample solution (2 to 5 milliliters) with 0.1 milliliter of penicillinase solution and incubate at 37° C. for 1 hour. For each sample tested, use three plates. On each plate fill two cylinders with the 0.050 unit of penicillin G per milliliter standard, two cylinders with the untreated sample, and two cylinders with the penicillinase-treated sample. Incubate all plates, including those of the standard response line, overnight at 30° C. A zone of inhibition with the untreated sample and no zone with the penicillinase-treated sample are a positive test for penicillin. If a position test is obtained, measure the diameters of the zones of inhibition using an appropriate measuring device such as a millimeter rule, calipers, or an optical projector.

(e) *Estimation of penicillin G activity.* To prepare the standard response line, average the diameters of the standard reference concentration and average the diameters of the standard response line concentration tested for each set of three plates. Average also all 45 diameters of the reference concentration. The average of the 45 diameters of the reference concentration is the correction point of the response line. Correct the average diameter obtained for each concentration to the figure it would be if the average reference concentration diameter for that set of three plates were the same as the correction point. Thus, if in correcting the 0.025 penicillin G concentration, the average of the 45 readings of the 0.050 unit of penicillin G-per-milliliter concentration is 18.5 millimeters and the average of the 0.050 unit of penicillin G-per milliliter concentration of this set of three plates is 18.3 millimeters, the correction is +0.2 millimeters. If the average reading of the 0.025 unit of penicillin G-per-milliliter concentration of these same three plates is 15.5 millimeters, the corrected value is 15.7 millimeters. Plot these corrected values, including the average of the 0.050 unit of penicillin G-per-milliliter concentration, on semilogarithmic graph paper using the penicillin concentration in units per milliliter on the logarithmic scale and the diameter of the zone of inhibition on the arithmetic scale. Draw the line of best fit through these points. To estimate the sample potency, average the zone diameters of the standard and the zone diameters of the sample on the three plates used. If the average zone diameter of the sample is lower than that of the standard, substract the difference between them from the reference concentration diameter of the standard response line. From the response line, read the concentrations corresponding to these corrected values of zone diameters. Multiply the concentration by the dilution factor to obtain the units of penicillin G per sample size tested.

§ 436.105 Microbiological agar diffusion assay.

Using the sample solution prepared as described in the section for the particular antibiotic to be tested, proceed as described in paragraphs (a), (b), (c), and (d) of this section.

(a) *Preparation of inoculated plates.* For each antibiotic listed in the table in this paragraph, select the media (as listed by medium number in § 436.102 (b)), the amount of media to be used in the base and seed layers, the test organism (as listed in § 436.103(a)), and the suggested inoculum and prepare the inoculated plates as follows: Prepare the base layer by adding the appropriate amount of agar to each Petri dish (20 by 100 millimeters). Distribute the agar evenly in the plates and allow it to harden on a flat, level surface. To prepare the seed layer, add the suggested inoculum of the test organism suspension to a sufficient amount of agar, which has been melted and cooled to 48° C.–50° C. Swirl the flask to obtain a homogeneous suspension, and add the appropriate amount of the inoculated media to each of the plates containing the uninoculated base agar. Spread evenly over the agar surface, cover with porcelain covers glazed on the outside, and allow to harden on a flat, level surface. After the agar has hardened, place 6 cylinders described in § 436.100(a)(1) on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8–centimeter radius.

Antibiotic	Media to be used (as listed by medium number in § 436.102(b))		Milliliters of media to be used in the base and seed layers		Test Organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation Temperature for the plates
	Base layer	Seed layer	Base layer	Seed layer			
						Milliliters	*Degrees C.*
Amphomycin	2	1	21	4	U	0.5	37
Amphotericin B	None	19	None	8	E	1.0	30
Ampicillin	11	11	21	4	C	0.5	32–35
Bacitracin	2	1	21	4	B	0.2	32–35
Bacitracin	2	1	21	4	L	0.2	32–35
Carbenicillin	9	10	21	4	W	[3]0.5	37
Cefazolin	2	1	21	4	A	0.05	32–35
Cephalexin	2	1	21	4	A	0.05	32–35
Cephaloglycin	2	1	21	4	A	0.2	32–35
Cephaloridine	2	1	21	4	A	0.1	32–35
Cephalothin	2	1	21	4	A	0.1	32–35
Cephapirin	2	1	21	4	A	0.05	32–35
Chloramphenicol	1	1	21	4	G	2.0	32–35
Chlortetracycline	8	8	21	4	G	(1)	30
Clindamycin	11	11	21	4	C	1.5	37
Cloxacillin	2	1	21	4	A	0.1	32–35
Colistimethate, sodium	9	10	21	4	F	0.1	37
Colistin	9	10	21	4	F	0.1	37
Cycloserine	2	1	10	4	A	0.04	30
Dactinomycin	8	8	10	4	H	(1)	37
Dicloxacillin	2	1	21	4	A	0.1	32–35
Dihydrostreptomycin	8	8	21	4	H	(1)	37
Erythromycin	11	11	21	4	G	1.5	32–35
Gentamicin	17	11	21	4	D	0.03	37
Griseofulvin	20	21	0	4	M	(1)	30 (for 48 hours)
Kanamycin B	8	8	21	4	H	(1)	37
Lincomycin	11	11	21	4	C	1.5	32–35
Methicillin	2	1	21	4	A	0.2	32–35
Mithramycin	8	8	10	4	A	0.1	32–35
Mitomycin	8	8	10	4	H	0.5	37
Nafcillin	2	1	21	4	A	0.2	32–35
Neomycin	11	11	21	4	A	0.5	32–35
Neomycin	11	11	21	4	D	1.0	37

See footnotes at end of table.

Antibiotic	Media to be used (as listed by medium number in § 436.102(b))		Milliliters of media to be used in the base and seed layers		Test Organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation Temperature for the plates
	Base layer	Seed layer	Base layer	Seed layer			
						Milliliters	*Degrees C.*
Novobiocin	2	1	21	4	D	4.0	35
Nystatin	None	19	None	8	T	1.0	30
Oleandomycin	11	11	21	4	D	1.0	37
Oxacillin	2	1	21	4	A	0.2	32–35
Oxytetracycline	8	8	21	4	G	(1)	30
Paromomycin	11	11	21	4	D	2.0	37
Penicillin G	2	1	21	4	A	1.0	32–35
Phenethicillin	11	11	21	4	C	0.5	32–35
Phenoxymethyl penicillin	2	1	21	4	A	1.0	32–35
Polymyxin B	9	10	21	4	F	0.1	37
Rifampin	2	2	21	4	H	0.1	30
Streptomycin	8	8	21	4	K	(1)	37
Tetracycline	9	8	21	4	G	(1)	30
Troleandomycin	18	18	21	4	D	1.0	37
Vancomycin	8	8	10	4	H	(1)	37
Viomycin	8	6	10	4	H	(1)	37

[1] Determine the amount of the inoculum by the use of test plates.
[2] Use dilution of the suspension that gives 25-percent light transmission in lieu of the stock suspension.

(b) *Preparation of working standard stock solutions and standard response line solutions.* For each antibiotic listed in the table in this paragraph, select the working standard drying conditions, solvent(s), concentrations, and storage time for the standard solutions and proceed as follows: If necessary, dry the working standard as described in § 436.200; dissolve and dilute an accurately weighed portion to the proper concentration to prepare the working standard stock solution. Store the working standard stock solution under refrigeration and do not use longer than the recommended storage time. Further dilute an aliquot of the working standard stock solution to the proper concentrations to prepare the standard response line solutions. The reference concentration of the assay is the mid concentration of the response line.

Antibiotic	Working standard stock solutions					Standard response line concentrations	
	Drying conditions (method number as listed in § 436.200)	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
Amphomycin. (The working standard stock solution should be allowed to stand overnight at room temperature to allow complete solution to take place.)	1		3	0.1 mg	14 days	3	6.4, 8.0, 10.0, 12.5, 15.6 μg.
Amphotericin B	1		Dimethylsulfoxide	1 mg.[1]	use same day	10	0.64 0.80, 1.00, 1.25, 1.56 μg. (Prepare the standard response line simultaneously with the sample solution.)
Ampicillin	Not dried		Distilled water	0.1 mg	1 week	3	0.064, 0.080, 0.100, 0.125 0.156 μg. (Prepare the standard response line simultaneously with the sample solution.)
Bacitracin	1		1	100 units	7 days	1	0.64, 0.80, 1.00, 1.25, 1.56 units.
Carbenicillin	Not dried		1	1 mg	2 weeks	1	12.8, 16.0, 20.0, 25.0, 31.2 μg.
Cefazolin	Not dried	10,000 μg per ml. in solution 6.	1	1 mg	5 days	1	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Cephalexin	Not dried		1	1 mg	7 days	1	12.8, 16.0, 20.0, 25.0, 31.2 μg.
Cephaloglycin	Not dried		Distilled water	100 μg	1 week	4	6.4, 8.0, 10.0, 12.5, 15.6 μg.
Cephaloridine	1		1	1 mg	5 days	1	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Cephalothin	1		1	1 mg	5 days	1	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Cephapirin	Not dried		1	1 mg	3 days	1	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Chloramphenicol	Not dried	10,000 μg. per ml. in ethyl alcohol.	1	1 mg	1 month	1	32.0, 40.0, 50.0, 62.5, 78.1 μg.
Chlortetracycline	Not dried		0.01*N* HCl	1 mg	4 days	4	0.064, 0.080, 0.100, 0.125, 0.156 μg.
Clindamycin	Not dried		Distilled water	1 mg	1 month	3	0.64, 0.80, 1.00, 1.25 1.56 μg.
Cloxacillin	Not dried		1	1 mg	7 days	1	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Colistimethate, sodium	1	10,000 μg. per ml. in distilled water.	6	1 mg	use same day	6	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Colistin	1	10,000 μg. per ml. in distilled water.	6	1 mg	2 weeks	6	0.64, 0.80, 1.00, 1.28, 1.56 μg.
Cycloserine	1		Distilled water	1 mg	1 month	1	32.0, 40.0, 50.0 62.5, 78.1 μg.
Dactinomycin	1	10,000 μg. per ml. in methyl alcohol.	3	1 mg	3 months	3	0.50, 0.71, 1.00, 1.41, 2.00 μg.
Dicloxacillin	Not dried		1	1 mg	7 days	1	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Dihydrostreptomycin	8		3	1 mg	30 days	3	0.64, 0.80, 1.00, 1.28, 1.56 μg.
Erythromycin	1	10,000 μg. per ml. in methyl alcohol.	3	1 mg	14 days	3	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Gentamicin	3		3	1 mg	1 month	3	0.064, 0.080, 0.100, 0.125, 0.156 μg.
Griseofulvin	Not dried		Dimethylformamide	1 mg [4]	3 months	3	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Kanamycin B (use the kanamycin sulfate working standard).	Not dried		3	1 mg	1 month	3	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Lincomycin	Not dried		Distilled water	1 mg	1 month	3	1.25, 1.60, 2.00, 2.50, 3.13 μg.
Methicillin	Not dried		1	1 mg	4 days	1	6.4, 8.0, 10.0, 12.5, 15.0 μg.
Mithramycin	7		Distilled water	0.1 mg	1 day	1	0.50, 0.7, 1.00, 1.41, 2.00 μg.
Mitomycin	Not dried		1	1 mg	14 days	1	0.50, 0.71, 1.0, 1.41, 2.0 μg.
Nafcillin	Not dried		1	1 mg	2 days	1	1.25, 1.60, 2.00, 2.50, 3.13 μg.

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Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in §436.200)	Initial solvent	Diluent (solution number as listed in §436.101 (a))	Final concentration units or micrograms per milliliter	Storage time under refrigeration	Standard response line concentrations: Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
Neomycin	1		3	1 mg.	2 weeks	3	0.64, 0.80, 1.00, 1.25, 1.56 μg. (If test organism D is used); 6.4, 8.0, 10.0, 12.5, 15.6 μg. (If test organism A is used).
Novobiocin	5	10,000 μg. per ml. in absolute ethyl alcohol.	3	1 mg.	5 days	6	0.320, 0.400, 0.500, 0.625, 0.781 μg.
Nystatin	4		Dimethylformamide.	1,000 units [3]	use same day	6	12.8, 16.0, 20.0, 25.0, 31.2 units. (Prepare the standard response line solutions simultaneously with the sample solution to be tested using red low actinic glassware.)
Oleandomycin	Not dried	10,000 μg. per ml. in ethyl alcohol.	3	1 mg.	30 days	3	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Oxacillin	Not dried		1	1 mg.	3 days	1	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Oxytetracycline	Not dried		0.1*N* HCl	1 mg.	4 days	4	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Parmomycin	1		3	1 mg.	3 weeks	3	0.64, 0.80, 1.00, 1.28, 1.56 μg.
Penicillin G	Not dried		1	1,000 units	2 days	1	0.64, 0.80, 1.00, 1.25, 1.56 units.
L-phenethicillin	Not dried		Distilled water	1,000 units	1 week	3	0.064, 0.080, 0.100, 0.125, 0.156 unit.
Phenoxymethyl penicillin	Not dried	2 ml. of methyl alcohol.	1	100 units	4 days	1	0.64, 0.80, 1.00, 1.28, 1.56 units.
Polymyxin B	1	Distilled water [4]	6	10,000 units	2 weeks	6	0.4, 8.0, 10.0, 12.5, 15.0 units.
Rifampin	Not dried		Methyl alcohol	1 mg.	1 day	1	3.20, 4.00, 5.00, 6.25, 7.81 μg./ml.
Streptomycin	1		3	1 mg.	30 days	3	0.64, 0.80, 1.00, 1.28, 1.56 μg.
Tetracycline	Not dried		0.1*N* HCl	1 mg.	1 day	4	0.64, 0.80, 1.00, 1.28, 1.56 μg.
Vancomycin	1		Distilled water	0.4 mg.	1 week	4	6.4, 8.0, 10.0, 12.5, 15.6 μg.
Viomycin	1		Distilled water	1 mg.	1 week	3	32.0, 40.0, 50.0, 62.5, 78.1 μg.

[1] Further dilute aliquots of the working standard stock solution with dimethylsulfoxide to give concentrations of 12.8, 16, 20.0, 25, and 31.2 micrograms per milliliter.
[2] Further dilute aliquots of the working standard stock solution with dimethylformamide to give concentrations of 256, 320, 400, 500, and 624 units per milliliter.
[3] Add 2 milliliters of distilled water for each 5 milligrams of weighed working standard material.
[4] Further dilute aliquots of the working standard stock solution with dimethylformamide to give concentrations of 64, 80, 100, 125, and 156 micrograms per milliliter.

(c) *Procedure for assay.* For the standard response line, use a total of 12 plates—three plates for each response line solution, except the reference concentration solution which is included on each plate. On each set of three plates, fill three alternate cylinders with the reference concentration solution and the other three cylinders with the concentration of the response line under test. Thus, there will be 36 reference concentration zones of inhibition and nine zones of inhibition for each of the four other concentrations of the response line. For each sample tested use three plates. Fill three alternate cylinders on each plate with the standard reference concentration solution and the other three cylinders with the sample reference concentration solution. After all the plates have incubated for 16 to 18 hours at the appropriate incubation temperature for each antibiotic listed in the table in paragraph (b) of this section, measure the diameters of the zones of inhibition using an appropriate measuring device such as a millimeter rule, calipers, or an optical projector.

(d) *Estimation of potency.* To prepare the standard response line, average the diameters of the standard reference concentration and average the diameters of the standard response line concentration tested for each set of three plates. Average also all 36 diameters of the reference concentration for all four sets of plates. The average of the 36 diameters of the reference concentration is the correction point of the response line. Correct the average diameter obtained for each concentration to the figure it would be if the average reference concentration diameter for that set of three plates were the same as the correction point. Thus, if in correcting the highest concentration of the response line, the average of the 36 diameters of the reference concentration is 16.5 millimeters and the average of the reference concentration of the set of three plates (the set containing the highest concentration of the response line) is 16.3 millimeters, the correction is +0.2 millimeter. If the average reading of the highest concentration of the response line of these same three plates is 16.9 millimeters, the corrected diameter is then 17.1 millimeters. Plot these corrected diameters, including the average of the 36 diameters of the reference concentration on 2-cycle semilog paper, using the concentration of the antibotic in micrograms or units per milliliter as the ordinate (the logarithmic scale), and the diameter of the zone of inhibition as the abscissa. The response line is drawn either through these points by inspection or through points plotted for highest and lowest zone diameters obtained by means of the following equation:

$$L=\frac{3a+2b+c-e}{6}$$

$$H=\frac{3e+2d+c-a}{5}$$

where:

L = Calculated zone diameter for the lowest concentration of the standard response line;

H = Calculated zone diameter for the highest concentration of the standard response line;

c = Average zone diameter of 36 readings of the reference point standard solution;

a, b, d, e = Corrected average values for the other standard solutions, lowest to highest concentration, respectively.

To estimate the potency of the sample, average the zone diameters of the standard and the zone diameters of the sample on the three plates used. If the average zone diameter of the sample is larger than that of the standard, add the difference between them to the reference concentration diameter of the standard response line. If the average zone diameter of the sample is lower than that of the standard, subtract the difference between them from the reference concentration diameter of the standard response line. From the response line, read the concentrations corresponding to these corrected values of zone diameters.

Multiply the concentration by the appropriate dilution factor to obtain the antibiotic content of the sample.

§ 436.106 Microbiological turbidimetric assay.

Using the sample solution prepared as described in the section for the particular antibiotic to be tested, proceed as described in paragraphs (a), (b), and (c) of this section.

(a) *Preparation of working standard stock solutions and standard response line solutions.* For each antibiotic listed in the table in this paragraph, select the working standard drying conditions, solvent(s), concentrations, and storage time for the standard solutions and proceed as follows: If necessary, dry the working standard as described in § 436.200; dissolve and dilute an accurately weighed portion to the proper concentration for the working standard stock solution. Store the working standard stock solution under refrigeration and do not use longer than the recommended storage time. Prepare the proper concentrations for the standard response line solutions by further diluting an aliquot of the working standard stock solution. The reference concentration of the assay is the mid concentration of the standard response line.

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in §436.200	Initial solvent	Diluent (solution number as listed in §436.101(a))	Final concentration	Storage time under refrigeration	Standard response line concentrations: Diluent (solution number as listed in §436.101(a))	Final concentrations—units or micrograms of antibiotic activity per milliliter
Candicidin [1]	6		Dimethyl sulfoxide.	1 mg.	Use same day	Distilled water	0.030, 0.043, 0.060, 0.085, 0.120 μg. (Prepare standard response line simultaneously with the sample solution.)
Capreomycin	5	Distilled water		1 mg.	7 days	Distilled water	64, 80, 100, 125, 156 μg.
Chloramphenicol	Not dried	Ethyl alcohol (10,000 μg. per ml.).	1	1 mg.	1 month	1	2.00, 2.24, 2.50, 2.80, 3.12 μg.
Chlortetracycline	Not dried		0.01*N* HCl	1 mg.	4 days	4	0.032, 0.045, 0.060, 0.075, 0.094 μg.
Cycloserine	1		Distilled water	1 mg.	1 month	Distilled water	32.0, 40.0, 50.0, 62.5, 78.1 μg.
Demeclocycline	1		0.1*N* HCl	1 mg.	4 days	4	0.064, 0.080, 0.100, 0.125, 0.156 μg.
Dihydrostreptomycin	5		Distilled water	1 mg.	30 days	Distilled water	24.0, 26.5, 30.0, 33.5, 37.5 μg.
Doxycycline	Not dried		0.1*N* HCl	1 mg.	6 days	4	0.064, 0.080, 0.100, 0.125, 0.156 μg.
Gramicidin	1		95% ethyl alcohol	1 mg.	30 days	95% ethyl alcohol	0.023, 0.034, 0.040, 0.045, 0.057 μg.
Kanamycin	Not dried		Distilled water	1 mg.	1 month	Distilled water	8.0, 8.9, 10.0, 11.2, 12.5 μg.
Methacycline	1		13	1 mg.	7 days	4	0.033, 0.043, 0.060, 0.075, 0.094 μg.
Minocycline	Not dried		0.1*N* HCl	1 mg.	2 days	4	0.070, 0.084, 0.100, 0.120, 0.143 μg.
Oxytetracycline	Not dried		0.1*N* HCl	1 mg.	4 days	4	0.164, 0.192, 0.240, 0.300, 0.375 μg.
Rolitetracycline	1		Methanol	1 mg.	1 day	4	0.160, 0.200, 0.250, 0.312, 0.390 μg.
Spectinomycin	Not dried		Distilled water	1 mg.	1 month	Distilled water	24.0, 26.5, 30.0, 33.5, 37.5 μg.
Streptomycin	1		Distilled water	1 mg.	30 days	Distilled water	24.0, 26.5, 30.0, 33.5, 37.5 μg.
Tetracycline	Not dried		0.1*N* HCl	1 mg.	1 day	4	0.164, 0.192, 0.240, 0.300, 0.375 μg.
Troleandomycin	1		15	1 mg.	Use same day	1	16.0, 20.0, 25.0, 31.2, 39.0 μg.
Tyrothricin [2]							
Viomycin	1		Distilled water	1 mg.	7 days	Distilled water	64, 80, 100, 125, 156 μg.

[1] Use sterile equipment for all stages of this assay.
[2] The gramicidin working standard and the gramicidin standard response line concentrations are used for the assay of tyrothricin.

(b) *Procedure for assay.* For each antibiotic listed in the table in this paragraph, select the test organism (as listed in § 436.103(a)), nutrient broth (as listed by medium number in § 436.102(b)), and suggested inoculum and proceed as follows: Place 1.0 milliliter (or 0.1 milliliter in the case of gramicidin and tyrothricin) of each concentration of the standard response line (prepared as described in paragraph (a) of this section) and of the sample solution in each set of three replicate tubes (as described in § 436.100(b)(1)). Fifteen tubes are used for the five-point standard response line and three for each sample. To each tube add 9 milliliters of the inoculated broth and place immediately in a water bath at the appropriate temperature for 2 to 4 hours. The exact length of the incubation period should be determined by observation of growth in the reference concentration tube of the standard. Remove the tubes from the water bath and add 0.5 milliliter of a 12-percent formaldehyde solution to each tube. Determine the absorbance value of each tube in a suitable photoelectric colorimeter, at a wavelength of 530 millimicrons. Set the instrument at zero absorbance with an uninoculated blank composed of the same amounts of nutrient broth and formaldehyde used in the assay.

Antibiotic	Test organism	Medium (nutrient broth)	Suggested volume of standardized inoculum to be added to each 100 milliliters of medium (nutrient broth)	Incubation temperature
			Milliliters	*Degrees C.*
Candicidin [1]	E	13	0.2	[2] 28
Capreomycin	I	3	0.05	37
Chloramphenicol	J	3	0.7	37
Chlortetracycline	A	3	0.1	37
Cycloserine	A	3	0.4	37
Demeclocycline	A	3	0.1	37
Dihydrostreptomycin	I	3	0.1	37
Doxycycline	A	3	0.1	37
Gramicidin	K	3	1.0	37
Kanamycin	A	3	0.2	37
Methacycline	A	3	0.1	37
Minocycline	A	3	0.2	37
Oxytetracycline	A	3	0.1	37
Rolitetracycline	A	3	0.1	37
Spectinomycin	J	3	0.1	37
Streptomycin	I	3	0.1	37
Tetracycline	A	3	0.1	37
Troleandomycin	I	3	0.1	37
Tyrothricin	K	3	1.0	37
Viomycin	I	3	0.1	37

[1] Use sterile equipment for all stages of this assay.
[2] Cover and incubate the tubes for 18 to 19 hours.

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$$L=\frac{3a+2b+c-d}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L=Calculated absorbance value for the lowest concentration of the standard response line.

H=Calculated absorbance value for the highest concentration of the standard response line.

a, b, c, d, e=Average absorbance values for each concentration of the standard response line, lowest to the highest, respectively.

(c) *Estimation of potency.* To prepare the standard response line, plot the average absorbance values for each concentration of the standard response line on one-cycle semilogarithmic graph paper with the absorbance values on the arithmetric scale and concentrations on the logarithmic scale. The response line is drawn either through these points by inspection or through points plotted for highest and lowest absorbance values obtained by means of the following equations.

To estimate the potency of the sample, average the absorbance values for the sample and determine the antibiotic concentration from the standard response line. Multiply the concentration by the appropriate dilution factor to obtain the antibiotic content of the sample.

Subpart E—General Chemical Tests for Antibiotics

§ 436.200 Loss on drying.

Use the method specified in the individual section for each antibiotic.

(a) *Method 1.* In an atmosphere of about 10 percent relative humidity, grind the sample, if necessary, to obtain a fine powder. When tablets, troches, or capsules are to be tested, use four tablets, troches, or capsules in preparing the sample. Transfer about 100 milligrams of the sample to a tared weighing bottle equipped with a ground-glass stopper. Weigh the bottle and place it in a vacuum oven, tilting the stopper on its side so that there is no closure during the drying period. Dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours. At the end of the drying period, fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel. Replace the stopper and place the weighing bottle in a desiccator over a desiccating agent, such as phosphorous pentoxide or silica gel, allow to cool to room temperature, and reweigh. Calculate the percent of loss.

(b) *Method 2.* Proceed as directed in paragraph (a) of this section, except use a tared weighing bottle or weighing tube equipped with a capillary-tube stopper, the capillary having an inside diameter of 0.20–0.25 millimeter, and place it in a vacuum oven without removing the stopper.

(c) *Method 3.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 110° C. and a pressure of 5 millimeters of mercury or less for 3 hours.

(d) *Method 4.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 40° C. and a pressure of 5 millimeters of mercury or less for 2 hours.

(e) *Method 5.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 100° C. and a pressure of 5 millimeters of mercury or less for 4 hours.

(f) *Method 6.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 40° C. and a pressure of 5 millimeters of mercury or less for 3 hours.

(g) *Method 7.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 25° C. and a pressure of 5 millimeters of mercury or less for 4 hours.

§ 436.201 Moisture determination.

(a) *Equipment*—(1) *Apparatus.* Use a closed system consisting of all glass automatic burettes, platinum electrodes, and a magnetic stirrer connected to a suitable electrometric apparatus. This apparatus embodies a simple electrical circuit which serves to pass 5 to 10 microamperes of direct current between a pair of platinum electrodes immersed in the solution to be titrated. At the endpoint of the titration a slight excess of the reagent increases the flow of current to between 50 and 150 microamperes for 30 seconds or longer, depending upon the solution being titrated.

(2) *Titrating vessel.* Use a suitable titrating vessel which has been previously dried at 105° C. and cooled in a desiccator.

(b) *Reagents*—(1) *Karl Fischer reagent.* Dissolve 125 grams of iodine in 170 milliliters of pyridine, add 670 milliliters of methanol and cool. To 100 milliliters of pyridine kept in an ice bath, add sulfur dioxide until the volume reaches 200 milliliters. Slowly add this solution to the cooled iodine-methanol-pyridine mixture and shake well. (A commercially prepared Karl Fischer reagent may be used.) Preserve the reagent in glass-stoppered bottles protected from light and from moisture in the air.

(2) *Methanol solution.* Add sufficient water (usually 2 milligrams per milliliter) to methanol so that each milliliter of the resulting methanol solution is equivalent to about 0.5 milliliter of Karl Fischer reagent.

(3) *Solvents*—(i) *Solvent A.* Methanol:chloroform:carbon tetrachloride (1:2:2 by volume).

(ii) *Solvent B.* Chloroform:carbon tetrachloride (1:1 by volume).

(c) *Standardization of reagents*—(1) *Water equivalence of Karl Fischer reagent.* Standardize the Karl Fischer reagent no longer than 1 hour before use by one of the following methods.

(i) Accurately weigh 25–35 milligrams of water into a dry titration vessel and add 20 milliliters of solvent A. Start the stirrer and titrate to the endpoint by adding measured quantities of Karl Fischer reagent. Calculate the water equivalence of the Karl Fischer reagent as follows:

$$e=\frac{W}{V_T-V_A},$$

where:

e=Water equivalence of the Karl Fischer reagent in terms of milligrams of water per milliliter;

W=Milligrams of water;

V_T=Milliliters of Karl Fischer reagent used;

V_A=Milliliters of Karl Fischer reagent equivalent to the 20 milliliters of solvent A, determined as directed in paragraph (c) (3) of this section.

(ii) Accurately weigh about 25–35 milligrams of water into a dry titration vessel, add an excess of Karl Fischer reagent, start the stirrer, and titrate to the endpoint with methanol solution. Calculate the water equivalence of the Karl Fischer reagent as follows:

$$e=\frac{W}{V_T-V_m\times f},$$

where:

e=Water equivalence of the Karl Fischer reagent in terms of milligrams of water per milliliter;

W=Milligrams of water;

V_T=Milliliters of Karl Fischer reagent used;

V_m=Milliliters of methanol solution used;

f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in paragraph (c) (2) of this section.

(2) *Karl Fischer reagent equivalence of methanol solution.* Titrate a known volume of Karl Fischer reagent with methanol solution until the endpoint is reached. Calculate the milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution as follows:

$$f=\frac{V_T}{V_m},$$

where:

f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution;

V_T=Milliliters of Karl Fischer reagent used;

V_m=Milliliters of methanol solution used.

(3) *Karl Fischer reagent equivalence of solvents.* (i) Solvent A: Use 20 milliliters of solvent A as the sample. Start the stirrer and titrate to the endpoint by adding measured quantities of Karl Fischer reagent.

(ii) Solvent B: Use 10 milliliters of solvent B as the sample. Add an excess of Karl Fischer reagent to the sample and start the stirrer. Titrate to the endpoint with methanol solution.

(iii) Calculate the Karl Fischer reagent equivalence of the solvents as follows:

$$V_A=V_T,$$
$$V_B=V_T-V_m\times f,$$

where:

V_A and V_B=Milliliters of Karl Fischer reagent equivalent to the aliquots used of solvents A and B respectively;

V_T=Milliliters of Karl Fischer reagent used;

V_m=Milliliters of methanol solution used;

f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in paragraph (c) (2) of this section.

(d) *Sample preparation*—(1) *Powders.* In the case of tablets, grind 4 tablets to a fine powder. If the maximum moisture limit is greater than 1 percent, accurately weigh about 300 milligrams of the sample into a dry titrating vessel. If the maximum moisture limit is less than 1 percent, accurately weigh 1 to 2 grams of the sample. Proceed as directed in paragraph (e) (1) or (2) of this section.

(2) *Ointments and oils.* (i) Transfer about 1 to 2 grams, accurately weighed, into a dry titrating vessel. Proceed as directed in paragraph (e) (1) of this section; or

(ii) Transfer about 1 to 2 grams, accurately weighed, into a dry titrating vessel. Add 10 milliliters of solvent B and proceed as directed in paragraph (e) (2) of this section.

(3) *Aerosols with propellant.* Place the immediate container to be tested in a suitable freezing unit having a temperature of not higher than 0° C. for at least 2 hours. Remove the container from the freezing unit, puncture it, mix the entire contents by swirling. Proceed as directed in paragraph (e) (3) of this section, using an accurately measured 10-milliliter aliquot from the container as the sample and allowing the solution to warm to at least 10° C. before determining the endpoint.

(4) *Hygroscopic powders.* Weigh the immediate container. Using a suitable dry hypodermic needle and syringe, inject 3 milliliters of anhydrous methanol into the container and shake to dissolve the contents. Using the same syringe, remove the withdrawable contents and transfer into the titration vessel. Rinse the syringe and needle by drawing in an additional 3 milliliters of anhydrous methanol. Add the rinsings to the titration vessel. Titrate the solution immediately, proceeding as directed in paragraph (e) (3) of this section. Determine the Karl Fisher equivalent (in milliliters), if any, of the anhydrous methanol by titrating a blank of the same total volume used in preparing the sample and rinsing the syringe and needle. Dry the immediate container and its closure for three hours at 100° C., cool to room temperature in a desiccator, and weigh. Determine the weight of sample tested by subtracting the weight obtained from the original weight of the immediate container.

(e) *Titration procedure and calculations*—(1) *Procedure 1.* Add 20 milliliters of solvent A to the sample. Start the stirrer and titrate to the endpoint by adding measured quantities of Karl Fischer reagent. Determine the percent moisture in the sample as follows:

$$\text{Percent moisture}=\frac{(V_T-V_A)\times e\times 100}{W_s},$$

where:

e=Water equivalence of the Karl Fischer reagent determined as directed in paragraph (e) (1) of this section;

V_T=Milliliters of Karl Fischer reagent used;

V_A=Milliliters of Karl Fischer reagent equivalent to the 20 milliliters of solvent A, determined as directed in paragraph (c) (3) of this section;

W_s=Weight of the sample in milligrams.

(2) *Procedure 2.* Add an excess of Karl Fischer reagent to the sample, start the stirrer, and titrate to the endpoint with methanol solution. Calculate the percent moisture in the sample as follows:

(i) For powders:

$$\text{Percent moisture}=\frac{(V_T-V_m f)\times e\times 100}{W_s},$$

(ii) For oils and ointments:

$$\text{Percent moisture}=\frac{(V_T-V_m f-V_B)\times e\times 100}{W_s},$$

where:

V_T=Milliliters of Karl Fischer reagent used;

V_m=Milliliters of methanol solution used;

f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in paragraph (c) (2) of this section;

V_B=Milliliters of Karl Fischer reagent equivalent to the 10 milliliters of solvent B determined as directed in paragraph (c) (2) of this section;

e=Water equivalence of the Karl Fischer reagent determined as directed in paragraph (e) (1) of this section;

W_s=Weight of the sample in milligrams.

(3) *Procedure 3.* Add about 20 milliliters of solvent A to a dry titrating vessel and proceed as directed in titration procedure 1 or 2. Disregard the volume of reagents used to determine the endpoint. Promptly introduce an accurately weighed or measured quantity of sample into the titrating vessel and titrate to the endpoint using either titration procedure 1 or 2 without additional solvents. Calculate the percent moisture in the sample as follows:

(i) If titration procedure 1 is used:

$$\text{Percent moisture in weighed samples}=\frac{V_T\times e\times 100}{W_s},$$

$$\text{Percent moisture in aerosols}=\frac{V_T\times e}{\text{Milliliters of sample}\times 10},$$

$$\text{Percent moisture in hygroscopic powders}=\frac{(V_T-V_A)\times e\times 100}{W_s},$$

(ii) If titration procedure 2 is used:

$$\text{Percent moisture in weighed samples}=\frac{(V_T-Vmf)\times e\times 100}{W_s},$$

$$\text{Percent moisture in aerosols}=\frac{(V_T-Vmf)\times e}{\text{Milliliters of sample}\times 10},$$

$$\text{Percent moisture in hygroscopic powders}=\frac{(V_T-Vmf-V_A)\times e\times 100}{W_s},$$

where:

V_T=Milliliters of Karl Fischer reagent used;

V_m=Milliliters of methanol solution used;

f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in paragraph (c) (2) of this section;

V_A=Karl Fischer equivalent (in milliliters) of the methanol used as a sample solvent;

e=Water equivalence of the Karl Fischer reagent determined as directed in paragraph (e) (1) of this section.

§ 436.202 pH.

(a) *Apparatus.* Use a suitable pH meter equipped with a glass and a calomel electrode.

(b) *Standardization.* Standardize the pH meter with two buffer solutions that differ by at least 2 pH units and of which one is within 2 pH units of the expected pH value of the sample.

(c) *Sample preparation.* If necessary, dilute the sample with carbon dioxide-free distilled water to the concentration specified in the individual section for each antibiotic.

(d) *Test procedure.* Determine the pH of the sample at 25°±2° C.

§ 436.203 Crystallinity.

Use the method specified in the individual section for each antibiotic.

(a) *Method 1.* To prepare the sample for examination, mount a few particles in mineral oil on a clean glass slide. Examine the sample by means of a polarizing microscope. The particles reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.

(b) *Method 2.* Proceed as directed in paragraph (a) of this section, except to prepare the sample for examination, mount a few particles in mineral oil, add 1 drop of ethyl alcohol, and allow to react for about 30 seconds.

§ 436.204 Iodometric assay.

(a) *Reagents.* (1) 0.01*N* Sodium thiosulfate (2.482 grams $Na_2S_2O_3\cdot 5H_2O$ and 125 milligrams Na_2CO_3 per liter).

(2) 1.0*N* Sodium hydroxide.

(3) 1.2*N* Hydrochloric acid.

(4) 0.01*N* Iodine solution (prepared from 0.1*N* Iodine U.S.P.).

(5) Starch iodide paste, T.S. (U.S.P.).

(b) *Preparation of sample and working standard solutions*—(1) *Working standard solutions.* From the following table, select the initial solvent, diluent, and final concentration as listed for each antibiotic working standard. Dissolve and dilute an accurately weighed portion to the specified final concentration and proceed as directed in paragraphs (c) and (d) of this section.

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Antibiotic	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration in units or milligrams of activity per milliliter of standard solution
Ampicillin	None	Distilled water	1.25 milligrams.
Cephalexin	do	do	2 milligrams.
Cephaloridine	None	Distilled water	2 milligrams.
Cephalothin	do	do	Do.
Cephapirin	None	Distilled water	2 milligrams.
Cloxacillin	do	do	1.25 milligrams.
Dicloxacillin	do	do	Do.
Methicillin	do	1	Do.
Nafcillin	do	1	1.25 milligrams.
Oxacillin	do	1	1.25 milligrams.
Penicillin G	do	1	2,000 units.
Penicillin O	do	1	Do.
Phenoxymethyl penicillin	2 milliliters methyl alcohol.	1	Do.
Potassium L-phenethicillin	None	1	Do.

(2) *Bulk antibiotic solutions.* From the following table, select the initial solvent, diluent, and final concentration as listed for each antibiotic. Dissolve an accurately weighed aliquot (approximately 30 to 60 milligrams) of the sample, dilute to the appropriate final concentration, and proceed as directed in paragraphs (c) and (d) of this section.

Antibiotic	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration in units or milligrams of activity per milliliter of sample
Aluminum penicillin	None	2	2,000 units.
Ampicillin	do	Distilled water	1.25 milligrams.
Ampicillin trihydrate	do	do	Do.
Benzathine penicillin G blank solution	do	do	2,000 units.
Benzathine penicillin G inactivated solution	do	1*N* NaOH	2,000 units; allow to stand in 1*N* NaOH for 15 minutes before assaying.
Benzathine phenoxymethyl penicillin blank solution.	do	Distilled water	2,000 units.
Benzathine phenoxymethyl penicillin inactivated solution.	do	1*N* NaOH	2,000 units; allow to stand in 1*N* NaOH for 15 minutes before assaying.
Buffered crystalline penicillin G	do	1	2,000 units.
Cephalexin	None	Distilled water	2 milligrams.
Cephaloridine	None	Distilled water	2 milligrams.
Cephapirin sodium	None	Distilled water	2 milligrams.
Chloroprocaine penicillin O	2 milliliters methyl alcohol.	1	2,000 units.
Diethylaminoethyl ester penicillin G hydrochloride.	do	1	Do.
Hydrabamine phenoxymethyl penicillin	None	Chloroform	Do.
Phenoxymethyl penicillin	2 milliliters methyl alcohol.	1	Do.
Potassium penicillin G	None	1	2,000 units.
Potassium penicillin O	do	1	Do.
Potassium phenethicillin	do	1	Do.
Potassium phenoxymethyl penicillin	do	1	Do.
Procaine penicillin G	2 milliliters methyl alcohol.	1	Do.
Sodium ampicillin	None	1	1.25 milligrams.
Sodium cephalothin	None	Distilled water	2 milligrams.
Sodium cloxacillin monohydrate	do	Distilled water	1.25 milligrams.
Sodium dicloxacillin monohydrate	do	do	Do.
Sodium methicillin	do	1	Do.
Sodium nafcillin	do	1	1.25 milligrams.
Sodium nafcillin monohydrate	do	1	Do.
Sodium oxacillin	do	1	Do.
Sodium penicillin G	do	1	2,000 units.
Sodium penicillin O	do	1	Do.

(3) *Finished product solutions.* Prepare the sample for assay as directed in the individual section for each antibiotic product to be tested by diluting to the concentration prescribed in the table in paragraph (b)(2) of this section and proceed as described in paragraphs (c) and (d) of this section.

(c) *Inactivated sample and standard solutions.* (1) Transfer 2.0 milliliters each of the sample and the appropriate working standard solutions to glass-stoppered Erlenmeyer flasks.

(2) Add 2.0 milliliters of 1*N* sodium hydroxide, except if the sample has been diluted in 1*N* sodium hydroxide, and allow to stand at room temperature for 15 minutes.

(3) Add 2.0 milliliters of 1.2*N* hydrochloric acid.

(4) Add 10.0 milliliters of 0.01*N* iodine solution, stopper, allow to stand at room temperature for 15 minutes, and proceed as directed in paragraph (e) of this section.

(d) *Blank determination.* Transfer 2.0 milliliters each of the sample and the appropriate working standard solutions to glass-stoppered Erlenmeyer flasks. Add 10.0 milliliters of 0.01*N* iodine solution and immediately proceed as directed in paragraph (e) of this section.

(e) *Titration procedure.* Titrate the excess iodine using 0.01*N* sodium thiosulfate. Toward the end of the titration, add 1 drop of the starch iodide paste. Continue the titration by the addition of 0.01- to 0.02-milliliter portions of 0.01*N* sodium thiosulfate, shaking vigorously after each addition. The endpoint is reached when the blue color of the starch-iodine complex is discharged. Calculate the antibiotic content as described in paragraph (f) of this section.

(f) *Calculations*—(1) *F factor determination.* Using the appropriate working standard for the particular antibiotic to be tested, assay the standard as directed in this section. Calculate the F factor (the units or micrograms of activity equivalent of each milliliter of 0.01*N* sodium thiosulfate consumed) by means of the following formula:

$$F=\frac{W_s\times P}{V_s},$$

where:

W_s=Actual weight in milligrams of standard in the 2.0 milliliters titrated;

P=Potency of the working standard in units or micrograms per milligram;

V_s=Milliliters of sodium thiosulfate used in the working standard blank determination minus the milliliters of sodium thiosulfate used in the titration of the inactivated working standard solution (the difference is the equivalent of the number of milliliters of 0.01*N* iodine absorbed by the inactivated standard).

(2) *Bulk antibiotic.* Calculate the potency of the sample in units or micrograms per milligram by means of the following formula:

Units or micrograms of antibiotic per milligram

$$=\frac{V_s\times F}{W_s},$$

where:

V_s=Milliliters of sodium thiosulfate used in the sample blank determination minus the milliliters of sodium thiosulfate used in the titration of the inactivated sample solution (the difference is the equivalent of the number of milliliters of 0.01*N* iodine absorbed by the inactivated sample);

W_s=Actual weight in milligrams of sample in the 2.0 milliliters titrated.

(3) *Finished products.* Calculate the potency of the sample in units or milligrams by means of the appropriate one of the following formulas:

Units of antibiotic per dose or item

$$=\frac{V_s\times F\times d}{2n},$$

Milligrams of antibiotic per dose or item

$$=\frac{V_s\times F\times d}{n\times 2{,}000},$$

where:

d=Dilution factor for the sample;

n=Number of doses or items in the sample assayed.

§ 436.205 Hydroxylamine colorimetric assay.

(a) *Reagents*—(1) *Hydroxylamine hydrochloride solution.* Dissolve 350 grams of hydroxylamine hydrochloride in sufficient distilled water to make 1 liter.

(2) *Buffer.* Dissolve 173 grams of sodium hydroxide and 20.6 grams of sodium acetate in sufficient distilled water to make 1 liter.

(3) *Neutral hydroxylamine.* Mix 1 volume each of hydroxylamine hydrochloride solution described in paragraph (a)(1) of this section and the buffer described in paragraph (a)(2) of this section. Check the pH and if necessary adjust to pH 7.0±0.1 by adding an additional amount of one of the components. To 1 volume of this neutralized solution add 8 volumes of distilled water and 2 volumes of 95 percent ethanol. This solution should be used for 1 day only.

(4) *Ferric ammonium sulfate.* Dissolve 272 grams of ferric ammonium sulfate in a mixture of 26 milliliters of concentrated sulfuric acid and sufficient distilled water to make 1 liter. This reagent may be used for 1 week when stored in a brown bottle at room temperature.

(b) *Preparation of working standard solutions.* From the following table, select the diluent and final concentration as listed for each antibiotic working standard. Dissolve and dilute an accurately weighed portion to the specified final concentration and proceed as directed in paragraph (d) of this section.

Antibiotic	Diluent (solution number as listed in § 436.101(a))	Final concentration in milligrams per milliliter of standard solution
Ampicillin	Distilled water.	1.25
Cefacolin [1]		1.0
Cephaloridine	Distilled water.	1.0
Cephalothin	do	2.0
Cephapirin	do	1.0
Cloxacillin	1	1.25
Dicloxacillin	Distilled water.	1.25
Methicillin	1	1.25
Nafcillin	1	1.25
Oxacillin	1	1.25
Penicillin G	1	1.25
Phenethicillin	1	1.25
Phenoxymethyl penicillin	17	1.25
Procaine penicillin G	17	2.0

[1] To prepare the working standard solution, proceed as directed in the individual section of the antibiotic drug regulation in this chapter for the antibiotic to be tested

(c) *Preparation of sample solutions.* From the following table, select the diluent and final concentration as listed for each antibiotic. Dissolve an accurately weighed portion of the sample, dilute to the appropriate final concentration, and proceed as directed in paragraph (d) of this section; if the product is packaged for dispensing, dilute an aliquot of the stock solution (prepared as described in the individual monograph) to the appropriate concentration and then proceed as directed in paragraph (d) of this section.

Antibiotic	Diluent (solution number as listed in § 436.101(a))	Final concentration in milligrams per milliliter of sample
Ampicillin	Distilled water.	1.25
Ampicillin trihydrate	do	1.25
Cefacolin sodium	1	1.0
Cephaloridine	Distilled water.	1.0
Cephapirin sodium	do	1.0
Cloxacillin	1	1.25
Dicloxacillin	1	1.25
Methicillin	1	1.25
Nafcillin	1	1.25
Oxacillin	1	1.25
Penicillin G	1	1.25
Phenethicillin	1	1.25
Phenoxymethyl penicillin	17	1.25
Potassium penicillin G	1	1.25
Potassium phenethicillin	1	1.25
Potassium phenoxymethyl penicillin	1	1.25
Procaine penicillin G	17	2.0
Sodium ampicillin	Distilled water.	1.25
Sodium cephalothin	do	2.0
Sodium cloxacillin monohydrate.	1	1.25
Sodium dicloxacillin monohydrate.	Distilled water.	1.25
Sodium methicillin monohydrate.	1	1.25
Sodium nafcillin monohydrate.	1	1.25
Sodium oxacillin monohydrate.	1	1.25
Sodium penicillin G	1	1.25

(d) *Procedure.* Using a volume of from 1 to 2 milliliters of standard or sample solution, add an equal volume of water and mix. Add the following reagents in the specified volumetric proportions with respect to the sample or standard solutions: Add 1.25 volumes of neutral hydroxylamine reagent and allow to react for 5 minutes. Add 1.25 volumes of ferric ammonium sulfate reagent, mix, and after 3 minutes determine the absorbance of the resulting solution at the wavelength of 480 millimicrons, using a suitable spectrophotometer and a reagent blank prepared by treating a volume of water in the same manner as the standard or sample solution. The time elapsed after the addition of the ferric ammonium sulfate reagent and the reading of the absorbance must be precisely the same (within 10 seconds) for each solution. Calculate the potency of the sample in units or micrograms per milligram as follows:

$$\text{Units or micrograms per milligram of sample}=\frac{(A_t)\ \text{(Potency (in units or micrograms per milliliter of standard solution))}}{(A_s)\ \text{(Milligrams of sample per milliliter of sample solution)}}$$

A_t=Absorbance of sample solution.

A_s=Absorbance of standard solution.

§ 436.206 Test for particulate contamination in ophthalmic ointments.

(a) *Procedure.* Extrude the contents of each of 10 tubes as completely as practicable into separate, clear, glass Petri dishes (60 millimeters in diameter), cover the dishes, and heat to 80° C. to 85° C. for at least 2 hours or until the ointment has melted completely and evenly in the dishes. A higher temperature of 100° C.±2° C. may be used if necessary to allow adequate settling of metal particles. Allow the ointment to cool to room temperature without agitation. Invert each Petri dish on the stage of a suitable microscope adjusted to furnish 30 times magnification and equipped with an eye-piece micrometer disc which has been calibrated at the magnification being used. In addition to the usual source of light, direct an illuminator from above the ointment at a 45° angle. Examine the entire bottom of the Petri dish for metal particles. By varying the intensity of the illuminator from above, such metal particles are recognized by their characteristic reflection of light. Count the total number of metal particles exceeding 50 microns in any single dimension.

(b) *Evaluation.* The batch is acceptable if (1) a total of not more than 50 such particles is found in 10 tubes; and (2) not more than one tube is found to contain more than eight such particles. If the batch fails the above test, repeat the test on 20 additional tubes of ointment. The total number of metal particles exceeding 50 microns in any single dimension from the 30 tubes tested shall not exceed 150, with not more than three tubes containing more than eight such particles.

§ 436.207 Residue on ignition.

Use the method specified in the individual section for each antibiotic.

(a) *Method 1.* Place approximately 1 gram of the sample, accurately weighed, in a tared porcelain crucible and carefully ignite at a low temperature until thoroughly charred. The crucible may be loosely covered with a porcelain lid during the charring. Add 2 milliliters of nitric acid and 5 drops of sulfuric acid to the contents of the crucible and cautiously heat until white fumes are evolved, then ignite, preferably in a muffle furnace, at 500° C. to 600° C. until the carbon is all burned off. Cool the crucible in a desiccator and weigh. From the weight of residue obtained, calculate the sulfated ash content.

(b) *Method 2.* Proceed as directed in paragraph (a) of this section, except use 2 milliliters of sulfuric acid and do not use the nitric acid.

§ 436.208 Heavy metals determination.

(a) *Reagents*—(1) *Ammonia solution.* Prepare an aqueous solution containing not less than 9 grams and not more than 10 grams of ammonia (NH_3) per 100 milliliters.

(2) *6 percent acetic acid.* Dilute 60 milliliters of glacial acetic acid with sufficient water to give a solution of 1,000 milliliters.

(3) *Hydrogen sulfide solution.* Prepare a saturated solution of hydrogen sulfide by passing hydrogen sulfide into cold water for a sufficient time. It is suitable if it produces an immediate copious precipitate when added to an equal volume of 1*N* ferric chloride. Prepare a fresh hydrogen sulfide solution each time a heavy metals test is to be performed.

(4) *Lead nitrate stock solution.* Dissolve 159.8 milligrams of lead nitrate with 100 milliliters of 0.15*N* nitric acid, and dilute with water to a volume of 1,000 milliliters. Prepare and store this solution in glass containers free from soluble lead salts.

(5) *Standard lead solution.* Dilute a 10-milliliter aliquot of the lead nitrate stock solution to 100 milliliters with water. This solution must be freshly prepared each time a heavy metals test is performed. One milliliter of this standard lead solution represents a lead level of 10 parts per million in a 1.0-gram sample or 20 parts per million in a 0.5-gram sample.

(b) *Preparation of the sample.* Use the sulfated ash obtained as described in § 436.207(a). If the heavy metal limit is greater than 30 parts per million, the sulfated ash may be obtained from a 0.5-gram sample. Add 2 milliliters of hydrochloric acid to the sulfated ash and slowly evaporate to dryness on a steam bath. Moisten the residue with 1 drop of hydrochloric acid, add 10 milliliters of hot water, and digest by heating on the

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steam bath for 2 minutes. After cooling to room temperature, add ammonia solution dropwise until a pH of 7.2 is reached, then add 2 milliliters of 6 percent acetic acid. Filter the solution, if necessary, and wash the crucible and the filter with about 10 milliliters of water. Combine the washings with the filtrate and dilute to exactly 25 milliliters with water.

(c) *Procedure.* Prepare a series of five standard lead solutions, in increments of 10 parts per million, in which the solution of lowest concentration contains 20 parts of lead per million less than the maximum limit of heavy metals permitted for the sample. Transfer the necessary quantities of standard lead solution described in paragraph (a) (5) of this section directly into metal-free 50-milliliter Nessler tubes of uniform diameter, add 2 milliliters of 6 percent acetic acid to each, and adjust each to a final volume of 25 milliliters with water. Transfer the 25-milliliter solution of the sample described in paragraph (b) of this section to another Nessler tube. Add 10 milliliters of hydrogen sulfide solution to each standard and sample solution, mix well, and allow to stand for 10 minutes. View downward over a white surface; the color of the solution of the sample should be no darker than the standard that contains the lead equivalent of the heavy metals limit of the test.

§ 436.209 Melting range or temperature.

(a) *Apparatus.* Melting range apparatus consists of a glass container for a bath of colorless fluid, a suitable stirring device, an accurate thermometer, and a controlled source of heat. Any apparatus or method of equal accuracy may be used. The accuracy should be checked periodically by use of melting point standards, preferably those that melt near the expected melting range of the product to be tested. The bath fluid is selected with a view to the temperature required, but light paraffin is used generally and certain liquid silicones are well adapted to the higher temperature ranges. The fluid is deep enough to permit immersion of the thermometer to its specified immersion depth so that the bulb is still 2 centimeters above the bottom of the bath.

(b) *Sample preparation.* If necessary, reduce the sample to a fine powder and store it in a desiccator over sulfuric acid for 24 hours. If a method for loss on drying is included in the section for the antibiotic to be tested, a sample dried by that method may be used.

(c) *Test procedure.* Use a capillary glass tube about 10 centimeters long and 0.8 to 1.2 millimeters internal diameter with the wall 0.2 to 0.3 millimeter in thickness. Charge the tube with a sufficient amount of the dry power to form a column 2.5 to 3.5 millimeters high from the sealed end when packed down as closely as possible by moderate tapping on a solid surface. Heat the bath until a temperature 10°±1° C. below the expected melting range is reached, then introduce the charged tube, and heat at a rate of rise of 3°±0.5° C. per minute until melting is completed. The temperature at which the column of the sample is observed to collapse definitely against the side of the tube at any point is defined as the beginning of melting, and the temperature at which the sample becomes liquid throughout is defined as the end of melting.

§ 436.210 Specific rotation.

(a) *Test procedure.* The appropriate solvent test concentration, and polarimeter tube length are specified in the section for each antibiotic to be tested. Accurately weigh the sample to be tested in a glass-stoppered volumetric flask, dissolve in the appropriate solvent, and dilute to the specified test concentration at 25° C. and transfer to the appropriate polarimeter tube. Determine the angular rotation of both solvent and sample solution in a suitable polarimeter, using a sodium light source or a white light source with a 589.3-millimicron filter. The zero correction is the average of the blank readings and is subtracted from the average observed rotation of the sample solution if the two figures are of the same sign, or is added if they are opposite in sign, to give the corrected angular rotation of the sample solution. The determination must be completed within one-half hour from the time the solution is prepared.

(b) *Calculations.* Determine the specific rotation. $[\alpha]$, by the following formula:

$$[\alpha]_x^t = \frac{100a}{lc}$$

where:

a=The corrected angular rotation of the sample solution in degrees at temperature t using a light source of a wavelength of x millimicrons;

l=The length of the polarimeter tube in decimeters;

c=The concentration of the solution expressed as number of grams of substance in 100 milliliters of solution.

§ 436.211 Identity test by infrared spectrophotometry.

(a) *Apparatus*—(1) *Spectrophotometer.* A suitable spectrophotometer capable of recording the infared absorption spectrum in the 2 to 15 micron range.

(2) *Hydraulic press.* A 30-ton hydraulic press with 12-inch square platens.

(b) *Sample preparation methods.* Use the sample preparation method specified in the individual section for each antibiotic.

(1) *Potassium bromide discs.* Quantities of materials specified are for a 13-millimeter die. Appropriate adjustments should be made in the quantities of materials when dies of other sizes are used. To prepare a 1.0 percent mixture weigh approximately 2 milligrams of the sample and mix thoroughly with 200 milligrams of dried potassium bromide (infrared spectrophotometric quality). For a 0.5 percent potassium bromide mixture, use 1-milligram of sample. For a 0.25 percent potassium bromide mixture, use 0.5 milligram of sample. A mortar and pestle, a ball mill, or other suitable mixing device may be used. Transfer the uniformly milled mixture to the die, evacuate gradually while raising the pressure to 3,000 pounds per square inch until evacuation is complete, then raise the pressure to 16,000 pounds per square inch, and hold that pressure for 2 to 3 minutes. Release the pressure, dismantle the die, and recover the potassium bromide disc. Mount the disc in a suitable holder and proceed as directed in paragraph (c) of this section.

(2) *Mineral oil mull.* Weigh approximately 20 milligrams of the sample into an agate mortar and add 2 drops of mineral oil. Triturate thoroughly with a pestle until a uniform consistency is obtained. Use two rock salt plates as an absorption cell. Place a small drop of the mull in the center of one of the plates. Gently put the other plate on the mull and slowly squeeze the plates together to spread the mull uniformly. Clamp the two plates firmly together in a metal holder. Examine the assembled cell by holding it up to the light. It should appear smooth and free of any air bubbles. Proceed as directed in paragraph (c) of this section.

(3) *1 percent solution.* Prepare a 1 percent solution of the sample in chloroform and use 1.0 millimeter matched absorption cells. Proceed as directed in paragraph (c) of this section.

(c) *Procedure.* Place the sample, prepared as directed in paragraph (b) of this section, in the spectrophotometer. Determine the infrared absorbance spectrum between the wavelengths of 2 to 15 microns. To be suitable the spectrum should have a transmittance of between 20 and 70 percent at most of the wavelengths showing significant absorption. Compare the spectrum to that of an authentic sample of the same antibiotic prepared in an identical manner. To pass the infrared identity test, the absorption spectrum of the sample should compare qualitatively with that of the authentic sample.

§ 436.212 Disintegration test.

(a) *Apparatus*—(1) *Basket-rack assembly.* The basket-rack assembly consists of 6 open-ended glass tubes, each 7.75±0.25 centimeters long and having an inside diameter of approximately 21.5 millimeters and a wall approximately 2 millimeters thick; the tubes are held in a vertical position by two plastic plates, each about 9 centimeters in diameter and 6 millimeters in thickness, with six holes, each about 24 millimeters in diameter, equidistant from the center of the plate and equally spaced from one another. Attached by screws to the undersurface of the lower plate is 10-mesh No. 23 (0.025 inch) W. and M. gauge woven stainless steel wire cloth. The glass tubes and the upper plastic plate are secured in position at the top by means of a stainless steel plate, about 9 centimeters in diameter and 1 millimeter in thickness, having six perforations each about 20 millimeters in diameter, which coincide with those of the upper plastic plate and the upper open ends of the glass tubes. A central shaft about 8 centimeters in length, the upper end of which terminates in an eye through

which a string or wire may be inserted, is attached to the stainless steel plate. The parts of the apparatus are assembled and rigidly held by means of three bolts passing through the two plastic plates and the steel plate. The design of the basket-rack assembly may be varied somewhat provided the specifications for the glass tubes and the screen mesh size are maintained.

(2) *Disks.* Each tube is provided with a slotted and perforated cylindrical disk 9.5±0.15 millimeters thick and 20.7±0.15 millimeters in diameter. The disk is made of a suitable, transparent plastic material having a specific gravity of between 1.18 and 1.20. Five 2-millimeter holes extend between the ends of the cylinder, one of the holes being through the cylinder axis and the others parallel with it and equally spaced on a 6-millimeter radius from it. Equally spaced on the sides of the cylinder are four notches that form V-shaped planes perpendicular to the ends of the cylinder. The dimensions of each notch are such that the openings on the bottom of the cylinder are 1.60 millimeters square and those on the top are 9.5 millimeters wide and 2.55 millimeters deep. All surfaces of the disk are smooth.

(3) *Raising and lowering device.* Use a device for raising and lowering the basket in the immersion fluid at a constant rate between 28 and 32 cycles per minute through a distance of not less than 5 centimeters and not more than 6 centimeters.

(b) *Immersion fluids.* During the performance of the tests all immersion fluids are maintained at a temperature of 37°±2° C. by using a thermostatically controlled water bath.

(1) Distilled water.

(2) Simulated gastric fluid: Dissolve 2.0 grams of sodium chloride and 7.0 milliliters of hydrochloric acid in about 500 milliliters of water. Dissolve 3.2 grams of pepsin in this solution and add sufficient water to make 1,000 milliliters. This solution has a pH of about 1.2.

(3) Simulated intestinal fluid: Dissolved 6.8 grams of monobasic potassium phosphate in 250 milliliters of water, mix and add 190 milliliters of 0.2*N* sodium hydroxide and 400 milliliters of water. Add 10.0 grams of pancreatin, mix, and adjust the resulting solution with 0.2*N* sodium hydroxide to a pH of 7.5±0.1. Dilute to 1,000 milliliters.

(c) *Immersion vessel.* Use a suitable vessel, such as a 1-liter beaker.

(d) *Operation.* Add enough immersion fluid to the immersion vessel so that when the basket-rack assembly is placed on the raising and lowering device at the highest point of the upward stroke, the wire mesh remains at least 2.5 centimeters below the surface of the fluid and descends to not less than 2.5 centimeters from the bottom of the immersion vessel.

(e) *Procedure*—(1) *Uncoated or film-coated tablets.* Place one tablet into each of the six tubes of the basket, add a disk to each tube, and operate the apparatus, using simulated gastric fluid as the immersion fluid. At the end of the time limit specified in the individual section for the particular antibiotic tablet being tested, lift the basket from the fluid and observe the tablets.

(2) *Plain-coated tablets.* Place one tablet in each of the six tubes of the basket, add a disk to each tube, and operate the apparatus, using simulated gastric fluids as the immersion fluid. After 30 minutes, lift the basket from the fluid and observe the tablets. If the tablets have not disintegrated completely, substitute simulated intestinal fluid as the immersion fluid and continue the test for a total period of time (including previous immersion in simulated gastric fluid) equal to the time limit specified in the individual section for the particular antibiotic tablet being tested. Lift the basket and observe the tablets.

(3) *Enteric-coated tablets.* Place one tablet in each of the six tubes of the basket and operate the apparatus, using simulated gastric fluid as the immersion fluid. One hour later, lift the basket from the fluid and observe the tablets. If the tablets show no distinct evidence of dissolution or disintegration, add a disk to each tube and operate the apparatus, using simulated intestinal fluid as the immersion fluid, for a total period of time (including the previous immersion in simulated gastric fluid) equal to the time limit specified in the individual section for the particular antibiotic tablet being tested. Lift the basket and observe the tablets.

(f) *Evaluation.* Complete disintegration is defined as that state in which any residue of the tablet (except fragments of the insoluble coating) remaining on the screen is a soft mass having no palpably firm core. The tablets pass the disintegration test if all of the tablets tested disintegrate completely under the conditions and time specified in the individual section for the antibiotic tablet being tested. If one or two tablets fail to disintegrate completely, repeat the test on 12 additional tablets. The tablets pass the disintegration test if not less than 16 of the total of 18 tablets tested disintegrate completely. Enteric-coated tablets fail the disintegration test if they show any distinct evidence of dissolution or disintegration after 1 hour immersion in simulated gastric fluid.

§ 436.213 Nonaqueous titrations.

(a) *Equipment*—(1) *Apparatus.* Use a closed system consisting of a suitable titrimeter equipped with a potentiometer, an automatic burette, a chart recorder, and a glass calomel combination electrode (with saturated methanolic potassium chloride as the electrolyte).

(2) *Titration vessel.* Use a 100-milliliter tall form beaker without a spout.

(b) *Reagents*—(1) Methyl alcohol, reagent grade, anhydrous.

(2) Dimethylsulfoxide, A.C.S., reagent grade.

(3) Glacial acetic acid, A.C.S., reagent grade.

(4) Lithium methoxide reagent: 0.02*N* lithium methoxide in methyl alcohol, standardized against primary grade benzoic acid.

(5) Perchloric acid reagent: 0.02*N* perchloric acid in glacial acetic acid, standardized against primary grade potassium acid phthalate.

(c) *Preparation of sample solutions.* Select the weight of the sample and the solvent listed for each antibiotic. Transfer the accurately weighed sample to a titration vessel. Add the appropriate solvent, cover, and stir magnetically until the sample is dissolved. Proceed as directed in paragraph (e) of this section, using the procedure or procedures specified in the individual section for each antibiotic.

Antibiotic	Weight in milligrams of sample	Solvent
Ampicillin-acid titration.	100	20 milliliters dimethylsulfoxide and 30 milliliters methyl alcohol.*
Ampicillin-base titration.	100	50 milliliters glacial acetic acid.
Ampicillin sodium-base titration.	50	50 milliliters glacial acetic acid.
Cephaloglycin-base titration.	50	50 milliliters glacial acetic acid.

*The methyl alcohol is added after the sample has dissolved in dimethylsulfoxide.

(d) *Blank determination.* Place the same volume of solvent used to prepare the sample solution into a titration vessel and proceed as directed in paragraph (e) of this section, using the procedure or procedures specified in the individual section for each antibiotic.

(e) *Titration procedures*—(1) *Acid titration.* Equilibrate the electrode by soaking it overnight in the solvent used for preparing the sample solution. Start the magnetic stirrer and titrate the sample solution with the lithium methoxide reagent. Record the change in potential of the solution with the addition of the titrant. Determine the number of milliliters of reagent consumed at neutralization (the inflection point of the titration curve). Calculate the antibiotic content as directed in the individual section.

(2) *Base titration.* Proceed as directed in paragraph (e) (1) of this section, except use the perchloric acid reagent as the titrant and calculate the antibiotic content as directed in the individual section.

Subpart F—Chemical Tests for Specific Antibiotics

§ 436.300 Polarimetric assay of carbenicillin indanyl sodium.

(a) *Equipment.* Polarimeter capable of measuring optical rotatory activity at 365 nanometers: Perkin-Elmer Model 141 or equivalent, with a suitable 1-decimeter polarimeter tube.

(b) *Reagents*—(1) *4-methyl-2-pentanone.* Meets ACS specifications.

(2) *Phosphate-citrate buffer.* Dissolve 61.0 grams of anhydrous disodium phosphate and 11.0 grams of citric acid in 950 milliliters of distilled water. Adjust the pH to 6.0 with 6*N* hydrochloric acid. Dilute to 1,000 milliliters with distilled water.

(c) *Preparation of carbenicillin indanyl sodium sample and working standard solutions.* Accurately weigh approximately 125 milligrams of the carbenicillin indanyl sodium sample or

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working standard into a 25-milliliter volumetric flask. Dissolve and dilute to volume with distilled water. Transfer a 5-milliliter aliquot to a 50-milliliter glass-stoppered centrifuge tube. Add 15 milliliters of the phosphate-citrate buffer and 20 milliliters of 4-methyl-2-pentanone; stopper and shake the tube for 10 seconds. Centrifuge at 2,000 revolutions per minute for 10 minutes to separate the phases. Remove about 15 milliliters of the upper (4-methyl-2-pentanone solvent) phase and proceed as directed in paragraph (e) of this section.

(d) *Preparation of the blank.* Place a 5-milliliter aliquot of distilled water into a 50-milliliter glass-stoppered centrifuge tube, add 15 milliliters of phosphate-citrate buffer and 20 milliliters of 4-methyl-2-pentanone; stopper and shake the tube for 10 seconds. Centrifuge at 2,000 revolutions per minute for 10 minutes to separate the phases. Remove about 15 milliliters of the upper phase and proceed as directed in paragraph (e) of this section.

(e) *Procedure.* Fill the polarimeter tube with the blank solution prepared as described in paragraph (d) of this section. Place the tube in the polarimeter. Adjust the polarimeter to zero rotation using a light source with a wavelength of 365 nanometers. Use the same procedure to determine the optical rotation of both the sample solution and the working standard solution prepared as directed in paragraph (c) of this section.

(f) *Calculations.* Calculate the carbenicillin content (potency) of the sample on an anhydrous basis as follows:

$$\text{Micrograms of carbenicillin per milligram of sample} = \frac{\text{Degrees of rotation of sample solution}}{\text{Degrees of rotation of working standard solution}} \times \frac{\text{weight of working standard}}{\text{weight of sample} \times (100-m)} \times 100 \times \text{micrograms of carbenicillin in each milligram of the working standard},$$

where: m = moisture content of the sample.

§ 436.301 Thin layer chromatography identity test for carbenicillin indanyl.

Using the sample solution prepared as described in the section for the antibiotic drug to be tested, proceed as described in paragraphs (a), (b), (c), and (d) of this section.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 9 x 9 x 3.5 inches lined with filter paper (3 millimeters in thickness).

(2) *Iodine vapor chamber.* A rectangular tank approximately 9 x 9 x 3.5 inches, with a suitable cover, containing iodine crystals.

(3) *Plates.* Use 20 x 20 centimeters thin layer chromatography plates coated with silica gel G or equivalent to a thickness of 250 microns.

(b) *Reagents*—(1) *Extraction solvent.* Mix ethyl acetate, acetone, pyridine, water, and acetic acid in volumetric proportions of 100:200:25:75:1.5 respectively.

(2) *Developing solvent.* Mix ethyl acetate, acetone, pyridine, water, and acetic acid in volumetric proportions of 300:400:25:75:2 respectively.

(3) *Ferric chloride-potassium ferricyanide reagent.* Immediately before use, mix 100 milliliters of a 1 percent ferric chloride solution in 1 percent hydrochloric acid with 100 milliliters of a 1 percent potassium ferricyanide solution and 75 milliliters of methanol.

(c) *Preparation of working standard solution.* Weigh an amount of the carbenicillin indanyl working standard equivalent to approximately 10 milligrams of carbenicillin into a 50-milliliter Erlenmeyer flask. Dissolve the material in sufficient extraction solvent to make a solution containing 1 milligram carbenicillin per milliliter.

(d) *Procedure.* Pour developing solvent into the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 1 hour. Prepare a plate as follows: On a line 2 centimeters from the base of the silica gel plate, and at intervals of 2 centimeters, spot 10 microliters of the standard solution and the sample solution. The plate should be air dried for 30 minutes. Place the plate into the chromatography tank. Allow the solvent front to travel about 15 centimeters from the starting line and then remove the plate from the tank. Heat the plate for 30 minutes at 80° C. in a circulating air oven and then allow the plate to cool to room temperature. Place the plate in the iodine vapor chamber for about 30 seconds, remove the plate and spray it with the ferric chloride-potassium ferricyanide reagent. Carbenicillin indanyl appears as a blue spot on a yellow-green background at an R_f of about 0.5. The test is satisfactory if the sample compares qualitatively with the standard.

§ 436.302 Clindamycin vapor phase chromatography.

(a) *Equipment.* Gas chromatograph equipped with a flame ionization detector: Barber-Colman 5,000 or equivalent.

(b) *Reagents.* (1) Pyridine, reagent grade, dried over sodium sulfate.

(2) Chloroform, reagent grade.

(3) Acetic anhydride, reagent grade, used as acteylating agent.

(4) Internal standard: Prepare a solution containing 3 milligrams of cholestane per milliliter in pyridine.

(c) *Typical conditions.* (1) Column: 4 feet x 4 millimeters ID, glass, with 1 percent SE-30 on Diatoport S (60/80 mesh), or equivalent.

(2) Temperatures: Column 200° C.; detector 215° C.; injection port, ambient temperature.

(3) Carrier gas: Helium approximately 120 milliliters per minute.

(4) Detector: Hydrogen flame—hydrogen at 120 pounds per square inch, air at 40 pounds per square inch.

(5) Sensitivity: 1,000; attenuation, 2 for clindamycin, 1 for internal standard; 2×10^{-9} amperes.

(d) *Preparation of clindamycin sample and working standard solutions.* Accurately weigh approximately 15 milligrams of sample or working standard into a glass-stoppered conical 15-milliliter centrifuge tube. Add 1.0 milliliter of chloroform, 1.0 milliliter of internal standard solution, and 0.6 milliliter of acetic anhydride. Agitate the tubes to insure dissolution of the sample and complete mixing of the liquids. Proceed as directed in paragraph (e) of this section.

(e) *Procedure.* Cover the top of each centrifuge tube with a plastic cap. Punch a small hole in the top of each cap to allow vapor to escape. Place the tubes in a 100° C. drying oven for 2.5 hours. Remove the tubes from the oven and allow to cool. Take the plastic cap from each tube and replace with the glass stopper. Centrifuge 10–15 minutes at 2,000–2,500 r.p.m. to separate the white solid from the liquid in the tube. Inject 0.5 microliter of the clear liquid into the gas chromatograph. Use the conditions and materials listed in paragraphs (a), (b), and (c) of this section. The conditions should be adequate to maintain a stable baseline and provide at least 60 percent deflection of the recorder scale by the clindamycin peak. The resolution of the peaks should be complete. The elution order is: Internal standard, clindamycin, and epiclindamycin (if present). Calculate the clindamycin content as directed in paragraph (f) of this section.

(f) *Calculations.* Calculate the clindamycin content of the sample as follows:

$$\text{Micrograms of clindamycin per milligram} = \frac{R_c \times W_s \times f}{R_s \times W_c},$$

where:

R_c = Area of the clindamycin sample peak (at a retention time equal to that observed for the clindamycin standard) / Area of internal standard peak

R_s = Area of the clindamycin standard peak / Area of internal standard peak;

W_s = Weight of the clindamycin working standard in milligrams;

W_c = Weight of the sample in milligrams;

f = Potency of the clindamycin working standard in micrograms per milligram.

§ 436.303 Clindamycin content of clindamycin palmitate hydrochloride by vapor phase chromatography.

(a) *Equipment.* Gas chromatograph equipped with a flame ionization detector: Hewlett-Packard 7606 [4] or equivalent.

[4] Available from: Hewlett Packard Co., P.O. Box 301, Loveland, CO 80537.

(b) *Reagents.* (1) Acetic anhydride, reagent grade.

(2) Pyridine, reagent grade.

(3) Chloroform, reagent grade.

(4) Internal standard: Prepare a solution containing 5 milligrams of cholesteryl benzoate per milliliter in chloroform.

(c) *Typical conditions.* (1) Column: 6 feet x 2 millimeters ID, glass, with 1 percent UC-W98 on Chromosorb WHP (80/100 mesh) or equivalent.

(2) Temperatures: Column 275° C.; detector 290° C.; injection port 280° C.

(3) Carrier gas: Helium approximately 60 milliliters per minute.

(4) Detector: Hydrogen flame ionization—hydrogen at 12 pounds per square inch, air at 32 pounds per square inch.

(5) Sensitivity: 1,000; attenuation, 16; 1 x 10^{-9} amperes.

(d) *Preparation of clindamycin palmitate hydrochloride sample and working standard solutions.* Accurately weigh approximately 15 milligrams of both the sample and the working standard into separate glass-stoppered, conical 15-milliliter centrifuge tubes. Add 1.0 milliliter of internal standard solution, 1.0 milliliter of pyridine, and 0.5 milliliter of acetic anhydride to each tube. Agitate the tubes to insure dissolution and complete mixing of the liquids. Proceed as directed in paragraph (e) of this section.

(e) *Procedure.* Cover the top of each centrifuge tube with a plastic cap. Punch a small hole in the top of each cap to allow vapor to escape. Place the tubes in a 100° C. drying oven for 2.5 hours. Remove the tubes from the oven and allow to cool. Take the plastic cap from each tube and replace with the glass stopper. Centrifuge 10–15 minutes at 2,000–2,500 r.p.m. to separate the white solid from the liquid in the tube. Inject 1 microliter of the clear liquid into the gas chromatograph. Use the conditions and materials listed in paragraphs (a), (b), and (c) of this section. The conditions should be adequate to maintain a stable baseline and provide at least 40 percent deflection of the recorder scale by the clindamycin palmitate peak. The resolution of the peaks should be complete. The internal standard will be eluted before the clindamycin palmitate. Calculate the clindamycin content as directed in paragraph (f) of this section.

(f) *Calculations.* Calculate the clindamycin content of the sample as follows:

$$\text{Micrograms of clindamycin per milligram} = \frac{R_c \times W_s \times f}{R_s \times W_c},$$

where:

R_c = Area of the sample peak (at a retention time equal to that observed for the clindamycin palmitate hydrochloride standard) / Area of internal standard peak

R_s = Area of the clindamycin palmitate hydrochloride standard peak / Area of internal standard peak;

W_s = Weight of the clindamycin palmitate hydrochloride working standard in milligrams;

W_c = Weight of the sample in milligrams;

f = Micrograms of clindamycin activity per milligram of clindamycin palmitate hydrochloride working standard.

§ 436.304 Clindamycin phosphate vapor phase chromatography.

(a) *Equipment.* Gas chromatograph equipped with an electronic integrator and with a flame ionization detector that has a sensitivity of at least 1 x 10^{-10} amperes: Hewlett-Packard 7600 [4] or equivalent.

(b) *Reagents.* (1) Trifluoroacetic anhydride.

(2) Intestinal alkaline phosphatase.

(3) pH 9.0 borate buffer: Transfer 3.1 grams of boric acid into a 1-liter volumetric flask containing 500 milliliters of water, mix, and add 21 milliliters of 1.0*N* sodium hydroxide and 10 milliliters of 0.1*M* magnesium chloride. Dilute to volume with water and mix well.

(4) Internal standard: Prepare a chloroform solution containing approximately 0.45 milligram hexacosane per milliliter.

(5) Anhydrous sodium carbonate.

(c) *Typical conditions.* (1) Column: 2 feet x 3 millimeters ID, glass, with 1 percent SE-30 on Diatoport S (80/100 mesh), or equivalent.

(2) Temperatures: Column, 180° C., detector, 215° C., injection port, ambient temperature.

(3) Carrier gas: Helium approximately 60 milliliters per minute.

(4) Detector: Hydrogen flame—hydrogen flow at 40 milliliters per minute. Air flow at 400 milliliters per minute.

(5) Sensitivity: 1 x 10^{-9} amperes.

(d) *Preparation of clindamycin phosphate sample solution.* Accurately weigh approximately 12 milligrams of the clindamycin phosphate sample into a 50-milliliter glass-stoppered centrifuge tube. Pipet 25 milliliters of the pH 9.0 borate buffer into the centrifuge tube. Add 10 milliliters chloroform and shake vigorously for 15 minutes. Centrifuge the resulting mixture and pipet a 20-milliliter aliquot of the aqueous phase into a 35-milliliter centrifuge tube. Add a weighed amount of intestinal alkaline phosphatase equivalent to 50 units of activity [5] and allow the solution to stand until the enzyme has completely dissolved. Place the tube into a water bath at 37° C.±2° C. for 2.5 hours. After the 2.5-hour hydrolysis, allow the solution to cool and proceed as directed in paragraph (f) of this section.

(e) *Preparation of the clindamycin hydrochloride standard solution.* Accurately weigh approximately 9 milligrams of the clindamycin hydrochloride working standard into a 35-milliliter glass-stoppered centrifuge tube and dissolve in 20 milliliters of pH 9.0 borate buffer. Proceed as directed in paragraph (f) of this section.

(f) *Procedure.* Add 10 milliliters of the internal standard solution to each sample and standard solution. Shake the centrifuge tubes vigorously for 30 minutes and centrifuge. Remove the aqueous layer and discard. Shake the tubes again; mix in an ultrasonic mixer for 2 minutes, then centrifuge. No emulsion should be present at this stage. Remove the remaining aqueous layer by suction and transfer a 3-milliliter aliquot of the chloroform layer to a 1-dram tablet vial containing approximately 1 gram of anhydrous sodium sulfate. Swirl the vial to dry the chloroform and transfer a 1-milliliter aliquot to another 1-dram tablet vial. Using a 0.25-milliliter pipet, add 0.25 milliliter of trifluoracetic anhydride to each of the vials and place into a water bath at 45° C.±2° C. for 30 minutes. Remove the vials from the bath, add about 10 granules of anhydrous sodium carbonate to each vial, and allow to stand for approximately 30 minutes. Centrifuge the vials for approximately 10 minutes at 5,000 r.p.m. Inject 2 microliters of each of the resulting solutions into the gas chromatograph. Use the conditions and materials listed in paragraphs (a), (b), and (c) of this section. The elution order is: Internal standard, clindamycin, and epiclindamycin (if present). Calculate the clindamycin content as directed in paragraph (g) of this section.

(g) *Calculations.* Calculate the clindamycin content of the sample as follows:

$$\text{Micrograms of clindamycin per milligram} = \frac{R_c \times W_s \times f}{R_s \times W_c},$$

where:

R_c = Area of the clindamycin sample peak (at a retention time equal to that observed for the clindamycin standard); / Area of internal standard peak

R_s = Area of the clindamycin standard peak; / Area of internal standard peak

W_s = Weight of the clindamycin working standard in milligrams;

W_c = Weight of the sample in milligrams;

f = Potency of the clindamycin working standard in micrograms per milligram.

§ 436.305 Thin layer chromatographic identity test for hetacillin.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 9 x 9 x 3.5 inches with a glass solvent trough on the bottom.

(2) *Plates.* Use 20 x 20 centimeter thin layer chromatography plates coated with Silica Gel G or equivalent to a thickness of 250 microns.

(b) *Developing solvent.* Mix 650 milliliters acetone with 100 milliliters distilled water, 100 milliliters benzene, and 25 milliliters acetic acid.

(c) *Spray solution.* Dissolve 300 milligrams of ninhydrin in 100 milliliters ethanol.

(d) *Preparation of spotting solutions*—(1) *Sample solution.* Use the sample solution prepared as described in the section for the particular product to be tested.

(2) *Reference solutions.* Prepare a solution containing 10 milligrams of an

[5] Defined such that 50 units hydrolyzes at least 20 micromoles of a clindamycin phosphate authentic sample under the assay conditions described in this section.

authentic hetacillin sample per milliliter in a 4:1 solution of acetone and 0.1*N* hydrochloric acid, and a solution of ampicillin standard at 1 mg/ml in the same solvent.

(e) *Procedure.* Spot a plate as follows: Apply approximately 10 microliters of the sample solution, 1 μl. of the reference hetacillin solution, and 1 μl. of the ampicillin reference solution on a line 1.5 centimeters from the base of the silica gel plate and at intervals of not less than 2.0 centimeters. Pour developing solvent into the glass through the bottom of the chromatography tank. After all spots are thoroughly dry, place the silica gel plate directly into the glass trough of the chromatography tank. Cover and seal the tank. Allow the solvent front to travel about 11.5 centimeters from the bottom of the plate, remove the plate from the tank, and allow to air dry. Apply the spray solution (do not saturate) and place immediately into an oven maintained at 90° C. Heat 15 minutes.

(f) *Evaluation.* Measure the distance the solvent front traveled from the starting line and the distance the spots are from the starting line. Calculate the R_f value by dividing the latter by the former. The sample and standard should have spots of corresponding R_f values.

§ 436.306 Lincomycin vapor phase chromatography.

(a) *Equipment.* Gas chromatograph equipped with a flame ionization detector; Barber-Colman 5000 or equivalent.

(b) *Reagents.* (1) Pyridine, reagent grade, kept over potassium hydroxide.

(2) Methanol, reagent grade, anhydrous.

(3) Ethanol, absolute, reagent grade.

(4) Internal standard: Prepare a solution containing 2 milligrams of tetraphenylcyclopentadienone per milliliter in pyridine.

(5) Silylating reagent: Mix (9+1) of hexamethyldisilazane and trimethylchlorosilane.

(c) *Typical conditions.* (1) Column: 4 feet x 3 millimeters ID, glass, with 3 percent SE-30 on Gas-Chrom Q (100/120 mesh), or equivalent.

(2) Temperatures: Column 225° C.; detector 280° C., injector 270° C.

(3) Carrier gas: Helium at 15 pounds per square inch.

(4) Detector: Hydrogen flame ionization—hydrogen at 20 pounds per square inch, air at 40 pounds per square inch.

(5) Sensitivity: 100; attenuation 2; current 2×10^{-9} amperes.

(d) *Preparation of lincomycin sample and working standard solutions.* Prepare the sample and working standard as follows: Weigh accurately an aliquot of about 40 milligrams into a 10-milliliter volumetric flask, add sufficient pyridine to dissolve, and make to mark. Transfer a 1-milliliter aliquot to a glass-stoppered conical centrifuge tube and proceed as directed in paragraph (e) of this section.

(e) *Procedure.* Add 0.2 milliliter of the silylating reagent to each centrifuge tube and allow to stand at least 30 minutes. Then add exactly 1 milliliter of the internal standard, shake well, and centrifuge. Inject 5 microliters of the supernatant into the gas chromatograph. Use the typical conditions and materials listed in paragraphs (a), (b), and (c) of this section. The conditions should be adequate to provide at least 60 percent scale deflection with the lincomycin peak and to maintain a stable base line. The resolution of the peaks should be complete. The elution order is lincomycin B, lincomycin, and the internal standard. If necessary, adjust the current setting for the lincomycin B peak to give a satisfactory response relative to that of the lincomycin peak. Calculate the lincomycin content and lincomycin B content as directed in paragraph (f) of this section.

(f) *Calculations.*

$$\text{Lincomycin content of sample in micrograms per milligram} = \frac{(R_s)(W_s)(f)}{(R_r)(W_u)},$$

where:

$R_s = \frac{\text{Area of the lincomycin sample peak}}{\text{Area of internal standard peak}}$;

$R_r = \frac{\text{Area of the lincomycin standard peak}}{\text{Area of internal standard peak}}$;

W_s = Weight of the lincomycin working standard in milligrams;

W_u = Weight of the sample in milligrams;

f = Potency of lincomycin working standard in micrograms per milligram.

$$\text{Percent lincomycin B content} = \frac{B}{A+B} \times 100,$$

where:

A = Area of lincomycin peak of the sample;

B = Area of lincomycin B peak of the sample corrected for the attenuation adjustment.

§ 436.307 Spectinomycin vapor phase chromatography.

(a) *Equipment.* Gas chromatograph equipped with a flame ionization detector; Barber-Coleman 5,000 or equivalent.

(b) *Reagents.* (1) Dimethylformamide, reagent grade, kept dry over anhydrous sodium sulfate.

(2) Internal standard: Prepare a solution containing 2 milligrams of triphenylantimony per milliliter in dry dimethylformamide.

(3) Silylating reagent: Hexamethyldisilazane.

(c) *Typical conditions.* (1) Column: 4 feet by 4 millimeters ID, glass, with 5 percent SE-52 on Diatoport S (80/100 mesh), or equivalent.

(2) Temperatures: Column 215° C.; detector 270° C.; injection port 265° C.

(3) Carrier gas: Helium 93 milliliters per minute at 15 pounds per square inch.

(4) Detector: Hydrogen flame—hydrogen at 20 pounds per square inch, air at 40 pounds per square inch.

(5) Sensitivity: 1,000; attenuation, 10 for both spectinomycin and internal standard; 2×10^{-9} amperes.

(d) *Preparation of spectinomycin sample and working standard—(1) Working standard and bulk antibiotic solutions.* (i) Accurately weigh approximately 30 milligrams of sample or working standard into separate glass-stoppered 25-milliliter Erlenmeyer flasks.

(ii) Add 10 milliliters of the internal standard solution and 1.0 milliliter of hexamethyldisilazane to each flask. Agitate the flasks to insure dissolution of the sample and working standard and complete mixing of the liquids. Shake the flasks intermittently for 1 hour. Proceed as directed in paragraph (e) of this section.

(2) *Finished product solutions.* Prepare the sample for assay as directed in the individual section for each antibiotic product to be tested.

(e) *Procedure.* Inject 2.5 microliters of each solution into the gas chromatograph. Use the conditions and materials listed in paragraphs (a), (b), and (c) of this section. The conditions should be adequate to maintain a stable base line and provide at least 60 percent deflection of the recorder scale by the spectinomycin peak. The resolution of the peaks should be complete. The internal standard will be eluted before spectinomycin. Calculate the spectinomycin content as directed in paragraph (f) of this section.

(f) *Calculations.* Calculate the spectinomycin content of the sample as follows:

$$\text{Micrograms of spectinomycin per milligrams} = \frac{R_s \times W_s \times f}{R_r \times W_u}$$

where:

$R_s = \frac{\text{Area of spectinomycin sample peak (at a retention time equal to that observed for the spectinomycin standard)}}{\text{Area of internal standard peak}}$

$R_r = \frac{\text{Area of the spectinomycin standard peak}}{\text{Area of internal standard peak}}$

W_s = Weight of the spectinomycin working standard in milligrams;

W_u = Weight of the sample in milligrams;

f = Potency of the spectinomycin working standard in micrograms per milligram.

§ 436.308 Paper chromatography identity test for tetracyclines.

(a) *Equipment*—(1) *Sheet (chromatographic).* Whatman No. 1 filter paper for chromatography, 20 x 20 centimeters.

(2) *Chamber (chromatographic).* Cylindrical glass chromatographic jar, 25 x 12 x 25 centimeters, with a ground-glass lid.

(3) *Preparation of solutions*—(i) *pH 3.5 buffer.* Mix 13.93 volumes of 0.1*M* citric acid with 6.07 volumes of 0.2*M* of disodium phosphate.

(ii) *Solvent (organic phase).* Mix chloroform, nitromethane, and pyridine in volumetric proportions of 10:20:3, respectively.

(b) *Procedure.* Fill the chamber to a depth of 0.6 centimeter with freshly prepared solvent. Draw a starting line about 2.5 centimeters from and parallel to the bottom of the sheet. Wet the sheet thoroughly with the pH 3.5 buffer and blot it firmly between sheets of absorbent paper. Starting about 5 centimeters from the edge of the sheet and at 1.5-centimeter intervals, apply to the starting line 2 microliters each of standard solution (1 milligram per milliliter), sample solution (1 milligram per milliliter), and a 1:1 mixture of the standard and sample solutions. Allow a few minutes for the sheet to dry partially, and while still damp place it in the chamber with the bottom edge touching the solvent. When the solvent front has risen about 10 centimeters, remove the sheet from the chamber. Examine the dried sheet under a strong source of ultraviolet light and record the position of any fluorescent spots. Measure the distance the solvent front traveled from the starting line and the distance that the fluorescent spots are from the starting line. Calculate the R value by dividing the latter by the former.

§ 436.309 Anhydrotetracyclines and 4-epianhydrotetracycline.

Determination of 4-epianhydrotetracycline and anhydrotetracyclines in tetracycline, tetracycline hydrochloride, tetracycline phosphate, and in dosage forms thereof is as follows:

(a) *Screening procedure for total anhydrotetracyclines content*—(1) *Sample solution preparation*—(i) *Bulk packaged for repacking or for use in the manufacture of another drug.* Accurately weigh approximately 50 milligrams of the sample into a 50-milliliter volumetric flask and add 10 milliliters of 0.1*N* hydrochloric acid. Shake until sample is completely dissolved, and then dilute to volume with water.

(ii) *Sterile dispensing containers.* Proceed as directed in paragraph (a) (1) (i) of this section.

(iii) *Capsules.* Transfer a representative quantity of capsule contents equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask. Add 50 milliliters of 0.1*N* hydrochloric acid and shake on a mechanical shaker for 5 minutes. Dilute to volume with water and filter through a fluted filter paper. Discard the first 20 milliliters of filtrate and collect the next 20 milliliters.

(iv) *Tablets.* Grind a representative number of tablets to a fine powder. Transfer an amount of the powder equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask. Add 50 milliliters of 0.1*N* hydrochloric acid and shake on a mechanical shaker for 5 minutes. Dilute to volume with water and filter through a fluted filter paper. Discard the first 20 milliliters of filtrate and collect the next 20 milliliters.

(v) *Oral powders and suspensions.* Proceed as described in paragraph (b) of this section.

(2) *Test procedure.* Using a suitable spectrophotometer, determine the absorbance of the sample solution prepared as directed in paragraph (a) (1) of this section at 430 millimicrons using 0.02*N* hydrochloric acid as a blank. Then accurately dilute 1.0 milliliter of the sample solution to 100 milliliters with 0.02*N* hydrochloric acid and determine the absorbance of this solution at 356 millimicrons, using 0.02*N* hydrochloric acid as a blank.

(3) *Calculations.*

$$\text{Percent anhydrotetracyclines} = \frac{[a430 - (a356 \times 0.0019)] \times 100}{180}$$

where:

$a430$ = Absorptivity (1%, 1 cm.) of sample at 430 millimicrons;

$$\text{For bulk, absorptivity} = \frac{\text{Absorbance} \times 50 \times 10}{\text{Milligrams of sample}}$$

For sterile dispensing containers, capsules, and tablets; absorptivity = Absorbance × 10;

$a356$ = Absorptivity (1%, 1 cm.) of sample at 356 millimicrons;

$$\text{For bulk, absorptivity} = \frac{\text{Absorbance} \times 50 \times 1000}{\text{Milligrams of sample}}$$

For sterile dispensing containers, capsules and tablets; absorptivity = Absorbance × 1,000;

0.0019 = Absorbance ratio (*A*430/*A*356) observed with tetracycline;

180 = Absorptivity (1%, 1 cm.) of anhydrotetracycline hydrochloride at 430 millimicrons.

(4) *Evaluation.* If the total anhydrotetracyclines content determined by the screening procedure described in paragraph (a) of this section exceeds 2 percent for bulks and 3 percent for injectables, tablets, and capsules, perform the determination for anhydrotetracyclines and 4-epianhydrotetracycline described in paragraph (b) of this section. If the results of the test described in paragraph (a) of this section for total anhydrotetracyclines content are within the required limits in the case of bulks, injectables, tablets, and capsules, these results may be submitted in lieu of the results of the test for 4-epianhydrotetracycline and that test as described in paragraph (b) of this section need not be performed.

(b) *Determination of anhydrotetracyclines content and 4-epianhydrotetracycline content*—(1) *Apparatus and reagents*—(i) Chromatographic tubes (15 millimeters ID x 170 millimeters long having an outlet tube 4 millimeters ID x 50 millimeters long).

(ii) pH meter standardized at pH 7.0 and at pH 10.0.

(iii) Diatomaceous earth, acid-washed (Celite 545 or equivalent).

(iv) EDTA buffer: Dissolve 0.1 mole ethylenediaminetetraacetic acid disodium salt in 800 milliliters of water. Adjust to pH 7.8 with ammonium hydroxide, reagent grade, and dilute to 1 liter with water.

(v) Chloroform, spectrophotometric grade.

(vi) Diluted ammonium hydroxide: Mix 1 volume of ammonium hydroxide, reagent grade, with 9 volumes of distilled water.

(vii) 0.1*N* hydrochloric acid.

(viii) 1.0*N* hydrochloric acid.

(2) *Preparation of support phase.* Add 5 milliliters of EDTA buffer to 10 grams of diatomaceous earth and mix until the diatomaceous earth is uniformly moistened. It will no longer be free-flowing.

(3) *Preparation of sample solutions.* Prepare the sample solutions as follows:

(i) *Tetracycline, tetracycline phosphate complex, and tetracycline hydrochloride bulk packaged for repacking or for use in the manufacture of another drug.* Place an amount of sample equivalent to 250 milligrams of tetracycline hydrochloride into a 50-milliliter beaker and dissolve in 10 milliliters of 0.1*N* hydrochloric acid. Immediately adjust the pH to 7.8 with the diluted ammonium hydroxide, and if necessary, with 1.0*N* hydrochloric acid and 0.1*N* hydrochloric acid. Quantitatively transfer this solution to a 50-milliliter volumetric flask by rinsing the beaker with EDTA buffer, fill to volume with EDTA buffer and shake well. Use this solution without delay to prepare a column as directed in paragraph (b) (4) of this section.

(ii) *Capsules.* Proceed as directed in paragraph (b) (3) (i) of this section, except pool the contents of a representative number of capsules and use an amount of the pooled capsule contents equivalent to 250 milligrams of tetracycline hydrochloride.

(iii) *Tablets.* Proceed as directed in paragraph (b) (3) (i) of this section, except grind tablets to a powder in a small mortar and use an amount of powder equivalent to 250 milligrams of tetracycline hydrochloride.

(iv) *Oral suspension and pediatric drops.* Place 5 milliliters of oral suspension equivalent to 125 milligrams of tetracycline hydrochloride or 2 milliliters of pediatric drops equivalent to 200 milligrams of tetracycline hydrochloride into a 50-milliliter beaker and add sufficient 0.1*N* hydrochloric acid to make 10 milliliters. Quickly adjust the pH to 7.8 with the diluted ammonium hydroxide, and if

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necessary, with 1*N* hydrochloric acid and 0.1*N* hydrochloric acid. Quantitatively transfer this solution to a 25-milliliter flask by rinsing the beaker with EDTA buffer, fill to volume with EDTA buffer, and shake well. Use this solution without delay to prepare a column as directed in paragraph (b)(4) of this section.

(v) *Oral powders.* Reconstitute as directed in the labeling and proceed as directed in paragraph (b)(3)(iv) of this section.

(vi) *Sterile dispensing containers.* Proceed as directed in paragraph (b)(3)(i) of this section.

(4) *Column preparation.* Pack support phase into the chromatographic tube by increments and firmly tamp down each increment. Do not use any glass wool in the column outlet. Add enough support phase to the column to reach a height of 9 to 11 centimeters; then add 1 milliliter of sample solution to 1 gram of diatomaceous earth in a small beaker, and mix thoroughly. Pack the sample: diatomaceous earth mixture on top of the column. Dry wash the beaker with support phase and pack an additional 1-centimeter layer of support phase on top of the sample layer.

(5) *Column elution and fraction collection.* Within 30 minutes after preparing the column, elute with chloroform. Collect 5 successive fractions of 5 milliliters, 5 milliliters, 10 milliliters, 10 milliliters, and 5 milliliters. During elution, two clear separate yellow bands will appear on the column. The first band is anhydrotetracyclines and will almost always elute in the first 5-milliliter fraction, but occasionally in the first and second 5-milliliter fractions. The second band is 4-epianhydrotetracycline and will elute in the remaining fractions. Label the fraction or fractions containing the first yellow band anhydrotetracyclines. Label the fractions after the first yellow band 4-epianhydrotetracycline. Determine the absorbance of each fraction at a wavelength of 438 nanometers using a suitable spectrophotometer equipped with a 1.0-centimeter cell and chloroform as the blank. If necessary, make appropriate dilutions with choloroform to obtain a readable value.

(6) *Calculations*—(i) *Percent anhydrotetracyclines.* Calculate the percent anhydrotetracyclines as follows:

$$\text{Number of milligrams of anhydrotetracyclines in each fraction containing anhydrotetracyclines} = \frac{A \times b \times c}{20.28}$$

where:

A = Absorbance of the sample solution at 438 nanometers;
b = Volume of fraction in milliliters;
c = Dilution factor of the fraction (for example, if 2 milliliters of the fraction are diluted to 10 milliliters for reading, c will be 5).
20.28 = Absorptivity (1 milligram per milliliter, 1 centimeter) of anhydrotetracyclines in chloroform at 438 nanometers.

$$\text{Total weight of anhydrotetracyclines in the sample} = \text{Sum of weights of anhydrotetracyclines in the fractions labeled anhydrotetracyclines} \times \text{Number of milliliters in the sample solution}$$

$$\text{Percent anhydrotetracyclines in tetracycline, tetracycline hydrochloride, tetracycline phosphate complex bulk packaged for repacking or for use in the manufacture of another drug} = 100 \times \frac{\text{Total weight of anhydrotetracyclines in the sample}}{\text{Weight of the sample}}$$

$$\text{Percent anhydrotetracyclines in dosage forms} = 100 \times \frac{\text{Total weight of anhydrotetracyclines in the sample}}{\text{Labeled tetracycline content of the sample}}$$

(ii) *Percent 4-epianhydrotetracycline.* Calculate the percent 4-epianhydrotetracycline as follows:

$$\text{Number of milligrams of 4-epianhydrotetracycline in each fraction labeled 4-epianhydrotetracycline} = \frac{A \times b \times c}{20.08}$$

where:

A = Absorbance of the sample solution at 438 nanometers;
b = Volume of the fraction in milliliters;
c = Dilution factor of the fraction (for example, if 2 milliliters of the fraction are diluted to 10 milliliters for reading, c will be 5);
20.08 = Absorptivity (1 milligram per milliliter, 1 centimeter) of 4-epianhydrotetracycline in chloroform at 438 nanometers.

$$\text{Total weight of 4-epianhydrotetracycline in the sample} = \text{Sum of weights of 4-epianhydrotetracycline fractions labeled 4-epianhydrotetracycline} \times \text{Number of milliliters in the sample solution}$$

$$\text{Percent 4-epianhydrotetracycline in tetracycline, tetracycline hydrochloride, tetracycline phosphate complex bulk packaged for repacking or for use in the manufacture of another drug} = 100 \times \frac{\text{Total weight of 4-epianhydrotetracycline in the sample}}{\text{Weight of the sample}}$$

$$\text{Percent 4-epianhydrotetracycline in dosage forms} = 100 \times \frac{\text{Total weight of 4-epianhydrotetracycline in the sample}}{\text{Labeled tetracycline content of the sample}}$$

(7) *Limits for 4-epianhydrotetracycline.* The 4-epianhydrotetracycline content of tetracycline, tetracycline hydrochloride, and tetracycline phosphate complex bulk drugs and all oral and injectable dosage forms containing these tetracyclines shall not exceed 2 percent for bulk drugs, 3 percent for injectables, tablets, capsules and oral powders and 5 percent for oral suspension.

§ 436.310 Thin layer chromatography identity test for mitomycin.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 9 x 9 x 3.5 inches, lined with filter paper and with a solvent trough on the bottom.

(2) *Plates.* Use 20 by 20 centimeter thin layer chromatography plates coated with Silica Gel G or equivalent, to a thickness of 250 microns.

(b) *Reagents*—(1) *Developing solvent.* Mix *n*-butanol, glacial acetic acid, and water in volumetric proportions of 4:2:1, respectively.

(2) *Spray solution.* Prepare a one-percent solution of ninhydrin in ethanol.

(c) *Preparation of spotting solutions.* Prepare solutions of the sample and working standard, each containing 1 milligram of mitomycin per milliliter, in water.

(d) *Procedure.* Pour developing solvent into the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 30 minutes. Prepare a plate as follows: Apply spotting solutions on a line 2.5 centimeters from the base of the silica gel plate and at points 2.0 centimeters apart. Apply approximately 2 microliters of the working standard solution to points 1 and 3. When these spots are dry, apply approximately 2 microliters of sample solution to points 2 and 3. After all spots are thoroughly dry, place the silica gel plate into the trough in the chromatography tank. Cover and seal the tank tightly. Allow the solvent front to travel about 10 centimeters from the starting line. Remove the plate and allow it to air dry. After the plate is dry, spray lightly with the spray solution. Heat the plate in an oven at 110° C. for 10–15 minutes. Mitomycin appears as a pink spot.

(e) *Evaluation.* The sample and standard should have spots of corresponding R_f value (approximately 0.51), and standard and sample combined should appear as a single spot of corresponding R_f value.

Subpart G—Chemical Tests for Nonantibiotic Active Ingredients

§ 436.400 Thin layer chromatographic identity test for iodochlorhydroxyquin.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 9 x 9 x 3.5 inches with a glass solvent trough on the bottom.

(2) *Plates.* Use 20 x 20 centimeter thin layer chromatography plates coated with Silica Gel G or equivalent to a thickness of 250 microns.

(b) *Developing solvent.* Mix benzene and methanol in volumetric proportions of 90:10.

(c) *Preparation of spotting solutions*—(1) *Sample solution.* Use the sample solution prepared as described in the section for the particular product to be tested.

(2) *Reference solution.* Prepare a solution containing 0.5 milligram of iodochlorhydroxyquin U.S.P. reference standard per milliliter in acetone.

(d) *Procedure.* Pour developing solvent into the glass trough on the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 1 hour. Spot a plate as follows: Apply approximately 10 microliters each of the sample solution and of the reference solution on a line 2.0 centimeters from the base of the silica gel plate and at intervals of not less than 2.0 centimeters. After all spots are thoroughly dry, place the silica gel plate directly into the glass trough of the chromatography tank. Cover and reseal the tank. Allow the solvent front to travel about 15 centimeters from the starting line, remove the plate from the tank, and allow to air dry. Examine under a strong source of ultraviolet light. The sample and standard are visible as dark spots.

(e) *Evaluation.* Measure the distance the solvent front traveled from the starting line and the distance the spots are from the starting line. Calculate the R_f value by dividing the latter by the former. The sample and standard should have spots of corresponding R_f values (0.55 to 0.60).

Subpart H—Tests for Specific Antibiotic Dosage Forms

§ 436.500 Penicillin in oil and wax.

(a) *Potency.* Proceed as directed in § 440.80a(b)(1) of this chapter except paragraph (b)(1)(ix) thereof and, in lieu of the directions in § 440.80a(b)(1)(iv) of this chapter prepare sample as follows: Liquefy the sample by warming, thoroughly mix, and withdraw 1.0 milliliter using a sterile syringe equipped with an 18-gauge needle. Transfer to a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the separatory funnel vigorously to bring about complete mixing of the material with the ether. Shake with a 25-milliliter portion of 1 percent phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25-milliliter quantities of buffer. Combine the extracts and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The sample may also be prepared by transferring aseptically 1.0 milliliter of the penicillin in oil and wax to a blending jar containing 100 milliliters of 1 percent phosphate buffer at pH 6.0. Using a high-speed blender, blend this mixture for 1 minute and then make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. If the label represents the potency of the penicillin in oil and wax as 200,000 units per milliliter or less, it is satisfactory if it is 85 percent or more of the potency so represented; if represented as more than 200,000 units per milliliter, it is satisfactory if it is 90 percent or more of the potency so represented.

(b) *Sterility.* Proceed as directed in § 436.20, using the method described in paragraph (e)(2) of that section, except using medium B in lieu of medium A.

(c) *Moisture*—(1) *Reagents*—(i) *Karl Fischer reagent.* Preserve the reagent in glass-stoppered bottles and use from an all glass automatic burette, protecting the solution from the moisture in the air.

(ii) *Water-methanol solution.* Use methanol containing approximately 1 mg. of water per milliliter. Store the solution in a glass bottle attached to an automatic burette and protect from moisture in the air at all times.

(2) *Standardization of Karl Fischer reagent.* Add a known volume of the Karl Fischer reagent to a suitable titrating vessel which has been previously dried at 105° C. and cooled in a desiccator. Introduce a mechanical stirrer and two platinum electrodes which are connected to a suitable electrometric apparatus for measurement of the endpoint. Start the stirrer and titrate with the water-methanol solution until the endpoint is reached. Calculate the milliliters of Karl Fischer reagent equivalent to each milliliter of water-methanol.

Add an accurately weighed quantity of water (approximately 50 milligrams) to a dry titrating vessel, add an excess of the Karl Fischer reagent and back titrate with the water-methanol solution as above. Calculate the milligrams of water equivalent to each milliliter of the Karl Fischer reagent. Standardize the Karl Fischer reagent in this manner daily.

$$e = \frac{w}{v_1 - v_2 f}$$

where:

e = milligrams of water equivalent to 1 ml. Karl Fischer reagent.
w = weight of water in milligrams.
v_1 = volume of Karl Fischer reagent used.
v_2 = volume of methanol used.
f = volume ratio of Karl Fischer reagent to water-methanol solution.

(3) *Procedure.* Transfer 1.0 milliliter of the penicillin in oil and wax to a dry titrating vessel, add 10 milliliters of dry chloroform and an excess of the Karl Fischer reagent and back titrate with the water-methanol solution until the endpoint is reached. Transfer 10 milliliters of the dry chloroform used to a dry titrating vessel, add an excess of Karl Fischer reagent, and titrate with the water-methanol as above. Calculate the milliliters of Karl Fischer reagent equivalent to 10 milliliters of chloroform.

$$\text{Percent moisture} = \frac{(v_1 - v_2 f - b) \times e \times 100}{s \times 1000}$$

where:

b = milliliters Karl Fischer reagent equivalent to 10 ml. of chloroform.
s = volume of the sample in milliliters.

(d) *Measurement of penicillin particle size.* Vigorously shake the container to obtain an even suspension of the penicillin particles and immediately withdraw therefrom approximately 0.5 milliliter of the drug into a clean, dry, tuberculin syringe using a dry 18-gauge needle. Discard approximately the first 5 drops of the mixture extruded from the needle and then extrude approximately 1 minim of the remaining mixture into a test tube containing 3 to 4 milliliters of light mineral oil. Thoroughly mix the contents of the tube and by means of a bacteriological loop (2 millimeters inside diameter, 22 gauge wire), immediately place one loopful of the suspension on each ruled chamber of a bright line hemocytometer. (It is not necessary to use a cover slip.) Confirm by means of the low power objective of the microscope the even distribution of particles over the ruled areas of both chambers and repeat with another loopful of the suspension if even dispersion is not obtained. Use a magnification of 430 or 440 diameters and a calibrated ocular micrometer to measure the penicillin particles. For the purpose of measurement and calculation, the predominant type of crystals observed shall be considered to represent the type of crystals present and the thickness and density of all particles shall be considered constant. Center a large penicillin particle in the microscopic field; measure the particle and all other particles in the field and repeat this operation on other fields until at least 200 particles are measured. Particles of less than 5 microns in length are disregarded. The grouping of the particles by length, the midpoint, the ratio of the midpoints, and the square of the ratio of the midpoints for each group are tabulated below:

Group	Length in microns	Midpoint	Ratio of midpoints	(Ratio)²
1	5-14	9.5	1.00	1.00
2	15-29	22.0	2.31	5.34
3	30-49	39.5	4.16	17.31
4	50-69	59.5	6.26	39.19
5	70-99	84.5	8.89	79.03
6	100-149	124.5	13.10	171.61
7	150-199	174.5	18.36	337.09
8	200-249	224.5	23.63	558.38
9	250-300	275.0	28.94	838.10

Calculate the percent particles in each group from the total number measured. Determine the percent relative weight for each group as follows:

Plate type particles. Relative weight = (ratio)³ × % of total particles in group.

$$\% \text{ relative weight} = \frac{\text{relative weight} \times 100}{\text{total relative weight}}$$

Rod-shaped particles. In the case of rod-shaped particles measure the width as well as the length.

Relative weight = ratio × average width × % of total particles in group

$$\% \text{ relative weight} = \frac{\text{relative weight} \times 100}{\text{total relative weight}}$$

When examined by the method described in this section not less than 50 percent of the total relative weight of the penicillin in the drug consists of penicillin having a particle size of not less than 50 microns in length.

§ 436.503 Procaine penicillin and buffered crystalline penicillin for aqueous injection.

(a) *Total potency (except in single-dose container), sterility, moisture, pyro-*

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gens, toxicity, pH. Proceed as directed in § 440.274b(b) of this chapter.

(b) *Buffered crystalline penicillin content*—(1) *Preparation of the solution for assay.* Add the indicated amount of distilled water to the contents of a vial of the sample, and shake well. Withdraw one dose of the suspension with a hypodermic syringe and place in a 10-milliliter volumetric flask. Add 20-percent sodium sulfate solution almost to the mark, centrifuge sufficiently to see the meniscus, make to volume with 20-percent sodium sulfate solution, shake well, and centrifuge to obtain a clear or reasonably clear solution. Dilute a 5.0-milliliter aliquot of this clear solution with 1-percent phosphate buffer, pH 6.0, to give a solution for assay of approximately 2,000 units per milliliter.

(2) *Iodometric assay for total penicillin in the solution for assay.* Determine the quantity of penicillin in the solution for assay by the iodometric assay procedure described in § 440.80a(b)(5)(iv)(*a*) of this chapter.

(3) *Colorimetric determination of procaine penicillin in the solution for assay.* Transfer an aliquot of the solution for assay to a 50-milliliter volumetric flask. Determine the quantity of procaine penicillin in this solution by the following method:

(i) *Reagents*—(*a*) *Sodium nitrite solution.* Dissolve 0.1 gram of sodium nitrite in 100 milliliters of distilled water. Prepare fresh solution every week and store under refrigeration.

(*b*) *Ammonium sulfamate solution.* Dissolve 0.5 gram of ammonium sulfamate in 100 milliliters of distilled water and store under refrigeration.

(*c*) *N-(1-naphthyl)-ethylenediamine solution.* Dissolve 0.1 gram of *N*-(1-naphthyl)-ethylenediamine dihydrochloride in 100 milliliters of distilled water. Prepare fresh solutions every week and store under refrigeration.

(*d*) *Standard procaine solution.* Prepare a standard solution containing 27.55 milligrams of procaine hydrochloride U.S.P. in a liter of distilled water (each milliliter of the standard solution is equivalent to 60 units of procaine penicillin).

(ii) *Standards.* Transfer, respectively, 1.0, 2.0, 3.0, 4.0, and 5.0 milliliters of the standard solution and 5.0 milliliters of distilled water to each of six 50-milliliter volumetric flasks. Add 4.0, 3.0, 2.0, and 1.0 milliliters of water to the first four flasks, respectively, to give each a volume of 5.0 milliliters.

(iii) *Procedure.* To each flask of the standards and the solution for assay add 0.5 milliliter of 4 *N* HCl, 1.0 milliliter of the sodium nitrite solution, 1.0 milliliter of the ammonium sulfamate, and 1.0 milliliter of the *N*-(1-naphthyl)-ethylenediamine solution. Mix and wait two minutes after each addition. Make each flask to volume of 50 milliliters with distilled water. Determine the absorbency of the colored solutions at 550 mμ in a suitable photo electric colorimeter. The instrument is balanced so that the zero concentration reads zero absorbency. Plot the standard curve on coordinate graph paper. Obtain the procaine penicillin content of the solution for assay directly from the point on the standard curve corresponding to its absorbency.

(4) The content of buffered crystalline penicillin in one dose of the product is calculated as follows:

$$A=(B-C)F,$$

where:

A=buffered crystalline penicillin content of the product.
B=total number of units of penicillin per milliliter as determined in paragraph (b)(2) of this section.
C=number of units of procaine penicillin per milliliter as determined in paragraph (b)(3) of this section.
F=appropriate dilution factor depending on the dilution made in the preparation of the solution for assay.

The content of buffered crystalline penicillin in the batch is satisfactory when determined by the method described in this paragraph if it is not less than 85 percent of that which it is represented to contain.

(c) *Procaine penicillin.* The procaine penicillin content of the batch is the difference between the total potency determined by the method described in paragraph (a) or (d) of this section and the content of the buffered crystalline penicillin determined by the method described in paragraph (b) of this section. The procaine penicillin content of the batch is satisfactory when determined by the method described in this paragraph if it is not less than 85 percent of that which it is represented to contain.

(d) *Total potency of a one-dose container.* Wash out the material remaining in the 10-milliliter volumetric flask referred to in paragraph (b)(1) of this section with 1-percent phosphate buffer, pH 6.0. Dilute to give a concentration of approximately 2,000 units per milliliter, and assay by the iodometric method described in § 440.80a(b)(5)(i)(*a*) of this chapter. Obtain the total potency by adding the number of units found in this solution (units per milliliter × volume) to the number of units found (units per milliliter × volume) in the solution assayed in accordance with paragraph (b)(2) of this section.

§ 436.504 Penicillin-bacitracin ointment.

(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.8(a) of this chapter, except the last sentence of that paragraph. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(2) *Bacitracin content.* Proceed as directed in § 448.510a(b)(1) of this chapter, except that sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(b) *Moisture.* Proceed as directed in § 436.201.

§ 436.505 Penicillin-streptomycin-bacitracin ointment; penicillin-dihydrostreptomycin-bacitracin ointment; penicillin-streptomycin-bacitracin methylene disalicylate ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment.

(a) *Potency*—(1) *Content of penicillin, streptomycin, and dihydrostreptomycin.* Proceed as directed in § 141a.35(a) of this chapter.

(2) *Bacitracin content.* Proceed as directed in § 448.510a(b)(1) of this chapter, except that:

(i) Sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present.

(ii) Use as the test organism the streptomycin dihydrostreptomycin resistant strain of either Micrococcus flavus (ATCC 10240A)[1] or Sarcina subflava (ATCC 7468/d),[1] grown and maintained in media containing 500 micrograms of streptomycin or dihydrostreptomycin per milliliter of media, or calculate from the quantity of streptomycin or dihydrostreptomycin found, using the method prescribed by paragraph (a)(1) of this section, the quantity that would be present when the sample is diluted to contain one unit of bacitracin (labeled potency) per milliliter. Prepare the bacitracin standard curve by adding the calculated quantity of streptomycin or dihydrostreptomycin to each concentration of bacitracin used for the curve. Use this standard curve to calculate the bacitracin content of the sample.

(3) *Bacitracin methylene disalicylate content.* Proceed as directed in paragraph (a)(2) of this section, except prepare the sample as follows: Place a representative portion of the sample (usually approximately 1 gram, accurately weighed) or the entire contents of a single-dose container in blending jar, add 99 milliliters of a 2.0-percent aqueous solution of sodium bicarbonate and 1 milliliter of a 10-percent aqueous solution of polysorbate 80 and blend for 3 minutes in a high-speed blender. Allow the foam to subside, remove an aliquot of the solution, and dilute to 1 unit per milliliter with 1.0-percent phosphate buffer, pH 6.0.

(b) *Moisture.* Proceed as directed in § 436.201.

436.506 Benzathine penicillin G and buffered crystalline penicillin for aqueous injection.

(a) *Total potency (except in single-dose containers).* Proceed as directed in § 440.80a(b)(1) of this chapter, except if the bioassay method is used prepare the sample by diluting 1.0 milliliter of the drug suspension with sufficient dimethyl formamide, formamide, or methyl alcohol to dissolve the benzathine penicillin. Make to 100 milliliters with buffer. Shake well and dilute to 1.0 unit per milliliter.

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

If the iodometric method is used, proceed as directed in § 440.55a(b) of this chapter, except in preparing the blank solution dilute 1.0 milliliter of the drug suspension to 250 milliliters with 1-percent phosphate buffer, at pH 6.0. In preparing the solution for inactivation dissolve 1.0 milliliter of the drug suspension in approximately 20 milliliters of 0.5 *N* NaOH. Allow to stand for 15 minutes. Dilute to 250 milliliters with distilled water. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask and add 2.0 milliliters 1.2 *N* HCl and 10 milliliters 0.01 *N* iodine.

(b) *Buffered crystalline penicillin content.* Place 1.0 milliliter of the drug suspension in a 10-milliliter volumetric flask and add 20 percent sodium sulfate to make 10 milliliters. Shake well and centrifuge to obtain a clear, or reasonably clear, solution. Dilute a 5.0-milliliter aliquot to 50 milliliters with buffer and proceed as directed in § 440.80a(b)(1) of this chapter to determine the number of units per milliliter of this solution, and from this value calculate the number of units per milliliter of the drug. The content of buffered crystalline penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(c) *Benzathine penicillin G content.* The benzathine penicillin G content of the batch is the difference between the total potency as described in paragraph (a) or (d) of this section and the content of buffered crystalline penicillin determined by the method prescribed in paragraph (b) of this section. The content of benzathine penicillin G is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(d) *Total potency of a single-dose container.* Add sufficient distilled water to the material remaining in the 10-milliliter volumetric flask referred to in paragraph (b) of this section to bring the volume back to 10 milliliters and determine the number of units per milliliter of this suspension. If the iodometric method is used, 2.0-milliliter aliquots are placed in 50-milliliter volumetric flasks (one blank and one to be inactivated). Obtain the total potency by adding the number of units found in the 10-milliliter volumetric flask to one-half the content of buffered crystalline penicillin found in paragraph (b) of this section.

(e) *Sterility.* Proceed as directed in § 436.20 using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

(f) *Moisture.* Proceed as directed in § 440.74a(b)(5) of this chapter.

(g) *Pyrogens.* Proceed as directed in § 436.500.

(h) *Toxicity.* Proceed as directed in § 440.55a(b)(3) of this chapter.

(i) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 436.507 Benzathine-procaine-buffered crystalline penicillins for aqueous injection.

(a) *Potency*—(1) *Total potency.* Proceed as directed in § 440.80a(b)(1) of this chapter, except if the bioassay method is used prepare the sample by diluting one dose of the drug suspension with sufficient dimethyl formamide or formamide or methyl alcohol to dissolve the benzathine penicillin G. Make to 100 milliliters with 1-percent phosphate buffer, pH 6.0. Shake well, and dilute to 1.0 unit per milliliter with buffer. If the iodometric method of assay is used, add the indicated amount of distilled water to the contents of a vial of the sample, shake well, and proceed as follows (except for single-dose containers):

(i) Using a standardized hypodermic syringe, withdraw one dose and dilute with 1-percent phosphate buffer, pH 6.0, to give a concentration of approximately 2,000 units per milliliter. Use 2.0 milliliters of this suspension as the blank in the iodometric assay procedure described in § 440.80a(b)(5)(i)(*a*) of this chapter.

(ii) Using a standardized hypodermic syringe, withdraw another dose, place in a flask, and add 20 milliliters of 0.5 *N* NaOH for each 300,000 units of benzathine penicillin, mix well, being sure that all penicillin is in solution, and allow to stand for 15 minutes. Add 1 milliliter of 1.2 *N* HCl for each 2 milliliters of 0.5 *N* NaOH, mix, and dilute with distilled water to the same volume as was used in paragraph (a)(1)(i) of this section. Place 2.0 milliliters in a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters of 0.01 *N* iodine, allow to stand for 15 minutes, and titrate with 0.01 *N* sodium thiosulfate as directed in the iodometric assay procedure in § 440.80a(b)(5)(i)(*a*) of this chapter. The total potency of the batch is satisfactory if it contains not less than 85 percent of that which it is represented to contain.

(2) *Procaine penicillin content (except for single-dose containers).* Make suitable dilutions of the solution prepared in paragraph (a)(1)(ii) of this section to obtain approximately 60 units of procaine penicillin per milliliter. Determine the procaine penicillin content by the colorimetric procedure described in § 436.503(b)(3). The content of procaine penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Buffered crystalline penicillin content*—(i) *Preparation of the solution for assay.* (*a*) Add the indicated amount of distilled water to the contents of a vial of the sample, and shake well. Withdraw one dose of the suspension with a hypodermic syringe and place in a 10-milliliter volumetric flask. Add 20-percent sodium sulfate solution almost to the mark, centrifuge sufficiently to see the meniscus, make to volume with 20-percent sodium sulfate solution, shake well, and centrifuge to obtain a clear or reasonably clear solution; or

(*b*) If the original product contains more than 600,000 units, place it in a 50-milliliter volumetric flask, add 20-percent sodium sulfate to the mark, shake well, place a 10-milliliter portion in a centrifuge tube, and centrifuge to obtain a reasonably clear solution.

(c) Dilute a 5.0-milliliter aliquot of the clear solution obtained in paragraph (a)(3)(i)(*a*) or (*b*) of this section with 1-percent phosphate buffer, pH 6.0, to give a solution for assay of approximately 2,000 units per milliliter.

(ii) *Iodometric assay for total penicillin in the solution for assay.* Determine the total quantity of penicillin in the solution for assay by the iodometric assay procedure described in § 440.80a(b)(5)(iv)(*a*) of this chapter.

(iii) *Colorimetric determination of procaine penicillin in the solution for assay.* Proceed as directed in § 436.503(b)(3). The content of procaine penicillin in the batch is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(iv) The buffered crystalline penicillin in one dose of the product is calculated as follows:

$$A=(B-C)F,$$

where

A=the buffered crystalline penicillin content of the product.
B=the number of units of penicillin per milliliter as determined in paragraph (a)(3)(ii) of this section.
C=the number of units of procaine penicillin per milliliter as determined in paragraph (a)(3)(iii) of this section.
F=the appropriate dilution factor depending on the dilutions made in the preparation of the solution for assay.

The content of buffered crystalline penicillin is satisfactory if the batch contains 85 percent of the number of units per milliliter that it is represented to contain.

(4) *Benzathine penicillin content.* The sum of the procaine penicillin content determined under paragraph (a)(2) or (6) of this section and the buffered crystalline penicillin content determined under paragraph (a)(3) of this section, subtracted from the total potency determined in paragraph (a)(1) or (5) of this section, represents the benzathine penicillin G content. The benzathine penicillin G content is satisfactory if it is not less than 85 percent of the number of units that it is represented to contain.

(5) *Total potency of a single-dose container.* Wash out the material remaining in the volumetric flask referred to in paragraph (a)(3)(i)(*b*) of this section, or combine the contents remaining in the 50-milliliter volumetric flask and in the centrifuge tube referred to in paragraph (a)(3)(i)(*b*) of this section. Dissolve the material by adding 10 milliliters of 1 *N* NaOH for each 300,000 units of benzathine penicillin and allow to stand 15 minutes. Add 1 milliliter of 1.2 *N* HCl for each milliliter of 1 *N* NaOH and then dilute with distilled water to give a concentration of approximately 2,000 units per milliliter. Place 2.0 milliliters in a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters of 0.01 *N* iodine, allow to stand for 15 minutes, and then

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titrate with 0.01 *N* sodium thiosulfate as directed in § 440.80a(b)(5)(iv)(*a*) of this chapter. For the blank determination prepare a separate sample as directed in paragraph (a)(3)(i)(*a*) or (*b*) of this section and in the first sentence of this paragraph (a)(5), then dilute with 1 percent phosphate buffer, pH 6.0, to give a concentration of approximately 2,000 units per milliliter. The total potency of the one-dose container is equal to the sum of the number of units found in this assay (units per milliliter×volume) and the number of units found (units per milliliter ×volume) in the solution for assay in paragraph (a)(3)(ii) of this section.

(6) *Procaine penicillin content of a single-dose container.* Make suitable dilutions of the NaOH-inactivated solution prepared in paragraph (a)(5) of this section to obtain approximately 60 units of procaine penicillin per milliliter. Determine the procaine penicillin content (units per milliliter× volume) of this solution by the colorimetric procedure described under § 436.503(b)(3). To this value add per procaine penicillin content (unit per milliliter×volume) of the solution for assay, as found in paragraph (a)(3)(iii) of this section, to obtain the procaine penicillin content of the one-dose container. The content of procaine penicillin in the batch is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(b) *Sterility.* Proceed as directed in § 436.20, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

(c) *Pyrogens.* Proceed as directed in § 440.55a(b)(4) of this chapter.

(d) *Toxicity.* Proceed as directed in § 440.55a(b)(3) of this chapter.

(e) *Moisture.* Proceed as directed in § 440.74a(b)(5) of this chapter.

(f) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 436.508 Penicillin-bacitracin-neomycin ointment; penicillin-bacitracin-neomycin in oil.

(a) *Potency*—(1) *Penicillin content; bacitracin content.* Proceed as directed in § 436.504(a).

(2) *Neomycin content.* Proceed as directed in § 448.510d(b)(1)(ii) of this chapter, except that sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 436.201.

§ 436.509 Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin-dihydrostreptomycin-polymyxin in oil; procaine penicillin-streptomycin-polymyxin ointment; procaine penicillin-dihydrostreptomycin-polymyxin ointment.

(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.8(a) of this chapter. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per milliliter or per gram that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.129(a)(1) of this chapter, except inactivate the penicillin in the combined extractives with sufficient penicillinase at 37° C. for 30 minutes. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter or per gram that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in paragraph (a)(2) of this section, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter or per gram that it is represented to contain.

(4) *Polymyxin content.* Proceed as directed in § 444.170a(b)(2)(i) of this chapter, with the following exceptions:

(i) In lieu of the directions for the preparation of the sample described in § 444.170a(b)(2)(i)(*g*) of this chapter, prepare the sample by one of the following techniques:

(*a*) *Extraction. Place a convenient-sized* representative quantity of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 10-percent potassium phosphate buffer (pH 6.0) and shake. Remove the buffer layer and repeat the extraction with 25-milliliter portions of buffer at least three times and any additional times that may be neccessary to insure complete extraction of the antibiotic. Combine the extractives. Inactivate the penicillin with sufficient penicillinase at 37° C. for 30 minutes. Make the proper estimated dilutions in 10-percent potassium phosphate buffer (pH 6.0) to give a concentration of 10 units per milliliter (estimated).

(*b*) *Blending.* Place a convenient-sized representative quantity of the sample in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 1-percent phosphate buffer (pH 6.0) to give a final volume of 200 milliliters. If the sample consists of substantially more than 1 gram, use sufficient buffer to give a final volume of 500 milliliters. If the concentration of polymyxin in the blend is less than 200 units per milliliter, 10-percent phosphate buffer (pH 6.0) should be used in lieu of 1-percent phosphate buffer (pH 6.0). Using a high-speed blender, blend the mixture for 2 minutes. Inactivate the penicillin with sufficient penicillinase at 37° C. for 30 minutes and make the proper estimated dilutions in 10-percent phosphate buffer (pH 6.0) to give a concentration of 10 units per milliliter (estimated).

(ii) The standard curve is prepared in the following concentrations: 6.4, 8.0, 10.0, 12.5, and 15.6 units per milliliter in 10-percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per milliliter or per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 436.201.

§ 436.510 Penicillin-streptomycin-erythromycin ointment; penicillin-dihydrostreptomycin-erythromycin ointment.

(a) *Potency*—(1) *Penicillin content.* Obtain the weight of the content of a syringe by weighing before and after ejecting the content into a beaker. Stir until homogeneous. Remove a representative sample (usually approximately 1.0 gram, accurately weighed) and place in a separatory funnel containing 50 milliliters of peroxide-free ether. Add 20 milliliters of 0.1 *M* potassium phosphate buffer (pH 8.0) and shake. Remove the buffer layer and repeat the extraction with three additional 20-milliliter portions of the buffer. Place the buffer solution in a second separatory funnel and wash with three 30-milliliter portions of ether. Discard the ether washes. Remove an aliquot of the buffer solution and proceed as directed in § 440.80a(b)(1) of this chapter, except § 440.80a(b)(1)(iv) and (ix) of this chapter. If the iodometric chemical assay is used, proceed as directed in § 440.80a(b)(5)(iv)(*a*) of this chapter, except prepare the sample as directed in § 141a.35(a)(1) of this chapter. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Using an aliquot of the buffer solution prepared as directed in paragraph (a)(1) of this section, proceed as directed in § 444.70a(b)(1) through (9) of this chapter, except add sufficient penicillinase to completely inactivate the penicillin present. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in paragraph (a)(2) of this section, using the dihydrostreptomycin working standard as the standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the

number of milligrams that it is represented to contain.

(4) *Erythromycin content.* Proceed as directed in § 444.570b(b)(1)(i)(b) of this chapter, except prepare the sample as follows: Place a representative sample (usually approximately 1.0 gram, accurately weighed), in a glass blending jar containing 99 milliliters of 0.1 *M* potassium phosphate buffer, pH 8.0, and 1 milliliter of polysorbate 80. Using a high-speed blender, blend for 2 to 3 minutes. Add 100 milliliters of 0.1 *M* potassium phosphate buffer, pH 8.0, and blend for an additional 2 to 3 minutes. Prepare an intermediate dilution by diluting an aliquot of the filtrate with 0.1 *M* potassium phosphate buffer (pH 8.0), and add sufficient penicillinase to inactivate the penicillin. Then further dilute with buffer to give an erythromycin content of 1.0 microgram per milliliter (estimated). Its content of erythromycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is presented to contain.

(b) *Moisture.* Proceed as directed in § 436.500(c).

§ 436.511 Penicillin-streptomycin-bacitracin methylene disalicylate-neomycin ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate-neomycin ointment.

(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.8(a) of this chapter. Its penicillin content is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141a.65(a)(2) of this chapter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in § 141a.65(a)(3) of this chapter. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Bacitracin methylene disalicylate content.* Proceed as directed in § 436.505(a)(3). Its potency is satisfactory if it contains not less than 85 percent of the equivalent number of units of bacitracin that it is represented to contain.

(5) *Neomycin content.* Proceed as directed in § 141a.65(a)(4)(ii) of this chapter. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 436.201.

§ 436.512 Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil.

(a) *Potency*—(1) *Penicillin G content.* Proceed as directed in §440.180d(b)(1)(i)(*a*) of this chapter, using the novobiocin-resistant strain of *Staphylococcus aureus* (ATCC 12692),[1] except prepare the sample as follows: Place the equivalent of one dose of sample in a blending jar, add 1.0 milliliter of polysorbate 80 and a quantity of 1 percent potassium phosphate buffer, pH 6.0, sufficient to make a total of 500 milliliters. Blend for 5 minutes with a high-speed blender and make appropriate dilutions using 1 percent potassium phosphate buffer, pH 6.0. Its content of penicillin G is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Novobiocin content.* Proceed as directed in § 440.180d(b)(3)(i), with the following exceptions:

(i) Prepare the sample as follows: Place the equivalent of one dose of sample in a blending jar, add 1.0 milliliter of polysorbate 80 and a quantity of 0.1*M* potassium phosphate buffer, pH 8.0, sufficient to make a total of 500 milliliters. Blend for 5 minutes with a high-speed blender. To an aliquot, add sufficient penicillinase to inactivate the penicillin, further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6) to give a final concentration of 0.5 microgram novobiocin per milliliter (estimated), and allow to stand for ½-hour at 37° C. before filling the plates.

(ii) Aseptically add to the seed agar used for this assay, at the time the bacterial suspension is added, a slurry of Dowex 50 WX–4, Na^+ type 200–400 mesh, sufficient to make a total concentration of 2 percent. Prepare the slurry by adding 50 grams of the resin to 30 milliliters of distilled water and sterilize for 15 minutes at 15 pounds pressure. Mix the slurry thoroughly before adding. Its content of novobiocin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 436.517(b)(1) of this chapter, using the *Staphylococcus epidermidis* (ATCC 12228)[2] procedure, except:

(i) Prepare the sample as follows: Place the equivalent of one dose of sample in a blending jar, add 1.0 milliliter of polysorbate 80 and a quantity of 0.1*M* potassium phosphate buffer, pH 8.0, sufficient to make a total of 500 milliliters. Blend for 5 minutes with a high-speed blender. To an aliquot, add sufficient penicillinase to inactivate the penicillin, further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to give a final concentration of 1.0 microgram neomycin per milliliter (estimated), and allow to stand for ½-hour at 37° C. before filling the plates.

(ii) Aseptically add to the seed agar used for this assay, at the time the bacterial suspension is added, a slurry of Dowex 1–X8, Cl type 200–400 mesh, to make a total concentration of 1 percent. Prepare the slurry by adding 50 grams of the resin to 30 milliliters of distilled water and sterilize for 15 minutes at 15 pounds pressure. Mix the slurry thoroughly before adding. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Dihydrostreptomycin content.* Proceed as directed in § 141a.65(a)(3), except prepare the sample by placing the contents of one dose in a blender, add 1.0 milliliter of polysorbate 80 and a quantity of 0.1*M* potassium phosphate buffer, pH 8.0, sufficient to make a total of 500 milliliters. Blend for 5 minutes with a high-speed blender. To an aliquot, add sufficient penicillinase to inactivate the penicillin, further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to give a final concentration of 1.0 microgram dihydrostreptomycin per milliliter (estimated), and allow to stand for ½-hour at 37° C. before filling the plates. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 436.500(c).

§ 436.513 Chlortetracycline troches; tetracycline hydrochloride troches.

(a) *Potency.* If it is tetracycline hydrochloride proceed as directed in § 446.81a(b)(1) of this chapter and if it is chlortetracycline hydrochloride troches proceed as directed in § 446.10a(b)(1) of this chapter, except § 446.10a(b)(1)(x), and in lieu of the directions in § 446.10a(b)(1)(iv) and (viii)(*c*) of this chapter prepare the sample as follows: Place 12 troches in a glass blending jar containing 500 milliliters of 0.01*N* HCl. Using a high-speed blender, blend for 3 to 5 minutes and then make the proper estimated dilutions in the buffer solution. The average potency of the troches is satisfactory if they contain not less than 85 percent of the number of milligrams they are represented to contain.

(b) *Moisture.* Proceed as directed in § 440.80a(f)(5)(i) of this chapter.

§ 436.514 Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical.

(a) *Potency*—(1) *Dry powder.* Using a 3.0-gram sample or the entire contents of the immediate container for each determination, prepare the sample as follows: Using a high-speed blender, blend a 3.0-gram sample in a glass blending jar containing 500 milliliters of 0.01 *N* HCl (use 0.1 *N* HCl if it is tetracycline), or reconstitute in the immediate container as directed in the labeling of the drug. Transfer an appropriate aliquot of 1.0 milliliter to 5.0 milliliters to a 100-milliliter volumetric flask and make to mark with 0.01 *N* HCl (use 0.1 *N* HCl if it is tetracycline). Withdraw an aliquot from the volumetric flask, and if it is chlortetracycline hydrochloride dilute to 0.06 μg. per milliliter, using 0.1 *M* potassium phosphate buffer, pH 4.5, and proceed as directed in § 446.10a(b)(1) of this chapter. If it is tetracycline hydrochlorida, dilute to 0.24 μg. per milliliter, using 0.1 *M* potassium phosphate buffer, pH 4.5, and proceed as directed in

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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§ 446.81a(b)(1) of this chapter. The average potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride per gram or per immediate container that it is represented to contain.

(2) *Powder packaged with inert gases.* Spray, as directed in the labeling, the entire contents of each container to be tested into a separate 2-liter Erlenmeyer flask, held in a horizontal position. Add 500 milliliters of 0.1 *N* HCl and shake to dissolve the contents. Immediately remove aliquots of this solution and, using 0.1 *M* potassium phosphate buffer, pH 4.5, for further dilutions, proceed as directed in § 446.10a(b)(1) of this chapter if it is chlortetracycline hydrochloride powder or § 446.61a(b)(1) of this chapter if it is tetracycline hydrochloride powder. Calculate the average total amount of antibiotic expelled from the containers. The total potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydochloride or tetracycline hydrochloride that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter, except if it is packaged with inert gases proceed as directed in § 141b.117 (c) of this chapter.

§ 436.515 Capsules tetracycline and oleandomycin phosphate; capsules tetracycline and troleandomycin; capsules tetracycline hydrochloride and oleandomycin phosphate; capsules tetracycline hydrochloride and troleandomycin.

(a) *Potency*—(1) *Tetracycline or tetracycline hydrochloride content by turbidimetric assay*—(i) *Test culture and media.* Maintain the test organism *Escherichia coli* (ATCC 10536)[1] on the agar described in § 440.80a(b)(1)(ii)(*a*) of this chapter. For use in the assay, prepare a suspension of the organism every 2 weeks, as follows: Transfer the organism to a fresh agar slant and incubate at 37° C. overnight. Wash the growth from the slant with the aid of 2 milliliters of sterile distilled water and sterile glass beads into a Roux bottle containing 300 milliliters of the maintenance medium. Incubate overnight at 37° C. and then harvest the growth with 50 milliliters of sterile distilled water and sterile glass beads. Standardize this suspension by determining the dilution that will permit 40-percent light transmission in a photoelectric colorimeter using a 650-millimicron filter and an 18-millimeter diameter test tube as an absorption cell. Prepare the daily inoculum by adding 10 milliliters of that dilution to each liter of nutrient broth, prepared as directed in § 440.80a(b)(1)(ii)(*c*) of this chapter, needed for the test.

(ii) *Working standard and solutions.* Dissolve an appropriate amount of the working standard in sufficient 0.1 *N* HCl to give a concentration of 1,000 micrograms per milliliter. This stock solution may be kept in the refrigerator for 1 week. Make daily dilutions of the stock solution with 0.1 *M* potassium phosphate buffer (pH 4.5) to obtain concentrations of 0.146, 0.187, 0.240, 0.308, and 0.395 micrograms per milliliter. Add 1.0 milliliter of each such concentration to each of three 16 millimeters x 125 millimeters test tubes.

(iii) *Preparation of sample.* Dissolve the contents of a representative number of capsules in sufficient 0.1 *N* HCl to give a stock solution of convenient concentration. Further dilute the stock solution with 0.1 *M* potassium phosphate buffer (pH 4.5) to obtain a final concentration of 0.24 microgram per milliliter (estimated). Add 1.0-milliliter of this dilution to each of three 16 millimeters x 125 millimeters test tubes.

(iv) *Procedure.* To each of the 16 millimeters x 125 millimeters test tubes prepared in paragraph (a)(1)(ii) and (iii) of this section, add 9.0 milliliters of the inoculated nutrient broth described in paragraph (a)(1)(i) of this section and place immediately in a 37° C. water bath for 3 to 4 hours. After incubation, add 0.5 milliliter of a 12-percent formaldehyde solution to each tube and read the absorbance values in a suitable photoelectric colorimeter using a wavelength of 530 millimicrons. Set the instrument at zero absorbance with clear uninoculated broth prepared as described in § 440.80a(b)(1)(ii)(*c*) of this chapter.

(v) *Estimation of potency.* Plot the average values for each concentration of the standard on arithmetic graph paper with absorbance values on the ordinate and tetracycline or tetracycline hydrochloride concentrations on the abscissa. Construct the best straightline through the points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where

L=absorbance value for the lowest concentration of the standard curve,
H=absorbance value for the highest concentration of the standard curve,
a, b, c, d, e=average absorbance values for each concentration of the standard curve.

Plot the values obtained for *L* and *H* and connect the points with a straight line. Average the absorbance values for the sample and read the tetracycline or tetracycline hydrochloride concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the tetracycline or tetracycline hydrochloride content of the sample. Its potency is satisfactory if it contains the equivalent of not less than 85 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

(2) *Oleandomycin content.* (i) If oleandomycin phosphate is used, proceed as directed in paragraph (c)(1) of this section, except prepare the sample as follows: Dissolve the contents of a representative number of capsules in sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a stock solution of convenient concentration. Further dilute with 0.1 *M* potassium phosphate buffer (pH 8.0) to obtain a final concentration of 5.0 µg. of oleandomycin activity per milliliter (estimated).

(ii) If troleandomycin is used, proceed as follows: Dissolve the contents of a representative number of capsules in chloroform to give a stock solution of 1.0 milligram of oleandomycin activity per milliliter. Transfer 30 milliliters of the chloroform solution to a glass-stoppered test tube (200 millimeters x 22 millimeters) and add 20 milliliters of 1 *N* sodium hydroxide. Shake for 1 minute and centrifuge briefly to aid in the separation of the layers. With the aid of a syringe and needle, remove and discard the aqueous layer. Repeat the washing procedure with two more 20-milliliter portions of 1 *N* sodium hydroxide solution. Filter the chloroform layer through a pledget of cotton. Dilute an aliquot of this solution with chloroform to give a solution containing approximately 25 µg. of oleandomycin per milliliter. Transfer a 5.0 milliliter aliquot to a 40 milliliter glass-stoppered centrifuge tube, dilute to 20 milliliters, with chloroform, and determine the oleandomycin content as directed in paragraph (d)(1)(i) of this section.

Its content of oleandomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(c) *Oleandomycin phosphate used in making the capsules*—(1) *Potency*—(i) *Cylinders (cups).* Used cylinders described in § 440.80a(b)(1)(i) of this chapter.

(ii) *Culture media.* (*a*) Use the nutrient agar described in § 440.80a(b)(1)(ii)(*a*) of this chapter for the seed layer and base layer, except that its pH after sterilization is 7.8 to 8.0.

(b) Use the nutrient agar described in § 440.80a(b)(1)(ii)(*a*) of this chapter for maintaining the test organism.

(iii) *Working standard.* Dissolve a suitable weighed quantity (usually 25 milligrams or less) of the working standard (obtained from the Food and Drug Administration) in 2 milliliters of ethanol, then add sufficient 0.1 *M* potassium phosphate buffer, pH 8.0, to give a concentration of 1,000 micrograms of oleandomycin base per milliliter. This stock solution may be kept in the refrigerator for 3 days.

(iv) *Preparation of sample.* Dissolve the sample in sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a convenient stock solution. Further dilute in 0.1 *M* potassium phosphate buffer (pH 8.0) to give a final concentration of 5.0 micrograms per milliliter (estimated).

(v) *Preparation of test organism.* The test organism is *Staphylococcus epidermidis* (ATCC) 12228,[1] which is maintained on slants or agar described under paragraph (c)(1)(ii)(*a*) of this section. Wash the organism from the agar slant with 3 milliliters of sterile physiological saline solution onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of the agar described in paragraph (c)(1)(ii)(*a*) of this section. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 4 hours at 32° C. and then wash the resulting growth from the agar surface with about 30 milliliters of sterile physiological saline solution. Standardize the suspension by determining the dilution that will give 80-percent light transmission, using a suitable photoelectric colorimeter with a 650-millimicron filter and an 18-millimeter-diameter test tube as an absorption cell. Run test plates to determine the quantity of the diluted suspension (usually 1.5 milliliters) that should be added to each 100 milliliters of agar to give clear, sharp zones of inhibition of appropriate size.

(vi) *Preparation of plates.* Add 21 milliliters of the agar prepared as described in paragraph (c)(1)(ii)(*a*) of this section to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Melt a sufficient amount of the agar described in paragraph (c)(1)(ii)(*a*) of this section, cool to 48° C., add the proper amount of the test organism as described in paragraph (c)(1)(v) of this section and mix thoroughly. Add 4 milliliters of this inoculated agar to each Petri dish. Distribute the agar evenly in the plates, cover with porcelain covers glazed on the outside, and allow to harden. After the agar has hardened, place 6 cylinders on the agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

(vii) *Standard curve.* Prepare the daily standard curve by further diluting the 1,000 micrograms per milliliter stock solution in 0.1 *M* potassium phosphate buffer (pH 8.0) to obtain concentrations of 3.2, 4.0, 5.0, 6.25 and 7.80 micrograms per milliliter. Use 3 plates for the determination of each point on the curve, except the 5.0 micrograms per milliliter concentration, a total of 12 plates. On each of 3 plates fill 3 cylinders with the 5.0 micrograms per milliliter standard, and the other 3 cylinders with the concentration under test. Thus, there will be 36 five-microgram determinations and 9 determinations for each of the other points on the curve. After incubation, read the diameters of the circles of inhibition in the plates. Average the readings of the 5.0 micrograms per milliliter concentration and the readings of the point tested for each set of 3 plates and average also all 36 readings of the 5.0 micrograms per milliliter concentration. The average of the 36 readings of the 5.0 micrograms per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 5.0 micrograms per milliliter reading for that set of 3 plates were the same as the correction point. Thus, if in correcting the 4.0-microgram concentration, the average of the 36 readings of the 5.0-microgram concentration were 20.0 millimeters, and the average of the 5.0-microgram concentration of this set of 3 plates were 19.8 millimeters, the correction would be +0.2 millimeter. If the average reading of the 4.0-microgram concentration of these same 3 plates were 19.0 millimeters, the corrected value would be 19.2 millimeters. Plot these corrected values, including the average of the 5.0 micrograms per milliliter concentration, on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L=corrected zone diameter for the lowest concentration of the standard curve,
H=corrected zone diameter for the highest concentration of the standard curve,
c=average zone diameter of 36 readings of the 5.0 micrograms per milliliter standard,
a, b, d, e=corrected average values for the 3.2, 4.0, 6.25, and 7.81 micrograms per milliliter standard solutions, respectively.

Plot the values obtained for *L* and *H* and connect with a straight line.

(viii) *Assay.* Use 3 plates for each sample. Fill 3 cylinders on each plate with the standard 5.0 micrograms per milliliter solution and 3 cylinders with the 5.0 micrograms per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve, at 32° C.–35° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the 3 plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 5.0 micrograms per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 5.0 micrograms per milliliter value on the curve. From the standard curve, read the potencies corresponding to these corrected values of zone sizes.

(2) *Toxicity.* Proceed as directed in § 440.80a(b)(4) of this chapter, except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 8 milligrams per milliliter.

(3) *Moisture.* Proceed as directed in § 440.80(b)(5)(i) of this chapter.

(4) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using a solution containing 100 milligrams per milliliter.

(5) *Crystallinity.* Proceed as directed in § 440.80a(b)(5)(iii) of this chapter.

(d) *Troleandomycin used in making the capsules*—(1) *Potency*—(i) *Chemical method*—(*a*) *Reagents and equipment.* (*1*) Methyl orange reagent: Shake 0.5 *M* boric acid solution for about 12 hours (to insure saturation) with an excess of methyl orange indicator. An alternative method is to heat the mixture to about 50° C. and shake for about an hour. Then allow to cool. Filter the saturated dye solution and wash three times with chloroform. Store the dye solution over chloroform.

(*2*) Acid-alcohol solution: Add 2 milliliters of concentrated sulfuric acid to 98 milliliters of absolute methyl alcohol.

(*3*) Glycerin: Reagent grade.

(*4*) Centrifuge tubes: 40 milliliters, glass-stoppered.

(*b*) *Procedure.* Prepare a chloroform solution containing 50.0 milligrams activity of standard oleandomycin base in 200 milliliters of solution. Transfer 10.0 milliliters of the solution to a 100-milliliter volumetric flask and dilute to volume with chloroform. Transfer 2.0, 4.0, 6.0, and 8.0 milliliters of this solution to glass-stoppered centrifuge tubes (40-milliliter size) and dilute to a total volume of 20.0 milliliters each with chloroform. To the 20.0 milliliters of the solution present in each (40-milliliter size) centrifuge tube add 0.2 milliliter of glacial acetic acid, 0.20 milliliter of glycerin, and 0.40 milliliter of methyl orange reagent. Shake for 5 minutes and centrifuge for 3 minutes. Immediately transfer to another tube a 10.0-milliliter aliquot from the chloroform (lower) layer. Care must be exercised to see that no portion of the dye-glycerin-phase is included with the chloroform aliquot. Add 1.0 milliliter of acid-alcohol solution to this chloroform aliquot, mix well, and read the absorbancy at 535 mµ, using a 1-centimeter cell and a suitable photometer and using chloroform, similarly treated, as a blank. Prepare a standard curve, plotting the absorbance values of the standard solutions against the concentration expressed in micrograms per aliquot. Accurately weigh the sample to be tested to give 50 milligrams (estimated) of oleandomycin activity, dissolve in chloroform, and make to 200 milliliters with chloroform. Transfer 10.0 milliliters to a 100-milliliter volumetric flask and make to volume with chloroform. Transfer 5.0 milliliters to a glass-stoppered centrifuge tube and proceed as above. Determine the potency of the sample from the standard curve.

(ii) *Microbiological assay.* Proceed as directed in paragraph (c)(1) of this section, except:

(*a*) In lieu of the directions in paragraph (c)(1)(ii)(*a*) of this section, use the nutrient agar described in § 440.80a(b)(1)(ii)(*a*) of this chapter for the seed and base layers, except add 2.0 milliliters of polysorbate 80 to each 100 milliliters of agar. Its pH after sterilization is 7.8 to 8.

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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(b) In lieu of the directions in paragraph (c)(1)(iii) of this section, dissolve a suitable weighed quantity (usually 25 milligrams or less) of the troleandomycin working standard (obtained from the Food and Drug Administration) in sufficient 80 percent isopropyl alcohol-water solution to give a concentration of 1,000 micrograms per milliliter (estimated). Use the solution the day that it is prepared.

(c) In lieu of the directions in paragraph (c)(1)(iv) of this section, dissolve the sample in sufficient 80 percent isopropyl alcohol-water solution to give a convenient stock solution. Further dilute in 0.2 *M* potassium phosphate buffer, pH 10.5 (35 grams of dipotassium phosphate plus 2 milliliters of 10 *N* NaOH, q.s. to 1 liter), to give a final concentration of 15 micrograms per milliliter (estimated).

(d) In lieu of the directions in paragraph (c)(1)(vi) of this section, use the agar described in paragraph (d)(1)(ii)(*a*) of this section for both layers. Use the plates as soon after seeding as is practical. If they are not to be used shortly after seeding, then they should be refrigerated until ready for use.

(e) In lieu of the directions for preparing the standard curve in paragraph (c)(1)(vii) of this section, prepare the standard curve by diluting the stock solution in 0.2 *M* potassium phosphate buffer, pH 10.5, to give concentrations of 9.6, 12.0, 15.0, 18.8, and 23.4 micrograms per milliliter. The 15.0 micrograms per milliliter is the reference concentration.

(f) In lieu of the directions in paragraph (c)(1)(viii) of this section, incubate the plates at 37° C. overnight. The concentration of the sample and standard being tested is 15.0 micrograms per milliliter.

(2) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of five mice within the weight range of 18 grams to 25 grams, 0.5 milliliter of a suspension containing 200 milligrams per milliliter in normal saline solution. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test, using for each test five or more previously unused mice weighing 20 grams (±0.5 gram) each; if the total deaths within 48 hours is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(4) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using a saturated aqueous-ethanol (1:1) solution prepared by adding 100 milligrams per milliliter.

(5) *Paper chromatograph method*—(i) *Apparatus and reagents*—(*a*) Chromatographic chamber (cylinder glass-stoppered museum jar 11.5 inches x 3.5 inches).

(*b*) Chromatographic paper (8 inches x 8 inches Whatman No. 1).

(c) 0.1 *N* hydrochloric acid.

(*d*) Resolving solvent: Butyl acetate, benzene, nitromethane, pyridine (5:5:5:1 by volume).

(*e*) Spray reagent: 15 grams antimony trichloride per 100 milliliters of chloroform.

(ii) *Procedure.* Dissolve the sample in chloroform to give a solution containing 10 milligrams to 20 milligrams per milliliter. Prepare a sheet of chromatographic paper by drawing a line of origin parallel to and 1 inch from the edge of the paper. Wet the paper thoroughly with the 0.1 *N* hydrochloric acid and blot it firmly between sheets of absorbent paper. Starting 2 inches in from the edges and at 1-inch intervals, apply 3 microliters to 5 microliters of the sample solutions to the starting line. Allow a few minutes for the paper to dry partially. While the paper is still damp, form a cylinder by bringing the outer edges together, allowing about 1-inch overlap, and secure with a paper clip. Stand the paper in the chromatographic chamber, which has been filled to a depth of ½-inch with the resolving solvent. After the solvent front rises to a height of 4 inches to 5 inches above the origin, remove the paper from the tank and hang it up to air dry. Spray the dried paper with the antimony trichloride reagent. Hang the paper in a 100° C. oven for 3 minutes. A purple spot becomes visible for troleandomycin at an R' value of about 0.85. The approximate R' values for diacetyloleandomycin, monoacetyloleandomycin, and oleandomycin are, respectively, 0.72, 0.27, and 0.13.

(6) *Acetyl determination*—(i) *Apparatus and reagents.* (*a*) One three-necked Pyrex flask of approximately 45 milliliters capacity, pear-shaped with T-joints, agar inlet tube, glass-stoppered funnel, glass condenser, and bubble counter.

(*b*) 50-milliliter Pyrex Erlenmeyer flask.

(c) 10-milliliter burette, calibrated in 0.02 milliliter.

(*d*) Anhydrous methanol, reagent grade.

(*e*) 2 *N* sodium hydroxide solution.

(*f*) Sulfuric acid solution prepared by adding 100 milliliters of concentrated H_2SO_4 to 200 milliliters of water.

(*g*) 1 *N* barium chloride solution.

(*h*) Phenolphthalein solution (1 percent in ethanol).

(*i*) Water-pumped nitrogen.

(*j*) NaOH solution, 0.015 *N*.

(ii) *Procedure.* Weight accurately (to 0.01 milligram) approximately 30 milligrams of the sample into the three-necked acetyl flask. Add 2.0 milliliters of methanol to dissolve the sample, then add slowly with gentle swirling, 1.0 milliliter of NaOH solution. Connect the gas inlet tube with bubble counter attached, and adjust nitrogen flow to about two bubbles a second. Put glass-stoppered funnel in centerneck of acetyl flask and put about 5 milliliters of H_2O in the funnel. Add a boiling chip to the solution and attach condenser in the refluxing position with water cooling. Adjust burner flame under acetyl flask to reflux solution gently. Reflux for 30 minutes. Cool assembly slightly then rinse down condenser (still in reflux position) with a few milliliters of H_2O. Reassemble condenser to the distillation position and add water through the funnel to make a total of approximately 5 milliliters of H_2O added to acetyl flask. Adjust burner flame so that about 5 milliliters of H_2O and methanol is distilled over in approximately 10 minutes. Discard this distillate. Cool acetyl flask slightly. Acidify solution in flask by adding 1 milliliter of the sulfuric acid solution through the funnel. Adjust burner flame and distill over approximately 20 milliliters of distillate into an Erlenmeyer flask in about 20 minutes, adding water through the funnell as necessary. It is important to keep the liquid volume in the acetyl flask around 2 milliliters to 3 milliliters in order to obtain a quantitative recovery of the acetic acid. Collect a second fraction of distillate, about 10 milliliters in volume. As the second fraction is distilling, process the first fraction. Heat the first reaction and boil gently about 20 seconds. Add a few drops of $BaCl_2$ solution to check if any sulfate was distilled over. If the sulfate is present, discard and repeat the whole determination. If the sulfate is absent immediately titrate the solution with the 0.015 *N* NaOH solution to a faint pink endpoint, using one droy of phenolphthalein solution as the indicator. Repeat the above procedure with the second fraction. If the second fraction requires less than 0.10 milliliter of the 0.015 *N* NaOH solution and all the acetic acid has been distilled over, the determination is completed. If greater than this, collect a third fraction of approximately 10 milliliters and titrate this as before. Total volumes of NaOH used and calculate results as follows:

$$\frac{\text{Milliliters of NaOH} \times N\ \text{NaOH} \times 0.043 \times 100}{\text{Weight sample in grams}} = \text{Percent acetyl.}$$

(7) *Crystallinity.* Proceed as directed in § 440.80a(b)(5)(iii) of this chapter.

§ 436.516 Tetracycline-neomycin complex powder topical; tetracycline hydrochloride-neomycin sulfate powder topical.

(a) *Potency.*—(1) *Tetracycline-neomycin complex powder*—(i) *Tetracycline content.* Proceed as directed in § 436.514(a)(2), except use water in lieu of 0.1 *N* HCl for dissolving the sample. Its tetracycline content is satisfactory if it contains not less than 85 percent of the equivalent number of milligrams of tetracycline hydrochloride that it is represented to contain.

(ii) *Neomycin content.* Using 0.1 *M* potassium phosphate buffer, pH 8.0, dilute an appropriate aliquot of the aqueous solution, prepared as directed in paragraph (a)(1) of this section, to a final concentration of 1 μg. per milliliter (estimated), and proceed as directed in § 436.515 (c) (1), except that the neomycin standard stock solution described § 436.517 (b) (1) (iii) is used to prepare the standard curve, by further diluting with pH 8.0 buffer to final concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 μg. per milliliter. The 1.0 μg per milliliter solution is the reference concentration. In lieu of the method described in this subparagraph, the neomycin content may also be determined as follows. Using the aqueous solution described, prepare the sample and proceed as directed in § 436.517(b)(1), except use *Staphylococcus aureus* (American Type Culture Collection 12715)[1] as the test organism, which is grown and maintained on agar containing 100 μg. of tetracycline hydrochloride per milliliter of agar. Its neomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Tetracycline hydrochloride-neomycin sulfate powder*—(i) *Tetracycline hydrochloride content.* Prepare the sample as directed in § 436.514(a)(2). Use an appropriate aliquot and proceed as directed in § 446.81a(b)(1) of this chapter. Its tetracycline hydrochloride content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(ii) *Neomycin content.* Use an appropriate aliquot of the solution prepared in paragraph (a)(2)(i) of this section and proceed as directed in paragraph (a)(1)(ii) of this section. Its neomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Sterility.* Thoroughly cleanse with a suitable disinfectant the valve (do not flame) of each container to be tested. Into each of two empty, sterile Erlenmeyer flasks stoppered with a cotton plug, spray quantities sufficient to yield a residue of approximately the equivalent of 50 milligrams from 10 separate cans by removing the plug temporarily and using aseptic technique while spraying; allow propellant to evaporate, add 250 milliliters to 500 milliliters of diluting fluid B in lieu of diluting fluid A, and swirl the flasks to dissolve the contents. Then proceed as directed in § 436.20 of this chapter using the method described in paragraph (e)(1) of that section.

(c) *Moisture.* Proceed as directed in § 141b.117(c) of this chapter.

(d) *Tetracycline-neomycin complex used in making the drug*—(1) *Potency*—(i) *Tetracycline content.* Dissolve the sample to be tested in sufficient water to give a convenient stock solution. Using an appropriate aliquot, proceed as directed in § 446.81a(b)(1).

(ii) *Neomycin content.* Using an aliquot of the stock solution prepared as directed in paragraph (d)(1)(i) of this paragraph, proceed as directed in paragraph (a)(2) of this section, except the last sentence of that subparagraph.

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

(2) *Toxicity.* Proceed as directed in § 440.80a(b)(4) of this chapter using 0.5 milliliter of a solution prepared by diluting the sample with physiological sodium chloride solution to contain 200 μg. of neomycin per milliliter (estimated).

(3) *pH.* Using a 1-percent aqueous solution, proceed as directed in § 440.80a(b)(5)(ii) of this chapter.

§ 436.517 Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets; bacitracin methylene disalicylate-neomycin tablets.

(a) *Tablets*—(1) *Potency*—(i) *Bacitracin, zinc bacitracin, or bacitracin methylene disalicylate content.* Proceed as directed in § 448.110a(b)(1). Its content of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(ii) *Neomycin content.* Place 5 tablets in a blending jar and add thereto 200 milliliters of a 500-milliliter quantity of 0.10-percent phosphate buffer pH 8.0. After blending for 1 minute with a high-speed blender, add the remainder of the buffer. Blend again for 1 minute and make the proper estimated dilutions in the buffer and proceed as directed in paragraph (b)(1) of this section. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 440.180a(b)(3).

(b) *Neomycin use in making the tablets*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described under § 440.80a(b)(1)(i) of this chapter.

(ii) *Culture medium.* Use the medium described in § 440.80a(b)(1)(ii)(*a*) of this chapter for both the base and seed layers, except its pH after sterilization is 7.8 to 8.0.

(iii) *Working standard.* Dry the working standard (obtained from the U. S. P. Reference Standards Committee, 46 Park Avenue, New York 16, N.Y.) for 3 hours at 60° C. and a pressure of 5 millimeters or less and weigh out a sufficient quantity to make a convenient stock solution by diluting with a 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0. The stock solution, when stored at a temperature of approximately 15° C., or less, may be used for a period not exceeding 1 month.

(iv) *Standard curve.* Using the stock solution, prepare a daily standard curve as directed in § 444.76a(b)(1)(iv) of this chapter, using solutions of the neomycin working standard in 0.1*M* potassium phosphate buffer, pH 8.0, in concentrations of 6.4, 8.0, 10.0, 12.5, and 15.6 micrograms per milliliter if the test organism *Staphylococcus aureus* (ATCC 6538P),[1] or in concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 micrograms per milliliter if the test organism is *Staphylococcus epidermidis* (ATCC 12228).[1] The 10.0 micrograms per milliliter and the 1.0 microgram per milliliter concentrations are used as the reference points.

(v) *Preparation of test organism.* The test organism is *Staphylococcus aureus* (ATCC 6538P),[1] which is maintained on agar described in § 440.80a(b)(1)(ii)(*a*) of this chapter. From a stock slant inoculate a Roux bottle containing this same agar and incubate for 24 hours at 32° C.–35° C. Wash the resulting growth from the agar surface with about 50 milliliters of sterile sodium chloride solution. Standardize this suspension by determing the dilution that will permit 80 percent light transmission through a filter at 6500 Angstrom units in a photoelectric colorimeter. The suspension may be used for 2 weeks if it is stored under refrigeration. *Staphylococcus epidermidis* (ATCC 12228),[1] which is maintained on agar as described in § 440.80a(b)(1)(ii)(*a*) of this chapter, may also be used as the test organism. From a stock slant, inoculate a Roux bottle containing this medium and incubate for 24 hours at 32° C.–35° C. Wash the resulting growth from the agar surface, using approximately 30 milliliters of sterile sodium chloride solution. Standardize the suspension by determining the dilution that will permit 80 percent light transmission through a filter of 6500 Angstrom units in a photoelectric colorimeter. The suspension may be stored for 2 weeks under refrigeration.

(vi) *Preparation of plates.* Using the agar described in subdivision (ii) of this subparagraph and approximately a 0.5 percent inoculum of the suspension described in paragraph (b)(1)(v) of this section, prepare the plates as directed in § 440.80a(b)(1)(v) of this chapter.

(vii) *Assay.* Dissolve volumetrically in 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0, the sample to be tested to make a convenient stock solution. Further dilute volumetrically this solution with 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0, to a final concentration of 10.0 micrograms (estimated) per milliliter, if the test organism is *Staphylococcus aureus* or 1.0 microgram per milliliter (estimated) if the test organism is *Staphylococcus epidermidis*.

(2) *Toxicity.* Proceed as directed in § 440.80a(b)(4) of this chapter, using 0.5 milliliter of a solution prepared by diluting the sample to approximately 200 micrograms per milliliter with physiological salt solution.

(3) *Moisture.* In an atmosphere of about 10 percent relative humidity, transfer about 100 milligrams of the finely powdered sample to a tared weighing bottle equipped with ground-glass top and stopper. Weigh the bottle and place it in a vacuum oven, tilting the stopper on its side so that there is no closure during the drying period. Dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours. At the end of the drying period fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel. Replace the stopper and place the weighing bottle in a desiccator over a desiccating agent such as phosphorous pentoxide or silica gel, allow to cool to room temperature, and reweigh. Calculate the percent loss.

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(4) *pH.* Proceed as directed in § 440.80a(b) (5) (ii) of this chapter, using a solution containing 33 milligrams per milliliter.

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Subpart A—Bulk Drugs

Sec.
440.5 Ampicillin.
440.7 Ampicillin trihydrate.
440.7a Sterile ampicillin trihydrate.
440.9a Sterile sodium ampicillin.
440.11 Carbenicillin indanyl sodium.
440.13a Sterile disodium carbenicillin.
440.15 Sodium cloxacillin.
440.19 Nonsterile sodium dicloxacillin monohydrate.
440.19a Sterile sodium dicloxacillin monohydrate.
440.25 Nonsterile hetacillin.
440.29 Nonsterile potassium hetacillin.
440.29a Sterile potassium hetacillin.
440.36a Sterile sodium methicillin.
440.41 Nonsterile sodium nafcillin monohydrate.
440.41a Sterile sodium nafcillin monohydrate.
440.49 Sodium oxacillin.
440.49a Sterile sodium oxacillin.
440.51 Penicillamine.
440.53a Sterile aluminum penicillin (aluminum penicillin salt).
440.55a Sterile benzathine penicillin G (benzathine penicillin G salt).
440.57a Sterile benzathine phenoxymethyl penicillin (benzathine phenoxymethyl penicillin salt).
440.59a Sterile chloroprocaine penicillin O (penicillin O chloroprocaine salt).
440.60a Sterile dibenzylamine penicillin G salt). (dibenzylamine penicillin G
440.61a Sterile. diethylaminoethyl ester penicillin G hydriodide (penicillin G diethylaminoethyl ester hydriodide).
440.63a Sterile ephedrine penicillin (penicillin ephedrine salt), ephedrine penicillin G (penicillin G ephedrine salt).
440.65a Sterile *l*-ephenamine penicillin G (penicillin G *l*-ephenamine salt).
440.68 Hydrabamine penicillin G (hydrabamine penicillin G salt).
440.69 Hydrabamine phenoxymethyl penicillin.
440.71 Phenoxymethyl penicillin.
440.73 Potassium phenoxymethyl penicillin (potassium phenoxymethyl penicillin salt).
440.74a Sterile procaine penicillin (penicillin procaine salt), procaine penicillin G (penicillin G procaine salt).
440.80a Sterile sodium penicillin (penicillin sodium, penicillin sodium salt), sterile calcium penicillin, (penicillin calcium, penicillin calcium salt), sterile crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt).
440.81 Buffered crystalline penicillin.
440.82 Potassium phenethicillin.

Subpart B—Oral Dosage Forms

440.105 Ampicillin oral dosage forms.
440.105a Ampicillin tablets.
440.105b Ampicillin chewable tablets.
440.105c Ampicillin capsules.
440.105d Ampicillin for oral suspension.
440.107 Ampicillin trihydrate oral dosage forms.
440.107a Ampicillin trihydrate chewable tablets.
440.107b Ampicillin trihydrate capsules.
440.107c Ampicillin trihydrate for oral suspension.
440.107d Ampicillin trihydrate-probenecid for oral suspension.
440.111 Carbenicillin indanyl sodium tablets.
440.115 Sodium cloxacillin oral dosage forms.
440.115a Sodium cloxacillin capsules.
440.115b Sodium cloxacillin for oral solution.
440.119 Sodium dicloxacillin monohydrate oral dosage forms.
440.119a Sodium dicloxacillin monohydrate capsules.
440.119b Sodium dicloxacillin monohydrate for oral suspension.
440.125 Hetacillin oral dosage forms.
440.125a Hetacillin chewable tablets.
440.125b Hetacillin for oral suspension.
440.129 Potassium hetacillin capsules.
440.141 Sodium nafcillin monohydrate oral dosage forms.
440.141a Sodium nafcillin monohydrate tablets.
440.141b Sodium nafcillin monohydrate capsules.
440.141c Sodium nafcillin monohydrate for oral solution.
440.149 Sodium oxacillin oral dosage forms.
440.149a Sodium oxacillin capsules.
440.149b Sodium oxacillin for oral solution.
440.151 Penicillamine capsules.
440.153 Aluminum penicillin tablets.
440.155 Benzathine penicillin G oral dosage forms.
440.155a Benzathine penicillin G and crystalline penicillin tablets.
440.155b Benzathine penicillin G and phenoxymethyl pencillin tablets.
440.155c Benzathine penicillin G oral suspension; benzathine penicillin G for oral suspension (benzathine penicillin G powder).
440.157 Benzathine phenoxymethyl penicillin oral suspension; benzathine phenoxymethyl penicillin for oral suspension.
440.160 Dibenzylamine penicillin and potassium penicillin powder, buffered.
440.166 Hydrabamine penicillin G oral suspension.
440.169 Hydrabamine phenoxymethyl penicillin oral dosage forms.
440.169a Hydrabamine phenoxymethyl penicillin chewable tablets.
440.169b Hydrabamine phenoxymethyl penicillin oral suspension.
440.171 Phenoxymethyl penicillin oral dosage forms.
440.171a Phenoxymethyl penicillin capsules.
440.171b Phenoxymethyl penicillin for oral suspension; potassium phenoxymethyl penicillin for oral solution.
440.173 Potassium phenoxymethyl penicillin oral dosage forms.
440.173a Potassium phenoxymethyl penicillin capsules.
440.173b Potassium phenoxymethyl penicillin chewable wafers.
440.174 Procaine penicillin in oil capsules.
440.180 Penicillin oral dosage forms.
440.180a Penicillin tablets.
440.180b Penicillin-streptomycin tablets; penicillin - dihydrostreptomycin tablets.
440.180c Crystalline penicillin G capsules (crystalline penicillin G potassium capsules, crystalline penicillin G sodium capsules).
440.180d Penicillin and novobiocin capsules.
440.180e Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension.
440.180f Buffered penicillin powder, penicillin powder with buffered aqueous diluent.
440.182 Phenethicillin potassium oral dosage forms.
440.182a Phenethicillin potassium tablets.
440.182b Phenethicillin potassium for oral solution.

Subpart C—Injectable Dosage Forms

440.207 Sterile ampicillin trihydrate for suspension.
440.209 Sterile sodium ampicillin.
440.213 Sterile disodium carbenicillin.
440.219 Sodium dicloxacillin monohydrate injectable dosage forms.
440.219a Sterile sodium dicloxacillin monohydrate.
440.219b Sodium dicloxacillin monohydrate for injection.
440.229 Potassium hetacillin injectable dosage forms.
440.229a Sterile potassium hetacillin.
440.229b Potassium hetacillin for injection.
440.236 Sodium methicillin for injection.
440.241 Sodium nafcillin monohydrate for injection.
440.249 Sodium oxacillin for injection.
440.253 Aluminum penicillin in oil.
440.255 Benzathine penicillin G injectable dosage forms.
440.255a Benzathine penicillin G in oil.
440.255b Benzathine penicillin G for aqueous injection.
440.255c Benzathine penicillin G and procaine penicillin for aqueous injection.
440.259 Chloroprocaine penicillin O for aqueous injection.
440.261 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection (penicillin G diethylaminoethyl ester hydriodide for aqueous injection).
440.265 *l*-Ephenamine penicillin G injectable dosage forms.
440.265a *l*-Ephenamine penicillin G in oil.
440.265b *l*-Ephenamine penicillin G for aqueous injection.
440.274 Procaine penicillin G injectable dosage forms.
440.274a Procaine penicillin G in oil.
440.274b Procaine penicillin for aqueous injection.
440.280 Penicillin injectable dosage forms.
440.280a Sterile sodium penicillin, calcium penicillin, crystalline penicillin (crystalline penicillin sodium, crystalline penicillin potassium, crystalline penicillin G sodium, crystalline penicillin G potassium, crystalline penicillin O sodium, crystalline penicillin O potassium).
440.280b Potassium penicillin G for injection.
440.280c Crystalline penicillin and bacitracin.
440.280d Crystalline penicillin and epinephrine in oil.
440.281 Buffered crystalline penicillin.

Subparts D–E—[Reserved]

Subpart F—Dermatologic Dosage Forms

440.563 Ephedrine penicillin tablets.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 440.5 Ampicillin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin is 6-[D-α-aminobenzyl] penicillin. It is a white powder. It is so purified and dried that:

(i) It contains not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 2.0 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(v) Its ampicillin content is not less than 90 percent on an anhydrous basis.

(vi) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than six. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than six. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than six.

(vii) It is crystalline.

(viii) It gives a positive identity test for ampicillin.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 (b) of this chapter, each package shall bear on its outside wrapper or container and the immediate container the following statement, "For use in the manufacture of nonparenteral drugs only".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 5.0 (solution 3), to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Ampicillin content.* Proceed as directed in § 436.213 of this chapter, using both the titration procedures described in paragraph (e)(1) and (2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content}.$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content}.$$

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 0.5 percent potassium bromide disc, prepared as described in paragraph (b)(1) of that section.

§ 440.7 Ampicillin trihydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate is the trihydrate form of D(−)α-aminobenzyl penicillin. It is so purified and dried that:

(i) It contains not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not less than 12 percent and not more than 15 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(v) Its ampicillin content is not less than 90 percent on an anhydrous basis.

(vi) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(vii) It is crystalline.

(viii) It gives a positive identity test for ampicillin trihydrate.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5(b) of this chapter, this drug shall be labeled "ampicillin" and each package shall bear on its outside wrapper or container and the immediate container the following statement "For use in the manufacture of nonparenteral drugs only".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(ii) Samples required: 10 packages each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

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(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Ampicillin content.* Proceed as directed in § 436.213 of this chapter, using both the titration procedures described in paragraph (e)(1) and (2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)}$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using an 0.5 percent potassium bromide disc, prepared as described in paragraph (b)(1) of that section.

Effective date: § 440.7 became effective on April 15, 1974, except that the nonproprietary name designated in paragraph (a)(2) shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever comes first. See 39 FR 13877, April 18, 1974.

§ 440.7a Sterile ampicillin trihydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate is the trihydrate form of D(-)α-aminobenzyl penicillin. It is so purified and dried that:

(i) It contains not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not less than 12 percent and not more than 15 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(vii) Its ampicillin content is not less than 90 percent on an anhydrous basis.

(viii) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(ix) It is crystalline.

(x) It gives a positive identity test for ampicillin trihydrate.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5(b) of this chapter, this drug shall be labeled "ampicillin."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter. Further dilute an aliquot of the stock solution with 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3) to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except in lieu of paragraph (e)(1)(i)(*a*), prepare the sample for test as follows: From each of 10 immediate containers, aseptically transfer approximately 300 milligrams of sample into a sterile 500-milliliter Erlenmeyer flask containing approximately 400 milliliters of diluting fluid D. Add at least 200,000 Levy units[*] of penicillinase. Repeat the process using 10 additional containers. Swirl both of the stoppered flasks to completely solubilize the suspension prior to filtration and proceed as directed in paragraph (e)(1)(ii) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(f) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Ampicillin content.* Proceed as directed in § 436.213 of this chapter, using both the titration procedures described in paragraph (e)(1) and (2) of that section. Calculate the ampicillin content as follows:

(i) *Acid titration.*

[*] One Levy unit of penicillinase inactivates 59.3 units of penicillin G in 1 hour at 25° C. and at a pH of 7.0 in a phosphate buffered solution of a pure alkali salt of penicillin G when the substrate is in sufficient concentration to maintain a zero order reaction.

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(9) *Identity.* Proceed as directed in § 436.211 of this chapter, using an 0.5 percent potassium bromide disc, prepared as described in paragraph (b)(1) of that section.

Effective date: § 440.7a became effective on April 15, 1974, except that the nonproprietary name designated in paragraph (a)(2) shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever comes first. See 39 FR 13877, April 18, 1974.

§ 440.9a Sterile sodium ampicillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile sodium ampicillin is the sodium salt of D(-)α-aminobenzyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 845 micrograms and not more than 988 micrograms of ampicillin per milligram. If it is packaged for dispensing, it contains not less than 90 percent and not more than 115 percent of the number of milligrams of ampicillin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 2 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 8.0 and not more than 10.0.

(vii) Its ampicillin content is not less than 84.5 percent.

(viii) The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than six.

(ix) It is crystalline.

(x) It passes the identity test for sodium ampicillin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, ampicillin content, concordance, crystallinity, and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in manufacturing another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(2) For sterility testing: 20 packages each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 15 immediate containers or if each vial contains 250 milligrams or less of ampicillin a minimum of 24 vials.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated), for the microbiological agar diffusion assay and in distilled water for the iodometric assay or for the hydroxylamine colorimetric assay to give a stock solution of convenient concentration; and also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation remove an accurately measured representative portion from each container. Dilute with either sterile distilled water or distilled water to give a stock solution as specified above.

(ii) *Assay procedure.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(*c*) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.22(b) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams of ampicillin per milliliter.

(7) *Ampicillin content.* Proceed as directed in § 436.213 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the ampicillin content as follows:

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$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (174.7)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:

A = Milliliters of perchloric acid reagent used in titrating the sample;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(9) *Identity.* Proceed as directed in § 436.211 of this chapter, using the method described in paragraph (b)(2) of that section.

§ 440.11 Carbenicillin indanyl sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Carbenicillin indanyl sodium is the monosodium salt of *N*-(2-carboxy-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo [3.2.0] hept-6-yl)-2-phenylmalonamic acid, 1-(5-indanyl) ester. It is so purified and dried that:

(i) Its potency is not less than 659 micrograms and not more than 769 micrograms of carbenicillin per milligram on an anhydrous basis at the time of certification, and not less than 630 micrograms of carbenicillin per milligram on an anhydrous basis at any time during the expiration period.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 2.0 percent.

(iv) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 5.0 nor more than 8.0.

(v) It gives a positive result to the identity test for carbenicillin indanyl sodium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, and identity.

(ii) Samples required: Five packages, each containing approximately 1.0 gram and one package containing approximately 2.5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.300 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(5) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 0.5-percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

§ 440.13a Sterile disodium carbenicillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Disodium carbenicillin is the disodium salt of α-carboxybenzylpenicillin. It is so purified and dried that:

(i) It contains not less than 770 micrograms of carbenicillin per milligram on an anhydrous basis. If it is packaged for dispensing, its carbenicillin content is not less than 90 percent and not more than 120 percent of the number of milligrams of carbenicillin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 6 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams of carbenicillin per milliliter (or if packaged for dispensing, after reconstitution as directed in the labeling) is not less than 6.5 and not more than 8.0.

(vii) It gives a positive identity test for disodium carbenicillin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, and identity.

(ii) Samples required:

(a) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams; and 5 packages, each containing approximately 1 gram.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 15 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to give a stock solution of convenient concentration. Further dilute the stock solution with solution 1 to the reference concentration of 20.0 micrograms of carbenicillin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 100 milligrams of carbenicillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams of carbenicillin per milliliter (or if packaged for dispensing, use a solution prepared as directed for reconstitution in the labeling).

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 0.5 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

§ 440.15 Sodium cloxacillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin is the monohydrate sodium salt of 5-methyl-3-(o-chlorophenyl)-4-isoxazolyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 825 micrograms of cloxacillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3 percent and not more than 5 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4.5 nor more than 7.5.

(v) Its sodium cloxacillin content is not less than 90 percent.

(vi) It passes the identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, sodium cloxacillin content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 1 to the reference concentration of 5 micrograms of cloxacillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this subchapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this subchapter.

(2) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

(4) *pH.* Proceed as directed in § 436.202 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Sodium cloxacillin content.* Accurately weigh approximately 100 milligrams of the sample and dissolve in sufficient 5*N* sodium hydroxide to give a total volume of 25 milliliters. Place in a boiling water bath for 30 minutes. Cool, acidify 1 milliliter with 1 milliliter of dilute sulfuric acid (1 in 2), add 8 milliliters of water, and extract with two 25-milliliter portions of ethyl ether. Combine the ether extractives and extract with 25-milliliter portions of 0.1*N* sodium hydroxide. Combine the alkaline extractives and dilute to 100 milliliters with carbon dioxide-free water. Treat a portion of the cloxacillin working standard in the same maner. Using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at the absorption peaks at 257±3 nanometers and at 282±3 nanometers compared with a reagent blank. Determine the percent sodium cloxacillin in the sample by means of the following calculation:

$$\text{Percent sodium cloxacillin} = \frac{A_1 \times \text{weight of standard in milligrams, on an "as is" basis} \times \text{percent sodium cloxacillin in the standard}}{A_2 \times \text{weight of sample in milligrams on an "as is" basis}} \times 100$$

where:

A_1 = Difference in absorbance for the sample between 257 nanometers and 282 nanometers;
A_2 = Difference in absorbance for the cloxacillin working standard, similarly treated.

(6) *Identity.* Proceed as directed in § 436.211 of this subchapter, using the 0.5 percent potassium bromide disc described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203 of this subchapter.

§ 440.19 Nonsterile sodium dicloxacillin monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nonsterile sodium dicloxacillin monohydrate is the monohydrated sodium salt of 5-methyl-3-(2,6-dichlorophenyl)-4-isoxazolyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of dicloxacillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3 percent nor more than 5 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4.5 nor more than 7.5.

(v) Its organic chlorine content is not less than 13.0 percent nor more than 14.2 percent.

(vi) Its free chloride content is not more than 0.5 percent.

(vii) It is crystalline.

(viii) It gives a positive identity test for sodium dicloxacillin monohydrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(ii) Samples required: 10 containers, each containing not less than 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay, as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of dicloxacillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this subchapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(3) *Moisture content.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Organic chlorine content*—(i) *Reagents.* (a) o-Chlorobenzoic acid of known purity.

(b) 0.01*N* Silver nitrate solution. Store in brown glass reagent bottle. Standardize against an accurately weighed sample of 20 to 25 milligrams of o-chlorobenzoic acid using the procedure described in paragraph (b)(5)(ii) of this section.

$$\text{Normality } (N) = \frac{\text{Percent purity of the o-chlorobenzoic acid} \times \text{milligrams of o-chlorobenzoic acid}}{15{,}657 \times \text{milliliters of silver nitrate consumed}}$$

(c) 0.1*N* Sodium hydroxide solution.

(d) 1:1 Nitric acid solution: Mix 1 volume of concentrated nitric acid with 1 volume of distilled water.

(ii) *Total chlorine.* (Caution—The analyst should wear safety glasses and use a suitable shield between himself and the apparatus. The glassware must be scrupulously clean.) Accurately weigh 20 to 25 milligrams of the sample and place it on the center of a piece of halide-free filter paper measuring about 4 centimeters square (this is specially cut paper with a fuse strip attached to the area that holds the sample), and fold the paper to enclose it. Place 10 milliliters of 0.1*N* sodium hydroxide into an oxygen combustion flask (Schoniger flask), and flush the air from the flask with a stream of rapidly flowing oxygen. Place the sample into the platinum sample holder and ignite the fuse strip by suitable means. If the strip is ignited outside the flask, immediately plunge the stopper into the flask, invert so that the sodium hydroxide solution makes a seal around the stopper, and hold the stopper firmly in place. If the ignition is carried out in a closed system, the inversion of the flask may be omitted. After combustion is completed, shake the flask vigorously, add a small amount of distilled water to the collar to insure an air tight seal, and allow to stand for not less than 10 minutes with intermittent shaking Transfer to a suitable titration vessel, heat on a steam bath for 20 to 30 minutes, cool to room temperature, add 5 milliliters of nitric acid solution, and titrate potentiometrically with 0.01*N* silver nitrate, using one silver electrode and one silver/silver chloride electrode.

(iii) *Free chloride.* Accurately weigh 100 to 150 milligrams of sample directly into a titration flask, dissolve in 10 milliliters of 0.1*N* sodium hydroxide, and add about 20 milliliters of distilled water, Heat this solution on the steam bath 20 to 30 minutes. Cool to room temperature, add 5 milliliters of 1:1 nitric acid solution and titrate potentiometrically with 0.01*N* silver nitrate using one silver electrode and one silver/silver chloride electrode.

(iv) *Organic chlorine.* Percent organic chlorine=Percent total chlorine—percent free chloride.

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 1 percent potassium bromide disc described in paragraph (b)(1) of that section.

§ 440.19a Sterile sodium dicloxacillin monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile sodium dicloxacillin monohydrate is the monohydrated sodium salt of 5-methyl-3-(2,6-dichlorophenyl)-4-isoxazolyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of dicloxacillin per milligram. If it is packaged for dispensing, its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milli-

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grams of dicloxacillin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3 percent and not more than 5 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter or when reconstituted as directed in the labeling, if it is packaged for dispensing is not less than 4.5 nor more than 7.5.

(vii) Its organic chlorine content is not less than 13.0 percent and not more than 14.2 percent.

(viii) Its free chloride content is not more than 0.5 percent.

(ix) It is crystalline.

(x) It gives a positive identity test for sodium dicloxacillin monohydrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(ii) Samples required:

(a) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 15 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay and the hydroxylamine colorimetric assay or in distilled water for the iodometric assay, to give a stock solution of convenient concentration; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either solution 1 or distilled water, as specified above, to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of dicloxacillin per milliliter (estimated).

(b) *Iodometric assay.* Proceed as directed in § 436.204 of this subchapter.

(c) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this subchapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 20 milligrams of dicloxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter (or using a solution reconstituted as directed in the labeling if it is packaged for dispensing).

(7) *Organic chlorine content.* Proceed as directed in § 440.19(b)(5).

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(9) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 1 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

§ 440.25 Nonsterile hetacillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Hetacillin is 6-(2,2-Dimethyl-5-oxo-4-phenyl-1-imidazolidinyl) - 3,3-dimethyl-7-oxo-4-thia-1-azabicyclo[3.2.0]heptane - 2 - carboxylic acid. It occurs as a fine, white to off-white powder. It is so purified and dried that:

(i) Its potency is not less than 810 micrograms of ampicillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 1.0 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.5 nor more than 5.5.

(v) Its hetacillin content is not less than 90 and not more than 105 percent.

(vi) It gives a positive identity test for hetacillin.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, hetacillin content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for ampicillin in § 436.105 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Hetacillin content*—(i) *Reagents*—(*a*) *Hydrochloric acid-acetone solution.* Dilute 8.5 milliliters of concentrated hydrochloric acid to 1 liter with acetone and mix well. Use for 1 day only.

(*b*) *p-Dimethylaminocinnamaldehyde solution.* Dissolve 0.5 gram of p-dimethylaminocinnamaldehyde in sufficient hydrochloric acid-acetone solution to a final volume of 100 milliliters and shake well, filtering if necessary. Prepare immediately before use.

(ii) *Preparation of standard solutions.* Transfer about 100 milligrams of the hetacillin working standard, accurately weighed, to a 200-milliliter volumetric flask. Add 150 milliliters of refrigerated distilled water and 20 milliliters of 1*N* hydrochloric acid, shake, dilute to volume with distilled water and mix well. Transfer 0.5, 1.0, and 2.0 milliliters into three respective 25-milliliter volumetric flasks. Add 1.5 and 1.0 milliliters of 0.1*N* hydrochloric acid respectively to the first and second flasks to bring the volume in each to 2.0 milliliters.

(iii) *Blank.* Use 2.0 milliliters of 0.1*N* hydrochloric acid in a 25-milliliter volumetric flask.

(iv) *Preparation of sample solutions.* Using a mortar and pestle, grind the sample to a fine powder. Transfer an accurately weighed portion of about 100 milligrams to a 200-milliliter volumetric flask. Add 150 milliliters of refrigerated distilled water and 20 milliliters of 1*N* hydrochloric acid, shake, dilute to volume with distilled water, and mix well. Transfer 1.0 milliliter to a 25-milliliter volumetric flask, add 1.0 milliliter of 0.1*N* hydrochloric acid, and mix.

(v) *Procedure.* To each of the flasks containing standards, blank, and sample, add 15 milliliters of hydrochloric acid-acetone solution and mix. Then add 3 milliliters of p-dimethylaminocinnamaldehyde solution to each and mix. Add 3 milliliters of 0.1*N* hydrochloric acid to each, dilute to volume with hydrochloric acid-acetone solution, mix well, and allow to stand at 25° C. for exactly 30 minutes. (Filter the sample solutions, if necessary, to remove any turbidity.) Using a suitable spectrophotometer, read the absorbance values of standard and sample solutions at a wavelength of 515 nanometers against the blank. Plot the absorbance values of the standards versus their concentrations and read the sample concentration from this standard response line.

(vi) *Calculations.*

$$\text{Percent hetacillin} = \frac{c \times 5{,}000 \times 100}{\text{Wt. of sample in milligrams}}$$

where:

c = Concentration in milligrams of hetacillin per milliliter of the final solution of the sample obtained from the standard response line.

5,000 = Dilution factor (200 × 25).

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 1 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 440.29 Nonsterile potassium hetacillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity.* Potassium hetacillin is the potassium salt of hetacillin. It occurs as a fine, white to light buff powder. It is so purified and dried that:

(i) Its potency is not less than 735 micrograms of ampicillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 1.0 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 7.0 and not more than 9.0.

(v) Its potassium hetacillin content is not less than 90 percent and not more than 105 percent.

(vi) It gives a positive identity test for potassium hetacillin.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, potassium hetacillin content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for ampicillin in § 436.105 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Potassium hetacillin content.* Proceed as directed in § 440.25(b)(5), except use about 110 milligrams of sample and calculate the potassium hetacillin content as follows:

$$\text{Percent potassium hetacillin} = \frac{c \times 5{,}000 \times 427.57 \times 100}{\text{Wt. of sample in milligrams} \times 389.48}$$

where:

c = Concentration in milligrams of hetacillin per milliliter of the final solution of the sample obtained from the standard response line.

5,000 = Dilution factor (200 × 25).

427.57 = Molecular weight of potassium hetacillin.

389.48 = Molecular weight of hetacillin.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 1 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 440.29a Sterile potassium hetacillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium hetacillin is the potassium salt of hetacillin. It occurs as a fine, white to light buff powder. It is so purified and dried that:

(i) Its potency is not less than 735 micrograms of ampicillin per milligram. If it is packaged for dispensing, its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 1.0 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter (or when reconstituted as directed in the labeling, if it is packaged for dispensing) is not less than 7.0 and not more than 9.0.

(vii) Its potassium hetacillin content is not less than 90 percent and not more than 105 percent.

(viii) It gives a positive identity test for potassium hetacillin.

(ix) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, potassium hetacillin content, identity, and crystallinity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers, except if each contains less than 450 milligrams, a minimum of 16 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for ampicillin in § 436.105 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient solution 3 to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter using a solution containing the equivalent of 18 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter (or using a solution reconstituted as directed in the labeling, if it is packaged for dispensing).

(7) *Potassium hetacillin content.* Proceed as directed in § 440.25(b)(5), except use about 110 milligrams of sample and calculate the potassium hetacillin content as follows:

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$$\text{Percent potassium hetacillin} = \frac{c \times 500 \times 427.57}{\text{Wt. of sample in milligrams} \times 389.48}$$

where:

c = Concentration in micrograms per milligram of the sample solution obtained from the standard response line.

(8) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 1 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

(9) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 440.36a Sterile sodium methicillin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium methicillin is the monohydrated sodium salt of (2,6-dimethoxyphenyl) penicillin. It is so purified and dried that:

(i) It contains not less than 815 micrograms of methicillin per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3 percent and not more than 6 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(vii) Its sodium methicillin content is not less than 90 percent.

(viii) It is crystalline.

(ix) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, mosture, pH, sodium methicillin content, crystallinity, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of methicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this subchapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this subchapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this subchapter, using a solution containing 20 milligrams of methicillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

(6) *pH.* Proceed as directed in § 436.202 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Sodium methicillin content.* Dissolve an accurately weighed portion of the sample in a sufficient accurately measured volume of distilled water to obtain a concentration of 0.2 milligram of sodium methicillin per milliliter (estimated). Treat a portion of the methicillin working standard in the same manner. Using a suitable spectrophotometer equipped with a 1-centimeter quartz cell and distilled water as the blank, determine the absorbance at 280 nanometers. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 250 nanometers to 300 nanometers. If a nonrecording spectrophotometer is used, determine the absorbance (on a solution containing 10 milligrams per 100 milliliters) at the 280-nanometer absorption peak. (The exact position of the peak should be determined for the particular instrument used.) Calculate as follows:

$$\text{Percent sodium methicillin} = \frac{\text{Absorbance of sample}}{\text{Absorbance of standard}} \times \frac{\text{Weight of working standard}}{\text{Weight of sample}} \times \frac{\text{Volume of sample solution}}{\text{Volume of standard solution}} \times \text{Percent sodium methicillin in working standard}$$

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this subchapter.

(9) *Identity.* Using the sample solution prepared as described in paragraph (b)(7) of this section, determine the absorbancies at the absorption maximum at 280 nanometers and at the absorption minimum at 264 nanometers. The ratio of the two

$$\frac{A\,280}{A\,264}$$

should be not less than 1.30 and not more than 1.45.

§ 440.41 Nonsterile sodium nafcillin monohydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate is the monohydrated sodium salt of 6-(2-ethoxy-1-naphthamido) penicillanic acid. It is so purified and dried that:

(i) It contains not less than 820 micrograms of nafcillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3.5 percent and not more than 5.3 percent.

(iv) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 5.0 and not more than 7.0.

(v) It is crystalline.

(vi) Its sodium nafcillin monohydrate content is not less than 90 percent.

(vii) It gives a positive identity test for nafcillin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 (b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2 micrograms of nafcillin per milliliter (estimated). Treat a portion of the nafcillin working standard in the same manner. Using a suitable spectrophotometer equipped with quartz cells and distilled water as a blank, scan the absorption spectra of the sample and the nafcillin working standard solutions between the wavelengths of 245 nanometers and 340 nanometers. Determine the absorbance of the sample and working standard solutions at the absorption maximum at 280±3 nanometers. (The exact position of the maximum should be determined for the particular instrument used.) Calculate as follows:

$$\text{Percent sodium nafcillin monohydrate} = \frac{\text{Absorbance of sample}}{\text{Absorbance of standard}} \times \frac{\text{weight in milligrams of standard}}{\text{weight in milligrams of sample}} \times \frac{\text{volume of sample solution}}{\text{volume of standard solution}} \times \text{sodium nafcillin monohydrate content of standard in percent}$$

(7) *Identity.* The absorption spectrum of the sample determined as directed in paragraph (b)(6) of this section compares qualitatively with that of the nafcillin working standard.

§ 440.41a Sterile sodium nafcillin monohydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile sodium nafcillin monohydrate is the monohydrated sodium salt of 6-(2-ethoxy-1-naphthamido) penicillanic acid. It is so purified and dried that:

(i) It contains not less than 820 micrograms of nafcillin per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3.5 nor more than 5.3 percent.

(vi) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 5.0 and not more than 7.0.

(vii) It is crystalline.

(viii) Its sodium nafcillin monohydrate content is not less than 90 percent.

(ix) It gives a positive identity test for nafcillin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 900 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2 micrograms of nafcillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 20 milligrams of nafcillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 30 milligrams per milliliter.

(7) *Crystallinity.* Proceed as directed in § 436.203(b) of this chapter.

(8) *Sodium nafcillin monohydrate content.* Proceed as directed in § 440.41(b)(6).

(9) *Identity.* The absorption spectrum of the sample determined as directed in paragraph (b)(8) of this section compares qualitatively with that of the nafcillin working standard.

§ 440.49 Sodium oxacillin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium oxacillin is the monohydrated sodium salt of 5-methyl-3-phenyl-4-isoxasolyl penicillin. It is so purified and dried that:

(i) It contains not less than 815 and not more than 950 micrograms of oxacillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3.5 and not more than 5.0 percent.

(iv) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 4.5 and not more than 7.5.

(v) Its sodium oxacillin content is not less than 90 percent and not more than 105 percent.

(vi) It is crystalline.

(vii) It gives a positive identity test for the oxacillin moiety.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5.0 micrograms of oxacillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 30 milligrams per milliliter.

(5) *Sodium oxacillin content.* Place approximately 60 milligrams of sample, accurately weighed, into a 100-milliliter volumetric flask. Dissolve and fill to volume with distilled water. Pipette a 5.0-milliliter aliquot of the sample solution into a 22- by 200-milliliter test tube, and add 5 milliliters of 10*N* NaOH. Mix the solution, and place the tube in a boiling water bath for 60 minutes. Cool the tube, carefully add 10 milliliters of 6*N* HCl, mix, and replace the tube in the boiling water bath for 10 minutes. Position the tube in the bath so that the liquid level in the tube is the same as the liquid level in the bath. After heating, remove the tube from the bath, carefully agitate the contents of the tube, and cool to room temperature. Quantitatively transfer the contents of the tube to a 250-milliliter volumetric flask. Add approximately 200 milliliters of freshly boiled and cooled distilled water, then 4.0 milliliters of 7.5*N* NH_4OH, and dilute to volume with freshly boiled and cooled distilled water. Treat a sample of the oxacillin working standard in the same manner. Determine the absorbance of the sample and working standard solutions on a suitable spectrophotometer at 235 nanometers against a reagent blank, and calculate as follows:

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$$\text{Percent sodium oxacillin} = \frac{\text{Absorbance of sample} \times \text{Weight in milligrams of standard} \times \text{Sodium oxacillin content of standard in percent}}{\text{Absorbance of standard} \times \text{Weight in milligrams of sample}}$$

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(7) *Identity.* Use the sample solution prepared as described in paragraph (b)(5) of this section and record the ultraviolet spectrum between 230 nanometers and 260 nanometers. It should be basically identical to that of the standard similarly treated.

§ 440.49a Sterile sodium oxacillin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile sodium oxacillin is the monohydrated sodium salt of 5-methyl-3-phenyl-4-isoxazolyl penicillin. It is so purified and dried that:

(i) It contains not less than 815 and not more than 950 micrograms of oxacillin per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3.5 and not more than 5.0 percent.

(vi) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 4.5 and not more than 7.5.

(vii) Its sodium oxacillin content is not less than 90 percent and not more than 105 percent.

(viii) It is crystalline.

(ix) It gives a positive identity test for the oxacillin moiety.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

(b) For sterility testing: 20 packages, each containing approximately 600 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5.0 micrograms of oxacillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 20 milligrams of oxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 30 milligrams per milliliter.

(7) *Sodium oxacillin content.* Proceed as directed in § 440.49(b)(5).

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(9) *Identity.* Proceed as directed in § 440.49(b)(7).

§ 440.51 Penicillamine.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Penicillamine is D-3-mercaptovaline. It is so purified and dried that:

(i) Its content of penicillamine is not less than 97.0 percent and not more than 100.5 percent, calculated on a dried basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 0.5 percent.

(iv) Its pH in a 1 percent aqueous solution is not less than 4.5 and not more than 5.5.

(v) It contains not more than 0.2 unit of penicillin activity per gram.

(vi) Its residue on ignition is not more than 0.1 percent.

(vii) Its heavy metals content is not more than 20 parts per million.

(viii) Its specific rotation in a 1.0 *N* sodium hydroxide solution at 25° C. is −63°±5°.

(ix) It gives a positive identity test for penicillamine.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for penicillamine content, safety, loss on drying, pH, penicillin activity, residue on ignition, heavy metals, specific rotation, and identity.

(ii) Samples required: 11 packages, each containing 1 gram.

(b) *Tests and methods of assay—*(1) *Penicillamine content—*(i) *Reagents—*(a) *0.05 M mercuric acetate.* Dissolve 16 grams of mercuric acetate in water, add 5 milliliters of glacial acetic acid, and dilute to 1,000.0 milliliters with water.

(b) *Diphenylcarbazone solution.* Dissolve 0.5 gram of diphenylcarbazone in 100 milliliters of 95 percent alcohol.

(ii) *Standardization of 0.05 mercuric acetate solution.* Dissolve approximately 300 milligrams of the penicillamine working standard, accurately weighed, in 200 milliliters of water. Add 10 grams of sodium acetate, acidify the solution to litmus paper with acetic acid, add 1.0 milliliter of a freshly prepared solution of diphenylcarbazone, and titrate with mercuric acetate until a rose-violet color persists for 2 to 3 minutes. Determine the penicillamine equivalence in milligrams for each milliliter of 0.05 *M* mercuric acetate by means of the following calculation:

$$A = \frac{W_s \times P}{V_s \times 100}$$

where:

A = Penicillamine equivalence in milligrams per milliliter of the mercuric acetate reagent.

V_s = Total volume in milliliters of 0.05 *M* mercuric acetate used to titrate the penicillamine working standard.

W_s = Weight of the penicillamine working standard in milligrams.

P = Purity of the penicillamine working standard in percent.

(iii) *Procedure.* Proceed as directed in paragraph (b)(1)(ii) of this section, except use approximately 300 milligrams of the sample and calculate the penicillamine content by means of the following formula:

$$\text{Penicillamine content in percent} = \frac{V_a \times A \times 100}{W_a}$$

where:

V_a = Total volume in milliliters of mercuric acetate reagent used to titrate the sample;

W_a = Weight of the sample in milligrams.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, preparing the test dose solution as follows: Grind the sample in a mortar to a fine powder. With continued grinding, suspend the powder in sufficient diluent 10 (as listed in § 436.31) to give the prescribed concentration, adding 1 drop of U.S.P. polysorbate 80 for each gram of penicillamine.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a 1 percent aqueous solution.

(5) *Penicillin activity.* Proceed as directed in § 436.104 of this chapter.

(6) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(7) *Heavy metals content.* Proceed as directed in § 436.208 of this chapter.

(8) *Specific rotation.* Proceed as directed in § 436.210 of this chapter, using a 5.0 percent (weight per volume) solution of penicillamine in 1.0*N* sodium hydroxide and a tube 2.0 decimeters in length. Calculate the specific rotation on an anhydrous basis.

(9) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section, except use exactly 50 milligrams of sample and 300 milligrams of mineral oil.

§ 440.53a Sterile aluminum penicillin (aluminum penicillin salt).

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Aluminum penicillin is the insoluble aluminum salt of a kind of penicillin or a mixture of two or more such salts, but the quantity of any salt of penicillin K therein is not more than 30 percent. Each such drug is so purified and dried that:

(i) Its potency is not less than 500 units per milligram;

(ii) It is sterile;

(iii) It is nonpyrogenic;

(iv) It is nontoxic;

(v) Its moisture content is not more than 3 percent; and

(vi) Its pH in saturated aqueous solution is not less than 3.5 and not more than 4.5.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package of aluminum penicillin shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(i) The batch mark;

(ii) The weight of the drug and the number of units in the immediate container;

(iii) The statement "Expiration date ---------", the blank being filled in with the date which is 12 months after the month during which the batch was certified;

(iv) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)";

(v) The statement "For manufacturing use only";

(vi) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of aluminum penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed with results of the tests and assays made by him on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, and the penicillin K content.

(ii) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(a) For all tests except sterility: Six packages, containing approximately equal portions of not less than 60 milligrams each.

(b) For sterility testing: 20 packages each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iii) In connection with contemplated requests for certification of batches of another drug in the manufacture of which aluminum penicillin is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by paragraph (a)(4)(ii) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of each check test and assay as are so requested.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 440.80a(b)(1), using citrate buffer as prepared in § 440.153(b)(1) in lieu of phosphate buffer.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b)(3), but in lieu of the directions for preparation of sample in paragraph (b)(3)(ii) thereof, prepare sample as follows:

Suspend approximately 60 milligrams in 20 milliliters of pyrogen-free sterile physiological salt solution, adding the salt solution in approximately 1-milliliter aliquots and mixing thoroughly after each addition, utilizing a pyrogen-free glass stirring rod. Centrifuge, warm to 37° C., withdraw the clear supernatant solution, and inject 1 milliliter per kilogram of rabbit.

(4) *Toxicity.* Proceed as directed in § 440.80a(b)(4), utilizing the solution prepared in paragraph (b)(2) of this section.

(5) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

(6) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using a saturated solution.

(7) *Penicillin K content.* Proceed as directed in § 440.80a(b)(5)(vi).

§ 440.55a Sterile benzathine penicillin G (benzathine penicillin G salt).

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Benzathine penicillin G is the crystalline *N,N'*-dibenzylethylenediamine salt of penicillin G. It contains not less than 85 percent by weight of the *N,N'*-dibenzylethylenediamine salt of penicillin G. Each such drug is so purified and dried that:

(i) Its potency is not less than 1050 units per milligram.

(ii) It is sterile.

(iii) It is nontoxic.

(iv) It is nonpyrogenic.

(v) Its moisture content is not more than 8 percent.

(vi) Its pH in a saturated aqueous solution is not less than 5.0 and not more than 7.5.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The batch mark.

(ii) The weight of the drug and the number of units in the immediate container.

(iii) The statement "Expiration date ---------", the blank being filled in with the date which is 36 months after the month during which the batch was certified.

(iv) The statement "For manufacturing use only".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, and the penicillin G content.

(ii) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iii) In connection with contemplated requests for certification of batches of another drug in the manufacture of

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which benzathine penicillin G is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by paragraph (a)(4)(ii) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.80a(b)(1), except if the bioassay method is used dissolve the sample to be tested in sufficient dimethyl formamide, formamide or redistilled methanol prior to diluting with phosphate buffer solution. If the iodometric method is used proceed as directed in § 440.80a(b)(5)(iv), except in preparing the blank solution weigh 30–60 milligrams of the sample and make a suspension of 2 milligrams per milliliter in 1-percent phosphate buffer at pH 6.0. Shake well, pipette 2.0 milliliters into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters 0.01*N* iodine and immediately titrate with 0.01*N* $Na_2S_2O_3$. In preparing the solution for inactivation dissolve a weighed sample (30–60 milligrams) in sufficient 1*N* NaOH to give 2.0 milligrams per milliliter. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask, and after 15 minutes add 2.0 milliliters 1.2 *N* HCl and 10 milliliters 0.01*N* iodine. Allow to stand for 15 minutes and titrate the excess iodine with 0.01*N* $Na_2S_2O_3$.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, medium F in lieu of medium E, and during the period of incubation shake the tubes at least once daily.

(3) *Toxicity.* Proceed as directed in § 440.80a(b)(4), except use physiological salt solution as the diluent and inject 0.25 milliliter of a suspension containing 4,000 units per milliliter.

(4) *Pyrogens.* Proceed as directed in § 440.80a(b)(3), except use physiological salt solution as the diluent and inject 0.5 milliliter per kilogram of rabbit of a suspension containing 4,000 units per milliliter.

(5) *Moisture.* Proceed as directed in § 440.74a(b)(5).

(6) *pH. Proceed as directed in* § 440.80a(b)(5)(ii), using a saturate aqueous solution prepared by adding 5 milligrams per milliliter.

(7) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b)(5)(iii).

(8) *Penicillin G content.* Dissolve 50 milligrams of the sample, accurately weighed, in absolute methyl alcohol and make to a volume of 100 milliliters with absolute methyl alcohol. Using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at 263 mμ compared with absolute methyl alcohol as a blank.

$$\text{Percent benzathine penicillin G} = \frac{\text{Absorbance at 263 m}\mu \times 100{,}000}{\text{Milligrams of sample (per 100 milliliters)} \times a_{263}}$$

where:

a_{263}=absorptivity (1%, 1 cm.) of benzathine penicillin G working standard, similarly treated.

§ 440.57a Sterile benzathine phenoxymethyl penicillin (benzathine phenoxymethyl penicillin salt).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Benzathine phenoxymethyl penicillin is the crystalline benzathine salt of phenoxymethyl penicillin. It contains not less than 90 percent by weight of the benzathine salt of phenoxymethyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 1,050 units per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It is nontoxic.

(v) Its moisture content is not more than 8.0 percent.

(vi) Its pH in a saturated aqueous solution is not less than 4.0 and not more than 6.5.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The batch mark.

(ii) The number of units per milligram and the number of grams in the immediate container.

(iii) The statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(iv) The statement "For manufacturing use only".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, crystallinity, and phenoxymethyl penicillin content.

(ii) Each person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iii) In connection with contemplated requests for certification of batches of another drug in the manufacture of which benzathine phenoxymethyl penicillin is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed in paragraph (a)(4)(ii) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.55a(b)(1), except use the phenoxymethyl penicillin working standard as the standard of comparison.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b)(3), except use sodium chloride solution as the diluent and inject 0.5 milliliter per kilogram of rabbit of a suspension containing 4,000 units per milliliter.

(4) *Toxicity.* Proceed as directed in § 440.80a(b)(4), except use sodium chloride solution as the diluent and inject 0.25 milliliter of a suspension containing 4,000 units per milliliter.

(5) *Moisture.* Proceed as directed in § 440.74a(b)(5).

(6) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using a saturated aqueous solution prepared by adding 5 milligrams per milliliter.

(7) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b)(5)(iii).

(8) *Phenoxymethyl penicillin content.* Using the spectrophotometric method, proceed as directed in § 440.71(b)(6), except that the calculations are as follows:

$$\text{Percent benzathine phenoxymethyl penicillin} = \frac{\text{Absorbance at 276 m}\mu \times 100{,}000 \times 100}{\text{Milligrams of sample (in 100 milliliters)} - a_{276} \times 69.2}$$

where:

a_{276}=absorptivity (1%, 1 cm.) of the phenoxymethyl penicillin working standard similarly treated.

69.2=percentage of phenoxymethyl penicillin in pure benzathine phenoxymethyl penicillin.

§ 440.59a Sterile chloroprocaine penicillin O (penicillin O chloroprocaine salt).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloroprocaine penicillin O is the crystalline 2-chloroprocaine salt of penicillin O prepared from 2-chloroprocaine hydrochloride (95 percent purity and a melting point of 171°–176° C.) and crystalline penicillin O. It contains not less than 85 percent of the 2-chloroprocaine salt of penicillin O and not more than 0.5 percent of the 2-chloroprocaine salt of penicillin G. Each such drug is so purified and dried that:

(i) Its potency is not less than 850 units per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It is nontoxic.

(v) Its moisture content is not more than 4.2 percent.

(vi) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling. Each package of* chloroprocaine penicillin O shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The batch mark.

(ii) The weight of the drug and the number of units in the immediate container.

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is 36 months after the month during which the batch was certified.

(iv) The statement "For manufacturing use only".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of chloroprocaine penicillin O shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, chloroprocaine penicillin O content, and chloroprocaine penicillin G content.

(ii) Such person shall submit in connection with his request an accurately representative sample of the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iii) In connection with contemplated requests for certification of batches of another drug in the manufacture of which chloroprocaine penicillin O is to be used, the manufacturer of a batch which is so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by paragraph (a)(4)(ii) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency, sterility, pyrogens, toxicity, moisture, pH, and crystallinity.* Proceed as directed in § 440.74a(b), except if the iodometric assay for potency is used, calculate as directed in § 440.80a(b)(5)(iv)(b).

(2) *Chloroprocaine penicillin O content.* Proceed as directed in § 440.80a(b)(5)(viii)(*a*), except use an accurately weighed sample of approximately 168 milligrams and calculate the percent of chloroprocaine penicillin O as follows:

$$\frac{a(\text{sample})}{a(\text{standard})} \times 168 = \text{percent chloroprocaine penicillin O.}$$

(3) *Chloroprocaine penicillin G content.* Proceed as directed in § 440.80a(b)(5)(vii), except prepare the sample as follows: Accurately weigh approximately 500 milligrams of the sample in a 25-milliliter glass-stoppered test tube. Add 6 milliliters of distilled water and 6.0 milliliters of amyl acetate. Place the tube in an ice bath for 5 minutes and then add 4 milliliters of 1–4 H_3PO_4, shake vigorously for 2 minutes, centrifuge for 1 minute to separate the layers, and withdraw 5.0 milliliters of the amyl acetate layer. Place the amyl acetate in a 250-milliliter Erlenmeyer flask and evaporate to dryness by directing a stream of air into the flask. Dissolve the residue in 2.0 milliliters of 2.5 percent KOH. Calculate the percent of penicillin G in the sample from the equation:

$$\frac{(5.10)(x)(50)(100)}{(\text{Wt. sample milligrams})(0.833)} = \text{percent penicillin G}$$

§ 440.60a Sterile dibenzylamine penicillin G (dibenzylamine penicillin G salt).

(a) *Requirement for certification*—(1) *Standards of identity, strength, quality, and purity.* Dibenzylamine penicillin G is the crystalline dibenzylamine salt of penicillin G. It contains not less than 85 percent by weight of the dibenzylamine salt of penicillin G. Each such drug is so purified and dried that:

(i) Its potency is not less than 975 units per milligram.

(ii) It is sterile.

(iii) It is nontoxic.

(iv) It is nonpyrogenic.

(v) Its moisture content is not more than 4.0 percent.

(vi) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The batch mark.

(ii) The weight of the drug and the number of units in the immediate container.

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is 18 months after the month during which the batch was certified.

(iv) The statement "For manufacturing use only".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising

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such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, and the penicillin G content.

(ii) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a) (2) of this section.

(iii) In connection with contemplated requests for certification of batches of another drug in the manufacture of which dibenzylamine penicillin G is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by paragraph (a) (4) (ii) of this section. From the information required by paragraph (a) (4) (i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.74a(b) (1).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (2) of that section, except use medium B in lieu of medium A.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b) (3), except use physiological salt solution as the diluent.

(4) *Toxicity.* Proceed as directed in § 440.80a(b) (4), except use physiological salt solution as the diluent, and inject 0.25 milliliter of a solution containing 4,000 units per milliliter.

(5) *Moisture.* Proceed as directed in § 440.74a(b) (5).

(6) *pH.* Proceed as directed in § 440.80a(b) (5) (ii), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(7) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii).

(8) *Penicillin G content.* Proceed as directed in § 440.74a(b) (8), using the following formula for calculating the percent of dibenzylamine penicillin G:

$$\text{Percent of dibenzylamine penicillin G} = \frac{N\text{-ethyl piperidine penicillin precipitates} \times 245.8}{\text{Weight of sample in milligrams}}$$

§ 440.61a Sterile diethylaminoethyl ester penicillin G hydriodide (penicillin G diethylaminoethyl ester hydriodide).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Diethylaminoethyl ester penicillin G hydriodide is the crystalline diethylaminoethyl ester hydriodide salt of penicillin G. It contains not less than 85 percent by weight of β-diethylaminoethyl ester hydriodide salt of penicillin G. It is so purified and dried that:

(i) Its potency after hydrolysis is not less than 900 units per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It is nontoxic.

(v) Its moisture content is not more than 1 percent.

(vi) The pH of a saturated aqueous solution is not less than 4.0 and not more than 6.5.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package shall bear, on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(i) The batch mark.

(ii) The weight of the drug and the number of units in the immediate container.

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(iv) The statement "For manufacturing use only".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, and the penicillin G content.

(ii) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a) (2) of this section.

(iii) In connection with contemplated requests for certification of batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by paragraph (a) (4) (ii) of this section. From the information required by paragraph (a) (4) (i) of this section may be omitted results of tests and assays not required for the batch when used in such other drugs. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.80a(b) (1), except prepare the sample as follows: Dissolve in 0.1*M* potassium phosphate buffer (pH 7.8–8.0) to make a stock solution of 100 units per milliliter (estimated). Allow to stand at room temperature for not less than 1.5 hours and not more than 2 hours and then dilute an aliquot with 1-percent phosphate buffer (pH 6.0) to 1.0 unit (estimated), or proceed by the iodometric method described in § 440.80a(b) (5) (iv) (*a*), except prepare the sample as follows: Dissolve a weighed sample (approximately 50 milligrams) in 2.0 milliliters of redistilled methanol. Further dilute this solution with 1-percent phosphate buffer (pH 6.0) to give a concentration of 2,000 units per milliliter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase either to diluting fluid A, or, if the product contains lecithin, to diluting fluid D, and swirl the flask to completely solubilize the preparation.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b) (3), except use physiological salt solution as the diluent.

(4) *Toxicity.* Proceed as directed in § 440.80a(b) (4), except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(5) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i).

(6) *pH.* Proceed as directed in § 440.80a(b) (5) (ii), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(7) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii).

(8) *Penicillin G content.* Accurately weigh approximately 50 milligrams of the sample and dissolve in 25-milliliter potassium phosphate buffer, pH 7.9 (one part of 0.1*M* KH_2PO_4 and 11.96 parts of 0.1*M* K_2HPO_4). Allow to stand at room temperature for not less than 1.5 hours and not more than 2 hours. Transfer a 5.0-milliliter aliquot to a 25-milliliter glass-stoppered test tube. Place the tube in an ice bath and add 10.0 milliliters of chloroform (previously washed with water). After cooling, adjust the pH of the aqueous phase to 2.0 by adding 0.5 milliliter of 1–4 H_2PO_4. Shake the tube thoroughly for 2 minutes, centrifuge, and withdraw the lower chloroform layer with the aid of a 10-milliliter hypodermic syringe and a 3-inch needle. Superficially dry the chloroform by filtering through a pledget of cotton, using a U-shaped funnel to reduce evaporation during filtration. Determine the absorbance of the filtered chloroform solution in a 1-centimeter cell at 265 mμ and 280 mμ, using a suitable spectrophotometer. Treat the working standard of sodium penicillin G in the same manner, using an accurately weighed sample of approximately 30 milligrams.

$$\text{Percent penicillin G} = \frac{(A_u \text{ at } 265\ m\mu - A_u \text{ at } 280\ m\mu)\ (\text{wt. } s)\ (100)}{(A_s \text{ at } 265\ m\mu - A_s \text{ at } 280\ m\mu)\ (\text{wt. } x)\ (0.625)}$$

where:

A = absorbance.
x = diethylaminoethyl ester penicillin G hydriodide.
s = sodium penicillin G working standard.

§ 440.63a Sterile ephedrine penicillin (penicillin ephedrine salt), ephedrine penicillin G (penicillin G ephedrine salt).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ephedrine penicillin is the crystalline ephedrine salt of a kind of penicillin, or a mixture of two or more such salts prepared from ephedrine U.S.P. and penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; ephedrine penicillin G is ephedrine penicillin which contains not less than 85 percent by weight of the ephedrine salt of penicillin G. Each such drug is so purified and dried that:

(i) Its potency is not less than 1,000 units per milligram;

(ii) It is sterile;

(iii) It is nontoxic;

(iv) It is nonpyrogenic;

(v) Its moisture content is not more than 1.5 percent;

(vi) Its pH aqueous solution of 30 milligrams per milliliter is not less than 5 and not more than 7.5.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package of ephedrine penicillin shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(i) The batch mark;

(ii) The weight of the drug and the number of units in the immediate container;

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(iv) The statement "For manufacturing use only";

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Requests for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of ephedrine penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, penicillin K content (unless it is ephedrine penicillin G), and the penicillin G content if it is ephedrine penicillin G.

(ii) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a) (2) of this section.

(iii) In connection with the contemplated requests for certification of batches of another drug in the manufacture of which ephedrine penicillin is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by paragraph (a) (4) (ii) of this section. From the information required by paragraph (a) (4) (i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to each manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.80a(b) (1), or by the iodometric method as described in § 440.80a(b) (5) (iv) (*a*), except dilute the sample with sufficient 1 percent phosphate buffer pH 6.0 to give a concentration of 2.0 milligrams per milliliter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) or (2) of that section, except if using the method in paragraph (e) (2), use medium B in lieu of medium A.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b) (3).

(4) *Toxicity.* Proceed as directed in § 440.80a(b) (4).

(5) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i).

(6) *pH.* Proceed as directed in § 440.80a(b) (5) (ii).

(7) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii).

(8) *Penicillin G content.* Proceed as directed in § 440.80a(b) (5) (v) using an accurately weighed sample of approximately 80 mg. and the following formula for calculating the percent of ephedrine penicillin G:

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batch taken as prescribed by paragraph (a) (4) (ii) of this section. From the information required by paragraph (a) (4) (i) of this section may be omitted results of tests and assays not required for the batch when used in such other drugs. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—

(1) *Potency.* Proceed as directed in § 440.80a(b) (1), except in lieu of § 440.80a(b) (1) (iv) dissolve the sample in sufficient redistilled methanol to give a concentration of 5,000 units to 10,000 units per milliliter and then dilute with sufficient 1 percent phosphate buffer, pH 6.0, to give an appropriate stock solution.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b) (3), except use physiological salt solution as the diluent and inject 2 milliliters per kilogram of a solution containing 800 units per milliliter.

(4) *Toxicity.* Proceed as directed in § 440.80a(b) (4), except use physiological salt solution as the diluent and inject, in a 10-second interval, 1.0 milliliter of a solution containing 800 units per milliliter.

(5) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i).

(6) *pH.* Proceed as directed in § 440.80a(b) (5) (ii), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(7) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii).

(8) *Heat stability.* Proceed as directed in § 440.80a(b) (5) (iv) (a), except prepare the sample as follows: Dissolve the sample in 5 milliliters of redistilled methanol. Further dilute this solution with sufficient 1-percent phosphate buffer pH 6.0 to give a concentration of 2.0 milligrams per milliliter.

(9) *Penicillin G content.* Proceed as directed in § 440.74a(b) (8) using the following formula for calculating the percent of *l*-ephenamine penicillin G:

$$\text{Percent of } N\text{-ethyl piperidine penicillin G} = \frac{\text{Milligrams } N\text{-ethyl piperidine penicillin precipitate} \times 281}{\text{Weight of sample in milligrams}}$$

(10) *Specific rotation.* Accurately weigh approximately 125 milligrams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of water-acetone (1+1) at 20° C. Dilute to 25 milliliters with water-acetone (1+1) at 20° C. and mix thoroughly. Transfer the solution to a 200-millimeter tube, determine the angular rotation in a suitable polarimeter, using sodium light or a 5,893 Angstrom filter, and calculate the specific rotation. The determination must be completed within ½ hour from the time the solution is prepared.

§ 440.66 Hydrabamine penicillin G (hydrabamine penicillin G salt).

(a) *Requirements for certification*—

(1) *Standards of identity, strength, quality, and purity.* Hydrabamine penicillin G is the crystalline salt *N,N'*-bis(dehydroabietyl) ethylenediamine dipenicillin G. It contains not less than 85 percent by weight of the hydrabamine salt of penicillin G. It is so purified and dried that:

(i) Its potency is not less than 945 units per milligram.

(ii) It is nontoxic.

(iii) Its moisture content is not more than 2 percent.

(iv) Its pH in a saturated aqueous solution is not less than 4.0 and not more than 7.5.

(v) Its extinction coefficient $E^{1\%}_{1cm}$ is not less than 8 at 276 millimicrons.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(i) The batch mark;

(ii) The weight of the drug and the number of units in the immediate container;

(iii) The statement "Expiration date ---------", the blank being filled in with the date which is 48 months after the month during which the batch was certified;

(iv) The statement "For manufacturing use only";

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, the penicillin G content, and extinction coefficient.

(ii) Such person shall submit with his request an accurately representative sample of the batch, consisting of nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams. Each sample shall be taken from a different part of such batch and packaged in accordance with the requirement of paragraph (a) (2) of this section.

(b) *Tests and methods of assay*—

(1) *Potency.* Proceed as directed in § 440.80a(b) (1), except if the bioassay method is used prepare the sample as follows: Dissolve an accurately weighed sample in methanol and dilute with methanol to 1,000 units per milliliter (estimated). By means of a volumetric pipette, add dropwise a 1.0-milliliter aliquot to a 1,000-milliliter volumetric flask containing approximately 800 milliliters of 1-percent phosphate buffer, pH 6.0, constantly swirling the flask during the addition. Make to a volume of 1,000 milliliters with 1-percent phosphate buffer, pH 6.0. If the iodometric method is used, accurately weigh 30–50 milligrams of the sample to be tested in a 50-milliliter Erlenmeyer flask and dissolve in sufficient chloroform U.S.P. to give a concentration of 2.0 milligrams per milliliter. Pipette 2.0 milliliters of this solution into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters of 0.01*N* I_2 and titrate immediately with 0.01 *N* $Na_2S_2O_3$ for the end of the titration add 1 drop of starch solution or about 5.0 milliliters of CCl_4. Continue the titration by the addition of 0.01–0.02-milliliter portions of 0.01*N* $Na_2S_2O_3$, shaking vigorously after each addition. The end point is reached when the blue color of the starch-iodine complex is discharged or when the CCl_4 layer becomes colorless. Prepare the solution of inactivated

and the immediate container, as hereinafter indicated, the following:

(i) The batch mark.

(ii) The number of units per milligram and the number of grams in the immediate container.

(iii) The statement "Expiration date ---------", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(iv) The statement "For use in the manufacture of nonparenteral drugs only".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, the penicillin G content, and extinction coefficient.

(ii) Such person shall submit with his request an accurately representative sample of the batch, consisting of nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams. Each sample shall be taken from a different part of such batch and packaged in accordance with the requirement of paragraph (a) (2) of this section.

(b) *Tests and methods of assay*—

(1) *Potency.* Proceed as directed in § 440.80a(b) (1), except if the bioassay method is used prepare the sample as follows: Dissolve an accurately weighed sample in methanol and dilute with methanol to 1,000 units per milliliter (estimated). By means of a volumetric pipette, add dropwise a 1.0-milliliter aliquot to a 1,000-milliliter volumetric flask containing approximately 800 milliliters of 1-percent phosphate buffer, pH 6.0, constantly swirling the flask during the addition. Make to a volume of 1,000 milliliters with 1-percent phosphate buffer, pH 6.0. If the iodometric method is used, accurately weigh 30–50 milligrams of the sample to be tested in a 50-milliliter Erlenmeyer flask and dissolve in sufficient chloroform U.S.P. to give a concentration of 2.0 milligrams per milliliter. Pipette 2.0 milliliters of this solution into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters of 0.01*N* I_2 and titrate immediately with 0.01 *N* $Na_2S_2O_3$ for the end of the titration add 1 drop of starch solution or about 5.0 milliliters of CCl_4. Continue the titration by the addition of 0.01–0.02-milliliter portions of 0.01*N* $Na_2S_2O_3$, shaking vigorously after each addition. The end point is reached when the blue color of the starch-iodine complex is discharged or when the CCl_4 layer becomes colorless. Prepare the solution of inactivated penicillin as follows: To 10 milliliters of the original chloroform solution add 10 milliliters of 1*N* NaOH and shake well immediately and 5 minutes later. Fifteen minutes after the initial shaking, pipette 2.0 milliliters of the upper NaOH layer into a 125-milliliter glass-stoppered Erlenmeyer flask, add 2.00 milliliters of 1.2*N* HCl and 10 milliliters of 0.01*N* I. Stopper the flask. After 15 minutes, titrate the excess iodine with 0.01 $Na_2S_2O_3$.

$$\text{Units of hydrabamine penicillin G per milligram} = \frac{\text{Difference in titers} \times \text{potency of F. D. A. working standard in units per milligram}}{4 \times F}$$

where F = the number of milliliters of 0.01 *N* I_2 absorbed for each 1.0 milligram of the Food and Drug Administration sodium penicillin G working standard.

(2) *Toxicity.* Accurately weigh a convenient amount of the sample (usually 1 or 2 grams) and transfer to a mortar. Add 1 drop of polysorbate 80 and, while grinding with a pestle, slowly add sterile distilled water sufficient to make a 10 percent suspension (100 milligrams per milliliter) of smooth consistency. To each of 5 mice weighing 18 grams to 25 grams each, administer orally, by means of a cannula or other suitable device, 0.5 milliliter of the 10 percent suspension. Observe the test animals for a period of 5 days for any deaths. If no animal dies within 5 days, the sample is considered nontoxic. If one or more animals die within 5 days, repeat the test, using for each test five or more previously unused mice weighing 20 grams (±0.5 gram) each; if the total deaths within 5 days is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

(3) *Moisture.* Proceed as directed in § 440.74a(b) (5).

(4) *pH.* Proceed as directed in § 440.80a (b) (5) (ii), using a saturated aqueous solution prepared by adding approximately 60 milligrams per milliliter.

(5) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii).

(6) *Penicillin G content.* Accurately weigh a glass weighing bottle of approximately 10-milliliter capacity together with its top, a stirring rod, and a medium-porosity immersion filter stick. Transfer to the weighing bottle approximately 225 milligrams of the sample to be tested and reweigh. Add 1.5 milliliters of pyridine and stir until solution is complete. Add 0.25 milliliter of *N*-ethylpiperidine and stir until precipitation begins. When precipitation is complete, dilute with 2.5 milliliters of petroleum ether, stir well, and allow to stand for 15 minutes. Attach the filter stick to a vacuum line equipped with a suitable trap and withdraw the liquid from the precipitate. Add 2.5 milliliters of petroleum ether to the precipitate and withdraw the liquid from the precipitate. Repeat the procedure with two more 2.5-milliliter portions of petroleum ether. Leave the stirring rod and the filter stick in the bottle, dry for 30 minutes in a vacuum desiccator, stopper, and weigh.

$$\text{Percent of hydrabamine penicillin G} = \frac{\text{Milligrams of } N\text{-ethyl piperidine penicillin precipitate} \times 141.4}{\text{Weight of sample in milligrams}}$$

(7) *Absorptivity.* Accurately weigh approximately 100 milligrams of the sample, dissolve in absolute methyl alcohol, and make to 100 milliliters. Determine the absorptivity of the sample at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and 1-centimeter quartz cells. Set the instrument to 100-percent transmission with absolute methyl alcohol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240 mμ to 300 mμ. If a nonrecording spectrophotometer is used, determine the absorbance of the solution at the 276 mμ absorption peak, using a slit width of 0.4 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.) Calculate the absorptivity (1%, 1 cm.) of the sample at the absorption peak at 276 mμ.

§ 440.69 Hydrabamine phenoxymethyl penicillin.

(a) *Requirements for certification*—

(1) *Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethyl penicillin is the hydrabamine salt of phenoxymethyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 825 units and not more than 965 units per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 2 percent.

(iv) Its pH in a saturated aqueous solution is not less than 3.0 and not more than 6.5.

(v) Its hydrabamine absorptivity at 276 nanometers is not less than 8.

(vi) It contains not less than 48.6 percent and not more than 57 percent of phenoxymethyl penicillin.

(vii) It is crystalline.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the following statement "For use in the manufacture of nonparenteral drugs only".

(3) *Requests for certification; samples.* In addition to complying with the

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requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(ii) Samples required: 10 packages, 9 containing approximately equal portions of not less than 300 milligrams and 1 containing not less than 2 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in lieu of paragraph (c)(1) and (2), transfer 10 milliliters each of the sample and working standard solutions to glass-stoppered Erlenmeyer flasks, add 10 milliliters of 1*N* NaOH, and shake well immediately and 5 minutes later. Fifteen minutes after the initial shaking, pipet 2.0 milliliters of the upper NaOH layer into a 125-milliliter glass-stoppered Erlenmeyer flask and proceed as directed in paragraph (c)(3) and (4) of that section.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, except observe the mice for 5 days in lieu of 48 hours, noting mortality every 24 hours. Repeat the test as described in § 436.33(d) if one or more animals die within 5 days. Prepare the sample as follows: Accurately weigh a convenient amount of the sample (usually 1 or 2 grams) and transfer to a mortar. Add 1 drop of polysorbate 80 and, while grinding with a pestle, slowly add sufficient sterile distilled water to make a 10-percent suspension (100 milligrams per milliliter) of smooth consistency.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated aqueous solution prepared by adding approximately 5 milligrams per milliliter.

(5) *Hydrabamine absorptivity.* Place an accurately weighed sample of approximately 100 milligrams into a 125-milliliter separatory funnel. Add 20 milliliters of spectrophotometric grade chloroform and 20 milliliters of 0.5*N* NaOH. Shake well for 1 minute. Allow the layers to separate, filter the lower cholorform layer through a cotton pledget, and collect the clear chloroform solution. Save the upper alkaline layer. Dilute 5 milliliters of the clear chloroform filtrate to 25 milliliters with spectrophotometric grade chloroform. Using a suitable spectrophotometer equipped with a 1-centimeter quartz cell and chloroform as the blank, determine the absorbance of each solution at 276 nanometers. (The exact position of the peak should be determined for the particular instrument used.) Calculate the hydrabamine absorptivity as follows:

$$\text{Hydrabamine absorptivity} = \frac{\text{Absorbance of sample}}{\text{Grams of sample per 100 milliliters}}$$

(6) *Phenoxymethyl penicillin content.* Dilute 5 milliliters of the alkaline layer, prepared as described in paragraph (b)(5) of this section, to 25 milliliters with distilled water. Treat a portion of the phenoxymethyl penicillin working standard in the same manner. Using a suitable spectrophotometer and 0.1*N* NaOH as the blank, determine the absorbance of each solution at 276 nanometers. Calculate the percent of phenoxymethyl penicillin as follows:

$$\text{Percent phenoxymethyl penicillin} = \frac{\text{Absorbance of sample} \times \frac{\text{Weight in milligrams of standard}}{\text{of standard}} \times \frac{\text{Percent phenoxymethyl penicillin in standard}}{}}{\text{Absorbance of standard} \times \text{Weight in milligrams of sample}}$$

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 440.71 Phenoxymethyl penicillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Phenoxymethyl penicillin is crystalline 6-(phenoxyacetamido) penicillanic acid. It contains not less than 90 percent of phenoxymethyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 1,500 units per milligram.

(ii) It is nontoxic.

(iii) Its moisture content is not more than 2.0 percent.

(iv) Its pH in a saturated aqueous solution is not less than 2.5 and not more than 4.0.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The batch mark.

(ii) The number of units per milligram and the number of grams in the immediate container.

(iii) The statement "Expiration date ------", the blank being filled in with the date that is 24 months after the month in which the batch was certified, except that the blank may be filled in with the date that is 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(iv) The statement "For use in the manufacture of nonparenteral drugs only".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, and phenoxymethyl penicillin content.

(ii) Such person shall submit with his request an accurately representative sample of the batch, consisting of 10 packages, each containing approximately 300 milligrams taken from a different part of such batch, packaged in accordance with the requirements of paragraph (a)(2) of this section.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(i) *Bioassay.* Proceed as directed in § 440.80a(b)(1), except prepare the sample as follows: Dissolve a weighed quantity of the sample (approximately 30 milligrams) in 2.0 milliliters of pure methanol. Further dilute this solution with sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to give a concentration of 1.0 unit per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 440.80a(b)(5)(iv), except prepare the sample as follows: Dissolve a weighed quantity of the sample (approximately 30 milligrams) in 2.0 milliliters of pure methanol. Further dilute this solution with sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliter (estimated).

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Toxicity.* Proceed as directed in § 440.80a(b)(4), except use physiological salt solution as the diluent and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(3) *Moisture.* Proceed as directed in § 440.74a(b)(5).

(4) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using a saturated aqueous solution prepared by adding 5 milligrams per milliliter.

(5) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b)(5)(iii).

(6) *Phenoxymethyl penicillin content.* Accurately weigh approximately 50 milligrams of the sample, dissolve in absolute methanol, and make to 100 milliliters with absolute methanol. Determine the absorbance of the sample at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100-percent transmission with absolute methanol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240–290 mμ. If a nonrecording spectrophotometer is used, determine the absorbance (or a solution containing 20 milligrams per 100 milliliters) at the 276 mμ absorption peak, using a slit width of 0.5 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.)

$$\text{Percent phenoxymethyl penicillin} = \frac{\text{Absorbance at 276 m}\mu \times 100{,}000}{\text{Milligrams of sample (per 100 milliliters)} \times a_{ss}},$$

where:

a_{ss} = the absorptivity (1%, 1 cm.) of the phenoxymethyl penicillin working standard similarly treated.

§ 440.73 Potassium phenoxymethyl penicillin (potassium phenoxymethyl penicillin salt).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium phenoxymethyl penicillin is the crystalline potassium salt of phenoxymethyl penicillin. It contains not less than 90 percent by weight of the potassium salt of phenoxymethyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 1,380 units per milligram.

(ii) It is nontoxic.

(iii) Its moisture content is not more than 1.5 percent.

(iv) Its pH in a solution containing 30 milligrams per milliliter is not less than 4.0 and not more than 7.5.

(2) *Packaging; labeling; requests for certification, samples.* Proceed as directed in § 440.71(a)(2), (3) and (4).

(b) *Tests and methods of assay*—(1) *Potency.* Using the penicillin V working standard as the standard of comparison, proceed as directed in § 440.80a(b)(1).

(2) *Toxicity.* Proceed as directed in § 440.71(b)(2).

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) or § 440.74a(b)(3).

(4) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using an aqueous solution prepared by adding 30 milligrams per milliliter.

(5) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b)(5)(iii).

(6) *Phenoxymethyl pencillin content.* Accurately weigh approximately 50 milligrams of the sample, dissolve in 0.1*N* NaOH solution, and make to 100 milliliters with 0.1 *N* NaOH solution. Determine the absorbance of the sample at the absorption peak at 275 mμ using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100-percent transmission with 0.1*N* NaOH solution. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240 mμ to 290 mμ. If a nonrecording instrument is used, determine the absorbance (of a solution containing 20 milligrams per 100 milliliters) at the 275 mμ absorption peak, using a slit width of 0.5 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.)

$$\text{Percent potassium phenoxymethyl penicillin} = \frac{\text{Absorbance at 276 m}\mu \times 100{,}000 \times 100}{\text{Milligrams of sample (in 100 milliliters)} \times a_{ss} \times 90.2}$$

where:

a_{ss} = absorptivity (1% 1 cm.) of the phenoxymethyl penicillin working standard similarly treated.

90.2 = percentage of phenoxymethyl penicillin in pure potassium phenoxymethyl penicillin.

§ 440.74a Sterile procaine penicillin (penicillin procaine salt), procaine penicillin G (penicillin G procaine salt).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Procaine penicillin is the crystalline procaine salt of a kind of penicillin, or a mixture of two or more such salts prepared from procaine hydrochloride that complies with all the standards prescribed by the U.S.P., except for the color of the crystals and penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; procaine penicillin G is procaine penicillin which contains not less than 85 percent by weight of the procaine salt of penicillin G. Each such drug is so purified and dried that:

(i) Its potency is not less than 900 units per milligram;

(ii) It is sterile;

(iii) It is nonpyrogenic;

(iv) It is nontoxic;

(v) Its moisture content is not more than 4.2 percent; and

(vi) Its pH in saturated aqueous solution is not less than 5 and not more than 7.5.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package of procaine penicillin shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(i) The batch mark;

(ii) The weight of the drug and the numbers of units in the immediate containers;

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 48 months or 60 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(iv) The statement "For manufacturing use only";

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of procaine penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(ii) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 600 milligrams.

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Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a) (2) of this section.

(iii) In connection with contemplated requests for certification of batches of another drug in the manufacture of which procaine penicillin is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by paragraph (a) (4) (ii) of this section. From the information required by paragraph (a) (4) (i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to each manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(i) *Bioassay.* Using the penicillin G working standard as the standard of comparison, proceed as directed in § 440.80a(b) (1).

(ii) *Iodometric assay.* Using the penicillin G working standard as the standard of comparison, proceed as directed in § 440.80a(b) (5) (iv) (*a*), except prepare the sample as follows: Dissolve a weighed sample (approximately 50 milligrams) in 2.0 milliters of pure methanol. Further dilute this solution with sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to give a concentration of 2.0 milligrams per milliliter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) or (2) of that section, except if using the method in paragraph (e) (1) of that section, add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. If the product contains lecithin, use diluting fluid D in lieu of A. If using the method described in paragraph (e) (2) of that section, use medium B in lieu of medium A.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b) (3), except use physiological salt solution as the diluent.

(4) *Toxicity.* Proceed as directed in § 440.80a(b) (4), except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(5) *Moisture.* Proceed as directed in § 436.500(c), but in lieu of the directions for preparing the sample in paragraph (c) (3) thereof prepare the sample and calculate as follows: Accurately weigh about 300 milligrams of the sample into a dry titrating vessel, add an excess of the Karl Fischer reagent and back titrate with water-methanol solution until the endpoint is reached.

$$\text{Percent moisture} = \frac{(v_1 - v_2 f) \times e \times 100}{W_s}$$

where W_s = weight of sample in milligrams.

(6) *pH.* Proceed as directed in § 440.80a (b) (5) (ii) using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(7) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii).

(8) *Penicillin G content.* Proceed as directed in § 440.80a(b) (5) (v) using the following formula for calculating the percent of procaine penicillin G:

$$\text{Percent of procaine penicillin G} = \frac{\text{N-ethyl piperidine penicillin precipitate} \times 268.1}{\text{Weight of sample in milligrams}}$$

and in lieu of the first four sentences in § 440.80a(b) (5) (v) (*b*) proceed as follows:

Accurately weigh approximately 100 milligrams of the sample to be tested in a glass test tube or glass vial of approximately 10-milliliter capacity. Add 2 milliliters of water and cool to 0° C. to 5° C. Add 2 milliliters of the amyl acetate solution and 0.5 milliliter of the phosphoric acid solution, stopper and shake vigorously for approximately 15 seconds. Add a second 0.5-milliliter portion of the phosphoric acid solution and shake vigorously again. Centrifuge to obtain a clear separation of the two layers (approximately 20 seconds). If any procaine penicillin remains undissolved, add a third portion of 0.5 milliliter of the phosphoric acid solution and repeat the shaking and centrifugation.

(9) *Penicillin K content.* Weigh from 30–35 milligrams of the sample to be tested in a glass test tube or glass vial of approximately 10-milliliter capacity. Add 2.0 milliliters of chloroform U.S.P. and cool the mixture to 0° C.–5° C. in an ice bath. Add 1.0 milliliter of cold 1-4 phosphoric acid solution, stopper and shake vigorously for 15 seconds. Centrifuge to obtain a clear separation of the layers (approximately 20 seconds). After centrifuging, remove 1.0 milliliter of the chloroform layer with a pipette or syringe equipped with a suitable needle. Immediately place the 1.0 milliliter of chloroform in a 125-milliliter separatory funnel containing 29.0 milliliters of chloroform and 15.0 milliliters of 0.3 *M* phosphate (Na_2HPO_4 and KH_2PO_4) buffer pH 6.0 at room temperature and shake for 1 minute. Allow the mixture to stand with occasional swirling to settle the droplets of chloroform until the top layer is clear (usually about 10 minutes). Draw off all but about 2 milliliters of the lower chloroform layer through a small pledget of cotton into a glass-stoppered flask. Take a 4.0-milliliter aliquot of the buffer solution remaining in the separatory funnel and a 10.0-milliliter aliquot of the chloroform solution and determine the milligrams per milliliter of penicillin in each by the iodometric assay procedure described in § 440.80a(b) (5) (iv) (*a*) using 4.0 milliliters of the 1*N* NaOH and 4.0 milliliters of the 1.2*N* HCl for the two above aliquots. Make blank determinations on the same size aliquots. Calculate the percent penicillin in the buffer layer on the basis that the sum of the penicillin found in the buffer layer and in the chloroform layer is 100 percent. The percent penicillin K = (98.46—percent found in buffer) × 3.34.

§ 440.80a Sterile sodium penicillin (penicillin sodium, penicillin sodium salt), sterile calcium penicillin (penicillin calcium, penicillin calcium salt), sterile crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium penicillin is the sodium salt of a kind of penicillin, or a mixture of two or more such salts; calcium penicillin is the calcium salt of a kind of penicillin, or a mixture of two or more such salts; crystalline penicillin is the heat-stable crystalline sodium or potassium salt of one or more kinds of penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; crystalline penicillin G is crystalline penicillin which contains not less than 85 percent by weight of the sodium salt or potassium salt of penicillin G; crystalline penicillin O is crystalline penicillin which contains not less than 85 percent by weight of the sodium salt or potassium salt of penicillin O and it contains not more than 0.5 percent by weight of the sodium salt or potassium salt of penicillin G. Each such drug is so purified and dried that:

(i) Its potency is not less than 500 units per milligram, except that if it contains not less than 90 percent of a salt of penicillin X its potency is not less than 350 units per milligram:

(ii) It is sterile;

(iii) It is nontoxic;

(iv) It is nonpyrogenic;

(v) Its moisture content is not more than 2.5 percent unless it is crystalline penicillin in which case its moisture content is not more than 1.5 percent;

(vi) its pH in an aqueous solution of 30 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause a change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 100,000 units, 200,000 units, 300,000 units, 500,000 units, 1,000,000 units, 2,000,000 units, 3,000,000 units, 4,000,000 units, or 5,000,000 units, except that when packaged and labeled solely for dental use each such container may contain not less than 10,000 units and except that when packaged and labeled for intravenous infusion only each such container may contain 20,000,000 units, and each may be packaged in combination with a container of the solvent, water for injection U.S.P., dextrose injection 5 percent U.S.P. (if not packaged for dental use), sodium chloride solution U.S.P. or an aqueous solution of a suitable local anesthetic.

(3) *Labeling*—(i) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(*a*) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 18 months, or if it is crystalline penicillin, 36 months, after the month during which the batch was certified; except that, if it is crystalline penicillin, the blank may be filled in with the date that is 48 months or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section.

(*b*) On the immediate container, the statement "Sterile solution may be kept in refrigerator for __ days without significant loss of potency", the blank being filled in with the figure "3" if it is crystalline penicillin or with the figure "7" if it is not crystalline penicillin, unless such information is contained in the labeling within the package from which it is dispensed.

(c) On the outside wrapper or container, if it is not crystalline penicillin, the statement "Store in refrigerator not above 15° C. (59° F.)".

(ii) *It is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(*a*) The number of units of penicillin per milligram or per gram and the number of grams or kilograms in the immediate container.

(*b*) The statement "Caution: Federal law prohibits dispensing without prescription".

(*c*) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking".

(*d*) The information required by paragraph (a) (3) (i) (*a*) and (*c*) of this section.

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content (unless it is crystalline penicillin G or crystalline penicillin O), crystallinity and heat stability if it is crystalline penicillin, the penicillin G content if it is crystalline penicillin G or crystalline penicillin O, and the penicillin O content if it is crystalline penicillin O. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) If such batch is packaged for dispensing, such person shall submit with his request a sample consisting of the following:

(*a*) For all tests except sterility: One immediate container for each 5,000 containers in the batch, but in no case less than the following number of containers:

(*1*) If it is not crystalline penicillin, six.

(2) If it is crystalline penicillin, but it is not crystalline penicillin G or crystalline penicillin O, eight.

(3) If it is crystalline penicillin G or crystalline penicillin O, ten.

(4) If it is packaged in containers of less than 100,000 units each for dental use, 20, if it is not crystalline penicillin; and 40 if it is crystalline penicillin.

Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(iii) If such batch is packaged for repackaging or for use in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: Six packages; or in the case of crystalline penicillin, 10 packages, containing approximately equal portions of not less than 60 milligrams each.

(*b*) For sterility testing: 20 packages each containing approximately 500 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (a) (2) of this section.

(iv) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by paragraph (a) (4) (iii) of this section. From the information required by paragraph (a) (4) (i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Cylinders (cups).* Use stainless steel cylinders with an outside diameter of 8 mm. (±0.1 mm.), an inside diameter of 6 mm. (±0.1 mm.), and a length of 10 mm. (±0.1 mm.)

(ii) *Culture media.* Use ingredients that conform to the standards prescribed by the U. S. P. or N. F.

(*a*) Make nutrient agar for the seed layer and for carrying the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Glucose	1.0 gm.
Agar	15.0 gm.
Distilled water, q. s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(*b*) Make nutrient agar for the base layer as follows:

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Agar	15.0 gm.
Distilled water, q. s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(*c*) Make nutrient broth, for preparing an inoculum of the test organism, as follows:

Peptone	6.0 gm.
Yeast extract	1.5 gm.
Beef extract	1.5 gm.
Sodium chloride	3.5 gm.
Glucose	1.0 gm.
Dipotassium phosphate	3.68 gm.
Potassium dihydrogen phosphate	1.32 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.0 after sterilization.

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In lieu of preparing the media from the individual ingredients specified in paragraph (b) (1) (ii) (*a*), (*b*), and (*c*) of this section, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modification of the individual ingredients specified in paragraph (b) (1) (ii) (*a*), (*b*), and (*c*) of this section are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(iii) *Working standard.* Keep the working standard (obtained from the Food and Drug Administration) at room temperature in tightly stoppered vials, which in turn are kept in larger stoppered tubes containing a suitable desiccant. Weigh out carefully in an atmosphere of 50 percent relative humidity or less between 4 and 5 milligrams of the working standard and dilute with sterile 1 percent phosphate buffer (pH 6.0) to make a stock solution of any convenient concentration. Keep this solution under refrigeration and use for 2 days only. From this stock solution make appropriate working dilutions.

(iv) *Preparation of sample.* Dissolve the sample to be tested in 1.0 percent phosphate buffer, pH 6.0, to make an appropriate stock solution.

(v) *Preparation of plates.* Add 21 ml. of agar to each Petri dish (20 x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. The test organism is *Staphylococcus aureus* (American Type Culture Collection 6538P).[1] Maintain the test organism on agar slants and transfer to a fresh agar slant about once a week. Prepare an inoculum for the plates by transferring the culture from the agar slant into broth and incubate at 32° C.–35° C. from 16 to 24 hours thereafter add 2.0 milliliters of this broth culture to each 100 milliliters of agar which has been melted and cooled to 48° C. Mix the culture and agar thoroughly and add 4 milliliters to each of the plates containing the 2.0 milliliters of the uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly over the surface. Porcelain covers glazed on the outside are used. Place four cylinders on the agar surface so that they are at approximately 90° intervals on a 2.8 cm. radius. In so placing the cylinders drop them from a height of ½ inch, using a mechanical guide or device. A suspension of the test organism may be used in place of the broth culture described above in preparing the inoculum for the seeding of plates. Prepare such suspension as follows: Wash the organisms from an agar slant which has been incubated for 24 hours at 32° C.–35° C. and stored for 24 hours at room temperature with 2.0 milliliters of sterile physiological saline onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of agar. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate 24 hours at 32° C.–35° C. and store for 24 hours at room temperature. Wash the resulting growth from the agar surface with about 50 milliliters of sterile physiological saline. Standardize this suspension by determining the dilution which will permit 20 percent light transmission through a filter at 6,500 Angstrom units in a photoelectric colorimeter. (In the preparation of the suspensions of the test organism on agar slants and Roux bottles, the 24-hour storage periods at room temperature may be omitted if the suspensions will permit 20-percent light transmission through a filter at 6,500 Angstrom units in a photoelectric colorimeter). Determine by appropriate tests the quantity of this resulting dilution to be added to each 100 milliliters of agar, which has been melted and cooled to 48° C., for the secondary layer that will give sharp clear zones of inhibition. The suspension may be used for 1 week.

(vi) *Assay.* Use four plates for each sample. Fill one cylinder on each plate with a 1.0 unit per milliliter dilution, and one with a 0.25 unit per milliliter dilution, of the working standard. Add the estimated dilutions of 1.0 unit per milliliter and 0.25 unit per milliliter of the sample under test to the remaining two cylinders on each plate. Carefully place the plates in racks and incubate 16 to 18 hours at 32° C.–35° C. After incubation measure the diameter of each circle of inhibition to the nearest 0.5 millimeter using a colony counter with a millimeter scale etched into the supporting glass over the light source. Other measuring devices of equal accuracy may be used.

(vii) *Estimation of potency and error.* (*a*) Use the accompanying chart (Chart 1) and nomograph (Chart 2) for estimating the potency and its error. To use the chart for estimating potency two values, namely, *V* and *W*, are required. For each plate calculate two values.

$$v=(u_L+u_H)-(s_L+s_H)$$

and

$$w=(u_H+s_H)-(u_L+s_L)$$

where s_H and s_L are the diameters of the zones of inhibition in millimeters of the 1.0 unit and 0.25 unit dilutions of the standard, respectively, and u_H and u_L refer similarly to the corresponding dilutions of the sample under test. The value *V* is the sum of the *v* values for all plates and *W* is the sum of the *w* values for all plates. To estimate the potency locate the point on the chart corresponding to the values of *V* and *W*, and the potency can be read from the radial lines on the chart.

(*b*) The error of the assay is estimated by using the nomograph which requires five values, namely, the potency, *V*, *W*, *Rv*, and *Rw*. *Rv* (the range of the *v*'s) is the highest value of *v* minus the lowest value of *v* obtained from the individual plates. Similarly, *Rw* is the difference between the highest and lowest *w* values. After obtaining these five values, connect with a straightedge the points corresponding to *v* and *w* on the respective scales on the right side of the nomograph. Mark with a pin or sharp-pointed pencil the intersection of the straightedge and the diagonal line of the nomograph. Move the straightedge so that it connects the value of *Rw* on its scale and the diagonal line at the point of the pin. The value for *Q* is thus determined by the scale value where the straightedge crosses the line labeled "Q". *T* is obtained by adding the squares of *Q* and *Rv*. On the left side of the chart connect the value of *T* and *W* with the straightedge and read the value of the ratio (error of assay-potency) where the straightedge intersects the scale of values for the ratio. This value multiplied by the potency equals the percentage error of the assay. The error of the assay calculated here estimates only how closely one assayist can check himself on any given set of dilutions of unknown and standard. It does not include any errors of weighing or errors due to variations in materials or subdivisions of a lot of penicillin.

The chart for determining potency should not be used for determinations of potency lower than 50 percent or higher than 150 percent of the standard. If the potency lies outside these limits, the assay should be repeated using a higher or lower dilution. The radial lines on the chart beyond these limits permit a rough estimation of potency from as low as 5 percent to as high as 1,000 percent when low values of *W* are found. If the value of *V* or *W* falls outside the limits of the chart, divide both *V* and *W* by the same proper number to bring them into the range of the chart and read the potency from the radial lines as before. If 11.4 *Rw* is greater than *W*, the slope of the assay does not differ significantly from zero and the assay is invalid. (The figure 11.4 was obtained by use of Student's "t" test for determining the significance of a slope.)

In certain laboratories it has been noted that with the 4 to 1 ratio, involving concentrations of 0.25 unit for the low dose, the zone of inhibition given by this dose may either be too small for accurate reading or have edges which are poorly defined. In order to permit the use of a higher concentration of penicillin for the low dose the third of the attached charts (Chart 3) may be used in assays in which the ratio of doses is 2 to 1, i.e., the high dose (*sH*) is twice the low dose (*sL*). As in the following chart (Chart 1), if the potency lies outside the limits of 50 percent to 150 percent the assay should be repeated, using a lower or higher dilution. The potencies beyond these limits are to be used for rough estimation purposes only. These extensions can also be used for four (or more) plate assays if both *V* and *W* are divided by the same proper number to bring them into the range of the chart. The error of the assay using the ratio of doses 2 to 1 is estimated by using the nomograph (Chart 2) in the same manner as described for the 4 to 1 ratio of doses. However, the resultant error of the assay derived in this manner must be divided by 2 to give the correct error of the assay for the 2 to 1 ratio of doses.

PENICILLIN ASSAY – Chart for Determining Potency as Percent of Standard from Two-Dose Plate Method; Ratio of Doses 4:1

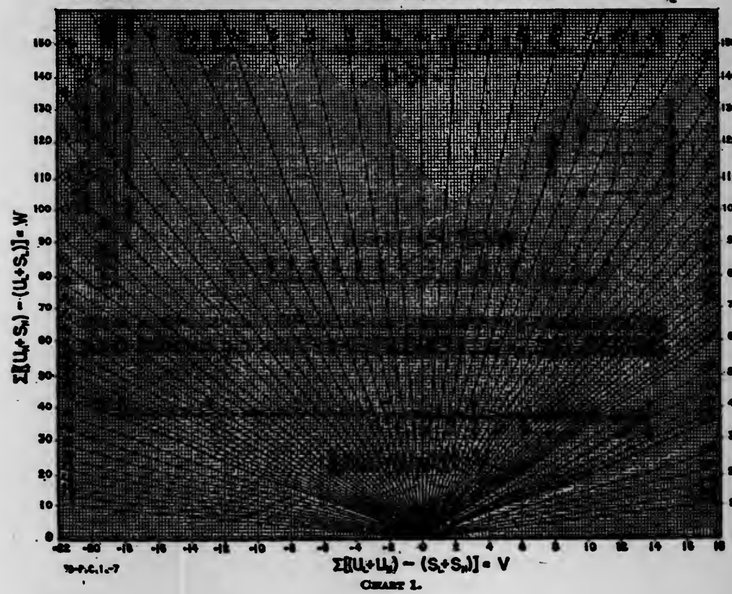


CHART 1.

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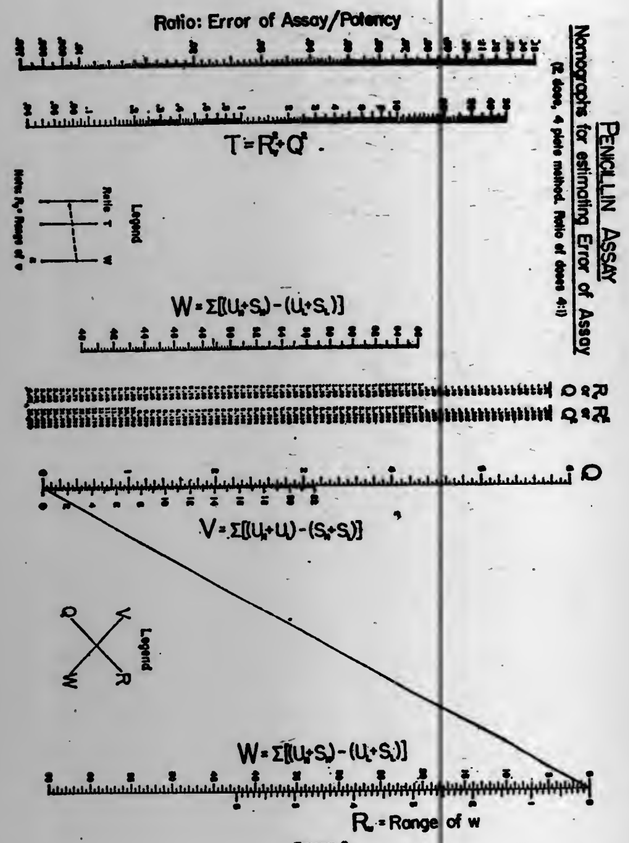


CHART 2.

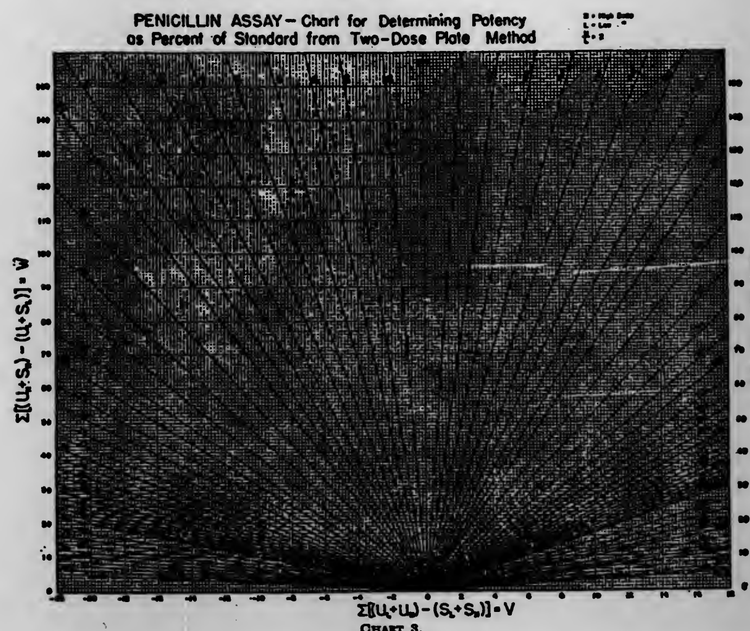


CHART 3.

(viii) *Assay by alternative methods.* Using the penicillin G working standard as the standard of comparison, assay by any of the following methods; however, the results obtained from the bioassay method shall be conclusive. The potency of the sample may also be determined by the iodometric method as described in paragraph (b)(5)(iv) of this section or by the hydroxylamine colorimetric assay as described in § 436.205 of this chapter, or by the standard curve technique, using a single dose of standard and unknown. In the case of the standard-curve technique, dilute the sample to be tested to 1.0 unit per milliliter (estimated) in 1 percent phosphate buffer, pH 6.0. Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use three plates for each sample and fill three cylinders on each plate with the 1.0 unit per milliliter standard and three cylinders with the 1.0 unit per milliliter (estimated) sample, alternating standard and sample. Incubate the plates for 16 to 18 hours at 32° C–35° C. and measure the diameter of each circle of inhibition. Average the zone reading of the standard, and average the zone readings of the sample on the plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0 unit per milliliter zone size of the standard curve. If the average sample zone size is smaller than the standard value, subtract the difference between them from the 1.0 unit per milliliter zone size of the standard curve. From the curve read the concentration corresponding to these corrected values of zone sizes. Prepare concentrations for the standard curve by diluting aliquots of the standard stock solution with 1 percent phosphate buffer, pH 6.0, to give final concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 units per milliliter. Use three plates for each concentration except the 1.0 unit per milliliter concentration. Thus there will be a total of 12 plates. The 1.0 unit concentration is the reference point and is included on each plate. On each of three plates fill three cylinders with the 1.0 unit per milliliter standard and the other three cylinders with the concentration of the standard under test. Thus there will be thirty-six 1.0 unit per milliliter determinations and nine determinations for each of the other concentrations on the curve. Incubate the plates for 16 to 18 hours at 32° C.–35° C. and measure the diameter of each circle of inhibition. Average the readings of 1.0 unit per milliliter concentration and the readings of the concentration tested on each set of three plates, and average also all 36 readings of the 1.0 unit per milliliter concentration. The average of the 36 readings of the 1.0 unit per milliliter concentration is the correction point for the curve. Correct the average value obtained for each concentration to the figure it would be if the 1.0 unit per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8 unit per milliliter concentration, the average of the 36 readings of the 1.0 unit per milliliter concentration is 18 millimeters and the average of the 1.0 unit per milliliter concentration on this set of three plates is 17.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 0.8 unit per milliliter concentration of these same three plates is 17.0 millimeters, the corrected value is then 17.2 millimeters. Plot these corrected values including the average of the thirty-six 1.0 unit per milliliter concentrations on two-cycle semilog paper, using the concentrations in units per milliliter as the ordinate (logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L=\frac{3c+2b+c-e}{5}$$

$$H=\frac{3e+2d+c-a}{5}$$

where:

L=calculated zone diameter for the lowest concentration of the standard curve,

H=calculated zone diameter for the highest concentration of the standard curve,

c=average zone diameter of 36 readings of the 1.0 unit per milliliter standard,

a, b, d, e=corrected average values for the 0.64, 0.80, 1.25, and 1.56 units per milliliter standard solutions, respectively.

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Plot the values obtained for *L* and *H* and connect with a straight line.

(ix) *Potency.* The potency of sodium penicillin, calcium penicillin, and potassium penicillin is satisfactory when assayed by the methods described in this section if the immediate containers are represented to contain:

(*a*) 200,000 units or less and contain 85 percent or more of the number of units so represented;

(*b*) More than 200,000 units and contain 90 percent or more of the units so represented.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) or (2) of that section, except if using the method in paragraph (e)(2), use medium B in lieu of medium A.

(3) *Pyrogens*—(i) *Temperature recording.* Use an accurate clinical thermometer or any other temperature-recording device of equal sensitivity that has been tested to determine the time necessary to reach the maximum reading. Insert the temperature-recording device into the rectum of the test animal to a depth of not less than 7.5 centimeters and allow sufficient time to reach a maximum temperature, as previously determined, before taking the reading.

(ii) *Test animal.* Use healthy, mature rabbits, each weighing not less than 1500 grams and which have maintained their weight on an antibiotic-free diet for at least 1 week under the environmental conditions specified in this section. House the animals individually in an area of uniform temperature (±3° C. (±5° F.)) and free from disturbances likely to excite them. Do not use animals for pyrogen tests more frequently than once every 48 hours or prior to 2 weeks following their having been given a test sample that was adjudged pyrogenic. One to 3 days before using an animal that has not been used for a test during the previous 2 weeks, condition it by conducting a sham test as directed under paragraph (b)(3)(ii) of this section, omitting the injection.

(iii) *Procedure.* Perform the test in an area where the animals are housed or under similar environmental conditions. On the day of the test, withhold all food from the animals being used until after completion of the test, except that access to water may be allowed, and determine the "control temperature" of each animal. In any one test use only those animals the control temperatures of which do not deviate by more than 1° C. from each other, and do not use any animal with a temperature exceeding 39.8° C. The control temperature recorded for each rabbit constitutes the temperature from which any subsequent rise following the injection of the material is calculated. Render the syringes, needles, and glassware free from pyrogens by heating at 250° C. for not less than 30 minutes or by any other suitable method. Warm the product to be tested to approximately 37° C. Dilute the sample with sterile, pyrogen-free distilled water to a concentration of 2,000 units per milliliter. Inject 1 milliliter per kilogram into an ear vein of each of three rabbits within 30 minutes subsequent to the control temperature reading. Record the temperature at 1, 2, and 3 hours subsequent to the injection. If no rabbit shows an individual rise in temperature of 0.6° C. or more above its respective control temperature, and if the sum of the three temperature rises does not exceed 1.4° C., the sample meets the requirements for the absence of pyrogens. If one or two rabbits show a temperature rise of 0.6° C. or more, or if the sum of the temperature rises exceeds 1.4° C., repeat the test, using five other rabbits. If not more than three of the eight rabbits show individual rises in temperature of 0.6° C. or more, and if the sum of the eight temperature rises does not exceed 3.7° C., the sample meets the requirements for the absence of pyrogens.

(4) *Toxicity.* Inject intravenously each of five mice, within the weight range of 18 to 25 grams, with 0.5 milliliter of a solution of the sample prepared by diluting with sterile distilled water to approximately 4,000 units per milliliter. The injection should be made over a period of not more than 5 seconds. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test one or more times, using for each test five or more previously unused mice weighing 20 grams (±0.5 gram) each; if the total deaths within 48 hours is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

(5) *Moisture, pH microscopical test for crystallinity*—(i) *Moisture.* In an atmosphere of about 10 percent relative humidity, transfer about 100 milligrams of the finely powdered sample to a tared weighing bottle or weighing tube equipped with a capillary-tube stopper, the capillary having an inside diameter of 0.20 millimeter–0.25 millimeter. Weigh the bottle or tube and place it in a vacuum oven without removing the stopper and dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours. At the end of the drying period, fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel. Place weighing bottle or tube in a desiccator over a desiccating agent such as phosphorous pentoxide or silica gel, allow to cool to room temperature, and reweigh.

(ii) *pH.* Dilute the sample to be tested with carbon-dioxide-free distilled water so that the resulting solution contains 30 milligrams per milliliter. Determine the pH of this solution at 25° C. using a pH meter equipped with a glass and a calomel electrode.

(iii) *Microscopical test for crystallinity of sodium penicillin and potassium penicillin.* Mount in mineral oil and examine by means of a polarizing microscope. Crystalline penicillin shows resolvable particles which reveal the phenomena of birefringence (interference colors) and extinction positions on revolving the microscope stage. Crystalline penicillin also reveals diagnostic refractive indices when examined by the immersion method.

(iv) *Heat stability*—(*a*) *Crystalline penicillin, crystalline penicillin G.* Store a weighed sample (approximately 30 milligrams) of crystalline penicillin in an unstoppered 50-milliliter Erlenmeyer flask for 4 days in an electric oven at 100° C.±1°. At the end of this period it does not show a loss of more than 10 percent of its original potency when determined as follows: Dilute a weighed sample (approximately 30 milligrams) with a 1-percent phosphate buffer at pH 6.0 to a concentration of approximately 1.2 milligrams per milliliter (2,000 units per milliliter). Add 2.0-milliliter aliquots to each of two 125-milliliter glass-stoppered Erlenmeyer or iodine flasks. To one add 2.0 milliliters of 1*N* NaOH and allow to stand at room temperature for 15 minutes. At the end of this time add 2.0 milliliters of 1.2*N* HCl and add 10 milliliters of 0.01*N* I_2 (prepared from 0.1*N* I_2 U.S.P.). (Equal volumes of 1 *N* NaOH and 1.2 *N* HCl when mixed give pH 1.0.) After 15 minutes, titrate the excess iodine, using 0.01 *N* $Na_2S_2O_3$. Toward the end of the titration add one drop of starch solution or about 5.0 milliliters of CCl_4. Continue the titration by the addition of 0.01 to 0.02-milliliter portions of 0.01*N* $Na_2S_2O_3$, shaking vigorously after each addition. The end point is reached when the blue color of the starch–iodine complex is discharged or when the CCl_4 layer becomes colorless. To the second flask add 10 milliliters of 0.01*N* I_2 and titrate immediately with 0.01 *N* $Na_2S_2O_3$ for the blank determination. Divide the difference in titers by a factor, F, which is the number of milliliters of 0.01*N* I_2 absorbed by 1.0 milligram of sodium penicillin G working standard, to obtain the milligrams of penicillin sodium salt. Determine the factor F by actual standardization against the sodium penicillin G working standard, using the above method.

$$\text{Units of penicillin G per milligram} = \frac{\text{Difference in titers} \times \text{potency of FDA penicillin G working standard in units per milligram}}{\text{Sample weight (milligrams) in 2.0 milliliters} \times F}$$

$$\text{Percent loss of potency} = \frac{\text{(Original assay—assay after 4 days at 100° C.)} \times 100}{\text{Original assay}}$$

(*b*) *Crystalline penicillin O.* Proceed as directed in paragraph (b)(5)(iv)(*a*) of this section, except make the calculations as follows: Divide the difference in titers by a factor, *F*, which is the number of milliliters of 0.01 *N* I_2 absorbed by 1.0 milligram of the penicillin O working standard, to obtain the milligrams of potassium penicillin O. Determine the factor *F* by actual standardization against the penicillin O working standard.

$$\text{Units of penicillin O per milligram} = \frac{\text{Difference in titers} \times \text{potency of FDA penicillin O working standard in units per milligram}}{\text{Sample weight (milligrams) in 2 milliliters} \times F}$$

Penicillin O does not show a loss of more than 10 percent of its original potency.

(v) *Crystalline penicillin G*—(*a*) *Reagents.* The reagents described in paragraph (b)(5)(v)(*a*) (*1*), (2) and (3) of this section are freshly prepared every three days and are of such quality that when used in this procedure with a known penicillin G not less than 97 percent of penicillin G is recovered.

(*1*) *Amyl acetate (iso-amyl acetate) solution.* Saturate the amyl acetate (boiling range 138.5°–141.5° C.) with the *N*-ethyl piperidine salt of penicillin G by adding 2 milligrams of the salt for each 1.0 milliliter of the solvent. Cool this solution to 0°–8° C. and filter it through a sintered-glass filter immediately before use.

(2) *Acetone solution.* Saturate reagent grade acetone with the *N*-ethyl piperidine salt of penicillin G using 3 mg. of salt for each 1 milliliter of acetone. Cool this solution to 0°–8° C. and filter it through a sintered-glass filter immediately before use.

(3) *N-Ethyl piperidine solution.* *N*-ethyl piperidine (boiling range 129.5°–131.0° C.) should be stored in brown bottles in a refrigerator. Dilute 1.0 milliliter of this reagent with 4.0 milliliters of amyl acetate. Saturate this solution with the *N*-ethyl piperidine salt of penicillin G, using about 3 milligrams of the salt for each 1.0 milliliter of solution. Cool this solution to 0°–8° C. and filter it through a sintered-glass filter immediately before use.

(*4*) *Phosphoric acid solution.* Prepare by dissolving 1.0 milliliter of reagent grade phosphoric acid (85 percent) in 4.0 milliliters of water. Cool to 0° to 8° C. and shake before using.

(*5*) *Silica gel.* Use dry silica gel (mesh size 6–16, Tyler standard). Place about 0.5 gram of the silica gel in a micro filter funnel (approximately 10-millimeter diameter) having a fritted-glass disc of medium porosity.

(*b*) *Procedure.* Accurately weigh from 60 to 70 milligrams of the sample to be tested in a glass test tube or glass vial of approximately 10 milliliters capacity. Add 2.0 milliliters of water to dissolve the penicillin and cool the solution to 0° to 5° C. Add 2 milliliters of the amyl acetate solution and 0.5 milliliter of the phosphoric acid solution, stopper and shake vigorously for approximately 15 seconds. Centrifuge to obtain a clear separation of the two layers (approximately 20 seconds). After centrifuging, remove as much of the amyl acetate layer as possible (usually about 1.7 milliliters–1.8 milliliters) with a 2-milliliter hypodermic syringe equipped with a suitable needle, and add it to the filter funnel containing the silica gel. Allow the amyl acetate to remain in contact with the silica gel for exactly 20 seconds, then apply suction and collect the filtrate in a small test tube placed in a suction flask surrounded by cracked ice. Pipette a 1.0-milliliter aliquot of the amyl acetate filtrate into a tared flat bottom glass tube (approximately 15 x 50 millimeters) containing 1.0 milliliter of the acetone solution and 0.5 milliliter of the *N*-ethyl piperidine solution. The time elapsing between acidification and the addition of the filtrate to the above reagents should not be more than 3 minutes. Place the glass tube containing this mixture in a large weighing bottle, stopper the bottle and allow to stand for not less than 2 hours in a refrigerator at 0° to 8° C. Remove the liquid from the precipitate by means of a tared micro filter stick and wash with a total of 1 milliliter of the acetone solution adding the latter by means of a hypodermic syringe equipped with a fine needle. Place the filter stick inside the glass tube, dry under vacuum at room temperature for not less than 1 hour, and weigh. (Save all *N*-ethyl piperidine penicillin G residues for saturating reagents.)

$$\text{Percent of sodium penicillin G} = \frac{\text{mg. } N\text{-ethyl piperidine penicillin precipitate} \times 159.3}{\text{Weight of sample mg.}}$$

$$\text{Percent of potassium penicillin G} = \frac{\text{mg. } N\text{-ethyl piperidine penicillin precipitate} \times 166.5}{\text{Weight of sample mg.}}$$

(vi) *Penicillin K content.* Determine the content of penicillin K by the following method: Dilute a weighed sample or the contents of a vial with 0.3 *M* phosphate (Na_2HPO_4 and KH_2PO_4) buffer pH 6.0 to give a solution containing approximately 1,000 units/ml. In the case of calcium penicillin where a precipitate of calcium phosphate occurs, remove the precipitate by filtration and use the clear filtrate. Place a 15.0-milliliter aliquot of this solution in a 125-milliliter separatory funnel, add 30.0 milliliters of chloroform U.S.P. and shake for 1 minute. (Carry out all operations at room temperature.) Allow the mixture to stand with occasional swirling to settle the droplets of chloroform until the top layer is clear (usually about 10 minutes). Draw off all but about 12 milliliters of the lower chloroform layer through a small pledget of cotton into a glass-stoppered flask. Take a 4.0-milliliter aliquot of the original solution, a 4.0-milliliter aliquot of the buffer solution remaining in the separatory funnel and a 10.0-milliliter aliquot of the chloroform solution and determine the mg./ml. of penicillin in each by the iodometric assay procedure described in paragraph (b)(5)(iv) of this section using 4.0 milliliters of the 1 *N* NaOH and 4.0 milliliters of the 1.2 *N* HCl for each of the above aliquots. Make blank determinations on the same size aliquots. Calculate the percent penicillin in the buffer layer and in the chloroform layer as compared to the original solution. The sum of these percentages should be 100%±2%. The percent penicillin K=(96.92+% in chloroform—% in buffer)×1.67. (The factors in the above formula are based on distribution coefficients of penicillin K and G between chloroform and aqueous phosphate buffer at pH 6.0.)

(vii) *Penicillin G content of crystalline penicillin O.* Accurately weigh approximately 300 milligrams of the sample to be tested in a 250-milliliter Erlenmeyer flask, dissolve in 1.0 milliliter of 2.5 percent KOH solution, add with swirling 50.0 milliliters of 4.5 percent $KMnO_4$ solution and heat on the steam bath for 2 hours, covering the flask with a watch glass. Cool to room temperature and add 25.0 milliliters of 10 percent oxalic acid solution. When the reaction has ceased, add 15.0 milliliters of 18 *N* H_2SO_4 stepwise with agitation and cooling. Add 30.0 grams of NaCl and agitate until a clear, colorless solution is obtained. Transfer to a separatory funnel and extract with three portions of chloroform, 30 milliliters, 20 milliliters, and 10 milliliters in that order. Filter the extracts through a pledget of cotton previously moistened with chloroform and collect in a second separatory funnel. Add 50.0 milliliters of 0.1*N* NH_4OH to the combined extracts, shake 5 minutes and allow the phases to separate for 10 minutes. Discard all but a few milliliters of the chloroform layer. Draw off the last few milliliters of chloroform and about 15.0 milliliters of the NH_4OH layer into a glass-stoppered test tube and centrifuge 2 minutes to obtain a clear aqueous layer. Prepare a blank by shaking 50.0 milliliters of 0.1*N* NH_4OH with 60.0 milliliters of chloroform as described above. Determine the absorbance of the blank compared with 0.1*N* NH_4OH at 220 mμ and 224 mμ. Determine the absorbance of the sample at 220 mμ and 224 mμ compared with the blank. Calculate the quantity of benzoic acid in the solution from the equation:

$$x = \frac{R(A224) - (A220)}{RB - A}$$

where:

x = concentration of milligrams per milliliter of benzoic acid in sample.
A = absorbance per milligram of benzoic acid U.S.P. per milliliter of 0.1 *N* NH_4OH at 220 mμ.
B = absorbance per milligram of benzoic acid U.S.P. per milliliter of 0.1 *N* NH_4OH at 224 mμ.
R = $\frac{\text{absorbance of blank at 220 mμ.}}{\text{absorbance of blank at 224 mμ.}}$
$A220$ = absorbance of sample at 220 mμ.
$A224$ = absorbance of sample at 224 mμ.

Calculate the quantity of penicillin G in the sample from the equation:

$$\frac{3.05 \times (50)\,(100)}{\text{Weight of sample in milligrams}} = \text{percent penicillin G.}$$

(viii) *Penicillin O content.* (a) Accurately weigh approximately 100 milligrams of the sample in a 25-milliliter glass-stoppered test tube and add 5.0 milliliters of chloroform (previously washed with water) and 15 milliliters of distilled water. Place the tube in an ice bath for 5 minutes and then add 1.5 milliliters of 1 to 4 H_3PO_4. Shake the tube vigorously for 2 minutes, centrifuge for 1 minute to separate the layers, and withdraw the lower chloroform layer

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with the aid of a 10-milliliter hypodermic syringe equipped with a 3-inch needle. Superficially dry the chloroform by filtering through a pledget of cotton, using a U-shaped funnel to reduce evaporation during filtration. Collect the filtrate in a 5-milliliter glass-stoppered bottle and use within an hour. Place this chloroform solution in the absorption cell, which consists of two rock-salt plates with a 1.0-millimeter polyethylene spacer between them, clamped firmly in the cell holder. Adjust the amplification of a suitable infrared spectrometer to full-scale deflection for 1 μv., set the slit opening at 0.300 millimeter, and record the spectrum from 10.7 μ to 9.4 μ, taking a zero reading (shutter closed) at the beginning and at the end of the run. Calculate the baseline absorbance from the following equation:

$$A_b = \text{Log}_{10}\frac{I_b}{I_p}$$

where:

A_b = baseline absorbance.

A_b = distance from the zero line to the transmission peak at 10.3 μ.

I_p = distance from the zero line to the maximum absorption of the band at 10.1 μ.

The absorptivity, a, of the sample in the particular cell being used is calculated as follows:

$$a = \frac{A_b}{\text{Weight of sample}}$$

Using an accurately weighed sample of about 100 milligrams of the potassium penicillin O working standard in the above procedure, determine its absorptivity in the same cell. Obtain the percent penicillin O in the sample under test by the following calculation:

$$\frac{a\text{ (sample)}}{a\text{ (standard)}} \times 100 = \text{percent potassium penicillin O.}$$

$$\frac{a\text{ (sample)}}{a\text{ (standard)}} \times 95.6 = \text{percent sodium penicillin O.}$$

(b) If the sample is potassium penicillin O, the following method may be used: Grind the sample to a uniform powder, using a mortar and pestle. Weigh, by difference, 100 milligrams to 150 milligrams of liquid petrolatum into an agate mortar. Divide the actual weight of the liquid petrolatum by three, and add exactly this amount of the powdered penicillin O to the liquid petrolatum in the mortar. Mix with a small spatula and then mull thoroughly with the pestle until a uniform consistency is obtained. Use two circular rock-salt plates, each 2 inches in diameter, as the absorption cell. Place a small drop of the mull in the center of one of the rock-salt plates. Place a brass spacer, 0.0036-thick, on the plate. (This spacer is cut in the shape of a circular gasket with a 1-inch center hole and a slit to permit the escape of air when the two plates are pressed together.) Put on the top salt plate gently and slowly squeeze together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. (The cell holder consists of two metal plates, one containing a rectangular center slit ¼-inch wide x 5/8-inch long, the other with a center hole 1 inch in diameter. The two plates are clamped together by means of threaded studs and nuts.) Examine the assembled cell by holding it up to the light. It should appear smooth, free of any air bubbles, and not in contact with the spacer. Place the cell in a suitable infrared spectrophotometer. Adjust the amplification of the spectrometer to full-scale deflection for 1μ v., set the slit opening to about 0.300, and run the spectrum from 9.4μ to 10.7μ, using an automatic slit-control mechanism and taking a zero reading (shutter closed) at the beginning and at the end of the run. Draw a baseline between two points, one on each side of the analytical band (10.1μ), and calculate the baseline absorbance, using the following equation:

$$A_b = \log_{10}\frac{I_b}{I_p}$$

where:

I_p = baseline absorbance.

A_b = distance from the zero line to the maximum absorption of the band.

I_b = distance from the zero line to the baseline, measured at the same wavelength as I_p.

Using known mixtures of penicillin G working standard and penicillin O working standard, prepare a standard curve by plotting the baseline absorbance values obtained against the percent penicillin O. Obtain the percent penicillin O in the sample under test from this standard curve.

(6) *Penicillin X.* Dissolve the contents of a 100,000 unit ampul in about 20 milliliters of ice cold distilled water. Transfer quantitatively to a 100-milliliter volumetric flask, rinsing the ampul with small portions of ice cold water and make to 100 milliliters. Pipette a 50.0-milliliter aliquot into a 125-milliliter separatory funnel, then add 50.0 milliliters of cold chloroform and shake the mixture. Add an amount of approximately 1*N* H_2SO_4 to bring the pH of the aqueous layer to 2.0. (The amount of 1*N* H_2SO_4 to be added is calculated by titrating a separate 5.0-milliliter aliquot of the 100-milliliter dilution to pH 2.0 using a suitable pH meter.) Shake the mixture vigorously for one minute. Allow the layers to separate and filter the chloroform through a small pledget of cotton, moistened with chloroform, into a second 125-milliliter separatory funnel. Shake the acid aqueous solution with a second 50.0 milliliters of cold chloroform and, when the layers have separated, withdraw the chloroform through the same filter into the second separatory funnel. Immediately neutralize the acid aqueous solution, containing the penicillin X, with 0.1 *N* NaOH to pH 6.5 to 7.0 using the pH meter and make to 100 milliliters with water. Make appropriate dilutions in 1 percent phophate buffer at pH 6.0 and assay as directed in paragraph (b)(1)(vi) or (viii) of this section. Shake the combined chloroform extracts, containing any penicillin G, etc., with small successive portions of cold $NaHCO_3$ solution (0.1 percent), until the combined $NaHCO_3$ extracts give a pH of 7.0, and make to 100 milliliters with water. Make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. Assay these last dilutions as directed in paragraph (b)(1)(vi) or (viii) of this section. The potency of the penicillin X fraction plus potency of the penicillin G, etc., fraction should approximate that of the potency of the original solution. All of the above extractions should be carried out in a cold room.

§ 440.81 Buffered crystalline penicillin.

(a) *Requirements for certification.* Buffered crystalline penicillin conforms to all requirements prescribed by § 440.80a(a) for crystalline penicillin, and is subject to all procedures prescribed by § 440.80a(a) for crystalline penicillin, except that:

(1) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids. It may contain citric acid in a quantity not more than 0.15 percent of its total solids in place of a corresponding amount of sodium citrate. Such sodium citrate and citric acid conform to the standards prescribed therefor by the U.S.P.;

(2) If it is crystalline penicillin G, the penicillin G content is corrected for the sodium citrate content;

(3) The immediate container, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed for crystalline penicillin by § 440.80a(a)(3)(i)(*b*), the statement "Sterile solution may be kept in refrigerator for 1 week without significant loss of potency", unless such information is contained in the circular or other labeling within or attached to the package from which it is dispensed;

(4) A person who requests certification of a batch shall submit with his request a statement showing the quantity of sodium citrate used in making the batch, that such sodium citrate conforms to the requirements prescribed therefor by this section, and in case of an initial request for certification he shall submit an accurately representative sample of such sodium citrate consisting of approximately 5 grams.

(b) *Tests and methods of assay.* Proceed as directed in § 440.80a(b)(1), (2), (3), (4), (5) and (6).

§ 440.82 Potassium phenethicillin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Potassium phenethicillin is the DL-α-phenoxyethyl penicillin potassium salt. It is so purified and dried that:

(i) Its potency is not less than 1,328 units per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 1.5 percent.

(iv) Its pH in an aqueous solution of 5,000 units to 10,000 units per milliliter is not less than 4.0 and not more than 7.5.

(v) Its phenethicillin content is not less than 81.5 percent.

(vi) It contains not less than 55 percent and not more than 75 percent of L-phenethicillin potassium.

(vii) It is crystalline.

(viii) It passes the identity test.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5(b) of this chapter, each package shall bear on its outside wrapper or container and the immediate container the following statement "For use in the manufacture of nonparenteral drugs only".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, phenethicillin content, L-phenethicillin potassium content, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Total potency.* Assay for total potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 5,000 units to 10,000 units per milliliter.

(5) *Phenethicillin content.* Accurately weigh approximately 50 milligrams each of the sample and L-phenethicillin working standard into separate 100-milliliter volumetric flasks. Dissolve and dilute to volume with distilled water. Using a suitable spectrophotometer equipped with 1-centimeter quartz cells and distilled water as the blank, set the instrument to 100 percent transmission and then determine the absorbance of each solution at the absorbance peak at 268 nanometers. Calculate the percent phenethicillin as follows:

$$\text{Percent phenethicillin} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{percent L-phenethicillin content of standard}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(6) *L-phenethicillin potassium content—*(i) *Microbial assay of L-phenethicillin potassium equivalent (microbiological agar diffusion assay).* Using the L-phenethicillin working standard, proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain an activity estimated to be equivalent to 0.1 unit of L-phenethicillin per milliliter.

(ii) *L-phenethicillin equivalent of the D-phenethicillin working standard.* Using the L-phenethicillin working standard as the standard of comparison, proceed as directed in § 436.105 of this chapter, preparing the sample (D-phenethicillin working standard) for assay as follows: Dissolve an accurately weighed portion of D-phenethicillin working standard in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain an activity estimated to be equivalent to 0.1 unit of L-phenethicillin per milliliter.

(iii) *Calculation.* Calculate the L-phenethicillin potassium content of the sample as follows:

$$\text{Percent L-phenethicillin potassium content} = \frac{(R-r)}{(1-r)} \times 100$$

where:

R = Units of L-phenethicillin potassium equivalent (found per milligram of sample in microbial assay) / Units per milligram found in chemical assay of sample (total potency);

r = L-phenethicillin potassium equivalent in units per milligram (of D-phenethicillin potassium standard) / Potency in units per milligram of L-phenethicillin standard

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(8) *Identity.* Add 0.5 ml of a methyl alcohol solution containing 8 mg per milliliter of L-phenethicillin working standard to a test tube. Add 0.5 ml of the sample solution, similarly prepared, to a second test tube. Evaporate the methyl alcohol in each test tube under a current of air. Add 0.1 ml of an aqueous chromotropic acid solution containing 10 mg per milliliter to each tube. Add 2 ml of concentrated sulfuric acid to each tube and heat in a glycerol bath at 150° C. for 3 to 4 minutes. The same green color is produced by both sample and working standard. (Phenoxymethyl penicillin or its salts give a blue or purple color.)

Subpart B—Oral Dosage Forms

§ 440.105 Ampicillin oral dosage forms.

§ 440.105a Ampicillin tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin tablets are composed of ampicillin with one or more suitable and harmless diluents and lubricants. Each tablet contains 250 or 500 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not more than 4 percent. The tablets disintegrate within 15 minutes. The ampicillin used conforms to the standards prescribed by § 440.5(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, loss on drying, and disintegration time.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample solution as follows: Place a representative number of tablets in a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

§ 440.105b Ampicillin chewable tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Each ampicillin chewable tablet contains 125 milligrams or 250 milligrams of ampicillin with suitable binders, lubricants, flavorings, and colorings. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not more than 3 percent. The ampicillin used conforms to the standards prescribed by § 440.5(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of

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this chapter, this drug shall be labeled "ampicillin tablets".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Blend a representative number of tablets in a high-speed blender with sufficient distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

Effective date: § 440.105b became effective on April 15, 1974, except that the nonproprietary name designated in paragraph (a)(2) shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever comes first. See 39 FR 13877, April 18, 1974.

§ 440.105c Ampicillin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin capsules are composed of ampicillin with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule contains 125 milligrams, 250 milligrams, or 500 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. The loss on drying is not more than 4.0 percent. The ampicillin used conforms to the standards prescribed by § 440.5(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar, and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

§ 440.105d Ampicillin for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin for oral suspension is a mixture of ampicillin with one or more suitable and harmless colorings, flavorings, buffer substances, sweetening ingredients, and preservatives. When reconstituted as directed in the labeling, it contains either 25 milligrams, 50 milligrams, or 100 milligrams of ampicillin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its moisture content is not more than 2.5 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.5. The ampicillin used conforms to the standards prescribed by § 440.5(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured representative portion of the sample into a suitable volumetric flask and dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Mix well. Further dilute an aliquot with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriate-sized volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Mix well. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 440.107 Ampicillin trihydrate oral dosage forms.

§ 440.107a Ampicillin trihydrate chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate chewable tablets are composed of ampicillin trihydrate with or without one or more suitable diluents, lubricants, preservatives, and flavorings. Each tablet contains ampicillin trihydrate equivalent to 125 or 250 milligrams of ampicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its moisture content is not more than 5.0 percent. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "ampicillin tablets."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 6.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a convenient concentration. Blend for 5 minutes. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

Effective date: § 440.107a became effective on April 15, 1974, except that the nonproprietary name designated in paragraph (a)(2) shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever comes first. See 39 FR 13877, April 18, 1974.

§ 440.107b Ampicillin trihydrate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate capsules are composed of ampicillin trihydrate with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule contains ampicillin trihydrate equivalent to 250 milligrams or 500 milligrams of ampicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not less than 10 percent and not more than 15 percent. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "ampicillin capsules."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar, and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

Effective date: § 440.107b became effective on April 15, 1974, except that the nonproprietary name designated in paragraph (a)(2) shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever comes first. See 39 FR 13877, April 18, 1974.

§ 440.107c Ampicillin trihydrate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate for oral suspension is a mixture of ampicillin trihydrate with one or more suitable and harmless colorings, flavorings, buffers, sweetening ingredients, and preservatives. When reconstituted as directed in the labeling, it contains ampicillin trihydrate equivalent to either 25, 50, or 100 milligrams of ampicillin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain: Its moisture content is:

(i) Not more than 2.5 percent if it contains sugar and is intended to contain the equivalent of 25 or 50 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling; or

(ii) Not more than 5 percent if it contains sugar and is intended to contain the equivalent of 100 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling; or

(iii) Not more than 8 percent if it is sugarless and is intended to contain the equivalent of 25 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling; or

(iv) Not more than 12 percent if it is sugarless and is intended to contain the equivalent of 100 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling. Its pH, when reconstituted as directed in the labeling, is not less than 5.0 and is not more than 7.5. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "ampicillin for oral suspension."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured representative portion of the sample into a suitable volumetric flask and dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Mix well. Further dilute an aliquot with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriate-sized volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Mix well. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

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(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

Effective date: § 440.107c became effective on April 15, 1974, except that the nonproprietary name designated in paragraph (a)(2) shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever comes first (39 FR 13877, April 18, 1974).

§ 440.107d Ampicillin trihydrate-probenecid for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate and probenecid for oral suspension is a dry mixture of ampicillin trihydrate and probenecid with suitable flavorings, lubricants, colorings, and suspending agents packaged in a single dose container. When reconstituted as directed in the labeling, each single dose will contain ampicillin trihydrate equivalent to 3.5 grams of ampicillin and 1.0 gram of probenecid. Its ampicillin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of grams of ampicillin that it is represented to contain. Its probenecid content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of grams of probenecid that it is represented to contain. Its moisture content is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.5. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7(a)(1). The probenecid used conforms to the standards prescribed by the U.S.P. XVIII.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled: "ampicillin-probenecid for oral suspension".

(3) *Requests for certification, samples.* In addition to complying with the requirements for § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, and identity.

(*b*) The probenecid used in making the batch for all U.S.P. XVIII specifications.

(*c*) The batch for ampicillin content, probenecid content, moisture, and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 10 immediate containers.

(b) *Tests and methods of assay—*(1) *Ampicillin content—*(i) *Sample preparation.* Reconstitute as directed in the labeling and mix well. Drain the suspension from the bottle for 30 seconds into a high-speed glass blender jar containing sufficient sterile distilled water to obtain a total volume of 500 milliliters. Blend for 10 minutes.

(ii) *Assay procedures.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the aqueous solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the aqueous solution to the prescribed concentration.

(2) *Probenecid content—*(i) *Preparation of standard solution.* Transfer approximately 25 milligrams of U.S.P. probenecid reference standard, accurately weighed, to a 25-milliliter volumetric flask. Dissolve and dilute to volume with 1 percent aqueous sodium carbonate solution.

(ii) *Preparation of sample solution.* Reconstitute the sample as directed in the labeling and mix well. Drain the suspension from the bottle for 30 seconds into a 1,000-milliliter volumetric flask. Dilute to volume with 1 percent aqueous sodium carbonate solution, shake well, and filter through Whatman No. 6 filter paper. Discard the first 10-milliliter portion.

(iii) *Procedure.* Transfer 2.0 milliliters of the clear filtrate to a 125-milliliter separatory funnel and add 8.0 milliliters of 1.0*N* hydrochloric acid. Extract the solution with four 20-milliliter portions of chloroform, filtering each extract through a glass wool pledget into a 100-milliliter volumetric flask. Wash the pledget with chloroform, dilute to volume with chloroform and mix. Treat 2.0 milliliters of the standard solution in the same manner. Using a suitable spectrophotometer equipped with a 1-centimeter cell and chloroform washed with 1 percent aqueous sodium carbonate solution as a blank, determine the absorbance of the sample and standard solutions at the peak near 257 nanometers.

(iv) *Calculations.* Calculate the probenecid content as follows:

$$\text{Grams probenecid per container} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{percent purity of standard}}{\text{Absorbance of standard} \times 25 \times 100}$$

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

Effective date: § 440.107d became effective on April 15, 1974, except that the nonproprietary name designated in paragraph (a)(2) shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever comes first. See 39 FR 13877, April 18, 1974.

§ 440.111 Carbenicillin indanyl sodium tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Carbenicillin indanyl sodium tablets are composed of carbenicillin indanyl soduim and one or more suitable and harmless diluents, binders, lubricants, colorings, and coating substances. Each tablet contains carbenicillin indanyl sodium equivalent to 382 milligrams of carbenicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of carbenicillin that it is represented to contain. Its moisture content is not more than 2.0 percent. It gives a positive identity test for carbenicillin indanyl sodium. The tablets shall disintegrate within 1 hour. The carbenicillin indanyl sodium used conforms to the standards prescribed by § 440.11(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The carbenicillin indanyl sodium used in making the batch for potency, safety, moisture, pH, and identity.

(*b*) The batch for potency, moisture, identity, and disintegration time.

(ii) Samples required:

(*a*) The carbenicillin indanyl sodium used in making the batch: Five packages, each containing approximately 1 gram and one package containing approximately 2.5 grams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.300 of this chapter, except:

(i) *Preparation of the sample.* Accurately weigh 20 tablets and determine the average tablet weight. Using a mortar and pestle, grind the tablets to a fine powder. Accurately weigh a portion of the powder approximately equivalent to the weight of one tablet and transfer it into a 100-milliliter volumetric flask. Add approximately 70 milliliters of distilled water and shake the flask for 5 minutes. Dilute to volume and mix well. Transfer a 5-milliliter aliquot of the stock solution to a 50-milliliter glass-stoppered centrifuge tube. (The solution will be slightly turbid.) Add 15 milliliters of phosphate-citrate buffer and 20 milliliters of 4-methyl-2-pentanone to the tube. Stopper the tube and shake it for 10 seconds. Centrifuge at 2,000 revolutions per minute to separate the phases. Remove about 15 milliliters of the upper phase and proceed as directed in § 436.300(e) of this chapter.

(ii) *Calculations.* Calculate the carbenicillin content (potency) of the tablets as follows:

$$\text{Milligrams of carbenicillin per tablet} = \frac{\text{Degrees of rotation of sample solution} \times \text{weight of working standard} \times \text{average tablet weight} \times 100 \times \text{micrograms of carbenicillin in each milligram of the working standard}}{\text{Degrees of rotation of working standard} \times \text{weight of sample} \times 25 \times 1{,}000}$$

where:
100 and 25=the volume of the sample and working standard solutions, respectively;
1,000=factor to correct micrograms to milligrams.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Identity.* Proceed as directed in § 436.301 of this chapter, preparing the sample as follows: Using a mortar and pestle, grind a representative number of tablets into a fine powder. Dissolve a weighed amount of this powder in sufficient extraction solvent (described in § 436.301(b)(1) of this chapter) to give 10 milligrams of carbenicillin per milliliter. Shake the mixture for 5 minutes and promptly dilute an aliquot in extraction solvent to obtain a final concentration of 1 milligram carbenicillin per milliliter.

(4) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(2) of that section.

§ 440.115 Sodium cloxacillin oral dosage forms.

§ 440.115a Sodium cloxacillin capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin capsules are composed of sodium cloxacillin and one or more suitable and harmless diluents and lubricants. Each capsule contains sodium cloxacillin equivalent to 125 milligrams, 250 milligrams, or 500 milligrams of cloxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cloxacillin that it is represented to contain. Its moisture content is not more than 5 percent. The sodium cloxacillin used conforms to the standards prescribed by § 440.15.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium cloxacillin used in making the batch for potency, safety, moisture, pH, sodium cloxacillin content, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium cloxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of cloxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this subchapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

§ 440.115b Sodium cloxacillin for oral solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin for oral solution is a mixture of sodium cloxacillin with one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives. When reconstituted as directed in the labeling, each milliliter contains sodium cloxacillin equivalent to 25 milligrams or 50 milligrams of cloxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cloxacillin that it is represented to contain. Its moisture content is not more than 1 percent. When reconstituted as directed in its labeling, its pH is not less than 5.0 nor more than 7.5. The sodium cloxacillin used conforms to the standards prescribed by § 440.15(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium cloxacillin used in making the batch for potency, safety, moisture, pH, sodium cloxacillin content, identity, and crystallinity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The sodium cloxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Reconstitute the sample as directed in the labeling. Dilute an accurately measured representative aliquot of the sample with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of cloxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

(3) *pH.* Proceed as directed in § 436.202 of this subchapter, using the drug reconstituted as directed in its labeling.

§ 440.119 Sodium dicloxacillin monohydrate oral dosage forms.

§ 440.119a Sodium dicloxacillin monohydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium dicloxacillin monohydrate capsules are composed of sodium dicloxacillin monohydrate and one or more suitable diluents and lubricants. Each capsule contains sodium dicloxacillin monohydrate equivalent to 62.5, 125, 250, or 500 milligrams of dicloxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dicloxacillin that it is represented to contain. The moisture content is not more than 5 percent. The sodium dicloxacillin monohydrate conforms to the requirements of § 440.19(a)(1).

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$$\text{Percent free chloride} = \frac{N \times \text{milliliters of silver nitrate} \times 3545.7}{\text{Milligrams of sample}}$$

$$\text{Percent total chloride} = \frac{N \times \text{milliliters of silver nitrate} \times 3545.7}{\text{Milligrams of sample}}$$

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium dicloxacillin monohydrate used in making the batch for potency, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium dicloxacillin monohydrate used in making the batch: 10 containers, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 5.0 micrograms of dicloxacillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

(ii) *Assay procedure.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter.

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 440.119b Sodium dicloxacillin monohydrate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium dicloxacillin monohydrate for oral suspension is a mixture of sodium dicloxacillin monohydrate with one or more suitable colorings, flavorings, buffer substances, and preservatives. When reconstituted as directed in the labeling, it contains the equivalent of 12.5 or 25 milligrams of dicloxacillin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dicloxacillin that it is represented to contain. Its moisture content is not more than 2 percent. The pH of the suspension, when reconstituted as directed in the labeling, is not less than 4.5 nor more than 7.5. The sodium dicloxacillin monohydrate used conforms to the requirements of § 440.19 (a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium dicloxacillin monohydrate used in making the batch for potency, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The sodium dicloxacillin monohydrate used in making the batch: 10 containers, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute the sample as directed in the labeling. Place an accurately measured aliquot of the sample containing an estimated 125 milligrams of dicloxacillin into a 100-milliliter volumetric flask. Add 20 milliliters of dimethylformamide and shake mechanically for 30 minutes. Dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). The addition of dimethylformamide may be omitted if complete solution can be obtained with solution 1. Further dilute an aliquot with sufficient solution 1 to the reference concentration of 5.0 micrograms of dicloxacillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

(ii) *Assay procedure.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter.

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 440.125 Hetacillin oral dosage forms.

§ 440.125a Hetacillin chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Each hetacillin chewable tablet contains an amount of hetacillin equivalent to 112.5 milligrams of ampicillin with suitable buffers, preservatives, binders, flavorings, colorings, and sweetening ingredients. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. The moisture content is not more than 2.0 percent. The hetacillin used conforms to the requirements of § 440.25 (a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The hetacillin used in making the batch for potency, safety, moisture, pH, hetacillin content, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required.

(*a*) The hetacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for ampicillin in § 436.105 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Place a representative number of tablets in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 440.125b Hetacillin for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Hetacillin for oral suspension is a mixture of hetacillin with one or more suitable preservatives, suspending agents, sweetening ingredients, flavorings and colorings. When reconstituted as directed in the labeling, it contains the equivalent of 22.5, 45, or 112.5 milligrams of ampicillin per milliliter. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its moisture content is not more than 2.0 percent. The pH of the suspension, when reconstituted as directed in its labeling, is not less than 2.0 and not more than 5.0. The hetacillin used conforms to the requirements of § 440.25 (a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The hetacillin used in making the batch for potency, safety, moisture, pH, hetacillin content, identity, and crystallinity.

(*b*) The batch for potency, moisture and pH.

(ii) Samples required:

(*a*) The hetacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for ampicillin in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Remove an accurately measured representative portion with a suitable syringe and hypodermic needle and place into a suitable volumetric flask. Dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3). Further dilute an aliquot with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the sample after reconstituting as directed in the labeling.

§ 440.129 Potassium hetacillin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium hetacillin capsules are composed of potassium hetacillin with or without one or more suitable diluents, lubricants, and drying agents. Each capsule contains an amount of potassium hetacillin equivalent to 112.5, 225, or 450 milligrams of ampicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. The moisture content is not more than 3 percent. The potassium hetacillin used conforms to the requirements of § 440.29 (a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples. In addition to complying with the* requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The potassium hetacillin used in making the batch for potency, safety, moisture, pH, potassium hetacillin content, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The potassium hetacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for ampicillin in § 436.105 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Place a representative number of capsules in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 440.141 Sodium nafcillin monohydrate oral dosage forms.

§ 440.141a Sodium nafcillin monohydrate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate tablets are composed of nafcillin sodium monohydrate with one or more suitable buffers, binders, disintegrants, diluents, and lubricants. Each tablet contains nafcillin sodium monohydrate equivalent to 500 milligrams of nafcillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. Its moisture content is not more than 5 percent. It shall disintegrate within 20 minutes. The nafcillin sodium monohydrate used conforms to the standards prescribed by § 440.41 (a) (1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "nafcillin sodium tablets".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The nafcillin sodium monohydrate used in making the batch for potency, safety, moisture, pH, crystallinity, nafcillin sodium monohydrate content, and identity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The nafcillin sodium monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the prescribed concentration.

(*c*) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the method described in paragraph (e) (1) of that section, except use distilled water in lieu of simulated gastric fluid as the immersion fluid.

§ 440.141b Sodium nafcillin monohydrate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate capsules are composed of sodium nafcillin monohydrate and one or more suitable and harmless buffer substances and lubricants. Each capsule contains sodium nafcillin monohydrate equivalent to 250 milligrams of nafcillin. The potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. The moisture content is not more than 5.0 percent. The sodium nafcillin monohydrate conforms to the standards prescribed by § 440.41 (a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium nafcillin monohydrate used in making the batch for potency, safety, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

(ii) *Assay procedures.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with

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(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 440.141c Sodium nafcillin monohydrate for oral solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate for oral solution is a packaged combination of one immediate container of sodium nafcillin monohydrate and one immediate container of an aqueous diluent containing one or more suitable and harmless colorings, flavoring, buffers, dispersants, diluents, and preservatives. When reconstituted as directed in the labeling, each milliliter contains sodium nafcillin monohydrate equivalent to 50 milligrams of nafcillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. Its moisture content is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 7.5. The sodium nafcillin monohydrate used conforms to the standards prescribed by § 440.41(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium nafcillin monohydrate used in making the batch for potency, safety, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Place an accurately measured representative aliquot of the sample into a 250-milliliter volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Mix well. Further dilute an aliquot with solution 1 to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

(ii) *Assay procedures.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter.

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 440.149 Sodium oxacillin oral dosage forms.

§ 440.149a Sodium oxacillin capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium oxacillin capsules are composed of sodium oxacillin with or without one or more diluents and lubricants, enclosed in a gelatin capsule. Each capsule contains sodium oxacillin equivalent to 125, 250, or 500 milligrams of oxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxacillin that it is represented to contain. Its moisture content is not more than 6.0 percent. The sodium oxacillin used conforms to the standards prescribed by § 440.49(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium oxacillin used in making the batch for potency, safety, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium oxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of oxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 440.149b Sodium oxacillin for oral solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium oxacillin for oral solution is a mixture of sodium oxacillin with one or more suitable colorings, flavorings, buffer substances, stabilizers, and preservatives. When reconstituted as directed in the labeling, each milliliter contains sodium oxacillin equivalent to either 25 or 50 milligrams of oxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxacillin that it is represented to contain. Its moisture content is not more than 1.0 percent. When reconstituted as directed in its labeling, the pH of the solution is not less than 5.0 and not more than 7.5. The sodium oxacillin used conforms to the standards prescribed by § 440.49(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Request for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium oxacillin used in making the batch for potency, safety, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The sodium oxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Place an accurately measured representative aliquot of the sample into an appropriate-sized volumetric flask with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of oxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter using the drug reconstituted as directed in the labeling.

§ 440.151 Penicillamine capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Penicillamine capsules each contain 250 milligrams of penicillamine and one or more suitable and harmless diluents and lubricants. Its content of penicillamine is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of penicillamine that it is represented to contain. The moisture content is not more than 7.5 percent. Each capsule contains not more than 0.1 unit of penicillin activity. The penicillamine used conforms to the requirements of § 440.51(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The penicillamine used in making the batch for penicillamine content, safety, loss on drying, pH, penicillin activity, residue on ignition, heavy metals, specific rotation, and identity.

(*b*) The batch for penicillamine content, moisture, and penicillin activity.

(ii) Samples required:

(*a*) The penicillamine used in making the batch: 10 packages, each containing approximately 1 gram.

(*b*) The batch: A minimum of 40 capsules.

(b) *Tests and methods of assay*—(1) *Penicillamine content.* Proceed as directed in § 440.51(b)(1), except prepare the sample for assay as follows: Empty the contents of not less than 10 capsules into a tared weighing bottle. Weigh and mix the powder. Calculate the average capsule weight content and dissolve an accurately weighed quantity of the mixed capsule powder equivalent to about 300 milligrams of penicillamine in 200 milliliters of water. Calculate the penicillamine content for the sample used and determine the penicillamine content for the average capsule weight.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Penicillin activity.* Proceed as directed in § 436.104 of this chapter, except use the contents of 2 capsules in lieu of 1.0 gram of the sample.

§ 440.153 Aluminum penicillin tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Aluminum penicillin tablets are tablets composed of aluminum penicillin and sodium benzoate, with or without one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is "unscored". Each tablet contains 0.3 gram of sodium benzoate. Its moisture content is not more than 2 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. The aluminum penicillin used conforms to the requirements of § 440.53a(a)(1) for aluminum penicillin except paragraph (a)(1) (ii) and (iii) thereof. Each other substance used in the preparation of aluminum penicillin tablets, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Unless each aluminum penicillin tablet is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The number of tablets in the immediate container is such that the total number of units therein is not less than 300,000.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(ii) On the outside wrapper or container, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the batch mark and date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(*a*) The batch:

(*1*) If the person who requests certification is the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a)(1) of this section, disintegration time of tablets collected during the time of tableting the batch; and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*2*) If the person who requests certification is not the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a)(1) of this section, disintegration time of tablets collected during each day the tablets are being packaged into dispensing-size containers.

(*b*) The aluminum penicillin used in making the batch; potency, moisture, pH, toxicity, and penicillin K content.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For potency and moisture:

(*i*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*ii*) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed; or

(*iii*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

(*2*) For disintegration time: 6 tablets.

(*b*) The aluminum penicillin used in making the batch; 6 packages, each containing approximately equal portions of not less than 300 milligrams each, packaged in accordance with the requirements of § 440.53a(a)(2).

(c) In case of an initial request for certification, each other substance used in making the batch: one package of each containing approximately five grams.

(iv) No result referred to in paragraph (a)(4)(ii)(b) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 440.180a(b)(1), using citrate buffer at pH 6.3 for making working dilutions of the working standards and for the sample under test in lieu of phosphate buffer. The citrate buffer is of the following composition:

	Grams
Citric acid	52.9
Sodium hydroxide (pellets)	28.25
Sodium citrate	368.0

Make up to 4000 ml. with distilled water.

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(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

(3) *Disintegration time.* Proceed as directed in § 440.180a(b)(3).

§ 440.155 Benzathine penicillin G oral dosage forms.

§ 440.155a Benzathine penicillin G and and crystalline penicillin tablets.

(a) *Requirements for certification.* Benzathine penicillin G and crystalline penicillin tablets conform to all requirements prescribed therefor by § 440.180a(a) for penicillin tablets and are subject to all procedures prescribed by that section for penicillin tablets, except that:

(1) Each tablet contains not less than 100,000 units of benzathine penicillin G and not less than 100,000 units of crystalline penicillin sodium or potassium penicillin.

(2) Their moisture content is not more than 4 percent.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Total potency.* Proceed as directed in § 440.180a(b)(1)(ii). Its total potency is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(ii) *Crystalline penicillin content.* Place 5 tablets in a blending jar and add thereto sufficient distilled water to give a concentration of 5,000 units of crystalline penicillin per milliliter. Blend for 2 minutes with a high-speed blender, filter, remove a 10-milliliter aliquot of the filtrate and dilute to 25 milliliters with 1.0 percent phosphate buffer at pH 6.0. Remove a 2-milliliter aliquot of this solution and assay by the iodometric assay procedure described in § 440.80a(b)(5)(iv)(*a*). Its content of crystalline penicillin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(iii) *Benzathine penicillin G content.* The benzathine penicillin G content of the batch is the difference between the total potency as determined by the method described in paragraph (b)(1)(i) of this section and the content of crystalline penicillin as determined by the method prescribed in paragraph (b)(1)(ii) of this section. Its content of benzathine penicillin G is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.74a(b)(5).

(c) *Disintegration time.* Proceed as directed in § 440.180a(b)(3).

§ 440.155b Benzathine penicillin G and phenoxymethyl penicillin tablets.

(a) *Requirements for certification.* (1) Benzathine penicillin G and phenoxymethyl penicillin tablets conform to all requirements and are subject to all procedures prescribed by § 440.180a(a) for tablets benzathine penicillin G, except that each tablet contains not less than 50,000 units of phenoxymethyl penicillin.

(2) In addition to complying with the requirements of § 440.180a(a)(4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the phenoxymethyl penicillin used in making the batch for potency, toxicity, moisture, pH, crystallinity, and phenoxymethyl penicillin content. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 10 packages containing approximately equal portions of not less than 300 milligrams each of the phenoxymethyl penicillin used in making the batch, packaged in accordance with the requirements of § 440.71(a)(2).

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Total penicillin content.* Accurately weigh 6 tablets and grind them to a fine powder. Assay this powder by the iodometric method described in § 440.80a(b)(5)(iv)(*a*), except in preparing the blank solution accurately weigh a portion of the powder equivalent to approximately 200,000 units of penicillin and make a suspension in 1-percent phosphate buffer, pH 6.0, with a volume of 100 milliliters. Shake well, pipette 2.0 milliliters into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10.0 milliliters of 0.01*N* iodine and immediately titrate with 0.01*N* $Na_2S_2O_3$. In preparing the solution for inactivation, accurately weigh a portion of the powder equivalent to 200,000 units of penicillin and place in a 100-milliliter volumetric flask. Add 20 milliliters of 0.5*N* NaOH and mix well. Allow to stand for 15 minutes, then add 10 milliliters of 1.2 *N* HCl, and make to volume with distilled water. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask and add 10.0 milliliters of 0.01*N* iodine. Allow to stand for 15 minutes and then titrate the excess iodine with 0.01*N* $Na_2S_2O_3$. Penicillin G is used as the standard of comparison. The total penicillin content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(ii) *Phenoxymethyl penicillin content.* Place in a 125-milliliter separatory funnel an accurately weighed quantity of finely ground tablet powder equivalent to approximately 20 milligrams (33,900 units) of phenoxymethyl penicillin. Add 50.0 milliliters of spectrophotometric grade chloroform and 1 milliliter of 1:4 H_3PO_4. Shake well for 2 minutes. Allow the layers to separate, filter the lower chloroform layer through a cotton pledget, and collect the clear chloroform solution. Determine the absorbance of the chloroform solution at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and 1-centimeter quartz cells. Set the instrument to 100-percent transmission with chloroform. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 250–290mμ. If a nonrecording spectrophotometer is used, the original sample used should be equivalent to approximately 10 milligrams of phenoxymethyl penicillin. Determine the absorbance of the solution at the 276 mμ absorption peak. (The exact position of the peak should be determined for the particular instrument used.) Calculate the amount of phenoxymethyl penicillin per tablet as follows:

$$\text{Phenoxymethyl penicillin units per tablet} = \frac{\text{Absorbance at 276 m}\mu \times \text{average weight of each tablet} \times 1{,}695{,}000}{\text{Weight of powder taken} \times 2 \times \epsilon_{Pn}}$$

where:

ϵ_{Pn} = absorptivity (1%, 1 cm.) of phenoxymethyl penicillin working standard in chloroform, similarly treated.

The phenoxymethyl penicillin content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(iii) *Penicillin G content.* The penicillin G content of the batch is the difference between the total penicillins determined by the method described in paragraph (b)(1)(i) of this section and the phenoxymethyl penicillin content determined by the method described in paragraph (b)(1)(ii) of this section. The penicillin G content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.74a(b)(5).

(3) *Disintegration time.* Proceed as directed in § 440.180a(b)(3).

§ 440.155c Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension (benzathine penicillin G powder).

(a) *Requirements for certification.* (1) *Standards of identity, strength, quality, and purity.* Benzathine penicillin G oral suspension is an aqueous suspension of benzathine penicillin G, and benzathine penicillin G for oral suspension is a dry mixture of benzathine penicillin G; each drug may contain one or more suitable and harmless dispersing agents, buffer substances, and preservatives, and suitable and harmless colorings and flavorings. The potency of the oral suspension and of the suspension prepared as directed in its labeling is not less than 20,000 units per milliliter. Its pH is not less than 6.0 and not more than 7.0. If it is a dry mixture of the drug, its moisture content is not more than 6.0 percent. The benzathine penicillin G used conforms to the requirements of § 440.55a(a)(1), except paragraph (a)(1)(ii), (iv), and, if it is the oral suspension, (v) of that section. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage,

and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container the statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that if it is the dry mixture of the drug the blank may be filled in with the date that is 36 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him conforms with the standards prescribed by paragraph (a)(1) of this section.

(ii) [Reserved]

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the benzathine penicillin G used in making such batch was completed, the potency per milliliter if it is a suspension of the drug and the number of units in each immediate container if it is a dry mixture, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; average potency per milliliter if it is the oral suspension, average potency per immediate container if it is a dry mixture, pH, and moisture if it is a dry mixture of the drug.

(*b*) The benzathine penicillin G used in making the batch; potency, toxicity, pH, moisture (if it is used in the preparation of a dry mixture), crystallinity, and the penicillin G content.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The benzathine penicillin G used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 440.55a(a)(2).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.55a(b)(1), using as the sample for assay a representative aliquot of the oral suspension; or if it is a dry mixture of the drug, a representative aliquot of the drug, reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using the undiluted aqueous suspension or the suspension prepared as directed in the labeling.

(3) *Moisture (if it is a dry mixture of the drug).* Proceed as directed in § 440.74a(b)(5).

§ 440.157 Benzathine phenoxymethyl penicillin oral suspension; benzathine phenoxymethyl penicillin for oral suspension.

(a) *Requirements for certification.* Benzathine phenoxymethyl penicillin oral suspension and benzathine phenoxymethyl penicillin for oral suspension conform to all requirements and are subject to all procedures prescribed by § 440.155c(a) for benzathine penicillin G oral suspension and benzathine penicillin G for oral suspension, except that:

(1) If it is benzathine phenoxymethyl penicillin for oral suspension, its pH is not less than 5.0 and not more than 7.0.

(2) Benzathine phenoxymethyl penicillin is used in lieu of benzathine penicillin G. The benzathine phenoxymethyl penicillin used conforms to the requirements of § 440.57a(a)(1).

(3) In lieu of the directions prescribed by § 440.155c(a)(4)(ii)(*b*), a person who requests certification of a batch shall submit in connection with his request results of the tests and assays made by him on an accurately representative sample of the benzathine phenoxymethyl penicillin used in making the batch for potency, toxicity, pH, moisture, crystallinity, and the phenoxymethyl penicillin content.

(b) *Tests and methods of assay*—(1) *Potency.* Use as the sample for assay a representative aliquot of the oral suspension; or if it is a dry mixture of the drug, use a representative aliquot of the drug reconstituted as directed in the labeling and proceed as directed in § 440.55a(b)(1), except use the phenoxymethyl penicillin working standard as the standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using the undiluted aqueous suspension or the suspension prepared as directed in the labeling of the drug.

(c) *Moisture (if it is the dry mixture of the drug).* Proceed as directed in § 440.74a(b)(5).

§ 440.160 Dibenzylamine penicillin and potassium penicillin powder, buffered.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Dibenzylamine penicillin and potassium penicillin powder, buffered, is a dry mixture of dibenzylamine penicillin G and potassium penicillin G, and with one or more suitable and harmless buffer substances, colorings, and flavorings. It shall contain not less than 100,000 units of potassium penicillin G for each 200,000 units of dibenzylamine penicillin G. Its moisture content is not more than 1 percent. Its pH is not less than 5.5 and not more than 7.5. The dibenzylamine penicillin G used conforms to the requirements of § 440.60a(a)(1), except paragraph (a)(1)(ii) and (iv) of that section. The potassium penicillin used conforms to the requirements of § 440.80a(a)(1) for potassium penicillin, except paragraph (a)(1)(ii) and (iv) of that section. Each other ingredient used, if its name is recognized in the U.S.P. or N.F. conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container the statement "Expiration date ------", the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(ii) [Reserved]

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on

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which the latest assays of the dibenzylamine penicillin G and the potassium penicillin G used in making the batch were completed, the number of units of dibenzylamine penicillin G and the number of units of potassium penicillin G in each container of the batch, the date on which the latest assay comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency and moisture.

(*b*) The dibenzylamine penicillin G used in making the batch; potency, toxicity, moisture, pH, crystallinity, and penicillin G content.

(*c*) The potassium penicillin G used in making the batch; potency, toxicity, moisture, pH, penicillin G content, crystallinity, and heat stability.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The dibenzylamine penicillin G used in making the batch; 3 packages, each containing approximately equal portions of not less than 500 milligrams packaged in accordance with the requirements of § 440.60a(a)(2).

(*c*) The potassium penicillin G used in making the batch; 3 packages, each containing approximately equal portions of not less than 250 milligrams packaged in accordance with the requirements of § 440.80a(a)(2).

(*d*) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii) (*b*) and (*c*) of this section, and no sample referred to in paragraph (a)(4)(iii) (*b*) and (*c*) of this section, is required if such results or samples have been previously submitted.

(b) *Tests and methods of assay*—(1) *Total potency.* Proceed as directed in § 440.80a(b)(1), using 5 milliliters of the preparation, reconstituted as directed in the labeling.

(2) *Potassium penicillin content.* Centrifuge approximately 10 milliliters of the reconstituted preparation to obtain a clear solution and proceed as directed in § 440.80a(b)(1), using 5 milliliters of the clear solution. The potency of the clear solution is regarded as the potassium penicillin content. The content of potassium penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(3) *Dibenzylamine penicillin content.* The difference between the total potency as determined by paragraph (b)(1) of this section and the potassium penicillin as determined by paragraph (b)(2) of this section represents the amount of dibenzylamine penicillin present. The content of dibenzylamine penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(4) *Moisture.* Proceed as directed in § 440.74a(b)(5).

(5) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 440.166 Hydrabamine penicillin G oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Hydrabamine penicillin G oral suspension is hydrabamine penicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, with or without one or more suitable and harmless colorings and flavorings. Its potency is not less than 60,000 units per milliliter. Its pH is not less than 5.5 and not more than 7.0. The hydrabamine penicillin G used conforms to the requirements of § 440.66(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The statement "Shake well."

(ii) The statement "Expiration date ----------", the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the hydrabamine penicillin G used in making such batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: average potency per milliliter, pH.

(*b*) The hydrabamine penicillin G used in making the batch: potency, toxicity, moisture, pH, crystallinity, the penicillin G content, and the extinction coefficient.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The hydrabamine penicillin G used in making the batch: 10 packages, each containing equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 440.66(a)(2).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.80a(b)(1), except if the bioassay method is § 141a.1, except if the bioassay method is used prepare the sample as follows: Place 1.0 milliliter of the sample to be tested in a 100-milliliter volumetric flask and dilute to volume with methanol. By means of a volumetric pipette add a 1.0-milliliter aliquot of this solution to a sufficient volume of 1-percent phosphate buffer pH 6.0 to give a solution having a concentration of 1 unit per milliliter (constantly swirling the flask during the addition). If the iodometric method is used, dilute 1.0 milliliter of the sample with sufficient 1-percent phosphate buffer pH 6.0 to produce a suspension containing 2,000 units per milliliter (estimated). Mix and pipette 2.0 milliliters into a 125-milliliter glass-stoppered Erlenmeyer flask. Add 10 milliliters of 0.01*N* I_2 and titrate immediately with 0.01*N* $Na_2S_2O_3$ for the blank determination. Dilute a second 1.0-milliliter portion of the sample with 1*N* NaOH to produce a suspension containing 2,000 units per milliliter (estimated) and add approximately half that amount of chloroform U.S.P. Shake immediately and again after 5 minutes. Fifteen minutes after the initial shaking, pipette 2.0 milliliters of the upper NaOH layer into a 125-milliliter glass-stoppered Erlenmeyer flask and add 2.0 milliliters of 1.2*N* HCl and 10 milliliters of 0.01*N* I_2. After 15 minutes titrate the excess iodine with 0.01*N* $Na_2S_2O_3$.

$$\text{Units of penicillin per milliliter of suspension} = \frac{\text{Difference in titers} \times \text{potency of F.D.A. working standard in units per milligram} \times \text{volume of 2,000 units per milliliter suspension}}{F \times 2}$$

where F = the number of milliliters of 0.01*N* I_2 absorbed by 1.0 milligram of the Food and Drug Administration sodium penicillin G working standard.

(2) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using the undiluted aqueous suspension.

§ 440.169 Hydrabamine phenoxymethyl penicillin oral dosage forms.

§ 440.169a Hydrabamine phenoxymethyl penicillin chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethyl penicillin chewable tablets are composed of hydrabamine phenoxymethyl penicillin with suitable diluents, binders, buffers, colorings, and flavorings. Each tablet contains hydrabamine phenoxymethyl penicillin equivalent to 125 milligrams (200,000 units) or 250 milligrams (400,000 units) of phenoxymethyl penicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams or units of phenoxymethyl penicillin that it is represented to contain. The loss on drying is not more than 2 percent. The hydrabamine phenoxymethyl penicillin used conforms to the standards prescribed by § 440.69(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "hydrabamine phenoxymethyl penicillin tablets."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The hydrabamine phenoxymethyl penicillin used in making the batch for potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The hydrabamine phenoxymethyl penicillin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 300 milligrams and one containing not less than 2 grams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a glass blending jar with sufficient methyl alcohol to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with methyl alcohol to 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Weigh and finely powder 10 tablets. Transfer an accurately weighed portion of the powdered tablets, equivalent to about 200,000 units, to a 100-milliliter volumetric flask. Dissolve the powder in chloroform, dilute to volume with chloroform, and mix. Pipet 10 milliliters of the solution into each of two 50-milliliter glass-stoppered centrifuge tubes. To one tube add 10.0 milliliters of 1*N* sodium hydroxide. To the other tube (which is to be used as the blank) add 10.0 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Shake both tubes vigorously for 20 to 30 seconds, and then centrifuge. Use the buffer layer for the blank determination. In lieu of § 436.204(c)(1) and (2) of this chapter, pipet 2.0 milliliters of the alkaline layer from the first tube into a glass-stoppered Erlenmeyer flask and let stand for a total of 15 minutes from the time the sodium hydroxide was added to the chloroform solution. At the end of the 15-minute waiting period, proceed as directed in § 436.204(c)(3) and (4) of this chapter.

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 440.169b Hydrabamine phenoxymethyl penicillin oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethyl penicillin oral suspension is composed of hydrabamine phenoxymethyl penicillin and one or more suitable suspending or dispersing agents, buffer substances, preservatives, colorings, and flavorings. Each milliliter contains hydrabamine phenoxymethyl penicillin equivalent to 36 milligrams (60,000 units) of phenoxymethyl penicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams or units of phenoxymethyl penicillin that it is represented to contain. Its pH is not less than 4.5 and not more than 6.5. The hydrabamine phenoxymethyl penicillin used conforms to the standards prescribed by § 440.69(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the quirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The hydrabamine phenoxymethyl penicillin used in making the batch for potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The hydrabamine phenoxymethyl penicillin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 300 milligrams and one containing not less than 2 grams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place 1.0 milliliter of the sample into a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Further dilute an aliquot with methyl alcohol to give a solution containing 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Dilute 1.0 milliliter of the sample with 1*N* NaOH to obtain a suspension containing 2,000 units per milliliter (estimated) and add approximately half the amount of chloroform U.S.P. Shake well immediately and again after 5 minutes. Allow to stand for a total of 15 minutes. Use the upper NaOH layer as the sample. For the blank determination, dilute 1.0 milliliter of the sample with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a suspension containing 2,000 units per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted drug.

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§ 440.171 Phenoxymethyl penicillin oral dosage forms.

§ 440.171a Phenoxymethyl penicillin capsules.

(a) *Requirements for certification.* Phenoxymethyl penicillin capsules are capsules that conform to all the requirements and are subject to all procedures prescribed by § 440.180a(a) for phenoxymethyl penicillin tablets except with respect to disintegration time, and except that the moisture content of such capsules is not more than 2 percent.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, proceed as directed in § 440.80a(b)(1), except prepare the sample as follows: Dissolve the contents of a representative number of capsules (usually 5 to 12) in sufficient redistilled methanol to give a concentration of not more than 50,000 units per milliliter, and further dilute with sufficient phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliter (estimated) if the iodometric chemical assay is used, or 1.0 unit per milliliter (estimated) if the bioassay method is used. The average potency of phenoxymethyl penicillin capsules is satisfactory if it is not less than 85 percent of the number of units per capsule that it is represented to contain.

(2) *Moisture.* Use the contents of 4 capsules and proceed as directed in § 440.74a(b)(5).

§ 440.171b Phenoxymethyl penicillin for oral suspension; potassium phenoxymethyl penicillin for oral solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Phenoxymethyl penicillin for oral suspension or potassium phenoxymethyl penicillin for oral solution is a mixture of phenoxymethyl penicillin or potassium phenoxymethyl penicillin, with or without one or more suitable and harmless suspending agents, coloring, flavorings, buffer substances, and preservatives. Its moisture content is not more than 1 percent. The phenoxymethyl penicillin used conforms to the requirements of § 440.71(a)(1). The potassium phenoxymethyl penicillin used conforms to the requirements of § 440.73(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container may be packaged in combination with a container of a suitable and harmless aqueous vehicle.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that if it contains sulfonamides the blank shall be filled in with the date that is 12 months after the month during which the batch was certified, and except that the blank may be filled in with the date that is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) [Reserved]

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: Potency and moisture.

(*b*) The phenoxymethyl penicillin or potassium phenoxymethyl penicillin used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and phenoxymethyl penicillin content.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The penicillin used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 440.71(a)(2).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(*d*) In case of an initial request for certification of a batch that is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such aqueous vehicle: Five packages of the vehicle included in the combination.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, proceed as directed in § 440.155c(b)(1), except prepare the sample as follows: Reconstitute the product as directed in the labeling, remove a suitable representative aliquot, and dilute with sufficient 1 percent phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliter (estimated) if the iodometric assay method is used, or 1.0 unit per milliliter (estimated) if the bioassay method is used. Its potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.74a(b)(5).

§ 440.173 Potassium phenoxymethyl penicillin oral dosage forms.

§ 440.173a Potassium phenoxymethyl penicillin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium phenoxymethyl penicillin capsules are composed of potassium phenoxymethyl penicillin and 1 or more suitable lubricants and fillers. Each capsule contains 400,000 or 800,000 units of potassium phenoxymethyl penicillin (equivalent to 250 or 500 milligrams of phenoxymethyl penicillin). The potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams or units of phenoxymethyl penicillin that it is represented to contain. Its loss on drying is not more than 2.0 percent. The potassium phenoxymethyl penicillin conforms to the standards prescribed by § 440.73(a) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The potassium phenoxymethyl penicillin used in making the batch for potency, safety, moisture, pH, crystallinity, and phenoxymethyl penicillin content.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The potassium phenoxymethyl penicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend 3 to 5 minutes.

(ii) *Assay procedures.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 unit of phenoxymethyl penicillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 440.173b Potassium phenoxymethyl penicillin chewable wafers.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium phenoxymethyl penicillin chewable wafers are wafers composed of potassium phenoxymethyl penicillin with suitable diluents, binders, buffers, colorings, and flavorings. Each wafer contains either 200,000 units or 400,000 units of phenoxymethyl penicillin. The moisture content is not more than 1.5 percent. The potassium phenoxymethyl penicillin used conforms to the standards prescribed by § 440.73(a)(1). Each other ingredient used, if its name in recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of wafers in such batch, the number of wafers packaged into dispensing-size containers during each day's packaging operations, the number of units in each wafer, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the potassium phenoxymethyl penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(*a*) The batch:

(*1*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of wafers collected during the time of compressing the batch; and, unless the wafers are packaged into dispensing-size containers immediately after they are compressed, average moisture of wafers collected during each day of packaging the batch.

(*2*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of wafers collected during each day the wafers are being packaged into dispensing-size containers.

(*b*) The potassium phenoxymethyl penicillin used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and phenoxymethyl penicillin content.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) If the person who requests certification is the manufacturer of the batch: One wafer for each 5,000 wafers in the batch, but in no case less than 30 wafers collected by taking single wafers at such intervals throughout the entire time of compressing the batch that the quantities compressed during the intervals are approximately equal;

(*2*) If, after compressing, such person packages the batch into dispensing-size containers: 20 wafers collected at equal intervals during each day the wafers are being packaged, except that this sample is not required if the wafers are packaged immediately after they are compressed; or

(*3*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of wafers filled by such person into dispensing-size containers during each day's packaging operations): One wafer for each 5,000 wafers in the batch, but in no case less than 30 wafers collected by taking single wafers at such intervals throughout each day of packaging the wafers that the quantities packaged during the intervals are approximately equal.

(*b*) The potassium phenoxymethyl penicillin used in making the batch: 10 packages, each containing equal portions of not less than 300 milligrams.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(iv) The result referred to in paragraph (a)(4)(ii)(*b*) of this section and the sample referred to in paragraph (a)(4)(iii)(*b*) of this section are not required if such result and sample have been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison proceed as directed in § 440.80a(b)(1) except in lieu of the directions in § 440.80a(b)(1)(iv), prepare the sample as follows: Grind a representative number of wafers (usually 5 to 12) using a mortar and pestle. Transfer all the powder, or a weighted aliquot of the powder, to an appropriate volumetric flask, made to mark by adding sufficient 1.0-percent phosphate buffer, pH 6.0, and shake on a mechanical shaker for not less than 45 minutes. Remove from shaker and let stand in a refrigerator overnight. Filter through a Whatman No. 1 filter paper. Remove an aliquot of the filtrate, and make the proper estimated dilutions to the reference concentration in 1.0-percent phosphate buffer, pH, 6.0. The potency of potassium phenoxymethyl penicillin chewable wafers is satisfactory if they contain not less than 90 percent and not more than 125 percent of the number of units of phenoxymethyl penicillin that they are represented to contain.

(2) *Moisture.* Use four wafers and proceed as directed in § 440.80a(b)(5)(i).

§ 440.174 Procaine penicillin in oil capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Procaine penicillin in oil capsules are capsules composed of procaine penicillin, aluminum monostearate, and sesame oil or peanut oil, enclosed in a suitable and harmless soft gelatin capsule. The potency of each capsule is not less than 200,000 units. Its moisture content is not more than 2.5 percent. The procaine penicillin used conforms to the standards prescribed by § 440.74a(a)(1) except § 440.74a(a)(1)(ii) and (iii). Each other ingredient used if its name is recognized in the U.S.P. or N.F. conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packag-

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ing, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____", the blank being filled in with the date that is 18 months after the month during which the batch was certified.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; average potency per capsule and average moisture.

(*b*) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is procaine penicillin G), crystallinity, and the procaine penicillin G content.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; 1 capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules, collected by taking single capsules at such intervals throughout the entire time of capsuling the batch that the quantities capsuled during the intervals are approximately equal.

(*b*) The penicillin used in making the batch; 10 packages each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 440.74a(a)(2).

(*c*) In case of an initial request for certification, the sesame oil or peanut oil and each other ingredient used in making the batch; 1 package of each containing, respectively, approximately 250 grams and approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.80a(b)(1), except paragraph (b)(1)(ix) of that section, and in lieu of the directions in § 440.80a(b)(1)(iv) prepare the sample as follows: Place 12 capsules in a blending jar containing 40 milliliters of absolute alcohol and 200 milliliters of 1.0 percent phosphate buffer, pH 6.0. After blending for 1 minute with a high-speed blender, add 260 milliliters of 1.0 percent phosphate buffer, pH 6.0. Blend again for 1 minute and make the proper estimated dilutions in 1-percent phosphate buffer at pH 6.0. Its potency is satisfactory if it contains not less than 85 percent of the number of units per capsule that it is represented to contain.

(2) *Moisture.* Using an accurately weighed sample of approximately 1 gram of the capsule contents, proceed as directed in § 436.500(c).

§ 440.180 Penicillin oral dosage forms.

§ 440.180a Penicillin tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicillin O, crystalline phenoxymethyl penicillin, crystalline potassium phenoxymethyl penicillin, benzathine penicillin G, or procaine penicillin, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavoring. If intended for veterinary use, they may contain one or more suitable sulfonamides. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1 percent if it contains sodium penicillin, calcium penicillin, potassium penicillin, or crystalline penicillin O; not more than 2 percent if it contains procaine penicillin; not more than 3 percent if it contains crystalline phenoxymethyl penicillin; and not more than 8 percent if it contains benzathine penicillin G. If it contains crystalline potassium phenoxymethyl penicillin, its moisture content is not more than 1.5 percent unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content not exceeding 3 percent. Tablets not exceeding 15 millimeters, or not intended only for preparing solutions, shall disintegrate within 1 hour, unless the manufacturer has submitted blood-concentration data adequate to prove that his drug is absorbed satisfactorily from the gastrointestinal tract and such data have been accepted by the Commissioner. In such cases, the time required for the tablets to disintegrate shall not exceed that of the tablets used in such studies. The penicillin used conforms to the standards prescribed for such drug by the regulations in this chapter, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Unless each penicillin tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If the penicillin tablets are freely soluble, each immediate container may be packaged in combination with one immediate container of a suitable and harmless aqueous vehicle with or without one or more suitable sulfonamides.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) If the batch contains buffer substances, the name of each substance.

(ii) The statement "Expiration date _____", the blank being filled in with one of the following dates after the month during which the batch was certified:

(*a*) If a crystalline penicillin is not used, 12 months.

(*b*) [Reserved]

(*c*) If a phenoxymethyl penicillin or potassium phenoxymethyl penicillin is used, 24 months.

(*d*) If a crystalline penicillin other than a phenoxymethyl penicillin is used, 36 months.

(*e*) In lieu of the expiration date prescribed in paragraph (a)(3)(ii)(*a*) (*c*) and (*d*) of this section, if the person requesting certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 24, 36, 48, or 60 months, such date may be used for such drug.

(iii) If it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a)(1) of this section, after the name "penicillin tablets", wherever it appears, the words "with _____ (the blank being filled in with the established name of each other ingredient)", in juxtaposition with such name.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch:

(*1*) If the person who requests certification is the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a)(1) of this section, disintegration time of tablets collected during the time of tableting the batch; and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed or the manufacturer has submitted to the Commissioner, and it has been accepted, information adequate to prove that such tests are not necessary, average moisture of tablets collected during each day of packaging the batch.

(*2*) If the person who requests certification is not the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a)(1) of this section, disintegration time of tablets collected during each day the tablets are being packaged into dispensing-size containers.

(*b*) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G, crystalline penicillin O, crystalline phenoxymethyl penicillin, or crystalline potassium phenoxymethyl penicillin), crystallinity if it is crystalline penicillin; heat stability if it is crystalline sodium penicillin, potassium penicillin, or crystalline penicillin O; the penicillin G content if it is a penicillin G or crystalline penicillin O; the phenoxymethyl penicillin content if it is a phenoxymethyl penicillin; and the penicillin O content if it is crystalline penicillin O.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For potency and moisture:

(*i*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*ii*) If, after tableting, such person packaged the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed or if the manufacturer has been exempted by the Commissioner from such requirement; or

(*iii*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

(*2*) For disintegration time: 6 tablets.

(*b*) The penicillin used in making the batch; 6 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams, except that if it is procaine penicillin, benzathine penicillin G, phenoxymethyl penicillin, or potassium phenoxymethyl penicillin each package shall contain not less than 300 milligrams, packaged in accordance with the requirements of § 440.80a(a)(2), 440.74a(a)(2), 440.55a(a)(2), or 440.71(a)(2).

(*c*) In case of an initial request, each other substance used in making the batch; one package of each, containing approximately 5 grams, and if the batch or any part thereof is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such vehicle, five packages of the vehicle included in the combination.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Tablets that do not contain procaine penicillin G, benzathine penicillin G, Phenoxymethyl penicillin, or potassium phenoxymethyl penicillin.* Proceed as directed in § 440.80a(b)(1), except § 440.80a(b)(1)(ix), and in lieu of the directions in § 440.80a(b)(1)(iv) prepare the sample by one of the following methods:

(*a*) *Grinding.* Grind a representative number of tablets (usually 5 to 12), using a mortar and pestle. Transfer all the powder or a weighed aliquot of the powder to an appropriate volumetric flask and make to mark by adding sufficient phosphate buffer, and shake thoroughly. Make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0.

(*b*) *Blending.* Place a representative number of tablets (usually 5 to 12) in a blending jar and add thereto approximately 200 milliliters of a 500-milliliter quantity of 1 percent phosphate buffer, pH 6.0. After blending for 1 minute with a high-speed blender, add the remainder of the 500 milliliters of buffer. Blend again for 1 minute and make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0.

(*c*) *Dissolving.* If the tablets dissolve readily, dissolve a representative number of tablets (usually 5 to 12) in 1 percent phosphate buffer, pH 6.0, and make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0.

(ii) *Tablets that contain benzathine penicillin G.* Proceed as directed in § 440.80a(b)(1), except § 440.80a(b)(1)(ix), and in lieu of the direction in § 440.80a(b)(1)(iv) prepare the sample as follows: Grind 6 tablets, using a mortar and pestle, and add sufficient formamide or dimethylformamide (previously adjusted, if necessary, to pH 6 to 7 with a few drops of concentrated H_2SO_4 per liter) to give a concentration of not more than 15,000 units per milliliter. Allow to stand for ½ hour, with frequent agitation, then make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The sample may also be prepared by one of the following methods: Place 6 tablets in a blending jar containing 100 milliliters of a 500-milliliter quantity of redistilled methyl alcohol. After blending for 1 minute with a high-speed blender, add the remainder of the 500-milliliter quantity of redistilled methyl alcohol. Blend again and make the proper estimated dilutions, using 1.0 percent phosphate buffer, pH 6.0, or grind a representative number of tablets (usually 5 to 12), using a mortar and pestle. Add sufficient redistilled methyl alcohol to the powder, or a weighed aliquot of the powder, to give a concentration of 2,000 units to 5,000 units per milliliter. Allow to stand for ½ hour, with frequent agitation, then dilute with sufficient 1.0 percent phosphate buffer, pH 6.0, to give a stock solution of not less than 200 units per milliliter. Make the proper estimated dilutions, using 1.0 percent phosphate buffer, pH 6.0, to give a concentration of 1.0 unit per milliliter. If the iodometric assay method is used, proceed as directed in § 440.155b(b)(1)(i).

(iii) *Tablets that contain procaine penicillin G.* Proceed as directed in § 440.80a(b)(1) except § 440.80a(b)(1)(ix), and in lieu of the directions in § 440.80a(b)(1)(iv) prepare the sample as follows: Grind a representative number of tablets (usually 5 to 12) using a mortar and pestle. To the powder, or a weighed aliquot of the powder, add sufficient redistilled methanol to give a concentration of 10,000 to 100,000 units per milliliter. Agitate thoroughly and dilute further with sufficient 1 percent phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliter (estimated) if the iodometric assay method is used, or a concentration of 1.0 unit per milliliter (estimated) if the bioassay method is used.

(iv) *Tablets that contain phenoxymethyl penicillin.* Using the phenoxymethyl penicillin working standard as the standard of comparison, proceed as directed in paragraph (b)(1)(iii) of this section.

(v) *Tablets that contain potassium phenoxymethyl penicillin.* Using the phenoxymethyl penicillin working standard as the standard of comparison, proceed as directed in paragraph (b)(1)(i) of this section.

The average potency of penicillin tablets is satisfactory if they contain not less than 85 percent of the number of units per tablet that they are represented to contain.

(2) *Moisture.* Use 4 tablets and proceed as directed in § 440.80a(b)(5)(i), except that if they contain benzathine

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penicillin G or phenoxymethyl penicillin proceed as directed in § 440.74a(b)(5).

(3) *Disintegration time*—(i) *Uncoated tablets.* Proceed as directed in the U.S.P., using simulated gastric fluid test solution. The tablets are satisfactory if they disintegrate within 1 hour.

(ii) *Plain coated tablets.* Proceed as directed in the U.S.P. If the tablets have not disintegrated after 30 minutes in the gastric fluid, use simulated intestinal fluid for an additional 30 minutes. The tablets are satisfactory if they disintegrate within 1 hour.

§ 440.180b Penicillin-streptomycin tablets; penicillin-dihydrostreptomycin tablets.

(a) *Requirements for certification*—(1) Penicillin-streptomycin tablets and penicillin - dihydrostreptomycin tablets conform to all requirements and are subject to all procedures prescribed by § 440.180a(a) for penicillin tablets, except that:

(i) Each tablet contains not less than 20 milligrams of streptomycin or dihydrostreptomycin. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 444.70a(a)(1) or § 444.10a(a) of this chapter, except the standards for sterility, pyrogens, and histamine content.

(ii) In lieu of the labeling prescribed for penicillin tablets by § 440.180a(a)(3)(i)(*b*), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____", the blank being filled in with the date that is 18 months after the month during which the batch was certified.

(iii) In addition to complying with the requirements of § 440.180a(a)(4), a person who requests certification of a batch of penicillin-streptomycin tablets or penicillin-dihydrostreptomycin tablets shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin and the number of milligrams of streptomycin or dihydrostreptomycin in each tablet of the batch. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of five packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 444.70a(a)(2) of this chapter.

(2) [Reserved.]

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Penicillin content.* Proceed as directed in § 440.180a(b)(1). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(ii) *Streptomycin content.* Proceed as directed in § 141a.36(a)(2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(iii) *Dihydrostreptomycin content.* Proceed as directed in § 141a.36(a)(3) of this chapter. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

(3) *Disintegration time.* Proceed as directed in § 440.180a(b)(3).

§ 440.180c Crystalline penicillin G capsules (crystalline penicillin G potassium capsules, crystalline penicillin G sodium capsules).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Crystalline capsules are crystalline penicillin G, penicillin G sodium or potassium, with or without one or more suitable and harmless buffer substances, and vegetable oils, enclosed in suitable and harmless gelatin capsules. The potency of each capsule is not less than 50,000 units. The moisture content is not more than 1.5 percent unless the person who requests certification has submitted information adequate to prove that his drug is stable for that period of time covered by its expiration date when it has a moisture content of more than 1.5 percent; but in no case shall its moisture content be more than 4.0 percent. The crystalline penicillin G used conforms to the requirements of § 440.80a(a)(1), except § 440.80a(a)(1)(ii) and (iv). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging; labeling; request for certification, samples.* Crystalline penicillin G capsules conform to all requirements and procedures prescribed for crystalline penicillin G tablets by § 440.180a(a)(2), (3), and (4), except that:

(i) If it is for use in the preparation of oral solutions, each package shall bear on its outside wrapper or container and the immediate container a statement that contains adequate directions for preparing such solutions and a statement that such solutions should be used immediately.

(ii) [Reserved]

(iii) It shall be labeled with an expiration date that is 36 months after the month during which the batch was certified, except that the date may be 48 or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(b) *Tests and methods of assay*—(1) *Potency.* Use the contents of a representative number of capsules (usually 5 to 12) and proceed as directed in § 440.80a(b)(1), except § 440.80a(b)(1)(ix), and except if it contains a vegetable oil, prepare the sample as follows: Place the capsules in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 1 percent phosphate buffer, pH 6.0, to give a volume of 250 milliliters. Using a high-speed blender, blend for 3 to 5 minutes, then add 250 milliliters of buffer and blend for an additional minute. Make further dilutions to 1 unit per milliliter (estimated) with 1 percent phosphate buffer, pH 6.0. The average potency of capsules crystalline penicillin G is satisfactory if it is not less than 85 percent of the number of units per capsule they are represented to contain.

(2) *Moisture.* Use the contents of 4 capsules and proceed as directed in § 440.80a(b)(5)(i), except if it contains a vegetable oil proceed as directed in § 436.500(c) of this chapter.

§ 440.180d Penicillin and novobiocin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Capsules penicillin and novobiocin are crystalline penicillin G sodium or potassium and crystalline monosodium novobiocin, with or without one or more suitable and harmless buffer substances, lubricants, colorings, and flavorings, enclosed in a suitable and harmless gelatin capsule. Each capsule contains not less than 125,000 units of penicillin and not less than 125 milligrams of novobiocin. The moisture content is not more than 4.0 percent. The crystalline penicillin G used conforms to the requirements of § 440.80a(a)(1), except § 440.80a(a)(1)(ii) and (iv). The crystalline monosodium novobiocin used is produced by the growth of *Streptomyces niveus* has a potency of not less than 750 micrograms per milligram, is nontoxic, has a moisture content of not more than 6.0 percent, and the pH in a saturated aqueous solution is not less than 6.5 and not more than 8.5. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging; labeling; request for certification, samples.* Capsules penicillin and novobiocin conform to all requirements and procedures prescribed for crystalline penicillin G tablets by § 440.180a(a)(2), (3) and (4) except with respect to disintegration time, and except that:

(i) The expiration date shall be the date that is 18 months after the month during which the batch was certified, except that if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 24 months, 36 months, or 48 months, such date may be used for such drug.

(ii) In addition to complying with the requirements of § 440.180a(a)(4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the novobiocin used in making the batch for potency, toxicity, pH, moisture, and crystallinity. He shall also submit in connection with his request (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the novobiocin used in making the batch.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Penicillin content*—(*a*) *Plate assay* Proceed as directed in § 440.80a(b)(1), with the following exceptions:

(*1*) In lieu of the directions prescribed by § 440.80a(b)(1)(iv), prepare the sample by dissolving the contents of a representative number of capsules (usually 5 to 12) in sufficient 1.0-percent potassium phosphate buffer (pH 6.0) to give a stock solution of convenient concentration.

(*2*) In lieu of the directions prescribed by § 440.80a(b)(1)(v), use as the test organism the novobiocin-resistant strain of *Staphylococcus aureus* (ATCC 12692).[1] Maintain the organism on agar containing 10 micrograms of novobiocin per milliliter. Prepare an organism suspension by washing the organism from an agar slant (which has been incubated for 24 hours at 32° C.–35° C.) with 3.0 milliliters of sterile physiological saline solution onto a large surface of agar containing 10 micrograms of novobiocin per milliliter. A Roux bottle containing 300 milliliters of agar is satisfactory. Incubate 24 hours at 32° C.–35° C. Wash the resulting growth from the agar surface with sufficient sterile physiological saline solution, so that a tenfold dilution of the bulk suspension will give 20-percent light transmission, using a suitable photoelectric colorimeter with a 650-millimicron filter and an 18-millimeter-diameter test tube as an absorption cell. Run test plates to determine the quantity of bulk suspension (usually 1 milliliter) that should be added to each 100 milliliters of agar to give clear, sharp zones of inhibition of appropriate size.

(*b*) *Iodometric assay.* Proceed as directed in § 440.80a(b)(5)(iv)(*a*), with the following exceptions: Use the contents of a representative number of capsules (usually 5 to 12) dissolved in sufficient 1.0-percent potassium phosphate buffer (pH 6.0) to give a concentration of 2,000 units per milliliter (estimated). In the blank determination add 1 drop of 1.2 *N* HCl to the 2.0-milliliter aliquot of the assay solution immediately before the addition of the 10.0 milliliters of 0.01*N* iodine. Prepare the inactivated solution as follows: To 5.0 milliliters of the assay solution add 10.0 milliliters of 1*N* NaOH and allow to stand at room temperature. After 15 minutes add 10.0 milliliters of 1.2*N* HCl, mix well, and filter through filter paper. To 10.0 milliliters of clear filtrate add 10.0 milliliters of 0.01*N* iodine.

Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per capsule that it is represented to contain.

(ii) *Novobiocin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. To an aliquot add sufficient penicillinase to inactivate the penicillin, further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 8) to give a reference concentration of 0.5 microgram of novobiocin per milliliter (estimated) and allow to stand for one-half hour at 37° C. Its content of novobiocin is satisfactory if it contains not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

(3) *Novobiocin used in making the capsules*—(i) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated.)

(*a*) *Cylinders* (*cups*). Use cylinders described in § 440.80a(b)(1)(i).

(*b*) *Culture media.* (*1*) Use the nutrient agar described in § 440.80a(b)(1)(ii)(*a*) for the seed layer and for carrying the organism.

(*2*) Use the nutrient agar described in § 440.80a(b)(1)(ii)(*b*) for the base layer.

(*c*) *Working standard.* Dissolve a suitable weighed quantity (30 to 50 milligrams) of the working standard (obtained from the Food and Drug Administration) dried as described in § 440.80a(b)(5)(i) in 2 milliliters of ethyl alcohol and then add sufficient 0.1*M* potassium phosphate buffer (pH 8.0) to give a concentration of 1,000 micrograms per milliliter. This stock solution may be kept for 30 days when stored under refrigeration.

(*d*) *Preparation of sample.* Dissolve in sufficient 0.1*M* potassium phosphate buffer (pH 8.0) to give a convenient stock solution. Further dilute in 1.0-percent potassium phosphate buffer (pH 6.0) to give a final concentration of 0.5 microgram per milliliter (estimated).

(*e*) *Preparation of test organism.* The test organism is *Staphylococcus epidermidis* (American Type Culture Collection 12228)[1] which is maintained on slants of agar described under paragraph (b)(3)(i)(*b*)(*1*) of this section. Wash the organism from the agar slant with 3 milliliters of sterile physiological saline solution onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of the agar described in paragraph (b)(3)(i)(*b*)(*1*) of this section. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 24 hours at 32° C.–35° C., and then wash the resulting growth from the agar surface with sufficient sterile physiological saline solution so that a tenfold dilution of this bulk suspension will give 15-percent light transmission, using a suitable photoelectric colorimeter with a 650-millimicron filter and an 18-millimeter-diameter test tube as an absorption cell. Run test plates to determine the quantity of the bulk suspension (usually 1.5 milliliters) that should be added to each 100 milliliters of agar to give clear, sharp zones of inhibition of appropriate size.

(*f*) *Preparation of plates.* Add 21 milliliters of the agar prepared as described in paragraph (b)(3)(i)(*b*)(*2*) of this section to each Petri dish (20 millimetrs x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Melt a sufficient amount of the agar described in paragraph (b)(3)(i)(*b*)(*1*) of this section, cool to 48° C., add the proper amount of the test organism as described above, and mix thoroughly. Add 4 milliliters of this inoculated agar to each Petri dish. Distribute the agar evenly in the plates, cover with porcelain covers glazed on the outside, and allow to harden. After the agar has hardened, place 6 cylinders on the agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

(*g*) *Standard curve.* Prepare the daily standard curve by further diluting the 1,000 μg. per milliliter stock solution in 1 percent potassium phosphate buffer (pH 6.0), to obtain concentrations of 0.32, 0.4, 0.5, 0.63, and 078 μg. per milliliter. Use three plates for the determination of each point on the curve, except the 0.5 μg. per milliliter concentration, a total of 12 plates. On each of three plates fill three cylinders with the 0.5 μg. per milliliter standard, and fill the other three cylinders with the concentration under test. Thus, there will be thirty-six ½-μg. determinations and nine determinations for each of the other points on the curve. After the plates have incubated, read the diameters of the circles of inhibition. Average the readings of the 0.5 μg. per milliliter concentration and the readings of the point tested for each set of three plates, and average also all 36 readings of the 0.5 μg. per milliliter concentrations. The average of the 36 readings of the 0.5 μg. per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 0.5 μg. per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.4 μg. concentration, the average of the 36 readings of the 0.5 μg. concentration is 20.0 millimeters, and in correcting the 0.4 μg. concentration, of this set of three plates is 19.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 0.4 μg. concentration of these same three plates is 19.0 millimeters, the corrected value is 19.2 millimeters. Plot these corrected values, including the average of the 0.5 μg. per milliliter concentration, on semilog paper, placing the concentration in

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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micrograms per milliliter on the logarithmic scale and the diameter of the zone of inhibition on the arithmetic scale. Draw the standard curve through these points either by inspection or by means of the following equations:

$$L=\frac{3c+2b+c-e}{5},$$

$$H=\frac{3c+2d+c-e}{5},$$

where:

L=corrected zone diameter for the lowest concentration of the standard curve.
H=corrected zone diameter for the highest concentration of the standard curve.
c=average zone diameter of 36 readings of the 0.5 μg. per milliliter standard.
e, b, d, e=corrected average values for the 0.32, 0.4, 0.63, and 0.78 μg. per milliliter standard solutions, respectively.

Plot the values obtained for L and H and connect with a straightline.

(h) *Assay.* Use 3 plates for each sample. Fill 3 cylinders on each plate with the standard 0.5 microgram per milliliter solution and 3 cylinders with the 0.5 microgram per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve, at 32° C.–35° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the 3 plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 0.5 microgram per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 0.5 microgram per milliliter value on the standard curve. From the curve, read the potencies corresponding to these corrected values of zone sizes.

(ii) *Toxicity.* Proceed as directed in § 440.80a(b)(4), except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 4 milligrams per milliliter.

(iii) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

(iv) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using a saturated aqueous solution (approximately 25 milligrams per milliliter) of the drug.

(v) *Crystallinity* Proceed as directed in § 440.80a(b)(5)(iii).

§ 440.180e Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Crystalline penicillin G oral suspension is crystalline penicillin G sodium or potassium penicillin G and one or more suitable and harmless suspending or dispersing agents and preservatives, with or without suitable and harmless buffer substances, colorings, and flavorings, suspended in a suitable and harmless vehicle. Its potency is not less than 20,000 units per milliliter. Its moisture content is not more than 1.0 percent. The crystalline penicillin used conforms to § 440.80a(a)(1), except § 440.80a(a)(1)(ii) and (iv). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its outside wrapper or container and the immediate container the following:

(i) If the batch contains buffer substances, the name of each such substance.

(ii) The statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 36 months, such date may be used for such drug.

(iii) If it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a)(1) of this section, after the name "crystalline penicillin G oral suspension", wherever it appears, the words "with -------- (the blank being filled in with the established name of each such other ingredient)", in juxtaposition with such name.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin G used in making such batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(a) The batch; average potency per milliliter and moisture.

(b) The penicillin G used in making the batch; potency, toxicity, pH, moisture, crystallinity, and the penicillin G content.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(a) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) The penicillin G used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 440.80a(a)(2).

(c) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5.0 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(b) of this section, and no sample referred to in paragraph (a)(4)(iii)(b) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 440.80a(b)(1), except § 440.80a(b)(1)(ix), and in lieu of the directions in § 440.80a(b)(1)(iv), prepare the sample as follows: By means of a hypodermic syringe, introduce 5 milliliters of the well-shaken test sample into a high-speed blender containing 244 milliliters of 1-percent phosphate buffer at pH 6.0 and 1.0 milliliter of polysorbate 80. Blend the mixture for 3 to 5 minutes. Make the proper estimated dilutions in 1-percent phosphate buffer at pH 6.0. Its potency is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.500(c).

§ 440.180f Buffered penicillin powder, penicillin powder with buffered aqueous diluent.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Buffered penicillin powder is a mixture of crystalline penicillin or procaine penicillin and suitable buffer substances, with or without the addition of one or more suitable and harmless diluents, colorings, and flavorings. Penicillin powder with buffered aqueous diluent is a packaged combination of one immediate container of crystalline penicillin or procaine penicillin, with or without suitable and harmless diluents, and one immediate container of an aqueous diluent containing suitable buffer substances and suitable and harmless preservatives, colorings, and flavorings. Its moisture content is not more than 1 percent, except if it contains procaine penicillin its moisture content is not more than 2 percent. The crystalline penicillin used conforms to the requirements of § 440.80a(a)(1) for crystalline penicillin, except paragraph (a)(1)(ii) and (iv) of that section. The procaine penicillin used conforms to the requirements of § 440.74a(a)(1), except paragraph (a)(1)(ii) and (iii) of that section. Each other substance used, if its name is recognized in the U.S.P. and N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container of buffered penicillin power shall be a tight container as defined by the U.S.P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container may be packaged in combination with a container of a suitable and harmless aqueous vehicle.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label and labeling, as hereinafter indicated. the following:

(i) On the otuside wrapper or container and the immediate container:

(a) A statement giving the method of dissolving the penicillin, if it is a packaged combination of one immediate container of buffered penicillin powder or penicillin powder and one immediate container of a vehicle.

(b) The statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if it is crystalline penicillin with no other ingredients; or the blank may be filled in with the date that is 48 months or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(c) The name of each buffer substance used in making the batch.

(ii) On the label and labeling if it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a)(1) of this section, after the name "Buffered penicillin powder", wherever it appears, the words "with ---------- (the blank being filled in with the established name of each such other ingredient)", in juxtaposition with such name.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of buffered penicillin powder shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays, listed after each of the following, made by him on an accurately representative sample of:

(a) The batch; if buffered penicillin powder or penicillin powder with diluents: potency and moisture; if penicillin powder with no other ingredients: potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

(b) If buffered penicillin powder or penicillin powder with diluents, the penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section such person shall submit in connection with this request, in the quantities hereinafter indicated, accurately representative samples of the following:

(a) The batch:

(1) If it contains only penicillin and the penicillin used has been previously submitted, or it contains penicillin and other ingredients; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers.

(2) If it contains only penicillin and the penicillin has not been previously submitted; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers or more than 17 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) If buffered penicillin powder or penicillin powder with diluents, the penicillin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin, and not less than 500 milligrams if it is procaine penicillin, packaged in accordance with the requirements of § 440.80a(a)(2) or 440.74a(a)(2).

(c) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(d) In case of an initial request for the certification of a batch of buffered penicillin powder which is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such aqueous vehicle; 5 packages of the vehicle included in the combination.

(iv) No result referred to in paragraph (a)(4)(ii)(b) of this section and no sample referred to in paragraph (a)(4)(iii)(b) of this section is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency.* Reconstitute the drug as directed in its labeling and proceed as directed in § 440.80a(b)(1), except if it is procaine penicillin proceed as directed in § 440.155c(b)(1). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.74a(b)(5).

§ 440.182 Phenethicillin potassium oral dosage forms.

§ 440.182a Phenethicillin potassium tablets.

(a) *Requirements for certification.—*(1) *Standards of identity, strength, quality, and purity.*—Phenethicillin potassium tablets are composed of phenethicillin potassium, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. Each tablet contains phenethicillin potassium equivalent to 400,000 units of phenethicillin (equivalent to 250 milligrams of phenethicillin). Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units or milligrams of phenethicillin that it is represented to contain. Its moisture content is not more than 2 percent. It shall disintegrate within 1 hour. The phenethicillin potassium used conforms to the standards prescribed by § 440.82(a)(1).

(2) *Labeling.*—It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The phenethicillin potassium used in making the batch for potency, safety, loss on drying, pH, phenethicillin content, L-phenethicillin potassium content, crystallinity, and identity.

(b) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(a) The phenethicillin potassium used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.204

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of this chapter, preparing the sample as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. If necessary, further dilute an aliquot of the stock solution with solution 1 to obtain an assay solution containing 2,000 units per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter.

§ 440.182b Phenethicillin potassium for oral solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Phenethicillin potassium for oral solution is composed of phenethicillin potassium, with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives. Each milliliter contains phenethicillin potassium equivalent to 400,000 units of phenethicillin (equivalent to 25 milligrams of phenethicillin). Its potency is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of units or milligrams of phenethicillin that it is represented to contain. Its moisture content is not more than 1 percent. The phenethicillin potassium used conforms to the standards prescribed by § 440.82(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The phenethicillin potassium used in making the batch for potency, safety, loss on drying, pH, phenethicillin content, L-phenethicillin potassium content, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The phenethicillin potassium used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Reconstitute as directed in the labeling. Dilute an accurately measured representative aliquot with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

Subpart C—Injectable Dosage Forms

§ 440.207 Sterile ampicillin trihydrate for suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile ampicillin trihydrate for suspension is a dry mixture of ampicillin trihydrate and one or more suitable and harmless buffer substances, stabilizers, suspending agents, and preservatives. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not less than 11.4 percent and not more than 14.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.0. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7a(a)(1) of this chapter.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "sterile ampicillin for suspension."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconsitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the resultant solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), for the microbiological agar diffusion assay, or distilled water for the iodometric assay, to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter.

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except in lieu of (e)(1)(i)(*a*), prepare the sample for test as follows: From each of 10 immediate containers, aseptically transfer approximately 300 milligrams of sample into a sterile 500-milliliter Erlenmeyer flask containing approximately 400 milliliters of diluting fluid D. Add at least 200,000 Levy units* of penicillinase. Repeat the process using 10 additional containers. Swirl both of the stoppered flasks to completely solubilize the suspension prior to filtration and proceed as directed in paragraph (e)(1)(ii) of that section. If the formulation cannot be filtered, proceed as directed in § 436.20(e)(2) of this chapter, except use medium B in lieu of medium A.

(3) *Pyrogens.* Proceed as directed in § 436.32(f) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution obtained when the product is reconstituted as directed in the labeling.

Effective date: § 440.207 became effective on April 15, 1974, except that the nonproprietary name designated in paragraph (a)(2) shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever comes first. See 39 FR 13877, April 18, 1974.

§ 440.209 Sterile sodium ampicillin.

The requirements for certification and the tests and methods of assay for sterile sodium ampicillin packaged for dispensing are described in § 440.9a.

§ 440.213 Sterile disodium carbenicillin.

The requirements for certification and the tests and methods of assay for sterile disodium carbenicillin packaged for dispensing are described in § 440.13a.

§ 440.219 Sodium dicloxacillin monohydrate injectable dosage forms.

§ 440.219a Sterile sodium dicloxacillin monohydrate.

The requirements for certification and the tests and methods of assay for sterile sodium dicloxacillin monohydrate packaged for dispensing are described in § 440.19a.

§ 440.219b Sodium dicloxacillin monohydrate for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium dicloxacillin monohydrate for injection is a dry mixture of sodium dicloxacillin monohydrate and lidocaine hydrochloride packaged for dispensing. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of dicloxacillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 7.5. The sodium dicloxacillin monohydrate used conforms to the standards prescribed by § 440.19a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium dicloxacillin monohydrate used in making the batch for potency, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(*a*) The sodium dicloxacillin monohydrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 15 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay or in distilled water for the iodometric assay and hydroxylamine colorimetric assay, to give a stock solution of convenient concentration.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of dicloxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(c) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter, except dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 20 milligrams of dicloxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter, except use a test dose of 0.5 milliliter of a solution containing 4.0 milligrams of dicloxacillin.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the product reconstituted as directed in the labeling.

§ 440.229 Potassium hetacillin injectable dosage forms.

§ 440.229a Sterile potassium hetacillin.

The requirements for certification and the tests and methods of assay for sterile potassium hetacillin packaged for dispensing are described in § 440.29a.

§ 440.229b Potassium hetacillin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium hetacillin for injection is a dry mixture of potassium hetacillin and lidocaine hydrochloride. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile, nonpyrogenic, and passes the safety test. Its moisture content is not more than 1.0 percent. When reconstituted as directed in its labeling, its pH is not less than 7.0 and not more than 9.0. The potassium hetacillin used conforms to the requirements of § 440.29a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The potassium hetacillin used in making the batch for potency, moisture, pH, potassium hetacillin content, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, moisture and pH.

(ii) Samples required:

(*a*) The potassium hetacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers, except if each contains less than 450 milligrams of ampicillin, a minimum of 18 immediate containers.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for ampicillin in § 436.105 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing the equivalent of 18 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter for potassium hetacillin, except use a concentration of 4 milligrams of ampicillin activity per milliliter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the product reconstituted as directed in the labeling.

§ 440.236 Sodium methicillin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium methicillin for injection is sodium methicillin either containing ethylenediaminetetraacetic acid trisodium salt in a quantity not less than 4.25 percent and not more than 5.25 percent by weight of its total solids or containing a suitable preservative and the buffer sodium citrate in a quantity not less than 4 percent and not more than 5 percent by weight of its total solids (such sodium citrate conforms to the standards prescribed therefor by the U.S.P.). Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of methicillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. If it contains ethylenediaminetetraacetic acid trisodium salt, its pH, immediately after reconstitution as directed in the labeling, is not less than 7.0 and not more than 8.5; if it contains sodium citrate buffer, its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.0 and not more than 8.5. Its moisture content is not more than 6.0 percent. The sodium methicillin used conforms to the standards prescribed by § 440.36a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium methicillin used in making the batch for potency, moisture, pH, sodium methicillin content, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, pH, and moisture.

(ii) Samples required:

(*a*) The sodium methicillin used in making the batch: 10 packages, each containing approximately 300 milligrams,

*One Levy unit of penicillinase inactivates 50.3 units of penicillin G in 1 hour at 25° C. and at a pH of 7.0 in a phosphate buffered solution of a pure alkali salt of penicillin G when the substrate is in sufficient concentration to maintain a zero order reaction.

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plus one package containing approximately 2 grams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the portion thus obtained with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(a) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this subchapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of methicillin per milliliter (estimated).

(b) *Iodometric assay.* Proceed as directed in § 436.204 of this subchapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this subchapter, using a solution containing 20 milligrams of methicillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this subchapter, except use a test dose solution containing 40 milligrams of methicillin per milliliter.

(5) *pH.* Proceed as directed in § 436.202 of this subchapter, using the drug reconstituted as directed in the labeling if it contains ethylenediaminetetraacetic acid trisodium salt or using an aqueous solution containing 10 milligrams per milliliter if it contains sodium citrate buffer.

(6) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

§ 440.241 Sodium nafcillin monohydrate for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate for injection is a dry mixture of sodium nafcillin monohydrate and a suitable buffer substance. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not less than 3.5 and not more than 5.3 percent. When reconstituted as directed in the labeling, the pH is not less than 5.0 and not more than 8.0. The sodium nafcillin monohydrate used conforms to the requirements of § 440.41a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The sodium nafcillin monohydrate used in making the batch for potency, moisture, pH, crystallinity, sodium nafcillin monohydrate content, and identity.

(b) The batch for potency, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(a) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation remove an accurately measured representative portion from each container. Dilute the sample thus obtained with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

(ii) *Assay procedures.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(a) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 this chapter.

(b) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this cha ter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 20 milligrams of nafcillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution obtained when the product is reconstituted as directed in the labeling.

§ 440.249 Sodium oxacillin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium oxacillin for injection is a dry mixture of sodium oxacillin and one or more buffer substances, with or without trisodium ethylenediamine tetraacetic acid, and with or without one or more suitable and harmless preservatives. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of oxacillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 6.0 percent. Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 6.0 and not more than 8.5. The sodium oxacillin used conforms to the standards prescribed by § 440.49a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The sodium oxacillin used in making the batch for potency, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(b) The batch for potency, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(a) The sodium oxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(a) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of oxacillin per milliliter (estimated).

(b) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 20 milligrams of oxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 30 milligrams per milliliter.

§ 440.253 Aluminum penicillin in oil.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity.* Aluminum penicillin in oil is a suspension of aluminum penicillin in a menstruum of refined peanut oil or sesame oil. Its potency is 300,000 units per milliliter. Its moisture content is not more than 1.5 percent. It is sterile. The aluminum penicillin used conforms to the requirements of § 440.53a(a)(1). The peanut oil or sesame oil used conforms to the standards prescribed therefor by the U.S.P.

(2) *Packaging.* The immediate container of aluminum penicillin in oil shall be of colorless, transparent glass, so closed as to be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The quantity of aluminum penicillin in oil in each such container shall be not less than 1 milliliter and not more than 20 milliliters, unless it is packaged for repacking. Unless it is packaged for repacking, each container shall be filled with a volume of aluminum penicillin in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------", the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(ii) On the outside wrapper or container, the statement "Store in refrigerator not above 15° C. (59° F.)".

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of aluminum penicillin in oil shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the aluminum penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the peanut oil or sesame oil used in making such batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(a) The batch; potency, sterility, moisture.

(b) The aluminum penicillin used in making the batch; potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(a) The batch:

(1) For all tests except sterility: One package for each 500 packages in the batch, but in no case less than three packages or more than 12 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation when each contains not less than 600,000 units or not less than 2.0 milliliters, or 40 immediate containers when each contains less than these amounts.

(b) The aluminum penicillin used in making the batch:

(1) For all tests except sterility: Six packages, each containing approximately equal portions of not less than 300 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of § 440.53a(a)(2).

(c) In case of an initial request for certification, the peanut oil or sesame oil used in making the batch; one package of each containing approximately 250 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(b) of this section, and no sample referred to in paragraph (a)(4)(iii)(b) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency, sterility.* Proceed as directed in § 436.500.

(2) *Moisture.* Proceed as directed in § 440.280d(b)(3).

§ 440.255 Benzathine penicillin G injectable dosage forms.

§ 440.255a Benzathine penicillin G in oil.

(a) *Requirements for certification.* Benzathine penicillin G in oil conforms to all requirements and is subject to all procedures prescribed by § 440.274a(a) for sterile procaine penicillin in oil, except that:

(1) Benzathine penicillin G is used in lieu of procaine penicillin. The benzathine penicillin used conforms to the requirements of § 440.55a(a)(1).

(2) Its moisture content is not more than 4 percent.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.80a(b)(1), except paragraph (b)(1)(ix) of that section, and in lieu of the directions in § 440.80a(b)(1)(iv) prepare the sample as follows: Place a representative quantity (usually 1.0 milliliter) of a multiple-dose container, or the entire contents of a single-dose container, in a blending jar containing sufficient dimethyl formamide (previously adjusted to a pH of 6.5±0.5 with concentrated H_2SO_4) or redistilled methanol to give a final volume of 100 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and then make the proper estimated dilutions in a 1.0-percent phosphate buffer at pH 6.0. The potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

(3) *Moisture.* Proceed as directed in § 436.500(c).

§ 440.255b Benzathine penicillin G for aqueous injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Benzathine penicillin G for aqueous injection is a dry mixture of benzathine penicillin G and one or more suitable and harmless suspending or dispersing agents and with or without one or more suitable and harmless preservatives, buffer substances, and local anesthetics; or it is an aqueous suspenion of benzathine penicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives and with or without one or more suitable and harmless local anesthetics. It is so purified that:

(i) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units.

(ii) It is sterile.

(iii) If it is the dry mixture of the drug, its moisture content is not more than 8 percent.

(iv) It is nonpryogenic.

(v) It is nontoxic.

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(vi) Its pH in saturated solution is not less than 5.0 and not more than 7.5.

The benzathine penicillin G used conforms to the requirements of § 440.55a (a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, 2,400,000 units, or 3,000,000 units, unless it is intended solely for veterinary use and is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 10 milliliters, and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(3) *Labeling.* In addition to the requirements of § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label and labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The statement "Expiration date ----------", the blank being filled in, if it is a dry mixture of the drug, with the date that is 48 months, or if it is the aqueous suspension of the drug, with the date that is 18 month after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section.

(*b*) If it is the aqueous suspension of the drug the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)", unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section after having been stored at room temperature.

(ii) On the circular or other labeling within or attached to the package, if it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

(4) *Request for certification; samples.* (i) In addition to complying with the requirement of § 431.1 of this chapter, a person who requests certification of a batch of benzathine penicillin G for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the benzathine penicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a) (4) (v) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility, moisture (unless it is an aqueous suspension of the drug), pyrogens, toxicity, pH.

(*b*) The benzathine penicilin G used in making the batch; potency, penicillin G content, crystallinity.

(iii) Except as otherwise provided by paragraph (a) (4) (v) of this section, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(*b*) The benzathine penicillin G used in making the batch; three packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 440.55a(a) (1).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(*d*) In case of an initial request for the certification of a batch of benzathine penicillin G for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(iv) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(*a*) For all tests except sterility: 10 packages; each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different portion of such batch, and each shall be packaged in accordance with the requirements of paragraph (a) (2) of this section.

(v) No result referred to in paragraph (a) (4) (ii) (b) of this section, and no sample referred to in paragraph (a) (4) (iii) (*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.55a (b) (1), using as the sample for assay a representative aliquot of the suspension equivalent to one dose; or if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

(3) *Moisture (dry mixture of the drug).* Proceed as directed in § 440.74a (b) (5).

(4) *Pyrogens.* Proceed as directed in § 440.55a(b) (4).

(5) *Toxicity.* Proceed as directed in § 440.55a(b) (3).

(6) *pH*—(i) *Dry mixture of the drug.* Proceed as directed in § 440.80a(b) (5) (ii) using the suspension resulting when the product is reconstituted as directed in the labeling.

(ii) *Aqueous suspension of the drug.* Proceed as directed in § 440.80a(b) (5) (ii), using the undiluted aqueous suspension.

§ 440.255c Benzathine penicillin G and procaine penicillin for aqueous injection.

(a) *Requirements for certification.* Benzathine penicillin G and procaine penicillin for aqueous injection conforms to all requirements, and is subject to all procedures, prescribed by § 440.255b(a) for benzathine penicillin G for aqueous injection, except that:

(1) Each container shall contain not less than 300,000 units of benzathine penicillin G and not less than 300,000 units of procaine penicillin. The procaine penicillin used conforms to the requirements prescribed therefor by § 440.74a(a) (1).

(2) If it is the dry mixture of the drug, its moisture content is not more than 6.0 percent.

(3) In lieu of the directions for labeling prescribed by § 440.255b(a) (3) (i) (*a*) (1), each package shall bear on the outside wrapper or container and the immediate container the statement, "Expiration date ----------", the blank being filled in, if it is the aqueous suspension of the drug, with the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months if the person requesting certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed for it, or if it is the dry mixture of the drug, with the date that is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 48 months or 60 months if the person requesting certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed for it.

(4) In addition to complying with the requirements of § 440.255b(a) (4), a person who requests certification of a batch of benzathine penicillin G and procaine penicillin for aqueous injection shall submit with his request a statement showing the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the procaine penicillin used in making the batch for potency, crystallinity, penicillin K content (unless it is procaine penicillin G) and the penicillin G content if it is procaine penicillin G, and the number of units of procaine penicillin in each milliliter of the batch, if it is the aqueous suspension of the drug, or the number of units of procaine penicillin in each package of the batch, if it is the dry mixture of the drug. He shall also submit in connection with his request a sample consisting of three packages containing approximately equal portions of not less than 500 milligrams each of the procaine penicillin used in making the batch. If such batch is packaged for repacking, each portion in the sample required by § 440.255b(a) (4) (iv) (*a*) shall consist of the equivalent of approximately 600 milligrams in lieu of 300 milligrams.

(b) *Tests and methods of assay*—(1) *Total potency, benzathine penicillin G content, procaine penicillin content.*

(i) If the product does not contain procaine hydrochloride: Proceed as directed in § 436.507(a) (1), (2), and (4) of this chapter.

(ii) If the product contains procaine hydrochloride: (*a*) *Total potency.* Place one dose of the suspension in each of two centrifuge tubes. Label one tube "sample" and the other "blank". Add 9.0 ml. of 20 percent sodium sulfate solution to each tube and mix well. Centrifuge them at 10,000 r.p.m. for 15 minutes or until a clear supernatant solution is obtained. Pour the supernatant solution from the sample tube into a 50-ml. volumetric flask and dilute to mark with 1 percent pH 6.0 buffer. Determine the amount of penicillin in this flask by the iodometric assay procedure. Wash the penicillin residue from the tube labeled "sample" into a 200-ml. volumetric flask quantitatively with about 150 ml. of water. Add 10 ml. of 1.0*N* sodium hydroxide and allow to stand for 15 minutes. Acidify the solution with 10 ml. of 1.2*N* hydrochloric acid and dilute to mark with water Determine the amount of penicillin in this solution by the iodometric assay procedure. Use as a blank a suspension prepared by discarding the supernatant solution from the tube labeled "blank", washing the penicillin residue into a 200-ml. volumetric flask, and making to mark with water. The total potency of the dose is the sum of the penicillin in the sample supernatant solution and in the insoluble residue of the sample.

(*b*) *Procaine penicillin content.* Transfer 5.0 ml. of the solution from the 200-ml. volumetric flask containing the residue from the "sample" tube to a 50-ml. volumetric flask and make to mark with water. Assay 2.0 ml. of the solution by the Bratton-Marshall method. The amount of procaine penicillin is the sum of the amount of penicillin in the sodium sulfate supernatant solution and the amount of penicillin determined by the Bratton-Marshall method.

(c) *Benzathine penicillin content.* The amount of benzathine penicillin is the difference between the total potency and the amount of procaine penicillin.

(2) *Sterility, toxicity, pyrogens.* Proceed as directed in § 440.55a(b) (2), (3), and (4).

(3) *pH.* Proceed as directed in § 440.80a(b) (5) (ii), using the undiluted aqueous suspension or the suspension prepared as directed in the labeling for the drug.

(4) *Moisture (dry mixture of the drug).* Proceed as directed in § 440.74a (b) (5).

§ 440.259 Chloroprocaine penicillin O for aqueous injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloroprocaine penicillin O for aqueous injection is a dry mixture of chloroprocaine penicillin O and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless buffer substances. It is so purified and dried that:

(i) It is sterile.

(ii) Its moisture content is not more than 4.2 percent.

(iii) It is nonpyrogenic.

(iv) It is nontoxic.

(v) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The chloroprocaine penicillin O used conforms to the requirements of § 440.59a (a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units 1,500,000 units, or 3,000,000 units unless it is intended solely for veterinary use and is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent.

(3) *Labeling.* In addition to the requirements of § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label and labeling as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------", the blank being filled in with the date that is 36 months after the month during which the batch was certified.

(ii) On the circular or other labeling within or attached to the package, the and the statement "Sterile suspension conditions under which suspensions made from such drug should be stored, may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of chloroprocaine penicillin O for aqueous injection shall

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submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloroprocaine penicillin O used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(v) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility, moisture, pyrogens, toxicity, pH.

(*b*) The chloroprocaine penicillin O used in making the batch; potency crystallinity, penicillin O content, and penicillin G content.

(iii) Except as otherwise provided by paragraph (a)(4)(v) of this section, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(a) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the interyals are approximately equal.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(*b*) The chloroprocaine penicillin O used in making the batch: six packages containing approximately equal portions of not less than 300 milligrams each.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch; one pacakage of each containing approximately 5.0 grams.

(*d*) In case of an initial request for the certification of a batch of chloroprocaine penicillin O for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U.S.P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(iv) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(v) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay.* For the determination of potency, sterility, moisture, pyrogens, toxicity, and pH, proceed as directed in § 440.274b (b), except if the iodometric assay for potency is used, calculate as directed in § 440.80a(b)(5)(iv)(*b*).

§ 440.261 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection (penicillin G diethylaminoethyl ester hydriodide for aqueous injection).

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Diethylaminoethyl ester penicillin G hydriodide for aqueous injection is diethylaminoethyl ester penicillin G hydriodide and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless preservatives and buffer substances. It is so purified and dried that:

(i) It is sterile.

(ii) Its moisture content is not more than 1 percent.

(iii) It is nonpyrogenic.

(iv) It is nontoxic.

(v) The pH of a saturated aqueous solution is not less than 5.0 and not more than 7.5.

The diethylaminoethyl ester penicillin G hydriodide used conforms to the requirements of § 440.61a(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain 500,000 units or multiples thereof up to and including 5,000,000 units, and each may be packaged in combination with a container of a suitable aqueous diluent.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(ii) On the circular or other labeling within or attached to the package, the conditions under which suspensions of the drug may be stored, and the statement "Sterile suspension may be kept at room temperature for 7 days, or in refrigerator for 3 weeks, without significant loss of potency".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the diethylaminoethyl ester penicillin G hydriodide used in making such batch was completed, the number of units in each such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(v) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility moisture, pyrogens, toxicity, pH.

(*b*) The diethylaminoethyl ester penicillin G hydriodide used in making the batch; potency, crystallinity, penicillin G content.

(iii) Except as otherwise provided by paragraph (a)(4)(v) of this section, if such batch is packaged for dispensing such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(*b*) The diethylaminoethyl ester penicillin G hydriodide used in making the batch; 3 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 440.61a(a)(2).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(*d*) In the case of an initial request for the certification of a batch which is to be packaged in combination with an aqueous diluent which is not recognized by the U.S.P., or when any change is made in he composition of such diluent; 5 packages of the diluent included in the combination.

(iv) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different portion of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(v) No result referred to in paragraph (a)(5)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency.* Using a representative aliquot of the product reconstituted as directed in the labeling, proceed as directed in § 440.61a(b)(1). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except add sufficient penicillinase either to diluting fluid A or, if the product contains lecithin, to diluting fluid D, and swirl the flask to completely solubilize the preparation.

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

(4) *Pyrogens.* Proceed as directed in § 440.80a(b)(3), except use physiological salt solution as the diluent.

(5) *Toxicity.* Proceed as directed in § 440.80a(b)(4), except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(6) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using the suspension resulting when the product is reconstituted as directed in the labeling.

§ 440.265 *l*-Ephenamine penicillin G injectable dosage forms.

§ 440.265a *l*-Ephenamine penicillin G in oil.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity. l*-Ephenamine penicillin G in oil is a suspension of *l*-ephenamine penicillin G in refined peanut oil or sesame oil with or without the addition of one or more suitable and harmless dispersing agents. Its potency is 300,000 units per milliliter unless it is packaged and labeled solely for veterinary use. It is sterile. Its moisture content is not more than 1 percent. The *l*-ephenamine penicillin G used conforms to the requirements of § 440.65a(a)(1). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, and shall be so sealed that the contents cannot be used without destroying such seal. The immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If it is packaged for dispensing, each such container shall contain not less than 1.0 milliliter and not more than 20 milliliters and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act) each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____", the blank being filled in with the date that is 18 months after the month during which the batch was certified.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the *l*-ephenamine penicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making such batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section such person shall submit in connection with his request results of tests and assays of the following made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility, and moisture.

(*b*) The *l*-ephenamine penicillin G used in making the batch; potency, sterility, pyrogens, toxicity, moisture, pH, crystallinity, heat stability, penicillin G content, and specific rotation.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation when each container contains not less than 600,000 units or not less than 2.0 milliliters, or 40 immediate containers when each contains less than these amounts.

(*b*) The *l*-ephenamine penicillin G used in making the batch:

(*1*) For all tests except sterility: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 440.65a(a)(2).

(c) In case of an initial request for certification, one package containing approximately 150 grams of the peanut oil or sesame oil used and one package containing approximately 5 grams of each dispersing agent used.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 440.274a (b)(1), except the last sentence thereof. If it is represented to contain less than 300,000 units per milliliter, its potency is satisfactory if it contains not less than 85 percent of the number of units so represented. If it is represented to contain 300,000 units per milliliter, its potency is

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satisfactory if it contains not less than 90 percent of the number of units so represented.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E.

(3) *Moisture.* Proceed as directed in § 436.500(c) of this chapter.

§ 440.265b *l*-Ephenamine penicillin G for aqueous injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* *l*-Ephenamine penicillin G for aqueous injection is a dry mixture of *l*-ephenamine penicillin G and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless preservatives and buffer substances, or it is an aqueous suspension of *l*-ephenamine penicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, except that preservatives are not required if the immediate container is packaged to contain a single dose and is conspicuously so labeled. It is so purified that:

(i) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units, unless it is packaged and labeled solely for veterinary use;

(ii) It is sterile;

(iii) If it is the dry mixture of the drug, its moisture content is not more than 1.5 percent;

(iv) It is nonpyrogenic;

(v) It is nontoxic; and

(vi) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The *l*-ephenamine penicillin G used conforms to the requirements of § 440.-65a(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is the aqueous suspension of the drug and it is packaged to contain a single dose. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units or 3,000,000 units (unless it is packaged and labeled solely for veterinary use), and each may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 10 milliliters (unless it is packaged and labeled solely for veterinary use), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------", the blank being filled in, if it is the dry mixture of the drug, with the date that is 18 months, or if it is the aqueous suspension of the drug, with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) On the outside wrapper or container, if it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)", unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section after having been stored at room temperature.

(iii) On the circular or other labeling within or attached to the package, if it is the dry mixture of the drug and is packaged for dispensing, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week or in refrigerator for 3 weeks, without significant loss of potency".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of *l*-ephenamine penicillin G for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the *l*-ephenamine penicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(v) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility moisture (unless it is the aqueous suspension of the drug), pyrogens, toxicity, pH.

(*b*) The *l*-ephenamine penicillin G used in making the batch; potency, crystallinity, heat stability, penicillin G content, and specific rotation.

(iii) Except as otherwise provided by paragraph (a)(4)(v) of this section, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(*b*) The *l*-ephenamine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 440.65a(a)(2).

(c) In case of an initial request for certification, each other ingredient used in making the batch, one package of each containing approximately 5 grams.

(*d*) In case of an initial request for the certification of a batch which is to be packaged in combination with an aqueous diluent which is not recognized by the U.S.P., or when any change is made in the composition of such diluent; 5 packages of the diluent included in the combination.

(iv) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(v) No result referred to in paragraph (a)(4)(ii) (*b*) of this section, and no sample referred to in paragraph (a)(4)(iii) (*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 440.65a(b)(1), using as the sample for assay a representative aliquot of the suspension equivalent to one dose; or if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A, and medium F in lieu of medium E.

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

(4) *Pyrogens.* Proceed as directed in § 440.80a(b)(3), except use physiological salt solution as the diluent and inject 2 milliliters per kilogram of a solution containing 800 units per milliliter.

(5) *Toxicity.* Proceed as directed in § 440.80a(b)(4), except use physiological salt solution as the diluent and inject, in a 10-second interval, 1.0 milliliter of a solution containing 800 units per milliliter.

(6) *pH—*(i) *Dry mixture of the drug.* Proceed as directed in § 440.80a(b)(5)(ii), using the suspension resulting when the product is reconstituted as directed in the labeling.

(ii) *Aqueous suspension of the drug.* Proceed as directed in § 440.80a(b)(5)(ii), using the undiluted aqueous suspension.

§ 440.274 Procaine penicillin G injectable dosage forms.

§ 440.274a Procaine penicillin G in oil.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Procaine penicillin G in oil is a suspension of procaine penicillin G in a refined vegetable oil, with or without the addition of one or more suitable and harmless dispersing agents and with or without the addition of a hardening agent. Its potency is 300,000 units per milliliter. Its moisture content is not more than 1.4 percent. It is sterile. The procaine penicillin G used conforms to the requirements of § 440.-74a(a)(1). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium. If the hardening agent is a hydrogenated and deodorized peanut oil, it is free from rancidity; it has an iodine value of not more than 10; its free fatty acid content as oleic acid is not more than one-tenth of 1 percent; and its melting point is 64±2° C.

(2) *Packaging.* The immediate container of procaine penicillin in oil shall be of colorless transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, and shall be so sealed that its contents cannot be used without destroying such seal. The immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limitation therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good marketing, storage, and distribution practice shall be disregarded. The quantity of procaine penicillin in oil in each such container shall be not less than 1 milliliter and not more than 20 milliliters, unless it is packaged for repacking. Unless it is packaged for repacking, each such container shall be filled with a volume of procaine penicillin in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.108(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------", the blank being filled in, if it is packaged in plastic containers, with the date that is 12 months, or if its container is not plastic, with the date that is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, or 36 months if the container is plastic or 48 months or 60 months if the container is not plastic, after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) On the outside wrapper or container and the immediate container, the statement "Shake well," if it does not contain a hardening agent.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of procaine penicillin in oil shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the procaine penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making such batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility (unless it is intended solely for udder instillations of cattle and is not required to be sterile), and moisture.

(*b*) The procaine penicillin G used in making the batch; potency, moisture, pH, crystallinity, penicillin K content (unless it is crystalline penicillin G), procaine penicillin G content, and, toxicity, sterility, and pyrogens.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation when each contains not less than 600,000 units or not less than 2.0 milliliters, or 40 immediate containers when each contains less than these amounts.

(*b*) The procaine penicillin used in making the batch:

(*1*) For all tests except sterility: 10 packages, each containing approximately equal portions of 300 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of § 440.74a(a)(2).

(c) In case of an initial request for certification, the vegetable oil and each dispersing and hardening agent or other ingredient used in making the batch: One package of each containing, respectively, approximately 250 grams and 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 440.80a

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(b)(1), except § 440.80a(b)(1)(ix) and in lieu of the directions in § 440.80a(b)(1)(iv), prepare the sample by one of the following methods:

(i) *Bioassay*—(a) *Chloroform-alcohol solution.* By means of a 2-milliliter hypodermic syringe, introduce 1 milliliter of the well shaken sample into a 50-milliliter volumetric flask. Add 3 milliliters to 4 milliliters of chloroform, shake the flask thoroughly, and make to 50 milliliters with absolute alcohol. Mix thoroughly, withdraw a 1-milliliter aliquot and make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0.

(*b*) *Blending.* Introduce 1 milliliter of the well shaken sample by means of a 2.0-milliliter hypodermic syringe into a blending jar containing 98 milliliters of 1 percent phosphate buffer, pH 6.0, and 1 milliliter of polysorbate 80. Using a high-speed blender, blend the mixture for 1 minute and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0.

(ii) *Iodometric chemical assay*—(*a*) *Chloroform-alcohol solution.* Introduce a representative quantity (usually 1 milliliter) of the well shaken sample into a flask and dissolve in sufficient chloroform-absolute ethanol (1+1) solvent to give a concentration of 2,000 units to 8,000 units per milliliter. An aliquot of this solution containing 2,000 units (estimated) is used as the solution for assay.

(*b*) *Extraction.* Accurately measure two representative portions of the sample (usually 1 milliliter) each equivalent to from 100,000 units to 300,000 units (estimated). Place one portion in a centrifuge tube containing 10 milliliters of chloroform and 10.0 milliliters of 1 percent phosphate buffer, pH 6.0. Shake the tube for 1 minute and centrifuge to obtain a substantially clear buffer layer. Dilute 5.0 milliliters of the buffer layer with sufficient 1 percent phosphate buffer, pH 6.0 to give a concentration of about 2,000 units per milliliter, and mix. Use 2.0 milliliters of this solution as the blank. Place the second portion of the sample in a centrifuge tube containing 10 milliliters of chloroform and 10.0 milliliters of 1*N* NaOH. Shake the tube for 1 minute and allow to stand for 15 minutes. Shake the tube again and centrifuge to obtain a substantially clear NaOH layer. Dilute 5.0 milliliters of the NaOH layer with sufficient 1*N* NaOH to give a concentration of about 2,000 units per milliliter. Use 2.0 milliliters of this solution as the inactivated solution. From the titration data calculate the amount of penicillin in the sample. If the label represents the potency of the procaine penicillin in oil as 100,000 units per milliliter, it is satisfactory if it is 85 percent or more of the potency so represented; if represented as 300,000 units per milliliter, it is satisfactory if it is 90 percent or more of the potency so represented.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

(3) *Moisture.* Proceed as directed in § 436.500(c).

§ 440.274b Procaine penicillin for aqueous injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Procaine penicillin for aqueous injection is a dry mixture of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless preservatives and buffer substances, or it is an aqueous suspension of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, except that preservatives are not required if the immediate container is packaged to contain a single dose and is conspicuously so labeled. If it is an aqueous suspension of the drug, it may contain procaine hydrochloride in a concentration not exceeding 2.0 percent, one or more suitable and harmless stabilizing agents, and, if it is intended solely for veterinary use, it may contain cortisone or a suitable derivative of cortisone. It is so purified that:

(i) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units;

(ii) It is sterile;

(iii) If it is the dry mixture of the drug, its moisture content is not more than 4.2 percent;

(iv) It is nonpyrogenic;

(v) It is nontoxic; and

(vi) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The procaine penicillin used conforms to the requirements of § 440.74a(a)(1). Each other substance, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is the aqueous suspension of the drug and it is packaged to contain a single dose. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, or 3,000,000 units, unless it is intended solely for veterinary use and it is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 12 milliliters (unless it is intended solely for veterinary use and is conspicuously so labeled), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(3) *Labeling*—In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in, if it is a dry mixture of the drug, with the date that is 36 months, or if it is the aqueous suspension of the drug, with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 48 months or 60 months if it is the dry mixture of the drug, and 18 months, 24 months, 36 months, or 48 months if it is the aqueous suspension of the drug, after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) On the immediate container, if it is a dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in a refrigerator for 3 weeks, without significant loss of potency" unless this information is contained in the circular or other labeling within or attached to the package.

(iii) On the outside wrapper or container, if it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with standards prescribed by paragraph (a)(1) of this section after having been stored at room temperature.

(iv) If it contains cortisone or a derivative of cortisone, after the name "procaine penicillin for aqueous injection," wherever it appears, the words "with _____", in juxtaposition with such name, the blank being filled in with the established name of such ingredient.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of procaine penicillin for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the procaine penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(v) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility, moisture, pyrogens, toxicity, pH.

(*b*) The procaine penicillin used in making the batch for potency, moisture, pH, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(iii) Except as otherwise provided by paragraph (a)(4)(v) of this section, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation or 40 immediate containers if each contains less than 600 milligrams.

(*b*) The procaine penicillin used in making the batch: five packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 440.74a(a)(2).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(*d*) In case of an initial request for the certification of a batch of procaine penicillin for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U.S.P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(iv) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(*a*) For all tests except sterility: 10 packages each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(v) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Using as the sample for assay a representative aliquot of the suspension equivalent to one dose (or, if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling), proceed as directed in § 440.80a(b)(1), using approximately 50 to 100 milliliters of redistilled methyl alcohol, dimethyl formamide, or formamide to dissolve the sample or by the iodometric method as described in § 440.80a(b)(5)(iv)(*a*), except dissolve the sample in about 5.0 milliliters of redistilled methyl alcohol, dimethyl formamide, or formamide prior to diluting with 1 percent phosphate buffer, pH 6.0. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. If the product contains lecithin, use diluting fluid D in lieu of diluting fluid A. If the product contains sodium carboxymethylcellulose, add sufficient sterile carboxymethylcellulase to diluting fluid A or D to completely solubilize the sodium carboxymethylcellulose before filtration. If the preparation contains homogenizers or suspending agents that prevent solubilization, proceed as directed in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

(3) *Moisture.* Proceed as directed in § 440.74a(b)(5).

(4) *Pyrogens.* Proceed as directed in § 440.80a(b)(3), except use physiological salt solution as the diluent.

(5) *Toxicity.* Proceed as directed in § 440.80a(b)(4), except use physiological salt solution as the diluent, and inject 0.25 milliliter of a solution containing 4,000 units per milliliter.

(6) *pH*—(i) *Dry mixture of the drug.* Proceed as directed in § 440.80a(b)(5)(ii) using the solution or suspension resulting when the amount of diluent recommended in the labeling is added.

(ii) *Aqueous suspension of the drug.* Proceed as directed in § 440.80a(b)(5)(ii), using the undiluted aqueous suspension.

§ 440.280 Penicillin injectable dosage forms.

§ 440.280a Sterile sodium penicillin, calcium penicillin, crystalline penicillin (crystalline penicillin sodium, crystalline penicillin potassium, crystalline penicillin G sodium, crystalline penicillin G potassium, crystalline penicillin O sodium, crystalline penicillin O potassium).

The requirements for certification and the tests and methods of assay for sterile sodium penicillin, calcium penicillin, crystalline penicillin (crystalline penicillin sodium, crystalline penicillin potassium, crystalline penicillin G sodium, crystalline penicillin G potassium, crystalline penicillin O sodium, crystalline penicillin O potassium) packaged for dispensing are described in § 440.80a.

§ 440.280b Potassium penicillin G for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium penicillin G for injection is a dry mixture of potassium penicillin G and the buffer sodium citrate in a quantity not less than 4 percent and not more than 5 percent by weight of its total solids. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of penicillin G that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not more than 1.5 percent. When reconstituted as directed in the labeling, its pH is not less than 7 and not more than 8.5. The potassium penicillin G used conforms to the standards prescribed by § 440.80a(a)(1) of this chapter. The sodium citrate conforms to the standards prescribed therefor by the U.S.P.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The potassium penicillin G used in making the batch for potency, loss on drying, pH, penicillin G content, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The potassium penicillin G used in making the batch: 10 packages, each containing approximately 60 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Dilute the resultant solution with 1 percent potassium phosphate buffer, pH 6.0

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(solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Assay for potency by any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1 unit of penicillin-G per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(c) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 2,000 units of penicillin-G per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution obtained when the drug is reconstituted as directed in the labeling.

§ 440.280c Crystalline penicillin and bacitracin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Crystalline penicillin and bacitracin is composed of crystalline sodium penicillin or potassium penicillin and bacitracin with or without suitable and harmless buffer substances and dispersing agents. It is so purified and dried that:

(i) It is sterile;

(ii) It is nontoxic;

(iii) It is nonpyrogenic;

(iv) Its moisture content is not more than 5.0 percent;

(v) The pH of an aqueous solution prepared as directed in its labeling is not less than 5.0 and not more than 7.5.

The crystalline penicillin used conforms to the standard prescribed by § 440.80a(a)(1). The bacitracin used conforms to the requirements prescribed by § 448.10a(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practices shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 1,500,000 units of crystalline penicillin and 60,000 units of bacitracin and each may be packaged in combination with a container of the solvent, water for injection U. S. P., physiological salt solution U. S. P., or with an aqueous solution of a suitable local anesthetic.

(3) *Labeling—*(i) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(*a*) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------", the blank being filled in with the date that is 18 months after the month during which the batch was certified.

(*b*) On the circular or other labeling within or attached to the package, the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and the statement "Sterile solution may be kept in refrigerator for 3 days without significant loss of potency".

(ii) *It is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container, the following:

(*a*) The number of units of crystalline penicillin per milligram and the number of grams in the immediate container.

(*b*) The number of units of bacitracin per milligram and the number of grams in the immediate container.

(c) The statement "Caution: Federal law prohibits dispensing without prescription".

(*d*) The statement "For manufacturing use", "For repacking", or "For manufacturing use or repacking".

(*e*) The information required by paragraph (3)(i) of this section.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of crystalline penicillin and bacitracin shall submit with his request a statement showing the batch mark, the number of packages in such batch, the number of units of penicillin and the number of units of bacitracin in each package, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the penicillin and bacitracin used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(v) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility, toxicity, pyrogens, moisture, pH.

(*b*) The crystalline penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(*c*) The bacitracin used in making the batch; potency, toxicity, ash content, and heavy metals content.

(iii) Except as otherwise provided by paragraph (a)(4)(v) of this section, if such batch is packaged for dispensing, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(*b*) The crystalline penicillin used in making the batch; 3 packages, each containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 440.80a(a)(2).

(*c*) The bacitracin used in making the batch; 4 packages, each containing approximately 0.5 gram packaged in accordance with the requirements of § 448.10a(a)(2) of this chapter.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(iv) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(*a*) For all tests except sterility: 10 approximately equal portions of at least 2 grams each.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from different parts of such batch, and each shall be packaged in a separate container and in accordance with the requirements of paragraph (a)(2) of this section.

(v) No result referred to in paragraph (a)(4)(ii)(b) and (*c*) of this section, and no sample referred to in paragraph (a)(4)(iii)(b) and (c) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Content of penicillin.* Proceed as directed in § 440.80a(b)(1). Its content of penicillin is satisfactory if it contains not less than 90 percent of the number of units it is represented to contain.

(ii) *Content of bacitracin.* Proceed as directed in § 448.10a(a)(1) of this chapter, except that sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present. Its content of bacitracin is satisfactory if it contains not less than 85 percent and not more than 115 percent of the number of units it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Toxicity.* Proceed as directed in § 440.80a(b)(4) except use physiological salt solution as the diluent.

(4) *Pyrogens.* Proceed as directed in § 440.80a(b)(3) using as a test dose 1.0 milliliter per kilogram of a solution containing 300 units of bacitracin per milliliter. Use physiological salt solution as the diluent.

(5) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

(6) *pH.* Proceed as directed in § 440.80a(b)(5)(ii), using a solution prepared as directed in the labeling for the drug.

§ 440.280d Crystalline penicillin and epinephrine in oil.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Crystalline penicillin and epinephrine in oil is a suspension of crystalline penicillin and epinephrine in a menstruum of refined peanut oil or sesame oil. Each milliliter has a potency of 300,000 units and contains 0.3 milligram of epinephrine. Its moisture content is not more than 0.2 percent. It is sterile. The penicillin used conforms to the requirements of § 440.80a(a)(1) for crystalline penicillin. The epinephrine, peanut oil, and sesame oil used conform to the standards prescribed therefor by the U.S.P.

(2) *Packaging.* The immediate container of crystalline penicillin and epinephrine in oil shall be of colorless transparent glass so closed as to be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The quantity of crystalline penicillin and epinephrine in oil in each such container shall be not less than one milliliter and not more than 20 milliliters unless it is packaged for repacking. Unless it is packaged for repacking each container shall be filled with a volume of crystalline penicillin and epinephrine in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated whether administered in either single or multiple doses.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date ----------", the blank being filled in with the date that is 18 months after the month during which the batch was certified.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of crystalline penicillin and epinephrine in oil shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the epinephrine, peanut oil or sesame oil used in making such batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assay listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility, moisture and epinephrine content.

(*b*) The penicillin used in making the batch; potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability and the penicillin G content, if it is crystalline penicillin G.

(iii) Except as otherwise provided by paragarph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One package for each 500 packages in the batch, but in no case less than five packages or more than 15 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation when each container contains not less than 600,000 units or not less than 2.0 milliliters, or 40 immediate containers when each contains less than these amounts.

(*b*) The penicillin used in making the batch:

(*1*) For all tests except sterility: 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 600 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 440.80a(a)(2).

(c) In case of an initial request for certification, the epinephrine and the peanut oil or sesame oil used in making the batch; one package of each containing approximately 2 grams and 250 grams, respectively.

(iv) No result referred to in paragraph (a)(4)(ii)(b) of this section, and no sample referred to in paragraph (a)(4)(iii)(b) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.500(a) of this chapter except the provisions for warming the sample. When examined by the method described in this section the potency of crystalline penicillin and epinephrine in oil is satisfactory if it is 90 percent or more of the potency represented.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

(3) *Moisture.* Proceed as directed in § 436.500(c) of this chapter.

(4) *Epinephrine content—*(i) *Standard curve.* Prepare a stock standard containing 20 milligrams of U. S. P. epinephrine reference standard in 100 milliliters of phosphate buffer at pH 4.0 This buffer is prepared by adjusting 1 percent phosphate buffer pH 6.0 with 1:100 phosphoric acid (ortho 85 percent) to pH 4.0. The stock standard is stored in the refrigerator and may be used as long as it remains colorless. Transfer 1.0, 2.0, 3.0, 4.0, and 5.0 milliliters of the standard to each of five 100-milliliter volumetric flasks using transfer pipettes. Add 4.0, 3.0, 2.0, and 1.0 milliliters of the phosphate buffer pH 4.0 to the first four flasks respectively to give each a total volume of 5 milliliters. Add 1.0 milliliter of 0.1 *N* iodine to each flask, shake for one minute, add 2.0 milliliters of 0.1 *N* sodium thiosulfate and mix the solution. Make each flask to a volume of 100 milliliters with distilled water. Read the percent light transmission of the colored solutions using a 2.0 centimeter cell and a 490 mμ filter in a suitable photoelectric colorimeter. The instrument is balanced so that the 0.2 mg. 100 ml. concentration reads 90 percent light transmission. Prepare a standard curve on semilog paper,

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plotting the percent light transmission on the logarithmic ordinate scale and the concentration on the abscissa.

(ii) *Procedure.* Transfer 1.0 milliliter of the sample with the aid of a hypodermic syringe and needle to a screw-cap test tube (about 30 milliliters capacity), add 5.0 milliliters of U. S. P. chloroform and 10.0 milliliters of 1 percent phosphate buffer pH 6.0 from a transfer pipette. Shake thoroughly for one minute, centrifuge to separate the layers and carefully withdraw a 5.0-milliliter aliquot of the buffer layer using a transfer pipette. Transfer the aliquot to a 50-milliliter volumetric flask, add the calculated amount of 1:100 phosphoric acid to bring the pH to 4.0 (amount to be added previously determined by titration of the 1 percent phosphate buffer pH 6.0 with 1:100 phosphoric acid using a pH meter). Add 1.0 milliliter of 0.1*N* iodine, shake for one minute, add 2.0 milliliters of 0.1 *N* sodium thiosulfate and mix the solution. Make to a volume of 50 milliliters with distilled water. Set the colorimeter at 90 percent light transmission for the 0.2 milligram/100 milliliters standard as directed above and obtain the percent light transmission of the sample. The concentration obtained directly from the standard curve corresponding to the percent light transmission of the sample × 1.05 equals the concentration of the epinephrine per milliliter of the sample. Crystalline penicillin and epinephrine in oil is satisfactory if it contains not less than 0.24 or more than 0.36 milligram epinephrine per milliliter.

§ 440.281 Buffered crystalline penicillin.

The requirements for certification and the tests and methods of assay for buffered crystalline penicillin packaged for dispensing are described in § 440.81.

Subpart D–E—[Reserved]

Subpart F—Dermatologic Dosage Forms

§ 440.563 Ephedrine penicillin tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ephedrine penicillin tablets are tablets composed of ephedrine penicillin and one or more buffer substances, with or without one or more suitable and harmless diluents, binders, and lubricants. The potency of each tablet is not less than 30,000 units. Its moisture content is not more than 1.5 percent. When a tablet is dissolved as directed the potency of such solution is not less than 4,000 units per milliliter after it has been kept for one day at a temperature of 15° C. (59° F). Such solution is isotonic, and has a pH of 6.0, ±0.2. The ephedrine penicillin used conforms to the requirements of § 440.63a(a)(1) for ephedrine penicillin except paragraph (a)(1)(ii) and (iv) of § 440.63a. Each buffer substance and preservative used, if their names are recognized in the U.S.P. or N.F., conform to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Unless each tablet is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(ii) A statement giving the method of dissolving the tablets, and a statement that distilled water U.S.P. should be used.

(iii) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions, and a statement "Prepare a fresh solution each 24 hours".

(iv) The statement "*Warning*—Not for injection or oral use".

(4) *Request for certification, samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of ephedrine penicillin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the ephedrine penicillin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising the batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and as says listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; average potency per tablet and average moisture.

(*b*) The ephedrine penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is ephedrine penicillin G), crystallinity and the penicillin G content if it is ephedrine penicillin G.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one table for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(*b*) The ephedrine penicillin used in making the batch; six packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 440.63a(a)(2).

(iii) In case of an initial request for certification, each buffer substance, diluent, binder, and lubricant used in making the batch; one packaging of each, each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii) (*b*) of this section, and no sample referred to in paragraph (a)(4)(iii) (*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 440.180a(b)(1) or by the iodometric method as described in § 440.80a(b)(5)(iv)(*a*), using 6 tablets dissolved in sufficient 1 percent phosphate buffer pH 6.0 to give a concentration of 2,000 units per milliliter.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i).

PART 442—CEPHA ANTIBIOTICS

Subpart A—Bulk Drugs

Sec.
442.11a Sterile cefazolin sodium.
442.21 Cephaloglycin dihydrate.
442.23a Sterile cephaloridine.
442.25a Sterile sodium cephalothin.
442.27 Cephalexin monohydrate.
442.29a Sterile cephapirin sodium.

Subpart B—Oral Dosage Forms

442.121 Cephaloglycin dihydrate oral dosage forms.
442.121a Cephaloglycin dihydrate capsules.
442.121b Cephaloglycin dihydrate for oral suspension.
442.127 Cephalexin monohydrate oral dosage forms.
442.127a Cephalexin monohydrate tablets.
442.127b Cephalexin monohydrate capsules.
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Subpart C—Injectable Dosage Forms

442.211 Sterile cefazolin sodium.
442.323 Sterile cephaloridine.
442.225 Sterile sodium cephalothin.
442.229 Sterile cephapirin sodium.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 442.11a Sterile cefazolin sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile cefazolin sodium is the sodium salt of 3-[[(5-methyl-1,3,4-thiadiazol-2-yl)-thio]methyl]-7-[2-(1H-tetrazol-1-yl)acetamido]-3-cephem-4-carboxylic acid. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms and not more than 1050 micrograms of cefazolin per milligram calculated on an anhydrous basis. If it is packaged for dispensing, its cefazolin content is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of cefazolin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 6 percent.

(vi) Its pH is an aqueous solution containing 100 milligrams of cefazolin per milliliter is not less than 4.0 and not more than 6.0.

(vii) The specific rotation in a 0.1*M* sodium bicarbonate solution containing 50 milligrams of cefazolin per milliliter at 25° C. is −17°±7° calculated on an anhydrous basis.

(viii) It gives a positive identity test for cefazolin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, specific rotation and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 9 packages, each containing approximately 500 milligrams, and 1 package containing approximately 5 grams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 12 immediate containers, except if each contains less than 500 milligrams, a minimum of 16 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration; also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents. Dilute with sufficent solution 1 to give a stock solution of convenient concentration.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 micrograms of cefazolin per milliliter (estimated).

(*b*) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter, preparing the working standard solution as follows: Dissolve an accurately weighed portion of approximately 30 milligrams of cefazolin working standard in 3 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and further dilute with solution 1 to the final concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefazolin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams of cefazolin per milliliter.

(7) *Specific rotation.* Proceed as directed in § 436.210 of this chapter, using a solution containing 50 milligrams of cefazolin per milliliter in 0.1*M* sodium bicarbonate and a polarimeter tube 1.0 decimeter in length. Calculate the specific rotation on an anhydrous basis.

(8) *Identity.* Using a 0.002 percent solution of the sample in 0.1*M* sodium bicarbonate solution and a suitable spectrophotometer, record the ultraviolet spectrum from 220 to 340 nanometers. The spectrum compares qualitatively to that of the cefazolin working standard similarly tested.

§ 442.21 Cephaloglycin dihydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephaloglycin dihydrate is the dihydrate form of 7-(D-α-aminophenylacetamido) cephalosporanic acid. It is a white to off-white powder. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of cephaloglycin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture is not less than 8.2 and not more than 12 percent.

(iv) Its pH in an aqueous suspension containing 50 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(v) Its cephaloglycin content is not less than 95 and not more than 104 percent on an anhydrous basis.

(vi) It gives a positive identity test for cephaloglycin dihydrate.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, cephaloglycin content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution of 100 micrograms of cephaloglycin per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 10 micrograms of cephaloglycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, except observe the mice for 7 days.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous suspension containing 50 milligrams per milliliter.

(5) *Cephaloglycin content.* Proceed as directed in § 436.213 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the cephaloglycin content as follows:

$$\text{Percent cephaloglycin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (405.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)}$$

where:
A=Milliliters of perchloric acid reagent used in titrating the sample;
B=Milliliters of perchloric acid reagent used in titrating the blank;
m=Percent moisture content of the sample.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 0.5-percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 442.23a Sterile cephaloridine.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephaloridine is 7-[α-(2-thienyl)-acetamido]-3-(1-pyridylmethyl)-3-cephem-4-carboxylic acid betaine. It is a white to off-white powder. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of cephaloridine per milligram. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of cephaloridine that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not more than 2.5 percent.

(vi) Its pH in an aqueous solution is not less than 3.5 and not more than 6.

(vii) The specific rotation in an aqueous solution containing 10 milligrams of cephaloridine per milliliter at 25° C. is +48°±4°.

(viii) It is crystalline.

(ix) The ultraviolet absorption spectrum between the wavelengths of 220 and 310 nanometers compares qualitatively to that of the cephaloridine working stand-

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ard. The ratio of the absorbance of the maximum at the wavelength of 240 nanometers to that of the shoulder at 255 nanometers is not less than 1.05 and not more than 1.17.

(2) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays of the batch for potency, sterility, pyrogens, safety, loss on drying, pH, specific rotation, crystallinity, and identity.

(ii) Samples of the batch:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing at least 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing equal portions of approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 13 immediate containers of the batch.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Dissolve an accurately weighted sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colorimetric assay, to give a stock solution of convenient concentration; also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either solution 1 or distilled water as specified above to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of cephaloridine per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter. If it is packaged for dispensing, dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* HCl, and the assay should be completed within 1 hour after the sample and standard are first put into solution. The working standard should be dried as described in § 436.200(a) of this chapter.

(c) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cephaloridine per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 250 milligrams of cephaloridine per milliliter. If it is packaged for dispensing, however, use the solution obtained after reconstituting the drug as directed in the labeling.

(7) *Specific rotation.* Dilute an accurately weighed sample with sufficient distilled water to give a concentration of approximately 10 milligrams of cephaloridine per millliliter. Proceed as directed in § 436.210 of this chapter using a 2.0-decimeter polarimeter tube.

(8) *Crystallinity.* Proceed as directed in § 436.203 (a) of this chapter.

(9) *Identity.* Using a 0.0025-percent solution of the sample in water and a suitable spectrophotometer, record the ultraviolet absorption spectrum from 220 to 310 nanometers. The spectrum compares qualitatively to that of the cephaloridine working standard similarly tested.

§ 442.25a Sterile sodium cephalothin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium cephalothin is the sodium salt of the compound formed by reaction of thiophene-2-acetic acid with 7-amino-cephalosporanic acid. The 7-amino-cephalosporanic acid is obtained from a kind of cephalosporin. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of cephalothin per milligram on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of cephalothin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not more than 1.5 percent.

(vi) Its pH in an aqueous solution is not less than 4.5 and not more than 7.0.

(vii) The specific rotation in an aqueous solution containing 50 milligrams of cephalothin per milliliter at 25° C. is +129°±5°.

(viii) It gives a positive identity test.

(ix) It is crystalline.

(2) *Packaging.* In addition to the requirements of § 432.. of this chapter, if it is packaged for dispensing and is intended for both intravenous and intramuscular use, each vial shall contain the equivalent of 1 gram of cephalothin; except that if it is packaged for dispensing and is intended solely for intravenous use, each vial shall contain the equivalent of 4 grams of cephalothin.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, if it is packaged for dispensing, each package shall bear on its label and labeling, the following statement: "After reconstitution, store in a refrigerator and use within 48 hours. If kept at room temperature, use within 6 hours."

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays of the batch for potency, sterility, pyrogens, safety, loss on drying, pH, specific rotation, crystallinity, and identity.

(ii) Samples of the batch:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing equal portions of approximately 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing equal portions of approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers of the batch.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colorimetric assay, to give a stock solution of convenient concentration; also if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either solution 1 or distilled water as specified above to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of cephalothin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter. If it is packaged for dispensing, dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* HCl, and the assay should be completed within 1 hour after the sample and standard are first put into solution. The working standard should be dried as described in § 436.200(a) of this chapter.

(c) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cephalothin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 250 milligrams per milliliter; however, if it is packaged for dispensing, use the solution obtained after reconstituting the drug as directed in the labeling.

(7) *Specific rotation.* Dilute an accurately weighed sample with sufficient distilled water to give a concentration of approximately 50 milligrams per milliliter. Proceed as directed in § 436.210 of this chapter, using a 1.0-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(9) *Identity.* Using a 0.0025-percent solution of the sample in water and a suitable spectrophotometer, record the ultraviolet absorption spectrum from 220 to 310 nanometers. The spectrum compares qualitatively to that of the cephalothin working standard similarly tested.

§ 442.27 Cephalexin monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate is the monohydrate form of 7-(D-2-amino-2-phenylacetamido)-3-methyl-3-cephem-4-carboxylic acid. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of cephalexin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 4.0 nor more than 8.0 percent.

(iv) Its pH in an aqueous solution containing 50 milligrams per milliliter is not less than 3.0 nor more than 5.5.

(v) When calculated on an anhydrous basis, its absorptivity at 262 nanometers is not less than 95 percent and not more than 104 percent of that of the cephalexin standard similarly treated and corrected for potency.

(vi) It gives a positive identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution containing 1.0 milligram per milliliter (estimated). Further dilute an aliquote of the stock solution with solution 1 to the reference concentration of 20 micrograms of cephaxelin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, except observe the mice for 7 days.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous suspension containing 50 milligrams per milliliter.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve accurately weighed portions of approximately 50 milligrams each of the sample and standard in 250 milliliters of distilled water. Transfer a 10-milliliter aliquot to a 100-milliliter volumetric flask and dilute to volume with distilled water. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of each solution at 262 nanometers. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{milligrams standard} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{milligrams sample} \times (100 - m)}$$

where m = percent moisture in the sample.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 0.5 percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203 of this chapter.

§ 442.29a Sterile cephapirin sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile cephapirin sodium is the sodium salt of 7-[α(4-pyridylthio)-acetamido]-cephalosporanic acid. It is a white to off-white powder. It is so purified and dried that:

(i) Its potency is not less than 855 micrograms and not more than 1,000 micrograms of cephapirin per milligram on an "as is" basis. If it is packaged for dispensing, its content is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of cephapirin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 2.0 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams of cephapirin per milliliter is not less than 6.5 and not more than 8.5.

(vii) Its cephapirin content is not less than 92 percent and not more than 105 percent on an anhydrous basis.

(viii) It gives a positive identity test for sodium cephapirin.

(ix) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, cephapirin content, identity, and crystallinity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 9 packages, each containing approximately 500 milligrams, and 1 package containing approximately 5 grams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 14 immediate containers, except if each contains less than 1 gram, a minimum of 19 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with solution 1 to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 micro-

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gram of cephapirin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter. In addition if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with distilled water to the prescribed concentration.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter. In addition, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 100 milligrams of cephapirin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Cephapirin content.* Transfer an accurately weighed 400- to 500-milligram sample to a 250-milliliter Erlenmeyer flask, add 50 milliliters of glacial acetic acid, and, while stirring, warm in a 70° C. water bath until the sample is completely dissolved. Add three drops of a 0.5 percent solution of crystal violet in glacial acetic acid as indicator, and titrate with 0.1*N* perchloric acid in glacial acetic acid (previously standardized against diphenylguanidine) to the first clear green end point. Each milliliter of 0.1*N* perchloric acid is equivalent to 22.275 milligrams of cephapirin. Calculate the cephapirin content on the anhydrous basis.

(8) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 1.0 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

(9) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

Subpart B—Oral Dosage Forms

§ 442.121 Cephaloglycin dihydrate oral dosage forms.

§ 442.121a Cephaloglycin dihydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephaloglycin dihydrate capsules are composed of cephaloglycin dihydrate and one or more suitable lubricants and diluents enclosed in a gelatin capsule. Each capsule contains cephaloglycin dihydrate equivalent to 250 milligrams of cephaloglycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephaloglycin that it is represented to contain. Its moisture content is not more than 9 percent. The cephaloglycin used conforms to the standards prescribed by § 442.21(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The cephaloglycin dihydrate used in making the batch for potency, safety, moisture, pH, cephaloglycin content, identity, and crystallinity.

(b) The batch for potency, moisture, pH, and identity.

(ii) Samples required:

(a) The cephaloglycin dihydrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Place an accurately measured representative portion of the suspension into an appropriate-sized volumetric flask and dilute to volume with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4). Further dilute an aliquot of the stock solution with solution 4 to the reference concentration of 10 micrograms of cephaloglycin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

(4) *Identity.* Dilute a representative portion of the sample with sufficient distilled water to give a concentration of 2.5 milligrams of cephaloglycin per milliliter (estimated). Shake vigorously on a mechanical shaker for 30 minutes. Filter through Whatman No. 1 filter paper, discarding the first few milliliters of filtrate. Further dilute an aliquot of the filtrate with sufficient distilled water to give a concentration of 0.05 milligram of cephaloglycin per milliliter (estimated). Using a suitable spectrophotometer, record the ultraviolet absorption spectrum of this solution from 230 to 320 nanometers. The spectrum compares qualitatively to that of the cephaloglycin working standard similarly treated.

§ 442.127 Cephalexin monohydrate oral dosage forms.

§ 442.127a Cephalexin monohydrate tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate tablets are composed of cephalexin monohydrate and one or more suitable and harmless diluents, binders, lubricants, colorings, and coating substances. Each tablet contains cephalexin monohyrate equivalent to 500 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephalexin that it is represented to contain. Its moisture content is not more than 9 percent. The tablets disintegrate within 30 minutes. The cephalexin monohydrate used conforms to the standards prescribed by § 442.27(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the

requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The cephalexin monohydrate used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(b) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(a) The cephalexin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute with solution 1 to the reference concentration of 20.0 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Blend a representative number of tablets in a high-speed glass blender with sufficient distilled water to give a stock solution of convenient concentration. Further dilute with distilled water to the prescribed concentration of cephalexin.

NOTE: The 10.0 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

§ 442.127b Cephalexin monohydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate capsules are composed of cephalexin monohydrate and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains cephalexin monohydrate equivalent to either 125, 250, or 500 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more the 120 percent of the number of milligrams of cephalexin that it is represented to contain. Its moisture content is not more than 10 percent. The cephalexin monohydrate used conforms to the standards prescribed by § 442.27(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The cephalexin monohydrate used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The cephalexin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 20.0 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Blend a representative number of capsules in a high-speed glass blender with sufficient distilled water to give a stock solution of convenient concentration. Further dilute with distilled water to the prescribed concentration of cephalexin.

NOTE: The 10.0 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 442.127c Cephalexin monohydrate for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate for oral suspension is cephalexin monohydrate with one or more suitable and harmless diluents, buffer substances, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains cephalexin monohydrate equivalent to 25 milligrams, 50 milligrams, or 100 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephalexin monohydrate that it is represented to contain. Its moisture content is not more than 2 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 6.0. The cephalexin used conforms to the standards prescribed by § 442.27(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The cephalexin used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(b) The batch for potency, moisture, and pH.

(ii) Samples required:

(a) The cephalexin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Transfer an accurately measured representative portion of the suspension into an appropriate-sized volumetric flask and dilute to volume with 1-percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute an aliquot of this solution with solution 1 to the reference concentration of 20.0 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Reconstitute the sample as directed in the labeling. Transfer an accurately measured representative portion to a volumetric flask and bring to volume with distilled water. Further dilute an aliquot of this solution with distilled water to the prescribed concentration of cephalexin.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

Subpart C—Injectable Dosage Forms

§ 442.211 Sterile cefazolin sodium.

The requirements for certification and the tests and methods of assay for sterile cefazolin sodium packaged for dispensing are described in § 442.11a.

§ 442.223 Sterile cephaloridine.

The requirements for certification and the tests and methods of assay for sterile cephaloridine packaged for dispensing are described in § 442.23a.

§ 442.225 Sterile sodium cephalothin.

The requirements for certification and the tests and methods of assay for sterile sodium cephalothin packaged for dispensing are described in § 442.25a.

§ 442.229 Sterile cephapirin sodium.

The requirements for certification and the tests and methods of assay for sterile cephapirin sodium packaged for dispensing are described in § 442.29a.

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PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Subpart A—Bulk Drugs

Sec.
444.10a Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride.
444.20 Gentamicin sulfate.
444.20a Sterile gentamicin sulfate.
444.30 Kanamycin sulfate.
444.30a Sterile kanamycin sulfate.
444.40 Neomycin palmitate.
444.42a Sterile neomycin sulfate.
444.42b [Editorial Note]
444.44 Neomycin undecylenate.
444.50 Paromomycin sulfate.
444.70a Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex).
444.72a Sterile streptonicozid sulfate.

Subpart B—Oral Dosage Forms

444.130 Kanamycin sulfate capsules.
444.142 Neomycin sulfate oral dosage forms.
444.142a Neomycin sulfate tablets.
444.142b Neomycin sulfate oral solution.
444.150 Paromomycin sulfate oral dosage forms.
444.150a Paromomycin sulfate capsules.
444.150b Paromomycin sulfate sirup.
444.170a Streptomycin-polymyxin-bacitracin tablets.

Subpart C—Injectable Dosage Forms

444.220 Gentamicin sulfate injection.
444.230 Kanamycin sulfate injection.
444.270 Streptomycin sulfate injectable dosage forms.
444.270a Sterile streptomycin sulfate, sterile streptomycin hydrochloride, sterile streptomycin phosphate, sterile streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex).
444.270b Streptomycin sulfate injection.
444.270c Streptomycin sulfate for injection.

Subpart D—Ophthalmic Dosage Forms

444.320 Gentamicin sulfate ophthalmic dosage forms.
444.320a Gentamicin sulfate ophthalmic solution.
444.320b Gentamicin sulfate ophthalmic ointment.
444.342 Neomycin sulfate ophthalmic dosage forms.
444.342a Neomycin sulfate- ---------- ophthalmic suspension; neomycin sulfate- ---------- ophthalmic solution (the blanks being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).
444.342b Neomycin sulfate-polymyxin B sulfate-gramicidin ophthalmic solution.
444.342c Neomycin sulfate- gramicidin- ---------- ophthalmic solution; neomycin sulfate-gramicidin- ---------- ophthalmic suspension (the blanks being filled in with the established name(s) of the other ingredient(s) present in accordance with paragraph (a)(1) of this section).
444.342d Neomycin sulfate-polymyxin B sulfate- ---------- ophthalmic suspension (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).
444.342e Neomycin sulfate ointment; neomycin sulfate- ---------- ointment (the blank being filled in with the established name(s) of certain other active ingredient(s)).
444.342f Neomycin sulfate-gramicidin topical ointment; neomycin sulfate-gramicidin-triamcinolone acetonide ointment; neomycin sulfate -gramicidin - fludrocortisone acetate ointment.
444.342g Neomycin sulfate-hydrocortisone acetate eye-ear drops; neomycin sulfate-prednisolone acetate eye-ear drops.
444.342h Neomycin sulfate-polymyxin B sulfate ophthalmic ointment.
444.342i Neomycin sulfate-polymyxin B sulfate ophthalmic solution.

Subpart E—Otic Dosage Forms

444.442 Neomycin sulfate otic dosage forms.
444.442a Neomycin sulfate-sodium propionate otic solution; neomycin sulfate-sodium propionate-prednisolone acetate otic solution.
444.442b Neomycin sulfate-gramicidin-hydrocortisone-thonzylamine hydrochloride-thonzonium bromide otic solution.
444.442c Neomycin sulfate-polymyxin B sulfate-hydrocortisone otic suspension; neomycin sulfate-polymyxin B sulfate-hydrocortisone-sodium heparin otic suspension.
444.442d Neomycin sulfate ointment; neomycin sulfate- ---------- ointment (the blank being filled in with the established name(s) of certain other active ingredient(s)).
444.442e Neomycin sulfate-hydrocortisone acetate eye-ear drops; neomycin sulfate-prednisolone acetate eye-ear drops.
444.470a Streptomycin otic with antifungal agent; streptomycin otic with ----------; dihydrostreptomycin otic with antifungal agent; dihydrostreptomycin otic with ---------- (the blank being filled in with the established name of the antifungal agent).

Subpart F—Dermatologic Dosage Forms

444.520 Gentamicin sulfate dermatologic dosage forms.
444.520a Gentamicin sulfate ointment.
444.520b Gentamicin sulfate cream.
444.540 Neomycin palmitate dermatologic dosage forms.
444.540a Neomycin palmitate-trypsin-chymotrypsin ointment.
444.540b Neomycin palmitate-trypsin-chymotrypsin concentrate lotion.
445.542 Neomycin sulfate dermatologic dosage forms.
444.542a Neomycin sulfate ointment; neomycin sulfate- ---------- ointment (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).
444.542b Neomycin sulfate- ---------- cream (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).
444.542c Neomycin sulfate- ---------- lotion (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).
444.542d Neomycin sulfate aerosol.
444.542e Neomycin sulfate-polymyxin B sulfate ointment.
444.542f Neomycin sulfate-gramicidin topical ointment; neomycin sulfate-gramicidin-triamcinolone acetonide ointment; neomycin sulfate-gramicidin - fludrocortisone acetate ointment.
444.542g Neomycin sulfate-gramicidin - triamcinolone acetonide cream.
444.542h Neomycin sulfate-gramicidin - triamcinolone acetonide lotion; neomycin sulfate - gramicidin - fludrocortisone acetate lotion.
444.542i Neomycin sulfate - triamcinolone acetonide topical aerosol; neomycin sulfate-dexamethasone topical aerosol.
444.542j Neomycin sulfate-polymyxin B sulfate-gramicidin-benzocaine ointment.
444.542k–444.542m [Editorial Note]
444.570 Streptomycin dermatologic dosage forms.
444.570a Streptomycin ointment; dihydrostreptomycin ointment.
444.570b Streptomycin for topical use; streptomycin with ---------- (the blank being filled in with the name of the vehicle if a package combination) for topical use.
444.570c Streptomycin-bacitracin-polymyxin gauze pads.

Subpart G—Vaginal Dosage Forms

444.642a Neomycin sulfate-polymyxin B sulfate-acetarsone vaginal suppositories.

Subparts H and I—[Reserved]

Subpart J—Certain Other Dosage Forms

444.942 Neomycin sulfate in certain other dosage forms.
444.942a Neomycin sulfate for prescription compounding.
444.942b Sterile neomycin sulfate and polymyxin B sulfate solution.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 444.10a Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride.

(a) *Requirements for certification*—(1) Dihydrostreptomycin sulfate is the hydrogenated sulfate salt of a kind of streptomycin or a mixture of two or more such salts; crystalline dihydrostreptomycin sulfate is the hydrogenated crystalline sulfate salt of a kind of streptomycin or a mixture of two or more such salts; dihydrostreptomycin hydrochloride is the hydrogenated hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug conforms to all requirements prescribed by § 444.70a(a) for streptomycin sulfate and streptomycin hydrochloride, and is subject to all procedures prescribed by 444.70a(a) for streptomycin sulfate and streptomycin hydrochloride, except that:

(i) Its potency is not less than 650 micrograms per milligram, except that if it is crystalline dihydrostreptomycin sulfate its potency is not less than 725 micrograms per milligram.

(ii) Its content of streptomycin sulfate or streptomycin hydrochloride is not more than 3.0 percent when calculated as streptomycin base, except that if it is crystalline dihydrostreptomycin sulfate its content of streptomycin sulfate is not more than 1.0 percent.

(iii) Its labeling shall conform to the requirements of § 444.70a(a)(3)(iii).

(b) *Tests and methods of assay*—(1) *Potency.* Using the dihydrostreptomycin working standard as a standard of comparison, proceed as directed in § 444.70a(b)(1). Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams that it is represented to contain.

(2) *Content of streptomycin sulfate or streptomycin hydrochloride*—(i) *Reagents.* (a) 10 percent ferric chloride stock solution. Dissolve 5 grams of $FeCl_3 6H_2O$ in 50 milliliters 0.1*N* HCl.

(b) 0.25 percent ferric chloride solution. Dilute 2.5 milliliters of 10 percent ferric chloride in 0.1*N* HCl to 100 milliliters with 0.01*N* MCl. Prepare the solution fresh daily.

(ii) *Standard curve.* Keep the working standard (obtained from the Food and Drug Administration) at −20° C. in tightly stoppered containers which in turn are kept in larger stoppered vials containing a suitable desiccant. Dry an appropriate amount of the working standard at 100° C. and a pressure of 5 millimeters or less for 4 hours. Prepare a stock aqueous solution containing 1.0 milligram of streptomycin base per milliliter. Store this standard solution in a refrigerator and use for no longer than 2 weeks. Transfer 1.0, 2.0, 3.0, 4.0, and 5.0 milliliters of this standard solution and 10 milliliters of distilled water to each of six 25-milliliter volumetric flasks. Add 9.0, 8.0, 7.0, 6.0, and 5.0 milliliters of distilled water to the five tubes, respectively, to give each a total volume of 10 milliliters. To each add 2.0 milliliters of 1*N* NaOH and then heat the flasks in a boiling water bath for 10 minutes. Cool the flasks in ice water for 3 minutes and acidify the solutions with 2.0 milliliters of 1.2*N* HCl. To each flask add 5.0 milliliters of 0.25 percent ferric chloride reagent, make to volume with distilled water, and mix thoroughly. Transfer the colored solutions to 2.0-centimeter absorption cells and measure the percent light transmission at 530 mμ in a suitable photoelectric colorimeter. Set the colorimeter at 100 percent light transmission for the zero concentration and then obtain the percent light transmission of the sample. Prepare a standard curve on semilog paper, plotting the percent light transmission on the logarithmic ordinate scale and the concentration of streptomycin base on the abscissa.

(iii) *Procedure.* Dilute the contents of a vial or a sufficient amount of bulk material to give a concentration of approximately 20 milligrams per milliliter. From the amount of streptomycin obtained, calculate the percent streptomycin as follows:

$$\text{Percent streptomycin} = \frac{\text{Milligrams of streptomycin} \times 100}{\text{Milligrams of dihydrostreptomycin found in the sample used}}$$

(3) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(4) *Toxicity, pyrogens, histamine, moisture, pH, crystallinity.* Proceed as directed in §§ 444.70a(b)(3), (4), (5), (6) and 440.80a(b)(5)(iii) of this chapter.

§ 444.20 Gentamicin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate is the sulfate salt of a kind of gentamicin or a mixture of two or more such salts. It is a powder, white to buff in color. It is readily soluble in water but insoluble in ethanol. It is so purified and dried that:

(i) Its potency is not less than 590 micrograms of gentamicin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 18.0 percent.

(iv) Its pH in an aqueous solution containing 40 milligrams per milliliter is not less than 3.5 and not more than 5.5.

(v) Its specific rotation in an aqueous solution containing 10 milligrams per milliliter at 25° C. is not less than +107° and not more than +121°.

(vi) Its content of gentamicin C_1 is not less than 25 nor more than 50 percent; of gentamicin C_{1a}, not less than 15 nor more than 40 percent; and of gentamicin C_2, not less than 20 nor more than 50 percent.

(vii) It gives a positive identity test for gentamicin sulfate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, specific rotation, content of gentamicins C_1, C_{1a}, and C_2, and identity.

(ii) *Samples required.* 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(c) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 40 milligrams of gentamicin per milliliter.

(5) *Specific rotation.* Accurately weigh the sample to be tested in a volumetric flask and dilute with sufficient distilled water to give a solution containing approximately 10 milligrams per milliliter. Proceed as directed in § 436.210 of this chapter, using a 1.0-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(6) *Content of gentamicins C_1, C_{1a}, and C_2.* Proceed as directed in § 444.20a(b)(8).

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 0.5 percent mixture of the sample in a potassium bromide disc prepared as described in paragraph (b)(1) of that section.

§ 444.20a Sterile gentamicin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile gentamicin sulfate is the sulfate salt of a kind of gentamicin or a mixture of two or more such salts. It is a powder, white to buff in color. It is readily soluble in water but insoluble in ethanol. It is so purified and dried that:

(i) Its potency is not less than 590 micrograms of gentamicin per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its loss on drying is not more than 18.0 percent.

(vi) Its pH in an aqueous solution containing 40 milligrams per milliliter is not less than 3.5 and not more than 5.5.

(vii) Its specific rotation in an aqueous solution containing 10 milligrams per milliliter at 25° C. is not less than +107° and not more than +121°.

(viii) Its content of gentamicin C_1 is not less than 25 nor more than 50 percent; of gentamicin C_{1a}, not less than 15 nor more than 40 percent; and of gentamicin C_2, not less than 20 nor more than 50 percent.

(ix) It gives a positive identity test for gentamicin sulfate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, loss on drying, pH, specific rotation, content of gentamicins C_1, C_{1a}, and C_2, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with sufficient solution 3 to give a reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

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(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10.0 milligrams of gentamicin per milliliter.

(5) *Loss on drying.* Proceed as directed in §436.200(c) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 40 milligrams of gentamicin per milliliter.

(7) *Specific rotation.* Accurately weigh the sample to be tested in a volumetric flask and dilute with sufficient distilled water to give a solution containing approximately 10 milligrams per milliliter. Proceed as directed in § 436.210 of this chapter, using a 1-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(8) *Content of gentamicins C_1, C_{1a}, and C_2.*—(i) *Equipment*—(a) *Chamber (chromatographic).* Use a suitable chromatography jar with a tightly fitting, ground glass contact top for descending chromatography.

(b) *Sheets (chromatographic).* Cut a 57 x 46-centimeter sheet of Whatman No. 2 filter paper, or chromatographic paper that will produce similar results, into four strips of about 14.25 x 46 centimeters. Draw a starting line 9 centimeters from one end and mark two dots on this line, each 4 centimeters from each edge.

(ii) *Reagents.* Use reagent grade solvents and chemicals.

(iii) *Solvent system.* In each of two separators, equilibrate 200 milliliters of chloroform and 100 milliliters of methanol with 100 milliliters of 17 percent (9 molar) ammonium hydroxide. Without allowing the phases of one to separate, add the entire mixture to the chromatography jar and allow 24 hours for saturation. Allow the second separator to stand until the phases separate and use the lower phase only as the chromatographic solvent.

(iv) *Ninhydrin reagent.* To 1 gram of ninhydrin and 0.1 gram of cadmium acetate, add 3 milliliters of water and 1.5 milliliters of glacial acetic acid and shake. Add 100 milliliters of *n*-propanol and shake until solution is complete. Keep this solution in a brown bottle under refrigeration.

(v) *Procedure.* Prepare an aqueous solution containing 40 milligrams of the sample per milliliter. Apply 5 microliters of this solution to each dot on the sheet. Prepare two such sheets and place them in the tank so that elution will take place from separate troughs. Fill the two troughs with the chromatographic solvent. Develop the sheets in a descending manner until the solvent front reaches the bottom of the paper (approximately 3½ hours at 25° C.). Remove the sheets and dry in a hood for 30 minutes. Cut each sheet in half, lengthwise. Spray one half with ninhydrin reagent and place the sprayed strip in a drying oven at 100° C. for 1 minute. The gentamicin fractions appear as reddish zones. The zone furthest from the origin is gentamicin C_1, the one closest is gentamicin C_{1a}, and the middle zone is gentamicin C_2. Cut the corresponding zones out of the other unsprayed half of the sheet. Cut each portion of the sheet thus obtained into small strips and put those from each zone into a separate 125-milliliter glass-stoppered flask. Add 50 milliliters of 0.1*M* potassium phosphate buffer, pH 8, to each flask and swirl the flask mechanically for 30 minutes. Decant the solution from each flask into separate test tubes and allow the paper to settle. Pipet 4 milliliters of each clear solution into a 25-milliliter volumetric flask and make to volume with the pH 8 buffer. Assay these solutions as directed in paragraph (b)(1) of this section.

(vi) *Calculations.*

$$\text{Total gentamicins} = \frac{\text{Assay of } C_1 \text{ fraction}}{0.786} + \frac{\text{Assay of } C_2 \text{ fraction}}{1.023} + \frac{\text{Assay of } C_{1a} \text{ fraction}}{0.977}$$

$$\text{Percent of gentamicin } C_1 = \frac{\text{Assay of } C_1 \text{ fraction}}{0.786} \times \frac{100}{\text{total gentamicins}}$$

$$\text{Percent of gentamicin } C_2 = \frac{\text{Assay of } C_2 \text{ fraction}}{1.023} \times \frac{100}{\text{total gentamicins}}$$

$$\text{Percent of gentamicin } C_{1a} = \frac{\text{Assay of } C_{1a} \text{ fraction}}{0.977} \times \frac{100}{\text{total gentamicins}}$$

Where:

The assays are expressed in terms of the microgram equivalents of gentamicin; and The factors 0.786, 1.023, and 0.977 represent the activities of gentamicins C_1, C_2, and C_{1a} relative to the gentamicin activity of the gentamicin master standard.

(9) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 0.5 percent mixture of the sample in a potassium bromide disc prepared as described in paragraph (b)(2) of that section.

§ 444.30 Kanamycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Kanamycin sulfate is the sulfate salt of a kind of kanamycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency on an anhydrous basis is not less than 750 micrograms of kanamycin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 4 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(v) Its residue on ignition is not more than 1.0 percent.

(vi) It gives a positive identity test for kanamycin.

(vii) It contains not more than 5.0 percent kanamycin B.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, residue on ignition, identity, kanamycin B content, and crystallinity.

(ii) Samples required on the batch: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 10 micrograms of kanamycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 10 milligrams per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(6) *Identity.* Dissolve about 10 milligrams of kanamycin sulfate in 1 milliliter of water, and add 1 milliliter of a 1:500 solution of triketohydrindene hydrate in normal butyl alcohol; then add 0.5 milliliter of pyridine. Heat in a steam bath for 5 minutes and add 10 milliliters of water; a deep-purple color is produced.

(7) *Kanamycin B content*—(i) *Cylinders (cups).* Use cylinders described under § 440.80a(b)(1)(i) of this chapter.

(ii) *Culture medium.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F. Make agar for the base and seed layers as follows:

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Agar	15.0 gm.
pH 7.8 to 8.0 after sterilization.	
Distilled water, q.s.	1,000.00 ml.

(iii) *Working standard.* Dissolve a suitable quantity of the kanamycin sulfate working standard, accurately weighed, in 0.1*M* potassium phosphate buffer, pH 8.0, to give a concentration equivalent to 1.0 milligram of kanamycin per milliliter.

(iv) *Preparation of sample.* To 100 milligrams, accurately weighed, of kanamycin sulfate in a suitable container (such as a 7.5-milliliter serum vial) add 5.0 milliliters of 6*N* hydrochloric acid, and tightly close the container. Heat in a water bath at 100° C. for 1 hour and cool. Add 4 milliliters of 6*N* sodium hydroxide, then dilute with sterile 0.1*M* potassium phosphate buffer, pH 8.0, to obtain a concentration of the equivalent of 1 microgram of kanamycin per milliliter (estimated).

(v) *Preparation of test organism.* Use *Bacillus subtilis* (ATCC 6633)[1] prepared as described in § 436.103 of this chapter, using method 2.

(vi) *Preparation of plates.* Add 21 milliliters of the agar prepared as described in paragraph (b)(7) of this section to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates and allow to harden. Use the plates the same day they are prepared. Add 4.0 milliliters of the fresh daily inoculum described in paragraph (b)(7)(iv) of this section to each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface.

(vii) *Standard curve.* Prepare on the day of testing in 0.1M potassium phosphate buffer, pH 7.8 to 8.0, from the standard stock solution, sufficient volumes of the following concentrations: 0.64, 0.8, 1.0, 1.25, and 1.56 micrograms per milliliter. The 1.0 microgram-per-milliliter solution is the reference point of the standard curve. On each of three plates fill three cylinders with the 1.0 microgram-per-milliliter standard and the other three cylinders with the concentration under test. Thus, there will be thirty-six 1.0-microgram determinations for each of the other points on the curve. After the plates have incubated read the diameters of the circles of inhibition. Average the readings of the 1.0 microgram-per-milliliter concentration and the readings of the concentration test for each set of three plates and average also all 36 readings of the 1.0 microgram-per-milliliter concentration. The average of the 36 readings of the 1.0 microgram-per-milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram-per-milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8-microgram concentration, the average of the 36 readings of the 1.0 microgram-per-milliliter concentration is 16.5 millimeters and the average of the 1.0 microgram-per-milliliter concentration of this set of three plates is 16.3 millimeters, the correction is +0.2 millimeter. If the average readings of the 0.8 microgram-per-milliliter concentration of these same three plates is 15.9 millimeters, the corrected value is 16.1 millimeters. Plot these corrected values, including the average of the 1.0 microgram-per-milliliter concentration, on 2-cycle semilogarithmic paper, using the concentration in micrograms per milliliter as the ordinate and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L = \frac{3a + 2b + c - e}{5},$$

$$H = \frac{3e + 2d + c - a}{5},$$

where:

L = Calculated zone diameter for the lowest concentration of the standard curve;

H = Calculated zone diameter for the highest concentration of the standard curve;

c = Average zone diameter of 36 readings of the 1.0 microgram-per-milliliter standard;

a, b, d, e = Corrected average values for the 0.64, 0.8, 1.0, 1.25, and 1.56 micrograms-per-milliliter solutions, respectively.

Plot the values obtained for L and H and connect with a straight line.

(viii) *Assay.* Place six cylinders on the inoculated agar surface in each Petri dish prepared as described in paragraph (b)(7)(vi) of this section, so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 1.0 microgram-per-milliliter standard and three cylinders with the 1.0 microgram (estimated)-per-milliliter sample, alternating standard and sample. Incubate plates for 16 hours to 18 hours at 32° C. to 35° C., and measure the diameter of each circle of inhibition.

(ix) *Estimation of kanamycin B content.* Average the zone readings of the standard and average the zone readings of the sample on the three plates used. If the sample gives larger average zone size than the average of the standard, add the difference between them to the 1.0-microgram zone size of the standard curve. If the average value is lower than the standard value, subtract the difference between them from the 1.0-microgram value on the curve. From the curve, read the kanamycin potencies corresponding to these corrected values of zone sizes. Multiply the observed potency by 100 and divide by 126 to obtain a value representing the potency in terms of the milligram equivalent of kanamycin B. The calculated amount of kanamycin B is not more than 5 percent of the content of kanamycin found in paragraph (b)(1) of this section.

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 444.30a Sterile kanamycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Kanamycin sulfate is the sulfate salt of a kind of kanamycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency on an anhydrous basis is not less than 750 micrograms of kanamycin per milligram.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its loss on drying is not more than 4 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(vii) Its residue on ignition is not more than 1.0 percent.

(viii) It gives a positive identity test for kanamycin.

(ix) It contains not more than 5.0 percent kanamycin B.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, loss on drying, pH, residue on ignition, identity, crystallinity, and kanamycin B content.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 10 micrograms of kanamycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of kanamycin per milliliter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 10 milligrams per milliliter.

(7) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(8) *Identity.* Dissolve about 10 milligrams of kanamycin sulfate in 1 milliliter of water and add 1 milliliter of a 1:500 solution of triketohydrindene hydrate in normal butyl alcohol. Then add 0.5 milliliter of pyridine. Heat in a steam bath for 5 minutes and add 10 milliliters of water; a deep-purple color is produced.

(9) *Kanamycin B content.* Proceed as directed in § 444.30(b)(7).

(10) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 444.40 Neomycin palmitate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin palmitate is the palmitate salt of a kind of neomycin or a mixture of two or more such salts. It is so purified and dried that:

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(i) It has a potency of not less than 180 micrograms of neomycin per milligram.

(ii) Its moisture content is not more than 5 percent.

(iii) The pH of a solution containing 50 milligrams per milliliter in 80 percent methyl alcohol is not less than 6.5 and not more than 7.5.

(iv) It exhibits a positive identity test for neomycin and meets a specified melting range for palmitic acid which is derived from the palmitate salt.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter. Its expiration date is 12 months.

(3) *Requests for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, moisture, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.42a(b)(1)(i), except prepare the sample in the following manner: Blend an accurately weighed sample of approximately 30 milligrams in 19.0 milliliters of methyl alcohol plus 1.0 milliliter of polysorbate 80. Use a high-speed glass blender. Transfer dropwise a 1.0 milliliter aliquot into that volume of 0.1*M* potassium phosphate buffer, pH 8.0, which will give a final (estimated) concentration of 1.0 microgram of neomycin per milliliter.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, except prepare a solution containing 50 milligrams per milliliter in 80 percent methyl alcohol.

(4) *Identity*—(i) *Neomycin.* Add 1 gram of neomycin palmitate to 50 milliliters of methyl alcohol in a 100-milliliter beaker. Stir, and heat carefully to about 35° C. to dissolve. After the neomycin palmitate is in solution, carefully adjust the solution to pH 5.8±0.2 by the dropwise addition of sulfuric acid. Stir the solution while adding the acid. Allow to stand one-half hour. Filter off the precipitate and wash it with 5–8 milliliters of methyl alcohol. Save the entire methyl alcohol filtrate. Dry the precipitate thoroughly in an oven not exceeding 60° C. After drying, powder the material if necessary, transfer about 10 milligrams to a test tube (19 millimeters x 150 millimeters) and dissolve in 1 milliliter of water, and add 5 milliliters of 40 percent sulfuric acid solution. Heat in a boiling water bath 100 minutes. Allow to cool. Dilute to a volume of 25 milliliters with distilled water. Adjust a suitable recording ultraviolet spectrophotometer to zero absorbance from 220 mμ to 300 mμ, using an 8 percent sulfuric acid solution and 1-centimeter cells. Record the spectrum of the sample solution between these wavelengths. The ratio of the two absorbances $\frac{(A278)}{(A232)}$ should not be less than 1.20 and not more than 1.50.

(ii) *Palmitate.* Evaporate to dryness the methyl alcohol filtrate obtained from the procedure described in paragraph (b)(4)(i) of this section. Dry the solid in vacuum for 2 hours at 40° C. Determine the melting point of the dried material. The melting point is not less than 57.0° C. nor more than 61.0° C. This indicates the purity of palmitic acid derived from neomycin palmitate.

§ 444.42a Sterile neomycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate is the sulfate salt of a kind of neomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) It has a potency of not less than 600 micrograms of neomycin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It is nontoxic.

(v) Its moisture content is not more than 8.0 percent.

(vi) Its pH in an aqueous solution containing 33 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(vii) It gives a positive identity test for neomycin.

(2) *Packaging.* In addition to the requirements of § 432.1 of this chapter, each immediate container shall contain 0.35 gram of neomycin.

(3) *Labeling.* In addition to the requirements of § 432.5 of this chapter, if the drug is packaged for dispensing its labeling shall bear adequate warnings for its intramuscular or intraperitoneal use for hospitalized patients only, so as to provide constant supervision by a physician. The labeling shall bear the statement "Refrigerate solution". Its expiration date is 12 months.

(4) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug.

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods:

(i) *Plate assay using Staphylococcus epidermidis (ATCC 12228)*[1] (*a*) *Cylinders (cups).* Use cylinders described in § 440.80a(b)(1)(i) of this chapter.

(*b*) *Culture media.* Using ingredients that conform to the standards prescribed by the U.S.P. or N.F.:

(*1*) Make nutrient agar for carrying the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water q.s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(*2*) Make nutrient agar for the base and seed layers as described in paragraph (b)(1)(i)(*b*)(*1*) of this section, except that its pH after sterilization is 7.8 to 8.0.

In lieu of preparing the media from the individual ingredients specified in paragraph (b)(1)(i)(*b*) of this section, they may be made from a dehydrated mixture that, when reconstituted with distilled water, has the same composition as such media. Minor modification of the individual ingredients specified in paragraph (b)(1)(i)(*b*) of this section are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(*c*) *Working standard.* Dry a portion of the working standard for 3 hours at 60° C. and a pressure of 5 millimeters or less. Determine the dry weight, and dissolve in sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. When stored under refrigeration, the stock solution may be used for a period not exceeding 2 weeks.

(*d*) *Preparation of sample.* Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration; and also, if it is packaged for dispensing, reconstitute as directed in the labeling, remove an accurately measured representative portion with a suitable syringe fitted with a 22-gage needle; and dilute with sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Further dilute the stock solution with sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(*e*) *Preparation of test organism.* The test organism is *Staphylococcus epidermidis* (ATCC 12228),[1] which is maintained on slants of nutrient agar described in (b)(1)(i)(*b*)(*1*) of this section. Using 3 milliliters of U.S.P. saline T.S., wash the organism from the nutrient agar slant (which has been incubated for 24 hours at 32° C.–35° C.) onto a large nutrient agar surface such as that provided by a Roux bottle containing 300 milliliters of nutrient agar. Incubate for 24 hours at 32° C.–35° C. Wash the resulting growth from the nutrient surface, using 50 milliliters of sterile U.S.P. saline T.S. Adjust the volume of the suspension so that a 1:14 dilution will give 25 percent light transmission when measured with a suitable photoelectric colorimeter having a 580 mμ filter and a 13-millimeter diameter test tube as an absorption cell. By the use of test plates, determine the appropriate inoculum of the adjusted suspension (usually 0.1 milliliter) to be inoculated to each 100 milliliters of seed layer agar in order to obtain satisfactory zones of inhibition. The suspension may be used for 1 week if stored under refrigeration.

(*f*) *Preparation of plates.* Add 21 milliliters of the agar prepared as described in paragraph (b)(1)(i)(*b*)(*2*) of this section to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates and allow to harden on a level surface. Accurately measure a sufficient quantity of the nutrient agar, cool to 48° C., and add the appropriate inoculum of the adjusted suspension, prepared as described in paragraph (b)(1)(i)(*e*) of this section. Swirl the inoculated nutrient agar to obtain a homogeneous suspension, and add 4 milliliters to each of the plates containing the 21 milliliters of uninoculated nutrient agar. Tilt the plates back and forth to spread the inoculated nutrient agar evenly, and allow to harden on a level surface. After the agar has hardened, place six cylinders described in paragraph (b)(1)(i)(*a*) of this section on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use the plates the same day they are prepared.

(*g*) *Standard curve.* Using the stock solution of the working standard prepared as described in paragraph (b)(1)(i)(*c*) of this section, prepare solutions in 0.1*M* potassium phosphate buffer pH 8.0 of the following concentrations: 0.64, 0.8, 1.0, 1.25, 1.56 micrograms of neomycin per milliliter. The 1.0 microgram per milliliter concentration is the reference concentration of the assay. Use a total of 12 plates, three plates for each solution except the reference point solution which is included on each plate. On each of the three plates, fill three cylinders with the reference point solution and the other three cylinders with the concentrations under test. Thus, there will be 36 reference point determinations and nine determinations for each of the other points on the curve. After the plates have incubated, read the diameters of the circles of inhibition. Average the readings of the reference point concentration and the readings of the point tested for each set of three plates and average also all 36 readings of the reference point concentration. The average of the 36 readings of the reference point concentration is the correction point of the curve. Correct the average value obtained for each point to the figure it would be if the reference point reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8-microgram concentration, the average of the 36 readings of the 1.0 microgram per milliliter (reference point) concentration is 16.5 millimeters and the average of the 1.0 microgram per milliliter concentration of the set of three plates (the 0.8 microgram per milliliter set) is 16.2 millimeters, the correction is +0.2 millimeter. If the average readings of the 0.8 microgram per milliliter concentration of these same three plates is 15.9 millimeters, the corrected value is then 16.1 millimeters. Plot these corrected values, including the average of the 1.0 microgram per milliliter concentration, on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points either by inspection or by means of the following equations:

$$H=\frac{3a+2b+c-e}{5},$$

$$L=\frac{3e+2d+c-a}{5},$$

where:

L=Calculated zone diameter for the lowest concentration of the standard curve;

H=Calculated zone diameter for the highest concentration of the standard curve;

c=Average zone diameter of 36 readings of the reference point standard solution;

a, *b*, *d*, *e*=Corrected average values for the other standard solutions, lowest to highest concentrations, respectively.

(*h*) *Assay procedure.* Use three plates for each sample. Fill three cylinders on each plate with the standard and three cylinders with the sample, which has been diluted to the reference concentration, alternating standard and sample. Incubate the plates for 16 hours to 18 hours at 32° C.–35° C., and then measure the diameter of each zone of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the reference point zone of the standard curve. If the average value is lower than the standard value, subtract the difference between them from the reference point value on the curve. From the curve, read the potencies corresponding to these corrected values of zone sizes.

(ii) *Plate assay using Staphylococcus aureus (ATCC 6538P)*[1] Proceed as directed in paragraph (b)(1)(i) of this section, except that the reference concentration of the sample under test is 10.0 micrograms of neomycin per milliliter; the concentrations of the standard curve solutions are 6.4, 8.0, 10.0, 12.5, 15.6 micrograms of neomycin per milliliter; and the suspension of the test organism, *Staphylococcus aureus* (ATCC 6538P),[1] is adjusted so that a 1:19 dilution will give 25 percent light transmission and the usual inoculum for each 100 milliliters of agar for the seed layer is 0.2 milliliter of the diluted suspension.

If it is packaged for dispensing, its content of neomycin is not less than 90 percent and not more than 120 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b)(3) of this chapter, using a test dose of 1.0 milliliter per kilogram of a solution containing 10 milligrams of neomycin per milliliter in pyrogen-free, sterile U.S.P. saline T.S.

(4) *Toxicity.* Proceed as directed in § 440.80a(b)(4) of this chapter, using 0.5 milliliter of a solution containing 200 micrograms of neomycin per milliliter in sterile U.S.P. saline T.S.

(5) *Moisture.* In an atmosphere of about 10 percent relative humidity, transfer about 100 milligrams of the finely powdered sample to a tared weighing bottle equipped with ground-glass top and stopper. Weigh the bottle and place it in a vacuum oven, tilting the stopper on its side so that there is no closure during the drying period. Dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours. At the end of the drying period, fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel. Replace the stopper and place the weighing bottle in a desiccator over a desiccating agent such as phosphorus pentoxide or silica gel, allow to cool to room temperature, and reweigh. Calculate the percent loss.

(6) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using a solution containing 33 milligrams of neomycin per milliliter.

(7) *Identity*—(i) *Reagents.* (*a*) Sulfuric acid solution: Mix concentrated sulfuric acid and distilled water in volumetric proportions of 40:60.

(*b*) Xylene.

(*c*) *p*-Bromoaniline: (Prepare and store this reagent in brown, nonactinic glassware.) Place 380 milliliters of thiourea saturated glacial acetic acid solution in the bottle, add 10 milliliters of 20 percent sodium chloride solution. 5 milliliters of 5 percent oxalic acid solution, and 5 milliliters of 10 percent disodium phosphate solution, and mix well. Add 8 grams of *p*-bromoaniline and mix well. Let this reagent stand overnight before use. Prepare the reagent once weekly.

(ii) *Procedure.* Place about 10 milligrams of the sample into a test tube (19 millimeters x 150 millimeters), dissolve with 1 milliliter of water, and then carefully add 5 milliliters of the sulfuric acid solution. Heat in a boiling water bath for 100 minutes. Cool to room temperature. Add 10 milliliters of xylene to the test tube. Stopper the tube and shake vigorously for about 1 minute. Let the two layers separate and then decant the xylene layer into a second test tube. Add 10 milliliters of the *p*-bromoaniline reagent to the xylene solution, shake, and let stand. The development of a vivid pink-red color is a positive identity test for neomycin.

EDITORIAL NOTE: § 444.42b (formerly § 1481.31) was revoked at 37 FR 25820,

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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Dec. 5, 1972, to become effective in 40 days. Objections and a request for hearing were received by the Commissioner of Food and Drugs.

Pending a review of the objections, the Commissioner has determined that the effective date of the revocation should be postponed. See 38 FR 7007, Mar. 15, 1973. For convenience of the user the revoked section is set forth below in its entirety.

§ 444.42b Neomycin sulfate (commercial grade).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate (commercial grade) is the sulfate salt of a kind of neomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 400 micrograms of neomycin per milligram on the anhydrous basis.

(ii) It passes the toxicity test.

(iii) Its moisture content is not more than 8.0 percent.

(iv) Its pH in an aqueous solution containing 33 milligrams of neomycin sulfate commercial grade per milliliter is not less than 4.0 and not more than 7.5.

(v) It gives a positive identity test for neomycin sulfate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.42a(b)(1).

(2) *Toxicity.* Proceed as directed in § 444.42a(b)(4).

(3) *Moisture.* Proceed as directed in § 444.42a(b)(5).

(4) *pH.* Proceed as directed in § 444.42a(b)(6).

(5) *Identity.* Proceed as directed in § 444.42a(b)(7).

§ 444.44 Neomycin undecylenate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin undecylenate is the undecylenate salt of a kind of neomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) It contains not less than 300 micrograms of neomycin per milligram, calculated on an anhydrous basis.

(ii) It contains not less than 600 micrograms of undecylenic acid per milligram, calculated on an anhydrous basis.

(iii) Its moisture content is not more than 5.0 percent.

(iv) The pH of a solution containing 50 milligrams per milliliter in 80 percent methyl alcohol is not less than 6.5 and not more than 7.0.

(v) It gives a positive identity test for neomycin undecylenate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency of neomycin and undecylenic acid, moisture, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.42a(b)(1)(i), except prepare the sample for assay as follows: Accurately weigh aproximately 500 milligrams of neomycin undecylenate, transfer to a 250-milliliter volumetric flask, add 50 milliliters of chloroform, and mix well. Adjust to volume with 95 percent ethyl alcohol, and mix well. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0, to the reference concentration of 1.0 microgram of neomycin per milliliter.

(ii) *Undecylenic acid content*—(a) *Reagents*—(*1*) *Alcohol.* Use 95 percent ethyl alcohol (aldehyde-free).

(*2*) *Phenolphthalein indicator.* Dissolve 1 gram of phenolphthalein in 100 milliliters of alcohol.

(*3*) *Alcoholic sodium hydroxide (about 0.1N).* Prepare alcoholic sodium hydroxide solution as follows: Weigh rapidly about 5 grams of sodium hydroxide pellets, dissolve in 10 milliliters of water, and add sufficient alcohol to make 1,000 milliliters. Allow the solution to stand in a tightly stoppered bottle protected from light for 24 hours. Then quickly decant the clear supernatant liquid into a suitable tight container and store protected from light. Determine the undecylenic acid equivalent of this solution each time an assay is performed.

(*b*) *Procedure.* Weigh accurately two 100-milligram portions of undecylenic acid (N.F. grade) and place each into separate Erlenmeyer flasks. Also make two accurate weighings of the neomycin undecylenate sample, each consisting of about 120 milligrams, and place each into separate Erlenmeyer flasks. Carefully dissolve each weighing in 10 milliliters of alcohol. Add two drops of phenolphthalein indicator and titrate to the endpoint. Determine the amount of alcoholic sodium hydroxide equivalent to 10 milliliters of alcohol and make this reagent-blank correction for each titration. Determine the undecylenic acid equivalent of the alcoholic sodium hydroxide, and calculate the undecylenic acid content of the neomycin undecylenate sample.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *pH.* Proceed as directed in §440.80a(b)(5)(ii) of this chapter, except use a solution containing 50 milligrams per milliliter in 80 percent methyl alcohol.

(4) *Identity.* Weigh approximately 1 milligram of neomycin undecylenate and mix thoroughly with 200 milligrams of dried infrared spectrophotometric quality potassium bromide in a small ball mill for about 1 minute. Prepare a potassium bromide disc by transferring the uniform mixture to a die of suitable size. Evacuate gradually while raising the pressure to 3,000 pounds per square inch. Hold at 3,000 pounds per square inch until evacuation is complete and then raise the pressure to 20,000 pounds per square inch. Hold this pressure for 2 or 3 minutes. Using a suitable infrared spectrophotometer, run the spectrum from 2 μ to 16 μ. Use an attenuator if necessary. Characteristic undecylenic acid peak absorbances occur at 7.1 and 11 μ distinguishing neomycin undecylenate from neomycin sulfate.

§ 444.50 Paromomycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Paromomycin sulfate is the sulfate salt of a kind of paromomycin or a mixture of two or more such salts. It is a creamy-white to light-yellow powder. It is so purified and dried that:

(i) Its potency is not less than 675 micrograms per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 5.0 percent.

(iv) The pH of a 3.0 percent aqueous solution is not less than 5.0 and not more than 7.5.

(v) Its specific rotation at 25° C. in water is not less than +50° and not more than +55° on an anhydrous basis.

(vi) Its residue on ignition is not more than 2.0 percent.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, specific rotation, and residue on ignition.

(ii) Samples of the batch: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 1.0 microgram of paromomycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a 3.0 percent aqueous solution.

(5) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample into a 25-milliliter volumetric flask. Dissolve in a few milliliters of water, add water to volume, and mix. Proceed as directed in § 436.210 of this chapter, using a 2.0-decimeter polarimeter tube. Calculate the specific rotation on an anhydrous basis.

(6) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

§ 444.70a Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin hydrochloride is the hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin phosphate is the phosphate salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin trihydrochloride calcium chloride is the double salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug is so purified and dried that:

(i) Its potency is not less than 650 micrograms per milligram;

(ii) It is sterile;

(iii) It is nontoxic;

(iv) It is nonpyrogenic;

(v) It contains no histamine or histamine-like substances;

(vi) Its moisture content is not more than 5.0 percent;

(vii) Its pH in aqueous solution of 0.2 gram per millimeter is not less than 4.5 and not more than 7.0.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain 0.5 gram, 1.0 gram, 2.0 grams, 3.0 grams, 4.0 grams, 5.0 grams, or 10.0 grams, and each may be packaged in combination with a container of the solvent water for injection U. S. P., dextrose injection 5 percent U. S. P. or physiological salt solution U.S.P.

(3) *Labeling*—(i) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container, the statement, "Expiration date _____", the blank being filled in with the date that is 48 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such a period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(b) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, the conditions under which such solutions should be stored, including the statement, "Sterile solutions may be stored at room temperature for 4 weeks without significant loss of potency".

(ii) *It is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(a) The potency per gram and the number of grams in the immediate container.

(b) The statement "Caution: Federal law prohibits dispensing without prescription".

(c) The statement "For manufacturing use", "For repacking", or "For manufacturing use or repacking".

(d) The information required by paragraph (a)(3)(i)(a) of this section.

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of grams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content (except that if the batch is packaged for dispensing, the result of this test performed on the streptomycin sulfate used in filling the batch may be submitted instead), moisture, pH, and identity. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(a) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(iii) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(a) For all tests except sterility: 10 packages.

(b) For sterility testing: 20 packages. Each such package shall contain approximately 0.5 gram taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iv) In connection with contemplated requests for certification of repackaged batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by paragraph (a)(3) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described under § 440.80a(b)(1)(i) of this chapter.

(ii) *Culture media.* Using ingredients that conform to the standards prescribed by the U.S.P. or N.F., make nutrient agar for the seed and base layers:

Beef extract	1.5 gm.
Yeast extract	3.0 gm.
Peptone	6.0 gm.
Agar	15.0 gm.
Distilled water q. s	1,000.0 ml.

pH 7.8 to 8.0 after sterilization.

(iii) *Working standard.* Keep the working standard (obtained from the Food and Drug Administration) at —20° C. in tightly stoppered containers which in turn are kept in larger stoppered vials containing a suitable desiccant. Dry an appropriate amount of the working standard as described in § 440.80a(b)(5)(i) of this chapter. Dissolve the weight of the dry working standard obtained in distilled water. Keep this stock solution in a refrigerator. Do not use it later than 30 days after it is made.

(iv) *Standard curve.* Prepare daily in 0.10*M* potassium phosphate buffer, pH 8.0, from the stock solution described in paragraph (b)(1)(iii) of this section, concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 micrograms per milliliter solution. A total of 12 plates is used in the preparation of the standard curve, three plates for each solution except the 1.0 microgram per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 1.0 microgram per milliliter standard and the other three cylinders with the concentration under test. Thus there will be thirty-six 1-microgram determinations and nine determinations for each of the other points on the curve. After the plates have incubated, read the diameters of the circles of inhibition. Average the readings of the 1.0 microgram per milliliter concentration and the readings of the point tested for each set of three plates and averages also all 36 readings of the 1.0 microgram per milliliter concentration. The average

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of the 36 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8-unit concentration, the average of the 36 readings of the 1.0 microgram per milliliter concentration is 16.5 millimeters and the average of the 1.0 microgram per milliliter concentration of this set of three plates is 16.3 millimeters, the correction is 0.2 millimeter. If the average readings of the 0.8 microgram per milliliter concentration of these same there plates is 15.9 millimeters, the corrected value is then 16.1 millimeters. Plot these corrected values, including the average of the 1.0 microgram per milliliter concentration, on 2-cycle semilog paper using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by the equations in § 440.80a(b)(1)(viii) of this chapter. The five points selected to determine the curve are arbitrary (they should be equally spaced) and should be so chosen that the limits of the curve will fill the needs of the laboratory. However, the potency of the sample under test should fall in the interval of from 64 percent to 156 percent of the correction point of the standard curve.

(v) *Preparation of sample.* Dissolve the sample to be tested in sufficient 0.1 *M* potassium phosphate buffer, pH 8.0, to make a convenient stock solution. Further dilute in buffer to a final concentration of 1.0 microgram per milliliter (estimated). Use this last dilution in the assay for potency.

(vi) *Preparation of suspensions—(a) Preparation of spore suspensions.* The test organism is *Bacillus subtilis* (American Type Culture Collection 6633).[1] Maintain the test organism on nutrient agar prepared as described in § 440.80a(b)(1)(ii)(*a*) of this chapter. Prepare a spore suspension by one of the following methods:

(*1*) Grow the organism for 1 week at 37° C. in a number of Roux bottles each containing 300 milliliters of nutrient agar prepared as described in § 440.80a(b)(1)(ii)(*a*) of this chapter. Suspend the spores in sterile distilled water and heat for 30 minutes at 65° C. Wash the spore suspension three times with sterile distilled water, heat again for 30 minutes at 65° C. and resuspend in sterile distilled water; or

(2) Grow the organism for 5 days at 37° C. in a Roux bottle containing 300 milliliters of agar medium described in § 440.80a(b)(1)(ii)(*a*) of this chapter, but modified by the addition of 300 milligrams of $MnSO_4 \cdot H_2O$ per liter. Suspend the growth in 50 milliliters of sterile isotonic saline solution, centrifuge, and decant the supernatant liquid. Reconstitute the sediment and heat-shock the suspension by heating for 30 minutes at 70° C. Maintain the spore suspension at approximately 15° C. Determine by appropriate tests the quantity of spore suspension to be added to each 100 milliliters of agar for the secondary layer that will give sharp, clear zones of inhibition.

(*b*) *Preparation of vegetative suspension.* If a suspension of the test organism is to be used in lieu of the spore suspensions described in paragraph (b)(1)(vi)(*a*) of this section, prepare such suspension as follows: Using 2.0 milliliters of sterile distilled water, wash the organism from an agar slant (which has been incubated for 24 hours at 37° C.) onto the agar surface of a Roux bottle containing 300 milliliters of nutrient agar prepared as described in § 440.80a(b)(1)(ii)(*a*) of this chapter. Incubate for 24 hours at 37° C. Suspend the resultant growth in 50 milliliters of sterile distilled water and homogenize the suspension. Determine by appropriate tests the quantity of the vegetative suspension to be added to each 100 milliliters of agar for the secondary layer that will give sharp, clear zones of inhibition.

(vii) *Preparation of plates.* Add 21 milliliters of agar described in paragraph (b)(1)(ii) of this section to each Petri dish (20 by 100 millimeters). Melt the agar to be used for the secondary layer, cool to 55° to 60° C. and add the spore suspension prepared in paragraph (b)(1)(vi) of this section. Mix thoroughly and add 4 milliliters to each of the plates containing the 21 milliliters of the uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly over the surface.

(viii) *Plate assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on 2.8-centimeter radius. Use three plates for each sample. Full three cylinders on each plate with the 1.0 mcg./ml. standard and three cylinders with the 1.0 mcg./ml. (estimated) sample, alternating standard and sample. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each circle of inhibition.

(ix) *Estimation of potency.* Average the zone readings of the standard and average the zone readings of the sample on the three plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0 microgram zone size of the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 microgram value on the curve. From the curve read the potencies corresponding to these corrected values of zone sizes.

(x) *Turbidimetric assay.* In lieu of the plate-assay method described in paragraph (b)(1)(viii) of this section, the sample may be assayed for potency by the following method:

(*a*) Employ the agar described in paragraph (b)(1)(ii) of this section (adjusted to a final pH of 7.0) for maintaining the test organism, which is *Klebsiella pneumoniae* (ATCC 10031),[1] noncapsulated. Transfer stock cultures every week for test purposes. Transfer the organism to fresh agar slants and incubate overnight at 37° C. Suspend the growth from two or three of these slants in sterile distilled water and add approximately 5 milliliters of culture suspension to each of two Roux bottles containing the agar described in paragraph (b)(1)(ii) of this section. Incubate the bottles overnight at 37° C., harvest the growth, using 50 milliliters of sterile distilled water per bottle, and pool the washings from the two bottles. Determine the dilution with water that will give a light transmission reading of 65 percent, using a filter of 6,500 Angstrom units in a photoelectric colorimeter. Keep the resulting suspension of organisms in the refrigerator and use for a period of not to exceed 1 week. Prepare a daily inoculum by adding 6.0 milliliters of the diluted suspension to each 100 milliliters of the nutrient broth prepared as directed in § 440.80a(b)(1)(ii)(c) of this chapter, cooled to a temperature of approximately 15° C.

(*b*) *Working standard solutions.* Prepare the daily standard curve by diluting the stock solution described in paragraph (b)(1)(iii) of this section in sterile distilled water to the following final concentrations: 23.9, 26.8, 30.0, 33.6 and 37.6 micrograms per milliliter. Add 1 milliliter of each final dilution to each of three tubes having an outside dimension of 16 millimeters x 125 millimeters. Add 9 milliliters of inoculated broth described in paragraph (b)(1)(x)(*a*) of this section, to each tube and immediately place in a 37° C. water bath for 3 to 4 hours. After incubation, remove the tubes and add 0.5 milliliter of 12 percent formaldehyde to each tube.

(*c*) *Preparation of sample.* Dissolve the sample under test in sterile distilled water to prepare a convenient stock solution. Further dilute this stock solution in sterile distilled water to a final concentration of 30 micrograms per milliliter. Add 1 milliliter of this final concentration to each of three 16 millimeters x 125 millimeters tubes (outside dimensions). Add 9 milliliters of the inoculated broth described in paragraph (b)(1)(x)(*a*) of this section to each tube and immediately place in a 37° C. water bath for 3 to 4 hours. (The sample tubes are placed in the water bath at the same time as the standard tubes.) After incubation, remove all tubes (sample and standard) and add 0.5 milliliter of 12 percent formaldehyde to each tube. Read the absorbance values of all tubes in a suitable photo-electric colorimeter, using a wavelength of 530 mμ. Set the instrument at zero absorbance, using clear, uninoculated broth prepared as described in § 440.80a(b)(1)(ii)(c) of this chapter.

(*d*) *Estimation of potency.* Plot the average values for each concentration of the standard on 1-cycle semilogarithmic paper with absorbance on the arithmetic scale and concentrations on the logarithmic scale. Construct the best straight line through the points, either by inspection or by means of the equations described in § 436.515(a)(1)(v) of this chapter. Average the absorbance values for the sample and read the streptomycin concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the streptomycin content of the sample tested.

(xi) *Potency.* The potency of streptomycin is satisfactory, when assayed by the methods described in this section, if the immediate containers contain 90 percent of the number of grams they are represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Toxicity.* Proceed as directed in § 440.80a(b)(4) of this chapter, using as a test dose 0.5 milliliter of a solution containing 2 mg./ml.

(4) *Pyrogens.* Proceed as directed § 440.80a(b)(3) of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 10 mg./ml.

(5) *Histamine.* Use a healthy adult cat as the test animal. Determine weight and place under general anesthesia by intraperitoneal injection of any suitable medium- or long-acting anesthetic which does not unduly affect the level or stability of the blood pressure. Surgically expose the common carotid artery, separating it completely from all surrounding structures, including the vagus nerve, by blunt dissection. Cannulate for direct blood pressure measurement. Surgically expose the femoral vein. Start the recording kymograph and inspect the tracings for amplitude of excursion and relative stability of pressure. Determine the sensitivity of the animal by injecting into the femoral vein standard solutions of histamine made to contain the equivalent of 1.0 microgram of histamine base per milliliter. Make injections at not less than 5-minute intervals using doses of 0.05, 0.1, and 0.15 microgram of histamine base per kilogram. Repeat these injections, disregarding the first series of readings, until the drop given by equivalent doses of histamine is relatively uniform. The fall in blood pressure given by 0.1 mcg./kg. of histamine base (not less than 20 millimeters of mercury) is subsequently employed as the standard in testing samples. The histamine standard is supplied on request. Inject 3 mg./kg. of the sample of streptomycin per milliliter maintaining the 5-minute injection schedule. If a significant drop is encountered the dose is repeated after the animal has been retested with the standard histamine. The animal may be used as long as it remains reasonably stable and responsive to histamine. The product is satisfactory if the fall in blood pressure obtained with 3 milligrams of streptomycin per kilogram of body weight is no greater than the fall obtained with 0.1 microgram of histamine base per kilogram of body weight. (Dogs may be substituted for cats in this test provided the ratio of the doses of streptomycin and histamine employed is the same.)

(6) *Moisture, pH, and identity*—(i) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(ii) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using a solution with a concentration of 0.2 gm./ml.

(iii) *Identity.* Using distilled water, dilute the sample to be tested to a concentration of approximately 1,000 micrograms per milliliter. To 5.0 milliliters of this solution, add 2.0 milliliters of 1*N* NaOH and heat in a boiling water bath for 10 minutes. Cool in ice water for 3 minutes and then acidify the solution by adding 2.0 milliliters of 1.2*N* HCl. Add 5.0 milliliters of 0.25 percent ferric chloride reagent, prepared as directed in § 444.10a(b)(2)(i). A violet color appears.

§ 444.72a Sterile streptonicozid sulfate.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Streptonicozid sulfate is the crystalline sulfate compound of streptomycin and isonicotinic acid hydrazide. It is so purified and dried that:

(i) It contains not less than the equivalent of 583 micrograms of streptomycin per milligram and its isonicotinic acid hydrazide equivalent content is not less than 13.75 percent.

(ii) It is sterile.

(iii) It is nontoxic.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substance.

(vi) Its moisture content is not more than 5 percent.

(vii) Its pH in an aqueous solution containing the equivalent of 0.2 gram of streptomycin per milliliter is not less than 4.5 and not more than 7.5.

(viii) Its absorptivity (1%, 1 cm.) is not less than 150 at 260 millimicrons.

The streptomycin used conforms to the requirements of § 444.70a(a)(1). The isonicotinic acid hydrazide used has a purity of not less than 98 percent and it has a melting point of not less than 169° C. and not more than 172° C.

(2) *Packaging.* It shall be packaged in accordance with the requirements of § 444.70a(a)(2), except that each immediate container shall contain the equivalent of not less than 1.0 gram of streptomycin.

(3) *Labeling.* In addition to the labeling requirements of § 444.70a(a)(3)(i) each package shall bear on the outside wrapper or container and the immediate container the number of grams of equivalent streptomycin activity, the equivalent number of grams of isonicotinic acid hydrazide, and the number of grams of streptonicozid sulfate in the immediate container.

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of grams of streptomycin, isonicotinic acid hydrazide, and streptonicozid sulfate in each package and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, moisture, pH, crystallinity, and absorptivity. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) If such batch is packaged for dispensing, such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than six immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal:

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(iii) If such batch is packaged for repacking or for use in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: six packages, each containing the equivalent of approximately 1 gram of streptomycin activity.

(*b*) For sterility testing: 20 packages, each containing approximately 0.3 gram. Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iv) In connection with contemplated requests for certification of repackaged batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of the batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by paragraph (a)(4)(iii) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted tests and results of assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Streptomycin content.* Dilute the sample with hydrochloric acid solution pH 1.5 to 1,000 micrograms per milliliter (estimated streptomycin activity). Heat at 50° C. for 30 minutes, cool rapidly and proceed as directed in

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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§ 444.70a(b)(1). The streptomycin potency of streptonicozid sulfate is satisfactory if the immediate containers contain 90 percent of the streptomycin activity they are represented to contain.

(ii) *Isonicotinic acid hydrazide content*—(*a*) *Reagents.* (*1*) 0.1*N* $KBrO_3$-KBr solution: Dissolve 3 grams of $KBrO_3$ and 15 grams of KBr in sufficient water to make 1,000 milliliters.

(*2*) Concentrated hydrochloric acid.

(*3*) 20-percent potassium iodide solution.

(*4*) 0.05*N* $Na_2S_2O_3$ (accurately standardized against KIO_3).

(*b*) *Preparation of sample.* Place an accurately weighed sample of approximately 250 milligrams or an aliquot of a solution containing 250 milligrams of streptonicozid sulate into a 250-milliliter iodine flask. Add sufficient water to give a volume of 25 milliliters.

(*c*) *Blank.* Add 25 milliliters of distilled water in a 250-milliliter iodine flask.

(*d*) *Procedure.* To each iodine flask containing the sample and blank, add 25 milliliters of 0.1*N* $KBrO_3$-KBr solution and 5 milliliters of concentrated HCl. Stopper the flasks, and place distilled water in the wells around the stopper. Allow the flasks to stand for 15 minutes at room temperature, and then add 5 milliliters of 20-percent potassium iodide solution to each flask. Titrate the liberated iodine with 0.05*N* $Na_2S_2O_3$, using starch as an indicator.

(*e*) *Calculations.*

$$\text{Percent isonicotine acid hydrazide} = \frac{(B-S)\times N\times 3.429}{W}$$

where:

B = milliliters of $Na_2S_2O_3$ required for the blank.

S = milliliters of $Na_2S_2O_3$ required for the sample.

N = normality of the $Na_2S_2O_3$.

W = milligrams of sample.

(*2*) *Absorptivity.* Accurately weigh approximately 100 milligrams of the sample; dissolve in distilled water, and make to 100 milliliters. Dilute a 5-milliliter aliquot of this solution to 100 milliliters, allow to stand at room temperature for 15 minutes, and, using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at 260 mμ compared with distilled water as a blank.

$$\text{Absorptivity (1\%, 1 cm.)} = \frac{\text{Absorbance at 260 m}\mu\times 20{,}000}{\text{Milligrams of sample}}.$$

(*3*) *Toxicity.* Proceed as directed under § 440.80a(b)(4) of this chapter, using as a test dose 0.5 milliliter of a solution containing 1,000 micrograms of streptomycin activity per milliliter.

(*4*) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(*5*) *Pyrogens, histamine, moisture, pH, and crystallinity.* Proceed as directed under §§ 444.70a(b) (4), (5), and (6), and 440.80a(b)(5)(iii) of this chapter.

Subpart B—Oral Dosage Forms

§ 444.130 Kanamycin sulfate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Kanamycin sulfate capsules are composed of crystalline kanamycin sulfate, with or without one or more suitable and harmless buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings, enclosed in gelatin capsules. Each capsule contains 500 milligrams of kanamycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of kanamycin that it is represented to contain. The loss on drying is not more than 4.0 percent. The crystalline kanamycin sulfate used conforms to the standards prescribed by § 444.30(a)(1).

(*2*) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(*3*) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The kanamycin sulfate used in making the batch for potency, safety, loss on drying, pH, residue on ignition, identity, kanamycin B content, and crystallinity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) Kanamycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: Minimum of 30 capsules.

(*b*) *Tests and methods of assay*—(*1*) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient sterile distilled water to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with sterile distilled water to the reference concentration of 10 micrograms of kanamycin per milliliter (estimated).

(*2*) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 444.142 Neomycin sulfate oral dosage forms.

§ 444.142a Neomycin sulfate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate tablets are tablets composed of neomycin sulfate with one or more suitable and harmless binders, and with or without one or more suitable and harmless fillers, buffers, lubricants, and colorings. Each tablet contains 150 milligrams, 175 milligrams, or 350 milligrams of neomycin. The moisture content is not more than 10.0 percent. Tablets shall disintegrate within 1 hour. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (iv), (v), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(*2*) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(*3*) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, moisture, PH, and identity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except disintegration time: Minimum 30 tablets.

(*2*) For disintegration time: Six tablets.

(*c*) In the case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(*b*) *Tests and methods of assay*—(*1*) *Potency.* Proceed as directed in § 444.42a(b)(1), except prepare the sample as follows: Place a representative number of tablets into a high-speed glass blender, add a sufficient quantity of 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute in 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. Its neomycin content is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(*2*) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(*3*) *Disintegration time.* Proceed as directed in § 440.180a(b)(3) of this chapter.

§ 444.142b Neomycin sulfate oral solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate oral solution is neomycin sulfate with or without one or more suitable and harmless flavorings, colorings, and preservatives in an aqueous vehicle. Each milliliter contains 17.5 milligrams of neomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain. Its pH is not less than 5.0 and not more than 7.5. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (iv), (v), (vi), and (vii).

(*2*) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(*3*) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, moisture, pH, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(*b*) *Tests and methods of assay*—(*1*) *Potency.* Proceed as directed in § 436.105 of this chapter, except prepare the sample as follows: Remove an accurately measured representative portion with a suitable syringe, and dilute with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(*2*) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

§ 444.150 Paromomycin sulfate oral dosage forms.

§ 444.150a Paromomycin sulfate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Paromomycin sulfate capsules are paromomycin sulfate enclosed in a suitable and harmless gelatin capsule. Each capsule contains 250 milligrams of paromomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of paromomycin that it is represented to contain. The loss on drying is not more than 7.0 percent. The paromomycin sulfate used conforms to the standards prescribed therefor by § 444.50(a)(1).

(*2*) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(*3*) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The paromomycin sulfate used in making the batch for potency, safety, loss on drying, pH, specific rotation, and residue on ignition.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The paromomycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(*b*) *Tests and methods of assay*—(*1*) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules for 3 to 5 minutes in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 1.0 microgram of paromomycin per milliliter (estimated).

(*2*) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 444.150b Paromomycin sulfate sirup.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Paromomycin sulfate sirup contains the equivalent of 25 milligrams of paromomycin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of paromomycin that it is represented to contain. It may contain one or more suitable and harmless solvents, flavorings, colorings, preservatives, and buffers in water. Its pH is not less than 7.5 and not more than 8.5. The paromomycin sulfate used conforms to the requirements of § 444.50(a)(1)(i), (ii), (iv), (v), and (vi).

(*2*) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(*3*) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays for:

(*a*) The paromomycin sulfate used in making the batch for potency, safety, pH, specific rotation, and residue on ignition.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The paromomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(*b*) *Tests and methods of assay*—(*1*) *Potency.* Proceed as directed § 436.105 of this chapter, preparing the sample for assay as follows: Remove an appropriate aliquot of the sirup and transfer to an appropriate-sized volumetric flask. Dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and mix well. Further dilute with solution 3 to the reference concentration of 1.0 microgram of paromomycin per milliliter (estimated).

(*2*) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

§ 444.170a Streptomycin-polymyxin-bacitracin tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin-polymyxin-bacitracin tablets are tablets composed of streptomycin, polymyxin B, and bacitracin, with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 250 milligrams of streptomycin, 200,000 units of polymyxin B, and 5,000 units of bacitracin. Its moisture content is not more than 3 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. The streptomycin used conforms to the standards prescribed therefor by § 444.70a(a)(1), except § 444.70a(a)(1)(ii), (iv), and (v). The polymyxin used is produced by the growth of *Bacillus polymyxa*, has a potency of not less than 3,000 units per milligram, and is nontoxic. The bacitracin used conforms to the standards prescribed therefor by § 448.10a(a)(1) of this chapter, except § 448.10a(a)(1)(ii), (iv), and (viii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(*2*) *Packaging.* Unless each tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(*3*) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement, "Expiration date ----------", the blank being filled in with the date that is 18 months after the month during which the batch was certified.

(*4*) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of streptomycin-polymyxin-bactracin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the streptomycin, polymyxin, and bacitracin used in making such batch were completed, the potency of each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of;

(*a*) The batch: Average potency per tablet, average moisture, and if required

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by paragraph (a) (1) of this section, disintegration time.

(b) The streptomycin used in making the batch; potency, toxicity, moisture, and pH.

(c) The polymyxin used in making the batch; potency and toxicity.

(d) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(iii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(a) The batch:

(1) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(2) For disintegration time: 6 tablets.

(b) The streptomycin used in making the batch; five packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 444.70a (a) (2).

(c) The polymyxin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

(d) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 448.10a(a) (2) of this chapter.

(e) In case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5 grams.

(iv) No result referred to in paragraph (a) (4) (ii) (b), (c), and (d) of this section, and no sample referred to in paragraph (a) (4) (iii) (b), (c), and (d) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Tablets*—(i) *Potency*—(a) *Streptomycin content.* Using 12 tablets, proceed as directed in § 141b.109(a) (1) of this chapter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Polymyxin content.* Using 12 additional tablets, proceed as directed in paragraph (b) (2) of this section. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that is is represented to contain.

(c) *Bacitracin content.* Proceed as directed in § 448.110a(b) (1) of this chapter, except use the test organism and prepare the standard curve as directed in § 436.505(a) (2) (ii) of this chapter. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(ii) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) of this chapter.

(iii) *Disintegration time.* Proceed as directed in § 440.180a(b) (3) of this chapter.

(2) *Polymyxin used in making the tablets*—(i) *Potency*—(a) *Cylinders (cups).* Use cylinder described under § 440.80a(b) (1) (i) of this chapter.

(b) *Culture medium.* Using ingredients that conform to the standards prescribed, if any, by the U.S.P. or N.F., make nutrient agar for the seed and base layers:

(1) *Base layer.*

Pancreatic digest of casein	17.0 gm.
Papaic digest of soybean	3.0 gm.
Sodium chloride	5.0 gm.
Dipotassium phosphate	2.5 gm.
Dextrose	2.5 gm.
Agar	20.0 gm.
Distilled water, q. s.	1,000.0 ml.
Final pH	7.8.

(2) *Seed layer.* For seed layer make the following changes in the medium described in paragraph (b) (2) (i) (a) (1) of this section.

Agar	12.0 gm.
Tween 80 (add Tween 80 after boiling)	10.0 gm.
Final pH	7.8.

In lieu of preparing the medium from the individual ingredients as specified, it may be prepared from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium. Minor modifications of the specified individual ingredients are permissible if the resulting medium possesses growth-promoting properties at least equal to the medium described.

(c) *Working standard.* Weigh out a sufficient quantity of the working standard (obtained from the U.S.P. Reference Standards Committee, 46 Park Avenue New York 16, NY), dried as described in § 440.80a(b) (5) (i) of this chapter, and dissolve in 2.0 milliliters of distilled water, then add sufficient 10 percent potassium phosphate buffer, pH 6.0, to make a 1,000 units per milliliter stock solution. This solution may be used for 2 weeks if kept in refrigerator.

(d) *Standard curve.* Prepare daily a standard curve as directed in § 436.105 (b), (c), and (d) of this chapter, with the following exceptions: Using a solution of the polymyxin working standard in 10 percent potassium phosphate buffer, pH 6.0, prepare volumetrically the following concentrations: 6.4, 8.0, 10.0, 12.5, and 15.6 units per milliliter in 10 percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point.

(e) *Preparation of test organism.* The test organism is *Brucella bronchiseptica* (American Type Culture Collection 4617)[1] which is maintained on agar described under paragraph (b) (2) (i) (b) (1) of this section. Inoculate a Roux bottle containing this agar, paragraph (b) (2) (i) (b) (1), from a stock slant and incubate 24 hours at 32° C.–35° C. Wash the growth into sterile distilled water and standardize the resulting organism suspension to 50-percent light transmission using a filter having a wave length of 6,500 A. Run test plates, and use in the assay the amount of inoculum per 10 milliliters of seed agar which gives (ca) 15.0-millimeter zones of inhibition against the test organism with the 100 units per milliliter solution of polymyxin. Make a new suspension every two weeks.

(f) *Preparation of plates.* Using the agar described in paragraph (b) (2) (i) (b) of this section, prepare the plates as described in § 444.70a(b) (1) (vii), except allow the agar for the secondary layer to cool to 48° C.—50° C. before adding the inoculum. It is not necessary to refrigerate the plates.

(g) *Assay.* Dissolve in sufficient sterile distilled water to give a concentration of 30,000 units (estimated) per milliliter. Add sufficient 10 percent potassium phosphate buffer, pH 6.0 to make an appropriate stock solution. Dilute further in sterile 10 percent potassium phosphate buffer, pH 6.0, to a final concentration of 10 units (estimated) per milliliter, and proceed as directed in § 444.70a(b) (1) (viii) and (ix).

(ii) *Toxicity.* Proceed as directed in § 440.80a(b) (4) of this chapter, using 0.5 milliliter of a solution prepared by diluting the sample to approximately 1,200 units per milliliter with physiological salt solution.

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

Subpart C—Injectable Dosage Forms

§ 444.220 Gentamicin sulfate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate injection is an aqueous solution of gentamicin sulfate and one or more suitable buffers, sequestering agents, and preservatives. Each milliliter contains gentamicin sulfate equivalent to either 10 milligrams or 40 milligrams of gentamicin. Its potency is satisfactory if is contains not less than 90 percent nor more than 125 percent of the number of milligrams of gentamicin that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. Its pH is not less than 3.0 nor more than 5.5. The gentamicin sulfate used conforms to the standards prescribed therefor by § 444.20a(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The gentamicin sulfate used in making the batch for potency, loss on drying, pH, specific rotation, content of gentamicins C_1, C_{1a}, and C_2, and identity.

(b) The batch for gentamicin potency, sterility, safety, pyrogens, and pH.

(ii) Samples required:

(a) The gentamicin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 40 vials if each milliliter contains the equivalent of 10 milligrams of gentamicin of a minimum of 12 vials if each milliliter contains the equivalent of 40 milligrams of gentamicin.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Using 0.1*M* potassium phosphate buffer, pH 3.0 (solution 3), dilute an accurately measured representative portion of the product to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Safety test.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10.0 milliliters of gentamicin per milliliter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

§ 444.230 Kanamycin sulfate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Kanamycin sulfate injection is an aqueous solution of kanamycin sulfate with suitable and harmless buffer substances and preservatives. It contains either 75 milligrams of kanamycin per 2.0 milliliters, or 250 milligrams of kanamycin per milliliter, or 1.0 gram of kanamycin per 3.0 milliliters. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of kanamycin that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. Its pH is not less than 3.5 and not more than 5.0. The kanamycin sulfate used conforms to the standards prescribed by § 444.30a(a) (1) (i), (v), (vii), (viii), (ix), and (x).

(2) *Labeling.* In addition to the requirements prescribed by § 432.5 of this chapter, the labeling of each package shall bear a warning to the effect that older patients and patients receiving a total dose of more than 20 grams of the drug should be carefully observed for signs of eighth-nerve damage. In patients with impaired kidney function or with prerenal azotemia, the risk of severe ototoxic reaction that may result in permanent deafness is sharply increased.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The kanamycin sulfate used in making the batch for potency, residue on ignition, loss on drying, identity, crystallinity, and kanamycin B content.

(b) The batch for potency, sterility, safety, pyrogens, and pH.

(ii) Samples required:

(a) The kanamycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: Minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative aliquot of the sample into an appropriate-sized volumetric flask and dilute to volume with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 10 micrograms of kanamycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of kanamycin per milliliter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

§ 444.270 Streptomycin sulfate injectable dosage forms.

§ 444.270a Sterile streptomycin sulfate, sterile streptomycin hydrochloride, sterile streptomycin phosphate, sterile streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex).

The requirements for certification and the tests and methods of assay for sterile streptomycin sulfate, sterile streptomycin hydrochloride, sterile streptomycin phosphate, and sterile streptomycin trihydrochloride calcium chloride streptomycin calcium chloride complex), packaged for dispensing, are described in § 444.70a.

§ 444.270b Streptomycin sulfate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate injections is an aqueous solution of streptomycin sulfate. Such solution conforms to all standards prescribed by § 444.70a(a) for streptomycin sulfate, except:

(i) The limitation on moisture content does not apply.

(ii) Its potency is not less than 250 milligrams per milliliter and not more than 500 milligrams per milliliter.

(iii) The histamine test may be omitted if it has been performed on streptomycin sulfate, used in preparing the solution.

(iv) It contains one or more suitable and harmless preservatives.

(v) Its pH is not less than 5.0 and not more than 8.0.

(vi) It may contain one or more suitble and harmless buffer substances and stabilizing agents.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling*—(i) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified except that the blank may be filled in with the date that is 18 months, 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section.

(b) On the outside wrapper or container the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)" unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section after having been stored at room temperature.

(ii) *It is packaged for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(a) The number of milligrams in each milliliter and the number of milliliters in the immediate container.

(b) The statement "Caution: Federal law prohibits dispensing without prescription".

(c) The statement "For manufacturing use", "For repacking", or "For manufacturing use or repacking".

(d) The information required by paragraph (a) (3) (i) of this section.

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams or grams dissolved in each of such packages, and the date on which the latest assay of the drug comprising such batch was completed.

(ii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(a) The batch; potency, sterility, toxicity, pyrogens, histamine content (except that the result of this test performed

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on the streptomycin sulfate used in making the batch may be submitted instead) and pH.

(b) The streptomycin sulfate used in making the batch; potency on dry basis.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(a) The batch, if packaged for dispensing:

(1) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch; but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) The batch, if packaged for use in the manufacture of another drug:

(1) For all tests except sterility: Five packages.

(2) For sterility testing: 20 packages.

Each such package shall contain approximately 2 milliliters, taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(c) The streptomycin used in making the batch; one immediate container. Each immediate container shall contain approximately 0.5 gram or the dried drug packaged in accordance with the requirements for veterinary use of § 444.70a(a)(2). If the streptomycin used in making the batch is a solution of the drug, the person who requests certification shall dry a sufficient quantity of such solution for potency testing on the dry basis.

(d) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii) (b) of this section, and no sample referred to in paragraph (a)(4)(iii) (c) of this section, is required if such result or sample has been previously submitted.

(v) In connection with contemplated requests for certification of repackaged batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of the batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by paragraph (a)(4)(iii)(b) of this section. From the information required by paragraph (a)(4)(ii)(a) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay.* Proceed as directed in §§ 444.70a(b)(1), (2), (4), and (5) (the histamine test may be omitted if it is performed on the streptomycin sulfate used in preparing the injection), and § 444.70a(b)(6)(ii) and (iii), and for the toxicity test proceed as directed in § 440.80a(b)(4) of this chapter, using as a test dose 0.5 milliliter of a solution containing 1.5 milligrams per milliliter.

§ 444.270c Streptomycin sulfate for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate for injection conforms to all the requirements and is subject to all procedures prescribed by § 444.70a(a)(1) for streptomycin sulfate except that:

(i) It contains the buffer sodium citrate in a quantity not more than 4.0 percent by weight of its total solids. The sodium citrate conforms to the standards prescribed therefor by the U.S.P.

(ii) It may contain sodium bisulfite as a stabilizer in a quantity not more than 0.8 percent by weight of its total solids. The sodium bisulfite conforms to the standards prescribed therefor by the U.S.P.

(2) *Packaging.* It shall be packaged in accordance with the requirements of § 432.1 of this chapter.

(3) *Labeling—*(i) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------" the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(b) On the circular or labeling within or attached to the package, the conditions under which solutions of the drug should be stored, including the statement "Sterile solutions may be stored at room temperature for 4 weeks without significant loss of potency".

(ii) *It is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(a) The potency per gram and the number of grams in the immediate container.

(b) The statement "Caution: Federal law prohibits dispensing without prescription".

(c) The statement "For manufacturing use", "For repacking", or "For manufacturing use or repacking".

(d) The information required by paragraph (a)(3)(i)(a) of this section.

(4) *Request for certification, check tests, and assays; samples.* Proceed as directed in § 444.70a(a)(4), except that a person who requests certification of a batch shall also submit with his request a statement showing the quantities of sodium citrate and sodium bisulfite used in making the batch and that such sodium citrate and sodium bisulfite conform to the requirements prescribed therefor by this section. In case of an initial request for certification, he shall submit accurately representative samples of such sodium citrate and sodium bisulfite consisting of approximately 5 grams each.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 444.70a(b)(1). Its content or streptomycin is satisfactory if the immediate containers contain not less than 90 percent and not more than 115 percent of the number of grams of streptomycin that they are represented to contain.

(2) *Sterility, toxicity, pyrogens, histamine, moisture, pH, and identity.* Proceed as directed in § 444.70a(b)(2), (3), (4), (5), and (6).

Subpart D—Ophthalmic Dosage Forms

§ 444.320 Gentamicin sulfate ophthalmic dosage forms.

§ 444.320a Gentamicin sulfate ophthalmic solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate ophthalmic solution contains in each milliliter the equivalent of 3.0 milligrams of gentamicin and suitable buffers and preservatives. Its potency is satisfactory if it is not less than 90 and not more than 135 percent of the number of milligrams of gentamicin it is represented to contain. It is sterile. Its pH is not less than 6.5 nor more than 7.5. The gentamicin sulfate conforms to the standards prescribed by § 444.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The gentamicin sulfate used in making the batch for potency, safety, loss on drying, pH, specific rotation, content of gentamicins C_1, C_{1a}, and C_2, and identity.

(b) The batch for potency, sterility, and pH.

(ii) Samples required:

(a) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the product with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of this section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

§ 444.320b Gentamicin sulfate ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate ointment contains in each gram the equivalent of 3.0 milligrams of gentamicin with suitable preservatives in a white petrolatum base. Its potency is satisfactory if it is not less than 90 percent and not more than 135 percent of the number of milligrams of gentamicin that it is represented to contain. It is sterile. Its moisture content is not more than 1.0 percent. It passes the test for particulate contamination. The gentamicin sulfate used conforms to the standards prescribed therefor by § 444.20a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The gentamicin sulfate used in making the batch for potency, safety, loss on drying, pH, specific rotation, content of gentamicins C_1, C_{1a}, and C_2, and identity.

(b) The batch for gentamicin potency, sterility, moisture, and particulate contamination.

(ii) Samples required:

(a) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 15 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, except prepare the sample as follows: Place an accurately weighed representative portion of the ointment into a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of solution 3. Repeat any additional times necessary to insure complete extraction of the antibiotic. Combine the extractives and adjust to an appropriate volume to give a stock solution of convenient concentration. Further dilute with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Particulate contamination.* Proceed as directed in § 436.206 of this chapter.

§ 444.342 Neomycin sulfate ophthalmic dosage forms.

§ 444.342a Neomycin sulfate---------- ophthalmic suspension; neomycin sulfate---------- ophthalmic solution (the blanks being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* The drug is a suspension or a solution containing, in each milliliter, 3.5 milligrams of neomycin and the following other active ingredients in a suitable and harmless vehicle:

(i) 15 milligrams of cortisone acetate; or

(ii) 5 milligrams or 25 milligrams of hydrocortisone acetate; or

(iii) 1 milligram or 2 milligrams of prednisolone; or

(iv) 1 milligram of sodium dexamethasone phosphate.

It may also contain one or more suitable and harmless buffers, dispersants, and preservatives. It is sterile. Its pH is not less than 6.0 and not more than 8.0. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (iv), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(b) The batch for potency, sterility, and pH.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 containers, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 5 immediate containers.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 444.442a(b)(1). Its neomycin content is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except if the steroid prevents solubilization, use 0.25 milliliter of sample in lieu of 1 milliliter and proceed as directed in paragraph (e)(2) of that section.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted sample.

§ 444.342b Neomycin sulfate-polymyxin B sulfate-gramicidin ophthalmic solution.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-gramicidin ophthalmic solution is a solution containing, in each milliliter, 1.75 milligrams of neomycin, 5,000 units of polymyxin B, and 0.025 milligram of gramicidin, and with one or more suitable and harmless buffers, dispersants, and preservatives in a suitable and harmless isotonic aqueous vehicle. It is sterile. Its pH is not less than 4.7 and not more than 6.0. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (iv), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. The gramicidin used conforms to the standards prescribed by § 448.25(a)(1)(i), (ii), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(c) The gramicidin used in making the batch for potency, toxicity, residue on ignition, melting point, crystallinity, and identity.

(d) The batch for neomycin content, polymyxin content, gramicidin content, sterility, and pH.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(d) The batch:

(1) For all tests except sterility: A minimum of 7 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, except that if the product is sterilized after filling, a representative sample consisting of 10 immediate containers from each sterilizer load. If only 1 sterilizer load is involved, the sample shall consist of 20 immediate containers.

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(e) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.42a(b)(1), except prepare the sample as follows: Remove an accurately measured portion and dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. The neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Polymyxin content.* Remove an accurately measured portion and dilute with 10 percent potassium phosphate buffer, pH 6.0, to a reference concentration of 10 units of polymyxin per milliliter. Proceed as directed in § 448.30a(b)(1) of this chapter, except add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter. If thimerosal is an ingredient adjust the seed layer medium to contain 300 milligrams of thioglycollic acid per liter. The polymyxin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin that it is represented to contain.

(iii) *Gramicidin content.* Proceed as directed in § 448.25(b)(1) of this chapter, except to prepare the sample for assay remove a representative sample with a suitable syringe, place into an appropriate volumetric flask, and dilute with 95 percent alcohol to give a stock solution of convenient concentration. Make proper estimated dilutions in 95 percent alcohol to the reference concentration. The gramicidin content is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted sample.

§ 444.342c Neomycin sulfate-gramicidin-_____ ophthalmic solution; neomycin sulfate-gramicidin-_____ ophthalmic suspension (the blanks being filled in with the established name(s) of the other ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* The drug is a solution or suspension in a suitable and harmless aqueous vehicle containing, in each milliliter, the following:

(i) 2.5 milligrams of neomycin, 0.025 milligram of gramicidin, and 1 milligram of fluorocortisone acetate; or

(ii) 2.5 milligrams of neomycin, 0.025 milligram of gramicidin, and 1.14 milligrams of fluorocortisone hemisuccinate. It may also contain suitable and harmless buffers, dispersants, irrigants, and preservatives. It is sterile. Its pH is not less than 5.0 nor more than 7.5. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (iv), (vi), and (vii). The gramicidin used conforms to the standards prescribed by § 448.25(a)(1)(i), (ii), iv), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, toxicity, crystallinity, residue on ignition, melting point, and identity.

(*c*) The batch for neomycin content, gramicidin content, sterility, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of 6 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.342b(b)(1)(i). The neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 444.342b(b)(1)(iii). The content of gramicidin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use 0.25 milliliter of sample in lieu of 1.0 milliliter.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted sample.

§ 444.342d Neomycin sulfate-polymyxin B sulfate-_____ ophthalmic suspension (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* The drug is a suspension in a suitable and harmless aqueous vehicle containing, in each milliliter, neomycin sulfate, polymyxin B sulfate, and other active ingredients in the following amounts:

(i) 3.5 milligrams of neomycin, 16,250 units of polymyxin B, and either 5 milligrams or 15 milligrams of hydrocortisone acetate; or

(ii) 5 milligrams of neomycin, 15,000 units of polymyxin B, and 2.5 milligrams of hydrocortisone.

It may contain one or more suitable and harmless irrigants, dispersants, buffers, and preservatives. It is sterile. Its pH is not less than 5.0 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (iv), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(*c*) The batch for neomycin content, polymyxin content, sterility, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containg approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch for:

(*1*) All tests except sterility: A minimum of 6 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.42a(b)(1)(i). Remove an accurately measured representative portion of the sample with a suitable syringe, place into an appropriate volumetric flask to yield a convenient stock solution. Dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milli-

grams of neomycin that it is represented to contain.

(ii) *Polymyxin content.* Remove an accurately measured representative portion with a suitable syringe, dilute to a convenient concentration with 10 percent potassium phosphate buffer, pH 6.0. Further dilute to a concentration of 10 units of polymyxin per milliliter with 10 percent potassium phosphate buffer, pH 6.0, and proceed as directed in § 448.30a(b)(1) of this chapter, except add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter. Its content of polymyxin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of polymyxin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except if the steroid prevents solubilization, use 0.25 milliliter of sample in lieu of 1 milliliter and proceed as directed in paragraph (e)(2) of that section.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted sample.

NOTE: The effective date for paragraph (a)(1) was postponed May 23, 1973. See 38 FR 13559.

§ 444.342e Neomycin sulfate ointment; neomycin sulfate-_____ ointment (the blank being filled in with the established name(s) of certain other active ingredient(s)).

The requirements for certification and the tests and methods of assay for neomycin sulfate ointment and for neomycin sulfate-_____ ointment are described in § 444.542a.

§ 444.342f Neomycin sulfate-gramicidin topical ointment; neomycin sulfate-gramicidin-triamcinolone acetonide ointment; neomycin sulfate-gramicidin-fludrocortisone acetate ointment.

The requirements for certification and the tests and methods of assay for neomycin sulfate-gramicidin topical ointment; neomycin sulfate-gramicidin-triamcinolone acetonide ointment; neomycin sulfate-gramicidin-fludrocortisone acetate ointment are described in § 444.542f.

§ 444.342g Neomycin sulfate-hydrocortisone acetate eye-ear drops; neomycin sulfate-prednisolone acetate eye-ear drops.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-hydrocortisone acetate eye-ear drops is an aqueous suspension containing, in each milliliter, 3.5 milligrams of neomycin and 5 milligrams or 15 milligrams of hydrocortisone acetate. Neomycin sulfate-prednisolone acetate eye-ear drops is an aqueous suspension containing, in each milliliter, 3.5 milligrams of neomycin and 2.5 milligrams of prednisolone acetate. The vehicle contains one or more suitable and harmless buffers, preservatives, and dispersants. It is sterile. Its pH is not less than 5.5 and not more than 7.5. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (iv), (v), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, moisture, pH, and identity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.42a(b)(1), except prepare the sample for assay as follows: Remove 1.0 milliliter with a suitable syringe, place into an appropriate-sized volumetric flask and dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Make proper estimated dilutions to the prescribed reference concentration with 0.1*M* potassium phosphate buffer, pH 8.0. The content of neomycin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except if the steroid prevents solubilization, use 0.25 milliliter in lieu of 1 milliliter and proceed as directed in paragraph (e)(2) of that section.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted sample.

§ 444.342h Neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate ophthalmic ointment contains in each gram neomycin sulfate equivalent to 3.5 milligrams of neomycin and polymyxin B sulfate equivalent to 6,000 units of polymyxin B with suitable preservatives in a suitable and harmless ointment base. Its neomycin sulfate content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B sulfate content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. It passes the test for metal particles. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1) except sterility and pyrogens. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1) of this chapter except sterility, pyrogens, and heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, residue on ignition, and identity.

(*c*) The batch for neomycin content, polymyxin B content, sterility, moisture, and metal particles.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of 16 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same

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concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

§ 444.342i Neomycin sulfate-polymyxin B sulfate ophthalmic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate ophthalmic solution contains in each milliliter neomycin sulfate equivalent to 3.5 milligrams of neomycin and polymyxin B sulfate equivalent to 16,250 units of polymyxin B in a suitable and harmless aqueous vehicle. It may contain one or more suitable and harmless irrigants, dispersants, buffers, and preservatives. Its neomycin sulfate content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B sulfate content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its pH is not less than 5.0 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1) except sterility and pyrogens. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1) of this chapter except sterility, pyrogens, and heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, safety, moisture, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, safety, moisture, pH, residue on ignition, and identity.

(*c*) The batch for neomycin content, polymyxin B content, sterility, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch:

(*1*) For all tests except sterility: A minimum of 6 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative portion of the sample into an appropriate-sized volumetric flask with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Place an accurately measured representative portion of the sample into an appropriate-sized volumetric flask with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10.0 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

Subpart E—Otic Dosage Forms

§ 444.442 Neomycin sulfate otic dosage forms.

§ 444.442a Neomycin sulfate-sodium propionate otic solution; neomycin sulfate-sodium propionate-prednisolone acetate otic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-sodium propionate otic solution is a solution containing, in each milliliter, 3.5 milligrams of neomycin and 50 milligrams of sodium propionate, in a suitable and harmless vehicle. Neomycin sulfate-sodium propionate-prednisolone acetate otic solution is a solution containing, in each milliliter, 3.5 milligrams of neomycin, 50 milligrams of sodium propionate, and 5 milligrams of prednisolone acetate, in a suitable and harmless vehicle. The preparations may also contain suitable and harmless dispersants, buffers, perfumes, and preservatives. They are sterile. Their pH is not less than 5.5 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1) (i), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pH, and identity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.42a(b)(1), except dilute an accurately measured representative portion in sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. Its content of neomycin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except if the steroid prevents solubilization, use 0.25 milliliter and proceed as directed in paragraph (e)(2) of that section.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using either the undiluted sample or, if the drug contains less than 10 percent water, a 1:1 dilution of the sample with distilled water.

§ 444.442b Neomycin sulfate-gramicidin-hydrocortisone-thonzylamine hydrochloride-thonzonium bromide otic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity.* Neomycin sulfate-gramicidin - hydrocortisone - thonzylamine hydrochloride-thonzonium bromide otic solution is a solution containing, in each milliliter, 0.66 milligram of neomycin, 0.05 milligram of gramicidin, 0.2 milligram of hydrocortisone, 10 milligrams of thonzylamine hydrochloride, and 0.5 milligram of thonzonium bromide, with one or more suitable and harmless buffers, dispersants, and preservatives, in a suitable and harmless isotonic aqueous vehicle. It is sterile. The pH is not less than 5.0 and not more than 6.0. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1) (i), (vi), and (vii). The gramicidin used conforms to the standards prescribed by § 448.25(a)(1) (i), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, crystallinity, residue on ignition, melting point, and identity.

(c) The batch for neomycin content, gramicidin content, sterility, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(c) The batch:

(*1*) For all tests except sterility: A minimum of six immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.342b(b)(1)(i). The neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 444.342b(b)(1)(iii). The gramicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use 0.25 milliliter of sample in lieu of 1.0 milliliter.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted sample.

§ 444.442c Neomycin sulfate-polymyxin B sulfate-hydrocortisone otic suspension; neomycin sulfate-polymyxin B sulfate-hydrocortisone-sodium heparin otic suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-hydrocortisone otic suspension is a suspension containing, in each milliliter, 3.5 milligrams of neomycin, 10,000 units of polymyxin B, and 10 milligrams of hydrocortisone, in a suitable and harmless vehicle. Neomycin sulfate-polymyxin B sulfate-hydrocortisone-sodium heparin otic suspension is a suspension containing, in each milliliter, 20 milligrams of neomycin, 100,000 units of polymyxin B, 5 milligrams of hydrocortisone, and 2,000 units of sodium heparin, in a suitable and harmless vehicle. The preparations may also contain one or more suitable and harmless buffers, dispersants, and preservatives. They are sterile. If the vehicle is aqueous, the pH is not less than 5.5 and not more than 8.5. If the vehicle is nonaqueous, the moisture content is not more than 1.0 percent. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1) (i), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1), (i), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, pH, residue on ignition, and identity.

(*c*) The batch, for neomycin content; polymyxin content; sterility; and either pH (if aqueous vehicle), or moisture (if nonaqueous vehicle).

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch:

(*1*) For all tests except sterility: A minimum of six immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.442a(b)(1), except that if the vehicle is nonaqueous prepare the sample for assay as follows: Transfer an accurately measured representative portion to a high-speed glass blender. Add 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference conceneration. The content of neomycin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 448.30a(b)(1) of this chapter, except:

(*a*) Prepare the sample for assay by either of the following methods:

(*1*) If the vehicle is aqueous, dissolve and dilute with 10 percent potassium phosphate buffer, pH 6.0, to the reference concentration of 10 units of polymyxin per milliliter; or

(2) If the vehicle is nonaqueous, transfer an accurately measured representative portion to a high-speed glass blender. Add 1.0 milliliter of polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute with 10 percent potassium phosphate buffer, pH 6.0, to a reference concentration of 10 units of polymyxin per milliliter; and

(*b*) Add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter.

Its content of polymyxin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of polymyxin that it is represented to contain.

(2) *pH.* If its vehicle is aqueous, proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted sample.

(3) *Moisture.* If its vehicle is nonaqueous, proceed as directed in § 436.201 of this chapter.

(4) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except if the steroid prevents solubilization, use 0.25 milliliter of sample in lieu of 1 milliliter and proceed as directed in paragraph (e)(2) of that section.

§ 444.442d Neomycin sulfate ointment; neomycin sulfate-_____ ointment (the blank being filled in with the established name(s) of certain other active ingredient(s)).

The requirements for certification and the tests and methods of assay for neomycin sulfate ointment and for neomycin sulfate-_____ ointment are described in § 444.542a.

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§ 444.442e Neomycin sulfate-hydrocortisone acetate eye-ear drops; neomycin sulfate-prednisolone acetate eye-ear drops.

The requirements for certification and the tests and methods of assay for neomycin sulfate-hydrocortisone acetate eye-ear drops and for neomycin sulfate prednisolone acetate eye-ear drops are described in § 444.342g.

§ 444.470a Streptomycin otic with antifungal agent; streptomycin otic with _____; dihydrostreptomycin otic with antifungal agent; dihydrostreptomycin otic with _____ (the blank being filled in with the established name of the antifungal agent).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin otic with antifungal agent or dihydrostreptomycin otic with antifungal agent is streptomycin or dihydrostreptomycin and one or more suitable antifungal agents and buffer substances, with or without one or more suitable and harmless preservatives, dissolved or suspended in a suitable and harmless vehicle. Its potency is not less than 2.5 milligrams per milliliter. Its pH is not less than 4.8 and not more than 6.0 The streptomycin used conforms to the standards prescribed therefor by § 444.70a(a)(1), except § 444.70a(a)(1)(ii), (iii), (iv), (v), and (vi). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 444.10a(a)(1), except the standards for sterility, pyrogens, toxicity, histamine, and moisture. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be glass, so closed as to be a tight container as defined by the U.S.P., and of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package will bear on the outside wrapper or container and the immediate container the statement "Expiration date _____", the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making the batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: average potency per milliliter, pH.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; potency, pH, streptomycin, content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostretptomycin sulfate.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch: one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; 6 packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 444.70a(a)(2).

(c) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.70a(b)(1), except paragraph (b)(1)(xi) thereof, and if it is dihydrostreptomycin otic with antifungal agent use the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin or dihydrostreptomycin per milliliter that it is represented to contain.

(2) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted solution or suspension.

Subpart F—Dermatologic Dosage Forms

§ 444.520 Gentamicin sulfate dermatologic dosage forms.

§ 444.520a Gentamicin sulfate ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate ointment is gentamicin sulfate with suitable preservatives in a white petrolatum base. Each gram contains gentamicin sulfate equivalent to 1.0 milligram of gentamicin. Its potency is satisfactory if it is not less than 90 percent and not more than 135 percent of the number of milligrams of gentamicin that it is represented to contain. Its moisture content is not more than 1.0 percent. The gentamicin sulfate used conforms to the standards prescribed therefor by § 444.20(a)(1), except safety.

(2) *Packaging.* In addition to the requirements of § 432.1 of this chapter, it may be dispensed from a pressurized container wherein it is maintained in a compartment separate from the gas used to supply the pressure.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, loss on drying, pH, specific rotation, content of gentamicins C_1, C_{1a}, and C_2, and identity.

(*b*) The batch for gentamicin potency and moisture.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the ointment into a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous, add 20–25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of the buffer and repeat any additional times necessary to insure complete extraction of the antibiotic. Combine the extractives and adjust to an appropriate volume to give a stock solution of convenient concentration. Further dilute with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 444.520b Gentamicin sulfate cream.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate cream is gentamicin sulfate with one or more suitable emollients, dispersants, and preservatives in a suitable and harmless cream base. Each gram contains gentamicin sulfate equivalent to 1.0 milligram of gentamicin. Its potency is satisfactory if it is not less than 90 percent and not more than 135 percent of the number of milligrams of gentamicin that it is represented to contain. The gentamicin sulfate used conforms to the standards prescribed therefor by § 444.20(a)(1), except safety.

(2) *Packaging.* In addition to the requirements of § 432.1 of this chapter, it may be dispensed from a pressurized container wherein it is maintained in a compartment separate from the gas used to supply the pressure.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, loss on drying, pH, specific rotation, gentamicins C_1, C_{1a}, and C_2, and identity.

(*b*) The batch for gentamicin potency.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Transfer an accurately weighed representative portion of the cream into a high-speed glass blender. Add 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration and blend 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

§ 444.540 Neomycin palmitate dermatologic dosage forms.

§ 444.540a Neomycin palmitate-trypsin-chymotrypsin ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* The drug is an ointment containing in each gram of a suitable and harmless ointment base neomycin palmitate equivalent to 3.5 milligrams of neomycin and 10,000 units of trypsin-chymotrypsin proteolytic activity. The moisture content is not more than 1 percent. The neomycin palmitate used conforms to the requirements of § 444.40(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin palmitate used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The neomycin palmitate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.40(b)(1), except prepare the sample for assay by either of the following methods:

(i) Place approximately 1 gram of the ointment, accurately weighed, in a high-speed glass blender with 1 milliliter of polysorbate 80 and 99 milliliters of absolute methyl alcohol. Blend 3 to 5 minutes. Make proper estimated dilutions in 0.1*M* potassium phosphate buffer, pH 8, to the reference concentration.

(ii) Place an accurately weighed representative portion of the ointment into a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8, and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of buffer at least three times and any additional times necessary to insure complete extraction of the antibiotic. Combine the extractives and adjust to an appropriate volume to give a stock solution of convenient concentration. Further dilute with 0.1*M* potassium phosphate buffer, pH 8, to the proper, prescribed reference concentration.

The neomycin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 444.540b Neomycin palmitate-trypsin-chymotrypsin concentrate lotion.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin palmitate-trypsin-chymotrypsin concentrate lotion contains neomycin palmitate and trypsin-chymotrypsin concentrate in a suitable and harmless vehicle. It may contain suitable and harmless preservatives. Each gram of lotion contains neomycin palmitate equivalent to 3.5 milligrams of neomycin and 10,000 units of trypsin-chymotrypsin proteolytic activity. Its moisture content is not more than 1 percent. The neomycin palmitate used conforms to the requirements of § 444.40(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin palmitate used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for neomycin content and moisture.

(ii) Samples required:

(*a*) The neomycin palmitate used in making the batch: 10 packages, each containing 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.540a(b)(1). The neomycin content is satisfactory if it is not less than 90 percent nor more than 115 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201(b) of this chapter.

§ 444.542 Neomycin sulfate dermatologic dosage forms.

§ 444.542a Neomycin sulfate ointment; neomycin sulfate_____ ointment (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate ointment contains, in each gram, 3.5 milligrams of neomycin in a suitable and harmless water-soluble or oleaginous ointment base, with or without one or more suitable and harmless dispersants, emollients, and preservatives. The following other drugs may be combined with neomycin sulfate ointment in the indicated amounts, per gram:

(i) If it is for topical use:

(*a*) 0.5 milligram of flurandrenolone; or

(*b*) 0.25 milligram of fluorometholone; or

(c) 5.0, 10.0, 15.0, or 25.0 milligrams of hydrocortisone acetate; or

(*d*) 10.0 or 25.0 milligrams of hydrocortisone; or

(*e*) 5.0 milligrams of hydrocortamate hydrochloride; or

(*f*) 1.0, 2.5, or 5.0 milligrams of prednisolone acetate; or

(*g*) 1.0 milligram of triamcinolone acetonide; or

(*h*) 5.0 milligrams of hydrocortisone and 45 milligrams to 55 milligrams of coaltar extract; or

(*i*) 10.0 milligrams of hydrocortisone acetate and 30 milligrams of calcium undecylenate; or

(*j*) 200 milligrams of benzocaine.

(ii) If it is for ophthalmic use:

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(a) 5.0 milligrams or 15.0 milligrams of hydrocortisone acetate; or

(b) 2.5 milligrams of sodium prednisolone phosphate; or

(c) 0.5 milligram of sodium dexamethasone phosphate.

(iii) If it is an eye-ear ointment:

(a) 1.0 milligram of methylprednisolone; or

(b) 1.0 milligram of triamcinolone acetonide; or

(c) 5.0 milligrams or 15.0 milligrams of hydrocortisone acetate; or

(d) 2.5 milligrams or 5.0 milligrams of prednisolone acetate.

If it is an oleaginous base, its moisture content is not more than 1.0 percent. If it is intended for ophthalmic use, it is sterile. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (vi), and (vii) and, if for ophthalmic use, paragraph (a)(1)(iv) of that section. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* If it contains a steroid or if it is intended for ophthalmic use, it shall be labeled in accordance with the requirements prescribed by § 432.5 of this chapter, and its expiration date is 12 months. If it does not contain a steroid or it is not intended for ophthalmic use each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the batch for potency, pH, and identity, and, if the ointment is for ophthalmic use, toxicity.

(b) The batch for potency and for moisture if the ointment base is oleaginous and for sterility if the ointment is intended for ophthalmic use.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: Twenty immediate containers, collected at regular intervals throughout each filling operation.

(c) In the case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay.*—(1) *Potency.*—(i) *Extraction.* Proceed as directed in § 444.42a(b)(1) of this chapter, except prepare the sample by placing an accurately weighed representative portion of the ointment into a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0, and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of the buffer at least three times and any additional times necessary to insure complete extraction of the antibiotic. Combine the extractives and adjust to an appropriate volume to give a stock solution of convenient concentration. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration.

(ii) *Blending.* Proceed as directed in § 444.42a(b)(1), except prepare the sample for assay as follows: Transfer an accurately weighed sample into a high-speed glass blender, add 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. The content of neomycin is satisfactory if it is not less than 90 percent and not more than 135 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 436.20 of this chapter, using the method as described in paragraph (e)(3) of that section.

(3) *Moisture.* If the ointment has an oleaginous base, proceed as directed in § 436.201 of this chapter.

§ 444.542b Neomycin sulfate-_____ cream (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* The drug is neomycin sulfate and either betamethasone, dexamethasone sodium phosphate, dichlorisone acetate, fluocinolone acetonide, methylprednisolone acetate, or triamcinolone acetonide, with or without one or more suitable and harmless emollients, perfumes, dispersants, and preservatives, in a suitable cream base. It contains, in each gram, 3.5 milligrams of neomycin and one of the following:

(i) 2 milligrams of betamethasone; or

(ii) Dexamethasone sodium phosphate equivalent to 1.0 milligram of dexamethasone phosphate; or

(ii) 1 milligram of sodium dexamethasone phosphate; or

(iii) 2.5 milligrams of dichlorisone acetate; or

(iv) 0.25 milligram of fluocinolone acetonide; or

(v) 2.5 milligrams, 5 milligrams, or 10 milligrams of methylprednisolone acetate; or

(vi) 1 milligram of triamcinolone acetonide.

The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the batch for potency, pH, and identity.

(b) The batch for potency.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 444.42a(b)(1), except prepare the sample for assay as follows: Transfer an accurately weighed representative portion into a high-speed glass blender. Add 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration and blend 3 to 5 minutes. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. Its neomycin content is satisfactory if it is not less than 90 percent nor more than 135 percent of the number of milligrams of neomycin that it is represented to contain.

§ 444.542c Neomycin sulfate-_____ lotion (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* The drug is a suspension containing, in each milliliter, 3.5 milligrams of neomycin and the following other active ingredients in a suitable and harmless vehicle:

(i) 10 milligrams of diperodon hydrochloride and 7.5 milligrams of aluminum dihydroxy allantoinate; or

(ii) 5 milligrams or 10 milligrams of hydrocortisone acetate; or

(iii) 5 milligrams, 10 milligrams, or 20 milligrams of hydrocortisone; or

(iv) 1 milligram, 2.5 milligrams, or 5 milligrams of prednisolone acetate; or

(v) Prednisolone sodium phosphate equivalent to 5.0 milligrams of prednisolone phosphate; or

(vi) 0.5 milligram of fiurandrenolone.

It may also contain one or more suitable and harmless dispersants, emollients, and preservatives. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* If it contains a corticosteroid, it shall be labeled in accordance with the requirements prescribed by § 432.5 of this chapter and its expiration date is 12 months. If it does not contain a corticosteroid, each package shall bear, on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the batch for potency, pH, and identity.

(b) The batch for potency.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 444.42a(b)(1), except prepare the sample for assay as follows: Place an accurately measured representative portion into a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8, to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Make further dilutions with 0.1*M* potassium phosphate buffer, pH 8, to the proper prescribed reference concentration. Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

§ 444.542d Neomycin sulfate aerosol.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate aerosol is an aqueous solution of neomycin sulfate equivalent to 397 milligrams of neomycin per 10 ounces of aqueous solution, with or without suitable preservatives, packaged in a pressurized container with inert propellants. It may contain a suitable and harmless perfume. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (vi), and (vii). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* In addition to the labeling prescribed by § 432.5 of this chapter each package shall bear on its label or labeling the following as indicated:

(i) On the label of the immediate container and on the outside wrapper or package, if any:

(a) The batch mark.

(b) The name and quantity of the active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container: Adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the batch for potency, pH, and identity.

(b) The batch for potency.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages, each containing 300 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 444.42a(b)(1), except prepare the sample for assay as follows: Spray the entire contents of the well-shaken sample into a suitable, tared beaker. Place in a vacuum desiccator, evacuate, and allow to stand at room temperature for 16 to 18 hours. After the gas has volatilized, accurately weigh the beaker and contents and determine the weight of the material in the beaker. Prepare the material for assay by either of the following methods:

(1) Blend an accurately weighed representative portion for 3 to 5 minutes in a high-speed glass blender with 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration.

(2) Quantitatively transfer either an accurately weighed portion of the contents, or the entire contents, from the beaker into a suitable volumetric flask to give a stock solution of convenient concentration. Dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration.

The content of neomycin sulfate is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain.

§ 444.542e Neomycin sulfate-polymyxin B sulfate ointment.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate ointment is an ointment containing, in each gram, 3.5 milligrams of neomycin and 5,000 units of polymyxin B with suitable and harmless emollients, dispersants, and preservatives in a suitable and harmless water-miscible base. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1)(i), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the bach for potency, pH, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, pH, residue on ignition, and identity.

(c) The batch for neomycin content and polymyxin content.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of 6 immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay.*—(1) *Potency.*—(i) *Neomycin content.* Proceed as directed in § 444.542a(1)(ii). Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

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(ii) *Polymyxin content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Remove the buffer layer and repeat the extraction procedure with each of three more 20 to 25 milliliter quantities of solution 6. Combine the extractives in a suitable volumetric flask and fill to volume with solution 6. Further dilute an aliquot with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated). Its content of polymyxin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of polymyxin that it is represented to contain.

§ 444.542f Neomycin sulfate-gramicidin topical ointment; neomycin sulfate-gramicidin-triamcinolone acetonide ointment; neomycin sulfate-gramicidin-fludrocortisone acetate ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Each gram of neomycin sulfate-gramicidin topical ointment contains 2.5 milligrams of neomycin and 0.25 milligram of gramicidin. Neomycin sulfate-gramicidin-triamcinolone acetonide ointment is an ointment containing, in each gram, 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and 1.0 milligram of triamcinolone acetonide. Neomycin sulfate-gramicidin-fludrocortisone acetate ointment is an ointment containing, in each gram, 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and 1.0 milligram of fludrocortisone acetate. If it is intended for ophthalmic use, it is sterile. Their moisture content is not more than 1.0 percent. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (v), (vi), and (vii), and in addition if it is used in the preparation of an ophthalmic ointment, paragraph (a)(1)(iv) of that section. The gramicidin used conforms to the standards prescribed by § 448.25(a)(1)(i), (iii), (iv), (v), and (vi) of this chapter, and in addition if it is used in the preparation of an ophthalmic ointment, paragraph (a)(1)(ii) of that section. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* If it contains a steroid or it is intended for ophthalmic use, it shall be labeled in accordance with the requirements of § 432.5 of this chapter, and its expiration date is 12 months. If it does not contain a steroid or it is not intended for ophthalmic use, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, moisture, pH, and identity, and in addition, if it is used in the preparation of an ophthalmic ointment, for toxicity.

(*b*) The gramicidin used in making the batch for potency, moisture, residue on ignition, melting point, crystallinity, and identity, and in addition, if it is used in the preparation of an ophthalmic ointment, for toxicity.

(*c*) The batch for neomycin content, gramicidin content, and moisture, and for sterility if it is intended for ophthalmic use.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of six immediate containers.

(*2*) For sterility testing: Twenty immediate containers, collected at regular intervals throughout each filling operation.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Neomycin content.* Proceed as directed in § 444.542a(b)(1). Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 448.25(b)(1) of this chapter, except prepare the sample for assay by the following method: Place an accurately weighed representative portion into a separatory funnel. Dissolve the ointment in 50 milliliters of *n*-hexane. Extract this solution with four 50-milliliter portions of 80 percent alcohol. Collect the extractives in a 250-milliliter volumetric flask, bring to volume with 80 percent alcohol, and mix well. From this stock solution, dilute an aliquot with 95 percent alcohol to reference concentration.

Its content of gramicidin is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section. However, if the ointment is not soluble in isopropyl myristate proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use 100 milligrams in lieu of 300 milligrams of solids.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 444.542g Neomycin sulfate-gramicidin-triamcinolone acetonide cream.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-gramicidin-triamcinolone acetonide cream is a cream containing 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and 1.0 milligram of triamcinolone acetonide per gram, with one or more suitable and harmless emollients, dispersants, and preservatives in a suitable and harmless cream base. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (vi), and (vii). The gramicidin used conforms to the standards prescribed by § 448.25(a)(1)(i), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., shall conform to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, residue on ignition, melting point, crystallinity and identity.

(*c*) The batch for neomycin content and gramicidin content.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch: A minimum of six immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay; potency—*(1) *Neomycin content.* Proceed as directed in § 444.542b(b)(1). Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Gramicidin content.* Proceed as directed in § 448.25(b)(1) of this chapter, except to prepare the sample for assay proceed as follows: Place an accurately weighed representative portion into a high-speed glass blender and add sufficient 95 percent alcohol to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Make proper estimated dilutions of an aliquot to the reference concentration with 95 percent alcohol. Its content of gramicidin is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of gramicidin that it is represented to contain.

§ 444.542h Neomycin sulfate-gramicidin-triamcinolone acetonide lotion; neomycin sulfate-gramicidin-fludrocortisone acetate lotion.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality and purity.* The drug is a lotion containing, in each milliliter, 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and either 1 milligram of triamcinolone acetonide or 1 milligram of fludrocortisone acetate, with one or more suitable and harmless emollients, buffers, dispersants, and preservatives, in a suitable and harmless lotion base. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (vi), and (vii). The gramicidin used conforms to the standards prescribed by § 448.25(a)(1)(i), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the requirements prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, crystallinity, residue on ignition, melting point, and identity.

(*c*) The batch for neomycin content and gramicidin content.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch: A minimum of 6 immediate containers.

(*d*) In case of an initial request for certification, each other substance used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Neomycin content.* Proceed as directed in § 444.542c(b)(1). Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 448.25(b)(1) of this chapter, except prepare the sample by placing an accurately measured representative portion into a high-speed glass blender with sufficient 95 percent alcohol to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Make proper estimated dilutions in 95 percent alcohol to the reference concentration. Its gramicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of gramicidin that it is represented to contain.

§ 444.542i Neomycin sulfate-triamcinolone acetonide topical aerosol; neomycin sulfate-dexamethasone topical aerosol.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* The drug is neomycin sulfate and triamcinolone acetonide or dexamethasone, packaged in a pressurized container with a suitable and harmless vehicle and inert propellants. It contains, in each container, the following:

(i) 26.25 milligrams of neomycin and 7.5 milligrams of triamcinolone acetonide; or

(ii) 52.5 milligrams of neomycin and 15 milligrams of triamcinolone acetonide; or

(iii) 35 milligrams of neomycin and 10 milligrams of dexamethasone.

It may contain one or more suitable and harmless emollients, dispersants, and preservatives. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (vi), and (vii). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, crystallinity, residue on ignition, melting point, and identity.

(*c*) The batch for neomycin content and gramicidin content.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch: A minimum of 5 immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 444.42a(b)(1), except prepare the sample for assay as follows: Spray, according to the directions in the labeling, the entire contents of each container to be tested into a separate 2-liter Erlenmeyer flask held in a horizontal position. Each flask should be fitted with a suitable cover containing an opening large enough to permit entry of the spray into the flask. Add 500 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0, to the flask and shake to dissolve the contents. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper, prescribed reference concentration. The content of neomycin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

§ 444.542j Neomycin sulfate-polymxyin B sulfate-gramicidin-benzocaine ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-gramicidin-benzocaine ointment is neomycin sulfate, polymyxin B sulfate, gramicidin, and benzocaine, with suitable and harmless preservatives, in white petrolatum. Each gram contains 3.5 milligrams of neomycin, 2,000 units of polymyxin B, 0.25 milligram of gramicidin, and 10 milligrams of benzocaine. The moisture content is not more than 1.0 percent. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (v), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1)(i), (v), (vi), (vii), and (ix) of this chapter. The gramicidin used conforms to the standards prescribed by § 448.25(a)(1)(i), (iii), (iv), (v), and (vi) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, moisture, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(*c*) The gramicidin used in making the batch for potency, moisture, residue on ignition, melting point, crystallinity, and identity.

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(d) The batch for neomycin content, polymyxin B content, gramicidin content, and moisture.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(d) The batch: A minimum of seven immediate containers.

(e) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.542a(b) (1) (i) or (ii). The content of neomycin is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Polymyxin B content.* Proceed as directed in § 444.542e(b) (1) (ii) of this chapter. The content of polymyxin B is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin B that it is represented to contain.

(iii) *Gramicidin content.* Proceed as directed in § 448.25(b) (1) of this chapter, except prepare the sample for assay as follows: Place approximately 1 gram of the ointment, accurately weighed, into a high-speed glass blender. Add that quantity of 95 percent ethyl alcohol which is sufficient to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Make proper estimated dilutions of an aliquot to the reference concentration with 95 percent alcohol. The content of gramicidin is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

EDITORIAL NOTE: §§ 444.542k, 444.542l, and 444.542m (formerly §§ 1481.30, 1481.30a, and 1481.30b) were revoked at 37 FR 25820, Dec. 5, 1972, to become effective in 40 days. Objections and a request for hearing were received by the Commissioner of Food and Drugs.

Pending a review of the objections, the Commissioner has determined that the effective date of the revocations be postponed. See 38 FR 7007, Mar. 15, 1973. For convenience of the user the revoked sections are set forth below in their entirety.

§ 444.542k Neomycin sulfate (commercial grade)-aluminum chlorohydroxide cream deodorant.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate (commercial grade)-aluminum chlorohydroxide cream deodorant is neomycin sulfate (commercial grade) and aluminum chlorohydroxide in a suitable cream base. It contains, in each gram, the following:

(i) 1 milligram of neomycin and 150 milligrams of aluminum chlorohydroxide; or

(ii) 1.75 milligrams of neomycin and either 121 milligrams or 213 milligrams of aluminum chlorohydroxide.

It may also contain one or more suitable emollients, perfumes, colorings, dispersants, solubilizers, buffers, and preservatives. The neomycin sulfate (commercial grade) used conforms to the standards prescribed by § 444.42b(a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified, unless the use of a longer expiration period has been approved in accordance with the provisions of § 432.5(a) (3) of this chapter.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate (commercial grade) used in making the batch for potency, toxicity, moisture, pH, and identity.

(b) The batch for potency.

(ii) Samples required:

(a) The neomycin sulfate (commercial grade) used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 444.42a(b) (1), except prepare the sample for assay as follows: Weigh accurately about 3 grams into a 15-milliliter centrifuge tube, cap the tube with aluminum foil, and heat over a steam bath until the cream is liquefied. Add an accurately measured volume of from 7 to 9.5 milliliters of a 10 percent solution of ammonia. Stir thoroughly to allow the heavy precipitate of aluminum hydroxide to form. Blend the contents for at least 3 minutes in a suitable homogenizer. Centrifuge for 20 minutes at 3000 revolutions per minute. Remove 0.5 to 1.0 milliliter of the clear supernatant and evaporate to dryness under a stream of air. Dissolve and dilute the residue with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration of neomycin. The potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that the product is represented to contain.

§ 444.542l Neomycin sulfate (commercial grade)-aluminum chlorohydroxide deodorant lotion; neomycin sulfate (commercial grade)-aluminum chlorohydroxide-aluminum chloride deodorant lotion.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate (commercial grade)-aluminum chlorohydroxide deodorant lotion contains neomycin sulfate (commercial grade) and aluminum chlorohydroxide in a suitable lotion vehicle. It contains, in each milliliter, the following:

(i) 1.96 milligrams of neomycin and 135 milligrams of aluminum chlorohydroxide; or

(ii) 3.98 milligrams of neomycin and either 199 milligrams or 217 milligrams of aluminum chlorohydroxide; or

(iii) 1.08 milligrams of neomycin and 217 milligrams of aluminum chlorohydroxide.

Neomycin sulfate (commercial grade)-aluminum chlorohydroxide-aluminum chloride deodorant lotion contains, in each milliliter, 1.96 milligrams of aluminum chlorohydroxide, and 11.2 milligrams of aluminum chloride. The preparations may also contain one or more suitable emollients, perfumes, colorings, dispursants, solubulizers, buffers, and preservatives in an aqueous vehicle. Their pH is not less than 3.5 and not more than 6.5. The neomycin sulfate (commercial grade) used conforms to the standards of § 444.42b(a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified, unless the use of a longer expiration period has been approved in accordance with the provisions of § 432.5(a) (3) of this chapter.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The neomycin sulfate (commercial grade) used in making the batch for potency, toxicity, moisture, pH, and identity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The neomycin sulfate (commercial grade) used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.42a(b) (1), except prepare the sample for assay as follows: Remove a 3.0-milliliter portion with a suitable syringe and transfer to a 15-milliliter centrifuge tube. Add an accurately measured volume of from 7 to 9.5 milliliters of a 10 percent solution of ammonia. Stir thoroughly to allow the heavy precipitate of aluminum hydroxide to form. Blend the contents for at least 3 minutes in a suitable homogenizer. Centrifuge for 20 minutes at 3000 revolutions per minute. Remove 0.5 to 1.0 milliliter of the clear supernatant and evaporate to dryness under a stream of air. Dissolve and dilute the residue with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration of neomycin. The potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that the product is represented to contain.

(2) pH. Proceed as directed in § 440.80a(b) (5) (ii) of this chapter, using the undiluted sample.

§ 444.542m Neomycin sulfate-aluminum chlorohydroxide deodorant lotion.

Neomycin sulfate-aluminum chlorohydroxide deodorant lotion conforms to all requirements and is subject to all procedures prescribed by § 444.542l for neomycin sulfate (commercial grade)-aluminum chlorohydroxide deodorant lotion except that:

(a) Each milliliter contains 3.5 milligrams of neomycin and 200 milligrams of aluminum chlorohydroxide.

(b) The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a) (1) (i), (v), (vi), and (vii).

§ 444.570 Streptomycin dermatologic dosage forms.

§ 444.570a Streptomycin ointment; dihydrostreptomycin ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin ointment and dihydrostreptomycin ointment are streptomycin or dihydrostreptomycin in a suitable and harmless ointment base, with or without suitable and harmless dispersing and suspending agents and preservatives. Their potency is not less than 5,000 μg. per gram of ointment. The streptomycin used conforms to the requirements of § 444.70a(a) (1), except § 444.70a(a) (1) (ii), (iii), (iv), (v), and (vi). The dihydrostreptomycin used conforms to the requirements of § 444.10a (a), except the standards for sterility, toxicity, pyrogens, histamine, and moisture. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Streptomycin ointment and dihydrostreptomycin ointment shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U. S. P., and each such tube shall not be larger than the 2-ounce size, except if it is labeled solely for hospital use it may be packaged in immediate containers of glass which meet the test for tight containers as defined by the U. S. P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its outside wrapper or container and the immediate container the statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of streptomycin ointment or dihydrostreptomycin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor, if any, by this section.

(ii) Except as otherwise provided by paragraph (a) (4) (iv) of this section such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; potency, pH, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers unless each such container is packaged for hospital use and contains more than 2 ounces, in which case the sample shall consist of approximately 1 ounce of ointment for each 5,000 immediate containers in the batch, but in no case less than five 1-ounce portions. Such sample shall be collected by taking single immediate containers or 1-ounce portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 444.70a(a) (2).

(c) In case of an initial request for certification, the ingredients used in making the ointment base of the batch; one package of each containing approximately 200 grams, except for the suspending and dispersing agents used, in which case the sample shall consist of approximately 5 grams.

(iv) No result referred to in paragraph (a) (4) (ii) (*b*) of this section, and no sample referred to in paragraph (a) (4) (iii) (*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Streptomycin content.* Proceed as directed in § 444.70a(b) (1) except paragraphs (b) (1) (x) and (xi) thereof, and in lieu of the directions in § 444.70a(b) (1) (v), prepare the sample as follows: Accurately weigh the tube and contents and squeeze approximately 1.0 gram into a blending jar containing 50 milliliters of 0.10*M* potassium phosphate buffer (pH 7.8 to 8.0). Reweigh the tube to obtain weight of ointment used in the test. Using a high-speed blender, blend the mixture for 3 minutes. Dilute an aliquot of the mixture to contain 100 micrograms of streptomycin base (estimated) per milliliter. Transfer 1.0 milliliter of this solution to a 100-milliliter flask and make up to volume with 0.10*M* potassium phosphate buffer (pH 7.8 to 8.0). Use this last dilution in the assay for potency. The potency of streptomycin ointment is satisfactory if it contains not less than 85 percent of the number of micrograms of streptomycin base per gram it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in paragraph (b) (1) of this section, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of micrograms of dihydrostreptomycin base per gram it is represented to contain.

§ 444.570b Streptomycin for topical use; streptomycin with ------ (the blank being filled in with the name of the vehicle if a package combination) for topical use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin for topical use conforms to all the requirements prescribed by § 444.70a(a) (1) for streptomycin, and may be packaged in combination with a container of a suitable and harmless vehicle.

(2) *Packaging.* The immediate container of streptomycin for topical use shall be of colorless transparent glass so closed as to be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 20 milligrams.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its outside label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement, "Expiration date ----------", the blank being filled in with the date that is 48 months after the month during which the batch was certified.

(ii) If it is a packaged combination, on the immediate container of the vehicle in the combination, a statement giving the method of dissolving the streptomycin in the vehicle and the statement "The solution may be stored at room temperature for 1 week without significant loss of potency".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certifica-

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tion of a batch of streptomycin for topical use shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, moisture, and pH. If such batch, or any part thereof, is to be packaged with a vehicle, such request shall be accompanied by a statement that such vehicle conforms to the requirements prescribed therefor by this section.

(ii) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch; but in no case less than 50 immediate containers.

Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(iii) In case of an initial request for the certification of a batch of streptomycin for topical use which is to be packaged in combination with a container of a vehicle, or when any change is made in the composition of such vehicle, such person shall submit in connection with his request five packages of the vehicle included in the combination.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.70a (b)(1), except paragraph (b)(1)(xi) thereof. The potency of streptomycin for topical use is satisfactory if the immediate containers are represented to contain:

(i) Less than 500 milligrams and contain 85% or more of the number of milligrams so represented;

(ii) More than 500 milligrams and contain 90% or more of the number of milligrams so represented.

(2) *Sterility, toxicity, pyrogens, histamine, moisture, pH.* Proceed as directed in § 444.70a(b) (2) through (6).

§ 444.570c Streptomycin-bacitracin-polymyxin gauze pads.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin-bacitracin-polymyxin gauze pads are absorbent gauze that is impregnated with streptomycin, bacitracin, and polymyxin B. Each square inch of such pad shall contain not less than 1 milligram of streptomycin, 50 units of bacitracin, and 1,000 units of polymyxin B. It is sterile. Its moisture content is not more than 5 percent. The streptomycin used conforms to the standards prescribed therefor by § 444.70a(a)(1), except paragraph (a)(1)(ii), (iv), and (v) of that section. The bacitracin used conforms to the standards prescribed therefor by § 448.10a(a)(1), except § 448.10a(a)(1)(ii), (iv), and (viii). The polymyxin used conforms to the standards prescribed therefor by § 444.170a(a)(1). The absorbent gauze used conforms to the standards prescribed therefor by the U.S.P.

(2) *Packaging.* Unless it is intended solely for hospital use, and is conspicuously so labeled, each streptomycin-bacitracin-polymyxin gauze pad shall be packaged individually. In all cases the immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The batch mark;

(*b*) The number of milligrams of streptomycin in each pad of the batch;

(*c*) The number of units of bacitracin in each pad of the batch;

(*d*) The number of units of polymyxin B in each pad of the batch;

(*e*) The length, width, and type of gauze contained in the pad; and

(*f*) The statement "Expiration date ----------", the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(ii) On the immediate container, the statement "Sterility of the pad cannot be guaranteed if the package bears evidence of damage or has been previously opened".

(iii) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such pads.

(4) *Request for certification; samples.* (i) In addition to complying with requirements of § 431.1 of this chapter, a person who requests certification of a batch of streptomycin-bacitracin-polymyxin gauze pads shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the streptomycin bacitracin, and polymyxin used in making such batch were completed, the potency of each pad in the batch, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that the absorbent gauze used in making the batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; average potency of streptomycin, bacitracin, and polymyxin per pad, sterility, and average moisture.

(*b*) The streptomycin used in making the batch; potency, toxicity, moisture, pH, and ash content.

(*c*) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(*d*) The polymyxin used in making the batch; potency and toxicity.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: one pad for each 5,000 pads in the batch, but in no case less than 30 pads.

(2) For sterility testing: 20 pads.

Such samples shall be collected by taking single pads at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The streptomycin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 444.70a(a)(2).

(*c*) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirement of § 448.10a(a)(2) of this chapter.

(*d*) The polymyxin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

(*e*) In case of an initial request for certification, one package consisting of approximately 5 linear yards, or the equivalent, of the absorbent gauze used.

(iv) No result referred to in paragraph (a)(4)(ii) (*b*), (*c*), and (*d*) of this section, and no sample referred to in paragraph (a)(4)(iii) (*b*), (*c*), and (*d*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 444.170a (b)(1)(i), except soak the sample for not less than 1 hour with frequent agitation.

(2) *Sterility.* Using the entire gauze pad when possible or the largest portion that can be inserted into the culture tube, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section.

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

Subpart G—Vaginal Dosage Forms

§ 444.642a Neomycin sulfate-polymyxin B sulfate-acetarsone vaginal suppositories.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-acetarsone vaginal suppositories are suppositories composed of neomycin sulfate, polymyxin B sulfate, and acetarsone, with one or more suitable and harmless binders, lubricants, and dispersants in a suitable and harmless base. Each suppository contains 3.5 milligrams of neomycin, 20,000 units of polymyxin B, and 250 milligrams of acetarsone. Its moisture content is not more than 5.0 percent. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (v), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1)(i), (v), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, moisture, pH, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(c) The batch for neomycin content, polymyxin content, and moisture.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of 30 suppositories.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.42a(b)(1), except prepare the sample for assay as follows: Place a representative number of suppositories into a high-speed glass blender with 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. The content of neomycin is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 448.30a(b)(1) of this chapter, except add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter, and prepare the sample for assay as follows: Blend a representative number of suppositories in a high-speed glass blender, with 1.0 milliliter of polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Further dilute with 10 percent potassium phosphate buffer, pH 6.0, to the reference concentration of 10 units of polymyxin per milliliter. Its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

Subparts H and I—[Reserved]

Subpart J—Certain Other Dosage Forms

§ 444.942 Neomycin sulfate in certain other dosage forms.

§ 444.942a Neomycin sulfate for prescription compounding.

(a) *Requirements for certification.* (1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate for prescription compounding is the sulfate salt of a kind of neomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) It has a potency of not less than 600 micrograms of neomycin per milligram.

(ii) It is nontoxic.

(iii) Its moisture content is not more than 8 percent.

(iv) Its pH is an aqueous solution containing 33 milligrams per milliliter is not less than 5.0 nor more than 7.5.

(v) It gives a positive identity test for neomycin.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain not less than 10 grams and not more than 100 grams of neomycin sulfate.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(i) The statements "For prescription compounding" and "Caution: Federal law prohibits dispensing without prescription".

(ii) The statement "Not sterile".

(iii) The batch mark.

(iv) The number of milligrams of neomycin activity in each gram of the neomycin sulfate.

(v) The statement "Expiration date ----------", the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(vi) The number of grams of neomycin sulfate in each immediate container of the batch.

(4) *Requests for certification; samples.* (i) In addition to complying with the conditions of § 431.1 of this chapter, a person who requests certification of a batch of neomycin sulfate for prescription compounding shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, and identity.

(ii) Such person shall submit with his request a sample consisting of a 0.5 gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) *Tests and methods of assay; potency, toxicity, moisture, pH, and identity.* Proceed as directed in § 444.42a(b)(1), (4), (5), (6), and (7).

§ 444.942b Sterile neomycin sulfate and polymyxin B sulfate solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile neomycin sulfate and polymyxin B sulfate solution is an aqueous solution containing in each milliliter 40 milligrams of neomycin and 200,000 units of polymyxin B. It is sterile. Its pH is not less than 5.0 and not more than 6.0. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (iv), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or the N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* In addition to being labeled in accordance with the requirements of § 432.5 of this chapter, the labeling shall include a statement to the effect that the drug is to be diluted for use as a urinary bladder irrigant and is not for injection. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(c) The batch for neomycin content, polymyxin B content, pH, and sterility.

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(ii) Samples required:

(a) The neomycin sulfate used in making the batch: Ten packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: Ten packages, each containing approximately 300 milligrams.

(c) The batch:

(1) For all tests except sterility: A minimum of six immediate containers.

(2) For sterility testing: Twenty immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 444.42a(b)(1), except prepare the sample as follows: Remove an accurately measured portion and dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. The neomycin content is satisfactory if it is not less than 90 percent nor more than 130 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Polymyxin B content.* Remove an accurately measured portion and dilute with 10-percent potassium phosphate buffer, pH 6.0, to a reference concentration of 10 units of polymyxin B per milliliter. Proceed as directed in § 448.30a(b)(1) of this chapter, except add to each concentration of the polymyxin B standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. The polymyxin B content is satisfactory if it is not less than 90 percent nor more than 130 percent of the number of units of polymyxin B that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted sample.

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

Subpart A—Bulk Drugs

Sec.
446.10a Sterile chlortetracycline hydrochloride.
446.15 Demeclocycline.
446.16 Demeclocycline hydrochloride.
446.20 Doxycycline hyclate.
446.20a Sterile doxycycline hyclate.
446.21 Doxycycline monohydrate.
446.50 Methacycline hydrochloride.
446.60 Minocycline hydrochloride.
446.65a Sterile oxytetracycline.
446.66 Oxytetracycline calcium.
446.67a Sterile oxytetracycline hydrochloride.
446.75a Sterile rolitetracycline.
446.76a Sterile rolitetracycline nitrate.
446.80 Tetracycline.
446.81a Sterile tetracycline hydrochloride.
446.82 Tetracycline phosphate complex.

Subpart B—Oral Dosage Forms

446.110 Chlortetracycline hydrochloride oral dosage forms.
446.110a Chlortetracycline hydrochloride tablets; tetracycline hydrochloride tablets; tetracycline tablets.
446.110b Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.
446.111 Chlortetracycline calcium sirup (chlortetracycline calcium oral drops); tetracycline sirup (tetracycline oral drops); tetracycline magnesium sirup (tetracycline magnesium oral drops).
446.115 Demeclocycline oral dosage forms.
446.115a Demeclocycline oral suspension.
446.115b Demeclocycline for oral suspension.
446.115c Demeclocycline-nystatin for oral suspension.
446.116 Demeclocycline hydrochloride oral dosage forms.
446.116a Demeclocycline hydrochloride tablets.
446.116b Demeclocycline hydrochloride-nystatin tablets.
446.116c Demeclocycline hydrochloride capsules.
446.116d Demeclocycline hydrochloride-nystatin capsules.
446.120 Doxycycline hyclate capsules.
446.121 Doxycycline monohydrate for oral suspension.
446.150 Methacycline hydrochloride oral dosage forms.
446.150a Methacycline hydrochloride capsules.
446.150b Methacycline hydrochloride sirup.
446.160 Minocycline hydrochloride oral dosage forms.
446.160a Minocycline hydrochloride tablets.
446.160b Minocycline hydrochloride capsules.
446.160c Minocycline hydrochloride oral suspension.
446.165 Oxytetracycline oral dosage forms.
446.165a Oxtetracycline tablets.
446.165b Oxytetracycline capsules; oxytetracycline hydrochloride capsules.
446.165c Oxytetracycline-nystatin capsules.
446.165d Oxytetracycline for oral suspension.
446.165e Oxytetracycline-nystatin for oral suspension.
446.166 Calcium oxytetracycline sirup.
446.167 Oxytetracycline hydrochloride soluble tablets.
446.180 Tetracycline oral dosage forms.
446.180a Tetracycline-nystatin oral suspension; tetracycline phosphate complex-nystatin oral suspension (tetracycline phosphate complex-nystatin oral drops).
446.180b Tetracycline-nystatin for oral suspension.
446.181 Tetracycline hydrochloride oral dosage forms.
446.181a Tetracycline hydrochloride-nystatin tablets.
446.181b Tetracycline hydrochloride-nystatin capsules; tetracycline phosphate complex-nystatin capsules.
446.181c Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension.

Subpart C—Injectable Dosage Forms

446.210 Sterile chlortetracycline hydrochloride.
446.220 Doxycycline hyclate for injection.
446.260 Sterile minocycline hydrochloride.
446.265 Oxytetracycline intramuscular solution.
446.267 Oxytetracycline hydrochloride for injection.
446.275 Rolitetracycline injectable dosage forms.
446.275a Rolitetracycline for intravenous use.
446.275b Rolitetracycline for intramuscular use.
446.276 Rolitetracycline nitrate injectable dosage forms.
446.276a Rolitetracycline nitrate for intravenous use.
446.276b Rolitetracycline nitrate for intramuscular use.
446.281 Tetracycline hydrochloride injectable dosage forms.
446.281a Sterile tetracycline hydrochloride.
446.281b Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use.

Subpart D—Ophthalmic Dosage Forms

446.310 Chlortetracycline hydrochloride ophthalmic dosage forms.
446.310a Chlortetracycline ophthalmic (chlortetracycline hydrochloride ophthalmic); tetracycline hydrochloride ophthalmic.
446.310b Chlortetracycline hydrochloride ointment; chlortetracycline calcium ointment; chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream).
446.367 Oxytetracycline hydrochloride ophthalmic dosage forms.
446.367a Ophthalmic oxytetracycline hydrochloride.
446.367b Oxytetracycline hydrochloride ophthalmic oil suspension.
446.367c Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension.
446.367d Oxytetracycline hydrochloride ophthalmic ointment.
446.367e Oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment.

Subpart E—Otic Dosage Forms

446.467 Oxytetracycline hydrochloride otic dosage forms.
446.467a Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution.
446.467b Oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment.
446.467c Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension.
446.481 Tetracycline hydrochloride otic (tetracycline hydrochloride for ear solution).

Subpart F—Dermatologic Dosage Forms

446.510 Chlortetracycline dermatologic dosage forms.
446.510a Chlortetracycline hydrochloride ointment; chlortetracycline calcium ointment; chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream).
446.510b Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder.
446.567 Oxytetracycline hydrochloride dermatologic dosage forms.
446.567a Oxytetracycline hydrochloride-hydrocortisone topical ointment.
446.567b Oxytetracycline hydrochloride-polymyxin B sulfate topical ointment.
446.567c Oxytetracycline hydrochloride-polymyxin B sulfate topical powder.
446.567d Oxytetracycline hydrochloride-hydrocortisone aerosol topical.
446.567e Oxytetracycline hydrochloride-polymyxin B sulfate-hydrocortisone aerosol topical.
446.581 Tetracycline hydrochloride dermatologic dosage forms.
446.581a Tetracycline hydrochloride-neomycin spray ointment topical.
446.581b Tetracycline hydrochloride-neomycin in oil suspension.

Subpart G—Vaginal Dosage Forms

446.610 Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories.
446.667 Oxytetracycline hydrochloride-polymyxin B sulfate vaginal tablets.

Subpart H—Rectal Dosage Forms

446.710 Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories.

Subpart I—[Reserved]

Subpart J—Certain Other Dosage Forms

446.910 Chlortetracycline hydrochloride impregnated surgical silk.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 446.10a Sterile chlortetracycline hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride is the yellow hydrochloride salt or crystalline hydrochloride salt of a kind of chlortetracycline or a mixture of two or more such salts with or without one or more suitable and harmless buffer substances if it is intended for intravenous use. It is so purified and dried that:

(i) Its potency, and the potency of the chlortetracycline used in the manufacture of chlortetracycline for intravenous use, is not less than 900 micrograms per milligram;

(ii) It is sterile;

(iii) It is nontoxic;

(iv) It is nonpyrogenic;

(v) It contains no histamine nor histamine-like substances;

(vi) Its moisture content is not more than 2.0 percent;

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.3 and not more than 3.3, except if it is intended for intravenous use and it contains buffer substances its pH is not less than 8 and not more than 9.5.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is intended for intravenous use, it shall be packaged in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 1.0 gram and each shall contain one or more suitable and harmless buffer substances, or each shall be packaged in combination with a container of a suitable and harmless diluent.

(3) *Labeling.* (i) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 12 months, or if it is crystalline chlortetracycline 60 months, after the month during which the batch was certified, except that if it is crystalline chlortetracycline and it contains buffer substances the blank shall be filled in with the date that is 36 months after the month during which the batch was certified.

(b) On the circular or other labeling within or attached to the package, a statement of the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and a statement, "Sterile solutions must be injected immediately after preparation".

(ii) *It is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(a) The potency per milligram and the number of grams in the immediate container.

(b) The statement "Caution: Federal law prohibits dispensing without prescription".

(c) The statement "For manufacturing use", "For repacking", or "For manufacturing use or repacking".

(d) The information required by paragraph (a)(3)(i)(a) of this section.

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed; and if it is intended for intravenous use and contains buffer substances, the date and the results of the latest test for potency of the chlortetracycline used in making such batch. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, crystallinity (if it is the crystalline salt), moisture, and pH. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(a) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than eight immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(iii) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(a) For all tests except sterility; 5 packages, each containing approximately 0.5 gram.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

Each such package shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iv) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by paragraph (a)(4)(iii) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(v) If such batch is intended for intravenous use and it contains buffer substances, such person shall submit in connection with his request (unless it has been previously submitted) one immediate container containing approximately 0.5 gram of the chlortetracycline used in making such batch.

(b) *Tests and methods of assay*—(1) *Potency.* (i) Cylinders (cups). Use cylinders described in § 440.80a(b)(1)(i) of this chapter.

(ii) *Culture media.* Use the medium described in § 440.80a(b)(1)(ii)(b) of this chapter for the seed layer and the base layer, except that the pH is adjusted to 5.8–6.0 after sterilization.

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(iii) *Working standard.* Accurately weigh a suitable quantity of the chlortetracycline hydrochloride working standard and dissolve in 0.01 *N* HCl to make an appropriate stock solution. Keep in a glass-stoppered flask and store in the refrigerator for not more than 1 week.

(iv) *Preparation of sample.* Dissolve the sample to be tested in 0.01 *N* HCl to make an appropriate stock solution. Make the final dilution in 1 percent phosphate buffer, pH 4.5, to contain 0.10 microgram per milliliter (estimated).

(v) *Preparation of suspension.* The test organism is Bacillus cereus var. mycoides (ATCC 11778).[1] Maintain the test organism on slants of nutrient agar prepared as described in § 440.80a(b) (1) (ii) (*a*) of this chapter and transfer to fresh agar slants once a month, incubating overnight at 30° C. Streak several slants heavily with the test organism and incubate overnight at 30° C. Wash off the growth with approximately 5 milliliters of sterile distilled water onto the surface of a Roux bottle containing 300 milliliters of the nutrient agar. Spread the suspension over the entire agar surface with the aid of sterile glass beads. Incubate for 1 week at 30° C. Using 25 to 50 milliliters of sterile distilled water, wash the growth from the agar surface into a glass-stoppered Erlenmeyer flask. Heat-shock this suspension for 30 minutes at 65° C. Wash three times with sterile distilled water, centrifuging between each washing and then heat-shock for 30 minutes at 65° C. Resuspend in sterile distilled water and maintain in a refrigerator. This spore suspension may be kept for 1 month. Determine the percent of spore suspension that gives clear, sharp zones of adequate size after incubation with 0.10 microgram per milliliter of the test standard. Add the appropriate amount of the spore suspension to each 100 milliliters of the agar used for the seed layer, which has been melted and cooled to 48° C.

(vi) *Preparation of plates.* Add 21 milliliters of the agar prepared as in paragraph (b) (1) (ii) of this section to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Add 4.0 milliliters of the inoculum as prepared in paragraph (b) (1) (v) of this section to each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface. Use porcelain covers glazed on the outside.

(vii) *Assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8 centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 0.10 microgram per milliliter standard and three cylinders with the 0.10 microgram per milliliter (estimated) sample, alternating standard and sample. At the same time prepare a standard curve using concentrations of the standard of 0.064, 0.080, 0.10, 0.125, and 0.156 microgram per milliliter in phosphate buffer, pH 4.5. A total of 12 plates are used in the preparation of this standard curve, three plates for each solution, except the 0.10 microgram per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 0.10 microgram per milliliter standard and the other three cylinders with the concentration of the standard under test. Thus, there will be thirty-six 0.10 microgram determinations and nine determinations for each of the other points on the curve. Incubate the plates for 16 to 18 hours at 30° C. and measure the diameter of each circle of inhibition. Average the readings of the 0.10 microgram per milliliter concentration and the readings of the point tested for each set of three plates and average also all 36 readings of the 0.10 microgram per milliliter concentration. The average of the 36 readings of the 0.10 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 0.10 microgram per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.08 microgram per milliliter concentration the average of the 36 readings of the 0.10 microgram per milliliter concentration is 18.0 millimeters and the average of the 0.10 microgram per milliliter concentration of this set of three plates is 17.8 millimeters, the correction is 0.2 millimeter. If the average reading of the 0.08 microgram per milliliter concentration of those same three plates in 17.0 millimeters, the corrected value is then 17.2 millimeters. Plot these corrected values, including the average of the 0.10 microgram per milliliter concentration on one-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Construct the best straight line through the points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

H = calculated zone diameter for the lowest concentration of the standard curve.

L = calculated zone diameter for the highest concentration of the standard curve.

c = average value of 36 zone diameters of the 0.1 microgram per milliliter standards.

a, b, d, e = corrected zone diameters for the 0.064, 0.080, 0.125, and 0.156 microgram per milliliter standard solutions, respectively.

Plot the value obtained for L and H and connect the points with a straight line. Use three plates for each sample. Fill three cylinders on each plate with the standard 0.10 microgram per milliliter solution and three cylinders on each plate with the 0.10 microgram per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve, at 30° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 0.10 microgram per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 0.10 microgram per milliliter value on the curve. From the standard curve, read the potencies corresponding to these corrected values of zone sizes.

(viii) *Turbidimetric assay.* In lieu of the plate-assay method described above, the sample may be assayed for potency by the following turbidimetric method:

(*a*) *Test culture and media.* The test organism is *Staphylococcus aureus* (ATCC 6538–P).[1] Prepare a Roux bottle suspension of this organism as described in § 440.80a(b) (1) (v) of this chapter. This suspension may be used for 2 weeks if stored in the refrigerator. Prepare the daily inoculum by adding 10 to 20 milliliters of the standardized suspension dilution to each liter of broth prepared as in § 440.80a(b) (1) (ii) (*c*) of this chapter.

(*b*) *Working standard.* Prepare a stock solution by dissolving an appropriate aliquot of the standard in sufficient 0.01 *N* HCl to give a concentration of 1,000 micrograms per milliliter. Keep in a glass-stoppered flask and store in the refrigerator for not more than 1 week. Prepare solutions for the daily standard curve by diluting an aliquot of the stock solution in 0.1 *M* phosphate buffer, pH 4.5, to the following concentrations: 0.036, 0.047, 0.060, 0.077, and 0.099 microgram per milliliter. Place 1 milliliter of each concentration in each of three replicate tubes 16 millimeters x 125 millimeters (outside dimension). To each tube, add 9 milliliters of inoculated broth described in paragraph (b) (1) (viii) (*a*) of this section and place immediately in a water bath at 37° C. for 3 to 4 hours. Remove the tubes and add 0.5 milliliter of a 12 percent solution of formaldehyde to each tube.

(*c*) *Preparation of sample.* Prepare an appropriate stock solution of the sample in 0.01 *N* HCl. Dilute further in pH 4.5 buffer to a final estimated concentration of 0.06 microgram per milliliter. Add 1 milliliter of this final concentration to each of three replicate tubes and proceed as described for the standard solution tubes in paragraph (b) (1) (viii) (*b*) of this section. After incubation and the addition of formaldehyde to all tubes, including standard and sample tubes, read the absorbance values in a suitable photoelectric colorimeter, using a wavelength of 530 mμ. Set the instrument at zero absorbance with clear, uninoculated broth prepared as described in § 440.80a(b) (1) (ii) (*c*).

(*d*) *Estimation of potency.* Plot the average absorbance valuer for each concentration of the standard on one-cycle semilogarithmic graph paper with absorbance values on the arithmetic scale and concentrations on the logarithmic scale. Construct the best straight line through the points either by inspection or by means of the equations described in § 436.515(a) (1) (v). Average the absorbance values for the sample and read the chlortetracycline concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the chlortetracycline content of the sample.

(ix) *Chlortetracycline content.* Its potency is satisfactory if the immediate containers contain 85 percent of the number of grams they are represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Toxicity.* Proceed as directed in § 440.80a(b) (4) of this chapter, using as a test dose 0.5 milliliter of an aqueous solution containing 2 milligrams per milliliter.

(4) *Pyrogens.* Proceed as directed in § 440.80a(b) (3) of this chapter, using a test dose of 1.0 milliliter per kilogram of an aqueous solution containing 5 milligrams per milliliter.

(5) *Histamine.* Proceed as directed in § 444.70a(b) (5) of this chapter, using as a test dose 0.6 milliliter per kilogram of a solution containing 5 milligrams per milliliter prepared with the diluent recommended by the manufacturer in his labeling for the drug.

(6) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) or § 440.74a(b) (5) of this chapter.

(7) *pH.* Proceed as directed in § 440.80a(b) (5) (ii) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Microscopical test for crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii) of this chapter.

§ 446.15 Demeclocycline.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Demeclocycline is a hydrated compound of a kind of demeclocycline. It is so purified and dried that:

(i) Its potency is not less than 970 micrograms of demeclocycline hydrochloride equivalent per milligram on the anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 4.3 percent and not more than 6.7 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4 and not more than 5.5.

(v) When calculated on the anhydrous basis, its absorptivity at 380 nanometers is 107.4±3.88 percent of that of the demeclocycline hydrochloride working standard similarly treated.

(vi) It is crystalline.

(vii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, absorptivity, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 250 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of demeclocycline hydrochloride per milliliter (estimated). Further dilute an aliquot of this stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, preparing the test dose solution by dissolving 40 milligrams (as the anhydrous compound) in 2 milliliters of 0.1*N* HCl and diluting with the required amount of water.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Absorptivity.* Determine the percent absorptivity of the sample relative to that of the standard in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams of the sample in 2 milliliters of 0.1*N* HCl, dilute to exactly 250 milliliters with distilled water, and mix thoroughly. Transfer a 10-milliliter aliquot of this solution to a 100-milliliter volumetric flask. Add about 75 milliliters of distilled water and 5 milliliters of 5*N* NaOH, dilute to volume with distilled water, and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of the solution at a wavelength of 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Treat a portion of the demeclocycline hydrochloride working standard in the same manner. Determine the percent relative absorptivity of the sample using the following calculation:

$$\text{Percent relative absorptivity}=\frac{\text{Absorbance of sample}\times\text{weight of standard in milligrams}\times\text{potency of standard in micrograms per milligram}\times 10}{\text{Absorbance of standard}\times\text{weight of sample in milligrams}\times(100-m)}$$

where: m = percent moisture in the sample.

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(7) *Identity.* Proceed as directed in § 446.16(b) (7). The value yielded by calculation ranges between 0.97 and 1.17.

§ 446.16 Demeclocycline hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Demeclocycline hydrochloride is the hydrochloride salt of a kind of demeclocycline. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram on the anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 2 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2 and not more than 3.

(v) When calculated on the anhydrous basis, its absorptivity at 380 nanometers is 100±4.2 percent of that of the demeclocycline hydrochloride standard similarly treated.

(vi) It is crystalline.

(vii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, absorptivity, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 250 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of demeclocycline hydrochloride per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Absorptivity.* Determine the percent absorptivity of the sample relative to that of the standard in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams of the sample in 2 milliliters of 0.1*N* HCl, dilute to exactly 250 milliliters with distilled water, and mix thoroughly. Transfer a 10 milliliter aliquot of this solution to a 100-milliliter volumetric flask. Add about 75 milliliters of distilled water and 5 milliliters of 5*N* NaOH, dilute to volume with distilled water, and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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absorbance of the solution at a wavelength of 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Treat a portion of the working standard in the same manner. Determine the percent relative absorptivity of the sample using the following calculation:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100-m)}$$

where: m = percent moisture in the sample.

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(7) *Identity.* Accurately weigh 40 milligrams of the sample and place into a 200-milliliter volumetric flask. Add 100 milliliters of 0.1*N* HCl and place on a shaker until the sample is dissolved. Dilute to volume with 0.1*N* HCl and mix well. Transfer a 5-milliliter aliquot of the solution to each of two 50-milliliter volumetric flasks. To one flask add 10 milliliters of 6*N* HCl and to the other add 10 milliliters of 3*N* HCl. Place the acid-treated flasks into a boiling water bath for 20 minutes. Remove the flasks and place in a cold water bath. When cool, dilute to volume with water and mix well. Treat a portion of the standard in the same manner. Using a suitable spectrophotometer, place the 6*N* HCl-treated sample into the reference cell and read against the 3*N* HCl-treated sample at a wavelength of 368 nanometers. Reverse the order of the cells in the cell holder and read at a wavelength of 430 nanometers.

$$\frac{(A_{368}+A_{430}\ \text{sample})\ (\text{milligrams of standard per milliliter})\ (100)}{(A_{368}+A_{430}\ \text{standard})\ (\text{milligrams of sample per milliliter})\ (100-m)} = 0.9 \text{ to } 1.1$$

where: m = percent moisture in the sample.

§ 446.20 Doxycycline hyclate.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Doxycycline hyclate is a hydrochloride hemiethanolate hemihydrate salt of 6-deoxy-oxytetracycline. It is so purified and dried that:

(i) Its potency is not less than 800 nor more than 920 micrograms of doxycycline per milligram on an "as is" basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 1.4 nor more than 2.75 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 nor more than 3.0.

(v) It contains not less than 82 nor more than 90 percent doxycycline on an "as is" basis.

(vi) It gives a positive identity test for doxycycline hyclate.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, doxycycline content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of doxycycline per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in §436.202 of this chapter, using an aqueous solution containing the equivalent of 10 milligrams of doxycycline per milliliter.

(5) *Doxycycline content*—(i) *Equipment*—(*a*) *Sheet* (*chromatographic*). Whatman No. 4 filter paper for chromatography, 15 x 57 centimeters.

(*b*) *Chamber* (*chromatographic*). Square glass chromatography jar, 30 x 30 x 60 centimeters, equipped with 25-centimeter troughs for descending chromatography.

(ii) *Preparation of solutions*—(*a*) *0.05N Methanolic hydrochloric acid.* Dilute 4.2 milliliters of concentrated hydrochloric acid to 1 liter with methanol.

(*b*) *pH 4.2 buffer.* Mix 5.86 volumes of 0.1*M* citric acid with 4.14 volumes of 0.2*M* disodium phosphate.

(*c*) *Chromatographic system.* Mix toluene, pyridine, and pH 4.2 buffer in volumetric proportions of 20:3:10, respectively. Allow the phases to separate. Place the upper phase in the troughs near the top of the chamber. Place the lower phase in the bottom of the chamber. Saturate the atmosphere of the tightly sealed chamber for 24 hours before use by placing white blotters on two opposite sides of the chamber so that their ends are immersed in the lower phase in the bottom of the chamber. Replace the solvent in troughs before the chromatograms are to be developed.

(iii) *Preparation of the doxycycline standard solution.* Accurately weigh about 50 milligrams of the doxycycline working standard into a 5-milliliter volumetric flask and bring to volume with 0.05*N* methanolic hydrochloric acid. Store in the refrigerator and use within 7 days.

(iv) *Preparation of sample.* Accurately weigh about 50 milligrams of the sample into a 5-milliliter volumetric flask and bring to volume with 0.05*N* methanolic hydrochloric acid.

(v) *Preparation of the chromatogram.* Dip the chromatographic sheets into pH 4.2 buffer and lightly blot each sheet between clean nonfluorescing, white blotters. Use separate sheets for the doxycycline standard solution, for each doxycycline sample solution, and for blanks without standard or sample application. Care must be taken so that the moist sheets do not become too dry; a period of 5 to 10 minutes between impregnating the paper and placing it in the chromatographic chamber is usually satisfactory. Evenly apply a 0.100-milliliter aliquot of a doxycycline solution to the origin line of a sheet as a 14-centimeter-long streak. Place the sheets in the chamber and develop them in a descending manner for 2 hours. The doxycycline band should move approximately 12.5 centimeters from the origin line. Remove the sheets from the chamber and air-dry for about 10 minutes.

(vi) *Processing the chromatogram.* Examine each sheet under 366-nanometer ultraviolet light. Outline the fluorescent bands with a pencil. The main marked area should be approximately 10 x 15 centimeters in size. Outline areas on the blank sheet approximately equal in size and in the same locations as those outlined on the standard sheet. Exposure of the sheets to ammonia or other alkaline vapors must be avoided. Cut the marked areas from the sheets and then cut them into approximately 2-centimeter squares. For each sheet, place the squares from each of the following areas into separate 125-milliliter Erlenmeyer flasks: The main doxycycline band of the sample, the main doxycycline band of the standard, all the other bands of the standard, the area of the blank sheet corresponding to the main band of the standard, the other area of the blank sheet corresponding to the other bands of the standard. The time between removing the sheets from the chamber and placing the squares into the Erlenmeyer flasks should be minimal, since excessive drying of the paper can lead to erratic elutions.

(vii) *Elution.* To each flask add 50 milliliters of 0.05*N* methanolic hydrochloric acid and agitate on a reciprocating shaker for 1 hour. Decant the contents of each flask into another flask by pouring through a small funnel fitted with a glass wool plug.

(viii) *Doxycycline standard solution for direct measurement of absorbance.* Pipette a 0.100-milliliter aliquot of the doxycycline standard solution into each of three 125-milliliter Erlenmeyer flasks. Add 50 milliliters of 0.05*N* methanolic hydrochloric acid to each of these flasks.

(ix) *Absorbance measurement.* Using a suitable spectrophotometer and 0.05*N* methanolic hydrochloric acid as the reference solvent, determine the absorbance of each eluate and of each doxycycline standard solution at the absorption maximum at about 349 nanometers.

(x) *Calculation of percent doxycycline in samples.* Calculate as follows:

$$\text{Percent doxycycline} = \frac{(A_s-A_b)(W_s)}{(A_s-A_b)(W_u)} \times \text{Doxycycline content of the working standard, where:}$$

A_s=Absorbance of the eluate from the main doxycycline band of the sample sheet.
A_s=Absorbance of the eluate from the main doxycycline band on the standard sheet.
A_b=Absorbance of the eluate from the area of the blank sheet corresponding to the area of the doxycycline band of the standard sheet.
W_u=Weight in milligrams of sample.
W_s=Weight in milligrams of doxycycline working standard.

(xi) *Recovery of the doxycycline standard from the chromatogram.* As follows:

$$\text{Percent recovery} = \frac{A_s-A_b}{A_p} \times \frac{100}{F}.$$

where:

A_p=Absorbance of the doxycycline standard solution described in paragraph (b)(5)(viii) of this section.
F=The fractional purity of doxycycline standard solution described in paragraph (b)(5)(xii) of this section.

If the recovery of the doxycycline standard from the chromatogram is less than 95 percent, repeat the chromatogram.

(xii) *Determination of the fractional purity of the doxycycline working standard.* Determine F by means of the following equation:

$$F = 1 - \frac{(Ac-Acb)}{(Ac-Acb+As-Ab)}.$$

where:

A_c=Absorbance of the eluate from sections of the standard chromatogram containing nondoxycycline 349 nanometers-absorbing contaminants.
A_{cb}=Absorbance of the eluates from the sections of the blank sheets corresponding to those sections of the nondoxycycline-absorbing contaminants of the standard sheets.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 0.25 potassium bromide mixture described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 446.20a Sterile doxycycline hyclate.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile doxycycline hyclate is a hydrochloride hemiethanolate hemihydrate salt of 6-deoxy-oxytetracycline. It is so purified and dried that:

(i) Its potency is not less than 800 nor more than 920 micrograms of doxycycline per milligram on an "as is" basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not less than 1.4 nor more than 2.75 percent.

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 nor more than 3.0.

(viii) It contains not less than 82 nor more than 90 percent doxycycline on an "as is" basis.

(ix) It gives a positive identity test for doxycycline hyclate.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, doxycycline content, identity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 12 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of doxycycline per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this subchapter, using a solution containing 7.5 milligrams of doxycycline per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this subchapter.

(6) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

(7) *pH.* Proceed as directed in § 436.202 of this subchapter, using an aqueous solution containing the equivalent of 10 milligrams of doxycycline per milliliter.

(8) *Doxycycline content.* Proceed as directed in § 446.20(b)(5).

(9) *Identity.* Proceed as directed in § 436.211 of this subchapter, using the 0.25 potassium bromide mixture described in paragraph (b)(1) of that section.

(10) *Crystallinity.* Proceed as directed in § 436.203(a) of this subchapter.

§ 446.21 Doxycycline monohydrate.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Doxycycline monohydrate is a hydrated compound of doxycycline. It is so purified and dried that:

(i) Its potency is not less than 880 micrograms nor more than 980 micrograms of doxycycline per milligram on an "as is" basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3.6 percent nor more than 4.6 percent.

(iv) Its pH in an aqueous suspension containing the equivalent of 10 milligrams of doxycycline per milliliter is not less than 5.0 nor more than 6.5.

(v) It contains not less than 90 percent nor more than 98 percent doxycycline on an "as is" basis.

(vi) It gives a positive identity test for doxycycline monohydrate.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, doxycycline content, identity, and crystallinity.

(ii) Samples of the batch: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of doxycycline per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, except evaluate the results after observing the mice for 5 days and prepare the sample as follows: Transfer 1 to 2 grams of the sample, accurately weighed, to a mortar. Add 1 drop of polysorbate 80 and while grinding with a pestle, slowly add sufficient sterile, distilled water to make a suspension containing 100 milligrams of doxycycline per milliliter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous suspension containing the equivalent of 10 milligrams of doxycycline per milliliter.

(5) *Doxycycline content.* Proceed as directed in § 446.20(b)(5).

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 0.25 potassium bromide mixture described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 446.50 Methacycline hydrochloride.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Methacycline hydrochloride is the hydrochloride salt of the 6-methylene homolog of oxytetracycline or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 832 micrograms of methacycline per milligram on an "as is" basis.

(ii) It passes the safety test.

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(iii) Its moisture content is not more than 2 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 nor more than 3.0.

(v) Its absorptivity at the absorption maximum of 345 nanometers is 92.4±4 percent of the methacycline standard similarly treated.

(vi) It gives a positive result to the identity test for methacycline hydrochloride.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(ii) Samples of the batch: 10 packages, each containing 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01*N* methanolic hydrochloric acid (solution 13) to obtain a concentration of 1 milligram of methacycline per milliliter. Further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.06 microgram of methacycline per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams of methacycline per milliliter.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve approximately 50 milligrams each of the sample and standard in 100 milliliters of 0.01*N* methanolic hydrochloric acid. Transfer a 10-milliliter aliquot to a 250-milliliter volumetric flask and dilute to volume with 0.01*N* methanolic hydrochloric acid. Using a suitable spectrophotometer and 0.01*N* methanolic hydrochloric acid as the blank, scan the absorption spectrum between the wavelengths of 250 and 400 nanometers. Determine the absorbance of each solution at the maxima, ca. 345 nanometers. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight in milligrams of standard} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight in milligrams of sample} \times 10}$$

(6) *Identity.* The absorption spectrum between the wavelength of 250 and 400 nanometers, determined as directed in paragraph (b)(5) of this section, compares qualitatively with that of the methacycline standard.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 446.60 Minocycline hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Minocycline hydrochloride is the hydrochloride salt of 7-dimethylamino-6-deoxy-6-demethyltetracycline. It is so purified and dried that:

(i) Its potency is not less than 785 micrograms per milligram on an "as is" basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 4.3 percent and not more than 8.0 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams of minocycline per milliliter is not less than 3.5 and not more than 4.5.

(v) It contains not less than 78.5 percent and not more than 88.5 percent minocycline on an "as is" basis.

(vi) It gives a positive identity test for minocycline hydrochloride.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, minocycline content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration containing not less than 150 micrograms of minocycline per milliliter (estimated). Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams of minocycline per milliliter.

(5) *Minocycline content*—(i) *Apparatus and reagents.* (a) Glass chromatographic column (1.3 centimeters ID x 35 centimeters long).

(b) Diatomaceous earth, acid-washed (Celite 545 or equivalent). Slurry 200 grams of diatomaceous earth with 750 milliliters of 6*N* hydrochloric acid for 10 to 15 minutes in a glass vessel. Filter and wash the diatomaceous earth with water until the pH is neutral. Slurry the neutral diatomaceous earth in 500 milliliters of methyl alcohol-ethyl acetate mixture (1:1 by volume) for 10 to 15 minutes. Filter and vacuum dry the diatomaceous earth at 60° C.

(c) EDTA solution: 0.1*M* ethylenediaminetetraacetic acid disodium salt adjusted to pH 6.0 with ammonium hydroxide.

(d) 20 percent polyethylene glycol 400 in glycerine: To 80 milliliters of glycerine, add sufficient polyethylene glycol 400 to make a volume of 100 milliliters.

(e) Reagent A (5 percent polyethylene glycol 400—glycerine mixture in EDTA solution): To 95 milliliters of EDTA solution, add sufficient 20 percent polyethylene glycol 400 in glycerine to make a volume of 100 milliliters, and shake well.

(f) Acid-alcohol reagent: Transfer 2 milliliters of hydrochloric acid to a 100-milliliter volumetric flask, dilute to mark with absolute ethyl alcohol, and mix.

(g) Column support: Place 300 grams of acid-washed diatomaceous earth into a 2-liter wide-mouth bottle with a screw top and add 100 milliliters of Reagent A. Seal the bottle and shake vigorously. Roll for 2 hours on a rolling mill until the diatomaceous earth is uniformly moistened.

(ii) *Column preparation.* Place a small circle of filter paper (Whatman No. 541 or equivalent, about 1.2 centimeters in diameter) as a plug in the bottom of the column. Firmly pack the column with 8 grams ±0.1 gram of column support in three increments. Between increments, tap the column lightly on the bench top. Press each portion evenly and firmly with a glass tamping rod. Each portion should be flat across the entire surface with no feathery edges creeping up the column walls.

(iii) *Sample preparation.* Weigh accurately a portion of sample equivalent to 20 milligrams of minocycline, transfer to a 25-milliliter volumetric flask using 4 milliliters of water, and swirl to dissolve. Dilute to mark with Reagent A and shake well to insure complete solution. Pipet 1.0 milliliter of the sample solution into a 50-milliliter beaker containing 2 grams of acid-washed diatomaceous earth and stir well. Transfer the sample-diatomaceous earth mixture to the column as completely as possible and tamp firmly. To rinse the 50-milliliter sample beaker, add 0.5 gram of column support and transfer to the top of the column and tamp firmly.

(iv) *Column elution.* Place the column in a suitable support and place a 25-milliliter graduate under the column. Add 25 milliliters of 15 percent chloroform in cyclohexane to the column. When the level of this solvent reaches the charge at the top of the column, add 50 milliliters of 30 percent chloroform in cyclohexane. Collect 22 milliliters of the first eluate in the 25-milliliter graduate and discard. Replace the 25-milliliter graduate with a 50-milliliter volumetric flask. Collect the second eluate in this 50-milliliter volumetric flask until the level of the solvent reaches the charge. Replace the 50-milliliter volumetric flask with a 10-milliliter graduate and add 30 milliliters of chloroform to the column. When the volume of the third eluate in the graduate reaches 8 milliliters, replace the 10-milliliter graduate with a 25-milliliter glass-stoppered graduate and continue collecting the fourth eluate until no more solvent drips from the column.

(v) *Determination of minocycline content.* Transfer the 8 milliliters of third eluate contained in the 10-milliliter graduate to the 50-milliliter volumetric flask containing the second eluate, and mix. Add 2 milliliters of absolute ethyl alcohol followed by 2 milliliters of acid-alcohol reagent, dilute to mark with chloroform and mix. Using a suitable spectrophotometer, 1.0 centimeter cells, and chloroform as the reference solvent, determine the absorbance of this solution at 358 nanometers within 10 minutes after preparation of the solution.

(vi) *Determination of minocycline related compounds content.* To the last 25-milliliter glass-stoppered graduate, add 2 milliliters of acid-alcohol reagent, dilute to 25 milliliters with chloroform, and mix. Using a suitable spectrophotometer, 1.0 centimeter cells, and chloroform as the reference solvent, determine the absorbance of this solution at 358 nanometers within 10 minutes after preparation of the solution.

(vii) *Preparation of standard.* Weigh accurately an amount of minocycline hydrochloride working standard equivalent to 20 milligrams of minocycline, transfer to a 100-milliliter volumetric flask, and dissolve by adding 5 milliliters of methyl alcohol. Dilute to mark with chloroform and mix. Pipet 4 milliliters into a 50-milliliter volumetric flask, add 40 milliliters of 30 percent chloroform in cyclohexane, and swirl to mix. Add 2 milliliters of absolute ethyl alcohol followed by 2 milliliters of acid-alcohol reagent, dilute to mark with chloroform, and mix. Using a suitable spectrophotometer, 1.0 centimeter cells, and chloroform as the reference solvent, determine the absorbance of this solution at 358 nanometers within 10 minutes after preparation of the solution.

(viii) *Calculations for minocycline content*

$$\text{Percent minocycline "as is"} = \frac{A_u \times W_s \times \text{potency of the standard in micrograms of minocycline per milligram}}{A_s \times W_u \times 10},$$

where:

A_u = Absorbance of the combined second and third eluates of the sample.
A_s = Absorbance of the standard.
W_u = Weight in milligrams of sample.
W_s = Weight in milligrams of the standard.

$$\text{Percent minocycline related compounds} = \frac{A_r \times W_s \times \text{potency of the standard in micrograms of minocycline per milligram}}{A_s \times W_u \times 20},$$

Where:

A_r = Absorbance of the fourth eluate of the sample (minocycline related compounds).

(ix) *Column recovery*—(a) *Procedure.* Weigh accurately about 20 milligrams of sample and proceed as directed in paragraph (b)(5)(vii) of this section.

(b) *Calculations.*

$$\text{Percent total minocycline of sample} = \frac{A_u \times W_s \times \text{potency of the standard in micrograms of minocycline per milligram}}{A_s \times W_u \times 10},$$

where:

A_u = Absorbance by direct measurement of unchromatographed sample solution.
W_u = Weight of sample for direct absorbance measurement.

$$\text{Percent column recovery} = \frac{\text{percent minocycline of sample} + \text{percent minocycline related compounds of sample} \times 100}{\text{percent total minocyclines of sample}}.$$

To be a valid assay, the percent column recovery should be 100±2 percent.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 0.5 percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 446.65a Sterile oxytetracycline.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline is the hydrated or anhydrous crystalline compound of a kind of oxytetracycline, or a mixture of two or more such compounds. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of oxytetracycline per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It is nontoxic.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substance.

(vi) Its moisture content is not more than 9 percent.

(vii) Its pH in an aqueous suspension containing 10 milligrams per milliliter is not less than 4.5 and not more than 7.0.

(viii) When calculated on the anhydrous basis, its absorptivity at 353 millimicrons is 100±4 percent of that of the oxytetracycline standard similarly treated and corrected for potency.

(ix) It gives a positive result to an identity test for oxytetracycline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, toxicity, pyrogens, histamine, moisture, pH, absorptivity, crystallinity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Plate assay*—(a) *Cylinders (cups).* Use cylinders described in § 440.80a(b)(1)(i) of this chapter.

(b) *Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F.

(1) Make nutrient agar for maintaining the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(2) Make nutrient agar for the seed layer and for the base layer as follows:

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

In lieu of preparing the media from the individual ingredients specified in this subsection, the media may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the individual ingredients specified are permissible if the resulting medium possesses growth-promoting properties at least equal to the medium described.

(c) *Working standard.* Accurately weigh a suitable quantity of the oxytetracycline working standard and dissolve in .01*N* hydrochloric acid to make an appropriate stock solution. Keep in a glass-stoppered flask and store under refrigeration. Discard solution after 1 week.

(d) *Preparation of sample.* Dissolve the sample to be tested in 0.1*N* hydrochloric acid to make an appropriate stock solution. Make the final dilution in 0.1*M* potassium phosphate buffer, pH 4.5, to contain 1.0 microgram per milliliter (estimated).

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(e) *Preparation of suspension.* The test organism is *Bacillus cereus* var. *mycoides* (ATCC 11778)[1], which is maintained on slants of agar described in paragraph (b)(1)(i)(b)(*1*) of this section. Wash the organism from the agar slant with 3 milliliters of sterile U.S.P. saline T.S. onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of the agar described in paragraph (b)(1)(i)(*b*)(*1*) of this section. Spread the suspension of organism over the entire agar surface with the aid of sterile glass beads. Incubate for 1 week at 37° C. Using 50 milliliters of sterile U.S.P. saline T.S., wash the growth from the agar surface into a glass-stoppered Erlenmeyer flask. Heat-shock this suspension for 30 minutes at 70° C. Wash three times with sterile U.S.P. saline T.S., centrifuging between each washing, and then heat-shock for 30 minutes at 70° C. Resuspend in 50 milliliters of sterile U.S.P. saline T.S. and maintain in a refrigerator. This spore suspension may be kept for 1 month. Run test plates to determine the quantity of spore suspension (usually 0.1 milliliter) that should be added to each 100 milliliters of agar to give clear, sharp zones of inhibition of appropriate size.

(f) *Preparation of plates.* Add 21 milliliters of the agar prepared as described in paragraph (b)(1)(i)(b)(2) of this section to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates, and allow it to harden. Use the plates the same day they are prepared. Melt a sufficient amount of the agar described in paragraph (b)(1)(i)(b)(2) of this section, cool to 48° C., add the proper amount of the test organism as described in paragraph (b)(1)(i)(*d*) of this section, and mix thoroughly. Add 4 milliliters of this inoculated agar to each Petri dish. Distribute the agar evenly in the plates, cover with porcelain covers glazed on the outside, and allow to harden. Place 6 cylinders on the agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

(g) *Standard curve.* Prepare the daily standard curve by further diluting the stock working standard solution in 0.1*M* potassium phosphate buffer, pH 4.5, to obtain concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 micrograms per milliliter. Use three plates for the determination of each point on the curve, except the 1.0 microgram per milliliter concentration, a total of 12 plates. On each of three plates fill three cylinders with the 1.0 micrograms per milliliter standard, and the other three cylinders with the concentration under test. Thus, there will be thirty-six 1-microgram determinations and 9 determinations for each of the other points on the curve. After incubation, read the diameters of the circles of inhibition of the plates. Average the readings of the 1.0 microgram per milliliter concentration and the readings of the point tested for each set of three plates and average also all 36 readings of the 1.0 microgram per milliliter concentration. The average of the 36 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8 microgram per milliliter concentration, the average of the 36 readings of the 1.0 microgram concentration were 20.0 millimeters, and the average of the 1.0 microgram concentration of this set of three plates were 19.8 millimeters, the correction would be +0.2 millimeter. If the average reading of the 0.8-microgram concentration of these same three plates were 19.0 millimeters, the corrected value would be 19.2 millimeters. Plot these corrected values, including the average of the 1.0 microgram per milliliter concentration, on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L=\frac{3c+2b+c-e}{5},$$

$$H=\frac{3c+2d+c-a}{5},$$

where:

L=Calculated zone diameter for the lowest concentration of the standard curve;

H=Calculated zone diameter for the highest concentration of the standard curve;

c=Average zone diameter of 36 readings of the 1.0 microgram per milliliter standard;

a, b, d, e=Corrected average values for the 0.64, 0.80, 1.25, and 1.56 micrograms per milliliter standard solutions, respectively.

Plot the values obtained for L and H and connect with a straight line.

(*h*) *Assay.* Use three plates for each sample. Fill three cylinders on each plate with the standard 1.0 microgram per milliliter solution and three cylinders with the 1.0 microgram per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve, at 30° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 1.0 microgram per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 microgram per milliliter value on the curve. From the standard curve, read the potencies corresponding to these corrected values of zone sizes.

(ii) *Turbidimetric assay.* In lieu of the plate assay method described in paragraph (b)(1)(i)(*k*) of this section, the sample may be assayed for potency by the following turbidimetric method:

(*a*) *Nutrient broth:* Make nutrient broth for preparing an inoculum of the test organism as follows:

Peptone	5.0 gm.
Yeast extract	1.5 gm.
Beef extract	1.5 gm.
Sodium chloride	3.5 gm.
Dextrose	1.0 gm.
Dipotassium phosphate	3.68 gm.
Potassium dihydrogen phosphate	1.32 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.0 after sterilization.

In lieu of preparing the medium from the individual ingredients specified in this paragraph (b)(1)(ii)(*a*), the medium may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium. Minor modifications of the individual ingredients specified are permissible if the resulting medium possesses growth-promoting properties at least equal to the medium described.

(*b*) *Working standard.* Accurately weigh a suitable quantity of the oxytetracycline working standard and dissolve in 0.1*N* hydrochloric acid to make an appropriate stock solution. Keep in a glass-stoppered flask and store under refrigeration. Discard solution after 1 week.

(*c*) *Preparation of sample.* Dissolve an appropriate quantity of the sample in a volume of 0.1*N* hydrochloric acid to obtain a convenient stock solution. Make other dilutions volumetrically in 0.1*M* potassium phosphate buffer, pH 4.5, to a final concentration of 0.24 microgram of oxytetracycline base per milliliter (estimated).

(*d*) *Preparation of test organism.* The test organism is *Staphylococcus aureus* (ATCC 6538P),[2] which is maintained on agar described in paragraph (b)(1)(i)(*b*)(*1*) of this section. From a stock slant, inoculate a Roux bottle containing the same agar and incubate for 24 hours at 32° C. to 35° C. Wash the growth from the agar surface with 50 milliliters of sterile U.S.P. saline T.S. Standardize the resulting bulk suspension so that a 1:20 dilution in U.S.P. saline T.S. will give 25 percent light transmission, using a suitable photoelectric colorimeter with a 580-millimicron filter and a 13-millimeter diameter test tube as an absorption cell. For the daily inoculum, use approximately 3.0 milliliters of the bulk suspension for each 1,000 milliliters of nutrient broth needed in the assay.

(*e*) *Procedure.* Prepare solutions for the daily standard curve by diluting an aliquot of the stock working standard solution prepared as described in paragraph (b)(1)(ii)(*b*) of this section in 0.1*M* potassium phosphate buffer, pH 4.5, to the following concentrations: 0.146, 0.187, 0.240, 0.308, and 0.395 microgram per milliliter. Place 1.0 milliliter of each concentration of the standard curve and of the sample solution prepared as described in paragraph (b)(1)(ii)(*c*) of this section in each of three replicate test tubes (16 millimeters x 125 millimeters). To each tube add 9 milliliters of the inoculated broth described in paragraph (b)(1)(ii)(*d*) of this section, and place immediately in a water bath at 37° C. for 2 to 4 hours. Remove the tubes and add 0.5 milliliter of a 12 percent solution of formaldehyde to each tube. Read the absorbance values of each tube in a suitable photoelectric colorimeter, using a wavelength of 530 millimicrons. Set the instrument at zero absorbance with clear, uninoculated broth prepared as described in paragraph (b)(1)(ii)(*a*) of this section.

(*f*) *Estimation of potency.* Plot the average absorbance values for each concentration of the standard on semilogarithmic graph paper with absorbance values on the arithmetic scale and concentrations on the logarithmic scale. Construct the best straight line through the points either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L=Calculated absorbance value for the lowest concentration of the standard curve;

H=Calculated absorbance value for the highest concentration of the standard curve;

a, b, c, d, e=Average absorbance values for each concentration of the standard curve.

Plot the values obtained for L and H and connect the points with a straight line. Average the absorbance value for the sample and read the oxytetracycline concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the oxytetracycline content of the sample.

(iii) *Chemical assay.* In lieu of the biological assay methods described in this paragraph, the sample may be assayed for potency by the following chemical assay method:

(*a*) *Reagents.* (*1*) 1*N* hydrochloric acid.

(2) 0.01*N* hydrochloric acid.

(3) Ferric chloride stock solution.

Quickly weigh (very hygroscopic) 5.0 grams of $FeCl_3 \cdot 6H_2O$ into a 100-milliliter beaker. Add approximately 10 milliliters of 1*N* hydrochloric acid, and stir to dissolve. Quantitatively transfer to a 50-milliliter, glass-stoppered, amber volumetric flask, and make up to volume with water.

(*4*) Ferric chloride working reagent.

Pipette 10.0 milliliters of ferric chloride stock solution to a 2-liter volumetric flask, add 20.0 milliliters 1*N* hydrochloric acid and bring to volume with water. Check the pH; it should be between 2.0 and 2.1.

(*b*) *Standard solution.* Accurately weigh approximately 50 milligrams of the oxytetracycline working standard and dissolve with 25 milliliters of 0.1*N* hydrochloric acid. Quantitatively transfer to a 250-milliliter volumetric flask and dilute to volume with distilled water. Keep in a glass-stoppered flask and store under refrigeration. Discard solution after 1 week.

(*c*) *Sample solution.* Prepare the sample solution as directed in paragraph (b)(1)(i)(*b*) of this section.

(*d*) *Procedure.* Pipette exactly 10.0 milliliters of the standard solution and of the sample solution into separate test tubes. To each tube add exactly 10.0 milliliters of ferric chloride working reagent, mix and allow to stand 15 minutes. Determine the absorbance of each solution at 490 millimicrons in a suitable spectrophotometer against a blank prepared from 10 milliliters of 0.01*N* hydrochloric acid and 10 milliliters of ferric chloride working reagent.

(*e*) *Estimation of potency.* Calculate the potency as follows:

$$\text{Micrograms of oxytetracycline per milligram}=\frac{\text{Absorbance of sample}}{\text{Absorbance of standard}}\times\frac{\text{Milligrams of standard}}{\text{Milligrams of sample}}\times\text{Potency of standard in micrograms per milligram}\times\frac{100}{(100-m)}$$

where m=percent moisture in the sample.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Toxicity.* Proceed as directed in § 440.80a(b)(4) of this chapter, using as a test dose 0.5 milliliter of an aqueous solution containing 2.0 milligrams per milliliter prepared by dissolving 40 milligrams in 2.0 milliliters of 0.1*N* hydrochloric acid and diluting with the required amount of sterile distilled water.

(4) *Pyrogens.* Proceed as directed in § 440.80a(b)(3) of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of oxytetracycline per milliliter, prepared by dissolving 40 milligrams in 2.0 milliliters of 0.1*N* hydrochloric acid and diluting with the required amount of sterile, pyrogen-free distilled water.

(5) *Histamine.* Proceed as directed in § 444.70a(b)(5) of this chapter, using as a test dose 0.6 milliliter per kilogram of a sterile distilled water solution containing 5 milligrams per milliliter, prepared by dissolving 40 milligrams in 2.0 milliliters of 0.1*N* hydrochloric acid and diluting with the required amount of sterile distilled water.

(6) *Moisture.* Proceed as directed in § 440.74a(b)(5) of this chapter.

(7) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using an aqueous suspension containing 10 milligrams per milliliter.

(8) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve approximately 50 milligrams each of the sample and standard in 250 milliliters of 0.1*N* hydrochloric acid. Transfer a 10-milliliter aliquot to a 100-milliliter volumetric flask, and dilute to volume with 0.1*N* hydrochloric acid. Using a suitable spectrophotometer and 0.1*N* hydrochloric acid as the blank, determine the absorbance of each solution at 353 millimicrons. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity}=\frac{\text{Absorbance of sample}\times\text{milligrams standard}\times\text{potency of standard in micrograms per milligram}\times 10}{\text{Absorbance of standard}\times\text{milligrams sample}\times(100-m)}$$

where m=percent moisture in the sample.

(9) *Crystallinity.* Proceed as directed in § 440.80a(b)(5)(iii) of this chapter.

(10) *Identity.* To about 1 milligram of sample, add 2 milliliters of sulfuric acid; a light-red color is produced when oxytetracycline is present.

§ 446.66 Oxytetracycline calcium.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline calcium is the crystalline calcium salt of a kind of oxytetracycline or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is equivalent to not less than 865 micrograms of oxytetracycline per milligram on an anhydrous basis.

(ii) It is nontoxic.

(iii) Its moisture content is not less than 8 percent and not more than 14 percent.

(iv) Its pH in an aqueous suspension containing 25 milligrams per milliliter is not less than 6.0 and not more than 8.0.

(v) Its calcium content as the sulfated ash is not less than 3.85 percent and not more than 4.35 percent on an anhydrous basis.

(vi) It gives a positive identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, calcium content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a(b)(1).

(2) *Toxicity.* Proceed as directed in § 436.33 of this chapter.

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

[2] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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(3) *Moisture.* Proceed as directed in § 440.74a(b) (5) of this chapter.

(4) *pH.* Proceed as directed in § 440.80a(b) (5) (ii) of this chapter, using a saturated aqueous suspension containing 25 milligrams per milliliter.

(5) *Calcium content.* Place approximately 1 gram of the sample, accurately weighed, in a tared porcelain crucible, and carefully ignite at a low temperature until thoroughly charred. The crucible may be loosely covered with a porcelain lid during the charring. Add to the contents of the crucible 2.0 milliliters of sulfuric acid, and cautiously heat until white fumes are evolved, then ignite, preferably in a muffle furnace, at 500° C. to 600° C. until the carbon is all burned off. Cool the crucible in a desiccator and weigh. From the weight of residue obtained, calculate the calcium content as follows:

$$\text{Percent calcium} = \frac{\text{Weight of residue} \times 0.29435}{\text{Weight of sample}} \times 100.$$

(6) *Crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii) of this chapter.

(7) *Identity.* Proceed as directed in § 446.65a(b) (10).

§ 446.67a Sterile oxytetracycline hydrochloride.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride is the crystalline hydrochloride salt of a kind of oxytetracycline or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 835 micrograms of oxytetracycline per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It is nontoxic.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substance.

(vi) Its moisture content is not more than 2.0 percent.

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.0.

(viii) When calculated on the anhydrous basis, its absorptivity at 353 millimicrons is 92.5±4.3 percent of that of the oxytetracycline standard similarly treated and corrected for potency.

(ix) It gives a positive result to an identity test for oxytetracycline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, toxicity, pyrogens, histamine, moisture, pH, absorptivity, crystallinity, and identity.

(ii) Samples of the batch:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 446.65a(b) (1).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Toxicity.* Proceed as directed in § 440.80a(b) (4) of this chapter, using as a test dose 0.5 milliliter of a solution in sterile distilled water containing 2.0 milligrams of oxytetracycline per milliliter.

(4) *Pyrogens.* Proceed as directed in § 440.80a(b) (3) of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution in sterile, pyrogen-free distilled water containing 5 milligrams of oxytetracycline per milliliter.

(5) *Histamine.* Proceed as directed in § 444.70a(b) (5) of this chapter, using as a test dose 0.6 milliliter per kilogram of a sodium chloride solution containing 5 milligrams of oxytetracycline per milliliter.

(6) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) of this chapter.

(7) *pH.* Proceed as directed in § 440.80a(b) (5) (ii) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Absorptivity.* Proceed as directed in § 446.65a(b) (8).

(9) *Crystallinity.* Proceed as directed in § 440.80a(b) (5) (iii) of this chapter.

(10) *Identity.* Proceed as directed in § 446.65a(b) (10).

§ 446.75a Sterile rolitetracycline.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile rolitetracycline is *N*-(1-pyrrolidinylmethyl) tetracycline. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram on the anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not more than 3.0 percent.

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 7 and not more than 9, and such solution is substantially clear.

(viii) It is crystalline.

(ix) When calculated on an anhydrous basis, its absorptivity at 380 nanometers is 100±4.4 percent of that of the rolitetracycline standard similarly treated.

(x) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this subchapter.

(6) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

(7) *pH.* Proceed as directed in § 436.202 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this subchapter.

(9) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to separate 100-milliliter volumetric flasks. Add approximately 75 milliliters of distilled water and 5.0 milliliters of 5*N* NaOH to each flask, and then dilute to volume with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100-m)},$$

where m = percent moisture in the sample.

(10) *Identity.* Place approximately 100 milligrams of the sample to be tested in a test tube, and 5 milliliters of 1*N* NaOH, and heat gently to boiling for about 15 seconds. (The musty, aminelike odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

§ 446.76a Sterile rolitetracycline nitrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile rolitetracycline nitrate is the nitrate salt of *N*-(pyrrolidinomethyl) tetracycline. It is so purified and dried that:

(i) It contains not less than 765 micrograms of rolitetracycline per milligram on an "as is" basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not more than 5.0 percent.

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 5.5.

(viii) It is crystalline.

(ix) When calculated on an anhydrous basis, its absorptivity at 380 nanometers is 89.2±4.0 percent of that of the rolitetracycline standard similarly treated and corrected for potency.

(x) It gives a positive result to the identity tests for rolitetracycline nitrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this subchapter.

(6) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

(7) *pH.* Proceed as directed in § 436.202 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this subchapter.

(9) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to representative 100-milliliter volumetric flasks. Add about 75 milliliters of distilled water and 5.0 milliliters of 5*N* NaOH to each and then dilute to volume with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100-m)},$$

where: m = percent moisture in the sample.

(10) *Identity—*(i) *Rolitetracycline.* Place approximately 100 milligrams of the sample to be used in a test tube, add 5 milliliters of 1*N* NaOH, and heat gently to boiling for about 15 seconds. (The musty, amine-like odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

(ii) *Nitrate identity.* Transfer approximately 1 gram of sample to a 250-milliliter beaker, add 100 milliliters of water, and acidify with 1 milliliter of acetic acid. Heat to boiling and, with constant stirring, add 10 milliliters of a 10-percent solution of nitron (1,4-diphenyl-3,5-endo - anilino - 4,5 - dihydro - 1,2,4-triazole) $C_{20}H_{16}N_4$[v] in 1*N* acetic acid. Allow to cool. A heavy precipitate indicates the presence of nitrate.

§ 446.80 Tetracycline.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Tetracycline is the hydrated or anhydrous crystalline compound of the deschloro derivative of a kind of chlortetracycline, or a mixture of two or more such compounds. It is so purified that:

(i) Its potency is not less than 975 micrograms per milligram on the anhydrous basis.

(ii) It is nontoxic.

(iii) Its moisture content is not more than 13 percent.

(iv) Its pH in an aqueous suspension prepared by adding 10 milligrams per milliliter is not less than 3.0 and not more than 7.0.

(v) Its absorptivity at 380 mμ, calculated on the anhydrous basis, is 108.2±3.75 percent of the tetracycline hydrochloride working standard treated as described in § 446.81a(b) (5) and calculated on the anhydrous basis.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package of tetracycline shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The batch mark.

(ii) The number of micrograms of tetracycline per milligram expressed in terms of its equivalency of tetracycline hydrochloride, and the total number of grams in the immediate container.

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is 36 months after the month during which it was certified.

(iv) The statement "For use only in the manufacture of nonparenteral drugs".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement

[v] Nitron is available from J. T. Baker Laboratory Chemicals, North Phillipsburg, N.J. 08865.

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showing the batch mark, the number of packages of each size in the batch, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, and absorptivity.

(ii) Such person shall submit with his request an accurately representative sample of the batch consisting of 10 packages, each containing approximately 60 milligrams taken from a different part of such batch and each packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iii) In connection with contemplated requests for certification of batches of another drug in the manufacture of which tetracycline is to be used, the manufacturer of the batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by paragraph (a)(4)(ii) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer the results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Moisture.* Proceed as directed in § 440.74a (b)(5) of this chapter. Use the value obtained to calculate the weighed samples used in paragraph (b) (2), (3), and (6) of this section to the anhydrous compound.

(2) *Potency.* Using 40 milligrams (as the anhydrous compound) of sample, proceed as directed in § 446.81a(b)(1).

(3) *Toxicity.* Proceed as directed in § 444.70a(b)(3) of this chapter, using as a test dose 0.5 milliliter of an aqueous solution containing 2.0 milligrams per milliliter prepared by dissolving 40 milligrams (as the anhydrous compound) in 2.0 milliliters of 0.1*N* HCl and diluting with the required amount of water.

(4) *pH.* Proceed as directed in § 440.80a (b)(5)(ii) of this chapter, using an aqueous suspension prepared by adding 10 milligrams per milliliter.

(5) *Crystallinity.* Proceed as directed in § 440.80a(b)(5)(iii) of this chapter.

(6) *Absorptivity.* Proceed as directed in § 446.81a(b)(5), except dissolve 40 milligrams (as the anhydrous compound) in 2.0 milliliters of 0.1 *N* HCl and dilute to 250 milliliters with distilled water.

§ 446.81a Sterile tetracycline hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride is the crystalline hydrochloride salt of the deschloro derivative of a kind of chlortetracycline or a mixture of two or more such salts, with or without one or more suitable and harmless stabilizing agents. It is so purified and dried that:

(i) Its potency, and the potency of the tetracycline hydrochloride used in the manufacture of tetracycline hydrochloride intended for use by injection, is not less than 900 micrograms per milligram.

(ii) It is sterile.

(iii) It is nontoxic.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substance.

(vi) Its moisture content is not more than 2 percent.

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 1.8 and not more than 2.8, except if it is intended for use by injection its pH is not less than 2.0 and not more than 3.0.

(viii) Its absorptivity and the absorptivity of the tetracycline hydrochloride used in the manufacture of tetracycline hydrochloride intended for use by injection is 100±4 percent of the tetracycline hydrochloride working standard similarly treated and both calculated on the anhydrous basis.

(2) *Packaging; labeling; request for certification, check tests and assays, samples.* Tetracycline hydrochloride conforms to all requirements and procedures prescribed for chlortetracycline hydrochloride by § 446.10a(a)(2), (3), and (4), except that:

(i) It shall be labeled with an expiration date that is 36 months after the month during which the batch was certified, except that it may be labeled with the date that is 48 months or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) The person who requests certification of a batch of tetracycline hydrochloride that contains stabilizing agents and is intended for use by injection shall submit with his request (unless they were previously submitted) the results of the latests tests and assays made on the batch of the tetracycline hydrochloride used in making such batch for potency and absorptivity and a sample consisting of two packages each containing approximately 500 milligrams of the tetracycline hydrochloride used in making such batch for potency and absorptivity.

(b) *Tests and methods of assay*—(1) *Potency.* Use the tetracycline hydrochloride working standard as the standard of comparison, and proceed as directed in § 446.10a(b)(1), except:

(i) Use 0.1*N* HCl instead of 0.01*N* HCl for the preparation of the standard stock solution and the sample stock solution.

(ii) In the cylinder-plate assay:

(*a*) Further dilute the samples in 0.1 *M* phosphate buffer, pH 4.5, to an estimated final concentration of 1.0 microgram per milliliter instead of 0.10 microgram per milliliter; and

(*b*) The final concentrations for the standard curve are 0.64, 0.8, 1.0, 1.25, and 1.56 micrograms per milliliter.

(iii) In the turbidimetric assay:

(*a*) Further dilute the samples in 0.1 *M* phosphate buffer, pH 4.5, to an estimated final concentration of 0.24 microgram per milliliter instead of 0.06 microgram per milliliter; and

(*b*) The final concentrations for the standard curve are 0.146, 0.187, 0.240, 0.308, and 0.395 microgram per milliliter.

The potency of tetracycline hydrochloride intended for use by injection is satisfactory if each immediate container contains not less than 90 percent of the tetracycline hydrochloride that it is represented to contain.

(2) *Sterility and toxicity.* Proceed as directed in § 446.10a(b)(2) and (3).

(3) *Pyrogens.* Proceed as directed in § 440.80a(b)(3) of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of tetracycline hydrochloride per milliliter of sterile, pyrogen-free distilled water.

(4) *Histamine, moisture, pH, and crystallinity.* Proceed as directed in § 446.10a(b)(5), (6), and (7) and § 440.80a(b)(5)(iii) of this chapter.

(5) *Absorptivity.* Dissolve approximately 40 milligrams on the anhydrous basis of the sample, accurately weighed, in approximately 150 milliliters of distilled water by mixing thoroughly. Dilute to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of this solution to a 100-milliliter volumetric flask, add about 75 milliliters of distilled water and 5.0 milliliters of 5 *N* NaOH, and then make to 100 milliliters with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of the solution at 380 mμ compared with distilled water as a blank. Use a suitable spectrophotometer for the absorbance measurements.

$$\text{Absorptivity (1\%, 1 cm.)} = \frac{\text{Absorbance at 380 m}\mu \times 26{,}000}{\text{Weight of sample in milligrams}}$$

§ 446.82 Tetracycline phosphate complex.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tetracycline phosphate complex is the crystalline sodium metaphosphate complex of a kind of tetracycline. It is so purified and dried that:

(i) Its potency is not less than 750 μg. per milligram on the anhydrous basis.

(ii) It is nontoxic.

(iii) Its moisture content is not more than 9 percent.

(iv) Its pH in an aqueous suspension prepared by adding 10 milligrams per milliliter is not less than 2.0 and not more than 4.0.

(v) Its absorptivity at 380 mμ, calculated on the anhydrous basis, is 82.0±4.9 percent of the tetracycline hydrochloride working standard treated as described in § 446.81a(b)(5).

(vi) It passes identity tests showing a presence of phosphate, a content of not more than 0.2 percent chloride, and a content of not more than 1 percent tetracycline base.

(2) *Packaging; labeling; request for certification, samples.* Tetracycline phosphate complex conforms to all requirements and procedures prescribed for tetracycline by § 446.80(a)(2), (3), and (4), except that it shall be labeled with an expiration date that is 18 months after the month during which the batch was certified, and except that the sample submitted for certification shall contain one additional package containing approximately 1 gram.

(b) *Tests and methods of assay*—(1) *Moisture, potency, toxicity, pH, crystallinity, absorptivity.* Proceed as directed in § 446.80(b)(1), (2), (3), (4), (5), and (6).

(2) *Identity.* Proceed as directed in paragraph (b)(2)(i), (ii), and (iii) of this section.

(i) *Presence of phosphate.* Suspend 100 milligrams of the sample in 10 milliliters of distilled water and filter a small portion by gravity. Transfer 1 milliliter to a 100-milliliter glass-stoppered cylinder, add 10 milliliters of distilled water, 2 milliliters of ammonium molybdate test solution, 1 milliliter of stannous chloride test solution, and 10 milliliters of isobutyl alcohol-benzene mixture (1:1 ratio), all in the order named. Shake vigorously for 1 minute, allow the layers to separate, and examine the top organic layer. In the presence of phosphate, the top layer turns blue.

(ii) *Chloride content.* To 1 milliliter of the filtrate prepared as directed in the first sentence of paragraph (b)(2)(i) of this section, add 1 drop of silver nitrate test solution and 1 drop of nitric acid. Any turbidity produced is not greater than that obtained by similarly treating 1 milliliter of 0.057*N* hydrochloric acid.

(iii) *Determination of percent tetracycline base.* This test is used to determine the quantity of tetracycline present as base in mixtures with phosphate salts.

(*a*) *Reagents.* (*1*) 1,4-Dioxane.

(2) Purified dioxane: Pass the dioxane through a column of Amberlite IRA 400 (OH^-) resin.

(3) Perchloric acid, 0.01*N*: Dilute 0.84 milliliter of 70 percent perchloric acid to 1,000 milliliters with purified dioxane; standardize at least once every 2 days, as follows: Weigh accurately about 70 milligrams of diphenylguanidine, and dissolve in 50 milliliters of ethyl alcohol in a 250-milliliter flask. Add two drops of methyl red, and titrate with the perchloric acid solution from a burette until the yellow color changes to orange. Deduct the volume of the perchloric acid consumed by 50 milliliters of the ethyl alcohol, and calculate the normality. Each 2.113 milligrams of diphenylguanidine is equivalent to 1 milliliter of 0.01*N* perchloric acid.

(*4*) Methyl red indicator: Dissolve 100 milligrams of methyl red in 100 milliliters of methyl alcohol.

(*b*) *Procedure.* Place an accurately weighed 1-gram sample in a 50-milliliter Erlenmeyer flask, add 10.0 milliliters of purified dioxane and shake the mixture manually for about 2 minutes. Allow to settle, decant all the supernatant liquid into a 50-milliliter polyethylene centrifuge tube, cover with Parafilm, and centrifuge until clear (about 3 minutes). Pipette 5.0 milliliters of the clear, supernatant solution into a 50-milliliter beaker, stir magnetically, and titrate with 0.01*N* perchloric acid, using methyl red as the indicator. The endpoint is the last color change to orange when a drop of titrant is added.

Calculation:

$$\text{Percent tetracycline base} = \frac{\text{Milliliters of acid used} \times \text{normality} \times 0.4445 \times 200}{\text{Weight of sample}}$$

The sample is satisfactory if the results from the tests described indicate that there is a presence of phosphate, an absence of chloride, and not more than 1 percent of tetracycline base present.

Subpart B—Oral Dosage Forms

§ 446.110 Chlortetracycline hydrochloride oral dosage forms.

§ 446.110a Chlortetracycline hydrochloride tablets; tetracycline hydrochloride tablets; tetracycline tablets.

(a) *Requirements for certification.* (1) Chlortetracycline hydrochloride tablets, tetracycline hydrochloride tablets, and tetracycline tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 446.110b(a) for chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, and tetracycline capsules, except that:

(i) The average moisture content of the tablets is not more than 3 percent, unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content not exceeding 6 percent.

(ii) In addition to the requirements prescribed by § 446.110b(a), tablets not exceeding 15 millimeters in diameter, or not intended only for use in preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of six tablets.

(2) [Reserved]

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.110b(b)(1). The average potency of the drug is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.200(b) or § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 440.180a(b)(3) of this chapter.

§ 446.110b Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, tetracycline capsules and tetracycline phosphate complex capsules are capsules composed of crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, with or without one or more suitable and harmless buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings and glucosamine hydrochloride enclosed in a gelatin capsule. Each capsule shall contain not less than 50 milligrams of chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex. Its moisture content is not more than 2 percent if it contains chlortetracycline hydrochloride, not more than 3 percent if it contains tetracycline (not more than 9 percent if it contains sodium or potassium metaphosphate as a buffer substance), not more than 4 percent if it contains tetracycline hydrochloride, and not more than 9 percent if it contains tetracycline phosphate complex. The chlortetracycline hydrochloride used conforms to the requirements of § 446.10a(a)(1), except § 446.10a(a)(1)(ii), (iv), and (v). The tetracycline hydrochloride used conforms to the requirements of § 446.10a(a)(1), except § 446.81a(a)(1)(ii), (iv), and (v). The tetracycline used conforms to the requirements of § 446.80(a)(1). The tetracycline phosphate complex used conforms to the requirements of § 446.82(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Unless each capsule is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container, as hereinafter indicated, the following:

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(i) The statement "Expiration date ----------", the blank being filled in with one of the following dates after the month during which the batch was certified:

(*a*) If chlortetracycline hydrochloride is used, 60 months.

(*b*) If tetracycline hydrochloride is used, 48 months, except that the date that is 60 months may be used if the person who requests certification has submitted to the Commissioner results of tests and assay showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) (1) of this section.

(*c*) If tetracycline is used, 36 months.

(*d*) If tetracycline phosphate complex is used, 24 months, except that the blank may be filled in with the date that is 36 months, 48 months, or 60 months, after the month in which the batch was certified, if the person who requests certification has submitted to the Commisisoner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section.

(*e*) If it contains sodium metaphosphate, 36 months.

(ii) [Reserved]

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline, tetracycline hydrochloride, tetracycline or tetracycline phosphate complex used in making such batch was completed, the number of milligrams in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefore, if any, by this section.

(ii) Except as otherwise provided in paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(*a*) The batch; average potency per capsule and average moisture.

(*b*) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch; Potency, toxicity, moisture, pH, crystallinity, absorptivity (if it is tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex) and identity if it is tetracycline phosphate complex.

(iii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules, collected by taking single capsules at such intervals throughout the entire time of preparation that the quantities encapsulated during the intervals are approximately equal.

(*b*) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 446.10a(a) (2).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a) (4) (ii) (*b*) of this section, and no sample referred to in paragraph (a) (4) (iii) (*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*— (1) *Potency.* Using 3 capsules of 250 milligrams or 5 capsules of 50 milligrams or 100 milligrams and 500 milliliters of 0.01*N* HCl in the blender, proceed as directed in § 436.513(a) if it is chlortetracycline. If it is tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, use 500 milliliters of 0.1 *N* HCl, and proceed as directed in § 446.81a(b) (1). If it contains vegetable oils, use 1 milliliter of polysorbate 80 and sufficient solvent to give 500 milliliters. The average potency of the drug is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) or § 440.74a(b) (5) of this chapter.

§ 446.111 Chlortetracycline calcium sirup (chlortetracycline calcium oral drops); tetracycline sirup (tetracycline oral drops); tetracycline magnesium sirup (tetracycline magnesium oral drops).

(a) *Requirements for certification*— (1) *Standards of identity, strength, quality, and purity.* Chlortetracycline calcium sirup, tetracycline sirup, and tetracycline magnesium sirup are sirups that contain chlortetracycline calcium prepared from crystalline chlortetracycline hydrochloride, tetracycline, or tetracycline magnesium prepared from tetracycline or tetracycline hydrochloride with or without one or more suitable glucosamine hydrochloride, *N*-acetylglucosamine, and one or more suitable and harmless buffer substances, suspending and stabilizing agents, and preservatives, suspended in a suitable and harmless vehicle. Each milliliter shall contain a quantity of chlortetracycline calcium or tetracycline or tetracycline magnesium equivalent to not less than 25 milligrams or chlortetracycline hydrochloride or tetracycline hydrochloride. The pH is not less than 6.5 nor more than 9.0, except if it is tetracycline sirup that pH is not less than 3.5 nor more than 6.0, except if it contains *N*-acetylglucosamine the pH is not less than 5.0 and not more than 7.5. The crystalline chlortetracycline hydrochloride used conforms to the requirements of § 446.10a(a) (1), except § 446.10a(a) (1) (ii), (iv), and (v). The crystalline tetracycline used conforms to the requirements of § 446.80(a). The tetracycline hydrochloride used conforms to the requirements of § 446.81a(a) (1) except § 446.81a(a) (1) (ii), (iv) and (v). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------", the blank being filled in with the date that is 12 months after the month during which the batch was certified, except the blank may be filled in with the date that is 18 months, 24 months, 36 months, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section.

(ii) If it contains, in addition to chlortetracycline calcium, tetracycline, or tetracycline magnesium, one or more of the other active ingredients specified in paragraph (a) (1) of this section, after the name "chlortetracycline calcium sirup" or "tetracycline sirup" or "tetracycline magnesium sirup," wherever it appears, the words "with ---------- (the blank being filled in with the established name of such other ingredient)," in juxtaposition with such name.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline hydrochloride or tetracycline or tetracycline hydrochloride used in making such batch was completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: Average potency per milliliter, pH, and toxicity if it is chlortetracycline calcium sirup or tetracycline magnesium sirup.

(*b*) The chlortetracycline hydrochloride or tetracycline or tetracycline hydrochloride used in making the batch; potency, toxicity, moisture, pH, crystallinity, and absorptivity if it is tetracycline or tetracycline hydrochloride.

(iii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The chlortetracycline hydrochloride or tetracycline or tetracycline hydrochloride used in making the batch; 10 packages each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 446.10a(a) (2).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a) (4) (ii) (*b*) of this section, and no sample referred to in paragraph (a) (4) (iii) (*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*— (1) *Potency.* If it is chlortetracycline calcium sirup, proceed as directed in § 446.10a(b) (1). If it is tetracycline sirup or tetracycline magnesium sirup, use a 1-milliliter aliquot of the sample and proceed as directed in § 446.510b(b) (1). Blend for 5 minutes and proceed as directed in § 446.81a(b) (1). Its potency is satisfactory if it contains not less than 85 percent of the equivalent number of milligrams of chlortetracycline or tetracycline hydrochloride per milliliter that it is represented to contain.

(2) *pH.* Using the undiluted sample, proceed as directed in. § 440.80a(b) (5) (ii) of this chapter.

(3) *Toxicity (if it is chlortetracycline calcium sirup or tetracycline magnesium sirup).* Administer orally, by means of cannula or other suitable device, to each of 5 mice, within the weight range of 18 grams to 25 grams, 0.5 milliliter containing 12.5 milligrams, except that if it contains analgesic substances or antihistaminics, administer 0.5 milliliter containing 6.25 milligrams. Dilute the preparation with sterile distilled water, if necessary, to contain the quantity of drug per 0.5 milliliter. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test, using for each test five or more previously unused mice weighing 20 grams (±0.5 grams) each; if the total deaths within 48 hours is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

§ 446.115 Demeclocycline oral dosage forms.

§ 446.115a Demeclocycline oral suspension.

(a) *Requirements for certification*— (1) *Standards of identity, strength, quality, and purity.* Demeclocycline oral suspension is composed of demeclocycline with or without one or more suitable and harmless buffer substances, suspending and stabilizing agents, and preservatives suspended in a suitable and harmless vehicle. Each milliliter contains demeclocycline equivalent to either 15 milligrams or 60 milligrams of demeclocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of demeclocycline hydrochloride equivalent that it is represented to contain. The pH is not less than 4 and not more than 5.8. The demeclocycline used conforms to the standards prescribed by § 446.15(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The demeclocycline used in making the batch for potency, safety, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The demeclocycline used in making the batch: 10 packages, each containing approximately 250 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*— (1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured representative portion of the sample to an appropriate-sized volumetric flask, dilute to volume with 0.1*N* hydrochloric acid, and mix. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) pH. Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

§ 446.115b Demeclocycline for oral suspension.

(a) *Requirements for certification*— (1) *Standards of identity, strength, quality, and purity.* Demeclocycline for oral suspension is composed of demeclocycline with or without one or more suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains demeclocycline equivalent to 15 milligrams of demeclocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of demeclocycline hydrochloride equivalent that it is represented to contain. Its moisture content is not more than 5 percent. The demeclocycline used conforms to the standards prescribed by § 446.15(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The demeclocycline used in making the batch for potency, safety, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The demeclocycline used in making the batch: 10 packages, each containing approximately 250 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*— (1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Transfer an accurately measured representative portion of the sample to an appropriate-sized volumetric flask, dilute to volume with 0.1*N* hydrochloric acid, and mix. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.115c Demeclocycline-nystatin for oral suspension.

(a) *Requirements for certification.* Demeclocycline-nystatin for oral suspension conforms to all requirements and procedures prescribed by § 446.115b (a) for demeclocycline for oral suspension, except that:

(1) When reconstituted as directed in the labeling, each milliliter of oral suspension shall contain a quantity of demeclocycline equivalent to not less than 15 milligrams of demeclocycline hydrochloride and not less than 25,000 units of nystatin. The nystatin used conforms to the standards prescribed therefor by § 446.181b(a) (1).

(2) The expiration date of the drug shall be 12 months.

(3) In addition to complying with the requirements of § 446.115b(a) (3), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and identity. He shall submit in connection with his request a sample consisting of one package

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for each 5,000 packages in the batch, but in no case less than 6 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal, and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Demeclocycline content.* Proceed as directed in § 446.115b(b)(1).

(ii) *Nystatin content.* Reconstitute as directed in the labeling. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a blending jar containing 150 milliliters of dimethylformamide. Blend for 2 minutes in a high-speed blender and then dilute an aliquot with sufficient dimethylformamide to give a concentration of 400 units per milliliter (estimated). Further dilute this solution with 10 percent phosphate buffer, pH 6.0, to give a concentration of 20 units per milliliter (estimated). Proceed as directed in § 446.181b(b)(2). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) or § 440.74a(b)(5) of this chapter.

NOTE: § 446.115c (a) and (b) (formerly §§ 146c.263 and 141c.263 respectively) were revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969; and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.116 Demeclocycline hydrochloride oral dosage forms.

§ 446.116a Demeclocycline hydrochloride tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Demeclocycline hydrochloride tablets are composed of demeclocycline hydrochloride with one or more suitable and harmless diluents, lubricants, binders, and flavorings. Each tablet contains 75 milligrams, 150 milligrams, or 300 milligrams of demeclocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of demeclocycline hydrochloride that it is represented to contain. Its loss on drying is not more than 2 percent. It shall disintegrate within 30 minutes. The demeclocycline hydrochloride used conforms to the standards prescribed by § 446.16(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The demeclocycline hydrochloride used in making the batch for potency, safety, loss on drying, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, loss on drying, and disintegration time.

(ii) Samples required:

(*a*) The demeclocycline hydrochloride used in making the batch: 10 packages, each containing approximately 250 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter.

§ 446.116b Demeclocycline hydrochloride-nystatin tablets.

(a) *Requirements for certification.* Demeclocycline hydrochloride-nystatin tablets are tablets that conform to all the requirements and are subject to all procedures prescribed by § 446.116d(a) for demeclocycline hydrochloride-nystatin capsules, except that:

(1) Each tablet contains 300 milligrams of demeclocycline hydrochloride and 500,000 units of nystatin.

(2) The moisture content is not more than 4 percent.

(3) It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(4) In addition to the requirements prescribed by § 446.116d(a), demeclocycline hydrochloride-nystatin tablets shall disintegrate within 1 hour. A person who requests certification shall therefor also submit, for disintegration time studies, results of this test by him and a sample of six tablets.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Demeclocycline hydrochloride content.* Proceed as directed in § 446.116a(b)(1).

(ii) *Nystatin content.* Proceed as directed in § 449.150a(b)(1) of this chapter. Its content of nystatin is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units thereof that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 440.180a(b)(3) of this chapter.

NOTE: § 446.116b (a) and (b) (formerly § 146c.271 and § 141c.271 respectively) were revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969; and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.116c Demeclocycline hydrochloride capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Demeclocycline hydrochloride capsules are composed of demeclocycline hydrochloride, with one or more suitable and harmless diluents and lubricants, enclosed in a gelatin capsule. Each capsule contains 75 milligrams, 150 milligrams, or 300 milligrams of demeclocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of demeclocycline hydrochloride that it is represented to contain. Its loss on drying is not more than 2 percent, except that if starch is used as a diluent the loss on drying is not more than 8 percent. The demeclocycline hydrochloride used conforms to the standards prescribed by § 446.16(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The demeclocycline hydrochloride used in making the batch for potency, safety, loss on drying, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The demeclocyline hydrochloride used in making the batch: 10 packages, each containing approximately 250 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of demeclocycline hydrochloride per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 446.116d Demeclocycline hydrochloride-nystatin capsules.

(a) *Requirements for certification.* Demeclocycline hydrochloride-nystatin capsules are capsules that conform to all requirements and are subject to all procedures prescribed by § 446.116c(a) for demeclocycline hydrochloride capsules, except that:

(1) Each capsule contains not less than 250,000 units of nystatin. The nystatin used conforms to the requirements prescribed therefor by § 446.181b(a)(1).

(2) The average moisture content of the capsules is not more than 5.0 percent.

(3) Its expiration date shall be the date that is 18 months after the month during which the batch was certified.

(4) In addition to complying with the requirements of § 446.116c(a)(3), a person who requests certification of a batch shall submit with his request a statement

showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and identity. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Demeclocycline hydrochloride content.* Proceed as directed in § 446.116c(b)(1).

(ii) *Nystatin content.* Proceed as directed in § 446.181b(b)(1)(i)(*b*). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

NOTE: § 446.116d (a) and (b) (formerly § 146c.259 and § 141c.259 respectively) were revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969; and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.120 Doxycycline hyclate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate capsules are composed of doxycycline hyclate and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains doxycycline hyclate equivalent to either 50 or 100 milligrams of doxycycline. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of doxycycline that it is represented to contain. The moisture content is not more than 5.0 percent. It passes the identity test for the presence of the doxycycline moiety. The doxycycline hyclate used conforms to the standards prescribed by § 446.20.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline hyclate used in making the batch for potency, safety, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, moisture, and identity.

(ii) Samples required:

(*a*) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 0.1*N* hydrochloric acid and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Identity.* Proceed as directed in § 436.308 of this chapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline capsule contents and of the doxycycline working standard in methanol and further dilute each solution to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final standard and sample solutions. The standard and sample must each produce a major, yellow fluorescent spot with the same R_f value, and the standard-sample mixed solution must show no separation of major spots.

§ 446.121 Doxycycline monohydrate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline monohydrate for oral suspension is doxycycline monohydrate with one or more suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. Its moisture content is not more than 3 percent. It passes the identity test for the presence of the doxycycline moiety. When prepared as directed in the labeling, each milliliter contains the equivalent of 5 milligrams of doxycycline and its pH is not less than 5.0 and not more than 6.5. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of doxycycline that it is represented to contain. The doxycycline monohydrate used conforms to the standards prescribed by § 446.21.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter,

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline monohydrate used in making the batch for potency, safety, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, moisture, pH, and identity.

(ii) Samples required:

(*a*) The doxycycline monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable syringe, transfer an appropriate aliquot of the suspension to a volumetric flask and dissolve with 0.1*N* hydrochloric acid. Further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Reconstitute as directed in the labeling and proceed as directed in § 436.202 of this chapter, using the undiluted sample.

(4) *Identity.* Proceed as directed in § 436.308 of this chapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline monohydrate for oral suspension and of the doxycycline working standard in methanol and further dilute each solution to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final concentration of the sample and standard solutions. The sample and standard must each produce a major, yellow fluorescent spot with the same R_f value and the sample-standard mixed solution must show no separation of major spots.

§ 446.150 Methacycline hydrochloride oral dosage forms.

§ 446.150a Methacycline hydrochloride capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Methacycline hydrochloride capsules are composed of methacycline hydrochloride and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains methacycline hydrochloride equivalent to either 70 milligrams of methacycline, 140 milligrams of methacycline, or 280 milligrams of methacycline. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of methacycline that it is represented to contain. The moisture content is not more than 5.0 percent. The methacycline hydrochloride used conforms to the standards prescribed by § 446.50(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The methacycline hydrochloride used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The methacycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 0.01*N* methanolic hydrochloric acid (solution 13) and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference

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concentration of 0.06 microgram of methacycline per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.150b Methacycline hydrochloride sirup.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Methacycline hydrochloride sirup contains methacycline hydrochloride and one or more suitable and harmless buffers, dispersants, diluents, colorings, flavorings, and preservatives. It contains methacycline hydrochloride equivalent to 14 milligrams of methacycline per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of methacycline that it is represented to contain. Its pH is not less than 6.5 nor more than 6.0. The methacycline hydrochloride used conforms to the standards prescribed by § 446.50(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The methacycline hydrochloride used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required.

(*a*) The methacycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Remove an appropriate aliquot of the sirup with a suitable syringe and dissolve with 0.01*N* methanolic hydrochloric acid (solution 13). Further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.06 microgram of methacycline per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter using the undiluted sample.

§ 446.160 Minocycline hydrochloride oral dosage forms.

§ 446.160a Minocycline hydrochloride tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Minocycline hydrochloride tablets are composed of minocycline hydrochloride and one or more suitable and harmless diluents, binders, lubricants, coloring, and coating substances. Each tablet contains minocycline hydrochloride equivalent to 100 milligrams of minocycline. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of minocycline that it is represented to contain. Its moisture content is not more than 12 percent. The tablets disintegrate within 30 minutes. The minocycline hydrochloride used conforms to the standards prescribed by § 446.60(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The minocycline hydrochloride used in making the batch for potency, safety, moisture, pH, minocycline content, identity, and crystallinity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The minocycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration containing not less than 150 micrograms of minocycline per milliliter (estimated). Blend for 3 to 5 minutes. Remove an aliquot and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

§ 446.160b Minocycline hydrochloride capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Minocycline hydrochloride capsules are composed of minocycline hydrochloride and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains minocycline hydrochloride equivalent to 50 or 100 milligrams of minocycline. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of minocycline that it is represented to contain. Its moisture content is not more than 12 percent. The tablets disintegrate within 30 minutes. The minocycline hydrochloride used conforms to the standards prescribed by § 446.60(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The minocycline hydrochloride used in making the batch for potency, safety, moisture, pH, minocycline content, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The minocycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration containing not less than 150 micrograms of minocycline per milliliter (estimated). Blend for 3 to 5 minutes. Remove an aliquot and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.160c Minocycline hydrochloride oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Minocycline hydrochloride oral suspension is minocycline hydrochloride with one or more suitable flavorings, wetting agents, preservatives, and diluents in an aqueous vehicle. Each milliliter contains minocycline hydrochloride equivalent to 10 milligrams of minocycline. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of minocycline that it is represented to contain. Its pH is not less than 7.0 and not more than 9.0. The minocycline hydrochloride used conforms to the standards prescribed by § 446.60(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The minocycline hydrochloride used in making the batch for potency, safety, moisture, pH, minocycline content, identity, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The minocycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately measured representative aliquot of the well shaken suspension in sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration containing not less than 150 micrograms of minocycline per milliliter (estimated). Remove an aliquot and dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this subchapter, using the undiluted sample.

§ 446.165 Oxytetracycline oral dosage forms.

§ 446.165a Oxytetracycline tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline tablets are tablets composed of oxytetracycline, and one or more suitable and harmless, diluents, binders, lubricants, colorings, and coating substances. The potency of each tablet is 250 milligrams of oxytetracycline. The moisture content is not more than 7.5 percent. They shall disintegrate within 1 hour. The oxytetracycline used conforms to the standards prescribed by § 446.65a(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The oxytetracycline used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except disintegration time: A minimum of 30 tablets.

(*2*) For disintegration time: Six tablets.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample as follows: Place a representative number of tablets in a glass blending jar containing 500 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend for at least 5 minutes and then make the proper estimated dilutions in 0.1*M* potassium phosphate buffer, pH 4.5, to the prescribed reference concentration. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.74a(b)(5) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 440.180a(b)(3) of this chapter.

§ 446.165b Oxytetracycline capsules; oxytetracycline hydrochloride capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline capsules and oxytetracycline hydrochloride capsules are gelatin capsules containing oxytetracycline or oxytetracycline hydrochloride, with or without one or more suitable and harmless vegetable oils, buffers, preservatives, diluents, binders, and lubricants. They may contain glucosamine hydrochloride. The potency of each capsule is 50 milligrams, 100 milligrams, 125 milligrams or 250 milligrams of oxytetracycline. The moisture content is not more than 5.0 percent if it contains oxytetracycline hydrochloride and not more than 7.5 percent if it contains oxytetracycline. The oxytetracycline used conforms to the standards prescribed by § 446.65a(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline or oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) Oxytetracycline or oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: Minimum 30 capsules.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Using a representative number of capsules (usually 5 to 12) and 500 milliliters of 0.1*N* hydrochloric acid in a blender, proceed as directed in § 446.65a(b)(1). The potency of the drug is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Moisture.* If it contains oxytetracycline hydrochloride, proceed as directed in § 440.80a(b)(5)(i) of this chapter, and if it contains oxytetracycline proceed as directed in § 440.74a(b)(5) of this chapter.

§ 446.165c Oxytetracycline-nystatin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline-nystatin capsules are gelatin capsules containing oxytetracycline and nystatin with glucosamine hydrochloride and one or more suitable and harmless buffer substances, preservatives, binders, lubricants, and surfactants. Each capsule contains 250 milligrams of oxytetracycline and 250,000 units of nystatin. Its moisture content is not more than 7.5 percent. The oxytetracycline used conforms to the standards prescribed by § 446.65a(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). The nystatin used conforms to the standards prescribed by § 449.50(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The nystatin used in making the batch for potency, toxicity, moisture, pH, and identity.

(*c*) The batch for oxytetracycline content, nystatin content, and moisture.

(ii) Samples required:

(*a*) The oxytetracycline used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) Nystatin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of 30 capsules.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample as follows: Place a representative number of capsules in a glass blending jar containing 500 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend for 3 to 5 minutes, and then make the proper estimated dilutions to the prescribed reference concentration in pH 4.5 buffer. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Nystatin content.* Proceed as directed in § 449.50(b)(1) of this chapter, except prepare the sample as follows: Place a representative number of capsules in a blending jar with sufficient dimethyl formamide to give a stock solution of convenient concentration. Blend for 2 minutes in a high-speed

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blender. Dilute an aliquot of the blended solution in sufficient dimethyl formamide to give a nystatin concentration of 400 units per milliliter (estimated) if the plate assay method is used; or 160 units per milliliter (estimated) if the turbidimetric assay method is used. Further dilute with 10 percent potassium phosphate buffer, pH 6.0, to 20 units per milliliter (estimated) if the plate assay method is used, or with distilled water to 16 units per milliliter (estimated) if the turbidimetric assay method is used. Its content of nystatin is satisfactory if it contains not less than 90 percent and not more than 135 percent of the number of units of nystatin it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.74a(b)(5) of this chapter.

NOTE: § 446.165c (formerly § 148n.10) was revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969, and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.165d Oxytetracycline for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline for oral suspension is oxytetracycline, with one or more suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. When prepared as directed in the labeling, each milliliter contains 50 milligrams of oxytetracycline. Its moisture content is not more than 2 percent. When reconstituted as directed in its labeling, its pH is not less than 5.5 and not more than 7.5. The oxytetracycline used conforms to the standards prescribed by § 446.65a(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(b) The batch for potency, moisture and pH.

(ii) Samples required:

(a) Oxytetracycline used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 6 immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample as follows: Reconstitute as directed in the labeling. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask, and make to mark with 0.1*N* hydrochloric acid. Withdraw an aliquot from the volumetric flask, and using pH 4.5 buffer solution dilute to the prescribed reference concentration. Its content of oxytetracycline is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *pH.* Reconstitute as directed in the labeling and proceed as directed in § 440.80a(b)(5)(ii) of this chapter.

§ 446.165e Oxytetracycline-nystatin for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline-nystatin for oral suspension is oxytetracycline and nystatin, with glucosamine hydrochloride and one or more suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter shall contain 25 milligrams of oxytetracycline and 25,000 units of nystatin. Its moisture content is not more than 2 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 7.5. The oxytetracycline used conforms to the standards prescribed by § 446.65a(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). The nystatin used conforms to the standards prescribed by § 449.50(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(b) The nystatin used in making the batch for potency, toxicity, moisture, pH, and identity.

(c) The batch for oxytetracycline content, nystatin content, moisture, and pH.

(ii) Samples required:

(a) The oxytetracycline used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The nystatin used in making the batch: 10 packages, each containing 300 milligrams.

(c) The batch: A minimum of 7 immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Oxytetracycline content.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample as follows: Reconstitute the powder as directed in the labeling of the drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask, and make to mark with 0.1*N* hydrochloric acid. Withdraw an aliquot from the volumetric flask, and using pH 4.5 buffer, dilute to the prescribed reference concentration. Its content of oxytetracycline is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Nystatin content.* Proceed as directed in § 449.50(b)(1) of this chapter, except prepare the sample as follows: Reconstitute the powder as directed in the labeling of the drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a blending jar containing 150 milliliters of dimethyl formamide. Blend for 2 minutes in a high-speed blender and then dilute an aliquot with sufficient dimethyl formamide to give a nystatin concentration of 400 units per milliliter (estimated) if the plate assay method is used, or 160 units per milliliter (estimated) if the turbidimetric assay method is used. Further dilute with 10 percent potassium phosphate buffer, pH 6.0, to 20 units per milliliter (estimated) if the plate assay method is used, or with distilled water to 16 units per milliliter (estimated) if the turbidimetric assay method is used. Its content of nystatin is satisfactory if it contains not less than 90 percent and not more than 135 percent of the number of units it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.74a(b)(5) of this chapter.

(3) *pH.* Reconstitute as directed in the labeling and proceed as directed in § 440.80a(b)(5)(ii) of this chapter.

NOTE: § 446.165e (formerly § 148n.9) was revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969, and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.166 Calcium oxytetracycline sirup.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Calcium oxytetracycline sirup is sirup that contains calcium oxytetracycline, with one or more suitable and harmless buffer substances, suspending and stabilizing agents, flavorings, colorings, solvents, and preservatives, suspended in a suitable and harmless vehicle. It contains *N*-acetyl glucosamine. Each milliliter contains a quantity of calcium oxytetracycline equivalent to either 25 milligrams or 100 milligrams of oxytetracycline. Its pH is not less than 5.0 and not more than 8.0. The calcium oxytetracycline used conforms to the standards prescribed by § 446.66(a)(1)(i), (ii), (iv), (v), and (vi). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) Calcium oxytetracycline used in making the batch for potency, toxicity, pH, calcium content, identity, and crystallinity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The calcium oxytetracycline used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample as follows: Transfer 1 milliliter of the sample to a 500-milliliter volumetric flask containing 100 milliliters of 0.1*N* hydrochloric acid. Dilute to volume with water and mix well. Transfer the suspension to a glass blending jar and blend for 5 minutes in a high-speed blender. Dilute an aliquot to the prescribed reference concentration, using 0.1*M* potassium phosphate buffer, pH 4.5. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *pH.* Using the undiluted sample, proceed as directed in § 440.80a(b)(5)(ii) of this chapter.

§ 446.167 Oxytetracycline hydrochloride soluble tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride soluble tablets are composed of oxytetracycline hydrochloride with one or more suitable and harmless diluents and binders. Each tablet contains 50 milligrams of oxytetracycline. The moisture content is not more than 2.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1)(i), (iii), (vi), (vii), (viii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 tablets.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample as follows: Place a representative number of tablets in a glass blending jar containing 500 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend for 3 minutes and then make the proper estimated dilutions in 0.1*M* potassium phosphate buffer, pH 4.5. The potency is satisfactory if the tablets contain not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline they are represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

§ 446.180 Tetracycline oral dosage forms.

§ 446.180a Tetracycline-nystatin oral suspension; tetracycline phosphate complex-nystatin oral suspension (tetracycline phosphate complex-nystatin oral drops).

(a) *Requirements for certification.* Tetracycline-nystatin oral suspension and tetracycline phosphate complex-nystatin oral suspension are suspensions that conform to all the requirements and procedures prescribed by § 446.181c(a) for tetracycline oral suspension or tetracycline phosphate complex oral suspension, except that:

(1) Each milliliter contains not less than 25,000 units of nystatin. The nystatin used conforms to the standards prescribed by § 446.181b(a)(1).

(2) [Reserved]

(3) In addition to complying with the requirements of § 446.181c(a)(4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and identity. He shall also submit in connection with his request a sample consisting of not less than six immediate containers of the batch and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Tetracycline or tetracycline phosphate complex content.* Proceed as directed in § 446.181b(b)(1). Its content of tetracycline or tetracycline phosphate complex is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(ii) *Nystatin content.* Use 5 milliliters of the sample and proceed as directed in § 446.181b(b)(1)(i)(b). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.500(c) of this chapter.

NOTE: § 446.180a (a) and (b) (formerly § 146c.229 and § 141c.229, respectively) were revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969, and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.180b Tetracycline-nystatin for oral suspension.

(a) *Requirements for certification.* Tetracycline-nystatin for oral suspension conforms to all requirements and procedures prescribed by § 446.510b(a) for tetracycline powder intended for use by man, except that:

(1) When reconstituted as directed in the labeling, each milliliter shall contain not less than 25 milligrams of tetracycline and not less than 25,000 units of nystatin. The nystatin used conforms to the standards prescribed by § 446.181b(a)(1).

(2) The pH of the suspension when reconstituted as directed in its labeling, is not less than 4.5 and not more than 5.5.

(3) It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(4) In addition to complying with the requirements of § 446.510b(a)(4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and identity. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Tetracycline content.* Reconstitute the powder as directed in the labeling of the drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and make to mark with 0.1*N* HCl. Withdraw an aliquot from the volumetric flask and dilute to a concentration of 0.24 microgram per milliliter (estimated) using *M*/10 phosphate buffer pH 4.5, and proceed as directed in § 446.81a(b)(1). Its content of tetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(ii) *Nystatin content.* Reconstitute the powder as directed in the labeling of the drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a blending jar containing 150 milliliters of dimethyl formamide. Blend for 2 minutes in a high-speed blender and then dilute an aliquot with sufficient dimethyl formamide to give a concentration of 400 units per milliliter (estimated). Further dilute this solution

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with 10 percent phosphate buffer, pH 6.0, to give a concentration of 20 units per milliliter (estimated). Proceed as directed in § 446.181b(b) (2). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) or § 440.74a(b) (5) of this chapter.

(3) *pH.* Using the suspension prepared as directed in the labeling, proceed as directed in § 440.80a(b) (5) (ii) of this chapter.

NOTE: § 446.180b (a) and (b) (formerly § 146c.236 and § 141c.236 respectively) were revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969, and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.181 Tetracycline hydrochloride oral dosage forms.

§ 446.181a Tetracycline hydrochloride-nystatin tablets.

(a) *Requirements for certification.* Tetracycline hydrochloride-nystatin tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 446.181b(a) for tetracycline hydrochloride-nystatin capsules, except that the expiration date is the date that is 24 months after the month during which the batch was certified. In addition to the requirements prescribed by § 446.181b(a), tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of six tablets.

(b) *Tests and methods of assay*—(1) *Tablets*—(i) *Potency*—(a) *Tetracycline hydrochloride content.* Proceed as directed in § 446.181b(b) (1) (i) (a). Its content of tetracycline hydrochloride is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Nystatin content.* Proceed as directed in § 446.181b(b) (1) (i) (b). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(ii) *Moisture.* Proceed as directed in § 440.80a(b) (1) or § 440.74a(b) (5) of this chapter.

(iii) *Distintegration time.* Proceed as directed in § 440.180a(b) (3) of this chapter.

(2) *Nystatin used in making the tablets.* Proceed as directed in § 446.181b(b) (2).

NOTE: § 446.181a (a) and (b) (formerly § 146c.225 and § 141c.225 respectively) were revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969, and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.181b Tetracycline hydrochloride-nystatin capsules; tetracycline phosphate complex-nystatin capsules.

(a) *Requirements for certification.* Tetracycline hydrochloride-nystatin capsules and tetracycline phosphate complex-nystatin capsules are capsules that conform to all the requirements and procedures prescribed by § 446.110b(a) for tetracycline hydrchloride capsules and tetracycline phosphate complex capsules except that:

(1) Each capsule contains not less than 100,000 units of nystatin. The nystatin used is produced by the growth of *Streptomyces noursei.* It is a white to yellow to light-tan powder. It is very slightly soluble in water, moderately soluble in methyl alcohol, butyl alcohol, or propyl alcohol. Its potency is not less than 2,000 units per milligram. It is nontoxic. Its pH in a 3-percent aqueous suspension is not less than 6.5 and not more than 8.0. Its moisture content is not more than 5 percent. It exhibits absorption maxima, within ±2 mμ, at 230 mμ, 291 mμ, 305 mμ, and 319 mμ when dissolved in methyl alcohol and the ratio of the absorption peak at 230±2 mμ and the middle of the shoulder at 279±2 mμ, A_{230}/A_{279}, is not less than 0.90 and not more than 1.25.

(2) If it is tetracycline phosphate complex-nystatin capsules, its expiration date shall be 18 months after the month during which the batch was certified, except that the date may be one of the longer dates permitted in § 446.110b(a) if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by this section.

(3) In addition to complying with the requirements of § 446.110b(a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and identity. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(b) *Tests and methods of assay*—(1) *Capsules*—(i) *Potency*—(a) *Tetracycline hydrochloride content; tetracycline phosphate complex content.* Proceed as directed in § 446.110b(a) (1) for tetracycline hydrochloride capsules and tetracycline phosphate complex capsules. Its potency is satisfactory if it contains the equivalent of not less than 85 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

(b) *Nystatin content.* Prepare the sample for assay by placing a representative number of capsules in a blending jar with sufficient dimethylformamide (previously adjusted to pH 6.5±0.5 with concentrated H_2SO_4) to give a stock solution of convenient concentration. Blend for 2 minutes in a high-speed blender. Assay as directed in paragraph (b) (2) of this section. Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(c) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) of this chapter.

(2) *Nystatin used in making the capsules*—(i) *Potency*—(a) *Cylinders (cups).* Use cylinders described in § 440.80a(b) (1) (i) of this chapter.

(b) *Culture media.* Use ingredients that conform to the standards, if any, prescribed by the U.S.P. or N.F.

(1) Make nutrient agar for carrying the organism and for preparing the inoculated agar plates as follows:

Peptone	9.4 grams.
Yeast extract	4.7 grams.
Beef extract	2.4 grams.
Sodium chloride	10.0 grams.
Dextrose	10.0 grams.
Agar	23.5 grams.
Distilled water to make	1,000 milliliters.

pH 6.0 to 6.2 after sterilization.

(2) Make nutrient broth for preparing an inoculum of the test organism:

Peptone	10 grams.
Dextrose	20 grams.
Distilled water to make	1,000 milliliters.

pH 6.6 to 6.7 after sterilization.

In lieu of preparing the media from the individual ingredients as specified, they may be prepared from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the specified individual ingredients are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(c) *Working standard.* Dry an appropriate amount of the working standard (obtained from the U.S.P. Reference Standards Committee, 46 Park Avenue, New York 16, New York) for 2 hours at 40° C. at a pressure of 5 millimicrons or less. Dissolve a weight of the dried standard in sufficient dimethylformamide to give a stock solution of convenient concentration (usually 1,000 units to 5,000 units per milliliter). This stock solution should be prepared simultaneously with the samples to be tested and should be used for 1 day only.

(d) *Preparation of sample.* Dissolve the sample to be tested in sufficient dimethylformamide to give a nystatin concentration of 400 units per milliliter (estimated). Further dilute with 10 percent potassium phosphate buffer, pH 6.0, to 20 units per milliliter (estimated).

(e) The test organism is Saccharomyces cerevisiae (ATCC 9763 or ATCC 2601[1] (no vitamin requirement)), which is maintained on slants of agar described under paragraph (b) (2) (i) (b) (1) of this section and transferred once a week. After transfer, the culture is incubated at 37° C. for 24 hours and then kept refrigerated. Prepare the organism suspension by either of the following methods:

(1) Inoculate 100 milliliters of the broth medium described under paragraph (b) (2) (i) (b) (2) of this section with a loopful of growth from the agar slant. Incubate the broth for 16 to 18 hours at 37° C. This broth culture may be used for several weeks if kept refrigerated.

(2) Wash the organism from the agar slant with 3 milliliters of sterile physiological saline solution onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of the agar described in paragraph (b) (2) (i) (b) (1) of this section. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 24 hours at 37° C. and then wash the resulting growth from the agar surface with about 30 milliliters of sterile sodium chloride solution. This suspension may be used for several weeks if kept refrigerated. Run test plates to determine the quantity of this broth culture (usually about 2.5 milliliters) or saline suspension (usually about 0.1 milliliter) that should be added to each 100 milliliters of agar to give clear, sharp inhibitory zones of appropriate size.

(f) *Preparation of plates.* Melt a sufficient amount of the agar described in paragraph (b) (2) (i) (b) (1) of this section, cool to 48° C., add the proper amount of the test organism as described above, and mix thoroughly. Add 8 milliliters of this inoculated agar to each Perti dish (100 millimeters x 22 millimeters, with flat bottom). Distribute the agar evenly in the plates, cover with porcelain covers glazed on the outside, and allow to harden. After the agar has hardened, place 6 cylinders on the agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

(g) Standard curve. Dilute aliquots of the standard stock solution with dimethylformamide to give concentrations of 256, 320, 400, 500, and 624 units per milliliter. Dilute these solutions with 10 percent potassium phosphate buffer, pH 6.0, to make concentrations of 12.8, 16.0, 20.0, 25.0, and 31.2 units per milliliter, respectively. A total of 12 plates is used in the preparation of the standard curve, three plates for each solution, except the 20 units per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of the three plates fill three cylinders with the 20 units per milliliter standard and the other three cylinders with the concentration of the standard concentration under test. Thus, there will be 36 twenty-unit determinations and nine determinations for each of the other concentrations on the curve. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each zone of inhibition. Average the readings of the 20 units per milliliter concentration and the readings of the concentration tested for each set of three plates, and average also all 36 readings of the 20 units per milliliter concentration. The average of the 36 readings of the 20 units per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 20 units per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 16 units per milliliter concentration the average of the 36 readings of the 20 units per milliliter concentration is 16.0 millimeters and the average of the 20 units per milliliter concentration of this set of three plates is 15.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 15 units per milliliter concentration of those same three plates is 15.0 millimeters, the corrected value is then 15.2 millimeters. Plot these corrected values, including the average of the 20 units per milliliter concentration on two-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points.

(h) *Assay.* Use 3 plates for each sample. Fill three cylinders on each plate with the 20 units per milliliter standard and three cylinders with the 20 units per milliliter (estimated) sample, alternating standard and sample. Incubate the plates for 16 to 18 hours at 37° C. and then measure the diameter of each zone of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 20 units per milliliter zone on the standard curve. If the average value is lower than the standard value, subtract the difference between them from the 20 units per milliliter value on the curve. From the curves read the potencies corresponding to these corrected values of zone sizes.

(i) *Turbidimetric assay*—(1) *Test culture and media.* Maintain the test organism *Saccharomyces cerevisiae* (ATCC 9763)[1] as described in paragraph (b) (2) (i) (e) of this section. For use in the assay, prepare an organism suspension as directed in paragraph (b) (2) (i) (e) (1) of this section. Adjust this stock suspension, so that a 1:10 dilution in the nutrient broth will have an absorption of 0.350 at a wavelength of 650 mμ, using a suitable photoelectric colorimeter and an 18-millimeter diameter test tube as an absorption cell. Prepare the inoculated broth by adding from 3 milliliters to 5 milliliters of that adjusted suspension (not the 1: 10 dilution) to each liter of nutrient broth, prepared as directed in paragraph (b) (2) (i) (b) (2) of this section, needed for the test.

(2) *Working standard and standard solutions.* Prepare the standard stock solution as directed in paragraph (b) (2) (i) (c) of this section. Make dilutions of the stock solution with dimethylformamide to obtain concentrations of 121, 139, 160, 184, and 212 units per milliliter. These solutions are then diluted 1:10 with sterile distilled water to obtain concentrations of 12.1, 13.9, 16.0, 18.4, and 21.2 units per milliliter. Add 1.0 milliliter of each such concentration to each of six sterile 20 millimeters x 150 millimeters test tubes. Maintain the sterility of the tubes.

(3) *Preparation of sample.* Dissolve the sample to be tested in sufficient dimethylformamide to give a stock solution of convenient concentration. Dilute the stock solution with dimethylformamide to obtain a concentration of 160 units per milliliter (estimated). Further dilute this solution 1:10 with sterile distilled water to obtain a concentration of 16 units per milliliter (estimated). Add 1.0 milliliter of this dilution to each of six sterile 20 millimeters x 150 millimeters test tubes.

(4) *Procedure.* To each of the 20 millimeters x 150 millimeters test tubes prepared in paragraph (b) (2) (i) (i) (2) and (3) of this section, add 9.0 milliliters of the inoculated nutrient broth described in paragraph (b) (2) (i) (i) (1) of this section, and incubate at 26° C. for 16 hours to 18 hours. After incubation, add 0.5 milliliter of a 12 percent formaldehyde solution to each tube and read the absorbance values in a suitable photoelectric colorimeter, using a wavelength of 530 mμ. Set the instrument at zero absorbance with clear uninoculated broth prepared as described in paragraph (b) (2) (i) (b) (2) of this section.

(5) *Estimation of potency.* Plot the average values for each concentration of the standard on semilog graph paper with absorbance values on the arithmetic scale and nystatin concentrations on the logarithmic scale. Construct the best straightline through the points, either by inspection or by means of the following equations:

$$L = \frac{3a+2b+c-e}{5}$$

$$H = \frac{3e+2c+a-c}{5}$$

where

L = absorbance value for the lowest concentration of the standard curve.

H = absorbance value for the highest concentration of the standard curve.

a, b, c, d, e = average absorbance values for each concentration of the standard curve.

Plot the values obtained for L and H and connect the points with a straightline. Average the absorbance values for the sample and read the nystatin concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the nystatin content of the sample. Its content of nystatin is satisfactory if it is not less than 85 percent of the number of units that it is represented to contain.

(ii) *Toxicity.* Inject intraperitoneally each of 5 mice, within the weight range of 18 grams to 25 grams, with 0.5 milliliter of a suspension of the drug containing 1,200 units per milliliter in a 0.5 percent acacia solution. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test, using for each test five or more previously unused mice weighing 20 grams (±0.5 gram) each; if the total deaths within 48 hours is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

(iii) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) of this chapter.

(iv) *pH.* Proceed as directed in § 440.80a(b) (5) (ii) of this chapter, using a 3-percent aqueous suspension of the drug.

(v) *Identity.* Weigh approximately 20 milligrams of the sample in a 100-milliliter glass-stoppered volumetric flask,

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add about 75 milliliters absolute methyl alcohol, and shake mechanically for 30 minutes. Dilute to volume with methyl alcohol. Transfer 10.0 milliliters of this solution to a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Within 2 hours, determine the absorption peak at 230 mμ, 291 mμ, 305 mμ, and 319 mμ and the shoulder at 279±2 mμ, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100 percent transmission with absolute methyl alcohol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 220 mμ to 320 mμ. If a nonrecording spectrophotometer is used, the exact positions of the peaks and shoulder should be determined for the particular instrument used. The ratio of the two absorbancies (A_{305}/A_{291}) should be not less than 0.90 and not more than 1.25.

NOTE: § 446.181b (a) and (b) (formerly § 146c.224 and § 141c.224 respectively) were revoked at 34 FR 18161, Nov. 13, 1969. The effective date of the revocation was stayed at 34 FR 20427, Dec. 31, 1969, and further postponed at 35 FR 5811, Apr. 9, 1970.

§ 446.181c Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, and tetracycline calcium oral suspension are tetracycline hydrochloride of tetracycline calcium prepared from tetracycline hydrochloride. Tetracycline oral suspension and tetracycline phosphate complex oral suspension are prepared from tetracycline or tetracycline phosphate complex. Each drug contains one or more suitable and harmless suspending and dispersing agents (unless it is tetracycline hydrochloride oral solution), with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives, suspended or dissolved in a suitable and harmless vehicle. Each milliliter shall contain not less than the equivalent of 25 milligrams of tetracycline hydrochloride. Its moisture content is not more than 2 percent if it is tetracycline hydrochloride oral suspension, tetracycline phosphate complex oral suspension, or tetracycline oral suspension and not more than 7 percent if it is tetracycline hydrochloride oral solution. Its pH is not less than 2.0 and not more than 3.5 if it is tetracycline hydrochloride oral solution and not less than 7.0 and not more than 8.0 if it is tetracycline calcium oral suspension. The tetracycline hydrochloride used conforms to the standards prescribed by § 446.81a (a) (1), except § 446.81a(a) (1) (ii), (iv), and (v). The tetracycline phosphate complex used conforms to the standards prescribed by § 446.82(a) (1). The tetracycline used conforms to the standards prescribed by § 446.80(a) (1). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container, as hereinafter indicated, the statement "Expiration date ----------", the blank being filled in with the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making such batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a) (4) (iv) of this section, each person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(*a*) The batch: Average potency per milliliter, average moisture if it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, tetracycline phosphate complex oral suspension, or tetracycline hydrochloride oral solution, and pH if it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension.

(*b*) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and absorptivity, and if it is tetracycline phosphate complex, identity.

(iii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 446.10a(a) (2).

(c) In the case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5.0 grams.

(iv) No result referred to in paragraph (a) (4) (ii) (*b*) of this section, and no sample referred to in paragraph (a) (4) (iii) (*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Transfer 1 milliliter of the well-shaken suspension to a suitable high-speed blender containing 500 milliliters of 0.1 *N* HCl. Blend for 5 minutes and proceed as directed in § 446.81a(b) (1). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams, or the equivalent number of milligrams, of tetracycline hydrochloride per milliliter that it is represented to contain.

(2) *Moisture.* If it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, tetracycline hydrochloride oral solution, or tetracycline phosphate complex oral suspension, proceed as directed in § 436.500 of this chapter.

(3) *pH.* If it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension, use the undiluted drug and proceed as directed in § 440.80a (b) (5) (ii) of this chapter.

Subpart C—Injectable Dosage Forms

§ 446.210 Sterile chlortetracycline hydrochloride.

The requirements for certification and the tests and methods of assay for sterile chlortetracycline hydrochloride packaged for dispensing are described in § 446.10a.

§ 446.220 Doxycycline hyclate for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate for injection is a dry mixture of doxycycline hyclate and a buffer substance. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of doxycycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its loss on drying is not more than 2.0 percent. Its pH when reconstituted as directed in the labeling is not less than 1.8 and not more than 3.3. It passes the identity test for the presence of the doxycycline moiety. The doxycycline hyclate used conforms to the standards prescribed by § 446.20a(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification: samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline hyclate used in making the batch for potency, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, and identity.

(ii) Samples required:

(*a*) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this subchapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents from each container if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the solution thus obtained with sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration (containing not less than 150 micrograms of doxycycline in acid). Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this subchapter, using a solution containing 7.5 milligrams of doxycycline per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this subchapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(a) of this subchapter.

(7) *pH.* Proceed as directed in § 436.202 of this subchapter, using the drug reconstituted as directed in the labeling.

(8) *Identity.* Proceed as directed in § 436.308 of this subchapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline hyclate for injection and of the doxycycline working standard in methanol and further dilute each solution to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final concentration of the sample and standard solutions. The sample and standard must each produce a major, yellow fluorescent spot with the same R_f value and the sample-standard mixed solution must show no separation of major spots.

§ 446.260 Sterile minocycline hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile minocycline hydrochloride is a lyophilized powder of minocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of minocycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substance. Its moisture content is not more than 3.0 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.5. The minocycline hydrochloride used conforms to the standards prescribed by § 446.60(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The minocycline hydrochloride used in making the batch for potency, moisture, pH, minocycline content, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, moisture, and pH.

(ii) Samples required:

(*a*) The minocycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration not less than 150 micrograms of minocycline per milliliter (estimated). Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 5 milligrams per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Moisture.* Proceed as directed in § 436.201 of this chapter, using the sample preparation described in paragraph (d) (4) of that section.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams of minocycline per milliliter.

§ 446.265 Oxytetracycline intramuscular solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline intramuscular solution is oxytetracycline, with or without one or more suitable and harmless buffer substances, anesthetics, preservatives, antioxidants, complexing agents, and solvents. Its potency is 50 milligrams or 125 milligrams of oxytetracycline per milliliter. It is sterile. It is nontoxic. It is nonpyrogenic. It contains no histamine nor histamine-like substances. Its pH is not less than 8.0 and not more than 9.0. The oxytetracycline used conforms to the standards prescribed by § 446.65a(a) (1) (i), (vi), (vii), (viii), and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, sterility, toxicity, pyrogens, histamine, and pH.

(ii) Samples required:

(*a*) Oxytetracycline used in making the batch: 10 packages, each containing approximately 300 milligrams.

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(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a (b)(1) (i) or (ii), except prepare the sample as follows: Transfer a representative quantity of the sample equivalent to one dose to a 100-milliliter volumetric flask. Make to mark with 0.1*N* hydrochloric acid. Further dilute in pH 4.5 buffer solution to the prescribed reference concentration. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline per milliliter that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Toxicity.* Proceed as directed in § 440.80a(b)(4) of this chapter, except use sterile distilled water as the diluent, and inject intraperitoneally 0.5 milliliter of a solution containing 2 milligrams of oxytetracycline per milliliter.

(4) *Pyrogens.* Proceed as directed in § 440.80a(b)(3) of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of oxytetracycline per milliliter of sterile, pyrogen-free distilled water.

(5) *Histamine.* Proceed as directed in § 444.70a(b)(5) of this chapter, using as a test dose 0.6 milliliter per kilogram of a solution containing 5 milligrams of oxytetracycline per milliliter in sterile distilled water.

(6) *pH.* Using the undiluted solution, proceed as directed in § 440.80a(b)(5)(ii) of this chapter.

§ 446.267 Oxytetracycline hydrochloride for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride for injection is a dry mixture of oxytetracycline hydrochloride and a suitable buffer substance. Each vial contains 250 milligrams, 500 milligrams, 1.0 gram, or 2.5 grams of oxytetracycline. It is sterile. It is nontoxic. It is nonpyrogenic. It contains no histamine nor histamine-like substances. Its moisture content is not more than 3.0 percent. The pH of an aqueous solution containing 25 milligrams of oxytetracycline per milliliter is not less than 1.8 and not more than 2.8. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1) (i), (vi), (vii), (viii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(b) The batch for potency, sterility, toxicity, pyrogens, histamine, moisture, and pH.

(ii) Samples required:

(a) Oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a (b)(1) (i) or (ii), except reconstitute the product as directed in the labeling. Using a suitable syringe and hypodermic needle, promptly withdraw a suitable, measured aliquot of the solution and prepare an appropriate stock solution by prompt dilution with 0.1*N* hydrochloric acid. Dilute further in 0.1*M* potassium phosphate buffer, pH 4.5, to the prescribed reference concentration. The potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Toxicity.* Proceed as directed in § 440.80a(b)(4) of this chapter, using as a test dose 0.5 milliliter of sterile distilled water solution containing 2.0 milligrams per milliliter.

(4) *Pyrogens.* Proceed as directed in § 440.80a(b)(3) of this chapter, using as a test dose 1.0 milliliter per kilogram of a sterile, pyrogen-free, distilled water solution containing 5.0 milligrams per milliliter.

(5) *Histamine.* Proceed as directed in § 444.70a(b)(5) of this chapter, using as a test dose 0.6 milliliter per kilogram of a solution containing 5 milligrams per milliliter prepared with the diluent recommended by the manufacturer in the labeling for the drug.

(6) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(7) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using an aqueous solution containing 25 milligrams of oxytetracycline per milliliter.

§ 446.275 Rolitetracycline injectable dosage forms.

§ 446.275a Rolitetracycline for intravenous use.

(a) *Requirements for certification*—(1) *Standard of identity, strength, quality, and purity.* Rolitetracycline for intravenous use is a dry mixture of rolitetracycline and one or more suitable buffer substances. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 4.5. The rolitetracycline used conforms to the standards prescribed by § 446.75a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, and pH.

(ii) Samples required:

(a) The rolitetracycline used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this subchapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this subchapter, using a solution prepared as directed in the labeling.

§ 446.275 Rolitetracycline for intramuscular use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline for intramuscular use is a dry mixture of rolitetracycline and one or more suitable buffer substances and anesthetic agents. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 4.5. The rolitetracycline used conforms to the standards prescribed by § 446.75a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, an identity.

(b) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) Samples required:

(a) The rolitetracycline used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying.* Proceed as directed in § 436.200(b) of this subchapter.

(5) *pH.* Proceed as directed in § 436.202 of this subchapter, using a solution prepared as directed in the labeling.

§ 446.276 Rolitetracycline nitrate injectable dosage forms.

§ 446.276a Rolitetracycline nitrate for intravenous use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline nitrate for intravenous use is a dry mixture of rolitetracycline nitrate and one or more suitable buffer substances. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 446.76a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline nitrate used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, and pH.

(ii) Samples required:

(a) The rolitetracycline nitrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this subchapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(b) of this subchapter.

(7) *pH.* Proceed as directed in § 436.202 of this subchapter, using a solution prepared as directed in the labeling.

§ 446.276b Rolitetracycline nitrate for intramuscular use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline nitrate for intramuscular use is a dry mixture of rolitetracycline nitrate, one or more suitable buffer substances, and lidocaine hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 446.76a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline nitrate used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) Samples required:

(a) The rolitetracycline nitrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this subchapter, using the

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method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying.* Proceed as directed in § 436.200(b) of this subchapter.

(5) *pH.* Proceed as directed in § 436.202 of this subchapter, using a solution prepared as directed in the labeling.

§ 446.281 Tetracycline hydrochloride injectable dosage forms.

§ 446.281a Sterile tetracycline hydrochloride.

The requirements for certification and the tests and methods of assay for sterile tetracycline hydrochloride packaged for dispensing are described in § 446.81a.

§ 446.281b Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride or tetracycline phosphate complex for intramuscular use is a dry mixture of tetracycline hydrochloride or tetracycline phosphate complex, magnesium chloride or magnesium ascorbate and one or more suitable buffer substances, with or without one or more suitable preservatives and anesthetic agents, and with or without one or more suitable solubilizers and stabilizers. It is sterile. It is nonpyrogenic. Its moisture content is not more than 5 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.0. The tetracycline hydrochloride used conforms to the requirements of § 446.81a(a)(1). The tetracycline phosphate complex used conforms to the requirements of § 446.82(a)(1) and it contains no histamine or histamine-like substance. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefore in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than the equivalent of 100 milligrams of tetracycline hydrochloride, and each may be packaged in combination with a container of a suitable and harmless diluent.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 24 months (if it contains tetracycline phosphate complex) or 36 months (if it contains tetracycline hydrochloride) after the month during which the batch was certified, except that the blank may be filled in with the date that is 48 months or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) [Reserved]

(iii) On the circular or other labeling within or attached to the package, a statement of the conditions under which solutions prepared from the drug should be stored and the statement "Sterile solutions may be stored at room temperature for 24 hours without significant loss of potency".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride or tetracycline phosphate complex used in making such batch was completed, the equivalent number of milligrams of tetracycline hydrochloride in each package, the date on which the latest assay of the drug comprising the batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch or any part thereof is to be packaged with a diluent, such request shall also be accompanied by a statement that such diluent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(v) of this section, such person shall submit in connection with his request the results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: Potency, sterility, pyrogens, moisture, pH.

(*b*) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: Potency, toxicity, histamine, absorptivity, crystallinity, and identity if it is tetracycline phosphate complex.

(iii) Except as otherwise provided by paragraph (a)(4)(v) of this section, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(*b*) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 250 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 446.10a(a)(2).

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each, containing approximately 5 grams.

(*d*) In case of an initial request for the certification of a batch which is to be packaged in combination with a diluent that is not recognized by the U. S. P. or when any change is made in the composition of such diluent: 5 packages of the diluent included in the combination.

(iv) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(*a*) For all tests except sterility: 10 packages, each containing approximately 0.25 gram.

(*b*) For sterility testing: 20 packages, each containing approximately 50 milligrams of tetracycline hydrochloride or tetracycline phosphate complex.

Each such package shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(v) No result referred to in paragraph (a)(4)(ii)(*b*) of this section and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Reconstitute the sample as directed on the label or labeling. Using a suitable syringe, withdraw a one-dose aliquot and place in a 100-milliliter volumetric flask. Make to mark with 0.1 *N* HCl, and proceed as directed in § 446.81a(b)(1). Its potency is satisfactory if the immediate container contains not less than 90 percent of the number of milligrams of tetracycline hydrochloride or tetracycline phosphate complex that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except that if the product contains tetracycline hydrochloride use diluting fluid D in lieu of diluting fluid A, or if the product contains tetracycline phosphate complex use 50 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 446.81a(b)(3).

(4) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(5) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(6) *Histamine in the tetracycline phosphate complex used in making the batch.* Proceed as directed in § 444.70a(b)(5) of this chapter, using as a test dose 0.6 milliliter of a solution containing 5 milligrams per milliliter prepared by dissolving 40 milligrams in 2.0 milliliters of 0.1 *N* HCl and diluting with the required amount of water.

Subpart D—Ophthalmic Dosage Forms

§ 446.310 Chlortetracycline hydrochloride ophthalmic dosage forms.

§ 446.310a Chlortetracycline ophthalmic (chlortetracycline hydrochloride ophthalmic); tetracycline hydrochloride ophthalmic.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chlortetracycline ophthalmic and tetracycline hydrochloride opthalmic is crystalline chlortetracycline or crystalline tetracycline hydrochloride, with or without one or more suitable and harmless preservatives, buffer substances, and diluents. It is sterile. Its moisture content is not more than 5 percent. The chlortetracycline or tetracycline hydrochloride is of such quantity that when dissolved as directed the potency of such solution is not less than 1,000 micrograms per milliliter and maintains its labeled potency after it has been kept for 7 days at a temperature of 15° C. (59° F.). Such solution has a pH of not less than 7.0 and not more than 8.4. The chlortetracycline used conforms to the requirements of § 446.10a(a)(1) except paragraphs (a)(1)(ii), (iv), and (v) and the tetracycline hydrochloride used conforms to the requirements of § 446.81a(a)(1) except paragraphs (a)(1)(ii), (iv), and (v). Each other buffer and diluent used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be a tight container as defined by the U.S.P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 5 milligrams, and each may be packaged in combination with a container of the solvent, sterile distilled water U.S.P.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____", the blank being filled in with the date that is 48 months, if it is chlortetracycline ophthalmic; or if it is tetracycline hydrochloride ophthalmic, the blank is filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time, such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless previously submitted) the date on which the latest assay of the chlortetracycline or tetracycline hydrochloride used in making such batch was completed, the number of milligrams in each immediate container, the quantity of each buffer and diluent used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each buffer and diluent used in making the batch conform to the requirements prescribed therefor, if any, by this section. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility, moisture, and pH of the solution prepared as directed in its labeling.

(*b*) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, toxicity, moisture, pH, crystallinity, and absorptivity, if it is tetracycline hydrochloride.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(*b*) The chlortetracycline or tetracycline hydrochloride used in making the batch: ten packages, each containing approximately equal portions of not less than 60 milligrams packaged in accordance with the requirements of § 446.10a(a)(2).

(*c*) In case of an initial request for certification, each buffer and diluent used in making the batch, one package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* If it is tetracycline hydrochloride ophthalmic, proceed as directed in § 446.81a(b)(1); if it is chlortetracycline ophthalmic, proceed as directed in § 446.10a(b)(1). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(4) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using a solution prepared as directed in the labeling of the drug.

§ 446.310b Chlortetracycline hydrochloride ointment; chlortetracycline calcium ointment; chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream).

The requirements for certification and the tests and methods of assay for chlortetracycline hydrochloride ointment; chlortetracycline calcium ointment; chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream) are described in § 446.510a.

§ 446.367 Oxytetracycline hydrochloride ophthalmic dosage forms.

§ 446.367a Ophthalmic oxytetracycline hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity.* Ophthalmic oxytetracycline hydrochloride is a dry mixture of oxytetracycline hydrochloride, a mild astringent agent, and a buffer substance. It is sterile. Its moisture content is not more than 5.0 percent. The oxytetracycline hydrochloride is of such quantity that when dissolved as directed in the labeling the potency of such solution is 5.0 milligrams of oxytetracycline per milliliter. Such solution has a pH of not

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less than 7.0 and not more than 8.5. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1) (i), (iii), (vi), (vii), (viii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* In addition to the labeling prescribed by § 432.5 of this chapter, each package shall bear on the outside wrapper or container a statement giving the method of dissolving the dry mixture and the statement "After reconstitution, the solution is stable for 48 hours under refrigeration." The expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 6 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a (b)(1) (i) or (ii), except prepare the sample as follows: Reconstitute the sample as directed in the labeling. Dilute a representative aliquot in 0.1*N* hydrochloric acid to give a convenient stock solution. Dilute further in 0.1*M* potassium phosphate buffer, pH 4.5, to the prescribed reference concentration. The potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(4) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the solution obtained when prepared as directed in the labeling of the drug.

§ 446.367b Oxytetracycline hydrochloride ophthalmic oil suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride ophthalmic oil suspension is oxytetracycline hydrochloride in a suitable and harmless oil base. It may contain one or more suitable and harmless preservatives and stabilizing agents. Its potency is 10 milligrams of oxytetracycline per milliliter. Its moisture content is not more than 1.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1) (i), (iii), (vi), (vii), (viii), and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a (b)(1) (i) or (ii), except prepare the sample as follows: Place a representative portion of the sample (usually 1.0 milliliter, accurately measured) in a glass blending jar containing 1.0 milliliter of polysorbate 80 and 199 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.367c Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension is oxytetracycline hydrochloride and hydrocortisone acetate in a suitable and harmless oil base containing aluminum tristearate. Its potency is 5 milligrams of oxytetracycline per milliliter. It contains 15 milligrams of hydrocortisone acetate per milliliter. It is sterile. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1) (i), (iii), (vi), (vii), (viii), and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) Oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, sterility, and moisture.

(ii) Samples required:

(*a*) Oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a(b)(1) (i) or (ii), except prepare the sample as follows: Place a representative portion of the sample (usually 1.0 milliliter, accurately measured) in a glass blending jar containing 1.0 milliliter of polysorbate 80 and 199 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline that the suspension is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use 0.25 milliliter of the sample in lieu of 1 milliliter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.367d Oxytetracycline hydrochloride ophthalmic ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride ophthalmic ointment is oxytetracycline hydrochloride in a suitable and harmless ointment base. Its potency is 10 milligrams of oxytetracycline per gram. It is sterile. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1) (i), (iii), (vi), (vii), (viii); and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of

§ 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The batch for potency, sterility, and moisture.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a (b)(1) (i) or (ii), except prepare the sample as follows: Place an accurately weighed representative portion of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake ointment and ether until homogeneous. Shake with 25 milliliters of 0.1*N* hydrochloric acid. Remove the acid layer and repeat the extraction with each of three more 25-milliliter quantities of 0.1*N* hydrochloric acid. Combine the acid extractives, and make the proper estimated dilutions to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The weighed sample may also be prepared by placing it in a glass blending jar containing 1.0 milliliter of polysorbate 80 and 199 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.367e Oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment is oxytetracycline hydrochloride and polymyxin B sulfate in a suitable and harmless ointment base. Each gram of ointment contains 5 milligrams of oxytetracycline and 10,000 units of polymyxin B. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1) (i), (iii), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1) (i), (iv), (v), (vi), (vii), and (ix) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, toxicity, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, moisture, residue on ignition, and identity.

(*c*) The batch for oxytetracycline content, polymyxin B content, sterility, and moisture.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) Polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of six immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 446.567a(b)(1). Its oxytetracycline content is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin B content.* Proceed as directed in § 446.567b(b)(1)(ii). Its polymyxin B content is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of units of polymyxin B that it is represented to contain.

(*2*) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(*3*) *Moisture.* Proceed as directed in § 436.201 of this chapter.

Subpart E—Otic Dosage Forms

§ 446.467 Oxytetracycline hydrochloride otic dosage forms.

§ 446.467a Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution is a dry powder of oxytetracycline hydrochloride, polymyxin B sulfate, and benzocaine, packaged in combination with a suitable diluting solution which contains a preservative. When prepared as directed in the labeling, each milliliter contains 5.0 milligrams of oxytetracycline, 10,000 units of polymyxin B, and 50 milligrams of benzocaine. The moisture content of the powder is not more than 3.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1) (i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1) (i), (v), (vi), (vii), and (ix) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(*c*) The batch for oxytetracycline content, polymyxin content, and moisture content of the powder.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of seven immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample for assay as follows: Reconstitute as directed in the labeling. Dilute 5.0 milliliters of this reconstituted sample to a volume of 100 milliliters with 0.1*N* hydrochloric acid. Make proper estimated dilutions to the prescribed reference concentration with 1.0*M* potassium phosphate buffer, pH 4.5. The content of oxytetracycline is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 446.567c(b)(1)(ii) (*a*) or (*b*), except use the entire contents of the powder from each vial tested. Reconstitute a separate vial as directed in the labeling, measure the total volume that can be withdrawn, and, from the polymyxin content of the powder, calculate

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the number of units per milliliter. The content of polymyxin is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.74a(b) (5) of this chapter.

§ 446.467b Oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment.

The requirements for certification and the tests and methods of assay for oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment are described in § 446.367e.

§ 446.467c Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension.

The requirements for certification and the tests and methods of assay for oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension are described in § 446.367c.

§ 446.481 Tetracycline hydrochloride otic (tetracycline hydrochloride for ear solution).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tetracycline otic is a packaged combination of one immediate container of crystalline tetracycline hydrochloride and one immediate container of a suitable and harmless solution. The tetracycline hydrochloride is of such quantity that, when dissolved as directed, the potency of such solution is not less than 5 milligrams per milliliter after it has been kept for 7 days at a temperature of 15° C. (59° F.). The tetracycline hydrochloride used conforms to the requirements of § 446.81a(a)(1), except § 446.81a(a)(1)(ii), (iii), (iv), and (v). Each substance used in the preparation of the solution contained in the packaged combination, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and on the immediate container of the tetracycline hydrochloride, the statement "Expiration date _____", the blank being filled in with the date that is 36 months after the month during which the batch was certified.

(ii) On the outside wrapper or container and on the immediate container of the solution in the packaged combination, a statement giving the method of dissolving the tetracycline hydrochloride in the solution and the conditions under which the solution should be stored, including reference to its instability when stored under other conditions, and the statement, "The solution may be kept in a refrigerator for 1 week without significant loss of potency".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of milligrams in each immediate container thereof, the date on which the latest assay of the batch was completed, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride used in making such batch was completed, the quantity of each ingredient used in making the solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency and moisture.

(*b*) The solution after the tetracycline hydrochloride has been dissolved therein: potency.

(*c*) The tetracycline hydrochloride used in making the batch: potency, moisture, pH, crystallinity, and absorptivity.

(iii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages, collected by taking a single package at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 446.10a(a)(2).

(*c*) In case of an initial request for certification, or when any change is made in composition of such solution; 5 packages of the solution included in the combination.

(iv) No result referred to in paragraph (a)(4)(ii)(*c*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.81a(b)(1).

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

Subpart F—Dermatologic Dosage Forms

§ 446.510 Chlortetracycline dermatologic dosage forms.

§ 446.510a Chlortetracycline hydrochloride ointment; chlortetracycline calcium ointment; chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride ointment, tetracycline hydrochloride ointment, and tetracycline ointment are crystalline chlortetracycline hydrochloride, chlortetracycline calcium, tetracycline hydrochloride, or tetracycline, in a suitable and harmless ointment base. It may contain a suitable local anesthetic, cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone, and one or more suitable and harmless preservatives and stabilizing agents. If it is intended for ophthalmic use, it contains chlortetracycline hydrochloride or tetracycline hydrochloride and it is sterile. Its moisture content is not more than 1 percent if it is chlortetracycline hydrochloride or tetracycline hydrochloride ointment. Its potency is not less than 1 milligram per gram. The chlortetracycline hydrochloride used in making the chlortetracycline hydrochloride ointment and in preparing the chlortetracycline calcium used in making the chlortetracycline calcium ointment conforms to the requirements of § 446.10a(a)(1) except § 446.10a(a)(1)(i), (ii), (iii), (iv), and (v) but its potency is not less than 750 micrograms per milligram. The chlortetracycline hydrochloride used in making the chlortetracycline hydrochloride ophthalmic ointment conforms to the requirements of § 446.10a(a)(1) except § 446.10a(a)(1)(iv) and (v). The tetracycline hydrochloride used conforms to the requirements of § 446.81a(a)(1) except § 446.81a(a)(1)(ii), (iii), (iv), and (v). The tetracycline hydrochloride used in making the tetracycline hydrochloride ophthalmic ointment conforms to the requirements of § 446.81a(a)(1) except § 446.81a(a)(1)(iv) and (v). The tetracycline used conforms to the requirements of § 446.80(a)(1). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The ointment shall be packaged in collapsible tubes which are well-closed containers as defined by the U. S. P., or in containers of glass or plastic that are tight containers as defined by the U. S. P. Unless it is labeled solely for hospital use, each such container shall contain not more than 2 ounces, except if it is intended for ophthalmic use each such container shall contain not more than ½-ounce, if it is a collapsible tube, or more than ½-ounce if it is a tight container. Each such container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor

changes so caused that are normal and unavoidable in good packaging, storage, and distribution practices shall be disregarded.

(3) *Labeling*—(i) *It is packaged for ophthalmic use or it contains cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(*a*) The statement "Expiration date _____", the blank being filled in with the date that is 48 months if it is chlortetracycline hydrochloride ointment or tetracycline hydrochloride ointment, or 24 months if it is chlortetracycline calcium ointment, after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time the drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(*b*) If it contains one or more of the active ingredients specified in paragraph (a)(1) of this section, after the name "chlortetracycline ointment", "chlortetracycline calcium ointment", "chlortetracycline calcium cream", "tetracycline hydrochloride ointment", or "tetracycline ointment", wherever it appears, the words "with _____", in juxtaposition with such name, the blank being filled in with the established name of each such ingredient used.

(ii) *It is not packaged for ophthalmic use, and it does not contain cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone.* Its label and labeling shall comply with all the requirements prescribed by paragraph (a)(3)(i) of this section, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", each package shall contain a circular or other labeling within or attached to the package bearing adequate directions and warnings for the prophylactic use of such ointment.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chlortetracycline hydrochloride or tetracycline hydrochloride or tetracycline used in making the batch for potency, moisture, pH, and crystallinity, and for absorptivity if it is tetracycline hydrochloride or tetracycline, and for toxicity if the ointment is intended for ophthalmic use.

(*b*) The batch for potency and moisture and for sterility if it is intended for ophthalmic use.

(ii) Samples required:

(*a*) The chlortetracycline or tetracycline hydrochloride or tetracycline used in making the batch: 10 packages, each containing approximately 60 milligrams, packaged in accordance with the requirements of § 446.10a(a)(2).

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* If it is tetracycline hydrochloride ointment or tetracycline ointment, proceed as directed in § 446.81a(b)(1), and if it is chlortetracycline ointment proceed as directed in § 446.10a(b)(1), except § 446.10a(b)(1)(x), and in lieu of the directions in § 446.10a(b)(1)(iv) and (viii) (*c*) prepare the sample as follows: Place a representative portion of the sample (usually approximately 1.0 gram, accurately weighed) in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake ointment and ether until homogeneous. Shake with a 25-milliliter portion of 0.01*N* HCl. Remove the acid layer and repeat the extraction with three 25-milliliter quantities of 0.01*N* HCl. Combine the extracts and make the proper estimated dilutions in 0.1*M* monopotassium phosphate buffer, pH 4.5. The sample may also be prepared by placing a representative portion of the sample (usually 1.0 gram, accurately weighed) in a glass blending jar containing 200 milliliters of 0.01*N* HCl. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions in 0.1*M* monopotassium phosphate buffer, pH 4.5. The potency is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (a)(3) of that section.

§ 446.510b Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder are crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, with or without glucosamine hydrochloride and with or without suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. The content of chlortetracycline or tetracycline hydrochloride or tetracycline is not less than 15 milligrams per gram of powder. The moisture content of chlortetracycline powder or tetracycline hydrochloride powder is not more than 2 percent. The moisture content of tetracycline powder is not more than 7.5 percent. The chlortetracycline used conforms to the requirements of § 446.10a(a)(1), except § 446.10a(a)(1)(ii), (iv) and (v). The tetracycline hydrochloride used conforms to the requirements of § 446.81a(a)(1), except paragraphs (a)(1)(ii), (iv), and (v) of that section. The tetracycline used conforms to the requirements of § 446.80(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(i) The statement "Expiration date _____", the blank being filled in with the date that is 60 months after the month during which the batch was certified if it is chlortetracycline hydrochloride powder; or if it is tetracycline hydrochloride powder or tetracycline powder the blank is filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) If it contains, in addition to chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, one or more of the other active ingredients specified in paragraph (a)(1) of this section, after the name "chlortetracycline powder", "tetracycline hydrochloride powder", or "tetracycline powder", wherever such name appears, the words "with _____ (the blank being filled in with the established name of each other such ingredient)", in juxtaposition with such name.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline, tetracycline hydrochloride or tetracycline used in making such batch was completed, the number of milligrams in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug compris-

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ing such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(a) The batch; potency and moisture.

(b) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and absorptivity if it is tetracycline hydrochloride or tetracycline.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(a) The batch; one immediate container for each 5,000 containers in the batch, but in no case less than 5 immediate containers, unless each such container is packaged to contain more than 1.0 gram, in which case the sample shall consist of 1.0 gram for each 5,000 immediate containers in the batch, but in no case less than five 1.0-gram portions, except if it is intended for use as an ingredient in the drinking water of animals, each portion in the sample submitted shall consist of 1 ounce in lieu of 1.0 gram. Such sample shall be collected by taking single immediate containers, 1.0-gram portions, or 1-ounce portions at such intervals throughout the entire time the containers are being filled that the quantities filled during the intervals are approximately equal.

(b) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 446.10a(a)(2).

(c) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(b) of this section, and no sample referred to in paragraph (a)(4)(iii)(b) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Using a 3.0-gram sample or the entire contents of the immediate container for each determination, proceed as directed in § 446.81a(b)(1), if it is chlortetracycline powder. If it is tetracycline powder, blend a 3.0-gram sample as directed in § 436.513(a), or reconstitute in the immediate container as directed in the labeling of the drug. Transfer an appropriate aliquot of 1.0 milliliter to 5.0 milliliters to a 100-milliliter volumetric flask and make to mark with 0.1*N* HCl. Withdraw an aliquot from the volumetric flask and dilute to 0.24 microgram per milliliter, using *M*/10 phosphate buffer at pH 4.5 and proceed as directed in § 446.81a(b)(1). The average potency of the powder is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline or tetracycline hydrochloride or tetracycline per gram or per immediate container that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

§ 446.567 Oxytetracycline hydrochloride dermatologic dosage forms.

§ 446.567a Oxytetracycline hydrochloride-hydrocortisone topical ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-hydrocortisone topical ointment is oxytetracycline hydrochloride and hydrocortisone in a suitable and harmless ointment base. Its potency is 30 milligrams of oxytetracycline per gram. It contains 10 milligrams of hydrocortisone per gram. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1)(i), (vi), (vii), (viii), and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample as follows: Place an accurately weighed representative portion of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake ointment and ether until homogeneous. Shake with 25 milliliters of 0.1*N* hydrochloric acid. Remove the acid layer, and repeat the extraction with each of three more 25-milliliter quantities of 0.1*N* hydrochloric acid. Combine the extractives, and make the proper estimated dilutions to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The weighed sample may also be prepared by placing it in a glass blending jar containing 1.0 milliliter of polysorbate 80 and 199 milliliters of 0.1*N* hydrochloric acid. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.567b Oxytetracycline hydrochloride-polymyxin B sulfate topical ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate topical ointment is oxytetracycline hydrochloride and polymyxin B sulfate in a suitable and harmless ointment base. Each gram of topical ointment contains 30 milligrams of oxytetracycline and 10,000 units of polymyxin B. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1)(i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate conforms to the standards prescribed by § 448.30a(a)(1)(i), (v), (vi), (vii), and (ix) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear, on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date which is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package: Adequate directions under which the layman can use the drug safely and efficaciously.

(3) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(c) The batch for oxytetracycline content, polymyxin B content, and moisture.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of 6 immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 446.567a(b)(1). The oxytetracycline content is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay by either of the following methods:

(a) Weigh accurately about 1 gram of the ointment and place in a 50-milliliter centrifuge tube. Add 15 milliliters of ethyl ether. Stir until contents are homogeneous. Add 25 milliliters of ethyl ether, stir, and centrifuge for 10 minutes at 3000 revolutions per minute. Decant the supernatant ether. Add 20 milliliters of acetone and stir until contents are homogenous. Add 25 milliliters of acetone and centrifuge for 10 minutes at 3000 revolutions per minute. Decant the supernatant acetone and repeat acetone extraction twice more, discarding the acetone supernatant each time. Wash the residue into a 100-milliliter volumetric flask with 10 percent potassium phosphate buffer, pH 6.0, and dilute with this same buffer to a final estimated concentration of 10 units of polymyxin B per milliliter.

(b) Weigh accurately about 1 gram of the ointment and place in a filter-funnel using a solvent-resistant membrane filter of 1.5 micron porosity. Wash with five 10-milliliter portions of warm benzene. Wash residue with five 20-milliliter portions of acetone or until yellow color has disappeared. Remove the filter and soak in about 50 milliliters of 10 percent potassium phosphate buffer, pH 6.0, for one-half hour to one hour. Transfer the solution quantitatively to a 100-milliliter volumetric flask and bring to mark with 10 percent potassium phosphate buffer, pH 6.0. Make appropriate dilutions with 10 percent potassium phosphate buffer, pH 6.0, to the prescribed reference concentration.

Its polymyxin B content is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of units of polymyxin B that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.567c Oxytetracycline hydrochloride-polymyxin B sulfate topical powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate topical powder is oxytetracycline hydrochloride and polymyxin B sulfate with a suitable filler. Each gram contains 30 milligrams of oxytetracycline and 10,000 units of polymyxin B. The moisture content is not more than 2.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1)(i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1)(i), (v), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified, unless the use of a longer expiration period has been approved in accordance with the provisions of § 432.5(a)(3) of this chapter.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(c) The batch for oxytetracycline content, polymyxin content, and moisture.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of six immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 446.65a(b)(1)(i) or (ii), except prepare the sample for assay as follows: Place an accurately weighed representative portion in a 1-liter volumetric flask, dissolve, and dilute to volume with 0.1*N* hydrochloric acid. Make the proper estimated dilutions of an aliquot of the stock solution to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The content of oxytetracycline is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 448.30a(b)(1) of this chapter, except prepare the sample for assay by either of the following methods:

(a) Accurately weigh approximately 1 gram of the powder and place in a 50-milliliter centrifuge tube. Add 15 milliliters of acetone and 1 drop of concentrated hydrochloric acid and stir well. Add 20 milliliters of acetone and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant liquid and repeat the acetone-acid extraction once more. Dissolve and dilute the residue with sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Remove an aliquot and make proper estimated dilutions to the prescribed reference concentration with 10 percent potassium phosphate buffer, pH 6.0.

(b) Place the accurately weighed sample in a filter funnel with a solvent-resistant membrane filter of 1.5μ porosity. Wash the powder with five 20-milliliter portions of acetone or until yellow color has disappeared. Remove the filter and soak in an adequate volume of 10 percent potassium phosphate buffer, pH 6.0. Quantitatively transfer to a 100-milliliter volumetric flask and adjust to volume with 10 percent potassium phosphate buffer, pH 6.0. Make proper estimated dilutions with 10 percent potassium phosphate buffer, pH 6.0, to the prescribed reference concentration.

The content of polymyxin is satisfactory if it is not less than 80 percent and not more than 120 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

§ 446.567d Oxytetracycline hydrochloride-hydrocortisone aerosol topical.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-hydrocortisone aerosol topical is oxytetracycline hyrochloride and hydrocortisone in a suitable ointment base, packaged with one or more suitable inert gases. Each spray pack contains 300 milligrams of oxytetracycline and 100 milligrams of hydrocortisone. The moisture content is not more than 1.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1)(i), (vi), (vii), (viii), and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, identity, and crystallinity.

(b) The batch for potency and moisture.

(ii) Samples required:

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(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.65a (b) (1) (i) or (ii), except prepare the sample for assay as follows: Remove the cap and plastic spray tip from the aerosol can. Attach a 10-inch length of suitable plastic tubing over the nozzle of the aerosol can. Shake the can gently two or three times, place the free end of the tubing into a 400-milliliter beaker, hold the can in an upright position and depress the nozzle. Empty the entire contents into the beaker. Allow to stand at room temperature for ½ to 1 hour to evaporate residual propellant. Rinse the tubing with a minimum amount of 0.1*N* hydrochloric acid and add it to the contents in the beaker. Transfer the contents of the beaker with three 10-milliliter portions of 0.1*N* hydrochloric acid to a 1-liter volumetric flask. Bring to volume with 0.1*N* hydrochloric acid and mix well. Remove an appropriate aliquot of the remaining filtrate and, using 0.1*M* potassium phosphate buffer, pH 4.5, make proper estimated dilutions to the prescribed reference concentration. Its content of oxytetracycline is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141b.117(c) of this chapter.

§ 446.567e Oxytetracycline hydrochloride-polymyxin B sulfate-hydrocortisone aerosol topical.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate-hydrocortisone aerosol topical is oxytetracycline hydrochloride, polymyxin B sulfate, and hydrocortisone in a suitable ointment base, packaged with one or more suitable inert gases. Each spray pack contains 300 milligrams of oxytetracycline, 100,000 units of polymyxin B, and 100 milligrams of hydrocortisone. The moisture content is not more than 1.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a (a) (1) (i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a (a) (1) (i), (v), (vi), (vii), and (ix) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(c) The batch for oxytetracycline content, polymyxin content, and moisture.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of six immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 446.567d(b) (1) of this chapter. The content of oxytetracycline is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 448.30a(b) (1) of this chapter, except prepare the sample for assay as follows: Remove the cap and plastic spray tip from the aerosol can. Attach a 10-inch length of suitable plastic tubing over the nozzle and shake the can gently. Place the free end of the tubing into a filter funnel having a solvent-resistant membrane of 1.0 μ porosity, hold the can upright, and depress the nozzle until the contents are completely emptied into the funnel. Evaporate any residual propellant by allowing it to stand at room temperature for ½ to 1 hour. Rinse the plastic tubing with small portions of acetone and pour the washings into the funnel. Wash the sample with five 20-milliliter portions of acetone or until yellow color has disappeared. Remove the filter and soak in an adequate volume with 10 percent potassium phosphate buffer, pH 6.0. Quantitatively transfer to a 100-milliliter volumetric flask and adjust to volume with 10 percent potassium phosphate buffer, pH 6.0. Make proper estimated dilutions with 10 percent potassium phosphate buffer, pH 6.0, to the prescribed reference concentration. The content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 135 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141b.117(c) of this chapter.

§ 446.581 Tetracycline hydrochloride dermatologic dosage forms.

§ 446.581a Tetracycline hydrochloride-neomycin spray ointment topical.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride-neomycin spray ointment topical is tetracycline hydrochloride and neomycin in a suitable and harmless ointment base and one or more suitable and harmless inert gases. Each gram of ointment contains not less than 15 milligrams of tetracycline hydrochloride and not less than 15 milligrams of neomycin. It is sterile. Its moisture content is not more than 3.0 percent. The tetracycline hydrochloride used conforms to the requirements of § 446.81a(a) (1), except § 446.81a(a) (1) (i), (ii), (iii), (iv), and (v), but its potency is not less than 720 μg. per milligram. The neomycin used conforms to the standards prescribed by § 444.42a(a) (1) (i), (v), and (vi) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 30 grams of ointment and shall contain one or more suitable and harmless inert gases.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the tetracycline hydrochloride and neomycin used in making such batch were completed, the quantity of each ingredient used in making such batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(a) The batch: The number of milligrams of tetracycline hydrochloride and the number of milligrams of neomycin per gram; sterility; moisture.

(b) The tetracycline hydrochloride and neomycin used in making the batch: Potency, moisture, pH, crystallinity.

(iii) Except as otherwise provided in paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(a) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than six immediate containers.

(*2*) For sterility testing: 20 packages. Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) The tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 446.81a(a) (2).

(c) The neomycin used in making the batch: Five packages, each containing approximately equal portions of not less than 0.5 gram.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each component of the ointment base, each containing approximately 200 grams.

(iv) The results referred to in paragraph (a) (4) (ii) (b) of this section and the samples referred to in paragraph (a) (4) (iii) (b) and (c) of this section are not required if such results or samples have been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Tetracycline hydrochloride content.* Spray the entire contents of the well-shaken sample into a large tared beaker. Place in a vacuum desiccator, evacuate, and allow to stand at room temperature for 16 to 18 hours. After the gas has volatilized, accurately weigh the beaker and contents and determine the weight of the ointment ejected when used as directed in its labeling. Place an accurately weighed sample of approximately 1 gram in an extraction funnel prepared by fusing a ground-glass joint to the top of a medium-porosity sintered-glass filter funnel (30-millimeter diameter). Wash with five 10-milliliter portions of warm iso-octane and draw off the ointment base under vacuum. Discard the iso-octane washings. Wash the residue in the funnel four times with 10-milliliter portions of 0.3 percent piperidine in acetone solution. Withdraw each washing under vacuum. Combine the four washings in a 100-milliliter volumetric flask and make to mark with acetone. Remove an aliquot of this solution and proceed as directed in § 446.81a(b) (1). The sample may also be assayed by using a 1-gram sample weighed as described above and proceeding as directed in § 446.510a(b) (1). The tetracycline hydrochloride content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(ii) *Neomycin content.* The residue remaining in the funnel after the extraction described in paragraph (b) (1) (i) of this section contains the neomycin. Wash this residue five times, using 10-milliliter aliquots of 0.1*M* potassium phosphate buffer, pH 8.0, drawing each washing off under vacuum. Combine the washings in a 100-milliliter volumetric flask and make to mark with 0.1*M* potassium phosphate buffer, pH 6.0. Using an aliquot of this aqueous solution, proceed as directed in § 436.517(b) of this chapter. The sample may also be assayed by using a 1-gram sample weighed as described in paragraph (b) (1) (i) of this section and proceeding as directed in § 436.516(a) (2), except first prepare the sample by blending in an appropriate volume of 0.1*M* potassium phosphate buffer, pH 8.0, using a high-speed blender. The content of neomycin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Sterility.* Use 500 milligrams of ointment from each immediate container and proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (2) of that section.

(3) *Moisture.* Proceed as directed in § 141b.117(c) of this chapter, except dissolve the sample in 10 milliliters of dry chloroform.

§ 446.581b Tetracycline hydrochloride-neomycin in oil suspension.

(a) *Requirements for certification*—(1) Tetracycline hydrochloride-neomycin in oil suspension conforms to all requirements and is subject to all procedures prescribed by § 446.510a(a) for tetracycline hydrochloride ointment, except that:

(i) It contains not less than 10 milligrams of neomycin per milliliter. The neomycin used conforms to the standards prescribed by § 444.42a(a) (1) (i), (v), and (vi) of this chapter.

(ii) Its labeling shall also show the quantity of neomycin contained in each milliliter.

(2) In addition to complying with the requirements of § 446.510a(a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and, unless it was previously submitted, the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 6 packages of such drug and, unless it was previously submitted, a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram of the neomycin used in making such batch.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Content of tetracycline hydrochloride.* Proceed as directed in § 141c.237(a) (2) of this chapter or § 446.510a(b) (1). Its content of tetracycline hydrochloride is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(ii) *Content of neomycin.* Proceed as directed in § 141c.237(a) (3) of this chapter or as directed in § 436.516(a) (2) of this chapter, except first prepare the sample by blending a 1-milliliter aliquot in an appropriate volume of 0.1*M* potassium phosphate buffer, pH 8.0, using a high-speed blender. Its content of neomycin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

Subpart G—Vaginal Dosage Forms

§ 446.610 Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chlortetracycline suppositories and tetracycline hydrochloride suppositories are suppositories composed of crystalline chlortetracycline or tetracycline hydrochloride in a suitable and harmless base, with or without one or more suitable and harmless preservatives. The potency of each suppository is not less than 100 milligrams, except if it is intended for rectal use its potency is not less than 50 milligrams. Its moisture content is not more than 1 percent. The chlortetracycline used conforms to the requirements of § 446.10a (a) (1), except § 446.10a(a) (1) (i), (ii), (iii), (iv), and (v), but its potency is not less than 780 micrograms per milligram. The tetracycline hydrochloride used conforms to the requirements of § 446.81a(a) (1), except § 446.81a(a) (1) (ii), (iii), (iv), and (v). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its outside wrapper or container and the immediate container the statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time, such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certifica-

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tion of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline or tetracycline hydrochloride used in making such batch was completed, the number of milligrams of chlortetracycline or tetracycline hydrochloride in each suppository, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; average potency per suppository and moisture.

(*b*) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, moisture, pH, crystallinity, and absorptivity if it is tetracycline hydrochloride.

(iii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one suppository for each 5,000 suppositories in the batch, but in no case less than 30 suppositories, collected by taking single suppositories at such intervals throughout the entire time the suppositories are being made that the quantities made during the intervals are approximately equal.

(*b*) The chlortetracycline or tetracycline hydrochloride used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with § 446.10a(a) (2).

(c) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a) (4) (ii) (*b*) of this section, and no sample referred to in paragraph (a) (4) (iii) (*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* If they are tetracycline hydrochloride suppositories, proceed as directed in § 446.81a(b) (1); and if they are chlortetracycline suppositories, proceed as directed in § 446.10a(b) (1), except paragraph (b) (1) (x) of that section, and in lieu of the directions in paragraph (b) (1) (iv) and (viii) (*c*) of § 446.10a, prepare the sample as follows: Place three suppositories into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the suppositories and ether until homogeneous. Shake with a 50-milliliter portion of 0.01*N* HCl. Remove the aqueous layer and repeat the extraction with three 50-milliliter quantities of 0.01 *N* HCl. Combine the extractives and centrifuge an aliquot at 2,000 r.p.m. for 5 minutes. Remove an aliquot of the supernatant and make the proper estimated dilutions in the buffer solution. The average potency of the suppository is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline or tetracycline hydrochloride that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.667 Oxytetracycline hydrochloride-polymyxin B sulfate vaginal tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate vaginal tablets are tablets composed of oxytetracycline hydrochloride and polymyxin B sulfate, with one or more suitable diluents, binders, lubricants, and preservatives. Each tablet contains 100 milligrams of oxytetracycline and 100,000 units of polymyxin B. The moisture content is not more than 3.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a) (1) (i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a) (1) (i), (v), (vi), (vii), and (ix) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(*c*) The batch for oxytetracycline content, polymyxin content, and moisture.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of 30 tablets.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 446.65a(b) (1) (i) or (ii), except prepare the sample as follows: Place a representative number of tablets in a glass blending jar and blend 3 to 5 minutes with an appropriate volume of 0.1*N* hydrochloric acid to give a stock solution of convenient concentration. Its content of oxytetracycline is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 446.567c(b) (1) (ii) (*a*) or (*b*), using the finely powdered material from a representative number of tablets. Its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) of this chapter.

Subpart H—Rectal Dosage Forms

§ 446.710 Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories.

The requirements for certification and the tests and methods of assay for chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories are described in § 446.610.

Subpart I—[Reserved]

Subpart J—Certain Other Dosage Forms

§ 446.910 Chlortetracycline hydrochloride impregnated surgical silk.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride impregnated surgical silk is surgical silk that is impregnated with crystalline chlortetracycline hydrochloride. Its content of chlortetracycline hydrochloride is not less than 1.5 percent of the total weight of the suture. It is sterile. Its moisture content is not more than 4 percent. The chlortetracycline hydrochloride used conforms to the standards prescribed by § 446.10a(a) (1), except § 446.10a(a) (1) (ii), (iv) and (v). The surgical silk used conforms to the standards prescribed therefor by the U.S.P. for nonabsorbable surgical sutures.

(2) *Packaging.* The structures shall be packaged in tight containers as defined by the U.S.P. The immediate containers shall be so sealed that the contents cannot be used without destroying the seal and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container may contain a suitable sterile surgical needle.

(3) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The batch mark.

(*b*) The number of milligrams of chlortetracycline hydrochloride per suture.

(c) The length, size, and type of silk contained in the package.

(*d*) The statement "Expiration date ----------", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(*e*) The statement "Caution: Federal law prohibits dispensing without prescription".

(ii) [Reserved]

(iii) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline hydrochloride used in making such batch was completed, the potency of each gram of the surgical silk, the date on which the latest assay of the batch was completed, and a statement that the surgical silk used in making the batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: Average potency per suture, moisture, and sterility.

(*b*) The chlortetracycline hydrochloride used in making the batch: Potency, toxicity, moisture, pH, and crystallinity.

(iii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: 1 package for each 5,000 packages in the batch, but in no case less than 20 packages.

(2) For sterility testing: 20 packages. Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The chlortetracycline used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 446.10a(a) (2).

(c) In case of an initial request for certification: 1 package consisting of approximately 1.0 gram of the surgical silk used.

(iv) The result referred to in paragraph (a) (4) (ii) (*b*) of this section and the sample referred to in paragraph (a) (4) (iii) (*b*) of this section are not required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Use not less than five sutures. Remove the needles, and place sutures in a glass-stoppered Erlenmeyer flask containing 50 milliliters of 0.1*N* hydrochloric acid and allow to stand overnight, with frequent agitation, at room temperature. Remove a suitable aliquot and further dilute in 0.1*M* phosphate buffer, pH 4.5, to the reference concentration, and proceed as directed in § 446.10a(b) (1) (viii). The potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride per suture that it is represented to contain.

(2) *Sterility.* Using individual sutures, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (2) of that section.

(3) *Moisture.* Using 10 sutures, proceed as directed in § 440.80a(b) (5) of this chapter.

PART 448—PEPTIDE ANTIBIOTICS

Subpart A—Bulk Drugs

Sec.
- 448.10a Sterile bacitracin.
- 448.13 Zinc bacitracin (bacitracin zinc salt).
- 448.13a Sterile zinc bacitracin.
- 448.15a Sterile capreomycin sulfate.
- 448.20a Sterile colistimethate sodium.
- 448.21 Colistin sulfate.
- 448.25 Gramicidin.
- 448.30a Sterile polymyxin B sulfate.
- 448.75 Tyrothricin.
- 448.80a Sterile viomycin sulfate.

Subpart B—Oral Dosage Forms

- 448.110 Bacitracin oral dosage forms.
- 448.110a Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use).
- 448.110b Bacitracin-polymyxin tablets.
- 448.121 Colistin sulfate for oral suspension.

Subpart C—Injectable Dosage Forms

- 448.210 Sterile bacitracin.
- 448.215 Sterile capreomycin sulfate.
- 448.220 Colistimethate sodium injectable dosage forms.
- 448.220a Sterile colistimethate sodium.
- 448.220b Colistimethate sodium for injection.
- 448.280 Sterile viomycin sulfate.

Subpart D—Ophthalmic Dosage Forms

- 448.310 Bacitracin ophthalmic dosage forms.
- 448.310a Bacitracin ophthalmic.
- 448.310b Sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment.
- 448.310c Bacitracin ointment; zinc bacitracin ointment.
- 448.313 Sterile zinc bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.
- 448.321 Colistin sulfate for ophthalmic solution.

Subpart E—Otic Dosage Forms

- 448.410 Bacitracin-neomycin undecylenate otic drops.
- 448.421 Colistin sulfate-neomycin sulfate-thonzonium bromide-hydrocortisone acetate otic suspension.
- 448.430 Polymyxin B sulfate otic solution.

Subpart F—Dermatologic Dosage Forms

- 448.510 Bacitracin dermatologic dosage forms.
- 448.510a Bacitracin ointment; zinc bacitracin ointment.
- 448.510b Bacitracin-tyrothricin ointment.
- 448.510c Bacitracin-polymyxin ointment; zinc bacitracin-polymyxin ointment.
- 448.510d Bacitracin-neomycin topical ointment; zinc bacitracin-neomycin topical ointment.
- 448.510e Bacitracin - polymyxin - neomycin ointment.
- 448.510f Bacitracin - neomycin - polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical.

Subpart G—Vaginal Dosage Forms

- 448.610 Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use).

Subparts H–I—[Reserved]

Subpart J—Certain Other Dosage Forms

- 448.910 Bacitracin for prescription compounding.
- 448.913 Zinc bacitracin for prescription compounding.
- 448.930 Polymyxin B sulfate in certain other dosage forms.
- 448.930a Polymyxin B sulfate for prescription compounding.
- 448.930b Sterile polymyxin B sulfate-benzalkonium chloride urethral lubricant.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 448.10a Sterile bacitracin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin is a white to brown, neutral water-soluble polypeptide. It is so purified and dried that:

(i) Its potency is not less than 40 units per milligram, except that if it is packaged for dispensing its potency is not less than 30 units per milligram.

(ii) It is sterile.

(iii) It is nontoxic.

(iv) It is nonpyrogenic.

(v) Its moisture content is not more than 5 percent.

(vi) Its pH in aqueous solution of 10,000 units per milliliter is not less than 5.5 and not more than 7.5.

(vii) Its ash content is not more than 3.0 percent.

(viii) If it is intended for systemic medication, its heavy metals content is not more than 30 parts per million.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so

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caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 60,000 units and may be packaged in combination with a container of the solvent, water for injection U. S. P., physiological salt solution U. S. P., or with a container of an aqueous solution of a suitable local anesthetic.

(3) Labeling—(i) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by §1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(*a*) An expiration date prescribed by § 432.5(a)(3) of this chapter.

(*b*) On the outside wrapper or container, if it is packaged for dispensing the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)".

(*c*) On the circular or other labeling within or attached to the package, the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions; and the statement "Sterile solution may be kept in refrigerator for 1 week without significant loss of potency".

(ii) *It is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(*a*) The number of units of bacitracin per milligram or per gram and the number of grams or kilograms in the immediate container.

(*b*) The statement "Caution: Federal law prohibits dispensing without prescription".

(*c*) The statement "For manufacturing use", "For repacking", or "For manufacturing use or repacking".

(*d*) The information required by paragraph (a)(3)(i) (*a*) and (*b*) of this section.

(4) *Request for certification, check tests and assays; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of bacitracin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, ash content, and heavy metals. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this paragraph.

(ii) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than nine immediate containers. If a sample of such batch has not been previously submitted in accordance with paragraph (a)(4)(iii) or (iv) of this section, such person shall submit one additional package containing 1.0 gram of the batch.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(iii) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: 6 packages.

(*b*) For sterility testing: 20 packages.

Each such package shall contain approximately 0.5 gram, taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(iv) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by paragraph (a)(4)(iii) of this section. From the information required by paragraph (a)(4)(i) of this section may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Plate assay.* Using the standard curve technique proceed as directed in § 440.80a(b)(1)(viii) of this chapter, with the following exceptions:

(*a*) Dry the working standard (obtained from the Food and Drug Administration) for 3 hours at 60° C. under 5 millimeters or less pressure. Weigh a sufficient amount to make a convenient stock solution and dilute in 1 percent phosphate buffer, pH 6.0. The stock solution when refrigerated may be used for two weeks. The stock solution may also be served for at least two months by freezing in small aliquots. Each aliquot should be sufficient for 1 day's use only. Make all dilutions of the stock solution for the assay with 1 percent phosphate buffer.

(*b*) Dissolve the sample to be tested in 1-percent phosphate buffer and make dilutions with the same solvent to one unit per milliliter (estimated).

(*c*) The test organism is either *Micrococcus flavus* (ATCC 10240) or *Sarcina subflava* (ATCC 7468),[1] both of which are maintained at refrigerator temperature on slants of nutrient agar prepared as directed in § 440.80a(b)(1)(ii)(*a*) of this chapter. Inoculate a Roux bottle containing this agar from a stock slant of the organism and incubate 18 hours at 32° C.–35° C. Wash off the growth in 25 milliliters of sterile sodium chloride solution. If an aliquot of this bulk suspension, when diluted 1:50 in sodium chloride solution, gives 75 percent light transmission, if it is *Micrococcus flavus* (ATCC 10240),[1] or 50 percent light transmission, if it is *Sarcina subflava* (ATCC 7468)[1] in a suitable photoelectric colorimeter equipped with a filter having a wavelength of 6,500 Angstrom units, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:50 gives 75 percent light transmission, if it is *Micrococcus flavus* (ATCC 10240)[1] or 50 percent light transmission if it is *Sarcina subflava* (ATCC 7468).[1] (The adjusted bulk suspension only, and not the 1:50 dilution of it, is used in preparing the seed layer.) Add 0.3 to 0.5 milliliter of the adjusted bulk suspension to 100 milliliters of agar that has been melted and cooled to 48° C.

(ii) *Turbidimetric assay.* In lieu of the plate-assay method described above, the sample may be assayed for potency by the following turbidimetric method:

(*a*) *Test culture and media.* The test organism is *Staphylococcus aureus* (ATCC 10537),[1] which is maintained at refrigerator temperature on slants of nutrient agar prepared as directed in 440.80a(b)(1)(ii)(*a*) of this chapter. Inoculate a Roux bottle containing this agar from a stock slant of the organism and incubate 18 hours at 32° C.–35° C. Wash off the growth in 50 milliliters of sterile sodium chloride solution. If an aliquot of the bulk suspension, when diluted 1:10 in sodium chloride solution, gives 20 percent light transmission in a suitable photoelectric colorimeter equipped with a filter having a wavelength of 6,500 Angstrom units, the bulk suspension is ready for use. It may become necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:10 gives 20 percent light transmission. (The adjusted suspension only, and not the 1:10 dilution, is used in preparing the daily inoculum.) Prepare the daily inoculum by adding approximately 0.2 milliliter of the adjusted suspension to each 100 milliliters of refrigerated broth.

(*b*) *Working standard solutions.* Dilute the working standard to 10 units per milliliter of bacitracin in 1 percent phosphate buffer. Further dilute this to make solutions containing 0.256, 0.320, 0.400, 0.500, and 0.625 units per milliliter. These solutions are used for preparing the standard curve and may be held under refrigeration for 1 week. Add 1.0 milliliter of each of these working standard solutions to each of three 16 millimeter x 125 millimeter tubes (outside dimension).

(*c*) *Preparation of sample.* Dilute the sample under test to 0.400 unit per milliliter (estimated). Add 1.0 milliliter of the diluted sample to each of three 16 millimeter x 125 millimeter tubes (outside dimension). Add 9.0 milliliters of the "daily" inoculum described in paragraph (b)(ii)(*a*) of this section to each tube of the standard and unknown series and place immediately in a 37° C. water bath for 4 hours. After incubation, add four drops of formaldehyde to each tube, and estimate the turbidity of each in a photoelectric colorimeter, using a broad-band filter having a wavelength of 5300 Angstrom units.

(*d*) *Estimation of potency.* Average the three colorimeter readings at each standard level. Plot the average absorbance figures of the standard on semilog graph paper, employing units per tube as the logarithmic scale and absorbance as the arithmetic scale. Connect the points with a straightedge. Average the sample readings and read in units per tube from the curve. Units per tube divided by 0.400 x 100 will give percent potency of the sample.

(iii) *Bacitracin content.* The potency of bacitracin is satisfactory when assayed by the methods described in this paragraph if the immediate containers contain not less than 85 percent and, if it is intended for systemic medication, not more than 115 percent of the number of units they are represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 440.80a(b)(3) of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 300 units per milliliter. Use physiological salt solution as the diluent.

(4) *Toxicity.* Inject intravenously each of five mice within the weight range of 18–25 grams with 0.5 milliliter of a solution of the sample prepared by diluting with sterile physiological salt solution to 200 units per milliliter. The injection should be made over a period of not more than 5 seconds. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test, using for each test five or more previously unused mice weighing 20 grams (±0.5 gram) each; if the total deaths within 48 hours is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

(5) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(6) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using a solution containing 10,000 units per milliliter.

(7) *Ash content.* Place approximately 1 gram of the sample, accurately weighed, in a tared porcelain crucible and carefully ignite at a low temperature until thoroughly charred. The crucible may be loosely covered with a porcelain lid during the charring. Add to the contents of the crucible 2 milliliters of nitric acid and 5 drops of sulfuric acid, and cautiously heat until white fumes are evolved, then ignite, preferably in a muffle furnace, at 500° C. to 600° C. until the carbon is all burned off. Cool the crucible in a desiccator and weigh. From the weight of residue obtained, calculate the sulfated ash content.

(8) *Heavy metals content.* Using the sulfated ash obtained in paragraph (b)(7) of this section, proceed as directed in the U.S.P. Heavy Metals Test, Method II, starting with the words "Cool, add 2 ml. of hydrochloric acid * * *."

§ 448.13 Zinc bacitracin (bacitracin zinc salt).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Zinc bacitracin is the zinc salt of a kind of bacitracin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 40 units per milligram.

(ii) It is nontoxic.

(iii) Its moisture content is not more than 5 percent.

(iv) Its pH is not less than 6.0 and not more than 7.5.

(v) Its zinc content is not more than 10 percent by weight on a moisture-free basis.

(2) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* Each package of zinc bacitracin shall bear on its outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin activity per milligram of zinc bacitracin and the number of grams of the drug in the immediate container.

(iii) The statement "Expiration date _____", the blank being filled in with the date which is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 30 months, 36 months, 42 months, 48 months, 54 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a)(1) of this section.

(iv) The statement "For use only in the manufacture of nonparenteral drugs".

(v) The statement "Caution: Federal law prohibits dispensing without prescription".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units of bacitracin activity per milligram of zinc bacitracin, the zinc content, and the total number of grams of zinc bacitracin in each package. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, and zinc content.

(ii) Such person shall also submit with his request an accurately representative sample of the batch, consisting of 5 packages each containing approximately 1.0 gram taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (a)(2) of this section.

(b) *Tests and methods of assay*—(1) *Potency:* Proceed as directed for bacitracin in § 436.105 of this chapter, except add to each standard response line concentration sufficient 0.01*N* hydrochloric acid to yield the same ratio of 0.01*N* hydrochloric acid to 1 percent potassium phosphate buffer, pH 6.0 (solution 1) as present in the sample solution diluted to the reference concentration. Prepare the sample for assay as follows: Dissolve an accurately weighed sample (usually 25 to 35 milligrams) in sufficient 0.01*N* hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(2) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of 5 mice within the weight range of 18–25 grams, 0.5 milliliter of a water suspension of the drug containing 4,000 units per milliliter. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test, using for each test five or more previously unused mice weighing 20 grams (±0.5 grams) each; if the total deaths within 48 hours is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(4) *pH.* Prepare a saturated solution, using approximately 100 milligrams of the sample per milliliter, and proceed as directed in § 440.80a(b)(5)(ii) of this chapter.

(5) *Zinc content*—(i) *Reagents*—(*a*) *Aqueous working solution.* Dissolve 3.11 grams of the zinc oxide in sufficient 1*N* HCl and dilute to 250 milliliters with water. Remove a suitable aliquot and

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid F in lieu of diluting fluid A.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated solution (approximately 100 milligrams of the sample per milliliter).

(6) *Zinc content*—(i) *Reagents*—(a) *Aqueous working solution.* Dissolve 3.11 grams of the zinc oxide in sufficient 1*N* HCl and dilute to 250 milliliters with water. Remove a suitable aliquot and dilute with water to obtain a 0.1 percent solution.

(b) *Alkaline buffer solution.* Mix one part 10*N* ammonium hydroxide and 4.5 parts of 1*N* ammonium chloride.

(c) *One percent phenolphthalein in absolute alcohol.*

(d) *Ethylenediaminetetraacetic acid sodium working solution.* Dissolve 3.72 grams of ethylenediaminetetraacetic acid sodium in 100 milliliters of water. Remove an aliquot and prepare a 1:25 dilution using water as the diluent.

(e) *1-(1-hydroxy-2-naphthylazo)-5-nitro-2-naphthol-4-sulfonic acid sodium salt solution.* Prepare daily a 1 percent solution in alkaline buffer.

(ii) *Preparation of sample.* Using 2 milliliters of 10 percent acetic acid and 5 milliliters of water, wash an amount of the sample containing approximately 2 milligrams of zinc (usually 40 milligrams to 50 milligrams) into a titration flask. Add 1 drop of phenolphthalein solution. Add 1*N* NaOH, dropwise, until a heavy precipitate of bacitracin appears and a faint pink color persists.

(iii) *Preparation of standard.* Place 2-milliliter aliquots of the 0.1 percent working solution into two titration flasks, respectively, and add one drop of phenolphthalein solution.

(iv) *Procedure.* To all titration flasks (standard and sample) add 2 milliliters of alkaline buffer solution, 50 milliliters of water, and 0.1 milliliter of 1-(1-hydroxy-2-naphthylazo)-5-nitro-2-naphthol-4-sulfonic acid sodium salt indicator solution. Titrate with ethylenediaminetetraacetic acid working solution from a burgundy-red color to a blue endpoint.

(v) *Calculation.* From the standards, calculate the milligram equivalent of the ethylenediaminetetraacetic acid solution per milliliter (F):

$$\text{Percent zinc} = \frac{F \times \text{milliliters of ethylenediaminetetraacetic acid (sample)} \times 100}{\text{Weight of samples in milligrams (on anhydrous basis)}}$$

§ 448.15a Sterile capreomycin sulfate.

(a) *Requirements for certification.*

(1) *Standards of identity, strength, quality, and purity.* Sterile capreomycin sulfate is the amorphous sulfate salt of capreomycin. It is a white or essentially white powder. Capreomycin has been separated chromatographically into components designated capreomycins Ia, Ib, IIa, and IIb. Each component has been partially characterized according to its type and amino acid content. Capreomycin Ia contains serine and no alanine. Capreomycin Ib contains alanine and no serine. Capreomycin I is a mixture of capreomycins Ia and Ib. It is so purified and dried that:

(i) Its potency is not less than 700 micrograms and not more than 1,050 micrograms of capreomycin per milligram on an "as is" basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of capreomycin that it is represented to contain.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substance.

(vi) Its loss on drying is not more than 10 percent.

(vii) Its pH in an aqueous solution containing 30 milligrams per milliliter (or if packaged for dispensing, after reconstitution as directed in the labeling) is not less than 4.5 and not more than 7.5.

(viii) Its capreomycin I content is not less than 90 percent of the total capreomycins.

(ix) Its residue on ignition is not more than 3 percent.

(x) Its heavy metals content is not more than 30 parts per million.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, histamine, loss on drying, pH, capreomycin I content, residue on ignition, and heavy metals.

(ii) Samples required:

(a) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 500 milligrams.

(b) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with sterile distilled water to the reference concentration of 100 micrograms of capreomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10 milligrams per milliliter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(e) of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 30 milligrams per milliliter; however, if it is packaged for dispensing, use the solution obtained after reconstituting the drug as directed in the labeling.

(8) *Capreomycin I content*—(i) *Equipment*—(a) *Sheet* (*chromatographic*). Whatman No. 1 filter paper for chromatography 20 x 50 centimeters.

(b) *Chamber* (*chromatographic*). Square glass chromatography jar, 30 x 30 x 60 centimeters, designed for descending chromatography. The bottom of the tank is filled with 1.5 inches of a mixture of 70 percent *n*-propyl alcohol and 30 percent distilled water (v/v) and allowed to equilibrate for 2 days. The mobility of the capreomycin factors, capreomycin I and capreomycin II, depends to a large extent upon the amount of water vapor present in the chromatographic chamber. The mobility can be restricted by using more *n*-propyl alcohol and less water in the equilibrating solvent, or it can be increased by raising the water content. The R_f value (the distance traveled by a particular antibiotic factor divided by the distance traveled by the solvent front) should be approximately 0.50 for capreomycin I and approximately 0.60 for capreomycin II.

(ii) *Preparation of solutions*—(a) *0.1N citrate buffer, pH 6.2.* Dissolve 21.0 grams of citric acid monohydrate in 1 liter of distilled water. Adjust the pH to 6.2 with 50 percent aqueous sodium hydroxide.

(b) *Developing solvent.* Mix *n*-propyl alcohol, distilled water, triethylamine, and glacial acetic acid in volumetric proportions of 75:33:8:8, respectively.

(iii) *Preparation of the capreomycin sample solution.* Dissolve approximately 200 milligrams of the sample, accurately weighed, with distilled water in a 10-milliliter volumetric flask. Dilute to volume with distilled water. This sample should be refrigerated when not in use.

(iv) *Preparation of the chromatogram.* Use separate sheets for each capreomycin sample solution and for blanks without sample application. Evenly apply a 100-microliter aliquot of the capreomycin sample solution to the origin line of a sheet. A U-shaped glass rod is placed under the chromatogram during spotting. Dry the streak thoroughly with warm air. Place the sample sheets and a blank sheet in the chamber and develop them in a descending manner for 16 hours. Remove the sheets from the chamber and air dry for about 1 hour.

(v) *Processing the chromatogram.* Examine each sheet under short-wavelength (254 nanometers) ultraviolet light and locate the main streak (R_f approximately 0.5) and the preceding streak (capreomycin II, R_f approximately 0.6). Outline the main zone lightly with a pencil. Outline an area on the blank sheet approximately equal in size and in the same location as those outlined on the sample sheets. Cut the marked areas from the sheets and then cut them into approximately 1.5-centimeter squares. For each sheet, place the squares into a glass-stoppered 50-milliliter Erlenmeyer flask.

(vi) *Elution.* To each flask, add 10 milliliters of 0.1*N* citrate buffer, pH 6.2, and agitate on a reciprocating shaker for 1 hour. Filter each of the shaken solutions through Whatman No. 1 filter paper into separate 10-milliliter glass-stoppered Erlenmeyer flasks. Transfer 3 milliliters of each filtrate into separate 50-milliliter volumetric flasks and dilute to volume with distilled water.

(vii) *Capreomycin sample solution for direct measurement of absorbance.* Pipette 1.0 milliliter of the sample solution prepared as described in paragraph (b)(8)(iii) of this section into a 100-milliliter glass-stoppered volumetric flask. Dilute to volume with 0.1*N* citrate buffer, pH 6.2. Transfer 3.0 milliliters of this solution into a 50-milliliter volumetric flask and dilute to volume with distilled water.

(viii) *Absorbance measurement.* Using a suitable spectrophotometer, 1.0-centimeter quartz cells, and distilled water as the reference solvent, determine the absorbance of each eluate and of each sample solution at the absorption maximum at about 268 nanometers.

(ix) *Calculation of percent capreomycin I in samples.* Calculate as follows:

$$\text{Percent capreomycin I} = \frac{A_I - A_B}{A_s} \times 100,$$

where:

A_I = Absorbance of the eluate from the main zone of the sample sheet;

A_B = Absorbance of the eluate from the area of the blank sheet corresponding to the area of the capreomycin I of the sample sheet;

A_s = Absorbance of the capreomycin sample solution described in paragraph (b)(8)(vii) of this section.

If the assay of capreomycin I from the chromatogram is less than 90 percent of total capreomycins, repeat the procedure described in paragraph (b)(8)(iv), (v), (vi), (vii), and (viii) of this section two more times and at the same time determine the recovery of total capreomycins from the unchromatographed sheet as described in paragraph (b)(8)(x) of this section. The average of three valid assays should then be reported.

(x) *Recovery of total capreomycins from the unchromatographed sheet*—(a) *Procedure.* Evenly apply a 100-microliter aliquot of the capreomycin sample solution (prepared as described in paragraph (b)(8)(iii) of this section) to the origin line of a sheet. Dry the streak thoroughly with warm air. The paper is not chromatographed before elution. Cut the area containing the streak from the sheet and then cut into approximately 1.5-centimeter squares. Place the squares into a glass-stoppered 50-milliliter Erlenmeyer flask and proceed as directed in paragraph (b)(8)(vi), (vii), and (viii) of this section. Likewise, cut an equal-sized area from an untreated part of the sheet and cut it into approximately 1.5-centimeter squares. Place the squares in a glass-stoppered 50-milliliter Erlenmeyer flask and also proceed as directed in paragraph (b)(8)(vi), (vii), and (viii) of this section.

(b) *Calculation.* Calculate the recovery of total capreomycins as follows:

$$\text{Recovery of total capreomycins} = \frac{A_I - A_B}{A_s} \times 100,$$

where:

A_I = Absorbance of the eluate from the unchromatographed sheet;

A_B = Absorbance of the eluate from the unchromatographed blank sheet;

A_s = Absorbance of the capreomycin sample solution described in paragraph (b)(8)(vii) of this section.

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To be a valid assay, the recovery of total capreomycins from the unchromatographed sheet must be 100±2 percent.

(9) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter, except ignite at 700° C.

(10) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

§ 448.20a Sterile colistimethate sodium.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Colistimethate sodium is the sodium salt of a kind of colistin methane sulfonate or a mixture of two or more such salts. It is a white to slightly yellow, odorless, fine powder which is freely soluble in water. It is so purified and dried that:

(i) Its potency is not less than 390 micrograms of colistin base equivalent per milligram. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of colistin base equivalent that it is represented to contain.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its loss on drying is not more than 9.0 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.5 and not more than 9.0. If it is packaged for dispensing, its pH is not less than 6.0 and not more than 8.0 when reconstituted as directed in the labeling.

(vii) It gives a positive identity test for colistimethate sodium.

(viii) Its residue on ignition is not less than 24.8 percent and not more than 28.8 percent.

(ix) Its heavy metals content is not more than 30 parts per million.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, loss on drying, pH, identity, residue on ignition, and heavy metals.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 containers, each containing approximately 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 12 vials or if each vial contains less than 150 milligrams of colistimethate, a minimum of 60 vials.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: If the batch is packaged for repacking or for use in manufacturing another drug, dissolve an accurately weighed sample in 2 milliliters of sterile distilled water and further dilute with sufficient 10-percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. If it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if the container is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute the stock solution with solution 6 to the reference concentration of 1.0 microgram of colistin base equivalent per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of colistin base equivalent per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a 1-percent aqueous solution prepared in the following manner: Weigh accurately 0.5 gram of sample and transfer to a 125-milliliter Erlenmeyer flask. Add 50 milliliters of freshly boiled distilled water, stopper, and shake until the sample is in solution. Allow to stand for one-half hour before determining the pH. If it is packaged for dispensing, use the solution obtained after reconstituting the drug as directed in the labeling.

(7) *Identity.* To about 20 milligrams of sample, add 2.0 milliliters of pH 7.0 buffer (prepared by adding 29.63 milliliters of 1*N* sodium hydroxide to 50 milliliters of 1*M* potassium dihydrogen phosphate, adjusting to pH 7.0 if necessary, and diluting to 100 milliliters with distilled water) and 0.2 milliliter of a 0.5 percent aqueous triketohydrindene hydrate solution. When heated for about 2 minutes, no pink color results. To another 20 milligrams of sample, add 2.0 milliliters of diluted hydrochloric acid U.S.P., heat to boil, and boil gently for 2 minutes. Neutralize with 10 percent sodium hydroxide to approximately pH 7 (indicator paper), add 2.0 milliliters of pH 7.0 buffer and 0.2 milliliter of a 0.5 percent aqueous triketohydrindene hydrate solution. Heat over an open flame for 2 minutes. A purple color is produced.

(8) *Residue on ignition.* Proceed as directed in § 436.207(b) of this chapter.

(9) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

§ 448.21 Colistin sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Colistin sulfate is the white to slightly yellow, odorless sulfate salt of a kind of colistin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 500 micrograms of colistin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 7.0 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4.0 and not more than 7.0.

(v) It gives a positive identity test for colistin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b).

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, and identity.

(ii) Samples required on the batch: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in 2 milliliters of sterile distilled water and further dilute with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 6 to the reference concentration of 1.0 microgram of colistin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Identity.* To about 20 milligrams of sample, add 2.0 milliliters of pH 7.0 buffer (prepared by adding 29.63 milliliters of 1*N* sodium hydroxide to 50 milliliters of 1*M* potassium dihydrogen phosphate, adjusting to pH 7.0 if necessary, and diluting to 100 milliliters with distilled water) and 0.2 milliliters of a 0.5 percent aqueous triketohydrindene hydrate solution, and bring to boil. A purple color is produced.

§ 448.25 Gramicidin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gramicidin is the white, or nearly white, odorless, crystalline compound of a kind of gramicidin or a mixture of two or more such compounds. It is so purified and dried that:

(i) It has a potency of not less than 900 micrograms of gramicidin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 3 percent.

(iv) Its residue on ignition is not more than 1.0 percent.

(v) It does not melt below 229° C. after drying in vacuum at 60° C. for 3 hours.

(vi) When calculated on the anhydrous basis, the difference between the absorptivity value at the maximum occurring at 282 nanometers and the absorptivity value at the minimum occurring at 247 nanometers is 100±4 percent of the difference obtained with the gramicidin working standard.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, residue on ignition, melting point, identity, and crystallinity.

(ii) Samples required of the batch: Ten packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 95 percent ethyl alcohol to give a stock solution of convenient concentration. Further dilute the stock solution volumetrically with 95 percent ethyl alcohol to the reference concentration of 0.04 microgram of gramicidin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, except observe the mice for 4 days.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(5) *Melting point.* Proceed as directed in § 436.209 of this chapter.

(6) *Identity.* Accurately weigh about 20 milligrams of the sample and dilute in ethyl alcohol to give a concentration of 0.05 milligram (estimated) of gramicidin per milliliter. Prepare a solution of the gramicidin working standard to contain 0.05 milligram per milliliter in ethyl alcohol. Using a suitable recording spectrophotometer with 1-centimeter cells, record the ultraviolet absorbance spectrum of each solution from 220 nanometers to 320 nanometers. The ultraviolet absorbance spectrum of the sample solution should compare qualitatively to that of the working standard solution. Determine the absorptivities of each at the maximum occurring at 282 nanometers and at the minimum occurring at 247 nanometers (the exact position of the maximum and minimum of the gramicidin working standard should be determined for the particular instrument used).

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 448.30a Sterile polymyxin B sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Polymyxin B sulfate is the sulfate salt of a kind of polymyxin or a mixture of two or more such salts. It is a white to buff-colored powder. It is so purified and dried that:

(i) Its potency is not less than 6,000 units of polymyxin B per milligram, on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It is nontoxic.

(v) Its moisture content is not more than 7.0 percent.

(vi) Its pH in an aqueous solution containing 5 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(vii) Its residue on ignition is not more than 5 percent.

(viii) If it is intended for systemic medication, its heavy metals content is not more than 100 parts per million.

(ix) It gives positive color identity tests for polymyxin.

(2) *Packaging.* In addition to the requirements of § 432.1 of this chapter, if it is packaged for dispensing and it is intended for intrathecal, intramuscular, or topical use, each immediate container shall contain 500,000 units.

(3) *Labeling.* In addition to the requirements of § 432.5 of this chapter, if the drug is packaged for dispensing its labeling shall bear the statement, "Caution: This drug should be given intramuscularly and/or intrathecally only to hospitalized patients so as to provide constant supervision by a physician".

(4) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, residue on ignition, heavy metals, and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the drug is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers plus one additional package containing 1 gram of the batch.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Cylinders (cups).* Use cylinders described in § 440.80a(b)(1)(i) of this chapter.

(ii) *Culture media.* Using ingredients that conform to the standards, if any, prescribed by the U.S.P. or N.F., make nutrient agar for carrying the test organism and for the seed and base layers:

(*a*) For carrying the test organism:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Beef extract	1.5 gm.
Yeast extract	3.0 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(*b*) Base layer:

Pancreatic digest of casein	17.0 gm.
Papaic digest of soybean	3.0 gm.
Sodium chloride	5.0 gm.
Dipotassium phosphate	2.5 gm.
Dextrose	2.5 gm.
Agar	20.0 gm.
Distilled water, q.s.	1,000.0 ml.

Final pH 7.2 after sterilization.

(*c*) Seed layer: For the seed layer, make the following changes in the medium described in paragraph (b)(1)(ii)(*b*) of this section.

Agar	12.0 gm.
Polysorbate 80 (added after boiling)	10.0 gm.

Final pH 7.2 after sterilization.

In lieu of preparing the media from the individual ingredients as specified, they may be prepared from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the specified individual ingredients are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(iii) *Working standard.* Dry approximately 20 milligrams of the standard for 3 hours at 60° C. and a pressure of 5 millimeters or less. Determine accurately the dry weight, dissolve in 2.0 milliliters of distilled water, and then add sufficient 10 percent potassium phosphate buffer, pH 6.0, to make a 1,000 units per milliliter stock solution. This solution may be used for 2 weeks if kept in refrigerator.

(iv) *Preparation of sample.* Dissolve an accurately weighed sample in 2 milliliters of distilled water and dilute with sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration; and, if it is packaged for dispensing, reconstitute as directed in the labeling, remove an accurately measured representative portion with a suitable syringe fitted with a 22-gage needle, and appropriately dilute in 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Further dilute in 10 percent potassium phosphate buffer, pH 6.0, to give a final estimated concentration of 10 units per milliliter of polymyxin.

(v) *Preparation of test organism.* The test organism is *Bordetella bronchiseptica* (ATCC 4617)[1] which is maintained on slants of agar described in paragraph (b)(1)(ii)(*a*) of this section. Wash the organism from the agar slant with 3 milliliters of sterile U.S.P. saline T.S. onto a large surface such as that provided by a Roux bottle containing 300 milliliters of agar described in paragraph (b)(1)(ii)(*a*) of this section. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 24 hours at 37° C. Wash the resulting growth from the agar surface with 50 milliliters of sterile U.S.P. saline T.S. Standardize the suspension, so that a 1:20 dilution will give 25 per-

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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cent light transmission, using a suitable photoelectric colorimeter with a 580-millimicron filter and a 13-millimeter diameter test tube as an absorption cell. Run test plates to determine the quantity of the 1:20 diluted suspension (usually 0.3 percent) that should be added to each 100 milliliters of agar to give clear, sharp zones of inhibition of appropriate size.

(vi) *Preparation of plates.* Add 21 milliliters of the agar prepared as described in paragraph (b) (1) (ii) (b) of this section to each Petri dish (20 millimeters by 100 millimeters). Distribute the agar evenly in the plates, cover with porcelain covers glazed on the outside, and allow it to harden. Melt a sufficient amount of the agar described in paragraph (b) (1) (ii) (c) of this section, cool to 48° C.–50° C., add the proper amount of test organism as described in paragraph (b) (1) (v) of this section, and mix thoroughly. Add 4 milliliters of this inoculated agar to each Petri dish. Distribute the agar evenly in the plates, and allow to harden. After the agar has hardened, place 6 cylinders on the agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

(vii) *Standard curve.* Prepare the daily standard curve by further diluting the 1,000 units per milliliter working standard stock solution in 10 percent potassium phosphate buffer, pH 6.0, to obtain concentrations of 6.4, 8.0, 10.0, 12.5, and 15.6 units per milliliter. Use three plates for the determination of each point on the curve, except the 10.0 units per milliliter concentration, a total of 12 plates. On each of three plates, fill three cylinders with the 10.0 units per milliliter standard, and the other three cylinders with the concentration under test. Thus, there will be thirty-six 10.0-unit determinations and nine determinations for each of the other points on the curve. After incubation, read the diameters of the circles of inhibition in the plates. Average the readings of the 10.0 units per milliliter and the readings of the points tested for each set of three plates, and average also all 36 readings of the 10.0 units per milliliter concentration. The average of the 36 readings of the 10.0 units per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 10 units per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 8.0 units per milliliter concentration, the average of the 36 readings of the 10-unit concentration is 20.0 millimeters and the average for the 10-unit concentration of this set of three plates is 19.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 8.0-unit concentration of these same three plates is 19.0 millimeters, the corrected value is 19.2 millimeters. Plot these corrected values, including the average of the 10 units per milliliter concentration, on semilog paper, placing the concentration in units per milliliter on the logarithmic scale and the diameter of the zone of inhibition on the arithmetic scale. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L=\frac{2a+2b+c-e}{5}.$$

$$H=\frac{2e+2d+c-a}{5}.$$

where:

L=Calculated zone diameter for the lowest concentration of the standard curve;

H=Calculated zone diameter of the highest concentration of the standard curve;

c=Average zone diameter of 36 readings of the 10 units per milliliter standard;

a, b, d, e=Corrected values for the 6.4, 8.0, 12.5, and 15.6 units per milliliter standard solutions, respectively.

Plot the values obtained for L and H and connect with a straight line.

(viii) *Assay.* Use three plates for each sample. Fill three cylinders on each plate with the 10 units per milliliter standard solution and three cylinders with the 10 units per milliliter (estimated) sample, alternating sample and standard. Incubate all plates, including those containing the standard curve, for 16 hours to 18 hours at 37° C. Measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 10 units per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 10 units per milliliter value on the curve. Read the potencies corresponding to these corrected values of zone size. If packaged for dispensing, its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of units of polymyxin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Pyrogens.* Proceed as directed in § 440.30a(b) (3) of this chapter, except use as a test dose 1.0 milliliter per kilogram of solution containing 20,000 units per milliliter in sterile pyrogen-free U.S.P. saline T.S.

(4) *Toxicity.* Proceed as directed in § 440.30a(b) (4) of this chapter, using a test dose of 0.5 milliliter of a solution containing 1,200 units per milliliter in sterile U.S.P. saline T.S.

(5) *Moisture.* Proceed as directed in § 440.30a(b) (5) (i) of this chapter.

(6) *pH.* Proceed as directed in § 440.30a(b) (5) (ii) of this chapter, except use a solution containing 5 milligrams per milliliter.

(7) *Residue on ignition.* Proceed as directed in § 440.10a(b) (7).

(8) *Heavy metals content.* Proceed as directed in § 436.208 of this chapter.

(9) *Identity.* (i) To a solution of 2 milligrams of polymyxin sulfate in 5 milliliters of water add 0.5 milliliter of triketohydrindene solution (1:1,000) and 2 drops of pyridine, boil for 1 minute, and cool; a blue color develops.

(ii) To a solution of 2 milligrams of polymyxin sulfate in 5 milliliters of water add 5 milliliters of sodium hydroxide solution (1:10), mix well, and add, dropwise, 5 drops of a cupric sulfate solution (1:100), mixing after the addition of each drop; a reddish-violet color is produced.

§ 448.75 Tyrothricin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tyrothricin is a white to brownish-white compound of a kind of tyrothricin or a mixture of two or more such compounds. It consists principally of gramicidin and tyrocidine. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms and not more than 1,400 micrograms of tyrothricin per milligram.

(ii) Its loss on drying is not more than 5 percent.

(iii) It gives a positive identity test for tyrothricin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, loss on drying, and identity.

(ii) Samples required: five packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 95 percent ethyl alcohol, U.S.P. XVIII or equivalent, to give a stock solution of convenient concentration. Further dilute the stock solution with 95 percent ethyl alcohol, U.S.P. XVIII or equivalent, to the reference concentration of 0.20 microgram of tyrothricin per milliliter (estimated). Average the absorbance values for the tyrothricin sample and read the gramicidin concentration from the gramicidin standard response line. Multiply by 5 to obtain the number of micrograms of tyrothricin in the sample.

(2) *Loss on drying.* Proceed as directed in § 436.200 (b) of this chapter.

(3) *Identity.* To 5 milliliters of *p*-dimethylaminobenzaldehyde (T.S.) add about 5 milligrams of tyrothricin. Shake well for 2 minutes; then add 2 drops of 0.1*M* sodium nitrite and 5 milliliters of water. A blue color is produced.

§ 448.80a Sterile viomycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Viomycin sulfate is the sulfate salt of viomycin. It is so purified and dried that:

(i) Its potency is not less than 700 micrograms of viomycin per milligram, on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory

if it is not less than 90 percent and not more than 115 percent of the number of milligrams of viomycin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its loss on drying is not more than 5 percent.

(vii) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 4.5 and not more than 7.0.

(viii) Its absorption maximum at approximately 268 nanometers does not vary more than ±3 nanometers from that of the viomycin working standard, similarly treated.

(ix) It is crystalline.

(2) *Packaging.* In addition to the requirements of § 432.1 of this chapter, if it is packaged for dispensing the viomycin content shall be 1 gram or 5 grams of viomycin per immediate container.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, identity, and crystallinity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: A minimum of 10 packages, each containing 300 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute the stock solution with sterile distilled water to the reference concentration of 100 micrograms of viomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10 milligrams of viomycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams of viomycin per milliliter.

(8) *Identity*—(i) *Phosphate buffer solution.* Mix 296.3 milliliters of 0.1*N* sodium hydroxide with 500 milliliters of 0.05*M* potassium phosphate (6.805 grams of KH_2PO_4 per 1,000 milliliters of water) and dilute with sufficient water to make 1 liter.

(ii) *Procedure.* Dissolve the working standard and the sample to be tested in sufficient potassium phosphate buffer solution to give solutions containing 10 micrograms per milliliter. Measure the ultraviolet absorption of each solution in a suitable spectrophotometer. Compare the spectrum of the sample qualitatively with that of the standard.

(9) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

Subpart B—Oral Dosage Forms

§ 448.110 Bacitracin oral dosage forms.

§ 448.110a Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin tablets and zinc bacitracin tablets are tablets composed of bacitracin or zinc bacitracin, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, and with or without a suitable amebicidal agent. The potency of each tablet is not less than 1,000 units nor more than 10,000 units. Its moisture content is not more than 5 percent. Tablets not exceeding 15 millimeters in diameter shall disintegrate within 1 hour. The bacitracin used conforms to the standards prescribed therefor by § 448.10a(a) (1), except § 448.10a(a) (1) (ii), (iv) and (viii). The zinc bacitracin used conforms to the requirements of § 448.13 (a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Unless each tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label and labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, 36 months, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section.

(ii) If it contains an amebicidal agent, after the name "bacitracin tablets", or "zinc bacitracin tablets," wherever it appears, the words "with _____", in juxtaposition with such name, the blank being filled in with the established name of the amebicidal agent used.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin or zinc bacitracin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(ii) Except as otherwise provided in paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) (1) of this section, disintegration time.

(*b*) The bacitracin or zinc bacitracin used in making the batch; potency, toxicity, moisture, pH, ash content if it is bacitracin, and zinc content if it is zinc bacitracin.

(iii) Except as otherwise provided by paragraph (a) (4) (iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

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(*a*) The batch:

(*1*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*2*) For distintegration time: 6 tablets.

(*b*) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 448.10a(a)(2).

(c) The zinc bacitracin used in making the batch; 6 packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 448.13(a)(2).

(*d*) In case of an initial request for certification, each other substance used in making the batch; 1 package of each containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*), (c) or (*d*) of this section is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 448.10a(b)(1), except § 448.10a(b)(1)(iii), and in addition to the directions in § 448.10a(b)(1)(i)(*b*), proceed as follows: If it is bacitracin, place a representative sample (usually 5 tablets) in a blending jar containing 250 milliliters of 1-percent phosphate buffer, pH 6.0. If it is zinc bacitracin, use 250 milliliters of 0.01*N* HCl. If it is bacitracin, after blending for 1 minute with a high-speed blender, add 250 milliliters of buffer to the blender, and if it is zinc bacitracin, add 250 milliliters of 0.01*N* HCl to the blender. Blend again for 1 minute and make the proper estimated dilutions in 1-percent phosphate buffer, pH 6.0. If it is zinc bacitracin, in lieu of the directions in § 448.10a(b)(1)(i)(*a*) prepare the standard as follows. Using the stock solution described in § 448.10a(b)(1)(i)(*a*), make all dilutions for the assay so that the final dilution contains the same ratio of 1.01 *N* HCl to 1-percent phosphate buffer, pH 6.0, as the sample under test. The content of bacitracin, or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter using the procedure described in paragraph (e)(1) of that section.

§ 448.110b Bacitracin polymyxin tablets.

(a) *Requirements for certification*—(1) Bacitracin-polymyxin tablets conform to all requirements prescribed by § 448.110a(a) for bacitracin tablets, and are subject to all procedures prescribed by § 448.110a(a) for bacitracin tablets except that:

(i) Each tablets contains not less than 400 units of bacitracin.

(ii) Each tablet contains not less than 8,000 units of polymyxin B sulfate. The polymyxin B used conforms to the requirements prescribed for polymyxin by § 444.170a(a)(1) of this chapter.

(iii) [Reserved]

(iv) In addition to complying with the requirements of § 448.110a(a)(4) a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the polymyxin B used in making the batch for potency and toxicity. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages, each containing approximately equal portions of not less than 0.5 gram of the polymyxin B used in making the batch.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed in § 448.110a(b)(1). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(ii) *Polymyxin content.* Using 10-percent potassium phosphate buffer, pH 6.0, prepare the sample as directed in paragraph (b)(1)(i) of this section, and proceed as directed in § 444.170a(b)(2) of this chapter. Its contents of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 440.180a(b)(3) of this chapter.

§ 448.121 Colistin sulfate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Colistin sulfate for oral suspension is a dry mixture of colistin sulfate, with or without one or more suitable and harmless buffer substances, suspending and dispersing agents, diluents, colorings, and flavorings. The colistin sulfate content is 5.0 milligrams of colistin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of colistin that it is represented to contain. The loss on drying is not more than 3.0 percent. The pH of the reconstituted suspension is not less than 5.0 and not more than 6.0. The colistin sulfate used conforms to the standards prescribed by § 448.21(a)(1).

(2) *Labeling.* It shall be labeled as prescribed in § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The colistin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The batch for potency, loss on drying, and pH.

(ii) Samples required:

(*a*) The colistin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the suspension as directed in the label. Remove an accurately measured representative portion of the reconstituted suspension with a hypodermic needle and syringe and dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 1.0 microgram of colistin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension when reconstituted as directed in the labeling.

Subpart C—Injectable Dosage Forms

§ 448.210 Sterile bacitracin.

The requirements for certification and the tests and methods of assay for sterile bacitracin packaged for dispensing are described in § 448.10a.

§ 448.215 Sterile capreomycin sulfate.

The requirements for certification and the tests and methods of assay for sterile capreomycin sulfate packaged for dispensing are described in § 448.15a.

§ 448.220 Colistimethate sodium injectable dosage forms.

§ 448.220a Sterile colistimethate sodium.

The requirements for certification and the tests and methods of assay for sterile colistimethate sodium packaged for dispensing are described in § 448.20a.

§ 448.220b Colistimethate sodium for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Colistimethate sodium for injection is a dry mixture of colistimethate sodium and a suitable local anesthetic with or without a suitable buffer substance and preservative. Its content of colistimethate is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of colistin base equivalent that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 6.5. Its loss on drying is not more than 2 percent. The colistimethate sodium used conforms to the standards prescribed by § 448.20a(a)(1), (i), (v), (vi), (vii), (viii), and (ix).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The colistimethate sodium used in making the batch for potency, histamine, pH, loss on drying, heavy metals, and identity.

(*b*) The batch for potency, sterility, safety, pyrogens, loss on drying, and pH.

(ii) Samples required:

(*a*) The colistimethate sodium used in making the batch: 10 containers, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 vials or, if each vial contains less than 150 milligrams of colistimethate, a minimum of 25 vials.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervalthroughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if the container is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute an aliquot with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 1.0 microgram of colistin base equivalent per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 5 milligrams of colistimethate per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution prepared as directed in the labeling.

§ 448.280 Sterile viomycin sulfate.

The requirements for certification and the tests and methods of assay for sterile viomycin sulfate packaged for dispensing are described in § 448.80a.

Subpart D—Ophthalmic Dosage Forms

§ 448.310 Bacitracin ophthalmic dosage forms.

§ 448.310a Bacitracin ophthalmic.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin ophthalmic is bacitracin, with or without one or more suitable and harmless preservatives, local anesthetics, buffer substances, and diluents. It is sterile. Its moisture content is not more than 5 percent. The bacitracin is of such quantity that when dissolved as directed in its labeling the potency of such solution is not less than 500 units per milliliter and maintains its labeled potency after it has been kept for 7 days at room temperature. Such solution has a pH of 6.5±0.5. The bacitracin used conforms to the requirements of § 448.10a(a)(1), except § 448.10a(a)(i), (ii), (iv), and (viii). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container of bacitracin ophthalmic shall be a tight container as defined by the U.S.P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the immediate container and closure shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 5,000 units, and each may be packaged in combination with a container of the solvent, sterile distilled water U.S.P.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The statement "Expiration date ----------", the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(*b*) The statement "*Warning*—Not for injection".

(ii) If a local anesthetic is present, after the name "bacitracin ophthalmic", wherever it appears, the words "with ---------", (the blank being filled in with the established name of the local anesthetic) in juxtaposition with such name.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of, § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the number of units in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient used conforms to the requirements prescribed therefor by this section. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch; potency, sterility, moisture, and pH of the solution prepared as directed in its labeling.

(*b*) The bacitracin used in making the batch; potency, toxicity, moisture, pH, and ash content.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(*b*) The bacitracin used in making the batch; 6 packages, each containing approximately equal portions of not less than 500 milligrams packaged in accordance with the requirements of § 448.10a(a)(2).

(c) In case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5.0 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 448.10a(b)(i).

(2) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using a solution prepared as directed in the labeling for the drug.

(4) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

§ 448.310b Sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength quality, and purity.* Sterile bacitracin-neomycin sulfate-polymixin B sulfate ophthalmic ointment is composed of bacitracin, neomycin sulfate, and polymyxin B sulfate in a petrolatum base. Sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment is composed of bacitracin, neomycin sulfate, polymyxin B sulfate, and hydrocortisone acetate in a petrolatum base. Each gram of ointment contains 500 units of baci-

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tracin, 3.5 milligrams of neomycin, 10,000 units of polymyxin B, and if it is represented to contain the stearoid, either 5 milligrams or 10 milligrams of hydrocortisone acetate. They are sterile. Their moisture content is not more than 1 percent. The bacitracin used conforms to the standards prescribed therefor by § 448.10a(a)(1). The neomycin sulfate used conforms to the standards prescribed therefor by § 444.42a(a)(1) of this chapter. The polymyxin B sulfate used conforms to the standards prescribed therefor by § 448.30a(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* It shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U.S.P., and which shall not be larger than the ⅛-ounce size.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____", the blank being filled in with the date that is not more than 12 months after the month during which the batch was certified.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the date(s) on which the latest assays of the antibiotics used in making such batch were completed, the quantity of each ingredient used in making the batch, the date on which the latest assays of the drugs comprising such batch were completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: Bacitracin content, neomycin content, polymyxin B content, sterility, and moisture.

(*b*) The bacitracin used in making the batch: Potency, toxicity, pH, and ash content.

(*c*) The neomycin sulfate used in making the batch: Potency, toxicity, pH, and identity.

(*d*) The polymyxin B sulfate used in making the batch: Potency, toxicity, pH residue on ignition, and identity.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than seven packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(2) For sterility testing: 20 packages collected at regular intervals throughout each filling operation.

(*b*) The bacitracin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*d*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*e*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 200 grams, except if a steroid is used, such package shall contain approximately 100 milligrams.

(iv) Neither the results referred to in paragraph (a)(4)(ii) (*b*), (*c*), and (*d*) of this section nor the samples referred to in paragraph (a)(4)(iii) (*b*), (*c*), and (*d*) of this section are required if such results or samples have been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed in § 448.510c(b)(1)(i). Its content of bacitracin is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of units of bacitracin per gram that it is represented to contain.

(ii) *Polymyxin B content.* Proceed as directed in § 448.510c(b)(1)(ii), except calculate from the quantity of neomycin found (using the method prescribed in paragraph (b)(1)(iii) of this section) the quantity of neomycin that would be present when the sample is diluted to contain 10 units of polymyxin B (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin B is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain.

(iii) *Neomycin content.* Proceed as directed in § 448.510d(b)(1)(ii). Its content of neomycin is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 448.310c Bacitracin ointment; zinc bacitracin ointment.

The requirements for certification and the tests and methods of assay for bacitracin ointment and for zinc bacitracin ointment are described in § 448.510a.

§ 448.313 Sterile zinc-bacitracin—neomycin sulfate—polymyxin B sulfate ophthalmic ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Zinc bacitracin—neomycin sulfate—polymyxin B sulfate ophthalmic ointment is zinc bacitracin, neomycin sulfate, and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains:

(i) 400 units of zinc bacitracin; 3.5 milligrams of neomycin, and 5,000 units of polymyxin B; or

(ii) 500 units of zinc bacitracin, 3.5 milligrams of neomycin, and 10,000 units of polymyxin B.

Its zinc bacitracin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of bacitracin that it is represented to contain. Its neomycin sulfate content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B sulfate content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. The zinc bacitracin used conforms to the standards prescribed by § 448.13(a)(1) of this chapter. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1) of this chapter. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The zinc bacitracin used in making the batch for potency, safety, loss on drying, pH, and zinc content.

(*b*) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, residue on ignition, and identity.

(*d*) The batch for zinc bacitracin content, neomycin content, polymyxin B content, sterility, and moisture.

(ii) Samples required:

(*a*) The zinc bacitracin used in making the batch: 10 packages, each containing 300 milligrams.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing 300 milligrams.

(*c*) The polymyxin B sulfate used in making the batch: 10 packages, each containing 300 milligrams.

(*d*) The batch:

(*1*) For all tests except sterility: A minimum of 17 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Zinc bacitracin content.* Proceed as directed in § 436.105 of this chapter, except add to each standard response line concentration sufficient 0.01*N* hydrochloric acid to yield the same ratio of 0.01*N* hydrochloric acid to 1 percent potassium phosphate buffer, pH 6.0 (solution 1), as present in the sample solution diluted to the reference concentration. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20-to-25-milliliter quantities of 0.01*N* hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and bring to mark with 0.01*N* hydrochloric acid. Remove an aliquot and further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20-to-25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and bring to mark with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20-to-25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and bring to mark with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 448.321 Colistin sulfate for ophthalmic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Colistin sulfate for ophthalmic solution is a dry mixture of colistin sulfate and mannitol packaged in combination with a suitable and harmless diluting solution which contains buffers and a preservative. When reconstituted as directed in the labeling, each milliliter contains 1.2 milligrams of colistin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of colistin that it is represented to contain. It is sterile. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 6.3. The colistin sulfate used conforms to the standards prescribed by § 448.21(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The colistin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The colistin sulfate used in making the batch: 10 containers, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 6 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Remove an accurately measured representative portion of the reconstituted solution and dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 1.0 microgram of colistin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution reconstituted as directed in the labeling.

Subpart E—Otic Dosage Forms

§ 448.410 Bacitracin-neomycin undecylenate otic drops.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin undecylenate otic drops is bacitracin and neomycin undecylenate in a vegetable oil vehicle, with a suitable and harmless suspending agent. It may contain a suitable local anesthetic and cortisone or a suitable derivative of cortisone. Each milliliter contains not less than 500 units of bacitracin and the equivalent of not less than 3.5 milligrams of neomycin. The moisture content is not more than 1 percent. The bacitracin used conforms to the standards prescribed therefor by § 448.10a(a)(1), except § 448.10a(a)(1)(ii), (iii), (iv), and (viii). The neomycin undecylenate used has a potency of not less than 300 micrograms of neomycin base activity per milligram (calculated on the anhydrous basis), an undecylenic acid content of not less than 600 micrograms per milligram, and a moisture content of not more than 5.0 percent. Its pH in a solution containing 50 milligrams per milliliter in 80 percent methyl alcohol is not less than 6.5 and not more than 7.0. It gives a positive infra-red identity test for neomycin undecylenate. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be glass, so closed as to be a tight container as defined by the U.S.P., and of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) The statement "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) If it contains one or more of the active ingredients specified in paragraph (a)(1) of this section, after the name "bacitracin-neomycin undecylenate otic drops", wherever it appears, the words "with _____", in juxtaposition with such name, the blank being filled in with

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the established name of each such ingredient used.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the bacitracin and neomycin undecylenate used in making such batch were completed, the number of units of bacitracin and the number of milligrams of neomycin in each milliliter, the quantity of each ingredient used in making the batch, the date on which the latest assay of the batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: The number of units of bacitracin and the number of milligrams of neomycin per milliliter, and moisture content.

(*b*) The bacitracin used in making the batch: Potency, moisture, pH, and ash content.

(*c*) The neomycin undecylenate used in making the batch: Neomycin content, undecylenic acid content, moisture, pH, and identity.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch: One immediate container for each 5,000 immediate containers in the batch, but in no case less than six immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The bacitracin used in making the batch: Six packages containing approximately equal portions of not less than 0.5 gram.

(*c*) The neomycin undecylenate used in making the batch: Ten packages, each containing approximately equal portions of not less than 300 milligrams.

(*d*) In case of an initial request for certification, each other substance used in making the batch: One package of each containing approximately 5 grams.

(iv) The results referred to in paragraph (a)(4)(ii) (*b*) and (*c*) of this section and the samples referred to in paragraph (a)(4)(iii) (*b*) and (*c*) of this section are not required if such results or samples have been previously submitted.

(*b*) *Tests and methods of assay*—(1) *Otic drops*—(i) *Potency*—(*a*) *Bacitracin content.* Proceed as directed in § 448.10a (b)(1) except § 448.10a(b)(1)(iii), and in lieu of the directions in § 448.10a(b)(1)(i)(*b*) prepare the sample as follows: Place an accurately measured representative portion of the sample (usually approximately 1 milliliter) in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 1 percent phosphate buffer, pH, 6.0, to give a final volume of 200 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and then make the proper dilutions in 1 percent phosphate buffer, pH 6.0, to one unit per milliliter (estimated). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(*b*) *Neomycin content.* Proceed as directed in § 436.517(b)(1) of this chapter, except prepare the sample for assay as follows: Place an accurately measured representative portion of the sample (usually approximately 1 milliliter) in a 100-milliliter volumetric flask containing 5.0 milliliters chloroform, and mix well. Fill the flask to volume with 95 percent ethyl alcohol and mix well. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0, to either reference point, depending on the organism used. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(ii) *Moisture.* Proceed as directed in § 436.201(c) of this chapter.

(2) *Neomycin undecylenate used in making the otic drops*—(i) *Neomycin Content.* Proceed as directed in § 436.517(b)(1) of this chapter, except prepare the sample for assay as follows: Accurately weigh approximately 500 milligrams of neomycin undecylenate, transfer to a 250-milliliter volumetric flask, add 50 milliliters of chloroform, and mix well. Adjust to volume with 95 percent ethyl alcohol, and mix well. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0, to either reference point, depending on the organism used.

(ii) *Undecylenic acid content* (*a*) Reagents:

95 percent ethyl alcohol (aldehyde-free).

Phenolphthalein indicator: Dissolve 1 gram of phenolphthalein in 100 milliliters of alcohol.

Alcoholic sodium hydroxide (about 0.1 normal): Weigh rapidly about 5 grams of sodium hydroxide pellets, dissolve in 10 milliliters of water, and add sufficient aldehyde-free alcohol to make 1 liter. Allow the solution to stand in a tightly stoppered bottle protected from light for 24 hours, then quickly decant the clear supernatant into a suitable tight container, and store protected from light. Determine the undecylenic acid equivalent of this solution each time an assay is performed.

(*b*) Procedure: Weigh accurately two 100-milligram portions of undecylenic acid (N.F. grade), and place each into separate Erlenmeyer flasks. Also, make two accurate weighings of the neomycin undecylenate sample, each consisting of about 120 milligrams, and place each into separate Erlenmeyer flasks. Carefully dissolve each of the undecylenic acid authentics and each of the samples in 10 milliliters of 95 percent ethyl alcohol. Add two drops of phenolphthalein indicator to each of the four flasks. Titrate each sample with 0.1*N* alcoholic sodium hydroxide to a phenolphthalein endpoint. Determine the amount of alcoholic sodium hydroxide equivalent to 10 milliliters of 95 percent ethyl alcohol and make this reagent-blank correction for each titration. From the undecylenic acid equivalent of the alcoholic sodium hydroxide, calculate the undecylenic acid content of neomycin undecylenate.

(iii) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(iv) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, except use a solution containing 50 milligrams per milliliter in 80 percent methyl alcohol.

(v) *Identity.* Weigh approximately 1 milligram of neomycin undecylenate and mix thoroughly with 200 milligrams of dried infrared spectrophotometric quality potassium bromide in a small ball mill for about 1 minute. Prepare a potassium bromide disk by transferring the uniform mixture to a dye of suitable size. Evacuate gradually while raising the pressure to 3,000 pounds per square inch. Hold at 3,000 pounds per square inch until evacuation is complete and then raise the pressure to 20,000 pounds per square inch. Hold the pressure for 2 or 3 minutes. Using a suitable infrared spectrophotometer, run the spectrum from 2 microns to 16 microns. Use an attenuator if necessary. Characteristic undecylenic acid peak absorbancies occur at 7.1 and 11 microns, distinguishing neomycin undecylenate from neomycin sulfate.

§ 448.421 Colistin sulfate-neomycin sulfate-thonzonium bromide-hydrocortisone acetate otic suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Colistin sulfate-neomycin sulfate-thonzonium bromide-hydrocortisone acetate otic suspension is a suspension containing colistin sulfate, neomycin sulfate, thonzonium bromide, and hydrocortisone acetate, and one or more preservatives, dispersing agents, and buffer substances. Each milliliter contains 3.0 milligrams of colistin, 3.3 milligrams of neomycin, 0.5 milligram of thonzonium bromide, and 10 milligrams of hydrocortisone acetate. Its content of colistin is satisfactory if it is not less than 90 percent and not more than 135 percent of the number of milligrams of colistin per milliliter that it is represented to contain. Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin per milliliter that it is represented to contain. It is sterile. Its pH is not less than 4.8 and not more than 5.2. The colistin sulfate used conforms to the standards prescribed therefor by § 448.21 (a)(1), except for safety. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (v), (vi), and (vii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the

requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The colistin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*c*) The batch for colistin content, neomycin content, sterility, and pH.

(ii) Samples required:

(*a*) The colistin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of six immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Colistin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Thoroughly mix the sample and transfer an accurately measured representative portion of the sample into a 100-milliliter volumetric flask. Fill the flask to mark with 10 percent potassium phosphate buffer, pH 6.0 (solution 6). Further dilute with solution 6 to the reference concentration of 1.0 microgram of colistin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Thoroughly mix the sample and transfer an accurately measured representative portion into a 100-milliliter volumetric flask. Fill the flask to mark with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3). Further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except transfer 0.25 milliliter of the sample in lieu of 1 milliliter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted suspension.

§ 448.430 Polymyxin B sulfate otic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Polymyxin B sulfate otic solution is polymyxin B sulfate with or without one or more suitable and harmless preservatives and buffer substances, in a suitable and harmless vehicle. Each milliliter contains 10,000 units of polymyxin B. It may contain 5.0 milligrams of hydrocortisone per milliliter. It is sterile. If it contains acetic acid, its pH is not less than 3.8 and not more than 4.3. The polymyxin B sulfate used conforms to the standards of § 448.30a(a)(1)(i), (v), (vi), (vii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(*b*) The batch for potency, sterility, and, if it contains acetic acid, pH.

(ii) Samples required:

(*a*) Polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 448.30a (b)(1), except prepare the sample by diluting volumetrically a representative portion (usually 1.0 milliliter) in 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Further dilute an aliquot in 10 percent potassium phosphate buffer, pH 6.0, to give a final estimated concentration of 10 units of polymyxin B per milliliter. Its content of polymyxin B is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except if the steroid prevents solubilization, use 0.25 milliliter of the sample in lieu of 1 milliliter and proceed as directed in paragraph (e)(2) of that section.

(3) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the undiluted solution.

Subpart F—Dermatologic Dosage Forms

§ 448.510 Bacitracin dermatologic dosage forms.

§ 448.510a Bacitracin ointment; zinc bacitracin ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin ointment and zinc bacitracin ointment are composed of bacitracin or zinc bacitracin in a suitable and harmless ointment base, or they are a powder composed of bacitracin or zinc bacitracin and one or more suitable and harmless diluents, dispersing agents, and preservatives which upon the addition of the quantity of water recommended in its labeling, produces an ointment. It may contain a suitable local anesthetic (if it is not intended for ophthalmic use), cortisone, or a suitable derivative of cortisone, one or more suitable sulfonamides, one or more suitable proteolytic enzymes. Its potency is not less than 500 units per gram. If it is intended for ophthalmic use, it is sterile. Its moisture content is not more than 1 percent, except if it is a powder its moisture content is not more than 5 percent. The zinc bacitracin used conforms to the standards prescribed therefor by § 448.13(a)(1) except § 448.13(a)(1)(ii). The bacitracin used conforms to the standards prescribed therefor by § 448.10a(a)(1) except § 448.10a(a)(1)(ii), (iii), (iv), and (viii). The bacitracin used in making the bacitracin ophthalmic ointment conforms to the requirements of § 448.10a(a)(1) except § 448.10a(a)(1) (iv) and (viii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* If it is bacitracin or zinc bacitracin in an ointment base it shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U.S.P., and which shall not be larger than the 2-ounce size, except if it is labeled solely for hospital use; but in no case shall such ointment be packaged in containers other than collapsible tubes if it is labeled for ophthalmic use, and such tubes shall not be larger than the ½-ounce size. If it is a powder, it shall be packaged in immediate containers of glass which meet the tests for tight containers as defined by the U.S.P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling*—(i) *It is packaged for ophthalmic use and it contains a sulfonamide, or cortisone, or a derivative of cortisone or a proteolytic enzyme.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(*a*) On the outside wrapper or container and the immediate container:

(*1*) The statement "Expiration date ----------", the blank being filled in with the date that is not more than 36 months after the month during which the batch was certified, except if it is zinc bacitracin ointment or if it contains one or more proteolytic enzymes, the blank is filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 48 months or 60 months, after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by

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him complies with the standards prescribed by paragraph (a) (1) of this section.

(2) If it is a powder, the statement "After the addition of water, the ointment may be stored in the refrigerator for 1 week without significant loss of potency".

(b) If it contains in addition to bacitracin or zinc bacitracin, one or more other active ingredients specified in paragraph (a) (1) of this section, after the name "bacitracin ointment", wherever such name appears, the words "with ----------", in juxtaposition with such name, the blank being filled in with the established name of each such other ingredient.

(ii) *It is not packaged for ophthalmic use and it does not contain a sulfonamide, or cortisone, or a derivative of cortisone, or a proteolytic enzyme.* Its label and labeling shall comply with the requirements of paragraph (a) (3) (i) of this section, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription", the labeling of each package shall bear information that the drug is for use only in the prevention of infections in minor cuts and abrasions and a statement that use of the drug should be discontinued and a physician consulted if signs of infection or irritation appear.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin or zinc bacitracin used in making the batch for potency, moisture, and pH, and for ash content if it is bacitracin or for zinc content if it is zinc bacitracin, and for toxicity if the ointment is intended for ophthalmic use.

(*b*) The batch for potency and moisture and for sterility if it is intended for ophthalmic use.

(ii) Samples required:

(*a*) The bacitracin used in making the batch: Six packages, each containing approximately 500 milligrams, packaged in accordance with the requirements of 448.10a(a) (2).

(*b*) The zinc bacitracin used in making the batch: Five packages, each containing approximately 1 gram, packaged in accordance with the requirements of § 448.310a(a) (2).

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: Twenty immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* If it is bacitracin, proceed as directed in § 448.10a(b) (1), except § 448.10a(b) (1) (iii), and in lieu of the directions in § 448.10a(b) (1) (i) (*b*), prepare the sample as directed in § 141a.8 (a) of this chapter. If it is zinc bacitracin, use 0.01*N* HCl in lieu of 1-percent phosphate buffer, pH 6.0, for the extraction or blending operation, and in lieu of the directions in § 448.10a(b) (1) (i) (*a*), prepare the standard as follows. Prepare the stock solution as directed in § 448.10a(b) (1) (i) (*a*), except that the dilutions for assay are prepared to contain the same ratio of 0.01*N* HCl to 1-percent phosphate buffer, pH 6.0, as the sample under test. Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (3) of that section.

§ 448.510b Bacitracin-tyrothricin ointment.

(a) *Requirements for certification.* Bacitracin-tyrothricin ointment conforms to all requirements prescribed by § 448.510a(a) for bacitracin ointment, and is subject to all procedures prescribed by § 448.510a(a) for bacitracin ointment, except paragraph (a) (6) of that section, and except that:

(1) It contains not less than 0.5 milligram of tyrothricin per gram of ointment.

(2) [Reserved]

(3) In lieu of the samples required by § 448.510a(a) (4) (iii) (*a*), a minimum of 6 packages of the batch should be submitted.

(b) *Tests and methods of assay.* Proceed as directed in § 448.510a(b). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram it is represented to contain.

§ 448.510c Bacitracin-polymyxin ointment; zinc bacitracin-polymyxin ointment.

(a) *Requirements for certification.* Bacitracin-polymyxin ointment and zinc bacitracin-polymyxin ointment conform to all requirements and are subject to all procedures prescribed by § 448.510a(a) for bacitracin ointment and zinc bacitracin ointment, except that:

(1) Its content of bacitracin or zinc bacitracin is not less than 200 units per gram.

(2) It contains not less than 4,000 units of polymyxin B per gram. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 444.170a(a) (1) of this chapter, except the standard for toxicity.

(3) Its moisture content is not more than 0.5 percent.

(4) If it is in liquid form, it shall be packaged in immediate containers of transparent glass which meet the test for tight containers as defined by the U. S. P.

(5) Its expiration date shall be the date that is 12 months after the month during which the batch was certified, except that the date that is 18 months, 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards of identity, strength, quality, and purity prescribed for the drug.

(6) In addition to complying with the requirements of § 448.510a(a) (3), if it is in liquid form, each package shall bear on the outside wrapper or container and on the immediate container, the statements "Shake well" and "Not for injection".

(7) In addition to complying with the requirements of § 448.510a(a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the polymyxin used in making the batch for potency. He shall also submit in connection with his request a sample consisting of not less than 6 packages of ointment and (unless it was previously submitted) a sample consisting of 5 packages containing equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin or zinc bacitracin content.* Proceed as directed in § 448.510a(b) (1). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 444.170a(b) (2) (i) of this chapter, except in lieu of the directions in § 444.170a(b) (2) (i) (*g*) for the preparation of the sample, prepare the sample by one of the following methods: Accurately weigh approximately 5 grams and transfer to a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake with four 25-milliliter portions of 10-percent potassium phosphate buffer (pH 6.0) and combine the extracts. However, if the ointment contains a water-soluble base, accurately weigh approximately 5 grams and place in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a final volume of 200 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and then make the proper estimated dilutions using 10 percent phosphate buffer, pH 6.0. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (3) of that section.

§ 448.510d Bacitracin-neomycin topical ointment; zinc bacitracin-neomycin topical ointment.

(a) *Requirements for certification.* Bacitracin-neomycin topical ointment and zinc bacitracin-neomycin topical ointment conform to all requirements and are subject to all procedures prescribed by § 448.510a(a) for bacitracin ointment and zinc bacitracin ointment, except paragraph (a) (6) of that section and except that:

(1) It contains not less than 3.50 milligrams of neomycin per gram. The neomycin used conforms to the standards prescribed by § 444.42a(a) (1) (i), (v), and (vi) of this chapter.

(2) Its expiration date shall be the date that is 12 months after the month during which the batch was certified, except that if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 18 months, 24 months, 36 months, 48 months, or 60 months at room temperature such drug as prepared by him complies with the standards of identity, strength, quality, and purity prescribed for the drug, the expiration date blank shall be filled in with the date that is 18 months, 24 months, 36 months, 48 months, or 60 months after the month during which the batch was certified.

(3) In addition to complying with the requirements of § 448.510a(a) (4), a person shall submit with his request a statement showing the number of units of bacitracin or zinc bacitracin and the number of milligrams of neomycin in each gram of ointment, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the ointment and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin or zinc bacitracin content.* Proceed as directed in § 448.510a(b) (1). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(ii) *Neomycin content.* Prepare the sample as directed in § 141a.8(a) of this chapter, except in lieu of potassium phosphate buffer use 0.10*M* phosphate buffer (pH 7.8–8.0) and proceed as directed in § 436.517(b) (1). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 448.510e Bacitracin-polymyxin-neomycin ointment.

(a) *Requirements for certification.* Bacitracin-polymyxin-neomycin ointment conforms to all requirements prescribed by § 448.510c(a) for bacitracin-polymyxin ointment, and is subject to all procedures prescribed by § 448.510c(a) for bacitracin-polymyxin ointment, except that:

(1) Its content of neomycin is not less than 3.0 milligrams per gram. The neomycin used conforms to the standards prescribed by § 444.42a(a) (1) (i), (v), and (vi) of this chapter.

(2) It may contain one or more suitable and harmless chemical antimicropial agents.

(3) In addition to the labeling prescribed by § 448.510c(a) (1) (v), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of neomycin in each gram of the batch.

(4) In addition to complying with the requirements of § 448.510c(a) (1) (vii), a person who requests certification of a batch of bacitracin-polymyxin-neomycin ointment shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and date of the latest tests and assays of the neomycin used in making the batch for potency, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 7 packages of bacitracin-polymyxin-neomycin ointment and (unless it was previously submitted) a sample consisting of 5 packages of the neomycin used in making the batch, each containing approximately 0.5 gram.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed in § 448.510c(b) (1) (i). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 448.510c(b) (1) (ii), except calculate from the quantity of neomycin found (using the method prescribed in paragraph (b) (1) (iii) of this section the quantity of neomycin that would be present when the sample is diluted to contain son requesting certification of a batch 10 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(iii) *Neomycin content.* Proceed as directed in § 448.510d(b) (1) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (3) of that section.

§ 448.510f Bacitracin-neomycin-polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin-polymyxin powder topical and zinc bacitracin-neomycin-polymyxin powder topical are bacitracin or zinc bacitracin, neomycin, and polymyxin B, with or without suitable and harmless diluents, preservatives, and lubricants, and with or without hyaluronidase, chymotrypsin, and polyvinylpyrrolidone. Unless it is packaged with one or more suitable and harmless inert gases, each gram contains not less than 200 units of bacitracin or zinc bacitracin, not less than 1,600 units of polmyxin B, and not less than 3.5 milligrams of neomycin. It contains not more than an average of 10 microorganisms per gram. Its moisture content is not more than 7.0 percent, unless it is packaged with one or more suitable and harmless inert gases, in which case its moisture content is not more than 0.5 percent. The bacitracin used conforms to the standards prescribed therefor by § 448.10a(a) (1), except § 448.10a(a) (1) (ii) and (iv). The zinc bacitracin used conforms to the standards prescribed by § 448.13(a) (1). The neomycin used conforms to the standards prescribed by § 444.42a(a) (1) (i), (iv), (v), and (vi) of this chapter. The polymyxin B used conforms to the standards prescribed therefor by § 444.170a(a) (1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container may contain one or more suitable and harmless inert gases; in which case it shall contain not less than 8,000 units of zinc bacitracin, not less than 70 milligrams of neomycin, and not less than 100,000 units of polymyxin B.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The statement "Expiration date ----------", the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, or 24 months after the month during which the batch was certified if the person who rquests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) (1) of this section,

(*b*) The statement "Not sterile".

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(ii) If it contains, in addition to the antibiotic drug, one or more other active ingredients specified in paragraph (a)(1) of this section, after the name "bacitracin-neomycin-polymyxin powder topical" or "zinc bacitracin-neomycin-polymyxin powder topical", wherever such name appears, the words "with _____", in juxtaposition with such name, the blank being filled in with the established name of each such other ingredient.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the bacitracin or zinc bacitracin, neomycin, and polymyxin used in making such batch were completed, the number of units of bacitracin or zinc bacitracin and polymyxin B, and the number of milligrams of neomycin in each immediate container, the date on which the latest assays of the drugs comprising such batch were completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(a) The batch: The number of units of bacitracin or zinc bacitracin, the number of units of polymyxin, and the number of milligrams of neomycin, a microorganism count, and moisture.

(b) The bacitracin or zinc bacitracin used in making the batch: Potency, toxicity, moisture, pH, and zinc content if it is zinc bacitracin.

(c) The neomycin used in making the batch: Potency, toxicity, moisture, and pH.

(d) The polymyxin B used in making the batch: Potency and toxicity.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section such person shall submit in connection with his request, in the quantities hereinafter indicated accurately representative samples of the following:

(a) The batch: For all tests except microorganism count, one immediate container for each 5,000 immediate containers in the batch, but in no case less than seven immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) For microorganism testing: Five immediate containers.

(c) The bacitracin or zinc bacitracin used in making the batch: Six packages, containing approximately equal portions of not less than 0.5 gram.

(d) The neomycin used in making the batch: Five packages containing approximately equal portions of not less than 0.5 gram.

(e) The polymyxin B used in making the batch: Five packages containing approximately equal portions of not less than 0.5 gram.

(f) In case of an initial request for certification, each other substance used in making the batch: One package of each containing approximately 6 grams.

(iv) The results referred to in paragraph (a)(4)(ii) (b), (c), and (d) of this section and the samples referred to in paragraph (a)(4)(iii) (c), (d), (e), and (f) of this section are not required if such results or samples have been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Dry powder*—(a) *Bacitracin content.* Proceed as directed in § 448.10a(b)(1). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Zinc bacitracin content.* Proceed as directed in § 448.13(b)(1). Its content of zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(c) *Neomycin content.* Proceed as directed in § 436.517(b)(1) of this chapter. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(d) *Polymyxin B content.* Proceed as directed in § 444.170a(b)(2)(i) of this chapter. Its content of polymyxin B is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(ii) *Powder packaged with inert gases.* Spray, as directed in the labeling, the entire contents of each container to be tested into a separate 2-liter Erlenmeyer flask, held in a horizontal position. Add 500 milliliters of 0.01*N* HCl and shake to dissolve the contents. Immediately remove aliquots of this solution and using the appropriate buffer solutions to make further dilutions, proceed as directed in paragraph (b)(1)(i) of this section Calculate the average total amount of each antibiotic expelled from the containers. The total potency is satisfactory if it contains not less than 85 percent of the number of units of zinc bacitracin and polymyxin and not less than 85 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Microorganism count*—(i) *Conduct of test for bacteria*—(a) *Dry powder.* Using approximately 200 milligrams of powder from each of five separate immediate containers, proceed as directed in § 436.20(e)(1) of this chapter, except after the three washings transfer the entire filter membrane to the surface of medium G as described in § 436.20(b)(7) of this chapter. Incubate the plate for 5 days at 30° C. to 32° C. Count the number of colonies appearing on the filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(b) *Powder packaged with inert gases.* Thoroughly cleanse the valve of each container to be tested with a suitable disinfectant. Into an empty, sterile Erlenmeyer flask, stoppered with a cotton plug, spray about one-half of the contents of each of five separate immediate containers by removing the cotton plug temporarily and using aseptic technique. Allow the propellant to evaporate. To the dry residue, which should not exceed 1 gram, add 500 milliliters of diluting fluid C as described in § 436.20(c)(3) of this chapter, and swirl the flask to dissolve the contents. Then proceed as described in paragraph (b)(3)(i)(*a*) of this section.

(ii) *Conduct of test for molds and yeasts*—(a) *Dry powder.* Proceed as directed in § 436.20(e)(1) of this chapter, using approximately 200 milligrams from each of the five containers tested, except use the agar medium H as described in § 436.20(b)(8) of this chapter, and incubate at 22° C.—25° C. for 5 days. Count the number of colonies appearing on the filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(b) *Powder packaged with inert gases.* Proceed as directed in paragraph (b)(3)(i)(*b*) of this section, use agar medium H as described in § 436.20(b)(8) of this chapter, and incubate at 25° C. for 5 days.

(iii) *Evaluation of results.* The microorganism count of the sample is satisfactory if the average number of viable microorganisms is not more than 10 per gram of powder, or per container if it is packaged with inert gases.

Subpart G—Vaginal Dosage Forms

§ 448.610 Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use).

The requirements for certification and the tests and methods of assay for bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use) are described in § 448.110a.

Subparts H–I—[Reserved]

Subpart J—Certain Other Dosage Forms

§ 448.910 Bacitracin for prescription compounding.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin for prescription compounding is a white to brown, neutral, water-soluble polypeptide intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists. It is so purified and dried that:

(i) Its potency is not less than 40 units of bacitracin per milligram.

(ii) It passes the toxicity test.

(iii) Its moisture content is not more than 5.0 percent.

(iv) Its pH in an aqueous solution of 10,000 units per milliliter is not less than 5.5 and not more than 7.5.

(v) Its residue on ignition is not more than 3.0 percent.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass, and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain 5 million units of bacitracin.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(i) The statement "Caution: Federal law prohibits dispensing without prescription".

(ii) The statement "Not sterile".

(iii) The batch mark.

(iv) The number of units of bacitracin activity in each milligram and the number of grams of bacitracin in the immediate container.

(v) The statement "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified, unless the use of a longer dating period has been approved in accordance with the provisions of § 432.5(a)(3) of this chapter.

(vi) The statement "The potency of this drug cannot be assured for longer than 60 days after the container is first opened for compounding a prescription".

(vii) The statements, "For use only in extemporaneous prescription compounding. Not for manufacturing use".

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, and zinc content.

(ii) Samples required: A 0.5-gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 448.10a(b)(1).

(2) *Toxicity.* Proceed as directed in § 448.10a(b)(4).

(3) *Moisture.* Proceed as directed in § 440.80a(a)(5)(i) of this chapter.

(4) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using a solution containing 10,000 units of bacitracin per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 448.10a(b)(7).

§ 448.913 Zinc bacitracin for prescription compounding.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Zinc bacitracin for prescription compounding is the zinc salt of a kind of bacitracin or a mixture of two or more such salts intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists. It is so purified and dried that:

(i) Its potency is not less than 40 units of bacitracin per milligram.

(ii) It passes the toxicity test.

(iii) Its moisture content is not more than 5.0 percent.

(iv) Its pH in a saturated aqueous solution is not less than 6.0 and not more than 7.5.

(v) Its zinc content is not more than 10 percent by weight on a moisture-free basis.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain 5 million units of bacitracin.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(i) The statement "Caution: Federal law prohibits dispensing without prescription".

(ii) The statement "Not sterile".

(iii) The batch mark.

(iv) The number of units of bacitracin activity in each milligram of the zinc bacitracin, and the number of grams of zinc bacitracin in the immediate container.

(v) The statement. "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified, unless use of a longer dating period has been approved in accordance with the provisions of § 432.5(a)(3) of this chapter.

(vi) The statement, "The potency of this drug cannot be assured for longer than 60 days after the container is first opened for compounding a prescription".

(vii) The statements, "For use only in extemporaneous prescription compounding. Not for manufacturing use".

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, and zinc content.

(ii) Samples required: A 0.5-gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 448.13(b)(1).

(2) *Toxicity.* Proceed as directed in § 448.13(b)(2).

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(4) *pH.* Prepare a saturated aqueous solution, using approximately 100 milligrams of the sample per milliliter, and proceed as directed in § 440.80a(b)(5)(ii) of this chapter.

(5) *Zinc content.* Proceed as directed in § 448.13(b)(5).

§ 448.930 Polymyxin B sulfate in certain other dosage forms.

§ 448.930a Polymyxin B sulfate for prescription compounding.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Polymyxin B sulfate for prescription compounding is the sulfate salt of a kind of polymyxin or a mixture of two or more such salts intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists. It is a white to buff-colored powder. It is so purified and dried that:

(i) Its potency is not less than 6,000 units of polymyxin B per milligram, on an anhydrous basis.

(ii) It passes the toxicity test.

(iii) Its moisture content is not more than 7.0 percent.

(iv) Its pH in an aqueous solution containing 5 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(v) Its residue on ignition is not more than 5 percent.

(vi) It gives positive color identity tests for polymyxin.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain 100 million units of polymyxin B.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(i) The statement "Caution: Federal law prohibits dispensing without prescription".

(ii) The statement "Not sterile".

(iii) The batch mark.

(iv) The number of units of polymyxin B activity in each milligram of the polymyxin B sulfate and the number of grams of polymyxin B sulfate in the immediate container.

(v) The statement "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified, unless the use of a longer dating period has been approved in accordance with the provisions of § 432.5(a)(3) of this chapter.

(vi) The statement, "The potency of this drug cannot be assured for longer than 60 days after the container is first opened for compounding a prescription".

(vii) The statements, "For use only in extemporaneous prescription compounding. Not for manufacturing use".

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, residue on ignition, and identity.

(ii) Samples required: A 0.5-gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch

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that the quantities packaged during the intervals are approximately equal.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 448.30a (b) (1).

(2) *Toxicity.* Proceed as directed in § 440.80a(b) (4) of this chapter, using a test dose of 0.5 milliliter of a solution containing 1,200 units per milliliter of sterilized U.S.P. saline T.S.

(3) *Moisture.* Proceed as directed in § 440.80a(b) (5) (i) of this chapter.

(4) *pH.* Proceed as directed in § 440.80a(b) (5) (ii) of this chapter, except use a solution containing 5 milligrams per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 448.10a(b) (7) of this chapter.

(6) *Identity.* Proceed as directed in § 448.30a(b) (9).

§ 448.930b Sterile polymyxin B sulfate-benzalkonium chloride urethral lubricant.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile polymyxin B sulfate-benzalkonium chloride urethral lubricant is polymyxin B sulfate and benzalkonium chloride, with one or more suitable and harmless suspending agents, in a suitable and harmless base. It contains, in each gram, 5,000 units of polymyxin B and 330 micrograms of benzalkonium chloride. Its content of polymyxin B is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its pH is not less than 4.0 and not more than 5.5. The polymyxin B sulfate used conforms to § 448.30a(a)(1) (i), (iv), (vi), (vii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required.

(*a*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch.

(*1*) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay.*

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay by either of the following methods:

(i) Accurately weigh a representative portion of the ointment (usually 1.0 gram) and transfer it to a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake with four 25 milliliter portions of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and combine the aqueous extractives. After adjusting the volume of the combined extractives to 100 milliliters with solution 6, remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(ii) Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing sufficient 1.0 milliliter polysorbate 80 and 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to obtain a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20(e)(1) of this chapter, except dissolve the ointment as follows: Aseptically transfer a portion of 0.25 gram from each of 10 immediate containers of the drug to 400 milliliters of diluting fluid D in an Erlenmeyer flask. Repeat the procedure on another 10 immediate containers. Swirl the flasks to dissolve the ointment.

(3) *pH.* Proceed as directed in § 440.80a (b) (5) (ii) of this chapter, using the undiluted sample.

PART 449—ANTIFUNGAL ANTIBIOTICS

Subpart A—Bulk Drugs

449.4 Amphotericin B.
449.4a Amphotericin B for us in parenteral products.
449.10 Candicidin.
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Subpart B—Oral Dosage Forms

449.104 Amphotericin B oral suspension.
449.120 Griseofulvin oral dosage forms.
449.120a Griseofulvin tablets.
449.120b Griseofulvin capsules.
449.120c Griseofulvin oral suspension.
449.150 Nystatin oral dosage forms.
449.150a Nystatin tablets.
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449.150c Nystatin for oral suspension.

Subpart C—Injectable Dosage Forms

449.204 Amphotericin B for injection.

Subpart D—[Reserved]

Subpart E—Otic Dosage Forms

449.450 Nystatin-neomycin sulfate-polymyxin B sulfate-fludrocortisone acetate for otic solution.

Subpart F—Dermatologic Dosage Forms

449.504 Amphotericin B dermatologic dosage forms.
449.504a Amphotericin B ointment.
449.504b Amphotericin B cream.
449.504c Amphotericin B lotion.
449.550 Nystatin dermatologic dosage forms.
449.550a Nystatin ointment.
449.550b Nystatin - iodochlorhydroxyquin ointment.
449.550c Nystatin-neomycin sulfate-gramicidin-triamcinolone acetonide ointment; nystatin-neomycin sulfate - gramicidin-fludrocortisone acetate ointment.
449.550d Nystatin cream.
449.550e Nystatin-neomycin sulfate-gramicidin-triamcinolone acetonide cream.
449.550f Nystatin topical powder.
449.550g Nystatin-neomycin sulfate-gramicidin topical powder.

Subpart G—Vaginal Dosage Forms

449.610 Candicidin vaginal dosage forms.
449.610a Candicidin vaginal ointment.
449.610b Candicidin vaginal tablets.
449.610c Candicidin vaginal capsules.
449.650 Nystatin vaginal tablets.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 449.4 Amphotericin B.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amphotericin B is a yellow to golden-orange powder. It is insoluble in water at pH. 6.0 to 7.0, anhydrous alcohols, esters, ethers, benzene, and toluene. It is soluble in dimethylformamide and dimethylsulfoxide. It is so purified and dried that:

(i) Its potency is not less than 750 micrograms of amphotericin B per milligram on an anhydrous basis.

(ii) It contains not more than 15 percent of amphotericin A.

(iii) It passes the safety test.

(iv) Its loss on drying is not more than 5.0 percent.

(v) Its pH in a 3 percent aqueous suspension is not less than 6.0 and not more than 8.0.

(vi) It contains not more than 3.0 percent residue on ignition.

(vii) It passes the identity test.

(2) *Labeling.* In addition to the labeling prescribed by § 432.5(b) of this chapter, each package shall bear on its label the statements "Store below 10° C." and "Protect from light and moisture".

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, amphotericin A content, safety, loss on drying, pH, residue on ignition, and identity.

(ii) Samples required on the batch: 10 packages, each containing not less than 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient dimethylsulfoxide to give a stock solution of convenient concentration. Further dilute an aliquot with dimethylsulfoxide to a concentration of 20 micrograms of amphotericin B per milliliter (estimated). Remove an aliquot; dilute with 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 1.0 microgram of amphotericin B per milliliter (estimated).

(2) *Amphotericin A content*—(i) *Amphotericin A.* Dry approximately 20 milligrams of the amphotericin A working standard as described in § 436.200(a) of this chapter. Accurately weigh the dried working standard and quantitatively transfer into a 200-milliliter volumetric flask. Add exactly 40.0 milliliters of dimethylsulfoxide and dissolve. Make to mark with methyl alcohol and mix thoroughly. Pipette 4.0 milliliters of this solution into a 50-milliliter volumetric flask. Add methyl alcohol to mark and mix thoroughly.

(ii) *Amphotericin B.* Dry approximately 50 milligrams of the amphotericin B working standard as described in § 436.200(a) of this chapter. Accurately weigh the dried working standard and quantitatively transfer into a 50-milliliter volumetric flask. Add 10 milliliters of dimethylsulfoxide and dissolve. Make to mark with methyl alcohol and mix thoroughly. Pipette 4.0 milliliters of this solution into a 50-milliliter volumetric flask. Add methyl alcohol to mark and mix thoroughly.

The standard solution should be used for 1 day only.

(iii) *Sample.* Accurately weigh about 50 milligrams of the sample to be tested and quantitatively transfer into a 50-milliliter volumetric flask. Add 10 milliliters of dimethylsulfoxide and dissolve. Make to mark with methyl alcohol and mix thoroughly. Pipette 4.0 milliliters of this solution into a 50-milliliter volumetric flask. Add methyl alcohol to mark and mix thoroughly.

(iv) *Blank.* Pipette 10 milliliters of dimethylsulfoxide into a 50-milliliter volumetric flask. Make to mark with methyl alcohol and mix. Pipette 4.0 milliliters of this solution into a 50-milliliter volumetric flask. Make to mark with methyl alcohol and mix thoroughly.

(v) *Procedure.* Use a suitable ultraviolet spectrophotometer and 1-centimeter silica cells. Adjust the instrument to zero with the blank solution. Measure the absorbances of the solutions of standard A, standard B, and the sample at 304 nanometers and at 282 nanometers. Calculate the absorptivity of each standard at both wavelengths:

Percent amphotericin

$$A=\frac{[(B\times S_1)-(b\times S_2)]\times 625}{W_s\times[(B\times a)-(b\times A)]}.$$

where:

A=Absorptivity of amphotericin A standard at 282 nanometers;
B=Absorptivity of amphotericin B standard at 282 nanometers;
a=Absorptivity of amphotericin A standard at 304 nanometers;
b=Absorptivity of amphotericin B standard at 304 nanometers;
S_1=Absorbance of sample at 282 nanometers;
S_2=Absorbance of sample at 304 nanometers;
W_s=Weight of sample in grams (on an anhydrous basis).

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using a 3.0 percent aqueous suspension.

(6) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(7) *Identity.* Using the solutions prepared as described in paragraph (b)(2) (ii), (iii), and (iv) of this section, record the absorption spectrum from 320 to 240 nanometers. Then dilute these solutions (1+9) with methyl alcohol and record the absorption spectrum from 400 to 320 nanometers. The sample exhibits absorption peaks at identical wavelengths with that of the amphotericin B standard. Depending on the amphotericin A content of the sample, a peak may occur at 304 nanometers.

§ 449.4a Amphotericin B for use in parenteral products.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amphotericin B is a yellow to golden-orange powder. It is insoluble in water at pH 6.0 to 7.0, anhydrous alcohols, esters, ethers, benzene, and toluene. It is soluble in dimethylformamide and dimethylsulfoxide. It is so purified and dried that:

(i) Its potency is not less than 750 micrograms of amphotericin B per milligram on an anhydrous basis.

(ii) It contains not more than 5 percent of amphotericin A.

(iii) It passes the safety test.

(iv) Its loss on drying is not more than 5.0 percent.

(v) Its pH in a 3 percent aqueous suspension is not less than 3.5 and not more than 6.0.

(vi) It contains not more than 0.5 percent residue on ignition.

(vii) It passes the identity test.

(2) *Labeling.* In addition to the labeling prescribed by § 432.5(b) of this chapter, each package shall bear on its label the statements "Store below 10° C." and "Protect from light and moisture".

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, amphotericin A content, safety, loss on drying, pH, residue on ignition, and identity.

(ii) Samples required on the batch: 10 packages, each containing not less than 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient dimethylsulfoxide to give a stock solution of convenient concentration. Further dilute with dimethylsulfoxide to give a concentration of 20 micrograms of amphotericin B per milliliter (estimated). Dilute an aliquot with 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 1.0 microgram of amphotericin B per milliliter (estimated).

(2) *Amphotericin A content.* Proceed as directed in § 449.4(b)(2).

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using a 3.0 percent aqueous suspension.

(6) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(7) *Identity.* Proceed as directed in § 449.4(b)(7).

§ 449.10 Candicidin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin is a brown to yellow powder. It is sparingly soluble in water; very slightly soluble in ethyl alcohol, butyl alcohol, and acetone. It is so purified and dried that:

(i) Its potency is not less than 1,000 micrograms of candicidin per milligram on an anhydrous basis.

(ii) Its loss on drying is not more than 4 percent.

(iii) Its pH is not less than 8.0 nor more than 10.0 in a 1 percent aqueous suspension.

(iv) Its ultraviolet absorption spectrum is characteristic of a conjugated heptaene and is qualitatively the same as that of the candicidin working standard.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, loss on drying, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve a portion of the sample in sufficient dimethylsulfoxide to yield an estimated concentration of 1,000 micrograms of candicidin activity per milliliter. Further dilute an aliquot with sterile distilled water to the reference concentration of 0.06 microgram of candicidin activity per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using a 1 percent aqueous suspension.

(4) *Identity*—(i) *Preparation of aqueous alcohol solution.* Prepare an aqueous alcohol solution by mixing 53 volumes of ethyl alcohol and 47 volumes of water.

(ii) *Preparation of standard solution.* Grind a small portion of the candicidin working standard to a fine powder with a mortar and pestle. Accurately weigh an amount equivalent to 20,000 micrograms of candicidin activity and transfer it to a 100-milliliter volumetric flask. Add about 50 milliliters of the aqueous alcohol solution and shake to effect complete dissolution. Bring to volume with the aqueous alcohol solution and mix well. Transfer a 25-milliliter aliquot to a 100-milliliter volumetric flask and bring to volume with the aque-

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ous alcohol solution. This solution contains 50 micrograms of candicidin activity per milliliter.

(iii) *Preparation of sample solution.* Proceed as directed in paragraph (b)(4)(ii) of this section.

(iv) *Procedure.* Using a suitable recording spectrophotometer, record the absorption spectra of the standard solution and the sample solution between the wavelengths of 330 and 410 nanometers with the aqueous alcohol solution as the reference solution. Compare the absorption spectra of the standard solution and the sample solution. They should exhibit absorption maxima and minima at the same wavelengths, which are nominally 342, 359, 378, and 397 nanometers for the maxima and 348, 366, and 390 nanometers for the minima.

§ 449.20 Griseofulvin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Griseofulvin is a microsize, white to pale-cream compound with the following chemical name: 7-chloro-2',4,6-trimethoxy-6'β-methylspiro[benzofuran-2(3*H*),1'-[2]cyclohexene]-3,4'-dione. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 1.0 percent.

(iv) Its melting point, after drying, is not less than 217° C. and not more than 224° C.

(v) Its specific rotation in dimethylformamide at 25° C. is not less than +348° and not more than +364°.

(vi) Its ultraviolet absorption spectrum in methyl alcohol compares qualitatively with that of the griseofulvin reference standard.

(vii) Its residue on ignition is not more than 0.2 percent.

(viii) Its heavy metals content is not more than 25 parts per million.

(ix) Its specific surface area is not less than 1.3 and not more than 1.7 square meters per gram.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(ii) Samples required: 10 packages, each containing not less than 1 gram.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Spectrophotometric assay*—(a) *Preparation of sample and standard solutions.* Accurately weigh approximately 50 milligrams each of the sample and griseofulvin working standard. Dissolve each in exactly 100 milliliters of methyl alcohol and mix well. (The standard solution can be kept under refrigeration and used for up to 1 month.) Transfer 2.0-milliliter aliquots of the sample and standard to separate 100-milliliter volumetric flasks. Bring to mark with methyl alcohol, stopper, and mix well.

(b) *Procedure.* Adjust a suitable ultraviolet spectrophotometer to 100 percent light transmission with methyl alcohol in the absorption cell. Determine the absorbance values for the sample and standard at the absorption peak at 292 nanometers. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240 to 320 nanometers. If a nonrecording spectrophotometer is used, determine the absorbance value at the absorption peak. (The exact position of the peak should be determined for the particular instrument used.)

(c) *Calculations.* Determine the griseofulvin content of the sample as follows:

where:

A_1 = Absorbance of sample at 292 nanometers.

A_2 = Absorbance of standard at 292 nanometers.

$$\text{Micrograms of griseofulvin per milligram} = \frac{A_1}{A_2} \times \frac{\text{Milligrams of standard}}{\text{Milligrams of sample}} \times \text{Potency of the standard in micrograms per milligram.}$$

(ii) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an appropriate portion of the griseofulvin sample in dimethylformamide to give a stock solution of convenient concentration. Further dilute the stock solution with dimethylformamide to give a concentration of 100 micrograms of griseofulvin per milliliter. Then further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 5.0 micrograms of griseofulvin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *Melting point.* Proceed as directed in § 436.209 of this chapter.

(5) *Specific rotation.* Accurately weigh approximately 250 milligrams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of dimethylformamide. Bring to volume with dimethylformamide, stopper, and mix well. Proceed as directed in § 436.210 of this chapter, using a 2.0-decimeter polarimeter tube.

(6) *Identity.* Record the ultraviolet absorption spectrum of solutions of the sample and standard prepared as directed in paragraph (b)(1)(i) of this section from 240 to 320 nanometers. The curves shall be similar, and each shall have a maximum at 292±2 nanometers and a minimum at 261±2 nanometers.

(7) *Residue on ignition.* Proceed as directed in § 436.207 of this chapter.

(8) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

(9) *Specific surface area*—(i) *Procedure.* Determine the apparent particle size in microns by the air-permeation method, using a suitable subsieve sizer. Weigh 1.819 grams ±0.001 gram of the sample and transfer to the compression tube of the apparatus. Compact the sample with moderate pressure so that it has a uniform porosity. Pass compressed dry air through the sample and measure the air pressure with a water manometer. Observe the porosity and calculate the apparent particle size from the instrument equation or read it from a chart that has been calculated in accordance with the equation. Repeat the readings at successively higher degrees of compaction until the apparent particle size reaches a minimum. Calculate the observed specific surface area (SSA) in square meters per gram of sample, as follows:

$$\text{Observed SSA} = \frac{6}{\text{Minimum apparent particle size in microns} \times 1.455 \times F}$$

where F is a factor used to correct the apparent particle size to the true particle size:

Porosity reading	F
0.80	1.3771
0.76	1.4142
0.72	1.4572
0.68	1.5062
0.64	1.5690
0.60	1.6432
0.56	1.7353
0.52	1.8526
0.48	2.0076
0.44	2.2203
0.40	2.5298

(ii) *Standard.* Determine the observed specific surface area of the griseofulvin specific surface area standard by the method prescribed in paragraph (b)(9)(i) of this section, using the same instrument and the same air pressure setting.

(iii) *Calculations.* Calculate the corrected specific surface area of the sample as follows:

$$\text{SSA of sample} = \frac{\text{Observed SSA of sample} \times \text{assigned SSA of standard}}{\text{Observed SSA of standard}}.$$

(10) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 449.50 Nystatin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin is the yellow to light-tan compound of a kind of nystatin or a mixture of two or more such compounds. It is very slightly soluble in water, moderately soluble in methyl alcohol, butyl alcohol, or propyl alcohol. It is so purified and dried that:

(i) Its potency is not less than 2,000 units of nystatin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 5.0 percent.

(iv) Its pH in a 3 percent aqueous suspension is not less than 6.5 and not more than 8.0.

(v) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, and identity.

(ii) Samples required on the batch: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient dimethylformamide to give a nystatin concentration of 400 units per milliliter (estimated). Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a 3 percent aqueous suspension of the drug.

(5) *Identity.* Weigh approximately 100 milligrams of the sample into a 200-milliliter, glass-stoppered, volumetric flask. Add 50 milliliters of absolute methyl alcohol and 10 milliliters of glacial acetic acid. When the sample has dissolved, dilute to volume with methyl alcohol. Transfer 2 milliliters of this solution to a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Use the same dilution of acetic acid in methyl alcohol as the blank. Immediately determine the absorption peaks at 230, 291, 305, and 319 nanometers, and the shoulders at 279±2 nanometers, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100 percent transmission with the blank. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 220 nanometers to 350 nanometers. If a nonrecording spectrophotometer is used, the exact positions of the peaks and shoulder should be determined for the particular instrument used. The ratio of the two absorbances

$$\left(\frac{A_{305}}{A_{291}}\right)$$

should be not less than 0.90 and not more than 1.25.

Subpart B—Oral Dosage Forms

§ 449.104 Amphotericin B oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amphotericin B oral suspension is a mixture of amphotericin B with one or more suitable and harmless preservatives, colorings, sweetening ingredients, flavorings, buffer substances, lubricants, suspending agents, and sequestrants in an aqueous vehicle. Each milliliter contains 100 milligrams of amphotericin B. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of amphotericin B that it is represented to contain. Its pH is not less than 4.5 and not more than 6.0. The amphotericin B conforms to the standards prescribed by § 449.4(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The amphotericin B used in making the batch for potency, amphotericin A content, safety, loss on drying, pH, residue on ignition, and identity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The amphotericin B used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative portion into a high-speed glass blender with sufficient dimethylsulfoxide to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Dilute an aliquot of the stock solution with dimethylsulfoxide to give a concentration of 20 micrograms of amphotericin B per milliliter (estimated). Further dilute an aliquot with 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 1.0 microgram of amphotericin B per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted suspension.

§ 449.120 Griseofulvin oral dosage forms.

§ 449.120a Griseofulvin tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Griseofulvin tablets are tablets composed of griseofulvin, with or without one or more suitable fillers, colorings, lubricants, and binders. Each tablet contains 125, 250, or 500 milligrams of griseofulvin. The potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 5.0 percent. They shall disintegrate within 1 hour. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The griseofulvin used in making the batch for potency, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for potency, loss on drying, and disintegration time.

(ii) Samples required:

(a) The griseofulvin used in making the batch: 10 packages, each containing not less than 1 gram.

(b) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Spectrophotometric assay.* Proceed as directed in § 449.20(b)(1)(i), except prepare the sample for assay as follows: Weigh accurately a representative number of tablets and determine the average weight per tablet. Reduce the tablets to a fine powder in a mortar and transfer an amount of powder containing 200 milligrams (estimate) of griseofulvin to a 200-milliliter glass-stoppered volumetric flask. Add about 100 milliliters of methyl alcohol to the flask. Warm the contents by heating the flask carefully over a steam bath. Swirl the contents several times during the heating period. Shake the flask on a mechanical shaker for 15 minutes, allow to cool to room temperature, and adjust to volume with methyl alcohol. Mix well. Filter 30 to 40 milliliters through paper, discarding the first 10 to 15 milliliters of filtrate. Transfer exactly 2.0 milliliters of the subsequent filtrate to a 200-milliliter volumetric flask, adjust to volume with methyl alcohol, and mix well. Using a suitable ultraviolet spectrophotometer and matched 1-centimeter quartz cells, set the instrument to 100 percent transmission with methyl alcohol. Determine the absorbance of the sample and working standard (prepared as described in § 449.20(b)(1)(i)(*a*) at the absorption peak at 292±2 nanometers. Calculate the milligrams of griseofulvin per tablet as follows:

$$\text{Milligrams of griseofulvin per tablet} = \frac{\text{Absorbance of sample} \times \text{average weight of tablet in milligrams} \times 200{,}000}{a \times \text{weight of powder tested in milligrams}}$$

where:

a = Absorptivity (1 percent, 1 cm.) of the griseofulvin working standard measured at 292±2 nanometers.

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(ii) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Powder the tablets and weigh an amount of the powder as described in paragraph (a)(1)(i) of this section. Transfer the powder to a flask of 500-milliliter capacity. Add a sufficient quantity of dimethylformamide to give a stock solution of convenient concentration. Shake well and carefully warm the contents over a steam bath. Stopper the flask, place on an automatic shaking machine, and shake for 15 minutes. Transfer 25 to 30 milliliters to a centrifuge tube, close the tube, and centrifuge sufficiently to obtain a clear supernatant. Dilute an aliquot of the supernatant with dimethylformamide to give a concentration of 100 micrograms of griseofulvin per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 5.0 micrograms of griseofulvin per milliliter.

(2) *Loss on drying.* Proceed as directed in § 436.202(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

§ 449.120b Griseofulvin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Griseofulvin capsules are gelatin capsules containing griseofulvin with a suitable filler and binder, with or without a suitable lubricant. Each capsule contains 125 or 250 milligrams of griseofulvin. The potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 1.0 percent. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The griseofulvin used in making the batch for potency, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for potency and loss on drying.

(ii) Samples required:

(a) The griseofulvin used in making the batch: 10 packages, each containing not less than 1 gram.

(b) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Spectrophotometric assay.* Proceed as directed in § 449.20(b)(1)(i), except prepare the sample as follows: Weigh accurately the contents of a representative number of capsules and determine the average weight per capsule. Mix the contents of the capsules and transfer an amount of powder containing 200 milligrams (estimated) of griseofulvin to a 200-milliliter glass-stoppered volumetric flask. Add about 100 milliliters of methyl alcohol to the flask. Warm the contents by heating the flask carefully over a steam bath. Swirl the contents several times during the heating period. Shake the flask on a mechanical shaker for 15 minutes, allow to cool to room temperature, and adjust to volume with methyl alcohol. Mix well. Filter 30 to 40 milliliters through paper, discarding the first 10 to 15 milliliters of filtrate. Transfer exactly 2.0 milliliters of the subsequent filtrate to a 200-milliliter volumetric flask, adjust to volume with methyl alcohol, and mix well. Using a suitable ultraviolet spectrophotometer and matched 1-centimeter quartz cells, set the instrument to 100 percent light transmission with methyl alcohol. Determine the absorbance of the sample and working standard (prepared as described in § 449.20(b)(1)(i)(*a*)) at the absorption peak at 292±2 nanometers. Calculate the milligrams of griseofulvin per capsule as follows:

$$\text{Milligrams of griseofulvin per capsule} = \frac{\text{Absorbance of the sample}}{a \times \text{weight of powder tested in milligrams}} \times \text{average weight of capsule content in milligrams} \times 200{,}000$$

where:

a = Absorptivity (1 percent, 1 cm.) of the griseofulvin working standard measured at 292±2 nanometers.

(ii) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve the contents of a representative number of capsules in sufficient dimethylformamide to give a stock solution of convenient concentration. Dilute an aliquot of the stock solution with dimethylformamide to give a concentration of 100 micrograms of griseofulvin per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 5.0 micrograms of griseofulvin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 449.120c Griseofulvin oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Griseofulvin oral suspension is griseofulvin with one or more suitable flavorings, colorings, wetting agents, preservatives, and diluents in an aqueous vehicle. Each milliliter contains 25 milligrams of griseofulvin. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. Its pH is not less than 6.5 and not more than 7.5. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The griseofulvin used in making the batch for potency, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The griseofulvin used in making the batch: 10 packages, each containing not less than 1 gram.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Spectrophotometric assay.* Proceed as directed in § 449.20(b)(1)(i), except prepare the sample for assay as follows: Prepare a 0.50 milligram per milliliter solution (estimated) of the suspension by transferring an appropriate volume of the well-shaken suspension to a 100-milliliter volumetric flask. Add about 50 milliliters of methyl alcohol to the flask. Warm the contents by heating the flask carefully over a steam bath. Swirl the contents several times during the heating period. Shake the flask on a mechanical shaker for 15 minutes, allow to cool to room temperature, and adjust to volume with methyl alcohol. Mix well. Filter the solution, discarding the first 10 to 15 milliliters of filtrate. Transfer exactly 1.0 milliliter of the subsequent filtrate to a 50-milliliter volumetric flask, adjust to volume with methyl alcohol, and mix well. Using a suitable ultraviolet spectrophotometer and matched 1 centimeter quartz cells, set the instrument to 100 percent transmission with methyl alcohol. Determine the absorbance of the sample and working standard (prepared as described in § 449.20(b)(1)(i)(*a*)) at the absorption peak at 292±2 nanometers. Calculate the milligrams of griseofulvin per milliliter of sample as follows:

$$\text{Milligrams of griseofulvin per milliliter} = \frac{\text{Absorbance of sample}}{\text{Absorbance of standard}} \times \frac{\text{Weight of standard in milligrams}}{\text{Milliliters of suspension tested}} \times \text{Potency of standard in micrograms per milligram} \times \frac{1}{1{,}000}$$

(ii) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured volume of the well-shaken suspension with sufficient dimethylformamide to give a stock solution containing 100 micrograms of griseofulvin per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 5.0 micrograms of griseofulvin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this subchapter, using the undiluted suspension.

§ 449.150 Nystatin oral dosage forms.

§ 449.150a Nystatin tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin tablets are tablets composed of nystatin and suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. Each tablet contains 500,000 units of nystatin. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of nystatin that it is represented to contain. If they are plain coated, the loss on drying is not more than 5 percent, and they shall disintegrate within 2 hours. If they are film coated, and contain a starch filler, the loss on drying is not more than 8 percent, and they shall disintegrate within 30 minutes. The nystatin used conforms to the standards prescribed by § 449.50(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The nystatin used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The batch for potency, loss on drying, and disintegration time.

(ii) Samples required:

(*a*) The nystatin used in making the batch: 10 packages, each consisting of not less than 300 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets for 3 to 5 minutes in a high-speed glass blender with sufficient dimethylformamide to give a convenient concentration. Dilute an aliquot with sufficient dimethylformamide to give a stock solution containing 400 units of nystatin per milliliter. Further dilute an aliquot with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter.

§ 449.150b Nystatin oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin oral suspension is a suspension containing nystatin and one or more suitable preservatives, suspending agents, surfactants, flavorings, and colorings in purified water. Each milliliter contains 100,000 units of nystatin. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of nystatin that it is represented to contain. Its pH is not less than 4.5 and not more than 6.0; except, if the product contains glycerin, its pH is not less than 6.0 and not more than 7.5. The nystatin used conforms to the standards prescribed by § 449.50(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The nystatin used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The nystatin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative aliquot of the sample into a high-speed glass blender jar containing sufficient dimethylformamide to give a convenient concentration. Blend for 3 to 5 minutes. Dilute an aliquot with sufficient dimethylformamide to give a stock solution containing 400 units of nystatin per milliliter (estimated). Remove an aliquot of the stock solution and further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted suspension.

§ 449.150c Nystatin for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin for oral suspension is a dry powder consisting of nystatin, and suitable and harmless suspending substances, preservatives, diluents, colorings, and flavorings. When the suspension is prepared as directed in its labeling, each milliliter contains 100,000 units of nystatin. Its potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of nystatin that it is represented to contain. The pH of the reconstituted drug is not less than 4.9 and not more than 5.5. Its moisture content is not more than 7.0 percent. The nystatin used conforms to the standards prescribed by § 449.50(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The nystatin used in making the batch for potency, safety, loss on drying, pH, and identity.

(*b*) The batch for potency, moisture and pH.

(ii) Samples required:

(*a*) The nystatin used in making the batch: 10 packages, each consisting of 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Blend an appropriate aliquot in a high-speed glass blender for 3 to 5 minutes, using sufficient dimethylformamide to give a convenient concentration. Dilute an aliquot with sufficient dimethylformamide to give a stock solution containing 400 units of nystatin per milliliter. Further dilute an aliquot with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *Moisture.* Using the dry powder, proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension after reconstituting as directed in the labeling.

Subpart C—Injectable Dosage Forms

§ 449.204 Amphotericin B for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amphotericin B for injection is a dry powder containing in each immediate container 50 milligrams of amphotericin B, 41 milligrams of sodium desoxycholate, and suitable buffering substances. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of amphotericin B that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. Its loss on drying is not more than 8.0 percent. Its pH in an aqueous solution containing 10 milligrams of amphotericin B per milliliter is not less than 7.2 and not more than 8.0. The amphotericin B used conforms to the standards prescribed by § 449.4a(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, each package shall bear on its label and labeling the following statement: "For intravenous infusion in hospitals only".

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

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(i) Results of tests and assays on:

(a) The amphotericin B used in making the batch for potency, amphotericin A content, loss on drying, pH, residue on ignition, and identity.

(b) The batch for potency, sterility, safety, pyrogens, loss on drying, and pH.

(ii) Samples required:

(a) Amphotericin B used in making the batch: 10 packages, each containing approximately equal portions of not less than 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Then using a suitable syringe and hypodermic needle, remove all of the withdrawable contents if the container is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with sufficient dimethylsulfoxide to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with dimethylsulfoxide to a concentration of 20 micrograms of amphotericin B per milliliter (estimated). Remove an aliquot of this solution and dilute with 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 1.0 microgram of amphotericin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(e) of this chapter, using a solution containing 2 milligrams of amphotericin B per milliliter, except in lieu of paragraph (a)(3), if no rabbit shows an individual rise in temperature of 1.1° C. or more above its respective control temperature, and if the sum of the three temperature rises does not exceed 3° C., the sample meets the requirements for absence of pyrogen. If one or two rabbits show a temperature rise of 1.1° C. or more, or if the sum of temperature rises exceeds 3° C., repeat the test using five other rabbits. If not more than three of the eight rabbits show a temperature rise of 1.1° C. or more, and if the sum of the temperature rises does not exceed 8° C. the sample meets the requirements for absence of pyrogens.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter using an aqueous solution containing 10 milligrams of amphotericin B per milliliter.

Subpart D—[Reserved]

Subpart E—Otic Dosage Forms

§ 449.450 Nystatin-neomycin sulfate-polymyxin B sulfate-fludrocortisone acetate for otic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin-neomycin sulfate-polymyxin B sulfate-fludrocortisone acetate for otic solution is a dry mixture of nystatin, neomycin sulfate, polymyxin B sulfate, and fludrocortisone acetate. Its loss on drying is not more than 6.5 percent. It may be packaged in combination with an immediate container of a suitable and harmless aqueous diluent containing suitable preservatives and buffers. When reconstituted as directed in the labeling, each milliliter contains 100,000 units of nystatin, 3.5 milligrams of neomycin, 10,000 units of polymyxin B, and 1 milligram of fludrocortisone acetate. Its nystatin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of nystatin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain. Its pH is not less than 4.0 and not more than 6.0. The nystatin used conforms to the standards prescribed by § 449.50(a)(1), except safety. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1), except safety, of this chapter. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1), except safety, of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(b) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(c) The polymyxin B sulfate used in making the batch for potency, loss on drying, residue on ignition, pH, and identity.

(d) The batch for potency, loss on drying, and pH.

(ii) Samples required:

(a) The nystatin used in making the batch: 10 packages, each consisting of not less than 300 milligrams.

(b) The neomycin sulfate used in making the batch: 10 packages, each consisting of not less than 300 milligrams.

(c) The polymyxin B sulfate used in making the batch: 10 packages, each consisting of not less than 300 milligrams.

(d) The batch: A minimum of seven immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Nystatin.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Remove an accurately measured representative portion and dilute with sufficient dimethylformamide to give a stock solution containing 400 units of nystatin per milliliter (estimated). Further dilute with 10 percent potassium phosphate buffer, pH 6 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling, remove an accurately measured representative portion, and dilute with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polmyxin B per milliliter. Prepare the sample for assay as follows: Reconstitute as directed in the labeling, remove an accurately measured representative portion, and dilute with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. Further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter, using the dry powder.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in its labeling.

Subpart F—Dermatologic Dosage Forms

§ 449.504 Amphotericin B dermatologic dosage forms.

§ 449.504a Amphotericin B ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amphotericin B ointment is composed of amphotericin B in a suitable and harmless ointment base. It may contain suitable and harmless coloring agents and protectants. It contains 30 milligrams of amphotericin B in each gram. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of amphotericin B that it is represented to contain. Its moisture content is not more than 1.0 percent. The amphotericin B used conforms to the standards prescribed by § 449.4(a)(1)(i), (ii), (v), (vi), and (vii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of

§ 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The amphotericin B used in making the batch for potency, amphotericin A content, pH, residue on ignition, and identity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) Amphotericin B used in making the batch: 10 packages, each containing not less than 500 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample (usually 1 gram) into an appropriate-sized Erlenmeyer flask with 10 milliliters of ethyl ether. Allow to dissolve for 1 hour with intermittent manual shaking. Add a measured amount of dimethylsulfoxide to the flask and place on a shaker for 10 minutes. Further dilute with dimethylsulfoxide to a concentration of 20 micrograms of amphotericin B per milliliter (estimated). Remove an aliquot and dilute with 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 1.0 microgram of amphotericin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 449.504b Amphotericin B cream.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amphotericin B cream is composed of amphotericin B, with or without one or more suitable and harmless emollients, perfumes, dispersants, and preservatives, in a suitable and harmless cream base. It contains 30 milligrams of amphotericin B in each gram. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of amphotericin B per gram that it is represented to contain. The amphotericin B used conforms to the standards prescribed by § 449.4(a)(1)(i), (ii), (v), (vi), and (vii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The amphotericin B used in making the batch for potency, amphotericin A content, pH, residue on ignition, and identity.

(b) The batch for potency.

(ii) Samples required:

(a) Amphotericin B used in making the batch: 10 packages, each containing not less than 500 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: With the aid of a high-speed glass blender, dissolve an accurately weighed sample in sufficient dimethylsulfoxide to give a stock solution of convenient concentration. Further dilute with dimethylsulfoxide to a concentration of 20 micrograms of amphotericin B per milliliter (estimated). Remove an aliquot and dilute with 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 1.0 microgram of amphotericin B per milliliter (estimated).

§ 449.504c Amphotericin B lotion.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amphotericin B lotion is composed of amphotericin B in a suitable and harmless lotion vehicle. It contains suitable and harmless emollients, emulsifiers, coloring agents, diluents, preservatives, and perfumes. It contains 30 milligrams of amphotericin B per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of amphotericin B per milliliter that it is represented to contain. Its pH is not less than 5.0 and not more than 7.0. The amphotericin B used conforms to the standards prescribed by § 449.4(a)(1)(i), (ii), (v), (vi), and (vii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The amphotericin B used in making the batch for potency, amphotericin A content, pH, residue on ignition, and identity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The amphotericin B used in making the batch: 10 packages, each containing not less than 500 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an aliquot in sufficient dimethylsulfoxide to give a stock solution of convenient concentration. Further dilute the stock solution with dimethylsulfoxide to a concentration of 20 micrograms of amphotericin B per milliliter (estimated). Remove an aliquot and dilute with 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 1.0 microgram of amphotericin B per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted lotion.

§ 449.550 Nystatin dermatologic dosage forms.

§ 449.550a Nystatin ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin ointment is composed of nystatin and a suitable and harmless ointment base. Each gram contains 100,000 units of nystatin. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of nystatin that it is represented to contain. The moisture content is not more than 0.5 percent. The nystatin used conforms to the standards prescribed by § 449.50(a)(1)(i), (iii), (iv), and (v).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The nystatin used in making the batch: 10 containers, each consisting of 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Using sufficient dimethylformamide to give a concentration of 400 units of nystatin (estimated) per milliliter, blend an accurately weighed representative portion in a high-speed glass blender for 3 to 5 minutes. Further dilute with 10 percent potassium phosphate buffer, pH 6 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 449.550b Nystatin-iodochlorhydroxyquin ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin-iodochlorhydroxyquin ointment is composed of nystatin and iodochlorhydroxyquin in a suitable and harmless ointment base. Each gram contains 100,000 units of nystatin and 20 milligrams of iodochlorhydroxyquin. Its nystatin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of nystatin that it is represented to contain. Its iodochlorhydroxyquin content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of iodochlorhydroxyquin that it is represented to contain. It passes the identity test for iodochlorhydroxyquin. Its moisture content is not more than 0.5 percent. The nystatin used conforms to the standards prescribed by § 449.50(a)(1). The iodochlorhydroxyquin used conforms to the standards prescribed by U.S.P. XVIII.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

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(i) Results of tests and assays on:

(a) The nystatin used in making the batch for potency, safety, loss on drying, pH, and identity.

(b) The iodochlorhydroxyquin used in making the batch for all U.S.P. XVIII specifications.

(c) The batch for nystatin content, iodochlorhydroxyquin content, iodochlorhydroxyquin identity, and moisture.

(ii) Samples required:

(a) The nystatin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of seven immediate containers.

(b) *Tests and methods of assay*—(1) *Nystatin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing sufficient dimethylformamide to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and dilute with sufficient dimethylformamide to yield a stock solution containing 400 units of nystatin per milliliter (estimated). Further dilute an aliquot of the stock solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *Iodochlorhydroxyquin content*—(i) *Reagents.* (a) Ferric chloride reagent. Dissolve 1.0 gram of ferric chloride ($FeCl_3 \cdot 6H_2O$) in a mixture of 1.0 milliliter of concentrated hydrochloric acid and sufficient distilled water to make 1 liter.

(b) Acetone, reagent grade.

(c) 2-Methoxyethanol, reagent grade.

(ii) *Preparation of standard solution.* Dissolve an accurately weighed portion of iodochlorhydroxyquin U.S.P. reference standard in sufficient 2-methoxyethanol to make a solution containing 1.0 milligram of iodochlorhydroxyquin per milliliter. Transfer 5.0 milliliters of this standard solution to a 50-milliliter volumetric flask.

(iii) *Preparation of sample solution.* Accurately weigh a portion of the sample equivalent to 50 milligrams of iodochlorhydroxyquin into a 125-milliliter Erlenmeyer flask. Add 50 milliliters of acetone, warm on a steam bath, and shake gently. Cool to room temperature and filter contents through a piedget of glass wool into a 100-milliliter volumetric flask. Wash the Erlenmeyer flask with two 20-milliliter portions of acetone and filter the washings into the volumetric flask. Dilute to volume with acetone and mix thoroughly. Transfer a 10-milliliter aliquot of the acetone solution to a 50-milliliter volumetric flask and evaporate on a steam bath. To the residue, add 20 milliliters of 2-methoxyethanol and swirl to dissolve the iodochlorhydroxyquin.

(iv) *Procedure.* To each flask containing standard solution and sample solution, respectively, add 2.0 milliliters of ferric chloride reagent and dilute to volume with 2-methoxyethanol. Mix thoroughly. Using a suitable spectrophotometer equipped with 1.0-centimeter cells and a blank prepared by diluting 2.0 milliliters of ferric chloride reagent to 50 milliliters with 2-methoxyethanol, determine the absorbance of the sample and standard solutions at 650 nanometers. Set the instrument to 100-percent transmission with the blank.

(v) *Calculation.*

$$\frac{\text{Milligrams of iodochlorhydroxyquin per gram of sample}}{\text{Absorbance of standard}} = \frac{\text{Absorbance of sample} \times 50}{\text{Weight of sample in grams}}$$

(3) *Iodochlorhydroxyquin identity.* Proceed as directed in § 436.400 of this chapter, preparing the sample solution as follows: Accurately weigh a portion of the sample equivalent to 50 milligrams of iodochlorhydroxyquin into a 125-milliliter Erlenmeyer flask. Add 50 milliliters of acetone, warm on a steam bath, and shake gently. Cool to room temperature and filter contents through a piedget of glass wool into a 100-milliliter volumetric flask. Wash the Erlenmeyer flask with two 20-milliliter portions of acetone and filter the washings into the volumetric flask. Dilute to volume with acetone and mix thoroughly.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 449.550c Nystatin-neomycin sulfate-gramicidin-triamcinolone acetonide ointment; nystatin-neomycin sulfate-gramicidin-fludrocortisone acetate ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* The drug is nystatin, neomycin sulfate, gramicidin, and either triamcinolone acetonide or fludrocortisone acetate in a suitable ointment base. Each gram contains 100,000 units of nystatin, 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and either 1.0 milligram of triamcinolone acetonide or 1.0 milligram of fludrocortisone acetate. Its nystatin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of nystatin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its gramicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of gramicidin that it is represented to contain. Its moisture content is not more than 0.5 percent. The nystatin used conforms to the standards prescribed by § 449.50(a)(1) (i), (iii), (iv), and (v). The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a) (1) except safety, of this chapter. The gramicidin used conforms to the standards prescribed by § 448.25(a)(1) (i), (iii), (iv), (v), and (vi) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(b) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(c) The gramicidin used in making the batch for potency, loss on drying, residue on ignition, melting point, crystallinity, and identity.

(d) The batch for potency and moisture.

(ii) Samples required:

(a) The nystatin used in making the batch: 10 packages, each consisting of 300 milligrams.

(b) The neomycin sulfate used in making the batch: 10 packages, each consisting of 300 milligrams.

(c) The gramicidin used in making the batch: 10 packages, each consisting of 500 milligrams.

(d) The batch: A minimum of seven immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Nystatin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend an accurately weighed representative portion in a high-speed glass blender for 3 to 5 minutes with sufficient dimethylformamide to give a concentration of 400 units of nystatin per milliliter (estimated). Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the ointment into a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogenous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of the buffer at least three times and any additional times necessary to insure complete extraction of the antibiotic. Combine the extractives and adjust to an appropriate volume to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Gramicidin content.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Accurately weigh and dissolve a representative portion of the sample in 50 milliliters of petroleum ether in a separatory funnel. Extract with 20 milliliters of 80 percent ethyl alcohol. Repeat the extraction three times. Pool the extractives in a suitable volumetric flask and bring to volume with 80 percent ethyl alcohol. Further dilute with 95 percent ethyl alcohol to the reference concentration of 0.04 microgram of gramicidin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 449.550d Nystatin cream.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin cream is composed of nystatin and suitable and harmless emulsifiers, perfumes, buffers, preservatives, and a protectant in a suitable and harmless cream base. Each gram contains 100,000 units of nystatin. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of nystatin that it is represented to contain. The nystatin used conforms to the standards prescribed by § 449.50(a)(1) (i), (iii), (iv), and (v).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(b) The batch for potency.

(ii) Samples required:

(a) The nystatin used in making the batch: 10 containers, each consisting of 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Using sufficient dimethylformamide to give an estimated concentration of 400 units of nystatin per milliliter, blend an accurately weighed representative portion in a high-speed blender for 3 to 5 minutes. Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

§ 449.550e Nystatin-neomycin sulfate-gramicidin-triamcinolone acetonide cream.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin-neomycin sulfate-gramicidin-triamcinolone acetonide cream is composed of nystatin, neomycin sulfate, gramicidin, triamcinoline acetonide, and suitable and harmless emulsifiers, solvents, perfumes, buffers, preservatives, and a protectant in a suitable cream base. Each gram contains 100,000 units of nystatin, 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and 1 milligram of triamcinolone acetonide. Its nystatin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of nystatin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its gramicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of gramicidin that it is represented to contain. The nystatin used conforms to the standards prescribed by § 449.50(a)(1) (i), (iii), (iv), and (v). The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1), except safety, of this chapter. The gramicidin used conforms to the standards prescribed by § 448.25(a)(1) (i), (iii), (iv), (v), and (vi) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(b) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(c) The gramicidin used in making the batch for potency, loss on drying, residue on ignition, melting point, crystallinity, and identity.

(d) The batch for nystatin content, neomycin content, and gramicidin content.

(ii) Samples required:

(a) The nystatin used in making the batch: 10 packages, each consisting of 300 milligrams.

(b) The neomycin sulfate used in making the batch: 10 packages, each consisting of 300 milligrams.

(c) The gramicidin used in making the batch: 10 packages, each consisting of 500 milligrams.

(d) The batch: A minimum of seven immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Nystatin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Using sufficient dimethylformamide to give a concentration of 400 units of nystatin (estimated) per milliliter, blend an accurately weighed representative portion in a high-speed glass blender for 3 to 5 minutes. Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the cream in a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of the buffer at least three times and any additional times necessary to ensure complete extraction of the antibiotic. Combine the extractives and adjust to an appropriate volume to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Gramicidin content.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Accurately weigh a representative portion of the sample and dissolve in 50 milliliters of petroleum ether in a separatory funnel. Extract with 20 milliliters of 80 percent ethyl alcohol. Repeat the extraction three times. Pool the extracts in a suitable volumetric flask and bring to mark with 80 percent ethyl alcohol. Further dilute with 95 percent ethyl alcohol to the reference concentration of 0.04 microgram of gramicidin per milliliter (estimated).

§ 449.550f Nystatin topical powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin topical powder is a dry powder composed of nystatin and talc. Each gram contains 100,000 units of nystatin. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of units of nystatin that it is represented to contain. Its loss on drying is not more than 2.0 percent. The nystatin used conforms to the standards prescribed by § 449.50(a)(1) (i), (iii), (iv), and (v).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(b) The batch for potency and loss on drying.

(ii) Samples required:

(a) The nystatin used in making the batch: 10 packages, each containing 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend an accurately weighed representative sample for 3 to 5 minutes in a high-speed glass blender with sufficient dimethylformamide to give a convenient concentration. Dilute with sufficient dimethylformamide to yield a stock solution containing 400 units of nystatin per milliliter (estimated). Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 449.550g Nystatin-neomycin sulfate-gramicidin topical powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin-neomycin sulfate-gramicidin topical powder is a dry powder composed of nystatin, neomycin sulfate, gramicidin, and talc. Each gram contains 100,000 units of nystatin,

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2.5 milligrams of neomycin and 0.25 milligram of gramicidin. Its nystatin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of nystatin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its gramicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of gramicidin that it is represented to contain. Its loss on drying is not more than 2.0 percent. The nystatin used conforms to the standards prescribed by § 449.50(a) (1) (i), (iii), (iv), and (v). The neomycin sulfate used conforms to the standards prescribed by § 442.42a(a) (1), except safety, of this chapter. The gramicidin used conforms to the standards prescribed by § 448.25(a) (1) (i), (iii), (iv), (v) and (vi) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*c*) The gramicidin used in making the batch for potency, loss on drying, residue on ignition, melting point, crystallinity, and identity.

(*d*) The batch for nystatin content, neomycin content, gramicidin content, and loss on drying.

(ii) Samples required:

(*a*) The nystatin used in making the batch: 10 packages each consisting of 300 milligrams.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each consisting of 300 milligrams.

(*c*) The gramicidin used in making the batch: 10 packages, each consisting of 500 milligrams.

(*d*) The batch: A minimum of seven immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Nystatin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend the entire contents of an accurately weighed representative portion of the sample for 3 to 5 minutes in a high-speed glass blender with sufficient dimethylformamide to give a convenient concentration. Dilute with sufficient dimethylformamide to yield a stock solution containing 400 units of nystatin per milliliter (estimated). Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend an accurately weighed representative sample for 3 to 5 minutes in sufficient 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to give a convenient concentration. Further dilute an aliquot with solution 3 to the reference concentration of 1 microgram of neomycin per milliliter (estimated).

(iii) *Gramicidin content.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed representative sample in 95 percent ethyl alcohol and filter. Collect the filtrate and dilute a portion with 95 percent ethyl alcohol to the reference concentration of 0.04 microgram of gramicidin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

Subpart G—Vaginal Dosage Forms

§ 449.610 Candicidin vaginal dosage forms.

§ 449.610a Candicidin vaginal ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal ointment is composed of candicidin and a suitable ointment base. It contains 0.6 milligram of candicidin per gram. Its potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of candicidin that it is represented to contain. Its moisture content is not more than 0.1 percent. The candicidin used conforms to the requirements of § 449.10(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The candicidin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Accurately weigh approximately 3 grams of the ointment into a 50-milliliter centrifuge tube. Dissolve the ointment in 30 milliliters of *n*-hexane by warming the centrifuge tube with hot water. Centrifuge for 15 minutes at 2,000 revolutions per minute. Carefully decant the supernatant, leaving all sediment in the tube. Repeat the suspending and centrifuging operation three times or until all the ointment base is washed out. After the final wash, evaporate the *n*-hexane by air evaporation. Dissolve the sediment in 10 milliliters of dimethylsulfoxide, quantitatively transfer to a sterile 200-milliliter volumetric flask, and fill to volume with sterile distilled water. Further dilute with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 449.610b Candicidin vaginal tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal tablets are tablets composed of candicidin with suitable binders, diluents, and lubricants. Each tablet contains 3 milligrams of candicidin. Its potency is satisfactory if it is not less than 90 percent and not more than 150 percent of the number of milligrams of candicidin that it is represented to contain, except that for the issuance of a certificate for each batch, the candicidin content must be not less than 115 percent and not more than 150 percent of the number of milligrams of candicidin that it is represented to contain. The tablets shall disintegrate within 30 minutes. The loss on drying is not more than 1 percent. The candicidin used in making the batch conforms to the standards of § 449.10(a)(1).

(2) *Labeling.* The drug shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The batch for potency, loss on drying, and disintegration time.

(ii) *Samples required.* (*a*) The candicidin used in making the batch: 10 packages, each consisting of approximately 300 milligrams.

(*b*) The batch: A minimum of 56 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Weigh a pool of five tablets and grind in a mortar to a very fine powder. Suspend an accurately weighed aliquot (of approximately 2 grams) in 10 milliliters of dimethylsulfoxide. Centrifuge for 5 minutes at 2,000 revolutions per minute. Carefully decant the supernatant solution into a sterile 250-milliliter volumetric flask. Wash the residue three times with 5-milliliter portions of dimethylsulfoxide, centrifuging each time. Add the washes to the 250-milliliter volumetric flask and fill to volume with sterile distilled water. Using sterile distilled water, further dilute to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

(2) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the method described in paragraph (e)(1) of that section, except use distilled water as the immersion fluid.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 449.610c Candicidin vaginal capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal capsules are gelatin capsules containing 3 milligrams of candicidin in a suitable and harmless ointment. The candicidin content is satisfactory if it is not less than 90 percent and not more than 150 percent of the number of milligrams of candicidin that it is represented to contain. The moisture content is not more than 0.1 percent. The candicidin used conforms to the requirements of § 449.10(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The batch for nystatin content, loss on drying, and disintegration time.

(ii) Samples required:

(*a*) The nystatin used in making the batch: 10 immediate containers of approximately 300 milligrams each.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets for 3 to 5 minutes in a high-speed glass blender with sufficient dimethylformamide to give a convenient concentration. Dilute an aliquot with sufficient dimethylformamide to give a stock solution containing 400 units of nystatin per milliliter (estimated). Further dilute the stock solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section, except use distilled water in lieu of gastric fluid.

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

Subpart A—Bulk Drugs

450.20a Sterile dactinomycin.
450.40 Mithramycin.
450.45 Mitomycin.

Subpart B—[Reserved]

Subpart C—Injectable Dosage Forms

450.220 Dactinomycin for injection.
450.240 Mithramycin for injection.
450.245 Mitomycin for injection.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 450.20a Sterile dactinomycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Dactinomycin is a bright-red compound that is so purified and dried that:

(i) Its potency is not less than 900 micrograms of dactinomycin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It is pyrogen-free.

(iv) Its LD_{50}[1] in mice is not less than 0.65 and not more than 1.23 milligrams of dactinomycin per kilogram of body weight.

[1] The term "LD_{50}" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

(v) Its loss on drying is not more than 15 percent.

(vi) Its absorptivity at 445 nanometers is not less than 0.95 and not more than 1.03 times that of the dactinomycin working standard at the same wavelength. Its absorbance at 240 nanometers is not less than 1.3 and not more than 1.5 times its absorbance at 445 nanometers.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter, and in addition each package shall bear on its label the statement "Protect from light and excessive heat".

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, LD_{50}, loss on drying, absorptivity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 16 packages, each containing approximately 40 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 40 milligrams.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood, while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with large volumes of trisodium phosphate solution.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a stock solution of 10 milligrams of dactinomycin per milliliter (estimated). Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of dactinomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use 40 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 0.2 milligram of dactinomycin per milliliter.

(4) LD_{50}—(i) *Sample solution.* Prepare a solution containing 50 micrograms of dactinomycin per milliliter by dissolving an appropriate quantity of the sample in sufficient sterile distilled water. If the sample does not dissolve immediately, place it in an ice water bath or a refrigerator for 1 to 2 hours, and then allow to reach room temperature before use.

(ii) *Procedure.* Select 70 female mice weighing between 18 and 20 grams. Individually identify and weigh them to the nearest 0.1 gram. Use 10 mice at each of the following dose levels: 9.6,

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11.52, 13.9, 16.7, 20.0, 24.0, and 28.8 milliliters of sample solution per kilogram of body weight. Calculate the volume of solution to be given to each mouse and administer the appropriate volume intravenously at the rate of 0.5 milliliter per minute. Observe the mice daily for 14 days and record any signs of drug toxicity and times of death. Estimate the LD_{50} and its 95 percent confidence limits by the method of Carrol S. Weil, published in *Biometrics*, volume 8, pages 249–263 (1952).[1]

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *Absorptivity*—(i) *Procedure.* Accurately weigh approximately 15 milligrams of the sample "as is" and 15 milligrams of the working standard dried as directed in § 436.200(a) of this chapter. Transfer each weighing to separate 100-milliliter volumetric flasks. Dissolve the material and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters of each solution into separate 25-milliliter volumetric flasks, dilute to volume with spectrophotometric-grade methyl alcohol. Mix well. Using a suitable spectrophotometer and 1-centimeter absorption cells, determine the absorbance of the sample solution at the 240-nanometer and at the 445-nanometer absorption peaks (the exact position of the peaks should be determined for the particular instrument used). Determine the absorbance of the standard at the 445-nanometer absorption peak.

(ii) *Calculations.* Calculate the relative absorptivity and the ratio for the absorbances of the sample as follows:

$$\text{Relative absorptivity at 445 nanometers} = \frac{A_3 \times \text{milligrams of standard} \times \text{potency of the standard in micrograms per milligram}}{A_2 \times \text{milligrams of sample} \times (100 - M) \times 10}$$

$$\text{Ratio for the absorbances of the sample at 240 and 445 nanometers} = \frac{A_1}{A_2},$$

where:
A_1 = Absorbance at 240 nanometers for the sample.
A_2 = Absorbance at 445 nanometers for the sample.
A_3 = Absorbance at 445 nanometers for the standard.
M = Percent moisture in the sample.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 450.40 Mithramycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Mithramycin is a yellow compound and is so purified and dried that:

(i) Its potency is not less than 900 micrograms of mithramycin per milligram calculated on an anhydrous basis.

(ii) Its loss on drying is not more than 8 percent.

(iii) Its pH in an aqueous solution containing 0.5 milligram per milliliter is not less than 4.5 nor more than 5.5.

(iv) Its absorptivity on the anhydrous basis at the absorption maximum of 278 millimicrons is 100±5 percent of that of the mithramycin standard similarly treated.

(v) It gives a positive result to the identity tests for mithramycin.

(vi) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. In addition, each package shall bear on its label the statement "Store below 10° C. (50° F.)".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, loss on drying, pH, absorptivity, identity, and crystallinity.

(ii) Samples required: 2 packages, each containing not less than 100 milligrams; and 3 packages, each containing not less than 50 milligrams.

(b) *Tests and methods of assay.* Mithramycin is more toxic than the average drug and must be handled with care in the laboratory. Avoid inhaling fine particles of powder. If the substance contacts the skin, wash with soap and water. Solutions should not be pipetted by mouth. Mithramycin is hygroscopic and care should be exercised during storage and weighing samples. Samples should be stored at 10° C. or less in a sealed, light-resistant container with a desiccant. Dispose of all waste material by dilution with larger volumes of trisodium phosphate solution.

(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 microgram of mithramycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(g) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 0.5 milligram of mithramycin per milliliter. Allow the solution to remain in contact with the electrodes until a steady reading is obtained or for 5 minutes.

(4) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve approximately 10 milligrams each of the sample and standard (dried as described in § 436.200(g) of this chapter), accurately weighed, in 50 milliliters of absolute methanol. Transfer 5-milliliter portions into 100-milliliter volumetric flasks and dilute to volume with 0.01*N* hydrochloric acid in methanol prepared by diluting 20 milliliters of 0.5*N* aqueous hydrochloric acid to 1 liter with absolute methanol. Using a suitable spectrophotometer and 0.01*N* hydrochloric acid in methanol as the blank, scan the absorption spectrum between the wavelengths of 220 millimicrons and 400 millimicrons. Determine the absorbance of each solution at the absorption maximum near 278 millimicrons. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculation:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample solution} \times \text{milligrams of standard} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard solution} \times \text{milligrams of sample} \times 10}$$

(5) *Identity.* (i) The absorption spectrum between the wavelengths of 220 and 400 millimicrons determined as directed in paragraph (b)(4) of this section compares qualitatively with that of the mithramycin standard, and the ratio of the absorbance at 278 millimicrons to the absorbance at 228 millimicrons is 100±5 percent of that of the mithramycin standard similarly treated.

(ii) Proceed as directed in § 436.211 of this chapter, using a 0.25 percent mixture of the sample in a potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 450.45 Mitomycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Mitomycin is 7-amino-9a-methoxymitosane. It is a blue-violet compound that is soluble in water, methanol, acetone, butyl acetate, and cyclohexanone. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 5 percent.

(iv) Its pH in a solution containing 5 milligrams per milliliter is not less than 6.0 and not more than 8.0.

(v) When calculated on the anhydrous basis, its absorptivity at 357 nanometers is not less than 95 percent and not more than 105 percent of that of the mitomycin working standard similarly treated.

(vi) It gives a positive identity test for mitomycin.

(vii) It is crystalline.

[1] Copies may be obtained from: Managing Editor, "Biometrics", P.O. Box 8467, Raleigh, NC 27607.

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(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(ii) Samples required: Five packages, each containing approxmiately 100 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of mitomycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, except observe the mice for 7 days in lieu of 48 hours, noting mortality every 24 hours. Repeat the test as described in § 436.33(d) of this chapter if one or more animals die within 7 days.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 5 milligrams per milliliter.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solution in the following manner: Place an accurately weighed portion of approximately 25 milligrams of mitomycin into a 50-milliliter volumetric flask. Dissolve and dilute to volume with absolute methanol. Further dilute an aliquot with absolute methanol to 0.005 milligram of mitomycin per milliliter. Using a suitable spectrophotometer equipped with a 1-centimeter quartz cell and absolute methanol as the blank, determine the absorbance of the sample and standard solutions at 357 nanometers. Calculate the percent relative absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{percent mitomycin content of standard} \times 100}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100 - m)}$$

where:
m = percent moisture in the sample.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

Subpart B—[Reserved]

Subpart C—Injectable Dosage Forms

§ 450.220 Dactinomycin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Dactinomycin for injection is a dry mixture of dactinomycin and mannitol. Each container contains 0.5 milligram of dactinomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dactinomycin that it is represented to contain. It is sterile. It is nonpyrogenic. The LD_{50}[2] in mice is between 0.65 and 1.23 milligrams of dactinomycin per kilogram. Its loss on drying is not more than 4.0 percent. Its pH is not less than 5.5 and not more than 7.0. The crystalline dactinomycin used conforms to the standards prescribed by § 450.20a (a)(1)(i), (v), and (vi).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter, and in addition each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container the statement "Protect from light and excessive heat".

(ii) On the outside wrapper or container and the immediate container the statement "For hospitalized patients only".

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The dactinomycin used in making the batch: For potency, loss on drying, absorptivity, and crystallinity.

(b) The batch: For microbiological potency, spectrophotometric potency, sterility, pyrogens, LD_{50}, loss on drying, and pH.

(ii) Samples required:

(a) The dactinomycin used in making the batch: 10 containers each containing not less than 40 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood, while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with large volumes of trisodium phosphate solution.

(1) *Potency*—(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the product as directed in the labeling by the addition of 1.1 milliliters of sterile water for injection. Withdraw a 1.0-milliliter aliquot, using a suitable hypodermic needle and syringe, and dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of dactinomycin per milliliter (estimated).

(ii) *Spectrophotometric assay*—(a) *Preparation of standard solution.* Accurately weigh approximately 15 milligrams of the working standard dried as directed in § 436.200(a) of this chapter and transfer to a 100-milliliter volumetric flask. Dissolve the standard and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters into a 25-milliliter volumetric flask and dilute to volume with spectrophotometric-grade methyl alcohol.

(b) *Preparation of sample solution.* Reconstitute the product as directed in the labeling by the addition of 1.1 milliliters of sterile water for injection. Withdraw a 1.0-milliliter aliquot using a suitable hypodermic needle and syringe and dilute the sample with sufficient spectrophotometric-grade methyl alcohol to obtain a concentration of 20 micrograms of dactinomycin per milliliter (estimated). Obtain a clear solution by decanting or filtering out any undissolved mannitol.

(c) *Procedure.* Determine the absorbance of the sample and standard solution at the 445-nanometer absorption peak as directed in § 450.20a(b)(6)(i).

(d) *Calculation:*

$$\text{Milligrams of dactinomycin per milliliter} = \frac{A_1 \times \text{milligrams of standard weighed} \times \text{potency of standard in micrograms per milligram} \times \text{milliliters of methyl alcohol sample solution}}{A_2 \times 500 \times 1{,}000}$$

where:
A_1 = Absorbance of the sample solution at 445 nanometers.
A_2 = Absorbance of the standard solution at 445 nanometers.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use the entire contents of each of the immediate containers tested.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, preparing the sample for test as follows: Use a sufficient number of containers to yield 3 milligrams of dactinomycin. Reconstitute by adding 1.1 milliliters of sterile water for injection to each container. Aseptically pool the resultant solutions from each container. Dilute an accurately measured portion with sufficient diluent 1 to give a concentration of 0.2 milligram of dactinomycin per milliliter.

[2] The term "LD_{50}" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

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(4) *LD_m.* Proceed as directed in § 450.20a(b)(4), except prepare the sample for test as follows: Reconstitute a sufficient number of containers to yield 2,000 micrograms of dactinomycin. Reconstitute by adding 1.1 milliliters of sterile water for injection to each container. Aseptically pool the resultant solutions from each container. Dilute an accurately measured portion with sufficient sterile distilled water to give a concentration of 50 micrograms of dactinomycin per milliliter (estimated). Use the potency value obtained in § 450.220(b)(1) in calculating the LD_m value.

(5) *Loss on drying.* Proceed as directed in § 436.200 of this chapter.

(6) *PH.* Reconstitute as directed in the labeling and proceed as directed in § 436.202 of this chapter.

§ 450.240 Mithramycin for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Mithramycin for injection is a dry mixture of mithramycin and mannitol with or without a suitable buffer substance. Each immediate container contains 2.5 milligrams of mithramycin. Its potency is satisfactory if it contains not less than 90 percent and not more than 110 percent of the number of milligrams of mithramycin that it is represented to contain. It is sterile. It is nonpyrogenic. Its LD_m* in mice is not less than 1.2 and not more than 4.0 milligrams of mithramycin per kilogram of body weight. Its moisture content is not more than 2.0 percent. It contains no histamine nor histamine-like substances. Its pH when reconstituted as directed in the labeling is not less than 5.0 and not more than 7.5. It passes the identity test for mithramycin. The mithramycin used conforms to the standards prescribed by § 450.40(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. In addition, each package shall bear on its label or labeling the following as indicated:

(i) On the outside wrapper or container the statement "Store below 10° C. (50° F.)".

(ii) On the outside wrapper or container and on the immediate container the statement "Mandatory: Before using read enclosed professional information carefully for dosage instructions and warnings".

(iii) On the outside wrapper or container the statement "Warning: For hospital use only. To be used under direct supervision of a physician".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The mithramycin used in making the batch for potency, loss on drying, absorptivity, pH, identity, and crystallinity.

(b) The batch for microbiological potency, spectrophotometric potency, sterility, pyrogens, LD_m, moisture, pH, histamine, and identity.

(ii) Samples required:

(a) The mithramycin used in making the batch: 3 packages, each containing not less than 50 milligrams; and 2 packages, each containing not less than 100 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 21 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.* Mithramycin is more toxic than the average drug and must be handled with care in the laboratory. Avoid inhaling fine particles of powder. If the substance contacts the skin, wash with soap and water. Mithramycin is hygroscopic and care should be exercised during storage and weighing of samples. Dispose of all waste materials by dilution with large volumes of trisodium phosphate solution. The samples should be stored at 10° C. or less in a sealed light-resistant container with a desiccant. Solutions should not be pipetted by mouth.

(1) *Potency—*(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable syringe and hypodermic needle, withdraw the withdrawable contents from each container represented as a single-dose container or an accurately measured representative portion of the solution if represented in the labeling as containing a specified amount of antibiotic activity in a given volume. Dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 microgram of mithramycin per milliliter (estimated).

(ii) *Spectrophotometric assay—*(a) *Preparation of standard solution.* Accurately weigh approximately 12 milligrams of the working standard (dried as described in § 436.200(g) of this chapter) and transfer to a 25-milliliter volumetric flask. Dissolve the standard and bring to volume with water. Mix well. Pipette 5.0 milliliters of this solution into a 200-milliliter volumetric flask, and dilute to volume with 0.01*N* hydrochloric acid in methanol prepared by diluting 20 milliliters of 0.5*N* aqueous hydrochloric acid to 1 liter with absolute methanol.

(b) *Preparation of sample solution.* Reconstitute the sample as directed in the labeling. Using a suitable syringe and hypodermic needle, withdraw the withdrawable contents from each container represented as a single-dose container or an accurately measured representative portion of the solution if represented in the labeling as containing a specified amount of antibiotic activity in a given volume. Dilute with sufficient 0.01*N* hydrochloric acid in methanol to obtain a concentration of approximately 10 micrograms of mithramycin per milliliter. Obtain a clear solution by decanting or filtering off any undissolved mannitol.

(c) *Procedure.* Determine the absorbance of the sample and standard solutions at the absorption peak at 278 millimicrons as directed in § 450.40(b)(4).

(d) *Calculations.*

$$\text{Milligrams of mithramycin per container} = \frac{A_1 \times \text{milligrams dry weight of standard} \times \text{potency of standard in micrograms per milligram}}{A_2 \times 5{,}000}$$

where:

A_1 = Absorbance of the sample solution at 278 millimicrons;

A_2 = Absorbance of the standard solution at 278 millimicrons.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use the entire contents of each of the immediate containers tested.

(3) *Pyrogens.* Reconstitute the sample as directed in the labeling and proceed as directed in § 436.32 of this chapter, using a solution containing 50 micrograms of mithramycin per milliliter.

(4) *LD_m—*(i) *Sample solution.* Immediately prior to performing the LD_m test, dilute and pool a sufficient number of containers to yield 15.0 milligrams of mithramycin (estimated) with sufficient sterile distilled water to give a concentration of 0.8 milligram of mithramycin per milliliter (estimated). This solution is used for the maximum dose level (8.0 milligrams per kilogram of body weight) in this test. For lower dose levels, aliquots of this solution are diluted with sterile distilled water to concentrations of 0.4, 0.2, 0.1, and 0.05 milligram of mithramycin per milliliter, respectively. To determine the mithramycin content of the pooled solution used in the LD_m test, use the spectrophotometric assay described in paragraph (b)(1)(ii) of this section, except to prepare the sample solution, dilute an aliquot of the maximum dose level solution (0.8 milligram per milliliter) with sufficient 0.01*N* hydrochloric acid in methanol to obtain a concentration of approximately 10 micrograms of mithramycin per milliliter. Obtain a clear solution by decanting or filtering off any undissolved mannitol.

(ii) *Procedure.* Select 25 male and 25 female mice weighing between 18 and 22 grams each. These mice shall be conditioned for at least 48 hours prior to testing and shall be maintained on a diet of pellet food and water ad lib. Weigh them to the nearest gram. Use 5 males and 5 females at each of the following dose levels: 8.0, 4.0, 2.0, 1.0, and 0.5 milligrams mithramycin per kilogram of body weight. Inject each animal intravenously with a volume of 0.01 milliliter per gram of body weight and at a rate of 0.1 milliliter per second. Observe the mice daily for 10 days and record times of death. Estimate the combined sex LD_m of the pooled solution on the basis of its mithramycin content and its 95 percent confidence limits according to the method described in Cornfield and Mantel's modification of Karber's method published in the *Journal of the American Statistical Association*, vol. 45, pp. 193–210 (1950).** It passes the LD_m test if the combined sex LD_m in mice is between 1.2 and 3.0 milligrams of mithramycin per kilogram.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter, using the total contents of three to five vials.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling. Allow the solution to remain in contact with the electrodes until a steady reading is obtained or for 6 minutes.

(7) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(8) *Thin layer chromatography identity test for mithramycin—*(i) *Equipment—*(a) *Plates.* Use 20 by 20 centimeter or 15 by 20 centimeter thin layer chromatographic plates coated with Silica Gel Mixture, Chromatographic, U.S.P., to a thickness of 250 microns. Activate the plates by heating at 110° C. for 75 minutes. Place the plates in a desiccator until cooled to room temperature. Plates may be stored in a desiccator for 7 days.

(b) *Chamber (chromatographic).* A suitable chamber, equipped for thin layer chromatography.

(ii) *Preparations of solutions—*(a) *Solvent.* Mix reagent grade chloroform with reagent grade absolute methanol in volumetric proportions of 1:1.

(b) *Spray A.* Mix 50 milliliters of freshly prepared 1.0 percent ferric chloride in water (weight per volume), just before spraying, with 50 milliliters of freshly prepared 1.0 percent potassium ferricyanide in water (weight per volume).

(c) *Spray B.* Dissolve 2.28 grams of periodic acid in 100 milliliters of water. Dilute one volume of this periodic solution with 10 volumes of acetone.

(d) *Spray C.* Dissolve 184 milligrams of benzidine in a solution of 0.6 milliliter of acetic acid, 4.4 milliliters of water, and 95 milliliters of acetone.

(iii) *Preparation of spotting solutions—*(a) *Mithramycin standard solution.* Weigh 5 milligrams of mithramycin working standard and dissolve in 10 milliliters of methanol. Use the solution the same day it is prepared.

(b) *Mithramycin for injection sample solution.* Dilute with methanol to a concentration of 0.5 milligram of mithramycin per milliliter. Centrifuge and use the supernatant for spotting.

(c) *Mannitol reference solution.* Suspend 100 milligrams of mannitol in 5 milliliters of methanol. Centrifuge and use the supernatant for spotting.

(iv) *Procedure.* Fill the chamber to a depth of 0.6 centimeter with freshly prepared solvent. Spot duplicate plates as follows: On a line 2.5 centimeters from the base of the silica gel plate, and at intervals of 2.0 centimeters, spot 100 microliters (in four 25-microliter aliquots) of the standard solution, the sample solution, and the mannitol reference solution. Allow each aliquot to dry before applying subsequent volumes. After all spots are thoroughly dry, place the silica gel plates in the chromatographic chamber and develop by the ascending technique for approximately 60 minutes. Allow several minutes for the plates to air dry. On one plate, locate and record the position of fluorescent spots by examining under long wave ultraviolet light. Apply spray A and record the position of blue spots on the yellow-green background. On the other plate, locate the mannitol by first applying spray B, followed by spray C. The spots appearing white are mannitol. Measure the distance the solvent front traveled from the starting line and the distance the fluorescent spots are from the starting line. Calculate the R_f value by dividing the latter by the former. The mithramycin standard should have an R_f value of 0.7. If the standard has an R_f value greater than 0.8, the mobility of the standard may be decreased by increasing the ratio of the chloroform to methanol in the solvent to 3:2 or 3:1. Mithramycin appears as a single major component with the same R_f value as the mithramycin standard. It may show trace components at R_f values of about 0.5 and 0.4, and at the origin, which shall not be more intense than those shown by the mithramycin standard.

§ 450.245 Mitomycin for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Mitomycin for injection is a dry mixture of mitomycin and mannitol. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of mitomycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its moisture content is not more than 5 percent. Its pH, when reconstituted as directed in the labeling, is not less than 6.0 and not more than 8.0. It passes the identity test for mitomycin. The mitomycin used conforms to the standards prescribed by § 450.45(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The mitomycin used in making the batch for potency, moisture, pH, absorptivity, identity, and crystallinity.

(b) The batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, and identity.

(ii) Samples required:

(a) The mitomycin used in making the batch: Five packages, each containing approximately 100 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 25 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents from each container if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the solution thus obtained with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 1 to the reference concentration of 1 microgram of mitomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 0.5 milligram of mitomycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter, except observe the mice for 7 days in lieu of 48 hours, noting mortality every 24 hours. Repeat the test as described in § 436.33(d) of this chapter if one or more animals die within 7 days.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this chapter using the drug reconstituted as directed in the labeling.

(8) *Identity.* Proceed as directed in § 436.310 of this chapter.

PART 452—MACROLIDE ANTIBIOTIC DRUGS

Subpart A—Bulk Drugs

Sec.	
452.10	Erythromycin.
452.15	Erythromycin estolate.
452.20	Erythromycin ethylcarbonate.
452.25	Erythromycin ethylsuccinate.
452.25a	Sterile erythromycin ethylsuccinate.
452.30a	Sterile erythromycin gluceptate.
452.35	Erythromycin stearate.
452.40	Erythromycin sulfate.
452.75	Troleandomycin.

Subpart B—Oral Dosage Forms

452.110	Erythromycin oral dosage forms.
452.110a	Erythromycin tablets.
452.110b	Erythromycin enteric-coated tablets.
452.115	Erythromycin estolate oral dosage forms.
452.115a	Erythromycin estolate tablets.
452.115b	Erythromycin estolate capsules.
452.115c	Erythromycin estolate oral suspension.
452.115d	Erythromycin estolate for oral suspension.
452.115e	Erythromycin estolate for pediatric drops.
452.115f	Erythromycin estolate chewable tablets.
452.120	Erythromycin ethylcarbonate oral dosage forms.
452.120a	Erythromycin ethylcarbonate for oral suspension.

* The term "LD_m" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

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Sec.
452.120b Erythromycin ethylcarbonate for pediatric drops.
452.125 Erythromycin ethylsuccin te oral dosage forms.
452.125a Erythromycin ethylsuccinate tablets.
452.125b Erythromycin ethylsuccinate oral suspension.
452.125c Erythromycin ethylsuccinate for oral suspension.
452.135 Erythromycin stearate oral dosage forms.
452.135a Erythromycin stearate tablets.
452.135b Erythromycin stearate oral suspension.
452.175 Troleandomycin oral dosage forms.
452.175a Troleandomycin capsules.
452.175b Troleandomycin oral suspension.
452.175c Troleandomycin for oral suspension.
452.175d Troleandomycin chewable tablets.

Subpart C—Injectable Dosage Forms

452.225 Erythromycin ethylsuccinate injection.
452.232 Erythromycin lactobionate for injection.

Subpart D—Ophthalmic Dosage Forms

452.310 Erythromycin ophthalmic ointment.

Subpart F—Dermatologic Dosage Forms

452.510 Erythromycin dermatologic dosage forms.
452.510a Erythromycin ointment.
452.510b Erythromycin-neomycin sulfate ointment.

Subpart H—Rectal Dosage Forms

452.710 Erythromycin suppositories.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 452.10 Erythromycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin is the odorless, white to grayish-white or slightly yellow compound of a kind of erythromycin or a mixture of two or more such compounds. It is so purified and dried that:

(i) It contains not less than 850 micrograms of erythromycin per milligram calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 10 percent.

(iv) Its pH in a saturated aqueous solution, prepared by using 100 milligrams of erythromycin per milliliter, is not less than 8.0 or more than 10.5.

(v) Its residue on ignition is not more than 2.0 percent.

(vi) Its heavy metals content is not more than 50 parts per million.

(vii) It gives a positive identity test for erythromycin.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, residue on ignition, heavy metals, pH, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing not less than 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 10 milligrams of erythromycin base per milliliter (estimated). Dilute this solution further with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution containing 1.0 milligram of erythromycin base per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated aqueous solution (100 milligrams of erythromycin per milliliter).

(5) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(6) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(8) *Identity test.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(3) of that section.

§ 452.15 Erythromycin estolate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate is the lauryl sulfate salt of the propionyl ester of a kind of erythromycin or a mixture of two or more such salts. It occurs as a white powder. It is soluble in alcohol, methyl alcohol, acetone, and chloroform, but is practically insoluble in water. It is so purified and dried that:

(i) It contains not less than 600 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 4.0 percent.

(iv) Its pH is not less than 4.5 nor more than 7.0.

(v) It gives positive identity tests for erythromycin estolate.

(vi) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, identity, and crystallinity.

(ii) Samples of the batch: A minimum of 10 containers, each containing not less than 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Immediately dilute this solution further with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 0.1 milligram of erythromycin per milliliter (estimated). Hydrolyze this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous suspension containing 100 milligrams per milliliter.

(5) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(6) *Identity test.* Proceed as directed in § 436.211 of this chapter, preparing the sample as described in pargraph (b)(3) of that section.

§ 452.20 Erythromycin ethylcarbonate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylcarbonate is a white ester of erythromycin obtained by the reaction of a kind of erythromycin and chloroethylcarbonate. It is slightly soluble in water, freely soluble in alcohol, methyl alcohol, acetone, ether, and chloroform. It is so purified and dried that:

(i) It contains not less than 775 micrograms of erythromycin base per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 8 percent.

(iv) Its pH is not less than 6.3 and not more than 8.0.

(v) It gives a positive identity test for erythromycin ethylcarbonate.

(vi) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, identity, and crystallinity.

(ii) Samples required: 10 containers, each containing not less than 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Immediately dilute this solution further with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 0.1 milligram of erythromycin per milliliter (estimated). Place this solution in a 60° C. constant temperature water bath for 3 hours or

allow it to stand at room temperature for 24 to 40 hours to accomplish hydrolysis. Further dilute an aliquot with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a concentration of 200 milligrams of sample per milliliter.

(5) *Identity test.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(3) of that section.

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 452.25 Erythromycin ethylsuccinate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate ester of erythromycin. It is so purified and dried that:

(i) It contains not less than 765 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 3.0 percent.

(iv) Its pH is not less than 6.0 and not more than 8.5.

(v) Its residue on ignition is not more than 1.0 percent.

(vi) It gives a positive identity test for erythromycin ethylsuccinate.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 (b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1 milligram of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using a 1.0 percent suspension in water.

(6) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(3) of that section.

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 452.25a Sterile erythromycin ethylsuccinate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate is the white, odorless, ethylsuccinate ester of erythromycin. It is so purified and dried that:

(i) It contains not less than 765 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) Its moisture content is not more than 3.0 percent.

(v) Its pH is not less than 6.0 and not more than 8.5.

(vi) Its residue on ignition is not more than 1.0 percent.

(vii) It gives a positive identity test for erythromycin ethylsuccinate.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 600 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1 milligram of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using a 1.0 percent suspension in water.

(6) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(3) of that section.

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 452.30a Sterile erythromycin gluceptate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin gluceptate is the white powder of the glucoheptonic acid salt of erythromycin or a mixture of two or more such salts. It is freely soluble in water, alcohol, and methyl alcohol. It is slightly soluble in acetone and chloroform, but is practically insoluble in ether. It is so purified and dried that:

(i) It contains not less than 600 micrograms of erythromycin per milligram, calculated on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its moisture content is not more than 5.0 percent.

(vi) Its pH in an aqueous solution containing 25 milligrams per milliliter is not less than 6.0 nor more than 8.0.

(vii) It gives a positive identity test for erythromycin gluceptate.

(2) *Packaging.* In addition to the requirements of § 432.1 of this chapter, if it is packaged for dispensing and intended for intravenous use, it shall contain the equivalent of 250 milligrams, 500 milligrams, or 1.0 gram of erythromycin per vial.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, moisture, pH, and identity.

(ii) Samples required:

(a) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(1) For all tests except sterility: 10 packages, each containing not less than 300 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 12 immediate containers of the batch.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: If the batch is packaged for repacking or for use in manufacturing another drug, dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 10 milligrams of erythromycin base per milliliter (estimated). Dilute this solution further with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution containing 1.0 milligram of erythromycin base per milliliter (estimated). If it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypo-

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dermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with solution 3 to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 30 milligrams of erythromycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a concentration of 25 milligrams per milliliter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

§ 452.35 Erythromycin stearate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin stearate is the odorless, white or slightly yellow powder of the stearic acid salt of erythromycin. It is practically insoluble in water but is soluble in alcohol, methyl alcohol, chloroform, and ether. It is so purified and dried that:

(i) It contains not less than 550 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 4.0 percent.

(iv) Its pH is not less than 6.0 and not more than 11.0.

(v) Its residue on ignition is not more than 1.0 percent.

(vi) It gives positive identity tests for erythromycin stearate.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(ii) Samples required: A minimum of 10 containers, each consisting of 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1 milligram of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter, preparing the sample as follows: Transfer approximately 1.0 to 1.1 grams to a mortar. Add 1 drop of 33 percent polysorbate 80 and while grinding with a pestle, slowly add sufficient sterile distilled water to make a suspension containing 80 milligrams of erythromycin base per milliliter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a 1 percent slurry of erythromycin stearate in water.

(5) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 452.40 Erythromycin sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin sulfate is the sulfate salt of erythromycin. It is an odorless, practically white, powder. It is so purified and dried that:

(i) It contains not less than 840 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) Its loss on drying is not more than 7.0 percent.

(iii) Its pH in a solution containing 10 milligrams per milliliter is not less than 4.5 and not more than 6.5.

(iv) It gives a positive identity test for erythromycin sulfate.

(v) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, loss on drying, pH, crystallinity, and identity.

(ii) Samples required: 10 containers, each consisting of 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using a concentration of 10 milligrams per milliliter.

(4) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(3) of that section.

§ 452.75 Troleandomycin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Troleandomycin is the triacetyl ester of oleandomycin base or a mixture of two or more such esters. It is a white powder. It is so purified that:

(i) Its potency is not less than 750 micrograms of troleandomycin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 1.0 percent.

(iv) Its pH in an aqueous alcohol solution containing 100 milligrams of troleandomycin per milliliter is not less than 7.0 and not more than 8.5.

(v) Its residue on ignition is not more than 0.1 percent.

(vi) It gives a positive identity test for oleandomycin.

(vii) Its R_f value by paper chromatography is approximately 0.85. If more than one spot appears on the paper chromatogram, determine its acetyl value, which is not less than 15.3 percent and not more than 16.0 percent.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, residue on ignition, identity, R_f value, acetyl value (only if more than one spot is present in the determination of R_f value), and crystallinity.

(ii) Samples of the batch: 10 packages, nine containing approximately equal portions of not less than 500 milligrams, and one containing not less than 2.0 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Chemical method—*(a) *Reagents and equipment.* (1) Methyl orange reagent: Shake 0.5*M* boric acid solution for 12 hours (to ensure saturation) with an excess of methyl orange indicator. An alternative method is to heat the mixture to about 50° C. and shake for about an hour. Then allow to cool. Filter the saturated dye solution and wash three times with chloroform. Store the dye solution over chloroform.

(2) Acid-alcohol solution: Add 2 milliliters of concentrated sulfuric acid to 98 milliliters of absolute methyl alcohol.

(3) Glycerin: Reagent grade.

(4) Chloroform.

(5) Glacial acetic acid.

(6) Centrifuge tubes: 40 milliliters, glass-stoppered.

(b) *Procedure.* Using the troleandomycin working standard which has been dried for 3 hours at 60° C. and a pressure of 5 millimeters or less, prepare a standard solution in chloroform containing 50.0 milligrams of oleandomycin base in 200 milliliters. Transfer 10.0 milliliters of the solution to a 100-milliliter volumetric flask and dilute to volume with chloroform. Transfer 2.0, 4.0, 6.0, and 8.0 milliliters of this solution to glass-stoppered centrifuge tubes (40-milliliter size) and dilute to a total volume of 20.0 milliliters each with chloroform. To the 20 milliliters of the solution present in each 40-milliliter size centrifuge tube, add 0.2 milliliter of glacial acetic acid, 0.2 milliliter of glycerin, and 0.4 milliliter of methyl orange reagent. Shake for 5 minutes and centrifuge for 3 minutes. Immediately transfer to another tube a 10.0-milliliter aliquot from the chloroform (lower) layer. Care must be exercised to see that no portion of the dye-glycerin phase is included with the chloroform aliquot. Add 1.0 milliliter of acid-alcohol solution to this chloroform aliquot, mix well, and read the absorbancy at 535 nanometers, using a 1-centimeter cell and a suitable photometer and using chloroform, similarly treated, as a blank. Prepare a standard curve, plotting the absorbance values of the standard solution against the concentration expressed in micrograms of oleandomycin base per aliquot. Accurately weigh the sample to be tested to give 50 milligrams (estimated) of oleandomycin base. Dissolve in chloroform and make to 200 milliliters with chloroform. Transfer 10.0 milliliters to a 100-milliliter volumetric flask and make to volume with chloroform. Transfer 5.0 milliliters to a glass-stoppered centrifuge tube and proceed as above. Determine the potency of the sample from the standard curve.

(ii) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 80 percent isopropyl alcohol solution (solution 15) to give a stock solution containing 1,000 micrograms per milliliter. Further dilute the stock solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated solution prepared by adding 100 milligrams of troleandomycin per milliliter of water-ethyl alcohol (1:1) diluent.

(5) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter, except use a silica crucible.

(6) *Identity.* Dissolve about 10 milligrams in 5 milliliters of hydrochloric acid and heat the solution in a boiling water bath; a greenish yellow color is produced.

(7) *Rf value—*(i) *Apparatus and reagents* (a) Chromatographic chamber (cylinder, glass-stoppered museum jar, 11.5 inches x 3.5 inches).

(b) Chromatographic paper (8 inches x 8 inches, Whatman No. 1).

(c) 0.1*N* hydrochloric acid.

(d) Resolving solvent: Butyl acetate, benzene, nitromethane, pyridine (5:5:5:1 by volume).

(e) Spray developing reagent: Place 1.0 milliliter of 10 percent platinic chloride solution and 25.0 milliliters of 4 percent potassium iodide solution in a 250-milliliter volumetric flask. Fill to mark with distilled water and mix well.

(ii) *Procedure.* Dissolve the sample in chloroform to give a solution containing 10 to 20 milligrams of oleandomycin base equivalent per milliliter. Prepare a sheet of chromatographic paper by drawing a line of origin parallel to and 1 inch from the edge of the paper. Wet the paper thoroughly with the 0.1*N* hydrochloric acid and blot it firmly between sheets of absorbent paper. Starting 2 inches in from the edge and at 1-inch intervals, apply 3 to 5 microliters of the sample solutions to the starting line. Allow a few minutes for the paper to dry partially. While it is still damp, form a cylinder by bringing the outer edges together, allowing about 1-inch overlap, and secure with a paper clip. Stand the paper in the chromatographic chamber, which has been filled to a depth of one-half of an inch with the resolving solvent. After the solvent front rises to a height of 4 to 5 inches above the origin, remove the paper from the tank and hang it up to air dry. Spray the dried paper with the developing reagent. Hang the paper in a 100° C. oven for 3 minutes. A purple spot becomes visible for troleandomycin at an R_f value of about 0.85. The approximate R_f values for diacetyloleandomycin, monoacetyloleandomycin, and oleandomycin are, respectively, 0.72, 0.27, and 0.13.

(8) *Acetyl determination—*(i) *Apparatus and reagents.* (a) One 3-necked Pyrex flask of approximately 45 milliliters capacity, pear-shaped with T-joints, agar inlet tube, glass-stoppered funnel, glass condenser, and bubble counter.

(b) 50-milliliter Pyrex Erlenmeyer flask.

(c) 10-milliliter buret, calibrated to 0.02 milliliter.

(d) Anhydrous methyl alcohol, reagent grade.

(e) 2*N* sodium hydroxide solution.

(f) Sulfuric acid solution prepared by adding 100 milliliters of concentrated H_2SO_4 to 200 milliliters of water.

(g) 1*N* barium chloride solution.

(h) Phenolphthalein solution (1 percent in ethyl alcohol).

(i) Water-pumped nitrogen.

(j) NaOH solution, 0.015*N*.

(ii) *Procedure.* Weigh accurately (to 0.01 milligram) approximately 30 milligrams of the sample into the three-necked acetyl flask. Add 2.0 milliliters of methyl alcohol to dissolve the sample; then add slowly, with gentle swirling, 1.0 milliliter of NaOH solution. Connect the gas inlet tube with bubble counter attached and adjust nitrogen flow to about two bubbles a second. Put glass-stoppered funnel in centerneck of acetyl flask and put about 5 milliliters of H_2O in the funnel. Add a boiling chip to the solution and attach condenser in the refluxing position with water cooling. Adjust burner flame under acetyl flask to reflux solution gently. Reflux for 30 minutes. Cool assembly slightly; then rinse down condenser (still in reflux position) with a few milliliters of H_2O. Reassemble condenser to the distillation position and add water through the funnel to make a total of approximately 5 milliliters of H_2O added to acetyl flask. Adjust burner flame so that about 5 milliliters of H_2O and methyl alcohol is distilled over in approximately 10 minutes. Discard this distillate. Cool acetyl flask slightly. Acidify solution in flask by adding 1 milliliter of the sulfuric acid solution through the funnel. Adjust burner flame and distill over approximately 20 milliliters of distillate into an Erlenmeyer flask in about 20 minutes, adding water through the funnel as necessary. It is important to keep the liquid volume in the acetyl flask around 2 to 3 milliliters in order to obtain a quantitative recovery of the acetic acid. Collect a second fraction of distillate, about 10 milliliters in volume. As the second fraction is distilling, process the first fraction. Heat the first fraction and boil gently about 20 seconds. Add a few drops of $BaCl_2$ solution to check if any sulfate was distilled over. If the sulfate is present, discard and repeat the whole determination. If the sulfate is absent, immediately titrate the solution with the 0.015*N* NaOH solution to a faint-pink endpoint, using one drop of phenolphthalein solution as the indicator. Repeat the above procedure with the second fraction. If the second fraction requires less than 0.10 milliliter of the 0.015*N* NaOH solution and all the acetic acid has been distilled over, the determination is completed. If greater than this, collect a third fraction of approximately 10 milliliters and titrate this as before. Total volumes of NaOH used and calculate results as follows:

$$\frac{\text{Milliliters of NaOH} \times N\text{NaOH} \times 0.043 \times 100}{\text{Weight sample in grams}} = \text{Percent acetyl.}$$

(9) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

Subpart B—Oral Dosage Forms

§ 452.110 Erythromycin oral dosage forms.

§ 452.110a Erythromycin tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin tablets are erythromycin with suitable and harmless buffer substances, diluents, binders, lubricants, colorings, flavorings, and suitable preservatives. The potency of each tablet is 75 milligrams, or 100 milligrams, or 250 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Tablets shall disintegrate within 1 hour. The moisture content is not more than 7.5 percent. The erythromycin used in making the batch conforms to the standards prescribed by § 452.10(a)(1) (i), (ii), (iii), (iv), (v), (vii), and (viii).

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(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, pH, moisture, residue on ignition, crystallinity, and identity.

(*b*) The batch for potency, disintegration time, and moisture.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender for 2 to 3 minutes with 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e) (2) of that section.

§ 452.110b Erythromycin enteric-coated tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromyin enteric-coated tablets are enteric-coated tablets composed of erythromycin, suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. Each tablet contains 100 or 250 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Each tablet shall meet the tests for enteric-coated tablets set forth in the U.S.P. and shall disintegrate within a total time of 2 hours. The moisture content is not more than 6 percent. The erythromycin base used in making the batch conforms to the standards of § 452.10(a)(1) (i), (ii), (iii), (iv), (v), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, moisture, pH, residue on ignition, crystallinity, and identity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender for 2 to 3 minutes with 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e) (3) of that section.

§ 452.115 Erythromycin estolate oral dosage forms.

§ 452.115a Erythromycin estolate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate tablets are composed of erythromycin estolate with one or more suitable and harmless diluents, binders, lubricants, and colorings. Each tablet contains erythromycin estolate equivalent to 500 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The tablets shall disintegrate within 30 minutes. The erythromycin estolate used conforms to the standards prescribed by § 452.15(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, identity, and crystallinity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch. A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tables into a high-speed glass blender jar with 200 milliliters of methyl alcohol. Blend for 2 to 5 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 5 minutes. Hydrolyze a portion of this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e) (1) of that section.

§ 452.115b Erythromycin estolate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, quality, and purity.* Erythromycin estolate capsules are capsules containing erythromycin estolate with suitable and harmless buffer substances and diluents enclosed in a gelatin capsule. The erythromycin estolate content of each capsule is equivalent to either 250 milligrams of erythromycin or 125 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The erythromycin estolate used conforms to the standards prescribed therefor by § 452.15(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, pH, moisture, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each containing not less than 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Test and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 200 milliliters of methyl alcohol for 2 to 3 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Hydrolyze a portion of this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 452.115c Erythromycin estolate oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate for oral suspension is a dry mixture of erythromycin estolate with suitable and harmless buffer substances, dispersing agents, diluents, coloring, and flavorings. Each milliliter contains erythromycin estolate equivalent to 25, 50, or 100 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its pH is not less than 3.5 and not more than 6.5. The erythromycin estolate used conforms to the standards prescribed by § 452.15(a)(1).

(2) *Labeling.* In addition to conforming with the requirements of § 432.5 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the statement "Refrigerate" or "Keep under refrigeration".

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, crystallinity, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 containers, each having not less than 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Remove an accurately measured representative volume of the suspension and dilute with sufficient methyl alcohol to give a concentration of 2.5 milligrams per milliliter (estimated). Dilute the entire mixture with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug as it is prepared for dispensing.

§ 452.115d Erythromycin estolate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate for oral suspension is a dry mixture of erythromycin estolate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. The erythromycin estolate content is 25 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. When reconstituted as directed in its labeling, its pH is not less than 5.0 and not more than 7.0. Its moisture content is not more than 2.0 percent. The erythromycin estolate used conforms to the standards of § 452.15(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, crystallinity, and identity.

(*b*) The batch: Potency, moisture, and pH.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 immediate containers, each consisting of 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Withdraw an accurately measured representative volume of the reconstituted suspension and add sufficient methyl alcohol to give a concentration of 2.5 milligrams of erythromycin base per milliliter (estimated). Dilute this entire mixture with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze in a 60° C. constant temperature water bath for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in its labeling.

§ 452.115e Erythromycin estolate for pediatric drops.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate for pediatric drops is a dry mixture of erythromycin estolate with suitable and harmless dispersing agents, buffer substances, diluents, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains the equivalent of 100 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2.0 percent. Its pH is not less than 5.0 nor more than 5.5. The erythromycin estolate used conforms to the standards prescribed by § 452.15(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, pH, moisture, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each containing not less than 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Withdraw an accurately measured representative volume of the reconstituted suspension and add sufficient methyl alcohol to give a concentration of 2.5 milligrams of erythromycin base per milliliter (estimated). Dilute this entire mixture with sufficient 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 (b) of this chapter, using the suspension prepared as directed in the labeling.

§ 452.115f Erythromycin estolate chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate chewable tablets are tablets composed of erythromycin estolate and suitable and harmless diluents, binders, buffers, colorings, and flavorings. Each tablet contains erythromycin estolate equivalent to either 125 or 250 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 4 percent. The erythromycin estolate used in making the batch conforms to the standards prescribed by § 452.15(a)(1).

(2) *Labeling.* It shall be labeled in accordance with § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each consisting of not less than 300 milligrams.

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(b) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender for 2 to 3 minutes in 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Hydrolyze this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 452.120 Erythromycin ethylcarbonate oral dosage forms.

§ 452.120a Erythromycin ethylcarbonate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylcarbonate for oral suspension is a dry mixture of erythromycin ethylcarbonate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. The erythromycin ethylcarbonate content is not less than 40 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2.0 percent. When reconstituted as directed in the labeling, its pH is not less than 6.4 and not more than 7.0. The erythromycin ethylcarbonate used conforms to the standards prescribed by § 452.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) Erythromycin ethylcarbonate used in making the batch for potency, safety, moisture, pH, crystallinity, and identity.

(b) The batch for potency, moisture, and pH.

(ii) Samples required:

(a) The erythromycin ethylcarbonate used in making the batch: 10 containers, each containing 500 milligrams.

(b) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Withdraw an accurately measured representative volume of the reconstituted suspension and add sufficient methyl alcohol to give a concentration of 2.5 milligrams of erythromycin base per milliliter (estimated). Dilute this entire mixture with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze this solution by placing it in a 60° C. constant temperature water bath for 3 hours or by allowing it to stand at room temperature for 24 to 40 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension prepared as directed in its labeling.

§ 452.120b Erythromycin ethylcarbonate for pediatric drops.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylcarbonate for pediatric drops is a dry mixture of erythromycin ethylcarbonate, suitable and harmless dispersing agents, buffer substances, diluents, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains 100 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2.0 percent. Its pH is not less than 6.5 nor more than 7.5. The erythromycin ethylcarbonate used conforms to the standards prescribed by § 452.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin ethylcarbonate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(b) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(a) The erythromycin ethylcarbonate used in making the batch: 10 packages, each consisting of 500 milligrams.

(b) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender for 2 to 3 minutes with 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter.

§ 452.125b Erythromycin ethylsuccinate oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate oral suspension is erythromycin ethylsuccinate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, flavorings, and preservatives. Each milliliter contains erythromycin ethylsuccinate equivalent to 40 or 80 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its pH is not less than 6.5 and not more than 8.5. The erythromycin ethylsuccinate used conforms to the standards prescribed by § 452.25(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin ethylsuccinate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The erythromycin ethylsuccinate used in making the batch: 10 containers, each consisting of 500 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative volume of the suspension into a high-speed glass blender jar and add sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Blend for 3 to 5 minutes. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension reconstituted as directed in the labeling.

§ 452.125 Erythromycin ethylsuccinate oral dosage forms.

§ 452.125a Erythromycin ethylsuccinate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate tablets are composed of erythromycin ethylsuccinate, suitable and harmless diluents, binders, buffers, colorings, and flavorings. Each tablet contains erythromycin ethylsuccinate equivalent to 100 or 200 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The tablets shall disintegrate within 45 minutes. The erythromycin ethylsuccinate used conforms to the standards prescribed by § 452.25(a)(1).

(2) *Labeling.* It shall be labeled in accordance with § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin ethylsuccinate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(b) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(a) The erythromycin ethylsuccinate used in making the batch: 10 packages, each consisting of 500 milligrams.

(b) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender with 200 milliliters of methyl alcohol for 2 to 3 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated). Hydrolyze this solution by placing it in a 60° C. constant temperature water bath for 3 hours or by allowing it to stand at room temperature for 24 to 40 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension reconstituted as directed in the labeling.

§ 452.125c Erythromycin ethylsuccinate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate for oral suspension is a dry mixture of erythromycin ethylsuccinate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 40 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its loss on drying is not more than 1 percent. When reconstituted as directed in the labeling, its pH is not less than 7.0 nor more than 9.0. The crystalline erythromycin ethylsuccinate used conforms to the standards prescribed by § 452.25(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin ethylsuccinate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(b) The batch for potency, pH, and loss on drying.

(ii) Samples required:

(a) The erythromycin ethylsuccinate used in making the batch: 10 containers each consisting of approximately 500 milligrams.

(b) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Place an accurately measured representative volume of the reconstituted suspension into a 200-milliliter volumetric flask containing 100 milliliters of methyl alcohol and shake vigorously. Fill to volume with methyl alcohol and mix well. Allow to stand for about 5 minutes or until any undissolved particles settle. Dilute an aliquot of the supernatant liquid with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension prepared as directed in the labeling.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 452.135 Erythromycin stearate oral dosage forms.

§ 452.135a Erythromycin stearate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin stearate tablets are tablets composed of erythromycin stearate with suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. Each tablet contains erythromycin stearate equivalent to 75, 100, 125, 250, or 500 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Tablets shall disintegrate within 1½ hours, except tablets containing sulfonamides shall disintegrate within 2½ hours. The moisture content is not more than 7 percent. The erythromycin stearate used in making the tablets conforms to the standards prescribed by § 452.35(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin stearate used in making the batch for potency, safety, pH, moisture, residue on ignition, crystallinity, and identity.

(b) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(a) The erythromycin stearate used in making the batch: 10 containers, each consisting of not less than 500 milligrams.

(b) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender with 200 milliliters of methyl alcohol for 3 to 5 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(2) of that section.

§ 452.135b Erythromycin stearate oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin stearate oral suspension is erythromycin stearate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 25 milligrams of erythromycin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its pH is not less than 7.0 and not more than 8.5. The erythromycin stearate used conforms to the standards prescribed by § 452.35(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin stearate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The erythromycin stearate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative volume of the suspension into a high-speed glass blender jar. Add sufficient methyl alcohol to the jar to give a concentration of 1.25 milligrams of erythromycin base per milliliter (estimated). Blend for 2 to 3 minutes. Add sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 0.5 milligrams of erythromycin base per milliliter (esti-

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mated) and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted suspension.

§ 452.175 Troleandomycin oral dosage forms.

§ 452.175a Troleandomycin capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Troleandomycin capsules are capsules composed of troleandomycin and one or more suitable buffers, diluents, binders, lubricants, and colorings. Each capsule contains 125 milligrams or 250 milligrams of troleandomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of troleandomycin that it is represented to contain. The loss on drying is not more than 5 percent. The troleandomycin used conforms to the standards prescribed by § 452.75(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The troleandomycin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, identity, R_f value, acetyl value (only if more than one spot is present in the determination of R_f value), and crystallinity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The troleandomycin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 500 milligrams and one containing not less than 2 grams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules in a high-speed glass blender and add 500 milliliters of 80 percent isopropyl alcohol solution (solution 15). Blend for 3 minutes. Dilute an aliquot with sufficient solution 15 to give a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 452.175b Troleandomycin oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Troleandomycin oral suspension is troleandomycin and one or more suitable buffers, dispersants, flavorings, colorings, and preservatives suspended in a suitable and harmless vehicle. Each milliliter contains 25 milligrams of troleandomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of troleandomycin that it is represented to contain. Its pH is not less than 5.0 and not more than 8.0. The troleandomycin used conforms to the standards prescribed by § 452.75(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The troleandomycin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, identity, R_f value, acetyl value (only if more than one spot is present in the determination of R_f value), and crystallinity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The troleandomycin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 500 milligrams and one containing not less than 2 grams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an appropriate sample (usually from 1.0 milliliter to 5.0 milliliters) with sufficient 80 percent isopropyl alcohol solution (solution 15) to give a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

§ 452.175c Troleandomycin for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Troleandomycin for oral suspension is troleandomycin with suitable buffers, dispersants, preservatives, colorings, and flavorings. When the suspension is prepared as directed in its labeling, each milliliter contains 25 milligrams of troleandomycin. However, if it is for pediatric use, each milliliter contains 100 milligrams of troleandomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of troleandomycin that it is represented to contain. Its loss on drying is not more than 2 percent. The pH of the suspension, when prepared as directed in its labeling, is not less than 5.0 and not more than 7.0. The troleandomycin used conforms to the standards prescribed by § 452.75(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The troleandomycin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, identity, R_f value, acetyl value (only if more than one spot is present in the determination of R_f value), and crystallinity.

(*b*) The batch for potency, loss on drying, and pH.

(ii) Samples required:

(*a*) The troleandomycin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 500 milligrams and one containing not less than 2 grams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Dilute an appropriate sample (usually 1 milliliter to 5 milliliters) with sufficient 80 percent isopropyl alcohol solution (solution 15) to give a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Further dilute an aliquot of the stock solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension obtained after reconstituting the drug as directed in its labeling.

§ 452.175d Troleandomycin chewable tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Each troleandomycin chewable tablet contains an amount equivalent to 125 milligrams of oleandomycin with suitable diluents, binders, buffers, colorings, and flavorings. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of troleandomycin that it is represented to contain. The loss on drying is not more than 5 percent. The troleandomycin used conforms to the standards prescribed by § 452.75(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The troleandomycin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, identity, R_f value, acetyl value (only if more than one spot is present in the determination of R_f value), and crystallinity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The troleancomycin used in making the batch: 10 packages, nine containing approximately 500 milligrams each and one containing approximately 2 grams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets in a glass-blending jar with sufficient 80 percent isopropyl alcohol solution to give a stock solution of 1,000 micrograms of troleandomycin per milliliter (estimated). Blend 3 to 5 minutes. Remove an aliquot of the stock solution and dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

Subpart C—Injectable Dosage Forms

§ 452.225 Erythromycin ethylsuccinate injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate injection is erythromycin ethylsuccinate and butylaminobenzoate dissolved in polyethylene glycol 400. It contains a suitable and harmless preservative. Each milliliter contains 50 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. It contains 2 percent butylaminobenzoate. It is sterile. It passes the safety test. Its moisture content is not more than 1.5 percent. The erythromycin ethylsuccinate used conforms to the standards prescribed therefore by § 452.25a(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, each immediate container shall bear on its label and labeling the statement: "Warning—For intramuscular use only".

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin ethylsuccinate used in making the batch for potency, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch for potency, sterility, safety, and moisture.

(ii) Samples required:

(*a*) The erythromycin ethylsuccinate used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, except that if the product is sterilized after filling, a representative sample consisting of 10 immediate containers from each sterilizer load. If only one sterilizer load is involved, the sample shall consist of 20 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: By means of a suitable hypodermic needle and syringe, remove an accurately measured representative volume of the sample and dilute with sufficient methyl alcohol to give a solution containing 1.0 milligram of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use a bacterial-retentive membrane resistant to the solvent polyethylene glycol 400 and add 1 milliliter from each immediate container directly to the membrane, thus eliminating the preliminary solubilization step.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter, except in lieu of paragraph (b) of that section, administer subcutaneously a test dose of 0.1 milliliter of the undiluted solution.

(4) *Moisture.* Proceed as directed in § 436.201(e)(1) of this chapter.

§ 452.232 Erythromycin lactobionate for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin lactobionate for injection is a dry mixture of erythromycin lactobionate and a suitable preservative. It contains the equivalent of 300 milligrams, 500 milligrams, or 1 gram of erythromycin per vial. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 5 percent. Its pH is not less than 6.5 and not more than 7.5. The erythromycin used conforms to the standards prescribed by § 452.10(a)(1)(i), (iii), (iv), (v), (vi), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, pH, moisture, residue on ignition, heavy metals, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, moisture, pH, and identity.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 containers, each consisting of not less than 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the total withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the preparation, withdraw an accurately measured volume from each container. Dilute with sterile distilled water to obtain a concentration of 10 milligrams of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20 milligrams of erythromycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a concentration of 50 milligrams of erythromycin per milliliter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

Subpart D—Ophthalmic Dosage Forms

§ 452.310 Erythromycin ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin ophthalmic ointment is erythromycin in a suitable and harmless ointment base. Each gram of ointment contains 5 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. It is sterile. The moisture content is not more than 1 percent. The erythromycin used conforms to the standards prescribed by § 452.10(a)(1)(i), (ii), (iii), (iv), (v), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, pH, moisture, residue on ignition, crystallinity, and identity.

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(b) The batch for potency, sterility, and moisture.

(ii) Samples required:

(a) The erythromycin used in making the batch: 10 packages, each containing 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: Twenty immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the ointment in a separatory funnel containing 50 milliliters of reagent-grade petroleum ether. Shake until dissolved. Wash with four separate washings of a 4:1 mixture of methyl alcohol and distilled water. Combine the washings and bring to volume with the methyl alcohol-water solution in a volumetric flask. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture*. Proceed as directed in § 436.201 of this chapter.

Subpart F—Dermatologic Dosage Forms

§ 452.510 Erythromycin dermatologic dosage forms.

§ 452.510a Erythromycin ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Erythromycin ointment is erythromycin in a suitable and harmless ointment base. It may contain suitable preservatives. Each gram of ointment contains 10 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 1.0 percent. The erythromycin used conforms to the standards prescribed by § 452.10(a)(1) (i), (iii), (iv), (v), (vii), and (viii).

(2) *Labeling*. It shall be labeled in accordance with the requirements of §432.5 of this chapter.

(3) *Requests for certification; samples*. In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin used in making the batch for potency, pH, moisture, residue on ignition, crystallinity, and identity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The erythromycin used in making the batch: 10 packages, each containing not less than 500 milligrams.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the ointment in a 250-milliliter separatory funnel containing 50 milliliters of reagent-grade petroleum ether. Shake until dissolved. Wash with four separate washings of a 4:1 mixture of methyl alcohol and distilled water. Combine the washings and bring to volume with the methyl alcohol-water solution in a volumetric flask. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture*. Proceed as directed in § 436.201 of this chapter.

§ 452.510b Erythromycin-neomycin sulfate ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Erythromycin-neomycin sulfate ointment is erythromycin and neomycin sulfate with a suitable emollient and perservatives in a suitable and harmless ointment base. Each gram contains 5 milligrams of erythromycin and 3.5 milligrams of neomycin. Its erythromycin content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of erythromycin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain. The moisture content is not more than 1 percent. The erythromycin used conforms to the standards prescribed therefor by § 452.10(a)(1) (i), (iii), (iv), (v), (vii), and (viii). The neomycin sulfate used conforms to the standards prescribed in § 444.42a(a)(1) (i), (vi), (vii), and (viii) of this chapter.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples*. In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin used in making the batch for potency, pH, moisture, residue on ignition, crystallinity, and identity.

(b) The neomycin sulfate used in making the batch for potency, pH, loss on drying, and identity.

(c) The batch for erythromycin content, neomycin content, and moisture.

(ii) Samples required:

(a) The erythromycin used in making the batch: 10 packages, each containing not less than 500 milligrams.

(b) The neomycin sulfate used in making the batch: 10 packages, each containing not less than 300 milligrams.

(c) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Erythromycin content*. Place an accurately weighed representative portion of the ointment in a high-speed glass blender with 100 milliliters of polysthylene glycol 400 and blend for 3 minutes. Filter through a cotton plug or filter paper and further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(ii) *Neomycin content*. Place an accurately weighed representative portion of the ointment in a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of the buffer at least three times and any additional times necessary to ensure complete extraction of the antibiotic. Combine the buffer extractives and adjust to an appropriate volume with solution 3 to give a stock solution of convenient concentration. Place the stock solution in a second separatory funnel and wash with three 30-milliliter portions of peroxide-free ether. Discard the ether washes. Further dilute the washed stock solution with solution 3 to the reference concentration of 1.0 microgram of neomycin base per milliliter (estimated).

(2) *Moisture*. Proceed as directed in § 436.201 of this chapter.

Subpart H—Rectal Dosage Forms

§ 452.710 Erythromycin suppositories.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Erythromycin suppositories contain in each suppository 125 milligrams of erythromycin in a suitable and harmless base. The erythromycin content is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 1.0 percent. The erythromycin used conforms to the standards prescribed by § 452.10(a)(1), (i), (ii), (iii), (iv), (v) (vii), and (viii), except its moisture content is not more than 5.0 percent.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples*. In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The erythromycin used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The erythromycin used in making the batch: 10 packages, each containing not less than 500 milligrams.

(b) The batch: A minimum of 30 suppositories.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of suppositories for 3 to 5 minutes in a high-speed glass blender with 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 3 to 5 minutes. Remove an aliquot and dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture*. Proceed as directed in § 436.201 of this chapter.

PART 453—LINCOMYCIN ANTIBIOTIC DRUGS

Subpart A—Bulk Drugs

Sec.
453.20 Clindamycin hydrochloride hydrate.
453.21 Clindamycin palmitate hydrochloride.
453.22a Sterile clindamycin phosphate.
453.30 Lincomycin hydrochloride monohydrate.
453.30a Sterile lincomycin hydrochloride.

Subpart B—Oral Dosage Forms

453.120 Clindamycin hydrochloride hydrate capsules.
453.121 Clindamycin palmitate hydrochloride oral dosage forms.
453.121a Clindamycin palmitate hydrochloride for oral suspension.
453.121b Clindamycin palmitate hydrochloride for oral solution.
453.130 Lincomycin hydrochloride oral dosage forms.
453.130a Lincomycin hydrochloride monohydrate capsules.
453.130b Lincomycin hydrochloride sirup.

Subpart C—Injectable Dosage Forms

453.222 Clindamycin phosphate injection.
453.230 Lincomycin hydrochloride injection.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 453.20 Clindamycin hydrochloride hydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Clindamycin hydrochloride hydrate is the hydrated hydrochloride salt of clindamycin. It is so purified and dried that:

(i) Its clindamycin content is not less than 800 micrograms of clindamycin per milligram.

(ii) Its microbiological activity is not less than 800 micrograms of clindamycin per milligram.

(iii) It passes the safety test.

(iv) Its moisture content is not less than 3.0 percent and not more than 6.0 percent.

(v) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(vi) It is crystalline.

(vii) It passes the identity test for clindamycin hydrochloride hydrate.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for clindamycin content, microbiological activity, safety, moisture, pH, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Clindamycin content (vapor phase chromatography)*. Proceed as directed in § 436.302 of this chapter.

(2) *Microbiological activity (microbiological agar diffusion assay.)* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of clindamycin per milliliter (estimated).

(3) *Safety*. Proceed as directed in § 436.33 of this chapter.

(4) *Moisture*. Proceed as directed in § 436.201 of this chapter.

(5) *pH*. Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(6) *Crystallinity*. Proceed as directed in § 436.203 of this chapter.

(7) *Identity*. Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

§ 453.21 Clindamycin palmitate hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Clindamycin palmitate hydrochloride is the white to off-white amorphous powder of the hydrochloride salt of the palmitic acid ester of clindamycin. It is freely soluble in water, ethanol, chloroform, and ether. It is so purified and dried that:

(i) It contains not less than 540 micrograms of clindamycin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 3.0 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.8 and not more than 3.8.

(v) It passes the identity test for clindamycin palmitate hydrochloride.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for clindamycin content, safety, moisture, pH, and identity.

(ii) Samples required: 10 packages, nine containing not less than 300 milligrams and one package containing not less than 2 grams.

(b) *Tests and methods of assay*—(1) *Clindamycin content*. Proceed as directed in § 436.303 of this chapter.

(2) *Safety*. Proceed as directed in § 436.33 of this chapter.

(3) *Moisture*. Proceed as directed in § 436.201 of this chapter.

(4) *pH*. Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Identity*. Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

§ 453.22a Sterile clindamycin phosphate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Sterile clindamycin phosphate is a water-soluble ester of clindamycin and phosphoric acid. It occurs as a white to off-white powder. It is so purified and dried that:

(i) Its clindamycin content is not less than 758 micrograms of clindamycin per milligram calculated on an anhydrous basis.

(ii) Its microbiological activity is not less than 758 micrograms of clindamycin per milligram calculated on an anhydrous basis.

(iii) It is sterile.

(iv) It is nonpyrogenic.

(v) It passes the safety test.

(vi) It contains no histamine nor histamine-like substances.

(vii) Its moisture content is not more than 6 percent.

(viii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 4.5.

(ix) It is crystalline.

(x) It passes the identity test for clindamycin phosphate.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for clindamycin content, microbiological activity, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, nine containing approximately 300 milligrams and one containing 1.5 grams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Clindamycin content (vapor phase chromatography)*. Proceed as directed in § 436.304 of this chapter.

(2) *Microbiological activity (microbiological agar diffusion assay)*. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Accurately weigh approximately 12 milligrams of the clindamycin phosphate sample into a 50-milliliter glass-stoppered centrifuge tube. Pipet 25 milliliters of the pH 9.0 borate buffer into the cen-

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trifuge tube. Add 10 milliliters of chloroform and shake vigorously for 15 minutes. Centrifuge the resulting mixture and pipet a 20-milliliter aliquot of the aqueous phase into a 35-milliliter centrifuge tube. Add a weighed amount of intestinal alkaline phosphatase equivalent to 50 units of activity [n] and allow the solution to stand until the enzyme has completely dissolved. Place the tube into a water bath at 37° C.±2° C. for 2.5 hours. After the 2.5-hour hydrolysis, allow the solution to cool. Further dilute an aliquot of the solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of clindamycin per milliliter (estimated).

(3) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 24 milligrams of clindamycin per milliliter.

(5) *Safety.* Proceed as directed in § 436.33 of this chapter.

(6) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(7) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(8) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(9) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(10) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section, except dry the sample for 2 hours at 100° C. and allow to equilibrate with the atmosphere for 1 hour.

§ 453.30 Lincomycin hydrochloride monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate is the monohydrated hydrochloride salt of lincomycin. It is freely soluble in water and soluble in acetone and dimethylformamide. It is so purified and dried that:

(i) Its potency is not less than 790 micrograms of lincomycin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3.0 percent and is not more than 5.0 percent.

(iv) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(v) Its specific rotation in an aqueous solution at 25° C. is not less than +135° and not more than +150°.

(vi) It passes the infrared identity test.

(vii) Its content of lincomycin B is not more than 5 percent.

(viii) It passes the identity test if the elution pattern of the lincomycin sample compares quantitatively to that of the lincomycin working standard under identical conditions of vapor phase chromatography.

(ix) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, specific rotation, infrared absorption spectrum, lincomycin B content, crystallinity, and identity.

(ii) Samples of the batch: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 436.306 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(5) *Specific rotation.* Accurately weigh 500 milligrams of lincomycin hydrochloride monohydrate in a 25-milliliter, glass stoppered volumetric flask and fill to volume with distilled water. Proceed as directed in § 436.210 of this chapter, using a 2.0-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(6) *Infrared absorption spectrum.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

(7) *Lincomycin B content.* Proceed as directed in § 436.306 of this chapter.

(8) *Identity.* Proceed as described in § 436.306 of this chapter.

(9) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 453.30a Sterile lincomycin hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate is the monohydrated hydrochloride salt of lincomycin. It is freely soluble in water and soluble in acetone and dimethylformamide. It is so purified and dried that:

(i) Its potency is not less than 790 micrograms of lincomycin per milligram.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not less 3.0 percent and not more than 6.0 percent.

(vii) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(viii) Its specific rotation in an aqueous solution at 25° C. is not less than +135° and not more than +150°.

(ix) It passes the infrared identity test.

(x) Its content of lincomycin B is not more than 5 percent.

(xi) It passes the identity test if the elution pattern of the lincomycin sample compares quantitatively to that of the lincomycin working standard under identical conditions of vapor phase chromatography.

(xii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, histamine, moisture, pH, specific rotation, infrared absorption spectrum, lincomycin B content, identity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 436.306 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 0.5 milligram of lincomycin per milliliter.

[n] Defined such that 50 units hydrolyzes at least 20 micromoles of a clindamycin phosphate authentic sample under the assay conditions described in this section.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(8) *Specific rotation.* Accurately weigh 500 milligrams of lincomycin hydrochloride monohydrate in a 25 milliliter, glass-stoppered volumetric flask and fill to lincomycin B content, crystallinity, and volume with distilled water. Proceed as directed in § 436.210, using a 2.0-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(9) *Infrared absorption spectrum.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

(10) *Lincomycin B content.* Proceed as directed in § 436.306 of this chapter.

(11) *Identity.* Proceed as directed in § 436.306 of this chapter.

(12) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

Subpart B—Oral Dosage Forms

§ 453.120 Clindamycin hydrochloride hydrate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Clindamycin hydrochloride hydrate capsules are composed of clindamycin hydrochloride hydrate and one or more suitable and harmless diluents and lubricants. Each capsule contains clindamycin hydrochloride hydrate equivalent to 75 or 150 milligrams of clindamycin. Its content of clindamycin is satisfactory if it is not less than 90 percent and not more than 120 percent of the amount of clindamycin that it is represented to contain. The moisture content is not more than 7.0 percent. The clindamycin hydrochloride hydrate used conforms to the standards prescribed by § 453.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The clindamycin hydrochloride hydrate used in making the batch for clindamycin content, microbiological activity, safety, moisture, pH, crystallinity, and identity.

(*b*) The batch for clindamycin content and moisture.

(ii) Samples required:

(*a*) The clindamycin hydrochloride hydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Clindamycin content (vapor phase chromatography).* Proceed as directed in § 436.302 of this chapter, except:

(i) *Preparation of clindamycin sample and working standard solutions.* Accurately weigh a portion of the clindamycin working standard equivalent to about 45 milligrams of clindamycin and transfer to a 15-milliliter glass-stoppered centrifuge tube. Empty 20 capsules, collecting the contents quantitatively. Weigh the powder and determine the average capsule fill weight. Mix the powder and accurately weigh a portion containing the equivalent of about 45 milligrams of clindamycin into a second 15-milliliter glass-stoppered centrifuge tube. Add 3 milliliters of 1 percent sodium carbonate solution and 3 milliliters of chloroform to each tube. Shake the solution vigorously and then centrifuge. Remove the top aqueous layer and add approximately 1 gram of anhydrous sodium sulfate to dry the chloroform layer. Place a 1-milliliter aliquot of the chloroform solution into a 15-milliliter centrifuge tube, add 1 milliliter of internal standard and 0.6 milliliter of acetic anhydride. Agitate the vials to insure complete mixing of the liquids.

(ii) *Calculations.* Calculate the clindamycin content of the capsules as follows:

$$\text{Milligrams of clindamycin per capsule} = \frac{R_u \times W_s \times f \times W_a}{R_s \times W_u}$$

where:

R_u = (Area of the clindamycin sample peak (at a retention time equal to that observed for the clindamycin standard)) / (Area of internal standard peak);

R_s = (Area of the clindamycin standard peak) / (Area of internal standard peak);

W_s = Weight of clindamycin working standard in milligrams;

W_u = Sample weight in milligrams;

f = Potency of clindamycin working standard in milligrams of clindamycin per milligram;

W_a = Average capsule fill weight in milligrams.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 453.121 Clindamycin palmitate hydrochloride oral dosage forms.

§ 453.121a Clindamycin palmitate hydrochloride for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Clindamycin palmitate hydrochloride for oral suspension is composed of clindamycin palmitate hydrochloride with one or more suitable and harmless diluents, buffer substances, colorings, and flavorings. When reconstituted as directed in the labeling, using the accompanying diluent when provided, each milliliter contains clindamycin palmitate hydrochloride equivalent to 15 milligrams of clindamycin. Its clindamycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the amount of clindamycin that it is represented to contain. The moisture content is not more than 3.0 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 5.0. The clindamycin palmitate hydrochloride used conforms to the standards prescribed by § 453.21(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The clindamycin palmitate hydrochloride used in making the batch for clindamycin content, safety, moisture, pH, and identity.

(*b*) The batch for clindamycin content, moisture, and pH.

(ii) Samples required:

(*a*) The clindamycin palmitate hydrochloride used in making the batch: 10 packages, nine containing not less than 300 milligrams, and one containing not less than 2 grams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Clindamycin content.* Proceed as directed in § 436.303 of this chapter, except:

(i) Preparation of clindamycin palmitate hydrochloride sample and working standard solutions. Accurately weigh about 130 milligrams of the clindamycin palmitate hydrochloride working standard and transfer to a 25-milliliter volumetric flask. Add 5 milliliters of distilled water. Reconstitute the clindamycin palmitate hydrochloride for oral suspension as directed in the labeling, using the accompanying diluent when provided, and transfer exactly 5.0 milliliters to a 25-milliliter volumetric flask. Add exactly 5.0 milliliters of internal standard and 1 milliliter of 30 percent sodium carbonate to each flask. Shake both flasks mechanically for 5 minutes. Transfer the contents of each flask to separate 15-milliliter glass-stoppered centrifuge tubes and centrifuge. Remove the top aqueous layer by suction and transfer exactly 1.0 milliliter of the chloroform layer to separate glass-stoppered, conical, 15-milliliter centrifuge tubes. Add 1 milliliter of pyridine and 0.5 milliliter of acetic anhydride. Agitate the tubes to insure complete mixing of the liquids. Proceed as directed in § 436.303 (e) of this chapter.

(ii) Calculations: Calculate the clindamycin content as follows:

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$$\text{Milligrams of clindamycin per milliliter} = \frac{R_u \times W_s \times f}{R_s \times V},$$

where:

R_u = Area of the sample peak (at a retention time equal to that observed for the clindamycin palmitate hydrochloride standard) / Area of internal standard peak

R_s = Area of the clindamycin palmitate hydrochloride standard peak / Area of internal standard peak

W_s = Weight of the clindamycin palmitate hydrochloride working standard in milligrams;
V = Volume of reconstituted sample in milliliters;
f = Milligrams of clindamycin activity per milligram of clindamycin palmitate hydrochloride working standard.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) pH. Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§453.121b Clindamycin palmitate hydrochloride for oral solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Clindamycin palmitate hydrochloride for oral solution is composed of clindamycin palmitate hydrochloride with one or more suitable and harmless diluents, buffer substances, colorings, flavorings, and preservatives. When reconstituted as directed in the labeling, each milliliter contains clindamycin palmitate hydrochloride equivalent to 15 milligrams of clindamycin. Its clindamycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of clindamycin that it is represented to contain. The moisture content is not more than 3.0 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 and not more than 5.0. The clindamycin palmitate hydrochloride used conforms to the standards prescribed by § 436.214a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The clindamycin palmitate hydrochloride used in making the batch for clindamycin content, safety, moisture, pH, and identity.

(b) The batch for clindamycin content, moisture, and pH.

(ii) Samples required:

(a) The clindamycin palmitate hydrochloride used in making the batch: 10 packages, nine containing not less than 300 milligrams, and one containing not less than 2 grams.

(b) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Clindamycin content.* Proceed as directed in § 436.303 of this chapter, except:

(i) *Preparation of clindamycin palmitate hydrochloride sample and working standard solutions.* Accurately weigh about 130 milligrams of the clindamycin palmitate hydrochloride working standard and transfer to a 25-milliliter volumetric flask. Add 5 milliliters of distilled water. Reconstitute the clindamycin palmitate hydrochloride for oral solution as directed in the labeling and transfer exactly 5.0 milliliters to a 25-milliliter volumetric flask. Add exactly 5.0 milliliters of internal standard and 1 milliliter of 30-percent sodium carbonate to each flask. Shake both flasks mechanically for 5 minutes. Transfer the contents of each flask to separate 15-milliliter glass-stoppered centrifuge tubes and centrifuge. Remove the top aqueous layer by suction and transfer exactly 1.0 milliliter of the chloroform layer to separate glass-stoppered, conical, 15-milliliter centrifuge tubes. Add 1 milliliter of pyridine and 0.5 milliliter of acetic anhydride. Agitate the tubes to insure complete mixing of the liquids. Proceed as directed in § 436.303(e) of this subchapter.

(ii) *Calculations.* Calculate the clindamycin content as follows:

$$\text{Milligrams of clindamycin per milliliter} = \frac{R_u \times W_s \times f}{R_s \times V}$$

where:

R_u = Area of the sample peak (at a retention time equal to that observed for the clindamycin palmitate hydrochloride standard); / Area of internal standard peak

R_s = Area of the clindamycin palmitate hydrochloride standard peak; / Area of internal standard peak

W_s = Weight of the clindamycin palmitate hydrochloride working standard in milligrams;
V = Volume of reconstituted sample in milliliters;
f = Milligrams of clindamycin activity per milligram of clindamycin palmitate hydrochloride working standard

(2) *Moisture.* Proceed as directed in § 436.201 of this subchapter.

(3) *pH.* Proceed as directed in § 436.202 of this subchapter, using the drug reconstituted as directed in the labeling.

§ 453.130 Lincomycin hydrochloride oral dosage forms.

§ 453.130a Lincomycin hydrochloride monohydrate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate capsules are composed of lincomycin hydrochloride monohydrate and suitable diluents, enclosed in a gelatin capsule. Each capsule contains 250 milligrams of lincomycin or 500 milligrams of lincomycin. The lincomycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of lincomycin that it is represented to contain. Its moisture content is not more than 7.0 percent. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 453.30(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The lincomycin hydrochloride monohydrate used in making the batch for potency, safety, moisture, pH, specific rotation, infrared absorption spectrum, identity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 436.306 of this chapter, except prepare the sample for assay as follows: Place the contents of 5 capsules in a 100-milliliter volumetric flask and add about 60 milliliters of methanol. Place on a steam bath and allow to boil gently for 5 minutes. Remove from the steam bath, add more methanol, and adjust to mark after cooling to ambient temperature. Dilute an aliquot equivalent to 50 milligrams of lincomycin to 25 milliliters with methanol. Transfer 2 milliliters to a centrifuge tube and evaporate to dryness on a steam bath with a stream of dry air. Dissolve the residue in 1 milliliter of dry pyridine. Calculate the lincomycin content of the capsules as follows:

$$\text{Lincomycin content in milligrams per capsule} = \frac{(R_u)(W_s)(d)(f)}{(R_s)(N)}$$

where:

R_u = Area of lincomycin sample peak / Area of internal standard

R_s = Area of lincomycin standard peak / Area of internal standard

W_s = Weight of lincomycin working standard in milligrams;
d = Dilution factor;
f = Potency of lincomycin working standard in milligrams of lincomycin per milligram;
N = Number of capsules used.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 453.130b Lincomycin hydrochloride sirup.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride sirup is a sirup containing lincomycin hydrochloride monohydrate, one or more suitable preservatives, flavorings, sweetening agents, colorings, and purified water. Each milliliter contains lincomycin hydrochloride equivalent to either 25 milligrams or 50 milligrams of lincomycin. Its lincomycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of lincomycin that it is represented to contain. The pH is not less than 3 and not more than 5.5. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 453.30(a) (1), (ii), (iv), (v), (vi), (vii), and (ix).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The lincomycin hydrochloride monohydrate used in making the batch for potency, safety, pH, specific rotation, infrared absorption spectrum, lincomycin B content, crystallinity, and identity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the method described in paragraph (b) (1) (i) of this section shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Remove an accurately measured sample of the sirup with a suitable syringe. Place into a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to give a total volume of 500 milliliters. Blend 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 436.306 of this chapter, except prepare the sample for assay by either of the following methods:

(a) Place an aliquot of sirup, containing the equivalent of 250 milligrams of lincomycin into a 50-milliliter volumetric flask and add 30 milliliters of absolute ethanol. Place on a steam bath and boil gently for 5 minutes. Remove from the steam bath and cool. Add ethanol to prior to mark, shake well, and transfer a 5-milliliter aliquot into a 25-milliliter volumetric flask and make to mark with

methanol. Place 4 milliliters of this solution in a 15-milliliter centrifuge tube and evaporate to dryness on a steam bath with a stream of dry air. Dissolve the residue in 1 milliliter of dry pyridine. Calculate the lincomycin content as follows:

$$\text{Lincomycin content in milligrams per milliliter} = \frac{(R_u)(W_s)(d)(f)}{(R_s)(N)}$$

where:

R_u = Area of lincomycin sample peak / Area of internal standard

R_s = Area of lincomycin standard peak / Area of internal standard

W_s = Weight of lincomycin working standard in milligrams;
d = Dilution factor;
f = Potency of lincomycin working standard in milligrams of lincomycin per milligram;
N = Milliliters of sirup used.

(b) Treat the lincomycin working standard and sample in a similar manner, except lyophilize an aliquot of the sample containing the equivalent of 50 milligrams of lincomycin. To approximately 50 milligrams of the standard, accurately weighed, add to the dried residue of the sample, add 5 milliliters of dry pyridine which contains 10 milligrams of tetraphenylcyclopentadienone per milliliter. Warm on a hot plate for 5 minutes to attain complete solution. Remove from the hot plate and add 5 milliliters of hexamethyldisilazane and 2 milliliters of trimethylchlorosilane. Shake mechanically for 90 minutes, then centrifuge for 15 minutes. Inject 2 microliters of the supernate into the chromatograph. Calculate the lincomycin content as follows:

$$\text{Lincomycin content in milligrams per milliliter of sirup} = \frac{(R_u)(W_s)(f)}{(R_s)(N)}$$

where:

R_u = Area of lincomycin sample peak / Area of internal standard

R_s = Area of lincomycin standard peak / Area of internal standard

W_s = Weight of lincomycin working standard in milligrams;
f = Potency of lincomycin working standard in milligrams of lincomycin per milligram;
N = Milliliters of sirup used.

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

Subpart C—Injectable Dosage Forms

§ 453.222 Clindamycin phosphate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Clindamycin phosphate injection is an aqueous solution of clindamycin phosphate with one or more suitable and harmless preservatives and sequestering agents. Each milliliter contains clindamycin phosphate equivalent to 150 milligrams of clindamycin. Its clindamycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of clindamycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test.

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It contains no histamine nor histamine-like substances. Its pH is not less than 5.5 and not more than 7. The clindamycin phosphate used conforms to the standards prescribed by § 453.22a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The clindamycin phosphate used in making the batch for clindamycin content, microbiological activity, moisture, pH, crystallinity, and identity.

(*b*) The batch for clindamycin content, sterility, pyrogens, safety, histamine, and pH.

(ii) Samples required:

(*a*) The clindamycin phosphate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Clindamycin content (vapor phase chromatography).* Proceed as directed in § 436.304 of this chapter, except prepare the sample for assay as follows: Shake the sample and dilute a portion with pH 9.0 borate buffer to obtain a solution containing the equivalent of approximately 0.4 milligram of clindamycin per milliliter. Place 25 milliliters of this solution into a 50-milliliter stoppered centrifuge tube. Add 10 milliliters of chloroform. Shake vigorously for 15 minutes and centrifuge. There should be no emulsion present after centrifugation. Transfer 20 milliliters of the aqueous phase from the tube into a 35-milliliter stoppered centrifuge tube. Add to the tube a weighed amount of intestinal alkaline phosphatase equivalent to 50 units of activity [12] and allow to stand until the phosphatase has dissolved completely. Place the centrifuge tube into a water bath at 37° C.±2° C. for 2.5 hours. After the 2.5-hour hydrolysis, allow the solution to cool.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing the equivalent of 24 milligrams of clindamycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted drug.

[12] Defined such that 50 units hydrolyzes at least 20 micromoles of a clindamycin phosphate authentic sample under the assay conditions described in § 436.304 of this chapter.

§ 453.230 Lincomycin hydrochloride injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride injection is an aqueous solution of lincomycin hydrochloride monohydrate containing benzyl alcohol as a preservative. Each immediate container contains either 1, 2, or 10 milliliters of a solution containing, in each milliliter, 300 milligrams of lincomycin, and 9 milligrams of benzyl alcohol. The lincomycin content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of lincomycin that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. It contains no histamine or histamine-like substances. Its pH is not less than 3.0 and not more than 5.5. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 453.30a(a)(1)(i), (vi), (vii), (viii), (ix), (x), and (xi).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. If each immediate container contains only 1 milliliter of the drug, the labeling shall include the statement "For pediatric use".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, moisture, pH, specific rotation, infrared absorption spectrum, lincomycin B content, identity, and crystallinity.

(*b*) The batch for potency, sterility, safety, pyrogens, histamine, and pH.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Place the portion into a suitable volumetric flask and bring to mark with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3). Remove an aliquot and dilute with solution 3 to the reference concentration of 2.0 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 436.306 of this chapter, except prepare the sample for assay as follows: Dilute the equivalent of 300 milligrams of lincomycin to 50 milliliters with methanol and shake. Transfer a 3-milliliter aliquot to a 10-milliliter volumetric flask and make to mark with methanol. Place a 2-milliliter aliquot into a 15-milliliter centrifuge tube and evaporate to dryness on a steam bath with a stream of dry air. Dissolve the residue in 1 milliliter of dry pyridine. Calculate the lincomycin content as follows:

$$\text{Lincomycin content in milligrams per milliliter} = \frac{(Ru)(Ws)(d)(f)}{(Rs)(\text{number of milliliters of sample})}$$

where;

$Ru = \dfrac{\text{Area of lincomycin sample peak}}{\text{Area of internal standard}}$;

$Rs = \dfrac{\text{Area of lincomycin standard peak}}{\text{Area of internal standard}}$;

Ws = Weight of lincomycin working standard in milligrams;

d = Dilution factor;

f = Potency of lincomycin working standard in milligrams of lincomycin per milligram.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 0.5 milligram of lincomycin per milliliter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

Subpart A—Bulk Drugs

Sec.
455.3 Calcium amphomycin.
455.10 Chloramphenicol.
455.10a Sterile chloramphenicol.
455.10b Sterile chloramphenicol.
455.11 Chloramphenicol palmitate.
455.12a Sterile chloramphenicol sodium succinate.
455.20 Cycloserine.
455.50 Calcium novobiocin.
455.51 Sodium novobiocin.
455.51a Sterile sodium novobiocin.
455.70 Rifampin.

Sec.
455.80a Sterile spectinomycin hydrochloride.
455.85 Vancomycin hydrochloride.
455.85a Sterile vancomycin hydrochloride.

Subpart B—Oral Dosage Forms
455.110 Chloramphenicol capsules.
455.111 Chloramphenicol palmitate oral suspension.
455.120 Cycloserine capsules.
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455.151 Sodium novobiocin oral dosage forms.
455.151a Sodium novobiocin tablets.
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455.185 Vancomycin hydrochloride for oral solution.

Subpart C—Injectable Dosage Forms
455.210 Chloramphenicol injection.
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455.310 Chloramphenicol ophthalmic dosage forms.
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455.310b Chloramphenicol ophthalmic.
455.310c Chloramphenicol ointment (chloramphenicol cream).
455.310d Chloramphenicol-polymyxin ointment.

Subpart E—Otic Dosage Forms
455.410 Chloramphenicol otic; chloramphenicol topical.

Subpart F—Dermatologic Dosage Forms
455.508a Calcium amphomycin-neomycin sulfate-hydrocortisone acetate cream.
455.510 Chloramphenicol dermatologic dosage forms.
455.510a Chloramphenicol ointment (chloramphenicol cream).
455.510b Chloramphenicol otic; chloramphenicol topical.
455.510c Chloramphenicol-polymyxin ointment.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).

Subpart A—Bulk Drugs

§ 455.3 Calcium amphomycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Calcium amphomycin is the calcium salt of amphomycin. It is so purified and dried that:

(i) Its potency is not less than 866 micrograms of amphomycin per milligram.

(ii) Its moisture content is not more than 10 percent.

(iii) Its pH in a 2 percent aqueous suspension is not less than 6.0 and not more than 7.5.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, moisture, and pH.

(ii) Samples required on the batch: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Allow this stock solution to stand overnight at room temperature to assure that the sample is dissolved completely. Further dilute the stock solution with solution 3 to the reference concentration of 10.0 micrograms of amphomycin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using a suspension prepared by adding 20 milligrams per milliliter.

§ 455.10 Chloramphenicol.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol is a white to grayish-white or yellowish-white powder, occurring as needles or elongated plates. It is neutral, slightly soluble in water, but freely soluble in alcohol. It has the chemical formula D-(—)-*threo*-1-p-nitrophenyl-2-dichloroacetamido-1,3-propanediol. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It passes the safety test.

(iii) Its pH in a saturated aqueous solution is not less than 4.5 nor more than 7.5.

(iv) Its specific rotation in absolute ethyl alcohol at 20° C. is +20°±1.5°, and at 25° C. is +18.5°±1.5°.

(v) Its melting range is 151°±2° C.

(vi) Its absorptivity at 278 nanometers is ±3 percent of that of the chloramphenicol working standard similarly treated.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient ethyl alcohol to give a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a concentration of 1,000 micrograms of chloramphenicol per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric method.* Dissolve approximately 50 milligrams each of the sample and working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water. Using a suitable spectrophotometer equipped with a 1-centimeter cell and distilled water as the blank, determine the absorbance of each solution at 278 nanometers. Calculate the potency of chloramphenicol as follows:

$$\text{Potency of sample in micrograms per milligram} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(2) *Safety.* Proceed as directed in § 436.33 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated aqueous solution.

(4) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample into a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Proceed as directed in § 436.210 of this chapter, using a 2.0-decimeter polarimeter tube.

(5) *Melting range.* Proceed as directed in § 436.200 of this chapter.

(6) *Absorptivity.* Proceed as directed in paragraph (b)(1)(ii) of this section, except calculate the percent relative absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times 10}$$

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.10a Sterile chloramphenicol.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile chloramphenicol is a white to grayish-white or yellowish-white powder, occurring as needles or elongated plates. It is neutral, slightly soluble in water, but freely soluble in alcohol. It has the chemical for-

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mula D-(−)-*threo*-1-*p*-nitrophenyl-2-dichloracetamido-1,3-propanediol. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its pH in a saturated aqueous solution is not less than 4.5 nor more than 7.5.

(vii) Its specific rotation in absolute ethyl alcohol at 20° C. is +20°±1.5°, and at 25° C. is +18.5°±1.5°.

(viii) Its melting range is 151°±2° C.

(ix) Its absorptivity at 278 nanometers is ±3 percent of that of the chloramphenicol working standard similarly treated.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, pH, specific rotation, melting range, absorptivity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 50 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient ethyl alcohol to give a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a concentration of 1,000 micrograms of chloramphenicol per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric method.* Dissolve approximately 50 milligrams each of the sample and working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water. Using a suitable spectrophotometer equipped with a 1-centimeter cell and distilled water as the blank, determine the absorbance of each solution at 278 nanometers. Calculate the potency of chloramphenicol as follows:

$$\text{Potency of sample in micrograms per milligram} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 5 milligrams of chloramphenicol per milliliter. Apply sufficient heat to dissolve the chloramphenicol.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated aqueous solution.

(7) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Proceed as directed in § 436.210 of this chapter, using a 2.0 decimeter polarimeter tube.

(8) *Melting range.* Proceed as directed in § 436.209 of this chapter.

(9) *Absorptivity.* Proceed as directed in paragraph (b)(1)(ii) of this section except calculate the percent relative absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times 10}$$

(10) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.10b Sterile chloramphenicol.

(a) *Requirements for certification.* (1) *Standards of identity, strength, quality, and purity.* Chloramphenicol is a white to grayish-white or yellowish-white crystalline powder, occurring as needles or elongated plates. It is neutral, slightly soluble in water, but freely soluble in alcohol. It has the chemical formula D-(−)-*threo*-1-*p*-nitrophenyl-2-dichloracetamido-1,3-propanediol. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram;

(ii) It is sterile;

(iii) It is nontoxic;

(iv) It is nonpyrogenic;

(v) It contains no histamine nor histamine-like substances;

(vi) Its pH in saturated aqueous solution is not less than 4.5 and not more than 7.5;

(vii) Its specific rotation in absolute ethanol at 20° C. is +20°±1.5°, and at 25° C. is +18.5° ±1.5°;

(viii) Its melting point is 151° C. ±2°;

(ix) Its absorptivity at 278 mμ does not vary more than ±3 percent from that of the chloramphenicol working standard, similarly treated.

(2) *Packaging.* It shall be packaged in accordance with the requirements of § 432.1 of this chapter.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, pH, specific rotation, melting range, absorptivity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 50 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient ethyl alcohol to give a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a concentration of 1,000 micrograms of chloramphenicol per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric method.* Dissolve approximately 50 milligrams each of the sample and working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water. Using a suitable spectrophotometer equipped with a 1-centimeter cell and distilled water as the blank, determine the absorbance of each solution at 278 nanometers. Calculate the potency of chloramphenicol as follows:

$$\text{Potency of sample in micrograms per milligram} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use 50 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 5 milligrams of chloramphenicol per milliliter. Apply sufficient heat to dissolve the chloramphenicol.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter. Apply sufficient heat to dissolve the chloramphenicol.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated aqueous solution.

(7) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Proceed as directed in § 436.210 of this chapter, using a 2.0 decimeter polarimeter tube.

(8) *Melting range.* Proceed as directed in § 436.209 of this chapter.

(9) *Absorptivity.* Proceed as directed in paragraph (b)(1)(ii) of this section except calculate the percent relative absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times 10}$$

(10) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.11 Chloramphenicol palmitate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate is the white to grayish-white, tasteless palmitic acid ester of chloramphenicol. It is so purified and dried that:

(i) It contains not less than 555 micrograms nor more than 595 micrograms of chloramphenicol per milligram.

(ii) It passes the safety test.

(iii) Its melting range is 91°±4° C.

(iv) Its specific rotation in absolute ethyl alcohol at 25° C. is +23°±2°.

(v) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, melting range, specific rotation, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Dissolve approximately 90 milligrams of the sample and 50 milligrams of the chloramphenicol working standard in separate 100-milliliter volumetric flasks with absolute ethyl alcohol. Fill to volume with absolute ethyl alcohol. Transfer 10.0 milliliters of each solution into separate 250-milliliter volumetric flasks and fill to volume with absolute ethyl alcohol. Using a suitable spectrophotometer equipped with a 1.0-centimeter cell and absolute ethyl alcohol as a blank, determine the absorbance of the sample at 271 nanometers and that of the chloramphenicol working standard at 276 nanometers. Calculate the potency of the chloramphenicol palmitate as follows:

$$\text{Potency of sample in micrograms per milligram} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Melting range.* Proceed as directed in § 436.209 of this chapter.

(4) *Specific rotation.* Accurately weigh approximately 1.25 grams of sample in a 25-milliliter, glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary to effect solution. Bring the solution to 25° C. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Proceed as directed in § 436.210 of this chapter, using a 2.0-decimeter polarimeter tube.

(5) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.12a Sterile chloramphenicol sodium succinate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol sodium succinate is the light-yellow, water-soluble, ethanol-soluble sodium salt of the 3-monosuccinate ester of chloramphenicol. It is so purified and dried that:

(i) Its potency is not less than 650 and not more than 765 micrograms per milligram. If it is packaged for dispensing, its potency when reconstituted as directed in the labeling is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of chloramphenicol per milliliter that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not more than 5.0 percent.

(vii) Its pH in an aqueous solution containing 250 milligrams of chloramphenicol per milliliter is not less than 6.4 and not more than 7.0.

(viii) Its specific rotation in an aqueous solution containing 50 milligrams per milliliter at 25° C. is +6.5°±1.5°.

(ix) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, specific rotation, and crystallinity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 500 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 8 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Working standard.* Dissolve an accurately weighed portion of the chloramphenicol working standard in sufficient distilled water to give a solution containing 20 micrograms per milliliter. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of this solution in a 1-centimeter cell at a wavelength of 278 nanometers.

(ii) *Procedure.* Dissolve an accurately weighed portion of the sample to be tested in sufficient distilled water to give a solution containing 30 micrograms of the sample per milliliter (estimated); and also if it is packaged for dispensing, reconstitute as directed in the labeling. Remove an accurately measured representative portion from each container and further dilute this portion with sufficient distilled water to give a concentration of 20 micrograms of chloramphenicol per milliliter (estimated). Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of this solution in a 1-centimeter cell at a wavelength of 276 nanometers. Calculate the micrograms per milligram of the dry powder as follows:

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flasks, dilute to 100 milliliters with 0.1*N* sodium hydroxide and mix thoroughly.

(c) Reagents:

(1) Acetic acid—1.0*N* solution.

(2) Sodium hydroxide—4.0*N* and 0.1*N* solutions.

(3) Sodium nitroprusside—4.0 percent solution: Dissolve 4.0 grams in sufficient distilled water to make 100.0 milliliters. Mix well. Store in amber bottle.

(4) Oxidized nitroprusside reagent—Mix equal parts of 4 percent sodium nitroprusside solution and 4.0*N* sodium hydroxide, and let stand for 1 hour before using. Prepare daily, and store in an amber bottle.

(d) *Procedure.* Transfer approximately 100 milligrams of sample, accurately weighed, to a 100 milliliter volumetric flask. Dissolve in sufficient 0.1*N* sodium hydroxide to measure exactly 100 milliliters. Mix thoroughly and transfer 10 milliliters to a second 100-milliliter volumetric flask, and mix thoroughly. Transfer exactly 1.0 milliliter of each of the standard curve solutions and of the sample solution to respective test tubes. Add exactly 3.0 milliliters of 1.0*N* acetic acid to each of the test tubes. Mix thoroughly. Add exactly 1.0 milliliter of oxidized nitroprusside reagent to each test tube and mix thoroughly. Allow the tubes to stand at room temperature for at least 10 minutes in order that maximum color intensity may develop. Using the solution containing 0.0 milliliter of working standard as a blank, determine the absorbances of the solutions at 625 nanometers in a suitable spectrophotometer. Plot concentration versus absorbance on linear graph paper. The curve may deviate slightly from a straight line. The standard curve solutions equal 0, 10, 50, 100, 150, and 200 micrograms of cycloserine, respectively.

(e) *Calculations:*

$$\text{Micrograms of cycloserine per milligram} = \frac{\text{Concentration in micrograms from calibration curve} \times 1{,}000}{\text{Weight of original sample in milligrams.}}$$

§ 455.50 Calcium novobiocin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Calcium novobiocin is the calcium salt of a kind of novobiocin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 840 micrograms of novobiocin per milligram, expressed in terms of novobiocin on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 10 percent.

(iv) Its pH in a saturated aqueous suspension containing 25 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(v) Its specific rotation in an acid-methyl alcohol solution at 25° C. is not less than −50° and not more than −58°.

(vi) It demonstrates a positive color identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, specific rotation, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in 5 milliliters of absolute ethyl alcohol and then dilute with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of 1,000 micrograms (estimated) per milliliter. Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated aqueous suspension prepared by suspending 25 milligrams of calcium novobiocin per milliliter.

(5) *Specific rotation.* Proceed as directed in § 455.51(b)(8).

(6) *Identity.* Proceed as directed in § 455.51(b)(9).

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.51 Sodium novobiocin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin is the monosodium salt of a kind of novobiocin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of novobiocin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 6.0 percent.

(iv) Its pH in a solution containing 25 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(v) Its residue on ignition is not less than 10.5 percent and not more than 12.0 percent, calculated on an anhydrous basis.

(vi) Its specific rotation in an acid-methyl alcohol solution at 25° C. is not less than −50° and not more than −58°.

(vii) It demonstrates a positive color identity test.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, residue on ignition, specific rotation, identity and crystallinity.

(ii) Samples required on the batch: 10 packages, each containing approximately 600 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 25 milligrams of sodium novobiocin per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 436.207(b) of this chapter, calculating on the basis of an anhydrous sample weight.

(6) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask. Prepare an acid-methyl alcohol solution by diluting 1.0 milliliter of concentrated hydrochloric acid to a volume of 100 milliliters with absolute methyl alcohol and mix well. Dissolve the sample in about 15-milliliters of the acid-methyl alcohol solution. Adjust to volume with the acid-methyl alcohol solution and mix well. Proceed as directed in § 436.210 of this chapter, using a 2.0-decimeter polarimeter tube. Calculate the specific rotation on the anhydrous basis.

(7) *Identity.* (i) Using 0.1*M* aqueous sodium borate as a diluent, prepare 10 milliliters of a solution containing the equivalent of 1 milligram (approximate) of novobiocin per milliliter.

(ii) Prepare a saturated aqueous solution of *N*,2,6-trichloroquinoneimine by shaking continuously for 30 minutes in a dark bottle 25 milligrams of *N*,2,6-trichloroquinoneimine in 100 milliliters of distilled water. Let stand 2 hours after shaking. Store in the dark bottle.

(iii) Add 2.0 milliliters of the saturated *N*,2,6-trichloroquinoneimine solution to 4 milliliters of the novobiocin solution. Mix well and heat in a water bath at 37° C. for 10 minutes. The development of a blue color is a positive test for the presence of novobiocin. To 2 milliliters of the blue solution, add 2 milliliters of *N*-butyl alcohol and shake well. A green color should develop in the butyl alcohol layer. To the other 2-milliliter portion of the blue solution, add 2 milliliters of benzene (c.p.), and shake well. A pink color should be developed in the benzene layer.

(8) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.51a Sterile sodium novobiocin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin is the crystalline monosodium salt at a kind of novobiocin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of novobiocin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not more than 6.0 percent.

(vi) Its pH in a solution containing 25 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(vii) Its residue on ignition is not less than 10.5 percent and not more than 12.0 percent calculated on an anhydrous basis.

(viii) Its specific rotation in an acid-methyl alcohol solution at 25° C. is not less than −50° and not more than −58°.

(ix) It demonstrates a positive color identity test.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, residue on ignition, specific rotation, identity, and crystallinity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 600 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10 milligrams of novobiocin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 25 milligrams of sodium novobiocin per milliliter.

(7) *Residue on ignition.* Proceed as directed in § 436.207(b) of this chapter, calculating on the basis of an anhydrous sample weight.

(8) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask. Prepare an acid-methyl alcohol solution by diluting 1.0 milliliter

Micrograms of chloramphenicol per milligram	=	Absorbance of sample at 275 nanometers × micrograms of standard per milliliter × potency of chloramphenicol working standard in micrograms per milligram / Absorbance of standard at 275 nanometers × micrograms of sample per milliliter

Calculate the milligrams per milliliter of the reconstituted solution in the dispensing container as follows:

Milligrams per milliliter of the reconstituted vial	=	Absorbance of sample at 275 nanometers × micrograms of standard per milliliter × labeled content of reconstituted vial in milligrams per milliliter / Absorbance of standard at 275 nanometers × 20

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 5 milligrams of chloramphenicol per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 250 milligrams of chloramphenicol per milliliter.

(8) *Specific rotation.* Dilute the sample with sufficient distilled water to give a solution containing approximately 50 milligrams per milliliter. Proceed as directed in § 436.210 of this chapter, using a 1.0-decimeter polarimeter tube.

(9) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.20 Cycloserine.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cycloserine is a white to slightly yellowish compound. It has the chemical structure D-4-amino-3-isoxazolidone. It is so purified that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 1.0 percent.

(iv) Its pH in a 10 percent aqueous solution is not less than 5.5 and not more than 6.5.

(v) Its residue on ignition is not more than 0.5 percent.

(vi) It gives a positive identity for cycloserine.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, residue on ignition, crystallinity, and identity.

(ii) Samples of the batch: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.*—Using the cycloserine working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Colorimetric assay—*(a) *Stock standard solution.* Dry approximately 100 milligrams of the working standard for 3 hours at 60° C. and a pressure of 5 millimeters or less. Determine the dry weight and dissolve the dried working standard in sufficient distilled water to give a solution containing 1,000 micrograms per milliliter. This solution may be used for 1 month if kept under refrigeration.

(b) *Standard curve solutions.* Pipette accurately 0.0, 1.0, 5.0, 10.0, 15.0, and 20.0 milliliters of the stock standard solution to each of six 100-milliliter volumetric

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of concentrated hydrochloric acid to a volume of 100 milliliters with absolute methyl alcohol and mix well. Dissolve the sample in about 15-milliliters of the acid-methyl alcohol solution. Adjust to volume with the acid-methyl alcohol solution and mix well. Proceed as directed in § 436.210 of this chapter, using a 2.0-decimeter polarimeter tube. Calculate the specific rotation on an anhydrous basis.

(9) *Identity.* (i) Using 0.1*M* aqueous sodium borate as a diluent, prepare 10 milliliters of a solution containing the equivalent of 1 milligram (approximate) of novobiocin per milliliter.

(ii) Prepare a saturated aqueous solution of *N*,2,6-trichloroquinoneimine by shaking continuously for 30 minutes in a dark bottle 25 milligrams of *N*,2,6-trichloroquinoneimine in 100 milliliters of distilled water. Let stand 2 hours after shaking. Store in the dark bottle.

(iii) Add 2.0 milliliters of the saturated *N*,2,6-trichloroquinoneimine solution to 4 milliliters of the novobiocin solution. Mix well and heat in a water bath at 37° C. for 10 minutes. The development of a blue color is a positive test for the presence of novobiocin. To 2 milliliters of the blue solution add 2 milliliters of *N*-butyl alcohol and shake well. A green color should develop in the butyl alcohol layer. To the other 2-milliliter portion of the blue solution, add 2 milliliters of benzene (c.p.), and shake well. A pink color should develop in the benzene layer.

(10) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.70 Rifampin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rifampin is a red-brown powder. It is 3-(4-methylpiperazinylimi-nomethyl) rifamycin SV. It is very slightly soluble in water, soluble in ethyl acetate and in methyl alcohol, and freely soluble in chloroform. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 2 percent.

(iv) Its pH is not less than 4.0 and not more than 6.0 in a 1 percent aqueous suspension.

(v) When calculated on the anhydrous basis, its absorptivity at 475 nanometers is 100±4 percent of that of the rifampin working standard, similarly treated.

(vi) It passes the identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, absorptivity, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a stock solution containing 1.0 milligram of rifampin per milliliter (estimated). Further dilute an aliquot of the stock solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 5.0 micrograms of rifampin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter, except dry the sample for 4 hours.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a 1 percent aqueous suspension.

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{milligrams standard} \times (100 - m_s)}{\text{Absorbance of standard} \times \text{milligrams sample} \times (100 - m_t)} \times 100$$

where

m_s = percent moisture in standard;

m_t = percent moisture in sample.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the sample preparation method described in paragraph (b)(3) of that section, except use a 4 percent solution of the sample in chloroform and 0.1-millimeter matched absorption cells.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.80a Sterile spectinomycin hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile spectinomycin hydrochloride is the pentahydrated dihydrochloride salt of decahydro-4a, 7, 9-trihydroxy - 2 - methyl - 6,6-bis(methylamino) 4H - pyrano[2,3 - b][1,4]benzodioxin-4-one. It is so purified and dried that:

(i) Its spectinomycin content is not less than 603 micrograms per milligram. If it is packaged for dispensing, its spectinomycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of spectinomycin that it is represented to contain.

(ii) Its microbiological activity is not less than 603 micrograms of spectinomycin per milligram.

(iii) It is sterile.

(iv) It is nonpyrogenic.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve approximately 100 milligrams each of the sample and standard in a 100-milliliter volumetric flask containing 50 milliliters of absolute methyl alcohol, and dilute to volume with absolute methyl alcohol. Transfer a 2-milliliter aliquot to a 100-milliliter volumetric flask, and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0, as listed in § 436.101(a)(1) of this chapter. Using a suitable spectrophotometer equipped with a 1-centimeter cell, immediately determine the absorption of each solution at 475 nanometers with the blank containing the same proportion of solution I and methyl alcohol as the sample and standard solutions. Calculate the absorptivity as follows:

(v) It passes the safety test.

(vi) It contains no histamine nor histamine-like substances.

(vii) Its moisture content is not less than 16 percent nor more than 20 percent.

(viii) Its pH is an aqueous solution containing 10 milligrams per milliliter is not less than 3.8 nor more than 5.6. If it is packaged for dispensing, when reconstituted as directed in the labeling, its pH is not less than 4.0 nor more than 7.0.

(ix) It passes the identity test.

(x) Its residue on ignition is less than 1 percent.

(xi) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for spectinomycin content, microbiological activity, sterility, pyrogens, safety, histamine, moisture, pH, identity, residue on ignition, and crystallinity.

(ii) Samples required:

(a) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: eight packages, each containing approximately 300 milligrams and two containing not less than 3 grams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Spectinomycin content (vapor phase chromatography).* Proceed as directed in § 436.307 of this chapter; and also, if the batch is packaged for dispensing prepare the sample for assay as follows: Reconstitute the vial as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of spectinomycin content in a given volume of the resultant preparation remove an accurately measured representative portion from the container. Dilute the

sample with water to a concentration equivalent to about 20 milligrams per milliliter of spectinomycin. Transfer 1.0 milliliter of the diluted sample to a 25-milliliter glass-stoppered Erlenmeyer flask and dry by lyophilization. Proceed as directed in § 436.307(d)(1)(ii) of this chapter. Calculate the spectinomycin content as follows:

$$\text{Milligrams of spectinomycin per dose} = \frac{R_u \times W_s \times D \times f}{R_s}$$

where:

$R_u = \dfrac{\text{Area of spectinomycin sample peak (at a retention time equal to that observed for the spectinomycin standard)}}{\text{Area of internal standard peak}}$

$R_s = \dfrac{\text{Area of the spectinomycin standard peak}}{\text{Area of internal standard peak}}$

W_s = Weight of the spectinomycin working standard in milligrams;

D = Dilution of the spectinomycin dose;

f = Potency of the spectinomycin working standard in milligrams of spectinomycin per milligram.

(2) *Microbiological activity (microbiological turbidimetric assay).* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30.0 micrograms of spectinomycin per milliliter (estimated).

(3) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (a)(1) of that section.

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 50 milligrams of spectinomycin base per milliliter.

(5) *Safety.* Proceed as directed in § 436.33 of this chapter.

(6) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(7) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(8) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter, except, if it is packaged for dispensing, use the suspension obtained after reconstituting the drug as directed in the labeling.

(9) *Identity test.* Proceed as directed in § 436.211 of this chapter, using the method described in paragraph (b)(2) of that section.

(10) *Residue on ignition.* Proceed as directed in § 436.207 of this chapter, using the method described in paragraph (b) of that section.

(11) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 455.85 Vancomycin hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Vancomycin hydrochloride is the hydrochloride salt of a kind of vancomycin or a mixture of two or more such salts. It is soluble in water and moderately soluble in dilute methyl alcohol. It is insoluble in higher alcohols, acetone, and ether. It is so purified and dried that:

(i) It contains not less than 900 micrograms of vancomycin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 5 percent.

(iv) Its pH in an aqueous solution containing 50 milligrams per milliliter is not less than 2.5 and not more than 4.5.

(v) It contains not more than 15 percent of factor A.

(vi) It gives a positive identity test for vancomycin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, factor A content, and identity.

(ii) Samples required: 12 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample of approximately 30 milligrams in sufficient sterile distilled water to give a stock solution of 1 milligram per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 10 micrograms of vancomycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 50 milligrams per milliliter.

(5) *Identity and factor A content.* Proceed as directed in § 455.85a(b)(7).

§ 455.85a Sterile vancomycin hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile vancomycin hydrochloride is the hydrochloride salt of a kind of vancomycin or a mixture of two or more such salts. It is soluble in water and moderately soluble in dilute methyl alcohol. It is insoluble in higher alcohols, acetone, and ether. It is so purified and dried that:

(i) It contains not less than 900 micrograms of vancomycin per milligram, calculated on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of vancomycin that it is represented to contain.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its moisture content is not more than 5 percent.

(vi) Its pH in an aqueous solution containing 50 milligrams per milliliter is not less than 2.5 and not more than 4.5.

(vii) Its heavy metals content is not more than 30 parts per million.

(viii) It contains not more than 15 percent of factor A.

(ix) It gives a positive identity test for vancomycin.

(2) *Packaging.* In addition to the requirements of § 432.1 of this chapter, if it is packaged for dispensing, the vancomycin content of each immediate container is 500 milligrams of vancomycin.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, moisture, pH, heavy metals, factor A content, and identity.

(ii) Samples required:

(a) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 12 packages, each containing approximately 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample of approximately 30 milligrams in sufficient sterile distilled water to give a stock solution of 1 milligram per milliliter; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to give a stock solution of 1 milligram per milliliter. Further dilute an aliquot of the stock solution with solution 4 to the reference concentration of 10.0 micrograms of vancomycin per milliliter (estimated).

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(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use sterile distilled water in lieu of diluting fluid A.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 5 milligrams of vancomycin per milliliter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 50 milligrams per milliliter.

(7) *Identity and factor A content—*(i) *Preparation of the chromatogram—*(a) *Equipment.* (1) Chromatographic paper (Whatman No. 1 untreated filter paper).

(2) Equipment for descending paper chromatography (Mitchell tank).

(b) *Preparations of solutions—*(1) *Factor A.* Prepare a solution in distilled water to contain 1.33 milligrams of factor A per milliliter and further dilute with distilled water to prepare solutions containing 0.1 and 0.2 milligram of factor A per milliliter.

(2) *Vancomycin working standard solution.* Prepare a solution in distilled water to contain 1.33 milligrams of vancomycin per milliliter.

(3) *Known mixture of factor A and vancomycin.* Prepare a solution in distilled water to contain 0.2 milligram of factor A and 1.13 milligrams of vancomycin (estimated) per milliliter.

(4) *Sample.* Prepare two solutions of the sample in distilled water, each to contain 1.33 milligrams of vancomycin (estimated) per milliliter.

(5) *Solvent mixture.* Mix 300 milliliters of butyl alcohol, 150 milliliters of pyridine, and 200 milliliters of water in a large separatory funnel and shake well for 3 minutes. Let stand at room temperature. There should be no separation of layers.

(c) *Procedure.* Saturate the atmosphere in the tank with vapors of the solvent mixture by placing 10 milliliters of the mixture in a trough in the bottom of the tank and closing tightly for 15 minutes. Prepare a sheet of chromatographic paper (8 inches x 8 inches) by carefully drawing a line of origin with a pencil 2 inches from one of the edges. Fold the paper along a straight line 1½ inches from the same edge of the paper. Starting 1 inch from the left-hand edge, establish points at 1-inch intervals along the line of origin on which to apply the solutions. Using a micropipette, apply the factor A solutions, the vancomycin solution, the known mixture solution, and the sample solutions by placing 5 microliters of each on separate spots. Properly identify the locations of the spots but avoid unnecessary handling of the paper. Allow the spots to dry spontaneously. Suspend the paper in the chamber so that the edge nearest the fold can be conveniently immersed in the solvent mixture contained in the top trough. Immerse the paper across its entire width to a depth sufficient to assure contact with the solvent mixture during the entire development time. Close the chamber tightly and allow the chromatograph to develop at room temperature for 6½ to 7 hours. Remove the paper and allow it to dry completely.

(ii) *Development by bioautograph—*(a) *Preparation of test organism (spore suspension).* The test organism is *Bacillus subtilis* (ATCC 6633),[1] test organism H, prepared as described in § 436.103 of this chapter, using the method described in paragraph (b)(2) of that section.

(b) *Preparation of plates—*(1) *Base layer.* Add 42 milliliters of medium 2 described in § 436.102(b)(2) of this chapter to each Petri dish (25 millimeters x 150 millimeters) and allow to harden on a flat, level surface. To prevent condensation of excess moisture, raise the tops slightly while the agar hardens.

(2) *Seed layer.* Melt nutrient agar medium 2 described in § 436.102(b)(2) of this chapter. Accurately measure a sufficient quantity of the melted agar, cool to 48° C., and add the appropriate quantity of the spore suspension prepared as described in paragraph (b)(7)(ii)(a) of this section. Swirl the flask of inoculated agar to obtain a homogeneous suspension. Add 8 milliliters of this inoculated agar to each plate, spread evenly, and allow to harden on a flat, level surface. For accurate results, it is necessary to obtain uniform distribution of the agar over the entire surface of the plates.

(c) *Assay.* For each spot on the paper described in paragraph (b)(7)(i)(c) of this section, cut a strip 1.5 centimeters by approximately 14 centimeters with the center of each strip centered about the line of descent of the spot. Place all strips on plates with the aid of forceps within as short a period of time as possible. Use maximum spacing between strips. Insure complete contact so that the entire strip becomes uniformly moistened. Allow to stand for 30 minutes. Remove the strips and identify each strip location on the Petri dish. Incubate the plates for 16–18 hours at 37° C. Any zone of inhibition corresponding to factor A in the sample must not be greater than that of the 0.2 milligram-per-milliliter factor A standard. Also, the two areas of inhibition for the sample due to the presence of factor A and vancomycin must compare to the corresponding two areas of inhibition of the known mixture in their respective distances from their origins.

(8) *Heavy meals.* Proceed as directed in § 436.208 of this chapter.

Subpart B—Oral Dosage Forms

§ 455.110 Chloramphenicol capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol capsules are composed of chloramphenicol with or without one or more suitable and harmless diluents and lubricants. Each capsule contains 50, 100, or 250 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. The chloramphenicol used conforms to the standards prescribed by § 455.10(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(b) The batch for potency.

(ii) Samples required:

(a) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay; potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(1) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed, glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Then add 400 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and blend again for 2 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Spectrophotometric assay—*(i) *Preparation of working standard solution.* Dissolve approximately 50 milligrams of the working standard in 100 milliliters of distilled water. Warm if necessary to hasten dissolution. Transfer 10 milliliters into a 250-milliliter volumetric flask and fill to volume with distilled water.

(ii) *Procedure.* Place the contents of 10 capsules into a 250-milliliter volumetric flask. Add 50 milliliters of pure methyl alcohol to the flask and shake for at least 1 minute. Fill to volume with distilled water and mix thoroughly. Withdraw an aliquot and dilute with sufficient distilled water to give a concentration of 20 micrograms per milliliter. Using a suitable spectrophotometer equipped with a 1.0-centimeter cell and distilled water as the blank, determine the absorbance of the working standard and sample solutions at 278 nanometers. Calculate the potency as follows:

$$\text{Milligrams per capsule} = \frac{\text{Absorbance of sample} \times \text{labeled potency per capsule in milligrams}}{\text{Absorbance of standard}}$$

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

§ 455.111 Chloramphenicol palmitate oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate oral suspension is chloramphenicol palmitate and one or more suitable and harmless buffer substances, suspending agents, preservatives, colorings, and flavorings suspended in a suitable and harmless vehicle. Each milliliter contains 31.25 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. Its pH is not less than 4.5 nor more than 7.0. Its content of polymorph A crystals does not exceed 10 percent. The chloramphenicol palmitate used conforms to the standards prescribed by § 455.11(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The chloramphenicol palmitate used in making the batch for potency, safety, melting range, specific rotation, and crystallinity.

(b) The batch for potency, pH, and content of polymorph A crystals.

(ii) Samples required:

(a) The chloramphenicol palmitate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Preparation of chloramphenicol working standard solution.* Dissolve approximately 50 milligrams of the chloramphenicol working standard, accurately weighed, in a 100-milliliter volumetric flask with absolute ethyl alcohol. Fill to volume with absolute ethyl alcohol. Transfer 10.0 milliliters into a 250-milliliter volumetric flask and fill to volume with absolute ethyl alcohol.

(ii) *Procedure.* Transfer an accurately measured amount of the suspension, equivalent to about 125 milligrams of chloramphenicol, to a separatory funnel. Add 10 milliliters of water and then extract completely with 25-milliliter portions of chloroform, allowing the layers to separate and filtering each successive chloroform extract through a pledget of cotton into a 250-milliliter volumetric flask, then add chloroform to volume, and mix. Pipette 4 milliliters of the clear chloroform solution into a 100-milliliter volumetric flask, dilute with ethyl alcohol to volume, and mix. Using a suitable spectrophotometer equipped with a 1.0-centimeter cell and a blank composed of 1.0 milliliter of chloroform, U.S.P. diluted to 25 milliliters with absolute ethyl alcohol, determine the absorbance of the chloroform working standard solution at 276 nanometers and that of the sample solution at 271 nanometers. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per milliliter} = \frac{\text{Absorbance of sample} \times \text{labeled potency per milliliter in milligrams}}{\text{Absorbance of standard}}$$

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

(3) *Content of polymorph A crystal.—*(i) *Preparation of standards—*(a) *Standard containing 20 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 4 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(b) *Standard containing 10 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 9 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(ii) *Preparation of sample.* Place 20 milliliters of thoroughly mixed oral suspension into a 50-milliliter centrifuge tube. Add 20 milliliters of water and mix. Centrifuge for 10 to 15 minutes at a speed not less than 18,000 revolutions per minute. Decant the supernatant liquid. Wash the residue as follows: Add 2 milliliters of water to the residue, mix to make paste, add 18 milliliters of water, and mix thoroughly. Centrifuge, decant the supernatant liquid, and wash the residue two more times. Remove the washed residue from the centrifuge tube and dry it at least 14 hours in a vacuum desiccator at room temperature.

(iii) *Procedure.* Weigh 150 to 200 milligrams of liquid petrolatum into an agate mortar and add about 100 milligrams of standard or sample. Mix with a small spatula and then mull thoroughly with a pestle until a uniform consistency is obtained. Adjust a suitable infrared spectrophotometer so that 100 percent transmittance is recorded over the range of 11.0 to 13.0 microns. Use two rock salt plates as an absorption cell. Place a small drop of the mull in the center of one of the plates. Gently put the other plate on the mull and slowly squeeze the plates together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. Examine the assembled cell by holding it up to the light. It should appear smooth and free of any air bubbles and when placed in the instrument it should give a percent transmittance of 20 to 30 percent at 12.3 microns. Place the cell in the infrared spectrophotometer and record the absorption spectrum from 11.0 to 13.0 microns.

(iv) *Treatment of spectra—*(a) *Standard containing 20 percent of polymorph A.* Determine by inspection of the recorded spectrum the exact wavelengths of minimum absorption at approximately 11.3 and 12.65 microns. Also determine by inspection the exact wavelengths of maximum absorption at approximately 11.65 and 11.86 microns. In the following subdivision, references to these four nominal wavelengths are to the exact wavelengths observed on the particular instrument being used.

(b) *Standard containing 10 percent of polymorph A.* Draw a straight baseline between the minima occurring at 11.3 and 12.65 microns. Draw straight lines at 11.65 and 11.86 microns intersecting both the recorded spectrum and the baseline. Obtain the corrected absorbances at 11.65 and 11.86 microns and calculate the absorbance ratios as follows:

$$\text{Absorbance ratio} = \frac{{}^{s}11.65 - {}^{z}11.65}{{}^{s}11.86 - {}^{z}11.86}$$

where:

$^{s}11.65$ = Absorbance value of recorded spectrum at 11.65 microns;

$^{z}11.65$ = Absorbance value at point of intersection of the 11.65-micron line with the baseline;

$^{s}11.86$ = Absorbance value of recorded spectrum at 11.86 microns;

$^{z}11.86$ = Absorbance value at point of intersection of the 11.86-micron line with the baseline.

(c) *Sample.* Proceed as described in paragraph (b)(3)(iv)(b) of this section.

(v) *Calculation.* The absorbance ratio of the sample must be greater than the absorbance ratio of the standard containing 10 percent of polymorph A.

§ 455.120 Cycloserine capsules.

(a) *Requirements for certification—*(1) *Standards of identity, quality, and purity.* Cycloserine capsules are capsules composed of crystalline cycloserine, with or without one or more suitable and harmless buffer substances, diluents, binders, and lubricants. Each capsule contains 250 milligrams of cycloserine. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cycloserine that it is represented to contain. The loss on drying is not more than 1.0 percent. The cycloserine used conforms to the standards prescribed by § 455.20(a)(1).

(2) *Labeling.* In addition to the labeling prescribed by § 432.5 of this chapter, the labeling of each package shall bear a warning to the effect that the drug is to be used in patients with tuberculosis who fail to respond to treatment with isoniazid, streptomycin, paraaminosalicylic acid, viomycin, pyrazinamide, or combinations of these drugs, and that the drug may cause serious reactions such as convulsive seizures and mental disturbances.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) Cycloserine used in making the batch for potency, safety, loss on drying, pH, residue on ignition, crystallinity, and identity.

(b) The batch for cycloserine content and loss on drying.

(ii) Samples required:

(a) Cycloserine used in making the batch: 10 packages, each containing approximately 500 milligrams.

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(b) The batch: Minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Using the cycloserine working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Chemical colorimetric assay*—(a) *Reagents.* (1) Acetic acid—1.0*N* solution.

(2) Sodium hydroxide—4.0*N* and 0.1*N* solutions.

(3) Sodium nitroprusside—4.0 percent solution: Dissolve 4.0 grams in sufficient distilled water to make 100.0 milliliters. Mix well. Store in amber bottle.

(4) Oxidized nitroprusside reagent—Mix equal parts of the 4.0 percent sodium nitroprusside solution and 4.0*N* sodium hydroxide, and let stand for 1 hour before using. Prepare daily and store in amber bottle.

(5) Cycloserine standard solution—dilute an appropriate-sized aliquot of the stock standard solution, prepared as directed in § 455.20(b) (1) (i) (*a*), in 0.1*N* sodium hydroxide to obtain a working standard solution containing 100 micrograms of cycloserine per milliliter.

(b) *Procedure.* Transfer the contents of 10 capsules into a 1,000-milliliter volumetric flask. Add 0.1*N* sodium hydroxide to dissolve the sample, and add sufficient 0.1*N* sodium hydroxide to measure 1,000 milliliters. Mix well and filter. Dilute an aliquot of the filtrate with sufficient 0.1*N* sodium hydroxide to give a concentration of 0.1 milligram per milliliter (estimated) and mix well. Pipette exactly 1.0 milliliter of the working standard solution and 1.0 milliliter of the sample solution into separate test tubes. Add exactly 3.0 milliliters of 1.0*N* acetic acid and exactly 1.0 milliliter of oxidized nitroprusside reagent to each of the test tubes; then mix thoroughly. Allow the tubes to stand at room temperature for 10 to 15 minutes, in order that maximum color intensity may develop. Using a reagent blank, determine the absorbance of the solutions at 625 nanometers in a suitable spectrophotometer.

Calculation:

$$\text{Milligrams of cycloserine per capsule} = \frac{\text{Sample absorbance}}{\text{Standard absorbance}} \times \text{Labeled potency per capsule in milligrams.}$$

(ii) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules in a high-speed glass blender with sufficient sterile distilled water to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute the stock solution with sterile distilled water to the reference concentration of 50 micrograms of cycloserine per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 455.150 Calcium novobiocin oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Calcium novobiocin oral suspension is a suspension containing calcium novobiocin and one or more suitable and harmless diluents, preservatives, suspending agents, surfactants, flavorings, and colorings in purified water. Each milliliter contains 25 milligrams of novobiocin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of novobiocin that it is represented to contain. The pH is not less than 6.0 and not more than 7.5. The calcium novobiocin used conforms to the standards prescribed by § 455.50(a) (1) (i), (ii), (iv), (v), (vi), and (vii). If sodium novobiocin is reacted with a suitable calcium salt to form calcium novobiocin, the sodium novobiocin used conforms to the standards prescribed by § 455.51(a) (1) (i), (ii), (iv), (v), (vi), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The calcium novobiocin used in making the batch for potency, safety, pH, crystallinity, identity, and specific rotation. If sodium novobiocin is used in making the batch: Potency, safety, pH, residue on ignition, specific rotation, identity, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The calcium novobiocin or the sodium novobiocin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: Minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Remove a representative sample of the sirup with a suitable syringe and place into a high-speed glass blender with sufficient absolute ethyl alcohol to give a concentration (estimated) of 1,000 micrograms per milliliter. Blend for 3 to 5 minutes. Further dilute with 10 percent potassium phosphate buffer, pH 1.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted suspension.

§ 455.151 Sodium novobiocin oral dosage forms.

§ 455.151a Sodium novobiocin tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin tablets are tablets that contain sodium novobiocin, with or without one or more suitable and harmless buffer substances, diluents, binders, and lubricants. Each tablet contains 125 milligrams or 250 milligrams of novobiocin. The 125-milligram tablet contains 375 milligrams of sulfamethizole. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of novobiocin that it is represented to contain. Its loss on drying is not more than 3 percent. The tablets disintegrate within 1 hour. The sodium novobiocin used conforms to the standards prescribed by § 455.51(a) (1).

(2) *Labeling.* It shall be labeled in accordance with § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) Sodium novobiocin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, specific rotation, identity, and crystallinity.

(*b*) The batch for potency, loss on drying, disintegration time.

(ii) Samples required:

(*a*) Sodium novobiocin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the method described in paragraph (e) (1) of that section.

§ 455.151b Sodium novobiocin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin capsules are gelatin capsules containing sodium novobiocin with a suitable and harmless filler and with or without a binder and a lubricant. Each capsule contains 100 milligrams or 250 milligrams of novobiocin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of novobiocin that it is represented to contain. The loss on drying is not more than 6.0 percent. The sodium novobiocin used conforms to the standards prescribed by § 455.51(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium novobiocin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, specific rotation, crystallinity, and identity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The sodium novobiocin used in making the capsules: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules in a high-speed glass blender with 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 455.170 Rifampin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rifampin capsules are gelatin capsules containing rifampin with a suitable and harmless filler and with or without binders, lubricants, and stabilizers. Each capsule contains 300 milligrams of rifampin. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of rifampin that it is represented to contain. Its loss on drying is not more than 3.0 percent. The rifampin used conforms to the standards prescribed by § 455.70(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The rifampin used in making the batch for potency, safety, loss on drying, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The rifampin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) Potency. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing 200 milliliters of methyl alcohol and blend for 3 minutes. Add 300 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 5.0 micrograms of rifampin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 455.185 Vancomycin hydrochloride for oral solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Vancomycin hydrochloride for oral solution is vancomycin hydrochloride packaged in a suitable dispensing container. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of grams of vancomycin that it is represented to contain. Its moisture content is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 and not more than 4.5. The vancomycin hydrochloride used conforms to the standards prescribed by § 455.85.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assay on:

(*a*) The vancomycin hydrochloride used in making the batch for potency, safety, moisture, pH, factor A content, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The vancomycin hydrochloride used in making the batch: 12 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Empty the contents into an accurately measured volume of distilled water as directed in the labeling of the drug. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 10 micrograms of vancomycin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

Subpart C—Injectable Dosage Forms

§ 455.210 Chloramphenicol injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol injection is chloramphenicol, with or without one more suitable and harmless buffer substances, dissolved in one or more suitable and harmless solvents. Each milliliter contains 250 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its pH is not less than 4.7 and not more than 5.0. The chloramphenicol used conforms to the standards prescribed by § 455.10a (a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of eight immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative aliquot of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a convenient concentration. Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) of that section, except add the contents of each container directly to the dry filter, thus eliminating the preliminary solubilization step.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 5 milligrams per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted drug.

§ 455.251 Sodium novobiocin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium novobiocin for injection is sodium novobiocin with or without one or more suitable solubilizing agents, preservatives, and diluents. Each vial contains 500 milligrams of novobiocin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of novobiocin that it is represented to contain. It is sterile, nonpyrogenic, and nontoxic. Its loss on drying is not more than 6.0 percent. Its pH, when reconstituted as directed in the labeling, is not less than 6.5 and not more than 8.5. The sodium novobiocin used conforms to the

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standards prescribed by § 455.51a(a)(1)(i), (iii), (iv), (v), (vi), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium novobiocin used in making the batch for potency, loss on drying, pH, residue on ignition, specific rotation, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The sodium novobiocin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32 of this chapter, using a solution containing 10 milligrams of novobiocin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in §436.200 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the sample after reconstituting as directed in the labeling.

§ 455.280a Sterile spectinomycin hydrochloride.

The requirements for certification and the tests and methods of assay for sterile spectinomycin hydrochloride packaged for dispensing are described in § 456.80a.

§ 455.285a Sterile vancomycin hydrochloride.

The requirements for certification and the tests and methods of assay for sterile vancomycin hydrochloride packaged for dispensing are described in § 455.85a.

Subpart D—Ophthalmic Dosage Forms

§ 455.310 Chloramphenicol ophthalmic dosage forms.

§ 455.310a Chloramphenicol ophthalmic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol ophthalmic solution contains in each milliliter 5 milligrams of chloramphenicol with or without one or more suitable and harmless preservatives, buffer substances, and surfactants in an aqueous solution. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. Its pH is not less than 3 nor more than 6; however, if the solution is buffered, its pH is not less than 7.0 nor more than 7.5. The chloramphenicol used conforms to the standards prescribed by § 455.10(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 containers, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative aliquot of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric assay.* Dilute a 1-milliliter aliquot of the sample in sufficient distilled water to make a solution containing 20 milligrams of chloramphenicol per milliliter. Dissolve an accurately weighed portion of the working standard in sufficient distilled water to give a solution containing 20 milligrams per milliliter. Warm if necessary to hasten solution of the working standard. Cool. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of the sample and standard solutions at 278 nanometers. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per milliliter} = \frac{\text{Absorbance of sample} \times \text{labeled potency per milliliter in milligrams}}{\text{Absorbance of standard}}$$

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

§ 455.310b Chloramphenicol ophthalmic.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol ophthalmic is chloramphenicol, with or without one or more suitable and harmless preservatives, buffer substances, and diluents. It may contain cortisone hydrocortisone, or a suitable ester of cortisone or hydrocortisone. It is sterile. The chloramphenicol is of such quantity that when prepared as directed in its labeling the potency of such solution or suspension is not less than 1.0 milligram per milliliter and maintains its labeled potency after it has been kept for 10 days at room temperature. Such solution or suspension has a pH of 7.3±0.2. The chloramphenicol used conforms to the requirements of § 455.10b(a)(1), except paragraph (a)(1)(ii), (iv), and (v) of that section. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefore by such official compendium.

(2) *Packaging.* The immediate container of chloramphenicol ophthalmic shall be a tight container as defined by the U. S. P. Its closure shall be one through which a hypodermic needle cannot be introduced. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container may be packaged in combination with a container of the solvent, sterile distilled water U. S. P.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container:

(*a*) The statement "Expiration date ----------", the blank being filled in with the date that is 60 months after the month during which the batch was certified.

(*b*) If it is packaged in combination with a container of a solvent, the statement "*Warning*—Not for injection".

(ii) If it contains one of the active ingredients specified in paragraph (a)(1) of this section, after the name "chloramphenicol ophthalmic", wherever it appears, the name of such ingredient, in juxtaposition with such name.

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of chloramphenicol ophthalmic shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless previously submitted) the date on which the latest assay of the chloramphenicol used in making such batch was completed, the number of milligrams of chloramphenicol in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: potency, sterility, and pH of the solution or suspension prepared as directed in its labeling.

(*b*) The chloramphenicol used in making the batch; potency, toxicity, pH, specific rotation, melting point, and absorptivity.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples or the following:

(*a*) The batch:

(*1*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(*b*) The chloramphenicol used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 455.10b(a)(2).

(c) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams, except if cortisone acetate is used, such package shall contain approximately 100 milligrams.

(iv) No result referred to in paragraph (a)(4)(ii)(b) of this section, and no sample referred to in paragraph (a)(4)(iii)(b) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive.

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an accurately measured representative aliquot of the sample with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a convenient concentration. Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *Spectrophotometric assay.* Reconstitute the sample as directed in the labeling and dilute a 1.0-milliliter aliquot in sufficient distilled water to give a solution containing 20 micrograms of chloramphenicol per milliliter. Dissolve an accurately weighed portion of the working standard in sufficient distilled water to give a solution containing 20 micrograms per milliliter. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of the sample and standard solutions at 278 nanometers. Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per milliliter} = \frac{\text{Absorbance of sample} \times \text{labeled potency per milliliter in milligrams}}{\text{Absorbance of standard}}$$

The potency of chloramphenicol ophthalmic is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams that it is represented to contain.

(2) *Sterility.* Use entire contents, and proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except if it contains a corticoid use 0.5 milliliter of the suspension prepared according to label directions and proceed as directed in paragraph (e)(2) of that section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 455.310c Chloramphenicol ointment (chloramphenicol cream).

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol ointment is chloramphenicol in a suitable and harmless ointment base, with or without suitable and harmless buffer substances, dispersing and suspending agents. It may contain cortisone or a suitable derivative of cortisone. If such base is water-miscible, it shall contain a suitable and harmless preservative. Its potency is not less than 1.0 milligram per gram. If it is intended for ophthalmic use, it is sterile. The chloramphenicol used conforms to the requirements of § 455.10b(a)(1) except § 455.10b(a)(1)(ii), (iii), (iv), and (v) of that section. The chloramphenicol used in making the chloramphenicol ophthalmic ointment conforms to the requirements of § 455.10b(a)(1) except § 455.10b(a)(1)(iv) and (v). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Unless it is packaged in a single dose container, chloramphenicol ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U.S.P., and shall not be larger than the ⅛-ounce size if such ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size, except that if it is labeled solely for hospital use it may be packaged in immediate containers of glass which meet the test for tight containers as defined by the U. S. P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container the statement "Expiration date ----------", the blank being filled in with the date that is 60 months, or 24 months if it is packaged in an immediate container other than tin or glass, or 12 months if the ointment base is water miscible, after the month during which the batch was certified.

(ii) If it contains one of the active ingredients specified in paragraph (a)

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(1) of this section, after the name "chloramphenicol ointment", wherever it appears, the name of the active ingredient, in juxtaposition with such name.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting point, and absorptivity, and for toxicity if the ointment is intended for ophthalmic use.

(*b*) The batch for potency and for sterility if the ointment is intended for ophthalmic use.

(ii) Samples required:

(*a*) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams, packaged in accordance with the requirements of § 455.10b(a)(2).

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers if it is packaged in immediate containers of tin or glass; a minimum of 20 immediate containers if it is packaged in immediate containers other than tin or glass.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows:

(i) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of petroleum ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20 to 25-milliliter quantities of solution 1. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 1. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated). The potency of chloramphenicol ointment is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain.

(2) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section. However, if the ointment is not soluble in isopropyl myristate proceed as directed in § 436.20 of this chapter, using the method described in § 436.20(e)(2), except use 100 milligrams in lieu of 300 milligrams of solids.

§ 455.310d Chloramphenicol-polymyxin ointment.

(a) *Requirements for certification.* Chloramphenicol-polymyxin ointment conforms to all requirements and is subject to all procedures prescribed by § 455.310c(a) for chloramphenicol ointment, except that:

(1) It contains not less than 5,000 units of polymyxin B per gram. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 444.170a(a)(1) of this chapter.

(2) In lieu of the labeling prescribed by § 455.310c(a)(3)(i)(*a*), each package shall bear on the outside wrapper or container and the immediate container, the statement "Expiration date _____", the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by this section: *Provided however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container.

(3) In addition to complying with the requirements of § 455.310c(a)(4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and date of the latest tests and assays of the polymyxin used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 6 packages of ointment and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Chloramphenicol content.* Proceed as directed in § 455.310c(b). Its chloramphenicol content is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams per gram that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 444.170a(b)(2)(i) of this chapter, except in lieu of the directions in § 444.170a(b)(2)(i)(*g*) of this chapter for the preparation of the sample, prepare the sample as follows: Place an accurately weighed sample (usually approximately 1.0 gram) in a separatory funnel containing approximately 50 milliliters of peroxide-free ether, and shake the sample and ether until homogeneous. Add 25 milliliters of 10-percent potassium phosphate buffer, pH 6.0 and shake. Remove the buffer layer and repeat the extraction with three additional 25-milliliter portions of buffer. Combine the extractives and make the proper estimated dilutions, using the buffer solution, except that, if the sample contains a water-soluble base, place an accurately weighed representative sample in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a final volume of 200 milliliters. Using a high-speed blender, blend the mixture for 2 minutes to 3 minutes and then make the proper estimated dilutions with 10 percent phosphate buffer pH 6.0. Its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of units per gram that it is represented to contain.

(2) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section. However, if the ointment is not soluble in isopropyl myristate proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use 100 milligrams in lieu of 300 milligrams of solids.

Subpart E—Otic Dosage Forms

§ 455.410 Chloramphenicol otic; chloramphenicol topical.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol otic and chloramphenicol topical is chloramphenicol, with or without ethyl aminobenzoate, in a suitable and harmless vehicle. The potency of the solution is not less than 5 milligrams per milliliter. Its moisture content is not more than 2 percent. Its pH is not less than 4 and not more than 8. The chloramphenicol used conforms to the requirements of § 455.10b(a)(1), except paragraph (a)(1)(ii), (iii), (iv), and (v) of that section. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Each immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the following:

(i) The statement "Expiration date _____", the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18, 24, or 30 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a)(1) of this section.

(ii) The statement "*Warning*—For external use only".

(4) *Request for certification; samples.* (i) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch the batch mark, and (unless it was previously submitted) the date on which the latest assay of the chloramphenicol used in making the batch was completed, the number of milligrams of chloramphenicol in each milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: potency, moisture, and pH.

(*b*) The chloramphenicol used in making the batch; potency, pH, specific rotation, melting point, and absorptivity.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers, collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The chloramphenicol used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 455.10b(a)(2).

(c) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative aliquot of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a convenient concentration. Further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated). Its potency is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(c) *pH.* Proceed as directed in § 436.202 of this chapter, using the sample diluted with an equal volume of distilled water.

Subpart F—Dermatologic Dosage Forms

§ 455.503a Calcium amphomycin-neomycin sulfate-hydrocortisone acetate cream.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Calcium amphomycin-neomycin sulfate-hydrocortisone acetate cream is calcium amphomycin, neomycin sulfate, and hydrocortisone acetate in a suitable and harmless water-soluble cream base containing suitable buffers, emulsifiers, and preservatives. Each gram contains 5 milligrams of amphomycin, 3.3 milligrams of neomycin, and 10 milligrams of hydrocortisone acetate. Its amphomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of amphomycin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain. The calcium amphomycin used in making the cream conforms to the standards prescribed by § 455.3(a)(1). The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1)(i), (v), (vi), and (vii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The calcium amphomycin used in making the batch for potency, moisture, and pH.

(*b*) The neomycin sulfate used in making the batch for potency, moisture, pH, and identity.

(*c*) The batch for amphomycin potency and neomycin sulfate potency.

(ii) Samples required:

(*a*) Calcium amphomycin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) Neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Amphomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Accurately weigh approximately 2.0 grams of the sample and place in a high-speed blender, add 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 6.0 (solution 3), to give a final volume of 200 milliliters. Blend for 2 minutes. Further dilute with solution 3 to the reference concentration of 10 micrograms of amphomycin per milliliter (estimated).

(2) *Neomycin content.* Proceed as directed in §436.105 of this chapter, preparing the sample for assay as follows: Blend the sample as described in paragraph (b)(1) of this section and further dilute with solution 3 to the reference concentration of 1 microgram of neomycin per milliliter (estimated).

§ 455.510 Chloramphenicol dermatologic dosage forms.

§ 455.510a Chloramphenicol ointment (chloramphenicol cream).

The requirements for certification and the tests and methods of assay for chloramphenicol ointment (chloramphenicol cream) are described in § 455.310c.

§ 455.510b Chloramphenicol otic; chloramphenicol topical.

The requirements for certification and the tests and methods of assay for chloramphenicol otic; chloramphenicol topical are described in § 455.410.

§ 455.510c Chloramphenicol-polymyxin ointment.

The requirements for certification and the tests and methods of assay for chloramphenicol-polymyxin ointment are described in § 455.310d.

PART 460—ANTIBIOTIC DRUGS INTENDED FOR USE IN LABORATORY DIAGNOSIS OF DISEASE

Subpart A—Susceptibility Discs

Sec.

460.1 Certification procedure for antibiotic sensitivity discs.

460.6 Tests and methods of assay for potency of antibiotic susceptibility discs.

460.15 Streptomycin sulfate discs for use in culture media.

Subpart B—Susceptibility Powders

460.25 Bacitracin diagnostic sensitivity powder.

460.28 Disodium carbenicillin diagnostic sensitivity powder.

460.33 Clindamycin hydrochloride hydrate sensitivity powder.

460.38 Sodium colistimethate diagnostic sensitivity powder.

460.42 Dihydrostreptomycin sulfate diagnostic sensitivity powder.

460.47 Doxycycline hyclate diagnostic sensitivity powder.

460.55 Lincomycin hydrochloride monohydrate diagnostic sensitivity powder.

460.58 Methacycline hydrochloride diagnostic sensitivity powder.

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Sec.
460.64 Minocycline hydrochloride powder for microbial susceptibility testing.
460.66 Oleandomycin phosphate diagnostic sensitivity powder.
460.70 Oxytetracycline hydrochloride diagnostic sensitivity powder.
460.75 Potassium penicillin G diagnostic sensitivity powder.
460.79 Polymyxin B sulfate diagnostic sensitivity powder.
460.86 Spectinomycin hydrochloride powder for microbial susceptibility testing.
460.89 Streptomycin sulfate diagnostic sensitivity powder.
460.93 Tetracycline hydrochloride diagnostic sensitivity powder.

Subpart A—Susceptibility Discs

§ 460.1 Certification procedure for antibiotic sensitivity discs.

(a) *Standards of identity, strength, quality, and purity.* Antibiotic susceptibility discs are round flat discs that have a diameter of one-fourth inch and are made of clear absorbent paper containing antibiotic compounds. They are capable of absorbing moisture rapidly and the antibiotic is evenly distributed. The thickness is sufficient to assure rigidity and to have permitted the complete absorption of an adequate volume of antibiotic solution (approximately 0.02 milliliter). The identity of each disc is signified either by a color or by means of an identifying sign. The absorbent paper and dye or ink used must not affect either bacterial growth or the antibiotic. Each disc shall have a uniform potency that is equivalent to that contained in a standard disc prepared with one of the following quantities of antibiotic drugs:

Ampicillin: 10 mcg.
Bacitracin: 10 units.
Carbenicillin: 50 mcg.
Cephalothin: 30 mcg.
Chloramphenicol: 30 mcg.
Clindamycin: 2 mcg.
Colistin: 10 mcg.
Erythromycin: 15 mcg.
Gentamicin: 10 mcg.
Kanamycin: 30 mcg.
Methicillin: 5 mcg.
Neomycin: 30 mcg.
Novobiocin: 30 mcg.
Oleandomycin: 15 mcg.
Penicillin G: 10 units.
Polymyxin B: 300 units.
Rifampin: 5 mcg.
Streptomycin: 10 mcg.
Tetracycline: 30 mcg.
Vancomycin: 30 mcg.

The standard discs used to determine the potency shall be made of paper as described in § 460.6(d). Each antibiotic compound used to impregnate such standard discs shall be equilibrated in terms of the working standard designated by the Commissioner for use in determining the potency or purity of such antibiotic.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container may contain a desiccant, and each may be packaged in combination with containers of suitable discs of drugs other than those described in paragraph (a) of this section. Such other discs shall be suitable only if the manufacturer and packer have submitted to the Commissioner information of the kind described in § 431.17 of this chapter, and such information has been accepted by the Commissioner.

(c) *Labeling.* Each package of discs shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The name and potency of each disc in the batch according to the following:

Name of Disc	*Content of antibiotic in micrograms or units per disc*
Ampicillin-class disc.	10 mcg. ampicillin.
Bacitracin disc.	10 units bacitracin.
Carbenicillin disc.	50 mcg. carbenicillin.
Cephalosporin-class disc.	30 mcg. cephalothin.
Chloramphenicol disc.	30 mcg. chloramphenicol.
Colistin disc.	10 mcg. colistin.
Erythromycin disc.	15 mcg. erythromycin.
Gentamicin disc.	10 mcg. gentamicin.
Kanamycin disc.	30 mcg. kanamycin.
Lincomycin-class disc.	2 mcg. clindamycin.
Neomycin disc.	30 mcg. neomycin.
Novobiocin disc.	30 mcg. novobiocin.
Oleandomycin disc.	15 mcg. oleandomycin.
Penicillin-class disc.	10 units penicillin G.
Penicillinase-resistant penicillin-class disc.	5 mcg. methicillin.
Polymyxin B disc	300 units polymyxin B.
Rifampin disc.	5 mcg. rifampin.
Streptomycin-class disc.	10 mcg. streptomycin.
Tetracycline-class disc.	30 mcg. tetracycline.
Vancomycin disc.	30 mcg. vancomycin.

(iii) The statement "Expiration date ----------", the blank being filled in with the date that is 6 months after the month during which the batch was certified, except that the blank may be filled in with a date that is 12, 18, 24, 30, 36, 42, 48, 54, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such longer period of time. If it is a packaged combination of discs of two or more drugs, its outside wrapper shall bear only one expiration date, and that date shall be the date that is required for the shortest dated discs contained in the package.

(iv) The statement "For laboratory use only".

(2) On the circular or other labeling within or attached to the package, adequate directions for the use of such discs, including the following recommended method:

Standardized Disc Susceptibility Test

directions for use

Quantitative methods that require the measurement of zone sizes give the most precise estimates of antibiotic susceptibilities. The following outline describes such a procedure. Minor variations from this procedure may be used if the resulting procedure is standardized according to the results obtained in the laboratory from adequate studies with control cultures.

A. Preparation of culture medium and plates

1. Melt previously prepared and sterilized Mueller-Hinton agar medium and cool to 45°–50° C.

2. For the purpose of testing certain fastidious organisms such as streptococci and *Haemophilus* species, 5 percent defibrinated human, horse, or sheep blood may be added to the above medium which is "chocolatized" when indicated.

3. To prepare the plates, pour the melted medium into Petri dishes on a level surface to a depth of 4 millimeters.

4. Let the medium harden and allow to stand long enough for excess moisture to evaporate. (For this purpose plates may be placed in an incubator at 35°–37° C. for 15–30 minutes or allowed to stand somewhat longer at room temperature.) There should be no moisture droplets on the surface of the medium or on the petri dish covers. The pH of the solidified medium should be 7.2–7.4. Satisfactory plates may be used immediately or refrigerated. Plates may be used as long as the surface is moist and there is no sign of deterioration.

Note: Commercially prepared agar plates meeting the above specifications may be used.

B. Preparation of inoculum

1. Select four or five similar colonies.

2. Transfer these colonies (obtained by touching the top of each colony in turn with a wire loop) in turn to a test tube containing about 5 milliliters of a suitable liquid medium such as soybean-casein digest broth, U.S.P.

3. Incubate the tube at 25°–37° C. long enough (2 to 8 hours) to produce an organism suspension with moderate cloudiness. At that point the inoculum density of the suspension should be controlled by diluting it, or a portion of it, with sterile saline to obtain a turbidity equivalent to that of a freshly prepared turbidity standard obtained by adding 0.5 milliliter of 1.175 percent barium chloride dihydrate ($BaCl_2 \cdot 2H_2O$) solution to 99.5 milliliters of 0.36 N (1.0 percent) sulfuric acid. Other suitable methods for standardizing inoculum density may be used; for example, a photometric method. In some cases it may be possible to get an adequate inoculum density in the tube even without incubation.

Note: Extremes in inoculum density should be avoided. Undiluted overnight broth culture should never be used for streaking plates.

C. Inoculating the plates

1. Dip a sterile cotton swab on a wooden applicator into the properly diluted inoculum. Remove excess inoculum from the swab by rotating it several times with firm pressure on the inside wall of the test tube above the fluid level.

2. Streak the swab over the entire sterile agar surface of a plate. Streaking successively in three different directions is recommended to obtain an even inoculum.

3. Replace the plate top and allow the inoculum to dry for 3 to 5 minutes.

4. Place the susceptibility discs on the inoculated agar surface and with sterile forceps, or needle tip flamed and cooled between each use, gently press down each disc to insure even contact. Space the discs evenly so that they are no closer than 10 to 15 millimeters to the edge of the petri dish and sufficiently separated from each other to avoid overlapping zones of inhibition. (Spacing may be accomplished by using a disc dispenser or by putting the plate over a pattern to guide the placement of discs.) Within 30 minutes, place the plate in an incubator under aerobic conditions at a constant temperature in the range of 35°–37° C.

5. Read the plate after overnight incubation or, if rapid results are desired, the diameters of the zone of inhibition may be readable after 6 to 8 hours incubation. In the latter case, the results should be confirmed by also reading the results after overnight incubation.

Note: Microbial growth on the plate should be just or almost confluent. If only isolated colonies are present the inoculum was too light and the test should be repeated.

Modifications of the inoculation procedure described in 1–3 above, such as the use of the agar overlay method described in Barry, A. L., Garcia, F., and Thrupp, L. D.: "An Improved Single-disk Method for Testing the Antibiotic Susceptibility of Rapidly-growing Pathogens." Amer. J. Clin. Pathol. 53:149–58, 1970,[12] a copy of which is on file with the Office of the Federal Register, may be used if the procedure is standardized to produce results with the control cultures that are equivalent to those obtained with the recommended cotton swab streak method.

D. Reading the plates

Measure and record the diameter of each zone (including the diameter of the disc) to the closest millimeter, reading to the point of complete inhibition as judged by the unaided eye. Preferably, read from the underside of the plate without removing the cover, using a ruler, calipers, transparent plastic gage, or other device. A mechanical zone reader may be used. If blood agar is used, measure the zones from the surface with the cover removed from the plate.

E. Interpretation of zone sizes

Interpret the susceptibility according to the following table:

[12] Copies may be obtained from: J. B. Lippincott Company, Attn: Circulation Manager, East Washington Square, Philadelphia, PA 19105.

Antibiotic	Disc content	Diameter (millimeters) of zone of inhibition: Resistant	Intermediate	Susceptible
Ampicillin[1] when testing gram-negative microorganisms and enterococci.	10 mcg.	11 or less	12–13	14 or more.
Ampicillin[1] when testing staphylococci and penicillin G—susceptible micro-organisms.	10 mcg.	20 or less	21–28	29 or more.
Ampicillin[1] when testing *Haemophilus* species	10 mcg.	19 or less		20 or more.
Bacitracin	10 units	8 or less	9–12	13 or more.
Carbenicillin when testing *Proteus* species and *Escherichia coli*.	50 mcg.	17 or less	18–22	23 or more.
Carbenicillin when testing *Pseudomonas aeruginosa*.	50 mcg.	12 or less	13–14	15 or more.
Cephalothin when reporting susceptibility to cephalothin, cephaloridine, and cephalexin.	30 mcg.	14 or less	15–17	18 or more.[2]
Cephalothin when reporting susceptibility to cephalexin.	30 mcg.	14 or less		15 or more.
Chloramphenicol	30 mcg.	12 or less	13–17	18 or more.
Clindamycin[3] when reporting susceptibility to clindamycin.	2 mcg.	14 or less	15–16	17 or more.
Clindamycin when reporting susceptibility to lincomycin.	2 mcg.	16 or less	17–20	21 or more.
Colistin	10 mcg.	8 or less	9–10	11 or more.[4]
Erythromycin	15 mcg.	13 or less	14–17	18 or more.
Gentamicin	10 mcg.	12 or less		13 or more.
Kanamycin	30 mcg.	13 or less	14–17	18 or more.
Methicillin[5]	5 mcg.	9 or less	10–13	14 or more.
Neomycin	30 mcg.	12 or less	13–16	17 or more.
Novobiocin	30 mcg.	17 or less	18–21	22 or more.[6]
Oleandomycin[7]	15 mcg.	11 or less	12–16	17 or more.
Penicillin G when testing staphylococci[8]	10 units	20 or less	21–28	29 or more.
Penicillin G when testing other micro-organisms[9]	10 units	11 or less	12–21	22 or more.
Polymyxin B	300 units	8 or less	9–11	12 or more.[4]
Rifampin when testing *Neisseria meningitidis* susceptibility only.	5 mcg.	24 or less		25 or more.
Streptomycin	10 mcg.	11 or less	12–14	15 or more.
Tetracycline[10]	30 mcg.	14 or less	15–18	19 or more.
Vancomycin	30 mcg.	9 or less	10–11	12 or more.

[1] The ampicillin disc is used for testing susceptibility to both ampicillin and hetacillin.

[2] Staphylococci exhibiting resistance to the penicillinase-resistant penicillin class discs should be reported as resistant to cephalosporin class antibiotics. The 30 mcg. cephalothin disc cannot be relied upon to detect resistance of methicillin-resistant staphylococci to cephalosporin class antibiotics.

[3] The clindamycin disc is used for testing susceptibility to both clindamycin and lincomycin.

[4] Colistin and polymyxin B diffuse poorly in agar and the accuracy of the diffusion method is thus less than with other antibiotics. Resistance is always significant, but when treatment of systemic infections due to susceptible strains is considered, it is wise to confirm the results of a diffusion test with a dilution method.

[5] The methicillin disc is used for testing susceptibility to all penicillinase-resistant penicillins; that is, methicillin, oxacillin, dicloxacillin, cloxacillin, and nafcillin.

[6] Not applicable to medium that contains blood.

[7] The oleandomycin disc is used for testing susceptibility to oleandomycin and troleandomycin.

[8] The penicillin G disc is used for testing susceptibility to all penicillinase-susceptible penicillins except ampicillin and carbenicillin; that is, penicillin G, phenoxymethyl penicillin, and phenethicillin.

[9] This category includes some organisms such as enterococci and gram-negative bacilli that may cause systemic infections treatable with high doses of penicillin G. Such organisms should only be reported susceptible to penicillin G and not to phenoxymethyl penicillin or phenethicillin.

[10] The tetracycline disc is used for testing susceptibility to all tetracyclines; that is, chlortetracycline, demeclocycline, doxycycline, methacycline, oxytetracycline, rolitetracycline, minocycline, and tetracycline.

F. Reference organisms

1. Maintain stock cultures of *Staphylococcus aureus* (ATCC 25923)[1] and *Escherichia coli* (ATCC 25922).[1]

2. Test these reference organisms daily by the above procedure using antibiotic discs representative of those to be used in the testing of clinical isolates.

3. The individual values of zone sizes for the control organisms can be expected to fall in the ranges indicated in the following table:

Antibiotic	Disc content	Individual tests: Zone diameter in millimeters: With *S. aureus* ATTC 25923	With *E. coli* ATCC 25922	Permitted millimeter difference ATCC 25923–ATCC 25922
Ampicillin	10 mcg.	24–35	15–20	7–17
Bacitracin	10 units	17–22		
Cephalothin	30 mcg.	26–37	18–23	6–16
Chloramphenicol	30 mcg.	19–26	21–27	−6–1
Clindamycin	2 mcg.	28–39		
Colistin	10 mcg.		11–15	
Erythromycin	15 mcg.	22–30	8–14	10–19
Gentamicin	10 mcg.	19–27	19–26	−2–3
Kanamycin	30 mcg.	19–26	17–25	−1–4
Methicillin	5 mcg.	17–22		
Neomycin	30 mcg.	15–26	17–25	0–5
Novobiocin	30 mcg.	30 mcg.		
Oleandomycin	15 mcg.	22–31		
Penicillin G	10 units	19–26		
Polymyxin B	300 units	26–37		
Streptomycin	10 mcg.	7–19	19–26	−7–2
Tetracycline	30 mcg.	18–22	13–20	−1–6
Vancomycin	30 mcg.	19–26	18–25	0–6
		18–19		

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6. LIMITATIONS OF THE METHOD

The method of interpretation described in E above applies to rapidly growing pathogens and should not be applied to slowly growing organisms. The latter show larger zones of inhibition than those given in the table. Susceptibility of gonococci to penicillin, and of slow-growing strains, e.g., *Bacteroides* species and fastidious anaerobes to any antibiotic, should be determined by the broth-dilution or agar-dilution method unless specifically standardized diffusion tests are used.

§ 460.6 Tests and methods of assay for potency of antibiotic susceptibility discs.

(a) *Culture media.* Use ingredients that conform to the standards prescribed by the United States Pharmacopeia or The National Formulary. In lieu of preparing the media from the individual ingredients, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modification of the specified individual ingredients is permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(1) *Medium A:*

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q. s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(2) *Medium B.* Same as medium A, except that it also contains 300 milligrams of hydrated manganese sulfate per liter.

(3) *Medium C.* Same as medium A, except that the final pH is adjusted from 7.9 to 8.1 after sterilization.

(4) *Medium D:*

Peptone	5.0 gm.
Yeast extract	1.5 gm.
Beef extract	1.5 gm.
Sodium chloride	3.5 gm.
Dextrose	1.0 gm.
Dipotassium phosphate	3.68 gm.
Potassium dihydrogen phosphate	1.32 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.0 after sterilization.

(5) *Medium E:*

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(6) *Medium F:*

Pancreatic digest of casein	17.0 gm.
Papaic digest of soybean	3.0 gm.
Sodium chloride	5.0 gm.
Dipotassium phosphate	2.5 gm.
Dextrose	2.5 gm.
Agar	20.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.3 after sterilization.

(7) *Medium G.* Same as medium F, except for the following:

Agar	12.0 gm.
Polysorbate 80 (sterile)	10.0 gm.

Add polysorbate 80 after boiling.

(8) *Medium H:*

Peptone	9.4 gm.
Yeast extract	4.7 gm.
Beef extract	2.4 gm.
Sodium chloride	10.0 gm.
Dextrose	10.0 gm.
Agar	28.5 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.0 to 6.2 after sterilization.

(9) *Medium I:*

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

6.6 after sterilization.

(10) *Medium J:*

Pancreatic digest of casein	15.0 gm.
Papaic digest of soybean	5.0 gm.
Sodium chloride	5.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.3 after sterilization.

(11) *Medium K:*

Pancreatic digest of casein	17.0 gm.
Papaic digest of soybean	3.0 gm.
Sodium chloride	5.0 gm.
Dipotassium phosphate	2.5 gm.
Dextrose	2.5 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.3 after sterilization.

(b) *Preparation of test organism suspensions*—(1) *Suspension 1. Staphylococcus aureus* (ATCC 6538P)[1] is maintained and grown on medium A. Wash the organisms from an agar slant, incubated for 24 hours at 32° C. to 35° C., with 3.0 milliliters of sterile sodium chloride solution onto the agar surface of a Roux bottle containing 300 milliliters of medium A. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate 24 hours at 32° C. to 35° C. Wash the resulting growth from the agar surface with about 50 milliliters of sterile sodium chloride solution. Standardize this stock suspension by determining the dilution that will permit 20 percent light transmission. Store the stock suspension in the refrigerator (1 week) and use the indicated dilution prepared daily.

(2) *Suspension 2.* Follow the procedure described for suspension 1, except standardize the bulk suspension so that a 1:10 dilution in saline solution gives 20 percent light transmission. In this case, the bulk suspension, and not the 1:10 dilution of it, is used for the inoculum.

(3) *Suspension 3.* The test organism is *Staphylococcus aureus* (ATCC 13150).[1] Follow the procedure described for suspension 1, but determine how much the bulk suspension should be diluted to obtain a suspension permitting 80 percent light transmission. Use the indicated dilution prepared daily for the inoculum for the plates.

(4) *Suspension 4. Sarcina lutea* (ATCC 9341)[1] is maintained on agar slants of medium A and transferred to fresh slants approximately every 2 weeks. This culture is incubated overnight at 26° C., and then stored in the refrigerator. Prepare an inoculum for the plates as follows: Streak an agar slant heavily with the test organism and incubate for 24 hours at 26° C. Wash the growth from the slant with 3 milliliters to 4 milliliters of medium D, and transfer to the surface of a Roux bottle containing 300 milliliters of medium A. Spread the suspension evenly over the entire surface with the aid of sterile glass beads. Incubate for 24 hours at 26° C. Wash the growth from the agar surface with 15 milliliters of medium D. If an aliquot of this bulk suspension when diluted 1:10 with medium D gives 10 percent light transmission, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension when diluted 1:10 will give the desired 10 percent light transmission. The adjusted bulk suspension only, and not the 1:10 dilution of it, is used in preparing the inoculum. Store the stock suspension in the refrigerator and use for 2 weeks.

(5) *Suspension 5. Bacillus subtilis* (ATCC 6633)[1] is maintained on agar medium A and transferred to a fresh slant every month. To prepare the spore suspension, inoculate a fresh slant of agar medium A with the test organism and incubate at 37° C. for 16 hours to 24 hours. Wash the culture from the slant with 3 milliliters of sterile sodium chloride solution onto the surface of a Roux bottle containing 300 milliliters of agar medium B. Incubate for 5 days at 37° C. Suspend the growth in 50 milliliters of sterile saline solution, centrifuge, and decant the supernatant liquid. Reconstitute the sediment and heat-shock the suspension by heating for 30 minutes at 70° C. Store the spore suspension in the refrigerator. It may be kept several months. Light transmission is not used for standardization.

(6) *Suspension 6. Staphylococcus epidermidis* (ATCC 12228)[1] is maintained on medium A and transferred to a fresh slant once a week. Inoculate a fresh slant of medium A with the test organism and incubate at 32° C. to 35° C. for 24 hours. Wash the culture from the slant with 3 milliliters of sterile sodium chloride solution onto the surface of a Roux bottle containing 300 milliliters of medium A. Incubate at 32° C. to 35° C. for 24 hours. Wash the resulting growth from the agar surface with about 50 milliliters of sterile sodium chloride solution. Standardize this stock suspension by determining the dilution that will give 80 percent light transmission. Store the stock suspension in the refrigerator (1 week) and use the indicated dilution prepared daily for the inoculum for the plates.

(7) *Suspension 7. Bordetella bronchiseptica* (ATCC 4617)[1] is maintained on medium F and transferred to a fresh slant every 2 weeks. To prepare a stock suspension inoculate a fresh slant of medium F and incubate at 37° C. for 16 hours to 24 hours. Wash the culture from this slant with 3 milliliters of sterile distilled water onto the surface of a Roux bottle containing 300 milliliters of medium F, and incubate 24 hours at 37° C. Wash off the growth with 50 milliliters of sterile distilled water and standardize the resulting stock suspension by determining the dilution that will give 50 percent light transmission. Store the stock suspension in the refrigerator (2 weeks), and use the indicated dilution prepared daily for the inoculum for the plates.

(8) *Suspension 8. Saccharomyces cerevisiae* (ATCC 9763)[1] is maintained on slants of medium H and transferred once a week. After transfer, the culture is incubated at 37° C. for 24 hours and then kept refrigerated. Wash the organism from a freshly incubated agar slant with 3 milliliters of sterile saline solution onto the agar surface in a Roux bottle containing 300 milliliters of medium H. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 24 hours at 37° C. and then wash the resulting growth from the agar surface with about 25 milliliters of sterile saline solution. Store the suspension in the refrigerator and use for 1 month.

(9) *Suspension 9.* Follow the procedure described for suspension 1, except determine how much the bulk suspension should be diluted to obtain a suspension permitting 80 percent light transmission. Use the indicated dilution, prepared daily, for the inoculum for the plates.

(10) *Suspension 10; Klebsiella pneumoniae* (ATCC 10031),[1] noncapsulated, is maintained on medium A and transferred to a fresh slant once a week. Inoculate a fresh slant of medium A with the test organism and incubate overnight at 32° C.–35° C. Wash the culture from the slant with 3 milliliters of sterilized U.S.P. saline T.S. onto the surface of a Roux bottle containing 300 milliliters of medium A. Incubate at 32° C.–35° C. for 24 hours. Wash the resulting growth from the agar surface with about 50 milliliters of sterilized U.S.P. saline T.S. If an aliquot of this bulk suspension when diluted 1:9 with saline solution gives 40 percent light transmission, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension when diluted 1:9 will give the desired 40 percent light transmission. The adjusted bulk suspension (not the 1:9 dilution) is used in preparing the inoculum. Store the suspension in the refrigerator and use for no more than 1 week.

(11) *Suspension 11. Streptococcus fecalis* (ATCC 14506)[1] is maintained on medium E and transferred to a fresh agar slant once a week. After transfer, the culture is incubated at 37° C. for 24 hours and then kept refrigerated. Transfer from a freshly incubated agar slant to a tube containing 10 milliliters of culture medium described in § 147.2 (b)(1). Incubate the broth culture for 16 to 18 hours at 37° C. and store in the refrigerator. This culture may be used for no more than 1 week.

The light transmission values referred to in this paragraph were determined with a Lumetron Model 400–A photoelectric colorimeter at a wavelength of 650 millimicrons. If other instruments are used, different light transmission readings will probably be obtained. The values given are to be used as guides in this paragraph.

(12) *Suspension 12. Pseudomonas aeruginosa* (ATCC 25619)[1] is maintained and grown on medium J and transferred to a fresh agar slant once a week. Inoculate a fresh slant of medium J with the test organism and incubate at 37° C. for 24 hours. Transfer the culture from this slant with sterile glass beads onto the agar surface of a Roux bottle containing 300 milliliters of medium J. Spread the organisms over the entire agar surface with the aid of the glass beads. Incubate 24 hours at 37° C. Wash the resulting growth from the agar surface with about 30 milliliters of medium K. Do not standardize the suspension. Store the stock suspension under refrigeration and use for 2 weeks.

(c) *Preparation of plates*—(1) *Base layer.* Depending on the particular antibiotic in the discs to be tested, add 42 milliliters of the appropriate medium prescribed in paragraph (c)(3) of this section to each Petri dish (20 millimeters x 150 millimeters) and allow to harden on a flat, level surface and dry slightly by raising the tops on one side.

(2) *Seed layer.* Add the appropriate amount of inoculum, as prescribed by paragraph (c)(3) of this section, to the seed agar which has been melted and cooled to 48° C. Swirl the flasks to obtain a homogeneous suspension. Add 8 milliliters of the appropriate seed agar, as specified in paragraph (c)(3) of this section, to each plate, spread evenly over the hardened base layer, and allow to harden and dry on a flat level surface. For accurate results, it is necessary to obtain uniform distribution of the agar over the surface of the plates.

(3) *Inoculum and media to be used.* Depending on the particular antibiotic in the disc to be tested, select from the following table the inoculum and media to be used:

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
	Ml.			
Ampicillin	2.0	3	E	A
Bacitracin	1.0	3	E	A
Carbenicillin	3.0	12	F	G
Cephalexin (dihydrate)	1.0	10	E	A
Cephaloridine	1.0	10	E	A
Cephalothin	1.0	10	E	A
Chloramphenicol	4.0	4	E	A
Clindamycin	2.0	2	A	I
Colistin (sulfate)	1.0	7	F	G
Erythromycin	2.0	11	O	O
Gentamicin (sulfate)	0.5	3	E	A
Kanamycin (sulfate)	1.0	9	E	A
Methicillin	1.0	3	E	A
Neomycin (sulfate)	2.5	6	C	O
Novobiocin (sodium)	4.0	3	E	A
Oleandomycin (phosphate)	2.0	3	E	A
Penicillin G	1.0	3	E	A
Polymyxin B (sulfate)	1.0	7	F	G
Rifampin	1.0	8	E	A
Streptomycin (sulfate)	2.0	1	C	O
Tetracycline (hydrochloride)	1.5	4	C	A
Vancomycin	1.0	6	C	G

(d) *Preparation of control discs.* Use round, blank discs having a diameter of ¼-inch made of clear-white paper weighing 30 milligrams ±4 milligrams per square centimeter, and which will absorb 2.5 to 3.0 times its own weight of distilled water. The paper shall contain no material that either enhances or inhibits the activity of any antibacterial agent impregnated thereon. In addition, the paper shall contain no materials which will affect the pH of any solvent placed on it or buffer any solution placed on it. The following methods shall be used to determine the suitability in this regard of any paper proposed for this use: Weigh 2 grams of paper or paper discs into a clean, glass-stoppered, 250-milliliter flask. Add 30 milliliters of freshly boiled and cooled distilled water (the pH of which has been determined). Stopper and shake vigorously for 1 hour on a shaking machine. Filter through a medium-porosity sintered glass filter. Determine the pH of the filtrate. Take the two 10-milliliter aliquots. To one add 0.05 milliliter of 0.01*N* HCl. To the second aliquot add 0.05 milliliter of 0.01*N* NaOH. Determine the pH of each solution. The paper shall be satisfactory for use, if (1) the pH of the paper filtrate was not more than ±0.2 pH units different from the pH of the distilled water used; (2) the pH of the acidified aliquot was lowered by at least 1.0 pH units; (3) the pH of the alkalinized aliquot was raised by at least 1.5 pH units. Place blank discs on aluminum or stainless steel wire mesh which is supported in a manner to allow circu-

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

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lation of air above and below the discs. Prepare the desired number of discs for each point on the standard curve by accurately adding 0.02-milliliter-increments of the appropriate standard stock solution to each disc, using a suitable pipette. Dry discs in circulating air or under vacuum. Discs may be stored for 2 weeks in a desiccator under refrigeration. Depending on the antibiotic contained in the sample to be tested, prepare the stock solutions for the standard discs by dissolving an accurately weighed quantity of the working standard in the solvent indicated to obtain stock solutions that will contain the following concentrations required for the standard discs:

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
Ampicillin	Water	1.2, 2.4, 4.4, 8.1, 14.8 μg.
Bacitracin	do	1.2, 2.4, 4.4, 8.1, 15.0 units.
Carbenicillin	Methyl alcohol	25.0, 35.5, 50.0, 70.7, 100 μg.
Cephalothin	50 percent methyl alcohol	15.0, 21.2, 30.0, 42.4, 60.0 μg.
Chloramphenicol	do	2.3, 6.3, 12.2, 23.4, 45.0 μg.
Clindamycin	50 percent methyl alcohol	1.0, 1.41, 2.0, 2.83, 4.0 μg.
Colistin (sulfate)	Water	1.2, 2.4, 4.4, 8.1, 15.0 μg.
Erythromycin	Methyl alcohol	1.2, 2.7, 4.4, 11.0, 22.0 μg.
Gentamicin (sulfate)	Water	4, 7.1, 10, 14.1, 20 μg.
Kanamycin (sulfate)	do	2.3, 6.3, 12.2, 23.4, 45 μg.
Methicillin	Water	1.2, 2.4, 4.4, 8.1, 15.0 μg.
Neomycin (sulfate)	do	2.3, 6.3, 12.2, 23.4, 45.0 μg.
Novobiocin (sodium)	do	2.3, 6.3, 12.2, 23.4, 45.0 μg.
Oleandomycin (phosphate)	Water	1.2, 2.7, 4.4, 11.0, 22.0 μg.
Penicillin G	do	1.2, 2.4, 4.4, 8.1, 15.0 units.
Polymyxin B (sulfate)	do	25, 62, 122, 294, 480 units.
Rifampin	Methyl alcohol	2.3, 6.3, 12.2, 23.4, 45.0 μg.
Streptomycin (sulfate)	Water	1.2, 2.4, 4.4, 8.1, 15.0 μg.
Tetracycline (hydrochloride)	Methyl alcohol	2.3, 6.3, 12.2, 23.4, 45.0 μg.
Vancomycin (hydrochloride)	Water	2.3, 6.3, 12.2, 23.4, 45.0 μg.

(c) *Assay*—(1) *Individual discs one-fourth inch in diameter.* On each of three plates prepared as directed in paragraph (c) of this section, place the five control discs for the standard curve and two discs from each batch to be tested. The control discs for the standard curve and the sample discs are placed on the plates in a random arrangement, with no discs being closer than 24 millimeters (on centers) to any other disc. Discs are placed on the plates with the aid of forceps within as short a period of time as possible (not to exceed 3 minutes per plate) and tapped gently to ensure an even seal. Incubate the plates overnight at 32°C.–35°C., except if it is cephalothin, colistin, novobiocin, or polymyxin, or viomycin, the incubation temperature is 37° C. After incubation, measure the diameter of each circle of inhibition, using calipers or a measuring device of comparable accuracy. Average the three zone sizes for each of the five standard-curve concentrations and plot the mean sizes on the arithmetic scale of semilogarithmic graph paper with the antibiotic concentrations on the logarithmic scale. Use the following equation to calculate the best straight line:

$$L=\frac{3c+2b+a-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where

L=the calculated zone size of the low concentration;

H=the calculated zone size of the high concentration;

a, b, c, d, e=the observed average zone sizes for each respective concentration, a being that for the lowest concentration.

Plot the values obtained for L and H and connect these two points with a straight line. Average the six sample zone sizes and read the corresponding antibiotic concentration of this mean from the standard curve. This is the potency obtained for a single assay. Perform two or more replicate assays on each of 2 days. The average of all assays is the potency of the sample disc.

(2) *Discs one-fourth inch in diameter attached to rings, spokes, or other devices.* Remove or cut the disc from the device, including a small portion of the device to which it is attached, before testing, and proceed as directed in paragraph (c)(1) of this section.

(3) *Individual discs with diameters larger than one-fourth inch but no larger than three-eighths inch for use in impregnating culture media.* Proceed as directed in paragraph (c)(1) of this section, except instead of measuring the diameters of the zones of inhibition, measure the widths of the zones from any edge of the sample discs and the standard discs. The results obtained are multiplied by the factor 2 for determining whether the discs meet the requirements for uniformity prescribed by paragraph (f) of this section.

(f) The potency is satisfactory if the result obtained is not less than 67 percent and not more than 150 percent of that represented. The batch has a uniform potency if on the first or second test of six discs each, the diameter of the largest zone of inhibition is not more than 2.5 millimeters larger than the smallest zone, or if the number of zones that fall outside this range in three or more consecutive tests is not more than 10 percent of the total number of discs tested.

§ 460.15 Streptomycin sulfate discs for use in culture media.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate discs for use in culture media are paper discs intended for impregnation of culture media in the sensitivity testing of mycobacteria. They conform to all requirements and to all procedures prescribed by § 460.1(a) for antibiotic sensitivity discs, except that each disc shall contain streptomycin sulfate equivalent to 10, 25, 50, or 500 micrograms of streptomycin.

(2) *Packaging.* It shall be packaged in accordance with the requirements of § 460.1(b).

(3) *Labeling.* In addition to complying with the requirements of § 460.1(c) of this chapter, the labeling shall also bear information indicating that the discs are for use in culture media for the sensitivity testing of mycobacteria and not for use in ordinary sensitivity disc plate tests.

(4) *Requests for certification; samples.* Requests for certification shall comply with § 460.1(d).

(b) *Tests and methods of assay; potency.* Proceed as directed in § 460.6 for the assay of streptomycin sulfate discs, except that:

(1) In the assay of streptomycin sulfate discs labeled to contain the equivalent of 10, 25, or 50 micrograms of streptomycin, the control discs shall be made to contain the equivalent of 6.25, 12.5, 25, 50, and 100 micrograms of streptomycin per disc.

(2) In the assay of streptomycin sulfate discs labeled to contain the equivalent of 500 micrograms of streptomycin:

(i) To each 100 milliliters of seed agar used for the test add 2.0 milliliters of suspension number 11.

(ii) The control discs shall be made to contain the equivalent of 50, 100, 200, 400, and 800 micrograms of streptomycin per disc.

Subpart B—Susceptibility Powders

§ 460.25 Bacitracin diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin diagnostic sensitivity powder is bacitracin, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to bacitracin. Each vial contains 2,000 units of bacitracin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 6.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 7.5. The bacitracin used conforms to the standards prescribed by § 448.10a(a)(1)(i), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnostic use only."

(b) The statement "Sterile."

(c) The batch mark.

(d) The number of units of bacitracin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The bacitracin used in making the batch for potency, moisture, and pH.

(b) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(a) The bacitracin used in making the batch: 6 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.28 Disodium carbenicillin diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Disodium carbenicillin diagnostic sensitivity powder is disodium carbenicillin packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to carbenicillin. Each vial contains disodium carbenicillin equivalent to not more than 1.0 gram of carbenicillin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 120 percent of its labeled content. It is sterile. Its moisture content is not more than 6 percent. When reconstituted as directed in the labeling, its pH is not less than 6.0 and not more than 8.0. The disodium carbenicillin used conforms to the standards prescribed by § 440.13a(a)(1)(i), (v), (vi), and (vii) of this chapter.

(2) *Packaging.* It shall conform to the packaging requirements of § 432.1 of this chapter.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnostic use only."

(b) The statement "Sterile".

(c) The batch mark.

(d) The number of milligrams of carbenicillin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The disodium carbenicillin used in making the batch for potency, moisture, pH, and identity.

(b) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(a) The disodium carbenicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 20 micrograms of carbenicillin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.33 Clindamycin hydrochloride hydrate sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Clindamycin hydrochloride hydrate diagnostic sensitivity powder is clindamycin hydrochloride hydrate packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to clindamycin. Each vial contains clindamycin hydrochloride hydrate equivalent to 20 milligrams of clindamycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the amount of clindamycin it is represented to contain. It is sterile. Its moisture content is not more than 6.0 percent. Its pH in a solution containing 20 milligrams of clindamycin per milliliter is not less than 3.0 and not more than 6.5. The clindamycin hydrochloride hydrate used conforms to the standards prescribed by § 453.20(a)(1)(i), (ii), (iv), (v), (vi), and (vii) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnosis only."

(b) The statement "Sterile".

(c) The batch mark.

(d) The number of milligrams of clindamycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Request for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The clindamycin hydrochloride hydrate used in making the batch for clindamycin content, microbiological activity, moisture, pH, crystallinity, and identity.

(b) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(a) The clindamycin hydrochloride hydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of clindamycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution obtained when the vial is reconstituted with 1.0 milliliter of distilled water.

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§ 460.38 Sodium colistimethate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium colistimethate diagnostic sensitivity powder is sodium colistimethate packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to sodium colistimethate. Each vial contains sodium colistimethate equivalent to 100 milligrams of colistin base activity. It is sterile. Its moisture content is not more than 9.0 percent. When reconstituted as directed in the labeling, its pH is not less than 6.5 and not more than 8.0. It gives a positive identity test for sodium colistimethate. The sodium colistimethate used conforms to the standards prescribed by § 448.20a(a)(1) (i), (vi), (vii), and (viii) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making serial dilutions for microbial susceptibility testing.

(3) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container.

(a) The statements "Not for therapeutic use" and "For laboratory diagnosis only".

(b) The statement "Sterile".

(c) The batch mark.

(d) The number of milligrams of colistin base activity in each immediate container.

(e) The statements "Stock solutions are stable for 14 days when refrigerated. For periods of storage up to 6 months, they should be frozen".

(f) Its expiration date which is 12 months, except that the date may be used that is 18, 24, 30, 36, 42, 48, 54, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time. If the manufacturer or repacker of the drug has been exempted from the certification requirements, such date shall be the number of months after the month during which the batch was last assayed and released by the manufacturer or repacker.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The sodium colistimethate used in making the batch for potency, moisture, pH, and identity.

(b) The batch for potency, sterility, moisture, pH, and identity.

(ii) Samples required:

(a) The sodium colistimethate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 30 immediate containers.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 448.20a(b)(1) of this chapter, except prepare the sample for assay as follows: Reconstitute as directed in the labeling and further dilute with 10 percent potassium phosphate buffer, pH 6.0, to the proper prescribed reference concentration. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of colistin base activity that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 440.80a(b)(5)(i) of this chapter.

(4) *pH.* Proceed as directed in § 440.80a(b)(5)(ii) of this chapter, using the drug reconstituted as directed in the labeling.

(5) *Identity.* Proceed as directed in § 448.20a(b)(7) of this chapter.

§ 460.42 Dihydrostreptomycin sulfate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Dihydrostreptomycin sulfate sensitivity powder is crystalline dihydrostreptomycin sulfate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to dihydrostreptomycin. Each vial contains dihydrostreptomycin sulfate equivalent to 20 milligrams of dihydrostreptomycin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 7.0. The dihydrostreptomycin sulfate used conforms to the standards prescribed by § 444.10a(a)(1) of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnostic use only".

(b) The statement "Sterile".

(c) The batch mark.

(d) The number of milligrams of dihydrostreptomycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The dihydrostreptomycin sulfate used in making the batch for potency, moisture, pH, streptomycin content, and crystallinity.

(b) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(a) The dihydrostreptomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 30 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with sterile distilled water to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.47 Doxycycline hyclate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate diagnostic sensitivity powder is crystalline doxycycline hyclate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to doxycycline. Each vial contains doxycycline hyclate equivalent to 20 milligrams of doxycycline. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its moisture content is not more than 4 percent. When reconstituted as directed in the labeling, its pH is not less than 2.0 and not more than 3.5. The doxycycline hyclate used conforms to the standards prescribed by § 446.20(a)(1) (i), (iii), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnostic use only".

(b) The statement "Sterile".

(c) The batch mark.

(d) The number of milligrams of doxycycline in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The doxycycline hyclate used in making the batch for potency, moisture, pH, doxycycline content, identity, and crystallinity.

(b) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(a) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Transfer a 10-milliliter aliquot to a 100-milliliter volumetric flask and dilute to volume with 0.1*N* hydrochloric acid. Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.1 microgram of doxycycline per milliliter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.55 Lincomycin hydrochloride monohydrate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate diagnostic sensitivity powder is lincomycin hydrochloride monohydrate powder packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to lincomycin. Each vial contains 20 milligrams of lincomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of lincomycin that it is represented to contain. It is sterile. Its moisture content is not more than 7 percent. It gives a positive identity test for lincomycin hydrochloride monohydrate. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 453.30(a)(1) (i), (iii), (iv), (v), and (ix) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass, and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile broth medium when preparing a stock solution for use in making serial dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statements "Not for therapeutic use" and "For laboratory diagnosis only".

(b) The statement "Sterile."

(c) The batch mark.

(d) The number of milligrams of lincomycin in each immediate container.

(e) The statements "Store in a refrigerator" and "Reconstituted solutions should be refrigerated."

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The lincomycin hydrochloride monohydrate used in making the batch for potency, moisture, pH, crystallinity, and specific rotation.

(b) The batch for potency, sterility, moisture, and identity.

(ii) Samples required:

(a) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 30 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 2.0 micrograms of lincomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Identity.* In a 100-milliliter beaker, dissolve sufficient sample to yield a concentration of at least 80 milligrams per milliliter, using no more than 2.0 milliliters of water. Add acetone until precipitation begins and then add an additional 20 milliliters of acetone. Filter the solution through filter paper and wash with two 10-milliliter portions of acetone. Expose the residue at room temperature until it is dry enough to be reduced to moderately fine particles. Dry the material for 4 hours in a 60° C. vacuum oven. After drying the material, care must be taken to avoid extended exposure to the atmosphere. The infrared spectrum of a mineral oil dispersion of the residue thus obtained exhibits maxima at the same wavelengths as that of the lincomycin working standard, similarly treated.

§ 460.58 Methacycline hydrochloride diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Methacycline hydrochloride diagnostic sensitivity powder is the crystalline methacycline hydrochloride, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to methacycline. Each vial contains methacycline hydrochloride equivalent to 20 milligrams of methacycline. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its moisture content is not more than 4.0 percent. When reconstituted as directed in the labeling, its pH is not less than 2.0 and not more than 3.5. The methacycline hydrochloride used conforms to the standards prescribed by § 446.50(a)(1) (i), (iii), (v), and (vi) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container

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as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnostic use only".

(b) The statement "Sterile".

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The methacycline hydrochloride used in making the batch for potency, moisture, absorptivity, identity, and crystallinity.

(b) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(a) The methacycline hydrochloride used in making the batch: 10 packages, each containing 300 milligrams.

(b) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample as follows: Reconstitute as directed in the labeling. Dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.06 microgram of methacycline per milliliter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.64 Minocycline hydrochloride powder for microbial susceptibility testing.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Minocycline hydrochloride powder for microbial susceptibility testing is minocycline hydrochloride with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the susceptibility of microorganisms to minocycline. Each vial contains minocycline hydrochloride equivalent to 20 milligrams of minocycline. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its moisture content is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 2.0 and not more than 4.0. The minocycline hydrochloride used conforms to the standards prescribed by § 446.60(a)(1) (i), (iii), (iv), (v), (vi), and (vii) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass, and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory use only."

(b) The statement "Sterile."

(c) The batch mark.

(d) The number of milligrams of minocycline in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The minocycline hydrochloride used in making the batch for potency, moisture, pH, minocycline content, identity, and crystallinity.

(b) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(a) The minocycline hydrochloride used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§460.66 Oleandomycin phosphate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oleandomycin phosphate diagnostic sensitivity powder is oleandomycin phosphate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories, for determining in vitro the sensitivity of microorganisms to oleandomycin. Each vial contains oleandomycin phosphate equivalent to 20 milligrams of oleandomycin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its moisture content is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.0 and not more than 7.0. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnostic use only."

(b) The statement "Sterile."

(c) The batch mark.

(d) The number of milligrams of oleandomycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oleandomycin phosphate used in making the batch for potency, moisture, pH, and identity.

(b) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(a) The oleandomycin phosphate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.70 Oxytetracycline hydrochloride diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride diagnostic sensitivity powder is crystalline oxytetracycline hydrochloride, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to oxytetracycline. Each vial contains oxytetracycline hydrochloride equivalent to 20 milligrams of oxytetracycline. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 2.0 percent. When reconstituted as directed in the labeling, its pH is not less than 2.0 and not more than 3.5. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a)(1) (i), (vi), (vii), (viii), and (ix) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnostic use only".

(b) The statement "Sterile".

(c) The batch mark.

(d) The number of milligrams of oxytetracycline in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.75 Potassium penicillin G diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium penicillin G diagnostic sensitivity powder is crystalline potassium penicillin G, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to penicillin G. Each vial contains 20,000 units of penicillin G. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 1.5 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.5. The potassium penicillin G used conforms to the standards prescribed by § 446.80a(a)(1) (i), (v), and (vi) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnostic use only".

(b) The statement "Sterile".

(c) The batch mark.

(d) The number of units of penicillin G in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The penicillin G used in making the batch for potency, moisture, pH, and crystallinity.

(b) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(a) The potassium penicillin G used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) Potency. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (1) or (2) of that section, except if using the method in paragraph (e)(2), use medium B in lieu of medium A.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.79 Polymyxin B sulfate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Polymyxin B sulfate diagnostic sensitivity powder is polymyxin B sulfate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to polymyxin B. Each vial contains the equivalent of 20,000 units of polymyxin B. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 7.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.5. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1) (i), (v), (vi), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

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(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only".

(*b*) The statement "Sterile".

(*c*) The batch mark.

(*d*) The number of units of polymyxin B in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The polymyxin B sulfate used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.86 Spectinomycin hydrochloride powder for microbial susceptibility testing.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Spectinomycin hydrochloride powder for microbial susceptibility testing is spectinomycin dihydrochloride pentahydrate with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the susceptibility of microorganisms to spectinomycin. Each vial contains spectinomycin hydrochloride equivalent to 100 milligrams of spectinomycin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its moisture content is not more than 8 percent. When reconstituted as directed in the labeling, its pH is not less than 3.8 nor more than 5.6. The spectinomycin hydrochloride used conforms to the standards prescribed by § 455.80a(a)(1)(i), (ii), (vii), (viii), (ix), (x), and (xi) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of the amount of sterile diluent prescribed in the labeling when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement, "For laboratory use only".

(*b*) The statement, "Sterile".

(*c*) The batch mark.

(*d*) The number of milligrams of spectinomycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The spectinomycin hydrochloride used in making the batch for spectinomycin content, microbiological activity, moisture, pH, identity, residue on ignition, and crystallinity.

(*b*) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(*a*) The spectinomycin hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with sterile distilled water to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.89 Streptomycin sulfate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate diagnostic sensitivity powder is streptomycin sulfate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to streptomycin. Each vial contains streptomycin sulfate equivalent to 20 milligrams of streptomycin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 7.0. The streptomycin sulfate used conforms to the standards prescribed by § 444.70a(a)(1)(i), (vi), and (vii) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only".

(*b*) The statement "Sterile".

(*c*) The batch mark.

(*d*) The number of milligrams of streptomycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The streptomycin sulfate used in making the batch for potency, loss on drying, and pH.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The streptomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with sterile distilled water to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

§ 460.93 Tetracycline hydrochloride diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride diagnostic sensitivity powder is crystalline tetracycline hydrochloride, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to tetracycline. Each vial contains 20 milligrams of tetracycline hydrochloride. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 2.0 percent. When reconstituted as directed in the labeling, its pH is not less than 1.8 and not more than 3.0. The tetracycline hydrochloride used conforms to the standards prescribed by § 446.81a(a)(1)(i), (vi), and (vii), and (viii) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of tetracycline hydrochloride in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The tetracycline hydrochloride used in making the batch for potency, moisture, pH, crystallinity, and absorptivity.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter using the drug reconstituted as directed in the labeling.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Appearance and Delivery Bond; Condition Against Unauthorized Employment

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on April 3, 1974 (39 FR 12139) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there was set forth the proposed amendment to 8 CFR 103.6(a)(2) pertaining to the inclusion in an appearance and delivery bond in connection with a deportation proceeding of a condition prohibiting unauthorized employment.

The representations which were received concerning the proposed rules of April 3, 1974 have been considered. The proposed rules have been amended as hereinafter set forth.

In proposed § 103.6(a)(2), subdivision (iii) enumerated ten factors as among the factors to be considered in connection with the imposition in an appearance and delivery bond of the condition barring unauthorized employment. The factors enumerated in proposed subdivision (iii) have been amended in the following respects:

1. The proposed fourth factor has been clarified to read: "prior immigration violations relating to acceptance of unauthorized employment by the alien; the likelihood of continued violations with the same employer;".

2. The proposed fifth, sixth, seventh, and eighth factors, which read as follows, have been deleted because not directly related to the unauthorized employment condition: "availability for hearings or deportation; whether the nature of the employment requires possible changes of addresses by the alien so as to make him difficult to locate for future hearings or deportation; the nature of the charges against the alien and his activities in the United States, e.g., subversive, criminal, narcotic; whether the employment might enable the alien to carry on illicit activities in such a manner as to pose a threat to the national security or public safety;".

3. The proposed ninth factor has been modified to read: "whether there is a reasonable basis for consideration of discretionary relief;".

4. Two new factors have been added to read as follows: "the recentness of the alien's arrival in the United States" and "the acceptance of the unauthorized employment shortly after such arrival".

The proposed rules, as modified, are hereby adopted:

In § 103.6, paragraph (a)(2) is amended in the following respects: the existing material is redesignated subparagraph (i) and the caption "General" is added immediately following the subparagraph (i) designation; and new subparagraphs (ii) and (iii) are added. As amended, § 103.6(a)(2) reads as follows:

§ 103.6 Surety bonds.

(a) *Posting of surety bonds.* • • •

(2) *Bond riders*—(i) General. Bond riders shall be prepared on Form I-351 and attached to Form I-352. If a condition to be included in a bond is not on Form I-351, a rider containing the condition shall be executed and forwarded with Form I-352 to the regional commissioner for approval.

(ii) *Condition against unauthorized employment.* In the discretion of the district director and with the prior approval of the regional commissioner, a condition barring unauthorized employment may be included in an appearance and delivery bond in connection with a deportation proceeding.

(iii) *Factors to be considered.* Among the factors to be considered in connection with the imposition of the bond condition barring unauthorized employment are: Safeguarding employment opportunities for United States citizens and legal resident aliens; impact on and dislocation of American workers by alien's employment; the number of aliens involved in performing the unauthorized employment; prior immigration violations relating to acceptance of unauthorized employment by the alien; the likelihood of continued violations with the same employer; the recentness of the alien's arrival in the United States; the acceptance of the unauthorized employment shortly after such arrival; whether there is a reasonable basis for consideration of discretionary relief; whether a spouse or children are dependent on the alien for support, or other equities exist. These factors are intended as examples only and are not exclusive.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The Attorney General, in a recent decision (Matter of Toscano-Rivas, A-19923806, Interim Decision No. 2256, January 9, 1974), held that sections 103 and 242 of the Immigration and Nationality Act authorize the inclusion in an appearance and delivery bond in connection with a deportation proceeding of a condition prohibiting unauthorized employment. The basis and purpose of the above-prescribed amendments are to incorporate this condition into the regulations.

Effective date. This order shall become effective July 1, 1974.

Dated: May 24, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-12443 Filed 5-30-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

This amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that these areas no longer come within the definition of § 78.1(i): Cherokee, Navarro, and Wood Counties in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified date: Kaufman and Washington Counties in Texas on April 26, 1974. Since said date, it has been determined that these counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Missouri, Oklahoma, and Texas.

(b) The following States are hereby designated as Modified Certified Brucellosis Areas except for the counties named:

(1) Missouri except Sullivan County.

(2) Oklahoma except Muskogee County.

(3) Texas except Cherokee, Navarro, and Wood Counties.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 8 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16).

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Effective date. The foregoing amendment shall become effective May 31, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of May 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-12565 Filed 5-30-74;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 112—PACKAGING AND LABELS

Vaccine Packaging

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by revising § 112.6(a), by adding a new § 112.6(e) and revising § 112.8(b) to permit special packaging for both desiccated and frozen liquid vaccines for export. These amendments do not exempt the licensee from preparing and providing to the user such diluent when sold in the United States.

1. § 112.6 is amended by revising paragraph (a) and adding a new paragraph (e) to read:

§ 112.6 Packaging desiccated products.

(a) Except as prescribed in paragraph (e) of this section and § 112.8, each final container of a desiccated biological product, produced by a licensee or a subsidiary, or presented for importation by a permittee shall be packaged in a carton with accompanying container of diluent if such diluent is required for rehydration of the product before administration.

* * * * *

(e) Diluent for desiccated and frozen liquid Marek's Disease Vaccine shall be prepared and labeled in accordance with the regulations except that such diluent need not be packaged with the vaccine for refrigerated shipments, in which case, the licensee shall provide the proper diluent in the proper amount to the user.

2. § 112.8 is amended by revising paragraph (b) to read:

§ 112.8 For export only.

* * * * *

(b) Desiccated and frozen liquid products, packaged and labeled as for domestic use, may be exported without the diluent required for rehydration or dilution, as the case may be, if the labeling includes adequate instructions for preparing the product for use and the words "For Export Only".

* * * * *

These amendments relax certain packaging requirements, relieve certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 28th day of May 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-12485 Filed 5-30-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-CE-7-AD; Amdt. 39-1857]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 36, A36, 58, 58A, 60 and A60 Airplanes

As a result of recent structural tests, the manufacturer discovered an inadequacy in the strength of seat back supports for aft facing seats in Beech Models 36, A36, 58, 58A, 60, and A60 airplanes. To provide required occupant protection during minor crash landings the manufacturer has developed improved seat back supports and has issued Beechcraft Service Instruction No. 0591-314, Rev. 1, with regard thereto. Since the condition described herein is likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive (AD) is being issued applicable to certain serial numbers of Beech Models 36, A36, 58, 58A, 60 and A60 airplanes requiring within 100 hours' time in service after its effective date, the replacement of the earlier seat back supports with the improved ones in accordance with the aforementioned service instruction.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 36 and A36 (Serial Numbers E-1 Through E-434); Models 58 and 58A (Serial Numbers TH-1 Through TH-335); Models 60 and A60 (Serial Numbers P-4 Through P-240) Aircraft

Compliance required as indicated, unless already accomplished.

To provide the required structural level of occupant protection during minor crash conditions for those aircraft equipped with optional, aft-facing seats, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

Install two improved seat back supports on each aft-facing seat in accordance with Beechcraft Service Instruction No. 0591-314, Rev. 1, or later approved revisions or any equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

NOTE: Seat back supports, Beech P/N 58-530193-1 are applicable to Models 36, A36, 58, 58A, and 60 aircraft, and seat back supports, Beech P/N 58-530193-3 are applicable to Model A60 aircraft.

This amendment becomes effective June 5, 1974.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on May 22, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-12438 Filed 5-30-74;8:45 am]

[Docket No. 74-GL-5; Amdt. 39-1856]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Model F-28 and F-28A Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), an Airworthiness Directive was adopted on April 19, 1974, and made effective immediately as to all known United States operators of Enstrom Model F-28 and F-28A helicopters. The directive requires that before further flight, unless already accomplished, and every 10 hours' time in service thereafter, the webbed area of the forged idler yoke (P/N 28-13223) be inspected by the dye penetrant method for cracks.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the Airworthiness Directive effective immediately as to all known U.S. operators of Enstrom Model F-28 and F-28A helicopters by individual air mail letter dated April 19, 1974. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations to make it effective as to all persons.

ENSTROM. Applies to Model F-28 and F-28A helicopters.

Compliance required as indicated, unless already accomplished.

To prevent failure of the forged idler yoke (P/N 28-13223).

(a) Before further flight and every 10 hours' time in service thereafter inspect by dye penetrant inspection method the webbed area of the forged idler yoke P/N 28-13223 for cracks. A forged idler yoke can be distinctively identified by the Part Number 28-13223 forged in ¼ inch raised numbers on one side of the barrel portion and the alloy number MMT9014 forged in raised letters on the other side.

(b) As part of each pilot preflight inspection (logbook entry not required), the owner/operator is required to visually inspect the webbed area of the forged idler yoke P/N 28-13223 for cracks.

(c) If cracks in the forged idler yoke P/N 28-13223 are detected when inspected in accordance with paragraph (a) or (b) above, replace it before further flight with a cast idler yoke P/N 28-13223, at which time the inspections required by this Airworthiness Directive are no longer applicable. The cast component P/N 28-13223 will not have the raised part number or the alloy number forged on it, and will have a "T" cross section with a rough finish.

(d) The forged idler yoke P/N 28-13223 can be replaced at any time with a cast idler yoke P/N 28-13223 at which time inspections required by this Airworthiness Directive are no longer applicable.

(e) Equivalent methods of compliance with this Airworthiness Directive must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Great Lakes Region.

This amendment is effective June 5, 1974, and was effective April 19, 1974, for all recipients of the air mail letter dated April 19, 1974, which contained this amendment.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on May 23, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74-12439 Filed 5-30-74;8:45 am]

[Docket No. 13695; Amdt. 39-1859]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Airplanes

Amendment 39-1844 (39 FR 16876), AD 74-11-1, applicable to Mitsubishi Heavy Industries, Ltd., Model MU-2B and MU-2B-10, -15, -20, -25, -30, and -35 airplanes, requires inspection of front windshields prior to each takeoff and the replacement of front windshields and the correction of malfunctioning air conditioning systems if found necessary.

After issuing Amendment 39-1844, the agency determined that the requirement to inspect the windshield prior to each takeoff was not necessary in the interest of safety and imposed an undue hardship on those operators whose aircraft make several takeoffs and landings each day. In addition, it was determined that the visual inspection of the windshield need not be performed under the preventive maintenance rules of Part 43. Therefore, the AD is being amended to require a check of the windshield, which may be performed by the pilot whether or not the aircraft is used in air carrier service, prior to the first takeoff each day.

Since this amendment relieves restrictions and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days.

(Secs. 313(a) 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations, Amendment 39-1844 (39 FR 16876), AD 74-11-1, is amended by amending paragraph (a), the last sentence of the Note following paragraph (a), and the introductory clause of paragraph (b) to read as follows:

(a) Before further flight and thereafter prior to the first takeoff each day, from outside the aircraft, visually check the outer lower edge of the left hand and right hand front windshield outer panes for cracks and small oval shaped optical distortions. The check required by this AD may be performed by the pilot.

NOTE: * * * Particular attention should be given to these areas during the checks required by paragraph (a).

(b) If cracks or small oval shaped optical distortions are found during a check required by paragraph (a), before further flight, accomplish the following and continue to check in accordance with paragraph (a) of this AD:

This amendment becomes effective May 31, 1974.

Issued in Washington, D.C., on May 23, 1974.

C. R. MELUSIN, JR.,
Acting Director, Flight Standards Service.

[FR Doc.74-12436 Filed 5-30-74;8:45 am]

[Airspace Docket No. 74-SO-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area; Alteration; Correction

On April 2, 1974, FR Doc. No. 74-7475 was published in the FEDERAL REGISTER (39 FR 11993), amending Part 71 of the Federal Aviation Regulations by altering the Hattiesburg, Miss., transition area.

In the amendment, the effective date was published as August 15, 1974. Subsequently, it was determined that the Pine Belt Regional Airport would become operational at an earlier date. It is necessary to amend the Federal Register Document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. 74-7475 is amended as follows:

"* * * August 15, 1974 * * *" is deleted and "* * * July 18, 1974 * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 21, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-12440 Filed 5-30-74;8:45 am]

[Docket No. 12269; Amdt. No 91-122]

PART 91—GENERAL OPERATING AND FLIGHT RULES

VOR Equipment Check for IFR Operations

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to permit VOR maintenance test signals radiated by FAA certificated and appropriately rated radio repair stations to be used in performing the VOR equipment checks required by § 91.25.

This amendment is based on a notice of proposed rule making (Notice No. 72-26) issued on September 25, 1972, and published in the FEDERAL REGISTER on September 30, 1972 (37 FR 20573). Numerous comments were received in response to Notice 72-26 and the relevant comments are discussed below. Based on the comments received and upon further consideration by the FAA, several changes have been made to the proposal.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Except as modified by the following discussion, the reasons for this amendment are those set forth in the notice.

Twenty-eight of the 34 comments received in response to Notice 72-26, were substantially in favor of, or raised no objection to, the amendment as proposed. In addition, a number of commentators made suggestions that are not within the scope of the notice. While those comments cannot be acted upon in this rulemaking action, they are appreciated and will be retained for consideration in connection with future rule-making action.

A number of commentators pointed out that the proposal did not indicate the persons who are authorized to make the required VOR check and logbook entry, but that the preamble contained a statement to the effect that only qualified personnel of the repair station would be permitted to make that check and record entry. It was suggested that the pilot should be permitted to make both the check and record entry. The proposal was not intended to alter in any way the right of pilots under the existing rule to conduct the VOR equipment check and make the associated entry in the

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permanent record of the aircraft; under this amendment the pilots continue to be permitted to do so. However, regardless of who makes the equipment check and record entry, when a repair station test signal is used, the FAA believes it necessary that the repair station certify as to the bearing transmitted and the date of transmission. Upon further consideration in view of the comments received, the proposal has been revised to require this certification as an additional aircraft record entry to be made by a repair station if the station's test signal is used.

One commentator suggested that the rule be revised to provide additional test requirements. The FAA does not agree. The conditions specified in the regulations provide a reliable check of the VOR equipment and additional requirements are not necessary.

Several commentators requested that they be permitted to radiate their own test signals for use in complying with § 91.25(b)(1). However, the FAA does not believe such test signals would provide the required accuracy inasmuch as there is no means to assure that the equipment being used by the operators to radiate the signals will be calibrated correctly.

One commentator objected to the proposed amendment on the ground that the methods permitted by the current regulation for complying with the VOR equipment check requirement of § 91.25 have proven satisfactory and, therefore, merely an increase in the number of test signal facilities operated or approved by the FAA in accordance with the current regulation, and their better placement, would be a more satisfactory solution to the problem discussed in the notice than would the proposed revision. It was asserted that the proposed revision would result in financial benefits for certain repair stations to the detriment of general aviation operators and that many FAA certificated repair stations would be in violation of the Federal Communications Commission (FCC) incidental radiation rules if they were to transmit test signals. The FAA does not agree. Since the presently permitted methods of checking VOR equipment have proven satisfactory, their use will continue to be permitted, and the FAA does not consider it practical to move or expand the number of test signal facilities operated by the FAA. Furthermore, the proposed amendment does not impose any additional financial burden on any person since it only provides an alternative to the other methods of compliance currently permitted by § 91.25. Finally, it does not authorize repair stations to radiate test signals that are not in compliance with FCC requirements, and, as noted in the preamble, 585 repair stations have been licensed by the FCC to radiate maintenance test signals. In this connection, one commentator requested that the Airman's Information Manual (AIM) be revised to include a listing of those repair stations that can be used for compliance with § 91.25. Such a listing is not practicable for inclusion in AIM; however, information will be included in AIM concerning the use of repair station facilities to perform the VOR check.

Several commentators questioned the accuracy of repair station test signal generator equipment and suggested the use of repair station test signals only if dual VOR units are installed in the aircraft. The FAA does not agree. Sections 145.39 and 145.47 of Part 145 require that the equipment used by a repair station be of a type that will permit the work being performed to be done competently and efficiently, that all test equipment be tested at regular intervals to insure correct calibration, and that the repair station provide adequate personnel for the function to be performed. Those requirements, in conjunction with FAA surveillance, adequately provide for the necessary accuracy of repair station test signals.

Finally, it should be noted that all of the means that are available under the present rules to an operator to check his VOR equipment will continue to be available to him. This amendment merely increases the number of test signals he may use by including signals radiated by FAA certificated and appropriately rated radio repair stations.

This amendment is made under the authority of sections 313(a), 601, 603, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 91 of the Federal Regulations is amended, effective July 1, 1974, as follows:

1. By amending subparagraph (1) of paragraph (b), and by adding a sentence at the end of paragraph (d), of § 91.25 to read as follows:

§ 91.25 VOR equipment check for IFR operations.

* * * * *

(b) * * *

(1) Use, at the airport of intended departure, an FAA operated or approved test signal or a test signal radiated by a certificated and appropriately rated radio repair station or, outside the United States, a test signal operated or approved by appropriate authority, to check the VOR equipment (the maximum permissible indicated bearing error is plus or minus 4 degrees).

* * * * *

(d) * * * In addition, if a test signal radiated by a repair station, as specified in paragraph (b)(1) of this section, is used, an entry must be made in the aircraft log or other permanent record by the repair station certificate holder or his representative certifying to the bearing transmitted by the repair station for the check and the date of transmission.

Issued in Washington, D.C., on May 21, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-12434 Filed 5-30-74;8:45 am]

[Docket No. 13757; Amdt. No. 918]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 11, 1974:

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR Rwy 11, Amdt. 2.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VORTAC Rwy 34, Amdt. 1.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR-C, Amdt. 1.
Bismarck, N.D.—Bismarck Municipal Arpt., VOR-A, Amdt. 14.
Detroit, Mich.—Detroit City Arpt., VOR Rwy 33, Amdt. 15.
Gadsden, Ala.—Gadsden Municipal Arpt., VOR Rwy 6, Amdt. 9.
Macon, Ga.—Lewis B. Wilson, VOR Rwy 13, Amdt. 4.
Manhattan, Kans.—Manhattan Municipal Arpt., VOR-B, Amdt. 6.
Midland, Tex.—Midland Regional Air Terminal, VOR Rwy 16R, Amdt. 19.
Midland, Tex.—Midland Regional Air Terminal, VORTAC Rwy 34L, Amdt. 6.
N. Myrtle Beach, S.C.—Myrtle Beach Arpt., VOR Rwy 5, Amdt. 10.
N. Myrtle Beach, S.C.—Myrtle Beach Arpt., VOR Rwy 23, Amdt. 11.
Orlando, Fla.—McCoy AFB, VOR Rwy 18L and 18R, Amdt. 2.

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 11, 1974:

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., LOC (BC) Rwy 29, Amdt. 9.
Bismarck, N.D.—Bismarck Municipal Arpt., LOC/DME (BC) Rwy 13, Amdt. 1.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., LOC (BC) Rwy 5R, Orig.
McComb, Miss.—McComb-Pike County Arpt., LOC (BC) Rwy 33, Orig.
McComb, Miss.—McComb-Pike County Arpt., LOC Rwy 15, Orig.
Midland, Tex.—Midland Regional Air Terminal, LOC (BC) Rwy 28, Amdt. 9.
North Myrtle Beach, S.C.—Myrtle Beach Arpt., LOC Rwy 23, Amdt. 2.
Orlando, Fla.—Herndon Arpt., LOC (BC) Rwy 25, Amdt. 9.

* * * effective June 27, 1974:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC Rwy 4L, Amdt. 8.

* * * effective June 20, 1974:

Scottsbluff, Neb.—Scotts Bluff County Arpt., LOC (BC) Rwy 12, Orig.

* * * effective June 13, 1974:

Chicago (West Chicago), Ill.—DuPage County Arpt., LOC Rwy 10, Orig.

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 11, 1974:

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., NDB Rwy 11, Amdt. 9.
Bismarck, N.D.—Bismarck Municipal Arpt., NDB Rwy 31, Amdt. 23.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., NDB Rwy 5R/L, Amdt. 8.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., NDB Rwy 23L/R, Amdt. 1.
Cleveland, Tenn.—Hardwick Field, NDB Rwy 3, Orig.
Gadsden, Ala.—Gadsden Municipal Arpt., NDB Rwy 6, Amdt. 7.
Manhattan, Kans.—Manhattan Municipal Arpt., NDB-A, Amdt. 10.
Midland, Tex.—Midland Regional Air Terminal, NDB Rwy 10, Amdt. 6.
N. Myrtle Beach, S.C.—Myrtle Beach Arpt., NDB Rwy 23, Amdt. 2.
Orlando, Fla.—Herndon Arpt., NDB Rwy 7, Amdt. 7.

* * * effective June 27, 1974:

Sikeston, Mo.—Sikeston Memorial Municipal Arpt., NDB Rwy 20, Amdt. 1.

* * * effective June 20, 1974:

Orr, Minn.—Orr Public Arpt., NDB Rwy 13, Orig.
Scottsbluff, Neb.—Scotts Bluff County Arpt., NDB Rwy 12, Orig.

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 11, 1974:

Midland, Tex.—Midland Regional Air Terminal, VORTAC Rwy 34L, Amdt. 6.
N. Myrtle Beach, S.C.—Myrtle Beach Arpt., VOR Rwy 5, Amdt. 10.
N. Myrtle Beach, S.C.—Myrtle Beach Arpt., VOR Rwy 23, Amdt. 11.
Orlando, Fla.—McCoy AFB, VOR Rwy 18L and 18R, Amdt. 2.

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 11, 1974:

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., LOC (BC) Rwy 29, Amdt. 9.
Bismarck, N.D.—Bismarck Municipal Arpt., LOC/DME (BC) Rwy 13, Amdt. 1.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., LOC (BC) Rwy 5R, Orig.
McComb, Miss.—McComb-Pike County Arpt., LOC (BC) Rwy 33, Orig.
McComb, Miss.—McComb-Pike County Arpt., LOC Rwy 15, Orig.
Midland, Tex.—Midland Regional Air Terminal, LOC (BC) Rwy 28, Amdt. 9.
North Myrtle Beach, S.C.—Myrtle Beach Arpt., LOC Rwy 23, Amdt. 2.
Orlando, Fla.—Herndon Arpt., LOC (BC) Rwy 25, Amdt. 9.

* * * effective June 27, 1974:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC Rwy 4L, Amdt. 8.

* * * effective June 20, 1974:

Scottsbluff, Neb.—Scotts Bluff County Arpt., LOC (BC) Rwy 12, Orig.

* * * effective June 13, 1974:

Chicago (West Chicago), Ill.—DuPage County Arpt., LOC Rwy 10, Orig.

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 11, 1974:

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., NDB Rwy 11, Amdt. 9.
Bismarck, N.D.—Bismarck Municipal Arpt., NDB Rwy 31, Amdt. 23.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., NDB Rwy 5R/L, Amdt. 8.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., NDB Rwy 23L/R, Amdt. 1.
Cleveland, Tenn.—Hardwick Field, NDB Rwy 3, Orig.
Gadsden, Ala.—Gadsden Municipal Arpt., NDB Rwy 6, Amdt. 7.
Manhattan, Kans.—Manhattan Municipal Arpt., NDB-A, Amdt. 10.
Midland, Tex.—Midland Regional Air Terminal, NDB Rwy 10, Amdt. 6.
N. Myrtle Beach, S.C.—Myrtle Beach Arpt., NDB Rwy 23, Amdt. 2.
Orlando, Fla.—Herndon Arpt., NDB Rwy 7, Amdt. 7.

* * * effective June 27, 1974:

Sikeston, Mo.—Sikeston Memorial Municipal Arpt., NDB Rwy 20, Amdt. 1.

* * * effective June 20, 1974:

Orr, Minn.—Orr Public Arpt., NDB Rwy 13, Orig.
Scottsbluff, Neb.—Scotts Bluff County Arpt., NDB Rwy 12, Orig.

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 11, 1974:

Albuquerque, N.M.—Albuquerque Int'l. Arpt., ILS Rwy 35, Amdt. 31.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., ILS Rwy 11, Amdt. 10.
Bismarck, N.D.—Bismarck Municipal Arpt., ILS Rwy 31, Amdt. 24.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., ILS Rwy 5R, Amdt. 12 canceled.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., ILS Rwy 23L, Amdt. 3.
Midland, Tex.—Midland Regional Air Terminal, ILS Rwy 10, Amdt. 9.
Orlando, Fla.—Herndon Arpt., ILS Rwy 7, Amdt. 10.

* * * effective June 13, 1974:

Philadelphia, Pa.—Philadelphia Int'l. Arpt., ILS Rwy 27L, Orig.

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 11, 1974:

Macon, Ga.—Lewis B. Wilson Arpt., RADAR-1, Amdt. 11.

Correction. In Docket No. 13709, Amdt. 917, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER under §§ 97.23, 97.29 and 97.33 effective July 4, 1974—Change effective date of Los Angeles, Calif.—Los Angeles Int'l. Arpt., VOR Rwy 25L, Amdt. 6; VOR Rwy 25R, Amdt. 6; ILS Rwy 24L/R, Amdt. 5; ILS Rwy 25L/R, Amdt. 7; RNAV Rwy 24R, Amdt. 2; RNAV Rwy 25L, Amdt. 3 to August 15, 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c); 5 U.S.C. 552(a)(1))

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

Issued in Washington, D.C., on May 23, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.74-12437 Filed 5-30-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Dexamethasone Bolus, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (30-435V) filed by Schering Corp. proposing revised labeling for safe and effective use of dexamethasone bolus, veterinary as supportive therapy for management of inflammatory conditions in cattle and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.81 Dexamethasone bolus, veterinary.

(a) *Specifications.* Dexamethasone bolus, veterinary contains 10 milligrams of dexamethasone in each bolus which is half-scored.

(b) *Sponsor.* See code No. 032 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) Dexamethasone bolus, veterinary is indicated in cases where cattle and horses require additional steroid therapy following its parenteral administration. The drug may be used as supportive therapy for management of inflammatory conditions such as acute arthritic lamenesses, and for various stress conditions where corticosteroids are required while the animal is being treated for a specific condition.

(2) The drug is administered orally at a dosage level of 5 to 10 milligrams per animal the first day, then 5 milligrams per day as required.

(3) Clinical and experimental data have demonstrated that corticosteroids administered orally or by injection to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocio, fetal death, retained placenta, and metritis.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective May 31, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: May 22, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-12496 Filed 5-30-74;8:45 am]

Title 23—Highways

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

PART 1206—RULES OF PROCEDURE FOR INVOKING SANCTIONS UNDER THE HIGHWAY SAFETY ACT OF 1966

This notice amends Title 23, Code of Federal Regulations, by adding a Part 1206 that specifies rules of procedure for invoking the sanctions of the Highway Safety Act of 1966 against States that fail to satisfy their statutory obligations to implement an approved highway safety program in accordance with the Act and the standards (23 CFR 1204.4) issued thereunder.

The procedures provide for the invocation of not only section 402(c) apportionment sanctions, but also two additional section 402 sanctions. One, derived pursuant to section 402(d) from 23 U.S.C. 116, provides for withholding approval of further highway safety programs. The other, modeled after the Federal-aid highway fund sanction in 23 CFR 1.36, provides for withholding of funds for the reimbursement of State expenditures.

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Section 402 does not require that a formal, 5 U.S.C. 556–557 hearing be held prior to invoking the sanctions. To ensure an expeditious and fair determination of whether the sanctions should be invoked, the procedures provide for an informal, legislative-type hearing similar to that provided by 5 U.S.C. 553.

Under the procedures, whenever the Administrators of the Federal Highway Administration and National Highway Traffic Safety Administration find a situation warranting initiation of sanction proceedings, they jointly issue a proposed recommended determination to invoke the sanctions.

The Administrators then send a letter to the Governor of the affected State, and publish a notice in the FEDERAL REGISTER, setting forth the proposed recommended determination, including the program deficiencies upon which the determination was based, and announcing a public hearing for the presentation of evidence and views by the affected State and interested persons concerning the deficiencies.

A three member board conducts the hearing. The Administrators each select an official from their respective Administrations to serve on the board. The third member is an official of the Office of the Secretary of Transportation (OST) designated by the Secretary. The OST member serves as the presiding officer. The board's primary task is to ensure that the hearing proceeds in an orderly and expeditious manner and that the presentations by the affected State and interested persons are as complete and clear as possible.

At any time prior to the commencement of the hearing, the affected State and the Administrators can agree, subject to the Secretary's approval, to settle the matters which constitute the basis of the proposed recommended determination. If the Secretary ratifies the proposed settlement, he publishes a notice in the FEDERAL REGISTER setting forth the terms of the settlement.

If there is no settlement or if the Secretary declines to ratify the proposed settlement, the sanction proceedings continue and a hearing is held. To simplify the issues and otherwise facilitate the hearing, the presiding officer can, on his own initiative or on written request by the Governor of the affected State, hold a public prehearing conference. The results of such conference are memorialized in a notice issued by the presiding officer and published in the FEDERAL REGISTER.

On the basis of the Administrators' review of the hearing transcript, exhibits and other documents filed at the hearing, prehearing conference notices, and the evidence of the Administrations regarding the affected State's program deficiencies, they make a recommended determination.

The recommended determination and materials reviewed by the Administrators are forwarded to the Secretary.

The Secretary makes the final determination whether to invoke the sanctions after reviewing the recommended determination and material forwarded by the Administrators. He can adopt the recommended determination or reject it in whole or in part. His final determination is furnished each hearing participant and published in the FEDERAL REGISTER.

A State that is determined to be either lacking an approved highway safety program or not implementing an approved program, would be subject to several sanctions. The first sanction would be the withholding, pursuant to section 402(c), of all of the State's section 402 Federal highway safety funds from the next apportionment and each subsequent apportionment until the Secretary was satisfied that the State's deficiencies had been corrected. Of course, if the State corrected its deficiencies prior to the next apportionment, the State would avoid the permanent loss of any funds. The second sanction would be the withholding, pursuant to section 402(c), of 10 percent of the State's section 104 Federal-aid highway funds from the apportionment for the same fiscal years, unless the Secretary found it to be in the public interest to suspend the application of this sanction to the State.

The third sanction would be the withholding, pursuant to section 402, of approval of any of the State's further highway safety program. Effective on the date that the State ceased to have an approved program, the State's further highway safety expenditures would not be reimbursable with section 402 Federal highway safety funds.

This sanction is derived from 23 U.S.C. 116 which imposes upon a State the duty to "maintain" its Federally-assisted highway construction projects. The section provides for the withholding of approval for any further projects in a State if the State fails to "maintain" any existing project. By virtue of section 402(d) section 116 applies to the State highway safety programs conducted pursuant to section 402. In adapting section 116 to the highway safety context of section 402, we interpret the term "maintain" as meaning "implement".

In addition to being subject to these three sanctions, the State would also be subject to the withholding of Federal funds available for reimbursing the State with respect to obligations it incurs after the Secretary's determination or a subsequent date established in his determination. This sanction is established under 23 U.S.C. 315 which provides authority for issuing rules and regulations necessary for implementing title 23. The similar Federal-aid highway fund sanction in 23 CFR 1.36 was also established under section 315.

The sanctions differ from each other in several important respects. While the reimbursement sanction can be implemented at any time of year, the apportionment sanction can be implemented only toward the end of a calendar year when funds are apportioned under 23 U.S.C. 104 and 402. The approval sanction can be implemented only toward the end of a fiscal year when the annual work programs are approved for the next year. Further, the approval and reimbursement sanctions are less severe than the apportionment sanctions in that the former sanctions result only in a State's temporary loss of funds. Once the State resumes implementation, it can recover the withheld funds. Conversely, invocation of the apportionment sanctions prevents certain funds from ever being apportioned to the affected State. The funds would be permanently lost to the State since section 402(c) requires that funds withheld from apportionment to a State be apportioned to the other States.

The regulation established by this notice is a rule of agency organization, procedure, and practice within the meaning of 5 U.S.C. 553(b)(B), and therefore requires no notice of proposed rulemaking in order to become effective.

Effective date. In view of the short time remaining before the end of the current fiscal year and the need to clarify the status of the highway safety programs in several states as quickly as possible, an immediate effective date is found to be in the public interest. The regulation is therefore issued to be effective May 31, 1974.

Issued on May 28, 1974.

NORBERT T. TIEMANN,
Administrator,
Federal Highway Administration.

JAMES B. GREGORY,
Administrator, National Highway Traffic Safety Administration.

Sec.
1206.1 Scope.
1206.2 Purpose.
1206.3 Definitions.
1206.4 Sanctions.
1206.5 Commence of proceedings.
1206.6 Contents of notice of proposed recommended determinations.
1206.7 Hearing officers.
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1206.10 Hearing.
1206.11 Recommended determination.
1206.12 Final determination.

AUTHORITY: (23 U.S.C. 116, 315, 402).

§ 1206.1 Scope.

This part establishes procedures governing determinations to invoke the sanctions applicable to any State that does not comply with the highway safety program requirements in the Highway Safety Act of 1966, as amended (23 U.S.C. 402), and highway safety program standards issued thereunder.

§ 1206.2 Purpose.

The purpose of this part is to prescribe procedures for determining whether and the extent to which the 23 U.S.C. 402 sanctions should be invoked, and to ensure a full airing of views on the issues relevant to such determinations by affording the affected State and all other interested persons an opportunity to participate in a public hearing.

§ 1206.3 Definitions.

As used in this part:

(a) "Administrators" means the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration.

(b) "Affected State" means the State with respect to which a proposed recommended determination has been made pursuant to this part.

(c) "Highway safety program" means a State program consisting of both (1) a Comprehensive Highway Safety Plan, a multi-year plan of the State and its political subdivisions for implementing the highway safety program standards and (2) an Annual Highway Safety Work Program, a program detailing the activities and proposed expenditures of the State and its political subdivisions for implementing selected components of the State's Comprehensive Highway Safety Plan during a single year.

(d) "Highway safety program standards" means the standards in § 1204.4 of this chapter, issued under 23 U.S.C. 402, for State highway safety programs.

(e) "Implementing" includes, but is not limited to, complying with conditions upon which the Secretary has granted approval for a State's highway safety program.

(f) "Secretary" means the Secretary of Transportation.

§ 1206.4 Sanctions.

(a)(1) Except as provided in paragraph (a)(2) of this section, the Secretary withholds all of a State's Federal highway safety funds and 10 percent of its Federal-aid highway funds that would otherwise have been apportioned to the State under 23 U.S.C. 402 and 104, respectively, and withholds approval of further highway safety programs in the State, if he finally determines pursuant to this part that a State—

(A) Does not have a highway safety program approved by him in accordance with 23 U.S.C. 402; or

(B) Is not implementing such an approved program.

(2) The Secretary may suspend, for such periods as he deems necessary, the application to a State of the provision in 23 U.S.C. 402 regarding the withholding of funds apportioned under 23 U.S.C. 104, if he determines that such suspension is in the public interest.

(3) When the Secretary withholds funds and program approval from a State pursuant to paragraph (a)(1) of this section, he continues doing so until the State has an approved program or is implementing an approved program to his satisfaction, as appropriate.

(b)(1) The Governor of each State shall implement, or cause to be implemented, a highway safety program approved by the Secretary pursuant to 23 U.S.C. 402. If the Governor lacks legal authority to implement such program or part thereof, he shall enter into formal agreements for its implementation with appropriate officials of the appropriate State agency, political subdivision, or other governmental instrumentality. However, the existence of such agreement does not relieve the Governor of his responsibility for implementation of the entire highway safety program.

(2) If the Secretary finally determines pursuant to this part that a State has failed to comply with the Federal laws or regulations with respect to its highway safety program, or has failed to implement a highway safety program approved by him pursuant to 23 U.S.C. 402, he may withhold payment to the State on account of (i) the State's current annual highway safety work program, with respect to obligations incurred after the date of the Secretary's determination or a date established in such determination, whichever is later, and (ii) the State's subsequent annual highway safety work programs, and may also withhold approval of further highway safety programs of the State, until the State complies or takes remedial action to the satisfaction of the Secretary, as appropriate.

§ 1206.5 Commencement of proceedings.

(a) The Administrators initiate the proceedings pursuant to this part by making a proposed recommended determination to invoke the sanctions specified in § 1206.4.

(b) The Administrators send the Governor of the affected State by certified mail and publish in the FEDERAL REGISTER a notice of the proposed recommended determination.

§ 1206.6 Contents of notice of proposed recommended determination.

The notice of proposed recommended determination includes—

(a) A statement of the reaosns for the proposed action, including the specific highway safety program deficiencies upon which the proposed recommended determination is based; and

(b) The time, date, and place for a hearing at which the affected State and any interested person may present evidence and oral and written views, or both, concerning the specified deficiences. Hearings are held in Washington, D.C., at the headquarters of the Department of Transportation.

§ 1206.7 Hearing officers.

(a) A three-member hearing board is established consisting of an Office of the Secretary official appointed by the Secretary, a Federal Highway Administration official appointed by the Administrator of that Administration, and a National Highway Traffic Safety Administration official appointed by the Administrator of that Administration. The official from the Office of the Secretary serves as presiding officer. The appointment of the hearing board is announced in a notice published in the FEDERAL REGISTER by the presiding officer. A copy of the notice is sent to the Governor of the affected State by certified mail.

(b) The presiding officer has power to take any action and to make all necessary rules and regulations to govern the conduct of the hearing. His powers include the following:

(1) Changing the date and time of the hearing upon resonable notice to the affected State and other hearing participants and publication of such change in the FEDERAL REGISTER;

(2) Continuing the hearing in whole or in part;

(3) Regulating the course of the hearing and the conduct of the participants and counsel therein;

(4) Examining witnesses; and

(5) Taking any other action authorized by this part.

§ 1206.8 Prehearing conference.

(a) At any time before the hearing begins, the presiding officer, on his own initiative or at the written request of the Governor of the affected State, may, after publication of a notice in the FEDERAL REGISTER giving notice to interested persons, convene a public prehearing conference to consider the following:

(1) Simplification and clarification of the issues;

(2) Stipulations as to the facts, and contents and authenticity of documents;

(3) Disclosure of the names and addresses of witnesses and provision of documents intended to be offered in evidence; or

(4) Any other matter that will tend to simplify the issues or expedite the proceedings.

§ 1206.9 Consent determination.

At any time prior to the commencement of the hearing, the affected State and the Administrators may execute an appropriate agreement for disposing of the matter, on which the proposed recommended determination is based, by mutual consent for the consideration of the Secretary. The agreement is submitted to the Secretary, who may—

(a) Accept it and publish a notice in the FEDERAL REGISTER setting forth its terms;

(b) Reject it and direct that the proceedings in the matter continue; or

(c) Take such other action as he deems appropriate.

§ 1206.10 Hearing.

(a) Hearings held pursuant to this part are informal, legislative-type hearings and are open to the public.

(b) The affected State and any interested person participating in a hearing conducted pursuant to this part may, except as specified by the presiding officer pursuant to § 1206.7(b)—

(1) Appear by counsel or other authorized representative;

(2) Present evidence orally or by documents; and

(3) Present oral or written argument.

(c) The hearing is stenographically transcribed verbatim and reported by an official reporter designated by the presiding officer.

(d) As soon as practicable after the presiding officer receives the official transcript of the hearing, exhibits, and other documents filed at the hearing, he forwards them to the Administrators.

§ 1206.11 Recommended determination.

As soon as practicable, the Administrators review the materials forwarded to them by the presiding officer, any prehearing conference notices, and the evidence of the Administrations regarding the affected State's program deficiencies cited in the proposed recommended determination. On the basis of the review, they issue a recommended determination

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and submit it and the material they reviewed to the Secretary.

§ 1206.12 Final determination.

(a) As soon as practicable, the Secretary reviews the recommended determination and the material forwarded him by the Administrators. On the basis of the review, the Secretary may adopt or reject the recommended determination, in whole or in part. The Secretary then issues a final determination which includes:

(1) His decision, and reasons therefor, on the question of whether and to what extent the sanctions provided in § 1206.4 will be invoked; and

(2) A specification of the funds and program approval, if any, to be withheld.

(b) A copy of the final determination is sent by certified mail to the Governor of the affected State and to each other hearing participant, and is published in the FEDERAL REGISTER.

[FR Doc.74-12492 Filed 5-28-74;12:51 pm]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 6—MISCELLANEOUS FEES

Visitor Use and Entrance Charges

Notice is hereby given that the provision formerly designated as § 6.7(e), Wrongful entry, which was inadvertently revoked and withdrawn by notice in the FEDERAL REGISTER of April 30, 1973 (38 FR 10639) is hereby reinstated with minor clarifying language changes effective January 1, 1973, and designated as § 6.5 *Visitor use and entrance charges.*

When it became necessary to revoke the recreation fee regulations published in the FEDERAL REGISTER on February 15, 1972 (37 FR 3350) and the revision thereof because of re-establishment of the Golden Eagle fee program by Act of Congress (Act of July 11, 1972, 86 Stat. 459), the prohibition against wrongful entry of park areas, etc., should have been retained and in fact it was considered as being in effect. The omission was discovered within the last few weeks.

For reasons stated, it has been determined that notice and public procedure thereon are not necessary and reinstatement of the following section shall become effective May 31, 1974.

Part 6, of 36 CFR Chapter I is hereby amended and corrected to include the following provision:

§ 6.5 Visitor use and entrance charges.

Wrongful entry and use. No person shall enter designated entrance fee areas or use specialized sites, facilities, equipment or services or participate in group activities recreation events or other specialized recreation uses for which recreation fees have been established without paying the required fees and possessing the applicable permits.

RUSSELL E. DICKENSON,
Acting Director,
National Park Service.

[FR Doc.74-12444 Filed 5-30-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Leptophos

A petition (PP 2F1228) was filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611 (formerly at 1725 K Street, NW., Washington, DC 20006), in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide leptophos (*O*-(4-bromo-2,5-dichlorophenyl) *O*-methyl phenylphosphonothioate) and its metabolites *O*-(4-bromo-2,5-dichlorophenyl) *O*-methyl phenylphosphonate, 4-bromo-2,5-dichlorophenol, and *O*-(2,5-dichlorophenyl) *O*-methyl phenylphosphonothioate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, and lettuce at 5 parts per million; tomatoes at 2 parts per million; cottonseed at 0.3 part per million; fat, meat, and meat byproducts of cattle at 0.25 part per million; potatoes at 0.15 part per million; milk at 0.1 part per million; fresh corn including sweet corn (kernels plus cob with husk removed) at 0.05 part per million; and eggs and fat, meat, and meat byproducts of poultry at 0.04 part per million.

Subsequently, the petitioner amended the petition by (a) withdrawing the proposed tolerances for residues in or on broccoli, brussels sprouts, cabbage, cottonseed, potatoes and fresh corn including sweet corn (kernels plus cob with husk removed) and in eggs, milk, and the fat, meat, and meat byproducts of cattle and poultry, (b) increasing the proposed tolerance on lettuce from 5 parts per million to 10 parts per million, and (c) proposing that all residues be calculated as leptophos.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

4. Leptophos and its cholinesterase-inhibiting metabolites should be added to the list of cholinesterase-inhibiting pesticides in § 180.3(e)(5).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended as follows:

1. Section 180.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item as follows:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * * * *

(e) * * *

(5) * * *

Leptophos and its cholinesterase-inhibiting metabolites.	

* * * * * * *

2. The following new § 180.345 is added to Subpart C:

§ 180.345 Leptophos; tolerances for residues.

Tolerances are established for combined residues of the insecticide leptophos (*O*-(4-bromo-2,5-dichlorophenyl) *O*-methyl phenylphosphonothioate) and its metabolites *O*-4(bromo-2,5-dichlorophenyl) *O*-methyl phenylphosphonate, 4-bromo-2,5-dichlorophenol, and *O*-(2,5-dichlorophenyl) *O*-methyl phenylphosphonothioate (calculated as leptophos) as follows:

10 parts per million in or on lettuce.

2 parts per million in or on tomatoes.

any person who will be adversely affected by the foregoing order may at any time on or before July 1, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective May 31, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 28, 1974.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.74-12557 Filed 5-30-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-141]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Future System Plans

Subpart 101-32.15 is added to provide that agencies shall submit to GSA annually their future plans for major automated data and telecommunications systems. The initial plan is required not later than July 31, 1974, in lieu of the annual March 31 submission required by § 101-32.1503 of this amendment.

The table of contents for Part 101-32 is amended by the addition of new Subpart 101-32.15 and a new § 101-32.4902-2928 in Subpart 101-32.49 as follows:

Subpart 101-32.15—Future Plans for ADP and Telecommunications Systems

Sec.	
101-32.1500	Scope of subpart.
101-32.1501	Applicability.
101-32.1502	Objectives.
101-32.1503	Automated data and telecommunications systems.
101-32.1504	Automated data systems planning submissions.
101-32.1504-1	Group 1, System concept and objectives.
101-32.1504-2	Group 2, System description.
101-32.1504-3	Group 3, Computer procurement and operations description.
101-32.1505	Data and message communications systems planning submissions.
101-32.1505-1	Group 1, Summary of the communications system.
101-32.1505-2	Group 2, Network configuration.
101-32.1505-3	Group 3, Equipment description.
101-32.1506	Telecommunications (other than data and message) system planning submissions.
101-32.1506-1	Group 1, Summary of communications system.
101-32.1506-2	Group 2, Network description.
101-32.1506-3	Group 3, Terminal equipment description.
101-32.1507	Agency assistance in system planning.

Subparts 101-32.16—101-32.45 [Reserved]

Subpart 101-32.49—Illustration of Forms

* * * * * * *

101-32.4902-2928	GSA Form 2928, Automated Data and Telecommunications System Plan.

AUTHORITY: Sec. 205(c), 63 Stat. 390, (40 U.S.C. 486(c)).

Part 101-32 is amended by adding new Subpart 101-32.15 as follows:

Subpart 101-32.15—Future Plans for ADP and Telecommunications Systems

§ 101-32.1500 Scope of subpart.

This subpart provides procedures and guidelines for future planning of major automated data and telecommunications systems including preparation and submission of agency plans for new systems, additions or deletions to existing systems, and for system planning assistance to agencies by GSA. Collection and analyses of projected requirements is a key part of a Government-wide ADP and telecommunications system planning process. Agencies are therefore required to make annual system planning submissions. These submission describe the requirements for proposed major automated data and telecommunications systems. Annual planning submissions are scheduled to enable the Automated Data and Telecommunications Service (ADTS) to determine those procurements it will conduct, and those it will delegate to the agencies, and to give the agencies advance notification of this determination.

§ 101-32.1501 Applicability.

The provisions of this subpart apply to all Federal agencies to the extent specified in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, or other law, except as provided in this section. Systems plans included in the annual submission will be used as the basis for giving an agency advanced notification of a delegation of procurement authority.

(a) The provisions of this subpart apply to telecommunications services and facilities, as defined in § 101-35.105-1, which are planned to be acquired by the Government. All plans for telecommunications services and systems for both general purpose application and specialized mission area application shall be submitted to GSA as outlined below:

(1) General purpose system or service requirements are those for which interoperability, efficiency, or cost-effectiveness of the service is a major consideration or for which no unique security or performance characteristics beyond the capabilities of a common-user system are demanded. General purpose telecommunications systems plans shall be submitted to GSA in accordance with the procedures of this subpart.

(2) Mission area oriented system requirements are those which support operational functions of particular agency missions in which cost considerations must yield to performance or security factors. Mission area oriented telecommunications systems plans shall be submitted to the Office of Telecommunications Policy (OTP) in accordance with OTP Circular No. 12. Copies of mission area plans shall be provided to GSA by OTP in accordance with OTP Circular 12 as amended.

(b) This subpart is applicable to ADPE as defined in § 101-32.402-1, including ADPE components of telecommunications systems. The provisions of § 101-32.203-3 apply in regard to ADP systems which are exempted from the Government-wide ADP Sharing Program.

(c) The report required in this regulation has been cleared in accordance with FPMR 101-11.11 and assigned Interagency Report Control No. 0016-GSA-AN.

§ 101-32.1502 Objectives.

(a) To determine potential requirements for multi-user computer or communications facilities and to gain adequate lead time to plan and establish these facilities, it is necessary to collect and analyze certain information pertaining to present and planned automated data systems and telecommunications systems throughout the Federal Government. Multi-user facilities are desirable because they can improve efficiency and reduce costs by:

(1) Enabling operation of fewer data processing installations and fewer separate telecommunications systems while continuing to support identified user requirements;

(2) Enabling use of remote terminals and telecommunications rather than establishing additional computer installations;

(3) Enabling use of common computer applications program packages; and

(4) Making available features and capabilities not available or justifiable on an individual basis.

(b) Agency system requirements which are not appropriate to fulfillment on a common-user system shall be satisfied on an individual basis.

(c) The collection of system plans provides a source of information concerning Government-wide system developments from which significant trends, growth rates, new types of services, and similar forecasts and reports can be developed. Procurement data allow advance notification of those procurements which GSA will assume and those which it will delegate, in accordance with the provisions and limitations set forth in § 101-32.405.

§ 101-32.1503 Automated data and telecommunications systems.

(a) Federal agencies are required to make a comprehensive annual projection of each automated data and telecommunications system requirement for the 5 fiscal years following the fiscal year in which these projected requirements to GSA are due. This projection shall be known as the Automated Data and Telecommunications System Plan and shall be submitted to GSA by March 31 of each year. For the purposes of this subpart, a system is defined as any continuing ADP and/or telecommunications work arrangement, including equipment, procedures, processes, methods, routines, and techniques united by some form of regulated interaction to form an entity. A telecommunications system may include a computer (i.e., a message switch or concentrator) and, conversely, an ADP system may include telecommunications requirements (i.e., circuits and terminal equipment).

(b) The report cited in § 101-32.1503 (a), above, shall consist of separate planning submissions for each planned or projected automated data or telecommunications system requirement. Planning submissions shall be made in one of three categories: (1) Automated data system planning submissions as defined in § 101-32.1504, (2) data and message system planning submissions as defined in § 101-32.1505, and (3) telecommunications (other than data and message) system planning submissions as defined in § 101-32.1506. Planning submissions for systems involving combinations of computer and communications requirements shall receive special attention to ensure coordination and cross-referencing of these requirements between the submission describing the computer requirements and the submission describing the communication requirements, if separately submitted. Planning submissions for a particular system shall be updated annually. Requirements programed to be operational within the same fiscal year in which the planning report is being submitted shall not be included in the report.

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(c) Agencies shall use GSA Form 2928, Automated Data and Telecommunications System Plan (see § 101–31.4902–2928), in making their submission. Identifying information for a particular system shall be entered in blocks 1 through 9 of the form, and technical data and information describing the system shall be submitted in the narrative portion of the form, block 10. This narrative description shall include, but is not limited to the information required by the three groups described in §§ 101–32.1504, 101–32.1505, and 101–32.1506 to the extent the information is known and applicable at the time of submission. Subsequent annual submissions shall expand and update this information as it becomes available through the system development process.

(d) An ADP system planning submission shall also include the plan for conducting the data communications study required by Subpart 101–32.11 or, if completed, the results of that study. To further substantiate and amplify planning submissions, agencies are encouraged to submit other planning documents, such as ADP and telecommunications program plans prepared for internal planning and/or for budgetary purposes.

§ 101–32.1504 Automated data systems planning submissions.

As a part of the preparation and submission of their annual Automated Data and Telecommunications System Plan agencies shall maintain and submit planning information, as specified in § 101–32.1503, using the three groups outlined in this section for each proposed major new automated data system and for each proposed major revision of an existing automated data system. A major ADP system or ADP system revision is defined as one which requires either (a) the submission of an APR in accordance with the provisions of § 101–32.404 or (b) the total expenditure in any one fiscal year for hardware, software, personnel engaged in system development, and related items exceeding $1 million. For some automated data systems, only the information requested in Group 1 in this section may be available at the time of the initial submission for the system. This information shall be updated and supplemented in subsequent annual submissions by adding Group 2 and Group 3 information as this information becomes available. However, information from all three groups shall be submitted no later than March 31 of the fiscal year preceding that for a proposed RFP release for GSA to consider advanced delegation. GSA will delegate procurement authority for each acquisition scheduled for the next fiscal year if such action is determined to be in the best interests of the Government. Such delegations will be provided by July 1 of each year. This does not preclude the submission of individual APR's at any time for unforeseen and urgent requirements pursuant to the provisions of § 101–32.404.

§ 101–32.1504–1 Group 1, System concept and objectives.

Group 1 shall consist of the following:

(a) Overview description of system objectives, functions, and operation including such facts as: Is it a new requirement, upgrade, or replacement? Will it operate on an existing computer? Is development being done in-house or on contract? Is processing primarily batch or interactive?

(b) Agency system manager.

(c) Overall point of contact.

(d) Significant development milestones (fiscal year, quarter), such as general system study, feasibility study, RFP issue, award date, software development, and test and debug.

§ 101–32.1504–2 Group 2, System description.

Group 2 shall consist of the following:

(a) Computer hardware requirements (general or special purpose, size, approximate configuration).

(b) Computer software requirements (programing languages, data base of file organization, computational needs).

(c) Geographic distribution of systems including the number of data processing installations involved.

(d) On-line functions (query, transactions, reports).

(e) Security requirements.

(f) Supporting telecommunications (see § 101–35.203).

§ 101–32.1504–3 Group 3, Computer procurement and operations description.

Group 3 shall consist of the following:

(a) Computer hardware configuration including number of central processing units (CPU), memory units, peripheral I/O units, and terminals.

(b) Computer software description including file and data base size (in records) and estimated daily input and output volumes (in records).

(c) Any unique or unusual vendor supplied software, maintenance, or other requirements involved.

(d) Identify whether procurement is proposed to be competitive or sole source, and the estimated dollar volume of the procurement.

§ 101–32.1505 Data and message communications systems planning submissions.

As a part of the preparation and submission of the annual Automated Data and Telecommunications System Plan agencies shall maintain and submit planning information specified in § 101–32.1503, using the three groups outlined in this section for each proposed major new data and message communications system. Major systems or major systems changes are defined in § 101–35.202 (c) and (d). For some data and message communications systems, only the information requested in Group 1 in this section may be available at the time of the initial submission for that system. This information shall be updated and supplemented in subsequent annual submissions by adding Group 2 and Group 3 information as this information becomes available.

§ 101–32.1505–1 Group 1, Summary of the communications system.

Group 1 shall consist of the following:

(a) Overview description of system objectives, functions, and operation including such facts as: Is it a new requirement, upgrade, or replacement? Are common-user facilities appropriate? Is system development being done in-house or on contract?

(b) The communications system name or identification.

(c) Agency system manager.

(d) Overall point of contact.

(e) Significant development milestones (fiscal year, quarter), such as general system study, feasibility study, RFP issue, award date, system test, and cutover.

(f) Type of traffic (computer I/O, narrative, other).

(g) Message format (JANAP 128, ACP 127, other).

(h) Information code (USASCII, BCD, BAUDOT, analog, other).

(i) Switching technique (message, circuit, polling, other).

(j) Security/privacy (national security, sensitive, degree of protection required).

§ 101–32.1505–2 Group 2, Network configuration.

Group 2 shall consist of the following:

(a) Name and location of all stations.

(b) Communications media (FTS, ARS, PL, FX, WATS, other).

(c) Traffic volume (words per min., msgs. per day, etc., by location-to/from).

(d) Traffic distribution in time (busy hour, day).

(e) Data transmission rate (bps).

(f) Performance requirements (response time, max. tolerable error rate, etc.).

§ 101–32.1505–3 Group 3, Equipment description.

Group 3 shall consist of the following:

(a) Communications interface (DAA, modem, FDM MX, TDM MX, other).

(b) ADPE components (central processor configuration, programmable terminal, communications controller).

(c) Terminal device (TTY, paper tape, magnetic tape, CRT, other).

(d) Ownership of system components (Government-owned, leased).

(e) Mode of operation (FDX, HDX, RO, TO).

§ 101–32.1506 Telecommunications (other than data and message) system planning submissions.

As a part of the preparation and submission of their annual Automated Data and Telecommunications System Plan agencies shall maintain and submit planning information, as specified in § 101–32.1503, using the three groups outlined in this section for each proposed major new voice, security, radio, and video system, for each proposed major revision to such systems already in existence, and for each proposed system interconnection to other Federal sytsems (e.g., Defense Communications System). Major systems and major systems revisions are defined in § 101–35.202(a), (b), (e), (f), and (g). For some of these systems, only the information requested in Group 1 in this section may be available at the time of initial submission. This information shall be updated and supplemented in subsequent annual submissions by adding Group 2 and Group 3 information as this information becomes available.

§ 101–32.1506–1 Group 1, Summary of communications system.

Group 1 shall consist of the following:

(a) Overview description of system objectives, functions, and operation including such facts as: Is it a new requirement, upgrade, or replacement? Are common-user facilities appropriate? Is system development being done in-house or on contract?

(b) The system title or identification.

(c) Agency system manager.

(d) Overall point of contact.

(e) Significant development milestones (fiscal year, quarter), such as general system study, feasibility study, RFP issue, award date, system test, and cutover.

(f) Type of traffic (voice, graphic, other).

(g) Switching technique (circuit message, packet, other).

(h) Security/privacy (national security, sensitive, degree of protection required).

§ 101–32.1506–2 Group 2, Network description.

Group 2 shall consist of the following:

(a) Name and location of all stations.

(b) Communications media (FTS, PL, WATS, other).

(c) Traffic.

(1) Voice—Estimated number of calls per day, average holding time per call.

(2) Video—Minutes per day, resolution, color/gray levels/dynamic range.

(3) Graphics—Number of images per day, color/gray levels/dynamic range.

(d) Geographic and time distribution of traffic.

(e) Communications reliability considerations.

(f) Tolerable error rate or distortion.

§ 101–32.1506–3 Group 3, Terminal equipment description.

Group 3 shall consist of the following:

(a) Ownership (Government-owned, -leased, or -tariffed, other).

(b) Terminal type (PBX, Facsimile, TV, radio, etc.).

§ 101–32.1507 Agency assistance in system planning.

(a) Upon request, the General Services Administration (CP) will provide assistance to departments and agencies in analyzing and developing these plans. Since future system requirements are normally developed through organizational channels within an agency, the initial point of contact for assistance will usually be between the requesting agency's headquarters office and the General Services Administration (CP), Washington, DC 20405. Field contacts may subsequently be arranged with the appropriate GSA regional office or central office personnel as such contacts become necessary or desirable.

(b) Requests for assistance should include a description of the relevant details of the assistance desired and should be accompanied by a requirements summary containing a review of the mission and functions of the organizational element initiating the request for assistance, a description of current system capabilities and limitations, a discussion of operational requirements, and a statement of past, present, and projected needs.

(c) A formal request for assistance shall be directed to the General Services Administration (CP), Washington, DC 20405. GSA will acknowledge in writing receipt of the request. The request will then be analyzed to determine the nature and scope of the assistance to be rendered. The ADTS staff will provide the requested assistance, issue periodic reports on the progress of the project, and maintain the appropriate coordination with the initiating organization throughout the duration of the assistance.

Subparts 101–32.16—101–32.46 [Reserved]

Subpart 101–32.49—Illustration of Forms

Section 101–32.4902–2928 is added as follows:

§ 101–32.4902–2928 GSA Form 2928, Automated Data and Telecommunications System Plan.

NOTE.—The form illustrated in § 101–32.4902–2928 is filed as part of the original document.

Effective date. This regulation is effective May 31, 1974.

Dated: May 22, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–12464 Filed 5–30–74;8:45 am]

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

[FPMR Amdt. F–19]

PART 101–35—TELECOMMUNICATIONS

Subpart 101–35.1—General Provisions

FUTURE SYSTEM PLANS

This amendment revises § 101–35.109 to provide a cross-reference to Subpart 101–32.15. Instructions concerning the submission of future plans for automated data and telecommunications systems are in new Subpart 101–32.15.

1. The table of contents for Part 101–35 is amended to revise § 101–35.109 as follows:

101–35.109 Future ADP and telecommunications system plans.

2. Section 101–35.109 is revised to read as follows:

§ 101–35.109 Future ADP and telecommunications system plans.

Information concerning the annual submission to GSA of future plans for automated data and telecommunications systems is in Subpart 101–32.15.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective May 31, 1974.

Dated: May 22, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–12464 Filed 5–30–74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

Higher Education Programs

The Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby amends 45 CFR Part 100a (38 FR 30654, November 6, 1973) as set forth below.

The Supplemental Educational Opportunity Grant and College Work Study Programs are included in the list of Programs shown on 39 FR 30663–64 of the regulations. The regulations are inappropriate for these programs since the student aid programs are essentially formula grant-type programs while the general provisions contained in the regulations were designed to apply to project grant-type programs. Thus, most parts of the general provisions are not applicable to these two student financial aid programs. Therefore, the regulations are being amended to delete all reference to Supplemental Educational Opportunity Grants and College Work Study. These programs will continue to operate under the provisions contained in the formal agreements which have been entered into by the Office of Education and the institutions participating in these programs.

Office of Management and Budget Circular A–102, Attachment H, prescribed standardized forms for financial reporting for grants to State and local governments. The Office of Education extended the provisions of Circular A–102 to all recipients in the belief that uniform standards, when possible are in the best interests of good management and economy. Experience with the format of the financial reports in Attachment H of Circular A–102 now indicates that the elements needed in financial reports from institutions of higher education are sufficiently different from those required from local school districts as to warrant different formats for financial reports.

Therefore, the regulation is being amended to permit institutions to continue using the same financial reporting forms currently approved by the Office of Management and Budget for OE pro-

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grams of financial assistance to institutions of higher education.

Subpart Q of Part 100a sets forth requirements concerning monitoring the reporting of program performance. It has been suggested that Subpart Q should also be amended to exclude the Federal programs for higher education, on the grounds that the forms set forth in OMB Circular A–102 are inappropriate for these programs. After reviewing the provisions of Subpart Q, the Commissioner has determined that no amendment to the subpart will be required, since the performance reports referred to are not limited to any particular format under the terms of the regulations. Thus recipients will continue to use whatever forms are provided for by the Commissioner. Recipients are further advised that the term "performance", as used in Part 100a, Subpart Q, is interpreted to mean those actions and activities which are required of the recipient in meeting its obligations under the Federal program. In some cases, this may only amount to the expenditure of funds for proper purposes.

In view of the limited time remaining in the fiscal year for awarding funds under these programs, it has been determined that resort to proposed rule making procedures would be impracticable. (5 U.S.C. 553(b)).

Effective date. These amendments shall become effective June 30, 1974.

(20 U.S.C. 1221c (b)(1); OMB Circular No. A–102, Attachment H)

Dated: May 14, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 28, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 100a of Title 45 of the Code of Federal Regulations is amended as follows:

1. § 100a.10 is amended by deleting paragraphs (a)(22) and (24).

2. § 100a.400 is revised to read as follows:

§ 100a.400 Scope of subpart.

(a) This subpart prescribes requirements for recipients to report financial information to the Commissioner and to request advances and reimbursement when a letter-of-credit method is not used, and promulgates standard forms incident thereto.

(OMB Circular No. A–102, Attachment H)

(b) Notwithstanding § 100a.10, this subpart shall not apply to recipients, other than State and local government recipients (if any), under the following federal programs:

(1) Language development under title VI of the National Defense Education Act of 1958 (20 U.S.C. 511);

(2) Special programs and projects relating to national and regional problems under section 106 of title I of the Higher Education Act of 1965 (20 U.S.C. 1005a);

(3) College Library resources and library training and research under parts A and B, respectively, of title II of the Higher Education Act of 1965 (20 U.S.C. 1021, 1031);

(4) Strengthening developing institutions under title III of the Higher Education Act of 1965 (20 U.S.C. 1051).

(5) Special programs for students from disadvantaged backgrounds under part A–4 of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070d);

(6) Cooperative education programs under title IV–D of the Higher Education Act of 1965 (20 U.S.C. 1087a);

(7) Training programs for higher education personnel under Part E of the Education Professions Development Act (20 U.S.C. 1119b);

(8) Financial assistance for the improvement of undergraduate instruction under title VI of the Higher Education Act of 1965 (20 U.S.C. 1121);

(9) Construction of academic facilities under title VII of the Higher Education Act of 1965 (20 U.S.C. 1132a); and

(10) Education programs in foreign language and area studies under section 102 (b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452 (b)(6)).

(20 U.S.C. 1221c (b)(1))

[FR Doc.74–12493 Filed 5–30–74;8:45 am]

PART 101—ADMINISTRATIVE PROCEDURE

Subpart B—Public Information Act—Fee Schedule

On pages 9546 and 9547 of the FEDERAL REGISTER of March 12, 1974, there was published a notice of proposed rulemaking to issue regulations setting forth a schedule of fees to be charged for the provision of special information services pursuant to the Public Information or Freedom of Information Act. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: These regulations shall be effective May 31, 1974.

Dated: May 9, 1974.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: May 24, 1974.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart B—Public Information Act—Fee Schedule

Sec.
101.10 Scope.
101.11 Policy.
101.12 Fee schedule.
101.13 Services under section 427 of the General Education Provisions Act.

AUTHORITY: Pub. L. 89–554, 80 Stat. 383, as amended (5 U.S.C. 552); sec. 427 of Pub. L. 91–230, 84 Stat. 168 as amended (20 U.S.C. 1231f).

Subpart B—Public Information Act—Fee Schedule

§ 101.10 Scope.

This Subpart B sets forth: (a) In § 101.11, the policy of the Office of Education on availability of records, (b) In § 101.12, the schedule of fees to be charged by the Office of Education for records obtained under the Public Information or Freedom of Information Act (5 U.S.C. 552), and (c) In § 101.13, the procedure of the Office of Education in relation to charges for information obtained under section 427 of the General Education Provisions Act (20 U.S.C. 1231f).

(5 U.S.C. 552; 20 U.S.C. 1231f).

§ 101.11 Policy.

(a) *Policy.* It is the policy of the Office of Education to provide routine information to the general public at no charge. Special information services involving a benefit that does not accrue to the general public are subject to the payment of fees which have been established to recover cost to the Government of providing such services.

(5 U.S.C. 552(a)(3)).

§ 101.12 Fee schedule.

The fee schedule for the Office of Education is as follows:

(a) *Search for records.* $3 per hour: Provided, however, That no charge will be made for the first one-half hour.

(b) *Reproduction, duplication, or copying of records.* 10 cents per page: Provided, however, That no charge will be made where the total amount does not exceed 50 cents and provided further that where records are not susceptible to photocopying, e.g., punch cards or magnetic tapes, the amount charged will be the actual cost, as determined on a case-by-case basis.

(c) *Certification or authentication of records.* $3 per certification or authentication.

(d) *Forwarding material to destination.* Postage, insurance, and special fees will be charged on an actual cost basis.

(e) *Payment of fees and charges.* Payment may be made by check, draft or postal money order, payable to U.S. Office of Education. Requests for services, accompanied by payment, or requests for charges for record searches should be made to: Office of Education, Information Center, 400 Maryland Avenue SW., Washington, D.C. 20202.

(5 U.S.C. 552)

§ 101.13 Services under section 427 of the General Education Provisions Act.

(a) Charges for transcripts or copies of tables and other records and for special statistical compilations to be furnished by the Commissioner of Education pursuant to section 427 of the General Education Provisions Act (20 U.S.C. 1231f) will be established at the time a specific request is submitted, approximating as closely as possible the actual or estimated cost of the work.

(b) Payment in advance is required for all services under paragraph (a) of this section.

(5 U.S.C. 552; 20 U.S.C. 1231f)

[FR Doc.74–12388 Filed 5–30–74;8:45 am]

PART 100b—STATE ADMINISTERED PROGRAMS

PART 192—STATE STUDENT INCENTIVE GRANT PROGRAM

Pursuant to the authority contained in sections 415A–415D of subpart 3 of Part A of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c–1070c–3), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, is issuing the following regulation governing the operation of the State Student Incentive Grant Program, and is amending the Office of Education General Provisions (45 CFR Part 100b) so that the State Student Incentive Grant Program will be covered by its provisions.

The purpose of the State Student Incentive Grant Program is to make incentive grants available to the States to assist them in providing grants to eligible students with substantial financial need to enable such students to attend or continue to attend institutions of higher education. The Commissioner is authorized to use the funds appropriated for this program to pay 50 percent of the amount of student grants awarded under eligible State programs.

In view of the limited time remaining in the fiscal year for affording States a reasonable period in which to prepare their applications, for the evaluation and processing of such applications, and for allotting funds under the program to such States, it has been determined that to resort to proposed rulemaking with respect to this regulation would be impracticable (5 U.S.C. 553(b)).

Effective date. The regulations contained herein shall become effective June 30, 1974.

(Catalog of Federal Domestic Assistance No. 13.548; State Student Incentive Grant Program)

Dated: May 13, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 28, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

1. Section 100b.10 of Title 45 of the Code of Federal Regulations is amended by adding a new paragraph (l) which reads as follows:

§ 100b.10 Scope.

* * * * * *

(l) Grants to States under the State Student Incentive Grant Program authorized by Title IV–A–3 of the Higher Education Act of 1965 as amended (20 U.S.C. 1070c—1070c–3).

2. Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new Part 192, which reads as follows:

Sec.
192.1 Purpose.
192.2 Definitions.
192.3 Allotment and reallotment.
192.4 State program requirements.
192.5 State applications.
192.6 Student eligibility.
192.7 State standards for determining substantial financial need.
192.8 Approval of State criteria for determining expected family contribution.
192.9 Maintenance of effort.
192.10 Use of funds.
192.11 Disapproval of State applications.
192.12 General provisions regulation.

AUTHORITY: Sections 415A–415D of Title IV of the Higher Education Act of 1965 as amended by section 131(b)(1) 86 Stat. 255–258 (20 U.S.C. 1070c—1070c–3), unless otherwise noted.

§ 192.1 Purpose.

The purpose of this part is to make incentive grants available to the States to assist them in providing grants to eligible students with substantial financial need to enable such students to attend or continue to attend institutions of higher education. States may develop new student grant programs, or may expand existing ones by enlarging the class of eligible grant recipients and/or by increasing the size of the grants previously awarded.

(20 U.S.C. 1070c)

§ 192.2 Definitions.

"Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters or 900 clock hours of instruction.

"Act" means Title IV, Part A, Subpart 3 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c–1070c–3).

"Clock hour" means a period of time which is the equivalent of either (1) a 50 to 60 minute class, lecture, or recitation, (2) two hours of laboratory, shop training, or internship requiring outside preparation, (3) two hours of outside preparation related to (1) and (2), or (4) three hours of laboratory, shop training, or internship not requiring outside preparation.

"Continuing award" means an award of funds under this part to a student that does not qualify as an "initial award" as defined in § 192.2.

"Cost of education" means the cost of education as defined by each State.

"Dependent student" is a student who does not qualify as "self-supporting or independent student" as defined in § 192.2.

"Expected family contribution of a dependent student" means the sum of the amounts which reasonably may be expected from the student and his spouse to meet the student's cost of education and the amount which reasonably may be expected to be made available to him by his parents for such purpose.

"Expected family contribution of an independent or self-supporting student" means the amount which reasonably may be expected from the student and his spouse to meet the student's cost of education.

"Full-time student" means a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (1) course work or other required activities as determined by the institution in which the student is enrolled, or by the State whose agency is administering the program authorized by the Act, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of 12 semester hours or 12 quarter hours per academic term for institutions utilizing trimesters, semesters, or quarter hour systems, or which consists of a program requiring a minimum of 25 clock hours per week for those institutions that do not utilize such systems, and (2) the tuition and fees customarily charged for full-time study by the institution.

(20 U.S.C. 1088(c)(2))

"Half-time student" means a student who is carrying a half-time academic work load measured in terms of (1) course work or other required activities as determined by the institution in which the student is enrolled, or by the State whose agency is administering the program authorized by the Act, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in part-time study, and which amounts to a minimum of 6 semester hours or 6 quarter hours for institutions utilizing trimesters, semesters or quarters, or which consists of a program requiring a minimum of 13 clock hours per week for those institutions which do not utilize such systems, and (2) the tuition and fees customarily charged for half-time study by the institution.

(20 U.S.C. 1088(c)(2))

"Independent or self-supporting student" means an independent or self-supporting student as defined by each State.

"Initial award" means the first award made to a student under this part. A payment under this part by a State to any student who had previously received a payment of grant funds under this part by any State shall not be considered an initial award payment.

"Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less

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than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of paragraphs (1), (2), (4), and (5) of this section unless the school is a public institution in which case it may also be accredited by the State agency in that State which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education, as defined in § 192.2, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1087–1(b), 1141(a))

"National of the United States" means (1) a citizen of the United States, or (2) a person who though not a citizen of the United States owes permanent allegiance to the United States.

(8 U.S.C. 1101(a)(22))

"Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes, in which case such person shall be considered the parent.

"Proprietary institution of higher education" means a school (1) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, (3) which is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) which is not a public or other nonprofit institution, and (6) which has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

"State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, America Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1088(a))

"Undergraduate student" means a student who (1) is in attendance at an institution of higher education and (2) has not earned his first baccalaureate or professional degree. A student who has not earned his first baccalaureate or professional degree and who is enrolled in a program of study at the postsecondary level which is designed to extend for more than four academic years shall not be considered an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program leads to a first degree and is designed to extend for a period of five academic years.

(20 U.S.C. 1070c–1070c–3, unless otherwise noted)

§ 192.3 Allotment and reallotment.

(a) *Allotment of funds for initial awards.* From the sums appropriated pursuant to section 415A(b)(1) of the Act for any fiscal year, the Commissioner will allot to each State an amount which bears the same ratio to such sums as the number of students in attendance as at least half-time students at institutions of higher education in such State bears to the total number of such students in such attendance in all the States.

(b) *Reallotment of funds for initial awards.* The amount of any State's allotment under paragraph (a) of this section for any fiscal year which the Commissioner determines will not be required for that State's grant program for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under paragraph (a) of this section for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

(c) Any amount reallotted to a State under paragraph (b) of this section during a year shall be deemed part of its allotment under paragraph (a) of this section for such year.

(d) For the purposes of this section, the number of students in attendance as at least half-time students at institutions of higher education in a State and in all the States will be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

(20 U.S.C. 1070c–1)

§ 192.4 State program requirements.

(a) A State may receive funds allotted to it under § 192.3 for any fiscal year only if such funds will be expended pursuant to a State program which:

(1) Is administered by a single State agency;

(2) Awards such grants only to students who meet the eligibility requirements of § 192.6;

(3) Provides for the selection of recipients of such grants on the basis of substantial financial need determined annually on the basis of criteria established by the State and approved by the Commissioner;

(4) Provides that such grants will be in amounts not in excess of $1,500 per academic year for attendance on a full-time basis at an institution of higher education;

(5) Meets the maintenance of effort requirement of § 192.9;

(6) Provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this part;

(7) Provides for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part; and

(8) Provides for the payment of the non-Federal share of grants awarded under this part from funds supplied by the State.

(20 U.S.C. 1070c–2)

§ 192.5 State applications.

(a) Any State wishing to obtain a payment under this part which has not previously received funds under the Act shall file an application with the Commissioner, through the State agency administering its program of student grants, which shall be in such form, and contain the following information and such other information and assurances, as the Commissioner may from time to time prescribe:

(1) A description of the applicable State grant program, including

(i) The name of the State agency administering the program,

(ii) A certification by an appropriate State official that the above State agency is the single State agency responsible for the administration of this grant program and that such agency has the authority to participate in and receive funds under this part,

(iii) The maximum grant permitted under the program,

(iv) The program's definition of substantial financial need,

(v) The criteria and procedures used in determining financial need, in selecting grant recipients and in determining the amount of such grants,

(vi) A description of the students eligible to receive grants, and

(vii) The type of schools students receiving grants under the program may attend;

(2) The amount of funds to be spent by the State in the fiscal year for which funds are requested under this part for grants to all students attending institutions of higher education, including grants to undergraduate students awarded such funds on the basis of substantial financial need;

(3) The amount of funds, if any, expended by the State for grants to all students attending institutions of higher education, including grants to undergraduate students awarded such funds on the basis of substantial financial need, during the second fiscal year preceding the fiscal year in which the State will first receive funds under this part; and

(4) An assurance that the State will match the amount of funds allotted or reallotted to it under § 192.3 for the fiscal year, or if the State cannot make such an assurance, the amount of Federal funds that the State can match for that fiscal year.

(b) Any State which has previously received funds under the Act that wishes to obtain a payment under this part shall file an application with the Commissioner, through the State agency administering its program of student grants, which shall be in such form, and contain the following information and such other information or assurances, as the Commissioner may from time to time prescribe:

(1) The definition of substantial financial need;

(2) The criteria and procedures used in determining financial need, in selecting grant recipients and in determining the amount of such grants;

(3) The information described in subparagraphs (2) and (4) of paragraph (a) of this section; and

(4) An assurance that the applicable State program continues to meet the requirements of § 192.4.

(c) The Commissioner will from time to time establish cut off dates for the filing of applications.

(20 U.S.C. 1070c–2)

§ 192.6 Student eligibility.

In order to receive a grant under this part, a student must (1) be a national of the United States, be in the United States for other than a temporary purpose and intend to become a permanent resident thereof, or be a permanent resident of the Trust Territories of the Pacific Islands; (2) be enrolled or accepted for enrollment as at least a half-time undergraduate student at an institution of higher education; and (3) have substantial financial need as determined annually in accordance with § 192.7.

(20 U.S.C. 1070c–2)

§ 192.7 State standards for determining substantial financial need.

(a) A State program under this part shall define substantial financial need and establish standards for determining whether an applicant for a grant has such need. Such standards may include, but are not limited to

(1) A student's expected family contribution;

(2) The difference between a student's cost of education and his expected family contribution; or

(3) The student's or where relevant, the student's parents' income.

(b) A student will be deemed by the Commissioner to have substantial financial need under a State program (1) which determines such need by evaluating only the student's expected family contribution if that student's expected family contribution is not more than $2800; (2) which determines such need by evaluating the difference between the student's cost of education and his expected family contribution if that difference is at least $90; (3) which determines such need by evaluating the student's, and where relevant, the student's parents' income if the student's net income does not exceed $20,000, or, where relevant, if the parents' net income does not exceed $20,000; or (4) which determines such need in accordance with standards other than those specifically listed in paragraph (a) of this section if the amount of need determined in accordance with that standard is reasonably comparable to the amount of need that would be determined under the standards listed in paragraph (a).

(c) A State program which provides for the selection of recipients on the basis of criteria which do not qualify under the provisions of paragraph (b) may, nevertheless, be approved, pursuant to section 415C(b)(4) of the Act, if the State demonstrates, to the satisfaction of the Commissioner, that such program provides for the selection of recipients only on the basis of substantial financial need.

(20 U.S.C. 1070c–2)

§ 192.8 Approval of State criteria for determining expected family contribution.

(a) *Dependent students.* The Commissioner will approve the criteria of a State program which uses an expected family contribution in determining whether a dependent student has substantial financial need if such State takes into consideration at least the following factors in determining the amount of income and net assets that should reasonably be made available by the student, the student's spouse and the student's parents for meeting the student's cost of education:

(1) Any serious family illness;

(2) The number of dependent children of the student's parents;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student and student's parents to contribute toward the cost of the student's education.

(b) *Independent or self-supporting student.* The Commissioner will approve the criteria of a State program which utilizes an expected family contribution in determining whether an independent or self-supporting student has substantial financial need if such State takes into consideration at least the following factors when calculating that portion of the income and net assets of the student and the student's spouse which should reasonably be made available for meeting the student's cost of education:

(1) Any serious illness in the student's family;

(2) The number of dependent children of the student;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student or spouse to contribute toward the cost of the student's education.

(c) The Commissioner has determined that any of the following need analysis systems or methods of calculation meet the criteria set forth in paragraph (a) and (b) of this section. Thus, in determining the amount of a student's expected family contribution a State may use:

(1) Systems of need analysis published by the American College Testing Services and the College Scholarship Service,

(2) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grant Program (45 CFR 190), or

(3) For dependent students only, the Income Tax System—For purposes of this part, the expected family contribution calculated according to the Income Tax System is an amount equal to the amount of income tax paid by the parents of such student, 5 percent of such parents' net assets in excess of $7,500 and any amount the student is reasonably able to contribute.

(d) The Commissioner will approve any other need analysis system or method of calculation which produces an expected family contribution reasonably comparable to those produced by those described in paragraph (c) of this section.

(20 U.S.C. 1070c–2)

§ 192.9 Maintenance of effort.

The amount of funds expended by the State for the non-Federal portion of awards made under this part for each fiscal year shall represent an additional expenditure for that year by that State over the amounts, if any, expended by such State for grants to all students attending institutions of higher education during the second fiscal year preceding the fiscal year in which such State initially received funds under this part.

(20 U.S.C. 1070c–2(b)(4))

§ 192.10 Use of funds.

Funds paid to a State under this part may be used by such State only to pay 50 percent of the amount of student grants made under this part.

(20 U.S.C. 1070c–2)

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§ 192.11 Disapproval of State applications.

The Commissioner will comply with the provisions of § 415D of the Act (regarding notice, opportunity for a hearing, and judicial review) before finally disapproving any application of a State.

(20 U.S.C. 1070c-3)

§ 192.12 General provisions regulation.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative and other matters).

(20 U.S.C. 1070c-1070c-3)

[FR Doc.74-12494 Filed 5-30-74;8:45 am]

PART 155—UPWARD BOUND

Criteria for the Funding of Applications

On pages 9840 and 9841 of the FEDERAL REGISTER of March 14, 1974, there was published a notice of proposed rulemaking to amend the funding criteria set forthe in 45 CFR 155.7. Interested persons were given fifteen days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No comments, suggestions, or objections have been received; therefore, the amendment to § 155.7 is hereby adopted without change and is set forth below.

Effective date. This amendment to § 155.7 shall become effective May 31, 1974.

Dated: May 7, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 24, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.492 Upward Bound)

Section 155.7 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 155.7 Criteria for evaluating proposals.

(a) Proposals for new projects will be selected on the basis of a review in light of the following factors, which are not necessarily listed in order of weight or importance:

(1) Knowledge of the specific needs of an identifiable student population to be served in terms of income, educational achievement, educational and related problems, and conditions and/or attitudes which are barriers to educational advancement.

(2) Comprehensiveness of recruiting sources and methods.

(3) Experience in serving low-income students including cooperation with other agencies providing services to the target community.

(4) Evidence of the commitment of the applicant to see that all of its Upward Bound students are provided with opportunities to attend postsecondary institutions, by assisting students in receiving special review from the admissions and financial aid personnel of the host institution, and by assisting students in learning about and applying for admission to other postsecondary institutions.

(5) A work program which is designed to develop critical thinking, effective expression and positive attitudes toward learning and which: (i) Is realistic and practicable; (ii) diagnoses individual student needs and abilities, including academic deficiencies, at the time of entry into the project; (iii) contains an individualized curriculum design appropriate for each student's identified needs, and which involves a variety of methods and levels of instruction appropriate to individual needs; (iv) contains a mechanism for measuring the effectiveness of the project, and each student's progress, in remedying academic deficiencies; (v) provides for a timetable for implementation and development; (vi) contains supportive services directly related to the application of formal learning experiences, and designed to enhance the academic, personal and social effectiveness and the cultural development of the student; (vii) contains a prognostic evaluation of individual student performance, including documentation of student growth and development, academic and personal; (viii) contains internal evaluation mechanisms to test program effectiveness; (ix) includes a comprehensive counseling program.

(6) Clearly delineates the lines of authority and communication between the applicant institution and the project staff, and

(7) Outlines the composition and responsibilities of the Advisory Committees.

(8) The criteria set forth in 45 CFR 100a26(b).

(b) Proposals for the continuation of previously funded projects will be reviewed in the light of the following factors:

(1) Satisfactory progress has been made in the implementation of the earlier phases of the project.

(2) Necessary modifications of the previously approved proposal Work Program to improve project performance.

(3) The effectiveness of the internal evaluation techniques to test program effectiveness.

(4) Evidence that all of its Upward Bound students are provided with opportunities to attend postsecondary institutions, are receiving special review from the admissions and financial aid personnel of the host institution, and are learning about and applying for admission to other postsecondary institutions.

(5) Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(20 U.S.C. 1070d-1)

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[FR Doc.74-12387 Filed 5-30-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Requests for Public Inspection Copies

1. The Commission recently awarded a contract for the duplication of Commission records to ABS Duplicators, Inc., 1732 Eye Street, NW, Washington, D.C. 20006. The new contract does not require the duplicating contractor to maintain master files of the materials now listed in § 0.465(a)(1)-(4) of the rules and regulations. Section 0.465(a) should therefore be amended to reflect the name of the new contractor and this change in the files maintained by the contractor.

2. Authority for these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in § 0.231(d) of the rules and regulations, 47 CFR 0.231(d). Because the amendments are strictly informational and editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. In view of the foregoing, *It is ordered, effective May 31, 1974.* That Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1062; 47 U.S.C. 154, 303)

Adopted: May 21, 1974.

Released: May 23, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.465(a) is revised to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission annually awards a contract to a commercial firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lowest cost to the public. Currently, the contractor is ABS Duplicators, Inc., 1732 Eye Street NW., Washington, D.C. 20006. Except as provided in paragraphs (b) and (c) of this section and in § 0.467, requests for copies of the records listed in §§ 0.453 and 0.455, and those made available for inspection under § 0.461, should be directed to the contractor.

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[FR Doc.74-12531 Filed 5-30-74;8:45 am]

[Docket No. 19772; RM-1943, RM-1990; FCC 74-532]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Florida; Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Jensen Beach and Vero Beach, Florida.)

1. On June 13, 1973, the Commission adopted a notice of proposed rulemaking (FCC 73-642, 38 FR 16661) in the above-entitled matter. The Notice proposed amendment of the FM Table of Assignments by assigning a first channel to Jensen Beach and a second channel to Vero Beach, Florida.

RM-1943, JENSEN BEACH, FLORIDA

2. Our Notice proposed to assign FM Channel 296A to Jensen Beach, Florida. Timely comments and/or reply comments were filed by petitioner Robert A. Jones, the Jensen Beach Chamber of Commerce, and Blue Water Broadcasting Co., Inc. (Blue Water), licensee of FM Station WMCF at Stuart, Florida, four miles from Jensen Beach.

3. Three basic questions are posed: (1) Is Jensen Beach a community for the purpose of assigning an FM channel to it? (2) If Jensen Beach is such a community, is it large enough and significant enough to warrant the assignment of an FM channel? (3) Can Channel 296A be used at Jensen Beach in full compliance with our engineering requirements?

4. According to the Rand McNally Commercial Atlas and Marketing Guide, 1971, Jensen Beach, Florida, which is not listed in the 1970 U.S. Census, has a population of 5,000 permanent winter residents.[1] It is located in Martin County which has 28,035 persons residing in it. There is no FM assignment at Jensen Beach nor is there any standard broadcast station located there. To determine if Jensen Beach is a community for the above-mentioned purpose we turn to the following information.

5. The Jensen Beach Chamber of Commerce states that Jensen Beach, by common consensus, is made up of that group of persons located in a land area of eight square miles bounded by the Martin/St. Lucie County line on the north, U.S. Highway #1 on the west, the St. Lucie River on the south and the Atlantic Ocean on the east. The existence of Jensen Beach as a community is questioned by Blue Water in an apparent effort to deny the assignment of a first FM channel to Jensen Beach. Blue Water points out that Jensen Beach does not have an independent formally established governmental body guiding and controlling it, and that many of the institutions in Jensen Beach are arms of, or controlled by, the Commissioners of Martin County. The only evidence offered by petitioner as to the present existence of a rudimentary governmental structure at Jensen Beach are the facts that Jensen Beach has its own independent fire department and ambulance service. However, Mr. Jones brings to our attention the fact that organized citizens of Jensen Beach commenced, as of July 5, 1973, a drive to seek a governmental charter and incorporation for Jensen Beach. From the material provided us it appears that the achieving of a charter and incorporation for Jensen Beach depends primarily on the will of the citizens of Jensen Beach and that the citizens of Jensen Beach are of the view that a formally governmentally recognized Jensen Beach will result in the fulfillment of their desire to control the planning and operating of vital local functions such as zoning, population density, police protection, traffic flow, recreation and water and sewage management.

6. In connection with the commercial and social activity in the area known as Jensen Beach we make but a few observations. The community has its own active Chamber of Commerce which has 134 current businesses subscribing and 34 non-business subscribers for a membership totalling 168. This indicates a significant concentration of commercial and business activity as does an examination of the Chamber-produced Jensen Beach Fishing Guide which displays advertisements indicating that Jensen Beach has a wide variety of services and products available in it for the area's citizens and tourists. The commercial activity in Jensen Beach is supported by a local commercial bank ($20 million in deposits) and a developing Federal Savings and Loan Association. Jensen Beach appears to have the normal variety of service organizations (for example, the Jensen Beach Women's Association) in which community members cooperate to advance civic activities. The basic social activity in the area appears to revolve about five churches and their substantial membership. Activities are sponsored by the Chamber of Commerce and the fire department. The local newspaper is the Jensen Beach Mirror.

7. We find that Jensen Beach is a community in the sense required for us to assign an FM channel to it, i.e., its commercial and social life indicate there is a community of interest associated with an identifiable population grouping at Jensen Beach. In light of particularly the commercial life at Jensen Beach we hold that the community is of significant size. This, of course, is supported by the population attributed to it by the Rand McNally Commercial Atlas and Marketing Guide of 1971—5,000 persons.

8. Our notice stated that any transmitter site for a Channel 296A assigned to Jensen Beach would have to be located approximately 4 miles south of that community in order to meet our minimum mileage separation requirements to Channel 296A at Melbourne, Florida, WTAI-FM. Blue Water offers a showing that indicates that air navigation in the Jensen Beach area additionally limits the choice of an appropriate transmitter site from which Jensen Beach in its entirety could be served by an FM station broadcasting on Channel 296A. However, Mr. Jones shows that it is not necessary to locate an antenna more than four miles from Witham Field (county airport). A Class A station, operating with maximum power and antenna height of 200 feet above average terrain from a site on the west bank of South Fork of St. Lucie River, about three miles from the airfield, would be able to comply with the appropriate provisions of the Commission's rules.

9. In view of the foregoing, we find it in the public interest to assign Channel 296A to Jensen Beach, Florida.

RM-1990, VERO BEACH, FLORIDA

10. The notice proposed the assignment of Channel 288A to Vero Beach, Florida. The only comment received in response to our notice was brief and was from Mr. Wister, the original petitioner.

11. According to the 1970 U.S. Census, Indian River County, Florida, has a population of 35,992, and its governmental seat, Vero Beach, has a population of 11,908. There is one FM assignment at Vero Beach, Channel 228A (WGYL) which is licensed to WGYL Radio Corp. There are also two standard broadcast stations in the community, WAXE and WTTB. The former is licensed as a daytime-only station to Shargo, Inc., while the latter is an unlimited-time station licensed to Tropics, Inc.

12. The notice contained substantial information about Vero Beach—its location, past and anticipated growth, business and industrial activities, community services, and other matters—which amply demonstrated that Vero Beach qualified for a second Class A channel assignment, and which will not be repeated here.

13. The notice in this proceeding mentioned the contention of Tropics, Inc. (Tropics), licensee of standard broadcast Station WTTB, Vero Beach, Florida, that the assignment of Channel 288A to Vero Beach would have a serious preclusionary impact on FM assignments in the area. Although Tropics did not respond to our notice, we are of the view that it is important to touch again on the matter of preclusion. As to Tropics' allegation that the assignment of Channel 288A to Vero Beach would foreclose assignments to a number of communities which do not have aural broadcast facilities, petitioner points out that the population of some of the communities mentioned are less than 300 and that others are portions of existing towns which are already served by their own broadcast media. Mr. Wister has shown that Channel 292A is available to the precluded area north of Vero Beach. We believe that the assignment of Channel 288A to Vero Beach would not deprive any sizeable community located within the precluded area of a first local broadcast service.

14. Having considered all the material presented in RM-1990, we conclude that the public interest would be served by

[1] A variety of techniques for estimating the population in Jensen Beach have been tendered by petitioner including the use of postal and voter registration statistics. Since the development of an estimated population from these statistics depends, in part, on the evaluators' interest, we are not using them but are instead using the figure cited by the Rand McNally Commercial Atlas and Marketing Guide of 1971 for determining the size of Jensen Beach. We believe the Rand McNally figure is a comprehensive calculation arrived at by a totally independent and non-interested entity. All population statistics, except for Jensen Beach, are from the 1970 U.S. Census.

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assignment of a second FM channel to Vero Beach, Florida.

15. Accordingly, *it is ordered*, That effective July 1, 1974, the FM Table of Assignments in § 73.202(b) of the Commission's rules is amended, insofar as the communities listed below are concerned, to read as follows:

City:	Channel No.
Jensen Beach, Fla.	296A
Vero Beach, Fla.	228A, 288A

(Secs. 4(i), 303, 307(b), Communications Act of 1934, as amended)

17. *It is further ordered*, That this proceeding is terminated.

Adopted: May 22, 1974.

Released: May 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12536 Filed 5-30-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 5 to S.O. No. 1129]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Burlington Northern Inc.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of May 1974.

Upon further consideration of Service Order No. 1129 (38 FR 8062, 9668, 18026, 33399, and 39 FR 861), and good cause appearing therefor:

It is ordered, That:

§ 1033.1129 Service Order No. 1129.

Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of Burlington Northern Inc., be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12553 Filed 5-30-74;8:45 am]

[Amdt. No. 4 to S.O. No. 1131]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of May 1974.

Upon further consideration of Service Order No. 1131 (38 FR 9232, 17845, 33399, and 39 FR 8327), and good cause appearing therefor:

It is ordered, That:

§ 1033.1131 Service Order No. 1131.

(Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co.), be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12552 Filed 5-30-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective May 31, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, Martin, South Dakota 57551 will be extended to allow pole, rod, and reel fishing according to state law on portions of Pool 10 designated by signs, as open to bank and ice fishing. This area comprises about 1½ linear miles of bank fishing and is delineated on maps available at the Refuge headquarters and from the Area Manager, United States Fish and Wildlife Service, Federal Building, Pierre, South Dakota 57501.

Fishing will be permitted at Pool 10 as designated from June 30, 1974 to March 1, 1975.

The use of boats for all Lacreek Refuge fishing is prohibited except on the Little White River Recreation Area. Public fishing on Lacreek National Wildlife Refuge may be closed at anytime to protect impassable roads, construction or wildlife.

Fishermen must park at designated parking areas.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through March 31, 1975.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

MAY 24, 1974.

[FR Doc.74-12473 Filed 5-30-74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Standards for Grades of Processed Raisins; Correction

In FR Doc. 74-8686, published at page 13763 in the issue dated Wednesday, April 17, 1974; and in FR Doc. 74-1795, published at page 2485 in the issue dated Tuesday, January 22, 1974, Table III under § 52.1849 is corrected by changing the U.S. Grade B allowance for capstems from 46 to 45.

Dated: May 24, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-12413 Filed 5-30-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 467]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 31–June 6, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.767 Valencia Orange Regulation 467.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be strong. Prices f.o.b. averaged $3.64 per carton on a reported sales volume of 917 carlots last week, compared with an average f.o.b. price of $3.61 per carton and sales of 896 carlots a week earlier. Track and rolling supplies at 702 cars were up 19 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 28, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 31, 1974, through June 6, 1974, are hereby fixed as follows:

(i) District 1: 400,000 cartons;

(ii) District 2: 306,000 cartons;

(iii) District 3: 144,000 cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 29, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12609 Filed 5-29-74;11:26 am]

[Lemon Regulation 641]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 2–8, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.941 Lemon Regulation 641.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues strong, with little change in the pattern for the range of sizes: Average f.o.b. price was $6.27 per carton the week ended May 25, 1974, compared to $6.15 per carton the previous week. Track and rolling supplies at 185 cars were up 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the

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*Commissioner Quello not participating.

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committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 28, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 2, 1974, through June 8, 1974, is hereby fixed at 275,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 29, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12725 Filed 5-30-74;2:06 pm]

[Lime Reg. 2]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 2–8, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.402 Lime Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is fairly weak because of cool weather on the Eastern seaboard. Fresh shipments for the weeks ended May 25, 1974, and May 18, 1974, were 24,973 bushels and 19,055 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 28, 1974.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 2, 1974, through June 8, 1974, is hereby fixed at 19,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 29, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12609 Filed 5-29-74;11:26 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1068]

[Docket No. AO–178–A32]

MILK IN THE MINNEAPOLIS-ST. PAUL MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Thunderbird Motel, Interstate No. 494 and 24th Avenue, South (2201 East 78th Street), Bloomington, Minnesota, beginning at 9:00 a.m., local time, June 6, 1974, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY MID-AMERICA DAIRYMEN, INC.

PROPOSAL NO. 1

In § 1068.9, Pool plant, revise paragraph (b) to read:

§ 1068.9 Pool plant.

* * * * *

(b) A supply plant from which not less than the following indicated percentages of its total Grade A milk receipts from dairy farmers during the month, including diverted milk, is delivered as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section, to any other plants located within the marketing area from which route disposition is made within the marketing area, or to a governmentally owned or operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: September through November, twenty percent; December through March, ten percent; and April through August, five percent.

(1) All supply plants operated by a handler may be considered as one plant for the purpose of meeting the applicable percentage requirements of this paragraph, if the handler submits a written request to the market administrator prior to the first day of the month for which such consideration is requested. In such request the handler shall list plants in the order in which he wishes them to attain pool plant status to the extent movements are available to meet the required percentages;

(2) Any deliveries of milk by a cooperative association directly from a farm(s) of its producer member(s) to a plant(s) described in paragraph (a) of this section may be considered, for purposes of this paragraph, as having been received first at a plant of such cooperative association.

* * * * *

PROPOSAL NO. 2

In § 1068.12, Producer milk, revise paragraph (b) to read:

§ 1068.12 Producer milk.

* * * * *

(b) "Diverted milk" means for any month milk produced by a producer which a handler operating a pool plant or a handler described in § 1068.13 (a–1) caused to be moved from a farm to a nonpool plant that is not a producer-handler plant, if such milk is claimed as producer milk and the following conditions have been met:

(1) A cooperative association, in its capacity as a handler pursuant to § 1068.13 (a–1), may divert for its account, the milk of any member producer who has delivered at least one day's production during the month to a pool plant, except that the aggregate quantity of producer milk diverted shall not exceed the following indicated percentages of the milk delivered to pool plants and that allowable as diverted milk:

(i) During the months of September through November, ten percent;

(ii) During the months of December through August, twenty-five percent;

(2) The operator of a pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which is diverting milk during the month, and who delivered not less than one day's production to such pool plant during the month, except that the aggregate quantity of producer milk diverted shall not exceed the following indicated percentages of the sum of the milk delivered by such producers to the pool plant and that allowable as diverted milk:

(i) During the months of September through November, ten percent,

(ii) During the months of December through August, twenty-five percent;

(3) In the event milk receipts from producers are diverted in excess of the quantities allowed pursuant to paragraphs (b) (1) and (2) of this section, the diverting handler shall then specify the dairy farmers whose milk was overdiverted and the quantity of each producer's milk which shall not be producer milk. If the diverting handler does not specify the producers whose milk was overdiverted, no milk diverted by him shall be producer milk for such month; and

(4) Diverted milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted in applying the provisions of §§ 1068.55 and 1068.82.

PROPOSED BY THE NATIONAL FARMER'S ORGANIZATION

PROPOSAL NO. 3

In § 1068.9, Pool plant, revise paragraph (b) to read:

§ 1068.9 Pool plant.

* * * * *

(b) Any plant from which during any month 20 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plants located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of September, October, November and December 20 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant for those individual months within the following period of January through August if 5 percent of such plant's receipts of skim milk and butterfat as described above is delivered as provided in this paragraph during such individual month. *And provided further*, That any deliveries of milk by a cooperative association during the months of September, October, November and December directly from a farm(s) of its producer member(s) to a plant(s) described in paragraph (a) of

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this section may be considered, for purposes of this paragraph, as having been received first at a plant of such cooperative association.

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PROPOSAL NO. 4

In § 1068.12, Producer milk, revise paragraph (b) to read:

§ 1068.12 Producer milk.

• • • • •

(b) Diverted from a pool plant to a nonpool plant (except a producer-handler plant or an other order plant) subject to the following conditions:

(1) Such milk shall be priced at the location of the nonpool plant to which diverted;

(2) In any month that less than 2 days' production of a producer is delivered to pool plants the quantity of the milk of the producer diverted during the month that exceeds that delivered to pool plants shall not be producer milk.

(3) Notwithstanding the provisions of paragraph (b) (2) of this section, during any month a cooperative association handler may divert for his account the milk of any producer member who delivers as much as 2 days' production of his milk to pool plants; *Provided*, That the total quantity of such producer milk diverted by such handler in excess of the quantity of milk received from member producers at pool plants during the month shall not be producer milk.

(4) Notwithstanding the provisions of paragraph (b) (2) of this section, during any month the operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer, other than a member of a cooperative association, who delivers as much as 2 days' production of milk to pool plants; *Provided*, That the total quantity of producer milk diverted by such handler in excess of the milk received at such plant during the month from producers who are not members of a cooperative association shall not be producer milk.

(5) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to paragraphs (b) (3) and (4) of this section. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 5

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Paul L. Buchanan, 4550 W. 77th Street, Room 360, Minneapolis, Minnesota 55435 or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 24, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74–12487 Filed 5–30–74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 320, 325 and 327]

IMPORTATION OF UNDENATURED, INEDIBLE MEAT AND MEAT PRODUCTS

Proposed Rulemaking

Pursuant to the authority in the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service is considering amending Parts 320, 325 and 327 of the Federal meat inspection regulations (9 CFR Parts 320, 325, 327) to permit the importation of undenatured, inedible meat and meat products for use in nonhuman food products.

Statement of considerations. In view of the increasing demand for inedible meat and meat products for use by the industry in preparing pet foods, the H. J. Heinz Company has petitioned the Department to amend the Federal meat inspection regulations to permit the importation of undenatured, inedible meat and meat products into American Samoa for use in pet food. Since it was recognized that pet food manufacturers elsewhere in the United States may want to use this additional source of supply, the regulations would be amended to permit the importation of undenatured, inedible meat and meat products into the United States generally under specified conditions. Information available to the Department indicates there are potential foreign sources for such products provided our present requirement concerning denaturing of such products is removed. Some of these sources are currently supplying European markets with such undenatured products. The present Federal meat inspection regulations allow shipment in commerce under unofficial seal of undenatured, inedible product from a domestic meat plant directly to a pet food manufacturer. However, the regulations do not contain provisions for the importation of undenatured, inedible product other than inedible rendered animal fat.

In order to assure the availability of inedible product for pet food processors, USDA proposes to allow importation of undenatured, inedible meat and meat products. Proposed requirements to control the movement of such products are set forth herein. This includes obtaining permits, designated ports of entry, moving product to destination under seal, specific identification of containers, labeling requirements, recordkeeping requirements, and the consignment of shipments to a designated consignee.

The Federal meat inspection regulations would be amended as follows:

§ 320.1 [Amended]

1. Section 320.1(b)(2) would be amended by inserting "or § 327.20" immediately after "Part 325" and § 320.1 (b)(3) would be amended by inserting "or § 327.20" immediately after "under § 325.11(c) or (f)".

§ 325.11 [Amended]

2. Section 325.11(a) would be amended by deleting the word "or" before "§ 314.11," and inserting "or § 327.20" after "§ 314.11".

3. The present provisions of § 327.20 would be designated as paragraph (a) of that section, and new paragraphs (b) and (c) would be added thereto, and the section heading would be amended to read as follows:

§ 327.20 **Importation of foreign inedible fats and other inedible meat and meat products.**

• • • • •

(b) Except as otherwise provided in paragraph (a) of this section, inedible meat and meat products may be admitted into the United States solely for use for nonhuman food purposes, without denaturing as required by this subchapter, under the following conditions:

(1) The foreign establishment which slaughtered the livestock from which the inedible meat or meat products are derived, must be the exporter and must be certified under Part 327 for importing its edible products into the United States.

(2) The products to be imported under this section must be in compliance with the applicable animal disease control regulations in Parts 94, 95, and 96 of this title (9 CFR Parts 94, 95, and 96).

(3) The certified exporter must secure a numbered permit from the Administrator. Such permit may be obtained upon written application to the Administrator and his determination that the proposed importation and transportation would be authorized under this section 327.20. The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.

(4) The meat and meat products to be imported under this section must be shipped in containers. All containers of such inedible articles must be colored a bright orange and marked "Inedible—Not for Human Consumption" in bold letters not less than 2 inches high. The containers must be marked "Inedible Equine—Not for Human Consumption" in bold letters not less than 2 inches high when the species is equine. Each container shall also be marked with the permit number issued to the exporting establishment.

(5) Containers of undenatured, inedible meat and meat products must not be in contact with nor intermingled with edible product or containers of edible product at any point in the shipment.

(6) The exporter or his representative shall prepare, in quadruplicate, a shipper's certificate for each shipment showing date, carrier, consignee, kind of product, number of units, total weight, permit number, entry port, and approximate arrival date, and certifying that the undenatured, inedible meat and meat products are from livestock which have passed ante-mortem and post-mortem veterinary inspections at time of slaughter in an establishment certified under § 327.2 for importation of meat products into the United States. He shall immediately forward one copy of the certificate to the Director, Compliance Staff, APHIS, USDA, Washington, DC 20250, and deliver three copies of the certificate to the carrier who shall deliver two copies to the consignee. The consignee shall retain one copy in his records and acknowledge receipt of the shipment on one copy as required in paragraph (b)(9) of this section. The required certificate shall be in the following form:

SHIPMENT OF IMPORTED UNDENATURED, INEDIBLE MEAT AND MEAT PRODUCTS

I hereby certify that the undenatured, inedible meat and meat products described below were prepared from livestock which have been inspected and passed after ante-mortem and post-mortem veterinary inspection at ----------
(Name of Establishment)

(Establishment Number)
at ----------
(Address)
which is certified under Part 327 of the Federal meat inspection regulations (9 CFR Part 327) for importation of meat products into the United States and are consigned to
----
(Consignee's Name)

(Consignee's Address)
for use in the manufacture of nonhuman food articles.
Permit Number:
Quantity:
(a) Kind of Product----------
(b) Number of Containers----------
(c) Total Weight----------
Shipping Information:
(a) Carrier----------
(b) Entry Port----------
(c) Approximate Arrival Date----------
----------, ----------
(Date) (Signature of and name and title of representative of the permit holder)

I hereby acknowledge receipt on ----------
(Date)
of the above described articles.

(Signature and name and title of representative of consignee)

Exporter—Send first copy to Director, Compliance Staff, and give three copies to carrier.
Carrier—Deliver two copies to consignee.
Consignee—Acknowledge receipt and send one copy to Compliance Staff, APHIS, USDA, Washington, DC 20250.

(7) All such inedible meat and meat products shall be imported only through the following ports of entry: Chicago, IL; International Falls, MN; Philadelphia, PA; New York, NY; San Francisco, CA; Los Angeles, CA; Bellingham, WA; Calexico, CA; Pembina, ND; Eureka, MT; Miami, FL; Champlain, NY; Buffalo, NY; El Paso, TX; Laredo, TX; or Pago Pago, American Samoa.

(8) Such inedible meat and meat products must be shipped directly from entry port to a manufacturer in the United States of articles other than for human food, under the assigned permit number, for use solely by the consignee for manufacturing articles not for human food. The person responsible for shipping said articles from the entry port to the manufacturer is required to affix an unofficial seal to said articles before leaving said entry port, and said seal may not be broken until the arrival of said articles at the manufacturer's establishment.

(9) Consignee must acknowledge the arrival of each shipment of undenatured, inedible product within 48 hours, by notifying the Director, Compliance Staff, APHIS, USDA, Washington, DC 20250, via return copy of the shipper's certificate.

(10) Records prescribed in § 320.1 shall be maintained by the exporter and consignee and shall be available for inspection upon request of a Program employee.

(c) The Administrator may revoke any permit for shipment of inedible meat or meat products under this section, if he determines that there has been a failure to comply with any provision of this section or any diversion or effort to divert undenatured, inedible product contrary to the provisions of this section. Upon request, any such permit holder will be afforded opportunity for a hearing with respect to the merits or validity of any such revocation action involving his permit.

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Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by August 9, 1974.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: May 28, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74–12567 Filed 5–30–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 166]

STATE ADULT EDUCATION PROGRAMS

Proposed Rulemaking and Guidelines

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in the Adult Education Act, as amended, 20 U.S.C. 1201 et seq., the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend 45 CFR Part 166 to read as set forth below. The Commissioner also proposes to establish guidelines for the program, which are set forth following the text of the proposed regulation.

1. *Program purpose.* The Adult Education Act provides for the encouragement of programs of adult public education. Section 306 of the Act provides for State-administered adult education programs while section 309 covers special experimental demonstration projects and teacher training in adult education. These regulations and guidelines pertain only to State-administered adult education programs under section 306 of the Act. Those pertaining to programs under section 309 may be found in Part 167.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the results of this study as it pertains to the State-administered programs under the Adult Education Act. Part 166 will be pub-

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lished in final form after comments and hearing; all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part 166 (as amended by the General Provisions Regulations, 38 FR 30654, November 6, 1973) will be superseded effective thirty days after such publication.

3. *Effect of Office of Education General Provisions Regulations.* The proposed regulations differ from the current regulations in that they omit provisions relating to general fiscal and administrative matters which are presently covered in 45 CFR Part 166 and which will be covered in the future under the overall Office of Education General Provisions Regulations, published in the FEDERAL REGISTER at 38 FR 30654 (November 6, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of Part 100b of Title 45 CFR, containing general provisions for State-administered programs, which would be applicable to the State programs under the Adult Education Act.)

4. *Guidelines.* Guidelines for this program were published in the FEDERAL REGISTER at 38 FR 25652–25654 (September 13, 1973), and the guidelines proposed below contain no substantive changes. They essentially contain recommendations and suggestions for program management and operation and are designed to incorporate all materials covered by section 503 of the Education Amendments of 1972 not otherwise reflected in the regulations.

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines. The hearing will take place at the U.S. Office of Education on July 2, 1974 in the auditorium of Regional Office Building Three (ROB–3) located at 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10 a.m. The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, SW, Room 2079–G, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program No. 13.400, Adult Education—Grants to States)

Dated: February 12, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

PART 166—STATE ADULT EDUCATION PROGRAMS

Subpart A—General

Sec.
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166.13 Development of program policies, procedures and criteria.
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166.21 Use of Federal funds.
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166.41 Conditions for payments to States.
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APPENDIX A. Cover Sheet and State-Federal Agreement
APPENDIX B. Guidelines

AUTHORITY: Secs. 302–314 of Pub. L. 89–750, as amended; 84 Stat. 159–164 (20 U.S.C. 1201–1211), unless otherwise noted.

Subpart A—General

§ 166.1 Purpose, scope and other references.

(a) *Purpose.* The regulations in this part implement the provisions of the Adult Education Act which provides Federal assistance to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive and responsible citizens.

(20 U.S.C. 1201)

(b) *Scope.* The regulations in this part cover grants to States for adult basic education and other adult education programs pursuant to section 304(b) of the Act.

(20 U.S.C. 1201)

(c) *General Provisions Regulations.* Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (General Provisions for Office of Education Programs relating to fiscal, administrative, property management and other matters), hereinafter referred to as "GEPR."

(20 U.S.C. 1201, 1221)

CROSS REFERENCE: The regulations in Part 167 apply to Federal assistance for special experimental demonstration projects and teacher training in adult education pursuant to section 309 of the Act.

§ 166.3 Definitions.

(a) The terms "adult," "adult education," "adult basic education," "Commissioner," "local educational agency," "State," and "State educational agency," as used in this part, are defined in section 303 of the Act.

(20 U.S.C. 1202)

(b) "Act," means the Adult Education Act.

(20 U.S.C. 1201 (note on short title))

(c) "GEPR" means the regulations entitled "General Provisions for Office of Education Programs," which may be found in Subchapter A of this chapter.

Subpart B—State Plan Provisions

§ 166.11 State plan; general.

(a) *Purpose.* The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to carry out the purpose set forth in § 166.1(a), and to provide the basis on which Federal payments to the State under this part are made. State agencies desiring to participate under the Act must submit a State plan which the requirements of the Act and the regulations in this prat.

(b) *Format.* The State plan consists of three parts: the cover sheet, the State-Federal agreement (the texts of both are attached as Appendix A of these regulations) and the annual program plan for the use of grants (provided for in § 166.12). Both the cover sheet and the State-Federal agreement must be submitted annually to the Commissioner of Education through the appropriate Regional Director, Occupational and Adult Education Programs, BOAE, and received by such Regional Director on or before June 30 of the fiscal year preceding that for which funds are sought.

(20 U.S.C. 1205(a))

§ 166.12 Annual program plan for use of grants.

(a) *General.* (1) The State agency must develop, as a part of its State plan, an annual program plan for establishing or expanding adult basic education programs and adult secondary education programs to be carried out by local educational agencies and private nonprofit agencies in the State. The annual program plan must meet applicable requirements including those set forth in the Act, the regulations in this part, the GEPR contained in Subchapter A of this chapter, and the State-Federal agreement contained in Appendix A of this part, and must be developed and operated in accordance with the policies, procedures and criteria established by the State pursuant to §§ 166.12(b) and 166.13.

(2) The annual program plan must be (i) revised each year to reflect proposed activities for the ensuing fiscal year, and (ii) either attached to the State-Federal agreement referred to in § 166.11(b), or incorporated by reference and kept available for inspection by the Commissioner or his delegate at the location designated following paragraph (16) of the State-Federal agreement (Appendix A).

(b) *Content.* (1) The annual program plan must contain a statement of the policies, procedures and criteria, to be followed by the State agency in approving local educational agency and private nonprofit agency programs which will assure substantial progress (with respect to all appropriate segments of the adult population in need of adult education and all areas of the State) in the establishment or expansion of adult basic education and adult secondary education programs. Such criteria and priorities must be developed with due regard to the considerations described in § 166.13 and must be designed to assure that the first order of consideration will be given to programs which provide for persons functioning at the fourth grade level or below. Second order of consideration must be given to instruction for persons functioning above the fourth and through the eighth grade level. Third order of consideration must be given to instruction for persons functioning above the eighth and through the twelfth grade level or its equivalent, and who do not have a certificate of graduation from a school providing secondary education.

(2) The annual program plan shall describe procedures which will be used for conducting an annual evaluation of the activities which will be carried out in the year for which funds are sought. Such annual evaluation may be conducted either by the State agency or by other parties. Results of the evaluation must also be reflected appropriately in the performance report which must be submitted annually with the final Financial Status Report in accordance with Subparts P and Q of the GEPR.

(20 U.S.C. 1205(a); 45 CFR Part 100b, Subparts P and Q)

(c) Funds available under this part for adult education (including State and local funds necessary to earn Federal funds) may be used to assist in establishing or carrying out adult education programs other than adult basic education programs only where the need for adult basic education has been met in the school district or other area to be served by such programs. Notwithstanding the above, the total annual expenditure of funds available under this part for adult education other than adult basic education (including State and local funds necessary to earn such funds) shall in no event exceed 20 percent of the total annual allotment of Federal funds granted to the State under section 304(b) of the Act.

(d) In determining whether the need for adult basic education has been met in a particular school district or other area the State educational agency shall consider, among other factors: (1) The degree to which the responsible educational agency has made available the opportunity for all adults functioning at or below the eighth grade level to participate in adult basic education programs; (2) the degree to which the responsible educational agency has utilized the most recent State and county statistical and census information regarding adult educational attainment.

(e) Each State educational agency shall advise the Commissioner in accordance with reports required pursuant to § 166.47 concerning its determination with regard to the need for adult basic education and the basis therefore prior to allotting any Federal funds for adult secondary education.

(20 U.S.C. 1201, 1203(b), 1205(a) (1), (8); Senate Report No. 634, 91st Congress, 2nd Sess. p. 71 (1970))

§ 166.13 Development of program policies, procedures and criteria.

In developing the policies, procedures and criteria referred to in § 166.12(b)(1) the State agency must give consideration to factors such as the following:

(a) Whether and to what extent a program will serve adults in those geographic areas of the State which have high concentrations of adults in need of basic education;

(b) Whether and to what extent a program will serve adults with the greatest basic education deficiencies which are impairing their ability to obtain employment and become more productive and responsible citizens;

(c) Whether and to what extent a program has been planned and will be conducted in cooperation with Community Action programs, Work Experience programs (WIN), VISTA, Work-Study programs, Manpower Development and Training programs, Vocational and Career Education programs, Model Cities, and other programs relating to the antipoverty effort.

(d) Whether and to what extent a program will provide health information and services, to the extent available, through cooperative arrangements with State health authorities and will further the cooperative arrangements between the State educational agency and the State health authority for the use of such information and services;

(e) Whether and to what extent a program will provide for the use of personnel in college work-study programs, VISTA, and other antipoverty programs;

(f) Whether and to what extent a program incorporates the results of research or techniques which have been proven effective;

(g) Whether and to what extent a program incorporates innovative or imaginative instructional methods; and

(h) Whether and to what extent the program is desirable in light of the findings and recommendations of recent independent evaluation reports available to or sponsored by the State agency.

(20 U.S.C. 1205(a))

§ 166.14 Certification of State plan.

The State plan and all amendments thereto shall include a certification by the State's Attorney General, or other official designated in accordance with State law to advise the State agency on legal matters, that all plan provisions and amendments thereto are consistent with State law. He must further certify (a) the official title of the officer authorized to submit the State plan; (b) that the State agency named in the plan has authority under State law to submit the State plan; and (c) that the State Treasurer (or, if there be no State Treasurer, the officer identified by title exercising similar functions for the State) has authority under State law to receive, hold, and disburse Federal funds under the State plan.

(20 U.S.C. 1205(a))

§ 166.15 Amendment of State plan.

(a) Budget revisions must be made in accordance with GEPR § 100b.29.

(b) The State plan must also be amended as necessary to reflect any change in organization or operation which results from amendment of State or Federal law and policies and to show any other changes in the designation or organization of operations, policies, and methods of administration to be followed by the State. Notification of such amendments will be submitted and certified in the same manner as the State plan.

(20 U.S.C. 1205(a), 1232c(b))

§ 166.16 Approval of State plan.

(a) *Governor's comments.* The State educational agency must afford the Governor of such State an opportunity to comment upon the State plan or any amendment thereto in accordance with GEPR § 100b.15 and assurance (12) of the State-Federal agreement contained in Appendix A to the regulations in this part.

(20 U.S.C. 1205(a))

(b) *Approval by the Commissioner.* The Commissioner will not approve a State plan or amendment thereto unless he determines that the plan or amendment complies with all applicable requirements. The Commissioner will not finally disapprove a State plan or any modification thereof without first afford-

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ing the State reasonable notice and opportunity for a hearing.

(20 U.S.C. 1206(a) and (b))

Subpart C—Federal Financial Participation

§ 166.21 Use of Federal funds.

All Federal funds (and State or local funds necessary to earn such Federal funds) must be expended in accordance with applicable requirements and only for programs, services, and activities related to adult education. The annual program plans shall set forth a program for the use of grant funds which affords assurance that, in all areas of the State, special emphasis will be given to adult basic education needs in accordance with the policies, procedures, criteria and considerations established in accordance with §§ 166.12(b) and 166.13.

(20 U.S.C. 1205(a))

§ 166.22 Limitation on administrative expenses.

Section 312(b) of the Act authorizes the appropriation of sums to pay the cost of the administration and development of State plans and other activities required pursuant to the Act. Sums will be made available based upon the amounts so appropriated for this purpose or, in the absence of such appropriation, in amounts which are proportionate to the State allotment pursuant to section 312(a) of the Act. The non-Federal share of funds under the State plan may also be utilized to pay such administrative costs.

(20 U.S.C. 1211)

§ 166.32 Federal and non-Federal share of expenditures.

(a) *Federal share.* The Federal share of expenditures incurred under the State plan and payable to a State from its allotment shall not exceed 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

(20 U.S.C. 1206(a))

(b) *Non-Federal share.* The non-Federal share of expenditures under the State plan shall be the difference between the Federal share meeting the requirements of paragraph (a) of this section and the total expenditures for the purposes for which the Federal share is paid. The non-Federal share of expenditures under the State plan may be computed on a statewide basis; and may come from any source other than Federal assistance for a specific purpose so long as such expenditures are made in furtherance of the purposes of the State plan approved under this part and do not inure to the personal benefit of any donor. The criteria and procedures for the allowability and valuation of cash and in-kind contribution applicable to State agencies for the purpose of making such non-Federal share include those located in Subpart H of Part 100b of the GEPR.

(20 U.S.C. 1206(a))

§ 166.34 Computation of allowable expenditures.

Allowable expenditures referred to in § 166.33 shall be computed in accordance with plans submitted by States and approved by the Department pursuant to Subpart G and Appendix B, C, or D of the GEPR, as appropriate.

(20 U.S.C. 1208(b), 1231c(b)(1), 81 U.S.C. 638; OMB Circular Nos. A-21, A-87)

§ 166.35 Use of funds for sectarian or religious purposes.

No payment may be made from a State's allotment under the Act for any program, service, or activity related to sectarian instruction or religious worship, or provided by a school or department of divinity, as defined in section 311 of the Act. An institution which has a school, branch, department, or other administrative unit within the definition of "school or department of divinity" is not precluded for that reason from participating in programs, services, or activities under this part if the program is not offered by that school, branch, department, or administrative unit and, as in all other cases, the program, service, or activity is not related to sectarian instruction or religious worship.

(20 U.S.C. 1212)

§ 166.36 Tuition and fees.

Adults enrolled in an adult basic education program conducted under this part may not be charged tuition, fees, or any other charges, or be required to purchase any books or any other materials in conjunction with such program.

(20 U.S.C. 1203(b), 1205(a)(1))

Subpart D—Payments and Reports

§ 166.41 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that the State has on file a State plan which was adopted by the State agency and approved by the Commissioner.

(20 U.S.C. 1205(a))

§ 166.47 Reports.

(a) *Financial reports.* The State agency shall submit financial reports in accordance with Subpart P of Part 100b of the GEPR.

(b) *Performance reports.* The State agency shall submit performance reports annually in accordance with Subparts P and Q of Part 100b of the GEPR.

(c) *Independent evaluations.* The State shall forward to the Commissioner a copy of any independent evaluation of the project (including a summary of its operation, objectives, and conclusions) or any studies of a similar nature which may be sponsored by the State agency, in addition to those conducted and submitted in accordance with § 166.12(b)(2).

(d) *Other reports.* Within 15 days after the State agency's approval of a grant under section 306(a)(4) of the Act for special projects, teachers training, and research, the State agency shall forward to the Commissioner an information copy of the approved proposal for which the grant was made. The State agency shall, upon his request, submit to the Commissioner copies of final reports of programs or projects conducted by grantees under section 306(a) of the Act.

(20 U.S.C. 1206(a)(6); 45 CFR 100b)

APPENDIX A

COVER SHEET

☐ State plan for Adult Education Programs under Adult Education Act.

☐ Amendment to State plan for Adult Education Programs under Adult Education Act.

Submitted by the State of _____ in accordance with the provisions of the Adult Education Act and the Regulations promulgated thereunder.

Submitted by _____
(Name of State agency)

on _____
(Date)

By _____
(Authorized official)

_____
(Title)

To be completed by the Office of Education:

Date on which plan or amendment is effective _____.

Approval recommended _____
(Regional Director, Occupational and Adult Education Programs, BOAE)

_____
(Date)

Concurred _____
(Deputy Commissioner for Occupational and Adult Education)

_____
(Date)

Approved _____
(U.S. Commissioner of Education)

_____
(Date)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

State Plan

(State-Federal Agreement)

Adult Education Act (Public Law 91-230)

The _____
(Officially designated State agency)

of the State of _____, hereinafter called the State Agency, hereby agrees and assures that this State plan which serves as an agreement between State and Federal Governments under the Adult Education Act, for which Federal funds are being requested for the fiscal year ending June 30, 19__, will be administered in accordance with the following provisions:

(1) The State Agency will administer, or supervise the administration of, the program authorized by the Act; and has adequate fiscal and legal authority to do so (a certificate of legal authority in compliance with § 166.14 must be attached);

(20 U.S.C. 1202(g) and 1205(a)(7))

(2) The State Agency has entered into cooperative arrangements with the State Health Authority, authorizing the use of such health information and services for adults as may be available from such authorities and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to the Act;

(20 U.S.C. 1205(a)(2))

(3) The State Agency will provide for grants to public and private nonprofit agencies for special projects, teacher training, and research;

(20 U.S.C. 1205(a)(4))

(4) The State Agency will provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work-Study, Model Cities, and other programs relating to the anti-poverty effort;

(20 U.S.C. 1205(a)(5))

(5) The State Agency will make such reports, including reports of evaluations, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under the Act, and to determine the extent to which funds provided under the Act have been effective in carrying out its purposes;

(20 U.S.C. 1205(a)(6))

(6) The State Agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of all reports submitted to him;

(20 U.S.C. 1205(a)(6))

(7) The State Agency has provided for such fiscal control and fund accounting procedures as will assure proper disbursement of, and accounting for, Federal funds paid to the State under the Act (including any funds paid by the State to local educational agencies and private nonprofit agencies under this State plan);

(20 U.S.C. 1205(a)(7))

(8) The State Agency will ensure that special emphasis will be given to adult basic education programs except where such needs can be shown to have been met;

(20 U.S.C. 1205(a)(8))

(9) The State Agency will provide such further information and assurances as may be required by applicable regulations;

(20 U.S.C. 1205(a)(9))

(10) The State Agency, including its political subdivisions, has available from non-Federal sources for expenditure for adult education, in the fiscal year for which the allotment is made, an amount not less than the amount expended for such purpose from such sources during the preceding fiscal year;

(20 U.S.C. 1206(b))

(11) The State Agency assures that the program will be conducted in compliance with all requirements imposed by or pursuant to 45 CFR Part 80.

The State Agency has submitted or is hereby submitting as an attachment to this agreement the methods of administration to give reasonable assurance that the applicant and all recipients of Federal financial assistance under the State plan will comply with all requirements imposed by or pursuant to 45 CFR Part 80.

(42 U.S.C. 2000d; Pub. L. 92-318, title IX)

(12) The State plan has been submitted to the Governor for his review, and his comments or a statement that no comments have been made will be attached to the annual program plan. Any amendments to this plan, as well as other periodic reports required under the program, if any, will be submitted for the Governor's review. His comments or a statement that no comments were made will accompany the materials when they are submitted to the U.S. Office of Education.

(20 U.S.C. 1205(a))

(13) Assurance is hereby given that if any adult education other than adult basic education is to be provided in any geographical area or school district in the State that the need for adult basic education in such area or school district has been met as determined in accordance with the criteria specified in § 166.12(b) of the regulations.

(20 U.S.C. 1205(a)(8))

(14) The program for the use of grants has been developed by the State Agency in accordance with section 306 of the Act and affords assurance of substantial progress with respect to all segments of the adult population and all areas of the State toward carrying out the purpose of the Act and applicable regulations.

(20 U.S.C. 1205(a)(1))

(15) The State Agency assures that it will not approve a program application unless it determines that the program will (1) utilize qualified administrative personnel and instructional staff, adequate facilities, equipment, materials, and guidance and counseling services; (2) provide for effective recruitment and retention of participants in adult education programs; and (3) provide for effective administration and supervision to assure efficient and economical operation in providing an adequate learning environment.

(20 U.S.C. 1205(a), 1232c(b))

(16) The annual program plan will include a certification by the State's Attorney General or other appropriate official as specified in § 166.14 of the regulations.

Such program for use of grants is set forth in _____
(Name of existing identifiable document)

which is hereby incorporated by reference (attached hereto) and will be available for inspection by the Commissioner at the

_____
(State Agency)

_____
(Address)

By: _____
(Signature of authorized official)

_____
(Title)

_____
(Date)

APPENDIX B

GUIDELINES

ADULT EDUCATION STATE PLAN PROGRAMS

Part 1—Introduction

Sec.
1.1 Scope of guidelines.
1.2 Applicable statutes and regulations.
1.3 Purpose of the State plan.

Part 2—Administrative Recommendations

2.1 Compliance with Civil Rights Act of 1964.
2.2 Submission procedures.
2.3 Administrative organizations.

Part 3—Annual Program Plan

3.1 Overview of the planning process.
3.2 Adult learning needs survey.
3.3 Resource inventory.
3.4 Determining program priorities.
3.5 Allocating resources.
3.6 Program evaluation.
3.7 Annual program plan format.

Part 4—Application and Project Report Forms

4.1 Application forms.

PART 1—INTRODUCTION

SEC. 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to State plans for Federal assistance under the Adult Education Act. The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1208; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); United States v. Jefferson County Board of Education, 372 F. 2d 836, 857 (1966)).

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 306(b) of the Act (20 U.S.C. 1205(b)), and the guideline affects § 166.7 of the regulations (45 CFR 166.7), the following citation will be placed on the line immediately following the guideline (20 U.S.C. 1205(b); 45 CFR 166.7). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C 1232(a))

SEC. 1.2 *Applicable statutes and regulations.* State plans for adult education are to be proposed and conducted in accordance with applicable Federal statutes and regulations. Pertinent provisions include the Adult Education Act (20 U.S.C. 1201–1211), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Adult Education Regulations (45 CFR Part 166), the General Provisions for Offices of Education Programs (hereinafter referred to as "GEPR") (Subchapter A of Chapter 1 of 45 CFR Parts 100 and 100b), and Office of Management and Budget Circular No. A-102. The State educational agency should carefully review the above references prior to preparing the State plan for adult education.

(20 U.S.C. 1201–1211; 20 U.S.C. 1221 *et seq.*; 45 CFR Part 166; 45 CFR Part 100b; and OMB Circular No. A-102)

SEC. 1.3 *Purpose of the State plan.* (a) The State plan is a standard requirement used in connection with several cooperative Federal-State programs. The State plan under the Adult Education Act provides, among other things:

(1) The basis on which the State, through its State educational agency, will qualify to participate in and receive Federal funds for programs under the Adult Education Act;

(2) Assistance in planning, justifying and organizing the proposed allocation of funds;

(3) A basis for common understanding and communication among the State educational agency, other participating agencies, the U.S. Office of Education, and the program reviewers and auditors; and

(4) A basis for both immediate and long-range planning and for continuous, systematic evaluation.

(b) If local adult education teachers and administrators are involved in developing the plan and it is widely shared with other State and local decisionmakers, it may also serve to facilitate communication and program support.

(20 U.S.C. 1205; 45 CFR 166.11)

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PART 2—ADMINISTRATIVE RECOMMENDATIONS

Sec. 2.1 *Compliance with Civil Rights Act of 1964.* (a) Federal financial assistance is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

(42 U.S.C. 2000d)

(b) Federal finanical assistance is also subject to the provisions of Title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder.

(Public Law 92-318, Title IX)

Sec. 2.2 *Submission procedures.*—(a) *General.* Subpart B of the regulations contained at 45 CFR Part 166 describes certain requirements with regard to submitting the State plan for adult education. Appendix A of those regulations also contains the required cover sheet and State-Federal agreement.

(b) *Transmittal.* (1) The State educational agency must submit the cover sheet and State-Federal agreement to the Regional Director, Occupational and Adult Education Programs, BOAE, for his review as required in Appendix A of the regulations. After the Regional Director reviews and approves the documents, he will make a recommendation to the U.S. Commissioner of Education. After the U.S. Commissioner has approved the State plan, two copies of the cover sheet and the State-Federal agreement will be returned to the appropriate regional office of the U.S. Office of Education. One approved copy will be returned to the State educational agency.

(2) Although the regulations provide the State agency with the option of attaching the annual program plan to the State-Federal agreement or incorporating it by reference in the agreement (and making the annual program plan available for inspection by the U.S. Commissioner at the State educational agency), attaching the annual program plan has been found to facilitate communication at all levels.

(c) *Preparation of annual program plan.* In the preparation of the annual program plan for adult education, the following should be observed:

(1) Copy should be typed or duplicated on 8½ x 11" bond paper. It is recommended that tissue not be used for copies.

(2) Each major plan section should begin on a new page.

(3) Each page should carry in the upper right-hand corner the following information:

Plan Section Number ----------
State ----------

(4) Pages need not be numbered, but the numerical indexing of sections and subsections in the guide should be followed.

(20 U.S.C. 1205; 45 CFR 166.11-16)

Sec. 2.3 *Administrative organizations*—(a) *State administrative agency*—(1) *Map.* It is often helpful for the annual program plan to include a map of the pertinent administrative agencies within the State (for example, local educational agencies) and the geographical areas for which each such administrative agency is responsible. Such a map could assist the State educational agency in assuring that substantial progress can be made with respect to all segments of the adult population and all areas of the State toward carrying out the purpose of the Act and applicable regulations, particularly when used in conjunction with the adult needs survey referred to in section 3.2 of these guidelines.

(2) *Organizational chart.* It is also often helpful to include a current organizational chart of the State educational agency in the annual program plan. The chart could reflect the number of people, by title, serving the State educational agency in the adult education program.

(b) *Local and State advisory councils*—(1) *Possible activities.* Local and State advisory or planning councils can often be a valuable asset, and a description of any involvement of such groups would be appropriate for inclusion in the annual program plan. Such councils may include members of the client group, such as teachers and students. Councils may, for example, be appointed by the State educational agency or local administrative agency. The program plan could describe how much a council might assist in activities such as the following:

(i) Local project design;
(ii) Project review and approval;
(iii) Evaluation and monitoring;
(iv) State plan development;
(v) Dissemination and reporting;
(vi) Policy development; and
(vii) Needs assessment.

(2) *Allowable costs.* Salaries, wages, and other costs incurred by members serving on such advisory councils for activities such as those listed above which are reasonably related to the State adult education program may be charged to State or local administration, in compliance with regulations contained in 45 CFR Part 100b, Subpart G. (20 U.S.C. 1205, 1231d; 45 CFR Part 100b, Subpart G)

(c) *Other organizations.* It is often helpful to hold public hearings and meetings periodically to encourage the participation of any other concerned groups and of members from the general public.

(20 U.S.C. 1205)

PART 3—ANNUAL PROGRAM PLAN

Sec. 3.1 *Overview of the planning process.* (a) The following sequence illustrates some of the essential steps in the planning process: (1) Identify adult learning needs; (2) inventory resources; (3) establish program priorities; (4) design a plan for allocating resources; and (5) allocate resources.

(b) Since the above steps are dependent upon each other, it is important that the developmental process be approached in a sequential manner. The desired end product is an adult education program plan that provides the State educational agency with the philosophy, operating plan, and rationale for funding decisions on an annual basis. The program plan should identify precisely the objectives for the ensuing fiscal year and should describe how they will be met. Such a description would include the pertinent program and fiscal considerations required to conduct the program. The intent of such a description is to encourage the State educational agency to chart a plan in advance so that, for example, during the planning process relevant program requirements such as teacher training, curriculum, and instructional materials can be prepared prior to beginning instructional activities. Since the resources and delivery systems of each State differ, it is realized that the plans will vary and that each State will want to develop a plan that is responsive to the unique requirements of its adult population and educational system.

(c) Subsequent sections of this part will offer guidelines for each of the above steps in the planning process.

(d) Copies of adult program planning charts and forms referred to in these guidelines may be obtained from the Division of Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1205)

Sec. 3.2 *Adult learning needs survey.* (a) It is suggested that a needs survey be taken initially without regard to fiscal constraints or anticipated revenues from State, Federal, or local sources, in order to determine the full extent of adult learning needs in the State. A survey chart, such as that included in adult program planning chart A, may be used by the administrative agency or by the local educational agency to achieve compatibility in identifying the needs and annual program accomplishments.

(b) Charts similar to adult program planning chart A, may also be useful for surveying the needs in each of the levels of consideration established by regulation at § 166.12(b).

(c) Since this survey will affect subsequent decisions, it is suggested that the county breakdown reflected in the 1970 Census also be examined carefully and compared with the survey data. The general social and economic characteristics column of the State Census provides data concerning the years of school completed for females and males over 25 years of age according to county. Educational attainment data regarding the age group between 16 and 25 are also available as State summary data.

(d) In addition to the State census data, the State educational agency might find the following publications useful in preparing the annual program plan:

(1) Publications of the National Center for Educational Statistics, U.S. Office of Education, concerning adult education data;

(2) Reports of the Systems Development Corporation concerning the longitudinal study of adult basic education students;

(3) Teacher training studies produced by the University of Missouri at Kansas City;

(4) State evaluations;

(5) The Adult Basic Education Evaluation Model produced by Teachers College, Columbia University; and

(6) Regional staff development plan.

(20 U.S.C. 1205)

Sec. 3.3 *Resource inventory*—(a) *General.* Compiling an inventory of those resources that can be applied toward meeting the identified learning needs is a next step. At this point in planning it is recommended that fiscal constraints again not be allowed to enter in the planning since this step is designed to encourage the State educational agency to identify resources in each administrative agency that are available or could be made available and the additional resources required to help meet the previously identified learning needs. It is suggested that the State educational agency conduct such planning with regard to such resources as personnel, facilities, instructional materials, and community resources. If this task has already been performed in conjunction with the regional staff development program, the data might be transferred to the annual program plan or the regional staff development plan might be attached or incorporated by reference.

(b) *Personnel.* In order to clarify the extent of personnel currently available for adult education, and those desired, a chart along the lines of adult program planning chart B might be included in the annual program plan.

(c) *Community resources.* Experience indicates that the adult education program will succeed in relation to the degree that it utilizes total community resources with a view toward maximizing services required by the individual. Of course, if the local applicant can share in the cost of the program, it enables the State to render service to more people. Community resources such as the following should be surveyed to determine their availability for adult instructional programs: local educational agencies, public libraries, museums, media, transportation, recreation, cultural, business, industry, public health, social security, food stamps, day care, nonprofit organizations, hospitals, correctional institutions, learning centers, colleges, or community colleges, technical institutes, and other appropriate organizations. During the planning survey an effort might also be made to identify facilities that are convenient to adult learners and, if possible, adjacent to other services they may require, such as health and welfare services.

(20 U.S.C. 1205)

Sec. 3.4 *Determining program priorities.* (a) The State educational agency also faces the task of establishing program priorities and allocating resources. The annual program plan must include a statement of the priorities established, as required by the regulations at § 166.12(b). Such a statement should include a clear description of each of the precise priorities established and should give the rationale for establishing each such priority, relating it to prior steps in the planning process, such as the needs survey and resource inventory. For example, a priority for classes for migrant adults functioning at the fourth grade level or below might have been identified by the adult needs survey.

(b) It is suggested that the State educational agency formulate and disseminate its policies, procedures, criteria, and priorities in order to guide agencies in applying for program support, consistent with §§ 166.12(b) and 166.13 of the regulations.

(c) Every effort should be made to provide a coordinated statewide program which focuses upon the established priorities. However, the State educational agency should also consider the unique priorities of particular applicants. For example, if the learning needs survey indicates that a particular school district or location has a large population of adults who require English as a second language in order to gain employment or meet their adults responsibilities, then the State educational agency might wish to encourage the appropriate agency to submit an application for a special project (as described in section 306(a)(4) of the Act) focusing on this particular program area.

(20 U.S.C. 1205; 45 CFR 166.11-13)

Sec. 3.5 *Allocating resources*—(a) *Expenditures or administration of State plan and project activities.* Program planning chart C may be used to assist in allocating resources and prorating expenditures.

(b) *Fiscal resources in relation to the three instructional levels of consideration.* (1) The State educational agency must consider the instructional levels of consideration provided in § 166.12(b) of the regulations with regard to the allocation of funds. In many instances it appears that certain geographical areas have been providing substantial instructional services for lower levels when adequate emphasis has not yet been accorded to higher priority levels within the geographical area. The distribution of resources described in the above regulation is required in accord with the intent of the Act.

(2) Relating these priorities to the major cost categories might also be useful. For example, if the learning needs survey indicates that a substantial proportion of the population in a particular location was functioning below the fourth grade level and the personnel resource inventory reflected a lack of teachers prepared to teach reading at grades 1-4, the State educational agency may want to consider assigning additional teacher training resources at this level. Of course, this procedure could also apply to instructional materials, special projects, and research or demonstration projects.

(20 U.S.C. 1205; 45 CFR 166.11-13)

Sec. 3.6 *Program evaluation.* Program evaluations, as described in 45 CFR 166.13(h) and 166.12(b)(2), might address the following issues:

(a) To what degree does the plan provide for cooperation with special projects and teacher training grants that may be operating in the State and supported with resources from section 309 of the Act;

(b) Do the local instructional programs that the State funded reflect the findings of the learning needs survey and agree with the levels of consideration discussed in section 3.5(b);

(c) Do local programs of instruction provide opportunities for State reviews on a recurring basis? This is very important since the State educational agency or Office of Education regional office may be able to provide technical assistance which could strengthen a component;

(d) Is the regional staff development capability employed effectively to assist local programs;

(e) Do evaluations performed by the State educational agency include management concerns such as maintaining adequate financial records and providing for audits and retention of records; and

(f) Has the State-Federal agreement been provided to all participating agencies to apprise them of the State assurances to implement the Act?

(20 U.S.C. 1205; 45 CFR 166.47)

Sec. 3.7 *Annual program plan format.* In order to reflect the above suggestions and the requirements contained in the Act and pertinent regulations, State educational agencies may wish to use an annual program plan format such as the following:

(a) *General program goal statements.* This portion of the plan might contain a brief introductory overview or summary of the general program goals.

(b) *Needs survey and resource inventory.* This portion of the plan might contain a description of the conclusions of a needs survey and a resource inventory, including information and planning charts such as those discussed in sections 3.2 and 3.3.

(c) *Specific program priorities and objectives.* This portion of the program plan might describe the specific program objectives which reflect priorities established in accordance with section 3.4. Examples of such objectives include the following:

(1) To review project applications to assure their compliance with Federal and State guidelines.

(2) To provide ------ on-site visitations by State agency staff for technical assistance and evaluation.

(3) To provide ------ preservice and in-service training activities.

(4) To formulate a State advisory council which will meet ------ times a year.

(5) To increase adult enrollment in ------ program by ------ percent.

(6) To add ------ new programs during the program year.

(7) To complete required reports by the deadline date.

(d) *Activities and procedures.* (1) This portion of the program plan might describe the activities and procedures proposed to address each priority or objective. It is suggested that each priority or objective be discussed individually, as follows:

(i) Objective 1: Procedures and activities A, B, and C.

(ii) Objective 2: Procedures and activities X, Y, and Z.

(2) This portion of the program plan might also, where appropriate, utilize the suggestions and planning charts referred to in section 3.5.

(e) *Evaluation.* This portion of the annual program plan might include a discussion of evaluation activities, including

(1) Evaluation activities proposed to be conducted in the year for which application is made (See section 3.6.); and

(2) The extent to which past evaluation activities have indicated strengths and weaknesses in past programs, and how these strengths and weaknesses have affected the design of the proposed activities and procedures.

PART 4—APPLICATION AND PROJECT REPORT FORMS

Sec. 4.1 *Application form.* It would be very helpful for the purpose of aggregating compatible data if all applicants to the State educational agency used application and reporting forms which were comparable. To accomplish this purpose, States may wish to recommend the use of all or portions of a form entitled "Application and Project Report Form," which may be obtained from the Division of Adult Education, U.S. Office of Education, Washington, D.C. 20202.

[FR Doc.74-12486 Filed 5-30-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

SOUTH CAROLINA

Proposed Implementation Plan Revisions

On May 31, 1972 (37 FR 10842), the Administrator approved portions of the South Carolina plan to attain and maintain the national ambient air quality standards. On March 14, 1974, the State submitted to the Agency a proposal to revise its approved plan. The proposed revision consists principally of changes in the limitations on sulfur dioxide emissions from fuel combustion sources. The present limits (after July 1, 1972: 2.3# SO_2 per million BTU heat input; after July 1, 1977: 1.6 and 2.0# SO_2 for liquid and solid fuels respectively, per million BTU input) would be replaced by less stringent limits to be applied on the basis of a County classification system.

Under the new classification system proposed by South Carolina, the limits on SO_2 emissions from fuel combustion sources would be:

Class I—3.5# SO_2/10^6 BTU input for sources with an input rated at up to and including 10 million BTU/ hr.
or
2.3# SO_2/10^6 BTU input for sources with an input rated at more than 10 million BTU/hr.

Class II—3.5# SO_2/10^6 BTU input for sources with an input rated at up to 1,000 million BTU/hr.
or
2.3# SO_2/10^6 BTU input for sources with an input rated at 1,000 million BTU/hr or more.

Class III—3.5# SO_2/10^6 BTU input for all sources.

On the basis of diffusion modeling results and other considerations, the State's Counties are put into classes as follows:

Class I—Charleston County.
Class II—Aiken and Anderson Counties.
Class III—all others.

These classifications are subject to review and change at intervals not to exceed three years.

Submitted with the proposed relaxation of sulfur dioxide emission limits for fuel combustion sources was a revised

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control strategy intended to demonstrate that incorporation of the proposed changes in the State plan would not interfere with the attainment and maintenance of the national ambient air quality standards.

Copies of the information submitted by South Carolina are available for public inspection at the following locations:

EPA Freedom of Information Center
401 M Street, S.W.
Washington, D.C. 20460

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree St., N.E.
Atlanta, Georgia 30309

South Carolina Bureau of Air Quality Control
2600 Bull Street
Columbia, South Carolina 29201

Interested persons are encouraged to submit written comments on the proposed revision in the South Carolina plan, and all relevant comments will be weighed carefully by the Agency before it proceeds to approve or disapprove the changes involved. The Administrator's decision in this matter, however, will be based primarily on his judgment as to whether the revision meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51. Comments will be accepted on or before July 1, 1974, and should be addressed to the Acting Director, Air Programs Office, EPA, Region IV, 1421 Peachtree St., NE, Atlanta, Georgia 30309.

AUTHORITY: Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c–5(a)).

Dated: May 22, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74–12472 Filed 5–30–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19987]

UNITED STATES–MEXICO FM BROADCASTING AGREEMENT

Proposed Assignment and Use of Noncommercial Educational Channels; Extension of Time

1. On March 28, 1974, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 10, 1974, 39 FR 13007. Comment and reply comment dates are presently May 28 and June 11, 1974, respectively.

2. On May 24, 1974, the Corporation for Public Broadcasting (CPB) filed a request for extension of time in which to file comments to and including June 11, 1974. CPB states that it has been holding consultations with National Public Radio and the Association of Public Radio Stations and because of the unexpected complex engineering and policy questions raised by this matter the additional time is necessary.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including June 11 and June 25, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 24, 1974.

Released: May 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOSEPH F. ZIAS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74–12532 Filed 5–30–74;8:45 am]

[47 CFR Part 73]

[Docket No. 18110; FCC 74–540]

MULTIPLE OWNERSHIP OF STANDARD FM AND TELEVISION BROADCAST STATIONS

Order Changing Dates of Oral Argument

1. In a Memorandum Opinion and Order, adopted February 28, 1974 (FCC 74–222, 39 FR 9551), the Commission announced that oral argument in this proceeding would take place on June 18, 19 and, if necessary, June 20, 1974. Written requests to participate in the oral argument were to be filed not later than May 1, 1974. In addition, interested parties were invited to file elaborating or updating written materials by the same date, if they wished to do so. Subsequently, at the request of several petitioners, the date for filing written submissions and notices of appearance was extended from May 1 to May 15, 1974 (39 FR 15509).

2. Recently the Communications Subcommittee of the U.S. Senate Commerce Committee announced that it would hold hearings on June 18, 19, and 20, 1974, on proposed broadcast license renewal legislation which is of great importance both to the Commission and the broadcast industry. It may reasonably be expected that the Commission will be represented among those testifying at the Subcommittee hearings. Moreover, some of the parties wishing to partake in the Commission hearings in the present proceeding may wish to participate in the renewal hearing. In view of this conflict, it appears prudent to postpone the oral argument in this proceeding to a later time, and we are therefore changing the dates from those mentioned above to July 24, 25 and (if necessary) 26, 1974.

3. In view of the delay entailed by this change of dates, and since we wish to have as complete a record as possible on which to base our decisions, we are affording interested parties an opportunity to reply to the written up-dating and supplemental comments that were filed in response to the above-mentioned order scheduling oral argument. Parties may file such reply comments not later than June 12, 1974. The usual requirement of an original and fourteen copies shall apply to such filings.

4. Consistent with the foregoing, *it is ordered*, That the oral argument scheduled for June 18, 19 and, if necessary, June 20, 1974, is cancelled, and that oral argument in this proceeding will be held July 24, 25 and, if necessary, July 26, comments to the up-dating and supplemental comments filed in this proceeding 1974. *It is further ordered*, That reply may be filed not later than June 12, 1974.

Adopted: May 23, 1974.

Released: May 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–12538 Filed 5–30–74;8:45 am]

[47 CFR Part 73]

[Docket No. 20065; RM–2224]

TELEVISION BROADCAST STATIONS IN NEBRASKA

Table of Assignments

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Alliance, Hay Springs, and Scottsbluff, Nebraska).

1. Notice is hereby given of the institution of this proceeding to consider a proposal to amend the television Table of Assignments by reassigning Channel 4 from Hay Springs, Nebraska, to Scottsbluff-Hay Springs, Nebraska, as a hyphenated assignment. The proposal is advanced by Duhamel Broadcasting Enterprises (Duhamel), licensee of Station KDUH–TV, Hay Springs, which it operates on Channel 4 as a semi-satellite of commonly owned Station KOTA–TV, Channel 3, Rapid City, South Dakota, with authority to identify it on the air as a Hay Springs-Scottsbluff-Alliance, Nebraska, station. The proposal would make Channel 4 available for application for a station to serve either Hay Springs or Scottsbluff as its principal community of license, and Duhamel seeks its adoption so that it may apply to have Station KDUH–TV's city of license changed from Hay Springs to Scottsbluff and its main studio, now located about 2.75 miles south of Hay Springs, relocated in Scottsbluff. Since Station KDUH–TV now operates from an antenna site approximately 42 miles southwest of Hay Springs, 33 miles northeast of Scottsbluff, and 20 miles west northwest of Alliance, with facilities which place the required signal for principal city service over Scottsbluff[1] and which would be otherwise technically feasible for a Channel 4 operation at Scottsbluff, Duhamel plans to continue operating Station KDUH–TV from its present antenna site should it be relicensed as a Scottsbluff station. Duhamel also states that, as a Scottsbluff station, Station KDUH–TV would continue to maintain a studio at Hay Springs as an auxiliary and to originate local programming from there.

2. Along with the Duhamel reassignment proposal, we propose for consideration and comment two alternative proposals to reassign Channel 4 from Hay Springs either to Alliance-Hay Springs, or to Scottsbluff-Alliance-Hay Springs, as a hyphenated assignment. These proposed alternatives, also technically feasible and requiring no change in Station KDUH–TV's antenna site or technical facilities, are suggested by a counterproposal to reassign Channel 4 to Alliance if it should be moved from Hay Springs, advanced by Wyneco Communications, Inc. (Wyneco), in an opposition it filed to the Duhamel petition, and to which Duhamel filed a reply. Wyneco is the licensee of television Station KSTF, Channel 10, Scottsbluff, which it operates as a semi-satellite of commonly owned Station KYCU–TV, Channel 5, Cheyenne, Wyoming, and with authority to identify Station KSTF on the air as a Scottsbluff-Gering, Nebraska, station.

3. An opposition to the Duhamel petition was also filed by the Hilliard Company, Inc., licensee of Radio Station KOLT(AM), Scottsbluff, ten days after the September 17, 1973, expiration date for filing responses thereto.[2] It was not accompanied by any showing which would indicate good cause, or any cause, for its late submission and has not, therefore been accepted for consideration. The pleading may be resubmitted, however, if the Hilliard Company so desires, as comments, along with any others it may wish to make, in the proceeding we are instituting herein to consider the Duhamel proposal further.

4. Hay Springs, Scottsbluff, and Alliance are located in the panhandle region of western Nebraska, with Hay Springs approximately 75 miles northeast of Scottsbluff, and with Alliance approximately 40 miles south of Hay Springs and 45 miles northeast of Scottsbluff. U.S. Census reports show that Hay Springs had a 1970 population of 682, as compared to a population of 823 in 1960 (a 17.1 percent decrease). Sheridan County in which Hay Springs is located had a 1970 population of 7,285, as compared to a population of 9,049 in 1960 (a 19.5 percent decrease). Scottsbluff, the largest population center in this area, had a 1970 population of 14,507, as compared to a population of 13,377 in 1960 (a 8.4 percent increase). Both Scottsbluff and the adjoining community of Gering (1970 population 5,639) are located in Scotts Bluff County, which had a 1970 population of 36,432, as compared to a 1960 population of 33,809 (a 7.8 percent increase). Alliance had a 1970 population of 6,862, as compared to a population of 7,845 in 1960 (a 12.5 percent decrease). Box Butte County in which Alliance is located, had a 1970 population of 10,094, as compared to a population of 11,688 in 1960 (a 13.6 percent decrease).

5. The only commercial television stations in operation in this western Nebraska area are Duhamel's Channel 4 satellite station at Hay Springs (KDUH–TV) which has been in operation since 1958, and Wyneco's Channel 10 satellite station at Scottsbluff (KSTV), which has been in operation under Wyneco ownership since 1972 and under other ownership (Frontier Broadcasting Company) since 1955. Station KDUH–TV is primarily affiliated with NBC and Station KSTV with CBS. Both stations also carry ABC programming. These stations occupy the only television channels presently assigned to Hay Springs and Scottsbluff. There are also two noncommercial educational stations in the area at Alliance (KTNE–TV, Channel #13) and at Merriman, Nebraska (KRNE–TV, Channel #12), which occupy the only television channels assigned to these communities. Merriman (1970 population, 172) is located approximately 50 miles northeast of Hay Springs.

6. In support of its proposal, Duhamel avers that Station KDUH–TV suffered losses totalling $278,311 from 1958 when it commenced operation through 1970 and that the move of the station in October of 1970 to its present site was intended to enable it to become a viable "area wide" operation which, from its more centrally located site in this western Nebraska panhandle region and with its improved facilities (a 2,000 foot tower), would provide much needed additional service to this underserved and sparsely populated area. It states, however, that, while the move improved Station KDUH–TV's signal coverage to the area immensely, it has not improved its economic situation and that it operated at a net loss of $102,364 in 1971 and of $99,571 in 1972. It attributes this mainly to the cost of the move (approximately $630,000), and also to other problems, such as maintenance (e.g., weather damage to the tower), additional engineering personnel and increased travel. Duhamel states that it is manifest that operation under such circumstances cannot long continue and that, after careful consideration, it has concluded that Station KDUH–TV can survive as a viable operation for its entire service area only if it is able to have Scottsbluff substituted for Hay Springs as its city of license and its main studio relocated in Scottsbluff. In addition to economic necessity, it urges that other public interest and practical considerations dictate this conclusion.

7. Duhamel contends that while it has no intention of abandoning its responsibilities to Hay Springs and to its entire northern service area and it appreciates the loyalty, interest and support provided by the residents and merchants of Hay Springs, it is unrealistic to expect an "area wide" station, such as Station KDUH–TV, now is, to be tied to the economic base of a community the size of Hay Springs. In order to survive, Duhamel claims, Station KDUH–TV must operate on a broader "area wide" scope than is now possible, must have better access than it now has to Scottsbluff and the adjacent counties thereto along the Platte River, the principal population centers of the area, and must increase its efficiency in operations and sales. A principal step in this direction, it urges, is the ability to relocate the station's main studio in the Scottsbluff area, where it claims the main economic support for it is. To show this, Duhamel states that of the 122,935 persons residing within the Grade B contour of Station KDUH–TV, a total of 114,174 reside in fourteen Nebraska counties and Goshen County, Wyoming, each of which, we are told, is wholly or substantially encompassed by the Grade B contour of KDUH–TV. Duhamel refers to the 114,174 persons in those counties as the principal population served by the station. It presents data concerning those counties demonstrating that three of them which are contiguous—Scottsbluff, Morrill, and Goshen in the Platte River Valley—contain 53,130 persons (46.5 percent of the principal population served), and five of them—Scottsbluff, Morrill, Goshen, and adjacent Box Butte and Cheyenne—contain 74,002 persons (64.8 percent of the principal population served). The latter five counties, it is said, contain all the urban population in the panhandle area, with the exception of Chadron, Nebraska (1970 population 5,283, approximately 20 miles to the northwest of Hay Springs), Kimball, Nebraska (1970 population 3,680, approximately 43 miles south of Scottsbluff), and Valentine, Nebraska (1970 population 2,662, approximately 110 miles east of Hay Springs); and almost 70 percent of the total retail sales in the service area are made in these five counties. Duhamel also states that Sta-

[1] Station KDUH–TV also places a signal of the intensity required for principal city service (74 dBu) over Alliance but places a signal of but Grade A (71 dBu) over Hay Springs. In authorizing the move of Station KDUH–TV in 1969 from its former site (approximately 2.75 miles south of Hay Springs) to its present site, the Commission waived requirements of § 73.685(a) of the rules with respect to the minimum signal intensity required over the principal city to be served (Hay Springs), since it appeared that operation from the proposed transmitter site would still enable the population of Hay Springs to receive an adequate signal (71 dBu) and would also permit a significant improvement in the coverage and service of Station KDUH–TV. The site move was, however, made subject to the condition that the licensee of Station KDUH–TV install and maintain sufficient television broadcast translator stations to provide acceptable service to the viewers who lost acceptable service as a result of the transmitter move in all areas where more than a minimal number of viewers were involved.

[2] The expiration date for filing responses to the Duhamel petition, originally August 20, 1973, was twice extended in response to requests of Wyneco: first to September 10, 1973 (Order, released August 22, 1973, Mimeo 05928); and then to September 17, 1973 (Order, released September 12, 1973, Mimeo 06569).

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tion KDUH–TV's local sales in 1971 and 1972 totalled $305,136, of which 71.6 percent ($218,343) were made in these five counties, 1.6 percent ($4,904) were made in Hay Springs; and 26.3 percent ($80,-146) were made in the total northern area along Highway 20 (including Hay Springs).

8. Duhamel further contends that, although this southern five-county area of western Nebraska has provided the economic strength for Station KDUH–TV, this has been done with the material handicap of having its main studio in Hay Springs, approximately 100 road miles northeast of Scottsbluff. It claims that maintaining an isolated studio away from Scottsbluff, the population center of its coverage area, is an extra cost which adds to its economic problems; that the estimated 75,000 to 100,000 miles yearly which the KDUH–TV staff travels could be reduced by two-thirds by relocation of its main studio in Scottsbluff; and that its station manager estimates that, primarily due to its Hay Springs studio location, sales are only at approximately 50 percent of their potential. In addition, Duhamel claims that, due to the remoteness of its studios, retailing support of Station KDUH–TV is far below its potential since there are only about eight to ten Hay Springs accounts which can afford to support the station with advertising and from whom only an approximate average of $200 a month in the aggregate can be realized, and since few others are willing to come regularly to the station to appear personally on the air and show their merchandise, as retail store owners customarily want to do in small markets such as this.

9. Duhamel also believes that, in addition to being economically realistic, the proposed reassignment would enable Station KDUH–TV to improve its personnel situation. It states that, although offering competitive wages and commensurate fringe benefits, the station has been singularly unsuccessful in attracting experienced, qualified personnel because prospective employees are faced with the alternatives of living in Hay Springs or commuting at least 25 miles from the nearest community of any size (Chadron); that no on-the-air personality has ever lived in Hay Springs; and that its station manager, a Scottsbluff resident, commutes over 200 miles round-trip, occasionally twice a day, to be close to the sales and population center of Station KDUH–TV's coverage area, travels approximately 57,000 miles per year, and averages 24 hours per week driving in his car. Another problem, Duhamel states, is that of retaining employees once they are trained. It mentions, for example, that when experienced employees leave, problems are created by the lack of cross fertilization of ideas for the younger, inexperienced employees, particularly in the case of engineering and news personnel. Duhamel feels that the relative attractiveness of Scottsbluff as a place to live, work, and raise a family would help alleviate Station KDUH–TV's staffing problem and reduce its high employee turnover rate if it were relocated there an that, as a result, an improvement in staff competency and the quality of its programming could be expected.

10. In addition, Duhamel claims that the present remote location of Station KDUH–TV's main studio away from Scottsbluff, the five-county population center of its coverage area, hampers the local programming efforts of its staff and that relocation in Scottsbluff would enable the station to provide an improved local programming service to its entire service area, including Hay Springs, since it would then have accessibility to news, public affairs, and other events of concern to the largest number of residents of the area. It points out, for example, that since Scottsbluff has the only major airport terminal facility in the Nebraska panhandle region and is the trading and transportation center for the area, it is a stopover location for prominent persons on visits and speaking tours to western Nebraska and for those attending meetings and conventions but that, due to the time required to make the 200-mile round-trip over two land roads between Scottsbluff and Hay Springs, these people are unavailable on a live basis to Station KDUH–TV's audience; that, while the Governor and several Nebraska gubernatorial and Senatorial candidates have visited the KDUH–TV studio during their political campaigns, no Nebraska United States Senators or Congressmen have done so in the nine years the present station manager has been with the station, although frequent invitations have been extended, and they, typically, visit with constituents in the Scottsbluff area several times a year; and that, even though 56 percent of Station KDUH–TV's audience reside in rural areas, resource people from the district agricultural offices, most of whom are located in Scottsbluff and the Platte River Valley, rarely appear on Station KDUH–TV.

11. Duhamel also states that the Hay Springs location of Station KDUH–TV's main studio makes it difficult and costly with the rural phone lines to get information from the nearest weather information source to the studio for broadcast; that it has had to put in a full time direct line from the Scotsbluff National Weather Service office to its Hay Springs studio; and that, despite the vital importance of this service to the area and the reliance on Station KDUH–TV for it, on occasion, its broadcast has been impossible because extreme blizzard conditions made it impossible to reach the station's studios. Relocation of its studio in Scottsbluff, it believes, would eliminate this problem.

12. Duhamel is also convinced that the efficiency and productivity of Station KDUH–TV's news director would increase greatly if he could be located both at the news center for the Nebraska panhandle region and in close proximity to the station's main studio in Scottsbluff. Duhamel says that, he is now located in Scottsbluff because it is considered important that he be at the source of the major part of the news affecting the area, but that his location there hampers his effectiveness because of the distance and time involved in getting information and film to the Hay Springs studio for broadcast and the necessity of relying only on telephone contacts with the studio news staff on a regular basis. Duhamel also maintains that, notwithstanding the fact that Station KDUH–TV identifies itself on the air as a "Hay Springs-Scottsbluff-Alliance" station, because its Hay Springs studio is located "off the beaten path" in the northern part of its coverage area and relatively isolated from the five-county population center of the Nebraska Panhandle, its staff finds it nearly impossible to obtain the desired community involvement with the majority of people in its service area who, it is stated, consider it a station "from somewhere up north" and do not identify with it. Duhamel urges that operation on a dual city "Scottsbluff-Hay Springs" assignment would underscore the "area wide" nature of the station and facilitate a true area wide operation.

13. Duhamel further points out that Station KDUH–TV's move to its present more centrally located site in the Nebraska panhandle region enabled it to place a new signal over the entire service area of Wyneco's Scottsbluff satellite station (KSTF) and over substantial portions of its commonly owned parent Cheyene station (KYCU–TV) and another commonly owned satellite station at Sterling, Colorado (KTVS), the parent of which is also KYCU–TV; to eliminate large unserved and underserved (one service) areas; and to provide, in reality, a second commercial television network signal to the 92,385 persons in the western Nebraska-eastern Wyoming area which was underserved by commercial broadcasters because of its sparse population and marginal economics. In order to provide this area with a second full network service, Duhamel states that it gave up a 15-year affiliation with CBS and joined NBC since the Wyneco Scottsbluff, Cheyenne and Sterling stations (then owned by Frontier Broadcasting Company) were primarily affiliated with CBS also, and that, as a result, since both Station KDUH–TV and Station KSTF carry a substantial portion of ABC programming also, viewers in the area are now able to receive about 90 percent of the programming available off the air from the three major television networks. While stating that it believes this to be in the public interest, Duhamel claims that if Station KDUH–TV is to continue to provide this type of service, it must be permitted to relocate its studios in the unquestioned economic center of its service area—the Scottsbluff region—so that it will be able to compete on a realistic economic base.

14. In addition, Duhamel urges that the Tucson-Nogales, Arizona, TV case[3] is precedent for its proposal since economic survival of the Nogales Channel 11 station was a significant consideration there for changing the Nogales Channel 11 assignment to a Tucson-Nagales hyphenated assignment.

[3] 32 F.C.C. 2d 885 (1972).

Wyneco Opposition

15. In its opposition, Wyneco submits that the subject petition is merely the latest in a series of efforts by Duhamel over the past few years to enable Station KDUH–TV to abandon Hay Springs for the somewhat larger community of Scottsbluff. It states that these included obtaining authorization in 1969 for explanded KDUH–TV facilities, which involved a move to the present KDUH–TV transmitter site, enabling it to provide a wide area service in northwestern Nebraska and to place a signal of city grade strength for the first time over Scottsbluff (at the former KHUD–TV site near Hay Springs, the KDUH Grade B contour fell short of Scottsbluff); filing an application for modification of license to specify Scottsbluff as the studio location for Station KDUH–TV (BMLCT–716), which was opposed by the former licensee of Wyneco's Scottsbluff station (KSTF), and, at Duhamel's request, dismissed by the Commission in March of 1972; and obtaining tri-city identification authority for Station KDUH–TV in 1972 as a Hay Springs-Scottsbluff-Alliance station. Wyneco contends, for the reasons discussed below, that, while Duhamel by its subject proposal now seeks to go all the way and achieve a reassignment of Channel 4 to Scottsbluff-Hay Springs so that Station KDUH–TV may become a full-fledged Scottsbluff station by moving its main studio there, the adoption of the proposal would disserve the overall public interest, be inconsistent with the Commission's basic television assignment policies, and is unnecessary as a solution to Duhamel's alleged problems. In any case, Wyneco contends that, if Channel 4 is to be shifted from Hay Springs, Alliance rather than Scottsbluff warrants the channel for assignment and use.

16. Foremost among Wyneco's objections on public interest grounds is its belief that the proposed assignment would result in depriving the Hay Springs area of its first and only television outlet for local expression. Wyneco claims that, once Station KDUH–TV is able to establish its main studio in Scottsbluff, it would effectively foreclose any possibility of its continuing to provide a local service for the Hay Springs area; that with Scottsbluff more than 75 airline miles and 100 road miles from Hay Springs, it is obvious that, if the KDUH–TV main studio were to be located in Scottsbluff, it would be equally as unavailable to persons in the Hay Springs area as Duhamel claims the Hay Springs main studio of KDUH–TV now is to persons in the Scottsbluff area; and that it would be too distant from the Hay Springs area for it to receive a meaningful local program service. While Wyneco notes that Duhamel states that it would still maintain an auxiliary studio at Hay Springs and originate local programming from there, it observes that Duhamel furnished no details as to the nature or extent of the programming it would furnish and submits that the contemplated auxiliary studio at Hay Springs could be abandoned at any time without Commission consent.

17. Wyneco also contends that the move of Station KDUH–TV to Scottsbluff would not only deprive the residents of Hay Springs of a local outlet but that it would also deprive residents of other nearby communities in the northwestern corner of Nebraska and the southwestern corner of South Dakota, who now have reasonable access to the KDUH–TV studios near Hay Springs, of access to its studios, since they are located even further from Scottsbluff than Hay Springs is. For example, it points out that Chadron, Nebraska (1970 population, 5,853), the seat of Chadron State College, is only 20 miles via U.S. Highway 20 northwest of Hay Springs but more than 110 miles from Scottsbluff; that Rushville, Nebraska (1970 population, 1,137) is only 10 miles east of Hay Springs via U.S. Highway 20 but 205 road miles from Scottsbluff; and that Gordon, Nebraska (1970 population, 2,106), is only 27 miles east of Hay Springs on U.S. Highway 20 but 120 miles from Scottsbluff. Wyneco also points out that Pine Ridge, South Dakota (1970 population, 2,768) is just across the Nebraska-South Dakota border, 32 road miles north of Hay Springs but 130 miles from Scottsbluff, in Shannon County, which consists largely of the Pine Ridge Indian Reservation, populated by some 10,000 Oglala Sioux and 3,000 non-Indians; and that Station KDUH–TV is the only commercial TV station now providing a Grade B signal to Pine Ridge, the principal population center of this area, and to the southern portion of Shannon County where most of the population is located. The distance of Pine Ridge from Scottsbluff, Wyneco maintains, also makes it obvious that the move of Station KDUH–TV's main studio to Scottsbluff would make it inaccessible to residents of this South Dakota area.

18. Wyneco, while conceding that Hay Springs and the surrounding communities of Chadron, Rushville and Gordon are small, contends that, since apart from Pine Ridge and the other South Dakota communities and areas served by Station KDUH–TV, these four communities had an aggregate 1970 population of 9,778, as compared to Scottsbluff, with a 1970 population of 14,507, under the Commission's television assignment priorities, Hay Springs warrants a first local facility before Scottsbluff is afforded a second and the paramount public interest requires the retention of Channel 4 at Hay Springs for its first and only outlet for local expression. Wyneco further maintains that, while the area surrounding Scottsbluff is more densely populated than the area around Hay Springs and Duhamel may be correct in stating that nearly two-thirds of the population served by Station KDUH–TV are in the general area of the Platte River Valley surrounding Scottsbluff, this is no basis for Station KDUH–TV to abandon Hay Springs for Scottsbluff since it already has an outlet for local self expression and there has been no showing by Duhamel that Scottsbluff's need for a second outlet outweighs Hay Springs' need for its first and only outlet. If these reasons were controlling, Wyneco submits, the large population centers would acquire all the facilities at the expense of the more sparsely settled areas which, despite their small size, still require their own local facilities. Wyneco further contends that while it may be true that Duhamel would be in a position to increase its revenues by operating Station KDUH–TV as a Scottsbluff station, this consideration is not controlling since the overall public interest, not its private interest, is the standard under which its reassignment proposal must be evaluated, as pointed out in Television Corporation of Michigan v. F.C.C., 294 F. 2d 720 (1961), 21 RR 2107.

19. Wyneco also considers Duhamel's reliance on the Tucson-Nogales TV hyphenation case as precedent for its proposal to be misplaced. It contends that, since the Nogales VHF station was competing as an independent in the small community of Nogales (1970 population 8,946) against 3 VHF network-affiliated stations in Tucson, a major TV market with a 1970 population of 262,933, the situation in that case is a far cry from Duhamel's proposal to reassign Channel 4 from Hay Springs to Scottsbluff, a community of 14,507 persons, with only one TV station. An even more basic difference, it contends, is that unlike Duhamel's showing, which stresses the inaccessibility of Hay Springs to residents of Scottsbluff, the remoteness of the KDUH–TV Hay Springs studio from Scottsbluff and the surrounding five-county area, the separability of the two communities and the lack of identification between them, in the Tucson-Nogales case, the showing of the Nogales station licensee demonstrated that there were close ties between Nogales and Tucson and that the 72 road miles between these communities was not a significant physical separation in that southwestern sector of the country. Wyneco further contends that Duhamel's showing of the complete separation of Scottsbluff and Hays Springs, rather than furnishing a basis for its reassignment proposal, underscores the need for retaining the channel in the Hay Springs area to provide it with its first and only local outlet and to conform with our basic assignment policies.

20. In addition, Wyneco argues that while survival of the Nogales Channel 11 station was the decisive factor in the Tucson-Nogales case, it having been established that the Nogales Channel 11 station had incurred operating losses of more than one million dollars in little more than three years of operation, the Duhamel showing is insufficient to support the proposed reassignment on that ground. Wyneco contends that while Duhamel claims substantial losses in its operation of Station KDUH–TV, even from its unsupported contentions it appears that its losses were modest before its major expansion of Station KDUH–TV's facilities in 1970 and that the bulk

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of its purported losses have occurred since then; that the data submitted by Duhamel on broadcast revenues, expenses and operating income or losses for the pertinent years were not accompanied with supporting data for its conclusions and would not permit any meaningful evaluation of the economic status of its Hay Springs station; and that any proper analysis of its economic position requires a review of supporting data to permit determinations as to such matters as whether the purported losses have stemmed from extraordinary expenses incurred in connection with Duhamel's 1970 major expansion of Station KDUH–TV's facilities and as to the allocation of revenues and expenses between Duhamel's Rapid City, South Dakota, station (KOTA–TV) and its Hay Springs satellite station.

21. Wyneco also contends that the proposed channel reassignment is wholly unnecessary, maintaining that virtually all of the benefits Duhamel claims would be obtained from relocation of the KDUH–TV main studio in Scottsbluff could be achieved by the establishment of an auxiliary studio there without depriving Hay Springs of its only local outlet. It believes that this solution to the alleged problems of KDUH–TV should be explored before any reassignment of Channel 4 to Scottsbluff is made.

22. Wyneco urges, however, that, if Channel 4 is to be reassigned from Hay Springs, the Commission's basic TV assignment criteria and priorities require that it be assigned to Alliance instead of Scottsbluff, since Alliance, a community of 6,862 persons located in the center of the Nebraska Panhandle and in the heart of Station KDUH–TV's coverage area, has no commercial outlet for local self-expression, and, while somewhat smaller than Scottsbluff, is in its view, nevertheless, a significant population center meriting a first local facility before Scottsbluff gains a second. To show the interest of Alliance in securing a local facility, Wyneco submitted with its pleading a copy of a letter received by the Commission from the City Manager of Alliance on June 18, 1971, in connection with Duhamel's then pending application for license modification to relocate KDUH–TV's main studio in Scottsbluff which indicates interest in having Alliance selected as a site for the new studios and headquarters of KDUH–TV. The letter also states that among the advantages of relocation in Alliance are that it is within 19 miles of the KDUH–TV transmitter site; that it is large enough to develop good local-interest news that would interest the trade area in Station KDUH–TV's expanded coverage area; that the Northwestern Bell Telephone Company has a service and district control plant in Alliance which has communication advantages over other possible sites; and that other media (radio and newspaper) find the Alliance business climate healthy.

DUHAMEL REPLY

23. In reply, Duhamel urges that the Wyneco opposition raises nothing that detracts from the validity of its petition or any public interest matter which would be reason to deny rulemaking on its proposal. It contends that Wyneco's argument relative to the resultant loss of Hay Springs' only local outlet and service if its proposal is adopted is meaningless since its petition made clear that it has no intention of abandoning Hay Springs if its reassignment proposal is adopted and it is authorized to relocate Station KDUH–TV's main studio in Scottsbluff and specifically stated that it would continue to maintain a studio in Hay Springs and to originate programming from there. Duhamel states that, if there is a danger of a loss of local service at Hay Springs and to the sparsely settled areas to the north of Hay Springs and along Route 20, it will not result from granting the relief it seeks but from failure to do so since, in view of KDUH–TV's financial losses and their dramatic increase due to its more expensive operation from the present KDUH–TV site, it cannot continue to suffer these losses and remain on the air.

24. Addressing itself to the question raised by Wyneco as to whether the establishment of an auxiliary studio in Scottsbluff might be a satisfactory solution to Station KDUH–TV's problems without moving its main studio from Hay Springs, Duhamel states that its petition demonstrated the economic, personnel and programming "facts of life" which dictate that Station KDUH–TV's main studio location be where the major population concentration and economic support for the station is located; that it is important to keep in mind that, considering the marginal economic base on which any station must operate in this western Nebraska area, it is not possible to maintain two equal studio facilities because of the prohibitive continuing operating expense; that a station must elect where to make its main commitment; and that it has concluded that its main commitment, hence its main studio location, must be in Scottsbluff where the major support for Station KDUH–TV is located, so that it would have access to more news, personalities of interest, and programming in general than it has from the very small town of Hay Springs and would be able to obtain and retain better qualified personnel, which has always been a problem at Hay Springs that detracts from an efficient operation. If the proposed reassignment is adopted and Station KDUH–TV is authorized to establish a main studio in Scottsbluff, Duhamel states that it would purchase new studio equipment for the Scottsbluff studio and retain the present Hay Springs studio as an auxiliary; that the sales, programming, and personnel effort at the Hay Springs studio would be in rough proportion to KDUH–TV's overall "area wide" operation; that nothing of significance or interest to the Hay Springs area would be intentionally omitted, and that while the ratio of Scottsbluff to Hay Springs originations might vary, depending on the news and programming available at any given time and its relative importance, regular programming on a daily basis would be included. Duhamel states that it believes it can do a very good job for Hay Springs with a less ambitious setup than is necessary for a main studio and that the relocation of the KDUH–TV main studio in Scottsbluff should eliminate the waste and inefficiency of attempting to do a major programming effort for the Scottsbluff area from its present distant Hay Springs main studio location.

25. As for Wyneco's suggestion that the KDUH–TV main studio, if it is to be relocated at all, should be moved to Alliance instead of to Scottsbluff, Duhamel states that, based on its knowledge and experience in the area, a move to Alliance could not solve Station KDUH–TV's economic, programming and service problems. For one thing, it points out, Alliance is over 60 road miles from the population center—Scottsbluff—and it contends that all of the sales and programming problems presently being experienced at the Hay Springs main studio would continue to exist with a main studio at Alliance; that the required 120-mile round trip by car would still discourage personal appearances by newsworthy individuals travelling through the Scottsbluff airport; that Alliance is declining in population, while Scottsbluff is experiencing a growth in population, housing and public services, is the center for news and public affairs events, the trading hub of the area, and is in general a more attractive place for employees to reside and work in the area than smaller towns like Alliance and Hay Springs. Duhamel urges that the solution to its problems is to increase the efficiency of its operation and that this cannot be done by forcing it to operate with its main studio and auxiliary studios in smaller towns, such as Alliance and Hay Springs, thus depriving it of the support and advantages promised by a main studio location in a town like Scottsbluff.

26. With respect to the case of Television Corporation of Michigan v. F.C.C. cited by Wyneco for the view that the prospect of increasing the revenues of Station KDUH–TV should not be a controlling consideration, Duhamel argues that the case is distinguishable on a variety of grounds and has no relevance to its proposal, pointing out, for example, that it involved a proposed transmitter move and a change in the service area of a station which its proposal does not; that the move it proposes is not to increase its profits, as was the point of the language in the Michigan case quoted by Wyneco, but to stem Station KDUH–TV's losses in the hope that it will enable it to become a viable operation and remain on the air; and that, unlike the Michigan case, adoption of its proposal would cause no loss of service to anyone but would simply enable its station to relocate its main studio near the main population served and enable it to better comply with its service responsibility to its service area. Duhamel also maintains that, contrary to Wyneco's view, the Tucson-Nogales case is a valid precedent for its proposal. It submits that it is not only extremely close on the facts but, more important, is directly on point as far as the fundamental rationale of the two situations is concerned. It points out that, notwithstanding that Tucson is larger than Scottsbluff-Gering and Nogales is larger than Hay Springs and, that the losses of the Nogales station exceeded those it claims for Station KDUH–TV, the losses it has suffered are likewise substantial and in fact threaten the economic survival of Station KDUH–TV and that it likewise sees as its only chance of survival, a closer identification with the major economic base in its area.

27. With reference to Wyneco's argument concerning the insufficiency of its showing of its losses in operation of Station KDUH–TV, Duhamel maintains that the expense and income data furnished in its petition are reasonable on the facts presented and that the data it supplied are accurate and as complete as is necessary to demonstrate that Station KDUH–TV is in a very difficult situation. Duhamel feels that Wyneco, which it points out furnished no information to render its figures unreliable, is simply using a harrassing techniques in calling for additional data, and submits that there is no requirement that it declare publicly all the details concerning its entire operation which have been supplied to the Commission in annual financial reports. Duhamel states that Wyneco appears to suggest that, since expenses for Station KDUH–TV soared after construction of its new 2,000 foot tower at its new site, there perhaps was some improper "expensing" of items which should have been capitalized, but that this is obviously not so, since the losses which began in the fall of 1970 continued to occur in 1971 and 1972 and will be equally apparent in 1973. If there had been an improper expensing, Duhamel submits that it would have only occurred in the first year when the money was spent and would not have continued, as would be the case with legitimate expenses. Further, it states that it is only common sense that expenses must soar when a station changes from a small consolidated operation to a vastly expanded operation, as Station KDUH–TV did, involving use of a new site 42 air miles from its studio, with a 2,000 foot tower operation, necessitating a studio-transmitter microwave link, additional travel, extra personnel, purchase of a color studio camera and film chain, three hops of microwave in all, plus added insurance, an extra building, etc. It points out that, with an investment of $630,000, the money just to cover additional interest is impressive since to amortize that amount at eight percent over ten years, amounts to $7,643.64 monthly and $91,732.67 per year. Duhamel also avers that the allocation of expenses between its Rapid City and Hay Springs stations has always been fair and accurate and, if anything, very favorable to Station KDUH–TV, since prior to 1971 no charges for depreciation on equipment or interest on its losses were charged to it and only in the last five years have any management fees been charged to the station and these have averaged but $6,800 a year Duhamel also avers that its books are annually checked by an outside C.P.A. firm which has never found any inequitable allocation of costs between Station KDUH–TV and its Rapid City parent (KOTA–TV).

DISCUSSION

28. Hyphenation is an assignment tool which we have sparingly used, generally only to assist in making new television channel assignments on a fair, efficient and equitable basis in areas where, for assignment purposes, it appears that the communities should be treated as one community (for such reasons, among others, as their proximity and common social, cultural, trade and economic interests), and also where it seemed best to postpone until the application and possible adjudicatory stage any unresolved or close questions as to which of the communities warranted the assignment for use. Where, as in the subject case, and also, as in the Tucson-Nogales case cited by Duhamel as precedent for its proposal, the hyphenation proposal does not involve the usual case of a newly proposed channel assignment but involves the reassignment of an occupied channel for the purpose of moving an existing local outlet from a small community to a larger community in its service area and communities which are not geographically close or sufficiently similar in their interests to warrant a hyphenated assignment under usual criteria, we believe it merits careful scrutiny to determine whether there are any strong public interest reasons which, nevertheless, warrant its adoption.

29. In the Tucson-Nogales case, which we do not view as definitive—for or against the ultimate adoption of Duhamel's proposal—considering the factual dissimilarities, hyphenation of the Nogales Channel 11 assignment with Tucson was ordered primarily because, in view of the economic realities confronting the Nogales Channel 11 station, it appeared the only reasonable means of insuring the station's survival and continuation of local Channel 11 service to Nogales and the area. Duhamel likewise urges as the paramount reason for adopting its proposal to reassign Channel 4 from Hay Springs to Scottsbluff-Hay Springs that it is critical to the economic survival of its Hay Springs Channel 4 station and consequent continuation of Channel 4 service to this western Nebraska area. Since we view the survival of the existing Channel 4 outlet and service in this area as vitally important and in public interest, it being one of but two local commercial television outlets in this area; since Duhamel's threshold showing in its petition and reply comments is sufficient to raise a question of whether the proposed reassignment is reasonably necessary for a Channel 4 station in this area to operate on a viable basis; and since we are satisfied that the proposed reassignment would be technically feasible, we have decided that the public interest would be served by considering the proposal further in the light of the record of facts and views that a rule making proceeding, such as we are instituting herein, can, and we are hopeful, will provide.

30. We are also persuaded by the Wyneco argument that the use of Channel 4 for a first local outlet at Alliance rather than for a second local outlet at Scottsbluff might make for a more fair, efficient and equitable distribution of television facilities in this area. Therefore, since Channel 4 would also be technically feasible at Alliance, we wish to explore the alternatives of reassigning Channel 4 to Alliance-Hay Springs or to Scottsbluff-Alliance-Hay Springs rather than to Scottsbluff-Hay Springs. While Scottsbluff is somewhat larger than Alliance, and is, as has been pointed out by Duhamel, the population and economic hub of this Nebraska panhandle area, it is still a relatively small community to which we would not normally assign even one television channel in the absence of demand and evidence of an interest in using it if assigned. With one occupied channel now assigned to Scottsbluff, and in use for a satellite operation which has not yet developed into a full-time local outlet, we think both the need of Scottsbluff for a second VHF assignment, and its need for such an assignment over Alliance for a first, are public interest concerns which must be carefully weighed in considering a move of the Hay Springs Channel 4 assignment.

31. While we have decided to consider the Duhamel reassignment proposal in rule making, we think it appropriate to say that, on the basis of its showing thus far concerning the economic situation of Station KDUH–TV since expanding its facilities and moving to its present site in late 1970, we are unable to assess whether the substantial losses claimed since then are, in fact, a valid basis for concluding that Station KDUH–TV is unable to operate on a viable basis as a Hay Springs station. We agree with Wyneco that in order to evaluate Station KDUH–TV's economic position, Duhamel should furnish supporting data for the broadcast revenues, expenses and losses it claims Station KDUH–TV has had in 1971 and 1972. It should also provide such information for 1973, as well. Information as to the allocation of revenues and expenses between Station KDUH–TV and its parent Rapid City station (KOTA–TV) should also be supplied for those years. Such information is needed, for example, in resolving the question we have as to why the audience attributed to Station KDUH–TV in 1971 and 1972 by the Arbitron Telecasting Day Part Audience Summary constitutes a much higher share of the total audience attributed to Station KOTA–TV (including its satellite, Station KHSD–TV, Channel 11, Lead, South Dakota) and Station KDUH–TV than the reported share of the total network and national spot revenues of the three sta-

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tions allocated to Station KDUH–TV in those years.

32. While Duhamel is not, of course, as it states "required" to supply supporting data to substantiate its claims that Station KDUH–TV's operating losses since moving to its present site have been so substantial as to threaten its survival, we trust that it will nevertheless do so because the economic situation of Station KDUH–TV since moving to its present site is of decisional significance in reaching a determination as to wether the reassignment of the Hay Springs Channel 4 assignment is essential to the survival of a Channel 4 outlet and service in this area. And, short of such a determination, it would not appear that any of the other claimed benefits resulting from the proposed reassignment in the way of improving opportunities for a more profitable, efficient, and effective Channel 4 operation would in themselves outweigh the public interest importance of retaining Channel 4 as a local outlet for Hay Springs, particularly since it is the only local television outlet in the Northwestern panandle section of Nebraska and the only one accessible to a number of Nebraska and South Dakota communities in this general area. While Duhamel proposes to maintain an auxiliary studio at Hay Springs should the proposed reassignment be made and Station KDUH–TV be relicensed as a Scottsbluff station with its main studio relocated there, and we here propose and think that an auxiliary studio at Hay Springs should be a condition to any reassignment and move of the Hay Springs Channel 4 assignment and station to another community found to be warranted, as Duhamel acknowledges, in that event, its main commitment would be to Scottsbluff.

33. In view of the foregoing, and pursuant to authority found in section 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules and regulations, so that it reads as follows for the named communities:

City	Channel No.	
	Present	Proposed
Alliance, Nebr	*13–	*13–
Hay Springs, Nebr	4+	----------
Scottsbluff, Nebr	10–	10–
Scottsbluff-Hay Springs, Nebr	----------	4+
Or		
Alliance-Hay Springs, Nebr	----------	4+
Or		
Scottsbluff-Alliance-Hay Springs, Nebr	----------	4+

34. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 15, 1974, and reply comments on or before August 5, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

35. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs or other documents shall be furnished by the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

Adopted: May 23, 1974.

Released: May 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–12533 Filed 5–30–74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 74–480]

FEDERAL SAVINGS AND LOAN SYSTEM

Electronic Funds Transfer Through Remote Service Units; Extension of Comment Period

MAY 29, 1974.

By resolution No. 74–390, dated May 6, 1974, the Federal Home Loan Bank Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to extend and expand the Board's "pilot project" funds transfer system regulation (12 CFR 545.4–2) and to delete those provisions of § 545.14–5 of said Part 545 (12 CFR 545.14–5) which refer to "fully automated satellite office" so that authority for such facilities will be included solely within § 545.4–2. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on May 9, 1974 (39 FR 16484), with an invitation for interested persons to submit written comments by May 24, 1974.

The Board has received requests to extend the comment period on this proposal in order to provide an additional period of time to study this matter before the submission of comments. In view of the complexity and the importance of the proposal, the Federal Home Loan Bank Board hereby invites interested persons to submit written data, views, and arguments concerning said Resolution No. 74–390 by June 17, 1974.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

GREENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–12649 Filed 5–30–74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 3, 260]

[Docket No. RM74–16]

NATURAL GAS COMPANIES; ANNUAL REPORT OF PROVED DOMESTIC GAS RESERVES; FPC FORM NO. 40

Notice of Extension of Time

MAY 20, 1974.

On May 13, 1974, Exxon Corporation filed a motion for conference and for an extension of time to file comments to the notice of proposed rulemaking issued April 15, 1974 (39 FR 14233), concerning Natural Gas Companies Annual Report of Proved Domestic Gas Reserves FPC Form No. 40. By telegram received May 15, 1974, Phillips Petroleum Company supported the motion of Exxon.

Upon consideration notice is hereby given that the time is extended to and including July 1, 1974, within which views, data, comments, or suggestions, in writing, concerning the proposed regulation and form may be filed.

Action on the request for a conference is deferred for a staff determination after the comments are filed.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–12331 Filed 5–30–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1928]

[S–74–2]

AGRICULTURAL TRACTORS

Roll-Over Protective Structures; Proposed Safety and Health Standards; Transfer of Hearing Location

On May 16, 1974, pursuant to section 6(b)(3) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and 29 CFR Part 1911, a notice was published in the FEDERAL REGISTER (39 FR 17448) scheduling four informal hearings to be held in various locations on June 11, 13, 18, and 20, 1974. The purpose of these hearings was to hear oral comments from interested parties concerning certain objections to the proposed rule on roll-over protective structures (ROPS) for agricultural tractors, which was published in the FEDERAL REGISTER on February 4, 1974 (39 FR 4536). The notice also gave instructions to interested persons for filing a written notice of intent to appear at any one of the hearings.

It has recently come to our attention that the State of Washington is currently developing its own occupational safety and health standard concerning ROPS under authority of their approved State plan. Accordingly, to avoid unnecessary confusion, and to avoid possible conflict with State of Washington activities concerning development of a ROPS standard, I have directed that the hearing previously scheduled on June 11, 1974, at the Chinook Motel and Tower, South 4th Street and East Yakima Avenue, Yakima, Washington be cancelled, and that a hearing in Boise, Idaho, on June 25, 1974, be scheduled to replace it.

Persons who have previously filed written notices of intent to appear in Yakima, Washington, in accordance with the instructions given in the May 16, 1974 FEDERAL REGISTER notice, may appear at the Boise, Idaho hearing without refiling. Persons wishing to appear at the Boise hearing, who had not previously filed to appear in Yakima, may do so by filing a written notice of intention to appear, no later than June 18, 1974, in accordance with the appropriate instructions given in the May 16, 1974 FEDERAL REGISTER notice.

The hearing in Boise, Idaho on June 25, 1974, will be held in the Teton-Bitter Root room of the Downtowner Motel which is located at 1901 Main Street.

Signed at Washington, D.C., this 29th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12681 Filed 5–30–74;9:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Notice of Meetings

MAY 29, 1974.

The Air Force Systems Command Aeronautical Systems Division Advisory Group will hold an open meeting on June 4 and 5, 1974, from 8:30 a.m. until 5 p.m. each day, at Wright-Patterson Air Force Base, Ohio. The meeting on June 4 will be held in Building 15, Room 235, and on June 5 in Building 14, Room 203.

The agenda of the meeting will be a review of dynamometer and on-aircraft qualification testing of aircraft tires.

The Air Force Systems Command Aeronautical Systems Division Advisory Group will hold a closed meeting on June 6 and 7, 1974, from 8:30 a.m. until 5 p.m. each day, at Wright-Patterson Air Force Base, Ohio.

The agenda of the meeting will be a review of classified selected portions of the Area Coordinating Paper Study on High Energy Lasers.

The Air Force Systems Command Aeronautical Systems Division Advisory Group will hold a closed meeting on June 7 and 8, 1974 from 8:30 a.m. until 5 p.m. each day, at Lockheed-Georgia Company, Marietta, Georgia.

The agenda of the meeting will be a review of recent developments of proposed C–5 modification program involving competition sensitive information for future procurement of possible modifications to the C–5A aircraft.

Late filing of the above notices is a result of the final decision to hold these meetings being made late and the dates of the meetings being dependent upon the availability of key personnel on the Advisory Groups.

For further information on these meetings, contact the Scientific Advisory Board Secretariat at 202–697–4648.

WALTER G. FENERTY,
Acting Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.74–12613 Filed 5–30–74;8:45 am]

Defense Communications Agency

DCA SCIENTIFIC ADVISORY GROUP

Notice of Closed Meeting

MAY 29, 1974.

The DCA Scientific Advisory Group will hold a closed meeting on June 3, 1974 in the Defense Communications Agency, Director's Conference Room at Headquarters, Defense Communications Agency, 8th Street and S. Courthouse Road, Arlington, Virginia.

The agenda items will be AUTODIN II, Secure Voice, DCS Transition Planning, Military Satellite Communications Systems, NMCS System Engineering, MEECN, and DCA RDT&E.

Any person desiring information about the advisory group may telephone (area code 202–692–1765) or write Chief Scientist—Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and S. Courthouse Road, Arlington, Virginia.

This meeting is closed because the material to be discussed is classified requiring protection in the interest of National Defense.

J. E. TIMMINS, Jr.,
Comptroller.

[FR Doc.74–12620 Filed 5–30–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

VILLAGE OF AYAKULIK, ALASKA

Final Decision Concerning Eligibility as a Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Koniag, Inc., a Native regional corporation and by Ayakulik, Inc., a village incorporated under the laws of Alaska, by and through their counsel, Edward Weinberg of the law firm of Wyman, Bautzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue, NW., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Koniag, Inc., was dated January 10, 1974 and received January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Ayakulik, Inc., which joined with the protest of Koniag, Inc., was dated January 11, 1974 and was received January 15, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protestants object to the Native Village of Ayakulik being determined to be ineligible because protestants state that the Native Village of Ayakulik does meet the requirements of 43 CFR 2651.2 (b) as follows: "There were timely filed with the Enrollment Co-ordinator, applications for changes in enrollment by qualified Alaska Natives in sufficient numbers to establish the enrollment of at least twenty-five eligible Alaska Natives each of such villages."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of May 11, 1974, 27 Natives had been certified for enrollment in the Native Village of Ayakulik. A field inspection report dated August 29, 1973 of Ayakulik shows that at least 13 Natives who used the village for a period of time in 1970 had timely filed with the Enrollment Coordinator applications for changes in enrollment to the Native Village of Ayakulik.

The 25 or more Natives who have now been approved for enrollment to Ayakulik as is shown on a listing dated May 11, 1974 from Alaska Native Enrollment Office in Anchorage, Alaska, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on February 12, 1974 and published on page 6740 in the FEDERAL REGISTER on February 22, 1974 determining that the Native Village of Ayakulik is ineligible for land benefits under said Act.

On May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian Affairs, which is quoted in part as follows:

You are hereby authorized to reconsider your previous determinations of ineligibility of certain Kodiak Island unlisted villages in those cases in which subsequent information indicates that they may be eligible for Settlement Act benefits. To the extent necessary for such reconsideration, the determination date of December 19, 1973, set by Regulation in 43 CFR 2651.2(a)(8) is hereby waived. New determinations of eligibility shall follow the procedures set forth in the regulations except that your determinations shall not be subject to protest and shall become final unless appealed to the Ad Hoc Board within fifteen days after the FEDERAL REGISTER publication. Any provisions of 43 CFR Subpart 2651 in conflict herewith are hereby waived. This action is taken pursuant to 43 CFR 2650.0–8.

Your action on these reconsiderations should be taken not later than May 22, 1974. All parties entitled to notice of your determination must be sent copies thereof and their attention specifically called to waiver of protests and reduced time for appeals.

This telegram is referring to the Native Village of Ayakulik and certain other Native villages in the Kodiak Island Area.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native Village of Ayakulik to now be eligible for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER. Such decision shall become final unless appealed to the Secretary of the Interior by a noticed filed with the Ad Hoc Board as established in Subpart 2651.2(a)(5) of Title 43 CFR within fifteen days after its publication in the FEDERAL REGISTER. Any provisions of 43 CFR 2651 in conflict herewith have been waived by the telegram of the Secretary of the Interior quoted herein and the Secretary's authority to waive these regulations is contained in 43 CFR 2650.0–8.

Appellants shall have not more than 15 days from the date of receipt of their notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

MAY 21, 1974.

[FR Doc.74–12479 Filed 5–30–74;8:45 am]

VILLAGE OF LITNIK, ALASKA

Final Decision Concerning Eligibility As A Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Koniag, Inc., a Native regional corporation and by Litnik, Inc., a village incorporated under the laws of Alaska, by and through their counsel, Edward Weinberg of the law firm of Wyman, Bautzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue, NW., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Koniag, Inc., was dated January 10, 1974 and received January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Litnik, Inc., which joined with the protest of Koniag, Inc., was dated January 11, 1974 and was received January 15, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protestants object to the Native Village of Litnik being determined to be ineligible because protestants state that the Native Village of Litnik does meet the requirements of 43 CFR 2651.2(b) as follows: "There were timely filed with the Enrollment Co-ordinator, applications for changes in enrollment by qualified Alaska Natives in sufficient numbers to establish the enrollment of at least twenty-five eligible Alaska Natives each of such villages."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of May 11, 1974, 34 Natives had been certified for enrollment in the Native Village of Litnik. A field investigation report of Litnik dated August 30, 1973 shows that at least 13 Natives who used the village for a period of time in 1970 had timely filed with the Enrollment Coordinator, applications for changes in enrollment to the Native Village of Litnik.

The 25 or more Natives who have now been approved for enrollment to Litnik as is shown on a listing dated May 11, 1974, from Alaska Native Enrollment Office in Anchorage, Alaska, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on February 12, 1974 and published on page 6740 in the FEDERAL REGISTER on February 22, 1974 determining that the Native Village of Litnik is ineligible for land benefits under said Act.

On May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian Affairs, which is quoted in part as follows:

You are hereby authorized to reconsider your previous determinations of ineligibility of certain Kodiak Island unlisted villages in those cases in which subsequent information indicates that they may be eligible for Settlement Act benefits. To the extent necessary for such reconsideration, the determination date of December 19, 1973, set by Regulation in 43 CFR 2651.2(a)(8) is hereby waived. New determinations of eligibility shall follow the procedures set forth in the regulations except that your determinations shall not be subject to protest and shall become final unless appealed to the Ad Hoc Board within fifteen days after FEDERAL REGISTER publication. Any provisions of 43 CFR Subpart 2651 in conflict herewith are hereby waived. This action is taken pursuant to 43 CFR 2650.0–8.

Your action on these reconsiderations should be taken not later than May 22, 1974. All parties entitled to notice of your determination must be sent copies thereof and their attention specifically called to waiver of protests and reduced time for appeals.

This telegram is referring to the Native Village of Litnik and certain other Native villages in the Kodiak Island Area.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby

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determines the Native Village of Litnik to now be eligible for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Subpart 2651.2 (a) (5) of Title 43 CFR within fifteen days after its publication in the FEDERAL REGISTER. Any provisions of 43 CFR 2651 in conflict herewith have been waived by the telegram of the Secretary of the Interior quoted herein and the Secretary's authority to waive these regulations is contained in 43 CFR 2650.0–8.

Appellants shall have not more than 15 days from the date of receipt of their notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

MAY 21, 1974.

[FR Doc.74–12482 Filed 5–30–74;8:45 am]

VILLAGE OF PAIMIUT, ALASKA

Eligibility of Unlisted Native Village

This final decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

On May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian Affairs, which is quoted in part as follows: "* * *, if the only deficiency in application of Paimiut for determination of eligibility as a Native Village is its failure to file by September 1, 1973, the provisions of 43 CFR Subpart 2651 are hereby waived to the extent necessary to permit determination at this time. This waiver extends to finality of determination, dispensation of protests, fifteen-day appeal period, prompt action and notice, as set forth in accompanying telegram re Kodiak villages. This action is taken pursuant to 43 CFR 2650.0–8."

Also on May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian Affairs, regarding certain Kodiak Island villages which is quoted in part as follows:

* * *, the determination date of December 19, 1973, set by Regulation in 43 CFR 2651.2 (a) (8) is hereby waived. New determinations of eligibility shall follow the procedures set forth in the regulations except that your determinations shall not be subject to protest and shall become final unless appealed to the Ad Hoc Board within fifteen days after Federal Register publication. Any provisions of 43 CFR Subpart 2651 in conflict herewith are hereby waived. This action is taken pursuant to 43 CFR 2650.0–8. * * *.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92–203, 92nd Congress, 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted in part as follows:

Native Villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 CFR provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2(b) of Title 43 CFR is quoted in part as follows:

Except as provided in subparagraph (4) hereof, villages must meet each of the following criteria to be eligible for benefits under sections 14 (a) and (b) of the Act:

(1) There must be 25 or more Native residents of the village on April 1, 1970, as shown by the census of other evidence satisfactory to the Secretary. A Native properly enrolled to the village shall be deemed a resident of the village.

(2) The village shall have had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen persons who enrolled thereto must have used the village during 1970 as a place where they actually lived for a period of time: Provided, That no village which is known as a traditional village shall be disqualified if it meets the other criteria specified in this subsection by reason of having been temporarily unoccupied in 1970 because of an Act of God or government authority occurring within the preceding ten years.

Subpart 2651.2(b) (3) of Title 43 CFR requires that an unlisted village such as Paimiut must not be modern and urban in character.

Subpart 2651.2(b) (4) of Title 43 CFR requires that a majority of the residents as defined by "other evidence satisfactory to the Secretary of the Interior" which is the official approved enrollment, be Natives.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of March 21, 1974, 24 Natives had been approved for enrollment in the Native Village of Paimiut and Olin Astrom Napoleon, a Native, who was not enrolled but was a resident of the Native Village of Paimiut in 1970, making a total of 25 Natives enrolled or unenrolled. The Native Village of Paimiut was not listed in the 1970 Census and there is no published record showing the census at that time.

On December 18, 1973, a field investigation was completed on Paimiut and at that time, 14 Natives were enrolled to this village for a period of time. The field examination of the Native Village of Paimiut and the approved enrollment shows as follows:

1. That the Native Village of Paimiut had 25 or more Native residents on April 1, 1970.
2. That the Native Village of Paimiut had 13 or more resident Natives who used the village during 1970 as a place where they actually lived for a period of time.
3. That the Native Village of Paimiut had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style.
4. That the Native Village of Paimiut was not modern and urban in character as of April 1, 1970.
5. That the Native Village of Paimiut had a population that consisted of a majority of Natives on April 1, 1970.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native Village of Paimiut to be elegible for land benefits under the Alaska Native Claims Settlement Act.

The Decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Subpart 2651.2(a) (5) of Title 43 CFR within fifteen days after its publication in the FEDERAL REGISTER. Any provisions of 43 CFR 2651 in conflict herewith have been waived by the telegrams of the Secretary of the Interior quoted herein and the Secretary's authority to waive these regulations is contained in 43 CFR 2650.0–8.

Appellants shall have not more than 15 days from the date of receipt of their notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is Post Office Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

MAY 21, 1974.

[FR Doc.74–12483 Filed 5–30–74;8:45 am]

VILLAGE OF PORT WILLIAM, ALASKA

Final Decision Concerning Eligibility As A Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Koniag, Inc., a Native regional corporation and by Port William, Inc., a village incorporated under the laws of Alaska, by and through their counsel, Edward Weinberg of the law firm of Wyman, Bautzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue NW., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Koniag, Inc., was dated January 10, 1974 and received January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Port William, Inc., which joined with the protest of Koniag, Inc., was dated January 11, 1974 and was received January 15, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protestants object to the Native Village of Port William being determined to be ineligible because protestants state that the Native Village of Port William does meet the requirements of 43 CFR 2651.2(b) as follows: "There were timely filed with the Enrollment Co-ordinator, applications for changes in enrollment by qualified Alaska Natives in sufficient numbers to establish the enrollment of at least twenty-five eligible Alaska Natives each of such villages."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted as follows:

Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of May 11, 1974, 42 Natives had been certified for enrollment in the Native Village of Port William. A field inspection report dated August 16, 1973 of Port William, shows at least 13 Natives who used the village for a period of time in 1970 had timely filed, with the Enrollment Co-ordinator, applications for changes in enrollment to the Native Village of Port William.

The 25 or more Natives who have now been approved for enrollment to Port William as is shown on a listing dated May 11, 1974 from the Alaska Native Enrollment Office in Anchorage, Alaska represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on February 12, 1974 and published on page 6740 in the FEDERAL REGISTER on February 22, 1974 determining that the Native Village of Port William is ineligible for land benefits under said Act.

On May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian Affairs, which is quoted in part as follows:

You are hereby authorized to reconsider your previous determinations of ineligibility of certain Kodiak Island unlisted villages in those cases in which subsequent information indicates that they may be eligible for Settlement Act benefits. To the extent necessary for such reconsideration, the determination date of December 19, 1973, set by Regulation in 43 CFR 2651.2(a) (8) is hereby waived. New determinations of eligibility shall follow the procedures set forth in the regulations except that your determinations shall not be subject to protest and shall become final unless appealed to the Ad Hoc Board within fifteen days after FEDERAL REGISTER publication. Any provisions of 43 CFR Subpart 2651 in conflict herewith are hereby waived. This action is taken pursuant to 43 CFR 2650.0–8.

Your action on these reconsiderations should be taken not later than May 22, 1974. All parties entitled to notice of your determination must be sent copies thereof and their attention specifically called to waiver of protests and reduced time for appeals.

This telegram is referring to the Native Village of Port William and certain other Native villages in the Kodiak Island Area.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native Village of Port William to now be eligible for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Subpart 2651.2(a) (5) of Title 43 CFR within fifteen days after its publication in the FEDERAL REGISTER. Any provisions of 43 CFR 2651 in conflict herewith have been waived by the telegram of the Secretary of the Interior quoted herein and the Secretary's authority to waive these regulations is contained in 43 CFR 2650.0–8.

Appellants shall have not more than 15 days from the date of receipt of their notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

MAY 21, 1974.

[FR Doc.74–12480 Filed 5–30–74;8:45 am]

VILLAGE OF UGANIK, ALASKA

Final Decision Concerning Eligibility as a Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Koniag, Inc., a Native regional corporation and by Uganik, Inc., a village incorporated under the laws of Alaska, by and through their counsel, Edward Weinberg of the law firm of Wyman, Bautzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue, NW., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Koniag, Inc., was dated January 10, 1974 and received January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Uganik, Inc., which joined with the protest of Koniag, Inc., was dated January 11, 1974 and was received January 15, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protestants object to the Native Village of Uganik being determined to be ineligible because protestants state that the Native Village of Uganik does meet the requirements of 43 CFR 2651.2(b) as follows: "There were timely filed with the Enrollment Co-ordinator, applications for changes in enrollment by qualified Alaska Natives in sufficient numbers to establish the enrollment of at least twenty-five eligible Alaska Natives each of such villages."

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The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of May 11, 1974, 29 Natives had been certified for enrollment in the Native Village of Uganik. On August 21, 1973 a field investigation was completed of Uganik and at that time at least 13 Natives who used the village for a period of time in 1970 had timely filed with the Enrollment Coordinator applications for changes in enrollment to the Native Village of Uganik.

The 25 or more Natives who have now been approved for enrollment to Uganik as is shown on a listing dated May 11, 1974 from the Alaska Native Enrollment Office in Anchorage, Alaska, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on February 12, 1974 and published on page 6740 in the FEDERAL REGISTER on February 22, 1974 determining that the Native Village of Uganik is ineligible for land benefits under said Act.

On May 16, 1974, the Secretary of the Interior sent a telegram to the Director, Juneau Area Office, Bureau of Indian affairs, which is quoted in part as follows:

You are hereby authorized to reconsider your previous determinations of ineligibility of certain Kodiak Island unlisted villages in those cases in which subsequent information indicates that they may be eligible for Settlement Act benefits. To the extent necessary for such reconsideration, the determination date of December 19, 1973, set by Regulation in 43 CFR 2651.2(a)(8) is hereby waived. New determinations of eligibility shall follow the procedures set forth in the regulations except that your determinations shall not be subject to protest and shall become final unless appealed to the Ad Hoc Board within fifteen days after FEDERAL REGISTER publication. Any provisions of 43 CFR Subpart 2651 in conflict herewith are hereby waived. This action is taken pursuant to 43 CFR 2650.0–8.

Your action on these reconsiderations should be taken not later than May 22, 1974. All parties entitled to notice of your determination must be sent copies thereof and their attention specifically called to waiver of protests and reduced time for appeals."

This telegram is referring to the Native Village of Uganik and certain other Native villages in the Kodiak Island Area.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native Village of Uganik to now be eligible for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in Subpart 2651.2(a)(5) of Title 43 CFR within fifteen days after its publication in the FEDERAL REGISTER. Any provisions of 43 CFR 2651 in conflict herewith have been waived by the telegram of the Secretary of the Interior quoted herein and the Secretary's authority to waive these regulations is contained in 43 CFR 2650.0–8.

Appellants shall have not more than 15 days from the date of receipt of their notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

MAY 21, 1974.

[FR Doc.74–12461 Filed 5–30–74;8:45 am]

Bureau of Land Management

[CA 790]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MAY 23, 1974.

In FR Doc. 74–1378, appearing on page 2114 of the issue of Thursday, January 17, 1974, the following correction as to land description should be made:

MOUNT DIABLO MERIDIAN
NATIONAL RESOURCE LANDS

T. 30 S., R. 22 E.,
Sec. 2, All.
T. 30 S., R. 23 E.,
Sec. 4, Lots 1 and 2 of NW¼, S½.

State Office: Federal Office Bldg., Room E–2841, 2800 Cottage Way, Sacramento, Calif 95825.

WALTER A. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–12478 Filed 5–30–74;8:45 am]

COLORADO STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

MAY 23, 1974.

Notice is hereby given that the Colorado State Multiple Use Advisory Board will meet on June 27 and 28, 1974 commencing at 9:00 a.m. at the Quality Inn, 1840 Sherman St., Denver, Colorado.

The agenda for the meeting includes Reconstitution of Advisory Boards, Energy Development and Northwest Colorado, Mountain Subdivision Problems, Cattlemen's and Woolgrower's role and interest in demonstration allotments, Bureau of Land Management's livestock grazing management program and allotment management planning in Colorado.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Nick Theos. Written statements may be submitted at the meeting or mailed to Nick Theos, Box 386, Meeker, Colorado 81641. Further information concerning this meeting may be obtained from George C. Hinton, Public Affairs Officer, Bureau of Land Management, Colorado State Office, Denver, Colorado (303) 837–4481.

Minutes of the meeting will be available for public inspection 30 days after the meeting at the Colorado State Office, Bureau of Land Management, Colorado State Bank Building, Room 700, 1600 Broadway, Denver, Colorado.

DALE R. ANDRUS,
State Director.

[FR Doc.74–12461 Filed 5–30–74;8:45 am]

ELKO, NEVADA, GRAZING DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management grazing district advisory board established by the Taylor Grazing Act will meet at Elko, Nevada, on June 28, 1974.

The meeting is scheduled for 9:00 a.m. at the Bureau of Land Management District Office, 2002 Idaho Street.

The agenda contains items as follows:

1. District reorganization.
2. Recommendations on Transfers of Base Property Grazing Qualifications.
3. Consider range allotment boundary adjustments.
4. Report of progress in gathering private horses under authority of the Wild Free-Roaming Horse and Burro Act of December 15, 1971.
5. Discuss the Office of Management and Budget's Circular No. A–63 which implements the Federal Advisory Committee Act of October 6, 1972.
6. Consider proposed range improvement and soil and watershed programs.

The meeting will be open to the public. Written and oral statements are welcome. Written statements should be addressed to the Elko District Advisory Board Chairman, 2002 Idaho Street, Elko, Nevada 89801.

E. A. MOORE,
District Manager.

[FR Doc.74–12459 Filed 5–30–74;8:45 am]

[Montana 28557]

MONTANA

Order Providing for Opening of Public Lands

MAY 21, 1974.

In an exchange made under the provisions of Section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 35 N., R. 28 E., Sec. 34, NE¼.
T. 33 N., R. 29 E., Sec. 17, NE¼ and NW¼ SE¼.

The areas described aggregate 360 acres.

The reconveyed lands are in Phillips County, Montana, approximately 19 and 29 miles northwest of Malta. The lands are adjacent to substantial areas of public lands and are considered good wildlife habitat; they will provide a buffer area between private lands mainly devoted to agriculture use and the adjacent public lands. One of the tracts will provide legal access to the surrounding public lands. Topography is gently rolling, soils are clay to silty with some surface gravel, vegetation is native grasses. There is a good stockwater reservoir on one of the tracts. The lands are not suited to cultivation due to topography and soils. These lands will be managed for multiple use in conjunction with the adjoining national resource lands. All the land is under an existing grazing lease.

At 10 a.m. on July 1, 1974, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the operation of the public land laws.

The mineral rights in the lands were not exchanged; therefore, the mineral status of the lands is not affected by this order.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101.

KENNETH J. SIRE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–12458 Filed 5–30–74;8:45 am]

[NM 20123, 20124, 20255, 20256]

NEW MEXICO

Notice of Applications

MAY 22, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 22, S½NE¼;
Sec. 23, S½NW¼.
T. 22 S., R. 22 E.,
Sec. 4, N½SW¼.

These pipelines will convey natural gas across 0.995 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–12477 Filed 5–30–74;8:45 am]

SHOSHONE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Shoshone District Grazing Advisory Board will hold a summer meeting July 2, 1974, beginning at 9:00 a.m. at the District Office, 112 South Cherry Street, Shoshone, Idaho.

The agenda for the meeting includes (from 9:00 a.m. to 10:00 a.m.) considering protests concerning a grazing division line in the Kimama-Minidoka Unit. A field tour of the Bennett Hills area north of Bliss and Gooding, Idaho, will be held to observe range condition and development projects, and to make recommendations concerning steps necessary for range improvement.

The meeting will be open to the public. Any interested person wishing to meet with the Advisory Board should inform the Advisory Board Chairman, Allen Bauscher, Fairfield, Idaho 83327, prior to the meeting. Anyone desiring to attend the tour will be required to furnish their own transportation. Written statements may also be filed for consideration with Mr. Bauscher.

O'DELL A. FRANDSEN,
District Manager.

[FR Doc.74–12460 Filed 5–30–74;8:45 am]

[Wyoming 39413]

WYOMING

Opening Lands to Small Tract Application

MAY 24, 1974.

1. Pursuant to Small Tract Classification Wyoming 39413 dated May 24, 1974, the following described land will be opened to small tract application as set out below, for lease only for business site purposes under the Small Tract Act of June 1, 1938, as amended, 43 U.S.C. 682a–e (1970):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 33 N., R. 109 W.,
Sec. 4, a tract of land within lot 2 described as follows:
Beginning at a point, whence the northwest corner of Sec. 4, T. 33 N., R. 109 W., bears N. 79°19' W., 3,441.13 feet; thence south 200 feet; thence east 125 feet; thence north 200 feet; thence west 125 feet to the point of beginning.
The above described land contains approximately 0.574 acre.

The land is located in Sublette County within the town limits of Pinedale and comprises lots 4, 5, 6, and 7 of Block 6 of the Jones Addition.

2. At 10 a.m. on June 19, 1974, the land will be open to applications for a business site lease under the Small Tract Act. All valid applications received at or prior to 10 a.m. on June 19, 1974 will be considered as simultaneously filed at that time. All applications filed after that time will be considered in the order of filing.

3. Applicants must file, in duplicate, with the Chief, Lands and Mining Section, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming, application Form 2730–1 filled out in compliance with the instructions on the form and accompanied by evidence that they have submitted an acceptable bid to the U.S. General Services Administration, for the construction of facilities in accordance with GSA Solicitation for Offers No. 74–16. Copies of the application form can be secured from the above-named official.

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The application must be accompanied by a filing fee of $10 and a deposit of $100 advance rental for one year. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

4. The lease will be issued for a term of 20 years.

JOHN T. WASSERBURGER,
Acting State Director.

[FR Doc.74-12462 Filed 5-30-74;8:45 am]

EASTERN POWDER RIVER COAL BASIN, WYOMING

Development of Coal Resources; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, an interagency task force, with the Bureau of Land Management, Department of the Interior, as lead agency, has prepared a draft environmental statement on development of coal resources in the Eastern Powder River Coal Basin of Wyoming. Cooperating in the statement were the United States Forest Service, Department of Agriculture; Interstate Commerce Commission; and United States Geological Survey, Department of Interior.

The statement describes the proposed development of coal resources in Campbell and Converse Counties, Wyoming, and construction of a 113-mile railroad line to serve the proposed coal developments. The statement examines cumulative impacts from a regional viewpoint as well as impacts resulting from the development of four specific mine sites and construction of the railroad.

A limited number of individual copies are available upon request or for reference from the State Director, Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyoming 82001. Beyond the initial printing, copies may be purchased for $17.50 per copy.

Notice of the public hearings to be held in conjunction with the publication of the draft environmental statement was published in the May 24, 1974 issue of the FEDERAL REGISTER. Written comments may be submitted to the State Director, Bureau of Land Management, Department of the Interior, 2120 Capital Ave., Cheyenne, Wyoming, 82001, no later than July 18, 1974.

Public reading copies of the draft statement will be available for review the first week of June at the following locations:

ADDRESSES OF LIBRARIES

Laramie County Library
2800 Central Avenue
Cheyenne, WY 82001

Library of Natrona County
307 East Second
Casper, WY 82601

Converse County Library
300 Walnut
Douglas, WY 82633

Niobrara County Library
467 South Main
Lusk, WY 82225

Johnson County Library
90 North Main
Buffalo, WY 82834

Crook County Library
Sundance, WY 82729

Weston County Library
23 West Main
Newcastle, WY 82701

Weston County Library
Box 576 Attn: Mrs. Winegar
Upton, WY 82730

Moorcroft Public Library
190 West Weston
Moorcroft, WY 82721

George Amos Memorial Library
412 South Gillette Avenue
Gillette, WY 82716

Sheridan County Fulmer Public Library
45 West Loucks
Sheridan, WY 82801

ADDRESSES OF FEDERAL OFFICES

Bureau of Land Management
Wyoming State Office
Public Affairs, 5th Floor
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, WY 82001

Bureau of Land Management
Casper District Office
100 East "B" Street
P.O. Box 2834
Casper, WY 82601

U.S. Forest Service
Supervisor's Office
605 Skyline Drive
Laramie, WY 82070

Bureau of Land Management
Buffalo Resource Area
P.O. Box 979
Buffalo, WY 82834

U.S. Forest Service
District Ranger
Thunder Basin National Grassland
P.O. Box 129
Douglas, WY 82633

Soil Conservation Service
U.S. Dept. of Agriculture
400 Miller Avenue
Gillette, WY 82716

United States Forest Service
Room 4231, South Building
Department of Agriculture
14th & Independence Avenue, SW.
Washington, D.C. 20250

United States Geological Survey
Public Inquiries Office, Rm. 1028
General Services Admin. Bldg.
19th & F Streets, NW.
Washington, D.C.

Interstate Commerce Commission
12th & Constitution Avenue, NW.
Washington, D.C. 20423

Bureau of Land Management
Department of the Interior
18th & C Streets, NW., Rm. 3648
Washington, D.C. 20240

Bureau of Land Management
Denver Service Center, Rm. 1125
Denver Federal Center, Building 50
Denver, Colorado 80225

Bureau of Land Management
Department of the Interior
Montana State Office, Public Room
Federal Building and U.S. Courthouse
316 N. 26th Street
Billings, Montana 59101

ADDRESSES OF COUNTY OFFICES

Judge of District Court
Campbell County Courthouse
500 South Gillette Avenue
Gillette, WY 82716

Judge of District Court
Converse County Courthouse
101 South 5th
Douglas, WY 82633

Dated: May 20, 1974.

ED HASTEY,
Acting Director.

[FR Doc.74-11997 Filed 5-30-74;8:45 am]

Fish and Wildlife Service

ANNUAL REGULATIONS CONFERENCE FOR MIGRATORY SHORE AND UPLAND GAME BIRDS

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee meeting:

Name: Annual Regulations Conference for Migratory Shore and Upland Game Birds.
Date: June 26, 1974.
Place: Conference Room 2006, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20006.
Time: 9 a.m.

Purpose of meeting: The Committee will review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1974-75 hunting season.

This meeting will be open to the public. Persons wishing to attend should notify the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202-343-6025. Statements of interested persons other than Committee members must be filed in writing with the Director before or after the meeting. To the extent time permits, the Chairman of the meeting will accept brief oral statements from the public at the close of the Committee's agenda providing that such statements are also submitted in writing before or after the meeting.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

MAY 28, 1974.

[FR Doc.74-12509 Filed 5-30-74;8:45 am]

DESIGNATED TRAILS OR AREAS OF NATIONAL WILDLIFE REFUGE SYSTEM

List of Specific Units for Use of Off-Road Vehicles

In accordance with section 3(a), Zones of Use, of Executive Order 11644, Use of Off-Road Vehicles on the Public Lands, announcement is made of the following designated units of the National Wildlife Refuge System on which the use of off-road vehicles may be permitted.

For specific regulations and information regarding each trail or area contact the Regional Directors or Refuge Managers who administer these units.

ALASKA AREA

Area Director, 613 "D" Street, Anchorage, Alaska 99501 (907-265-4806).
Arctic National Wildlife Range, Refuge Manager, 1412 Airport Way Fairbanks, Alaska 99701 (907-452-3206 or 3234).
Clarence Rhode National Wildlife Range, Cape Newenham National Wildlife Refuge, Nunivak National Wildlife Refuge, Refuge Manager, Box 346, Bethel, Alaska 99559 (907-543-2449).
Kenai National Moose Range, Refuge Manager, Box 550, Kenai, Alaska 99611 (907-283-4877).

REGION IV

Regional Director, 17 Executive Park Drive, NE., Atlanta, Georgia 30329 (404-526-4671).
Chassahowitzka National Wildlife Refuge, Refuge Manager, Route 1, Box 153, Homosassa, Florida 32646 (904-628-2201).
Loxahatchee National Wildlife Refuge, Refuge Manager, Box 278, Route 1, Delray Beach, Florida 33444 (305-732-3684).
Merritt Island National Wildlife Refuge, Refuge Manager, Box 6504, Titusville, Florida 32780 (305-867-4620).
Pea Island National Wildlife Refuge, Refuge Manager, Box 506, Manteo, North Carolina 27954 (919-987-2394).

REGION V

Regional Director, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109 (617-223-2961).
Back Bay National Wildlife Refuge, Refuge Manager, Pembrook No. 2 Building, Suite 218, 287 Pembrook Office Park, Virginia Beach, Virginia 23462 (804-490-0506).
Moosehorn National Wildlife Refuge, Refuge Manager, Box X, Calais, Maine 04619 (207-454-3521).
Parker River National Wildlife Refuge, Refuge Manager, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950 (617-465-5753).

The effects of the use of Off-Road Vehicles on these designated units will be monitored by Bureau personnel. On the basis of the information gathered, designated trails or areas may be amended or rescinded or other actions taken from time to time, to further the policy of the Executive order.

M. A. MARSTON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MAY 23, 1974.

[FR Doc.74-12474 Filed 5-30-74;8:45 am]

DISMAL SWAMP STUDY

Change of Date of Public Hearing

Due to circumstances that would have made accommodations inadequate for the anticipated number of participants at the public hearing originally scheduled in compliance with Pub. L. 92-478 for June 25 and 26, 1974, it has been determined that said hearing should be and is hereby rescheduled for 1 p.m. June 24 at the Sheep School Auditorium, located on the corner of Road and Elizabeth Streets, Elizabeth City, North Carolina and continued at 9 a.m. June 25 at the Suffolk High School Auditorium on North Saratoga Street, located in downtown Suffolk, Virginia. The proposal to be discussed will lead to recommendations to be made by the Secretary of the Interior to the U.S. Congress regarding the desirability and feasibility of protecting and preserving the Great Dismal Swamp Canal in Virginia and North Carolina.

A summary containing a map and information on the Dismal Swamp Study may be obtained from the Dismal Swamp Study Coordinator, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Individuals or organizations may express their oral or written views by appearing at the hearing, or they may submit written comments for inclusion in the official record of the hearing to the Dismal Swamp Study Coordinator, U.S. Fish and Wildlife Service at the above address by July 1, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

MAY 27, 1974.

[FR Doc.74-12452 Filed 5-30-74;8:45 am]

NATIONAL AUDUBON SOCIETY

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
National Audubon Society
Mr. W. Carlyle Blakeney, Jr.,
Southeastern Regional Representative
Post Office Box 28191
Atlanta, Georgia 30328

Mr. LYNN GREENWALT,
Director,
Bureau of Sport Fisheries & Wildlife
Washington, D.C. 20240

MAY 13, 1974.

DEAR MR. GREENWALT: In compliance with the Endangered Species Act of 1973 (Pub. L. 93-205) and under the provisions of section 10 of the Act (Pub. L. 93-205) and 50 CFR §§ 13.12 and 17.23, I am submitting an application on behalf of the National Audubon Society for the period of July 1 through August 15, 1974 to capture, transport and release 500 American alligators (*Alligator mississipiensis*).

Under my direction, employees of the National Audubon Society in cooperation with the Louisiana Wild Life and Fisheries Commission will capture 500 of these reptiles at the state of Louisiana's Marsh Island Refuge, Iberia Parish, and Rockefeller Refuge, Cameron Parish, Louisiana. Two Hundred (200) of those captured are to be approximately 4½ to 5½ feet in length, with the balance (300) being approximately three (3) feet in length. Our personnel will work at night in boats with lights, catching as many as possible by hand. Larger alligators will be caught by snares attached to poles. Sex ratio should be approximately 1:1.

Once captured, a #84 rubber band will be affixed to the snout, the reptile will be sexed when age permits, temporarily marked accordingly, and placed in moistened burlap sacks. The number of reptiles placed in each sack will depend on reptile size. The bag will then be secured and placed in a truck for transport.

Efforts will be made to separate quantities of alligators by providing a compartmental arrangement in the truck bed. Sacks will be periodically checked for moisture (at least every hour) and shaded from sunlight by a truck bed cover. Re-moistening will be provided as needed. Numbers of reptiles transported and methods will vary slightly depending on reptile lengths, distance to be covered, and whether transported in day or nighttime hours.

Two hundred (200) alligators of approximately 4½ to 5½ feet in length and with approximately a 1:1 sex ratio are to be transported to the state of Arkansas for release. Personnel of the Arkansas Game and Fish Commission will meet the truck and our personnel at a point of mutual convenience to implement release. A formal letter of acceptance from the Arkansas Game and Fish Commission is attached with a listing of counties into which these reptiles will be released.

Three hundred (300) alligators approximately three (3) feet in length and with approximately a 1:1 sex ratio are to be transported to the state of Mississippi for release. Personnel of the Mississippi Game and Fish Commission will meet the truck and our personnel at the W. H. Turcotte Research Laboratory on the Ross Barnett Reservoir, approximately 20 miles north of Jackson, Mississippi. From this point, personnel of that state agency will implement release in the counties identified in the attached letter. This letter also constitutes formal acceptance by the Mississippi Game and Fish Commission of delivery of 300 alligators by the National Audubon Society.

The activities and methods to be employed in this application have been decided upon after careful deliberation and consultation with agencies experienced in similar programs. Both the Mississippi and Arkansas Game and Fish Commissions have cooperated with the Louisiana Wild Life and Fisheries Commission in past years in transporting alligators for release and restocking purposes in areas offering suitable habitat. These activities have played an important part in both Mississippi and Arkansas' endangered species management and recovery programs and their continued efforts to establish viable populations of this endangered species in its former range. Note was also taken of the methods used by the Georgia Game and Fish Commission and the Department of the Interior, Bureau of Sport Fisheries and Wildlife, in their cooperative three-year program of capturing alligators in areas of high concentrations such as the Blackbeard Island National Wildlife Refuge on the coast of Georgia and transporting them for release in other areas of the state affording suitable habitat.

As Keith Schreiner, U.S. Department of the Interior, Office of Endangered Species, so ably said, "There are still large areas of suitable alligator habitat in the southeast with few or no alligators. The Department of Interior is committed to restoring the alligator population to non-endangered status throughout its range wherever suitable habitat still exists". Similarly, the National Audubon Society is committed to working toward restoration and the ultimate recovery of our nation's endangered wildlife. It is through this effort that we hope to achieve part of that goal for this species.

We are aware that this application is subject to publication in the FEDERAL REGISTER, and since optimum periods for capture and release of this species do exist, it is our hope that you can expedite this permit to facilitate such a period, which is in this case the permit period applied for, i.e. July 1-August 15, 1974.

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I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

W. CARLYLE BLAKENEY, Jr.,
Southeastern Regional Representative.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than June 30, 1974, will be considered.

Dated: March 29, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-12669 Filed 5-30-74;8:45 am]

Office of the Secretary

TRANS-ALASKA PIPELINE

Notice to Federal and State Agencies and Departments

In accordance with subsection D of section 12 of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline dated as of January 23, 1974, costs incurred by the Department of the Interior with respect to utilizing the personnel and services of other agencies shall be included in the costs for which the Department is to be reimbursed. Federal and State agencies and departments cooperating with the Department of the Interior on the Trans-Alaska Pipeline should, therefore, prepare and deliver to the Department, within 20 days after the close of each quarter, a statement of the costs, for which the Department is to be reimbursed, that are incurred for each quarter ending on the last day of March, June, September, and December.

The Office of Budget, Office of the Secretary, Department of the Interior, Interior Building, 19th & C Streets, NW, Washington, D.C. 20240, Room 4120, telephone (202) 343-5223, will furnish information as to the preparation and submission of statements of costs.

Dated: May 28, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-12464 Filed 5-30-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

EXPERT PANEL ON NITRITES AND NITROSAMINES

Notice of Meeting and Agenda

Notice is hereby given of a meeting of the Expert Panel on Nitrites and Nitrosamines to be held in Room 218A (Conference Room), Administration Building, 14th and Independence Avenue, SW., Washington, DC, June 19, 1974, at 9 a.m. This is the third scheduled meeting of the Panel.

The agenda for the Panel meeting will include presentations on the USDA-FDA-American Meat Institute studies of nitrites and their relation to botulism and nitrosamines; on the role of ascorbates in meat curing; and on past and present curing practices, including common levels of nitrite and nitrate used. There will also be a discussion of residual nitrite data developed by USDA. Discussion following each presentation will be limited to Panel participation. A period of time will be made available for public comment and questions later in the agenda.

The meeting will be open to the public and under the direction of the Panel Chairman or his designee. Written statements may be filed with the Panel before or after the meeting. Any member of the public who wishes to attend or who has further questions should contact the Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, DC 20250, Area Code (202) 447-6189. Any person who wishes to file a statement may send such statement to the Issuance Coordination Staff at the above address.

Dated: May 24, 1974.

HARRY C. MUSSMAN,
Executive Secretary.

[FR Doc.74-12412 Filed 5-30-74;8:45 am]

Forest Service

CASCADE HEAD SCENIC-RESEARCH AREA ADDITION, SIUSLAW NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Cascade Head Scenic-Research Area addition to the Siuslaw National Forest. The report number is USDA-FS-DES (LEG 74-57).

The environmental statement concerns a proposed extension to the boundary of the Siuslaw National Forest to include environmentally sensitive lands in the Cascade Head-Salmon River area of western Oregon. The purpose of the extension is to enable the Forest Service to promote the protection, use and enjoyment by future generations of the unique features of the total Cascade Head Scenic-Research Management Unit.

This draft environmental statement was filed with CEQ on May 3, 1974.

Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Bldg., Room 4204, 12th St. & Independence Ave., SW, Washington, D.C. 20250.

Regional Forester, USDA, Forest Service, 319 SW. Pine Street, Portland, Oregon 97208.

USDA, Forest Service, 545 South 2nd Street, Corvallis, Oregon 97330.

USDA, Forest Service, Office of the District Ranger, Hebo, Oregon 97122.

A limited number of single copies are available upon request to Regional Forester, Portland, Oregon.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester. Comments must be received by July 20, 1974, in order to be considered in the preparation of the final environmental statement.

GENE S. BERGOFFEN,
Acting Deputy Chief, Forest Service.

MAY 14, 1974.

[FR Doc.74-12486 Filed 5-30-74;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 7:00 p.m. on June 25, 1974. Meeting place will be in Drummond, Montana, in the basement of the Catholic Church.

The purpose of this meeting is to review Deerlodge Forest analysis data for the East Fork—Skalkaho Planning Unit and to discuss tentative options for future management based on analysis of land capability and suitability.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: May 23, 1974.

ROBERT L. SHACKELFORD,
Acting Forest Supervisor, Deerlodge National Forest.

[FR Doc.74-12467 Filed 5-30-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet Wednesday, June 19, 1974, at 9:30 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments from the public.
3. Report by Chairman of Input/Output and Memory Equipment Subgroups on transfer of technology and discussion thereof.
4. Executive Session:
   a. Review of subgroup report on test equipment.
   b. Continuation of report on, and discussion of, technology transfer report.
   c. Discussion of future assignments.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of P.L. 92-463, that this agenda item should be exempt from the provisions of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: May 28, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-12569 Filed 5-30-74;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

The Telecommunications Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, June 18, 1974 at 9:30 a.m. in Room 4833 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of report on avionics equipment.
4. Discussion of report on East European markets.
5. Discussion of report on data transmission equipment.
6. Discussion of report on processors for electronic switching.
7. Executive Session: Continuation of discussion on above-mentioned reports.

The public will be permitted to attend the discussion of agenda items 1-6, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (7), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552 (b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: May 28, 1974.

WILSON E. SWEENEY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-12570 Filed 5-30-74;8:45 am]

Maritime Administration

[Docket No. S-417]

AMERICAN PRESIDENT LINES, LTD.

Notice of Applications

Notice is hereby given that American President Lines, Ltd., a Delaware corporation, has filed two applications dated February 1, 1974, and March 5, 1974, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), with respect to a long-term operating-differential subsidy contract for operation on services designated as Trade Route No. 29—U.S. Pacific/Far East Service (as Extended); Transpacific Freight Service (Line A-2); Round-the-World Service—Westbound (Line B); and Trade Route No. 17—Atlantic/Straits Service (Line C).

American President Lines, Ltd., is now operating under two operating-differential subsidy contracts: No. FMB-50 made in its own name and No. FMB-76 made with American Mail Line Ltd., a former subsidiary merged into American President Lines, Ltd., on October 1, 1973. Contract No. FMB-50 is scheduled to expire on December 31, 1976, and Contract No. FMB-76 on December 31, 1978. The basic application is for a new long-term contract expiring on December 31, 1996. A supplemental and additional application is filed to allow for a new short-term contract as replacement for Contract No. FMB-50 until December 31, 1978, the expiration date of Contract No. FMB-76,

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but only if unforeseen delay in completing action on the basic application causes Contract No. FMB–50 to expire prior to the execution of the new long-term contract requested in the basic application.

Interested parties may inspect these applications in the Office of the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, Fourteenth and E Streets, NW., Washington, D.C. 20230.

American President Lines, Ltd., proposes no change in its services, operations, contract route descriptions or sailings minima and maxima, as they exist under its present operating-differential subsidy contracts. Hence, the Board has determined that the continued operation of American President Lines, Ltd. services would not be "in addition to the existing service, or services" under section 605(c) of the Act.

The purpose of this Notice is two-fold. One is for any person, firm or corporation having an interest in such application to notify the Secretary, Maritime Subsidy Board, in writing, and in triplicate, by the close of business on June 18, 1974, of any claim that grant of either of said applications of American President Lines, Ltd. would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in the essential services served by American President Lines, Ltd., and of any request for a hearing on such issue pursuant to section 605(c) of the Act. The ground of any such claim should be specified in such detail that the Board can determine its exact nature, the facts upon which it rests, and the necessity of an evidentiary hearing to be held thereon. A copy of such notice and claim shall be served upon applicant, American President Lines, Ltd., and its counsel, who may, within 15 days after such service, file a reply with the Secretary, Maritime Subsidy Board.

The second purpose of this Notice is to invite public comment generally upon the policy issues inherent in the granting of a long-term operating-differential subsidy contract. Any such comments should be submitted in writing, in triplicate, by the close of business on June 18, 1974. Such comments will be considered by the Maritime Subsidy Board, but will not necessarily be included in the issues of any hearing ordered pursuant hereto.

If the Board determines that a section 605(c) hearing should be held, the issues to be heard will relate to (1) whether the application is one with respect to a vessel or vessels operated or to be operated on an essential service served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the requested contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in such essential service, and (2) whether it is necessary to enter into such contract in order to provide adequate service by vessels of the United States registry. If such a hearing is ordered, the Board will designate as parties the applicant and any person, firm or corporation who by notice and claim filed hereto has shown a proper interest in the matter.

If no claim that grant of either application would be to give undue advantage or be unduly prejudicial, and no request for a hearing is received within the specified time, or if the Maritime Subsidy Board determines that those filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Programs No. 11.504, Operating-Differential Subsidies (ODS))

Dated: May 28, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–12245 Filed 5–30–74;8:45 am]

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Closure of Quester

Notice is hereby given pursuant to § 240.23(d), Title 50, Code of Federal Regulations, as follows:

On May 26, 1974, the Director, National Marine Fisheries Service, determined that United States vessels operating in regulatory area—subarea 5, west of 60° 00' W. longitude, defined in § 240.1(b)(5), and referred to in § 240.21(b)(3), had reached the quarterly catch limit for yellowtail flounder of 1,500 metric tons for the period April 1–June 30, 1974, as described in § 240.21(b)(3), published in the FEDERAL REGISTER, 39 FR 2022.

I hereby announce that the season for taking yellowtail flounder without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate, in the area affected, at 0001 hours local time, June 3, 1974. The restriction will remain in effect until 0001 hours local time, July 1, 1974.

Issued at Washington, D.C., and dated May 28, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–12595 Filed 5–30–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL ON REVIEW OF ANTIMICROBIAL AGENTS

Notice of Meetings and Agenda

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1: Panel on Review of Antimicrobial Agents.	June 1 and 2, 9 a.m., Department of Dermatology, School of Medicine, University of Miami, Miami, Fla.	Open June 1, 9 a.m. to 10 a.m., closed after 10 a.m., closed June 2. Michael D. Kennedy, Room 10B–05, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4060.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Discussion and consideration of OTC Antimicrobial I drug products panel's final report.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: May 28, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–12497 Filed 5–30–74;8:45 am]

[Docket No. FDC–D–670; NDA 3–745 etc.; DESI 3044 and 8854]

PREPARATIONS TO STIMULATE BILE FLOW

Notice of Withdrawal of Approval of New Drug Applications

On December 27, 1973, there was published in the FEDERAL REGISTER (38 FR 35342), a notice of opportunity for hearing (DESI 3044 and 8854) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the following:

1. NDA 3–745, Triketol Tablets containing dehydrocholic acid and dehydrodeoxycholic acid; formerly marketed by Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, NY 11530.

2. NDA 8–854, Gallogen Tablets containing tocamphyl; and

3. NDA 8–854, Gallogen Compound Tablets containing tocamphyl, homatropine methylbromide, and phenobarbital; both formerly marketed by Beecham-Massengill Pharmaceuticals, Division Beecham, Inc., 527 Fifth Street, Bristol, TN 37620.

4. NDA 4–294, Oxabil Tablets containing ox bile extract; formerly marketed by The Blue Line Chemical Co., 302 South Broadway, St. Louis, MO 63102.

The basis of the proposed action was the lack of substantial evidence that these drugs will have all the effects that they purport or are represented to have under the conditions of use, prescribed, recommended, or suggested in their labeling.

On January 17, 1973, The Blue Line Chemical Co., holder of NDA 4–294 for Oxabil Tablets requested withdrawal of approval of their new drug application and waived opportunity for a hearing. None of the other holders of the approved new drug applications filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

O'Neal, Jones, & Feldman, Inc., Durst-Philadelphia Division, 1683 Winchester Road, Cornwallis Heights, PA 19020, requested a hearing concerning Droxolan Tablets (desoxycholic acid) which is not the subject of an approved new drug application. That specific drug product may continue to be marketed pending a ruling on the request for hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above new drug applications and all amendments and supplements applying thereto is withdrawn effective on June 10, 1974.

Shipment in interstate commerce of the above listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: May 23, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–12498 Filed 5–30–74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the National Advisory Council on Indian Education (Full Council) will be held on June 17 and 18, 1974, from 9:00 a.m. to 5:00 p.m., at the American Indian National Bank, 1701 Pennsylvania Ave. NW., Room 310, Washington, D.C.

The National Advisory Council on Indian Education is established under Section 401 of the Indian Education Act,

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(Pub. L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under Section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Reorganizing the National Advisory Council on Indian Education.
2. Planning methods by which a Deputy Commissioner of Indian Education can be appointed.
3. Develop new action plans to submit to the Commissioner of Education for Title IV, Indian Education Act.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St. NW., Room 326, Washington, D.C. 20004).

Signed at Washington, D.C. on May 24, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-12554 Filed 5-30-74;8:45 am]

National Institutes of Health

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, July 2, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to noon for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1976 budget in accordance with the provisions set forth in Section 552(b)(5) of Title 5 U.S. Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: May 22, 1974.

ROBERT S. STONE,
Director, National Institutes of Health.

[FR Doc.74-12454 Filed 5-30-74;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, July 30, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to noon for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1976 budget in accordance with the provisions set forth in Section 552(b)(5) of Title 5 U.S. Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: May 22, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-12455 Filed 5-30-74;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute on July 11, 1974, in Building 31, room 6A21, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on July 11, 1974 for a discussion of the National Eye Institute intramural research programs with particular emphasis on the Clinical Branch, and a general review of the fiscal year 1975 budget. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)6 of Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 9:30 a.m. to adjournment for the critique and evaluation of the Clinical Branch of the National Eye Institute and the preparation of a report by the Board of Scientific Counselors.

Mr. Julian Morris, Program Planning Officer, National Eye Institute, Building 31, room 6A27, telephone (301) 496-5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Carl Kupfer, Director, National Eye Institute, Building 31, room 6A03, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496-2234.

Dated: May 22, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-12453 Filed 5-30-74;8:45 am]

Office of the Secretary

CALIFORNIA

Proposed Designation of Professional Standards Review Organization for Area VIII; Correction

The following is a corrected version of the Notice to Physicians of the Proposed Designation of Professional Standards Review Organization for Area VIII of California which appeared in FR Doc. 74-11457 on page 17792 in the issue for Monday, May 20, 1974.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the San Joaquin Area Professional Standards Review Organization, Inc., designating it as the Professional Standards Review Organization for PSRO Area VIII, which area is designated a Professional Standards Review Organization in 42 CFR 101.7.

The Secretary has determined that the San Joaquin Area Professional Standards Review Organization, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of California, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area VIII. As stipulated in its Articles of Incorporation, the principal officers of the San Joaquin Area Professional Standards Review Organization, Inc., are:

Name and office held

1. Robert E. Evert, M.D., President.
2. Arnold Sheuerman, M.D., Vice President.
3. Joseph Brakovec, M.D., Secretary-Treasurer.

The official address of the corporation is 302 Fresno Street, Suite 102, Stockton, 93712.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VIII who objects to the Secretary entering into an agreement with the San Joaquin Area Professional Standards Review Organization, Inc., on the grounds that this organization is not representative of doctors in such area may, within thirty days of the date that this Notice was published in the FEDERAL REGISTER, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e.) direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 433 doctors of medicine and osteopathy are engaged in active practice in the PSRO Area VIII. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the San Joaquin Area Professional Standards Review Organization, Inc., is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-12358 Filed 5-30-74;8:45 am]

MASSACHUSETTS

Proposed Designation of Professional Standards Review Organization for PSRD Area IV; Correction

The following is a corrected version of the Notice to Physicians of the Proposed Designation of Professional Standards Review Organization for Area IV of Massachusetts which appeared in FR Doc. 74-11458 on page 17793 in the issue for Monday, May 20, 1974.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, to enter into an agreement with the Bay State Professional Standards Review Organization, Inc., designating it as the Professional Standards Review Organization for PSRO Area IV located in the State of Massachusetts, which area is designated a Professional Standards Review Organization in 42 CFR 101.25.

The Secretary has determined that the Bay State Professional Standards Review Organization, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Massachusetts, as a non-profit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Massachusetts. As stipulated in its Articles of Incorporation, the principal officers of the Bay State Professional Standards Review Organization, Inc., are:

Name and office held

1. Robert J. Brennan, M.D., President.
2. Curtis Prout, M.D., Vice President.
3. Richard Kahan, Executive Director.
4. Russell Rowell, M.D., Secretary.
5. Edward P. Hanley, Treasurer.

The official address of the corporation is 100 Charles River Plaza, Boston, Massachusetts 02114.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Massachusetts who objects to the Secretary entering into an agreement with the Bay State PSRO Inc., on the grounds that this organization is not representative of doctors in such area may, within thirty days of the date that this Notice was published in the FEDERAL REGISTER, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box #2111, Rockville, Maryland 20852. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 7,884 doctors of medicine and osteopathy are engaged in active practice in the PSRO Area IV. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Bay State Professional Standards Review Organization, Inc., is representative of such doctors in such area.

Dated: May 14, 1974.

HENRY E. SIMMONS,
Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.74-12357 Dated 5-30-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Administrative Division Docket No. 74-26; Docket No. N-74-234]

JONES ISLAND, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Jones Island Development Corporation, John R. Schneider, President, its officers and agents, hereinafter referred to as "Respondent," having offices in Metairie, Louisiana, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing dated March 27, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Jones Island, located in the Parish of Tangipahoa, State of Louisiana, and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer Arpil 26, 1974, in answer to the allegations of the Notice of Proceedings and Opportunity for a Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge F. P. Michels, 4015 Wilson Boulevard, 11th Floor, Arlington, Virginia on June 12, 1974, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 6, 1974.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

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This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 22, 1974.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-12490 Filed 5-30-74;8:45 am]

[Administrative Division Dockets Nos. 74-29, 74-25, 74-27, 74-28; Docket No. N-74-235]

WALKER LAND, UNIT 2

Notice of Hearing

Notice is hereby given that:

In the matters of Walker Land, Unit 2; LaBranche Industrial Park; LaFitte's Treasure Isle; Ruddock, AKA Walker Land, Unit 1; et al. Administrative Division Docket Nos. 74-29, 74-25, 74-27, and 74-28.

1. Walker Land Company, Inc., Paul W. Gillaspy, President, its officers and agents, hereinafter referred to as "Respondent," having offices in Metairie, Louisiana, being subject to the provisions of the Interstate Land Sales Full Disclosurek Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.), received Notices of Proceedings and Opportunity for Hearing dated March 27, 1974, which were sent to the developer pursuant to 15 U.S.C. 1706 (d) and 24 1710.45(b) (1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that changes had occurred which affected material facts in the Developer's Statements of Record for Walker Land, Unit 2; LaBranche Industrial Park; LaFitte's Isle; Ruddock, AKA Walker Land, Unit 1; located in Jefferson Parish and neighboring Parishes, State of Louisiana, and the failure of the Developer to amend the pertinent sections of the Statements of Record and Property Reports.

2. The Respondent filed answers April 26, 1974, in answer to the allegations of the Notices of Proceedings and Opportunity for a Hearing.

3. In said Answers the Respondent requested a hearing on the allegations contained in the Notices of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notices of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge F. P. Michels, 4015 Wilson Boulevard, 11th Floor, Arlington, Virginia, on June 12, 1974 as 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 5, 1974.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statements of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 22, 1974.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-12491 Filed 5-30-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 13817; Notice No. 74-20]

RESTRICTED AREA AND CONTINENTAL OPERATIONS RANGE SEGMENTS

Proposed Designation

The Federal Aviation Administration has received a proposal from the Department of the Air Force that would designate a new restricted area and two new areas where special air traffic rules would apply. These new areas are located adjacent to existing restricted areas located generally north of Nellis AFB near Las Vegas, Nevada. In addition, the Air Force proposal would restructure restricted area R-4807 into three separate areas and would redesignate it and restricted areas R-4806 and R-4809 as joint use airspace.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for early institution of public proceedings in actions related to rule making. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule making action.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW, Washington, D.C. 20591. All communications received on or before August 2, 1974, will be considered by the Administrator before taking action with respect to the subject matter. All comments will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons. Copies of comments will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

Informal meetings to present the Air Force's airspace proposal, together with question and answer sessions, will be held during the comment period in order that interested persons may avail themselves of all aspects and present their views. These meetings are scheduled for June 25, 1974, at 1:00 p.m., and 7:30 p.m., Room 1, Las Vegas Convention Center, Las Vegas, Nevada.

The newly designated areas proposed by the Air Force are part of an overall program entitled a Continental Operations Range (COR), for the operational testing and evaluation of aircraft weapons systems. The COR encompasses an area describing approximately a triangle having corners at Reno, Nevada; Salt Lake City, Utah; and Las Vegas, Nevada. Designation of airspace for the COR program is limited to the one new restricted area and two special use areas described in this notice.

The Air Force request for the new restricted area is based upon a need for an area adjacent to existing restricted areas for delivery of weapons that will impact within existing restricted area R-4807. Since flight within the new restricted area could be potentially hazardous to other aircraft, and since there is not adequate radar surveillance within the area to provide separation and insure safety, the new restricted area is considered necessary by the Air Force. This restricted area would be designated joint use, that is, available to the public when not in use by the Air Force. When adequate radar surveillance and control become available, the new restricted area would be revoked and the airspace would become part of the eastern COR airspace.

The Air Force plans to provide extensive instrumentation and communication capability, including expanded radar surveillance. These facilities, although primarily oriented to support the military activity, will be employed also to enhance the safe transit of all aircraft.

The FAA and the Air Force wish to minimize the burden of the Continental Operations Range on nonparticipating aircraft and request public comment concerning alternate airspace options and regulatory concepts that may be available.

The Air Force proposal envisions a three phase development for the near-term, mid-term, and far-term requirements. The three steps, as planned by the Air Force, cover the development periods from the present through June, 1975, the mid-term through June, 1978, and the far-term through June, 1983. The mid-term and far-term requirements are not projected to include additional airspace. It is anticipated that restricted airspace will be reduced.

The Continental Operations Range is required by the Air Force to develop a realistic operational environment for simulating combat conditions with the capability to test and evaluate air crew effectiveness in the delivery of airborne munitions and performance of combat tactics. Specifically, the military activity to be scheduled within the special rule areas and the new restricted area would include the following: air-to-air combat maneuvering; air-to-ground attack maneuvering; simulated combat search and rescue; simulated combat tactical airlift; reconnaissance missions at low and intermediate altitudes at varying speeds; tests of remotely piloted vehicles; and simulated strategic bombing missions. Activities will be conducted through individual aircraft missions, small formations and, on occasion, large scale exercises.

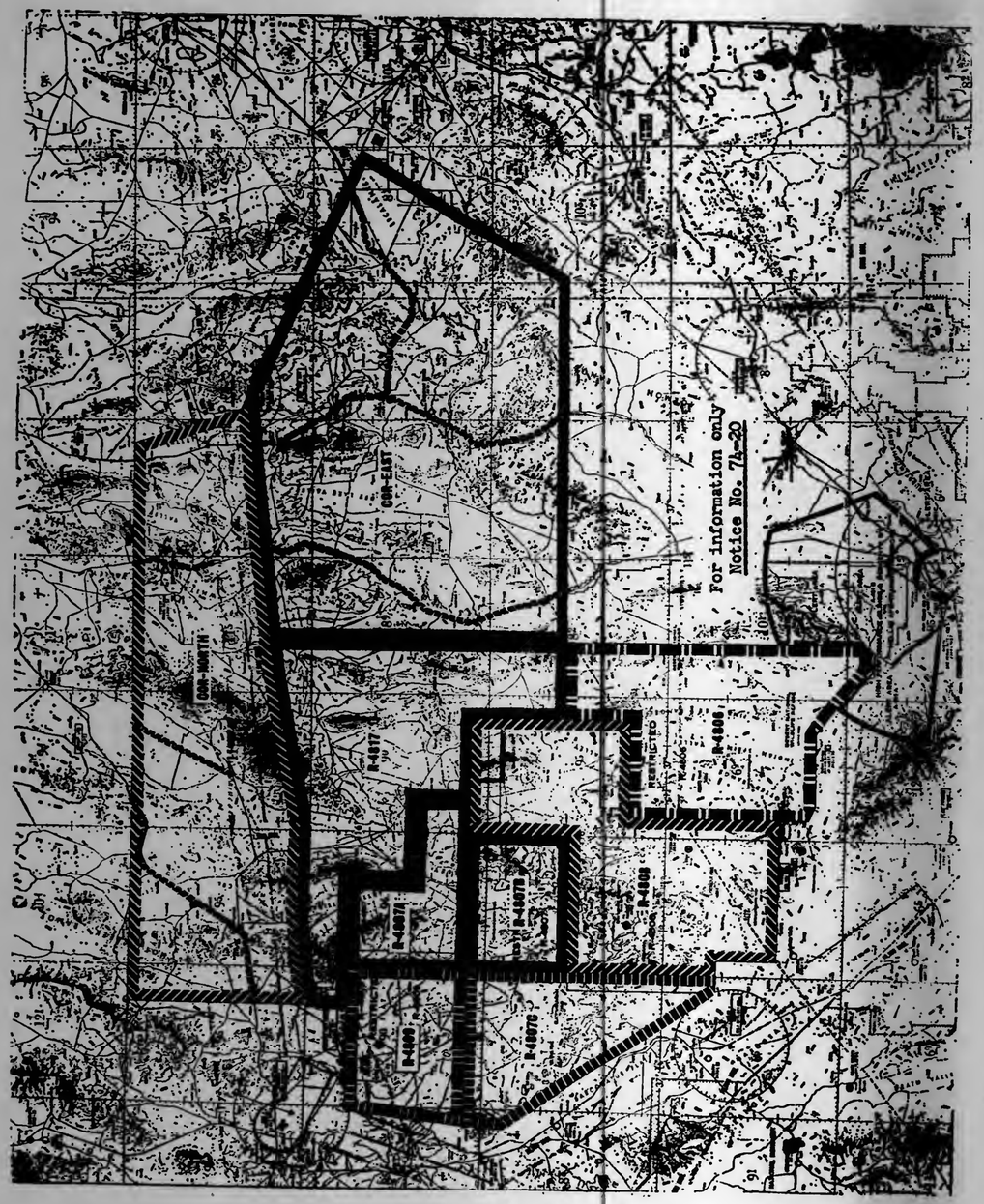
The two new segments of airspace, requested by the Air Force and identified as "COR North" and "COR East," wherein special air traffic rules apply, would be used for operational testing under simulated combat conditions. The maneuvers would include both high speed, subsonic low altitude and vertical movement tactics. To accommodate this activity, with safety, an area as free as possible from population density and air traffic density is desired. The proposed area was selected on this basis.

Every effort will be made consistent with safety to allow flight through the COR area. Accordingly, visual flight rules (VFR) flight corridors are planned along commonly flown east-west and north-south routes. Although communications are encouraged to aid in providing separation, flight through these corridors would be permitted without radio communication or prior permission. An east-west corridor is proposed as being along V-244 from 1,500 feet AGL up to 12,500 feet MSL. North-south corridors, as shown in the diagram, are proposed for the same altitudes and are generally located above highways for easy identification.

In order to cause the least amount of inconvenience to transiting pilots, existing restricted areas R-4807 and R-4808, which form part of the COR, R-4809, and the new restricted area identified as R-4817, would all be designated as joint use areas. This would provide for release of this airspace for public use when it is not needed by the using agency.

The following diagram describes the Air Force proposal for the COR including restricted areas R-481, the proposed realignment of restricted area R-4807, R-4808, R-4809, the proposed special rule areas, COR-North and COR-East, and the proposed VFR Flight corridors.

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The details of the areas shown on the diagram would be as follows:

1. R–4817 Tonopah, Nevada (as proposed).

Boundaries. Bounded on the E by longitude 115°18'00" W.; on the S., W., and N. by a line from latitude 37°17'00" N., longitude 115°18'00" W.; via latitude 37°17'00" N., longitude 115°35'00" W.; latitude 37°33'00" N., longitude 115°35'00" W.; latitude 37°33'00" N., longitude 115°53'00" W.; latitude 37°42'00" N., longitude 115°53'00" W., latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°53'00" N., longitude 116°-11'00" W.; latitude 37°53'25" N., longitude 116°38'20" W.; latitude 37°59'55" N. longitude 116°33'10" W.; latitude 38°00'10" N., longitude 116°33'30" W.; latitude 38°00'30" N., longitude 116°33'45" W.; latitude 38°-01'50" N., longitude 116°19'45" W.; latitude 38°01'40" N., longitude 115°58'40" W.; latitude 38°06'00" N., longitude 115°38'00" W.; to latitude 38°07'00" N., longitude 115°18'00" W.

Altitude. 200 feet AGL to but not including FL 180.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

2. R–4807 Tonopah, Nevada, would be redesignated as R–4807 A, B, and C.

(a) R–4807A Tonopah, Nevada.

Boundaries. Beginning at latitude 37°53'00" N., longitude 116°30'00" W.; via latitude 37°53'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 115°53'00" W.; latitude 37°33'00" N., longitude 115°53'00" W.; latitude 37°33'00" N., longitude 116°30'00" W.; to the point of beginning.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(b) R–4807B Tonopah, Nevada.

Boundaries. Bounded on the N. by latitude 37°33'00" N.; on the E. by longitude 116°00'00" W.; on the S. by latitude 37°16'00" N.; on the W. by longitude 116°30'00" W.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(c) R–4807C Tonopah, Nevada.

Boundaries. Bounded on the N. by latitude 37°33'00" N.; on the E. by longitude 116°30'00" W.; on the S. and W. by a line from latitude 36°51'00" N., longitude 116°39'00" W.; via latitude 36°51'00" N., longitude 116°33'30" W.; latitude 37°36'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°03'40" W.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

3. Special Rule Airspace.

Description of area. (a) Continental Operations Range North (COR–North).

Boundaries. Beginning at latitude 37°59'55" N., longitude 116°38'10" W.; via latitude 38°00'00" N., longitude 116°34'00" W.; latitude 38°01'00" N., longitude 116°33'30" W.; latitude 38°01'50" N., longitude 116°19'45" W.; latitude 38°01'40" N., longitude 115°58'09" W.; latitude 38°06'00" N., longitude 115°38'00" W.; latitude 38°07'00" N., longitude 115°18'00" W.; latitude 38°10'50" N., longitude 114°24'40" W.; latitude 38°11'50" N., longitude 114°27'30" W.; latitude 38°36'00" N., longitude 114°35'15" W.; latitude 38°30'00" N., longitude 116°38'00" W.; to the point of beginning.

Altitude. 100 feet to but not including FL 180.

Time. Continuous.

Controlling agency. Salt Lake City ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(b) Continental Operations Range East (COR–East).

Boundaries. Beginning at latitude 38°07'00" N., longitude 115°18'00" W.; via latitude 37°17'00" N., longitude 115°18'00" W.; latitude 37°17'00" N., longitude 113°56'45" W.; latitude 37°31'00" N., longitude 113°47'30" W.; latitude 37°36'00" N., longitude 113°44'00" W.; latitude 37°41'00" N., longitude 113°40'00" W.; latitude 37°52'20" N., longitude 113°30'30" W.; latitude 38°11'00" N., longitude 114°24'30" W.; to the point of beginning.

Altitude. 100 feet to but not including FL 180.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

VFR CORRIDORS

(a) *COR–North—Flyway A.* Beginning at latitude 38°30'00" N., longitude 115°55'00" W.; thence southwest, one NM on either side of U.S. Highway 6 to latitude 38°06'30" N., longitude 116°38'00" W.

(2) *Flyway B.* Beginning at latitude 38°30'00" N., longitude 115°37'00" W.; thence southwest, one NM on either side of a direct line to latitude 38°13'00" N., longitude 115°48'00" W.

(3) *Flyway C.* Beginning at latitude 38°30'00" N., longitude 115°01'30" W.; thence south, one NM on either side of State Highway 38 to latitude 38°16'45" N., longitude 115°01'45" W.

(4) *Flyway D.* V–244 will serve as a VFR flyway for east/west bound traffic between Tonopah and Wilson Creek, Nevada.

(b) *COR–East*—(1) *Flyway A.* Beginning at latitude 37°17'00" N., longitude 115°07'00" W.; thence north one NM on either side of U.S. Highway 93 to latitude 37°31'40" N., longitude 115°13'30" W.; thence northwest one NM on either side of State Highway 38 to latitude 37°32'00" N., longitude 115°14'00" W.; thence north one NM on either side of State Highway 38 to latitude 38°06'30" N., longitude 114°56'06" W.

(2) *Flyway B.* Beginning at latitude 37°17'00" N., longitude 114°28'25" W.; thence north one NM on either side of the Union Pacific Railroad to Caliente, Nevada; thence north one NM on either side of U.S. Highway 93 to latitude 38°10'05" N., longitude 114°35'20" W.

(3) *Flyway C.* Beginning at latitude 37°-47'30" N., longitude 114°24'30" W.; thence east one NM on either side of U.S. Highway 25 to Modena, Utah; thence northeast one NM on either side of the Union Pacific Railroad to latitude 37°54'30" N., longitude 113°37'30" W.

Based on the foregoing, FAA solicits the views of all interested persons concerning the Air Force proposal. The FAA is particularly interested in receiving comments regarding the following aspects of the proposal:

1. The present level of VFR activity in the affected areas.
2. The effect of this proposal on present VFR activity.
3. The effect this proposal would have on existing airports underlying the proposed airspace.
4. The suitability of the proposed VFR flight corridors.
5. The effect of this proposal on Instrument Flight Rule (IFR) traffic in the area.
6. The type of communication such as direct telephone, or radio needed by civil users within the proposed airspace.
7. The regulatory options available to assure safe entry and transit through the area, including the possible need for air traffic control clearances.
8. Possible alternatives to the proposed new restricted area and the proposed special rule areas.

Comments are also invited concerning the potential environmental impact of implementing the actions proposed herein. In this connection, a Notice of Intent to prepare an environmental impact statement with respect to the Continental Operations Range was published by the Air Force in the FEDERAL REGISTER (38 FR 31691) on November 16, 1973. Comments concerning the environmental impact of the military use of the airspace discussed in this Notice should be sent to Dr. Billy E. Welch, Special Assistant for Environmental Quality, Department of the Air Force, Washington, D.C. 20330. Comments concerning other potential environmental impact (such as the affect of the Continental Operations Range on civil aircraft fuel usage) should be included in the comments to the rules docket for this notice.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a); and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 24, 1974.

RAYMOND G. BELANGER,
Director, Air Traffic Service, AAT–1.

[FR Doc.74–12506 Filed 5–30–74;8:45 am]

GREENBRIER VALLEY AIRPORT; LEWISBURG, W. VA.

Airport Traffic Control Tower; Notice of Commissioning

Notice is hereby given that an Airport Traffic Control Tower will be commissioned at Greenbrier Valley Airport, Lewisburg, W. Va., on or about June 15, 1974. Hours of operation will be 9:30 a.m. to 5:30 p.m., daily local time. The tower will improve the operational flow and safety of terminal traffic consisting predominantly of general aviation aircraft. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Greenbrier Valley Airport

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Route 4
Lewisburg, W. Va. 24901

(Sec. 313 (a), 72 Stat. 753; 49 U.S.C. 1354)

Issued in New York, N.Y., on May 7, 1974.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.74–12441 Filed 5–30–74;8:45 am]

[OE Docket Number 74–SW–1]

PAN AMERICAN BROADCASTING CORP.

Notice of Petition for and Grant of Review

On April 10, 1974, the Federal Aviation Administration Southwest Region issued a Determination of Hazard to Air Navigation under Aeronautical Study Number 73–SW–1841–OE. The determination concerns a proposal by Pan American Broadcasting Corporation, Austin, Texas, to construct a television antenna tower near Santa Maria, Texas, at latitude 26°06'21" north, longitude 97°49'59" west. The overall height of the structure would be 1,494 feet above ground level and 1,549 feet above mean sea level.

Mr. Eugene F. Maffin, Attorney for the proponent, has petitioned the Administrator of the Federal Aviation Administration for a discretionary review of the determination. The petition submits that the determination is erroneous, both substantively and procedurally.

Pursuant to the authority in § 77.37(c) of the Federal Aviation Regulations, which has been delegated to me (30 FR 13023), the petition for discretionary review is hereby granted. The review will be conducted on the basis of written materials as set forth in Federal Aviation Regulations, § 77.37(c)(1).

Interested persons may, within 30 days of the date of issuance of this notice, submit aeronautical information relevant to the question as to whether or not the proposed television antenna structure would have an adverse effect on the safe and efficient use of airspace by aircraft. Each submission must contain sufficient detail to establish a clear understanding of the reason for any claim. Submissions should be in triplicate and addressed to the Chief, Airspace Obstruction and Airports Branch, AAT–240, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

Pending final disposition of the petition, the Determination of Hazard to Air Navigation issued by the Southwest Region under Aeronautical Study Number 73–SW–1841–OE is not final.

Issued in Washington, D.C., on May 23, 1974.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.74–12442 Filed 5–30–74;8:45 am]

Saint Lawrence Seaway Development Corporation

ADVISORY BOARD

Notice of Open Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that an open meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held at the Corporation's Administration Building, Seaway Circle, Massena, New York on June 20, 1974 at 2:30 p.m.

Agenda items are as follows:

(1) Opening remarks by the Administrator;
(2) Approval of minutes of prior meeting;
(3) Administrative report;
(4) Program reviews;
(5) Closing remarks.

Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20590, or by calling 202–426–3574.

Issued: May 24, 1974.

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.74–12468 Filed 5–30–74;8:45 am]

Office of the Secretary

CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY AD HOC SUBCOMMITTEE ON PUBLIC TRANSPORTATION

Notice of Meeting

An ad hoc public transportation subcommittee of the Citizens' Advisory Committee on Transportation Quality of the Department of Transportation will meet at 9:00 a.m. on Monday and Tuesday, June 10–11, 1974, in Room 8440, 400–7th Street SW., Washington, D.C.

The Citizens' Advisory Committee on Transportation Quality recommends transportation initiatives to the Secretary of Transportation and assesses transportation policies from the consumers' viewpoint. The subcommittee is meeting to formulate recommendations on improving the quality of public transportation for consideration by the full Committee.

This meeting is open to the public. Anyone wishing to attend or obtain further information, should contact Mr. Joseph DelVecchio, Executive Director of the Committee at 202/426–4283.

This notice is given pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92–463).

Issued in Washington, D.C., on May 27, 1974.

BENJAMIN O. DAVIS, JR.,
Assistant Secretary for Environment, Safety, and Consumer Affairs.

[FR Doc.74–12581 Filed 5–30–74;8:45 am]

[OST Docket No. 22; Notice No. 74–9]

STANDARD TIME ZONE BOUNDARIES

Operating Exceptions; CP Rail—Quebec Central Railway

Effective 2 a.m. eastern nonadvanced (standard) time, Sunday, January 6, 1974, until 2 a.m. eastern advanced (daylight saving) time Sunday, April 27, 1975, CP Rail—Quebec Central Railway is granted exceptions from the standard times of the time zones created by Congress in the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67). The exceptions permit operation on eastern nonadvanced time from various points in the States of Maine and Vermont to the border between Canada and the United States, despite the fact that the areas concerned are officially on eastern advanced time. The points concerned in the State of Maine are Jackman-Greenville-Brownville Junction, Vanceboro-Danforth-Mattawamkeag-Brownville Junction, Houlton, and Fort Fairfield-Caribou-Presque Isle. The points concerned in the State of Vermont are Richford-North Troy-Newport-Wells River and Newport. These exceptions do not, however, permit the railroad in its public schedules and notices to show the areas concerned as being on other than eastern advanced time.

(Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67): sec. 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)); sec. 1.59 (b) of the Regulations of the Office of the Secretary of Transportation (49 C.F.R. 1.59 (b).)

Issued in Washington, D.C., on May 24, 1974.

ROBNEY E. EYSTER,
General Counsel.

[FR Doc.74–12573 Filed 5–30–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–400, 50–401, 50–402, 50–403]

CAROLINA POWER & LIGHT CO. (SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 1, 2, 3 AND 4)

Notice of Change in Hearing Date

Please take notice that the public evidentiary hearing that had been scheduled for June 4, 1974 in Raleigh, North Carolina to consider the application of the Carolina Power & Light Company (Applicant) for AEC construction permits to build the Shearon Harris Nuclear Plant, has been postponed to July 16, 1974.

The subject hearing to take place before an Atomic Safety and Licensing Board (the Board) pursuant to the Atomic Energy Act of 1954, as amended, and the Commission Rules of Practice, will commence at 9:30 a.m. e.s.t. July 16, 1974 at the following location:

U.S. District Court
310 New Bern Avenue
Courtroom No. 2
Raleigh, North Carolina

The issues to be determined in this proceeding will be those health, safety and environmental matters set forth in the Commission's Notice of Hearing dated September 21, 1972 (37 FR 20344, Sept. 29, 1972), as well as the matters in controversy between the parties, as set forth in prior prehearing conference orders of this Board, together with such further modifications to specific contentions as may result from complying with other Orders of this Board.

Interested members of the public are invited to attend the public hearing.

Issued at Bethesda, Maryland, this 24th day of May, 1974.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
THOMAS W. REILLY,
Chairman.

[FR Doc.74–12451 Filed 5–30–74;8:45 am]

CONNECTICUT LIGHT AND POWER COMPANY ET AL.

[Docket No. 50–336]

Order Extending Construction Completion Dates

The Millstone Point Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, are the holders of Construction Permit No. CPPR–76 issued by the Atomic Energy Commission on December 11, 1970, for construction of the Millstone Nuclear Power Station, Unit 2, presently under construction at the Companies' site in the Town of Waterford, Connecticut.

On February 14, 1974, The Millstone Point Company, on behalf of itself and the other three companies, filed a request for an extension of the completion date because construction has been delayed due to (1) late delivery of equipment, (2) facility design revisions, and (3) shortage of critical crafts. Additional information to support the request was provided by letter dated March 22, 1974. This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated May 15, 1974.

It is hereby ordered that the latest completion date for CPPR–76 is extended from July 1, 1974 to July 1, 1975.

Date of issuance: May 23, 1974.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Light Water Reactors Group 1, Directorate of Licensing.

[FR Doc.74–12450 Filed 5–30–74;8:45 am]

[Docket No. 50–3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Request for Variance

The Consolidated Edison Company of New York, Inc. (licensee) is authorized by Provisional Operating License No. DPR–5 to operate a nuclear power reactor identified as Unit No. 1 at the licensee's Indian Point Station, located in Westchester County, New York at steady-state power levels up to 615 MWt. The licensee has requested a variance for Unit No. 1 from the July 1, 1974, requirement for achieving compliance with the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971) for emergency core cooling systems for light-water reactors.

Notice is hereby given that the Director of Regulation is considering the requested variance which would extend the deadline for achieving compliance for Indian Point Station, Unit No. 1, from July 1, 1974, to March 1, 1975. The variance may be granted upon a finding that good cause has been shown, and that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. The Director of Regulation will consider and issue a determination, together with supporting reasons, with respect to the request for a variance. In that connection, the Director of Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, addressed to the Director of Licensing, USAEC, Washington, D.C. 20545, not later than June 20, 1974.

A copy of the licensee's January 31, 1974, request and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

Dated at Bethesda, Maryland this 24th day of May, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74–12449 Filed 5–30–74;8:45 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP. (VERMONT YANKEE NUCLEAR POWER STATION)

Notice of Pre-Hearing Conference

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order of May 23, 1974, a pre-hearing conference on the "inerting" question will be convened at 1:30 P.M. on Monday, June 10, 1074 in the Appeal Panel hearing room, which is located on the Fifth floor of the East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

MAY 24, 1974.

[FR Doc.74–12447 Filed 5–30–74;8:45 am]

[Dockets 50–434 and 50–435]

VIRGINIA ELECTRIC AND POWER CO.

Availability of Final Environmental Statement for Surry Power Station Units 3 and 4

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Surry Power Station Units 3 and 4, to be constructed by Virginia Electric and Power Company in Surry County, Virginia, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. The Final Environmental Statement is also being made available at the Council on the Environment, Eighth Street Office Building, Richmond, Virginia 23219.

The notice of availability of the Draft Environmental Statement for the Surry Power Station Units 3 and 4 and requests for comments from interested persons was published in the FEDERAL REGISTER on February 22, 1974, 39 FR 6767. The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 23rd day of May 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.74–12448 Filed 5–30–74;8:45 am]

[Dockets Nos. 50–269A, 50–270A, 50–287A, 50–369A, 50–370A]

DUKE POWER CO.

Order for Final Prehearing Conference

In the Matter of Duke Power Co. (Oconee Units 1, 2 & 3 McGuire Units 1 & 2).

Take notice, and it is hereby ordered, that the Final Prehearing Conference in this proceeding shall convene at 9:30 a.m. local time on Wednesday, June 12, 1974, at the Postal Rate Commission, 2000 L Street, NW., Washington, D.C., Suite 500.

This conference will be devoted entirely to final disposition of any preliminary matters relating to the Evidentiary Session in this proceeding scheduled to commence on June 25, 1974.

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Issued at Bethesda, Maryland, this 28th day of May 1974

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-12505 Filed 5-30-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26574]

AIR AFRIQUE; FOREIGN AIR CARRIER PERMIT RENEWAL

Republic of the Congo—New York, via Intermediate Points; Postponement of Prehearing Conference and Hearing

Notice is hereby given that, at the request of the applicant, the prehearing conference and hearing in the above-entitled proceding have been postponed from June 4, 1974 (39 FR 16917, May 10, 1974), to Friday, June 28, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

The hearing will be held immediately following the conclusion of the prehearing conference unless, on or before May 28, 1974, as previously noticed, a person has objected or shown reason for further postponement.

The time for the applicant to file direct exhibits and responses to the Bureau's requests for evidence is extended to June 19, 1974.

Dated at Washington, D.C., May 23, 1974.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.74-12391 Filed 5-30-74;8:45 am]

[Docket No. 26680; Order No. 74-5-119]

DELTA AIR LINES, INC.

Puerto Rico/Virgin Islands Freight Rates; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of May, 1974.

By tariff revisions[1] issued April 23, and marked to become effective May 26, 1974, Delta Air Lines, Inc. (Delta) proposes to increase freight rates between San Juan and points in the contiguous 48 states typically by 8 percent. Specifically, Delta proposes to (1) increase bulk minimum charges per shipment from $10 to $13; (2) increase local bulk general commodity rates; (3) increase all bulk local specific commodity rates from San Juan to Memphis, New Orleans, St. Louis, San Diego and San Francisco on such commodities as chemicals, drugs, wearing apparel and other manufactured articles; and (4) cancel local 5,000- and 10,000-pound weight-break general commodity rates in numerous markets.

Delta asserts, inter alia, that these increases are justified by increased operating costs reflecting known fuel cost increases; the present average fuel price is 37.34 cents per gallon vs. 14.14 cents per gallon in 1973; the filing conforms to the pattern of increases recently permitted American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc.; the proposal will result in only $22,000 in additional annual revenues, and this increase, taken with the recently permitted passenger fare increase, will still leave Delta in a loss position in the San Juan market.

All of the proposed rates are revisions to rates already under investigation in Puerto Rico/Virgin Islands Freight Rates, Docket No. 26603 and accordingly within the scope of that proceeding. The issue before the Board is whether to suspend the rates or to permit them to become effective pending final decision in that investigation.

The Board has reviewed Delta's proposed rates in the light of industry average costs of carrying air freight (including a full return on investment), which reflect recognition of the sharp increases in fuel costs recently experienced. Based upon these standards, certain of Delta's proposed rates appear to exceed costs. Accordingly, the increased general commodity rates, except minimum charges per shipment, between San Juan, on the one hand, and Baton Rouge, Beaumont, Dallas/Ft. Worth, Houston, Jackson, Ms., Memphis, New Orleans, St. Louis, and Shreveport on the other hand, with exceptions at certain weight-breaks, will be suspended. In addition, all increases in premium rates on human remains, live animals, and gold bullion, etc., will be suspended. The remaining increased bulk minimum charges per shipment, general commodity rates, cancellations of 5,000- and 10,000-pound general commodity rates, and increases in specific commodity rates will be permitted as they do not appear excessive in relation to costs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A[2] hereto are suspended and their use deferred to and including August 23, 1974 unless otherwise ordered by the Board and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs and served upon Delta Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12395 Filed 5-30-74;8:45 am]

[1] Revisions to tariffs C.A.B. Nos. 174 and 175 issued by Delta Air Lines, Inc.

[2] Appendix A filed as part of the original document.

[Dockets Nos. 26280, 26513; Agreements 24302 R-1 and R-2, 24381 R-1 and R-2, 24395 R-1 and R-2; Order No. 74-5-124]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rates and Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of May, 1974.

By procedural Order 74-4-97 of April 18, 1974, the Board set dates for the receipt of justification, comments and objections pertaining to Agreement C.A.B. 24302 which would further increase cargo rates intended for application on or after June 1, 1974 over the North Atlantic and the Mid- and South Atlantic by an additional five and four percent, respectively, as a consequence of increased fuel prices. The proposed increase in North Atlantic cargo rates would add five percent to the applicable rate for New York to/from the point concerned in IATA Traffic Conference 2 but would not apply to/from any points in Canada or Poland. The four percent increase applicable to routes over the Mid-Atlantic and South Atlantic does not apply over the Mid-Atlantic to/from any points in Mexico. The agreement also contains a special North Atlantic escape resolution which would permit a reduction of cargo rates and charges to/from the United States in the event that an uncompetitive situation is created in relation to those rates and charges to/from adjacent points in Canada. The required documentation has been received and evaluated and the matter now stands ready for the Board's decision.

Justification has been submitted by National Airlines, Inc. (National), Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA). Seaboard World Airlines, Inc. (Seaboard) has submitted comments and data in support of the agreement.

National alleges that its fuel costs will have increased from 8.43 to 19.13 cents per gallon between October 1, 1973 and July 1, 1974, an increase of almost 127 percent. Using the July 1974 price of 19.13 cents per gallon, which the carrier claims is based on completed contracts at Miami and information provided by their London supplier, National allocates $688,000 of their total fuel cost to their freight operations on the Miami-London route. The carrier projects that it will earn an additional $109,000 in freight revenue as a result of the proposed 5 percent increase in cargo rates for the North Atlantic.

Pan American claims that its fuel prices for its Atlantic operations have increased from 12.70 cents per gallon in its base period (first quarter of 1973) to 30.85 cents per gallon in March 1974 and is expected to be 39.40 cents per gallon in the forecast period used in their justification (year ending May 31, 1975). Based on the level of operations forecasted for this period and the fuel consumption assigned to cargo and freight services, Pan American claims that the fuel cost increase over their base period would be $12.8 million using March 1974 prices or $18.8 million using prices expected to be in effect for the year ending May 31, 1975. The carrier claims that the first two rounds of rate increases due to fuel netted them $11.7 million while approval of the instant agreement would further increase revenues by $4.9 million. Based on March 1974 fuel prices Pan American shows it would earn an excess of revenues due to fuel-related rate increases of $3.8 million while, based on fuel prices expected to be in effect for the year ending May 31, 1975, fuel cost increases would be $2.2 million greater than increased revenues due to the fuel-related rate increases.

TWA alleges that fuel prices in its Atlantic division have increased from the base period in early 1973 of 12 cents per gallon to 42.40 cents per gallon in April 1974, the latter figure representing their preliminary actual expense for that month. Based on traffic and capacity projections for the year ending December 31, 1974 and fuel consumption allocated to all-cargo and freight carried in passenger aircraft, TWA claims an additional $12.3 million in fuel expenses over its early 1973 base rate. The carrier shows a cumulative increase in revenue, on a yearly basis, from the two previous fuel-related rate increases plus the instant proposal of $8.5 million. The carrier alleges this leaves them with an additional $3.8 million in unrecovered fuel expense.

Seaboard has filed a document in support of the instant agreement in which the carrier alleges that even with approval of the agreement, it will incur a deficit of nearly $14 million in fuel expenses over the level the carrier had forecasted in April 1973 for the year 1974. Based on the fuel prices currently in effect of 32.15 cents per gallon Seaboard calculates the additional fuel cost over the level forecasted for 1974 is $18 million. The carrier anticipates that after July 1, 1974 it will be paying 40.7 cents per gallon, which is equivalent to $26.4 million over the forecasted 1974 level. Seaboard contends that it would receive an additional $8.8 million in revenue, on an annual basis, from the two previous rate increases. Approval of the instant agreement would increase its revenues by an additional $3.7 million for a total revenue increase of $12.5 million against experienced fuel cost increases of $18 million and anticipated fuel cost increases of $26.4 million.

Upon consideration of the carrier justifications and comments, we have concluded that the request for additional five and four percent increases in cargo rates in the North Atlantic and Mid- and South Atlantic areas, respectively, covered by the instant agreement appears warranted in view of the continued increases in the cost of fuel. In reaching this conclusion we have adjusted the fuel cost data supplied by the carriers to reflect the differences in price paid by the carriers in September 1973 (i.e. the prices paid before the October fuel crisis) and the latest data on prices actually paid or contracted for fuel, disallowing anticipatory price estimates. Based on this method of calculation we find the additional fuel expenses to be: $306,000 for National, $10.9 million for Pan American, $11.7 million for TWA, and $16.4 million for Seaboard. The annualized revenue gain estimated from the two previous fuel-related rate increases of six and seven percent as well as the currently proposed five percent increase would be: $368,000 for National, $16.6 million for Pan American, $8.5 million for TWA, and $12.5 million for Seaboard. For the four carriers, therefore, the aggregate increase in cost due to fuel is $39.3 million while the aggregate increase in revenue to offset the fuel cost increase is $38 million. In sum we conclude that the proposed increases are justified by the fuel costs experienced by the carriers, are not unreasonable and should be approved. In addition we will approve the agreement containing the special North Atlantic escape resolution which will permit cargo rates and charges to and from the United States to be adjusted to the level of those to and from Canada should an uncompetitive situation otherwise be created by our approval of these increases.

We are at this time also approving two additional agreements, Agreement C.A.B. 24381, R-1 and R-2 which would increase both passenger fares and cargo rates wholly within IATA Traffic Conference 3 (Asia/Australasia/Pacific) by four percent[1] effective July 1, 1974, and Agreement C.A.B. 24395, R-1 and R-2 effective June 1, 1974, which would increase passenger fares generally by four percent and cargo rates generally by five percent wholly within IATA Traffic Conference 2 (Europe/Middle East/Africa).

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

[1] Insofar as application to air transportation is concerned, the increase would apply to/from U.S. possessions in the Pacific.

Agreement CAB	IATA No.	Title	Application
24302:			
R-1	001vv	North Atlantic Special Escape Resolution (Cargo)	1/2(North Atlantic).
R-2	006pp	General Increases in Cargo Rates (new)	1/2(North Atlantic).
24381:			
R-1	005s	General Increases in Passenger Fares (new)	3.
R-2	006ss	General Increases in Cargo Rates (new)	3.

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24395 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24395:			
R-1	005t	General Increases in Passenger Fares (new)	2.
R-2	006tt	General Increases in Cargo Rates (new)	2.

Accordingly, *It is ordered*, That:

1. Agreement C.A.B. 24302, R-1 and R-2; Agreement C.A.B. 24381, R-1 and R-2; and Agreement C.A.B. 24395, R-1 and R-2, be and hereby are approved;

2. The carriers are hereby authorized to file tariffs implementing Agreements C.A.B. 24302 and C.A.B. 24395 on not less than one day's notice for effectiveness not earlier than June 1, 1974. The authority granted in this paragraph expires with June 30, 1974; and

3. Tariffs implementing the subject agreements shall be marked to expire no later than the respective expiry dates of the agreements.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12396 Filed 5-30-74;8:45 am]

[Docket No. 26647; Order No. 74-5-114]

PHILIPPINE AIR LINES

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of May, 1974.

By tariffs filed April 10, 1974, for effect from May 10, 1974 through November 30, 1974, Philippines Air Lines (PAL) established 30-90 day economy class round-trip group fares between Honolulu/San Francisco and Manila, the Philippines, at $504.00 and $600.00 respectively.[1] The fares apply to groups of not less than 15 passengers which must travel together for the entire journey; written application must be submitted at least

[1] Air Tariffs Corporation Agent, Tariff C.A.B. No. 44, Original Page 814-A and Rule No 240.

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10 days prior to the commencement of travel; stopovers are not permitted; and tickets must be paid for in full not later than 10 days prior to departure and are subject to a 25 percent forfeiture in the event of voluntary cancellation. The fares may be combined only with fares within the USA, Canada, and the Philippines. The filing was made pursuant to a letter dated April 1, 1974 from the Government of the Philippines to Philippine Air Lines, and is apparently intended as a means of encouraging Philippine citizens resident in the United States to visit their homeland.

Northwest Airlines, Inc. (Northwest), in a motion to file a late complaint which is hereby accepted, requests suspension of the fares on the ground that they would impose an uneconomic and discriminatory fare on the transpacific fare structure. Northwest contends that the fare is discriminatory in that it makes available a highly discounted fare to only one destination in the Orient; is uneconomic in that it is far out of reasonable line with other fares; and is dilutionary because if used with normal fares available within the Orient will seriously undercut[1] through IATA fares between the United States and other Orient countries. Northwest concudes that, considering the urgent need at this time for improved yields which has been expressed by all transpacific carriers including PAL, it is clear that a fare of this type should not be approved.

In answer to Northwest's complaint, PAL alleges that the primary purpose of the fare is to serve Manila; that the fare results from the strong interest of the Philippine Government in encouraging travel to the Philippines from the United States; and that it is a substitute for the $555 fare heretofore suspended by the Board because it was limited to persons of Philippine ancestry. PAL further contends that the level of the fare does not constitute a destructive proposal, and notes that Northwest did in fact earn additional money from the earlier $555 fare.

Upon consideration of the complaint, the answer and other relevant factors, the Board has concluded to let the tariffs remain in effect and to dismiss Northwest's complaint. Our action is not without concern over the potential for diversion of traffic from high-rated fares to other Orient destinations. However, Northwest has provided no estimate of this potential, and the level of the instant fares is significantly higher and the conditions more restrictive than was the case with the earlier fares which Northwest contended had a net generative effect. Finally, the instant proposal removes the issue of unjust discrimination involved in the earlier fares. Accordingly, and particularly in light of the limited period in which the fares are to be available, we are not persuaded that suspension or investigation is warranted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof;

It is ordered, That:

The complaint of Northwest Airlines, Inc. in Docket No. 26647 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12392 Filed 5-30-74;8:45 am]

[Docket No. 26561; Order No. 74-5-113]

SOUTHERN AIRWAYS, INC.

Application; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of May, 1974.

On April 3, 1974, Southern Airways, Inc. (Southern) filed an application (Docket 26561) to redesignate the separate intermediate points Laurel and Hattiesburg, Miss., on segments 1 and 3 of Southern's Route 98, as a hyphenated point Laurel-Hattiesburg, Miss.[1] In addition, Southern concurrently filed a petition seeking issuance of an order to show cause why its certificate should not be amended as requested.

In support of its application, Southern alleges, interalia, that: The communities of Laurel and Hattiesburg both desire that Southern serve the communities through the use of the new regional airport, Pine Belt Regional Airport, when the airport becomes operational on or about July 1, 1974; all concerned officials in both Laurel and Hattiesburg have agreed that the two points should be designated in Southern's certificate as Laurel-Hattiesburg; and the redesignation requested herein will help to avoid confusion and will apprise the traveling public more accurately of the carrier's service.

No answers in opposition to this application have been received.

Upon consideration of the application and all the relevant facts, we tentatively find and conclude that the public convenience and necessity require the amendment of Southern's certificate for route 98 so as to redesignate the separate intermediate points Laurel and Hattiesburg as Laurel-Hattiesburg.[2]

In support of our tentative conclusion, we tentatively find that grant of the authority requested herein will prevent confusion on the part of the traveling public as to Southern's service to the new regional airport; that officials of the communities concerned desire the requested redesignation; and that the hyphenation of Laurel and Hattiesburg ultimately will result in a more efficient and economical operation for Southern and a reduction in the carrier's need for subsidy. We note that no objections have been filed to Southern's request.

Finally, we tentatively find and conclude that the redesignation of the separate intermediate points Laurel and Hattiesburg, Mississippi, as Laurel-Hattiesburg does not constitute a major Federal action significantly affecting the quality of the human environment within the terms of the National Environmental Policy Act of 1969. Rather, the consolidation of present Laurel and Hattiesburg services at the new Pine Belt Regional Airport will result in the elimination of two Martin 404 landings and take-offs per day with a salutary impact upon noise and air pollution. Moreover, the proximity of the new airport to both Laurel and Hattiesburg (19 and 10 miles respectively) makes it unlikely that the environmental benefits resulting from the consolidation would be offset by increased surface travel times resulting from use of the regional airport.

Interested persons will be given 20 days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, It is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Southern Airways, Inc.'s certificate of public convenience and necessity for route 98 so as to redesignate the separate intermediate points Laurel and Hattiesburg, Mississippi as Laurel-Hattiesburg, Mississippi;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after the date of this order, file with the Board, and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the findings and conclusions set forth herein; and

[1] Southern desires to consolidate service to Laurel and Hattiesburg by serving the communities through the new Pine Belt Regional Airport located approximately 19 surface miles from Laurel and 10 surface miles from Hattiesburg.

[2] We tentatively conclude also that Southern is fit, willing and able properly to perform the proposed service and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder.

5. A copy of this order shall be served upon the Mayor of Laurel, Miss.; the Mayor of Hattiesburg, Miss; the Airport Manager, Laurel Municipal Airport; the Airport Manager, Hattiesburg Municipal Airport; the Chairman, Pine Belt Regional Airport Commission; Southern Airways, Inc.; and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12393 Filed 5-30-74;8:45 am]

[Docket No. 26733; Order No. 74-5-121]

WELLS FARGO AIR EXPRESS, INC.

Proposed Increased Excess Valuation Charge; Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of May, 1974.

By tariff revisions issued April 26 and marked to become effective May 26, 1974, Wells Fargo Air Express, Inc. (Wells Fargo), an air freight forwarder, proposes to increase its excess valuation charge from 15 to 20 cents for each $100, or fraction thereof, by which the declared value of a shipment exceeds 50 cents per pound or $50 per shipment, whichever is higher.

No justification has been submitted by the forwarder for the proposed increased charge.

Most major forwarders currently have in effect an excess value charge of 15 cents per $100 on their domestic traffic. The Board has suspended, pending investigation, a number of previous proposals to increase excess valuation charges above this level where no showing has been made that existing excess value revenues do not cover the amount of claim expense stemming from the declarations of excess value.[1] Furthermore, the Board, after hearing in Imperial Air Freight Service, Inc., Increased Excess Value Charges, Docket 23538, found proposed increases in excess valuation charges from 15 to 25 cents per $100 unlawful essentially upon the above grounds (Order 72-4-141, April 26, 1972). As noted above, Wells Fargo has not submitted any data on the relationship between its excess value revenues and losses attributable to declarations of excess valuation or any other statement supporting its proposal.

Upon consideration of all relevant factors, the Board finds that the proposed increase in excess value charge per $100 may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 4(H)(1)(b) on 1st Revised Page 9 of Wells Fargo Air Express, Inc.'s C.A.B. No. 1 and rules, regulations or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 4(H)(1)(b) on 1st Revised Page 9 of Wells Fargo Air Express, Inc.'s C.A.B. No. 1 are suspended and their use deferred to and including August 23, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding, herein designated Docket 26733, be assigned for hearing before an Administrative Law Judge of the Board at a time and place to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Wells Fargo Air Express, Inc., which is hereby made a party to Docket 26733.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12394 Filed 5-30-74;8:45 am]

[Docket No. 25280; Order No. 74-5118]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority May 24, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolutions 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 13, 1974.

Specific commodity item No.	*Description and rate*
6750 ------	Paints, pigments, and varnishes 273 cents per kilogram, minimum weight 500 kilogram. From Johannesburgh to New York/Montreal.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That:

1. Agreement C.A.B. 24393, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, Order 73-9-109 of September 28, 1973, and Order 74-4-7 of April 2, 1974 and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

Issued under delegated authority May 24, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-12542 Filed 5-30-74;8:45 am]

WORLD AIRWAYS, INC., AND KOREAN AIR LINES COMPANY, LTD.

Notice of Proposed Approval

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until June 3, 1974, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 28, 1974.

[SEAL] WILLIAM B. CALDWELL, JR.,
Director,
Bureau of Operating Rights.

[1] E.g., Orders 73-9-89, 72-5-92 and prior orders cited therein. In all but the Imperial Case mentioned herein, the suspended matter was canceled by the carriers.

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[Docket No. 26672; Agreement CAB 24388]

WORLD AIRWAYS, INC., AND KOREAN AIR LINES CO., LTD.

ORDER OF APPROVAL

Issued under delegated authority.

By joint application filed May 6, 1974, World Airways, Inc. (World) and Korean Air Lines Company, Ltd. (KAL) request that the Board approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) an agreement whereby World will dry lease to KAL one Boeing 747–273C aircraft.

World has separately filed with the Board, pursuant to section 412 of the Act, a maintenance support letter agreement with KAL relating to the maintenance of the subject Boeing 747 aircraft (CAB 24388).

Applicants have also filed a motion to withhold the rental amounts of the lease and the maintenance fees under the agreement from public disclosure, on the grounds that these terms are proprietary information and their relevation to competitors could be prejudicial to either party.[1]

World is a United States certificated supplemental air carrier. KAL holds Board authority as a foreign air carrier, pursuant to Board Order 71–4–161, April 5, 1971, and conducts scheduled air transportation with jet aircraft between the Republic of Korea and the co-terminals Hawaii and Los Angeles, California. KAL intends to use the leased aircraft in combination service between Korea and the United States.

The subject agreement involves the lease of one Boeing aircraft for the period June 1, 1974 through May 31, 1979.[2] KAL will have complete and exclusive control of the aircraft, providing its own crews, fuel, and insurance, under the terms of the lease.

In support of the application, the applicants state that World is presently operating two B–747's in charter service; that a third B–747 ordered several years ago and presently being prepared for delivery cannot be economically integrated with its existing fleet in view of recent uncertainties in the charter business created by the fuel crises and general economic atmosphere; that the subject B–747 lease to KAL will cover the carrying costs of the aircraft, while the aircraft's availability to World at a future date will be maintained.[3]

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the lease of the subject B–747 aircraft by KAL from World in conjunction with the two B–707's presently under lease to KAL from World, involves a substantial part of the properties of World, and therefore, is subject to section 408(a)(2) of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that World is able to consummate its obligations under the lease without depriving itself of aircraft necessary to meet its own commitments. In addition, the transaction is similar to others approved by the Board.[4] Under all the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Under the terms of the maintenance agreement (CAB 24388) World will provide all heavy maintenance as well as enroute station maintenance coverage and repairs and spare engine support. After the first ninety days, KAL has the option, upon giving thirty days notice and satisfying World that it has the necessary technicians and equipment, to transfer the heavy maintenance functions to its base at Seoul.

Under these circumstances this part of the overall arrangement does not appear to raise substantive issues of concern to the Board and it is not found that the agreement is adverse to the public interest or in violation of the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing lease transaction should be approved under section 408(b) of the Act without a hearing, that the foregoing support maintenance agreement should be approved under section 412 of the Act, and that the motion for confidential treatment should be dismissed.[5]

Accordingly, *It is ordered*, That:

1. The subject lease by Korean Air Lines Company, Ltd. of one Boeing 747C aircraft from World Airways, Inc. as described in the application in Docket 26672 be and it hereby is approved;

2. The subject support maintenance agreement as described in Agreement CAB 24388 be and it hereby is approved; and

3. Applicants' motion for confidential treatment be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective immediately and the filing of such petitions shall not stay its effectiveness.

[FR Doc.74–12543 Filed 5–30–74;8:45 am]

[1] By letter of May 23, 1974, applicants request that this motion be withdrawn.

[2] Two additional Boeing aircraft (707's) are presently under lease to KAL by World for the periods March 24, 1972 and April 11, 1972, respectively, through June 30, 1976, pursuant to approvals granted by Order 72–3–84, March 24, 1972.

[3] The lease provides that it is subject to immediate termination in the event of an emergency under the CRAF program.

[4] *Cf.* Seaboard World Airlines and Korean Air Lines Co., Ltd., Order 72–12–50, December 12, 1972.

[5] It is further found, pursuant to 14 CFR 385.6 that the actions taken herein are governed by prior Board precedent and policy, and because of the imminent transaction date that immediate action is required to enable effectuation of the transaction; therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

COMMISSION ON CIVIL RIGHTS

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. on June 6, 1974, at 705 West 26 Street, Marion, Indiana 46952.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be to (1) provide an opportunity for the Indiana SAC members to discuss issues and problems with residents of Marion, and (2) to hear progress reports on a proposed open meeting on problems of the Migrant Worker in the State of Indiana.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74–12499 Filed 5–30–74;8:45 am]

KANSAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. on June 7, 1974, at the Ramada Inn, 420 East Six Street, Topeka, Kansas 66201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting shall be to continue work on Committee Projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74–12501 Filed 5–30–74;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. on June 4, 1974, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purposes of this meeting shall be to (1) review first draft of the Massachusetts SAC report on public employment in the State and (2) plan followup activities to the report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74–12504 Filed 5–30–74;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a planning meeting of the Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. on June 4, 1974, in Room 1244, Six Penn Center, Philadelphia, Pennsylvania 19103.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purposes of this meeting shall be to (1) discuss efforts being made in the area of the education of the Puerto Rican in the Philadelphia area, and (2) initiate followup program in the area of housing of the Puerto Rican in the Philadelphia area.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74–12503 Filed 5–30–74;8:45 am]

VERMONT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on June 4, 1974, at the Woodstock Inn, Woodstock, Vermont 05091.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the reconstitution of the Vermont State Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74–12502 Filed 5–30–74;8:45 am]

WEST VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia State Advisory Committee (SAC) to this Commission will convene at 12 Noon on June 7, 1974, at the Daniel Boone Hotel, Washington and Capitol Streets, Charleston, West Virginia 25328.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to hear further testimony on conditions at the Alderson Reformatory.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74–12500 Filed 5–30–74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, June 5, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74–12674 Filed 5–30–74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, June 12, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74–12575 Filed 5–30–74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on February 6, 1974 (39 FR 4684).

Pursuant to the above notice the following commodity is added to Procurement List 1974.

COMMODITY

Class 7920	*Price*
Squeegee, floor cleaning, heavy duty (RF), 7920–224–8339, each	$1.75

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–12475 Filed 5–30–74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

Industrial class 7699
Typewriter Rental
26 Federal Plaza
New York, New York

Comments and views regarding this proposed addition may be filed with the Committee on or before July 1, 1974. Communications should be addressed to to the Executive Director, Committee for Purchase of Products and Services of the Blind and other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–12476 Filed 5–30–74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from May 13 through May 17, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements

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is forty-five (45) days from this FEDERAL REGISTER notice of availability (July 15, 1974).

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250 (202) 447-3965.

FOREST SERVICE

Draft

John Day Planning Unit, Nezperce N.F., Idaho County, Idaho, May 20: Proposed is the implementation of a multiple use plan for 6,745 acres of the John Day Unit, Slate Creek Ranger District Nezperces National Forest. The plan recommends road construction and timber harvest on four land units totalling 2785 acres. Adverse impacts include the loss of present roadless qualities, increases in soil disturbance, and a possible lowering of water quality. Increased presence of man could alter wildlife movements (111 pages). (ELR Order No. 40832.)

Huckleberry Planning Unit, Mt. Hood N.F., Clackamas County, Oregon, May 25: The statement analyzes a proposed land use management plan for the 30,000 acre Huckleberry Planning Unit, Zigzag Ranger District, Mt. Hood National Forest. The unit contains 20,-800 acres of roadless areas. The unit would be divided into 4 management areas for such uses as timber and water production, recreation, grazing, and wildlife habitat; Unit D would be managed for backcountry and roadless recreation, and would remain in an essentially unchanged natural condition. There will be adverse impact to air, water, and soil qualities from timber harvest and road construction, and increased recreational use (91 pages). (ELR Order No. 40864.)

Final

Nezperc National Forest, Idaho, May 21: The statement refers to a proposed adjustment to the present Timber Harvest Pland and Road Program for Nezperce National Forest. The present plan provides for 100 million board feet of harvest annually. Under the adjustment roadless areas will be entered to sustain the annual allowable harvest. The statement indicates the basic new road system. Intensive roading of undeveloped areas, and its side effects, constitute the principal adverse impact of the plan. Roads will eliminate forever the present solitude and completely natural setting of the undeveloped area. (111 pages). Comments made by: DOI, DOC, State agencies, and concerned citizens. (ELR Order No. 48047.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 967-4335.

Final

Foreign Trade Subzone 9A, Hawaii, May 23: The statement refers to a proposed modification to the grant for Foreign Trade Subzone 9A issued to the State of Hawaii. The modification would permit the expansion of the refinery operated by the subzons user, Hawaii Independent Refinery Inc. The refinery would increase daily capacity from 29,500 barrels to 125,000 barrels; storage capacity would be increased by 3.3 million barrels (26.7 acres of land would be added to the subzone for this purpose); crude oil will be received through an existing offshore mooring. As a result of the modification, 214 pounds per hour of air pollutants would be released at Ewa, Oahu, and 120 gpm of process water would be released to a disposal well at Ewa. Comments made by: DOI, EPA, and State and local agencies. (ELR Order No. 40856.)

Honolulu Harbor, Foreign Trade Subzone 9A Annex, Hawaii, May 23: The statement refers to a request for a grant for a foreign trade zone annex to supplement the grant for Foreign Trade Subzone 9A issued to the State of Hawaii. The annex facility will permit the intended user Hawaiian Independent Refinery, Inc. to tranship products from its refinery at Barbers Point Oahu, to Honolulu, Oahu. Adverse impact of the action would include the emission of eleven pounds per hour of hydrocarbon vapors at Honolulu, and that of a potential source for oil spills into Honolulu Harbor. Comments made by: DOI, EPA, and State and local agencies. (ELR Order No. 40860.)

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

Watersupply, Berlin, Coos County, New Hampshire, May 24: Proposed are water system improvements for the city of Berlin, the town of Gorham, and the town of Milan. Included are a two-million gallon 1-day intake, water filtration and pumping plant, and connection to and expansion of the existing distribution system. The project will assist in the development of an adjacent industrial park. Comments made by: USDA, EPA, LAB, OEO, State, local agencies, and concerned citizens. (ELR Order No. 40865.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW, Washington, D.C. 20314 (202) 693-7168.

Draft

Humboldt Harbor Project, Alaska, May 20: Proposed is the construction of a transportation road, two armored rubble breakwaters, a rubblemound diversion dike, an entrance channel, a diversion channel, and a mooring basin. Spoil will be deposited in the ocean. There will be adverse impact to 68 acres of marine habitat, and other effects of construction (Anchorage District) (82 pages). (ELR Order No. 40824.)

Haines Small Boat Harbor, Alaska, May 22: The project involves the construction of a rubblemound breakwater and the dredging of an entrance channel. The project will expand the present moorage of the Haines Small Boat Harbor for resident and transient fishing vessels, pleasure craft, and commercial vessels. There will be adverse impact to marine biota from dredging operations (Anchorage District). (ELR Order No. 40849.)

South Haven Harbor, Mitigation of Shore Damage, Van Buren County, Michigan, May 20: The statement refers to the mitigation of shore erosion in the vicinity of South Haven Harbor. The plan considered most practical is the creation of "feeder beaches" to nourish the areas suffering shore damage with littoral materials supplied in part from the unpolluted dredging obtained during harbor maintenance operations. Adverse impacts are temporary turbidity of water at the operational sites, and temporary increases in noise and inconvenience caused by the construction and transportation operations associated with the feeder beach formation (Detroit District) (45 pages). (ELR Order No. 408-1.)

Draft

New Jersey Coastal Inlets and Beaches (2), New Jersey, May 20: The statement refers to the proposed construction of jetties, groins, bulkheads, and a breakwater, and the placement of beach and dune fill for the purposes of meeting beach erosion control, storm protection, and navigation needs of the inlets and beaches between Hereford Inlet and the Delaware Bay entrance of the Cape May Canal. Adverse impact will occur to marine biota. There will be malodorous gases from polluted beach fill, and increases in the pollution levels of the backbays due to increased use of motorboats (Philadelphia District) (63 pages). (ELR Order No. 40828.)

Final

Richard B. Russell Dam, Georgia and South Carolina, May 20: The statement refers to the construction and operation of a multipurpose dam and reservoir for the purpose of production of hydroelectric power, recreation, area redevelopment and flood control. Adverse impacts include the loss of 26,650 acres of bottomland as wildlife habitat, loss of 59,200 acres of timber resources, and the displacement of 60 families and a cemetery (Savannah District) (181 pages). Comments made by: USDA, DOI, EPA, and State agencies. (ELR Order No. 40823.)

Harbor of Refuge, Lexington, Sanilac County, Michigan, May 20: The statement refers to the proposed establishment of harbor facilities for small craft in southern Lake Huron. A breakwater protected anchorage area would be developed, with on site sport fishing facilities. Beach areas will be adversely affected (226 pages). Comments made by: EPA, DOC, DOI, FPC, HUD, and State agencies. (ELR Order No. 40822.)

DELAWARE RIVER BASIN COMMISSION

Final

Gilbert Generating Station, New Jersey, May 21: Proposed is the installation and operation of Unit 8, a 130 MW capacity steam turbo-generator, at Jersey Central Power and Light Co.'s Gilbert Station. The generator will utilize the waste heat from 4 existing combustion turbines, in "combined cycle generation", with #2 fuel oil being burned at 36 gpm for supplemental heat. Also planned is construction of four heat recovery steam generators, a condensor, a wet-mechanical draft cooling tower, a waste water treatment facility, and auxiliary equipment. Impact will include increased fogging, noise levels, and water consumption (114 pages). Comments made by: DOI, EPA, FPC, HUD, state agencies and concerned citizens. (ELR Order No. 40841.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460 (202) 755-0940.

Draft

Netarts-Oceanside Sanitary District, Tillamook County, Oregon, May 23: Proposed is a wastewater treatment system consisting of 3 lift stations; 14,300 feet of 8 inch force main; 2,130 feet of 12 inch and 2,700 feet of 15 inch interceptor sewer; and 43,700 feet of collection pipe. The secondary level treatment plant will have a capacity of 2,400 persons, and will discharge through a 10 inch outfall to Netarts Bay. There will be construction disruption, and project-induced growth (73 pages). (ELR Order No. 40861.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405 (202) 343-4161.

Draft

Disposal of Travis Air Base Defense Area, Solano County, California, May 21: Proposed is the disposal of the Nike 86 site of Travis Air Base. The site consists of 46.90 acres in fee and 59.91 acres in easements, 12 buildings, and appurtenant structures. Sections of the area would be conveyed to the Fairfield-Suisan Unified School District, and to the Travis School District for educational purposes; and to the County of Solano, for development of a prison facility and for sale as a communications site. There will be impact from construction of the prison facility, and from increased traffic (77 pages). (ELR Order No. 40836.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street, SW, Washington, D.C. 20410 (202) 755-5980.

Draft

Lake Alma Project, Alma, Bacon County, Georgia, May 21: The statement refers to a proposed Recreation Development Program project which involves the purchase of 2,540 acres of land, and the construction of a dam and 1,900 acre recreation lake. Land purchase is with HUD open-space and Model City funds. Construction of the dam and reservoir will result in the removal of 1800 acres of swamp land from agricultural, forest, and wildlife productivity. (ELR Order No. 40840.)

Urban Renewal, Greeneville, Tennessee, May 21: Proposed is HUD assistance in a conventional Urban Renewal project in Greeneville. The project will include the rehabilitation, clearing, and development of a 62.6 acre deteriorating area in the northern section of the city. Approximately 75 structure would be cleared, and 62 structures would be rehabilitated. Re-use of the area would be predominantly residential (64 percent), with the remainder being open space, commercial, institutional, industrial, and rights-of-way. (The project is part of a five-area General Neighborhood Renewal Plan.) (ELR Order No. 40835.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240 (202) 343-3891.

Final

Deepwater Ports, May 20: The statement refers to a bill which would amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to regulate construction and operation of deepwater port facilities. The legislation would allow regulation when the level of imports of petroleum or other bulk commodities warrants the existence of such facilities. The environmental risk is related to ship density in congested areas, as well as total tonnage of commodities. The effect of transporting increased petroleum imports via Very Large Cargo Carriers (VLOC's) through deepwater port facilities located on the OCS is examined (two volumes). Comments made by: STAT, USN, AEC, DOI, OCS, DOC, EPA, FPC, DOT, agencies of several States, and concerned citizens. (ELR Order No. 40821.)

BUREAU OF LAND MANAGEMENT

Draft

Proposed National Resource Lands Management Act, May 22: The statement refers to a legislative proposal which is intended to provide basic policies and authorities for the management of national resource lands by the Secretary of the Interior through the BLM. These lands total 450 million acres (275 million acres in Alaska and 175 million acres in the eleven western states). The Act would provide for management of all resources, land disposal and acquisition, administrative authorities, and enforcement authority. Outdated and conflicting laws would be repealed or modified. The statement indicates that no new adverse environmental impact would be created by the action (169 pages). (ELR Order No. 40853.)

BUREAU OF RECLAMATION

Final

El Dorado Main No. 2—Pleasant Oak Main, El Dorado County, California, May 22: The statement refers to the proposed construction of two water distribution pipelines with laterals, and three regulating reservoirs, in order to provide irrigation and municipal and industrial water to southwestern El Dorado County. The El Dorado Main will be 13.2 miles in length; the Pleasant Oaks Main will be 14.3 miles in length in conjunction with six laterals totalling 12.0 miles. Water will be delivered to the new pipelines from Jenkinson Lake, the Central Valley Project. Construction activity will modify wildlife habitat. The additional water will mean increased population, and changes in vegetation and wildlife habitat. Comments made by: DOI, USDA, EPA, COE, DOT, HEW, and concerned citizens. (ELR Order No. 40848.)

NATIONAL PARK SERVICE

Draft

George Washington Birthplace National Monument, Virginia, May 21: Proposed is a request that Congress authorize the expansion of the George Washington Birthplace National Monument through the acquisition of 722 acres of private land and 390 acres of state owned land. The expansion is intended to ensure a park size of sufficient nature to buffer the monument from non-compatible outside development; the acquisition of estuarine wetlands will ensure their protection. Adverse impact will include the removal of 470 acres from agricultural production, and the displacement of a number of tenants (24 pages). (ELR Order No. 40837.)

Montezuma County, Colorado, ----------: The statement refers to the proposed legislative designation of three units of wilderness (totalling 8,100 acres) in the 52,074 acre Mesa Verda National Park. Not recommended for wilderness is the balance of roadless area lands (34,000 acres) which contain a high density of Pueblo archeological resources which have not yet been fully surveyed (2 volumes). Comments made by: USDA, DOI, DOC, EPA, and State agencies. (ELR Order No. 40852.)

Padre Island National Seashore, Kelberg, Kennedy, and Willacy Counties, Texas, May 23: Proposed is a conceptual Master Plan for the Padre Island National Seashore. The major impact of the action will be from increased visitation, and movement of vegetated sand dunes. Comments made by: USDA, DOC, DOD, DOT, DOI, EPA, local agencies, and concerned citizens. (ELR Order No. 40856.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Gladwin Airport, Gladwin County, Michigan, May 20: The statement refers to the development of the Gladwin Airport. Project measures include land acquisition, construction of an E/W runway and taxiways, relocation of existing runway and identifier lights, and the installation of fencing. Adverse impacts include the loss of farmland and wildlife habitat, and increases in air and noise pollution levels (41 pages). (ELR Order No. 40826.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

State Highway 199, Del Norte County, California, May 23: The statement presents the California Department of Transportation's proposed actions for improvement to the total 36.4 mile length of State Route 199 in Del Norte County. Adverse impacts are increased water pollution, and temporary negative visual impact. (ELR Order No. 40858.)

I 70, Summit and Clear Creek Counties, Colorado, May 22: The statement refers to the preliminary engineering and construction of 5 miles of highway, including the Second Bore of the Eisenhower Tunnel and approaches. There is a possibility of increased air and noise pollution (140 pages). (ELR Order No. 40851.)

Penn Central Underpass on SR 14, Pulaski County, Indiana, May 20: The statement refers to the replacement of an existing underpass of the Penn Central Railroad on State Road 14 in the town of Winamac. Adverse impact will include the displacement of 12 families and the taking of additional right-of-way (46 pages). (ELR Order No. 40834.)

US 67, Scott County, Iowa, May 23: The statement refers to the reconstruction of US 67 from Riverdale to I-80. The 5.4 mile project will require the acquisition of 21 acres of additional right-of-way. (ELR Order No. 40857.)

FAS Route 1472, Coffey County, Kansas, May 21: Proposed is the reconstruction of 0.321 mile of highway, a bridge, and a channel change. A maximum of 7.2 acres of land will be disturbed by the project. (14 pages). (ELR Order No. 40838.)

Far West and South Bypasses, Canadian, Oklahoma, and Cleveland Counties, Oklahoma, May 23: The statement refers to the development of the Far West and South Bypasses from I-40 in Canadian County southeasterly and easterly 20.8 to proposed Sooner Freeway in Cleveland County. Adverse impacts are the use of 800 acres of native pasture land, and the displacement of 15 families and 2 businesses. (ELR Order No. 40862.)

Interstate 35, Oklahoma County, Oklahoma, May 23: The statement refers to the proposed improvement and reconstruction of Interstate 35 from I-440 in Oklahoma City north to U.S. 66 in Edmond, a distance of 8.8 miles. Adverse impacts are the loss of 280 acres of agricultural land and the displacement of 26 families and 16 businesses. (34 pages). (ELR Order No. 40863.)

Interstate 5, Divide-Anlauf Section, Douglas and Lane Counties, Oregon, May 21: The project is to upgrade a 7 mile section of Interstate 5; the interchanges at Anlauf and Divide will be reconstructed, and a new system of frontage roads will be constructed. Adverse impact will include the loss of some wildlife habitat as right-of-way, and the displacement of a number of families (40 pages). (ELR Order No. 40839.)

State Highway, I-80 to I-81, Northumberland, Montour, and Schuylkill Counties, Pennsylvania, May 22: The statement refers to the proposed development of a 4 lane limited access highway from I 80 in Northumberland County to I 81 in Schuylkill County. Adverse impact, such as the amount of right-of-way and the number of displacements, varies with each of the alternatives. (ELR Order No. 40850.)

US 14A, Big Horn County, Wyoming, May 20: The statement refers to the proposed improvement of a portion of US 14A, from a point 22 miles east of Lowell easterly for approximately 5.5 miles. There will be slight increases in air and noise pollution levels (70 pages). (ELR Order No. 40833.)

Final

I-10-1(35), Mobile and Baldwin Counties, Alabama, May 24: The proposed project is the construction of 8 miles of projects I-10-1(35) and F-346(9). The projects include a bridge which will traverse the Mobile Bay Delta. A section 4(f) statement has been filed for land acquisition from the Meaher State Park. Comments made by: DOC, USDA, HUD, HEW, DOT, and State agencies. (ELR Order No. 40868.)

Cameron Pass, Larimer and Jackson Counties, Colorado, May 24: The statement refers to the proposed design and construction of 11.2 miles of State Highway 14 over Cameron Pass. Construction of the project will affect

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traffic flow, recreation facilities and activities, economics of the area, and the ecology of the surrounding environment. Comments made by: DOI, EPA, USDA, State agencies, and concerned citizens. (ELR Order No. 40666.)

US 98, Polk County, Florida: The statement considers the reconstruction of 2.5 miles of highway from 2 to 4 lanes, between US 92 and I 4, in the City of Lakeland. An unspecified amount of land, some of it swamp will be taken for right-of-way. A 4(f) statement will be filed as public land would be affected (106 pages). Comments made by: EPA, DOI, HEW, HUD, and State agencies. (ELR Order No. 40842.)

County Highway 6, Anoka County, Minnesota, May 21: The proposed project involves the reconstruction of Mississippi St. (County Highway 6), for a length of 0.38 mile. The project will displace 5 families; some timber will be lost; air and noise pollution levels will increase (68 pages). Comments made by: DOI, USDA, COE, EPA, and State and local agencies. (ELR Order No. 40845.)

Abbot Drive, Omaha, Douglas County, Nebraska, May 24: The statement refers to the proposed reconstruction of a two mile segment of Abbott Drive from Avenue "G" to the Brown Street-19th Street East intersection. The improvement consist of converting the existing two-lane facility to four lanes with a 16 foot raised median and left turn lanes. Section 4(f) land from the Chip Bowley Field will be encroached upon. Comments made by: COE, DOI, DOT, EPA, and USDA. (ELR Order No. 40867.)

U.S. 4, 202, and N.H. 9, Merrimack County, New Hampshire, May 21: The proposed project is the relocation and construction of U.S. Routes 4, 202 and New Hampshire Route 9 for 3.3 miles. The facility will be on new alignment and will consist of 2 lanes of an ultimate 4 lane road. Approximately 170 acres of land will be acquired for right-of-way. Four families and one business will be displaced. Increases in siltation will occur during the construction of a bridge over the Merrimack River. Approximately 1.5 acres of Fort Eddy Pond and 3.0 acres of Sugar Pond will be filled. Increases in noise and air pollution will occur (187 pages). Comments made by: EPA, USDA, HEW, HUD, DOI, USCG, FPC, and State and local agencies. (ELR Order No. 40644.)

FAS 6126 (Long Hollow Pike), Davidson and Sumner Counties, Tennessee, May 23: Proposed is the construction of a 0.96 mile section of a four-lane undivided urban highway, and the addition of an interchange with Interstate Route 65. Adverse effects of the action are the displacement of three residences and two businesses, the loss of some natural resources, and increase noise and air pollution (104 pages). Comments made by: HUD, DOI, USDA, DOT, TVA, COE, HEW, EPA, and State and local agencies. (ELR Order No. 40854.)

US 50 and 6, Blue Cat to Cat Canyon, Carbon County, Utah, May 23: Proposed is the construction of 15 miles of US 15 and US 6 in Carbon County. The project will extend from Blue Cat to Cat Canyon. Over 200 acres of agricultural land will be required for right-of-way (two volumes). Comments made by: USDA, DOC, EPA, DOI, and State and local agencies. (ELR Order No. 40855.)

Interstate 470 and W.V. 2, Wheeling, Ohio County, West Virginia, May 20: The statement refers to the proposed construction of 2 miles of WVA 2 in Wheeling. The four lane highway will complete the linking of I 70 with WVA 2 south, in a bypass of busy Wheeling streets. There will also be construction of one mile of I 470 and a bridge over the Ohio River. Adverse impact will include increases in air and noise pollution, the displacement of 555 families and 40 businesses, and infringement upon Hubbard Playground, requiring a 4(f) statement. Comments made by: FPC, COE, USDA, HEW, DOI, EPA, HUD, and State and local agencies. (ELR Order No. 40829.)

French Island Rest Area, 31, LaCrosse County, Wisconsin, May 21: The statement refers to the proposed construction of a combined rest area and tourist information center on Interstate Highway 90 near the Wisconsin-Minnesota State line. Construction of the facility will require the acquisition of 9.9 acres of private land, cutting of trees and a rise in noise and air pollution (55 pages). Comments made by: DOI, DOT, EPA, USCG, COE, State and local agencies, and concerned citizens. (ELR Order No. 40846.)

The following environmental impact statements were received by the Council on Environmental Quality during the week May 13 through May 17, 1974, but were inadvertently omitted from the Council's FEDERAL REGISTER listing. The commenting period for these statements will begin with that listing, or May 28, 1974.

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW, Washington, D.C. 20314 (202) 693-7168.

Draft

Canyons 1 and 2, Wenatchee, Chelan County, Washington, May 13: Proposed is the construction of 5.1 miles of high velocity covered channel from Canyons 1 and 2 through Wenatchee, in order to provide flood protection from a 200-year flow. There would be debris basins at the mouth of each canyon; outflows would be to the Columbia River. There will be construction disruption, and possible negative impacts on fisheries resources at the outlet points (Seattle District) (70 pages). (ELR Order No. 40780.)

Final

Ninilchik Small Boat Harbor, Alaska, May 17: The proposed action involves annual maintenance operations for the harbor, including dredging to authorized dimensions and repair of beach erosion protection measures. There will be resulting adverse impacts to marine biota. Comments made by: DOI, DOC, EPA, USCG, and State agencies. (ELR Order No. 40827.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460 (202) 755-0940.

Draft

Wastewater Treatment, Southwest Denver, Colorado, May 13: The statement refers to four separate applications for Federal funds for wastewater treatment facilities in the southwest Denver metropolitan area. Included are: a 20 MGD sewage treatment plant as the initial phase of an ultimate 60 MGD plant; an interceptor between Cherry Hills Village and Greenwood Village; a major interceptor along the South Platte River; and a major interceptor in the vicinity of Columbine Valley. There will be adverse impact from construction disruption, and project-induced urbanization. (ELR Order No. 40776.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-12489 Filed 5-30-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

3M CO.

Notice of Establishment of Temporary Tolerance

The 3M Co., Post Office Box 33221, St. Paul, Minnesota 55133, submitted a petition (PP 4G1423) requesting establishment of a temporary tolerance for negligible residues of the herbicide 1,1,1-trifluoro-*N*-[2 - methyl-4-(phenylsulfonyl) phenyl]methanesulfonamide in or on the raw agricultural commodity cottonseed at 0.01 part per million.

It has been determined that the temporary tolerance for negligible residues of the herbicide in or on cottonseed at 0.01 part per million will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permits being issued concurrently and which provide for distribution under the 3M Co. name.

This temporary tolerance expires May 21, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 406(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: May 21, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-12470 Filed 5-30-74;8:45 am]

INTERREGIONAL RESEARCH PROJECT NO. 4

Notice of Establishment of Temporary Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of New Jersey and Delaware submitted a petition (PP 4G1468) requesting establishment of a temporary tolerance for residues of the insecticide phosalone (*S*-[6-chloro-3-(mercaptomethyl)-2-benzoxazolinone] *O,O*-diethyl phosphorodithioate) in or on carrots at 1 part per million.

It has been determined that such a temporary tolerance will protect the public health. It is therefore established on condition that the insecticide be used in accordance with the temporary permit being issued concurrently to Rhodia Inc., Chipman Division, and which provides for distribution under the Rhodia Inc. name.

This temporary tolerance expires May 22, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator for Pesticide Programs (36 FR 9038).

Dated: May 22, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-12469 Filed 5-30-74;8:45 am]

[OPP-32000/63]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before July 30, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received July 30, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 0630-G. A-G Corporation, 16828 Miles Ave., Cleveland, Ohio 44128. *Sani-Septic Sanitizer.* Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.80%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5590-RLG. Aerosol Techniques, Inc., Old Gate Lane, Milford, Connecticut 06460. *Foam 409—A Parasiticide.* Active Ingredients: Pyrethrins 0.165%; Piperonyl Butoxide Technical 2.000%; Petroleum Distillate 5.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5590-RLR. Aerosol Techniques, Inc., Old Gate Lane, Milford, Connecticut 06460. *Indoor Fogger Insecticide Spray Code No. 223-38B.* Active Ingredients: Pyrethrins 0.500%; Piperonyl butoxide, technical 1.000%; N-octyl bicycloheptene dicarboximide 1.670%; Petroleum distillate 11.830%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 264-EON. Amchem Products, Inc., Brookside Avenue, Ambler, Pennsylvania 19002. *Amchem Florel Tomato Spray.* Active Ingredients: Ethephon [(2-chloroethyl) phosphonic acid] 0.2%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 11364-E. Angus Chemical Corporation, 2857 Chapman Street, Oakland, California 94601. *Angus No. 2 Insecticide.* Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 0.5%; Petroleum Distillate 99.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11364-R. Angus Chemical Corporation, 2857 Chapman Street, Oakland, California 94601. *Angus Residual Insecticide.* Active Ingredients: O,O-Diethyl O - (2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 99.187%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10088-GO. Athea Laboratories, Inc., 4180 North First Street, Milwaukee, Wisconsin 53212. *Tower Algaecide 20.* Active Ingredients: Poly[oxyethylene (dimethyliminio)ethylene (dimethyliminio)-ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10088-UN. Athea Laboratories, Inc., 4180 North First Street, Milwaukee, Wisconsin 53212. *Tower Algaecide—10.* Active Ingredients: Poly[oxyethylene (dimethyliminio)ethylene - (dimethyliminio)-ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11825-I. Central Soya Co., 1300 Ft. Wayne Bank Bldg., Ft. Wayne, Indiana 46802. *Master Mix RAVAP; An Emulsifiable Insecticide.* Active Ingredients: 2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 23.0%; 2,2-dichlorovinyl dimethyl phosphate 5.3%; Related Compounds 0.4%; Xylene 48.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 359-696. Chipman Division of Rhodia Inc., 120 Jersey Avenue, P.O. Box 2000, New Brunswick, New Jersey 08903. *Zolone WP.* Active Ingredients: Phosalone [O,O-diethyl S-[(6-chloro-2-oxobenzoxazolin-3-yl) methyl] phosphorodithioate] 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100-LUE. Agricultural Division, Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *Ciba-Geigy Technical Prometryn-4 Herbicide.* Active Ingredients: Prometryn: 2,4-bis(isopropylamino)-6-(methylthio)-s-triazine 97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7611-RG. The O. A. Cooper Company, Humboldt, Nebraska 68376. *Cooper Bar—Fly Self-Rationing Supplement PS 14 Medicated.* Active Ingredients: Phenothiazine 0.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8550-GU. Del Chemical Corporation, P.O. Box 280, Menomonee Falls, Wisconsin 53051. *Del 50-Caliber-For use in fogging equipment.* Active Ingredients: Mal thion (O,O-diethyl dithiophosphate of diethyl mercaptosuccinate) 50.-35%; Heavy Aromatic Solvents 47.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 464-343. The Dow Chemical Company, 2030 Abbott Road Center, Midland, Michigan 48640. *Dow Dursban 2E Insecticide.* Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl)-phosphorothioate] 22.4%; Aromatic petroleum derivative solvent 42.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5736-UU. Dubois Research Labs., Dubois Chemicals Div. of Chemed Corp., 3630 E. Kemper Road, Sharonville, Ohio 45241. *HFC-5B.* Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3770-108. Economy Products Company, P.O. Box 47, Shenandoah, Iowa 51601. *Sevin 5% Dust Insecticide.* Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7774-G. Erny Supply Co., 5406 North 59th St., Tampa, Florida 33610. *Pyremul-99 Emulsifiable Pyrethrins.* Active Ingredients: Pyrethrins 0.10%; Piperonyl Butoxide 0.20%; N-Octyl Bicycloheptene Dicarboximide 0.334%; Petroleum Distillate 0.48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25581-G. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco, California 94124. *Formula 4073 Disinfectant Toilet Bowl Cleaner.* Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11067-RE. Hacienda Enterprises, 565 Charles Street, San Jose, California 95112. *Hacienda Liquid Sevin.* Active Ingredients: Carbaryl (1-naphthyl-methylcarbamate) 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5802-RGO. Hub States Corp., 2000 North Illinois Street, Indianapolis, Indiana 46202. *Dieldrin EMS Concentrate.* Active Ingredients: Dieldrin 18.60%; Aromatic Petroleum Derivative Solvent 73.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5802-RUN. Hub States Corp., 2000 North Illinois Street, Indianapolis, Indiana 46202. *Aldrin EMS.* Active Ingredients: Aldrin 43.2%; Xylene 46.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34279-E. Kalo Laboratories, Inc., 10286 Bunker Ridge Road, Kansas City, Missouri 64137. *Sterin Liquid Insecticide, Fungicide, Miticide Spray.* Active Ingredients: Pyrethrin 0.20%; Rotenone 0.25%; 2-2'-Methylenebis (3,4,6-Trichlorophenol) 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 3837–GT. Luber Company, 1708 Campbell, Kansas City, Missouri 64108. *Water Tower Treatment Concentrate.* Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6658–EO. Midco Products Co., 11697 Fairgrove Industrial Building, Maryland Heights, Missouri 63042. *Flying Insect Killer-Cherry Fragrance.* Active Ingredients: Methoxychlor, technical 3.000%; Pyrethrins 0.100%; Technical Piperonyl Butoxide 0.500%; Isobornyl Thicyanoacetate 1.640%; Other related Terpenes 0.360%; Petroleum Distillate 39.400%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855–EA. Mobil Chemical Company, Maintenance& Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Mobil Marine Coating-Shipbottom Paint Anti-Fouling.* Active Ingredients: Cuprous Oxide 25.0%; Metallic Coppe- 2.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855–EI. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Mobil Marine Coating-Vinyl Anti-Fouling Paint.* Active Ingredients: Cuprous Oxide 60.0%; Metallic Copper 1.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855–EO. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Mobil Marine Coating-Shipbottom Paint Anti-Fouling.* Active Ingredients: Cuprous Oxide 34.5%; Metallic Copper 4.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855–ET. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Mobil Marine Coating-Vinyl Anti-Fouling Paint.* Active Ingredients: Cuprous Oxide 67.3%; Metallic Copper 1.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5316–17. Namco, Subsidiary of Allied Equities Corp., 765 Landess Avenue, P.O. Box 319, Milpitas, California 95035. *Namco Chloropicrin.* Active Ingredients: Chloropicrin 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6830–IU. Octagon Process Inc., 596 River Road, Edgewater, New Jersey 07020. *Inspect Repellent, Clothing application (Formula M–1960).* Active Ingredients: 2-Butyl-2-Ethyl-1, 3-Propanediol 30.0%; Benzyl Benzoate 30.0%; N-Butyl Acetanilide 30.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4389–AA. Pacific Chemical, 500 7th Avenue, South, Kirkland, Washington 98033. *Master CA N–74 Cleaner & Sanitizer.* Active Ingredients: Sodium Metasilicate 50%; Sodium Dichloro-s-triazinetrione 1.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4389–AL. Pacific Chemical, 500 7th Avenue, South, Kirkland, Washington 98033. *Pace Chlor N–82 Cleaner & Sanitizer.* Active Ingredients: Chlorinated Trisodium Phosphate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 70–ROU. Rigo Company, 1200 Ft. Wayne Bank Bldg., Ft. Wayne, Indiana 46802. *Kill-Ko Sugar Fly Bait-Y.* Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.46%; Related Compounds 0.04%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 572–EIA. Rockland Chemical Co., Inc., P.O. Box 204, Caldwell, New Jersey 07006. *Rockland Professional Dursban 2–E.* Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 22.4%; Aromatic petroleum derivative solvent 42.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509–RRG. Safe-Way Farm Products Co., P.O. Box 6309, Austin, Texas 78762. *Safe-Way Brand Q–25 Odorless Disinfectant.* Active Ingredients: Alkyl (C9–C15) tolyi methyl trimethyl ammonium chlorides 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509–RRU. Safe-Way Farm Products Co., P.O. Box 6309, Austin, Texas 78762. *Safe-Way Warfarin Rat And Mouse Killer.* Active Ingredients: Warfarin [3-(a-acetonylbenzyl)-4-hydroxycoumarin] 00.5%. Method of Support: Application proceeds under 2(c) of Interim policy.

EPA File Symbol 10900–UL. Sprayon Products, Inc., 26300 Fargo Avenue, Bedford Heights, Ohio 44146. *Water Base Insecticide Spray.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9897–I. Star Chemical Co., 2530 N.W. 77th Street, Miami, Florida 33147. *SF–109.* Active Ingredients: Poly [oxyethylene(dimethyliminio) ethylene[dimethyliminio) -ethylene dichloride] 12.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4887–RTR. Stephenson Chemical Co., Inc., P.O. Box 87188, College Park, Georgia 30337. *Stephenson Chemicals Unicron II Fogging Solution.* Active Ingredients: Pyrethrins 3.00%; Piperonyl Butoxide 5.00%; Petroleum Distillates 92.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1700–158. Winru Chemical & Sales Company, 923 State Line, Kansas City, Missouri 64101. *Winru Special Residual Concentrate No. 2.* Active Ingredients: Malathion (Cythion) 20.00%; Pyrethrins 0.50%; Technical piperonyl butoxide 1.25%; Aromatic petroleum hydrocarbons 67.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–GL. Woodbury Chemical Company of Homestead, P.O. Box 4819, Princeton, Florida 33030. *Parathion-Toxaphene-Sulfur 2–5–70 Dust.* Active Ingredients: Parathion O, O-diethyl O-p-nitrophenyl thiophosphate) 2.0%; Toxaphene (Technical Chlorinated Camphene) 5.0%; Sulfur 70.0%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of May 13, 1974 (39 FR 17123).

EPA File Symbol 8866–EN. Arco Chemical Corporation, 4871 North 119th Street, Milwaukee, Wisconsin 53225. *Chlorine Concentrated Tablets for Swimming Pool Disinfection.* Active Ingredeints: Trichloro-s-triazinetrione 99.5%. Correction: Originally published as trichloros-triazinetrione 99.5%.

EPA File Symbol 279–EOTL. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Captan Terraclor 10–10 Soil Treater.* Active Ingredients: Captan N-Trichloromethylthio - 4 - cyclohexene - 1,2 - dicarboximide 10.000%. . . . Correction: Originally published as Captan N-Trichloromethylthio - 4 - Cyclohexenel,2 - dicarboximide 10.000%.

Dated: May 20, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–12471 Filed 5–30–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE PANEL 4

Notice of Meeting and Agenda

MAY 22, 1974.

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the CTAC Panel 4 Committee on June 12, 1974, to be held at the Essex Inn, Essex Court Room, Second Floor, 800 South Michigan Avenue, Chicago, Illinois. The time of the meeting is 1:00 p.m.

The agenda is as follows:

(1) Report by Myron Bingham on Division of Responsibility Between Panel 4 and Panel 6 Regarding Recommendations for Modulator Specifications.

(2) Report by Myron Bingham on the Idealized Modulator Characteristics.

(3) Chairman's progress report.

(4) Definition of Unresolved Tasks and Description of Assignments and Reporting Deadlines to Panel Members.

(5) New business.

Any member of the public may attend or may file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. Cort Wilson, FCC, 1919 M Street, NW. Washington, D.C. 20554–(202) 632–9797.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–12534 Filed 5–30–74;8:45 am]

[FCC 74–502]

COLUMBIA MONTOUR BROADCASTING CO., INC.

Declaratory Ruling

1. The Commission has before it a request filed on behalf of Columbia Montour Broadcasting Co., Inc. (Columbia) Bloomsburg, Pennsylvania, licensee of standard broadcast station WCNR, Bloomsburg, Pennsylvania, for an interpretative ruling or advisory opinion as to whether a noncommercial broadcast service, namely station WPGM–FM, Danville, Pennsylvania, which operates on a commercial frequency, may be considered to be so similar to a noncommercial educational broadcast service that it may be excluded from a determination of the number of aural services provided to a community pursuant to § 73.37(e) (3) (iii) of the rules, or, in the alternative, whether the Commission would waive that section of the rules if station WCNR were to apply for nighttime facilities. Pursuant to § 1.2 of our rules, we shall consider this request as a motion for a declatory ruling.

2. On February 21, 1973, in our Report and Order in Docket No. 18651 concerning the amendment of part 73 of the Commission's rules regarding AM station assignment standards and the relationship between the AM and FM broadcast services (39 FCC 2d 645 (1973)), the Commission revised § 73.37 of its rules. Of particular relevance to Columbia's request is the fact that § 73.37 of the rules was revised to provide that any standard broadcast application for a new unlimited-time station, or for a change in the frequency of an authorized unlimited-time station, or for nighttime facilities for an authorized daytime station, must make a satisfactory showing pursuant to § 73.37(e) (2) that it has met the requirements of paragraph (e) (2) (i) and either paragraph (e) (2) (ii) or (e) (2) (iii) of that section. Columbia chooses to attempt to comply with paragraphs (e) (2) (i) and (e) (2) (iii) of § 73.37(e) (2). Columbia believes that it can comply with paragraph (e) (2) (i) of that section, which states that an applicant must show that objectionable interference at night will not result to any authorized station, as determined pursuant to § 73.182(o) of the rules. Paragraph (e) (2) (iii) of § 73.37(e) (2) requires an applicant to show that no FM channel is available for use in the community designated in the application and that at least 20 percent of the area or population of the community receives less than two nighttime aural services. Further, note 7 to § 73.37 explains that, in the determination of the extent of existing aural service to a community, commonly owned AM/FM broadcast stations will be considered as a single aural service, and that service provided by noncommercial educational FM stations and standard broadcast stations shall not be included in the determination of existing aural service to a community. Although no FM channel is available for use in Bloomsburg, that community already receives nighttime aural service from stations WHLM (AM) and WHLM–FM, which we will consider as a single aural service pursuant to note 7 to § 73.37, and from station WPGM–FM, Danville, Pennsylvania. Columbia asserts that since station WPGM–FM is run by a non-profit corporation and broadcasts substantial amounts of religious programs and music, it should be considered to be a noncommercial educational station. Accordingly, Columbia requests a ruling that station WPGM–FM may be excluded from a determination of the number of aural services provided to Bloomsburg pursuant to § 73.37(e) (2) (iii) of the rules on the grounds that it is very similar to a noncommercial educational broadcast service, or in the alternative, that the Commission waive § 73.37(e) (2) (iii) of the rules.

3. In paragraph 57 of our Report and Order in Docket No. 18651, supra, we stated some of the reasons for not including service which is provided by noncommercial educational standard broadcast and FM stations in the determination of the adequacy of aural service to a community. We explained that our revisions of the acceptability criteria for AM applications contained in § 73.37 of the rules were directed to making two "competing" voices available to each community, so that two program services, as well as two independent viewpoints on matters of community concern, would be present. We also underscored the characteristics of noncommercial educational broadcast stations which distinguish them from broadcast stations operating on commercial channels. We asserted that over 60 percent of the FM educational stations in the United States are Class D 10-watt stations operated by educational institutions, both at the college and secondary school levels. Consequently, these stations provide specialised service for the benefit of their respective student bodies and frequently serve primarily as training facilities to teach students the art and science of broadcasting. Further, all educational stations are exempted from many of the operating requirements imposed upon commercial stations. Thus, educational stations have no minimum hours of operation, are not required to pay filing fees, are not required to provide any particular community with city grade signals, and are not presently required to ascertain community problems, or to provide programming to meet such ascertained problems. In addition, section 399 of the Communications Act of 1934, as amended, prohibits noncommercial educational broadcasting stations from engaging in editorializing or supporting or opposing any candidate for political office.

4. In addition to the foregoing differences between educational and commercial broadcast stations, it is important to note that the choice of entertainment formats lies primarily within the discretion of broadcast licensees, and the judgment exercised by a broadcast licensee regarding these matters will not be questioned unless it appears that the choice is not reasonably attuned to the tastes of the residents of the proposed community of license, or that an existing licensee proposes a change in format which would deprive the community of programming for which there is no comparable listening alternative. See, e.g., Citizens Committee v. FCC, 436 F. 2d 263, 20 RR 2d 2026 (D.C. Cir., 1970), Citizens Committee To Keep Progressive Rock v. FCC, 27 RR 2d 463 (D.C. Cir., 1973), and Citizens Committee To Save WEFM v. FCC, 28 RR 2d 1251 (D.C. Cir., 1973). Thus, although station WPGM–FM now has a format which includes substantial amounts of religious music and programs and operates on a nonprofit basis, the licensee could change that format at almost any time, absent significant dissent from local citizens. Moreover, the licensee of that station could arrange to sell the station to a strictly commercial operator since the station operates on a commercial frequency, or the existing licensee could choose to operate on a profitable commercial basis as other broadcasters whose format is religious have chosen to do. Since programming formats are so readily changeable, the Commission, when faced with requests for waiver of our technical standards, has consistently afforded the "* * * greatest weight * * * to the enduring allocation characteristics of a proposal rather than to the generally transitory programming to be carried." Mel-Lin, Inc., 22 FCC 2d 165 (1970).

5. In summary, given the different rights, duties and privileges that apply to broadcasters operating on commercial, as opposed to educational frequencies, we cannot consider station WPGM–FM to be an educational broadcast station merely because of its chosen format and because it operates on a nonprofit basis. The licensee of that station must meet all the federal regulatory requirements imposed on commercial broadcast licensees. It must, inter alia, ascertain community problems and present programming which attempts to be responsive to those problems, place a signal of a specific field intensity over the community of license, operate a minimum number of hours, and pay filing fees. As previously noted, an educational station is not required to do any of these things. In addition, station WPGM–FM may operate on a commercial basis, and, in all likelihood, change its format, at any time it chooses. Moreover, it is the only FM station licensed to Danville, Pennsylvania, and thus the only FM station in that community which is permitted to editorialize and to openly support or oppose political candidates. Thus, the current regulatory system contemplates station WPGM–FM as a "competing voice" within its service area, not as an educational broadcast station, which the regulatory system contemplates as an "extra voice." In light of the foregoing discussion, we can find no persuasive reasons to exclude station WPGM–FM from a determination of the number of aural services provided to Bloomsburg, nor can we perceive any reason for waiving § 73.37(e) (2) (iii) of the rules.

Adopted: May 14, 1974.

Released: May 23, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–12537 Filed 5–30–74;8:45 am]

[1] By the Commission: Commissioner Hooks concurring in the result. Commissioner Quello not participating.

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COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 28, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusively rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21419–C2–P–(3)–74, Metro Fone Comms., Inc. (KRS655). C.P. for additional facilities to operate on freq. 152.180, 454.100, 454.150 MHz to be located at a new site described as location #2: IDS Center, 80 South Eighth Street, Minneapolis, Minnesota.

21420–C2–P–74, Tovey Services, Inc. (KCC-482). C.P. to change antenna system and to replace transmitter on freq. 35.22 MHz located at Piausawa Hill, Pembroke, New Hampshire.

21421–C2–P–74, Red River Rural Tel. Assoc. (New). C.P. for a new 2-way-station to operate on 152.60 MHz. to be located ½ Mile East of Colfax, North Dakota.

21422–C2–P–74, Peek's Telephone Service, Inc., d/b/a Mobile Dispatch Service (KOA-734). C.P. for additional facilities on 454-200 MHz located at 505 14th Avenue North, Seattle, Washington.

21423–C2–P–74, The Pacific Telephone and Telegraph Company (KMM653). C.P. to replace transmitter on freq. 152.51 MHz located 3.6 Miles NW. of Brockway, Brockway Summit, California.

21424–C2–TC–74, Office Service Bureau, Inc. (KRS690). Consent to Transfer of Control from Emil C. A. Muuss & Eleanor H. Muuss, Transferor, to Office Service Bureau, Inc., Transferee. Sheboygan, Wisconsin.

21425–C2–P–(2)–74, Messages By Radio, Inc. (KEA200). C.P. to add freq. 152.15 MHz and 152.06 MHz. at 14 Amackassin Terrace, Yonkers, New York.

21426–C2–P–74, Empire Mobilcomm Systems, Inc. (KOP329). C.P. to change antenna location for control freq. 454.10 MHz located at 206 North Coast Highway, Newport, Oreg.

21427–C2–P–74, The Pacific Telephone and Telegraph Company (KME432). C.P. to replace transmitter operating on 152.54 MHz and 152.60 MHz located at 217 North Lemon Street, Anaheim, California.

21428–C2–P–74, Nashville Mobilphone, Inc. (New). C.P. for a new one-way-station to operate on 43.22 MHz located at Reservoir Hill at end of 6th Street, Columbia, Tenn.

21429–C2–P–74, William G. Bowles, Jr., d/b/a Mid-Missouri Mobilfone (New). C.P. for a new one-way-station to operate on 158.700 MHz located at KGRC–FM Tower, old highway W, Hannibal, Missouri.

21430–C2–P–(2)–74, New York Telephone Company (KEA763). C.P. to relocate facilities operating on 459.375, 459.450, 459.525, 459.550, 459.625, & 459.650 MHz located at Loc. #3: 237 37th St., New York, N.Y., to Loc. #2: 811 Tenth Ave., New York, N.Y.; & relocate facilities operating on 152.51, 152.57, 152.63, 152.69, 152.72 at Loc. #1: 32 Avenue of the Americas, New York, New York, to Loc. #2: 811 Tenth Avenue, New York, New York.

21209–C2–ML–74, Sidney C. & Shirley Childers, d/b/a Communication Equipment & Service Company (KQZ768). Mod. License to change frequency from 158.76 MHz to 152.24 MHz at 1010 College Road, Fairbanks, Alaska.

Informative. It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

Victor E. Duane, Cincinnati, Ohio (KQD599) 7097–C2–P–(4)–72.

E & J Mobile Radio Service, Waynesville, Ohio (NEW) 8826–C2–P–72.

. . . . . .

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

Victor E. Duane, Cincinnati, Ohio (KQD599) 7097–C2–P–(4)–72.

Instant Communications, Inc., Dayton, Ohio (KQC576) 8740–C2–P–(4)–72.

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Correction. The following application was timely filed but inadvertently left off a previous Public Notice:

Licensee:	*Call sign*
COLORADO	
Communications, Inc.	KAA260

RURAL RADIO SERVICE

60308–C6–P–74, South Central Bell Telephone Company (New). C.P. for a new Rural Subscriber—Fixed station to operate on 459.65 MHz located approximately 12.1 Miles SE. of Pilottown, Port Eads, Louisiana.

POINT TO POINT MICROWAVE RADIO SERVICE

4220–C1–P–74, United Inter-Mountain Telephone Company (KJB45). Corner North Roan and Commerce Streets, Johnson City, Tennessee. Lat. 36°19'07" N., Long. 82°21' 10" W. C.P. to change frequency 4190.0 MHz to 3790.0 MHz toward Camp Creek Bald, Tennessee, and increase power on frequency 4110.0 MHz toward Camp Creek Bald, Tennessee, on azimuth 225°04'.

4221–C1–MP–74, South Central Bell Telephone Company (KLR46). 125 North Edison Street, Greenville, Mississippi. Lat. 33° 24'26" N., Long. 91°03'06" W. Mod. of C.P. to change power on frequencies 6241.7H MHz and 6360.3H MHz toward Tribbett, Mississippi, on azimuth 101°55'.

4222–C1–MP–74, Same (KLE47), 1.5 Miles ENE. of Tribbett, Mississippi. Lat. 33°21' 32" N., Long. 90°46'49" W. Mod. of C.P. to to change power on frequencies 5060.0H MHz and 6078.0H MHz toward Greenville, Mississippi, on azimuth 282°04'.

4208–C1–ML–74, American Telephone & Telegraph Company (KJM62), 4.9 Miles NW of Troy, North Carolina. Lat. 35°24'32" N., Long. 79°57'16" W. Mod. of License to change polarization on frequencies 3710H, 3730V, 3810V, 3890V, 4030H, 4050V, 4110H, and 4130V MHz toward Coleridge, North Carolina, on azimuth 54°46'.

4223–C1–ML–74, Same (KJM63), 4.8 Miles SW of Coleridge, North Carolina. Lat. 35° 34'41" N., Long. 79°39'40" W. Mod. of License to change polarization on frequencies 3750H, 3770V, 3850V, 3930V, 4010V, 4070H, 4090V, 4150H, and 4170V MHz toward Troy, North Carolina, on azimuth 234°56'.

4224–C1–ML–74, Same (KIN49), 1.2 miles NW of Mt. Vernon, Alabama. Lat. 31°05'36" N., Long. 88°01'51" W. Mod. of License to change polarization on frequencies 3750V, 3830V, 3890H, 3910V, 3990V, 4070V, 4130H, & 4150V MHz toward Citronelle, Alabama, on azimuth 277°25'.

4225–C1–ML–74, Same (KJW70), 11.5 miles NW of Citronelle, Alabama. Lat. 31°08'11" N., Long. 88°25'15" W. Mod. of License to change polarization on frequencies 3710V, 3790V, 3870V, 3930H, 3950V, 4030V, 4110V, & 4170 MHz toward Mt. Vernon, Alabama, on azimuth 97°13'.

4226–C1–R–74, Southern Bell Telephone & Telegraph Company (KJA75). Within the operating territory of the grantee. Application for Renewal of License for Term: June 14, 1974 to June 14, 1975.

4227–C1–R–74, The Mountain States Telephone and Telegraph Company (KAQ85). Within the territory of the grantee. Application for Renewal of License for Term: June 12, 1974 to June 12, 1975.

4228–C1–P–74, Western Tele-Communications, Inc. (KPT21), Nelson Peak, 18.0 Miles SW of Salt Lake City, Utah. Lat. 40°36'28" N., Long. 112°09'27" W. C.P. (a) to relocate station to foregoing coordinates; and (b) to change azimuths to 63°11'; 56°51'; 349°15' and 15°37', toward Salt Lake City (CATV), Utah; Salt Lake City (KUED–TV), Utah; Curlew Valley, Idaho; and Ogden, Utah, respectively.

4229–C1–P–74, Western Tele-Communications, Inc. (KPT22), Curlew Valley, 17.5 Miles WNW of Malad City, Idaho. Lat. 42°16'32" N., Long. 112°34'30" W. C.P. to change azimuth 109°08' toward Nelson Peak (KPT21), Utah.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

4230–C1–P–74, Same (KOC42), New Promontory, 20.0 Miles West of Tremonton, Utah. Lat. 41°45'10" N., Long. 112°36'33" W. C.P. to change azimuth 165°21' toward Nelson Peak (KPT21), Utah.

4231–C1–P–74, Same (KSQ82), KUTV Studio, 1251 Wilmington Avenue, Salt Lake City, Utah. Lat. 40°46'06" N., Long. 111°53'06" W. C.P. (a) to change antenna system; and (b) to change azimuth to 232°21' toward Nelson Peak (KPT21), Utah.

4232–C1–P–74, Same (KOC40), Ogden (KWCS–TV), Weber State College Bldg., Utah. Lat. 41°11'40" N., Long. 111°56'25" W. C.P. to change azimuth 195°46' toward Nelson Peak (KPT21), Utah.

4233–C1–P–74, Same (KOC37), KUED–TV Studio, University of Utah, Salt Lake City, Utah. Lat. 40°45'47" N., Long. 111°50'37" W. C.P. to change azimuth to 237°04' toward Nelson Peak (KPT21), Utah.

4234–C1–P–74, Eastern Microwave, Inc. (KEM56), Helderberg Mtn., 1.75 Miles NW of New Salem, New York. Lat. 42°38'12" N., Long 73°59'45" W. C.P. to add frequencies 6182.4H MHz and 6241.7H MHz toward new point of communication at Equinox Mtn., Vermont, on azimuth 50°17'.

4235–C1–P–74, Same (New), Equinox Mtn., Vermont. Lat. 43°09'56" N., Long. 73°07'14" W. C.P. for a new station (a) frequencies 5974.8V MHz and 6034.2V MHz toward Beech Hill (KCK71), New Hampshire, on azimuth 107°53'; (b) frequency 5974.8H MHz toward Gore Mtn. (KEM42), New York on azimuth 307°07' and (c) frequency 5974.8H MHz toward Bennington, Vermont, on azimuth 195°21.

4236–C1–P–74, Same (KCK71), Beech Hill, 7.0 Miles East of Marlboro, New Hampshire. Lat. 42°54'41" N., Long. 72°04'11" W. C.P. (a) to change frequency from 6037.5V MHz to 6212.0V MHz toward Mt. Belknap (KPP40), New Hampshire, on azimuth 30° 57'; and (b) to add same frequency (6212.0V MHz) toward new point of communication at Florida Mountain, Massachusetts, on azimuth 282°34'. (Note: Easter is requesting a waiver of Section 21.701 (1).)

4237–C1–P–74, Cablecom-General, Inc. (KL) 96), 7.0 Miles SW of Gruver, Texas. Lat. 36°11'45" N., Long. 101°29'40" W. C.P. to replace three (3) transmitters and to increase output power on path to existing site at Guymon, Oklahoma.

4238–C1–P–74, The Ohio Bell Telephone Company (KQN68), 2 Miles ESE of Navarre, Ohio. Lat. 40°42'57" N., Long. 81°29'07" W. C.P. to change power and frequency 11035 MHz to 11115V MHz toward Canton, Ohio, on azimuth 44°07'.

4239–C1–P–74, The Ohio Bell Telephone Company (KQO68), 401 Cleveland Avenue, Canton, Ohio. Lat. 40°48'04" N., Long. 81°-29'35" W. C.P. to change power and frequency 11485 MHz to 11565V MHz toward Navarre, Ohio, on azimuth 224°11'.

4240–C1–TC(128)–74, Consent to Transfer of Control from N-Triple-C Inc., Transferor, to MCI Communications Corporation, Transferee, for Stations WOH23, Minneapolis, Minnesota, et al. (Note: This Application is an interim step to the assignment of licenses proposed in File No. 3562–C1–AP/AL–(128)–74, (see Public Notice of April 1, 1974.) An additional 30 day notice period is not considered applicable to this application.)

4241–C1–P–74, Puerto Rico Communications Authority, 6.5 miles SW of Caguas, Puerto Rico. Lat. 18°09'16" N., Long. 66°04'51" W. C.P. to add frequency 11645.0V MHz toward a new point of communication at Cedra, Puerto Rico, on azimuth 277°46'.

4242–C1–P–74. Same (New) Planella Street, #18, Cedra, Puerto Rico. Lat. 18°08'07" N., Long. 66°09'40" W. C.P. for a new station on frequency 11095.0V MHz toward Cerro Pinas, Puerto Rico, on azimuth 97°46'.

4243–C1–P–74, RCA Alaska Communications, Inc. (New), Bldg. 1555, North Post area of Ft. Wainwright; 2 Miles East of Fairbanks, Alaska. Lat. 64°50'28" N., Long. 147°36'13" W. C.P. for a new station on frequency 2167.2H MHz toward Fairbanks, Alaska, on azimuth 264°14'.

4244–C1–P–74, Florida Telephone Corporation (KIV81), Railroad Avenue; Montverde, Florida. Lat. 28°36'04" N., Long. 81°40'30" W. C.P. to add frequency 10955V MHz toward a new point of communication at Clermont, Florida, on azimuth 240°79'.

4245–C1–P–74, Same (New), 819 DeSoto Street, Clermont, Florida. Lat. 28°33'14" N., Long. 81°46'09" W. C.P. for a new station on frequency 11405V MHz toward Montverde, Florida, on azimuth 60°74'.

4246–C1–P–74, Continental Telephone Company of Texas (New), NW Corner of Main and Worthy Streets, Donie, Texas. Lat. 31°28'29" N., Long. 96°13'23" W. C.P. for a new station on frequency 6226.9V MHz toward Fairfield, Texas, on azimuth 15°45'.

4247–C1–P–74, Same (KLR65), U.S. Highway #84, 1 mile East of Fairfield, Texas. Lat. 31°43'12" N., Long. 96°06'31" W. C.P. to add frequency 6152.8V MHz toward new point of communication at Donie, Texas on azimuth 195°48'.

4248–C1–TC–(32)–74, Consent to Transfer of Control From All America Cables and Radio, Inc., TRANSFEROR to Puerto Rico Telephone Authority, TRANSFEREE, for Stations: WWT64—Yunque Mtn., Rio Grande, P.R., WWY31—Santa Isabel, P.R., WWY32—Guayama, P.R., WWY34—Arecibo, P.R., WWY35—San Sebastian, P.R., WWY36—Aguadilla, P.R., WWY73—Humacao, P.R., WWR74—San Juan, P.R., WWR75—Mtn. Peak, "Cerro Maravillas", P.R., WWR76—Ponce, P.R., WWT47—Mayaguez, P.R., WWT48—Monte Del Estado, P.R., WWT49—Jayuya, P.R., WWT63—Fajardo, P.R., WQP80—Corozal, P.R., WWY91—Rio Grande, P.R. WWZ29—La Torrecilla, P.R., WWZ30—Orocovis, P.R., WWZ31—Barranquitas, P.R., WWZ32—Comerio, P.R., WWZ49—Hato Tejas, P.R., WWZ20—Mayaguez, P.R., WWU22—Utuado, P.R., WQP83—Toa Alta, P.R., WQP82—Naranjito, P.R., WQP79—Dorado, P.R., WQP81—Vega Alta, P.R., WQP78—Cedro Abajo, P.R., KFB60—Old San Juan, P.R., KFB80—Escuela Cubuy, P.R., KFB59—Buena Vista, P.R.

4250–C1–MP–74, American Television and Communications Corp. (WJL60) 2.0 Miles West of Micco, Florida. Lat. 27°53'02" N., Long. 80°32'12" W. Mod. of C.P. to change frequencies from 5974.8H MHz and 6034.2H MHz to 5945.2V MHz and 6063.8V MHz toward Melbourne (WSM71), Florida, on azimuth 330°48'.

4249–C1–MP–74, Same (WSM71), 7.0 Miles West of Melbourne, Florida. Lat. 28°08'53" N., Long 80°42'12" W. Mod. of C.P. (a) to change frequency from 6093.5V MHz to 6152.8V MHz (5974.8V MHz retained) toward Tohopkee, Florida; (b) to change azimuth toward Tohopkee to 291°10'; (c) to change frequencies from 6034.2V MHz and 6093.5V MHz to 5974.8V MHz and 6152.8V MHz toward Cocoa, Florida, on azimuth 334°12'; and (d) to change frequencies from 6034.2H MHz and 6093.5H MHz to 5974.8V MHz and 6152.8V MHz toward Merritt Island, Florida on azimuth 357°50'. (NOTE.—A waiver of Section 21.701 (1) is requested by ATC).

MAJOR AMENDMENTS

405–C1–P–71, United Video, Inc. (New), 0.4 Mile West of Ardmore, Oklahoma. Lat. 34°09'55" N., Long. 97°09'30" W. Application amended to add frequency 11625V MHz toward Loco, Oklahoma on azimuth 292°20'.

406–C1–P–71, Same (New), 5.2 Miles ESE of Loco, Oklahoma. Lat. 34°12'46" N., Long. 97°35'36" W. Application amended to add frequency 11015H MHz toward Duncan, Oklahoma, on azimuth 312°48'.

407–C1–P–71, Same (New), 5.0 Miles North of Duncan, Oklahoma. Lat. 34°24'16" N., Long. 97°55'40" W. Application amended to add frequency 11625H MHz toward Lawton, Oklahoma on azimuth 273°48'.

5808–C1–P–73, Eastern Microwave, Inc. (KEA27), 3.2 Miles West of Springwater, New York. Lat. 42°38'21" N., Long. 77°39'34" W. Application amended (a) to delete Victor, New York as point to communication; and (b) to add frequencies 11425V MHz and 11585V MHz toward New point of communication at Lima, New York, on azimuth 00°34'.

5909–C1–P–73, Same (New), 3.5 Miles SW of Lima, New York. Lat. 42°53'20" N., Long. 77°39'22" W. Application amended (a) to delete Greece, New York, as point of communication; (b) to relocate East Rochester, New York, receive site to Lat. 43°06'32" N., Long. 77°27'31" W.; and (c) to change azimuth to 33°19' toward East Rochester on frequencies 10775V MHz and 11015V MHz, unchanged.

1113–C1–P–74, United Video, Inc. (New), 1.5 Miles NW of Lincoln, Illinois. Lat. 40°09'48" N., Long. 89°23'23" W. Application amended (a) to change station location to foregoing coordinates and (b) to add a second frequency 11385H MHz (11465H MHz new pending), toward Springfield, Illinois, on new azimuth 199°23'.

3795–C1–P–74, United Video, Inc. (New), Springfield, Illinois. Lat. 39°45'06" N., Long. 89°34'38" W. Application amended to add frequency 6256.5H toward Taylorville, Illinois, on azimuth 133°24'.

3796–C1–P–74, Same (KEZ53), 3.0 Miles SW of Taylorville, Illinois. Lat. 39°30'43" N., Long. 89°15'02" W. Application amended to add frequency 6019.3H MHz toward Schram City, Illinois on azimuth 204°01'.

3797–C1–P–74, Same (KEZ51), 0.4 Mile East of Schram City, Illinois. Lat. 39°10'09" N., Long. 89°26'48" W. Application amended to add frequency 6271.4H MHz toward Mt. Olive, Illinois on azimuth 247°30'.

3798–C1–P–74, Same (New), 1.2 Miles North of Mt. Olive, Illinois. Lat. 39°05'03" N., Long. 89°42'33" W. Application amended (a) to change station location to foregoing coordinates; (b) to change frequency from 5945.2H MHz to 5974.8V MHz toward Alton, Illinois; (c) to change azimuth to 241°20' toward Alton, Illinois; and (d) to add frequency 6034.2V MHz toward Alton, Illinois. (Note: A waiver of Section 21.701 (1) is requested by United.)

3230–C1–P–74, RCA Alaska Communications, Inc. (New), Put River, Alaska. Change geographic coordinates to Lat. 70°15'34" N., Long. 148°36'32" W. All other particulars same as reported in public notice dated March 4, 1974.

2017–C1–P–74, American Telephone & Telegraph Company (KIM29), 0.3 Mile NW of East Lynn, Illinois. Change Frequency directed toward Williamsport, Indiana, from 3770H to 3730H MHz. All other particulars same as reported in Public Notice dated December 3, 1973.

2026–C1–P–74, American Telephone & Telegraph Company (KIM52), 4.0 Miles NE of Leopold, Indiana. Correct Frequency directed toward Payneville, Kentucky, from 4150V to 4110V MHz. All other particulars same as reported in Public Notice dated December 3, 1973.

3790–C1–P–74, RCA Alaska Communications, Inc. (New), 4 Miles South of Valdez, Alaska. Change geographic coordinates to Lat. 61°04'57" N., Long. 146°21'46" W. All

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other particulars same as reported in Public Notice dated April 15, 1974.

Erratum. Reference Public Notice #694, April 1, 1974. Applications Accepted for Filing. 3557–C1–P–74, Tidewater Telephone Company (KIY23). Coordinates changed to Lat. 37°36'02" N., Long. 76°34'02" W.

MULTIPOINT DISTRIBUTION SERVICE

50155–C5–MP–74, Microband Corporation of America (WPF48). Modification of Construction Permit to change polarization to "Vertical", change antenna system and change transmitter. Station Location: Pittsburgh, Pennsylvania. Lat. 40°26'30" N., Long. 80°00'02" W.

50156–C5–P–74, RCC of Virginia, Inc. (New), Carter's Mountain, 1.5 Miles South of Charlottesville, Virginia. C.P. for a new station on frequencies 2150.25V MHz and 2154.75V MHz.

50157–C5–P–74, Same (New), Top of Mill Mountain, Roanoke, Virginia. Lat. 37°15' 01" N., Long. 79°56'00" W. C.P. for a new station on frequencies 2150.25 MHz and 2154.75V.

50158–C5–P–74, Microband Corporation of American. (WPE99). C.P. to change location of station to I.D.S. Building, 7th Street and Marquette, Minneapolis, Minnesota. Lat. 44°58'31" N., Long. 93°16'19" W.

Correction. The following information was erroneously omitted from Public Notice #701, dated 5–20–74.

Informative. It appears that the following applications may be mutually exclusive subject to the Commission's Rules regarding ex parte presentations, reasons of potential electrical interference.

Minnesota—Minneapolis:
Airsignal International, Inc. (New) 50103–C5–P–74.
Digital Paging Systems, Inc. (New) 50029–C5–P–74.
Private Networks, Inc. (New) 50120–C5–P–74.
Transnational Films (New) 50128–C5–P–74.
Louisiana—New Orleans:
Digital Paging Systems, Inc. (New) 50028–C5–P–74.
Taft Broadcasting Corporation (New) 50101–C5–P–74.
J.D. & L.D. Garvey d/b/a Radiofone (New) 50115–C5–P–74.
Private Networks, Inc. (New) 50125–C5–P–74.
Midwest Corporation (New) 50129–C5–P–74.
Texas—Dallas:
Digital Paging Systems, Inc. (New) 50037–C5–P–74.
Southern Pacific Communications Co. (New) 50066–C5–P–74.
Microband Corporation of America (New) 50148–C5–P–74.
Airsignal International, Inc. (New) 50116–C5–P–74.
Private Networks, Inc. (New) 50122–C5–P–74.
M.C.C.A. Service Corporation (New) 50131–C5–P–74.
Mr. H. L. Woodbury (New) 50130–C5–P–74.
Massachusetts—Boston:
Digital Paging Systems, Inc. (New) 50065–C5–P–74.
Southern Pacific Communications Co. (New) 50132–C5–P–74.
New York—New York:
Digital Paging Systems, Inc. (New) 50051–C5–P–74.
Private Networks, Inc. (New) 50154–C5–P–74.
Southern Pacific Communications Co. (New) 50133–C5–P–74.
Pennsylvania—Philadelphia:
Digital Paging Systems, Inc. (New) 50047–C5–P–74.
Southern Pacific Communications Co. (New) 50134–C5–P–74.
California—San Francisco:
Digital Paging Systems, Inc. (New) 50068–C5–P–74.
Intrastate Radio Telephone Inc. of San Francisco (New) 50137–C5–P–74.
Southern Pacific Communications Co. (New) 50135–C5–P–74.
District of Columbia—Washington:
Digital Paging Systems, Inc. (New) 50070–C5–P–74.
Southern Pacific Communications Co. (New) 50136–C5–P–74.
Illinois—Chicago:
Digital Paging Systems, Inc. (New) 50035–C5–P–74.
Rockford Communications Co., Inc. (New) 50107–C5–P–74.
Microband Corporation of America (New) 50110–C5–P–74.
Airsignal International, Inc. (New) 50117–C5–P–74.
Private Networks, Inc. (New) 50126–C5–P–74.
Cross Country Network, Inc. (New) 50138–C5–P–74.
Missouri—Kansas City:
Digital Paging Systems, Inc. (New) 50149–C5–P–74.
United Video, Inc. (New) 50062–C5–P–74.
Private Networks, Inc. (New) 50127–C5–P–74.
Airsignal International, Inc. (New) 50140–C5–P–74.
Midwest Corporation (New) 50139–C5–P–74.
Texas—Houston:
Digital Paging Systems, Inc. (New) 50040–C5–P–74.
Southern Pacific Communications Co. (New) 50068–C5–P–74.
H. L. Woddbury (New) 50150–C5–P–74.
Microband Corporation of America (New) 50151–C5–P–74.
M.C.C.A. Service Corporation (New) 50152–C5–P–74.
Private Networks, Inc. (New) 50153–C5–P–74.
Airsignal International, Inc. (New) 50140–C5–P–74.
Ohio—Cleveland:
Multipoint Information Systems, Inc. (New) 50056–C5–P–74.
Digital Paging Systems, Inc. (New) 50057–C5–P–74.
Southern Pacific Communications Co. (New) 50143–C5–P–74.
Maryland—Baltimore:
Digital Paging Systems, Inc. (New) 50032–C5–P–74.
Microband Corporation of America (New) 50113–C5–P–74.
Private Networks, Inc. (New) 50123–C5–P–74.
Vidicom, Inc. (New) 50144–C5–P–74.
Missouri—St. Louis:
Digital Paging Systems, Inc. (New) 50034–C5–P–74.
United Video, Inc. (New) 50063–C5–P–74.
Private Networks, Inc. (New) 50019–C5–P–74.
M.C.C.A. Service Corporation (New) 50147–C5–P–74.
Midwest Corporation (New) 50145–C5–P–74.
Florida—Miami:
Tel-Car Corporation (New) 50038–C5–P–74.
Southern Pacific Communications Co. (New) 50070–C5–P–74.
Airsignal International, Inc. (New) 50104–C5–P–74.
Multi-Communications Services, Inc. (New) 50105–C5–P–74.
Private Networks, Inc. (New) 50124–C5–P–74.
M.C.C.A. Service Corporation (New) 50146–C5–P–74.

[FR Doc.74–12540 Filed 5–30–74;8:45 am]

[Dockets Nos. 19920, 19921; Files Nos. BPH–8296, BPH–8333]

DAVID ORTIZ RADIO CORP. AND SOUTHWESTERN BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

1. The above-captioned mutually exclusive applications were designated for hearing by Order of the Chief of the Broadcast Bureau, 39 FR 2799, published January 24, 1974. Now before the Review Board is a motion to enlarge issues, filed February 8, 1974, by Southwestern Broadcasting Corp. (Southwestern), Hormigueros, Puerto Rico, seeking the addition of Rule 1.65, Rule 1.514 and financial issues against David Ortiz Radio Corp., Cabo Rojo, Puerto Rico, (Ortiz).[1]

2. Southwestern contends that a § 1.65 issue is required because of Ortiz's failure to timely amend its pending FM application [2] to reflect the December 19, 1973 filing of its application requesting nighttime authorization for its daytime AM Station WEKO.[3] Specification of the requested issue is especially warranted here, Southwestern asserts, because the application involves a major change in an AM station owned by an applicant for an FM station in the same community.[4] Petitioner bases its request for a § 1.514 issue on Ortiz's failure to include any reference to the pending FM application in its AM application. Further, in light of Ortiz's failure to consider these two applications together in order to establish its financial qualifications, petitioner claims that an availability of funds issue is also required. According to petitioner, it cannot be determined from the information now on file whether sufficient funds are available to Ortiz to construct and operate both stations for one year. Thus, petitioner points out that the Ortiz balance sheet filed with the WEKO nighttime application reflects that current liabilities ($8,305.05) exceed cash ($7,743.30) by $561.75; moreover, Southwestern asserts, the accounts receivable listed in the balance sheet cannot be relied upon since they have not been shown to be "aged" and certified collectible within 90 days by a Certified Public Accountant.

3. In opposition, Ortiz contends that the failure to amend its FM application in a timely fashion was purely inadvertent. In support of this contention, Ortiz points out that upon discovering its omission it voluntarily amended its FM application to report the filing of its AM application on February 5, 1974, and, significantly, that it amended its application prior to the filing of Southwestern's motion. Similarly, the applicant contends that a § 1.514 issue is not warranted since it voluntarily amended its AM application on February 4, 1974, to report its FM application. In any event, Ortiz claims it had no motive to conceal the pertinent information since it is financially qualified to build and operate both facilities. In this connection, Ortiz states that its current balance sheet shows funds available in the amount of $22,000 [5] to meet total first year costs of $21,756. According to the applicant, this does not include any reliance on the profits from Station WEKO, which earned $25,938 in 1972. Finally, Ortiz alleges that he will file an amendment to the AM application to show that an additional $4,000 loan commitment is available to meet the expenses involved in that application. The Broadcast Bureau also opposes addition of the requested §§ 1.65 and 1.514 issues on the grounds that the failure to timely comply with those sections appears to have been inadvertent and not motivated by any desire to conceal pertinent information. The Bureau also opposes addition of the requested financial issue because, in its view, when the profitable operation of WEKO is taken into consideration, Ortiz has sufficient funds to cover the estimated costs.

4. The Board will not add the requested §§ 1.65 and 1.514 issues. Although Ortiz was not in strict compliance with the provisions of §§ 1.65 and 1.514 of the rules, his petitions to amend were filed within a short time after the expiration of the time allotted by the rules, and were filed voluntarily before Southwestern filed the instant motion to enlarge issues. Since the above noted circumstances sufficiently distinguish the instant proceeding from the cases cited by Southwestern, and since it appears that the omissions were purely inadvertent and not the result of an attempt to mislead or deceive the Commission, the §§ 1.65 and 1.514 issues will not be specified. See Lester H. Allen, 17 FCC 2d 439, 16 RR 2d 19 (1969). However, based on the record before us, the Board is unable to conclude that Ortiz will have sufficient funds to construct and operate both stations for one year. Ortiz's most recent balance sheet, dated November 30, 1973, shows that current liabilities exceed cash on hand by $561.75. Although the balance sheet also reflects accounts receivable of $25,544.37, it is well established that in the absence of a special showing of liquidity such as here, accounts receivable cannot be relied upon to establish financial qualifications.[6] Nor can the applicant rely on the availability of profits from Station WEKO since it cannot be determined from the balance sheet whether the cash flow generated by the station would, in fact, be available for the construction and operation of both stations. See Erwin O'Conner Broadcasting Co., 37 FCC 2d 983, 25 RR 2d 782 (1972). In addition, we cannot rely on the availability of the $10,000 loan from Jose Ortiz Cintron because the balance sheet submitted with the loan agreement does not disclose the liabilities, if any, of Mr. Cintron and therefore does not afford a basis for determining his overall ability to meet his commitment.[7] Therefore, including the $12,000 loan from the credit cooperative, Ortiz has shown only $19,743.30 in current assets (including cash on hand) with which to meet $21,756 in total estimated costs for both the FM and AM proposals. However, even these assets must be reduced by the total amount of current liabilities. Alvin L. Korngold, 31 FCC 2d 39, 22 RR 2d 661 (1971). Therefore, an appropriate financial issue will be added to determine whether Ortiz has sufficient available funds to meet the estimated costs of both proposals.

5. Accordingly, *It is ordered*, That the motion to enlarge issues, filed February 8, 1974, by Southwestern Broadcasting Corp., is granted to the extent indicated herein, and is denied in all other respects; and

6. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether David Ortiz Radio Corporation has available sufficient additional funds to construct and operate his proposed Cabo Rojo, Puerto Rico, FM station for one year, and whether, in light of the evidence adduced, David Ortiz Radio Corporation is financially qualified.

7. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof pursuant to the issue specified herein shall be on David Ortiz Radio Corp.

Adopted: May 23, 1974.

Released: May 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–12535 Filed 5–30–74;8:45 am]

[1] The Board also has before it for consideration the following related pleadings: (a) opposition, filed February 19, 1974, by Ortiz; and (b) opposition, filed February 21, 1974, by the Broadcast Bureau.

[2] The FM application was filed on January 19, 1973.

[3] Ortiz did not file an amendment to the FM application reporting the filing of its AM application until February 5, 1974, more than 30 days after filing the AM application.

[4] Citing *Alvin L. Korngold*, 31 FCC 2d 39, 22 RR 2d 661 (1971); A. V. Bamford, 41 FCC 2d 835, 27 RR 2d 1959 (1973).

[5] Ortiz relies on loans from a credit cooperative and from Jose Ortiz Cintron in the amount of $12,000 and $10,000 respectively.

[6] Miami Broadcasting Corp., 9 FCC 2d 604, 10 RR 2d 1037 (1967); Vista Broadcasting Co., Inc., 18 FCC 2d 636, 16 RR 2d 838 (1969); Erwin O'Conner Broadcasting Co., 37 FCC 2d 983, 25 RR 2d 782 (1972).

[7] Similarly, we cannot rely on the additional $4,000 loan from Mr. Cintron until the amendment reflecting that loan has been accepted by the Judge.

[8] By the Review Board: Board Member Nelson dissenting and voting to exclude the financial issue.

[Dockets Nos. 19872, 19873; Files Nos. BR–1150, BP–18162]

THE WESTERN CONNECTICUT BROADCASTING CO. AND RADIO STAMFORD, INC.

Memorandum Opinion and Order Enlarging Issues

1. This case was designated for hearing on November 21, 1973,[1] and at that time Radio Stamford's application, as amended, showed Edmund W. Davis to be a director, an 11 percent stockholder (subscribing to five shares of stock) and the proposed Special Assistant for news, public affairs and minority community. Western Connecticut Broadcasting Co., Stamford, Connecticut, now charges, in a petition to enlarge issues,[2] that Radio Stamford's application has not been amended to reveal changes in the corporate status of Mr. Davis.

2. The facts, as they are revealed by the pleadings, are that on February 12, 1974, Mr. Davis stated in a letter to the president of Radio Stamford, Stamford, Connecticut, that it was necessary for him to resign as a director "effective immediately." He indicated a willingness to relinquish or retain his stock, depending on how the corporation felt about that. This resignation was not accepted by the corporation until April 30, 1974, at which time Mr. Nathaniel Dickerson was elected a director and assigned the duties to have been performed by Mr. Davis. Mr. Dickerson also became a stock subscriber, but Mr. Davis retained a stock interest in the applicant. None of the facts detailed in this paragraph were reported to the Commission until May 2, 1974, the date on which Radio Stamford filed its opposition to the instant petition; they were also reported in an amendment filed with the Presiding Judge.

3. The Board agrees that a § 1.65 issue should be specified. Radio Stamford's excuse for the long delay in reporting the changes are not persuasive. In view of Mr. Davis' statement that he was resigning as director "effective immediately", the applicant had the obligation to act promptly if it wished to avoid the consequences of its failure to do so. While unavailability of Radio Stamford's local counsel may have been partially responsible for the delay, it does not account for all of it. Indeed, it appears that most of the decisions that have just recently been reported had been made, in all but the execution of the formalities, as early as the middle of March. On March 11 one of applicant's principals signed an affidavit in which Mr. Davidson was referred to as a director and special assistant with the duties previously assigned to Mr. Davis. Thus, the Board will add a § 1.65 issue, but only on a comparative basis since the facts do not demonstrate an intent to conceal.

4. Petitioner has also sought a misrepresentation and concealment issue against Radio Stamford. Misrepresentation and concealment is alleged because Mr. Davis' resignation was not reported to the Commission shortly after it occurred, but the Board does not agree, under the circumstances related in the opposition, that the failure to report stemmed from a desire to mislead the

[1] FCC 73–1186, adopted November 14 and released November 21, 1973.

[2] The petition was filed on April 12, 1974. On May 2, 1974, Radio Stamford filed an opposition and the Broadcast Bureau filed comments, and Western Connecticut submitted its reply on May 14, 1974.

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Commission or conceal facts from it. An issue is also requested to determine whether Radio Stamford has failed to comply with an Order of the Presiding Judge. The Board will not rule on the merits of this question, believing that this is a matter for the Judge's determination, initially at least.

5. Accordingly, *It is ordered*, That the petition to enlarge issues filed by The Western Connecticut Broadcasting Company on April 12, 1974, is granted to the extent that the issues are enlarged to include the following:

To determine whether Radio Stamford, Inc., has failed to comply with the provisions of § 1.65 of the Commission's rules, and, if so, the effect thereof on that applicant's comparative qualifications.

6. *It is further ordered*, That in all other respects the petition to enlarge issues is denied.

Adopted: May 23, 1974.

Released: May 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12539 Filed 5-30-74;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INTER-AGENCY FAIR HOUSING DATA EVALUATION PROJECT

Notice of Commencement

In order to determine the most effective reporting procedure to measure compliance by insured State nonmember banks with the provisions of section 805, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3605), the Federal Deposit Insurance Corporation, acting pursuant to section 7(a)(1) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(1)), has determined to field test for a six-month period several methods of collecting and reporting data relating to racial and ethnic characteristics of loan applicants. Three reporting procedures have been adopted for trial by insured State nonmember banks having offices located in any of eighteen designated Standard Metropolitan Statistical Areas. Copies of the reporting forms are filed herewith and designated as Exhibits A,[1] B[1] and C.[1] A list of the designated Standard Metropolitan Statistical Areas selected for the test and the report form to be used by offices located in those areas is appended hereto as Exhibit D.

Effective June 1, 1974, each insured State nonmember bank having offices located in any of the designated Standard Metropolitan Statistical Areas is required to collect racial, ethnic and other data in accordance with applicable instructions with respect to all loan applications received in any office located in a designated Standard Metropolitan Statistical Area requesting loans for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling and report the results on the reporting form designated for the specific Standard Metropolitan Statistical Area.

All reports are to be submitted to:

Federal Deposit Insurance Corporation
550 17th Street, NW.
Washington, D.C. 20429

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

EXHIBIT D

STANDARD METROPOLITAN STATISTICAL AREAS SELECTED FOR PILOT PROJECT TESTING DATA COLLECTION SYSTEMS

Banks having offices in the following SMSA's will collect required data on Form FHIS and report data on Form FHIR-A.

Atlanta, Ga.	San Antonio, Tex.
Buffalo, N.Y.	Washington, D.C.
Chicago, Ill.	San Diego, Calif.

Banks having offices in the following SMSA's will collect required data on Form 5200/02 and report data on Form 5200/03.

Baltimore, Md.	Vallejo-Fairfield-Napa, Calif.
Galveston-Texas City, Tex.	Tampa-St. Petersburg, Fla.
Jackson, Miss.	
Jersey City, N.J.	

Banks having offices in the following SMSA's will collect required data on Equal Housing Lender Form EHLF and submit completed forms.

Bridgeport, Conn.	Montgomery, Ala.
Cleveland, Ohio.	Topeka, Kans.
Memphis, Tenn.	Tucson, Ariz.

[FR Doc.74-12571 Filed 5-30-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-12425, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; RATE SCHEDULES, ETC.; CERTAIN COMPANIES

MAY 22, 1974.

Each Applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, continue, add or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the applications and petitions have been filed.

At a hearing held on May 16, 1974, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of Subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing or redesignated as hereinafter ordered.

(7) The rates effective subject to refund in Docket Nos. RI71-397 and RI71-546 for sales by Essex Royalty Corporation[1] are below the applicable area base rates.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The order issuing a certificate in Docket No. CI69-737 is amended by deleting therefrom authorization to sell gas where said sale is authorized to be continued herein in Docket No. CI74-458, and in all other respects said order shall remain in full force and effect.

(F) The certificates and certificate authorizations granted in Docket Nos. CI67-1076, CI69-927, CI74-370, CI74-435, CI74-457 and CI74-458 are subject to the Commission's findings and orders accompanying Opinion Nos. 598, 598-A and 662, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to Section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Applicants in the dockets indicated shall charge and collect the following rates, subject to Btu adjustment where applicable:

Docket No.	Rate (cents per thousand cubic feet)	Pressure base pounds per square inch absolute
G-12425	25.0	14.65
CI61-1307	24.0	15.025
CI66-1106	[1] 31.0	14.65
CI72-36	24.0	15.025
CI72-769	24.0	15.025
CI72-938	24.0	15.025
CI74-370	17.5	15.025
CI74-394	24.0	15.025
CI74-435	35.0	14.65
CI74-457	35.0	14.65

[1] Subject to tax reimbursement.

(H) The rate proceedings in Docket Nos. RI71-397 and RI71-546 are terminated.

(I) The certificate granted herein in Docket No. CI74-370 involving sales of natural gas by Columbia Gas Development Corporation to its affiliate, Columbia Gas Transmission Corporation, determines the rate which legally may be paid to the seller by the buyer, but is without prejudice to any action which the Commission may take in any rate proceedings involving said companies.

(J) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document	No.	Supp.
G-12425 ..... C 8-17-73 1-28-74 [2]	Texaco Inc.	Texas Eastern Transmission Corp., Chapman Ranch Field, Nueces County, Tex.	Letter agreement 6-1-73	274	20
CI61-1307 ..... C 2-1-74	Amoco Production Co.	El Paso Natural Gas Co., Huerfano Gallup Field, San Juan County, N. Mex.	Supplemental agreement 10-24-73.	308	17
CI63-73 ..... E 11-12-73	Texas Oil & Gas Corp. (successor to Skelly Oil Co.).	Natural Gas Pipeline Co. of America, Los Mogotes Field, Zapata County, Tex.	Skelly Oil Co., FPC gas rate schedule No. 178.	113	.....
			Supplements Nos. 1-5 thereto.	113	1-5
			Notice of succession 11-12-73.	113	.....
			Assignment 8-1-73 [3]	113	6
			Effective date: 8-1-73.		
CI63-1049 ..... D 7-31-72 [4]	Northern Natural Gas Producing Co.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Assignment 8-1-72 [3]	26	25
			Effective date: Date of this order.		
CI63-1050 ..... D 7-31-72 [4]	do	do	Assignment 8-1-72 [3]	27	25
			Effective date: Date of this order.		
CI63-1051 ..... D 7-31-72 [4]	do	do	Assignment 8-1-72 [3]	28	24
			Effective date: Date of this order.		
CI66-1106 ..... C 1-14-74	CRA, Inc.	Northern Natural Gas Co., Mertzon Plant, [5] Irion County, Tex.	Supplemental agreement 2-16-73.	51	12
CI67-1076 ..... E 7-17-72 [7]	Case-Pomeroy Oil Corp. (successor to Essex Royalty Corp.).	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 208 Field, offshore Louisiana.	Essex Royalty Corp., FPC gas rate schedule No. 1.	4	.....
			Supplements Nos. 1-10 thereto.	4	1-10
			Notice of succession 7-13-72.		
			Assignment 1-1-73 [3]	4	11
			Effective date: 1-1-73.		
CI69-927 ..... E 7-17-72 [7]	do	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 208 Field, offshore Louisiana.	Essex Royalty Corp., FPC gas rate schedule No. 2.	5	.....
			Supplements Nos. 1-4 thereto.	5	1-4
			Notice of succession 7-13-72.		
			Assignment 1-1-73 [3]	5	5
			Effective date: 1-1-73.		
CI72-46 ..... C 3-11-74	Amoco Production Co.	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.	Supplemental agreement 1-25-74.	298	5
CI72-769 ..... C 2-4-74	do	El Paso Natural Gas Co., Gonzales Mesa Verde Field, Rio Arriba County, N. Mex.	Supplemental agreement 11-16-73.	611	2

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] Exhibits A through C filed as part of original document.

[1] Predecessor in interest to Applicant in Docket No. CI69-927.

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Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document	No.	Supp.
CI73-938..... A 5-26-73 C 10-1-73 [9]	Continental Oil Co.....	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	Contract 5-17-73..... Supplemental agreement 6-14-73.	406 406	2
CI74-370 [10]..... 1-11-74	Columbia Gas Development Corp.	Columbia Gas Transmission Corp., St. Paul Bayou Field, Terrebonne Parish, La.	Contract 9-14-64.....	15	
CI74-386..... A 1-18-74	Skelly Oil Co.....	El Paso Natural Gas Co., L. Rentz No. 4 Unit, Rio Arriba County, N. Mex.	Contract 12-17-73.....	273	
CI74-435..... A 2-21-74	Cities Service Oil Co.....	Northern Natural Gas Co., acreage in Lea County, N. Mex.	Contract 2-6-74.....	407	
CI74-457..... A 2-27-74	Atlantic Richfield Co.....	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Contract 1-11-74.....	676	
CI74-458..... F 2-27-74	Royal Resources Exploration, Inc. (successor to King Resources Co.).	El Paso Natural Gas Co., Monahans Field, Winkler County, Tex.	Contract 9-1-48..... Letter agreement 2-25-49.. Amendatory agreement 10-26-59. Amendatory agreement 3-20-63. Assignment 9-22-70 [11]..... Assignment 9-1-72 [12].....	1 1 1 1 1 1	1 2 3 4 5

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] Amends August 17, 1973, filing to reflect 25.0 cents per Mcf initial rate in lieu of 24.0 cents per Mcf as stated in the order amending certificate issued January 15, 1974.
[3] Conveys acreage from Skelly Oil Co. to applicant.
[4] As supplemented on February 14, 1974.
[5] Conveys acreage from applicant to purchaser.
[6] Production from the West Merizon and Merizon (Sixty-Seven Canyon) Fields.
[7] Application was submitted by Essex Royalty Corp. On February 12, 1974, Case-Pomeroy Oil Corp. filed a request that the certificates previously issued to Essex be issued in its name.
[8] Conveys acreage from Essex Royalty Corp. to Case-Pomeroy Oil Corp.
[9] As amended on March 7, 1974.
[10] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by W. W. F. Oil Corp., now holder of a small producer certificate.
[11] Conveys acreage from King Resources Co. to Royal Resources Corp.
[12] Conveys acreage from Royal Resources Corp. to applicant.

[FR Doc.74-12330 Filed 5-30-74;8:45 am]

ASHLAND OIL, INC.

[Docket No. RI74-40]

Extension of Time and Postponement of Hearing

MAY 22, 1974.

On May 20, 1974, Ashland Oil, Inc., filed a motion for an extension of the procedural dates fixed by Order issued May 15, 1974, in the above-designated matter. The motion states that Staff Counsel does not object to the request.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Ashland's direct testimony and evidence, May 31, 1974.
Service of Commission staff and opposing interveners direct testimony and evidence, June 7, 1974.
Service of all rebuttal evidence, June 12, 1974.
Hearing, June 12, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12326 Filed 5-30-74;8:45 am]

[Docket No. CP74-186]

CITIES SERVICE GAS CO.

Further Extension of Time and Postponement of Hearing

MAY 21, 1974.

On May 15, 1974, Cities Service Gas Company filed a motion for a further extension of the procedural dates fixed by notice issued April 29, 1974, in the above-designated matter. The motion states that the interveners support the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of direct testimony and exhibits by Cities, June 20, 1974.
Service of direct testimony and exhibits by the Kansas Commission and Union, July 25, 1974.
Hearing, August 5, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12322 Filed 5-30-74;8:45 am]

[Docket No. CP74-271]

COLORADO INTERSTATE GAS CO.

Extension of Time

MAY 21, 1974.

On May 15, 1974, Colorado Interstate Gas Company filed a motion for an extension of time to file evidence required by the Order issued April 19, 1974, in the above-designated matter. On May 16, 1974, Mountain Fuel Supply Company filed a concurrence in the above motion.

Upon consideration, notice is hereby given that the time is extended to and including July 1, 1974, within which Colorado Interstate Gas Company and Mountain Fuel Supply Company shall file the evidence required by the Order of April 19, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12327 Filed 5-30-74;8:45 am]

[Docket Nos. CP73-132, etc.]

DISTRIGAS CORP., ET AL.

Further Extension of Time

MAY 22, 1974.

Distrigas Corporation, Distrigas of New York Corporation, Distrigas of Massachusetts Corporation, Distrigas Pipeline Corporation; CP73-132, CP74-227, CP73-230, CP74-122, CP73-135, CP74-137, CP73-148.

On May 20, 1974, Distrigas Corporation, Distrigas of Massachusetts Corporation, Distrigas of New York Corporation, and Distrigas Pipeline Corporation (Applicants) filed a motion for a further extension of time to file a portion of Applicants' direct case.

Upon consideration, notice is hereby given that the time is further extended to and including June 21, 1974, within which Applicants may file the remainder of their case-in-chief.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12329 Filed 5-30-74;8:45 am]

[Docket No. E-8790]

DUKE POWER CO.

Supplement to Contract

MAY 22, 1974.

Take notice that on May 10, 1974 Duke Power Company (Duke) tendered for filing Supplement to its Electric Power Contract with York Electric Cooperatives, Inc., designated as Duke's Rate Schedule FPC No. 146. Duke states the said Supplement provides for an increase at Delivery Point No. 4 from 5,000KW to 5,500KW and an increase at Delivery Point No. 10 from 1,500KW to 2,500KW. The said Supplement also reflects the SEPA allocation which it previously did not have. Duke further states the Delivery Point No. 3 has no change in designated KW demand but reflects the SEPA re-allocation to this delivery.

Duke requests an effective date of June 19, 1974 for said Supplement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12325 Filed 5-30-74;8:45 am]

[Docket No. CI74-604]

EDWIN L. COX

Notice of Application

MAY 16, 1974.

Take notice that on April 29, 1974, Edwin L. Cox (Applicant), 3800 First National Bank Building, Dallas, Texas 75202, filed in Docket No. CI74-604 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas, as available, in interstate commerce to Colorado Interstate Gas Company (CIG), a division of Colorado Interstate Corporation, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant commenced the emergency sale of natural gas to CIG on March 14, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to sell natural gas to CIG for one year after the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell volumes of gas as available at a price of 50 cents per Mcf of gas, adjusted for heat value, to be delivered at a point on CIG's existing pipeline located in Cimarron County, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12332 Filed 5-30-74;8:45 am]

[Docket No. E-8654]

INTERSTATE POWER CO.

Supplemental Order Authorizing Issuance of First Mortgage Bonds and Preferred Stock

MAY 20, 1974.

By order issued May 9, 1974, in the above-entitled matter, the Commission authorized Interstate Power Company (Applicant) to issue and sell at competitive bidding $17,000,000 principal amount of First Mortgage Bonds and 100,000 shares of Preferred Stock, subject to the provisions, among others set forth in paragraph (B) of that Order as follows:

(B) The proposed issuance and sale of First Mortgage Bonds, Preferred Stock and Common Stock at competitive bidding shall not be consummated until:

(i) Applicant shall have amended its application pursuant to the requirements of § 34.2(g) of the Commission's regulations under the Federal Power Act relating to compliance with competitive bidding requirements, and § 34.2(g) of those regulations relating to affiliation and shall have either filed such amendments or shall have mailed them and advised the Commission by telephone and telegraph, as contemplated in § 34.9 of the regulations.

(ii) The Commission, by further order shall have approved the price to be received by Applicant for the proposed issuance of Bonds and the interest rate thereof.

(iii) The Commission, by further order shall have approved the price to be received by Applicant for the proposed issuance of Preferred Stock and dividend rate thereof.

(iy) The Commission, by further order shall have approved the price per share to be received by Applicant for the Common Stock and the amount of any compensation for underwriters to be paid by Applicant in connection with the Common Stock.

Applicant, on May 20, 1974, filed an Amendment pursuant to the requirements of the aforementioned Commission order, in which it states, among other things, that it proposes to accept, as representing the lowest annual cost of money to it, the bid of Blythe Eastman Dillon & Co., Incorporated; Kidder, Peabody & Co., Incorporated; Merrill Lynch, Pierce, Fenner & Smith, Incorporated and Salomon Brothers to purchase the proposed issuance of $17,000,000 principal amount of First Mortgage Bonds at a price of 99.529 percent of principal amount, for Bonds carrying an interest rate of 10 percent. The Company's cost of money will be 10.049 percent. Based upon an initial offering price of 100.954 percent, the yield will be 9.90 percent. In addition, Applicant filed an Amendment, stating among other things, that it proposes to accept as representing the lowest annual cost of money to it, the bid of White, Weld & Co., Incorporated; Halsey, Stuart & Co., Incorporated and Stone & Webster Securities Corporation to purchase the proposed issuance of 100,000 shares of Preferred Stock at a price of 50.266 percent of principal amount, for Preferred Stock carrying a dividend rate of 9.84 percent. The cost of money will be 9.787 percent. Based upon an initial offering price of 51.25 percent principal amount, the yield to the public will be 9.60 percent.

Bids for the proposed issuance of Common Stock will be received on May 22, 1974.

The Commission finds:

(1) Applicant has satisfactorily complied with the requirements contained in paragraph (B), (i) through (iii), of the Commission's order issued May 9, 1974, in the above-entitled docket; and under the respective bids it proposes to accept for the issuance of Bonds and Preferred Stock, (a) the price to be received by Applicant for the Bonds and the interest rate thereof are reasonable; and (b) the price per share to be received by Applicant for the Preferred Stock and the dividend rate thereon are reasonable.

(2) The proposed issuance and sale of Bonds and Preferred Stock, as hereinafter authorized, will be for a lawful object, within the corporate purposes of Applicant and compatible with the public interest, which is appropriate for and consistent with the proper performance of service by Applicant as a public utility and which will not impair its ability to perform that service, and is reasonably appropriate for such purposes.

The Commission orders:

(A) The price to be received by Applicant for the proposed Bonds and the interest rate thereof, and the price per share to be received by Applicant for the proposed issuance of Preferred Stock and the dividend rate thereof, are approved as reasonable.

(B) The proposed issuance and sale of Bonds and Preferred Stock referred to above, upon the terms and conditions, and for the purposes specified in the application, as supplemented by the amendment referred to above, are hereby authorized, subject only to the provisions of paragraphs (B) (iy), (C), (D) and (E) of the Commission's order issued May 9, 1974, in the above docket.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12334 Filed 5-30-74;8:45 am]

[Docket No. CI74-645]

LONE STAR PRODUCING CO.

Notice of Application

MAY 22, 1974.

Take notice that on May 10, 1974, Lone Star Producing Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CI74-645 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company (Panhandle) from the Berryman No. 1 Well, Morrow Formation, Ellis County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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Applicant states that it intends to commence an emergency sale of natural gas to Panhandle from Berryman No. 1 Well, Morrow Formation, Ellis County, Oklahoma, for sixty days within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale after the end of the emergency period at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot with an upward adjustment limitation of 1,200 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day from the end of the emergency period until the first day of the month following the expiration of one year from the date of initial delivery under the certificate. Applicant estimates monthly deliveries of gas to Panhandle at 10,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12321 Filed 5-30-74;8:45 am]

[Docket No. E-8494]

MINNESOTA POWER AND LIGHT CO.

Extension of Time and Postponement of Hearing

MAY 21, 1974.

On May 14, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by Order issued February 15, 1974, in the above-designated matter. The motion states that there is no opposition by any of the parties to the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Staff's Testimony, July 1, 1974.
Service of Intervener's Testimony, July 15, 1974.
Service of Company's Rebuttal, July 26, 1974.
Hearing, September 16, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12336 Filed 5-30-74;8:45 am]

[Docket No. E-8547]

MISSOURI EDISON CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 21, 1974.

On May 14, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed Order issued February 15, 1974. The motion states there is no opposition to the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff service of evidence, August 13, 1974.
Rebuttal evidence of Company, September 4, 1974.
Prehearing Conference, September 24, 1974 (10 a.m. e.d.t.).
Hearing, October 15, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12337 Filed 5-30-74;8:45 am]

[Docket Nos. RP71-119, RP74-31-20]

PANHANDLE EASTERN PIPE LINE CO. (ANCHOR HOCKING CORP.)

Notice Postponing Hearing

MAY 21, 1974.

On May 17, 1974, Anchor Hocking Corporation filed a motion for postponement of the hearing scheduled for May 22, 1974, by notice issued April 17, 1974. The motion states that all of the parties, including Staff Counsel, are agreeable to the request.

Upon consideration, notice is hereby given that the hearing is postponed to May 30, 1974, at 10 a.m. e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12335 Filed 5-30-74;8:45 am]

[Docket No. CI74-637]

PENNZOIL CO.

Notice of Application

MAY 22, 1974.

Take notice that on May 8, 1974, Pennzoil Company (Applicant), 900 Southwest Tower, Houston, Texas 77002, filed in Docket No. CI74-637 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Mississippi River Transmission Corporation (Mississippi) from the Mills Ranch Field, Wheeler County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Mississippi an estimated 85,000 Mcf of natural gas per month for six months from the Mills Ranch Field at a rate of 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, with an estimated initial downward Btu adjustment of 0.11 cent per Mcf, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12324 Filed 5-30-74;8:45 am]

[Docket No. RI74-226]

SUN OIL CO.

Petition for Special Relief

MAY 22, 1974.

Take notice that on May 10, 1974, Sun Oil Company, (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74-228, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests that it be granted special relief from the flowing gas ceiling established in Opinion No. 662 (Permian II), and be permitted to collect a 45 cents per Mcf rate, plus 1 cent annual escalations, for sales of natural gas to El Paso Natural Gas Company from the J. O. Neal Well No. 42-4, which is a replacement well for the watered out J. O. Neal Well No. 42-3, in the Coyanosa (Devonian) Field of Pecos County, Texas. Petitioner has a 33.33% interest in this well and its share of the potential gross reserve is estimated to be from 0.67 to 2.0 Bcf, which would be unrecoverable without the drilling of the subject well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12323 Filed 5-30-74;8:45 am]

[Docket No. RP74-48]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Extension of Time and Postponement of Hearing

MAY 21, 1974.

On May 14, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued January 31, 1974 in the above-designated matter. The motion states that Piedmont Natural Gas Company requested that the time between the Staff service date and the Intervener service date be increased to five weeks. The motion states that there was no opposition to these dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff Service, September 18, 1974.
Intervener Service, October 23, 1974.
Company Rebuttal, November 6, 1974.
Prehearing Conference, November 12, 1974 (10:00 a.m. e.d.t.).
Hearing, November 19, 1974 (10:00 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12333 Filed 5-30-74;8:45 am]

[Docket No. CP74-285]

UNITED GAS PIPE LINE CO. AND FLORIDA GAS TRANSMISSION CO.

Notice of Application

MAY 21, 1974.

Take notice that on May 2, 1974, United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, and Florida Gas Transmission Company (Florida), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP74-285 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization to exchange up to 1,500 Mcf of gas per day whereby United will deliver or cause to be delivered 1,000 Mcf per day to Florida at a point on Florida's pipeline in the East Bay Field in Chambers County, Texas, and 500 Mcf per day at a point on Florida's pipeline in East Smith Point Field in Chambers County. The application indicates that Florida will return, at times mutually agreeable to both parties, an equivalent volume of gas at any mutually agreeable existing exchange point.

Applicants have agreed, by contract dated July 26, 1973, to exchange gas for a term of 12 months from the date United first delivers gas to Florida and month-to-month thereafter. The parties contemplate that imbalances in deliveries will be corrected monthly, but, in any event, within 90 days.

Applicants state that the purpose of the proposed exchange is to give added flexibility and reliability to the respective pipeline systems of each, eliminate the need for additional facilities, and allow United to take into its system additional volumes of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.-10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12328 Filed 5-30-74;8:45 am]

[Docket No. CI74-351]

AMOCO PRODUCTION CO.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

MAY 24, 1974.

On December 14, 1973, Amoco Production Company (Amoco) filed in Docket No. CI74-351 an application requesting issuance of a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Trunkline Gas Company (Trunkline) from the south half of Block 35 of the Block 14 Field Area, Vermilion Parish, Offshore Louisiana, at an initial rate of 45 cents per Mcf subject to downward Btu adjustment from a base of 1000. Additionally, it is proposed that the initial contract rate will increase by one cent per Mcf per year during the term of the proposed sale, which is three years. The proposed initial rate is in excess of the area base rate of 26 cents per Mcf established by Commission Opinion 598.

Amoco commenced an emergency sale to Trunkline on December 14, 1973, pursuant to Order No. 418 at a rate of 45 cents per Mcf.

On January 18, 1974, Trunkline formally petitioned to intervene in support of the subject application. In its petition, Trunkline maintains that as the purchaser of the subject gas it has a

[1] Section 2.70 of the Commission's general policy and interpretations.

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direct and substantial interest with respect to the limited term certificate application of Amoco herein.

We would here note that the Commission has already held that an emergency exists with regards to natural gas supplies on Trunkline's system. See Seal Gathering Company, —— FPC ——, Docket No. CI74-288, issued January 3, 1974. We therefore conclude that there is an emergency on Trunkline's system which could warrant the issuance of a certificate if the price is found to conform to the public convenience and necessity.

The subject application was filed under Order No. 431 [1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storatge field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market [Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)], and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, —— FPC ——, Docket No. CI73-691, order issued August 30, 1973, and —— FPC ——, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

The Commission finds:

(1) The intervention of Trunkline Gas Company in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) Trunkline Gas Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on June 25, 1974, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(C) On or before June 11, 1974, Amoco and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-12527 Filed 5-30-74;8:45 am]

[Dockets Nos. E-8767, E-8779]

ARIZONA PUBLIC SERVICE CO.

Filing of Initial Rate Schedules

MAY 24, 1974.

Take notice that on May 2 and May 6, 1974, Arizona Public Service Company (APS) tendered for filing initial agreements for wholesale power with Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk) and Arizona Power Authority (APA) respectively. APS requests waiver of the notice requirements of § 35.11 of the Commission's regulations to allow effective dates for APA and Wellton-Mohawk of March 1 and May 1, 1974, respectively.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-12522 Filed 5-30-74;8:45 am]

[Docket No. RP 74-32]

CONSOLIDATED GAS SUPPLY CORP.

Postponing Hearing

MAY 24, 1974.

On May 20, 1974, Consolidated Gas Supply Corporation filed a motion to postpone the hearing now set for May 29, 1974, by notice issued May 9, 1974, in the above-designated matter. The motion states that neither Staff Counsel nor Interveners Rochester Gas and Electric Corporation and New York State Electric and Gas Company oppose the motion.

On May 22, 1974, Niagara Mohawk Power Corporation filed an answer and cross-motion. The answer requests that the motion to postpone the hearing be denied and that the proceeding be consolidated with Docket No. RP74-90 for hearing and determination.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to July 9, 1974, at 10:00 a.m., e.d.t. Action on the motion filed by Niagara Mohawk Power Corporation for consolidation is deferred pending further notice.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-12526 Filed 5-30-74;8:45 am]

[Docket No. RP73-84]

EL PASO NATURAL GAS CO.

Extension of Time

MAY 23, 1974.

On May 10, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by Order issued April 16, 1974, in the above-designated matter. On May 16, 1974, El Paso Natural Gas Company filed an answer opposing the motion. On May 17, 1974, Staff Counsel filed a report stating that El Paso Natural Gas Company was the only party who reserved the right to file comments to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified:

Service of Prepared Testimony and Exhibits by Staff, June 11, 1974.
Service of Intervenors' Evidence, June 25, 1974.
Service of Rebuttal Evidence, July 9, 1974.
Hearing, July 16, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-12523 Filed 5-30-74;8:45 am]

[2] Commissioner Brooke, concurring, Commissioner Smith, concurring, and Commissioner Moody, dissenting, all issued separate statements which are filed as part of the original document.

[Project No. 362]

FORD MOTOR CO.

Issuance of Annual License

MAY 22, 1974.

Ford Motor Company, Licensee for Twin City Lock and Dam Project No. 362 located at United States Lock and Dam No. 1 on the Mississippi River in Hennepin and Ramsey Counties between the Cities of St. Paul and Minneapolis, Minnesota has advised the Commission of its intent to file for a new license for the project.

An annual license was issued from the original date of expiration until June 6, 1974. In order to authorize the continued operation of the project, pursuant to section 15 of the Act pending filing and completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Ford Motor Company for the continued operation and maintenance of Twin City Lock and Dam Project No. 362.

Take notice that an annual license is issued to Ford Motor Company (Licensee) for the period June 7, 1974 to June 6, 1975, or until Federal takeover, or until the issuance of a new license for the project whichever comes first, for the continued operation and maintenance of Project No. 362, subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-12530 Filed 5-30-74;8:45 am]

[Dockets Nos. E-8394, E-8439]

METROPOLITAN EDISON CO.

Extension of Time and Postponement of Hearing

MAY 24, 1974.

On May 22, 1974, the Borough of Kutztown filed a motion for a further extension of the procedural dates fixed by notice issued April 24, 1974, in the above-designated matter. The motion states that neither Metropolitan Edison nor Staff Counsel had any objection to the motion. However, Counsel had been unable to contact counsel for other parties.

On May 24, 1974, Staff Counsel filed a motion for a further extension of the dates requested by the Borough of Kutztown. The motion states that no party to the proceeding has any objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Intervener's Service of Testimony, July 9, 1974.
Service of Company Rebuttal, July 30, 1974.
Prehearing Conference, August 20, 1974 (10:00 a.m. e.d.t.).
Hearing, to begin upon conclusion of Prehearing Conference.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-12524 Filed 5-30-74;8:45 am]

[Project No. 2180]

OWENS—ILLINOIS, INC.

Issuance of Annual License

MAY 22, 1974.

On June 26, 1970, Owens—Illinois, Inc., Licensee for Project No. 2180 located on the Wisconsin River in Lincoln County near the Town of Tomahawk, Wisconsin, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§ 16.1–§16.6).

An annual license was issued from the original date of expiration until June 30, 1974. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Owens—Illinois, Inc. for continued operation and maintenance of Project No. 2180.

Take notice that an annual license is issued to Owens—Illinois, Inc. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takoever, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 2180 subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-12528 Filed 5-30-74;8:45 am]

[Docket No. RI74-230]

PHILLIPS PETROLEUM

Order Providing for Hearing and Allowing Change To Become Effective Subject to Refund

MAY 24, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential; or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR Ch. I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

APPENDIX A

Docket No. [3]	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
	Phillips Petroleum Co	443	[1] 2	Pacific Lighting Service Co. (Federal Lease No. OCSP-0166, Offshore Santa Barbara County, California).		5-3-74	6-3-74	(7)			
	do		[1] 3	do		5-3-74	6-3-74	(7)			
	do		4	do	(6)	5-3-74		11-3-74	[4] 27.5	[5] 55.0	

* Unless otherwise stated, the pressure base is 14.73 lb/in²a.
[1] Rate effective subject to refund in Docket No. RI72-201.
[2] Letter Agreement dated Oct. 16, 1973.
[3] Contract amendment dated Nov. 23, 1973.
[4] No current sales.
[5] Applicable to casinghead gas from reservoirs below 100' Repetto Sand.
[6] Includes provision for gas well gas for which separate application will be made.
[7] Accepted 30 days after filing as shown in the "Effective Date Unless Suspended" column.

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The proposed rate increase of Phillips Petroleum Company is suspended for five months because the proposed rate is far in excess of the rates currently being collected subject to refund for sales from this area. The renegotiated contract and letter agreement are accepted for filing after expiration of the statutory notice period. While the original contract contains no depth limitation, the renegotiated contract and letter agreement do provide depth limitations. The acceptance for filing of the renegotiated contract and letter agreement does not constitute certificate authorization for such changes in these documents.

The November 23, 1973, contract contains a pricing provision requiring the buyer to reimburse the seller for "excess royalties" paid to the United States Government. Consistent with prior Commission action, § 154.93 of the Commission's regulations is waived to permit the filing of the contract. The granting of such waiver, however, does not mean that any future rate increase based on the pricing provision would be accepted for filing without suspension.

[FR Doc.74-12521 Filed 5-30-74;8:45 am]

[Docket No. E-8791]

SOUTHERN CALIFORNIA EDISON CO.

Initial Rate Schedule

MAY 22, 1974.

Take notice that on May 8, 1974 Southern California Edison Company (Edison) tendered for filing as an initial rate schedule an Agreement with the City of Los Angeles (City), dated February 14, 1974, and entitled City-Edison Excess Energy Sales Agreement Contract No. 10738. Edison states that the said Agreement provides for the sale by either party to the other of energy surplus to its needs which cannot be utilized to meet its current load requirements nor conserved to meet future load requirements. According to the Edison, the agreed-upon rate for the service is 115 percent of the costs incurred by the selling party in obtaining and delivering the energy.

Edison requests an effective date of December 19, 1973 for said Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12529 Filed 5-30-74;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Extension of Time and Postponement of Hearing

MAY 24, 1974.

On May 9, 1974, Staff Counsel filed a motion, as amended on May 10, 1974, for an extension of the procedural dates fixed by the Order issued February 8, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Evidence by Staff, August 23, 1974.
Prehearing, August 29, 1974 (10:00 a.m. e.d.t.).
Service of Evidence by Interveners, September 6, 1974.
Service of Rebuttal Evidence, September 23, 1974.
Hearing, October 8, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12525 Filed 5-30-74;8:45 am]

[Docket No. E-8801]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

MAY 22, 1974.

Take notice that on May 16, 1974, Community Public Service Company (Community), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to increase the interest rate on its First Mortgage Bonds of Series C, D, G, H, and I.

Community is incorporated in the State of Texas and is domesticated in the State of New Mexico with its principal place of business office at Fort Worth, Texas. Community is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the purchase, distribution and sale of natural gas. It provides electricity and natural gas service to a total of 85 incorporated municipalities in Texas and New Mexico.

Community proposes to create a Thirteenth Supplemental Indenture for the purpose of amending certain provisions of Community's Indenture of Mortgage and Deed of Trust dated as of November 1, 1944, with Continental Illinois National Bank and Trust Company of Chicago, as successor Trustee to the City National Bank and Trust Company of Chicago, as supplemented and to be supplemented and amended by a Thirteenth Supplemental Indenture. The Supplemental Indenture, to be created as of July 1, 1974, will amend the Original Indenture to remove therefrom a provision limiting the total amount of First Mortgage Bonds outstanding to $50,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1974, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12510 Filed 5-30-74;8:45 am]

[Dockets Nos. RP73-64, RP72-91 (Phase II), et al.]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

MAY 23, 1974.

Take notice that Southern Natural Gas Company (Southern) on May 16, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. Such filing is pursuant to section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 and Article II(b) and Article III of the Stipulation and Agreement approved by the Commission's order dated July 23, 1973, in Southern's Docket Nos. RP72-91 (Phase II), et al. The proposed changes would decrease the demand rates and increase the commodity and one-part rates. Southern states that the increase is made up of the following items:

(1) An adjustment to the Base Tariff Rates pursuant to Article III (Advance Payment Tracker) of the Stipulation and Agreement approved by the Commission's order dated July 23, 1973, for increases in the levels for advance payments of $8,366,826 above the advance payment levels presently reflected in Southern's rates. The jurisdictional cost increase due to additional advance payments is $1,054,304.

(2) An adjustment to the Base Tariff Rates pursuant to Artcile II(b) (Cost of Transportation) of the Stipulation and Agreement approved by the Commission's order dated July 23, 1973, for reduction in rates ordered in Sea Robin Pipeline Company's Docket No. RP73-47. On May 3, 1974, the Commission issued an order accepting Sea Robin's rate settlement which reduced the rates that Sea Robin charges Southern for gas transported through Sea Robin's pipeline system. The reduction in Southern's jurisdictional cost of service due to the reduced transportation charges is $199,040.

(3) A Current Adjustment for increased cost of purchased gas to jurisdictional customers of $8,590,741.

(4) A Surcharge Adjustment pursuant to section 17.3 of the General Terms and Conditions of Southern's FPC Gas Tariff for unrecovered purchased gas costs. The balance in Account No. 191, Unrecovered Purchased Gas Costs, as of March 31, 1974, is $6,256,506. Such balance will be collected over the estimated sales for the six-month period commencing July 1, 1974, and reflects a net increase of $2,464,313 above the existing Surcharge Adjustment.

Southern requests that the revised tariff sheet be made effective on July 1, 1974. According to Southern, copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-12511 Filed 5-30-74;8:45 am]

[Project No. 349]

ALABAMA POWER CO.

Notice of Issuance of Annual License

MAY 23, 1974.

On June 1, 1970, Alabama Power Company, Licensee for Martin Dam Project No. 349 located on Tallapoosa River in Elmore, Tallapoosa and Coosa Counties within 30 miles of the cities of Alexander City, Auburn and Montgomery, Alabama, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1-16.6).

An annual license was issued from the original date of expiration until June 8, 1974. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Alabama Power Company for continued operation and maintenance of Project No. 349.

Take notice that an annual license is issued to Alabama Power Company (Licensee) under section 15 of the Federal Power Act for the period June 9, 1974, to June 8, 1975, or until Federal takeover, or the issuance of a new license for the project whichever comes first, for the continued operation and maintenance of the Martin Dam Project No. 349 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12512 Filed 5-30-74;8:45 am]

[Docket No. RP73-66]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

MAY 23, 1974.

Take notice that Texas Eastern Transmission Corporation on May 10, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, the following sheets:

Eighth Revised Sheet No. 13
Eighth Revised Sheet No. 13A
Eighth Revised Sheet No. 13B
Eighth Revised Sheet No. 13C
Eighth Revised Sheet No. 13D

These tariff sheets reflect a reduction in Texas Eastern's base tariff rates and comply with Commission Opinion Nos. 672 and 672-A, Order Denying Motion for Reconsideration of Opinions 672 and 672-A, and U.S. Court of Appeals for the District of Columbia Circuit Order No. 74-1346.

The proposed effective date of the above tariff sheets is May 1, 1974.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12513 Filed 5-30-74;8:45 am]

[Docket No. CI74-644]

EXXON CORP.

Notice of Application

MAY 23, 1974.

Take notice that on May 9, 1974, Exxon Corporation (Applicant), P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI74-644 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from the Townsend Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Northern up to a daily average of 500 Mcf of gas for one year from the Townsend Field at a rate of 55.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, with an estimated initial upward adjustment of 4.84 cents per Mcf, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that it is willing to accept a certificate conditioned to a rate of 45.0 cents per Mcf subject to Btu adjustment. Estimated monthly sales are 15,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordiance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12514 Filed 5-30-74;8:45 am]

[Docket No. RM74-17]

ANNUAL REPORT FORMS NO. 1 AND NO. 2

Notice of Extension of Time

MAY 24, 1974.

In the matter of amendments to schedule pages 106, 219 and 221 of FPC Annual Report Forms No. 1 and No. 2 to extend reporting of security holders and voting power disclosure and debt holder disclosure.

On May 21, 1974, the American Gas Association filed a request for an exten-

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sion of time from June 5, 1974 to July 1, 1974, within which to file comments concerning the notice of proposed rulemaking issued April 19, 1974. On May 22, 1974, the Interstate Natural Gas Association of America filed a request for an extension to July 2, 1974.

Upon consideration, notice is hereby given that the time is extended to and including July 2, 1974, within which any interested person may submit data, views, comments or suggestions in writing concerning the notice of proposed rulemaking in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12519 Filed 5–30–74;8:45 am]

[Project No. 176]

ESCONDIDO MUTUAL WATER CO.

Notice of Issuance of Annual License

MAY 23, 1974.

On April 1, 1971, Escondido Mutual Water Company, Licensee for Project No. 176, located partially along the San Luis Rey River and Escondido Creek in the vicinity of the City of Escondido, in San Diego County, California, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§ 16.1–§216.6).

In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Escondido Mutual Water Company for continued operation and maintenance of Project No. 176.

Take notice that an annual license is issued to Escondido Mutual Water Company (Licensee) under section 15 of the Federal Power Act for the period June 25, 1974, to June 24, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 176 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12518 Filed 5–30–74;8:45 am]

[Project No. 2725]

GEORGIA POWER CO.

Notice of Application for License for Unconstructed Major Project

MAY 23, 1974.

Public notice is hereby given that application for approval of a major license was filed January 2, 1974—superseding the original application filed October 16, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by the Georgia Power Company (Correspondence to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302) for the unconstructed Rocky Mountain Project No. 2725, located in Floyd County, Georgia, approximately 10 miles northwest of Rome on Heath Creek, a headwater tributary of the Coosa River.

The project would affect private lands within the acquisition boundary of the Chattachoochee National Forest and lands within Berry College Wildlife Management Area and Refuge.

The Rocky Mountain Project would be a pure pumped storage development comprising the following works:

A. A Lower Reservoir would be impounded by (1) a dam across Heath Creek composed of a 1500 foot long earth-fill section with crest at elevation 725 feet (m.s.l.) and a 111 foot long tainter gate spillway section providing controlled discharge below elevation 714 feet, and (2) a 1065 foot long earth-fill dam across a saddle some 1000 feet north of the main dam with maximum crest at elevation 725 feet, having a 150 foot fuse plug section designed to fail at elevation 718 feet. This reservoir would be partitioned by three dikes and two ungated spillways, each with a valve controlled sluice, into three separate pools: (a) The Lower Operating Pool would have a surface area of 440 acres at normal maximum pool elevation 712 feet, a 9200 acre-foot usable storage volume in a 25 foot normal drawdown, and a 1400 acre-foot reserve storage between normal minimum operating pool elevation 687 feet and minimum operating pool elevation 681 feet for use during dry periods; and (b) Auxiliary Pools I and II would have surface areas of 387 and 120 acres, respectively, at normal full pool elevation 713 feet, to be used for recreation purposes and reserve storage for make-up water during extended dry periods.

B. An Upper Reservoir would be formed by a 13,500 foot long, 50 foot high, earth and rock-fill dam circumscribing the natural concave top of Rocky Mountain. This reservoir would have a surface area of 221 acres at normal full pool elevation 1390 feet, a usable storage volume of 9200 acre-feet in a 45.5 foot normal drawdown, and a reserve storage capacity of 900 acre-feet between normal minimum pool elevation 1344.5 feet and minimum pool elevation 1339 feet.

C. A water conduit connecting the upper and lower reservoirs would consist of a 35 foot diameter concrete lined shaft 577 feet deep extending from an intake in the floor of the Upper Reservoir to a 34 foot diameter, concrete lined, horseshoe-shaped, inclined tunnel section which would extend 1463 feet to a 28 foot diameter, 1087 foot long, steel lined horizontal tunnel section trifurcating into three 15 foot steel penstocks.

D. A semi-outdoor type powerhouse containing three vertical shaft, 225 mw, reversible pump-generator units.

E. A substation adjacent to the powerhouse.

F. A three mile long 230 kv transmission line.

G. Appurtenant facilities.

Proposed recreational features include a provision that all lands surrounding the project works and recreation facilities would be included within a buffer zone to assure preservation of the present natural setting to the greatest extent possible.

Due to the nature of pumped-storage operation, all water-oriented recreation would be confined to Auxiliary Pools I and II, around which would be developed two day-use areas, a camping area, and three boat launching areas. A third day-use area and a combined overlook and visitors center would be located at opposite ends of the Upper Reservoir; and a second overlook would be located on a low ridge immediately above the powerhouse. A 5-mile long hiking trail would connect the upper day-use area and the lower overlook.

In all, around 300 areas of land would be specifically devoted to recreation purposes.

The power generated would be transmitted into the Company's distribution system and used for public utility purposes.

Any person desiring to be heard or to make protest with reference to said application should on or before July 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12515 Filed 5–30–74;8:45 am]

[Docket No. CI71–77]

HOUSTON OIL & MINERALS CORPORATION (SUCCESSOR TO SUBURBAN PROPANE GAS CORPORATION)

Notice of Petition To Amend

MAY 23, 1974.

Take notice that on April 26, 1974, Houston Oil & Minerals Corporation (Petitioner), 242 The Main Building, 1212 Main Street, Houston, Texas 77002, filed in Docket No. CI71–77 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by substituting Petitioner in lieu of Suburban Propane Gas Corporation as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes to continue, without change, the sale of natural gas to United Gas Pipe Line Company from the Roanoke Field, Jefferson Davis Parish, Louisiana, at 30.6325 cents per Mcf at 15.025 psia, inclusive of upward Btu adjustment, as provided by Supplement No. 13 to Suburban Propane Gas Corporation FPC Gas Rate Schedule No. 15; at 27.4445 cents per Mcf at 15.025 psia, inclusive of upward Btu adjustment, as provided by Supplement No. 12 to Suburban Propane Gas Corporation FPC Gas Rate Schedule No. 15; and at 28.8175 cents per Mcf at 15.025 psia, inclusive of upward Btu adjustment, as provided by Supplement No. 11 to Suburban Propane Gas Corporation FPC Gas Rate Schedule No. 15.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12516 Filed 5–30–74;8:45 am]

[Project No. 2482]

NIAGARA MOHAWK POWER CORP.

Notice Denying and Granting Motions and Deferring Action on Motions

MAY 23, 1974.

On May 16, 1974, Niagara Mohawk Power Corporation (Niagara Mohawk) filed a motion[1] requesting, inter alia, that the hearing scheduled to commence on May 29, 1974, in Glen Falls, New York, pursuant to the order issued April 26, 1974, be postponed pending completion of legal proceedings now pending in New York State courts. On May 21, 1974, Commission Staff Counsel filed an answer to the motion opposing a postponement of the hearing.

On May 17, 1974, the U.S. Army, Corps of Engineers (Corps of Engineers), filed a request for an extension of time from May 16, 1974 to May 23, 1974, within which to file testimony and exhibits. The request states that the parties agreed to the extension of time. On May 21, 1974, Commission Staff Counsel filed an answer agreeing to the one-week extension, if the hearing is also postponed, to June 4, 1974.

[1] Although styled as a response to the Commission order of April 26, 1974, Niagara Mohawk's pleading is construed as a motion pursuant to § 1.13 of the rules of practice and procedure (18 CFR 1.12) and will be so treated.

The hearing scheduled for May 29, 1974, was set by the order issued April 26, 1974. Presiding Administrative Law Judge Kanell issued a notice on May 2, 1974, fixing the location of the public hearing. In view of the shortness of time between the filing of the motion and the hearing, and probable reliance by the public on the hearing going forward on May 29, the motion for a postponement of the hearing date should be denied.

Upon consideration, notice is hereby given that the motion filed by Niagara Mohawk, insofar as it requests a postponement of the May 29 hearing, is denied. The request by the Corps of Engineers for an extension of time to and including May 23, 1974, within which to file testimony and exhibits is granted. Further action on these motions and the answers thereto is deferred for consideration and appropriate disposition by the Presiding Administrative Law Judge.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74–12517 Filed 5–30–74;8:45 am]

FEDERAL RESERVE SYSTEM

SOUTHWEST KANSAS BANC SHARES, INC.

Order Approving Formation of Bank Holding Company

Southwest Kansas Banc Shares, Inc., Hutchinson, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 93.2 percent of the voting shares of The First National Bank of Meade, Meade, Kansas ("Bank").

Notice of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank, with deposits of $7.5 million. (All banking data are as of June 30, 1973.) Bank is the only bank in Meade (population of approximately 2000), an agriculturally oriented community located in southwestern Kansas. Bank is the sixth largest of thirteen banks in the relevant banking market,[2] with approximately 5 percent of the total commercial bank deposits therein. Upon acquisition of Bank, Applicant would control the 236th largest bank in Kansas, holding .1 of one percent of total deposits in commercial banks in the State. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

The principals of Applicant are also principals in two[3] other one-bank holding companies, Arkansas Valley Banc Shares, Inc., Yoder, Kansas, and Mid-Kansas Banc Shares, Inc., Buhler, Kansas, which own 97 percent and approximately 90 percent of The Farmers State Bank, Yoder, Kansas ("Farmers"), and The Buhler State Bank, Buhler, Kansas ("Buhler"), respectively. Farmers (deposits of $4.6 million) and Buhler (deposits of $3.9 million) are each located over 130 miles from Bank. From the facts of record, it is the Board's judgment that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are generally satisfactory. Applicant's earnings prospects are entirely dependent upon the earnings of Bank. While Applicant will incur acquisition debt as a result of the proposal, the projected earnings of Bank should provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements as well as to adequately maintain Bank's capital funds. Accordingly, financial and managerial considerations are consistent with approval of the application. Considerations relating to convenience and needs are also regarded as being consistent with approval in view of Applicant's intention to expand Bank's lending policies and to raise the interest rates paid by Bank on time and savings accounts to the maximum allowed by law. It is the Board's judgment that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above, provided that the transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[4] effective May 22, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74–12349 Filed 5–30–74;8:45 am]

[2] The relevant banking market is approximated by Meade County and portions of Ford, Gray, Seward, and Clark Counties.

[3] Three of these principals are also principals of Redline Insurance, Inc., WaKeeney, Kansas; by action of this date, the Board has approved the application by Redline Insurance, Inc. to become a bank holding company through acquisition of the Trego-WaKeeney State Bank, WaKeeney, Kansas.

[4] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Sheehan.

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SWEDLUND MANAGEMENT CO.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Swedlund Management Co., Murray, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent of the voting shares of The Murray State Bank, Murray, Nebraska ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire, through a newly formed 50 percent owned subsidiary, D & L Insurance Agency Inc., Murray, Nebraska ("D & L"), the insurance agency business of B & W Enterprises, Inc., Murray, Nebraska ("B & W") and to engage thereby in general insurance agency activities in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board in § 224.4(a)(9)(iii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 13201, 13202). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant is a non-operating corporation recently organized for the purposes of becoming a bank holding company through acquisition of Bank and of engaging in insurance agency activities through a newly formed subsidiary, D & L. Bank (deposits of $3.9 million), the only banking institution in Murray, an agricultural community (population 300) located approximately 25 miles south of Omaha, is the second largest of seven banks in the relevant banking market[1] and controls almost 15 percent of deposits in the market. (Banking data are as of June 30, 1973.) Since Applicant has no existing banking subsidiary, consummation of the proposal would not eliminate any existing or potential competition, increase concentration of banking resources, nor have any adverse effects on the other banks in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and future prospects, which are dependent upon profitable operations by both Bank and D & L, appear favorable. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Consummation of the transaction would have no immediate effect on the area's banking convenience and needs; however, some expansion of services may result in the future under the more flexible corporate structure of the holding company. Considerations relating to the convenience and needs of the community to be served, therefore, are regarded as being consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application to acquire Bank should be approved.

B & W currently operates a general insurance agency on Bank's premises. Applicant proposes to operate this insurance agency business, pursuant to § 225.4(a)(9)(iii) of Regulation Y, by acquiring a 50 percent interest in D & L (presently a non-operating company), which will be the successor in interest to all of B & W's existing general insurance business. Applicant would sell credit life and credit accident and health insurance as well as various other types of general insurance. Approval would enable Applicant to continue to offer Bank's customers a convenient source of insurance services. It does not appear that the acquisition of B & W's general insurance agency business would have any significant effect on existing or future competition. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors that the Board is requested to consider regarding the insurance agency acquisition under section 4(c)(8) is favorable and that the application should be approved.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order. The acquisition of Bank and D & L shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective May 22, 1974.

CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12350 Filed 5-30-74;8:45 am]

[1] The relevant banking market is approximated by the eastern portion of Cass County, Nebraska.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Sheehan.

REDLINE INSURANCE, INC.

Order Approving Formation of Bank Holding Company

Redline Insurance, Inc., WaKeeney, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of an additional 36.73 percent of the voting shares of The Trego-WaKeeney State Bank, WaKeeney, Kansas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is presently engaged solely in holding 13.33 percent of the outstanding voting shares of Bank. Through the proposed acquisition of additional shares of Bank, with deposits of $11.5 million, Applicant will become a bank holding company subject to the Act. (All banking data are as of June 30, 1973.) Bank is the larger of two banks in WaKeeney (population of slightly more than 2,300), located in the west central portion of Kansas, and is the larger of two banks in Trego County, the relevant banking market. Bank controls approximately 71 percent of the total commercial bank deposits in the market. Upon acquisition of Bank, Applicant would control the 166th ranking bank in Kansas, holding 0.18 percent of total deposits in commercial banks in the State. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to corporate ownership with no change in Bank's present management or operation, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

The principals of Applicant are also principals in two other one-bank holding companies: Mid-Kansas Banc Shares, Inc., Buhler, Kansas, which controls The Buhler State Bank ($3.9 million in deposits); and Arkansas Valley Banc Shares, Inc., Yoder, Kansas, which controls The Farmers State Bank, Yoder, Kansas ($4.6 million in deposits). Each of these banks is located over 100 miles southeast of Bank and each operates in separate and distinct banking markets from the Trego County market.[3] From the facts of record, it is the Board's judgment that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Bank, are considered to be satisfactory. The projected earnings for Bank provide Applicant with the necessary financial flexibility to service the debt incurred as a result of the present proposal as well as to augment Bank's capital if the need arises. Accordingly, financial and managerial considerations are consistent with approval of the application. As indicated above, the proposed acquisition represents a change in the form of ownership of Bank, and there are no significant proposed changes in the operation or services of Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governor,[4] effective May 22, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12465 Filed 5-30-74;8:45 am]

[3] By action of this date, the Board has approved the application of Southwest Kansas Banc Shares, Inc., Hutchinson, Kansas, to become a bank holding company through the acquisition of First National Bank of Meade, Meade, Kansas. The principals of Applicant are also principals in Southwest Kansas Banc Shares, Inc.

[4] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Sheehan.

UNITED CAROLINA BANCSHARES CORP.

Proposed Acquisition of Hometown Loan Corporation

United Carolina Bancshares Corporation, Whiteville, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Hometown Loan Corporation, Manchester, Georgia. Notice of the application was published between March 13 and May 2, 1974, inclusive, in newspapers of general circulation in the following locations: Manchester, Pine Mountain, Butler, Fayetteville, Palmetto, Jonesboro, Hogansville, Thomaston and Buena Vista, Georgia.

Applicant states that the proposed subsidiary would engage in the activities of a consumer loan company and as sales agent for credit life, credit disability, and credit physical damage insurance directly related to extensions of credit by Hometown Loan Corporation at the aforementioned locations. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 19, 1974.

Board of Governors of the Federal Reserve System, May 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12466 Filed 5-30-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 28, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce; Special Alpha (Dissolving) Wood Pulp, Form DIB 966, Single time, Weiner, Pulp mills.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities; Delphi Study, Form ----, Singletime, CVA/Lowry, Individuals.

Housing Management; Data Collection Form for Proposed System of Funding Subsidies for Operations, Low-Rent Housing Program, Form HUD 53090, Single time, CVA/Sunderhauf, Local housing authorities.

REVISIONS

None.

EXTENSIONS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Contractor Employee Biographical Data Sheet; Form AID 1420-17, Occasional, Evinger, Prospective AID contractor employees.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service; Request for Agreement, Form ASCS 691, Annual, Lowry, Farms.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce; Shipments of Primary Nickel, Form DIB 920, Monthly, Evinger, Suppliers of nickel for U.S. consumption.

Jewel Bearings and Related Components; Form DIB 941, Annual, Evinger, Producers & consumers of jewel bearings.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-12597 Filed 5-30-74;8:45 am]

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INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

[Notice 42]

MAY 24, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 730 (Sub-No. 365), filed April 22, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 14th and Clay Streets, Oakland, Calif. 94604. Applicant's representative: Robert H. Cleveland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and those requiring special equipment), serving Danville, Ill., as an off-route point in connection with applicant's presently authorized regular routes, restricted to service at Danville for the purpose of interlining traffic with Ryder Truck Lines, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 5296 (Sub-No. 1), filed April 24, 1974. Applicant's representative: LACY'S EXPRESS, INC., 81 West Pitman S., Penns Grove, N.J. 08069. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Floor covering; materials, supplies, and equipment*, used in the installation of floor covering; and *window shades* (except commodities in bulk), serving Bristol, Pa., as an off-route point in connection with applicant's regular-route operations between Philadelphia, Pa., and Salem, N.J.

NOTE.—Applicant indicates that the purpose of this application is to follow the traffic of a present shipper. Prospective protestants are advised to refer to the Commission's Decision in *Smith and Solomon Trucking Company Extension*—Camden, N.J., 61 M.C.C. 748, and the Commission's subsequent Decision in *Theatres Service Company Extension*—Duluth, Ga., 113 M.C.C. 744. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 6607 (Sub-No. 16), filed April 25, 1974. Applicant: J. J. MINNEHAN, INC., P.O. Box 369, Rockingham Road, Bellows Falls, Vt. 05101. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank vehicles, (1) from Middleborough, Mass., to Goshen, N.Y.; and (2) from Westerly, R.I., to Groton, Conn., (1) and (2) above, under contract with Dairylea Co-Operative, Inc. and Natural Spring Water Co., Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn.

No. MC 7640 (Sub-No. 45), filed April 24, 1974. Applicant: BARNES TRUCK LINES, INC., 506 Mayo Street, Wilson, N.C. 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags, from points in Hertford County, N.C., to points in Delaware, Maryland, South Carolina, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 16903 (Sub-No. 39), filed April 25, 1974. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam products, and component parts and accessories*, moving in the same vehicle, from Charleston, Ill., to points in West Virginia, Pennsylvania, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC-18088 (Sub-No. 56) (CLARIFICATION), filed March 27, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as clarified this issue. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Industrial Parkway, Sycamore, Ala. 35149. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham and Sycamore, Ala., on the one hand, and, on the other, points in Georgia, South Carolina, and Tennessee, restricted to the transportation of traffic received from or delivered to connecting carriers at Birmingham and Sycamore, Ala., and points in their respective Commercial Zones.

NOTE.—Applicant states that the sole purpose of the subject application is to enable the substitution of Birmingham and Sycamore, Ala., as interline points. The purpose of this republication is to indicate applicant's statement next above. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 18302 (Sub-No. 2), filed April 15, 1974. Applicant: STATE MOVING & STORAGE, INC., 1991 Utica Avenue, Brooklyn, N.Y. 11234. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) from points in Westchester, Nassau, Suffolk, Rockland, and Putnam Counties, N.Y.; Fairfield County, Conn.; Hudson, Bergen, Essex, Passaic, Sussex, Morris, Warren, Union, Somerset, Middlesex, Monmouth, Mercer, Hunterdon Counties, N.J., to points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan; (2) from New York, N.Y., to points in Maine, Vermont, New Hampshire, Rhode Island, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan; (3) from points in Maine, Vermont, New Hampshire, Rhode Island, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan, to New York, N.Y.; and (4) from the destination points named in (1) above, to points in Maryland, Massachusetts, New Jersey, New York (except New York, N.Y.), Pennsylvania, New Hampshire, Vermont, Delaware and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 20916 (Sub-No. 13), filed April 12, 1974. Applicant: JOHN T. SISK, Rt. 2, Box 162–B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire and wire rope*, between Culpeper, Va., on the one hand, and, on the other, Baltimore, Md.; (2) *Precast Concrete and precast concrete products*, (a) from Midland, Va., to points in Delaware, Georgia, Florida, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, West Virginia, and the District of Columbia; and (b), from the facilities of Smith Cattleguard, Inc., located at Gainesville, Ga., to Mechanicsville, Va.; and (3) *Crushed stone, stone dust, sand, and gravel*, from Culpeper and Fredericksburg, Va., to Washington, D.C., and points in Montgomery, Howard, Prince Georges, Anne Arundel, and Charles Counties, Md.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 27356 (Sub-No. 8), filed April 19, 1974. Applicant: M–F EXPRESS, INC., c/o JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk and those which by reason of size, weight, or value require the use of special equipment) between York and Livingston, Ala.: From York via U.S. Highway 11 to Livingston and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Livingston, Tuscaloosa, or Birmingham, Ala.

No. MC 29120 (Sub-No. 16) (AMENDMENT), filed March 18, 1974, published in the FEDERAL REGISTER issue of April 25, 1974, and republished as amended this issue. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, hides, and those requiring special equipment), between the junction of U.S. Highway 20 and Interstate Highway 80 near Cleveland, Ohio, and Minneapolis-St. Paul, Minn.: (1) From the junction of U.S. Highway 20 and Interstate Highway 80 near Cleveland, Ohio, over Interstate Highway 80 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 90, thence over Interstate Highway 90, to junction Interstate Highway 94, thence over Interstate Highway 94 to Minneapolis-St. Paul and return over the same route, serving no intermediate points except as otherwise authorized, as an alternate route for operating convenience only in connection with carrier's regular route operations; and (2) From the junction of U.S. Highway 20 and Interstate Highway 80 near Cleveland, Ohio, over Interstate Highway 80 to junction U.S. Highway 20 near Columbia, Ohio, thence over U.S. Highway 20 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 41 at or near Glenview Woods, Ill., thence over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94, to Minneapolis-St. Paul and return over the same route, serving no intermediate points except as otherwise authorized, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—The purpose of this republication are to amend (a) the commodity restriction, and (b) the territorial description as stated herein. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio, or Minneapolis-St. Paul, Minn.

No. MC 30887 (Sub-No. 204), filed April 16, 1974. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities* in bulk, in tank vehicles, from the plantsites and facilities of Skyline Terminals, Inc., located at or near Baltimore, Md., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, Virginia, West Virginia, and the District of Columbia, restricted to shipments having a prior movement by rail, water or motor carrier, and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 31389 (Sub-No. 180), filed April 11, 1974. Applicant: McLEAN TRUCKING COMPANY, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Memphis, Tenn., on the one hand, and, on the other, points in that part of Arkansas south and west of a line beginning at the Arkansas-Oklahoma State Boundary line, and extending along U.S. Highway 270 to Pine Bluff, Ark., thence along U.S. Highway 65 to the Arkansas-Louisiana State line, including points on the indicated portions of the highway specified. Service is authorized at Memphis, Tenn., and points in its commercial zone for the purpose of joinder only.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Memphis, Tenn., to serve points in the Central, eastern, and southwestern United States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 39123 (Sub-No. 7), filed April 24, 1974. Applicant: ASBESTOS EASTERN TRANSPORT (U.S.) INC., Route 3 Morrisonville Road, Plattsburgh, N.Y. 12901. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to

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operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Franklin, Clinton, Albany, and Essex Counties, N.Y., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada, located in Clinton County, N.Y., restricted to traffic having a prior or subsequent movement in foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y., or Montpelier, Vt.

No. MC 39395 (Sub-No. 6), filed April 16, 1974. Applicant: NEHALEM VALLEY MOTOR FREIGHT, INC., 3641 N.W. St. Helens Rd., Portland, Oreg. 97210. Applicant's representative: G. G. Gerdes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Rainier, Oreg., on the one hand, and, on the other, Longview and Kelso, Wash., restricted to shipments originating at Reynolds Metals Company located at Longview, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 42146 (Sub-No. 18), filed April 15, 1974. Applicant: THE A. G. BOONE COMPANY, a Corporation, 1812 W. Morehead Street, Charlotte, N.C. 28208. Applicant's representative: Floyd C. Hartsell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between points in Mecklenburg, Wake, and Guilford Counties, N.C., and Greenville County, S.C., on the one hand, and, on the other, points in Georgia, under contract with The Great Atlantic and Pacific Tea Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 42605 (Sub-No. 3), filed April 24, 1974. Applicant: CARL H. BETZ, R.D. 1, Orefield, Pa. 18069. Applicant's representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic plant food*, in bulk, bags and packages, from points in the District of Columbia, to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 43475 (Sub-No. 60) (CORRECTION), filed April 1, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as corrected this issue. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, Minn. 55113. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Lake Nebagamon, Wis., as an off-route point in connection with carrier's regular route operations, over U.S. Highway 2 between Duluth, Minn., and Hurley, Wis.

NOTE.—The purpose of this republication is to correct Duluth, Minn., which was previously published as Duluth, Mich. in error. If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn.

No. MC 48958 (Sub-No. 123), filed April 15, 1974. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, P.O. Box 9050, 601 Ross Street, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Colorado, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, New Mexico, Arizona, California, and Nevada, restricted to traffic originating at, and destined to, the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., Denver, Colo., or Washington, D.C.

No. MC 50069 (Sub-No. 489), filed April 25, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Alabama, Indiana, Michigan, Ohio, and Tennessee; (2) *Residual fuel oil*, in bulk, in tank vehicles, from Kansas City, Mo., to East St. Louis, Ill., and points within 5 miles thereof; and (3) *Sulphuric acid*, in bulk, in tank vehicles, from Oregon, Ohio, to points in Indiana (except Elkhart, Ind.).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 59098 (Sub-No. 8), filed April 22, 1974. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, N.J. 07660. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpeting, floor covering and material, equipment, and supplies* used in the installation and sale thereof (except commodities in bulk), between Ridgefield Park (Bergen County), N.J., on the one hand, and, on the other, points in Hudson, Bergen, Essex, Passaic, Union, Morris, Ocean, Sussex, Middlesex, Somerset, Monmouth, and Mercer Counties, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 59223 (Sub-No. 4), filed April 24, 1974. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th Street, New York, N.Y. 10015. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and accessories*, on hangers and in cartons, in mixed shipments of garments on hangers and in cartons, between points in that part of New York, N.Y., Commercial zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the exempt zone), on the one hand, and, on the other, Albany, N.Y., and New Haven, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 76032 (Sub-No. 307), filed April 22, 1974. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant or warehouse facilities of Western Electric Company, Inc., located at or near Goddard, Kans., as an off-route point in connection with carrier's regular route operations via Goddard, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Wichita, Kans.

No. MC 74681 (Sub-No. 3), filed April 24, 1974. Applicant: STEVENS VAN LINES, INC., 121 S. Niagara, Saginaw, Mich. 48602. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from the warehouse facilities of Stevens Van Lines, Inc., at Pontiac, Mich., to the retail facilities of the S. S. Kresge Company, K-Mart Stores, and Jupiter Stores in Macomb County, Mich., restricted to the transportation of traffic destined to the named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 94201 (Sub-No. 122), filed April 15, 1974. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution, dry bleach, cleaning, scouring and washing compounds, chopped alfalfa pellets* (animal litter) *and cooking oils* (except in bulk), from the plantsite and storage facilities of The Clorox Company located at or near Atlanta, Ga., to points in Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 95540 (Sub-No. 900), filed April 24, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and margarine*, from points in Fulton, Cobb, Gwinnett, DeKalb, and Clayton Counties, Ga., to points in Florida (except that portion of Florida in and north of Levy, Marion, Putnam, and Flagler Counties, Fla.), Arkansas, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 96881 (Sub-No. 14), filed April 22, 1974. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK LINE, 801 Dodson Avenue, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, Post Office Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Electrical motors, electrical motor parts, and material and supplies used in the manufacture thereof* (except commodities in bulk, in tank vehicles, and *commodities* which because of size or weight require the use of special equipment), serving the plantsite of the United States Electrical Motors, Inc. (U.S.E.M., Inc.), located in Bryan County, Oklahoma, as an off-route point in connection with applicant's regular route operations at Valliant, Okla., restricted to traffic originating at or near destined to the plantsite of United States Electrical Motors, Inc. (U.S.E.M., Inc.), in Bryan County, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Smith, Ark., or Washington, D.C.

No. MC 100667 (Sub-No. 280), filed April 15, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*; (3) *parts and accessories*, used in the installation thereof; and (4) *metal prefabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at (1) Nashville, Tenn.; (2) Memphis, Tenn.; (3) Washington, D.C.

No. MC 103051 (Sub-No. 306), filed April 16, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats and blends thereof* in bulk, in tank vehicles, between points in Mecklenburg County, N.C., and points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee (except Chattanooga), Virginia (except from Mecklenburg County, N.C., to Portsmouth and Suffolk, Va.), and West Virginia (except from Charlotte, N.C., to Bluefield, W. Va.), in non-radial movements.

NOTE.—Common control may be involved. Dual operations may be involved also. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 106497 (Sub-No. 98), filed April 22, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus Rte I-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers and boiler parts*, from Danville, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Atlanta, Ga.

No. MC 106644 (Sub-No. 179), filed April 26, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpet remnants, and rugs*, from the facilities of Sweetwater Carpet Corp., at or near Ringgold, Ga., to points in Michigan and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 106644 (Sub-No. 180), filed April 24, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: S. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, and in sections;* (2) *building sections and building panels;* (3) *parts and accessories used in the installation thereof;* and (4) *metal prefabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108973 (Sub-No. 12), filed April 17, 1974. Applicant: INTERSTATE EXPRESS, INC., 2334 University Aveune, Saint Paul, Minn. 55114. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, Saint Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpwood, paper, and paper products*, from the plantsite of Hoerner Waldorf Corporation, at Ontonagon, Mich., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, North Dakota, and South Dakota; and (2) *paper mill supplies* (except in bulk), used in the manufacture of paper products, from points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, North Dakota, and South Dakota, to the plantsite of Hoerner Waldorf Corporation, at Ontonagon, Mich., under a contract with Hoerner Waldorf Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 110144 (Sub-No. 13), filed April 20, 1974. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Papermill Road, Knoxville, Tenn. 37921. Applicant's representative: Clyde S. Henninger, P.O. Box 4126, Knoxville, Tenn. 37921. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commod-*

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ities (except household goods as defined by the Commission, commodities in bulk, Classes A and B explosives, and articles, which because of size or weight, require special equipment), between Chattanooga, Tenn., and points within ten miles of its city limits and the Holiday Industrial Park (De Soto County), Miss.: From Chattanooga, Tenn., and points within ten miles of its city limits over U.S. Highway 64 to Memphis, Tenn., thence over U.S. Highway 78 to Holiday Industrial Park (De Soto County), Miss., and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 110420 (Sub-No. 713), filed April 22, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food color concentrate*, in bulk, in tank vehicles, from Sidney, Nebr., to points in Milwaukee, Wis.; (2) *insecticides*, in bulk, in tank vehicles, from the facilities of Abbott Laboratories at North Chicago, Ill., to points in Iowa; and (3) *liquid chocolate coating*, in bulk, in tank vehicles, from the plantsite of ITT Continental Baking Company, Inc., in St. Louis, Mo., to the plantsite of ITT Continental Baking Company, Inc., located in Omaha, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 714), filed April 22, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Lebanon, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 110420 (Sub-No. 715), filed April 22, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate products, cocoa butter, and confectionery coatings*, in bulk, in tank vehicles, from Robinson, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 110420 (Sub-No. 716), filed April 22, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine soap stock, liquid soap, and fatty acids*, in bulk, in tank vehicles, from the plantsite of Armour-Dial, Inc., located in Aurora Township (Kane County), Ill., to points in North Carolina, South Carolina, Virginia, West Virginia, and New York, restricted to traffic originating at the plantsite of Armour-Dial, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 1093), filed April 17, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal oils and products of animal and vegetable oils*, in bulk, in tank vehicles, from Quincy, Mass., to points in New York; (2) *liquid flame retarding compounds*, in bulk, in tank vehicles, from El Dorado, Ark., to the ports of entry on the International Boundary line between the United States and Canada located at or near Niagara Falls, N.Y., restricted to export traffic; (3) *spent methanol*, in bulk, in tank vehicles, from Pittsfield, Mass., to Model City, N.Y.; (4) *spent chlorinated solvents, spent freon, spent petroleum distillates, spent trichloroethylene, and spent perchlorethylene*, in bulk, in tank vehicles, from Essex Junction, Vt., to Model City, N.Y.; and (5) *dry sugar*, in bulk, in tank vehicles, from Philadelphia, Pa., and New York City, N.Y., to the port of entry on the International Boundary line between the United States and Canada, located on the Niagara River in New York, restricted to export traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC-110563 (Sub-No. 137), filed April 24, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Bldg., 113 N. Ohio Ave., Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs including dairy products*, (A) from Plymouth, Wis., and Van Wert, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (B) from Plymouth, Wis., to Van Wert, Ohio, restricted to traffic originating at the plantsites and storage facilities utilized by Borden Foods, a Division of Borden, Inc., located at or near Plymouth, Wis., and Van Wert, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC-111302 (Sub-No. 75), filed April 25, 1974. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: Jerome F. Marks, 1940 Monroe Drive NE., Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, from Knoxville, Tenn., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 197), filed April 22, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, bases, and transmission poles*, and (2) *materials and supplies* used in the manufacture and installation of the commodities named in (1) above, between Valley, Nebr., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111545 (Sub-No. 198), filed April 22, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire prevention and sprinkler systems;* and (2) *parts, equipment, materials, and supplies* used in the installation of fire prevention and sprinkler systems, from the plantsite or warehouse facilities of Grinnell Fire Prevention Systems, Inc., located at or near Cleveland, N.C., Dallas, Tex., Canton, Miss., and Long Beach, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 111812 (Sub-No. 506), filed April 22, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, 900 West Delaware, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy products and advertising material* therewith, from the warehouse facilities of Jack's Candies, located at or near Port Elizabeth, N.J., to points in Illinois, California, Utah, Minnesota, Ohio, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 111812 (Sub-No. 507), filed Aprill 22, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* products, from points in Massachusetts, to points in Minnesota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 112304 (Sub-No. 80), filed April 22, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: T. Collins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and trailer converter dollies*, between Galion, Lima, Mount Vernon, and Winesburg, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *waste and refuse handling equipment and systems*, between Macon, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (3) *motor vehicle bodies, containers, and motor vehicle body equipment and accessories*, between Durant, Okla., on the one hand, and, on the other points in the United States (except Alaska and Hawaii); and (4), *materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly, and servicing of commodities described in (1), (2), and (3) above, when moving in mixed shipments and in the same load with such commodities, between Vineland, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112713 (Sub-No. 166), filed April 18, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric Company, Inc., located at or near Goddard, Kans., as an off-route point in connection with carrier's regular route operations at Wichita, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112713 (Sub-No. 167), filed April 18, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Cryovac Division, W. R. Grace & Co., at or near Iowa Park, Tex., as an off-route point in connection with carrier's otherwise authorized regular route operations at Wichita Falls, Texas.

NOTE.—Common control was approved in MC-F-11641. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 112822 (Sub-No. 328), filed April 26, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from points in California, to points in Washington, and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, or Los Angeles, Calif.

No. MC 113760 (Sub-No. 9), filed April 15, 1974. Applicant: PETCO INC. INTERSTATE, a Corporation, 6510 Brighton Road, Commerce City, Colo. 80022. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Building, 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Carbon County, Wyo., to points in Routt, Moffat, and Rio Blanco Counties, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113828 (Sub-No. 218), filed April 19, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate*, in bulk, between Syracuse, N.Y., and Charlottesville, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 202), filed April 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Chicago Heights, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York; Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Chicago Heights, Ill.; and (2) *foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Belvidere, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Belvidere, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114019 (Sub-No. 256), filed April 25, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid candy coating, other than chocolate, liquid chocolate, liquid chocolate coating, liquid chocolate liqueur and liquid cocoa butter*, in bulk, from Robinson, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 397), filed March 25, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of The Upjohn Company at Houston, Tex., to points in Kentucky, Tennessee, and Rhode Island.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 114211 (Sub-No. 229), filed April 19, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a

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common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery, parts and attachments*, from Tonkawa, Okla., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies*, used in the manufacture of distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Tonkawa, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 114211 (Sub-No. 230), filed April 24, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick Smyth, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, plywood and laminated products*, from Urbana, El Dorado, and Magnolia, Ark., and Mansfield and Plain Dealing, La., and Atlanta. Tex., to points in Oklahoma, Kansas. Nebraska, South Dakota, North Dakota, Missouri, Illinois, Indiana, Wisconsin, Iowa, Michigan, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark., or Chicago, Ill.

No. MC 114211 (Sub-No. 231), filed April 24, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick Smyth, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber plywood and particleboard*, from Pineland, Tex., to points in Kansas, Nebraska, North Dakota, South Dakota, Missouri, Iowa, Minnesota, Wisconsin, Oklahoma, Illinois, Indiana, and Michigan; and (2) *lumber, plywood, fiberboard and particleboard*, from Diboll, Tex., to points in Kansas, Nebraska, North Dakota, South Dakota, Missouri, Iowa, Minnesota, Wisconsin, Oklahoma, Illinois, Indiana, and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or Chicago, Ill.

No. MC 114533 (Sub-No. 298), filed April 23, 1974. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restorative dentistry products*, between Lafayette, Ind., on the one hand, and, on the other, Danville, Rantoul, Champaign, and Georgetown, Ill.

NOTE.—Applicant holds contract carrier authority in MC-128616 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 114896 (Sub-No. 16), filed April 12, 1974. Applicant: PUROLATOR SECURITY, INC., 1341 West Mockingbird Lane, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metal* (gold), (1) between Waterbury, Conn., and Carlisle, Pa.; (2) between Nutley, N.J., and Carlisle, Pa.; and (3) between Providence, R.I., and Brodbecks, Pa.; (1), (2), and (3) above, under contract with AMP, Incorporated.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 365), filed April 15, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Prepared dry fish and animal feed*, from the plantsites of the Bow Wow Co., Inc., at or near Rolla, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin; and (b) *materials and supplies* used in the manufacture thereof, from the destination points named in (a) above, to the plantsites of Bow Wow Co., Inc., at or near Rolla, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115651 (Sub-No. 23), filed April 22, 1974. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, Ill. 61102. Applicant's representative: Robert D. Higgins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plant site of the St. Paul Ammonia Products, Inc., at or near East Dubuque, Ill., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Kentucky, Michigan, Nebraska, Ohio, South Dakota, Minnesota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC-139621, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 116763 (Sub-No. 276), filed April 23, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Wilson, N.C., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116763 (Sub-No. 277), filed April 23, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn*, from Costa Mesa, Calif., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles.

No. MC 116763 (Sub-No. 278), filed April 23, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 54380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and building supplies*, from points in Pennsylvania and West Virginia, to points in Florida and those in Georgia on and south of U.S. Highway 80.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116915 (Sub-No. 10), filed April 17, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 1125 Sweeney Street, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation thereof; and (4) *metal prefabricated structural components and panels*, from the facilities of Kirby Building Systems, Inc., at or near Portland, Tenn., to points in the United States (except Alaska and Hawaii); and (5) *materials, equipment, and supplies* used in the manufacture or sale of commodities described in (1), (2), (3), and (4) above, from points in the United States (except Alaska and Hawaii), to the facilities of Kirby Building Systems, Inc., at or near Portland, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 116947 (Sub-No. 31), filed April 25, 1974. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30342. Applicant's representative: William Addams, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal can, and can ends*, from the plantsite of the Ball Corporation, at or near Williamsburg, Va., to the plantsite and warehouse facilities utilized by Anheuser-Busch, at or near Jacksonville, Fla., under contract with Ball Corporation, at Muncie, Ind.

NOTE.—Applicant holds common carrier authority in MC 117686 (Subs 2 and 8), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117883 (Sub-No. 190), filed April 22, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum* and *petroleum products;* (2) *vehicle body sealer or sound deadener compound;* and (3) *related advertising materials and supplies* when shipped therewith (except commodities in bulk), from Congo, W. Va.; and Emlenton and Farmers Valley, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin, restricted to traffic originating at the above named origin, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Columbus, Ohio.

No. MC 117883 (Sub-No. 191), filed April 22, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including dairy products*, (A) from Plymouth, Wis., and Van Wert, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (B) from Plymouth Wis., to Van Wert, Ohio, restricted to traffic originating at the plantsites and storage facilities utilized by Borden Foods, a Division of Borden, Inc., located at or near Plymouth, Wis., and Van Wert, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118400 (Sub-No. 5), filed April 19, 1974. Applicant: WANDO PRODUCE CO., a Corporation, 60 Romney Street, Charleston, S.C. 39403. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Georgetown, S.C., to points in Charlotte, Goldsboro, Hickory, Winston-Salem, Raleigh, N.C., Columbia and Greenville, S.C., and Richmond, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 118457 (Sub-No. 12), filed April 22, 1974. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., W145 S6550 Tess Corners Drive, Muskego, Wis. 53510. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, (1) from the plantsite and warehouse facilities of Pauly Cheese Co., Inc., at Green Bay, Wis., to points in Illinois, Indiana, Kentucky, Ohio, and the lower Peninsula of Michigan; and (2) from the plantsite and warehouse facilities of Lemke Cheese Company, Inc., at Wausau, Wis., to points in Illinois, Indiana, Ohio, and the lower Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant does not specify location.

No. MC 118457 (Sub-No. 13), filed April 22, 1974. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., W145 S6550 Tess Corners Drive, Muskego, Wis. 53150. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (a) from the plantsite and warehouses of Rich Products Corp., located at or near Appleton, Wis., to St. Louis, Mo., Louisville, Ky., and points in Indiana, Illinois, Ohio, and the Lower Peninsula of Michigan; (b) from the plantsites and facilities utilized by Green Giant Co., located in Wisconsin, to Belvidere and Chicago, Ill.; and (c) from the plantsite and facilities of Green Giant Co., located at Belvidere, Ill., to points in Wisconsin and the Upper Peninsula of Michigan; and (2) *frozen and processed potatoes and potato products*, from points in Portage County, Wis., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and the Lower Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 118883 (Sub-No. 3), filed March 29, 1974. Applicant: VAN E. HAMLETT, Osage Street, P.O. Box 8009, Nashville, Tenn. 37207. Applicant's representative: Don R. Byinkley, 500 Court Square Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, and *pesticides* in containers when moving with fertilizer, (1) between points in Davidson and Gibson Counties, Tenn., on the one hand, and, on the other, points in Alabama, on, north, and west of a line beginning at the intersection of U.S. Highway 78 and the Mississippi-Alabama State Boundary line, thence over U.S. Highway 78 to the intersection of U.S. Highway 78 and U.S. Highway 278, thence over U.S. Highway 278 to the intersection of U.S. Highway 411, thence over U.S. Highway 411 to the Alabama-Georgia State Boundary line; (2) between points in Davidson and Gibson Counties, Tenn., on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the intersection of Interstate Highway 75 and the Tennessee-Kentucky State Boundary line; thence over Interstate Highway 75 to the Kentucky-Ohio State Boundary line; and (3) between points in Davidson and Gibson Counties, Tenn., on the one hand, and, on the other, points in Georgia on and north of a line formed by the southern boundaries of Floyd, Bartow, Cherokee, Dawson, Lumpkin, White, Habersham, and Stephens Counties, Ga.; and (4) from points in Colbert County, Ala., on the one hand, and, on the other, points in Tennessee and Kentucky.

NOTE.—Applicant holds contract carrier authority in MC 116304 Subs 9 and 10, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Tenn.

No. MC 118959 (Sub-No. 108), filed April 22, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Georgia-Pacific Corporation at or near Aurora, Ill., to points in Mississippi, Missouri, Tennessee, Kansas, Arkansas, Kentucky, Indiana, Pennsylvania, Michigan, Ohio, Wisconsin, Minnesota, and Iowa; and (2) *materials, equipment and supplies* (except in bulk) used in the production or distribution of paper and paper products, from points in the states named in (1) above, to the facilities of Georgia-Pacific Corporation at or near Aurora, Ill., restricted to the transportation of shipments originating at or destined to the facilities of Georgia-Pacific Corporation.

NOTE.—Applicant holds contract carrier authority in MC-125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118959 (Sub-No. 109), filed April 22, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Georgia-Pacific Corporation at or near Muncie, Ind., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment and supplies* (except in bulk) used in the production or distribution of paper and paper products, from destination points in (1) above, to the facilities of Georgia-Pacific Corporation at or near Muncie, Ind., restricted to the transportation of shipments originating at or destined to the facilities of Georgia-Pacific Corporation at or near Muncie, Ind.

NOTE.—Applicant holds contract carrier authority in MC-125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

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No. MC 118959 (Sub-No. 110), filed April 22, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Georgia-Pacific Corporation at or near Chicago Heights, Ill., to points in Mississippi, Missouri, Tennessee, Kentucky, Indiana, Pennsylvania, Michigan, Arkansas, Ohio, Wisconsin, Minnesota, Iowa, and Kansas; and (2) *materials, equipment and supplies* (except in bulk), used in the production and distribution of paper and paper products, from destination points in (1) above, to the facilities of Georgia-Pacific Corporation, at or near Chicago Heights, Ill., restricted to the transportation of shipments originating at or destined to the facilities of Georgia-Pacific Corporation, at or near Chicago Heights, Ill.

NOTE.—Applicant holds contract carrier authority in MC–125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 118959 (Sub-No. 111), filed April 22, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, plastic film, wrappers and labels*, from the facilities of Georgia-Pacific Corporation at or near Norwood and Cincinnati, Ohio, to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment and supplies* (except in bulk), used in the production and distribution of paper, paper products, plastic film, wrappers and labels, from destination points in (1) above, to facilities of Georgia-Pacific Corporation, at or near Norwood and Cincinnati, Ohio, restricted to the transportation of shipments originating at or destined to the facilities of Georgia-Pacific Corporation, at or near Norwood and Cincinnati, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118959 (Sub-No. 112), filed April 23, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Georgia-Pacific Corporation at or near Lockport, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* (except in bulk) used in the production or distribution of paper and paper products, from destination points named in (1) above, to the facilities of Georgia-Pacific Corporation at or near Lockport, Ill., restricted to the transportation of shipments originating at or destined to the facilities of Georgia-Pacific Corporation at or near Lockport, Ill.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118959 (Sub-No. 113), filed April 23, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Georgia-Pacific Corporation at or near Monticello, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* (except in bulk) used in the production or distribution of paper and paper products, from destination points named in (1) above, to the facilities of Georgia-Pacific Corporation at or near Monticello, Iowa, restricted to the transportation of shipments originating at or destined to the facilities of Georgia-Pacific Corporation at or near Monticello, Iowa.

NOTE.—Applicant holds contract authority in MC–125664, therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 119738 (Sub-No. 3), filed March 26, 1974. Applicant: HAGGARD HEAVY HAULING, INC., 2100 Guinotte, Kansas City, Mo. 64120. Applicant's representative: Louis J. Amato, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Staunton, Ill., and Hazelwood, Mo., to points in Arkansas, Oklahoma, Kansas, Nebraska, Iowa, Mississippi, North Dakota, South Dakota, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Kansas City, Kans.

No. MC 119767 (Sub-No. 315), filed April 25, 1974. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from points in the Lower Peninsula of Michigan, to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119774 (Sub-No. 77), filed April 15, 1974. Applicant: EAGLE TRUCKING COMPANY, a Corporation, 301 E. Main Street, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Texas 67116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* articles as described in Appendix V of the Commission's *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 restricted against the transportation of commodities as described in *MERCER EXTENSION-Oil Field Commodities* 74 MCC 459, from the plantsite and storage facilities of C. F. & I. Steel Corporation at, or near Pueblo, Colo., to points in Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—Common control was approved in MC–F–11723. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Dallas, Texas.

No. MC 120851 (Sub-No. 3), filed April 18, 1974. Applicant: BLASCHKE TRUCKING COMPANY, a Corporation, 7720 Pinemont, P.O. Box 40527, Houston, Tex. 77040. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Texas 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Iron and steel articles* originating at the plantsite and facilities of Chaparral Steel Company at or near Midlothian, Tex., to point in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, and Mississippi; (1)(b) *iron and steel scrap* from points in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, and Mississippi, to the plantsite and facilities of Chaparral Steel Company at or near Midlothian, Tex.; (2) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *pipe* for use other than oilfield, between points in Texas; (3) *tractors, drag lines, bulldozers, industrial machines, heavy machinery, graders and construction equipment*, when not moving as oilfield equipment, subject to the following restriction: The operations in paragraph 3 are restricted to (a) commodities which because of size or weight require the use of special equipment or handling, or (b) self-propelled articles, transported on trailers between points in Texas and (4) *iron and steel articles* between Houston, Galveston, Laredo, and Eagle Pass, Tex., on the one hand, and, on the other, points in Texas.

NOTE.—Applicant seeks to convert its Certificate of Registration in paragraphs 2, 3, and 4, to Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Dallas or Houston, Tex.

No. MC 123407 (Sub-No. 174), filed April 26, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and flooring materials*, from East Chicago, Ind., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Wyoming, Colorado, Kansas, Missouri, Kentucky, Tennessee, Arkansas, Oklahoma, Texas, Alabama, and Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 175), filed April 26, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyors, elevators, and parts and accessories* thereof, from the plantsites or warehouses of Kolman Division, Athey Products Corporation, located in Minnehaha County, S. Dak., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak., or Washington, D.C.

No. MC 123993 (Sub-No. 34), filed April 22, 1974. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Texas City, Tex., to points in Louisiana.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., Baton Rouge, La., or New Orleans, La.

No. MC 124076 (Sub-No. 593), filed April 22, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Commodities* which, because of size, weight, or shape, require the use of special equipment or special handling; and (b) *attachments, parts, machinery, materials, and supplies*, related to the commodities named in Part (1)(a) and moving in connection therewith; (2) *self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies*, moving in connection therewith; and (3) *commodities* which because of size, weight, or shape, do not require the use of special equipment or special handling when transported as part of the same shipment with either (a) comomdities which because of size, weight, or shape, require the use of special equipment or special handling, or (b) self-propelled articles each weighing 15,000 pounds or more, from Escanaba, Mich., and Milwaukee, Wis., to points in the United States (except Alaska and Hawaii) and (4) *equipment, materials and supplies* used in the manufacture of commodities in Parts 1, 2, and 3 (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Escanaba, Mich., and Milwaukee, Wis.

NOTE.—Applicant holds contract carrier authority in MC–113832 (Sub-No. 68), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124211 (Sub-No. 245), filed April 17, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101 Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Kentucky, Ohio, New Jersey, New York, Pennsylvania, and Tennessee, restricted to traffic originating at, and destined to, the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. 124221 (Sub-No. 45), filed April 22, 1974. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable fat, frozen desserts, water ices, and dairy products* (except in bulk, in tank vehicles), from the plant and warehouse facilities of Merritt Foods Company, Kansas City, Mo., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, under a continuing contract or contracts with Merritt Foods Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill. or Washington, D.C.

No. MC 125708 (Sub-No. 135), filed April 22, 1974. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, Suite 2465 One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces and component parts* of furnaces when moving at the same time and on the same vehicle with furnaces, from points in the Minneapolis-St. Paul, Minn., Commercial Zone, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 126539 (Sub-No. 18), filed April 25, 1974. Applicant: KATUIN BROS, INC., 102 Terminal Street, P.O. Box 1127, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C., 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Missouri, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE:—Applicant holds contract carrier authority in MC–129135 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Des Moines, Iowa.

No. MC 126600 (Sub-No. 11), filed April 8, 1974. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: Bob W. Storey, 310 Columbian Title Building, 820 Quincy, Topeka, Kans. 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used electrical transformers, electrical transformers, and parts thereof, reconditioned and allied line equipment*, between points in Solomon, Kans. on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Virginia, California, Arizona, Colorado, Texas, Oklahoma, Kansas, Missouri, Wyoming, Nebraska, Montana, New York, and Pennsylvania, under contract with Solomon Electric Supply, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Topeka or Kansas City, Kans.

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No. MC 126899 (Sub-No. 75), filed April 22, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials;* from Milwaukee, Wis., Pabst, Ga., and Peoria Heights, Ill., to Toledo, Ohio, and *empty malt beverage containers* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio, or Louisville, Ky.

No. MC 126899 (Sub-No. 76), filed April 22, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from St. Paul, Minn., and Frankenmuth, Mich., to Toledo, Ohio, and *empty malt beverage containers* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Toledo Ohio, or Louisville, Ky.

No. MC 127042 (Sub-No. 144), filed April 22, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North (P.O. Box 98, Leeds Sta.), Sioux City, Iowa 51108. Applicant's representative: Joseph F. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and restaurant supplies* when moving in mixed shipments with foodstuffs, from Denver, Colo., to points in Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite and facilities utilized by Mr. Steak at Denver, Colo., and destined to the named destination States.

NOTE.—Common control was approved in MC–F–11806. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 127042 (Sub-No. 145), filed April 25, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98 Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver, Colo., to points in Illinois, Iowa, Indiana, Minnesota, Missouri, Wisconsin, Ohio, Kansas, Texas, Kentucky, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 128343 (Sub-No. 27), filed April 24, 1974. Applicant: C-LINE, INC., Tourtellot Hill Road, Chapachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street, Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum wire and cable*, from Portsmouth and Bristol, R.I., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies*, used in the manufacture and distribution of aluminum wire and cable, from points in the United States (except Alaska and Hawaii), to Portsmouth and Bristol, R.I., under contract with Kaiser Aluminum and Chemical Corporation, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 128375 (Sub-No. 110), filed April 22, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products* (except cigarettes) *and related items*, from Owensboro, Ky., to points in Alaska, Arizona, California, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under conract with Liggett & Myers Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Durham, N.C., or Lincoln, Nebr.

No. MC 129600 (Sub-No. 17), filed April 25, 1974. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings* made from diced fresh onions, when moving in mixed shipments with agricultural commodities exempt from economic regulation under Section 203(b)(6) of the Act, from Boston, Gloucester, Lawrence, Brockton, and Worcester, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, under contract with Boston Bonnie, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 133095 (Sub-No. 59), filed April 22, 1974. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), from San Angelo, Tex., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC–136032, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC–133095 (Sub-No. 60), filed April 15, 1974. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Kentucky, Ohio, Texas, Louisiana, Mississippi, Alabama, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, Maine, and the District of Columbia, restricted to traffic originating at, and destined to, the above-named points.

NOTE.—Applicant holds contract carrier authority in MC–136032, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133145 (Sub-No. 2), filed April 18, 1974. Applicant: THE PORTANOVA TRUCKING CO., INC., 114 Telier Road, Trumbull, Conn. 06611. Applicant's representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lumber and building materials*, Between Waterbury, Conn., and Somers, N.Y.: From Waterbury, Conn., over Interstate Highway 84 to Brewster, N.Y., thence south on U.S. Highway 202 to Somers, N.Y., and return over the same route, serving no intermediate points, restricted to the transportation of traffic having a prior movement by rail. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 133207 (Sub-No. 3), filed April 19, 1974. Applicant: COURIER EXPRESS CORPORATION, 440 Domino Court, Charlotte, N.C. 28201. Applicant's

representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between points in North Carolina, under contract or contracts with banks and banking institutions.

NOTE.—Common control may be involved. Applicant holds common carrier authority in MC–133203, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Charlotte, N.C.

No. MC–133233 (Sub-No. 28) (Amendment), filed March 4, 1974, published in the FEDERAL REGISTER issue of April 18, 1974, and republished as amended this issue. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Colorado, Montana, and Wyoming, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming (except from Afton, Wyo., to points in Nebraska and Council Bluffs, Iowa), under a continuing contract with Edward Hines Lumber Co.

NOTE.—The purpose of this republication is to indicate the substitution of Edward Hines Lumber Co. as the contracting shipper, in lieu of William T. Joyce Company. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133330 (Sub-No. 6), filed April 19, 1974. Applicant: HALVOR LINES, INC., 325 Lake Ave. South, Duluth, Minn. 55802. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles, sportswear, trailers, and parts, supplies, accessories and advertising and promotional materials* for snowmobiles and trailers, (1) from points in Duluth, Minn., and from points on the International Boundary line between the United States and Canada located at New York, Michigan, and Minnesota, to points in Michigan, Indiana, Ohio, West Virginia, Kentucky, and Tennessee, and (2) from points in Idaho Falls, Idaho, to points in Duluth, Minn., under contract with Bombardier Corporation and Bombardier Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133531 (Sub-No. 1), filed April 18, 1974. Applicant: WALTHILL TRANSPORTATION CO., a Corporation, Walthill, Nebr. 68067. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sprayer tanks*, from Sioux Falls, S. Dak., Itasca, Ill., Albertville, Ala., and Columbus, Ohio, to points in the United States (except Alaska and Hawaii), and (2) *pumps*, from Memphis, Tenn., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Campbell Manufacturing Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134182 (Sub-No. 23), filed April 19, 1974. Applicant: MILK PRODUCERS MARKETING COMPANY, a Corporation, doing business as ALL-STAR TRANSPORTATION, P.O. Box, Second and West Turnpike Rd., Lawrence, Kans. 66044. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 W. 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the packinghouse facilities of Seitz Foods, Incorporated, at or near St. Joseph, Mo., to Philadelphia, Pa., and its Commercial Zone as defined by the Commission; Knoxville, Tenn.; and East Point and Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134477 (Sub-No. 57), filed March 6, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson & Co., Inc., located at or near Albert Lea, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134477 (Sub-No. 60), filed April 22, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities utilized by Land O'Lakes, Inc., in Minnesota and Wisconsin to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 134783 (Sub-No. 20), filed April 12, 1974. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Pampa, Tex., to points in Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, California, and the District of Columbia.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 134922 (Sub-No. 75), filed April 12, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Bergen, Essex, and Hudson Counties, N.J., New York, N.Y., and Philadelphia, Pa., to points in Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 135861 (Sub-No. 7), filed April 12, 1974. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, 28th & N. Main Street, Fort Worth, Tex. 76116. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C

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of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, under contract with American Beef Packers, Inc., restricted to traffic originating at or destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 136052 (Sub-No. 7), filed April 15, 1974. Applicant: SECURITY CARRIERS, INC., 6210 River Road (P.O. Box 3368), Amarillo, Tex. 79106. Applicant's representative: Harold H. Pike (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, Maine, and the District of Columbia, restricted to traffic originating at, and destined to, the above named points.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Amarillo, Tex.

No. MC 136315 (Sub-No. 3) (CORRECTION), filed March 15, 1974, published in the FEDERAL REGISTER issue of May 2, 1974, and republished as corrected this issue. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, Miss. 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, treated or untreated, from points in Lamar County, Ala., and Calhoun and Neshoba Counties, Miss., to points in Maine, Massachusetts, New Jersey, Connecticut, Rhode Island, New York, North Carolina, Vermont, New Hampshire, Delaware, Maryland, Virginia, South Carolina, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 123905 Subs 5 and 15, and desires to retain certain contracts if approved, therefore, applicant seeks approval of dual operations. The purpose of this republication is to correct the applicant representative's address, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 136342 (Sub-No. 3), filed April 19, 1974. Applicant: JACKSON & JOHNSON, INC., West Church Street, Box 7, Savannah, N.Y. 13146. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Radisson, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Radisson, N.Y., under contract or contracts with Joseph Schlitz Brewing Company, Inc.

NOTE.—Applicant holds common carrier authority in MC–134197, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y., or Buffalo, N.Y.

No. MC 136786 (Sub-No. 55), filed April 17, 1974. Applicant: ROBCO TRANSPORTATION, INC., Room 205, 3033 Excelsior Blvd., Minneapolis, Minn. 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in California, Arizona, Colorado, Nebraska, Kansas, Iowa, Minnesota, Wisconsin, and Illinois, restricted to traffic originating at, and destined to the named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 138304 (Sub-No. 9), filed April 25, 1974. Applicant: NATIONAL PACKERS EXPRESS, INC., 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Applicant's representative: Craig B. Sherman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, malt beverage dispensing equipment and advertising materials and supplies* (except commodities in bulk), from New York, N.Y.; Hoboken, and Newark, N.J.; Philadelphia, Pa.; and Wilmington, Del.; to points in Nevada, New Mexico, Arizona, Washington, California, Utah, Oregon, and Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., New York, N.Y., or Washington, D.C.

No. MC 138530 (Sub-No. 11), filed April 10, 1974. Applicant: C. O. P. TRANSPORT, INC., 307 South High Street, Cortland, Ohio 44410. Applicant's representative: Warren R. Keck III, 28 South Second Street, Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper and copper alloy, material used in the manufacture of copper and copper alloy*, from points in Eminence, Ky., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Iowa, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, and Wisconsin, under contract with Hussey Metals Division/Copper Range Company, Eminence, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Washington, D.C., or Columbus, Ohio.

No. MC 138530 (Sub-No. 14), filed April 18, 1974. Applicant: C. O. P. TRANSPORT, INC., 307 South High Street, Cortland, Ohio 44410. Applicant's representative: Warren R. Keck III, 28 South Second Street, Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, strip mining, walking drag lines, mining and construction excavator shovels, stripping shovels, blast hole drills, steel forgings, castings, machinery parts, strip mining parts, walking drag line parts, mining and excavator shovel parts, drill parts and accessories thereof, iron and steel* used in the manufacture of above parts, and *vendor products* used in the manufacture and processing of products produced and shipped by customer, between the plant site of Marion Power Shovel Co., Inc., Marion, Ohio, on the one hand, and, on the other, points in Kentucky, Missouri, and Tennessee, under contract with Marion Power Shovel Co., Inc., Marion, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Pittsburgh, Pa., or Washington, D.C.

No. MC 138635 (Sub-No. 11), filed April 10, 1974. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric heat in panels and/or strips, circuit breakers, panels, switches, controllers, transformers* weighing less than 1,200 pounds each and *parts* thereof, from points in York County, S.C., to points in California and Denver, Colo., restricted to traffic moving in logistic trailers.

NOTE.—Applicant holds contract carrier authority in MC–136464 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138804 (Sub-No. 2), filed April 26, 1974. Applicant: GLEN E. DORRITY, doing business as GLEN E. DORRITY TRUCKING, 1540 Standiford St., Modesto, Calif. 95350. Applicant's representative: Glen E. Dorrity (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving materials, rock and sand*, in bulk, in dump trucks, from points in Lyon and Ormsby Counties, Nev., to points in Alpine, Amador, and El Dorado Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Carson City or Reno, Nev.

No. MC 138878 (Sub-No. 2), filed April 19, 1974. Applicant: JOHN S. WATSON, doing business as JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, W. Va. 26452. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and related clay products*, from Weston, W. Va., to points in New York, Pennsylvania, Ohio, Virginia, and Kentucky, (2) *timbers, cants and railroads ties*, wooden, from Sutton, W. Va., and points in Roane County, W. Va., to points in Kentucky, Ohio, Pennsylvania, Virginia, New York, and North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va., or Columbus, Ohio.

No. MC 138946 (Sub-No. 2) (CORRECTION), filed February 19, 1974, published in the FEDERAL REGISTER issue of April 4, 1974, and republished as corrected this issue. Applicant: MARKET INDUSTRIES, LTD., Boise Cascade Bldg., Room 927, 1600 S.W. 4th, Portland, Oreg. Applicant's representative: Philip G. Slofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and malt beverages and commodities otherwise exempt from economic regulations under Section 203, (B)(6) of the Interstate Commerce Act, when moving in mixed shipments with beer and malt beverages;* from Van Nuys and Los Angeles, Calif., to Portland, and Beaverton, Oreg., and (2), *return of empty containers*, under contract with Columbia Distributing Company, Portland Distributing Company, and Maletis, Inc.

NOTE.—The purpose of this correction is to indicate the addition of a contracting shipper Portland Distributing company, erroneously omitted in the previous publication. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 139113 (Sub-No. 4), filed April 23, 1974. Applicant: BRUNDIDGE TRANSPORTATION, INC., P.O. Box 187, Brundidge, Ala. 36010. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Suite 425, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mayonnaise, salad dressing and salad dressing products, mustard, ketsup, jelly, tartar sauce, gelatin and gelatin products*, from the facilities of Brundidge Foods, Inc., at St. Augustine, Fla., to points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Maine, Vermont, and New Hampshire); and (2) *materials, equipment and supplies* used in the manufacture and distribution of items named in (1) above, from points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Maine, Vermont, and New Hampshire), to the facilities of Brundidge Foods, Inc., at St. Augustine, Fla.; (a) restricted to the transportation of traffic under continuing contract or contracts with Brundidge Foods, Inc.; (b) restricted to the transportation of shipments originating at or destined to the facilities of the named shipper; and (c) restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Washington, D.C.

No. MC 139307 (Sub-No. 1), filed April 18, 1974. Applicant: GREGG TRUCKING, INC., 523 South Washington, Crookston, Minn. 56716. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Fargo, N. Dak., to points in Minnesota, South Dakota, Montana, and North Dakota; and (2) *equipment, material, and supplies* used in or in connection with the manufacture of paper and paper products, between Fargo, N. Dak., on the one hand, and, on the other, points in Minnesota, South Dakota, Montana, and North Dakota, under a continuing contract or contracts with Hoerner Waldorf Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul-Minneapolis, Minn.

No. MC 139532 (Sub-No. 2), filed April 18, 1974. Applicant: MERLIN MARTIN MOVING AND STORAGE, INC., 1306 South Jefferson, Wadena, Minn. 56482. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pick-up and delivery service in connection with packing, crating, containerization or unpacking, uncrating, or decontainerization of such traffic, between points in Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 139620 (Sub-No. 1), filed April 1, 1974. Applicant: LOU COOLEY, doing business as LOU COOLEY & COMPANY, 12817 Bittick Drive, Bridgeton, Mo. 63044. Applicant's representative: Dorothy Cooley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Human blood, tissues and other specimens* for clinical laboratory testing as an aid in diagnosis and treating human illnesses and *reports* incidental thereto, between points in St. Louis County, Mo., and those points in Illinois on and south of U.S. Highway 36, including the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, under a continuing contract with Clinical Laboratories of St. Louis, at Creve Coeur, Mo.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 139642 (Sub-No. 1), filed April 24, 1974. Applicant: BAMA TRANSPORTATION COMPANY, INC., 2745 E. 11th Street, Tulsa, Okla. 74104. Applicant's representative: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery goods* from Tulsa, Okla, to points in the United States (except Alaska, Hawaii and Oklahoma); and (2) *materials, equipment and supplies* used in the production of frozen bakery goods from points in the United States (except Alaska, Hawaii and Oklahoma) to Tulsa, Okla., restricted to the traffic originating at or destined to the plantsite and storage facilities of Bama Pie, Inc. at Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 139666 (Sub-No. 2), filed April 25, 1974. Applicant: AICRAG COR-

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PORTATION, 2721 SW. Plum Ct., Portland, Oreg. 97219. Applicant's representative: Frank E. Larwood, 4788 SW. Elm Lane, Portland, Oreg. 97221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except commodities in bulk, in tank vehicles), between Portland International Airport, Oreg., and Seattle-Tacoma International Airport, Wash., restricted to traffic having an immediate prior or subsequent movement by air, under contract with Flying Tiger Line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 139684, filed April 5, 1974. Applicant: NELLIS BUILDING MATERIALS, INC., 2560 North Nellis Boulevard, Las Vegas, Nev. 89110. Applicant's representative: Raymond E. Sutton, 325 South Third Street, Suite 3, Las Vegas, Nev. 89101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (primarily wall board), from Las Vegas, Nev., to Paramount and Orange, Calif., under contract with Mission Stucco & Line Company, Paramount, Calif.; Thompson Building Materials, Inc., Orange, Calif.; and Campbell Tile, Las Vegas, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 139687 (Sub-No. 2), filed April 15, 1974. Applicant: H. G. MARTIN, P.O. Box 116, Maxville, Fla. 32265. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from points in Clay County, Fla., to points in Camden County, Ga., under contract with Coastal Lumber Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 139692, filed April 15, 1974. Applicant: DELTA TRUCKING, INC., P.O. Box 1144, Stratford, Tex. 79084. Applicant's representative: E. R. Finney, 1100 Plaza/One, Amarillo, Tex. 79101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammoniated rice hulls*, in bulk, from Stratford, Tex., to Ulysses, Kans., and Boise City, Guymon, and Texhoma, Okla., under contract with International Cattle Systems, Boise City Feed Yards, Texas County Feed Yards, and Jones Feed Yards.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 139647 (Sub-No. 2), filed April 25, 1974. Applicant: SHEPARD'S GAS, INC., R.R. No. 2, Clinton, Ind. 47842. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and nitrogen solution*, from the plantsite of Agrico Chemical Co., located approximately one-half mile south of Henderson, Ky., to points in Posey, Gibson, Knox, Daviess, Sullivan, Hendricks, Fountain, Montgomery, Vermillion, Clay, and Greene Counties, Inc., under contract with Chemicals-Fertilizer Services, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 139740, filed April 18, 1974. Applicant: KNEELAND BROTHERS, INC., 51 Weathersfield Street, Rowley, Mass. 01969. Applicant's representative: David E. Harrison, 111 Maine Street, Gloucester, Mass. 01930. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* used for donuts and pastry including preserved fruit such as jam and jelly, sugar products and nut meats, from Boston, Mass., to Annapolis and Lanham, Md., under contract with H. A. Johnson Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 139749, filed April 18, 1974. Applicant: JOSEPH L. LEEK, doing business as LEEK VAN & STORAGE CO., P.O. Box 576, Hopkinsville, Ky. 42240. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Christian, Todd, and Trigg Counties, Ky., and points in Montgomery, Stewart, Davidson, Robertson, and Cheatham Counties, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 139768, filed April 24, 1974. Applicant: K. G. BROWN TRUCKING COMPANY, INC., 61 West Routzong Drive, Fairborn, Ohio 45224. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in shipper-owned trailers, between points in Ohio under a continuing contract or contracts with The Standard Oil Company of Ohio and its wholly-owned subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 139770, filed April 24, 1974. Applicant: WOOD TRUCKING, INC., P.O. Box 4065, Macon, Ga. 31208. Applicant's representative: William Addams, Ste. 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, in dump trucks, from points in Jones County, Ga., to points in Florida in and north of Volusia, Lake, Sumter, and Citrus Counties.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

PASSENGER APPLICATION

No. MC 139765, filed April 26, 1974. Applicant: MATIA LIMOUSINE SERVICE, INC., 3632 Stoneleigh Road, Cleveland Heights, Ohio 44121. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 1330, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, who are employees of Penn Central Transportation Company, limited to nine (9) passengers per vehicle, in special operations, between points in Ohio, on the one hand, and, on the other hand, points in Pennsylvania and New York, under contract with Penn Central Transportation Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio.

BROKERAGE APPLICATION(S)

No. MC-130241, filed April 15, 1974. Applicant: MT. McKINLEY ALASKA GLACIER TOURS, INC., 330 E Street, Anchorage, Alaska 99501. Applicant's representative: Robert M. Scott (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Anchorage, Alaska, to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage* in charter operations, between points in Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Anchorage, Alaska, or any other city in Alaska.

No. MC-130242, filed April 22, 1974. Applicant: WELCOME ABOARD OF DELAWARE, INC., doing business as WELCOME ABOARD VACATION CENTER, 1812 Marsh Road, Wilmington, Del. 19810. Applicant's representative: Melvin L. Chew (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Wilmington, Del., to sell or offer to sell the transportation of *passengers and their baggage* in special or charter service, in round-trip, all expense tours, by motor coach carrier vehicle, beginning and ending at Wilmington, Del., and extending to steamship passenger docks and international airports in the United States (including Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

WATER CARRIER APPLICATION(S)

No. W-104 (Sub-No. 26), filed April 9, 1974. Applicant: UNION MECHLING CORP., One Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier by water*, in the transportation of *General Commodities*, by non-self propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage, between all points applicant is presently authorized to serve as a common carrier as set forth in Fourteenth Amended Certificate of Public Convenience and Necessity in Docket No. W-104 served April 18, 1974, on the one hand, and, on the other, ports and points on the Kaskaskia River.

NOTE.—Common control and dual operations may be involved. Prospective protestants are advised that the applicant will join the requested authority at the mouth of the Kaskaskia River with the authority it presently holds in its Fourteenth Amended Certificate W-104, served April 18, 1974. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. W-104 (Sub-No. 27), filed April 15, 1974. Applicant: UNION MECHLING CORP., One Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier by water*, in the transportation of *Articles*, exceeding 19 feet in height, or 12 feet in width or 90 feet in length, or 100 net tons in weight, *component parts* thereof, *and related equipment*, by non-propelled vessels with the use of separate towing vessels, between ports and points along the Alabama, Coosa, Mobile, Tombigbee, Warrior, and Black Warrior Rivers, including the Locust and Mulberry Forks of the Black Warrior River, and Short Creek, and their tributaries, on the one hand, and, on the other, all ports and points Union Mechling is authorized to serve in common carriage under its certificate of public convenience and necessity in Docket W-104.

NOTE.—Common control and dual operations may be involved. Prospective protestants are advised that the applicant will join the requested authority where applicable with the authority it presently holds in its Fourteenth Amended Certificate W-104, served April 18, 1974. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12419 Filed 5-30-74;8:45 am]

[Notice 43]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 24, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 1515 (Sub-No. 187) (REPUBLICATION), filed October 2, 1973, published in the FEDERAL REGISTER issue of January 4, 1974, and republished this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: R. M. Hannon, 371 Market Street, San Francisco, Calif. 94106. An Order of the Commission, Operating Rights Board, dated May 3, 1974, and served May 20, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special operations, between the junction of U.S. Highway 90 and Louisiana Highway 109 and Vinton, La., from the junction of U.S. Highway 90 and Louisiana Highway 109 over Louisiana Highway 109 to junction State Highway 3063, and thence over State Highway 3063 to Vinton, and return over the same route, serving the site of the Delta Downs Race Track near Vinton, La., as an intermediate point; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to include the site of the Delta Downs Race Track as a requested point of service. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 106187 (Sub-No. 3) (REPUBLICATION), filed September 27, 1973, and published in the FEDERAL REGISTER issue of November 29, 1973, and republished this issue. Applicant: DAISY LINE, INC., 1209 Vincennes Street, New Albany, Ind. 47150. Applicant's representative: Robert A. Kelso, 409 American Bank Building, New Albany, Ind. 47150. An Order of the Commission, Operating Rights Board, dated May 3, 1974, and served May 20, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Jeffersonville, Ind., and Louisville, Ky., over U.S. Highway 31E; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show that there will be a regular-route operation between Jeffersonville, Ind., and Louisville, Ky., over U.S. Highway 31E. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125162 (Sub-No. 5) (REPUBLICATION), filed April 23, 1973, and published in the FEDERAL REGISTER issue of June 7, 1973, and republished this issue. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, Ga. 31206. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. A Report and Order of the Commission, Review Board Number 3, dated April 22, 1974, and served May 20, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes; (1) of *brick, block, tile, and refractory materials* (except in bulk), (a) between points in Georgia (except those in Baldwin County), on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, and (b) from Macon, Ga., to Baltimore and Rocky Ridge, Md.; (2) of *materials and supplies* used in the manufacture of the commodities set forth in (1) above (except in bulk), from Birmingham and Gadsden, Ala., to Macon, Ga.; (3) of *silica sand*, in containers, from Davenport, Fla., to Macon, Ga.; and (4) of *quartz gravel*, in containers, from Hoffman, N.C., to Macon, Ga.; that the authority granted in this report and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right; that applicant is fit, willing, and able properly

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to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129629 (REPUBLICATION), filed August 2, 1972, and published in the FEDERAL REGISTER issue of September 20, 1972, and republished this issue. Petitioner: PAUL L. RYAN, doing business as PAT RYAN, 3038 North Wilton Street, Chicago, Ill. 60657. Petitioner's representative: Robert E. Cleveland, 11 South La Salle Street, Chicago, Ill. 60603. An Order of the Commission, Review Board Number 3, dated April 25, 1974, and served May 14, 1974, finds that modification of the permit held by petitioner in No. MC–129629, issued July 18, 1972, so as to authorize the operation by petitioner, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *Carpet, carpet materials, and uncrated furniture*, between Chicago and Elk Grove Village, Ill., on the one hand, and, on the other, Milwaukee, Wis., restricted to a transportation service to be performed under a continuing contract or contracts, with Galaxy Carpet Mills, Inc., of Elk Grove Village, Ill., and World Carpets, of Niles, Ill., and (2) *Carpet and carpet materials*, between Chicago and Elk Grove Village, Ill., on the one hand, and, on the other, Milwaukee, Wis., restricted to a transportation service to be performed, under a continuing contract or contracts, with Venture Carpet, Inc., Barwick Carpet Distributors of Illinois, Inc., Majestic Carpet Mills, Inc., and Monarch Carpet Distributors of Illinois, Inc., all of Elk Grove Village, Ill., will be consistent with the public interest and the national transportation policy; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purposes of this republication are (1) to delete Walton Rug and Furniture Co., and Carson Pirie Scott & Co., as shippers for which service can be performed, and (2) to add Venture Carpet Mills, and Barwick Carpet Distributors, both of Elk Grove Village, and Majestic Carpet and Monarch Carpet Distributors, all of Chicago as additional shippers. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC–130165 (REPUBLICATION), filed February 4, 1972, and published in the FEDERAL REGISTER issue of March 2, 1972, and republished this issue. Applicant: MOLLIE J. BEARDSLEY, 85 Northeast 27th Street, Miami, Fla. A Decision and Order of the Commission, Division 1, dated April 8, 1974, and served May 7, 1974, finds that Operation by applicant at Miami, Fla., as a *broker* in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, between points in the United States (including Alaska and Hawaii), restricted to the transportation of passengers and their baggage, moving in round-trip tours beginning and ending at points in Broward, Dade, and Palm Beach Counties, Fla.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a license in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136989 (Sub-No. 5) (REPUBLICATION), filed August 17, 1973, and published in the FEDERAL REGISTER issue of October 26, 1973, and republished this issue. Applicant: R. F. BOX, doing business as R. F. BOX TRUCKING, 1401 Dartmouth NE., Albuquerque, N. Mex. 87106. Applicant's representative: Edwin E. Piper, Jr., 1115 Sims Building, Albuquerque, N. Mex. 87101. An Order of the Commission, Operating Rights Board, dated April 16, 1974, and served May 15, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *floor covering* (except carpeting and rugs), (1) from the facilities of GAF Corporation at or near Allentown, Pa., to points in Idaho, Montana, and Colorado (except those in Montezuma, La Plata, Archuleta, Conejos, Costilla, and Las Animas Counties, Colo.), under a continuing contract or contracts with GAF Corporation, of South Bound Brook, N.J., and (2) from the plant site of GAF Corporation at or near Allentown, Pa., to points in Utah and Colorado, under a continuing contract or contracts with L. D. Brinkman & Co., of Dallas, Tex., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show that service in part (1) is to be performed under contract with GAF Corporation. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 2253 (Sub-No. 40) (CORRECTION OF NOTICE OF FILING OF PETITION TO ELIMINATE AN OFF-ROUTE POINT SERVCE RESTRICTION), filed April 19, 1974, published in the FEDERAL REGISTER issue of May 15, 1974, and republished as corrected this issue. Petitioner: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150 East, P.O. Box 697, Cherryville, N.C. 28021. Petitioner's representative: W. C. Mauldin (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 2253 (Sub-No. 40), issued February 27, 1970, authorizing transportation, over regular routes, of *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Kings Mountain, N.C., and New York, N.Y., serving the intermediate points of Gastonia, Belmont, Charlotte, Concord, Albermarle, China Grove, Salisbury, Thomasville, Lexington, High Point, Greensboro, Burlington, Durham, Oxford, Troy, Biscoe, Carthage, Sanford, Raleigh, Franklinton, Henderson, and Kannapolis, N.C., Richmond, Va., Baltimore and Havre de Grace, Md., Wilmington, Del., Chester and Philadelphia, Pa., and Trenton and Newark, N.J.; and the off-route points of Lincolntown, Hickory, Maiden, Newton, Mt. Holly, Statesville, Winston-Salem, Reidsville, and Chapel Hill, N.C., York, Norristown, West Chester and Pittsburgh, Pa., Camden, Stanton, Bridgeton, Paterson, Bayonne, Jersey City, Perth Amboy, and Hoboken, N.J., Camden, Wyoming, and Houston, Del., Danville, Lynchburg, and Newport News, Va., and Salisbury and Cumberland, Md.

(a) From Kings Mountain over U.S. Highway 29 via Salisbury, N.C., to Greensboro, N.C. (also from junction U.S. Highway 29 and Alternate U.S. Highway 29 near Concord, N.C., over Alternate U.S. Highway 29 to junction U.S. Highway 29 near China Grove, N.C., and thence over U.S. Highway 29 to Salisbury), thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, and return over the same routes; and (b) from Kings Mountain over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 27 to Carthage, N.C., thence over U.S. Highway 15 to junction U.S. Highway 1, thence over U.S. Highway 1 to Henderson, N.C., thence to New York as specified above, and return over the same route; and (2) between Charlotte, N.C., and New York, N.Y., serving the intermediate and off-route points of Rocky Mount, Tarboro, Aberdeen, Fayetteville, New Bern, Wilson, Greenville, Goldsboro, and Elizabeth City, N.C., Suffolk, Portsmouth, and Norfolk, Va., and Dover, Del.; from Charlotte over North Carolina Highway 27 to Carthage, N.C., thence over U.S. Highway 15 to junction U.S. Highway 1, thence over U.S. Highway 1 to Raleigh, N.C., thence over U.S. Highway 64 to Tarboro, N.C., thence over U.S. Highway 258 to Franklin, Va., thence over U.S. Highway 58 to Norfolk, Va., thence across the Chesapeake Bay to Cape Charles, Va., thence over U.S. Highway 13 to Chester, Pa. thence across the Delaware River to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 206, thence over U.S. Highway 206 to Trenton, N.J., thence over U.S. Highway 1 to New York, and return over the same route.

RESTRICTION: The operations authorized herein are restricted to service at the off-route points of Pittsburgh, Pa., and Cumberland, Md., to traffic to or from points on the unified routes of Carolina Freight Carriers Corporation in North Carolina, South Carolina, Georgia, or Florida. By the instant petition, petitioner seeks to eliminate the off-route point of Pittsburgh, Pa. from the above quoted restriction.

NOTE.—The purpose of the republication is to indicate the service restriction petitioner seeks to modify, erroneously omitted in the original publication. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 57254 (Sub-No. 13) (NOTICE OF FILING OF PETITION TO ELIMINATE A RESTRICTION), filed April 26, 1974. Petitioner: ASSOCIATED FREIGHT LINES, a Corporation, 841 Folger Avenue, Berkeley, Calif. 94710. Petitioner's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Petitioner holds a motor *common carrier* certificate in No. MC 57254 (Sub-No. 13), issued April 4, 1974, authorizing as pertinent, transportation, over regular routes, or *general commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities requiring special equipment), (1) Between Sacramento, Calif., and Auburn, Calif.: From Sacramento, Calif., over Interstate Highway 80 to Auburn, Calif., and return over the same route; (2) Between Auburn and Colfax, Calif.: (a) From Auburn, Calif., over California Highway 49 to junction Magnolia Road at Higgins Corner, thence over Magnolia Road, Dog Bar Road, and Tokayana Way to Colfax., Calif., and return over the same route; and (b) From Auburn, Calif., over Interstate Highway 80 to Colfax, Calf., and return over the same route; (3) Between junction Placer Hills Road and Interstate Highway 80 near Auburn, Calif., and Colfax, Calif.: From junction Placer Hills Road and Interstate Highway 80 at a point approximately 7 miles northeast of Auburn, Calif., over Placer Hills Road and Tokayana Way to Colfax, Calif., and return over the same route; (4) Between junction Meadow Vista Road and California Highway 49 at Higgins Corner and Applegate, Calif.: From junction Meadow Vista Road and California Highway 49 at Higgins Corner over Meadow Vista Road by way of Meadow Vista to Applegate, Calif., and return over the same route.

(5) Between Weimar and Auburn, Calif.: From Weimar, Calif., over Ponderosa Way to junction Auburn-Forest Hill Road, thence over Auburn-Forest Hill Road to Auburn, Calif., and return over the same route; (6) Between Colfax and Truckee, Calif.: From Colfax, Calif., over Interstate Highway 80 to Truckee, Calif., and return over the same route; (7) Between Truckee and Brockway, Calif.: From Truckee, Calif., over California Highway 267 to Brockway, Calif., and return over the same route; (8) Between Monte Vista and Baxter, Calif.: From Monte Vista, Calif., over unnumbered County Road by way of Dutch Flat and Alta, to Baxter, Calif., and return over the same route; (9) Between Brockway and Tahoe City, Calif.: From Brockway, Calif., over California Highway 28 (also California Highway 267) to Tahoe City, Calif., and return over the same route; (10) Between Truckee and Tahoe City, Calif.: From Truckee, Calif., over California Highway 89 to Tahoe City, Calif., and return over the same route; (11) Between Tahoe City and Lake Tahoe, Calif.: From Tahoe City, Calif., over California Highway 89 to junction U.S. Highway 50 at Tahoe Valley, Calif., thence over U.S. Highway 50 to South Lake Tahoe, Calif., and return over the same route; (12) Between South Lake Tahoe and Meyers, Calif.: From South Lake Tahoe, Calif., over U.S. Highway 50 to Meyers, Calif., and return over the same route.

(13) Between Camp Richardson and Fallen Leaf Lodge, Calif.: From Camp Richardson, Calif., over unnumbered County Road to Fallen Leaf Lodge, Calif., and return over the same route; (14) Between Meyers and Lake Tahoe, Calif.: From Meyers, Calif., over Pioneer Trail to South Lake Tahoe, Calif., and return over the same route; (15) Between South Lake Tahoe and Tahoe Keys, Calif.: From South Lake Tahoe, Calif., over U.S. Highway 50 (also over unnumbered County Road) to Tahoe Keys, Calif., and return over the same route; (16) Between Meyers, Calif., and junction of California Highways 89 and 88 at Picketts Junction, Calif.: From Meyers, Calif., over California Highway 89 to Junction California Highway 88 at Picketts Junction, Calif., and return over the same route; (17) Between South Lake Tahoe and Heavenly Valley, Calif.: From South Lake Tahoe, Calif., over U.S. Highway 50 (also over unnumbered County Road) to Heavenly Valley, Calif., and return over the same route; (18) Between Tahoe Valley, Calif. and U.S. Highway 50 near Meyers, Calif.: From Tahoe Valley, Calif., over Lake Tahoe Boulevard and Upper Truckee Road to junction U.S. Highway 50 near Meyers, Calif., and return over the same route; (19) Between Meyers and Pollock Pines, Calif.: From Meyers, Calif., over U.S. Highway 50 to Pollock Pines, Calif., and return over the same route; (20) Between Pollock Pines, Calif., and junction unnumbered County Road and U.S. Highway 50 near Kyburz, Calif.: From Pollock Pines, Calif., and Park Creek Road and Iron Mountain Road to junction unnumbered County Road approximately 5 miles south of U.S. Highway 50, thence over unnumbered County Road to junction U.S. Highway 50 approximately 2 miles west of Kyburz, Calif., and return over the same route.

(21) Between junction Park Creek Road and Sly Park Road and junction North Shingle Road and U.S. Highway 50: From junction Park Creek Road and Sly Park Road over Sly Park Road and U.S. Highway 50 to junction of North Shingle Road and U.S. Highway 50, and return over the same route; (22) Between Pacific House, Calif., and Ice House Reservoir, Calif.: From Pacific House, Calif., over Peavine Ridge Road to Ice House Reservoir, Calif., and return over the same route; (23) Between Kyburz, Calif., and Caples Creek, Calif.: From Kyburz, Calif., over unnumbered County Road to its termination near Caples Creek, and return over the same route; (24) Between junction unnumbered County Road and U.S. Highway 50 near Twin Bridges, Calif., and Wrights Lake, Calif.: From junction unnumbered County Road and U.S. Highway 50 approximately 5 miles west of Twin Bridges, Calif., over unnumbered County Road to Wrights Lake, Calif., and return over the same route; (25) Between Pollock Pines and Sly Park Dam, Calif.: From Pollock Pines, Calif., over Sly Park Road to Sly Park Dam, Calif., and return over the same route; (26) Between junction unnumbered County Road and U.S. Highway 50 near Meyers, Calif., and Echo Lake, Calif.:

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From junction unnumbered County Road and U.S. Highway 50 approximately 4 miles west of Meyers, Calif., over unnumbered County Road to Echo Lake, Calif., and return over the same route; (27) Between junction unnumbered County Road and California Highway 89 near Meyers, Calif., and Echo Summit, Calif.: From junction unnumbered County Road and California Highway 89 approximately 4 miles south of Meyers, Calif., over unnumbered County Road to Echo Summit, Calif., and return over the same route; and

(28) Between junction Dry Creek Road and California Highway 49 and Interstate Highway 80: From junction of Dry Creek Road and California Highway 49 over Dry Creek Road to junction Interstate Highway 80, and return over the same route, in (1) through (28) serving all intermediate points. RESTRICTION: Service to the extent that it includes points in Nevada within the Commercial Zones of South Lake Tahoe, and Brockway, Calif., as defined by the Commission, shall be restricted to traffic originating at or destined to those Nevada points included within said commercial zones. By the instant petition, petitioner seeks to eliminate the above-quoted restriction so as to allow interline and interchange service. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATION FOR CERTIFICATE WHICH IS TO BE PROCESSED CONCURRENTLY WITH AN APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 31389 (Sub-No. 179), filed April 2, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Winston-Salem, N.C. 27102. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sugarland (Houston), Tex., and San Antonio, Tex., serving the intermediate point of Sequin, Tex.: From Sugarland (Houston), Tex., over U.S. Highway 90 to San Antonio, Tex., and return over the same route.

NOTE.—Common control may be involved. The purpose of this application is to convert the Certificate of Registration issued to Gulf Coast Express, Inc., in MC-105923 to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC-F-12185 published in the FEDERAL REGISTER issue of April 17, 1974. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-F-12188. (Correction) (J. B. MONTGOMERY, INC.—CONTROL AND MERGER—M.G.L. FREIGHT COMPANY), published in the April 17, 1974, issue of the FEDERAL REGISTER, on page 13829. Prior notice should be modified to include: The pertinent portion of transferee's authority which can be tacked with the described authority of transferor is contained in Certificate No. MC-123639 (Sub-No. 2) and reads as follows: *Such commodities* as are usually dealt in, or used by, meat, fruit, and vegetable packinghouses and wholesale and retail department stores, except commodities in bulk, in tank or hopper type vehicles, between Chicago and Blue Island, Ill., and Denver, Colo., on the one hand, and, on the other, points in Kansas.

No. MC-F-12219. Authority sought for purchase by REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512, of the operating rights of REBCO TRANSIT, INC., P.O. Box 7, Mercer, PA 16137, and for acquisition by GLENN W. REED, also of Defiance, OH 43512, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *Glass bottles, caps, covers, and tops*, as a *common carrier*, over irregular routes, from Gas City, Ind., to certain specified points in New York, from Fairmont, W. Va., to points in Pennsylvania, from points in Clarion, Forest, Armstrong, Venango, and Warren Counties, Pa., to points in Ohio, West Virginia, Kentucky, Indiana, Illinois, the lower peninsula to Michigan, St. Louis, County, Mo., and St. Louis, Mo., and return with *machinery, equipment, materials, and supplies* used or useful in the manufacture of the commodities specified next above; *glass bottles, caps, covers, and tops*, from Fairmont, W. Va., to St. Louis, Mo., and points in St. Louis County, Mo., and Illinois, from Gas City, Ind., to certain specified points in New York, from Muncie, Ind., to points in Pennsylvania and New York; *agricultural, garden, and lawn seed, fence, fence post, fence materials, cod liver oil, insecticides, and fertilizer*, from Columbus and Cincinnati, Ohio, to certain specified points in West Virginia, Kentucky, Indiana, and Pennsylvania, and return with *empty bags and rejected* and *surplus seeds; seed, fence, fence posts and other fence materials, cod liver oil, insecticides*, and *fertilizer*, from Columbus, Ohio, to certain specified points in West Virginia, and return with *empty bags* and *rejected shipments* of the commodities specified next above; *fence, fence posts, fence materials, cod liver oil, insecticides*, and *fertilizer*, from points in Franklin and Hamilton Counties, Ohio, to points in New York, New Jersey, West Virginia, Indiana, Pennsylvania, Maryland, and Kentucky, and return with *empty containers for fertilizer; agricultural, garden, and lawn seed, display cases for seed*, and *empty containers for seeds*, between points in Franklin and Hamilton Counties, Ohio, on the one hand, and, on the other, points in New York, New Jersey, West Virginia, Indiana, Pennsylvania, Maryland, and Kentucky.

Oleomargarine, salad dressing, lard substitutes, cooking oils, and *vegetables stearine*, from Columbus, Ohio, to Johnstown and Altoona, Pa., and Fairmount, W. Va., and return with *rejected shipments* of the commodities specified next above; *poultry equipment* and *dairy equipment*, from points in Brooke County, W. Va., to points in Ohio, with restriction; *building, paving, or roofing materials*, with restrictions, from Franklin, Ohio, to points in West Virginia (except those in Jackson, Wood, Ohio, Hancock, Mason, Cabell, Wayne, Mingo, Logan, Boone, Lincoln, Putnam, and Kanawha Counties), and to points in that part of Pennsylvania on and west of U.S. Highway 219 (except Johnstown and New Castle, Pa., and points in Erie, Allegheny, Westmoreland, Washington, Beaver, and Butler Counties), and return with *returned or damaged shipments* of the commodities specified immediately above; *foodstuffs* (except frozen foods and commodities in bulk in tank vehicles), from the plant site of Duffy Mott Company, Inc., at Hamlin and Holley, N.Y., to points in Ohio, with restriction. Vendee is authorized to operate as a *common carrier*, in West Virginia, Indiana, Iowa, Maryland, New Jersey, Pennsylvania, New York, Michigan, Ohio, Illinois, Kentucky, Tennessee, Connecticut, Delaware, Maine, Massachusetts, Rhode Island, Virginia, New Hampshire, Missouri, Vermont, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12220. Authority sought for purchase by DOHRN TRANSFER COMPANY, 4016 Ninth St., Rock Island, IL 61201, of the operating rights of KINGS HI/WAY, INC., 515 Pittsfield Dr., Worthington, OH 43085, and for acquisition by WAYNE DOHRN, and GEORGE A. LORENZEN, also of Rock Island, IL 61201, of control of such rights through the purchase. Applicants' attorneys: David Axelrod, 39 So. LaSalle St., Chicago, IL 60603, and Charles Tell, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-121351 (Sub-No. 1), covering the transportation of property, as a *common carrier*, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Indiana, Missouri, Michigan, Minnesota, Massachusetts, New Hampshire, New York, Ohio, Connecticut, Kentucky, Pennsylvania, Rhode Island, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

NOTE.—MC-43421 (Sub-No. 48), is a matter directly related.

No. MC-F-12221. Authority sought for control by TRANSPO INTERNATIONAL, INC., noncarrier, 5150 Brighton Blvd., Denver, CO 80216, of SUBLER TRANSFER, INC., P.O. Box 62, Versailles, OH, and for acquisition by GEORGE W. PLAVEC, also of Denver, CO 80216, ROGER C. THORSLUND, 8040 S. Roberts Rd., Bridgeview, IL 60455, and KENNETH F. SUBLER, also of Versailles, OH, of control of SUBLER TRANSFER, INC., through the acquisition by TRANSPO INTERNATIONAL, INC. Applicants' attorney: Charles W. Singer, 2440 E. Commercial Blvd., Fort Lauderdale, FL 33308. Operating rights sought to be controlled: *Specified commodities*, including *meats, frozen foods, paper, farm machinery, washing machines and laundry equipment, petroleum products, agricultural implements, flat glass, carpets and carpeting, tile and refractory products*, as a *common carrier* over irregular routes from, to, and between certain specified points in Maryland, Illinois, Ohio, Delaware, New Jersey, Kentucky, New York, Indiana, West Virginia, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Virginia, Wisconsin, Michigan, Maine, New Hampshire, Vermont, Minnesota, Missouri, Nebraska, Iowa, Kansas, North Dakota, South Dakota, and the District of Columbia, with restrictions. TRANSPO INTERNATIONAL, INC., holds no authority from this Commission. However, it is affiliated with J. B. MONTGOMERY, INC., which is authorized to operate as a *common carrier* in Illinois, Iowa, Nebraska, Kansas, Colorado, Ohio, Minnesota, Wisconsin, Missouri, Michigan, Indiana, Kentucky, Arizona, California, Nevada, Utah, Idaho, Washington, New Mexico, Oklahoma, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, New Hampshire, Rhode Island, Vermont, Maine, Virginia, South Dakota, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12222. Authority sought for merger by APACHE MOTOR FREIGHT, INC., 26600 Van Born Rd., Dearborn Heights, MI 48125, of the operating rights and property of BUCK'S EXPRESS SERVICE, INC., also of Dearborn Heights, MI 48125, and for acquisition by RANDALL TRUCKING AND LEASING, INC., of control of such rights and property through the transaction. Applicants' attorney: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Willow Run Airport, Ypsilanti, Mich., Wayne Major Airport, Romulus, Mich., and Detroit City Airport, Detroit, Mich., on the one hand, and, on the other, points in Macomb, St. Clair, and Sanilac Counties, Mich., between Willow Run Airport, at or near Ypsilanti, Mich., on the one hand, and, on the other, points in Wayne County, Oakland County (except Auburn Heights, Commerce, Drayton Plains, Keego Harbor, Pontiac, Rochester, Waterford, and Wixom), and Washtenaw County (except Saline and Ypsilanti), Mich., with restrictions. APACHE MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-12420 Filed 5-30-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 24, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 10, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-531 (Sub-No. E1), filed May 12, 1974. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Ewell H. Muse, Jr., Suite 1116, American Bank Tower, 221 W. 6th Street, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of Texas on, east, and south of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico, to points in Alabama, Florida, Georgia, Kentucky, Tennessee (except Kingsport and points in the Memphis, Tenn., commercial zone, including Memphis), and that part of Mississippi north and east of a line beginning at the Louisiana-Mississippi State line, thence along Interstate Highway 55 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Geismar, La., and points within five miles thereof.

No. MC-35890 (Sub-No. E2), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture*, uncrated, from Grand Rapids, Lowell, Otsego, and Holland, Mich., to points in Delaware; (b) *new furniture*, cartoned or uncrated, from points in New Jersey and New York to points in Illinois, Indiana, and Michigan; (c) *new furniture*, cartoned or uncrated, from points in New Jersey and New York to points in Ohio; (d) *new furniture*, uncrated, from North Bennington, Vt., and East Arlington, Vt., to points in West Virginia; and (e) *new furniture*, uncrated, (1) from points in New Jersey and New York to points in Iowa, and (2) from points in New Jersey to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Warren County, Pa.

No. MC-35890 (Sub-No. E3), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture*, uncrated, between points in North Carolina, on the one hand, and, on the other, points in Iowa and Minnesota; and (b) *new furniture*, uncrated, (1) from points in Iowa, to points in Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, and (2) between the District of Columbia, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-82492 (Sub-No. E1), filed May 12, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except inedible hides, inedible products, and skins and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Columbus, Ohio, to the plant site of Armour-Dial, Inc., at Fort Madison, Iowa. Restriction: The operations sought herein are restricted to the transportation of shipments originating at the named origin point and destined to the named plantsite. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

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No. MC–82492 (Sub-No. E4), filed May 12, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except inedible hides and skins and commodities in bulk), from Louisville, Ky., to the plantsite of Armour-Dial, Inc., at Fort Madison, Iowa. Restriction: The authority sought next above is restricted to the transportation of shipments originating at the plant site and warehouse facilities utilized by Armour and Co., and Klarer of Kentucky, Inc., at Louisville, Ky., and destined to the named plant site. The purpose of this filing is to eliminate the gateway of Springfield, Ill.

No. MC–83439 (Sub-No. E1), filed May 3, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials*, and *supplies*, used in, or in connection with (1) the discovery, development, production refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or (2) the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, restricted in (2) above to pipelines used for the transmission of natural gas and petroleum and their products and by-products, and further restricted against the stringing or picking up of pipe in connection with main or trunk pipelines; (B) *commodities* other than those specified in (A) above, the transportation of which because of size or weight, requires the use of special equipment, and *parts* thereof, between points in Alaska, on the one hand, and, on the other, points in Alabama (points in Kansas),* Florida, Georgia (points in Kansas, Arkansas, or Texas),* Mississippi (points in Arkansas),* North Carolina, and Tennessee (points in Kansas or Arkansas);* (C) (1) *commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *related machinery parts, and related contractor's materials and supplies* when their transportation is incidental to the transportation of those commodities specified in (C)(1) above, restricted against the transportation of those commodities specified in (A)(1) and (2) above, between points in Alaska, on the one hand, and, on the other, points in California (points in Oregon);*

(D) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Alaska, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, Rhode Island, and the District of Columbia (Philadelphia, Pa.);* (E) *those commodities* specified in (D) above, and *related machinery parts, and related contractor's materials and supplies*, when their transportation is incidental to the transportation of those commodities specified in (D) above, between points in Alaska, on the one hand, and, on the other, points in Maryland (points in Pennsylvania),* and Idaho (those points in Montana west of a line extending north and south through Dupuyer and Butte, Mont.);* (F) *heavy machinery, heavy machinery parts, and commodities other than heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment, and *parts* of such commodities when moving in connection therewith, between points in Alaska, on the one hand, and, on the other, points in Indiana and Kentucky (points in Illinois);* (G) *those commodities* specified in (E) above (except aircraft and missiles, and parts thereof), between points in Alaska, on the one hand, and, on the other, points in South Carolina (points in Kansas or Arkansas, and points in North Carolina or Georgia);* (H) *machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Alaska, on the one hand, and, on the other, points in Vermont (points in New York within 50 miles of East Port Chester, Conn., and East Port Chester, Conn., and Worcester, Mass.);* and (I) *those commodities* specified in (E) above, between points in Alaska, on the one hand, and, on the other, points in Virginia and West Virginia (points in Kansas and points within a 50 mile radius of Nashville, Tenn.).*

The purpose of this filing is to eliminate those gateways in parentheses indicated by asterisks above.

No. MC–95540 (Sub-No. E11), filed April 12, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1940 Monroe Drive NE., Atlanta, Ga. 30301. Applicant's representative: Clyde W. Connor, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except hides and commodities in bulk, in tank vehicles), from Minden, Nebraska, to points in Louisiana on and east of a line beginning at the Arkansas-Louisiana State line and extending south along U.S. Highway 165 to Monroe, thence along Louisiana Highway 15 to its intersection with Louisiana Highway 8, thence along Louisiana Highway 8 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to its intersection with Louisiana Highway 28, thence along Louisiana Highway 28 to its intersection with Louisiana Highway 115, thence along Louisiana Highway 115 to Bunkie, thence along Louisiana Highway 29 to Villa Platte, thence along U.S. Highway 167 to Opelousas, thence along U.S. Highway 190 to Baton Rouge, thence along Louisiana Highway 1 to Thibodaux, thence along Louisiana Highway 24 to Houma, thence along Louisiana Highway 315 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC–95540 (Sub-No. E53), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299, Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida on and east of Florida Highway 87, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E83), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1656, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299, Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California north of a line beginning at Eureka, Calif., and extending east along California Highway 299 to its intersection with California Highway 89, thence along California Highway 89 to its intersection with California Highway 44, thence along California Highway 44 to its intersection with California Highway 36, thence along California Highway 36 to its intersection with U.S. Highway 395, thence along U.S. Highway 395 to its intersection with an unnumbered California Highway, thence along unnumbered California Highway to the California-Nevada State line, to points in Maryland on and east of U.S. Highway 13. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E174), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattsville, N.Y., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E175), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Dade City, Fla., to points in Iowa. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E179), filed April 26, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Maryland, Delaware, and Virginia, east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Arkansas on, west, and south of a line beginning at the Missouri-Arkansas State line, and extending south along U.S. Highway 63 to its intersection with U.S. Highway 61, thence along U.S. Highway 61 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in Pike and Spaulding Counties, Ga.

No. MC–100666 (Sub-No. E20), filed April 11, 1974. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmet Drive, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plant site and warehouse facilities of Stauter Lumber Company at or near Hill City, S. Dak., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and points in Oklahoma on and east of a line beginning at the junction of U.S. Highway 75 and the Kansas-Oklahoma State line, thence along U.S. Highway 75 to the junction of U.S. Highway 75 and Interstate Highway 40, thence along Interstate Highway 40 to the junction of Interstate Highway 40 and Oklahoma Highway 99, thence along Oklahoma Highway 99 to the Oklahoma-Texas State line, and points in that part of Texas on and east of Interstate Highway 35. The purpose of this filing is to eliminate gateway points in Arkansas.

No. MC–100666 (Sub-No. E22), filed April 11, 1974. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmet Drive, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Proposal 1:

Composition lumber, from Pittsburg, Kans., to points in Alabama, Georgia, Louisiana, Mississippi, New Mexico, and Texas and points in that part of Missouri on and east of a line beginning at the junction of the Arkansas-Missouri State line and Missouri Highway 19, thence along Missouri Highway 19 to the junction of Missouri Highway 19 and Missouri Highway 106, thence along Missouri Highway 106 to the junction of Missouri Highway 106 and Missouri Highway 21, thence along Missouri Highway 21 to the junction of Missouri Highway 47, thence along Missouri Highway 47 to the junction of Missouri Highway 47 and U.S. Highway 61, thence along U.S. Highway 61 to the Missouri-Iowa State line. The purpose of the filing of proposal 1 is to eliminate the gateway of Miami, Okla., and Fayetteville, Ark.

Proposal 2:

The commodities described in proposal (1) above, from Pittsburg, Kans., to points in Colorado. The purpose of the filing of proposal 2 is to eliminate the gateway of Miami, Okla.

No. MC–100666 (Sub-No. E24), filed April 11, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Proposal 1:

Wood pulp, paper, and paper products, from the plant sites of Southland Paper Mills, Inc., at Herty and Sheldon, Tex., to points in Alaska, Arizona, California, Colorado, Connecticut, Delaware, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, and the District of Columbia. The purpose of the filing of proposal 1 is to eliminate the gateway of De Ridder, La.

Proposal 2:

The *commodities* described in proposal 1 from the plant site of shipper named in proposal 1 at Herty, Tex., to points in that part of New Mexico on, north, and west of a line beginning at junction of the New Mexico-Texas State line and U.S. Highway 60, thence along U.S. Highway 60 to the junction of U.S. Highway 60 and U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Texas State line. The purpose of the filing of proposal 2 is to eliminate the gateway of Valliant, Okla.

Proposal 3:

The *commodities* described in proposal 1 above, from the plant site of shipper named in proposal 1 at Sheldon, Tex., to points in New Mexico on and north of Interstate Highway 40. The purpose of the filing of proposal 3 is to eliminate the gateway of De Ridder, La.

Proposal 4:

Paper products, paper, and linerboard, from the plant site of shipper named in proposal 1 above at Herty, Tex., to points in Colorado, Kansas, and Nebraska. The purpose of the filing of proposal 4 is to eliminate the gateway of Valliant, Okla.

Proposal 5:

Paper, paper products, and linerboard, from the plant site of shipper named in proposal 1 above, at Sheldon, Tex., to points in Colorado and Nebraska. The purpose of the filing of proposal 5 is to eliminate the gateway of Valliant, Okla.

No. MC–100666 (Sub-No. E29), filed April 11, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and building board, joint system compound and building paper and tape*, from Cornell, Wis., to points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC–107002 (Sub-No. E2), filed April 16, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Liquid chemicals* (except liquid glue, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Fox, Ala., to points in Minnesota, Michigan, and points in that part of Indiana on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Cedartown, Ga. (b) *Liquid chemicals* (except hydrogen peroxide and liquid glue), in bulk, in tank vehicles, from Fox, Ala., to points in Illinois, Missouri, and points in that part of Indiana on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (c) *Liquid chemicals* (except liquid glue), in bulk, in tank vehicles, from Fox, Ala., to points in Illinois, Missouri, Kansas, and points in that part of Indiana on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Collierville, Tenn.

(d) *Liquid chemicals* (except liquid glue), in bulk, in tank vehicles, from Fox, Ala., to points in Iowa, Michigan, and Wisconsin, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of a point in Arkansas at the junction of Interstate Highway 55 and Arkansas Highway 18 which is within 10 miles of Barfield, Ark. (e) *Liquid chemicals* (except liquid glue), in bulk, in tank vehicles, from Fox, Ala., to points in that part of Texas on and west of U.S. Highway 261. The purpose of this filing is to eliminate the gateway of Hattiesburg, Miss. (f) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Michigan. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC–107295 (Sub-No. E17), filed May 5, 1974. Applicant: PRE–FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden doors*, from Union, Mo., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose

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of this filing is to eliminate the gateway of Sedalia, Mo.

No. MC–107456 (Sub-No. E1), filed May 12, 1974. Applicant: HARRY L. YOUNG AND SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. (1) *Commodities*, the transportation of which, because of size or weight, require special handling or special equipment, and (2) *self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveaway service), (a) between Grants Pass and Klamath Falls, Oreg., on the one hand, and, on the other, Bozeman, Livingston, Billings, Lewistown, Brodus, Miles City, and Glasgow, Mont., (b) between Coquille, Reedsport, Eugene, Bend, and Burns, Oreg., on the one hand, and, on the other, Brodus, Mont., (c) between points in Washington, on the one hand, and, on the other, points in Arizona, (d) between points in Oregon (except Coos, Curry, Josephine, Jackson, and Klamath Counties), on the one hand, and, on the other, points in Arizona (except Yuma County), (e) between points in Washington, on the one hand, and, on the other, points in White Pine, Lincoln, and Clark Counties, Nev., (f) between Astoria, Portland, The Dalles, Pendleton, and Ontario, Oreg., on the one hand, and, on the other, Las Vegas, Nev., (g) between Grants Pass, Oreg., on the one hand, and, on the other, Pocatello, Idaho, (h) between points in San Bernardino, Orange, Riverside, San Diego, and Imperial Counties, Calif., on the one hand, and, on the other, points in Washington east and north of Klickitat, Yahima, Kittitas, King, Snohomish, and Skagit Counties, (i) between points in San Diego, Imperial, Orange, Riverside, and San Bernardino Counties, Calif., on the one hand, and, on the other, Ontario and Pendleton, Oreg., (j) between El Centro, Blythe, and Needles, Calif., on the one hand, and, on the other, The Dalles, Oreg.,

B. *Structural iron and steel which because of size or weight require special handling or special equipment*, (1) from points in California south of the northern boundary lines of San Luis Obispo, Kern, and San Bernardino Counties, to all points in Idaho east of the western boundary line of Twin Falls, Gooding, Camas, Custer, and Lemhi Counties; (b) from San Bernardino, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties, Calif., to points in Idaho; (c) from San Bernardino, Los Angeles, Ventura, Santa Barbara, Orange, Riverside, San Diego, and Imperial Counties, Calif., to points in Idaho (except Ada County); (2) from points in Arizona, to points in Idaho, (3) from points in Arizona to points in Montana, (4) from points in Arizona (except Yuma County), to points in Elko County, Nev., (5) from points in Mohave, Coconino, Navajo, and Apache Counties, Ariz., to points in Humbolt and Elko Counties, Nev. The purpose of this filing is to eliminate the gateway of Salt Lake City, Nev.

No. MC–107478 (Sub-No. E5), filed April 15, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Richmond, Va., on the one hand, and, on the other, points in South Carolina and Georgia on, east, and south of a line beginning at the Georgia-Alabama State line, and extending along U.S. Highway 29 to Newnan, Ga., thence along Georgia Highway 34 to its junction with Georgia Highway 54, thence along Georgia Highway 54 to Jonesboro, thence along Georgia Highway 138 to its intersection with Georgia Highway 124, thence along Georgia Highway 124 to its intersection with Interstate Highway 20, thence along Interstate Highway 20 to its intersection with Georgia Highway 77, thence along Georgia Highway 77 to Lexington, thence along U.S. Highway 78 to its intersection with U.S. Highway 378, thence along U.S. Highway 378 to Lincolnton, thence along Georgia Highway 47 to its intersection with Georgia Highway 104, thence along Georgia Highway 104 to its intersection with Georgia Highway 150, thence along Georgia Highway 150 to the Georgia-South Carolina State line, thence along South Carolina Highway 150 to its intersection with U.S. Highway 221, thence along U.S. Highway 221 to its intersection with South Carolina Highway 23, thence along South Carolina Highway 23 to Monetta, thence along South Carolina Highway 39 to Wagener, thence along South Carolina Highway 389 to its intersection with South Carolina Highway 394, thence along South Carolina Highway 394 to North, thence along U.S. Highway 178 to its intersection with South Carolina Highway 172, thence along South Carolina Highway 172 to St. Matthews, thence along U.S. Highway 601 to the Conganee River, thence along the Conganee River to Lake Marion, thence along Lake Marion to the Santee River, thence along the Santee River to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–107478 (Sub-No. E8), filed April 16, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Winchester, Va., on the one hand, and, on the other, points in Georgia and South Carolina on, east, and south of a line beginning at the Alabama-Georgia State line, and extending east along U.S. Highway 80 to Macon, thence along Georgia Highway 22 to Sparta, thence along Georgia Highway 16 to Warrenton, thence along U.S. Highway 78 to Williston, S.C., thence along South Carolina Highway 39 to its intersection with South Carolina Highway 4, thence along South Carolina Highway 4 to its intersection with U.S. Highway 301, thence along U.S. Highway 301 to Manning, thence along U.S. Highway 521 to Georgetown, thence along Winyah Bay to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–107743 (Sub-No. E1), filed May 9, 1974. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway Avenue, Spokane, Washington 99206. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, Texas 75226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Bonner, Benewah, Boundary, Latah, Kootsnai, and Shoshone Counties, Idaho, to points in Utah. The purpose of this filing is to eliminate the gateway of points in Washington east of Whatcom, Skaqit, Snohomish, King, Pierce, Lewis, and Skamania Counties.

No. MC–110525 (Sub-No. E70), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Florida to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Fort Lee, N.J.

No. MC–110525 (Sub-No. 87), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E129), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from the District of Columbia to points in Monnesota. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC–117119 (Sub-No. E16), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the plantsite of Iowa Beef Processors at Emporia, Kansas, to points in Utah, Nevada, Wyoming, California, and Arizona (except points in Cochise, Graham, Pinal, Greenlee, Appache, Navajo, Coconino, and Gila Counties). The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–111729 (Sub-No. E11), filed May 8, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media* and *other business records* (except cash letters), between Pleasantville, N.J., and Avon, Mass. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and New York, N.Y., and points in Hartford County, Conn.

No. MC–111729 (Sub-No. E3), filed May 3, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers and records* used in the preparation of used punch cards, and *other business papers and records* involving information obtained from the punch cards or pertaining to the use thereof (except cash letters), between Bangor, Maine, and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC–113528 (Sub.-No. E1), filed April 7, 1974. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, Ala. 36601. Applicant's representative: Clarence Levi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, when transported as a separate and distinct service in connection with so-called household movings, intoxicating liquors, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between Birmingham, Ala., on the one hand, and, on the other, points in North Carolina, and South Carolina on and east of a line beginning at the Virginia-North Carolina State line, and extending south along U.S. Highway 29 to its intersection with U.S. Highway 220, thence along U.S. Highway 220, to its intersection with North Carolina Highway 134, thence along North Carolina Highway 134 to its intersection with North Carolina Highway 109, thence along North Carolina Highway 109 to its intersection with South Carolina 268, thence along South Carolina Highway 268 to its intersection with South Carolina Highway 265, thence along South Carolina Highway 265 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with Intersection Highway 20, thence along Interstate Highway 20 to Columbia, thence along South Carolina Highway 48 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with South Carolina Highway 6, thence over South Carolina Highway 6 to its intersection with South Carolina Highway 33, thence along South Carolina Highway 33 to its intersection with U.S. Highway 176, thence along U.S. Highway 176 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to its intersection with South Carolina Highway 61, thence along South Carolina Highway 61 to its intersection with South Carolina Highway 651, thence along South Carolina State Highway 651 to its intersection with South Carolina Highway 64, thence along South Carolina Highway 64, to its intersection with U.S. Highway 17, thence along U.S. Highway 17 to its intersection with South Carolina Highway 61, thence along South Carolina Highway 61, to Charleston;

(b) Between Mobile, Ala., on the one hand, and, on the other, points in North Carolina and South Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending south along North Carolina Highway 104 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with North Carolina Highway 268, thence along North Carolina Highway 268 to its intersection with U.S. Highway 21, thence along U.S. Highway 21, to its intersection with Interstate Highway 77, thence along Interstate 77 to its junction with U.S. Highway 21, thence along U.S. Highway 21 to its intersection with North Carolina Highway 121, thence along North Carolina Highway 121 to its intersection with North Carolina Highway 72, thence along South Carolina Highway 72 to its intersection with U.S. Highway 321, thence along U.S. Highway 321 to its intersection with South Carolina Highway 213, thence along South Carolina Highway 213, to its intersection with U.S. Highway 176, thence along U.S. Highway 176 to its intersection with Interstate Highway 26, thence along Interstate Highway 26 to its intersection with Interstate Highway 20, thence along Interstate Highway 20 to its intersection with U.S. Highway 1, thence along U.S. Highway 1 to its intersection with South Carolina Highway 6, thence along South Carolina Highway 6 to its intersection with U.S. Highway 321, thence along U.S. Highway 321 to its intersection with U.S. Highway 178 thence along U.S. Highway 178 to its intersection with U.S. Highway 21, thence along U.S. Highway 21 to its intersection with South Carolina Highway 61, thence along South Carolina Highway 61, to its intersection with South Carolina Highway 651, thence along South Carolina Highway 651 to its intersection with South Carolina Highway 64, thence along South Carolina Highway 64 to its intersection with U.S. Highway 17, thence along U.S. Highway 17 to Charleston;

(c) Between Anniston, Ala., on the one hand, and, on the other, points in North Carolina and South Carolina on and east of a line beginning at the Virginia-North Carolina State line, and extending south along U.S. Highway 501 to its intersection with North Carolina Highway 62, thence along North Carolina Highway 62, to its intersection with North Carolina Highway 87, thence along North Carolina Highway 87 to its intersection with unnamed North Carolina Highway, thence along unnamed North Carolina Highway to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to its intersection with unnamed North Carolina Highway, thence along unnamed North Carolina Highway to its intersection with North Carolina Highway 902, thence along North Carolina Highway 902 to its intersection with North Carolina Highway 22, thence along North Carolina Highway 22 to its intersection with North Carolina Highway 24, thence along North Carolina Highway 24 to its intersection with North Carolina Highway 109, thence along North Carolina Highway 109, to its intersection with South Carolina Highway 268, thence along South Carolina Highway 268 to its intersection with South Carolina Highway 265, thence along South Carolina Highway 265 to its intersection with U.S. Highway 601, thence over U.S. Highway 601, to its intersection with Interstate Highway 20, thence over Interstate Highway 20 to its intersection with U.S. Highway 601, thence over U.S. Highway 601 to its intersection with South Carolina Highway 267, thence over South Carolina Highway 267 to its intersection with South Carolina Highway 6, thence over South Carolina Highway 6 to its intersection with U.S. Highway 15, thence over U.S. Highway 15 to its intersection with Interstate Highway 26, thence over Interstate Highway 26 to Charleston;

(d) Between Tuscaloosa, Ala., on the one hand, and, on the other, points in North Carolina and South Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence extending south along U.S. Highway 29 to its intersection with U.S. Highway 220, thence along U.S. Highway 220, to its intersection with North Carolina Highway 134, thence along Highway 134 to its intersection with North Carolina Highway 109, thence along North Carolina Highway 109 to its intersection with

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South Carolina Highway 9, thence along South Carolina Highway 9 to its intersection with U.S. Highway 601, thence over U.S. Highway 601 to its intersection with Interstate Highway 20, thence along Interstate Highway 20 to its intersection with Interstate Highway 26, thence along Interstate Highway 26 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 301, thence along U.S. Highway 301 to its intersection with Interstate Highway 26, thence along Interstate Highway 26 to Charleston;

(e) Between Dothan, Ala., on the one hand, and, on the other, points in North Carolina and South Carolina on and east of a line beginning at the Virginia-North Carolina State line, and extending south along North Carolina Highway 16 to its intersection with U.S. Highway 221, thence along U.S. Highway 221 to its intersection with the Blue Ridge Parkway, thence along the Blue Ridge Parkway to its intersection with U.S. Highway 321, thence along U.S. Highway 321, to its intersection with North Carolina Highway 274, thence along North Carolina Highway 274 to its intersection with South Carolina Highway 161, thence along South Carolina Highway 161 to its intersection with U.S. Highway 21, thence along U.S. Highway 21 to its intersection with South Carolina Highway 200, thence along South Carolina Highway 200 to its intersection with South Carolina Highway 97, thence along South Carolina Highway 97 to its intersection with U.S. Highway 521, thence along U.S. Highway 521 to its intersection with South Carolina Highway 261, thence along South Carolina Highway 261 to its intersection with South Carolina Highway 15, thence along South Carolina Highway 15 to its intersection with U.S. Highway 301, thence along U.S. Highway 301 to its intersection with U.S. Highway 521, thence along U.S. Highway 521 to its intersection with South Carolina Highway 375, thence along South Carolina Highway 375 to its intersection with U.S. Highway 52, thence along U.S. Highway 52 to its intersection with South Carolina Highway 45, thence along South Carolina Highway 45 to its intersection with South Carolina Highway 41, thence along South Carolina Highway 41 to its intersection with unnamed South Carolina Highway, thence along unnamed South Carolina Highway to Awendaw, and the Atlantic Ocean;

(f) Between Montgomery, Ala., on the one hand, and, on the other, points in North Carolina and South Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 220 to its intersection with North Carolina Highway 65, thence along North Carolina Highway 65 to its intersection with U.S. Highway 158, thence along U.S. Highway 158 to Winston-Salem, thence south along North Carolina Highway 8 to its intersection with U.S. Highway 52, thence along U.S. Highway 52 to its intersection with North Carolina Highway 27, thence along North Carolina Highway 27 to its intersection with North Carolina Highway 205, thence along North Carolina Highway 205 to its intersection with North Carolina Highway 218, thence along North Carolina Highway 218 to its intersection with North Carolina Highway 200, thence along North Carolina Highway 200 to Monroe, N.C., thence along U.S. Highway 601 to its intersection with Interstate Highway 20, thence along Interstate Highway 20 to Columbia, S.C., thence along South Carolina Highway 48 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 301, thence along U.S. Highway 301 to its intersection with Interstate Highway 26, thence over Interstate Highway 26 to Charleston; (g) between Demopolis, Ala., on the one hand, and, on the other points in North Carolina and South Carolina on and east of a line beginning at the Virginia-North Carolina State line, and extending south along U.S. Highway 220 to its intersection with U.S. Highway 158, thence along U.S. Highway 158 to its intersection with U.S. Highway 52 thence along U.S. Highway 52 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to Charlotte, N.C., thence along U.S. Highway 21 to its intersection with U.S. Highway 178, thence along U.S. Highway 17 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to its intersection with South Carolina Highway 64, thence over South Carolina Highway 64 to its intersection with U.S. Highway 17, thence along U.S. Highway 17 to its intersection with South Carolina Highway 174, thence over South Carolina Highway 174 to Bay Point, S.C., and the Atlantic Ocean;

(h) Between Winfield, Ala., on the one hand, and, on the other, Winston-Salem, N.C., Monroe, N.C., Columbia, S.C., Orangeburg, S.C., Walterboro, S.C., and Bay Point, S.C., and points in North Carolina and South Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 220 to its intersection with U.S. Highway 158, thence along U.S. Highway 158 to Winston-Salem, thence along U.S. Highway 52 to its intersection with North Carolina Highway 27, thence along State Highway 27 to its intersection with U.S. Highway 601, thence along U.S. Highway 601, to its intersection with Interstate Highway 20, thence along Interstate Highway 20 to Columbia, S.C., thence along U.S. Highway 21, to its intersection with U.S. Highway 78, thence along U.S. Highway 78 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to its intersection with South Carolina Highway 64, thence along South Carolina Highway 64 to its intersection with U.S. Highway 17, thence along U.S. Highway 17 to its intersection with South Carolina Highway 174, thence along South Carolina Highway 174 to Bay Point, S.C., and the Atlantic Ocean; (i) between Winston-Salem, N.C., on the one hand, and, on the other, points in Alabama on and south of U.S. Highway 80;

(j) Between Charlotte, N.C., on the one hand, and, on the other, Eufaula, Ala., Troy, Ala., Evergreen, Ala., and Mobile, Ala., and points in Alabama on and south of a line, beginning at the Alabama-Georgia State line, and extending west along Alabama Highway 30 to its intersection with Alabama Highway 239, thence along Alabama Highway 239 to its intersection with Alabama Secondary Highway 8, thence along Alabama Secondary Highway 8 to its intersection with U.S. Highway 29, thence along U.S. Highway 29 to its intersection with Alabama Highway 93, thence over Alabama Highway 93 to its intersection with Alabama Secondary Highway 21, thence along Alabama Secondary Highway 21 to its intersection with Alabama Highway 189, thence along Alabama Highway 189 to its intersection with U.S. Highway 29, thence along U.S. Highway 29 to its intersection with Alabama Secondary Highway 82, thence along Alabama Secondary Highway 82 to its intersection with Alabama Secondary Highway 7, thence along Alabama Secondary Highway 7 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to its intersection with U.S. Highway 31, thence along U.S. Highway 31, to its intersection with U.S. Highway 84, thence over U.S. Highway 84 to its intersection with Interstate Highway 65, thence over Interstate Highway 65 to its intersection with Alabama Secondary Highway 47, thence along Alabama Secondary Highway 47 to its intersection with Alabama Highway 59, thence along Alabama Highway 59 to its intersection with U.S. Highway 31, thence along U.S. Highway 31 to its intersection with Alabama Highway 138, thence along Alabama Highway 138 to its intersection with Alabama Highway 225, thence over Alabama Highway 225 to its intersection with U.S. Highway 90, thence over U.S. Highway 90 to the Alabama-Mississippi State line; (k) between Raleigh, N.C., on the one hand, and, on the other, points in Alabama located south of U.S. Highway 278;

(l) Between Greensboro, N.C., on the one hand, and, on the other, points in Alabama south of U.S. Highway 278 and points on and west of a line beginning at the intersection of U.S. Highway 278 and Alabama Highway 5, and extending along Alabama Highway 5, to its intersection with Alabama Secondary Highway 140, thence along Alabama Highway 140 to its intersection with U.S. Highway 65, thence along U.S. Highway 65 to its intersection with unnamed Alabama Highway, thence along unnamed Alabama Highway to its intersection with Alabama Highway 79, thence along Alabama Highway 79 to its intersection with Alabama Highway 75, thence over Alabama Highway 75 to its intersection with unnamed Alabama Secondary Highway, thence along unnamed Alabama Secondary Highway to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to its intersection with Alabama Highway 174, thence along Alabama Highway 174 to its intersection with Alabama Highway 34, thence along Alabama Highway 34 to its intersection with Alabama Highway 77, thence along Alabama Highway 77, to its intersection with Alabama Highway 50, thence along Alabama Highway 50, to the Alabama-Georgia State line; (m) between Columbia, S.C., on the one hand, and, on the other, points in Alabama south of U.S. Highway 278 and points on and west of a line beginning at the intersection of U.S. Highway 278 and U.S. Highway 65 and extending south along U.S. Highway 65 to its intersection with U.S. Highway 31, thence along U.S. Highway 31 to its intersection with U.S. Highway 280, thence along U.S. Highway 280 to its intersection with Alabama Highway 49, thence along Alabama Highway 49 to its intersection with Alabama Highway 14, thence along Alabama Highway 14 to its intersection with Alabama Highway 199, thence along Alabama Highway 199 to its intersection with Alabama Highway 81, thence along Alabama Highway 81 to its intersection with U.S. Highway 29, thence along U.S. Highway 29 to its intersection with unnamed Alabama Highway, thence along unnamed Alabama Highway to its intersection with Alabama Highway 51, thence along Alabama Highway 51 to its intersection with U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line;

(n) Between Charleston, S.C., on the one hand, and, on the other, points in Alabama south of U.S. Highway 278 and points on and north of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 431, to its intersection with Alabama Highway 26, thence along Alabama Highway 26 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to its intersection with Alabama Secondary Highway 35, thence along Alabama Secondary Highway 35 to its intersection with Alabama Secondary Highway 8, thence along Alabama Secondary Highway 8 to its intersection with U.S. Highway 29, to its intersection with Alabama Highway 93, thence along Alabama Highway 93 to its intersection with Alabama Highway 125, thence along Alabama Highway 125 to its intersection with Alabama Highway 12, thence along Alabama Highway 12 to its intersection with Alabama Secondary Highway 70, thence along Alabama Secondary Highway 70 to its intersection with Alabama Secondary Highway 78, thence along Alabama Secondary Highway 78 to its intersection with Alabama Secondary Highway 43, thence along Alabama Secondary Highway 43 to its intersection with U.S. Highway 29, thence along U.S. Highway 29 to its intersection with U.S. Highway 31, thence along U.S. Highway 31 to its intersection with Alabama Highway 138, thence along Alabama Highway 138 to its intersection with Alabama Highway 225, thence along Alabama Highway 225 to its intersection with U.S. Highway 90, thence along U.S. Highway 90 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Sumter.

No. MC-115169 (Sub-No. E1), filed April 17, 1974. Applicant: MODERN TRUCK LINES, INC., P.O. Box 49, East St. Louis, Illinois 62202. Applicant's representative: Mr. A. Charles Tell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, Mo., and Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Ballard County, Ky.

No. MC-119777 (Sub-No. E1), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pipe and fittings*, of such size or weight as to require special handling, from points in Illinois and points in that part of Indiana south and west of a line beginning at the Indiana-Ohio State line, thence west along Interstate Highway 74 to its intersection with Indiana Highway 3, thence along Indiana Highway 3 to its intersection with U.S. Highway 224, thence along U.S. Highway 224 to its intersection with Indiana Highway 9, thence along Indiana Highway 9 to the Indiana-Michigan State line, to points in Virginia west and south of a line beginning at the Virginia-West Virginia State line, thence east along U.S. Highway 60 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind.

No. MC-124078 (Sub-No. E1), filed May 6, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wisconsin 53246. Applicant's representative: Richard A. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Charleston, S.C., to points in Louisiana and Mississippi restricted against the transportation of naval stores, to the extent any such may constitute chemicals, in bulk, in tank vehicles, to De Quincy and Oakdale, La. The purpose of this filing is to eliminate the gateway of Augusta, Ga., and points in Richmond County, Ga., within 10 miles of Augusta.

No. MC-124078 (Sub-No. E6), filed May 9, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53246. Applicant's representative: Richard A. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank or hopper-type vehicles, from Atlanta, Ga., to points in North Carolina in and east of Caswell, Alamance, Chatham, Moore, and Richmond Counties, and points in South Carolina in, south, and east of Chesterfield, Kershaw, Fairfield, Newberry, Saluda, and Edgefield Counties. The purpose of this filing is to eliminate the gateway of points in Richmond County, Ga.

No. MC-124679 (Sub-No. E1), filed May 10, 1974. Applicant: C. R. ENGLAND & SONS, INC., 975 W. 2100 South Street, Salt Lake City, Utah 84119. Applicant's representative: Daniel B. Johnson, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Newburgh, N.Y., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Suffolk, Va.

No. MC-128383 (Sub-No. E55), filed May 6, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, aircraft engines and parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Philadelphia International Airport, Philadelphia, Pa., to O'Hare International Airport, Chicago, Ill., restricted to the transportation of traffic having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of John F. Kennedy International Airport, New York, N.Y.

No. MC-128746 (Sub-No. E1), filed May 12, 1974. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1620, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from New York, N.Y., and Newark and East Orange, N.J., to Steubenville, Columbus, Toledo, Cleveland, Youngstown, Akron, Canton, and Dayton, Ohio. The purpose of this filing is to eliminate the gateway of Morrisville, Pa. (2) *Malt beverages*, from Detroit, Mich., and Waukesha, Wis., to Wilmington, Del., Bethesda, Claiborne, Cambridge, and Salisbury, Md., and points in Maryland on U.S. Highway 40 between the Maryland-Delaware State line and Baltimore, Md. (including Baltimore), and points in New Jersey. The purpose of this filing

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is to eliminate the gateway of Philadelphia, Pa. (3) *Malt beverages*, from Detroit, Mich., and Waukesha, Wisconsin, to points in Connecticut, and points in that part of New York on and south of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to the junctions of New York Highway 30, thence along New York Highway 30 to Kingston, N.Y., thence along New York Highway 308 to the junction of New York Highway 199, then along New York Highway 199 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(4) *Malt beverages*, from Detroit, Mich., and Waukesha, Wis., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of the plant site of C. Schmidt and Sons, Inc., at Philadelphia, Pa. (5) *Malt beverages*, from Detroit, Mich., and Waukesha, Wis., to points in Maine, Rhode Island, New Hampshire, and Vermont (except from Detroit to points in that part of New Hampshire north of a line beginning at the New York-New Hampshire State line, and extending along New Hampshire Highway 313 to the junction of U.S. Highway 7, thence along U.S. Highway 7 to the junction of New Hampshire Highway 11, thence along New Hampshire Highway 11 to the New Hampshire-Vermont State line, and except from Detroit to points in that part of Vermont north of U.S. Highway 4. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (6) *Malt beverages*, from Philadelphia, Pa., to Steubenville, Columbus, Toledo, Cleveland, Youngstown, Akron, Canton, and Dayton, Ohio. *Empty malt beverage containers*, from the above specified destination points to Philadelphia. The purpose of this filing is to eliminate the gateway of Trenton, N.J. (7) *Malt beverages*, from New York, N.Y., and Newark and East Orange, N.J., to Wilmington, Del., Bethesda, Claiborne, Cambridge, and Salisbury, Md., and points in Maryland on U.S. Highway 40 between the Maryland-Delaware State line, and Baltimore, Md., including Baltimore, and points in New Jersey Highway 73 to junction of U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 9, thence south along U.S. Highway 9 to junction New Jersey Highway 52, thence along New Jersey Highway 52 to the Atlantic Ocean. *Empty malt beverage containers*, from the above specified destination points to the above specified origin points. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (8) *Malt beverages*, in containers, from New York, N.Y., and Newark and East Orange, N.J., to points in Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Norristown, Pa.

(9) *Malt beverages*, from Allentown, Pa., to Bethesda, Claiborne, Cambridge, and Salisbury, Md., points in Maryland on U.S. Highway 40 between the Maryland-Delaware State line, and Baltimore, Md. (excluding Baltimore), and those in New Jersey on and south of a line beginning at the Delaware River near Burlington, N.J., and extending along New Jersey Highway 528 to junction of U.S. Highway 206, thence south along U.S. Highway 206 to junction of New Jersey Highway 530, thence along New Jersey Highway 530 to junction of New Jersey Highway 70, thence along New Jersey Highway 70 to the junction of New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. *Empty malt beverage containers*, from the above-specified destination points to Allentown, Pa. The purpose of this filing is to eliminate the gateway of Camden, N.J., a point within the Philadelphia, Pa., commercial zone. (10) *Malt beverages*, from Allentown, Pa., to points in Connecticut on and east of a line extending from New London, Conn., along Connecticut Highway 32 to junction of Connecticut Highway 12, thence along Connecticut Highway 12 to the Connecticut-Massachusetts State line. *Empty malt beverage containers*, from the above-specified destination points to Allentown, Pa. The purpose of this filing is to eliminate the gateway of Camden, N.J., a point within the Philadelphia, Pa., commercial zone. (11) *Malt beverages*, from Allentown, Pa., to points in Maine, New Hampshire, and Rhode Island. The purpose of this filing is to eliminate the gateway of Camden, N.J., a point within the Philadelphia, Pa., commercial zone. (12) *Malt beverages*, in containers, from Reading, Pa., to New York, N.Y., and points in Connecticut and New Jersey. The purpose of this filing is to eliminate the gateway of Conshohocken, Pa., a point common to both the Philadelphia, Pa., and Norristown, Pa., commercial zones.

(13) *Malt beverages*, in containers from Reading, Pa., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of the plant site of C. Schmidt and Sons, Inc., at Philadelphia, Pa. (14) *Malt beverages*, from Baltimore, Md., and the District of Columbia to points in New Jersey, Connecticut, Maine, New Hampshire, Vermont, Rhode Island, and points in that part of New York on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (15) *Malt beverages*, from Baltimore, Md., and the District of Columbia to points in Massachusetts. The purpose of this filing is to eliminate the gateway of the plantsite of C. Schmidt and Sons, Inc., at Philadelphia, Pa. (16) *Malt beverages*, in containers, from Williamansett, Mass., to Wilmington, Del., Bethesda, Claiborne, Cambridge, and Salisbury, Md., and points in Maryland on U.S. Highway 40 between the Maryland-Delaware State line and Baltimore, Md. (including Baltimore), and points in that part of New Jersey on and south of a line beginning at the Delaware River, near Burlington, N.J., and extending along New Jersey Highway 528 to junction of U.S. Highway 206, thence along U.S. Highway 206 to junction of New Jersey Highway 530, thence along New Jersey Highway 530 to junction of New Jersey Highway 70, thence along New Jersey Highway 70 to junction at New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of the plantsite of C. Schmidt and Sons, Inc., at Philadelphia, Pa. (17) *Malt beverages*, in containers, from Willimansett, Mass., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (18) *Malt beverages*, from Philadelphia, Pa., to points in Virginia, Delaware (except Wilmington), Maryland (except Bethesda, Claiborne, Cambridge, Salisbury, and points in Maryland on U.S. Highway 40 between the Maryland-Delaware State line and Baltimore, including Baltimore), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Conshohocken, Pa., a point common to both the Philadelphia, Pa., and Norristown, Pa., commercial zones. (19) *Malt beverages*, in containers, from Philadelphia, Pa,. to points in Massachusetts. The purpose of this filing is to eliminate the gateway of the plantsite of C. Schmidt and Sons, Inc., at Philadelphia, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12425 Filed 5-30-74;8:45 am]

[Notice No. 519]

ASSIGNMENT OF HEARINGS

MAY 28, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after May 31, 1974.

MC-C-6228, Gaines Motor Lines, Inc.—Investigation and Revocation of certificate, now assigned continued hearing at Washington, D.C., is postponed to July 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-85850 Sub 9, Neylon Freight Lines, Inc., now being assigned hearing June 10, 1974 (1 week) in the Holiday Inn-Downtown, 15th & Glenarm Place, Denver, Colo.

MC 119234 Sub 3, Mercer Marine Transit Corp., Extension Boats, now assigned July 10, 1974, at San Francisco, Calif., is cancelled and application dismissed.

I&S M 26045, General Increase, July 1972, Central & Southern Territory. Now assigned June 11, 1974, at Washington, D.C., is postponed indefinitely.

MC-138144 Sub 2, Fred Olson Co., Inc., now assigned June 3, 1974 will be held in Room 1614, Court of Claims, 219 South Dearborn Street, Chicago, Ill.

MC-F-11953, Carolina Freight Carriers Corporation—Purchase—Deerfield Motor Express, Inc., and MC-2253 Sub 60, Carolina Freight Carriers Corp., now assigned June 3, 1974, will be held in Room 1614, Court of Claims, 219 South Dearborn Street, Chicago, Ill.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12548 Filed 5-30-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 72]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that because of flood conditions, there is immediate need for shipments of company ballast to Bureau, Illinois for roadbed rehabilitation on the Chicago, Rock Island and Pacific Railroad Co.; that sufficient open top hopper cars of suitable ownership are not available on the Chicago, Rock Island and Pacific Railroad Co. to enable emergency shipments of company ballast in this service; and that compliance with Car Service Rules 1 and 2 would prevent the Chicago, Rock Island and Pacific Railroad Co. from supplying sufficient cars to meet these emergency requirements.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Chicago, Rock Island and Pacific Railroad Co. is authorized to load up to 200 "H" type hopper cars with company ballast destined Bureau, Illinois for emergency track repairs without regard to the provisions of Car Service Rules 1 and 2.

Effective May 17, 1974.

Expires May 23, 1974.

Issued at Washington, D.C., May 17, 1974.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-12550 Filed 5-30-74;8:45 am]

[Notice No. 93]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 20, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75126. By order of May 24, 1974, the Motor Carrier Board approved the transfer to Lerner, Inc., Hammonton, N.J., of Certificates Nos. MC-6181, MC-6181, MC-6181 Sub-2, MC-6181 Sub-4, and MC-6181 Sub-5, issued June 9, 1941, May 13, 1939, March 12, 1942, and January 20, 1958, respectively, to Fred Lerner, doing business as "Lerner," Hammonton, N.J., authorizing the transportation of agricultural commodities, canned goods, and packed fruits from Hammonton, N.J., to New York, N.Y., Philadelphia, Pa., and Baltimore, Md., general commodities, with exceptions, from New York, N.Y., Philadelphia, Pa., and Baltimore, Md., to Hammonton, N.J.; empty tin cans and covers from Baltimore, Md., to Germania, N.J.; lime and limestone from four named towns in Pennsylvania to points in a specified part of New Jersey; canned and processed foods and bakery products from Bridgeton and Cedarville, N.J., and points in Atlantic County, N.J., to points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia; and tin cans, glass bottles, cartons, and packing materials from points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia to Bridgeton and Cedarville, N.J., and points in Atlantic County, N.J. Mr. George A. Olsen, Registered Practitioner, 69 Tonnele Avenue, Jersey City, N.J. 07306.

No. MC-FC-75134. By order of May 24, 1974, the Motor Carrier Board approved the transfer to Victory Transfer Co., Inc., Laredo, Tex., of Certificate No. MC-108085 issued March 10, 1970, to Librado Pina, doing business as Victory Transfer Company, Laredo, Tex., authorizing the transportation of general commodities, with exceptions, between Laredo, Tex., and points within five miles thereof on the one hand, and, on the other, the United States-Mexico Boundary line at Laredo. Austin L. Hatchell, Esq., 1102 Perry Brooks Building, Austin, Tex. 78701.

No. MC-FC-75151. By order of May 24, 1974, the Motor Carrier Board approved the transfer to Kenneth O. Knudson, Colfax, Wis., of Certificate No. MC-136373 issued September 5, 1972, to Donald L. Harsh, doing business as Harsh Transfer, Rock Falls, Wis., authorizing the transportation of livestock between Eau Claire, Wis., and specified towns in Wisconsin and Minnesota; flour, feed, seed, meat scraps, fertilizer, and groceries from South St. Paul, Newport, St. Paul, and Minneapolis, Minn., to Eau Claire, Wis.; and feed, seed, fertilizer, glassware, livestock, and agricultural commodities between Osseo, Wis., and specified towns in Wisconsin and Minnesota. Mr. F. H. Kroeger, Practitioner, 1745 University Avenue, St. Paul, Minn. 55104.

No. MC-FC-75154. By order of May 24, 1974, the Motor Carrier Board approved the transfer to Minshell's Express, Inc., Latrobe, Pa., of Certificates Nos. MC-125759 Sub 2 and MC-125759 Sub 3 issued April 4, 1972, and September 6, 1973, respectively, to Herbert W. Haidle, doing business as Minshell's Express, Latrobe, Pa., authorizing the transportation of general commodities, with exceptions, between the Greater Pittsburgh Airport, Pa., on the one hand, and, on the other, points in Indiana and Westmoreland Counties, Pa., and points in a specified part of Fayette County, Pa.; and between Westmoreland Latrobe Airport, Pa., on the one hand, and, on the other, points in Westmoreland and Indiana Counties, Pa., and points in a specified part of Fayette County, Pa., John A. Pillar, Esq., 1122 Frick Building, Pittsburgh, Pa. 15219.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12547 Filed 5-30-74;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 75]

MAY 24, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 43421 (Sub-No. 49 TA), filed April 21, 1974. Applicant: DOHRN TRANSFER COMPANY, a Corporation, P.O. Box 1237, 4016 9th Street, Rock Island, Ill. 61201. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk,

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and those requiring special equipment), serving the plantsite and facilities of Hiram Walker & Sons., Inc., at or near Delavan, Ill., as an off-route point, for 180 days. SUPPORTING SHIPPER: Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, Ill. 61601. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Deaborn Street, Room 1086, Chicago, Ill. 60604.

NOTE.—Applicant states that it will tack all routes in Illinois reasonably pertinent to shipper's plantsite.

No. MC 114389 (Sub-No. 217 TA), filed May 15, 1974. Applicant: GALE B. ALEXANDER, 120 South Ward, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articulated wheel loaders*, from Deerfield, Ill., to Ottumwa, Iowa, for 180 days. SUPPORTING SHIPPER: Al-Jon, Incorporated, Ottumwa, Iowa 52501. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 117565 (Sub-No. 92 TA), filed May 14, 1974. Applicant: MOTOR SERVICE COMPANY, INC., P.O. Box 448, Route 3, Coshocton, Ohio 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers and metal containers*, not to exceed 115 gallon capacity, and (2) *caps, covers, stoppers, tops, parts, accessories, and attachments* for commodities listed in (1) above, from the plant sites and warehouse facilities of Cleveland Steel Container Corporation, at or near Cleveland, Ohio, and its subsidiary, Niles Steel Container Corp., at or near Niles, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C., restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Cleveland Steel Container Corporation, at or near Cleveland, Ohio, and its subsidiary, Niles Steel Container Corp., at or near Niles, Ohio, for 180 days. SUPPORTING SHIPPERS: Cleveland Steel Container Corp., 12618 Coit Road, Cleveland, Ohio 44108, and Niles Steel Container Corp., 115 Erie Street, Niles, Ohio 44446. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 136222 (Sub-No. 1 TA), filed May 15, 1974. Applicant: MOVERS PORT SERVICE, INCORPORATED, 7035 Convoy Court, P.O. Box 80731, San Diego, Calif. 92138. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, with typical Ring Pak instructions, between points in Los Angeles, Orange, Riverside, Imperial, Kern, San Bernardino, San Diego, San Luis Obispo, Santa Maria, and Ventura Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. SUPPORTING SHIPPERS: Dean Forwarding Company, Inc., 555 East Ocean Blvd., Long Beach, Calif. 90802 and H. C. & C Forwarders, Inc., P.O. Box 4795, Hayward, Calif. 94540. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139760 (Sub-No. 1 TA), filed May 15, 1974. Applicant: WILLIAM ULBRICH TRUCKING CO., INC., 128 Vreeland Avenue, Leonia, N.J. 07605. Applicant's representative: William Ulbrich (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, tin plate scrap, terne plate scrap, tin can scrap, and iron or steel scrap*, between Ridgefield Park, N.J., and Sparrows Point, Md., under continuing contracts with Vulcan Materials Company, for 180 days. SUPPORTING SHIPPER: Vulcan Materials Company, Metals Division, P.O. Box 720, Sandusky, Ohio 44870. SEND PROTESTS TO: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 139799 TA, filed May 14, 1974. Applicant: ILLIANA EQUIPMENT COMPANY, 1607 West 42nd Street, Chicago, Ill. 60609. Applicant's representative: Irvin Stillerman, 29 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty trailers and trailer parts, accessories, equipment, and truck body kits* when moving with said trailers, between Chicago, Ill., and Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Mr. William Lange, Branch Manager, Gindy Manufacturing Corporation, 4015 South Ashland Avenue, Chicago, Ill. 60690. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 135773 (Sub-No. 3 TA), May 15, 1974. Applicant: DONALD E. SEARS, Rt. 1, Box 477, Woodland, Wash. 98674. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel and fabricated structural steel building parts*, from points in Sacramento County, Calif., to points in Benton County, Wash., for 180 days. SUPPORTING SHIPPER: Pittsburgh-Des Moines Steel Company, P.O. Box 15469, Sacramento, Calif. 95813. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97214.

No. MC 139800 TA, filed May 14, 1974. Applicant: LARRY W. CZERNIAK, 9000 West 74th Avenue, Arvada, Colo. 80005. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: IRREGULAR ROUTES: *Camera film* (except movie film moving to or from movie theaters), *film slides, photographs, prints, negatives, and photographic supplies*, between points in Denver, Adams, Arapahoe, Boulder, and Jefferson Counties, Colo., and REGULAR ROUTES: *Camera film* (except movie film moving to or from movie theaters), *film slides, photographs, prints, negatives, and photographic supplies*, (1) between Pueblo, Colo., and Cheyenne, Wyo., serving all intermediate points and serving the off-route points of Windsor and Johnstown, Colo.; from Pueblo, Colo., over Interstate Highway 25 and U.S. Highway 85–87 to Denver, Colo.; thence over Interstate Highway 25 to Cheyenne, Wyo., and return over the same routes; using U.S. Highway 34 and Colorado Highways 14 and 66 for operating convenience only; (2) between Pueblo, Colo., and Cheyenne, Wyo., serving all intermediate points; from Pueblo, Colo., over Interstate Highway 25 and U.S. Highway 85–87 to Denver, Colo., thence over U.S. Highway 85 to Cheyenne, Wyo., and return over the same routes; using U.S. Highway 34 and Colorado Highways 14 and 66 for operating convenience only; and (3) between Denver Colo. and Laramie, Wyo., serving all intermediate points on U.S. Highway 287 and the off-route point of Estes Park, Colo.; from Denver, Colo., over U.S. Highway 287 to Laramie, Wyo., and return over the same route, using Interstate Highways 80 and 25, U.S. Highway 34 and Colorado Highway 66 for operating convenience only, for 180 days. RESTRICTIONS: The entire operation described in this application shall be restricted against the transportation of packages or articles weighing more than 20 pounds in the aggregate from any one consignor to any one consignee during any one day.

NOTE.—In connection with this temporary authority application, authority is sought to serve the commercial zones of all service points, as well as the service point itself.

SUPPORTING SHIPPERS: Hull Photo Service, 5105 East 38th Avenue, Denver, Colo. 80207; Bri-tone Photo Service, 1440 Stout Street, Denver, Colo. 80202; Dynacolor Corporation, P.O. Box 5004, Dallas, Tex. 75222; Western Film Service, Box 25, Salt Lake City, Utah 84110; and Clear Photo, 220 Howell, Dallas, Tex. 75207. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12546 Filed 5–30–74;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 73]

WESTERN MARYLAND RAILWAY CO.

Exemption Under Mandatory Car Service Rules

It appearing, that there is an emergency movement of military impediments from Culbertson, Pennsylvania, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Western Maryland Railway Co., the railroads designated by the Car Service Division are authorized to move to, and the Western Maryland Railway Company is authorized to accept, assemble, and load not to exceed thirty (30) empty cars with military impedimenta from Culbertson, Pennsylvania, to Leland, North Carolina, regardless of the provisions of Car Service rules 1(b), 2(c), 2(d), or 2(e).

Effective May 20, 1974.

Expires May 25, 1974.

Issued at Washington, D.C., May 20, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74–12549 Filed 5–30–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CLARENCE MAGGARD COAL CO., INC.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4068–000, CLARENCE MAGGARD COAL COMPANY, INC., Mine No. 8, Mine ID No. 15 04426 0, Hazard, Kentucky:

ICP Permit No. 4068–002 (Kersey 944 Rubber Tired Tractor, I.D. No. 103).
ICP Permit No. 4068–003 (Kersey 944 Rubber Tired Tractor, I.D. No. 104).
ICP Permit No. 4068–004 (Kersey BJ Rubber Tired Tractor, I.D. No. 101).
ICP Permit No. 4068–005 (Kersey BJ Rubber Tired Tractor, I.D. No. 102).
ICP Permit No. 4068–007 (Kersey 944 Scoop, I.D. No. 203).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 17, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK, *Chairman, Interim Compliance Panel.*

MAY 23, 1974.

[FR Doc.74–12303 Filed 5–30–74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF OPEN MEETING

MAY 28, 1974.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting, June 17 and 18, 1974. Both sessions will convene at 9 a.m. in Room 6802 of the Department of Commerce Building, 15th and Constitution Avenue, NW., Washington, D.C. The Monday session will adjourn at 5 p.m. and the Tuesday session at 1 p.m. Both sessions will be open to the public.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Public Law 92–125, on August 16, 1971. Its duties are to (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The purpose of the meeting will be to review and further refine the draft of the Committee's third annual report.

The public will be admitted to the extent of the seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted at any time.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967–3343.

DOUGLAS L. BROOKS, *Executive Director.*

[FR Doc.74–12580 Filed 5–30–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The proposed amendment would delete CBOE Rule 14.7 which presently fixes minimum intra-member clearance commission rates for orders of $30,000 or less. The effect of deleting this rule would be to eliminate any fixed minimum with respect to intra-member clearance commissions and any such intra-member charges would be negotiated.

The proposed amendment will become effective upon July 1, 1974, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendent to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132–37784. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW, Washington, D.C.

GEORGE A. FITZSIMMONS, *Secretary.*

MAY 20, 1974.

[FR Doc.74–12410 Filed 5–30–74;8:45 am]

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CINCINNATI STOCK EXCHANGE

Applications for Unlisted Trading Privileges; Opportunity for Hearing

MAY 20, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges.

	File No.
American Natural Gas Co	7-4601
American Smelting & Refining Co	7-4602
Burlington Northern, Inc	7-4603
Continental Corp. (The)	7-4604
Continental Illinois Corp	7-4605
Crocker National Corp	7-4606
Crown Zellerbach Corp	7-4607

Upon receipt of a request, on or before June 5, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12400 Filed 5-30-74;8:45 am]

CINCINNATI STOCK EXCHANGE

Applications for Unlisted Trading Privileges; Opportunity for Hearing

MAY 20, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Delmarva Power & Light Co	7-4608
First Charter Financial Corp	7-4609
First Chicago Corp	7-4610
First National Boston Corp	7-4611
First Pennsylvania Corp	7-4612
Great Western Financial Corp	7-4613
Gulf States Utilities Co	7-4614

Upon receipt of a request, on or before June 5, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12401 Filed 5-30-74;8:45 am]

CINCINNATI STOCK EXCHANGE

Applications for Unlisted Trading Privileges; Opportunity for Hearing

MAY 20, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
I U International Corp	7-4615
Kansas City Power & Light Co	7-4616
Marine Midland Banks, Inc	7-4617
National Detroit Corp	7-4618
Northern States Power Co	7-4619
Northwest Bancorporation	7-4620
Oklahoma Gas & Electric Co	7-4621

Upon receipt of a request, on or before June 5, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12406 Filed 5-30-74;8:45 am]

CINCINNATI STOCK EXCHANGE

Applications for Unlisted Trading Privileges; Opportunity for Hearing

MAY 20, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Pacific Lighting Corp	7-4622
Pacific Power & Light Co	7-4623
Pacific Telephone & Telegraph Co. (The)	7-4624
Panhandle Eastern Pipe Line Co	7-4625
Portland General Electric Co	7-4626
Public Service Co. of Colorado	7-4627
San Diego Gas & Electric Co	7-4628

Upon receipt of a request, on or before June 5, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12407 Filed 5-30-74;8:45 am]

CINCINNATI STOCK EXCHANGE

Applications for Unlisted Trading Privileges; Opportunity for Hearing

MAY 20, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
South Carolina Electric & Gas Co	7-4629
Tampa Electric Co	7-4630
Unionamerica, Inc	7-4631
Union Electric Co	7-4632
Union Pacific Corp	7-4633
U.S. Fidelity & Guaranty Co	7-4634
Wells Fargo & Co	7-4635
Western Bancorporation	7-4636
Wisconsin Electric Power Co	7-4637

Upon receipt of a request, on or before June 5, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12408 Filed 5-30-74;8:45 am]

[File No. 500-1]

COOK TREADWELL & HARRY, INC.

Notice of Suspension of Trading

MAY 17, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cook Treadwell & Harry, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 18, 1974 through May 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12405 Filed 5-30-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

MAY 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 22, 1974 through May 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12403 Filed 5-30-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

MAY 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 22, 1974 through May 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12404 Filed 5-30-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Notice of Suspension of Trading

MAY 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 22, 1974 through May 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12402 Filed 5-30-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 25, 1974 through June 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12576 Filed 5-30-74;8:45 am]

[70-5350]

OHIO POWER CO.

Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and Commercial Paper Dealers

MAY 24, 1974.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Ave. SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed a third post-effective amendment to its application in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the application, as now amended, for a complete statement of the proposed transactions.

By orders dated June 29, 1973, September 18, 1973, and April 8, 1974 (Holding Company Act Release Nos. 18018, 18100, and 18367) the Commission granted Ohio's application requesting that until December 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper in an aggregate amount not to exceed $215,000,000 outstanding at any one time, including short-term notes presently outstanding.

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The notes are to be issued from time to time prior to December 31, 1974, as funds are required, provided that none of the notes will mature later than June 30, 1975.

Ohio now proposes to issue and sell demand notes to the trust departments of The Fidelity Bank, Philadelphia, Pennsylvania, and the Harter Bank and Trust Co., Canton, Ohio in the maximum amounts of $20,000,000 and $5,000,000, respectively, subject to the previously authorized aggregate limit on short-term notes outstanding. It it stated that each of the bank trust departments has a flow of funds, as fiduciary for various accounts, which would be available for investment in such demand notes. These demand notes will be in the form of promissory notes in denominations of not less than $1,000 bearing an interest rate equivalent to the highest rate paid daily by General Motors Acceptance Corp. on its commercial paper with a maturity of less than 180 days. Notes issued from January 1 to June 30 will mature July 1 of the same year and those issued from July 1 to December 31 will mature on January 1 of the following year. The bank trust departments will have the right to demand payment at any time and Ohio will have the right to repay, without penalty, all or any part of the principal amount of such demand notes outstanding.

On May 7, 1974, the highest rate paid by General Motors Acceptance Corp. on its commercial paper with a maturity of less than 180 days was 10 percent. This rate was approximately 1½ percent less than the rate at which Ohio was then able to issue commercial paper of comparable maturities and more than 2½ percent below the effective rate for bank borrowings based on the current prime rate of 11 percent and compensating balances of 15 percent to 20 percent. Based on past experience, the rate on these demand notes will consistently be lower than the comparable rates for commercial paper and bank borrowings including the effect of compensating balances.

Ohio proposes that certificates of notification under rule 24 with respect to the issuance of Ohio's demand notes shall be filed quarterly as is presently done with respect to the issuance of Ohio's commercial paper.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 18, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12578 Filed 5-30-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 28, 1974 through June 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12579 Filed 5-30-74;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

MAY 24, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 25, 1974 through June 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12577 Filed 5-30-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0061]

GENERAL SOUTHWEST INVESTMENT CORP.

Notice of License Revocation

Notice is hereby given that General Southwest Investment Corporation, Fort Worth, Texas was licensed by the Small Business Administration (SBA) to operate solely as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, was a defendant in a civil action brought by SBA.

In an Order Discharging Receiver and Closing Estate, dated December 6, 1973, No. CA-4-927, the United States District Court for the Northern District of Texas has noted that all funds and assets have been turned over to SBA and that an order should be entered discharging the receiver and terminating the proceedings.

Section 308(d) of the Act provides that the license of a small business investment company may be forfeited if such company is determined and adjudged by a Court of the United States to have violated the provisions of the Act or Regulations prescribed thereunder.

Pursuant to the above authority, and based upon the determination and adjudication of the Court in this case, SBA hereby revokes the license of the corporation identified above. All powers, privileges, rights and franchises heretofore available to the corporation by virtue of the license are hereby forfeited.

Dated: MAY 20, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-12456 Filed 5-30-74;8:45 am]

NORTHEAST SMALL BUSINESS INVESTMENT CORP.

Notice of Issuance of Small Business Investment Company License

On March 21, 1974, a notice was published in the FEDERAL REGISTER (39 FR 10671) stating that an application had been filed by Northeast Small Business Investment Corporation, 16 Cumberland Street, Boston, Massachusetts 02115, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies, (13 CFR (1974)) for a license as a small business investment company.

Interested parties were given until the close of business April 5, 1974, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 01/01-0275 to Northeast Small Business Investment Corporation to operate as a small business investment company.

Dated: May 20, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment Division.

[FR Doc.74-12457 Filed 5-30-74;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Notice of Meetings and Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on June 11, 12, and 13 in Room 4454, General Accounting Office Building, 441 G Street NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

Tuesday, June 11

1:30 p.m.—Committee on Consumer and Wholesale Prices

1. Opening Remarks.
2. Status of the Consumer Price Index Revision Program.
3. Annual Consumer Expenditure Survey Proposal.
4. Review of FY 1974 Appropriations.
   a. Consumer Price Index—expanded monthly pricing.
   b. Wholesale Price Index—expansion of petroleum and transaction prices.
   c. International Price Competitiveness—expansion of export and import price indexes.
5. Discussion of FY 1975 Budget Proposals.
   a. Wholesale Price Index—revision program.
   b. International Price Competitiveness—expansion program.

Wednesday, June 12

9:30 a.m.—Committee on Productivity and Technology

1. Measurement of productivity in the Federal Government.
2. Status of work on international comparisons.
   a. Manufacturing and industry productivity and cost measures.
   b. Compensation structure and trend studies.
   c. Comparison of unemployment levels.
3. Additional work on productivity measures for the private sector.
4. Other business.

1:30 p.m.—Committee on Manpower and Employment

1. a. Expansion of Current Population Survey.
   b. Status of Procedures to be used in calculating State and Area Unemployment.
2. The Standard Occupational Classification System.
3. Proposals to Manpower Administration for Development of a Comprehensive Labor Market Information System as required under the Comprehensive Employment and Training Act of 1973.
4. Status Reports:
   a. Survey of Training in Industry.
   b. Projections of Occupational Employment for States and Areas.
   c. Occupational Employment Survey.
   d. Energy Employment Data.
   e. Modification of JOLTS.

Thursday, June 13

1:30 p.m.—Committee on Wages and Industrial Relations

1. Review of work in progress.
2. OWIR 1975 Budget and expected program; 1976 budget proposals—The former are awaiting Congressional approval; the latter are OWIR proposals to the Bureau.
3. Proposed studies relating to amended Fair Labor Standards Act—Five different types of surveys have been requested, each relating to some provision of the new legislation.
4. Pension research and Federal government data sources—New pension legislation includes section on research which will probably influence OWIR activity. But data are also produced by other agencies, e.g., HEW and Treasury, which can be useful in appraising the levels and trends of pensions.
5. Report of the LEAC subcommittee on the General Wage Index.
6. Report on studies of productivity committees under collective bargaining for the National Productivity Commission—A discussion of the findings of case studies on the nature, structure, and activities of committees established in bargaining agreements.
7. Changes in the PATC survey—The Civil Service Commission is studying possible changes in the scope of the survey. The discussion will indicate the directions such studies appear to be taking.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 961-2247.

Signed at Washington, D.C. this 24th day of May 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-12488 Filed 5-30-74;8:45 am]

Occupational Safety and Health Administration

[V-73-24]

GRUBB & ELLIS DEVELOPMENT CO.

Grant of Variance

I. *Background.* Grubb & Ellis Development Co. 1939 Harrison Street, Suite 500, Oakland, California 94612 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1910.66(b)(3). The standard requires that all new powered platforms for exterior building maintenance meet the requirements of Parts II and III of ANSI A120.1-1970. The facility affected by this application is Grubb & Ellis Development Co., 1333 Broadway, Oakland, California 94612. Notice of the application was published in the FEDERAL REGISTER on October 11, 1973 (38 FR 28122). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. *Facts.* The vertical rise of the powered maintenance platform on the applicant's building will vary from 117 to 137 feet. Much of the east elevation has recessed store front windows which are impossible to wash from the platform. The curtain wall has a recessed spandrel beam at each floor which makes impossible the inclusion of the continuous T-rails or indented mullions required by Paragraph 11.2.1 of ANSI A120.1-1970 on buildings having powered platforms with a rise of at least 130 feet.

The applicant will use a platform equipped with angulated roping. The platform suspension point is 6'' in from the center of the stirrup so the platform has initial pull-in. At the 8th and 4th floors eye-bolts will be installed for tying-in the wire ropes for added pull-in as the platform descends. The drawings also show that the platform is equipped with building face wheels.

III. *Decision.* ANSI A120.1-1970 Paragraph 11.2.1 requires that the face of buildings over 130 feet in height be equipped with T-rails, indented mullions or equivalent guides to provide positive and continuous contact with the work platform. This is intended to absorb wind forces and horizontal components of dead and live loads on the working platforms.

One face of the applicant's building has a rise of 137 feet. This face is subject to the requirement in ANSI A120.1-1970 Paragraph 11.2.1 for positive contact guides such as T-rails or indented mullions on the building face.

The design of the applicant's building does not allow the installation of these guides. The applicant is providing the building face rollers and angulated roping that are required for buildings of less than 130 feet in ANSI A120.1-1970 Paragraph 13.8. However, it is going beyond the basic requirements of that ANSI standard in that it is using eye-bolts every 4 floors for additional pull-in. This will restrict horizontal movement approximately every 40 feet.

Considering the fact that the building only exceeds the 130 foot height by 7 feet, and that eye-bolts are used at the 4th and 8th floors, the applicant is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) and ANSI A120.1-1970 Paragraph 11.2.1.

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IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Grubb & Ellis Development Company be, and it is hereby, authorized to provide angulated roping with eye-bolts at the 4th and 8th floors and building face rollers for the powered maintenance platform on its building at 1333 Broadway, Oakland, California, in lieu of the positive contact guides required by 29 CFR 1910.66(b)(3).

As soon as possible Grubb & Ellis Development Company shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on May 31, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 22nd day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12545 Filed 5–30–74;8:45 am]

federal register

FRIDAY, MAY 31, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 106

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

AIRPORT AID PROGRAM

Revised Administration Requirements

No. 106—Pt. II——1

V 39 | 106 MAY 31 74 XUM

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13545; Amdt. No. 152-2]

PART 152—AIRPORT AID PROGRAM

Revised Requirements for Administration

The purpose of this amendment to Part 152 of the Federal Aviation Regulations is to implement certain revised requirements for administering grants-in-aid to State and local governments under the Airport and Airway Development Act of 1970.

This amendment is based on a notice of proposed rule making (Notice No. 74-7) issued on February 14, 1974 and published in the FEDERAL REGISTER on February 21, 1974 (39 FR 6674). Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all comments received in response to that notice.

The basis for these revised administrative requirements is Office of Management and Budget (OMB) Circular A-102 dated October 19, 1971 (with supplementing Transmittal Memorandums dated January 25, 1972 and September 8, 1972), and OMB Circular A-87 dated May 9, 1968 (amended by Transmittal Memorandum No. 1 dated June 17, 1970).

OMB Circular A-102 promulgated Attachments A through O containing standards for establishing consistency and uniformity among Federal agencies in the administration of grants to State and local governments. Also included in the Circular are standards to insure the consistent implementation of sections 202, 203, and 204 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1101).

By memorandum of March 27, 1969, to the Office of Management and Budget, and to ten Federal agencies engaged in domestic grant-in-aid programs, the President ordered a three-year effort to simplify, standardize, decentralize and otherwise modernize the Federal grant machinery. The standards subsequently developed and included in the attachments to OMB Circular A-102 will replace a multitude of varying and sometimes conflicting requirements in the same or similar subject matters which have been burdensome to State and local governments. Inherent in this standardization process is the concept of placing greater reliance on State and local governments. In addition, The Intergovernmental Cooperation Act of 1968 was passed, in part, for the purposes of: (1) Achieving the fullest cooperation and coordination of activities among levels of government; (2) improving the administration of grants-in-aid to the States; and (3) establishing coordinated intergovernmental policy and administration of Federal assistance programs. This Act provided certain basic policies pertaining to administrative requirements to be imposed upon the States as a condition to receiving Federal grants. The implementing instructions of these policies were initially issued in OMB Circular A-96 dated August 29, 1969. OMB Circular A-102 modifies these instructions in the interest of achieving further consistency in implementing that Act.

OMB Circular A-102 includes 15 attachments, Attachments A through O, each of which prescribes standards for a separate area of grant administration, as follows:

Attachment A—Cash Depositories
Attachment B—Bonding and Insurance
Attachment C—Retention and Custodial Requirements for Records
Attachment D—Waiver of "Single" State Agency Requirements
Attachment E—Program Income
Attachment F—Matching Share
Attachment G—Standards for Grantee Financial Management Systems
Attachment H—Financial Reporting Requirements
Attachment I—Monitoring and Reporting of Program Performance
Attachment J—Grant Payment Requirements
Attachment K—Budget Revision Procedures
Attachment L—Grant Closeout Procedures
Attachment M—Standard Forms for Applying for Federal Assistance
Attachment N—Property Management Standards
Attachment O—Procurement Standards

OMB Circular A-87 promulgates principles and standards for determining costs applicable to grants and contracts with State and local governments. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and their Federal counterparts.

To the extent that OMB Circulars A-102 and A-87 are directive upon the FAA, those requirements have been, or will be, implemented by internal directive or policy guidance. Standards and requirements applicable to sponsors or grantees are to be implemented by amendments to appropriate sections of Part 152 of the Federal Aviation Regulations, and by including certain of the material as appendices to Part 152. For convenience and clarity, OMB Circular A-87 and Attachments G, N, and O of OMB Circular A-102, have been edited and appear as Appendix J, K, L, and M, respectively, of Part 152. In general, only those portions which are directive upon Federal agencies have been deleted as superfluous for the purposes of Part 152.

This amendment implements a number of significant changes in grant administration. A brief discussion of major changes is set forth below:

Appendix J, which is derived from OMB Circular A-87, prescribes principles and standards for determining costs applicable to grants and contracts with State and local governments, and will allow under the Planning Grant Program certain indirect costs, principally certain administrative costs, and require sponsors to support such costs by means of a cost allocation plan or indirect cost proposal.

Appendix K, which is derived from Attachment G to OMB Circular A-102, prescribed standards for financial management systems required to be established and maintained by sponsors.

Appendix L, which is derived from Attachment N to OMB Circular A-102, prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds by State and local governments.

Appendix M, which is derived from Attachment O of OMB Circular A-102, provides standards for use by State and local governments in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds.

New application and payment forms are implemented by this amendment. The grant agreement form currently in use would continue to be used.

Revised grant payment procedures are provided for. Generally, reimbursement up to the full amount of the grant without audit may be made where allowability of costs can be determined prior to audit, and partial grant payments could be made as advance payments, under certain conditions, up to 90 percent of the estimated United States' share of project costs or the grant amount.

Provisions for withholding of grant payments under certain conditions, and for suspension and termination of grants for cause or convenience, and for requesting reconsideration of suspension or termination actions by the Administrator are included.

Information and data previously required to be submitted in the summary of project costs and in periodic estimates will now be submitted in periodic financial reports (requests for payment) and in program performance reports.

Under the planning grant program, advance payments may be made by letters of credit or by Treasury check, under certain conditions, up to the full amount of the grant agreement.

Real property donated to the sponsor by another public agency, and previously not an allowable project cost, will now be an allowable project cost, subject to the limitations of § 152.45(d) of Part 152.

Copies of OMB Circular A-102 and OMB Circular A-87 may be obtained from FAA Airports District offices and FAA Regional offices.

By Executive Order dated May 9, 1973, the President transferred certain functions of the Office of Management and Budget relating to financial and property management to the Secretary of Commerce and the Administrator of the General Services Administration. Pursuant to that Order (which supersedes Executive Order 11541 of July 1, 1970 to the extent that it is inconsistent therewith) the program administration standards promulgated by OMB Circulars A-87 and A-102 are now administered by the Administrator of the General Services Administration.

In the interest of Government-wide grant-in-aid program uniformity, deviation from the requirements of OMB Circular A-102 and A-87 will be permitted only in exceptional cases and where adequate justification can be presented to the Administrator of the General Services Administration. However, as indicated in Notice 74-7, recommendations for change or amendment will be, and have been, carefully considered, and to the extent that such changes or amendments are permitted by existing law and appear to offer benefits in program administration, recommendations will be made to the Office of the Secretary of Transportation.

A substantial portion of comments received in response to Notice No. 74-7 recommended changes or amendments which would be at variance with the standards and procedures contained in OMB Circulars A-87 and A-102, and are not feasible within the constraint of government-wide grant-in-aid program uniformity. Consideration of these recommendations will be continued in the light of program experience, and with a view to future rulemaking and implementation, where program deficiencies become apparent.

In this connection, and in response to related comments, the FAA is initiating a review of current advance payment procedures in the interest of expediting such payments to sponsors. The feasibility of utilizing letters of credit, in the case of sponsors who qualify under the provisions of Attachment J of OMB Circular A-102, is included in that review.

In response to comments received, and in the interest of clarity and conformance with OMB Circulars A-87 and A-102, a number of minor changes from the amendments proposed have been made, as follows:

Section 152.47(a)(8) has been reworded to make it clear that only "direct" costs are allowable project costs; the word "specifically," proposed to be deleted, is retained.

Section 152.51(a), relating to contracting requirements has been amplified for clarity and to conform with OMB Circular A-102 to include a statement of requirements relating to construction bids.

Sections 152.63 (c) and (d), and 152.143(b) have been changed to provide for a more definite date for the commencement of the record retention period.

Sections 152.63(e) and 152.143(c) have been changed to delete the proposed requirement for transfer of custody of certain records with long term retention value, since that requirement appears to be excessive to the requirements of A-102 and local law in some instances may prohibit such transfer of custody.

Sections 152.69(c) and 152.141(c) have been changed to conform with A-102 to make it clear that cash advances will be made as close as administratively possible to actual disbursements by the sponsor.

Section 152.69(d), relating to the withholding of payments, has been changed by deleting the term "program objectives," as vague and redundant.

Section 152.136, relating to contracting requirements for planning grants and preaward review, has been changed to conform with the requirements applicable to development grants specified in § 152.53.

Paragraph K.2.c. of Appendix J has been reworded to make it clear that only those costs incurred specifically for the purpose of the grant are allowable.

Paragraph 3.(c)(6) of Appendix M has been changed to make it clear that procurements may be negotiated in any of the stated circumstances, and that not all conditions must be met. A number of editorial corrections have also been made in Appendix M.

This amendment is made under the authority of sections 11 through 27 of the Airport and Airway Development Act of 1970 (84 Stat. 220-233), and § 1.47(g) of the Regulations of the Office of the Secretary of Transportation (49 CFR § 1.47(g)).

In consideration of the foregoing, Part 152 of the Federal Aviation Regulations is amended, effective July 1, 1974, as set forth below.

Issued in Washington, D.C., on May 24, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

1. By amending § 152.23 as follows:

a. By revising the section heading and amending the introductory portion of paragraph (a), and by inserting a new subparagraph (1), to read as follows:

§ 152.23 Procedures: preapplication for aid; accompanying information.

(a) *Preapplication for aid.* An eligible sponsor that desires to obtain Federal aid for eligible airport development must submit to the appropriate FAA office (Airports District Office having jurisdiction over the area where the sponsor is located, or, where there is no such office, the regional office having that jurisdiction) a preapplication on FAA Form 5100-30, accompanied by the following:

(1) A list of the items of airport development requested for programming, including an itemized estimated cost of such work. A sketch or sketches of the airport layout should be prepared indicating thereon by appropriate legend, the location of each item of work proposed, using the same item numbers as set forth in the itemization listing.

b. By amending subparagraph (4)(i) by changing the reference "FAA Form 5100-3" to "FAA Form 5100-30."

c. By renumbering paragraphs (a)(1), (2), (3), (4), (5), (6), (7), as paragraphs (a)(2), (3), (4), (5), (6), (7), and (8), respectively.

§ 152.25 [Amended]

2. By amending paragraph (a) of § 152.25 by changing the reference "FAA Form 5100-19" to "FAA Form 5100-100."

§ 152.29 [Amended]

3. By amending paragraph (a) of § 152.29 by deleting the word "contains" in the second sentence and by substituting in lieu thereof the words "must include."

§ 152.47 [Amended]

4. By amending § 152.47 as follows:

a. By amending paragraph (a)(6) by inserting the word "direct" following the word "incidental."

b. By deleting paragraph (b)(5) and by renumbering subparagraph (b)(6) as subparagraph (b)(5).

c. By adding a new paragraph (c)(6) to read as follows:

(6) Be a direct cost determined in accordance with the cost principles for States and local governments in Appendix J of this part.

5. By amending § 152.51 as follows:

a. By amending the section heading and by inserting a new paragraph (a) to read as follows:

§ 152.51 Contracting requirements: performance of construction work; general requirements.

(a) *Contracting requirements.* Each contract under a project must meet the requirements of local law and the requirements and standards contained in Appendix M of this part. The sponsor shall establish procedures for procurement of supplies, equipment, construction, and other services funded under the project which meet the requirements of Appendix M. All bids for construction or facility improvement in excess of $100,000 shall be accompanied by a bid guarantee consisting of a firm commitment such as a bid bond, certified check or other negotiable instrument equivalent to five percent of the bid price as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

* * * * *

b. By deleting paragraph (b) and by redesignating paragraph (a) as paragraph (b).

§ 152.53 [Amended]

6. By amending § 152.53 as follows:

a. By amending paragraph (a) by deleting the figures "$2,000" that appear in the first sentence and by substituting in lieu thereof the figures "$2,500."

b. By deleting the words "and that the contract conforms to the sponsor's grant agreement with the United States" which appear at the end of the first sentence in paragraph (e).

c. By amending paragraph (e) by adding the following at the end thereof:

(e) * * * A sponsor's proposed contract must have preaward review and approval of the FAA in any of the following circumstances:

(1) The sponsor has not complied with the standards of Appendix M of this part.

(2) The contract is proposed to be awarded on a sole-source basis and is expected to exceed $5,000.

(3) The proposed contract is expected to exceed $500,000.

(4) The sponsor has not previously received a grant from the Department of Transportation.

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(5) The FAA requests that the proposed contract be submitted for preaward review and approval.

7. By revising § 152.63 to read as follows:

§ 152.63 Financial management systems: accounting and audit of sponsor and contractor records.

(a) *Financial management system.* Each sponsor shall establish and maintain a financial management system that meets the standards of Appendix K of this Part.

(b) *Accounting records.* Each sponsor shall establish and maintain, for each individual project, an adequate accounting record to allow appropriate personnel of the FAA to determine all funds received (including funds of the sponsor and funds received from the United States or other sources), and to determine the allowability of all incurred costs of the project. The sponsor shall segregate and group project cost so that it can furnish, on due notice, cost information in the following cost classifications:

(1) Purchase price or value of land.
(2) Cost of relocation payment and assistance.
(3) Incidental costs of land acquisition.
(4) Costs of contract construction.
(5) Cost of force account construction.
(6) Engineering costs of plans and designs.
(7) Engineering costs of supervision and inspection.
(8) Other administrative costs.

(c) *Documentary evidence.* The sponsor shall obtain and retain, for a period of three (3) years after the date of the submission of the final expenditure report, documentary evidence such as invoices, cost estimates, and payrolls supporting each item of project costs.

(d) *Retention of evidence of payment.* The sponsor shall retain, for a period of three (3) years after the date of the submission of the final expenditure report, evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(e) *Availability of records.* The sponsor shall allow the Administrator and the Comptroller General of the United States, or an authorized representative of either of them, access to any of its books, documents, papers, and records that are pertinent to grants received under the Airport Development Aid Program for the purposes of accounting and audit. Appropriate FAA personnel may make progress audits at any time during the project, upon notice to the sponsor. If audit findings have not been resolved, records shall be retained until such findings have been resolved. Records for nonexpendable property which was acquired with Federal funds shall be retained for 3 years after final disposition of the property. Microfilm copy of original records may be substituted for original records with the approval of the FAA. If the FAA determines that certain records have long-term retention value, the FAA shall request transfer of custody of those records to the FAA.

(f) *Availability of contractor's records.* The sponsor shall include in each contract of the cost-reimbursable type a clause which allows the Administrator and the Comptroller General of the United States, or an authorized representative of either, access to the contractor's records pertinent to the contract for the purposes of accounting and audit.

(g) *Property management standards.* The sponsor shall establish and maintain property management standards for the utilization and disposition of property furnished by the Federal government or acquired in whole or in part with Federal funds by the sponsor in accordance with Appendix L of this part.

8. By adding a new § 152.64 to read as follows:

§ 152.64 Noncompliance with conditions of grant: suspension or termination of grant.

(a) *Suspension of grant.* If the sponsor fails to comply with the conditions of the grant, the FAA may, by written notice to the sponsor, suspend the grant and withhold further payments pending corrective action by the sponsor or a decision to terminate the grant. After receipt of notice of suspension, the sponsor may not incur additional obligations of grant funds during the suspension. All necessary and proper costs which the sponsor could not reasonably avoid during the period of suspension will be allowed, if such costs are in accordance with Appendix J of this part.

(b) *Termination for cause.* If the sponsor fails to comply with the conditions of the grant, the FAA may, by written notice to the sponsor, terminate the grant in whole, or in part. The notice of termination will contain the reasons for termination and the effective date of termination. After receipt of the notice of termination the sponsor may not incur additional obligations of grant funds. Payments to be made to the sponsor or recoveries of payments by the FAA under the grant shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* When the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds, the grant may be terminated in whole, or in part, upon mutual agreement of the FAA and the sponsor. Agreement will be made upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. In such case the sponsor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many obligations, relating to the terminated portion, as possible. The sponsor will be allowed full credit for the Federal share of the noncancellable obligations which were properly incurred by the sponsor prior to the termination.

(d) *Request for reconsideration.* In any case of suspension or termination, the sponsor may request the Administrator to reconsider the suspension or termination. Such request for reconsideration shall be made within 45 days after receipt of the notice of suspension or termination.

9. By amending § 152.65 by revising the introductory portion of paragraph (a) to read as follows:

§ 152.65 Grant payments: General.

(a) *Application.* Except in those instances where the sponsor has secured prior approval by the FAA for the use of FAA Form 5100–61, an application for a grant payment is made on FAA Form 5100–60, accompanied by any supporting information, including appraisals of property interests, that the FAA needs to determine the allowability of any costs for which payment is requested.

* * * * *

10. By adding a new § 152.66 to read as follows:

§ 152.66 Reporting requirements.

(a) *Reporting on accrual basis.* Sponsors shall submit all financial reports on an accrual basis. If records are not maintained on an accrual basis, reports may be based on analysis of records or best estimates.

(b) *Report of Federal cash transactions.* When funds are advanced to a sponsor by Treasury check, the sponsor shall submit FAA Form 5100–62 within 15 working days following the end of each quarter.

(c) *Monitoring and reporting of program performance.* The sponsor shall monitor performance under the project to assure that time schedules are being met, projected work units by time periods are being accomplished, and that other performance goals are being achieved. Reviews shall be made for each item of development included in the project and other work to be performed as a condition of the grant agreement. The sponsor shall submit a performance report, on a quarterly basis, which must include—

(1) A comparison of actual accomplishments to the goals established for the period. Where applicable, a comparison will be made on a quantitative basis related to cost data for computation of unit costs;

(2) Reasons for slippage in those cases where established goals are not met; and

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(d) *Notice of delay or acceleration.* The sponsor shall promptly notify the FAA of conditions or events which may delay or accelerate accomplishment of the project. In the event that delay is anticipated, a statement of actions taken or contemplated and Federal assistance required must be included.

(e) *Budget revision.* If any performance review conducted by the sponsor discloses a need for change in the budget estimates, the sponsor shall submit a request for budget revision on FAA Form

5100–100. Such request for prior approval for budget revision shall be made promptly by the sponsor whenever:

(1) The revision results from changes in the scope or objective of the project; or

(2) The revision increases the budgeted amounts of Federal funds needed to complete the project.

(f) The sponsor shall promptly notify the FAA whenever the amount of the grant is expected to exceed the needs of the sponsor by more than $5,000 or 5 percent of the grant amount, whichever is greater.

11. By revising § 152.69 to read as follows:

§ 152.69 Partial grant payments.

(a) *General.* Subject to the final determination of allowable project costs as provided in § 152.71, partial grant payments for project costs may be made to a sponsor upon application. Unless previously agreed otherwise, a sponsor may apply for partial payments on a monthly basis. The payments may be paid, upon application made on FAA Form 5100–60, on the basis of the costs of airport development that is accomplished, or, with the prior approval by FAA for the use of FAA Form 5100–61, on the basis of the estimated costs of airport development expected to be accomplished.

(b) *Reimbursements.* When allowability of costs can be determined, grant payments are made in amounts large enough to bring the aggregate amount of all partial payments to the estimated United States' share of the project costs of the airport development accomplished under the project as of the date of the sponsor's latest application for payment.

(c) *Advance payments.* With prior FAA approval, and if the sponsor applies, partial grant payments may be made as advance payments in an amount large enough to bring the aggregate amount of all partial payments to the estimated project costs of the airport development expected to be accomplished within 30 days after the date of the sponsor's application for advance payment. However, no such advance payment may be made in an amount that would bring the aggregate amount of all partial payments for the project to more than 90 percent of the estimated United States' share of the total estimated cost of all airport development included in the project, but not including contingency items, or 90 percent of the maximum obligation of the United States as stated in the grant agreement, whichever amount is the lower. In determining the amount of a partial grant payment, those project costs that the Administrator considers to be of questionable allowability are deducted both from the the amount of a partial grant payment, amount of project costs incurred and from the amount of the estimated total project cost. The timing and amount of cash advances shall be as close as administratively feasible to actual disbursements by the sponsor.

(d) Payment to the sponsor may be withheld at any time during the grant period if the sponsor has failed to comply with grant award conditions or Federal reporting requirements, or the sponsor is indebted to the United States and collection of the indebtedness will not impair accomplishment of any grant program sponsored by the United States.

12. By revising § 152.71 to read as follows:

§ 152.71 Grant closeout requirements.

(a) *Program income.* Sponsors that are units of local government shall return all interest earned on advances of grant-in-aid funds to the Federal Government in accordance with a decision of the Comptroller General (42 Comp. Gen. 289). All other program income (gross income) earned by grant-supported activities during the grant period shall be retained by the sponsor and, in accordance with the grant agreement:

(1) Added to funds committed to the project by the FAA and the sponsor and used to further eligible program objectives; or

(2) Deducted from the total project cost for the purpose of determining the net costs on which the Federal share of costs will be based.

(b) *Payment for cost incurred.* When the project is completed in accordance with the grant agreement, the sponsor may apply for payment for incurred costs up to the maximum amount of the grant agreement. When allowability of costs can be determined under § 152.47, payment may be made to the sponsor if—

(1) A final inspection of all work at the airport site has been made jointly by the appropriate FAA office and representatives of the sponsor and the contractor, unless that office agrees to a different procedure for final inspection;

(2) The sponsor has furnished final "as-constructed" plans, unless otherwise agreed to by the Administrator; and

(3) The FAA is satisfied that the project is completed.

(c) *Financial reports.* The sponsor shall furnish within 90 days after the date of completion of a grant all financial, performance, and other reports required as a condition of the grant.

(d) *Property accounting reports.* The sponsor shall account for any property acquired with grant funds, or received from the Government, in accordance with the provisions of Appendix L of this part.

(e) *Final determination of U.S. share.* Based upon the final audit, the Administrator determines the total amount of the allowable project costs and makes settlement for any upward or downward adjustments to the Federal share of costs.

§ 152.73 [Amended]

13. By amending paragraph (a) of § 152.73 by changing the reference to "(FAA Form 5100–3)" to "(FAA Form 5100–30)."

14. By revising § 152.75 to read as follows:

§ 152.75 Forms.

(a) *General.* The forms used for the purposes of Subparts B and C, are as follows:

(1) *Preapplication for Federal Assistance. FAA Form 5100–30.* This form establishes formal communication between the sponsor and the Federal Aviation Administration. It contains four parts:

(i) *Part I.* For pertinent information regarding the sponsor and type of assistance being requested.

(ii) *Part II.* For pertinent information regarding ancillary statutory and administrative requirements which have to be considered in approval of a project.

(iii) *Part III.* Project Budget. Identification of the source and amounts of funds to be used in accomplishing the project.

(iv) *Part IV.* Program Narrative Statement. For pertinent information describing the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance.

(2) *Project Application, FAA Form 5100–100.* A formal application for Federal aid to carry out a project under Subparts B and C. It contains five parts:

(i) *Part I.* For pertinent information regarding the sponsor and type of assistance being requested.

(ii) *Part II.* Project Approval Information. For pertinent information regarding ancillary statutory and administrative requirements which have to be considered in approval of project.

(iii) *Part III.* For pertinent budget information necessary for calculation of the Federal grant.

(iv) *Part IV.* Program narrative required for all new grant programs.

(v) *Part V.* Assurances. The applicant assures and certifies that he will comply with certain regulations, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for the proposed federally assisted project.

(3) *Grant Agreement, FAA Form 5100–13;*

(i) *Part I.* Offer by the United States to pay a specified percentage of the allowable costs of the project, as described therein, on specified terms relating to the undertaking and carrying out of the project, determination of allowability of costs, payment of the United States' share, and operation and maintenance of the airport in accordance with assurances in the project application.

(ii) *Part II.* Acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and certification by its attorney.

(4) *Application for Grant Payment; FAA Form 5100–60, FAA Form 5100–61.* The Outlay Report and Request for Reimbursement, FAA Form 5100–60, provides a detailed breakout of costs incurred by the sponsor, as well as certification provisions to be executed by the sponsor. Item 12. a. should be executed by a sponsor's representative authorized to make the payment request. Item 12. b. should be executed by a sponsor's representative qualified to make such certification. The Request for Advance or Reimbursement, FAA Form 5100–61, does not provide a detailed breakout of incurred costs; the certification is com-

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pleted by the sponsor's authorized official. The use of FAA Form 5100–61 requires prior approval of FAA.

(5) *Report of Federal Cash Transactions, FAA Form 5100–62.* When funds are advanced to a sponsor through the use of FAA Form 5100–61 the sponsor submits an original and two copies of the Report of Federal Cash Transactions, FAA Form 5100–62 no later than 15 working days following the end of each quarter.

(b) *Availability of forms.* Copies of the forms listed in paragraph (a) of this section, and assistance in completing them are available from FAA offices.

15. By revising § 152.123 to read as follows:

§ 152.123 Application requirements.

(a) *General.* An eligible sponsor that desires to obtain Federal aid for eligible airport master planning or airport system planning, must submit to the appropriate FAA office a completed Application for Federal Assistance (Nonconstruction Programs), FAA Form 5100–101, signed by an authorized representative of the sponsor.

(b) *Coordination.* Evidence of coordination with other agencies and the appropriate state and area-wide clearinghouses, as required by OMB Circular No. A–95, must be attached to the application.

(c) *Budget information.* The budget information required with the application must be sub-divided into the following functions or activities, if appropriate, and the basis for computation of these costs must be included in the submission:

(1) Third party contracts;
(2) Sponsor force account costs; and
(3) Administrative costs.

(d) *Program narrative.* The program narrative submitted with the application must contain at least the following items:

(1) Objective of study: a description of the purpose and objectives of the planning study.

(2) Results and benefits expected: a summation of the results and benefits anticipated as a result of the study.

(3) Work Statement: a detailed description of the proposed project work. This statement must include a description of each work element, a list of organizations, consultants, or other key individuals who will work on the project, and the nature of their contribution, and a proposed schedule of work accomplishment.

(4) Geographic Location: the location of the airport or the boundaries of the planning area.

(e) *Sponsor force account.* If the sponsor proposes to accomplish the project work with its own forces, or those of another public or planning agency, it must request approval from the appropriate FAA office. In requesting this approval, the sponsor must submit, as part of the program narrative, assurance that adequate competent personnel are available to satisfactorily accomplish the proposed planning.

16. By amending paragraph (b) (1) of § 152.125 to read as follows:

§ 152.125 Sponsor eligibility.

* * * * *

(b) *Eligibility requirements.* * * *

(1) Make the certifications, representations, and warranties required in the Application for Federal Assistance (FAA Form 5100–101).

* * * * *

§ 152.129 [Amended]

17. By amending paragraph (c) (18) of § 152.129 by changing the reference to "Office of Management and Budget Circular No. A–87" to "Appendix J of this part."

§ 152.131 [Amended]

18. By amending paragraph (b) (14) of § 152.131 by changing the reference to "Office of Management and Budget Circular No. A–87" to "Appendix J of this part."

19. By adding a new § 152.136 to read as follows:

§ 152.136 Contracting requirements.

(a) Each contract under a project must meet the requirements of local law and the requirements and standards contained in Appendix M of this Part.

(b) A sponsor's proposed contract must have preaward review and approval of the FAA in any of the following circumstances:

(1) The sponsor has not complied with the standards of Appendix M of this part.

(2) The contract is proposed to be awarded on a sole-source basis and is expected to exceed $5,000.

(3) The proposed contract is expected to exceed $500,000.

(4) The sponsor has not previously received a grant from the Department of Transportation.

(5) The FAA requests that the proposed contract be submitted for preaward review and approval.

§ 152.137 [Amended]

20. By amending paragraph (e) of § 152.137 by changing the reference to "Office of Management and Budget Circular No. A–87" to "Appendix J of this part."

21. By adding a new § 152.140 to read as follows:

§ 152.140 Reporting requirements.

(a) *Reporting on accrual basis.* Sponsors shall submit all financial reports on an accrual basis. If records are not maintained on an accrual basis, reports may be based on analysis of records or best estimates.

(b) *Report of Federal cash transactions.* When funds are advanced to a sponsor by letters of credit or Treasury check, the sponsor shall submit FAA Form 5100–62 within 15 working days following the end of each quarter.

(c) *Monitoring and reporting of program performance.* The sponsor shall monitor performance under the project to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. Reviews shall be made for each work element included in the project and other work to be performed as a condition of the grant agreement. The sponsor shall submit a performance report, on a quarterly basis, which must include—

(1) A comparison of actual accomplishments to the goals established for the period. Where applicable, a comparison will be made on a quantitative basis related to cost data for computation of work element costs;

(2) Reasons for slippage in those cases where established goals are not met; and

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high work element costs.

(d) *Notice of delay or acceleration.* The sponsor shall promptly notify the FAA of conditions or events which may delay or accelerate accomplishment of the project. In the event that delay is anticipated, a statement of actions taken or contemplated and Federal assistance required must be included.

(e) *Financial status report.* The sponsor shall submit a financial status report on FAA Form 5100–63 at the completion of the project. In the case of a project more than one year in duration, the report shall be submitted at the end of the first year after issuance of the grant and annually thereafter, and at completion of the project.

22. By revising § 152.141 to read as follows:

§ 152.141 Grant payments.

(a) *Methods of payment.* Grant payments to sponsors will be made by letter of credit, advance by Treasury check, or reimbursement by Treasury checks.

(b) *Letter of credit funding.* Letter of credit funding may not be used unless:

(1) There is or will be a continuing relationship between a sponsor and the FAA for at least a 12-month period and the total amount of advances to be received within that period is $250,000 or more;

(2) The sponsor has established or demonstrated to the FAA the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the grantee; and

(3) The sponsor's financial management system meets the standards for fund control and accountability prescribed in Appendix K of this Part.

(c) *Advance by Treasury check.* Advance of funds by Treasury check may be made if the sponsor meets the requirements of paragraph (b) (2) and (3) of this section. The timing and amount of cash advances shall be as close as administratively feasible to actual disbursements by the sponsor.

(d) *Reimbursement by Treasury check.* Reimbursement by Treasury check shall be made if the sponsor does not meet the requirements of paragraph (b) (2) and (3) of this section.

(e) *Request for payment.* Except when grant payment is to be made by letter of credit, requests for payment must be made on FAA Form 5100–61, Request for Advance or Reimbursement.

(f) *Withholding of payments.* Payment to the sponsor may be withheld at any time during the grant period if a sponsor has failed to comply with the program objectives, grant award conditions, or Federal reporting requirements, or the sponsor is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States.

23. By adding a new § 152.142 to read as follows:

§ 152.142 Noncompliance with conditions of grant; suspension or termination of grant.

(a) *Suspension of grant.* If the sponsor fails to comply with the conditions of the grant, the FAA may, by written notice to the sponsor, suspend the grant and withhold further payments pending corrective action by the sponsor or a decision to terminate the grant. After receipt of notice of suspension, the sponsor may not incur additional obligations of grant funds during the suspension. All necessary and proper costs which the sponsor could not reasonably avoid during the period of suspension will be allowed, if such costs are in accordance with Appendix J of this part.

(b) *Termination for cause.* If the sponsor fails to comply with the conditions of the grant, the FAA may, by written notice to the sponsor, terminate the grant in whole, or in part. The notice of termination will contain the reasons for termination and the effective date of termination. After receipt of the notice of termination the sponsor may not incur additional obligations of grant funds. Payments to be made to the sponsor or recoveries of payment by the FAA under the grant shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* When the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds, the grant may be terminated in whole, or in part, upon mutual agreement of the FAA and the sponsor. Agreement will be made upon the termination conditions, including the effective date and, in the case of partial terminations the portion to be terminated. In such case the sponsor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many obligations, relating to the terminated portion, as possible. The sponsor will be allowed full credit for the Federal share of the noncancellable obligations which were properly incurred by the sponsor prior to the termination.

(d) *Request for reconsideration.* In any case of suspension or termination, the sponsor may request the Administrator to reconsider the suspension or termination. Such request for reconsideration shall be made within 45 days after receipt of the notice of suspension or termination.

24. By amending § 152.143 by revising the section heading and paragraphs (b) and (c), and by adding new paragraphs (e) and (f), to read as follows:

§ 152.143 Financial management system; accounting and audit of sponsor and contractor records.

* * * * *

(b) *Retention of evidence of payments.* The sponsor shall retain in its files, for a period of three years after the date of the submission of the final expenditure report, documentary evidence of—

(1) Invoices, cost estimates, and payrolls, supporting each item of project costs; and

(2) All payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(c) *Availability of records.* The sponsor shall allow the Administrator and the Comptroller General of the United States, or an authorized representative of either of them, access to any of its books, documents, papers, and records that are pertinent to grants received under the Planning Grant Program for the purposes of accounting and audit. Appropriate FAA personnel may make progress audits at any time during the project, upon notice to the sponsor. If audit findings have not been resolved, records shall be retained until such findings have been resolved. Records for nonexpendable property which was acquired with Federal funds shall be retained for 3 years after final disposition of the property. Microfilm copy of original records may be substituted for original records with the approval of the FAA. If the FAA determines that certain records have long-term retention value, the FAA shall request transfer of custody of those records to the FAA.

* * * * *

(e) *Financial management system.* Each sponsor shall establish and maintain a financial management system that meets the standards of Appendix K of this part.

(f) *Property management standards.* Each sponsor shall establish and maintain property management standards for the utilization and disposition of property furnished by the Federal Government, or acquired in whole or in part with Federal funds by the sponsor, in accordance with Appendix L of this part. The sponsor shall account for any property acquired with grant funds, or received from the Federal Government, in accordance with Appendix L of this part.

25. By adding a new § 152.145 to read as follows:

§ 152.145 Grant closeout requirements.

(a) *Notice of completion.* When a project has been completed and the final project report has been received and accepted by the FAA, a notice of project completion will be furnished to the sponsor by the FAA.

(b) *Reports.* The sponsor shall submit to the FAA within 90 days after receipt of the notice of completion all financial, performance, and other reports required as a condition of the grant.

(c) *Program income.* Sponsors that are units of local governments shall return all interest earned on advances of grant-in-aid funds to the Federal Government in accordance with a decision of the Comptroller General (42 Comp. Gen. 289).

(d) *Final audit and settlement.* Based upon a final audit, the Administrator determines the total amount of the allowable project costs and makes settlement for any adjustments to the Federal share of costs.

26. By adding new appendices J, K, L, and M as set forth below:

APPENDIX J

There is set forth below principles for determining costs applicable to grants and contracts with State and local governments under the Airport and Airway Development Act of 1970:

PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS AND CONTRACTS WITH STATE AND LOCAL GOVERNMENTS

Part I—General

A. *Purpose and scope*—1. *Objectives.* This Appendix sets forth principles for determining the allowable costs of programs administered by State and local governments under grants from and contracts with the Federal Government. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal and State or local participation in the financing of a particular grant. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended. Under § 152.47, indirect costs are not allowable costs for Airport Development Projects.

2. *Policy guides.* The application of these principles is based on the fundamental premises that:

a. State and local governments are responsible for the efficient and effective administration of grant and contract programs through the application of sound management practices.

b. The grantee or contractor assumes the responsibility for seeing that Federally assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

c. Each grantee or contractor organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.

3. *Application.* These principles are applicable in determining costs incurred by State and local governments under Federal grants and cost reimbursement type contracts (including subgrants and subcontracts) under the Airport and Airway Development Act of 1970.

B. *Definitions.* 1. Approval or authorization of the grantor Federal agency means documentation evidencing consent prior to incurring specific cost.

2. Cost allocation plan means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.

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3. Cost, as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Federal grantor agency as a discharge of the grantee's accountability for Federal funds.

4. Cost objective means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.

5. Federal agency means the Federal Aviation Administration.

6. Grant means an agreement between the Federal Government and a State or local government whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this appendix applicable to grants in general also apply to any Federally sponsored cost reimbursement type of agreement performed by a State or local government, including contracts, subcontracts and subgrants.

7. Grant program means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

8. Grantee means the department or agency of State or local government which is responsible for administration of the grant.

9. Local unit means any political subdivision of government below the State level.

10. Other State or local agencies means departments or agencies of the State or local unit which provide goods, facilities, and services to a grantee.

11. Services, as used herein, means goods and facilities, as well as services.

12. Supporting services means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

C. *Basic guidelines*—1. *Factors affecting allowability of costs.* To be allowable under a grant program, costs must meet the following general criteria:

a. Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State or local governments.

b. Be authorized or not prohibited under State or local laws or regulations.

c. Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.

d. Be consistent with policies, regulations, and procedures that apply uniformly to both Federally assisted and other activities of the unit of government of which the grantee is a part.

e. Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

f. Not be allocable to or included as a cost of any other Federally financed program in either the current or a prior period.

g. Be net of all applicable credits.

2. *Allocable costs.* a. A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

b. Any cost allocable to a particular grant or cost objective under the principles provided for in this Appendix may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.

c. Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in section J.

3. *Applicable credits.* a. Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

b. Applicable credits may also arise when Federal funds are received or are available from sources other than the grant program involved to finance operations or capital items of the grantee. This includes costs arising from the use or depreciation of items donated or financed by the Federal Government to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

D. *Composition of cost*—1. *Total cost.* The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.

2. *Classification of costs.* There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential therefore that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in the sections which follow.

E. *Direct costs*—1. *General.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

2. *Application.* Typical direct costs chargeable to grant programs are:

a. Compensation of employees for the time and effort devoted specifically to the execution of grant programs.

b. Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.

c. Equipment cost and other approved capital expenditures incurred specifically for the purpose of the grant.

d. Other items of expense incurred specifically to carry out the grant agreement.

e. Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in Section G. of these principles.

F. *Indirect costs*—1. *General.* Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration of relative benefits derived.

2. *Grantee departmental indirect costs.* All grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this Appendix. In lieu of determining the actual amount of grantee departmental indirect cost allocable to a grant program, the following methods may be used:

a. *Predetermined fixed rates for indirect costs.* A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect costs.

b. *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained or isolated activity. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amounts negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

3. *Limitation on indirect costs.* a. Federal grants may be subject to laws that limit the amount of indirect cost that may be allowed. Agencies that sponsor grants of this type will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation or the amount otherwise allowable under this Appendix, whichever is the smaller.

b. When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this Appendix, the amount not recoverable as indirect costs under a grant may not be shifted to another Federally sponsored grant program or contract.

G. *Cost incurred by agencies other than the grantee*—1. *General.* The cost of service provided by other agencies may only include allowable direct costs of the service plus a pro rata share of allowable supporting costs (section B.12.) and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of a department and his staff assistants not directly involved in operations. However, supervision by the head of a department or agency whose sole function is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units or the supplying department or by other agencies.

2. *Alternative methods of determining indirect cost.* In lieu of determining actual indirect cost related to a particular service furnished by another agency, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.

a. *Standard indirect rate.* An amount equal to ten percent of direct labor cost in providing the service performed by another State agency (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.

b. *Predetermined fixed rate.* A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in section F.2.a.

H. *Cost incurred by grantee department for others*—1. *General.* The principles provided in section G. will also be used in determining the cost of services provided by the grantee department to another agency.

J. *Cost allocation plan*—1. *General.* A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records which will substantiate the propriety of eventual charges.

2. *Requirements.* The allocation plan of the grantee department should cover all joint costs of the department as well as costs to be allocated under plans of other agencies or organizational units which are to be included in the costs of Federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee department, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:

a. The nature and extent of services provided and their relevance to the Federally sponsored programs.

b. The items of expense to be included.

c. The methods to be used in distributing cost.

3. *Instructions for preparation of cost allocation plans.* The Department of Health, Education, and Welfare, in consultation with the other Federal agencies concerned, will be responsible for developing and issuing the instructions for use by State and local government grantees in preparation of cost allocation plans. This responsibility applies to both central support services at the State and local government level as well as indirect cost proposals of individual grantee departments.

4. *Negotiation and approval of indirect cost proposals for States.* a. The Department of Health, Education, and Welfare, in collaboration with the other Federal agencies concerned, will be responsible for negotiation, approval and audit of cost allocation plans, which will be submitted to it by the States. These plans will cover central support service costs of the State.

b. At the grantee department level in a State, a single Federal agency will have responsibility similar to that set forth in a. above for the negotiation, approval and audit of the indirect cost proposal. Cognizant Federal agencies have been designated for this purpose. Changes which may be required from time to time in agency assignments will be arranged by the Department of Health, Education, and Welfare in collaboration with the other interested agencies, and submitted to the Office of Management and Budget for final approval. A current list of agency assignments will be maintained by the Department of Health, Education, and Welfare.

c. Questions concerning the cost allocation plans approved under a. and b. above should be directed to the agency responsible for such approvals.

5. *Negotiation and approval of indirect cost proposals for local governments.* a. Cost allocation plans will be retained at the local government level for audit by a designated Federal agency except in those cases where that agency requests that cost allocation plans be submitted to it for negotiation and approval.

b. A list of cognizant Federal agencies assigned responsibility for negotiation, approval and audit of central support service cost allocation plans at the local government level is being developed. Changes which may be required from time to time in agency assignments will be arranged by the Department of Health, Education, and Welfare in collaboration with the other interested agencies, and submitted to Office of Management and Budget for final approval. A current list of agency assignments will be maintained by the Department of Health, Education, and Welfare.

c. At the grantee department level of local governments, the Federal agency with the predominant interest in the work of the grantee department will be responsible for necessary negotiation, approval and audit of the indirect cost proposal.

6. *Resolution of problems.* To the extent that problems are encountered among the Federal agencies in connection with 4. and 5. above, the Office of Management and Budget will lend assistance as required.

Part II—Standards for Selected Items of Cost

A. *Purpose and applicability*—1. *Objective.* This part of Appendix J provides standards for determining the allowability of selected items of cost.

2. *Application.* These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in Part I of this Appendix.

B. *Allowable costs*—1. *Accounting.* The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of government and is not allowable.

2. *Advertising.* Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:

a. Recruitment of personnel required for the grant program.

b. Solicitation of bids for the procurement of goods and services required.

c. Disposal of scrap or surplus materials acquired in the performance of the grant agreement.

d. Other purposes specifically provided for in the grant agreement.

3. *Advisory councils.* Costs incurred by State advisory councils or committees established pursuant to Federal requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.

4. *Audit service.* The cost of audits necessary for the administration and management of functions related to grant programs is allowable.

5. *Bonding.* Costs of premiums on bonds covering employees who handle grantee agency funds are allowable.

6. *Budgeting.* Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office actively participate in the grantee agency's budget process, the cost of identifiable services is allowable.

7. *Building lease management.* The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

8. *Central stores.* The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

9. *Communications.* Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.

10. *Compensation for personal services*—a. *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits (section B.13.). The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) is reasonable for the services rendered, (2) follows an appointment made in accordance with State or local government laws and rules and which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in b. below. Compensation for employees engaged in Federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State or local government. In cases where the kinds of employees required for the Federally assisted activities are not found in the other activities of the State or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

b. *Payroll and distribution of time.* Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the State or local agency. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should product an equitable distribution of time and effort.

11. *Depreciation and use allowances.* a. Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing

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compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government through charges to Federal grant programs or otherwise, irrespective of where title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the grantor Federal agency.

c. Where the depreciation method is followed, adequate, property records must be maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

d. In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment.

e. No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated, provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilitization of the facility or item for the purpose contemplated.

12. *Disbursing service.* The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.

13. *Employee fringe benefits.* Costs identified under a. and b. below are allowable to the extent that total compensation for employees is reasonable as defined in section B.10.

a. Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are: (1) provided pursuant to an appróved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.

b. Employee benefits in the form of employers' contribution or expenses for social security, employees' life and health insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided auch benefits are granted under approved plans and are distributed equitably to grant programs and to other activities.

14. *Employee morale, health and welfare costs.* The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with general State or local policy, are allowable. Income generated from any of these activities will be offset against expenses.

15. *Exhibits.* Costs of exhibits relating specifically to the grant programs are allowable.

16. *Legal expenses.* The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

17. *Maintenance and repair.* Costs incurred for necessary maintenance, repair or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

18. *Materials and supplies.* The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

19. *Memberships, subscriptions and professional activities*—a. *Memberships.* The cost of membership in civic, business, technical and professional organizations is allowable provided: (1) the benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.

b. *Reference material.* The cost of books, and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.

c. *Meetings and conferences.* Costs are allowable when the primary purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.

20. *Motor pools.* The costs of a service organization which provides automobiles to user grantee agencies at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

21. *Payroll preparation.* The cost of preparing payrolls and maintaining necessary related wage records is allowable.

22. *Personnel administration.* Costs for the recruitment, examination, certification, classification, training, establishment of pay standards and related activities for grant programs, are allowable.

23. *Printing and reproduction.* Cost for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.

24. *Procurement service.* The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities and services for grant programs, is allowable.

25. *Taxes.* In general, taxes or payments in lieu of taxes which the grantee agency is legally required to pay are allowable.

26. *Training and education.* The cost of in-service training, customarily provided for employee development which directly or indirectly benefits grant programs is allowable. Out-of-service training involving extended periods of time is allowable only when specifically authorized by the grantor agency.

27. *Transportation.* Costs incurred for freight, cartage, express, postage and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

28. *Travel.* Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in nonfederally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available.

C. *Costs allowable with approval of grantor agency.* 1. Automatic data processing. The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only upon specific prior approval of the grantor Federal agency as provided under the selected item for capital expenditures.

2. *Building space and related facilities.* The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the grantor Federal agency.

a. *Rental cost.* The rental cost of space in a privately owned building is allowable.

b. *Maintenance and operation.* The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

c. *Rearrangements and alterations.* Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value or useful life of the facilities (section c.3.) are allowable when specifically approved by the grantor agency.

d. *Depreciation and use allowances on publicly owned buildings.* These costs are allowable as provided in section B.11.

e. *Occupancy of space under rental-purchase or lease with option-to-purchase agreement.* The cost of space procured under such arrangements is allowable when specifically approved by the Federal grantor agency.

3. *Capital expenditures.* The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Federal grantor agency. When assets acquired with Federal grant funds are (a) sold, (b) no longer available for use in a federally sponsored program, or (c) used for purposes not authorized by the grantor agency, the Federal grantor agency's equity in the asset will be refunded in the same proportion as Federal participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.

4. *Insurance and indemnification.* a. Costs of insurance required, or approved and maintained pursuant to the grant agreement, is allowable.

b. Costs of other insurance in connection with the general conduct of activities is allowable subject to the following limitations:

(1) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.

(2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property is unallowable except to the extent that the grantor agency has specifically required or approved such costs.

c. Contributions to a reserve for a self-insurance program approved by the Federal grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools which occur in the ordinary course of operations, are allowable.

e. Indemnification includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in d. above.

5. *Management studies.* The cost of management studies to improve the effectiveness and efficiency of grant management for ongoing programs is allowable except that the cost of studies performed by agencies other than the grantee department or outside consultants is allowable only when authorized by the Federal grantor agency.

6. *Preagreement costs.* Costs incurred prior to the effective date of the grant or contract, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.

7. *Professional services.* Cost of professional services rendered by individuals or organizations not a part of the grantee department is allowable subject to such prior authorization as may be required by the Federal grantor agency.

8. *Proposal costs.* Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

D. *Unallowable costs*—1. *Bad debts.* Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.

2. *Contingencies.* Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.

3. *Contributions and donations.* Unallowable.

4. *Entertainment.* Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.

5. *Fines and penalties.* Costs resulting from violations of, or failure to comply with Federal, State and local laws and regulations are unallowable.

6. *Governor's expenses.* The salaries and expenses of the Office of the Governor of a State or the chief executive of a political subdivision are considered a cost of general State or local government and are unallowable.

7. *Interest and other financial costs.* Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

8. *Legislative expenses.* Salaries and other expenses of the State legislature or similar local governmental bodies such as county supervisors, city councils, school boards, etc., whether incurred for purposes of legislation or executive direction, are unallowable.

9. *Underrecovery of costs under grant agreements.* Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

APPENDIX K

There is set forth below standards for grantee financial management systems applicable to grants under the Airport and Airway Development Act of 1970.

STANDARDS FOR GRANTEE FINANCIAL MANAGEMENT SYSTEMS

1. This appendix prescribes standards for financial management systems of grant-supported activities of State and local governments under the Airport and Airway Development Act of 1970.

2. Grantee financial management systems shall provide for:

a. Accurate, current, and complete disclosure of the financial results of each grant program in accordance with Federal reporting requirements. When a Federal grantor agency requires reporting on an accrual basis and the grantee's accounting records are not kept on that basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

b. Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

c. Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

d. Comparison of actual with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

e. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements.

f. Procedures for determining the allowability and allocability of costs in accordance with the provisions of Appendix J of this part.

g. Accounting records which are supported by source documentation.

h. Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

i. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

3. Grantees shall require subgrantees (recipients of grants which are passed through by the grantee) to adopt all of the standards in paragraph 2 above.

APPENDIX L

There is set forth below property management standards applicable to grants under the Airport and Airway Development Act of 1970.

PROPERTY MANAGEMENT STANDARDS

1. This Appendix prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds by State and local governments. The grantees shall be authorized to use their own property management standards and procedures as long as the provisions of this Appendix are included.

2. The following definitions apply for the purpose of this Appendix.

a. *Real property.* Real property means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

b. *Personal property.* Personal property means property of any kind, except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

c. *Nonexpendable personal property.* Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

d. *Expendable personal property.* Expendable personal property refers to all tangible personal other than nonexpendable property.

e. *Excess property.* Excess property means property under the control of any Federal agency which, as determined by the head thereof, is no longer required for its needs.

3. Each Federal grantor agency shall prescribe requirements for grantees concerning the use of real property funded partly or wholly by the Federal Government. Unless otherwise provided by statute, such requirements, as a minimum, shall contain the following:

a. The grantee shall use the real property for the authorized purpose of the original grant as long as needed.

b. The grantee shall obtain approval by the grantor agency for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor.

c. When the real property is no longer needed as provided in a. and b., above, the

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grantee shall return all real property furnished or purchased wholly with Federal grant funds to the control of the Federal grantor agency. In the case of property purchased in part with Federal grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

4. Standards and procedures governing ownership, use, and disposition of nonexpendable personal property furnished by the Federal Government or acquired with Federal funds are set forth below:

a. *Nonexpendable personal property acquired with Federal funds.* When nonexpendable personal property is acquired by a grantee wholly or in part with Federal funds, title will not be taken by the Federal Government except as provided in paragraph 4a(4), but shall be vested in the grantee subject to the following restrictions on use and disposition of the property:

(1) The grantee shall retain the property acquired with Federal funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by Federal funds. When there is no longer a need for the property to accomplish the purpose of the grant program, the grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

(a) Other grants of the same Federal grantor agency needing the property.

(b) Grants of other Federal agencies needing the property.

(2) When the grantee no longer has need for the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(a) *Nonexpendable property with an acquisition cost of less than $500 and used four years or more.* The grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(b) *All other nonexpendable property.* The grantee may retain the property for its own use provided that a fair compensation is made to the original grantor agency for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the grant program to the current fair market value of the property.

(3) If the grantee has no need for the property, disposition of the property shall be made as follows:

(a) *Nonexpendable property with an acquisition cost of $1,000 or less.* Except for that property which meets the criteria of (2)(a) above, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed in accordance with (iii) below.

(b) *Nonexpendable property with an acquisition cost of over $1,000.* The grantee shall request disposition instructions from the grantor agency. The Federal agency shall determine whether the property can be used to meet the agency's requirement. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration (GSA) by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The Federal grantor agency shall issue instructions to the grantee within 120 days and the following procedures shall govern:

(i) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(ii) If the grantee is instructed to otherwise dispose of the property, he shall be reimbursed by the Federal grantor agency for such costs incurred in its disposition.

(iii) If disposition instructions are not issued within 120 days after reporting, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed by applying the percentage of Federal participation in the grant program to the sales proceeds. Further, the grantee shall be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(4) Where the grantor agency determines that property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, it may reserve title to such property, subject to the following provisions:

(a) The property shall be appropriately identified in the grant agreement or otherwise made known to the grantee.

(b) The grantor agency shall issue disposition instructions within 120 days after the completion of the need for the property under the Federal grant for which it was acquired. If the grantor agency fails to issue disposition instructions within 120 days, the grantee shall apply the standards of 4a(1), 4a(2)(b), and 4a(3)(b).

b. *Federally-owned - nonexpendable personal property.* Unless statutory authority to transfer title has been granted to an agency, title to Federally-owned property (property to which the Federal Government retains title including excess property made available by the Federal grantor agencies to grantees) remains vested by law in the Federal Government. Upon termination of the grant or need for the property, such property shall be reported to the grantor agency for further agency utilization or, if appropriate, for reporting to the General Services Administration for other Federal agency utilization. Appropriate disposition instructions will be issued to the grantee after completion of Federal agency review.

5. The grantees' property management standards for nonexpendable personal property shall also include the following procedural requirements:

a. Property records shall be maintained accurately and provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the grantor agency for its share.

b. A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

c. A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented.

d. Adequate maintenance procedures shall be implemented to keep the property in good condition.

e. Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

6. When the total inventory value of any unused expendable personal property exceeds $500 at the expiration of need for any Federal grant purposes, the grantee may retain the property or sell the property as long as he compensates the Federal Government for its share in the cost. The amount of compensation shall be computed in accordance with 4a(2)(b).

7. Specific standards for control of intangible property are provided as follows:

a. If any program produces patents, patent rights, processes, or inventions, in the course of work aided by a Federal grant, such fact shall be promptly and fully reported to the grantor agency. The grantor agency shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery—including rights under any patent issued thereon—shall be disposed of and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889).

b. Where the grant results in a book or other copyrightable material, the author or grantee is free to copyright the work, but the Federal grantor agency reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

APPENDIX M

There is set forth below procurement standards applicable to grants under the Airport and Airway Development Act of 1970.

PROCUREMENT STANDARDS

1. This Appendix provides standards for use by the State and local governments in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders.

2. The Standards contained in this Appendix do not relieve the grantee of the contractual responsibilities arising under its contracts. The grantee is the responsible authority, without recourse to the grantor agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

3. Grantees may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with Federal grant funds adhere to the standards set forth as follows:

a. The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. Grantee's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

b. All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

c. The grantee shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

(3) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(4) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (6) below it necessary to accomplish sound procurement. However, procurements of $2,500 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations .

(6) Procurements may be negotiated if it is impracticable and infeasible to use formal advertising. Generally, procurements may be negotiated by the grantee under any of the following conditions:

(a) The public exigency will not permit the delay incident to advertising;

(b) The material or service to be procured is available from only one person or firm. (All contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the grantor agency for prior approval.)

(c) The aggregate amount involved does not exceed $2,500;

(d) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institutions;

(e) The material or services are to be procured and used outside the limits of the United States and its possessions;

(f) No acceptable bids have been received after formal advertising;

(g) The purchases are for highly perishable materials of medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture;

(h) Otherwise authorized by law, rules, or regulations. Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(7) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(8) Procurement records or files for purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(9) A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

4. The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts and subgrants:

a. Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts terms, and provide for such sanctions and penalties as may be appropriate.

b. All contracts, amounts for which are in excess of $2,500, shall contain suitable provisions for termination by the grantee, including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

c. In all contracts for *construction* or facility improvement awarded in excess of $100,000, grantees shall require a performance bond and a payment bond on the part of the contractor, each for 100 percent of the contract price.

d. All contracts and subgrants in excess of $10,000 shall include provisions for compliance with Executive Order No. 11246, entitled, "Equal Employment Opportunity," as supplemented in Department of Labor Regulations (41 CFR, Part 60). Each contractor or subgrantee shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex, and age and which specifies goals and target dates to assure the implementation of that plan. The grantee shall establish procedures to assure compliance with this requirement by contractors or subgrantees and to assure that suspected or reported violations are promptly investigated.

e. All contracts and subgrants for *construction* or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the grantor agency.

f. When required by the Federal grant program legislation, all *construction* contracts awarded by grantees and subgrantees in excess of $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determinations issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the grantor agency.

g. Where applicable, all contracts awarded by grantees and subgrantees in excess of $2,000 for *construction* contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

h. Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal grantor agency and the grantee. The contractor shall be advised as to the source of additional information regarding these matters.

i. All negotiated contracts (except those of $2,500 or less) awarded by grantees shall in-

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clude a provision to the effect that the grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

j. Each contract of an amount in excess of $2,500 awarded by a grantee or subgrantee shall provide that the recipient will comply with applicable regulations and standards of the Cost of Living Council in establishing wages and prices. The provision shall advise the recipient that submission of a bid or offer or the submittal of an invoice or voucher for property, goods, or services furnished under a contract or agreement with the grantee shall constitute a certification by him that amounts to be paid do not exceed maximum allowable levels authorized by the Cost of Living Council regulations or standards. Violations shall be reported to the grantor agency and the local Internal Revenue Service field office.

k. Contracts and subgrants of amounts in excess of $100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the grantor agency and the Regional Office of the Environmental Protection Agency.

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PART III



INTERSTATE COMMERCE COMMISSION

■

RAIL SERVICE CONTINUATION SUBSIDIES

Standards for Determination

No. 106—Pt. III——1

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DEPARTMENT OF TRANSPORTATION

Interstate Commerce Commission

[49 CFR Part 1125]

[Ex Parte No. 293 (Sub-No. 2)]

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Supplemental Notice of Proposed Rulemaking and Order

MAY 29, 1974.

This supplemental notice of proposed rulemaking and order is issued pursuant to section 205(d)(3) of the Regional Rail Reorganization Act of 1973 (the "Act"), Pub. L. 93-236, 87 Stat. 985, which provides that the Rail Services Planning Office of the Interstate Commerce Commission (the "Office") shall—

> • • • within 180 days after the date of enactment of this Act, determine and publish standards for determining the "revenue attributable to the rail properties", the "avoidable costs of providing service", and "a reasonable return on the value", as those phrases are used in section 304 of this Act, after a proceeding in accordance with the provisions of section 553 of title 5, United States Code • • •

The Office is thus allowed a period of only 180 days (ending on July 1, 1974) to "determine and publish" the standards, and the standards must be adopted pursuant to a proceeding subject to the provisions of title 5, U.S. Code requiring that all interested persons be given an opportunity to be heard.

On February 25, 1974 (39 FR 7182), the Office issued a Notice of Proposed Rulemaking and Order, pursuant to the above quoted provisions, setting forth a proposed Part 1125 to Title 49 of the Code of Federal Regulations, containing standards for defining the quoted terms.

The proposed standards for determining attributable revenues and avoidable costs for a line as to which a notice of intent to terminate service has been given by a railroad ("branch") were composed of a series of apportionment formulas under which various revenue and expense accounts would be prorated between the branch and the remainder of the owning railroad's system.

The notice conceded that the result of applying the apportionment formula proposed "is likely to be a less precise measure • • • than would be achieved if an exhaustive study of branch costs and revenues were conducted in order to arrive at a measure of 'avoidable loss' as that term has been used in the past by the Commission in its determination of routine rail abandonment applications." It was further stated that the statutory time plan would not "permit the luxury of detailed and time consuming studies of cost and revenue experience on individual lines."

The standard proposed for determining the value of the properties involved was not liquidation value—that is, the current market value of the branch property, less the costs related to dismantling and disposing of it, with a provision for compulsory arbitration if the parties cannot agree to the value.

The standard proposed for determining what is a reasonable return on the value of the property to be subsidized would establish a variable rate of return based on recent experience in the sale of equipment trust certificates, that is, the average interest cost for those certificates sold by Class I railroads in the United States during the 3 calendar months preceding the month in which the notice of termination of service over the branch would become effective.

The closing date for comments on the proposal was May 3, 1974. More than 300 comments were received from States, cities, regional organizations, Federal Government departments and agencies, shippers, public organizations such as environmental groups, railroads, private citizens, and others.

The Office is in the process of carefully analyzing and considering all of the comments received on the original proposal, many of which suggested alternative means of defining all or some of the terms which the Act requires the Office to define by issuing standards.

Several of the comments requested that the time for carrying out the proceeding be extended and some of the comments stated that another notice should be issued for public comment. As stated above, the Office cannot extend the period for this proceeding because of the statutory requirement that the standards be published by July 1, 1974. Many of the comments contained suggested changes or additions to the standards proposed that may have merit and on which the Office would appreciate receiving the further views of interested parties. It is regretted that the period for comment on this supplemental notice cannot be made longer.

The total number of comments received was too great and their substance too varied to permit, within the prescribed time limitations, additional comments on all of them at this time.

The following, therefore, are some areas where further consideration and comment would assist the Office in arriving at a final decision. They are set forth in "narrative" form rather than as specific language changes to the standards proposed in the original notice. It should be noted that such a procedure is consistent with those provisions of title 5 of the United States Code which were formerly contained in the Administrative Procedure Act.

I. General

A major portion of the comments received were addressed to the procedures for determining attributable revenues and avoidable costs. Most of the alternative proposals received called for direct assignment of attributable revenues and avoidable costs to a branch using branch specific data as opposed to apportionment formulas using system wide data. As an example, the Association of American Railroads stated that:

> It must be recognized that no such formula can ever accurately describe to the satisfaction of either the railroad involved or the subsidizing body the cost/revenue functions for a line of railroad subject to abandonment. Thus, the AAR believes that in analyzing the eligibility of any branch line for rail service continuation subsidy, it would be more accurate to use on-branch actual costs (or the best available estimates thereof) compared to an allocation to the branch line of actual revenues received by the railroad eligible to receive subsidy payments for traffic originating and/or terminating on the branch.

Comments of the same general nature were received from the New Jersey Department of Transportation, the U.S. Railway Association, the Central Vermont Railway, the Pennsylvania Public Utilities Commission, the Delmarva Advisory Council Railroad Committee, and others.

Information available to the Office at the time of the February Notice of Proposed Rulemaking indicated that rail freight revenues and costs were not recorded or computed by branch line segment, that it would be difficult and time consuming to assemble the data available for branch lines, and that to allow the subsidy plan to work at all a quick method of calculating revenues and costs attributable to a branch would have to be developed through the use of formulas, which admittedly would not be as accurate in all cases as actual direct figures. The gist of many of the comments, however, was that all branch lines differ. Consequently, a system allocation of attributing revenues and costs might bias the results of the subsidy process and create major distortions in the decision making process.

In view of these comments, the Office would appreciate receiving further comments as to the operational feasibility of using direct costs and revenues, particularly with respect to the amount of time that would be involved in developing them with respect to the number of branch terminations contemplated, and the methods that would be available for making estimates in cases where actual figures could not be compiled. Comments are also requested as to possible methods of auditing those figures that might be available to subsidizing bodies.

A number of submissions stated that railroad accounting, in its present form, is not readily adaptable to direct assignment of revenues and costs to branches, and recommended that the Office develop a system of sub-accounts applicable to branches, for the railroads to begin implementing for future years, so that precise figures would be available for determining costs and revenues in developing subsidy proposals. Comments on the feasibility and desirability of such a requirement are requested, especially with respect to the costs and technical problems that would be involved.

This notice does not request any additional comments on methods of improving the formulas for determining revenues and costs that were set forth in the original notice as a great deal of material has now been amassed on that subject through the comments received.

II. Revenue Attributable to Rail Properties

The original notice proposed with regard to this subject stated that freight revenues (Account 101) should be apportioned to the branch in accordance with the following:

(1) Utilizing information reported by the railroad in its most recent Annual Report of Freight Commodity Statistics (Interstate Commerce Commission Annual Form QCS) and the branch commodity statistics required to be supplied by such railroad under § 1125.7(d)(2)(A) of this Part, obtain the gross freight revenue and the tons originated for each of the commodities originated on the branch, and compute the gross freight revenue per ton originated for such commodities.

(2) Multiply the gross freight revenue per ton originated separately by commodities by the tons originated on the branch for each commodity and by tons terminated on the branch which originated off the branch and aggregate the resulting products per ton originated and terminated to obtain branch line gross freight revenue.

(3) Adjust the branch line gross freight revenue by a percentage that is the relationship of freight revenue (Account 101) in the railroad's most recent Annual Report to the Commission (Rail Form A or R-1) to gross freight revenue from its most recent Annual Report of Freight Commodity Statistics (Annual Form QCS) to obtain freight revenues attributable to the branch.

As to passenger revenues (Account 102) the notice proposed apportionment to the branch on the basis of passenger miles on the branch to system passenger miles.

The comments received on freight and passenger revenues were the most voluminous of all comments received. In addition to the comments suggesting the use of direct rather than aportioned costs several of the comments recommended use of direct rather than apportioned costs several of the comments recommended use of particular formulas and several suggested using a method similar to that applied in the Commission's regulation relating to abandonments (49 CFR 1121), for originating, terminating and overhead traffic, with freight and passenger revenues shown separately.

In view of these comments, the Office would be interested in receiving further comments as to the advisability of a formula that includes the actual, direct revenues to the carrier, that is, the revenues from all traffic originating and terminating on the branch (the revenues the carrier would not get if the branch operation were to be terminated). Under this concept, overhead or bridge traffic would be included if termination of the branch would cause the carrier to lose that traffic. It would not be included if it could be rerouted over another route of the same carrier. Passenger traffic revenues would be based on actual ticket sales.

Several agencies now engaged in subsidizing commuter services suggested that those subsidies should be included as revenues for the branches to which the subsidy payments now apply. Therefore, comments are requested on this point, particularly with respect to those situations where the current subsidy would be withdrawn should the branch to which it applies be terminated.

Comments are also requested on the subject of the inclusion of miscellaneous assessorial charges for special services that may be shown to be directly assignable to branch traffic.

III. Avoidable Costs

In addition to the comments suggesting the use of actual direct costs, discussed in I above, several comments suggested that the proposed formula resulted only in a determination of "apportioned" rather than "avoidable" costs, that a system wide apportionment on a train-mile/tonnage basis cannot represent avoidability, and that, in particular, the formulas would result in an overstatement of branch maintenance costs. It was also recommended by many persons that if an allocation formula were to be used, it would be necessary to make a large number of specific, detailed changes in the proposed formula. The submissions generally concurred that the avoidable costs are those costs which would not be incurred if service were discontinued on the branch.

In the light of all of the comments received, additional comment is now requested on a method of determining avoidable costs that could include the following elements:

1. On-branch costs, determined by the direct assignment, to the extent possible, of those costs that are considered to be directly attributable to the operation of the specific branch line, and which would not be incurred if the branch operation would be terminated. Such costs would generally represent the total cost generated by moving each car on that branch, on an avoidable basis.

2. Off-branch costs based on the Commission's Rail Form A, Statement No. IFT-73, determined on a territorial basis or by individual railroad. This method would reflect the type of handling the traffic would receive while off branch.

Additional comments relating to the inclusion of other cost items, such as rehabilitation costs, would be helpful to the development of guidelines that would most reasonably and fairly represent the cost to the railroad concerned of the avoidable and variable branch and off-branch costs.

IV. Investment Base and Reasonable Return on Value

The standard proposed in the original notice for determining the value of the properties involved was "net liquidation value", that is, the current market value of the branch property less the costs related to dismantling and disposal of the property, with a provision for compulsory arbitration. The standard would have established a variable rate of return based on recent experience in the sale of equipment trust certificates by Class I railroads, that is, the average interest cost during the 3 calendar months preceding the month in which the notice of termination of service over the branch becomes effective. It was contemplated that the Office would make that computation and publish the current rate of return monthly in the FEDERAL REGISTER.

Most of the comments received indicated some general agreement that net liquidation value was a fair measure. However, the comments varied widely as to the methods to be used in making the determination. Similarly, most comments agreed that there would be cases of failure of the subsidizing body and the railroad concerned to agree on the amount representing net liquidation value and that some form of arbitration would be necessary, particularly in view of the tight time frames for subsidy determination that would prevail under the statute. Here again, there was wide variation in the precise procedures to be used in arbitrating the matter.

A significant number of the comments accepted, in principle, the use of the equipment trust certificate interest rate as the measure of reasonable return, but those comments varied widely in the time period to be used to calculate the average rate—ranging from 20 years to 6 months.

The arbitration method proposed in the original notice provided that, if the parties failed to agree within a reasonable period, as determined by the subsidizing party, that party would notify the railroad of its intention to seek arbitration and each party would appoint a representative to agree on an arbitrator or arbitrators. In case of the railroad failing to appoint such a representative within 5 days, or if the representatives fail to agree within 5 days as to an arbitrator or arbitrators, the subsidizing body could submit the matter for arbitration to the American Arbitration Association, whose determination would be final.

Although the method of presenting the case before the arbitrators was not set forth in detail, it could be implied that only the subsidizing body and the railroad would be invloved in presenting evidence or views before the arbitrators.

In this regard, several comments suggested that other segments of the public should have representation, to present views that might not be presented by the direct parties at interest, and that meetings of the arbitrators should be open to the press and the public. Again, due to the stringent time limitations applicable to the proceedings, it might be extremely time consuming to allow persons, at random, to become parties and present their individual arguments, often at length, without limitation. A possible compromise, however, would be a plan whereby the Office of Public Counsel of the Rail Services Planning Office might make a joint and concentrated presentation on behalf of all parties not directly represented. Comments are requested as to the advisability and feasibility of this method of "public" representation.

Several comments suggested that in determining, in a proceeding, the "highest and best use" of the property, its use

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for transportation purposes should be disregarded, that is, the "highest and best use" should be the next best alternative to railroad use, and that the best test is a bona fide offer, the next is a sale of adjacent property, adjusted for differences, and then a qualified appraisal. One comment suggested a method, currently used in some arbitration cases, which would require both parties to present to the arbitrator their final offers, in specific dollar amounts, with the arbitrator to choose only one of the two figures offered, and not any amount in between. This method has the advantage of forcing each party to make its best reasonable offer, and not make an offer that is palpably too high or too low, in the hope that the arbitrator will choose a compromise figure. Finally, further comment is solicited as to what property on the branch should be considered. Additional comments are solicited on all of the points covered by this paragraph.

Among the alternative methods of determining a reasonable rate of return suggested were the following: "imbedded costs", or "imbedded average interest cost"; the rate of return applicable to Federal securities with approximately the same lifetime as the subsidy agreement; mortgage bond rate; the interest rate railroads would pay on government guaranteed loans under the Act; the weighted average return for profitable lines operating in the region concerned; the weighted average cost of capital to the railroad or the railroad industry; a maximum rate of 125 percent of one-year Treasury Notes; and a 10 percent after tax return. For this purpose, it is the understanding of the Office that the terms "imbedded costs" and "imbedded average interest costs" mean the weighted average of all indebtedness of the railroad concerned.

There appears to be not direct precedents for the determination of a reasonable rate of return in cases of this type, and the comments seem to indicate that there is no universal truth in arriving at the fair rate of return which should be applied, but that it is a judgmental decision as to the opportunity cost of investor capital, that is, what could the investor earn in an alternative investment. One argument stated in the comments was that the rate should equate a rate the railroad would be able to obtain if it were to abandon the line, sell the property, and invest the amount received from the sale. Another stated that it should represent only the rate reflecting the capital stock issuance that would be avoided by use of the funds resulting from the sale. These points; the points raised in the preceding paragraph; the question of what the averaging period should be if interest rates on equipment trust certificates are used (3 months; 6 months; 1 year; 5 years; etc.); and the question whether the rate should be a before or after taxes rate, appear to be valid considerations that warrant further comment.

V. Other

Several comments suggested that service of notice of intention to terminate service over a branch should be sent by the railroad concerned to persons in addition to the Office and the Governors of the States concerned, as proposed in the original notice. Some comments suggested requiring notice to each shipper on such a line; others suggested notice to each affected city, town, county, or similar political subdivision. While there is no doubt that additional notice could serve a useful purpose in some cases, the flat adoption of these suggestions could create problems of both a practical and legal nature. For example, the railroad concerned might have to expend considerable time and effort in identifying the additional persons to whom notice would have to be sent and the omission of service to any person (even by inadvertence) might affect the validity of the notice. Other comments contained suggestions that would not give rise to these problems, but would broaden the current proposed provision by requiring the railroad to publish the notice of intention to terminate in a newspaper or newspapers of general circulation in the area encompassing the branch once a week for three weeks at the time the notice is sent to the Governor and this Office.

Several comments found fault with the definition of the word "branch" as set forth in the proposal, but very few of the comments suggested reasonable substitute definitions. It appears that the Act itself would treat as a line eligible for subsidy any amount of track as to which a notice of intention to terminate is filed. Any further comments on this matter will be considered.

A few comments suggested that certain factors that should receive attention by a body contemplating the payment of a subsidy, such as social and environmental costs, should be included in determining subsidy costs. However, these comments did not point out specific ways in which this could be accomplished, in consonance with the provisions of the Act. Specific suggestions on this subject are invited.

Section 1125.7(d)(1), as proposed, provided for the furnishing, in each notice of proposed abandonment, of certain statistical information relating to branch operations and system operations. The Office has under consideration a requirement that other information, such as car days and locomotive unit hours (including train switching) be added to the list of items under Table I of the proposal.

Finally, many of the submissions evinced concern as to publish access to data and records furnished by the railroads. Suggestions are invited as to how this might be accomplished.

The inclusion in this supplemental notice of any material, whether or not based on comments already received, should not in any manner be construed to indicate that the Office has accepted, rejected, or otherwise made a final determination with respect to any of the issues raised by the notice or the comments thereon. The sole purpose of this supplemental notice is to generate additional information and views to supplement the comments already received. The final determination in the proceeding will be based on all comments received on the subjects covered by the two notices, and other information that becomes available to the Office, within the period ending on the closing date of this notice. It is therefore requested that all comments be as specific and detailed as possible, including the reasoning used by the commentator in arriving at his conclusions.

All persons interested in filing statements of their views on this supplemental notice are invited to do so. Statements should be submitted in writing to the Office on or before June 17, 1974. An original and six copies of any statement should be supplied. Because of the severe time limitations, imposed by the Regional Rail Reorganization Act of 1973, reply statements will not be entertained, nor will oral hearings be held.

In light of the foregoing considerations, *It is ordered*, That all interested persons be invited to participate in this proceeding by submitting written representations containing statements of fact or views. To be considered, the original and six copies of each representation must be filed on or before June 17, 1974, with:

Rail Services Planning Office
Interstate Commerce Commission
Washington, D.C. 20423

By the Commission, Rail Services Planning Office.

[SEAL] Robert L. Oswald,
Secretary.

[FR Doc.74-12657 Filed 5-30-74;8:45 am]

federal register

FRIDAY, MAY 31, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 106

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decision; Modifications and Supersedeas Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of 29 CFR Part 1, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of 29 CFR Part 1, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Massachusetts	AQ–3180
	AQ–3181
	AQ–3182
Pennsylvania	AQ–3123
	AQ–3124

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona, AQ–1085	Feb. 15, 1974.
Connecticut:	
AQ–3097; AQ–3098	Do.
AQ–3149	Mar. 22, 1974.
AQ–3166; AQ–3167; AQ–3168; AQ–3169; AQ–3170	May 3, 1974.
Illinois:	
AQ–3088	Feb. 8, 1974.
AQ–3156; AQ–3159	Apr. 12, 1974.
AQ–3161	Apr. 26, 1974.
Indiana, AQ–3142	Mar. 22, 1974.
Louisiana:	
AQ–90	Mar. 29, 1974.
AQ–99	Apr. 19, 1974.
Minnesota:	
AQ–3099; AQ–3100; AQ–3101; AQ–3102	Feb. 22, 1974.
AQ–3103	Mar. 8, 1974.
Montana, AQ–1071	Jan. 25, 1974.
New Hampshire, AQ–3145; AQ–3146; AQ–3147; AQ–3148	Apr. 12, 1974.
New Jersey:	
AQ–2090; AQ–2091	Mar. 29, 1974.
AQ–2093; AQ–2094; AQ–2098	Apr. 12, 1974.
AQ–2102; AQ–2104	Apr. 19, 1974.
AQ–2105	Apr. 26, 1974.
AQ–2113; AQ–2115	May 3, 1974.
New Mexico, AQ–82	Mar. 8, 1974.
Oklahoma, AQ–109	May 17, 1974.
Rhode Island, AQ–3119; AQ–3120; AQ–3121	Mar. 1, 1974.
Virginia, AQ–2111	May 3, 1974.
Washington, D.C., AQ–2110	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Connecticut, AQ–2116(AQ–2125)	May 10, 1974.
Delaware, AQ–2116(AQ–2125)	Do.
Idaho, AQ–1054(AQ–1110)	Nov. 9, 1973.
Maine, AQ–2116(AQ–2125)	May 10, 1974.
Maryland, AQ–2116(AQ–2125)	Do.
Massachusetts, AQ–2116(AQ–2125)	Do.
New Hampshire, AQ–2116 (AQ–2125)	Do.
New Jersey, AQ–2116(AQ–2125)	Do.
New York, AQ–2116 (AQ–2125)	Do.
Pennsylvania, AQ–2116(AQ–2125)	Do.
Rhode Island, AQ–2116 (AQ–2125)	Do.
Tennessee, AQ–4104(AQ–4119); AQ–4105(AQ4118)	Oct. 5, 1973.

Signed at Washington, D.C., this 24th day of May 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters: (cont'd)						
Remainder of County	8.42	.42	.41		.01	
Roofers:						
Composition, damp and waterproof	8.175	.51	.51			
Slate, tile and precast concrete	8.83	.51	.51			
Sheet metal workers	8.41	.75	.40-.42		.02	
Sprinkler fitters	9.46	.50	.70		.01	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Holidays: A through F.
c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. Holidays: A through D, plus Good Friday.
e. Employer contribution of $1.00 per hour to a savings fund.
f. Paid Holidays: A through F, Washington's Birthday, and Patriots Day providing employee has worked for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. One floating Holiday per year - employee contribution to make July 4th a paid holiday.
g. July 4th and Labor Day - .06 per hour -

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
CLASS I						
Carpenter tender, cement finisher tender, laborer, wrecking laborer	$6.80	.40	.40		.05	
CLASS II						
Asphalt rakers, fence and guard rail erectors, laser beam op., Laser tender, pipelayer, pneumatic drill op.; pneumatic tool op., wagon drill op.	7.05	.40	.40		.05	
CLASS III						
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05	
CLASS IV						
Blasters, powdermen	7.55	.40	.40		.05	

NEW DECISION

STATE: MASSACHUSETTS
DECISION NO: AQ-3180
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway construction.
COUNTY: Berkshire
DATE: Date of Publication
Fringe Benefits Payments

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	H&W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	8.43	.44	.43		.01	
Boilermakers	9.08	.60	.10%		.01	
Bricklayers, cement masons, marble masons, plasterers, pointers, caulkers, cement workers and tile setters:						
Twps. of Adams, North Adams, Cheshire, Florida, Savoy, Clarksburg and Williamstown	9.60	.45	.40		.02	
Twps. of Becket, Otis and Sandisfield	9.10	.30	.70			
Remainder of County	8.52					
Carpenters:						
Twps. of North Adams, Clarksburg; Savoy, Florida, Adams, and Williamstown:						
Carpenters and soft floor layers	7.485	.40	.30		.04	
Remainder of County:						
Carpenters and soft floor layers	7.97	.43	.50		.02	
Electricians:	8.34	.43	12%-49		.02	
Elevator Constructors	8.09	.345	.23	2%+4b	.005	
Elevator Constructors Helpers	5.66	.345	.23	2%+4b	.005	
Elevator Constructors Helpers (prob.)	4.045					
Glaziers	4.78	.13	.20		.02	
Ironworkers, structural, ornamental and reinforcing	7.74	.50	.85		.02	
Laborers, Building:						
Laborers	6.80	.40	.40		.05	
Hod carriers, mason tenders, scaffold builders	7.05	.40	.40		.05	
Air tool operators	7.05	.40	.40		.05	
Lathers	7.60	.45	.23		.01	
Lead burners	8.75	.30		c		
Line Construction:						
Lineman	9.41	.33	12	f	3/8 of 1%	
Equipment operator	8.78	.33	12	f	3/8 of 1%	
Driver groundman	6.78	.33	12	f	3/8 of 1%	
Millwrights:						
Cheshire, Savoy, New Ashford, Adams, Florida, North Adams, Clarksburg, Williamstown	8.00	.30	.30		.03	
Remainder of County	8.25	.30	.50		.03	
Painters:						
Brush	.70	.50	.31		.03	
Spray	7.867	.66¢	.446		.04	
Roller	7.825	.50	.335		.03	
Swing state under 40' and state	7.987	.50	.32		.03	
Swing state over 40' and steel	8.20	.50	.335		.03	
Piledrivermen	8.95	.50	.50			
Plumbers and Steamfitters: Adams, Clarksburg, Florida, North Adams, Savoy, Williamstown and northern half of Cheshire, New Ashford	7.23	.65	.50	d+e	.05	
Becket, Otis, Sandisfield	8.86	.45	.60	e	.01	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5¼ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.60	.45	.70	a	.05	
Combination Backhoe-Loader-up to 3/4 yard boa, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Fireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-under 10 ton.	8.10	.45	.70	a	.05	

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MASS-2-PEO-1-T 2 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$7.49	.45	.70	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverising, Grading or Seeding.	7.08	.45	.70	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.42	.45	.70	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independance Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5¼ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Fireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

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MASS-2-PEO-2-3-K 2-2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverising and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oilar, Pumps up to 4"; Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independance Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

NEW DECISION

STATE: MASSACHUSETTS
DECISION NO: AQ-3181
COUNTY: Franklin
DATE: Date of publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction...

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	5.45	.44	.45		.01	
Boilermakers	9.08	.60	10%		.01	
Bricklayers, cement masons, plasterers, stone masons, marble, tile & terrazzo workers, caulker, cleaner pointer	9.10	.45	.40		.02	
Carpenters and soft floor layers	8.63	.35	.50		.02	
Electricians:						
Hawley, Monroe, Rowe	8.34	.45	1%+.49		.02	
Remainder of County	9.06	.35	1%+.20		.01	
Elevator constructors	8.09	.345	.23	2%+a	.005	
Elevator constructors' helpers	5.66	.345	.23	2%+a	.005	
Elevator constructors' helpers (prob.)	4.045					
Glaziers	8.03	.37	.45		.005	
Ironworkers, structural, ornamental and reinforcing	7.30	.45	.80		.07	
Laborers, Building:						
Ashfield, Buckland, Charlemont, Heath, Monroe, Rowe, Hawley:						
Laborers	6.30	.40	.40		.05	
Hod carriers, mason tenders, scaffold builders	7.05	.40	.40		.05	
Air tool operator	7.05	.40	.40		.05	
Orange, Warwick:						
Laborers	6.30	.40	.40		.05	
Pavement breaker operator, asphalt raker, stone spreader, wagon drill operator, mechanical tamper ops.	7.05	.40	.40		.05	
Plasterers' tenders	7.05	.40	.40		.05	
Blasters, powdermen	7.55	.40	.40		.05	
Wrecking laborers	6.30	.40	.40		.05	
Mason tenders	7.05	.40	.40		.05	
Pneumatic, electric & gasoline tool operators, diamond head and carbide core drilling machine, jackhammer	7.05	.40	.40		.05	
Bottom man, open air caisson	7.55	.40	.40		.05	
Top man	6.30	.40	.40		.05	
Remainder of County:						
Laborers and wreckers	6.80	.40	.40		.05	
Mason tenders	7.05	.40	.40		.05	
Pneumatic, electric and gasoline tool operator, diamond head and carbide core drilling machine, mechanical tampers, concrete saw, pavement breaker, chipping hammers, jackhammer	7.05	.40	.40		.05	
Blasters and powdermen	7.55	.40	.40		.05	
Open Air Caisson, underpinning work and test boring crew:						
Bottom man	7.55	.40	.40		.05	
Top man	6.30	.40	.40		.05	
Leader	6.20	.40	.40		.05	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers, Building:						
Remainder of County: (cont'd)						
Plasterers' tenders	7.05	.40	.40		.05	
Lathers	7.00	.45	.25			
Line Construction:						
Linemen	9.41	.35	1%	b	3/8 of 1%	
Equipment Operator	8.73	.35	1%	b	3/8 of 1%	
Driver Groundmen	6.78	.35	1%	b	3/8 of 1%	
Millwrights	8.90	.50	.50		.03	
Painters:						
Ashfield:						
Brush	7.70	.50	.35		.03	
Roller	7.825	.50	.35		.03	
Spray	9.867	.686	.466		.04	
Swing state under 40' and steel	7.887	.50	.35		.03	
Swing state over 40' and steel	8.20	.50	.35		.03	
Remainder of County:						
Brush	5.80		.20			
Structural steel bridge	6.40		.20			
Swing state	6.20		.20			
Spray	6.25		.20			
Piledrivermen	8.93	.50	.50			
Plumbers & steamfitters:						
Monroe, Rowe and western part of Charlemont	7.25	.65	.50	c	.05	
Orange	8.75	.30	.40	4%	.07	
Remainder of County	8.80	.45	.45		.02	
Roofers:						
Composition, damp waterproof	8.175	.51	.51			
Slate, tile, precast concrete	8.83	.51	.51			
Sheet metal workers	8.41	.75	.40+.42		.02	
Sprinkler fitters	9.46	.50	.70		.08	
Welders - rate for craft						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay; plus six paid holidays: A through F.
b. Holidays: A through F, Washington's Birthday, Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday. One floating holiday per year.
c. Holidays: A through F, plus Veterans' Day and Good Friday; plus an employer contribution of $1.00 per hour to a savings fund.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-3½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.60	.45	.70	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Fireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-under 10 ton.	8.10	.45	.70	a	.05	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$7.49	.45	.70	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	7.08	.45	.70	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.42	.45	.70	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I					
Carpenter tender, cement finisher tender, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II					
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III					
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV					
Blasters, powdermen	7.55	.40	.40		.05

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-3½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards; Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Firemen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Arphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverising and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and firemen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

NEW DECISION

STATE: MASSACHUSETTS COUNTY: Hampshire
DECISION NO: AQ-3182 DATE: Date of publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	8.43	.44	.45		.01	
Boilermakers	9.08	.60	10%		.01	
Bricklayers, plasterers, cement masons, stone masons, marble, tile & terrazzo workers, caulker, cleaner, pointers	9.10	.45	.40		.02	
Carpenters:						
Huntington, Ware	8.63	.35	.50		.02	
South Hadley, Amherst, Granby, Belchertown	8.63	.35	.50		.02	
Remainder of County	8.63	.35	.50		.02	
Electricians:						
Belchertown, Ware	8.47	.30	1%+.15	.43	a	
Middlefield, Cummington, Plainfield	8.34	.45	1%+.49		.02	
Remainder of County	9.06	.35	1%+.20		.01	
Elevator constructors	8.09	.345	.23	2%+b+c	.005	
Elevator constructors helpers	5.66	.345	.23	2%+b+c	.005	
Elevator constructors' helpers (prob.)	4.045					
Glaziers	8.05	.37	.45		.005	
Ironworkers, structural, ornamental, and reinforcing	7.81	.45	1.30		.09	
Laborers, Building:						
Chesterfield, Cummington, Goshen, Middlefield, Plainfield, Worthington:						
Laborers	6.80	.40	.40		.05	
Hod carriers, mason tenders, mortar mixers, scaffold builders	7.05	.40	.40		.05	
Air tool operators	7.05	.40	.40		.05	
Belchertown, Granby, Huntington, Ware:						
Laborers, wrecking laborers, pipelayers	6.80	.40	.40		.05	
Mason and plasterers tenders, mortar mixers, scaffold builders	7.05	.40	.40		.05	
Pneumatic, electric or gas powered tools, vibrator, tamper, jackhammer op.	7.05	.40	.40		.05	
Blasters	7.55	.40	.40		.05	
Open air caisson, underpinning work, boring crew:						
Top man	6.80	.40	.40		.05	
Bottom man	7.55	.40	.40		.05	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers, Building: (cont'd)						
Remainder of County:						
Laborers, pipelayers	6.80	.40	.40		.05	
Mason tenders	7.05	.40	.40		.05	
Pneumatic, electric and gas powered tool operators, paving breaker, jackhammer, tampers	7.05	.40	.40		.05	
Blasters	7.55	.40	.40		.05	
Open air caisson, cylindrical work, and test boring crew:						
Bottom man	7.55	.40	.40		.05	
Top man	6.80	.40	.40		.05	
Leader	8.20	.40	.40		.05	
Lathers	7.60	.45	.25			
Line Construction:						
Linemen	9.41	.35	1%	d	3/8 of 1%	
Equipment Operator	8.78	.35	1%	d	3/8 of 1%	
Driver Groundman	6.75	.35	1%	d	3/8 of 1%	
Marble & tile setters' helpers and terrazzo workers' helpers	4.195					
Millwrights	8.90	.50	.50		.02	
Painters:						
Brush	7.70	.50	.35		.03	
Spray	9.567	.666	.466		.04	
Roller	7.525	.50	.35		.03	
Swing stats under 40' and steel	7.557	.50	.35		.03	
Swing stats over 40' and steel	8.20	.50	.35		.03	
Piledrivermen	8.95	.50	.50			
Plumbers & steamfitters:						
Belchertown, Granby, Huntington, Middlefield, South Hadley, Ware:						
Plumbers	8.66	.45	.60	e	.01	
Steamfitters	8.70	.57	.70	f		
Remainder of County:						
Plumbers & steamfitters	8.80	.45	.45		.02	
Roofers:						
Composition, damp, waterproof	8.175	.51	.51			
Slate, tile, precast concrete	8.83	.51	.51			
Sheet metal workers	8.41	.73	.40+.42		.02	
Sprinkler fitters	9.46	.50	.70		.08	
Welders - rate for craft.						

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $.30 per man per week.
b. Employer contributes 4% of basic hourly rate for 5 months or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
c. Holidays: A through F.
d. Paid Holidays: A through F, Washington's Birthday and Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled working day preceding and following the holiday.
e. July 4th and Labor Day - .06 per hour - employer contribution to make July 4th and Labor Day paid holidays. One Floating Holiday per year.
f. July 4th - $.03 per hour employer contribution to make July 4th a paid holiday.

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I					
Carpenter tender, cement finisher tender, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II					
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III					
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV					
Blasters, powdermen	7.55	.40	.40		.05

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, File Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Gradars, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.60	.45	.70	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tiremen, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-under 10 ton.	8.10	.45	.70	a	.05	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$7.49	.45	.70	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	7.08	.45	.70	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.42	.45	.70	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, File Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

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AVT & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total dis-charge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors in-cluding machines for pulverising and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and firemen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equip-ment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteren's Day, and Patriots' Day, pro-vided an employee works two days of the calendar week in which the holiday falls.

NOTICES

NEW DECISION

STATE: Pennsylvania COUNTY: Crawford
DECISION NO.: AQ-2123 DATE: Date of Publication
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

20-PA-1-Z 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.83	.30	.30			
Boilermakers	8.71	.40	.70	.75	.01	
Bricklayers	8.38	.30	.20			
Carpenters & Soft floor layers:						
Titusville	6.96					
Remainder of County	8.04	5%	5%	5%	1%	
Cement masons	8.38	.30	.20			
Electricians	9.45	.35	1%		½ of 1%	
Glaziers	8.45		.20			
Ironworkers	8.7375	.78	.69		.10	
Laborers:						
Common laborers	6.92	.40	.40			
Mason tender, hod carriers, mortar mixers, Scaffold builders	7.02	.40	.40			
Pipelayers (concrete & clay)	7.37	.40	.40			
Blaster, mechanical tampers, powered wheel-barrow, wagon drill operators	7.47	.40	.40			
Material buggy handler, blaster helper, all tool operators, wagon drill helpers & drill runner	7.22	.40	.40			
Burners	7.62	.40	.40			
When working in piers, trenches, open coffer dams & caissons at depths more than ten (10) feet below the lowest adjacent grade:						
Bottom man	7.22	.40	.40			
All power operators	7.47	.40	.40			
Drill man	7.47	.40	.40			
Line Construction:						
Lineman, dynamite man, heavy equipment operator	9.04	.20	1%			
Groundman, truck driver	6.41	.20	1%			
Groundman	6.15	.20	1%			
Marble setters	8.38	.30	.20			
Millwrights	7.66	5%	2½%	2½%	1%	
Painters:						
Commercial:						
Brush	7.10	.35	.35		.01	
Roller	7.40	.35	.35		.01	
Spray	8.10	.35	.35		.01	
Industrial:						
Brush	7.80	.35	.35		.01	
Roller	8.10	.35	.35		.01	
Spray	8.60	.35	.35		.01	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen	$9.27	5%	7%		.50 of1%	
Plasterers	8.38	.30	.20			
Plumbers & Steamfitters:						
Cambridge, Spring & Sparta	9.39	.25	.28		.04	
Remainder of County:						
Contract under $10,000	7.58	.44	.45		.04	
Contracts over $10,000	8.09	.44	.45		.04	
Roofers	7.20	.30	.30			
Sheet metal workers	8.425	.65	.65		.02	
Sprinkler fitters	9.45	.50	.70		.08	
Stone masons	8.38	.30	.20			
Terrazzo workers	8.38	.30	.20			
Tile setters	8.12	.30	.20			
Truck drivers	5.45	b	c	a		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTE:
a. One week's vacation after one year's work; two weeks vacation after 5 years of service.
b. Employer agree to contribute $54.94 per month to Health and Welfare
c. Employer agree to contribute $12.00 per week to a pension fund.

NOTICES

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Mine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley	$9.175	.35	.50		.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.425	.35	.50		.04
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.675	.35	.50		.04
Cranes (boom or mast over 200 ft.)	9.925	.35	.50		.04

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnal carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and scrooning plants, drillcore (truck or skid mounted), drill-Davey or similar type, drill-well &core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-bull or similar, generators-2, grader, grader-elevating, greaser-equipment (hoad), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)	$9.025	.35	.50		.04
Conveyors 4 units or more	8.55	.35	.50		.04
Oiler, compactor (riddan or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horzontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete, soil					

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
stabiliser (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	8.05	.35	.50		.04
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer-concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge regardless of power (used) spray curb machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve	7.80	.35	.50		.04
Compressor - 61 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over brake man, deck hand, helicopter, signalman, oiler, mechanic helper	7.05	.35	.50		.04
Crane truck oiler and fireman	7.15	.35	.50		.04
Oiler - truck crane 50 ton or over	7.30	.35	.50		.04

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NEW DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2124
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTIES: Butler & Fayette
DATE: Date of Publication

10-Butler-26-Fayette-PA-1-A 1 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 9.37	.45	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers & Stonemasons:						
Butler County	9.05	.35	.635			
Fayette County:						
Jefferson & Washington Twps.	9.22	.58				
Remainder of County	9.16	.35	.64			
Carpenters	8.54	5%	7%	6%	.30%	
Cement masons	8.60	6%	10%+6%			
Electricians:						
Butler County	9.75	.29	.20+1%		.005	
Fayette County	8.90	.35	1%+.40		.04	
Glaziers	7.89	.35	.44	.33	.01	
Ironworkers	8.775	.785	.775		.03	
Lead burners	8.75	.30		a	.01	
Line Construction:						
Linemen	10.33	.30	1%		3/8%	
Groundman	6.20	.30	1%		3/8%	
Winch truck operator	7.23	.30	1%		3/8%	
Marble setters:						
Butler County	8.34	.45	.75			
Fayette County	9.16	.35	.64			
Millwrights	7.66	5%	2½%	26%	1%	
Painters						
Fayette County:						
Brush & Roller	6.55					
Spray	7.55					
Butler County:						
Brush	7.10	.35	.35		.01	
Roller	7.40	.35	.35		.01	
Spray	8.10	.35	.35		.01	
Piledrivermen	9.27	5%	7%		.50%	
Plasterers	7.58	.37	.50			
Plumbers & Steamfitters:						
Butler County	8.72	.30	.25		.04	
Fayette County	9.00	.54	.63		.18	
Roofers	8.59	4%	.95		.035	
Sheet metal workers	8.83	.65	.85		.02	
Soft floor layers	8.245	5%	5%	4.5%	.50%	
Sprinkler Fitters	9.45	.50	.70		.08	

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10-Butler-26-Fayette-PA-1-A 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Terrazzo workers						
Butler County	$ 8.87	.45	.75			
Fayette County	9.16	.35	.64			
Terrazzo workers helpers	7.855	.35	.10			
Tile setters:						
Butler County	7.85	.35	.95			
Fayette County	9.16	.35	.95			
Tile setters helpers	7.89					

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS: (where applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. 9 paid holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

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10-Butler-26-Fayette-PA-1-A 3 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Butler County):						
Laborers, carryable pumps west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled)stripper and mover of forms, cement masons, footers, windows cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	6.70	.40	.40			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forlift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man-concrete buster	6.825	.40	.40			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	6.95	.40	.40			
Concrete saw operators	6.95	.40	.40			
Gunnite nozzleman	7.20	.40	.40			
Blaster & wagon drill operator	7.40	.40	.40			
Laborers (Fayette County):						
Laborers, carry pumps, West brick buggy or similar, vibrator operators, walk-behind forklift or similar (non self-propelled), stripper and mover of forms as follows: Cement masons, footers, forms not to be reused, forms that are a matter of record, window cleaner, tool room man, all material conveyor (regardless of power used, including starting and stopping).	6.60	.40	.40			
West brick buggy or similar (self-propelled), power wheel barrows & buggies, walk-behind forklift or similar, self-propelled wagon drill runner, drill runners' helper (incl. drill mounted on truck, track, or similar), blaster's helper, all operators of compacting equipment, pipelayer, burner, jackhammerman, concrete buster	6.725	.40	.40			
Hod carrier, scaffold builder, bell and bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, incl. starting & stopping), grout machine feeder, pump operator	6.90	.40	.40			
Concrete saw operators	6.90	.40	.40			
Gunnite nozzleman	7.10	.40	.40			
Blaster, wagon drill operator	7.15	.40	.40			

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant-when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumprete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley	$9.425	.50	.50		.09	

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PA-2-PEO-1-L 2 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & inculding 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors)	$9.675	.50	.50		.09	
Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead	9.925	.50	.50		.09	
Cranes (boom or mast over 200 ft. +.75	10.175	.50	.50		.09	
Asphalt Plant Operator, athey loader, auger - truck or tractor mounted, back filling machine, boat - material or personnal carrying (powered) boat or job work (inboard or outboard), bulldozer, bable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similer type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone						

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumprete or similar type (not self-propelled) pumprete machine operator (stationary), tire repairman (when assigned to job), welder repairman)	$9.275	.50	.50		.09	
Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self propelled) drills-well and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine (power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven	8.70	.50	.50		.09	
Conveyors 4 units or more	9.20	.50	.50		.09	
Conveyor one (1) unit (regardless of power used), heaters - up to and including Jack Motor Hydraulic (single type power driven), ladavator, mixer mortar (10 cubic ft. or under), mulching machine, pin puller (powered), pulverizer, seeding machine,						

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Spreader side delivery, shoulder (attachment) tie tamper (multiple head) tractor farm (when used for landscaping) water blaster, oiler-truck cranes 50 ton or over	$7.95	.50	.50		.09	
Cranes truck oiler & fireman	7.80	.50	.50		.09	
Oiler, mechanic helper	7.70	.50	.50		.09	

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MODIFICATIONS P. 1

DECISION #AQ-1085 - Mod. #3
(39 FR 5952-February 15, 1974)
Statewide, Arizona

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Drywall:					
(From Court House in Phoenix, Mesa, incl. Williams AFB and Luke AFB)					
Tapers:					
Zone A (0-40 miles)	$8.70	.415		.50	.07
Zone B (41-60 miles)	10.20	.415		.50	.07
Zone C (61 miles & over)	10.95	.415		.50	.07
Texture Spraymen:					
Zone A (0-40 miles)	8.80	.415		.50	.07
Zone B (41-60 miles)	10.30	.415		.50	.07
Zone C (61 miles and over)	11.05	.415		.50	.07
Sprinkler Fitters	9.70	.50	.70		.08
Add:					
Yuma Area					
Painters, brush	7.20				

MODIFICATIONS P. 2

DECISION #AQ-3097 - Mod. #2
(39 FR 5962 - February 15, 1974)
Middlesex County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Carpenters, soft floor layers (Bldg. Only)	$9.30	.50	.30		.05	
Electricians:						
Cromwell, Middlefield, Middletown, Portland	9.30	.75	1¾+.40		4%	
Sprinkler fitters	9.46	.50	.70		.08	

DECISION #AQ-3098 - Mod. #2
(39 FR 5966 - February 15, 1974)
New Haven County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Carpenters, soft floor layers, millwrights, piledrivermen (Building Only):						
Wallingford-Meriden	$9.30	.50	.30		.05	
Electricians:						
Milford	9.80	.43	1¾+.20		¢ of 1%	
Glaziers	8.785	.95	.465			
Plumbers and Steamfitters:						
Milford	9.39	.55	.50	.38	.01	
Sprinkler fitters	9.46	.50	.70		.08	

DECISION #AQ-3168 - Mod. #1
(39 FR 15626 - May 3, 1974)
New London County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Electricians:						
Remainder of County	$9.30	.75	1¾+.40		.3%	
Sprinkler fitters	9.46	.50	.70		.08	

MODIFICATIONS P. 3

DECISION #AQ-3149 - Mod. #2
(39 FR 11021 - March 22, 1974)
Fairfield County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters (Building Only):						
Greenwich	$9.60	.40	.45			
Glaziers	8.785	.95	.465			
Plumbers, Steamfitters:						
Greenwich	9.75	.30	.50		.01	
Bridgeport-Easton-Fairfield-Monroe-Shelton-Stratford-Trumbull	9.39	.55	.50	.38	.01	
Sprinkler fitters	9.46	.50	.70		.08	

DECISION #AQ-3166 - Mod. #1
(39 FR 15616 - May 3, 1974)
Hartford County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Carpenters, Soft Floor Layers, Piledrivermen (Building Only):						
Bristol-Plainville-Canton-Berlin-E. Berlin-Kingston-Newington-New Britain-Millidale-Marion-Plantsville-Bloomfield-Marlborough	$9.30	.50	.30		.05	
Electricians:						
Suffield Township-Thompsonville Village	8.47	.30	1¾+.15	.43	b	
Sprinkler fitters	9.46	.50	.70		.08	
Footnote:						
b. $.30 per man per week.						

DECISION #AQ-3167 - Mod. #1
(39 FR 15621 - May 3, 1974)
Litchfield County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Carpenters, soft floor layers, piledrivermen (Building Only):						
Plymouth, Terryville, Harwinton	$9.30	.50	.30		.05	
Electricians:						
Bridgewater, New Milford	9.80	.43	1¾+.20		¢ of 1%	
Glaziers	8.785	.95	.465			
Sprinkler fitters	9.46	.50	.70		.08	

MODIFICATIONS P. 4

DECISION #AQ-3169 - Mod. #1
(39 FR 15630 - May 3, 1974)
Tolland County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Sprinkler fitters	$9.46	.50	.70		.08	

DECISION #AQ-3170 - Mod. #1
(39 FR 15634 - May 3, 1974)
Windham County, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Sprinkler fitters	$9.46	.50	.70		.08	

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MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3088 - Mod. #2 (39 FR 5102 - February 8, 1974) Peoria, Tazewell, Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Stark & Warren Counties, Illinois						
CHANGE: Power Equipment Operators: Remainder of District #4						
Group I	$8.895	.45	.55		.05	
Group II	8.695	.45	.55		.05	
Group III	8.42	.45	.55		.05	
Group IV	8.145	.45	.55		.05	
Group V	8.035	.45	.55		.05	
DECISION #AQ-3156 - Mod. #1 (39 FR 13441 - April 12, 1974) Peoria & Tazewell Counties, Illinois						
CHANGE: Line Construction:						
Linemen	8.78	.35	1%		.5%	
Groundmen Equip. Opr.-Class I	8.20	.35	1%		.5%	
Groundmen Truck Driver W/Winch	6.09	.35	1%		.5%	
Groundmen Truck Driver WO/Winch	5.80	.35	1%		.5%	
Groundmen Class "A"	5.53	.35	1%		.5%	
Power Equipment Operators:(Building)						
Group I	8.92	.45	.55		.05	
Group II	8.72	.45	.55		.05	
Group III	8.445	.45	.55		.05	
Group IV	8.17	.45	.55		.05	
Group V	8.06	.45	.55		.05	
Power Equipment Operators:(Dredging)						
Group 1	8.92	.45	.55		.05	
Group 2	8.72	.45	.55		.05	
Group 3	8.395	.45	.55		.05	
Group 4	8.37	.45	.55		.05	
Group 5	8.06	.45	.55		.05	

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3159 - Mod. #1 (39 FR 13453 - April 12, 1974) Will County, Illinois						
CHANGE: Electricians:						
Building	$9.78	.25	1%+.20	6%	.2%	
Residential	7.60	.25	1%+.20		.2%	
Line Construction:						
Linemen	9.78	.25	1%+.20	6%	.2%	
Cable Splicers	10.18	.25	1%+.20	6%	.2%	
Groundman	8.50	.25	1%+.20	6%	.2%	
DECISION #AQ-3161 - Mod. #1 (39 FR 14858 - April 26, 1974) Champaign County, Illinois						
CHANGE: Line Construction:						
Linemen	8.78	.35	1%		.25%	
Groundmen Equip. Opr. Class I	8.20	.35	1%		.25%	
Groundmen Truck Driver W/Winch	6.09	.35	1%		.25%	
Groundmen Truck Driver W/O Winch	5.80	.35	1%		.25%	
Groundmen - Class "A"	5.53	.35	1%		.25%	
DECISION #AQ-3142 - Mod. #1 (39 FR 11043 - March 22, 1974) Boone, Clay, Davies, Fountain, Knox, Greene, Hendricks, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vigo, Vermillion & Warren Counties, Indiana						
CHANGE: Cement Masons: Vermillion, Vigo, Clay, Parke, Putnam & the extreme western part of Owen County	7.20	.45	.25			
ADD: Cement Masons: Sullivan County	7.75	.30	.50		.03	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-90 - Mod. #2 (39 FR 11792 - March 29, 1974) Statewide Louisiana					
Change: Carpenters:					
Zone 2	$6.945	.25	.18		.05
Piledrivermen:					
Zone 4	7.335				.05
DECISION #AQ-99 - Mod. #2 (39 FR 14131 - April 19, 1974) Statewide Louisiana					
Change: Carpenters:					
Zone 2	6.945	.25	.18		.05
Millwrights:					
Zone 1	7.995				.05
Piledrivermen:					
Zone 4	7.335				.05
Cement masons:					
Zone 2	6.70				
Ironworkers:					
Zone 6	7.50	.30	.35		.025
Laborers:					
Zone 3:					
Group 1	5.23	.15	.10		
Group 2	5.33	.15	.10		
Group 3	5.38	.15	.10		
Group 4	6.19	.15	.10		
Group 5	5.75	.15	.10		
Group 6	5.49	.15	.10		
Group 7	5.28	.15	.10		
Plasterers:					
Zone 3	7.17				
Roofers:					
Zone 1:					
Roofers	6.88		.10		
Roofers' helpers	5.58		.10		
Soft floor layers:					
Zone 1	6.945	.25	.18		.05

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3099 - Mod. #1 (39 FR 7039 - February 22, 1974) Anoka County, Minnesota						
CHANGE: Power Equipment Operators: Building & Residential						
Class 1	$12.00	.35	.25			
Class 2	9.60	.35	.25			
Class 3	9.25	.35	.25			
Class 4	9.15	.35	.25			
Class 5	9.05	.35	.25			
Class 6	8.80	.35	.25			
Class 7	8.68	.35	.25			
Class 8	8.68	.35	.25			
Class 9	8.60	.35	.25			
Class 10	8.33	.35	.25			
Class 11	8.05	.35	.25			
Class 12	7.60	.35	.25			
Site Preparation, Excavation and Incidential Paving						
Group 1	12.10	.35	.25			
Group 2	8.81	.35	.25			
Group 3	8.55	.35	.25			
Group 4	8.42	.35	.25			
Group 5	8.33	.35	.25			
Group 6	7.65	.35	.25			
Group 7	7.35	.35	.25			

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MODIFICATIONS P. 9

DECISION #AO-3100 - Mod. #1
(39 FR 7043 - February 22, 1974)
Carver, Hennepin & Scott Counties, Minnesota

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Building & Residential						
Class 1	$12.00	.35	.25			
Class 2	9.60	.35	.25			
Class 3	9.25	.35	.25			
Class 4	9.15	.35	.25			
Class 5	9.05	.35	.25			
Class 6	8.80	.35	.25			
Class 7	8.68	.35	.25			
Class 8	8.68	.35	.25			
Class 9	8.60	.35	.25			
Class 10	8.33	.35	.25			
Class 11	8.05	.35	.25			
Class 12	7.60	.35	.25			
Site Preparation, Excavation and Incidental Paving						
Group 1	12.10	.35	.25			
Group 2	8.81	.35	.25			
Group 3	8.55	.35	.25			
Group 4	8.42	.35	.25			
Group 5	8.33	.35	.25			
Group 6	7.65	.35	.25			
Group 7	7.35	.35	.25			

MODIFICATIONS P. 10

DECISION #AO-3101 - Mod. #1
(39 FR 7047 - February 22, 1974)
Dakota, Ramsey & Washington Counties, Minnesota

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Building & Residential						
Class 1	$12.00	.35	.25			
Class 2	9.60	.35	.25			
Class 3	9.25	.35	.25			
Class 4	9.15	.35	.25			
Class 5	9.05	.35	.25			
Class 6	8.80	.35	.25			
Class 7	8.68	.35	.25			
Class 8	8.68	.35	.25			
Class 9	8.60	.35	.25			
Class 10	8.33	.35	.25			
Class 11	8.05	.35	.25			
Class 12	7.60	.35	.25			
Site Preparation, Excavation and Incidental Paving						
Group 1	12.10	.35	.25			
Group 2	8.81	.35	.25			
Group 3	8.55	.35	.25			
Group 4	8.42	.35	.25			
Group 5	8.33	.35	.25			
Group 6	7.65	.35	.25			
Group 7	7.35	.35	.25			

MODIFICATIONS P. 11

DECISION #AO-3102 - Mod. #1
(39 FR 7051 - February 22, 1974)
St. Louis County (Duluth Only) Minnesota

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Building & Residential						
Class 1	$12.00	.35	.25			
Class 2	9.60	.35	.25			
Class 3	9.25	.35	.25			
Class 4	9.13	.35	.25			
Class 5	9.05	.35	.25			
Class 6	8.80	.35	.25			
Class 7	8.68	.35	.25			
Class 8	8.68	.35	.25			
Class 9	8.60	.35	.25			
Class 10	8.33	.33	.25			
Class 11	8.05	.35	.25			
Class 12	7.60	.35	.25			
Site Preparation, Excavation and Incidental Paving						
Group 1	12.10	.35	.25			
Group 2	8.81	.35	.25			
Group 3	8.55	.35	.25			
Group 4	8.42	.35	.25			
Group 5	8.33	.35	.25			
Group 6	7.65	.35	.25			
Group 7	7.35	.35	.25			

MODIFICATIONS P. 12

DECISION #AO-3103 - Mod. #1
(39 FR 9362 - March 8, 1974)
Aitken, Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Crow Wing, Dakota, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Koochiching, Lake, LeSueur, Martin, Meeker, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmstead, Pine, Ramsey, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steele, St. Louis, Wabasha, Waseca, Washington, Winona & Wright Counties, Minnesota

CHANGE:

	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:							
Group 1	$12.10	$11.80	$11.65	.35	.25		
Group 2	8.81	8.51	7.47	.35	.25		
Group 3	8.55	8.25	7.22	.35	.25		
Group 4	8.42	8.13	7.08	.35	.25		
Group 5	8.33	8.03	7.00	.35	.25		
Group 6	7.65	7.35	6.47	.35	.25		
Group 7	7.35	7.05	6.07	.35	.25		

DECISION #AO-1071 - Mod. #4
(39 FR 3399 - January 25, 1974)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters:					
Blaine and Hill Counties					
Carpenters	$6.36	.30	.45		.02
Omit:					
Blaine and Hill Counties					
Sawfilers, Stationary power saw operator; Piledriver	4.90	.225	.25		
Millwrights	5.00	.225	.25		

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MODIFICATIONS P. 13

DECISION #AQ-3145 - Mod. #1
(39 FR 13401 - April 12, 1974)
Merrimack County, New Hampshire

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Laborers:						
Newbury, Sutton, Canterbury, Webster and Pittsfield to County line and all areas South thereof:						
Building:						
Laborers, wreckers, tenders, hod carriers & asphalt rakers	$5.81	.40	.40		.05	
Plasterers' tenders	5.96	.40	.40		.05	
Jackhammer, pavement breaker, drillers and chipping gun operator	6.21	.40	.40		.05	
All other pneumatic tool operator on boiler and stack work	6.71	.40	.40		.05	
Boiler and stack work	6.31	.40	.40		.05	
Andover, Danbury, Franklin Hill, New London, Northfield, Salisbury, Tilton and Wilmot:						
Building, Heavy and Highway:						
Laborers	5.81	.40	.40		.05	
Pipelayers	5.81	.40	.40		.05	
Pneumatic tool operator, drillers, and pavement breaker	6.21	.40	.40		.05	
Blasters and powderman	6.31	.40	.40		.05	
Plasterers' tenders	5.96	.40	.40		.05	
Sprinkler fitters	8.55	.50	.70		.08	
Truck Drivers:						
Two axle equipment	4.41	.30	.25	a		
Three axle equipment including low beds	4.64	.30	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semi-trailers, trailer dumps	4.87	.30	.25	a		

MODIFICATIONS P. 14

DECISION #AQ-3146 - Mod. #1
(39 FR 13405 - April 12, 1974)
Strafford County, New Hampshire

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Laborers:						
Laborers and pipelayers	$5.81	.40	.40		.05	
Pneumatic tool op, drillers, pavement breakers	6.21	.40	.40		.05	
Plasterers tenders	5.96	.40	.40		.05	
Blasters and powderman	6.31	.40	.40		.05	
Sprinkler fitters	8.55	.50	.70		.08	
Truck Drivers:						
Two axle equipment	4.41	.30	.25	a		
Three axle equipment including low beds	4.64	.30	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semi-trailers, trailer dumps	4.87	.30	.25	a		

DECISION #AQ-3147 - Mod. #1
(39 FR 13464 - April 12, 1974)
Hillsboro County, New Hampshire

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Laborers, Building:						
Common laborers, wreckers, tenders and hod carriers, asphalt rakers	$5.81	.40	.40		.05	
Plasterers tenders	5.96	.40	.40		.05	
Drillers, pavement breakers, jackhammer operators, and chipping gun operator	6.21	.40	.40		.05	
All other pneumatic tool operator on boiler and stack work	6.71	.40	.40		.05	
Boiler and stack work	6.31	.40	.40		.05	
Sprinkler fitters	8.55	.50	.70		.08	
Truck Drivers:						
Two axle equipment	4.41	.30	.25	a		
Three axle equipment including low beds	4.64	.30	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semi-trailers, trailer dumps	4.87	.30	.25	a		

MODIFICATIONS P. 15

DECISION #AQ-3148 - Mod. #1
(39 FR 13468 - April 12, 1974)
Rockingham County, New Hampshire

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Laborers, Building:						
Auburn, Candia, Chester, Danville, Deerfield Center, Derry, E. Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W. Epping, Windham and Deerfield:						
Common laborers, wreckers, tenders and hod carriers, asphalt rakers	$5.81	.40	.40		.05	
Plasterers tenders	5.95	.40	.40		.05	
Drillers, pavement breakers, jackhammer ops. and chipping gun ops.	6.21	.40	.40		.05	
All other pneumatic tool operators on boiler and stack work	6.71	.40	.40		.05	
Boiler and stack work	6.31	.40	.40		.05	
Remainder of County:						
Building, heavy & highway:						
Laborers and pipalayers	5.81	.40	.40		.05	
Pneumatic tool operator, drillers, pavement breakers	6.21	.40	.40		.05	
Blasters and powderman	6.31	.40	.40		.05	
Plasterers' tenders	5.96	.40	.40		.05	
Sprinkler fitters	8.55	.50	.70		.08	
Truck Drivers:						
Two axle equipment	4.41	.30	.25	a		
Three axle equipment including low beds	4.64	.30	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semi-trailers, trailer dumps	4.87	.30	.25	a		

MODIFICATIONS P. 16

DECISION #AQ-2,090 - Mod. #2
(39 FR 11822 - March 29, 1974)
Hudson County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Changes:						
Bricklayers, cement masons, plasterers and stone masons:						
Remainder of County:						
Bricklayers and stone masons	$ 9.27	.87	.75			
Cement masons and plasterers	8.50	1.00	.50		.05	
Carpenters:						
West of the Hackensack River	9.73	6%	6%		.02	
Remainder of County:						
Carpenters and insulators	9.05	8%	8%		.02	
Millwrights	9.05	8%	8%		.02	
Laborers, Building:						
Kearney, E. Newark and Harrison:						
Laborers, air tool op., mason tenders, mortar mixers, pipelayers, concrete and clay	7.20	.40	.45			
Remainder of County	6.85	.50	.50	.30		
Leadburners	9.25	.35		a	.01	
Marble setters	7.80	.78	.94			
Marble setters helpers	7.33	.74	.88			
Painters:						
Kearney and Harrison						
Brush	7.80	.45	.50	.10		
Structural steel under 30', exterior and interior work over 30'	7.95	.45	.50	.10		
Bridges, towers, structural steel above 30'	8.40	.45	.50	.10		
Spray	8.27	.45	.50	.10		
Pipe type cable:						
Linemen and cable splicers	10.23	3%+1%	5%+.58		1.5%	
Hole digging equipment	10.23	3%+1%	5%+.58		1.5%	
Piledriverman and dock builders	9.36	.90	1.53	.56	.02	
Plumbers:						
Kearney and Harrison	9.53	.40	.90	.85	.10	
Remainder of County	9.25	.61	.55	1.00	.02	
Roofers:						
East of the Hackensack River:						
Composition, damp & water-proofing	8.40	6%+5%	1.83	.63		
Slate, tile and asbestos	9.05	.30	.20			
Slate, tile and asbestos helpers	7.95	.30	.20			
Soft floor layers	$ 8.63	6%	5%	4%		
Sprinkler fitters	10.12	.40	.60		.07	
Terrazzo workers	8.70	1.23	1.26			
Terrazzo workers helpers	7.43	.925	.475			
Terrazzo machine operators	7.68	.925	.475			
Tile setters	8.10	.60	1.50			

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DECISION #AQ-2,090 - Mod. #2 (cont'd)

Change:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App
Laborers:					
Blasters	$7.90	.41	.64	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a	
Timberman	7.50	.41	.64	a	
Form setter	7.45	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a	
Wagon drill op. and drill master	7.35	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a	
Signal man	7.05	.41	.64	a	
Wrapping and coating of all pipe	6.85	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.41	.64	a	
Rakers and tampers on cold patch work	6.80	.41	.64	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

DECISION # AQ-2,090 - Mod. #2 (cont'd)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Electio Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

DECISION #AQ-2,091 - Mod. #3
(39 FR 11830 - March 29, 1974)
Somerset County, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers, cement masons, plasterers, and stone masons:						
Franklin Park	$9.70	.45	.45			
Bernardsville, Peapack, Gladstone, Far Hill, Bedminster, Liberty Corner and Basking Ridge	9.25	.75	.70		.02	
N. Plainfield and Watchung Twps.	9.25	.75	.70		.02	
Carpenters:						
Watchung and N. Plainfield:						
Carpenters	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Skillman and Blawenburg:						
Carpenters and insulators	9.85	.50	.55		.02	
Millwrights	9.85	.50	.55		.02	
Remainder of County:						
Carpenters and insulators	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Lead burners	9.25	.35			.01	
Roofers:						
Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel and Watchung:						
Slate and tile	9.05	.30	.20			
Slate and tile helpers	7.95	.30	.20			
Remainder of County:						
Composition, damp and waterproofing	9.45	.50	.325			
Slate and tile	9.67	.50	.325			
Slate and tile helpers	8.50	.50	.325			
Soft floor layers	8.63	6%	5%	4%		
Sprinkler fitters:						
Remainder of County	9.85	.50	.70		.08	
Terrazzo workers	8.70	1.23	1.26			
Terrazzo workers helpers	7.43	.925	.475			
Terrazzo machine operator	7.68	.925	.475			
Tile setters	8.10	.60	1.50			

DECISION #AQ-2091 (Cont'd.)

Change:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.41	.64	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a	
Timberman	7.50	.41	.64	a	
Form setter	7.45	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a	
Wagon drill op. and drill master	7.35	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a	
Signal man	7.05	.41	.64	a	
Wrapping and coating of all pipe	6.85	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.41	.64	a	
Rakers and tampers on cold patch work	6.80	.41	.64	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

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DECISION #AQ-2,091 (cont'd)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DECISION #AQ-2093 - Mod. #2 (39 FR 12651 - April 5, 1974) Camden and Gloucester Counties, New Jersey						
Change:						
Carpenters, insulators and soft floor layers	$10.00	.30	6%		.02	
Cement Masons	9.15	.55	.70			
Plasterers	9.27					
Plumbers & Steamfitters:						
Gloucester: Blue Belle, Malaga & New Field	9.79	.39	.39		.025	
Leadburners	9.25	.35		c	.01	

DECISION #AQ-2093 - Mod. #2 (cont'd)

NJ-1-LAB-2-3-D 1 of 2

Change:

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.41	.64	a	
Finishers, rammer, paver & gunite nozzle man and stonecutter	7.10	.41	.64	a	
Timberman	7.05	.41	.64	a	
Form setters	7.10	.41	.64	a	
Grademan	7.10	.41	.64	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.41	.64	a	
Wagon drill op., & drill masters	6.90	.41	.64	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.41	.64	a	
Signal man	6.60	.41	.64	a	
Wrapping and coating of all pipe	6.50	.41	.64	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.41	.64	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, fore men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

DECISION #AQ-2,093 - Mod. #2 (cont'd.)

NJ-1-LAB-2-3-D 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-M

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Laborers, Asphalt					
Street:					
Head raker	$6.75	.41	.64	a	.05
Rakers and screed board man	6.60	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.35	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.60	.41	.64	a	.05
Feeders and dust men	6.35	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorian Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DECISION #AQ-2094 - Mod. #2 (39 FR 12657 - April 5, 1974) Atlantic and Cape May Counties, New Jersey						
Change:						
Bricklayers	9.27	.55	.20		.02	
Carpenters, Millwrights and insulators	10.00	.30	6%		.02	
Cement Masons	9.02	.55	.20		.02	
Marble Setters	9.27	.55	.20		.02	
Plasterers	9.27	.55	.20		.02	
Sprinkler Fitters	9.85	.50	.70		.08	
Stone Masons	9.27	.55	.20		.02	
Terrazzo Workers	9.02	.55	.20		.02	
Tile Setters	9.02	.55	.20		.02	
Plumbers	9.79	.39	.39		.025	
Lead burners	9.25	.35		c	.01	

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DECISION #AQ-2,094 - Mod. #2 (cont'd.)

NJ-1-LAB-2-3-D 1 o

Change:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
Laborers:					
Blasters	$7.40	.41	.64	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.41	.64	a	
Timberman	7.05	.41	.64	a	
Form setters	7.10	.41	.64	a	
Grademan	7.10	.41	.64	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.41	.64	a	
Wagon drill op., & drill masters	6.90	.41	.64	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.41	.64	a	
Signal man	6.60	.41	.64	a	
Wrapping and coating of all pipe	6.50	.41	.64	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.41	.64	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

DECISION #AQ-2,094 - Mod. #2 (cont'd)

NJ-1-LAB-2-3-D 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-M

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$6.75	.41	.64	a	.05
Rakers and screed board man	6.60	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.35	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.60	.41	.64	a	.05
Feeders and dust men	6.35	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorian Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

DECISION #AQ-2098 - Mod. #2
(39 FR 13491 - April 12, 1974)
Burlington County, New Jersey

Changes:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers, cement masons, marble masons, plasterers, stonemasons, terrazzo workers and tile setters:						
Bordentown, Crosswicks, Chesterfield, and Mansfield	$9.50	.50	.70		.03	
Carpenters and Insulators:						
Bordentown:						
Carpenters, Insulators, Millwrights	9.85	.50	.55		.02	
Remainder of County:						
Carpenters and Insulators	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Painters:						
Painters Commercial	6.62	.50	.50			
Structural Steel	6.72	.50	.50			
Flag Poles, tanks, bridges, steeples and boiler rooms	6.72	.50	.50			
Spray	7.57	.50	.50			
Plumbers and Steamfitters:						
Atsion, Bass River Twp, Batsto, Chatsworth, Green Banks, Hernan, Jenkins Quaker Bridge, Washington, Washington Twp.	9.79	.39	.39		.025	
Soft Floor Layers	8.63	6%	5%	4%		
Sprinkler and fitters	9.85	.50	.70		.08	
Lead burners	9.25	.35		c	.01	

DECISION #AQ-2098 (Cont'd.)

NJ-1-LAB-2-3-D 1 of 2

Change:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.41	.64	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.41	.64	a	
Timberman	7.05	.41	.64	a	
Form setters	7.10	.41	.64	a	
Grademan	7.10	.41	.64	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.41	.64	a	
Wagon drill op., & drill masters	6.90	.41	.64	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.41	.64	a	
Signal man	6.60	.41	.64	a	
Wrapping and coating of all pipe	6.50	.41	.64	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.41	.64	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

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DECISION # AQ-2,098 Mod. #2 (cont'd)

NJ-1-LAB-2-3-D 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-M

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Laborers, Asphalt					
Street:					
Head raker	$6.75	.41	.64	a	.05
Rakers and screed board man	6.60	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.35	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.60	.41	.64	a	.05
Feeders and dust men	6.35	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorian Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

DECISION #AQ-2,102 - Mod. #1
(39 FR 14161 - April 19, 1974)
Essex County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Bricklayers, cement masons, plasterers, stonemasons:						
Millburn	$9.25	.75	.70		.02	
Carpenters, & Millwrights						
Millburn:						
Carpenters and Insulators	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Remainder of county	9.73	6%	6%		.02	
Laborers (Building)						
Millburn	6.95	.60	.50			
Remainder of County						
Laborers, air tool op., mason tenders, mortar mixers, etc.	7.20	.40	.45			
Lead burners	9.25	.35	.90	a	.01	
Marble Setters	7.80	.78	.94			
Marble Setters Helpers	7.33	.74	.88			
Plumbers:						
Millburn and Short Hills	9.57	.40	.90	.75	.10	
Orange, W. Orange, E. Orange, S. Orange, Maplewood and Livingston	9.57	.40	.90	.85	.05	
Remainder of County	9.53	.40	.90	.85	.10	
Roofers:						
Slate and tile	9.05	.30	.20			
Slate and tile helpers	7.95	.30	.20			
Soft Floor layers	8.63	6%	5%	4%		

DECISION #AQ-2,102 (cont'd)

N.J.-2-LAB-2-3-F 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
Change:					
HEAVY AND HIGHWAY CONSTRUCTION					
Laborers:					
Blasters	$7.90	.41	.64	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a	
Timberman	7.50	.41	.64	a	
Form setter	7.45	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a	
Wagon drill op. and drill master	7.35	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a	
Signal man	7.05	.41	.64	a	
Wrapping and coating of all pipe	6.85	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.41	.64	a	
Bakers and tampers on cold patch work	6.80	.41	.64	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

DECISION #AQ-2,102 (cont'd)

N.J.-2-LAB-2-3-F 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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DECISION #AQ-2,104 - Mod. #1
(39 FR 14168 - April 19, 1974)
Mercer County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Bricklayers, cement masons, plasterers, and stone masons:						
Princeton Borough and Princeton Twp.	$9.50	.50	.70		.03	
Bricklayers, cement masons, marble masons, plasterers, terrazzo workers, tile setters and stone masons:						
Remainder of County	9.50	.50	.70		.03	
Carpenters, insulators and millwrights:						
Lawrenceville, Clarksville, Dutch Neck, Grovers Mill, Princeton Jct., Penns Neck, Princeton and Port Mercer	9.73	6%	6%		.02	
Remainder of County	9.85	.50	.55		.02	
Laborers, Building:						
Twp. of Washington, Hightstown and E. Windsor:						
Laborers	7.10	.50	.45			
Jackhammerman	7.35	.50	.45			
Leadburners	9.25	.35		a	.01	
Princeton Borough, Princeton Twp.:						
Marble setters	7.80	.78	.94			
Marble setters helpers	7.33	.74	.88			
Soft floor layers	8.63	6%	5%	4%		
Sprinkler fitters						
Remainder of County	9.85	.50	.70		.08	
Omit:						
Painters schedule originally issued						
Add:						
Painters:						
Commercial	7.80	.45	.50	.10		
Structural steel under 30' and exterior and interior work over 30'	7.95	.45	.50	.10		
Bridges, towers, structural steel and tanks over 30'	8.40	.45	.50	.10		
Spray	8.27	.45	.50	.10		

DECISION #AQ-2,104 (cont'd)

NJ-1-LAB-2-3-D 1 of 2

Change: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.41	.64	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.41	.64	a	
Timberman	7.05	.41	.64	a	
Form setters	7.10	.41	.64	a	
Grademan	7.10	.41	.64	a	
Sewer pipe, laser man, conduit & dust line layers	6.80	.41	.64	a	
Wagon drill op., & drill masters	6.90	.41	.64	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.41	.64	a	
Signal man	6.60	.41	.64	a	
Wrapping and coating of all pipe	6.50	.41	.64	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.41	.64	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, fore men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

DECISION #AQ-2,104 (cont'd) MODIFICATIONS P. 35 NJ-1-LAB-2-3-D 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-N

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Change:					
Laborers, Asphalt					
Street:					
Head raker	$6.75	.41	.64	a	.05
Rakers and screed board man	6.60	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.35	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.60	.41	.64	a	.05
Feeders and dust men	6.35	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorian Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2105 - Mod. #1						
(39 FR 14873 - April 26, 1974)						
Bergen County, New Jersey						
Change:						
Bricklayers, Cement Masons, Plasterers and Stonemasons:						
Garfield, Lodi, Wallington and E. Patterson South of Route 4	$9.40	.65	.74		.02	
Carpenters and Insulators:						
City of Garfield, Lodi and Wallington Borough:						
Carpenters	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Remainder of County:						
Carpenters	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Carpenters, Millwrights and Insulators:						
Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia, Coytesville	9.05	8%	8%		.02	
Marble Setters	7.80	.78	.94			
Marble Setters Helpers	7.33	.74	.88			
Plumbers:						
E. Patterson, Fairlawn, Mahawah, Glen Rock, Ridgewood, Midland Park, Hohokus, Waldwick, Allendale, Ramsey, Okland, Franklin Lakes, Saddle River, Ridgefield, Fairview, Cliffside Park, Fort Lee and Edgewater	8.95	.475	1.16	1.00	.04	
Remainder of County	9.25	.61	.55	1.00	.02	
Soft Floor Layers	9.10	.60	.65	1.00	.03	
Lead burners	8.63	6%	5%	4%		
	9.23	.35		a	.01	

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MAY 31 1974

DECISION #AQ-2,105 (cont'd.)

N.J.-2-LAB-2-3-F 1 of 2

Change:

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	A
Laborers:					
Blasters	$7.90	.41	.64	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a	
Timberman	7.50	.41	.64	a	
Form setter	7.45	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a	
Wagon drill op. and drill master	7.35	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a	
Signal man	7.05	.41	.64	a	
Wrapping and coating of all pipe	6.85	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.41	.64	a	
Rakers and tampers on cold patch work	6.80	.41	.64	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

DECISION #AQ-2113 - Mod. #1
(39 FR 15654 - May 3,1974)
Morris County, New Jersey

N.J.-2-LAB-2-3-F 1 of 2

Change:

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
Laborers:					
Blasters	$7.90	.41	.64	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a	
Timberman	7.50	.41	.64	a	
Form setter	7.45	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a	
Wagon drill op. and drill master	7.35	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a	
Signal man	7.05	.41	.64	a	
Wrapping and coating of all pipe	6.85	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.41	.64	a	
Rakers and tampers on cold patch work	6.80	.41	.64	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers, Cement Masons, Plasterers, and Stonemasons:						
Stepenebury, Pleasant Grove, Middle Valley and Parker	$9.99	.30	.30		.02	
Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale	9.40	.65	.74		.02	
Carpenters and Insulators:						
Naughright, Mt Freedom, Middle Valley, Parker, Ralston, Ironia, Mendham Cheater and Brookside						
Carpenters and Insulators	9.73	6%	6%		.02	
Millwrights	9.90	6%	6%		.02	
Remainder of County:						
Carpenters	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Laborers, Building:						
Morristown, Morris Twp., Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany Troy Hill, Pine Brook, Cedar Knolls, Whippany, Hanover Twp., Long Valley:						
Laborers, tenders, scaffolds, excavating, concrete, bituminous concrete, aggregates, pipelayers, underpinning lagging bracing, wrecking	6.95	.60	.50			
Remainder of County	6.95	.60	.50		.02	
Marble Setters	7.80	.78	.94			
Marble Setters' Helpers	7.33	.74	.88			
Plumbers and Steamfitters:						
Remainder of County	10.32	.40	.90		.15	
Roofers						
Slate, tile and asbestos	9.05	.30	.20			
Slate, tile and asbestos helpers	7.95	.30	.20			
Soft Floor Layers	8.63	6%	5%	4%		
Omit:						
Painters schedule originally issued				.10		
Add:						
Painters:						
Commercial	7.80	.45	.50	.10		

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DECISION #AQ-2113 (cont'd)

MODIFICATIONS P 41

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Structural steel under 30' and interior and enterior work over 30'	$7.95	.45	.50	.10		
Bridges, towers, structural steel and tanks over 30'	8.40	.45	.50	.10		
Spray	8.27	.45	.50	.10		
Change:						
Leadburners	9.25	.35		a	.01	

MODIFICATIONS P.42

DECISION #AQ-2115 - Mod. #1
(39 FR 15661 - May 3, 1974)
Middlesex County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Bricklayers, cement masons, plasterers and stonemasons:						
Dunellen, Middlesex, New Market, Oak Tree & S. Plainfield	$9.25	.75	.70		.02	
Remainder of County	9.70	.45	.45			
Carpenters and Insulators	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Marble setters	7.80	.78	.94			
Marble setters helpers	7.33	.74	.88			
Painters:						
Perth Amboy, Carteret, Woodbridge Twp., Edison Twp. North of Metuchen, Sayreville, S. Amboy, Metuchen, Old Bridge and Madison Twp.:						
Brush	7.90	.55	.40			
Dunellen, South Plainfield, Middlesex and New Market:						
Commercial and industrial Structural steel under 30', interior and exterior work over 30'	7.80	.45	.50	.10		
Bridges Towers steel and tanks over 30'	7.95	.45	.50	.10		
Spray	8.40	.45	.50	.10		
Plumbers and steamfitters:	8.27	.45	.50	.10		
Piscataway to Old Bridge to County line and North thereof	11.25		.50		.03	
Remainder of County	9.41	6%	6%	10%		
Roofers, slate and tile	9.67	.50	.325			
Roofers, slate and tile helpers	8.50	.55	.325			
Soft floor layers	8.63	6%	5%	4%		
Sprinkler fitters:						
Remainder of County	9.85	.50	.70		.08	
Leadburner	9.25	.35		d	.01	
Electricians and linemen: (including cable splicers, equipment op., welder, hole digging equipment truck with winch or pole and steel handling, truck without winch.	11.16	5%	.50		.02	

DECISION #AQ-2,115 (cont'd)

MODIFICATIONS P. 43

N.J.-2-LAB-2-B-F 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App
Change:					
HEAVY AND HIGHWAY CONSTRUCTION					
Laborers:					
Blasters	$7.90	.41	.64	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a	
Timberman	7.50	.41	.64	a	
Form setter	7.45	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a	
Wagon drill op. and drill master	7.35	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a	
Signal man	7.05	.41	.64	a	
Wrapping and coating of all pipe	6.85	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salsaander tenders, pitman and dumpmen	6.80	.41	.64	a	
Rakers and tampers on cold patch work	6.80	.41	.64	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

DECISION #AQ-2,115 (cont'd)

MODIFICATIONS P. 44

N.J.-2-LAB-2-3-F 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-M

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr
Change:					
SOUTHERN HALF OF MIDDLESEX COUNTY					
Laborers, Asphalt					
Street:					
Head raker	$6.75	.41	.64	a	.05
Rakers and screed board man	6.60	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.35	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.60	.41	.64	a	.05
Feeders and dust men	6.35	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

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DECISION #AQ-82 - Mod. #3
(39 FR 9398 - March 8, 1974)
Statewide, New Mexico

Change:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
San Juan, McKinley, Bernalillo, Quay Torrance, Guadalupe, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:					
Painters, roller and hand texture	$6.27	.30	.28		.01
Painters, spray, sandblasting, psinter on steel bridges, tanks towers, pipes and structural	6.77	.30	.20		.01
Paperhanger	6.52	.30	.20		.01
Drywall finisher: Ames tool operator	6.85	.30	.20		.01
Hand finisher machine texture	6.60	.30	.20		.01
Painting 30 to 75 feet above ground or floor	6.92	.30	.20		.01
PAINTERS:					
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties:					
Painters and roller	5.30	.30			.01
Paperhangers	5.55	.30			.01
Spray; sandblast; pressure roller, and gunnite operator	5.95	.30			.01
Steel painter; bridges, structural steel, machinery tank, towers, pipes boiler rooms and power plant-brush and spray	5.80	.30			.01
Dry Wall finisher:					
Hand finisher	5.80	.30			.01
Ames tool operator and machine	6.05	.30			.01
High pay:					
30 to 75 feet	5.80	.30			.01
75 to 100 feet	6.30	.30			.01
100 feet and over	7.30	.30			.01
SHEET METAL WORKERS:					
Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan, and Los Alamos Counties. also Sandia Base and Kirtland Air Force Base	7.51	.41	.30		.02

DECISION #AQ-82

Change:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
General Building, Heavy Engineering and Residential Construction (Dwelling houses and apartments over two stories in height)					
LABORERS:					
UNSKILLED:					
Building and common laborers, carpenters tenders, concrete workers, chainmen-stakedrivers, concrete buggy operators, hand	$4.82	.30	.20		
SEMISKILLED:					
Air and power tool operator, asphalt rakers, demolition, gunite rebound men, fog machine operator, power buggy operators, rodmen, sandblasterers (pot men), nozzlemen, window washer, wagon, core and diamond drillers tenders outside	5.12	.30	.20		
Wagon core, diamond drillers	5.22	.30	.20		
MISCELLANEOUS:					
Concrete burner, cement masons tenders, hodcarriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipe layer, pumpcrete nozzlemen	5.425	.30	.20		
Powdermen and blasterers	5.825	.30	.20		
RESIDENTIAL CONSTRUCTION(Dwelling houses and apartments not to exceed two stories in height.)					
LABORERS:					
UNSKILLED:					
Building and common laborers, carpenter tenders, concrete workers, chainmen-stakedrivers, concrete buggy operators, hand	4.37	.30	.20		
SEMISKILLED:					
Air and power tool operator, asphalt rakers, demolition, gunite rebound men, fog machine operator, power buggy op., rodmen, sand blasterers (pot men), nozzlemen, window washer, wagon, core and diamond drillers tenders outside	4.67	.30	.20		
Wagon core, diamond drillers	4.77	.30	.20		
MISCELLANEOUS:					
Concrete burner, cement masons tenders, hodcarriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipe layer, pumpcrete nozzlemen	4.975	.30	.20		
Powdermen and blasterers	5.125	.30	.20		

DECISION #AQ-82

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
RESIDENTIAL & GENERAL BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP I	$5.48	.30	.30		.08
GROUP II	6.02	.30	.30		.08
GROUP III	6.10	.30	.30		.08
GROUP IV	6.16	.30	.30		.08
GROUP V	6.22	.30	.30		.08
GROUP VI	6.32	.30	.30		.08
GROUP VII	6.42	.30	.30		.08
GROUP VIII	6.60	.30	.30		.08
GROUP IX	7.40	.30	.30		.08
POWER EQUIPMENT OPERATORS (HEAVY ENGINEERING CONSTRUCTION)					
GROUP I	5.38	.30	.30		.08
GROUP II	5.92	.30	.30		.08
GROUP III	6.00	.30	.30		.08
GROUP IV	6.06	.30	.30		.08
GROUP V	6.12	.30	.30		.08
GROUP VI	6.22	.30	.30		.08
GROUP VII	6.32	.30	.30		.08
GROUP VIII	6.50	.30	.30		.08
GROUP IX	7.30	.30	.30		.08
GENERAL BUILDING AND RESIDENTIAL CONSTRUCTION (DWELLING HOUSES AND APARTMENTS OVER TWO STORIES IN HEIGHT)					
TRUCK DRIVERS:					
GROUP I	4.80	.43	.20		
GROUP II	4.92	.43	.20		
GROUP III	5.00	.43	.20		
GROUP IV	5.12	.43	.20		
GROUP V	5.17	.43	.20		
GROUP VI	5.27	.43	.20		
GROUP VII	5.37	.43	.20		
GROUP VIII	5.51	.43	.20		
GROUP IX	5.66	.43	.20		
RESIDENTIAL CONSTRUCTION (DWELLING HOUSES AND APARTMENTS NOT TO EXCEED TWO STORIES IN HEIGHT)					
TRUCK DRIVERS:					
GROUP I	4.50	.43	.20		
GROUP II	4.62	.43	.20		
GROUP III	4.70	.43	.20		
GROUP IV	4.82	.43	.20		
GROUP V	4.87	.43	.20		
GROUP VI	4.97	.43	.20		
GROUP VII	5.07	.43	.20		
GROUP VIII	5.21	.43	.20		
GROUP IX	5.36	.43	.20		

DECISION #AQ-82

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
HEAVY ENGINEERING CONSTRUCTION					
TRUCK DRIVERS:					
GROUP I	$5.00	.43	.15		
GROUP II	5.12	.43	.15		
GROUP III	5.20	.43	.15		
GROUP IV	5.32	.43	.15		
GROUP V	5.37	.43	.15		
GROUP VI	5.47	.43	.15		
GROUP VII	5.57	.43	.15		
GROUP VIII	5.71	.43	.15		
GROUP IX	5.86	.43	.15		

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MODIFICATIONS P. 49

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth.
DECISION #AQ-109 - Mod. #1 (39 FR 17673 - May 17, 1974) Statewide, Oklahoma (except the city of Muskogee)						
Change: ZONE 2						
Front end loaders (over 1 c.y.)	$3.50					
DECISION #AQ-3119 - Mod. #2 (39 FR 8129 - March 1, 1974) Bristol, Kent and Providence Counties, Rhode Island						
CHANGE:						
Building Construction:						
Boilermakers	$9.08	.60	10%		.01	
Bricklayers, cement masons and stone masons:						
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	9.15	.35	.35		.01	
Elevator constructors	8.74	.395	.26	2½%+a+b	.02	
Elevator constructors' helpers	6.12	.395	.26	2½%+a+b	.02	
Elevator constructors' helpers (Prob.)	4.37					
Glaziers	8.48	.47	.40	a	.01	
Sheet metal worker	9.13	.56	.55		.04	
DECISION #AQ-3120 - Mod. #1 (39 FR 8133 - March 1, 1974) Newport County, Rhode Island						
CHANGE:						
Building Construction:						
Boilermakers	$9.08	.60	10%		.01	
Elevator constructors	8.74	.395	.26	2½%+a+b	.02	
Elevator constructors helpers	6.12	.395	.26	2½%+a+b	.02	
Elevator constructors' helpers (prob.)	4.37					
Glaziers	8.48	.47	.40	a	.01	
Sheet metal workers	9.13	.56	.55		.04	

MODIFICATIONS P. 50

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3121 - Mod. #1 (39 FR 8138 - March 1, 1974) Washington County, Rhode Island						
CHANGE:						
Building Construction:						
Boilermakers	$9.08	.60	10%		.01	
Bricklayers and stone masons:						
Westerly, Hopkington, S. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.85	.55	.45			
Cement masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.85	.55	.45			
Elevator constructors	8.74	.395	.26	2½%+a	.02	
Elevator constructors' helpers	6.12	.395	.26	2½%+a	.02	
Elevator constructors' helpers (prob.)	4.37					
Glaziers	8.48	.47	.40	d	.01	
Plasterers (Westerly, Hopkingyon, S. Kingston, Charlestown, Richmond, Wakefield and Peace Dale)	8.85	.55	.45			
Sheet metal workers	9.13	.56	.55		.04	
DECISION #AQ-2111 - Mod. #2 (39 FR 15641 - May 3, 1974) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia						
Change:						
Cement Masons:						
Cement Masons	$9.15	.335	.35		.07	
Grinding Machines	9.40	.335	.35		.07	
Glaziers	8.53	.56	.40		.05	
Painters:						
Brush, spray, paperhangers	8.64	.41	.18		.05	
Steel, sandblasting, swing stage, power brushing	8.97	.41	.18		.05	
Roofers:						
Composition	7.51	.42	.20			
Slate, tile, sopmen, waterproofers sprayers, spandrel and ironite	8.07	.42	.20			
Helpers	5.48	.42	.20			
Sprinkler fitters	9.30	.50	.70		.08	
Cement masons (sewer & water lines)	9.15	.335	.35		.07	
Power Equipment Operators						

DECISION #AQ-2111 (cont'd) — 2-D.C.-PEO-1-2-O — MODIFICATIONS P. 51

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$9.695	.50	.55		.12	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	9.445	.50	.55		.12	
Hydrocrane, and all other hydraulic cranes 12 tons or under	9.395	.50	.55		.12	
Hydraulic backhoes, under ½ yd., mounted on tractors	9.295	.50	.55		.12	
Front end loader (over 3½ cu. yds.)	9.445	.50	.55		.12	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	9.295	.50	.55		.12	
Front end loaders (Hi-lift), fork lifts	9.045	.50	.55		.12	
Air compressors (on steel)	9.115	.50	.55		.12	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, wall points	8.865	.50	.55		.12	
Boilers (skeleton), tranching machines, tug boats, well drilling machines	9.035	.50	.55		.12	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	8.845	.50	.55		.12	
Boilers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders,	8.645	.50	.55		.12	
Firemen	7.985	.50	.55		.12	
Truck crane oilers	7.865	.50	.55		.12	
Oilers	7.815	.50	.55		.12	

MODIFICATIONS P. 52

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2110 - Mod. #2 (39 FR 15689 - May 3, 1974) Washington, D. C.						
Change (Building Construction):						
Cement Masons:						
Cement Masons	$9.15	.335	.35		.07	
Grinding Machines	9.40	.335	.35		.07	
Glaziers	8.53	.56	.40		.05	
Painters:						
Brush, spray, paperhangers	8.64	.41	.18		.05	
Steel, sandblasting, swing stage, power brushing	8.97	.41	.18		.05	
Roofers:						
Composition	7.51	.42	.20			
Slate, tile, sopmen, waterproofers sprayers, spandrel and ironite	8.07	.42	.20			
Helpers	5.48	.42	.20			
Sprinkler fitters	9.30	.50	.70		.08	
Cement masons (sewer & water lines)	9.15	.335	.35		.07	
Power Equipment Operators Building Construction						

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DECISION #AQ-2110 (Cont'd.) MODIFICATIONS P. 53
2-D.C.-9E0-1-2-C

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$9.695	.50	.55		.12	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	9.445	.50	.55		.12	
Hydrocranes, and all other hydraulic cranes 12 tons or under	9.395	.50	.55		.12	
Hydraulic backhoes, under ½ yd., mounted on tractors	9.295	.50	.55		.12	
Front end loader (over 3½ cu. yds.)	9.445	.50	.55		.12	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	9.295	.50	.55		.12	
Front end loaders (Hi-lift), fork lifts	9.045	.50	.55		.12	
Air compressors (on steel)	9.115	.50	.55		.12	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motorman, welding machines, well points	8.865	.50	.55		.12	
Boilers (skeleton), trenching machines, tug boats, wall drilling machines	9.035	.50	.55		.12	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	8.845	.50	.55		.12	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders,	8.645	.50	.55		.12	
Firemen	7.985	.50	.55		.12	
Truck crane oilers	7.865	.50	.55		.12	
Oilers	7.815	.50	.55		.12	

SUPERSEDEAS DECISION

Dredge-1-Atlantic 2 of 2

STATE: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island

DECISION NO.: AQ-2125 DATE: Date of Publication

Supersedes Decision No. AQ-2,116, dated May 10, 1974, in 39 FR 17015

DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the Southerly Border of the State of Maryland and tributary waters emptying into the Atlantic Ocean, the C & D Canal, Baltimore City and Baltimore County, Maryland, but excluding Boston Harbor and the Chesapeake Bay.

Dredge-1-Atlantic 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Dipper and Clamshell Dredges						
Operators	$7.68	.25	.25	a+5%		
Engineer	7.60	.25	.25	a+5%		
Cranemen, Engineer-Dipper	7.38	.25	.25	a+5%		
Maintenance engineers	7.22	.25	.25	a+5%		
Welders	7.06	.25	.25	a+5%		
Mate	6.54	.25	.25	a+5%		
Firemen; oilers; welders' helpers	5.75	.25	.25	a+5%		
Deckhands	5.52	.25	.25	a+5%		
Scowmen	5.42	.25	.25	a+5%		
Hydraulic Dredges						
Leverman	7.49	.25	.25	a+5%		
Engineer	7.38	.25	.25	a+5%		
Maintenance engineer	7.22	.25	.25	a+5%		
Dredge carpenter; electricians, dredge blacksmith; dredge welders; boilermen	7.06	.25	.25	a+5%		
Spider Barge Operator	6.96	.25	.25	a+5%		
Mate	6.54	.25	.25	a+5%		
Blacksmith helper; carpenter's helpers; firemen; oilers and welder's helper	5.75	.25	.25	a+5%		
Deckhand; shoremen	5.42	.25	.25	a+5%		
Drag Bucket Dredge						
Operator	8.23	.25	.25	a+5%		
Engineer	7.31	.25	.25	a+5%		
Maintenance engineer	7.22	.25	.25	a+5%		
Mate	6.54	.25	.25	a+5%		
Deckhand	5.52	.25	.25	a+5%		
Tug Boats						
Tug Engineer	6.82	.25	.25	a+5%		
Deckhand	5.52	.25	.25	a+5%		
Derricks						
Operator	7.38	.25	.25	a+5%		
Mate	6.54	.25	.25	a+5%		
Fireman	5.75	.25	.25	a+5%		
Deckhand	5.42	.25	.25	a+5%		
Drill Boats						
Blaster	7.2575	.25	.15	b		
Drill; Machinist; welder	7.1587	.25	.15	b		
Engineer	7.1575	.25	.15	b		
Firemen	6.88	.25	.15	b		
Drill helper	6.7587	.25	.15	b		
Oiler	6.7587	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6½) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

MAY 31 1974 VOL 39 NO 106 FR

SUPERSEDEAS DECISION

STATE: Idaho COUNTIES: Statewide
DECISION NUMBER: AQ-1110 DATE: Date of Publication
Supersedes Decision No. AQ-1054 dated November 9, 1973, in 38 FR 31119
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$8.445	.44	.72		
Remainder of Counties	7.46	.50	.72		
BOILERMAKERS	7.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties	7.40	.25			
Bingham (South Half), Bannock, Bear Lake, Caribou, Franklin, Oneida, Power Counties	6.75	.25	.30		
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	7.10	.40	.30		
Idaho, Clearwater, Latah, Lewis, Nez Perce Counties	8.15	.30			
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	8.11				
CARPENTERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the Northern boundary of Township 29 North), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Carpenters	7.39	.50	.50		.035
Piledriverman; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	7.54	.50	.50		.035
Shingler (wood and composition)	7.59	.50	.50		.035
Carpenters (burned, charred, creosoted or similarly treated material); Millwright; Boommen and Machine Erectbr	7.64	.50	.50		.035
Piledriverman (crcosoted material)	7.79	.50	.50		.035

AQ-1110 P.2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (cont'd)					
Remainder of Counties and Idaho County (South of the Northern boundary of Township 29 North)					
Carpenters; Floor Layer; Shingler; Drywall Applicator and Installer	$7.02	.32	.30		.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	7.19	.32	.30		.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	7.31	.32	.30		.10
CEMENT MASONS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Cement Masons Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	7.28	.40	.60		.03
	7.43	.40	.60		.03
Remainder of Counties and Idaho County (South of 46th parallel)					
Cement Masons	6.54	.32	.24	.20	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	6.71	.32	.24	.20	.10
ELECTRICIANS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties					
Electricians	7.95	.30	1%		1%
Cable Splicers	8.345	.30	1%		1%
Remaining Counties					
Electricians	8.00	.30	1%		1%
Cable Splicers	8.80	.30	1%		1%

AQ-1110 P.3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Elevator Constructors	$7.66	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Remainder of Counties and Idaho County (South of 46th parallel)					
Elevator Constructors	7.23	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Bonner, Boundary, Kootenai, Shoshone Counties	6.345	.25		b	
Benewah, Clearwater, Idaho (North of 46th parallel), Latah, Lewis, Nez Perce Counties	6.29	.25		b	
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western part of County from a line running north and south through the eastern limits of Bliss), Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payatte, Valley, Washington Counties	5.50	.25	.20	.23	
IRONWORKERS (Ornamental-Structural-Reinforcing)					
Adams, (North of the Weiser-Gibbonsville line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville line), Washington (North of the Weiser-Gibbonsville line) Counties	7.95	.48	.80		.05
Remaining Counties and Adams, Lemhi, Valley, Washington Cos. South of the Weiser-Gibbonsville line	7.34	.50	.65		.01

AQ-1110 P.4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payatte, Valley, Washington and Idaho County (South of the 46th Parallel)	$6.85				
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	7.93	.40			
MARBLE SETTERS:					
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	8.15	.30			
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties	7.40	.25			
PAINTERS:					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties					
Brush; Perfatapers	6.31	.25	.10		
Structural Steel; Swing Stage; Spray	6.41	.25	.10		
Ada, Adams, Boise, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western 1/3 of County incl. Bliss), Owyhee, Idaho (South of the 46th Parallel), Valley, Washington Counties					
Brush, Paperhangers; Drywall Tapers	6.56	.25	.10		.02
Steel	6.66	.25	.10		.02
Sign	6.68	.25	.10		.02
Spray; Sandblasting; Toxic Material	7.03	.25	.10		.02
Elmore (Mt. Home AFB)					
Brush; Paperhangers	7.11	.25	.10		
Structural Steel	7.21	.25	.10		
Spray; Sandblasting; Pressure Roller	7.58	.25	.10		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Brush	$7.53	.25	.45		.01
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10' handle), Finish Drywall Taper	7.78	.25	.45		.01
Swing Stage & over 30 feet high	7.88	.25	.45		.01
Bituminstic; Sand Blast; Bridges; Towers; Stacks; Steeples; Tanks on legs	7.93	.25	.45		.01
Electric, TV and Radio Transmission Towers	8.28	.25	.45		.01
PLASTERERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	7.93	.40			
Remaining Counties	6.50	.32	.20	.20	
PLUMBERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	7.96	.33	.85	.49	.08
Remaining Counties and Idaho Co. (South of the 46th parallel)	7.39	.37	.40		.05
ROOFERS:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	6.90		.20		
Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho, (South of the 46th parallel), Lemhi, Owyhee, Payette, Valley, Washington Counties					
Roofers; Kettlemen	6.55	.23	.15		
Roofers working with coal tar and pitch products	8.05	.23	.15		
Banewah, Bonner, Boundary, Kootenai, Shoshone Counties					
Roofers	6.60	.30	.15		
Roofers working with pitch products	7.60	.30	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
Clearwater, Idaho (North of the 46th parallel), Latah, Lewis, Nez Perce Counties					
Roofers; Kettlemen; Waterproofers	$7.45				
SHEET METAL WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	8.05	.32	.78	.50	
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	7.47	.22			.01
Remaining Counties	7.41	.32	.30		.04
SOFT FLOOR LAYERS:					
Bannock, Bear Lake, Bingham, (South from a line running east and west thru northern limits of Blackfoot incl. AEC Test Site), Blaine, Butte (South from a line running east and west thru northern limits of the AEC Test Site), Bonneville (South from a line running east and west thru northern limits of Blackfoot), Camas, Caribou, Cassia, Clark, Franklin, Fremont, Gooding, Jefferson, (that portion containing AEC Test Site), Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties	6.20				
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	5.95	.40	.30		
Bannock, Bear Lake, Bingham, (Southern Half), Caribou, Franklin, Oneida, Power Counties	5.95	.25	.30		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	7.98				
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, and Twin Falls Counties	7.40	.25			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	$5.95	.40	.30		
Bannock, Bear Lake, Bingham, (Southern Half), Caribou, Franklin, Oneida, Power Counties	5.95	.25	.30		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	7.98				
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, and Twin Falls Counties	7.40	.25			
TILE SETTERS HELPERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Tile Setters Helper	6.10				
Finisher Helper	6.55				

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independance Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.
b. All employees who have been employed for a period of one year after the effective date of this agreement shall have two weeks vacation with pay. All employees with 10 years continuous service shall receive three weeks' vacation with pay.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION-(AREA 1)					
(Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)					
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Linemen; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%
LINE CONSTRUCTION-(AREA 2)					
(Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all sub-stations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:					
Groundman	5.28	.25	1%		3/4%
Equipment Operators	6.38	.25	1%		3/4%
Lineman	6.99	.25	1%		3/4%
Cable Splicer	7.68	.25	1%		3/4%
All work 34.5 KV and under when performed for an operating utility for highway lighting and motor traffic controlling:					
Groundman	5.21	.25	1%		3/4%
Equipment Operator	6.09	.25	1%		3/4%
Lineman	6.76	.25	1%		3/4%

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LABORERS - (AREA 1)
(Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.95	.40	.55		.02
Group 2	6.10	.40	.55		.02
Group 3	6.20	.40	.55		.02
Group 4	6.25	.40	.55		.02
Group 5	6.30	.40	.55		.02
Group 6	6.35	.40	.55		.02
Group 7	6.40	.40	.55		.02
Group 8	6.60	.40	.55		.02
Group 9					
Class A:	6.00	.40	.55		.02
Class B:	6.03	.40	.55		.02
Class C:	6.45	.40	.55		.02
Class D:	6.50	.40	.55		.02
Group 10					
Class A:	60.00	.40	.55		.02
Class B:	62.70	.40	.55		.02
Class C:	62.70	.40	.55		.02
Class D:	62.95	.40	.55		.02
Class E:	66.90	.40	.55		.02
Class F:	69.30	.40	.55		.02
Class G:	72.00	.40	.55		.02
Class H:	73.30	.40	.55		.02
Class I:	50.40	.40	.55		.02

LABORERS - (AREA 2)
(Remaining Counties and that portion of Idaho County South of the 46th Parallel)

Group 1	5.20	.40	.40	.12	.10
Group 2	5.30	.40	.40	.12	.10
Group 3	5.40	.40	.40	.12	.10
Group 4	5.50	.40	.40	.12	.10
Group 5	5.55	.40	.40	.12	.10
Group 6	5.80	.40	.40	.12	.10
Group 7	5.35	.40	.40	.12	.10
Group 8	5.50	.40	.40	.12	.10
Group 9	5.80	.40	.40	.12	.10

POWER EQUIPMENT OPERATORS-(AREA 1)
(Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.00	.55	.65		.03
Group 2	7.30	.55	.65		.03
Group 3	7.55	.55	.65		.03
Group 4	7.65	.55	.65		.03
Group 5	7.70	.55	.65		.03
Group 6	7.85	.55	.65		.03
Group 7	8.10	.55	.65		

POWER EQUIPMENT OPERATORS-(AREA 2)
(Remaining Counties and that portion of Idaho County South of the 46th Parallel)

Group 1	6.30	.40	.45	.10
Group 2	6.46	.40	.45	.10
Group 3	6.63	.40	.45	.10
Group 4	6.94	.40	.45	.10
Group 5	7.11	.40	.45	.10
Group 6	7.29	.40	.45	.10
Group 7	7.60	.40	.45	.10
Group 8	7.83	.40	.45	.10
Group 9	8.06	.40	.45	.10
Group 10	8.30	.40	.45	.10

TRUCK DRIVERS - (AREA 1)
(Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)

Group 1	7.05	.72	.55		
Group 2	7.10	.72	.55		
Group 3	7.15	.72	.55		
Group 4	7.25	.72	.55		
Group 5	7.30	.72	.55		
Group 6	7.35	.72	.55		
Group 7	7.40	.72	.55		
Group 8	7.45	.72	.55		
Group 9	7.55	.72	.55		
Group 10	7.60	.72	.55		
Group 11	7.70	.72	.55		
Group 12	7.85	.72	.55		
Group 13	8.00	.72	.55		
Group 14	8.15	.72	.55		

TRUCK DRIVERS - (AREA 2)
(Remaining Counties and that portion of Idaho County South of the 46th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.50	.45	.10	.10
Group 2	6.11	.50	.45	.10	.10
Group 3	6.17	.50	.45	.10	.10
Group 4	6.23	.50	.45	.10	.10
Group 5	6.28	.50	.45	.10	.10
Group 6	6.34	.50	.45	.10	.10
Group 7	6.40	.50	.45	.10	.10
Group 8	6.46	.50	.56	.10	.10
Group 9	6.57	.50	.45	.10	.10
Group 10	6.63	.50	.45	.10	.10
Group 11	6.69	.50	.45	.10	.10
Group 12	6.75	.50	.45	.10	.10
Group 13:					
Class A	6.23	.50	.45	.10	.10
Class B	6.34	.50	.45	.10	.10
Class C	6.57	.50	.45	.10	.10
Class D	6.75	.50	.45	.10	.10
Class E	6.86	.50	.45	.10	.10
Class F	6.98	.50	.45	.10	.10
Class G	7.21	.50	.45	.10	.10
Class H	7.44	.50	.45	.10	.10
Class I	7.67	.50	.45	.10	.10
Group 14	7.09	.50	.45	.10	.10

LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Brush hog feader; Carpenter tender; Concrete crew man (including stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, signaling, handling the nozzle of squeasecrete or similar machine - 6" and smaller); Concrete signalman; Crusher feeder; Demolition (including clean-up burning, loading, wrecking and salvage of all material); Driller helper; Dumpman; Fence erector (including guard rails, guide and reference posts, sign posts, and right-of-way markers); General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover (incl. separating foundation, preparation, cribbing, shoring, jacking and unlosading of structure); Tailhouseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker and faller (by hand); Window cleaner (prior to completion of construction)

Group 2: Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, nonmechanical; Form cleaning machine; Feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water and air or steam; Pipe layer, corrugated metal culvert; Pipe wrapper; Pot tender; Powderman helper; Power tool operator; Gas, electric, pneumatic railroad equipment, power driven; Roddar and spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Wallpoint man; Wheelbarrow, power driven

Group 3: Asphalt raker; Asphalt roller, walking; Chain saw operator, w/attachments; Concrete saw, walking; Jackhammer operator; Multi-section pipelayer; Nozzleman (including squeeze and flo-crete nozzle); Pavement breaker; Power buggy operator; Tamper (including Barco, Essex, and similar); Trencher, shawnee; Wagon drills; Water pipe liner; Railroad power spiker or puller, dual mobile

Group 4: Chain saw (faller); Pipelayer (Caulker, collerman, jointer, mortarman, rigger, jacker, shorer and lagger and lasar beam but not including laying corrugated metal culvert pipe)

Group 5: Concrete stack; Hod carriers; Mortar mixer; Vibrator, 4 inches and over

Group 6: Caisson worker, free air; High scaler

Group 7: Brush machine; Drills, gunnite; Monitor operator, air track or similar mounting; Nozzleman

Group 8: Air track drills with dual masts and drills; Powderman

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LABORERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

TUNNEL AND SHAFT, FREE AIR

Group 9:
Class A: Bull gang, pumpcrete crewman including distributing pipe, assembling and dismantle and nipper
Class B: Brakeman, dumpman
Class C: Miner and nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and shaft miner and laser beam operator on raises and shafts

SAND HOGS (UNDER COMPRESSED AIR CONDITIONS)

Group 10:
Class A: 1 lb. thru 14 lbs. - 6 hrs. work
Class B: Over 14 lbs. thru 18 lbs. - 6 hrs. work
Class C: Over 18 lbs. thru 22 lbs. - 4 hrs. work
Class D: Over 18 lbs. thru 22 lbs. - 6 hrs. work
Class E: Over 22 lbs. thru 26 lbs. - 4 hrs. work
Class F: Over 26 lbs. thru 32 lbs. - 4 hrs. work
Class G: Over 32 lbs. thru 38 lbs. - 3 hrs. work
Class H: Over 38 lbs. thru 44 lbs. - 2 hrs. work
Class I: Outside lock and gauge tender (per shift)

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel.

Group 1: General laborers, sloper, clearing, and grading; Form stripper; Concrete crew; Concrete curing crew; Carpenter tender; Asphalt laborer; Hopper tender; Heater tender; Stake jumper; Choker setter; Spreader and weighman; Power wheelbarrow; Scouring concrete; Riprap man (hand placed); Fence erector and installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher helper; Cribbing and shoring (in open ditches); Machinery and parts cleaner; Leverman - manual or mechenical; Demolition - Salvage; Landscaper; Tool room man

Group 2: Chuck tender; Driller helper; Air tampers; Gunite nozzleman tender; Pipe wrapper; Tar pot tender; Concrete sawyer; Signalman, handling cement; Dumpman; Steam nozzleman; Air and water nozzleman (green cutter, concrete); Grade checker; Vibrator (less than 4"); Pumpcrete and grout pump crew; Hydraulic monitor

LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free air caisson; Jackhammer; Paving breaker; Powderman helper; Asphalt raker; Gasoline powered tamper; Electric ballast tamper; Sandblasting; Form setter - airport paving; Gunman (gunite); Manhole setter; Hand guided machines, such as Rotor Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form setter (highway-curb and gutter); Vibrator (4" and over); Timber faller and bucker; Metal pan installer

Group 4: Hod carrier; Mason tender; Plaster tender; Mason tender (concrete); Terrazzo-tile tender

Group 5: Highscaler; Wagon drill; Gunite nozzleman; Diamond drill

Group 6: Drillers on drills with manufacturers rating 3" or over; Powdermen

UNDERGROUND WORK

Group 7: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bullgang

Group 8: Form setter and mover; Vibrator (4" and over)

Group 9: Miners; Machinemen; Timbermen; Steelmen; Drill doctors; Spaders and tuggers; Spiling and/or caisson workers

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Bit grinders; Bolt threading machine; Brakeman; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher feeder (mechanical); Deck hand; Drillers' helper; Fireman and heater tender; Grade checker; Helper (mechanic or welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding machines

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: A-Frame truck (single-drum); Assistant refrigeration plant (under 1,000 tons); Assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; Batch plant and wet mix operator, single unit (concrete); Belt finishing machine; Bending machine (pipeline); Blower operator (cement); Cement hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete saw (multiple cut); Distributor leverman; Dope pots (power agitated); Equipment serviceman, greaser and oiler; Fork lift or lumber stacker, Hydra lift and similar; Gin trucks (pipeline); Hoist, single drum; Loaders (bucket elevator and conveyors); Longitudinal float; Mixer (portable-concrete); Pavement breaker, hydra-hammer and similar; Post-hold auger or punch; Power broom; Railroad ballast regulation operator, (self-propelled); Railroad power tamper operator, (self-propelled); Railroad power tamper jack operator, (self-propelled); Spray curing machine (concrete); Spreader box (self-propelled); Straddle buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tuggar operator

Group 3: A-Frame truck (2 or more drums); Assistant refrigeration plant and chiller operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete conveyors with power pack or similar; Belt loader (Kocal or similar); Blade operator (Motor patrol and attachments); Boat operators; Boom cats (side); Boring machine (earth); Boring machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump cutter (Wayne, Saginaw or similar); Canal lining machine (concrete); Chipper (without crane); Cleaning and doping machine (pipeline); Concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (churn, core, calyx, or diamond); Elevating belt-type loader (Euclid, Barber Green or similar); Elevating grader-type loader (Dumor, Adams, or similar); Generator plant engineers (diesel, electric); Gunite combination mixer and compressor; Hoist, (2 or more drums or tower hoist); Loaders, (overhead and frontend, under 4 yds., R/T); Locomotive engineer; Mixer-mobile; Oiler and cable tender; Mucking machine; Paver (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired scrapers (one motor with one scraper, under 40 yds.); Screed operator; Soil stabilizer (P & H or similar); Spreader machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse finishing machine; Trenching machines (under 7 ft. depth capacity); Turnhead operator

Group 4: H. D. Mechanic; H. D. Welder; Refrigeration plant engineer (under 1,000 tons); Turnhead (with re-screening)

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 5: Asphalt plant operator; Crusher and screening plant operator; Rubber-tired scrapers multi-engine power with one scraper (Euclid, TS-24 and similar); Rubber-tired scraper, one motor with one scraper (40 yds. and over); Single engine with two scrapers (Letournsau, Tandem B and similar); Surface heater and planer machine

Group 6: Automatic subgradar (ditches and trimmers; R. A. Hansen and similar); Backhoes (under 3 yds.); Batch and wet mix operator - multiple units (2 and incl. 4); Chipper (with crane); Clamshell operator (under 3 yds.); Concrete slip form paver; Cranes (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling equipment (8" bit and over; Robbins and similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader operator (front-end and overhead 4 yds. to 8 yds.); Piledriving engineers; Paver (dual drum); Quad-track or similar equipment; Railroad track liner operator (self-propelled); Rubber-tired scrapers, multipla engines with two scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching machines (7 foot depth and over); Refrigeration plant engineer (1000 ton and over)

Group 7: Backhoes (3 yds. and over); Batch plant (over 4 units); Cableway controller-dispatcher; Cableway operators; Clamshell operator (3 yds. and over); Cranes (65 tons and over); Derricks and Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower crane; Whirleys and Hammerheads (all)

Underground Work - Add 10% to the Classification.

Classification - (Not to include open pits, cuts, ditches, trenches, and such work as paving, etc.)

All Crane Booms: 130' to 200' - $.15 per hour additional to Classification
Over 200' - $.30 per hour additional to Classification

Yo-Yo Dozer: 10% Additional

POWER EQUIPMENT OPERATORS (AREA 2)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant feeder (mechanical); Deckhand; Drill helpers; Grade checkers; Heater tender; Land plane; Oilers; Pumpman; Rear chainman

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 2: Air compressor; Assistant refrigeration plant operator; Ball boy; Bit grinder operator; Blower operator (cement); Bolt threader machine operator - broom; Cement hog, Concrete mixer, Concrete saw - multiple cut; Discing - harrowing or mulching (regardless or motive power); Distributor laverman; Drill steel threader machine operator; Fireman-all; Heavy duty mechanic helper or welder helper; Hoist - single drum; Hydraulic monitor operator - skid mounted; Oiler on cranes and shovels; Pugmixer-box or screed operator; Spray curing machine; Tractor - rubber tired form type using attachments

Group 3: A-Frame truck (Hydra lift, Swedish cranes, Ross carrier, Hyster on construction jobs); Battery tunnel locomottve; Belt finishing machine; Cable tenders (underground); Chip spreader machine (self-propelled); Front end and overhead loaders and similar machines under 2 yds. - Rubber-tired; Hoist - 2 or more drums or tower hoist; Hydralift - fork lift and similar (when hoisting); Oilers (underground); Power loader (bucket elevator, conveyors); Road roller (regardless of motive power); Service oiler

Group 4: Boring machines (earth or rock) Quarry Master - Joy - Tractor mounted; Drills, Churn - Core - Calyx or Diamond; Front end and overhead loaders and similar machines - 2 yds. and incl. 4 yds. - Rubber-tired; Grout pump; Hydra-hammer; Locomotive engineer; Longitudinal float machine; Mixermobile; Spreader machine; Tractor - Rubber-tired - using backhoe; Transverse finishing machine; Trenching machines; Waggoner compactor and similar; Asphalt spreaders

Group 5: Concrete plant operator; Concrete road paver (dual); Elevating grader operator; Euclid elevating loader; Generator plant operator - mechanic (diesel electric); Post hole auger or punch operator; Power shovels and draglines - under 1 yd.; Pumpcrete; Refrigeration plant operator; Road roller (finishing high type pavement); Skiddar - Rubber tired; Subgrader

Group 6: Asphalt pavers - self-propelled; Asphalt plant operator; Blade operator (motor patrol); Concrete slip form paver; Cranes - up to and including 50 tons; Crusher plant operator; Derrick Op.; Front end and overhead loaders and similar machines - over 4 yds. to and including 6 yds.; Koehring Scooper; Heavy duty mechanic or welder; Mucking machine (underground); Multi-batch concrete plant operator; Piledriver engineer; Power shovels and draglines - 1 yd. to and incl. 3½ yds.; Tower crane operator; Tractor - crawler type, including all attachments; Refrigeration plant operator (over 1,000 tons); Trimmer machine operator; Tournapulls - Euclid and similar - to and including 40 yds.

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 7: Cableway operator; Cranes - over 50 tons, Dredges; Fine grader - CMI or equivalent; Front end and overhead loaders and similar machines - over 6 yds.; Power shovels and draglines over 3½ yds.; Quad type tractors with all attachments; Tournapulls - Euclid and similar - over 40 yds. to and including 50 yds., multiple scraper units; Continuous excavator

Group 8: Tournapulls - Euclids and similar - over 50 yds. to and including 75 yds.

Group 9: Tournapulls - Euclid and similar - over 75 yds. to and including 100 yds.

Group 10: Tournapulls - Euclid and similar - over 100 yds.

TRUCK DRIVERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Flat bed truck, single rear axle; Escort driver; Fish truck; Fork lift, 3,000 lbs. and under; Fuel truck driver (steam cleaner and washer); Helper and swamper; Leverman loading trucks at bunkers; Pickup hauling material; Stationary fuel operator; Team driver; Tractor (small rubber-tired pulling trailer or similar equipment); Water tank truck 1,800 gallons;

Group 2: Bus driver or manhaul driver; Flat bed truck, dual rear axle; Tireman No. 1; Warehouseman

Group 3: Buggy mobile and similar; Bulk cement tanker; Oil tank driver; Power operated sweeper; Semi-trailer, low bed, truck and trailer; Straddle carrier (Ross, Hystar and similar); Transit mixers and trucks hauling concrete (3 yds. and under); Trucks, side end and bottom dump (under 6 yds.); Water tank truck (1,801 - 4,000 gals.)

Group 4: Auto crane - 2,000 lbs. capacity; Bulk cement spreader; Dumptor (6 yds. and under); Flaherty spreader, box driver; Flat bed truck (using power take off); Fork lift (over 3,000 lbs.) Oil distributor driver (road, bootman, leverman, helper); Rubber tired tunnel jumbo; Scissors truck; Slurry truck driver; Transit mixers and truck hauling concrete (over 3 yds. to 6 yds.) Trucks, side, end and bottom dump (over 6 yds. to 12 yds.); Water tank truck (4,001 - 6,000 gals.); Wrecker and tow trucks

Group 5: Low boy (under 50 tons); Service greaser; Tireman No. 2

TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yds.); Transit mixers and trucks hauling concrete (6 yds. to 10 yds.); Trucks, side, and and bottom dump (over 12 yds. including 20 yds.)

Group 8: Low boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons); 10¢ for each additional 2,000 gallons.

Group 9: Transit mixers and trucks hauling concrete, (10 yds. to 13 yds.); Trucks, side, and and bottom dump (over 20 yds. including 30 yds.)

Group 10: Tournarocker, DW's and similar w/2 or 4 wheel power tractor w/trailer or yardage scale whichever is greater

Group 11: Transit mixers and trucks hauling concrete (13 yds. to 20 yds.); Trucks, side and and bottom dump (over 30 yds. to 40 yds.)

Group 12: Transit mixers and trucks hauling concrete (over 20 yds.); Trucks, side end and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side end and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Trucks, side end and bottom dump (over 100 yds.)

TRUCK DRIVERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers

Group 2: Flat bed - 2 axle and pickup hauling material; Water tank truck (1,800 gallons and under); Fork lift (3,000 and under)

Group 3: Flat bed - 3 axle, fuel truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Man haul (Shuttle truck or bus)

Group 4: Transit mix truck - 3 yds. and under; Warehouseman; Truck helpers; Slurry or concrete pumping truck

TRUCK DRIVERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 5: Flat bed using power takeoff; Water tank truck (over 1,800-4,000 gallons); Semi-trailer - Low boy - up to 96,000 lbs. GVW, Bulk cement tanker - up to 69,000 lbs. GVW; Fork lift - over 3,000 lbs. (Bull Lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame truck (Swedish Crane, Iowa 3,000, Hydro-lift)

Group 6: Transit mix truck, over 3 yds. - 6 yds.

Group 7: Water tank truck - over 4,000 gallons; Fuel truck - over 1,000 gallons; Distributor or spreader truck; Field tireman - Serviceman

Group 8: Transit mix truck - over 6 yds. - 8 yds.; Dumptors

Group 9: Transit mix truck - over 8 yds. - 10 yds.

Group 10: Low boy - 96,000 lbs. GVW and over; Bulk cement tanker - 96,000 lbs. GVW and over

Group 11: Tranist mix truck - over 10 yds.

Group 12: Turnarocker and similar equipment

Group 13:
Truck - side, and and bottom dump
Class A: 6 yds. and under
Class B: Over 6 yds. and including 12 yds.
Class C: Over 12 yds. and including 20 yds.
Class D: Over 20 yds. and including 30 yds.
Class E: Over 30 yds. and including 40 yds.
Class F: Over 40 yds. and including 50 yds.
Class G: Over 50 yds. and including 75 yds.
Class H: Over 75 yds. and including 100 yds.
Class I: Over 100 yds.

Group 14: Truck mechanic

XUM

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Hamilton
DECISION NO.: AQ-4118 DATE: Date of Publication
Supersedes Decision No. AQ-4015 dated October 5, 1973, in 38 FR 27734.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy Construction.

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Asbestos workers	$7.94	.30	.20		.01	
Boilermakers	7.50	.40	.90		.01	
Bricklayers:						
Bricklayers, stonemasons, concrete block layers, tile setters, terrazzo workers & marble setters	7.45	.30	.35			
Carpenters:						
Carpenters & soft floor layers	7.03	.30	.25		.03	
Millwrights	7.48	.30	.25		.03	
Piledrivermen	7.155	.30	.23		.03	
Cement masons	6.30					
Power machine operator	6.70					
Swinging scaffold & bos'n chair	6.70					
Electricians and Linemen	7.95	.40	1%		1%	
Cable splicers	8.20	.40	1%		1%	
Elevator constructors	6.65	.195	.20	2%+a+b	.005	
Elevator constructors' helpers	4.655	.195	.20	2%+a+b	.005	
Elevator constructors' helpers (prob.)	3.325					
Glaziers	5.775		.10	c		
Ironworkers:						
Structural and Ornamental	7.10	.15	.25		.5%	
Reinforcing	7.10	.15	.25		.5%	
Lathers	6.35				.03	
Lead burners	7.80	.30		d	.01	
Painters:						
Commercial	6.15		.25			
Industrial	6.40		.25			
Sandblasting	6.65		.25			
Plasterers	6.75					
Plumbers	7.85	.25	.30	.20	.07	
Roofers:						
Composition, damp & waterproofers	6.25		.10			
Flate and tile	6.45		.10			
Kettlemen	5.95		.10			
Sheet metal workers	7.41	.30	.30		.02	
Sprinkler fitters	8.20	.40	.60		.07	
Steamfitters	7.85	.25	.30	.20	.07	
Truck Drivers:						
Up to 3 tons	4.58		e			
3 to 5 tons	4.73		e			
5 to 7 tons	4.88		e			
Helpers and warehousemen	4.58		e			
Special equipment	4.98		e			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

d. Holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $3.00 per week for each employee.

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TENN. - 12-LAB-1-2-M

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Group A Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials	$4.77	.10	.20			
Group B Powder man helpers, vibrator operators, tenders to all trowel trades and terraza work, carrying re-inforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work	4.87	.10	.20			
Group C Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers, by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator	4.97	.10	.20			
Group D Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs	5.07	.10	.20			
Group E Barco tamp operator and specially designed tamp operator. black top or concrete curbing machine operator	5.12	.10	.20			
Group F Powder man, motorized post hole digger operator and terraza machine grinder	5.42	.10	.20			

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Group G Pneumatic concrete gun operator and nozzlemen	$5.47	.10	.20			
FREE AIR SHAFTS AND TUNNELS						
Group H Tunnel Laborer	5.17	.10	.20			
Group I Chuck Tender	5.32	.10	.20			
Group J Top Lander on Shaft Work	5.32	.10	.20			
Group K Tunnel miner, including men required to go down in pier holes drilled by machine	5.57	.10	.20			

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BUILDING AND HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP A						
Backhoes, Cableways, ross carriers, clamshells, cranes, derricks, draglines, turnapulls, pans, scrapers, scoops, etc., head tower machines, locomotive (over 20 tons), shovels, mechanics, welders, winch trucks with A-frame, skimmer scoops, locomotive cranes, overhead cranes, pile drivers, skad rigs, side boom tractors, euclid loaders, boist (any size handling steel or stone), derrick boat, dredge bost, engines used in connection with boist material with an attached device on tower or engine, mucking-machines, hi-lifts or end loaders 2½ yds., or over, finish graders on bluetop, trenching machines, cherrypickers, tower cranes, skylifts, gradall	$6.45	.20	.20			
GROUP B						
Tractors, farm type tractors with attachments, central compressor plants, elevators used for hoisting building material, central mixing plants, boist, pump crete machine, concrete pumps, blackfillers (other than cranes), crushing plant operators, elevating graders earth augers, core drill pole machine operators, paving machines (concrete), boat operator or engineer (30 tons or over), tracmobile, maintainers, dozers, highlift and end loaders under 2½ yds., blacktop rollers, switchman, locomotive under 20 tons	5.65	.20	.20			
GROUP C						
Asphalt plant ops., barber green type loaders, engine tender other than steam, mixers, over 2 bags, not to include central plants, pumps (2 not more than 3), scarifiers, spreader box (bituminous), asphalt mixers, portable compressors (2 not more than 3),						

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POWER EQUIPMENT OPERATORS: (Contd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Group C (Contd)						
Rollers, Sub-Grader Machine, Tractors, Farm-type without attachments, Cable Head Tower engineman, Dredge booster pump operator, Boat Operator or Engineer, under 30 tons Finishing Machine, Fireman & Oiler (combination) Motor Crane Oiler & Driver, Welding Machine (2 not more than 3), Heaters, Stationery or Portable (to 5), Compressors (Portable 2 not more than 3) Greaser or Fuel Trucks	5.05	.20	.20			
Group D						
Air Compressor (1 Portable), Fireman, Portable Crushers, Welding Machine (1), Conveyors, pumps (1), Oiler, heater (1)	4.75	.20	.20			

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Knox
DECISION NUMBER: AQ-4119 DATE: Date of Publication
Supersedes Decision No. AQ-4014 dated October 5, 1973, in 38 FR 27731.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Asbestos workers	$7.94	.30	.20		.01	
Boilermakers	7.30	.40	.90		.01	
Bricklayers and Stonemasons	7.63				.02	
Carpenters	6.61		.25		.02	
Cement masons	6.13					
Electricians & Line Const.:						
Electricians and Linemen	7.63	.25	1%		.5%	
Cable splicers	8.05	.25	1%		.5%	
Elevator constructors	5.82	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JH	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JH					
Glaziers	5.75		.25		.005	
Ironworkers:						
Structural & ornamental	7.035	.125	.10		.02	
Reinforcing	6.915	.125	.10		.02	
Fence erector	7.035	.125	.10		.02	
Lathers	6.20		.20		.02	
Leadburners	7.80	.30		o	.01	
Marble masons	7.63				.02	
Millwrights	7.10		.25		.02	
Painters:						
Commercial	6.30		.25		.02	
Industrial	6.65		.25		.02	
Piledrivermen	6.86		.25		.02	
Plasterers	7.30					
Plumbers and Steamfitters	7.13	.35	.45	.30+e	.05	
Roofers, composition	5.55		.15			
Roofers, slate & tile	5.60		.15			
Roofers' helpers	4.17		.15			
Sheet metal workers	7.41	.30	.30		.02	
Soft floor layers	6.61		.25		.02	
Sprinkler fitters	8.20	.40	.60		.07	
Terrazzo workers and tile setters	7.63				.02	
Truck drivers:						
3 tons, & inc., 4 yds., dump truck	4.28		d		.01	
3 to 5 tons, & inc. 6 yds., dump truck	4.48		d		.01	
5 tons, & over inc. dump truck over 6 yds., ready mix conc. truck, tank trucks, floats & lowboys, winch truck & semi-trailer	4.63		d		.01	
Welders-receive rate for craft performing operation to which welding is incidental.						

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47-Tenn. 1-A 2 of 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. $6.00 per week for each employee.

e. $.05 holiday pay.

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TENN - 1-LAB-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Group A Common Laborer	$4.22	.10	.10		.01
Group B Mortar mixer, plasterer tender	4.37	.10	.10		.01
Group C Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, Asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., chain saw filer, barco tamp op.	4.37	.10	.10		.01
Group D Acetlyene burner	4.40	.10	.10		.01
Group E Wagon drill operator	4.52	.10	.10		.01
Group F Caisson hole man	5.02	.10	.10		.01
Group G Powderman	4.72	.10	.10		.01
Tunnel Construction:					
Group H Outside laborer	4.22	.10	.10		.01
Group I Tunnel laborer	4.62	.10	.10		.01
Group J Chuck tender	4.77	.10	.10		.01
Group K Concrete gun op., nozzleman	4.92	.10	.10		.01
Group L Tunnel miner	5.02	.10	.10		.01

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP A Backhoes, cable ways, ross carrier, clamshells, cranes derricks, draglines, tournapulls, pans, scrapers, scoops, etc., head tower machines, locomotives (over 20 tons), shovels, mechanics & welders, winch trucks with A-frame, skimmer scoops, locomotives cranes, over-head cranes, pile drivers, skid rigs, side boom tractors, euclid loaders, hoist (any size handling steel or stone), derrick boats, dredge boats, engines used in connection with hoist material with an attached device on tower or engine, mucking machines, hi-lifts or end loaders, finish gradors, cherry-pickers, tower cranes, skylift & gradall, dozers, earth augers and pole machine operators, core drill & foundation drills.	$6.13	.20	.20		.02	
GROUP B Tractors, farm type tractors with attachments, central compressor plants, elevators, used for hoisting building material, central mixing plants, hoist, pump crete machines, concrete pumps, trenching machines, backfillers (other than cranes), crushing plant operators, elevating gradors, paving machines (black top), fork-lift, paving machines, (concrete), boat operator or engineer (30 tons or over) trac-mobile, maintainers, blacktop roller, switchman, locomotive under 20 tons.	5.69	.20	.20		.02	
GROUP C Asphalt plant operators, barber green type loaders, engine tender other than steam, mixers, over 2 bags not to include central plants, pumps, 2 not more than 5, scarifiers, spreader box (bituminous), asphalt mixers, portable compressors, 2 not more then 3, rollers, sub-grader machine, tractors, farm type without attachments,						

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Tenn.-2-PEO-G 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP C (CONT'D) cable head tower engineman, dredge booster pump operators, boat operator or engine, under 30 tons, finishing machine, fireman & oiler (combination), motor crane oiler & driver, welding machine (2 not more than 3), heaters, stationary or portable (to 5), compressors (portable 2 not more than 3), greaser or fuel trucks	4.77	.20	.20		.02	
GROUP D Air compressor (1 portable), fireman, portable curshers, welding machine (1), conveyors, pumps (1), oiler, heater (1).	4.38	.20	.20		.02	

[FR Doc. 74-12378 Filed 5-30-74;8:45 am]

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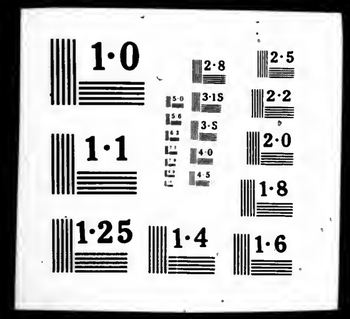
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

THE END